

**THE UNITED PROVINCES OBJECTIONABLE  
ADVERTISEMENTS CONTROL ACT, 1948**

**[U.P. Act No. II of 1949]**

THE UNITED PROVINCES OBJECTIONABLE  
ADVERTISEMENTS CONTROL ACT, 1948<sup>1</sup>

(U. P. Act No. II of 1949)

*Adapted and modified by the Adaptation of Laws Order, 1950.*

*(Passed by the U. P. Legislative Assembly on October 23, 1948  
and U. P. Legislative Council on November 10, 1948).*

**[Received the assent of the Governor-General on  
January 27, 1949, under section 76 of the Government of India  
Act, 1935, as adopted by the India Provisional Constitution Order,  
1947, and was <sup>2</sup>published in the United Provinces Gazette, dated  
February 19, 1949.]**

**AN**

**ACT**

*to control objectionable advertisements relating to certain drugs  
and other matters.*

WHEREAS It is expedient to control objectionable advertise-  
ments relating to certain drugs and other matters ;

It is hereby enacted as follows :

**Short title,  
extent and  
commencement**

**1.** (1) This Act may be called the United Provinces Objectionable  
Advertisements Control Act, 1948.

(2) It shall come into force on such <sup>3</sup>date as the <sup>1</sup>[State  
Government] may, by notification in the official *Gazette*, appoint in this  
behalf.

1. For Statement of Objects and Reasons see *Gaz. Extra.*, d. Oct 11, 1948 pp. 23-26; for discussion, see L. A. Pro., d. Oct. 23, 1948 in vol. L. pp. 490-521, d. April 2, 1949, in Vol. LVIII, p. 324 and (L. C. Pro., dated November 9, 1948, in Vol. XII, pp. 292 and 355, dated July 13, 1949, in Vol. XIII, p. 34 respectively).

2. See in *Gaz.* d. Feb. 19, 1949, Pt. VII-A, pp. 11-12.

3. The Act came into force on Oct. 15, 1952, see not. no. 3848-11-A/V—735-45, d. Oct. 8, 1952, in *Gaz.* d. Oct. 11, 1952, Pt. I, p. 1165.

This Act has been extended to the areas mentioned in column 1 of this table under the Act or Order mentioned in column 2 and enforced in such areas under notification, if any, mentioned in column 3 with effect from the date mentioned in column 4 against each such area ;

Areas	Act or Order under which extended	Notification if any under which enforced	Date from which enforced
1	2	3	4
1. Rampur District	Rampur (Application of Laws) Act, 1950	...	Dec. 30, 1949
2. Banaras District	Banaras (Do.) Order, 1949	No. 3262 (1)/XVII d. Nov. 30, 1949.	Nov. 30, 1949
3. Tehri Garhwal District	Tehri-Garhwal (Do.) Order, 1949.	No. 3262 (2)/VII, d. Nov. 30, 1949.	Do.

**2.** In this Act, unless there is anything repugnant in the subject or context, **Definitions**

(a) “advertisement” means any printed, cyclo-styled, typed or written matter or a design, or picture or an announcement intended to be published, sold, distributed, affixed, inscribed, exhibited or announced.

(b) “Drug” includes any substance used as medicine whether for internal or external use by human beings in the treatment, mitigation or prevention, cure or relief of any disease, ailment or other condition of human organization.

(c) “Indecent advertisement” means an advertisement which in the mind of a reader, spectator or listener directly or indirectly tends to excite lust or sexual appetite or to create feelings of disgust or abhorrence, or contains such matters as are notified by the <sup>2</sup>[State Government] to be prejudicial to public morals.

(d) “Prescribed” means prescribed by any rules made under this Act.

(e) “Public place” means a place to which public is admitted and includes a place which is open to public gaze.

(f) “Registered medical practitioner” means a person practicing Allopathy, Ayurvedic, Unani or any other system of medicine and who has been registered as such under any enactment for the time being in force.

(g) “Venereal disease” includes syphilis, gonorrhea, soft cancer, venereal granuloma and lymph granuloma.

**3.** No person shall himself or through any other person published any indecent advertisement or distribute or sell the same or affix or inscribe or exhibit any such advertisement on any public place or deliver or attempt to deliver to any person or throw down the area of any building or structure for any such advertisement. **Prohibition of indecent advertisement**

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1. Subs. by the A. O. 1950 for (Provl. Govt.).

2. Subs. by the A. O. 1950 for (Provl. Govt.).

**Prohibition of advertisements relating to venereal diseases, etc.**

**4.** No person shall himself or through any other person publish, announce, distribute, sell, deliver, exhibit, affix or inscribe in any manner indicated in the preceding section —

(i) an advertisement holding out or recommending to the public any drug alleged to be for the cure, prevention or relief of any venereal disease, or any other disease, ailment or condition relating to sexual organs or peculiar to women or which the <sup>1</sup>[State Government] may specify in rules made under this Act, or

(ii) an advertisement referring to a drug in terms calculated to lead to its use for procuring the miscarriage of pregnant women ;

Provided that the provisions of clause (i) shall not apply to manufacturer of medicine, who makes such advertisement with the previous sanction of the prescribed authority, for distribution only to registered medical practitioners.

**Grant of licence to medical practitioners**

**5.** (1) A registered medical practitioner desirous of advertising in any manner, any premises for special treatment of or for the prevention, cure or relief of or for prescribing any drug or giving any advice in connection with any venereal disease or any other disease or ailment or condition relating to sexual organs or peculiar to women or which the <sup>1</sup>[State Government] may prescribe, shall apply in writing, stating the particulars of the treatment, his special qualifications and medicines he proposes to use, to the prescribed authority for the grant of a licence in respect of such premises.

(2) The licence shall be granted on payment of such fee and shall be in such form and subject to such conditions as may be prescribed.

(3) The prescribed authority may renew, revoke, or suspend any licence granted under this section and its decision shall be final.

**Power to seize copies of advertisements**

**6.** Any officer authorized by the <sup>1</sup>[State Government] in this behalf, may seize copies of any newspaper, periodicals, leaflet, pamphlet, handbill, label, book or picture or any notice board or other form of advertisement wherever found and obliterate any written or printed matter or pictorial representation of signs in any public place if it appears to him that an advertisement contained therein contravenes the provisions of this Act or the Rules made thereunder or any condition of the licence granted under this Act, and a Magistrate trying the contravention may without prejudice to any sentence which he may pass, direct that the copies or other articles seized in respect of which he is satisfied that such contravention has occurred shall be forfeited to the <sup>1</sup>[State Government].

**Requiring disclosure of**

**7.** Any person publishing, distributing, selling, delivering, writing, printing, designing, painting, affixing, inscribing or

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1. Subs. by the A. O. 1950 for (Provl. Govt.).

announcing on behalf of another person any advertisement which contravenes the provisions of this Act, shall, when required by the prescribed authority, disclose the correct name and address of the person on whose behalf such person purports to act or to have acted as aforesaid.	<b>name and address of advertiser</b>
<b>8.</b> No person shall in any manner distribute, exhibit or publish any advertisement relating to any drug unless its true formula has been disclosed to the prescribed authority, who shall not disclose such formula to any person except with the permission of the person disclosing the formula.	<b>Prohibition of advertisement of drug without its formula</b>
<b>9.</b> No person shall import, from any place outside <sup>1</sup> [Uttar Pradesh] to any place in <sup>1</sup> [Uttar Pradesh] any newspaper or other periodical or any literature or picture of any other article containing any advertisement which contravenes any of the provisions of this Act.	<b>Prohibition of import of objectionable advertisement</b>
<b>10.</b> Any person who contravenes the provisions of this Act or the Rules made thereunder or any condition of the licence granted under this Act shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine or with both ;  Provided that no person shall be convicted under this section in respect of distributing, selling, delivering or affixing any objectionable advertisement if he proves to the satisfaction of the Court that he did not know or could not with reasonable diligence have ascertained that the advertisement concerned was of such a character as contravened the provisions of this Act.	<b>Penalty</b>
<b>11.</b> Any offence punishable by or under this act may be compounded by such officer as may be authorized by the <sup>2</sup> [State Government] in this behalf and on such terms and conditions as may be prescribed.	<b>Power to compound offences</b>
<b>12.</b> No suit, prosecution or other legal proceeding shall lie against the <sup>2</sup> [State Government] or any public servant for any thing which is in good faith done or intended to be done under this Act or the rules made thereunder.	<b>Protection of public servants and limitation of suits and prosecutions</b>
<b>13.</b> No suit shall be instituted against the <sup>2</sup> [State Government] and no prosecution or suit shall be instituted against any public servant in respect of anything done, or intended to be done, under this Act or the rules made thereunder unless the suit or prosecution has been instituted within four months from the date of the Act complained of.	<b>Bar to proceeding</b>
<b>14.</b> (1) No Magistrate having powers inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.	<b>Jurisdiction of Magistrate</b>

1. Subs. by the A. O. 1950 for (the United Provinces).

2. Subs. by the A. O. 1950 for (Provl. Govt.).

(2) An offence under this Act shall be cognizable and bailable.

**Act not to  
apply to  
Government  
institutions,  
etc.**

**15.** The provisions of this Act shall not apply to advertisements relating to the treatment of diseases in Government institutions and in such other institutions as the <sup>1</sup>[State Government] may, from time to time, by notification, direct.

**Power to make  
rules.**

**16.** (1) The <sup>1</sup>[State Government] may make <sup>2</sup>rules generally for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may specify with reference to the provisions of clause (1) of section 4 and sub-section (1) of section 5, other diseases, ailments or conditions in respect of which no advertisement of any drug or other preparation shall be published, exhibited or distributed.

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1. *Subs.* by the A. O. 1950 for (Provl. Govt.).

2. For rules, see not, no. 3848 (1)—A/V-735—45, d. Oct. 8, 1952, in Gaze., d. Oct. 11, 1952, Pt. I—A, pp. 656-657.



