

Bill No. 208 of 2019

THE PROHIBITION OF INDECENT ADVERTISEMENTS BILL, 2019

By

DR. KIRIT PREMJBHAI SOLANKI, M.P.

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BILL

to prohibit indecent advertisements depicting vulgarity, obscenity, violent actions or horror, which adversely affect the minds of the citizens particularly of the youth and injure public morality and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Indecent Advertisements Act, 2019.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "advertisement" includes any pamphlet, writing, drawing, painting, photograph, bill, circular, notice, label, poster, hoarding, banner or other document and also includes any visible representation made through radio, television, cassettes, slides by means of any light, sound, smoke or gas and publication in print media such as newspapers, magazines and books;</p> <p>(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;</p> <p>(c) "indecent advertisement" means advertisement depicting in any manner, a horror or vulgar scene or figure form or body of a male or female, whether nude or semi-nude, or any part thereof, which may have the effect of being indecent or derogatory to or denigrating men or women or any religion or is likely to deprave, corrupt or injure public morality or which may induce a person to commit any crime or which may cause road accident; and</p> <p>(d) "prescribed" means prescribed by rules made under this Act.</p>	5 10 15
Prohibition of indecent advertisement.	<p>3. No person shall publish or cause to be published or arrange or take part in the publication or exhibition of or sticking, writing or painting any advertisement which is indecent in any form.</p>	15
Prohibition of production, depiction, circulation and distribution of indecent advertisements.	<p>4. No person shall produce or cause to be produced, depict, circulate or distribute any indecent advertisement in any manner.</p>	20
Power to enter, search, seize and confiscate.	<p>5. (1) Subject to such rules as may be prescribed, any police officer, not below the rank of Inspector, having jurisdiction in such area may—</p> <p>(a) enter and search at all reasonable times, any place, in which he has reason to believe that an offence under this Act has been or is being committed;</p> <p>(b) seize and confiscate any advertisement which he has reason to believe contravenes any of the provisions of this Act.</p> <p>(2) Where any police officer seizes or confiscates any advertisement or material relating thereto under clause (b) of sub-section (1) he shall, as soon as may be, inform the nearest Magistrate and take his orders as to the custody thereof.</p>	25 30
Penalty.	<p>6. Any person who contravenes the provisions of section 3 or section 4 shall be punished—</p> <p>(i) on first conviction with imprisonment for a term which shall not be less than three years but which may extend up to seven years and with fine which shall not be less than thirty thousand rupees but which may extend up to fifty thousand rupees; and</p> <p>(ii) in the event of second or subsequent conviction with imprisonment for a term which shall not be less than five years but which may extend up to ten years and with fine which shall not be less than fifty thousand rupees but which may extend up to one lakh rupees.</p>	35
Offences by Companies.	<p>7. Where an offence under this Act has been committed by any company, firm or other association of individuals, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against the punished accordingly.</p>	40

2 of 1974.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence punishable under this Act shall be cognizable and bailable.

Offence to be cognizable and bailable. Savings.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

5 **10.** (1) For the removal of doubts, it is hereby declared that the provisions of this Act shall not apply to advertisements which are aimed at educating the general public or a particular group.

Act not to apply on certain advertisements aimed at public education.

(2) For the purpose of deciding advertisements referred to in sub-section (1), the Central Government shall designate such number of officers, not below the rank of
10 Joint Secretary, as it may deem fit.

11. (1) The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which
15 may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be
20 of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Of late every nook and corner of the country is flooded with all sorts of indecent and vulgar advertisements which are adversely affecting the minds of the people particularly the youth. The newspapers publish advertisements of cabaret dances, obscene adult films with sexy and vulgar titles depicting almost nude and compromising photographs of the scenes of such semi-blue films. Magazines are also publishing indecent advertisements of consumer goods particularly of cosmetic items. The cinema halls are not only showing vulgar, sexy and violent films but are also displaying photographs of vulgar scenes of films in their show windows and in large hoardings outside the cinema halls and other places. Posters of such films are also pasted on every space of the walls everywhere. Advertising agencies are putting large hoardings of indecent advertisements at important intersection of roads and particularly on the sides of busy roads. Sometimes, these indecent advertisements on the roadsides attract the attention of the road users resulting in fatal road accidents. Video cassettes full of indecent advertisements are sold everywhere. Even audio advertisements have become vulgar and indecent. Such advertisements are playing havoc with the minds of the young generation. Attracted with the advertisements, they are committing heinous crimes of theft, murder, rape, dacoity, etc. They are attracted towards smoking, drinking, etc. which ultimately lure them to drug addiction. Such indecent advertisements are also injuring public morality resulting in anger and anguish which became evident when school girls in the capital blackened the indecent film posters and hoardings. It is, therefore, necessary to prohibit such indecent advertisements and prescribe deterrent punishment for the violators so that the society is cleansed of such vulgar displays.

Hence this Bill.

NEW DELHI;
June 27, 2019.

KIRIT PREMJI BHAI SOLANKI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only the delegation of legislative power is of a normal character.

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