

THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950

(No. 12 of 1950)

[1st March 1950]

An Act to prevent the improper use of certain emblems and names for professional and commercial purposes

Be it enacted by Parliament as follows:

1. Short title, extent, application and commencement. –

- (1) This Act may be called the Emblems and Names (Prevention of Improper Use) Act, 1950.
- (2) It extends to the whole of India, and also applies to citizens of India outside India.
- (3) It shall come into force on such date (1st September, 1950) as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions. -In this Act, unless the context otherwise requires, -

- (a) “Emblem” means any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule;
- (b) “Competent authority” means any authority competent under any law for the time being in force to register any- company, firm or other body of persons or any trademark or design or to grant a patent;
- (c) “Name” includes any abbreviation of a name.

3. Prohibition of improper use of certain emblems and names. -

Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or, any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.

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4. Prohibition of registration of certain companies, etc.-

- (1) Notwithstanding anything contained in any law for the time being in force, no competent authority shall,-
- (a) Register any company, firm or other body of persons which bears any name, or
 - (b) Register a trade mark or design which bears any emblem or name, or
 - (c) Grant a patent in respect of an invention, which bears a title containing any emblem or name,

If the use of such name or emblem is in contravention of Section 3.

- (2) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority may refer the question to the Central Government, and the decision of the Central Government thereon shall be final.

5. Penalty. -Any person who contravenes the provisions of Section 3 shall be punishable with fine, which may extend to five hundred rupees.

6. Previous sanction for prosecution. -No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

7. Savings. -Nothing in this Act shall exempt any person from any suit or other proceedings, which might, apart from this Act, be brought against him.

8. Power of the Central Government to amend the Schedule. -The Central Government may, by notification in the Official Gazette, add to or alter the Schedule, and any such addition or alteration shall have effect as if it had been made by this Act.

9. Power to make rules. -The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

THE SCHEDULE

(Amended up to 31.5.2011)

[See Sections 2 (a) and 3]

1. The name, emblem or official seal of the United Nations Organisation.
2. The name, emblem or official seal of the World Health Organisation.
3. The Indian National Flag.
4. The name, emblem or official seal of the Government of India or of any State, or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government.
5. The emblems of the St. John Ambulance Association (India), and the St. John Ambulance Brigade (India), consisting of the device of a white eight pointed cross embellished in the four principal angles, alternatively with a lion passant quadrant and a unicorn passant,, whether or not the device is surrounded or accompanied by concentric circles or other decoration or by lettering.
6. The name, emblem or official seal of the President, Governor (Sadar-i-Riyasat) or Republic or Union of India.
7. Any name, which may suggest or be calculated to suggest-
 - (i) The patronage of the Government of India or the Government of a State; or
 - (ii) Connection with any local authority or any corporation or body constituted by the Government under any law for the time being in force.
8. The name, emblem or official seal of the United Nations Educational, Scientific and Cultural Organisation.
9. The name or pictorial representation of Rashtrapati, Rashtrapati Bhavan, Raj Bhavan.
- 9-A. The name or pictorial representation of Mahatma Gandhi, Pandit Jawaharlal Nehru, Shrimati Indira Gandhi, Chhatrapati Shivaji or the Prime Minister of India or the words "Gandhi", "Nehru" or "Shivaji", except the pictorial use thereof on calendars where only the names of the manufacturers and printers of the calendars are given and the calendars are not used for advertising goods. (Ins. by Notification No. S.O.1503 dated the 8th April, 1970).

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- 9-B The name or pictorial representation of Shri Lal Bahadur Shastri. (Ins. By Notification No.S.O.448(E) dated the 28th February, 2011.)
10. The medals, badges or decorations instituted by the Government from time to time or the miniatures or replicas of such medals, badges or decorations (or the names of such medals, badges or decorations or of the miniatures or replicas thereof).
11. The name, emblem or official seal of the International Civil Aviation Organisation.
12. The word “Interpol” which is an integral part of the International Criminal Police Organisation.
13. The name, emblem or official seal of the World Meteorological Organisation.
14. The name, emblem of the Tuberculosis Association of India.
15. The name, emblem and official seal of the International Atomic Energy Agency,
16. The names “Ashoka Chakra” or “Dharma Chakra” or the pictorial representation of Ashoka Chakra as used in the India National Flag or in the official seal or emblem of the Government of India or of any State Government or of a Department of any such Government.
17. The name of the Parliament or the Legislature of any State, or the Supreme Court, or the High Court of any State, or the Central Secretariat, or the Secretariat of any State Government or any other Government Office or the pictorial representation of any building occupied by any of the aforesaid institutions.
18. The name and emblem of the Rama Krishna Math and Mission consisting of a Swan floating on waters, with a lotus in the foreground and the rising sun in the background, the whole being encircled by a wild serpent, with the words superimposed on the bottom portion. (Ins. by notification No. S.O.2356 Dated 4th August, 1973)
19. The names and emblems of the Sri Sarada Math and Ramakrishna Sarada Mission consisting of a Swan (facing right) floating on water, with a Lotus in the foreground and the rising sun in the background, the whole being

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- encircled by a wild serpent (facing right) with the words superimposed on the bottom portion. (Ins. By notification no. S.O. dated the 11th September, 1973)
20. The name of the 'The Bharat Scouts and Guides' with the 'Emblem'. (Ins. By notification no. S.O. dated the 10th July, 1974)
21. The name and emblem of the International Olympic Committee consisting of five interlaced rings. (Ins. By notification no. S.O.2457 dated the 18 the August, 1978)
22. The name and the emblem of the National Youth Emblem which is in black and white and carries the profiles of the faces of the two onward looking young persons – male and female - inscribed with a circle. Both faces are turning towards the right and the profile of the male face is in black and is situated behind that of the female face. The back of the profile of the female face forms the tail and wing of a dove flying in the opposite direction with its beak extending outside the circle and carrying a twig with leaf. The profile of the dove is in white and the balance space of the profile of the female face is covered with horizontal lines in black. The space in between the profile of the dove and the circle to the left of the dove is also black. The leaf and twig is in black. One eye of the dove is shown in the form of a dot. (Ins. By notification no. S.O. 373 (E) dated 23rd June, 1986)
23. The name and emblem of the 'Auroville' consisting of two concentric circles; the inner circle is joined to the outer circle with five equidistant radial lines to form five petals; one of the radial lines is oriented vertically downwards. An inner dot is placed at the center of the symbol. The petals may be shaded in orange or any other colour, or may be unshaded. (Ins. By notification no. S.O.593 (E) dated 22nd July, 1999)
24. The name of Sri Sathya Sai Central Trust and its two emblems described below:
- (i) In the middle, it has a lotus flame that is spreading light of goodwill in all directions. Five universal human values – Truth, Right conduct, Peace, Love and Non-violence are placed in the outer circle. These are universal values that are common to all faiths and beliefs. The emblem has no specific colour stipulation

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- (ii) This emblem is a Sarvadharmā (multi-religious) Symbol and equality of all religions symbol. It depicts symbols of major world religions- Om-in Sanskrit/Devnāgri (Hinduism and Sikhism), Cross (Christianity), Crescent & Star (Islam), Fire (Zoroastrianism), and Wheel (Dharma Chakra revered by Buddhists & Jains). All signs are placed in a circle signifying their equality. In the middle circle, there is a Lotus Flame that signified Purity, Virtue & Character. This emblem is used in various colours and no specific colour is officially notified. (Ins. By notification no. S.O. 77 (E) dated 15th January, 2004)
25. The name of “Sri Sathya Sai” (Ins.By notification no. S.O.578 (E) dated 14th May, 2004)
26. The logo/ emblem of the NHRC described below :
- a. The logo features the Ashoka Chakra at its heart. The petals in the upper half of the Chakra, which is derived from the national flag, change to brilliant orange rays radiating upwards and outwards. Like the sun’s rays, these too are indicative of hope and movement, with a far reaching penetrating quality. The rays benefit all, without distinction, and are not subject to limitations of any kind. The entire symbol is guarded by two side arms which seem to raise it and protect it, thereby suggesting universal love and hope-qualities which are the birthright of all mankind.
- ii) The Sanskrit quotation “Sarve Bhavantu sukhinah” is also incorporated in the logo. (Ins.By notification no. S.O.1323(E) dated 3rd December, 2004)
27. The name “National Human Rights Commission” and its abbreviation “NHRC/nhrc” (Ins By notification No. S.O. 458(E), dated the 10th March, 2008)

**EMBLEMS & NAMES (PREVENTION OF IMPROPER USE) RULES
1982**

S.O.4100 – In exercise of the powers conferred by Section 9 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 Of 1950), Central Government hereby makes the following rules namely:-

1. Short title and commencement –

- (1) These rules may be called the Emblems & Names (Prevention of Improper Use) Rules, 1982.
- (2). They shall come into force on the date of their publication in the official Gazette.

2. Definitions – In these rules, unless the context otherwise requires:-

- (a) “Act” means the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950),
- (b) “Committee” means the Committee appointed by the Central Government under rule 4;
- (c) “designated officer” means an officer designated by the Central Government under rule 3;
- (d) “Schedule” means Schedule to the Act

3. Appointment of designated officer – The Central Government may, for purposes of these rules designate an officer who shall not be below the rank of a Group ‘A’ officer of the Central Government as designated officer.

4. Appointment of Committee – The Central Government may appoint a Committee for the purposes of these rule consisting of –

- (i) an officer of the Central Government not below the rank of Joint secretary to the Government of India in the Ministry/Department of that Government which is administratively concerned with the administration of the Act – Chairman
- (ii) an officer of the Ministry of Law, Justice and Company Affairs in the Deptt. of Legal Affairs – Member;
- (iii) an officer of the Ministry of Home Affairs – Member.

5. Co- option of Members of the Committee – The Committee may at its discretion co-opt any person or persons of eminence/erudation not exceeding

two at a time as its members for considering any proposal or classes of proposals for the consideration of which such person's views are considered valuable by the Committee.

6. Processing of proposal – Any proposal for making additions or alterations to the Schedule received by the Central Government from any State Government, local authority or any other source shall be referred to the designated officer who shall, after examining the same and after classifying the said proposals in appropriate classes wherever possible, submit them for the consideration by the Committee.

7. Recommendation of the Committee –

- (1) The Committee shall after considering the proposal submitted by the designated officer, make appropriate recommendations as to the desirability or otherwise of including any particular proposal or classes of proposals in the schedule.
- (2) The designated officer shall, on receipt of the recommendations from the Committee submit the same to the central Government whose decision thereon shall be final.

8. Use of emblems and names contained in the Schedule – No person shall use or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or any trademark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of the Government as may be authorized in this behalf by the Central Government except in the following cases namely:-

- (1) The use thereof by the agencies, bodies or persons to whom the name or emblems belongs;
- (2) The use thereof by the Central Government or any State Government to whom the name or emblem belongs;
- (3) Issue of postal stamps, coins or other commemorative items brought out by the Central Government or a State Government in honour of any of the persons or institutions whose names are included in the Schedule.
- (4) The use of the names of persons included in the Schedule by bodies set up by the Central Government or State Government for the propagation of ideals for which they stood and lived;

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- (5) The authorship, production, publication, exhibition or transmission by any medium for academic, artistic, biographical, cultural, educational, scientific or spiritual purposes with the previous permission of the Central Government and subject to such conditions as the Central Government may lay down while granting such permission.

(No. 23 (31) – IT/79)

M.L.Jatav, Dy.Secy.

EXISTING GUIDELINES UNDER ITEM 7 OF THE SCHEDULE TO EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950

I The name will attract the provisions of Emblems and Names (Prevention of Improper Use) Act, 1950 under item 7 of Schedule, if:

- (1) it is identical with the name of any society/corporation or local body which has been set up by the Government of India or State Government under any law for the time being in force.
- (2) it gives the impression of the patronage of Central Government or State Government. For example, Indian Council of Agricultural Research (ICAR) is a registered body under the Ministry of Agriculture and Cooperation. Any name beginning with the words 'Indian Council of' may mislead the public that it is patronized by the Government.
- (3) it too nearly resembles a name of body corporation or local authority set up by Government under any law for the time being in force. For example, 'Indian Institute of Mass communication' is an autonomous body under Ministry of Communication. Names like Institute of Mass Communication may give the impression that the said society is also patronized by the Central Government. Here it should be kept in view whether any other body carrying same kind of activities with similar name is in existence.
- (4) it connotes Government's participation or patronage unless circumstances justify it. Certain words in a name may give the impression of Government's patronage. Such words are 'National , National Institute of, - National Council of, University, Indian Institute of, Indian Council of, etc. This list is illustrative and not exhaustive.

II. If the English version of a name (as explained in points 1 to 4 above) suggest the patronage of the Central/State Government or suggests any connection with any local authority or corporation or body constituted by the Government under any law for the time being in force, then its corresponding versions in Hindi and other languages as specified in the Constitution will also attract the provisions of this Act.

- III.**
- (i) Match the profile, experience and stature of the promoters with the objective of a proposed society/ organization. Consult the concerned nodal Department(s) if any.
 - (ii) No name may be cleared with the names of individuals, which are listed in the Schedule of the Act except when such institutions are promoted by their progeny/spouses.

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- (iii) No name resembling/identical to established organizations or constitutional bodies or Governmental agencies may be cleared for use of private bodies, trusts etc. (e.g. names resembling IIT, IIM, IIIT, ICAR, ICSSR).
- (iii) The usage of word “India” by companies and small-scale units engaged in real economic activities such as production, manufacturing, and service providing etc. may not be restricted’ A distinction has to be drawn between trust/societies/charitable institutions, which are primarily fund raising agencies and agencies involved in real productive activities (for instance names like “Bajaj India” or ‘Reliance India Mobile’ etc. may not attract the provisions of the Act).
- (iv) The words such as ‘India’,. ‘National’ or ‘State’ may not be allowed in the name of a body engaged in commercial, semi-commercial activities in public dealings or for products being marketed if the consumer is likely to gather a misleading impression that the organization has been sponsored by the Government.