

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

ARRANGEMENT OF SECTIONS

SECTIONS

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

ACT No. 12 OF 1950¹

[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 India²* * * and also applies to citizens of India outside India.

(3) It shall come into force on such date³ 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 trade mark 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 such officer of Government as may be authorised in this behalf by the Central Government.

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 any 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.

1. This Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and the Schedule (w.e.f. 1-8-1965) and brought into force in Pondicherry on 1-10-1963, *vide* Reg. 7 of 1963, s. 3 and the Schedule I, in Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s. 2 and the Schedule I and in Sikkim (w.e.f. 1-9-1975), *vide* S.O. 4292 dated 16-9-1975.

2. The words “except the State of Jammu and Kashmir” omitted by the Jammu and Kashmir (Extension of Laws) Act, 1956 (62 of 1956), s. 2 and the Schedule (w.e.f. 1-11-1956).

3. 1st September, 1950, *see* Gazette of India, 1950, Part II, s. 3.

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 proceeding 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 has been made by this Act.

9. Power to make rules.—¹[(1)] The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

²[(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 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 Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be 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.]

1. Section 9 renumbered as sub-section (1) thereof by Act 4 of 1986, s. 2 and the Schedule (w.e.f. 15-5-1986).

2. Ins. by s. 9, *ibid.* (w.e.f. 15-5-1986).

THE SCHEDULE

[See sections 2(a) and 3]

1. The name, emblem or official seal of the United Nations Organization.
2. The name, emblem or official seal of the World Health Organization.
3. The Indian National Flag.

¹[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.]

²[5. The emblems of the St. John's Ambulance Association (India), and the St. John's Ambulance Brigade (India), consisting of the device of a white eight pointed cross embellished in the four principal angles ^{3***}, whether or not the device is surrounded or accompanied by concentric circles or other decoration or by lettering.]

⁴[6. The name, emblem or official seal of the President, Governor, ^{5* * *} ⁶[Sadar-i-Riyasat] or Republic or Union of India.]

⁴[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.]

⁴[8. The name, emblem or official seal of the United Nations Educational, Scientific and Cultural Organisation.]

⁷[9. The name or pictorial representation of Rashtrapati, ^{8* * *} Rashtrapati Bhavan, Raj Bhavan.]

⁹[9A. ¹⁰[The name or pictorial representation of Mahatma Gandhi ¹¹[Shrimati Indira Gandhi,] Chatrapati Shivaji Maharaj or the Prime Minister of India or the words 'Gandhi' 'Nehru' or 'Shivaji', except the pictorial use thereof on calendars where only the name of the manufacturers and printers of the calendars are given and the calendars are not used for advertising goods.]]

¹²[9B. The name or pictorial representation of "Shri Lal Bahadur Shastri".]

¹³[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 ¹⁴[or the names of such medals, badges or decorations or of the miniatures or replicas thereof].]

¹⁵[11. The name, emblem or official seal of the International Civil Aviation Organisation.]

¹⁶[12. The word "Interpol" which is an integral part of the International Criminal Police Organisation.]

1. Subs. by notification No. S.R.O. 1230, dated the 4th June, 1955, Gazette of India, 1955, Part II, s. 3.

2. Added by notification No. S.R.O. 561, dated the 20th March, 1952, *ibid.*, 1952, Part II, s. 3.

3. The words "alternatively with a lion passant quadrant and a unicorn passant" omitted by S.O. 2135, dated 12th August, 1972.

4. Added by notification No. S.R.O. 1230, dated the 4th June, 1955, *ibid.*, 1955, Part II, s. 3.

5. The word "Rajpramukh" omitted by the Adaptation of Laws (No. 3) Order, 1956.

6. Ins. by notification No. S.R.O. 2011, dated the 7th September, 1955, *ibid.*, 1955, Part II, s. 3.

7. Ins. by notification No. S.R.O. 2011, dated the 7th September, 1955, *ibid.*, 1955, Part II, s. 3.

8. The words "Rashtra Bhavan" omitted by notification No. S.O. 1916, dated the 30th July, 1960, *ibid.*, 1960, Part II, s. 3(ii).

9. Added by notification No. S.O. 416, dated the 14th February, 1959, *ibid.*, 1959, Part II, s. 3(ii).

10. Subs. by notification No. S.O. 1503, dated the 8th April, 1970.

11. Ins. by notification No. S.O. 239(E), dated the 27th March, 1964.

12. Ins. by Notification No. S.O. 448(E), dated the 28th February, 2011.

13. Ins. by notification No. S.R.O. 525, dated the 23rd February, 1956, *ibid.*, 1956, Part II, s. 3(ii).

14. Added by notification No. S.R.O. 1862, dated the 17th August, 1956, *ibid.*, 1956, Part II, s. 3(ii).

15. Added by notification No. S.R.O. 2906, dated the 4th September, 1957, *ibid.*, 1957, Part II, s. 3(ii).

16. Added by notification No. S.O. 1429, dated the 19th June, 1959, *ibid.*, 1959, Part II, s. 3(ii).

¹[13.The name, emblem or official seal of the World Meteorological Organisation.]

²[14.The name and emblem of the Tuberculosis Association of India.]

³[15.The name, emblem and official seal of the International Atomic Energy Agency.]

⁴[16.The names “Ashoka Chakra” or “Dharma Chakra” or the pictorial representation of Ashoka Chakra as used in the Indian 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.]

⁵[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.]

⁶[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 (facing right) with the words [“तन्नो हंसः प्रचोदयात्”] superimposed on the bottom portion.]

⁷[19.The name and emblems of the Sri Sarda Math and Ramakrishna Sarda Mission consisting of a swan (facing right) floating on waters, with a Lotus in the foreground and the rising sun in the background, the whole being encircled by a wild serpent (facing right) with the words [“तन्नो हंसः प्रचोदयात्”] superimposed on the bottom portion.]

⁸[20.The name of The Bharat Scouts and Guides’ with its ‘Emblem’.]

⁹[21. The name and emblem of the International Olympic Committee consisting of five inter-laced rings.]

¹⁰[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 two onward looking young persons-male and female-inscribed within 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 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 between the black profile of the male face and the circle is also covered by horizontal lines in black. The space in between the profile of the dove and the circle to the left of the dove is also in black. The leaf and twig is in black. One eye of the dove is shown in the form of a dot.]

¹¹[(23) ¹²[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.]

1. Added by notification No. S.O. 1544, dated the 6th July, 1959, *ibid.*, 1959, Part II, s. 3(ii).

2. Added by notification No. S.O. 1605, dated the 13th July, 1959, Gazette of India, 1959, Part II, s. 3(ii).

3. Added by notification No. S.O. 2438, dated the 7th October, 1961, *ibid.*, Part II, s. 3(ii).

4. Added by notification No. S.O. 671, dated the 18th February, 1964, *ibid.*, Part II, s. 3(ii).

5. Added by notification No. S.O. 3760, dated the 24th October, 1964, *ibid.*, 1964, Part II, s. 3(ii).

6. Added by notification No. S.O. 2356, dated the 4th August, 1973, *ibid.*, 1973, Part II, s. 3(ii).

7. Added by notification No. S.O. 2697, dated the 11th September, 1973, *ibid.*, 1973, Part II, s. 3(ii).

8. Added by notification No. S.O. 1841, dated the 10th July, 1974, *ibid.*, 1974, Part II, s. 3(ii).

9. Added by Notification No. S.O. 2457, dated the 18th August, 1978.

10. Ins. by S.O. 373 (E), dated 23rd June, 1986.

11. Ins. by Notification No. S.O. 593 (3), dated the 22nd July, 1999.

12. Subs. by S.O. 276 (E), dated the 28th March, 2000 published in the Gazette of India, Extra., Pt. II, Sec. 3 (ii), dated the 28th March, 2000.

¹[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

(ii) This emblem is a Sarvadharm (multi-religious) Symbol and equality of all religions symbol. It depicts symbols of major world religions- Om-in Sanskrit/Devnagri (Hindusim and Sikhism), Cross (Christianity), Crescent & Star (Islam), Fire (Zoroastrianism), and Wheel (Dharma Chakra revered by Budhists & 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.]

²[25. The name of Sri Sathya Sai.]

³[26. The logo/emblem of the NHRC described below :

(i) 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.]

⁴[27. The name "National Human Rights Commission" and its abbreviation 'NHRC/nhrc'.]

⁵[28. The Names and Emblems of Federation Internationale de Football Association (FIFA) and Federation of Internationale de Football Association (FIFA) Under 17-World Cup described below:-

The Emblem of FIFA of the letter FIFA in blue on a white background. The letter FIFA are the acronym of Federation Internationale de Football Association.]

1. Ins. by S.O. 77 (E), dated the 15 th January, 2004, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated the 15th January, 2004.

2. Ins. by S.O. 578 (E), dated the 14 th May, 2004, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated the 14th May, 2004.

3. Ins. by S.O. 1323 (E), dated 3rd December, 2004, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated the 3rd December, 2004.

4. Ins. by Notification No. S.O. 458(E), dated 10th March, 2008.

5. Ins. by Notification No. S.O. 2764(E), dated 13th September, 2013.

THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) RULES, 1982¹

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 and Names (Prevention of Improper Use) Rules, 1982.

(2) They shall come into force on the date² 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 purposes of these rules consisting of,—

(i) an officer of the Central Government not below the rank of a 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 Department 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/erudition not exceeding two at a time as its members for considering any proposal or classes of proposals for the consideration of which such persons' views are considered valuable by the Committee.

6. Processing of proposals.—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

1. *Vide* S.O. 4100, dated 27th November, 1982, published in the Gazette of India, No. 50, Pt. II, Sec. 3 (2), dated 11th December, 1982.

2. Came into force on 11-12-1982.

