

The Punjab Suppression of Indecent Advertisement Act, 1941

HARYANA

India

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Act 7 of 1941

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The Punjab Suppression of Indecent Advertisement Act, 1941 Punjab Act 7 of 1941 Statement of Objects and Reasons. - "There is a growing tendency to exhibit indecent advertisements on walls and hoardings, and it is time that steps were taken to penalise it. At present the law on the subject is contained in Section 292, I.P.C., which makes it an offence publicly to exhibit obscene books, pamphlets, papers, drawings etc. but owing to the interpretation which has been given to the word 'obscene' this section does not cover many disgusting advertisements which, it is felt, ought not to be allowed to appear in public places. This Bill has accordingly been drafted to penalise the exhibition of indecent advertisements, the scope of the term being explained in clause 2." (Punjab Gazette Extraordinary, dated the 18th March, 1941) Received the assent of His Excellency the Governor on the 3rd April, 1941, and was first published in the Punjab Government Gazette Extraordinary, dated the 30th April, 1941. An Act to suppress indecent advertisements. It is hereby enacted as follows :-

1. Short title.

- This act may be called the Punjab Suppression of Indecent Advertisement Act, 1941.

2. Interpretation.

- For the purposes of this Act any advertisement relating to syphilis, gonorrhoea, nerves debility or other complaint or infirmity arising from or relating to sexual intercourse shall be deemed to be printed or written matter of an indecent nature.

3. Proceedings against persons affixing, etc. indecent pictures or printed or written matter.

(1)Whoever affixes to inscribes or stencils on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway or foot-path, and whoever affixes to, inscribes or stencils on any public latrine or urinal or exhibits to public view in the window, of any house or shop, any picture or printed or written matter which is of indecent nature, shall, on conviction, be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both such imprisonment and fine.(2)Whenever any printed or written matter of an indecent nature has been displayed in the manner prohibited by sub-section (1), any person being in possession or control of the land, building, structure or premises to which such printed or written matter has been affixed who knowingly allows the same to be continued to be displayed shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both such imprisonment and fine.

4. Proceedings against persons sending others to do the acts punishable under section 3.

- Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in Section 3 with the intent that the same, or some one or more thereof, should be affixed, inscribed, stencilled, or exhibited as therein mentioned, shall, on conviction, be punished with imprisonment of either description which may extend to one thousand rupees or with both such imprisonment and fine.

5. Power to seize, remove, deface or destroy pictures or printed or written matter of an indecent nature.

- If a District Magistrate, Sub-Divisional Magistrate or [Executive Magistrate of the First Class] [Substituted for the word 'Magistrate of the First class' by Punjab Act 25 of 1964, Section 2 and Schedule.] has reason to believe that any picture or printed or written matter of an indecent nature which has been affixed, inscribed or stencilled as mentioned in section 3, continues to be exhibited to public view after the commencement of this Act, he may by order in writing authorise any police officer to enter, with such assistance as may be required, and place any seize, remove, deface or destroy any such picture or printed or written matter.

6. Police officer may arrest on view of offence.

- Any police officer may arrest without warrant any person whom he shall find committing any offence against this Act.

7. Saving.

- Nothing in this Act shall apply to any advertisement published by any municipal corporation or by any municipal, small town or notified area committee or published with the sanction of the [State] [Substituted for the word 'Provincial' by the Adaptation of Law Order, 1950.] Government.