

Uttar Pradesh State Emblem (Prohibition of Improper Use) Act, 2019

UTTAR PRADESH

India

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Act 15 of 2019

- Published on 1 January 2019
- Commenced on 1 January 2019
- [This is the version of this document from 1 January 2019.]
- [Note: The original publication document is not available and this content could not be verified.]

Uttar Pradesh State Emblem (Prohibition of Improper Use) Act, 2019 (U.P. Act No. 15 of 2019) Last Updated 14th March, 2020 Statement of Objects and Reasons - (U.P. Act No. 15 of 2019). - The use of State Emblem on any letter pad, visiting card etc. denotes the pride & authority of the State Government. Although it is improper to use the State Emblem without the authorisation of the State Government, but due to the absence of any law of the State in this regard, the unauthorised use of State Emblem does not come in the category of punishable offence. It has, therefore, been decided to make a law to regulate the use of State Emblem in the State of Uttar Pradesh in the light of the State Emblem of India (Prohibition of Improper Use) Act, 2005 (Act no. 50 of 2005). The Uttar Pradesh State Emblem (Prohibition of Improper Use) Bill, 2019 is introduced. accordingly. An Act to prohibit the improper use of the State Emblem of Uttar Pradesh for professional and commercial purpose and for matters connected therewith or incidental thereto. It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. Short title, extent application and commencement.

(1) This Act may be called the Uttar Pradesh State Emblem (Prohibition of Improper Use) Act, 2019. (2) It extends to the whole of Uttar Pradesh. (3) It shall come into force on such date as the State Government may, by notification in the Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "competent authority" means any authority competent under any law for the time being in force to register any company, firm, other body of persons or any trade mark or design or to grant a patent; (b) "emblem" means the Emblem of the State of Uttar Pradesh as described and specified in the Schedule to be used as an official seal of the

State Government.

3. Prohibition of improper use of emblem.

- Not with standing anything to the contrary contained in any other law for the time being in force, no person shall use the emblem or any colourable imitation thereof in any manner which tends to create an impression that it relates to the State Government or that it is an official document of the State Government, or as the case may be, the State Government, without the previous permission of the State Government or of such officer as may be authorised by it in this, behalf. Explanation. - For the purpose of this section, "person" includes a former functionary of the State Government.

4. Prohibition of use of emblem for wrongful gain.

- No person shall use the emblem for the purpose of any trade, business, calling or profession or in the title of any patent, or in any trade mark or design, except in such cases and under such conditions as may be prescribed.

5. Prohibition of registration of certain companies, etc.

- (I) Notwithstanding anything contained in any other law for the time being in force, no competent authority shall, -(a) register a trade mark or design which bears the emblem; or (b) grant patent in respect of an invention which bears a title containing the emblem. (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 shall refer the question to the State Government and the decision of the State Government thereon shall be final.

6. General powers of State Government to regulate use of emblem.

(1) The State Government may make such provision by rules as appears to it to be necessary, to regulate the use of the emblem in official seal that is used in offices of the State Government its organisations including diplomatic missions abroad, subject to such restrictions and conditions as may be prescribed. (2) Subject to the provisions of this Act, the State Government shall have power, -(a) to notify the use of emblem on stationery, the method of printing or embossing it on semi-official stationery by the constitutional authorities, Ministers, Members of the Uttar Pradesh Legislative Council, Members of the Uttar Pradesh Legislative Assembly and the officers of the State Government; (b) to specify the design of the official seal consisting of the emblem; (c) to restrict the display of emblem on vehicles of constitutional authorities, foreign dignitaries, Ministers of the State Governments; (d) to provide the guidelines for display of emblem on public buildings – in State, the diplomatic missions and on the buildings occupied by State Government; (e) to specify the conditions for the use of emblem for various other purposes including the use for educational purposes and the Police forces personnel; (f) to do all such things (including the specification of design of the emblem and its use in the manner whatsoever) as the State Government considers necessary or expedient for the exercise of the foregoing powers.

7. Penalty.

(1) Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, or if having been previously convicted of an offence under this section, is again convicted of any such offence, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees. (2) Any person who contravenes the provision of section 4 for any wrongful gain shall be punishable for such offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

8. Previous sanction for prosecution.

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

9. Saving.

- Nothing in this Act shall exempt any person from any suit or other proceedings which might be brought against him under any other law for the time being in force.

10. Act to have overriding effect.

- The provision of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or instrument having effect by virtue of such enactment.

11. Power to make rules.

(1) The State Government may, by notification in the Gazette, make rules to carry out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-(a) cases and conditions regulating the use of the emblem under section 4; (b) making rules to regulate the use of the emblem in official seal of the State Government and specifying restrictions and conditions relating thereto under sub-section (1) of section 6; (c) the use of emblem on stationery, design of official seal consisting of emblem and other matters under sub-section (2) of section 6; (d) authorising an officer by general or special order for giving previous sanction for instituting prosecution under section 8; and (e) any other matter which is required to be, or may be, prescribed.

12. Power of remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, for removing such difficulty, by order published in the Gazette direct that the provisions of the Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary and expedient. (2) No order under sub-section (1) shall be made after the expiration of a period of two years from the date of commencement of this Act. (3) Every order made under sub-section (1) shall be laid before each house of the State legislature.

The Schedule

[See section 2(b)]

1. Emblem of The State of Uttar Pradesh

Description and Design

The State Emblem of Uttar Pradesh is consists of a circular seal depicting the confluence of the Ganges and Yamuna rivers at Prayagraj, a pair of Matsya fish to represent the former Muslim rulers of Oudh and a bow and arrow to represent the Hindu deity Rama who was born in Avodhva within the State. The legend around the seal translates as "Government of Uttar Pradesh". The Emblem of the State of Uttar Pradesh shall conform to the designs as set out in Appendix I or Appendix II.

Appendix I
Appendix II