

Himachal Pradesh Suppression Of Indecent Advertisements Act, 1973

(Act No. 5 Of 1974)

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For Statement of Objects and Reasons, see R.H.P. Extra., dated 28-4-1973, p. 643.

Received the assent of the Governor, on the 19th January, 1974, and was published in R.H.P. Extra., dated the 2nd Feb., 1974 at 119-122).

An Act to suppress indecent advertisements.

Himachal Pradesh Suppression Of Indecent Advertisements Act, 1973

(Act No. 5 Of 1974)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Himachal Pradesh Suppression of Indecent Advertisements Act, 1973.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

2. Interpretation.

For the purpose of this Act any advertisement relating syphilis, gonorrhoea, nervous, 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.

(i) Whosoever affixes to, inscribes or stencils on any house, building, wall, boarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever so as to be visible to a person being or in 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 on the cinema screen or 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 6 months or with fine which may extend to 500 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 500 rupees, or with both such imprisonment and fine.

4. Proceedings against persons sending other 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, some one or more thereof, should be affixed, inscribed, stenciled, or exhibited as therein mentioned, shall, on conviction, be punished with imprisonment of either description which may extend to one year or with fine 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 Magistrate of the First Class has reason to believe that any picture or printed or written matter of an indecent nature which has been affixed, inscribed or stenciled 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, any place and 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 persons whom he shall find committing any offence against this Act.

7. Exemption.

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 Government.

8. Repeal and savings.

The Punjab Suppression of Indecent Advertisements Act, 1941 (7 of 1941) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966,, (31 of 1966) is hereby repealed:

Provided that anything done or any action taken (including any notification issued, permission granted or proceedings commenced or continued) under the provisions of the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.