

The Indecent Advertisements Prohibition Act, 1963

(ACT NO. XII OF 1963)

An Act to prohibit indecent advertisements.^{1♣}

WHEREAS it is expedient to provide for the prohibition of indecent advertisements;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central legislation in the matter;

Short title, extent and commencement

1. (1) This Act may be called the Indecent Advertisements Prohibition Act, 1963.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) "advertisement" includes any notice, circular or other document, displayed on any house, building or wall, or published in any newspaper or periodical, and any announcement made orally or by any means of producing or transmitting light or sound, but does not include trade circulars issued by manufacturers of drugs to medical practitioners;

(b) "indecent" includes whatsoever may amount to any incentive to sensuality and excitement of impure thoughts in the mind of an ordinary man of normal temperament, and has the tendency to deprave and corrupt those whose minds are open to such immoral influence, and which is deemed to be detrimental to public morals and calculated to produce pernicious effect, in depraving and debauching the minds of persons;

(c) "taking any part in the publication of any advertisement" includes-

(i) the writing, typing, stamping, drawing, announcing, printing or transmitting of the advertisement;

(ii) the publication of any advertisement outside Bangladesh by or at the instance of a person residing in Bangladesh;

(d) "public place" means any place where an advertisement can be seen or heard by members of the public.

Prohibition against persons advertising, displaying, etc., indecent advertisements

3. Subject to the provisions of this Act-

(i) no person shall take any part in the publication of any advertisement which is indecent; and

(ii) no person having the ownership, possession or control of any property or public place shall knowingly allow any advertisement which is indecent to be displayed on such property or place, or to be announced therefrom.

Penalty

4. Whoever contravenes any of the provisions of this Act shall, on conviction, be punishable-

(a) in the case of a first conviction, with imprisonment which may extend to six months, or with fine, or with both; and

(b) in the case of any subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both.

Confiscation of documents, etc., containing indecent advertisements

5. Any person authorised by the Government in this behalf may, at any time, seize and detain any document, article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of this Act and the Court trying such contravention may direct that such document (including all copies thereof), article or thing shall be forfeited to the Government.

Offences by companies

6. (1) If the person contravening any of the provisions of this Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be