



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नई दिल्ली, बृहस्पतिवार, जनवरी 15, 2004/पौष 25, 1925

NEW DELHI, THURSDAY, JANUARY 15, 2004/PAUSA 25, 1925

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

अधिसूचना

नई दिल्ली, 15 जनवरी, 2004

का.आ. 77(अ).—केन्द्रीय सरकार, संप्रतीक और नाम (अनुचित प्रयोग निवारण) अधिनियम, 1950 (1950 का 12) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की अनुसूची में निम्नलिखित संशोधन करने का निदेश देती है, अर्थात्:—

संप्रतीक और नाम (अनुचित प्रयोग निवारण) अधिनियम, 1950 की अनुसूची में क्रम संख्या 23 और उससे संबंधित प्रविष्टियों के बाद निम्नलिखित जोड़ा जाएगा अर्थात्:—

“24” श्री सत्य साई सेन्ट्रल ट्रस्ट का नाम और उसके दो संप्रतीकों का वर्णन नीचे किया गया है:

- (i) इसके बीच में कमल के फूल जैसी प्वाला है जो सभी दिशाओं में सद्भावना की रोशनी फैला रही है। पांच सार्वभौमिक मानवीय मूल्यों—सत्य, सदाचार, शांति, प्रेम और अहिंसा को बाहरी वृत्त में रखा गया है। ये सार्वभौमिक मूल्य सभी आस्था और विश्वासों में पाए जाते हैं। संप्रतीक का कोई विशिष्ट रंग अनुबंध नहीं है।
- (ii) यह संप्रतीक सर्वधर्म प्रतीक (सभी धार्मिक प्रतीकों की समानता का प्रतीक) है। यह विश्व के प्रमुख धार्मिक संप्रतीकों—संस्कृत/देवनागरी में ओठम (हिन्दु और सिक्ख), क्रॉस (ईसाई), अर्धचन्द्र और तारा (इस्लाम), अग्नि (पारसी) और चक्र (बौद्ध और जैतियों द्वारा पूजे जाने वाले धर्म चक्र) को दर्शाता है। सभी चिह्नों को वृत्त में रखा गया है जो उनकी एक समानता का द्योतक है। बीच के वृत्त में कमल के फूल जैसी प्वाला है जो शुद्धता, सद्गुण और वैशिष्ट्य की सूचक है। इस संप्रतीक को विभिन्न रंगों में प्रयोग किया जाता है और अधिकारिक तौर पर इसके लिए कोई विशिष्ट रंग अधिसूचित नहीं किया गया है।

[मिसिल सं. 23/(6)/आई.टी./2003]

डी.के. मुखोपाध्याय, आर्थिक सलाहकार

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

NOTIFICATION

New Delhi, the 15th January, 2004

S.O. 77(E).—In exercise of the powers conferred by Section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Central Government hereby directs the following amendments in the Schedule to the said Act, namely :—

In the Schedule to the Emblems and Names (Prevention of Improper Use) Act, 1950, after serial number 23 and the entries relating thereto, the following shall be inserted namely :—

“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 (Hinduism and Sikhism), Cross (Christianity), Crescent & Star (Islam), Fire (Zoroastrianism), and Wheel (Dharma Chakra revered by Budhists & Jain). All signs are placed in a circle signifying their equality. In the middle circle, there is a Lotus Flame that signified Purity, Virtue and Character. This emblem is used in various colours and no specific colour is officially notified.

[F. No. 23/(6)/TT/2003]

D.K. MUKHOPADHYAY, Economic Adviser



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प्राधिकार से प्रकाशित
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सं. 191]
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नई दिल्ली, मंगलवार, मार्च 28, 2000/चैत्र 8, 1922
NEW DELHI, TUESDAY, MARCH 28, 2000/CHAITRA 8, 1922

उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

अधिसूचना

नई दिल्ली, 28 मार्च, 2000

का.आ. 276(अ).—केन्द्रीय सरकार, संप्रतीक और नाम का (अनुचित प्रयोग निवारण) अधिनियम, 1950 (1950 का 12) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम की अनुसूची की मद 23 में, "संप्रतीक" शब्दों के स्थान पर "नाम और संप्रतीक" शब्द रखे जाने का निर्देश देती है।

[फा. सं. 23/(9)/आई.टी./98]
कमल किशोर, आर्थिक सलाहकार

MINISTRY OF CONSUMER AFFAIRS AND
PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

NOTIFICATION

New Delhi, the 28th March, 2000

S.O. 276(E).— In exercise of the powers conferred by Section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Central Government hereby directs the following amendment in the Schedule to the said Act, in item 23 for the words "The Emblem" the words "The name and the emblem" shall be substituted.

[File No. 23/(9)/IT/98]
KAMAL KISHORE, Economic Adviser



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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
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प्राधिकार से प्रकाशित
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सं. 446]

नई दिल्ली, शुक्रवार, मई 14, 2004/वैशाख 24, 1926

No. 446]

NEW DELHI, FRIDAY, MAY 14, 2004/VAISAKHA 24, 1926

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

अधिसूचना

नई दिल्ली, 14 मई, 2004

का.आ. 578 (अ).—केन्द्रीय सरकार, संप्रतीक और नाम (अनुचित प्रयोग निवारण) अधिनियम, 1950 (1950 का 12) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उक्त अधिनियम की अनुसूची में निम्नलिखित संशोधनों का निदेश देती है, अर्थात् :—

संप्रतीक और नाम (अनुचित प्रयोग निवारण) अधिनियम, 1950 की अनुसूची में क्रम संख्या 24 और उससे संबंधित प्रविष्टियों के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“25” “श्री सत्य साई का नाम”।

[फा. सं. ई/23/6/आईटी/2003]

डी०के० मुखोपाध्याय, आर्थिक सलाहकार

MINISTRY OF CONSUMER AFFAIRS, FOOD
AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

NOTIFICATION

New Delhi, the 14th May, 2004

S.O. 578(E).—In exercise of the powers conferred by Section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Central Government hereby directs the following amendments in the Schedule to the said Act, namely :—

In the Schedule to the Emblems and Names (Prevention of Improper Use) Act, 1950, after serial number 24 and the entries relating thereto, the following shall be inserted namely :—

“25” The name of “Sri Sathya Sai”.

[F. No. 23/6/IT/2003]

D. K. MUKHOPADHYAY, Economic Adviser

You are here:

Home » The Emblems And Names

THE EMBLEMS AND NAMES

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

No.12 of 1950 /SEAL/(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:-

Short title. 1. (1) This Act may be called the Emblems and Names (Prevention of Improper Use) Act, 1950. application (2) It extends to the whole of India, and also applies to citizens of India outside India. and (3) It shall come into force on such dates (1st September, 1950) as the Central Government may, by notification in the Official Gazette, appoint.

Definitions. 2. 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. Prohibition 3. 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, certain calling or profession, or in the title of any patent, or in any trade mark or design any name emblem and or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer or Government as may be authorised in this behalf by the Central Government.

Prohibition 4. (1) Notwithstanding anything contained in any law for the time being in force, no person shall: (a) register any company, firm or other body of persons which bears any name, or certain (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. Penalty 5. Any person who contravenes the provisions of section 3 shall be punishable with fine which may extend to five hundred rupees. Previous 6. No prosecution for any offence punishable under this Act shall be instituted, Sanction for except with the previous sanction of the Central Government or of any officer authorised Prosecution. in this behalf by general or special order of the Central Government.

Savings. 7. Nothing in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

Power of the 8. The Central Government may, by notification in the official Gazette, add to or Central alter the Schedule, and any such addition or alteration shall have effect as if it government had been made by this Act. to amend the Schedule.

Power to 9. The Central Government may, by notification in the Official Gazette, make rules make rules. to carry out the purposes of this Act. ???.

Encl: Schedule.

THE SCHEDULE
(see Sections 2 (a) and 3)

1. The name, emblem or official seal of the United Nations Organisation.
2. The name, emblem or official seal of the World Health Organisation.
3. The Indian National Flag.
4. The name, emblem or official seal of the Government of India or of any State, 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.
5. The emblems of the St. John Ambulance Association (India), and the St. John Ambulance Brigade (India), consisting of the device of a white eight pointed cross embellished in the four principal angle alternatively with a lion passant quadrant and a unicorn passant, whether or not the device is surrounded or accompanied by concentric circles or other decoration or by lettering.
6. The name, emblem or official seal of the president, governor (sardar-I-Riyasat) or Republic or Union of India.
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.
8. The name, emblem or official seal of the United Nations Educational Scientific and Cultural Organisations.
9. The name or pictorial representation of Rashtrapati, Rashtrapati Bhavan, Raj Bhavan.
- 9.A. The name or pictorial representation of Mahatma Gandhi, Pt. Jawaharlal Nehru, Shrimati Indira Gandhi, Chhatrapati Shivaji or the Prime Minister of India or the words ?Gandhi?, ? Nehru? or ?Shivaji?, except the pictorial use thereof on calendars where only the names of the manufacturers and printers of the calendars are given and the calendars are not used for advertising goods. (Ins. by Notification No. S.O.1503 dated the 8th April, 1970).
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 (or the names of such medals, badges or decorations or of the miniatures of replicas thereof).
11. The name, emblem or official seal of the International Civil Aviation Organisation.
12. The word ?Interpol? which is an integral part of the International Criminal Police Organisation.
13. The name, emblem or official seal of the World Meteorological Organisation.

14. The name and emblem of the Tuberculosis Association of India.
15. The name, emblem and official seal of the International Atomic Energy Agency.
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.
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.
18. The name and emblem of the Ramakrishna 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, with the words superimposed on the bottom portion. (Ins. by notification No. S.O.2356 Dated 4th August, 1973)
19. The name and emblem of Sri Sarada Math and Ramakrishna Sarada Mission consisting of a swan (facing right) floating on waters, with lotus in the foreground and the rising sun in the background, the whole being encircled by a wild serpent (facing right with the words ??????.. superimposed on the bottom portion. (Ins. By notification no. S.O. dated the 11th September, 1973)
20. The name of the 'The Bharat Scouts and Guides' with the 'Emblem'. (Ins. By notification no. S.O. dated the 10th July, 1974)
21. The name and Emblem of the International Olympic Committee consisting of five interlaced rings. (Ins. By notification no. S.O.2457 dated the 18th August, 1978)
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 the two onward looking young persons - male and female - inscribed with 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 the 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 in between the profile of the dove and the circle to the left of the dove is also black. The leaf and twig is in black. On eye of the dove is shown in the form of a dot. (Ins. By notification no. S.O. 373 (E) dated 23rd June, 1986)
23. 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. (Ins. By notification no. S.O.593 (E) dated 22nd July, 1999)
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 Sarvadharmā (multi-religious) Symbol and equality of all religions symbol. It depicts symbols of major world religions- Om-in Sanskrit/Devnagri (Hinduism and Sikhism), Cross (Christianity), Crescent & Star (Islam), Fire (Zoroastrianism), and Wheel (Dharma Chakra revered by Buddhists & 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.

(Ins. By notification no. S.O. 77 (E) dated 15th January, 2004)

25 The name of 'Sri Sathya Sai'? (Ins.By notification no. S.O.578 (E) dated 14th May, 2004)

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. (Ins.By notification no. S.O.1323(E) dated 3rd December, 2004)

EMBLEMS & NAMES (PREVENTION OF IMPROPER USE) RULES 1982

S.O.4100 ' 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 & Names (Prevention of Improper Use) Rules, 1982.

(2).They shall come into force on the date 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 the purposes of these rule consisting of ?

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

6. Processing of proposal ? 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 appropriate classes wherever possible, submit them for the consideration by the Committee.

7.Recommendation of the Committee ?

(1) The Committee shall after considering the proposal submitted by the designated officer, make appropriate recommendations as to the desirability or otherwise of including any particular proposal or classes of proposals in the schedule.

(2)The designated officer shall, on receipt of the recommendations from the Committee submit the same to the central Government whose decision thereon shall be final.

8. Use of emblems and names contained in the Schedule ?No person shall use or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or any trademark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of the Government as may be authorized in this behalf by the Central Government except in the following cases namely:-

(1)The use thereof by the agencies, bodies or persons to whom the name or emblems belongs;

(2) The use thereof by the Central Government or any State Government to whom the name or emblem belongs;

(3) Issue of postal stamps, coins or other commemorative items brought out by the Central Government or a State Government in honour of any of the persons or institutions whose names are included in the Schedule.

(4) The use of the names of persons included in the Schedule by bodies set up by the Central Government or State Government for the propogation of ideals for which they stood and lived;

(5) The authorship, production, publication, exhibition or transmission by any medium for academic, artistic, biographical, cultural, educational, scientific or spiritual purposes with the previous permission of the Central Government and subject to such conditions as the Central Government may lay down while granting such permission.

(No. 23 (31) ? IT/79)

M.L.Jatav, Dy.Secy.

Annexure II

GUIDELINES UNDER ITEM 7 OF THE SCHEDULE TO EMBLEMS AND NAMES

(PREVENTION OF IMPROPER USE) ACT, 1950

I The name will attract the provisions of Emblems and Names (Prevention of Improper Use) Act, 1950 under item 7 of Schedule, if:

- (1) it is identical with the name of any society/corporation or local body which has been set up by the Government of India or State Government under any law for the time being in force.
- (2) it gives the impression of the patronage of Central Government or State Government. For example, Indian Council of Agricultural Research (ICAR) is a registered body under the Ministry of Agriculture and Cooperation. Any name beginning with the words "Indian Council of" may mislead the public that it is patronized by the Government.
- (3) it too nearly resembles a name of body corporation or local authority set up by Government under any law for the time being in force. For example, "Indian Institute of Mass communication" is an autonomous body under Ministry of Communication. Names like Institute of Mass Communication may give the impression that the said society is also patronized by the Central Government. Here it should be kept in view whether any other body carrying same kind of activities with similar name is in existence.
- (4) it connotes Government's participation or patronage unless circumstances justify it. Certain words in a name may give the impression of Government's patronage. Such words are "National", "National Institute of", "National Council of", "University", "Indian Institute of", "Indian Council of", etc. This list is illustrative and not exhaustive.

II. If the English version of a name (as explained in points 1 to 4 above) suggest the patronage of the Central/State Government or suggests any connection with any local authority or corporation or body constituted by the Government under any law for the time being in force, then its corresponding versions in Hindi and other languages as specified in the Constitution will also attract the provisions of this Act.

Complaints pertaining to violation of provisions of Emblems and Names (Prevention of Improper Use) Act, 1950

Any complaint relating to the violations of the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 may be reported to the following officers:

- (i) Director (Internal Trade Division),
Department of Consumer Affairs
Room No: 312 A, Shastri Bhavan,
New Delhi
E-mail: dirt-ca@nic.in
Fax No: 23385821
- (ii) Assistant Economic Advisor
Department of Consumer Affairs
Room No: 307 A, Shastri Bhavan,