

The Emblems and Names (Prevention of Improper Use) Rules, 1982

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The Emblems and Names (Prevention of Improper Use) Rules, 1982¹

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 and 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 rules 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/erudition 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

1. Ministry of Civil Supplies (Indian Standards Institution), Noti. S.O. 4100, dated November 27, 1982, published in the Gazette of India, Pt. II, S. 3(ii), dt. 11th December, 1982, pp. 4255-56

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 propagation 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.
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