

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION(POLL.C)DEPARTMENT

U.O.Note No. 397/Poll.C/2005-1

Dated 21-10-2005.



Sub;-Use of word "Indian" by Educational Institution in various State-Reg.

Ref;-From the Director, Ministry of Consumer Affairs, Food & Public  
Distribution Dept. Of Coonsumer Affairs, Govt. Of India, New Delhi Lr.  
No. F. No.23/(24)/12005-IT dt. 20-9-05.

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A copy of the letter cited together with the Emblems and Names (Prevention of Improper Use)Act,1950 alongwith the schedule is sent herewith to the School/Higher Education Department. They are informed that several Educational Institutions are reported to be using the word 'Indian' prefix to the name which is not permitted in terms of section 3 of the Emblems and Names (Prevention of Improper Use)Act,1950. They are requested to ensure that such misuse of the word "Indian" that gives the impression of an official patronage is stopped forthwith. Necessary instructions may be issued to the concerned Schools/Universities/Institutions to comply with the provisions contained in Emblem and Names Act, 1950.

~~F.S.~~

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N.V.RAMANA REDDY  
ADDL.SECRETARY TO GOVT(PROTO)

To  
The School/Higher Education Depts.(we)  
sf/

//FORWARDED BY ORDER//

*R. Vijaya Lakshmi*  
SECTION OFFICER.

GOVERNMENT OF ANDHRA PRADESH  
GENERAL ADMINISTRATION(POLL.C)DEPARTMENT

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N.V.RAMANA REDDY  
ADDL. SECRETARY TO GOVT (PROTO)

To  
The School/Higher Education Depts. (we)

sf/

//FORWARDED BY ORDER//

  
SECTION OFFICER, I.

NO 9699/US/05

397  
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30/9/05

F.No.23/(24)/2005-IT  
Government of India  
Ministry of Consumer Affairs , Food & Public Distribution  
Deptt. of Consumer Affairs  
I.T.Desk

Shastri Bhavan, New Delhi  
Dated:20.9.2005

To  
The Chief Secretary/ Leiuinant Governor  
All States/UTs.

No. 26 SEP 2005  
Chief Secretary

Subject:- Use of word "Indian" by Educational Institution in various States.

It has come to the notice of this Ministry that several institutions are using the word 'Indian' prefixed to the name which is not permitted in terms of Section 3 of the Emblems and Names (Prevention of Improper Use) Act, 1950.

In this context I am to state that Section 3 read with Item 7 of the Schedule to the E&N (PIU) Act,1950 no person shall use or continue to use any name which may suggest or be calculated to suggest the patronage of the Govt. of India or the Govt. of State etc. for the purpose of any trade, business or profession etc. without the previous permission of the Central Government. The use of word "Indian" prefixed to the name is violative of the provisions of Emblems & Names Act, 1950. (copy enclosed at Annexure -I). It is therefore requested to ensure that such misuse of the word "Indian" that gives the impression of an official patronage is stopped forthwith. Necessary Instructions may be issued to the concerned authorities in the State/UT to comply with the provisions contained in Emblems & Names Act, 1950.

20/9/05  
CHIEF SECRETARY

Yours faithfully,

*G.S. Negi*

(G.S. Negi)

Director

Ph:23384390

P.M.C.  
C. P. Mittal

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

No.12 of 1950

/SEAL/

( 1<sup>st</sup> 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,  
extent,  
application  
and com-  
mencement.

1. (1) This Act may be called the Emblems and Names (Prevention of Improper Use) Act, 1950.
- (2) It extends to the whole of India, and also applies to citizens of India outside India.
- (3) It shall come into force on such dates (1<sup>st</sup> 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  
of improper  
use of  
certain  
emblems and  
names.

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, calling or profession, or in the title of any patent, or in any trade mark 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 or Government as may be authorised in this behalf by the Central Government.

Prohibition  
of registra-  
tion of  
certain  
companies  
etc.

4. (1) Notwithstanding anything contained in any law for the time being in force, no competent authority shall:
  - (a) register any company, firm or other body of persons which bears any name, or
  - (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  
Sanction for  
Prosecution.**

6. No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised 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  
Central  
Government  
to amend the  
Schedule.**

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

**Power to  
make rules.**

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

Encl: Schedule.

