

## THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION)

ACT, 1986

[Act No. 60 of 1986 dated 23rd. December, 1986]

An Act to prohibit indecent representation of women through advertisements or in

publications, writings, paintings, figures or in any other manner and for matters

connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as

follows: -

### 1. Short title, extent and commencement

(1) This Act may be called the Indecent Representation of Women (Prohibition) Act, 1986.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by

notification in the Official Gazette, appoint.

### 2. Definitions

In this Act, unless the context otherwise requires, -

(a) "advertisement" includes any notice, circular, label, wrapper or other document

and also includes any visible representation made by means of any light, sound,

smoke or gas;

(b) "distribution" includes distribution by way of samples whether free or

otherwise;

(c) "indecent representation of women" means the depiction in any manner of the

figure of a woman, her form or body or any part thereof in such a way as to have

the effect of being indecent, or derogatory to, or denigrating, women, or is likely to

deprave, corrupt or injure the public morality or morals;

(d) "label" means any written, marked, stamped, printed or graphic matter, affixed

to, or appearing upon, any package;

(e) "package" includes a box, carton, tin or other container;

(f) "prescribed" means prescribed by rules made under this Act.

3. Prohibition of advertisements containing indecent representation of women

No person shall publish, or cause to be published, or arrange or take part in the

publication or exhibition of, any advertisement which contains indecent

representation of women in any form.

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4. Prohibition of publication or sending by post of books, pamphlets, etc.,

containing indecent representation of women

No person shall produce or cause to be produced, sell, let to hire, distribute,

circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing,

painting, photograph, representation or figure which contains indecent

representation of women in any form:

Provided that nothing in this section shall apply to-

(a) any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph,

representation or figure-

(i) the publication of which is proved to be justified as being for the public good on

the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting,

photograph, representation or figure is in the interest of science, literature, art, or

learning or other objects of general concern; or

(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or

in-

(i) any ancient monument within the meaning of the Ancient Monument and

Archaeological Sites and Remains Act, 1958; or

(ii) any temple, or on any car used for the conveyance or idols, or kept or used for

any religious purpose;

(c) any film in respect of which the provisions of Part II of the Cinematograph Act,

1952 will be applicable.

#### 5. Powers to enter and search

(1) Subject to such rules as may be prescribed, any Gazetted Officer authorised by

the State Government may, within the local limits of the area for which he is so

authorised, -

(a) enter and search at all reasonable times, with such assistance, if any, as he

considers necessary, any place in which he has reason to believe that an offence

under this Act has been or is being committed;

(b) seize any advertisement or any book, pamphlet, paper, slide, film, writing,

drawing, painting, photograph, representation or figure which he has reason to

believe contravenes any of the provisions of this Act;

(c) examine any record, register, document or any other material object found in

any place mentioned in clause (a) and seize the same if he has reason to believe

that it may furnish evidence of the commission of an offence punishable under this

Act:

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Provided that no entry under this sub-section shall be made into a private dwelling

house without a warrant:

Provided further that the power of seizures under this sub-section may be exercised

in respect of any document, article or thing which contains any such advertisement,

including the contents, if any, of such document, article or thing if the

advertisement cannot be separated by reason of its being embossed or otherwise

from such document, article or thing without affecting the integrity, utility or

saleable value thereof.

(2) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may

be, apply to any search or seizure under this Act as they apply to any search or

seizure made under the authority of a warrant issued under section 94 of the said

Code.

(3) Where any person seizes anything under clause (b) or clause (c) of sub-section

(1), he shall, as soon as may be, inform the nearest Magistrate and take his orders

as to the custody thereof.

#### 6. Penalty

Any person who contravenes the provisions of section 3 or section 4 shall be

punishable on first conviction with imprisonment of either description for a term

which may extend to two years, and with fine which may extend to two thousand

rupees, and in the event of a second or subsequent conviction with imprisonment

for a term of not less than six months but which may extend to five years and also

with a fine not less than ten thousand rupees but which may extend to one lakh

rupees.

#### 7. Offences by companies

(1) Where an offence under this Act has been committed by 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 guilty of the offence and  
shall be liable

to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any  
such person

liable to any punishment, if he proves that the offence was committed  
without his

knowledge or that he had exercised all due diligence to prevent the  
commission of

such offence.

(2) Notwithstanding anything contained in sub-section (1), where  
any offence

under this Act has been committed by a company and it is proved  
that the offence

has been committed with the consent or connivance of, or is  
attributable to any

neglect on the part of, any director, manager, secretary or other  
officer of the

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company, such director, manager, secretary or other officer shall be  
proceeded

against and punished accordingly.

Explanation - For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or  
other association

of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

8. Offences to be cognizable and bailable

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,

an offence punishable under this Act shall be bailable.

(2) An offence punishable under this Act shall be cognizable.

9. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Central

Government or any State Government or any officer of the Central Government or

any State Government for anything which is in good faith done or intended to be

done under this Act.

10. Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make

rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power,

such rules may provide for all or any of the following matters, namely :-

(a) the manner in which the seizure of advertisements or other articles shall be

made, and the manner in which the seizure list shall be prepared and delivered to

the person from whose custody any advertisement or other article has been seized;

(b) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this Act, shall be laid, as soon as may be after it is

made, before each House of Parliament, while it is in session for a total period of

thirty days which may be comprised in one session or in two or more successive

sessions, and if, before the expiry of the session immediately following the session

or the successive sessions aforesaid, both Houses agree in making any

modification in the rule or both Houses agree that the rule should not be made, the

rule shall thereafter have effect only in such modified form or be of no effect, as

the case may be; so, however, that any such modification or annulment shall be

without prejudice to the validity of anything previously done under that rule.

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Foot Note

1. Appointed date is 2nd. October, 1987 vide Notification No. G.S.R. 821(E),

dated 25th. September, 1987, GOI, Ext., 1987, Part II, Section 3(i)