

**THE UNDESIRABLE ADVERTISEMENTS CONTROL  
ACT, 1952**

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**THE UNDESIRABLE ADVERTISEMENTS CONTROL  
ACT, 1952**

ACT NO. XV OF 1952

[22<sup>nd</sup> November, 1952]

**An Act to control the publication of advertisements relating to the medical treatment of certain diseases and disorders.\***

WHEREAS it is expedient to control the publication of advertisements relating to the medical treatment of certain diseases and disorders;

It is hereby enacted as follows:-

Short title,  
extent and  
commencement

**1.** (1) This Act may be called the <sup>1</sup>[\* \* \*] Undesirable Advertisements Control Act, 1952.

(2) It extends to the whole of <sup>2</sup>[Bangladesh].

(3) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

Definitions

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

(1) “advertisement” includes any notice, sign, visible representation, announcement, bill, hand-bill, circular or pamphlet, whether pictorial or otherwise;

(2) “prescribed” means prescribed by rules made under this Act;

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\* Throughout this Act, the word “Government” was substituted for the words “Provincial Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

<sup>1</sup> The words “East Bengal” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

<sup>2</sup> The word “Bangladesh” was substituted for the words “East Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (3) "sexual disorder" means any ailment, irregularity, affection or diseased condition of the organs of generation;
- (4) "venereal disease" means syphilis, gonorrhoea or soft chancre or any sign, symptom or sequela of such disease, and includes such other venereal diseases as may be prescribed by the Government in this behalf.

3. (1) No person shall, by means of any advertisement, treat, or offer to treat, any person for, or advertise the treatment of, any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality, or offer to prescribe any remedy therefore, or give or offer to give any advice in connection with the treatment thereof.

Prohibition of issue of certain advertisement

(2) No person shall print or publish, or cause to be printed or published, for distribution to the public, or circulate or cause to be circulated, to the public or to any person,-

- (a) any advertisement, or
- (b) any label or set of instructions, whether pictorial or otherwise, to be affixed to, or delivered with, any packet, box, bottle or phial

if such advertisement, label or set of instructions recommends, asserts or infers that any remedy, medicine, medicinal or herbal preparation or any appliance or charm of any kind, whether for use internally or externally, is a cure, or is useful or may be used, for the prevention, treatment or relief of any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality.

4. (1) Any person prescribed under sub-section (2), who may be authorised in writing in this behalf by the District Magistrate, may at any time seize and detain any newspaper, periodical, pamphlet, hand-bill, or other document or any other article or thing which, such person has reason to believe, contains any advertisement which contravenes any of the provisions of section 3, and the Court trying such contravention may direct that such newspaper, periodical, pamphlet, hand-bill or other document or such article or thing shall be forfeited to the Government.

Confiscation of newspapers, periodicals, etc., containing advertisement, etc., which contravenes section 3

(2) The Government shall prescribe the persons or classes of persons who may be authorised under sub-section (1) to take the action provided for under that sub-section.

Penalty

5. Whoever contravenes any of the provisions of section 3 shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand <sup>1</sup>[taka], or with both.

Act not to apply in certain cases

6. Nothing in this Act shall apply to-

- (a) any medical treatise or book, or any treatise or book dealing with the subject from a *bona fide* scientific or social standpoint, or
- (b) any advertisement, or any article or thing sent confidentially in the prescribed manner only to a medical practitioner or to a wholesale or retail chemist for the purpose of his business, or
- (c) any advertisement made, printed or published with the previous sanction of such person or persons as the Government may appoint in this behalf.

**Explanation.-** “Medical practitioner” in this section includes a person regularly practising either the allopathic, homeopathic, *Ayurvedic*, *Unani* or any other system of medicine.

Jurisdiction to try offences

7. No Magistrate other than a Magistrate of the first class shall try an offence punishable under this Act.

Officers to be deemed public servants

8. Any person empowered to act under this Act shall be deemed to be a public servant within the meaning of section 21 of the <sup>2</sup>[\* \* \*] Penal Code.

<sup>1</sup> The word “taka” was substituted for the word “rupees” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

<sup>2</sup> The word “Pakistan” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

**9.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done, under this Act. Indemnity

**10.** (1) The Government may make rules for carrying out the purposes of this Act. Power to make rules

(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 venereal diseases referred to in clause (4) of section 2;
  - (b) the diseases, infirmities or abnormalities referred to in section 3;
  - (c) the persons and classes of persons referred to in sub-section (2) of section 4;
  - (d) the manner of sending confidentially an advertisement, article or thing referred to in clause (b) of section 6.
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