

PROVINCIAL ASSEMBLY OF SIND
NOTIFICATION

Karachi, dated the 28th June, 1973.

No. PAS/Legis-B-12/73.—The Sind Fancy Therapeutic Substances, Magic Remedies, Miracle Cures and Guaranteed Reliefs Advertisement (Control) Bill, 1973 having been passed by the Provincial Assembly of Sind on the 11th June, 1973 and assented to by the Governor of Sind on the 27th June, 1973 is hereby published as an Act, of the Legislature of Sind:—

THE SIND FANCY THERAPEUTIC SUBSTANCES, MAGIC
REMEDIES, MIRACLE CURES AND GUARANTEED RELIEFS
ADVERTISMENT (CONTROL), ACT, 1973.

Sind Act No. XII of 1973.

(First published after having received the assent of the Governor of Sind in the Gazette of Sind (Extra Ordinary) dated 28th June, 1973).

AN

ACT

to control the advertisement of fancy therapeutic substances, magic remedies, miracle cures and guaranteed reliefs in the Province of Sind.

WHEREAS it is expedient to control the advertisement of fancy therapeutic substances, magic remedies, miracle cures and guaranteed relief in the Province of Sind; Preamble

It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Fancy Therapeutic Substances, Magic Remedies, Miracle Cures and Guaranteed Reliefs Advertisement (Control) Act, 1973. Short title, extent and commencement.

(2) It extends to the whole Province of Sind.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say— Definitions.

(a) "advertisement" means advertisement of fancy therapeutic substances, magic remedies, miracle cures or guaranteed reliefs, by word of mouth or in writing or by printed matter or by any mechanical contrivance or by exhibition or publication in any manner;

(b) "Board" means the Board constituted under section 3;

(c) "fancy therapeutic substance" means and includes—

(i) any medicine or substance intended to be used for diagnosis, prevention, treatment, cure or mitigation of any disease, ailment, infirmity, deformity or any bodily or mental condition of human being, not being medicine or substance used or prepared for use in accordance with recognised medical system, namely Ayurvedic, Unani, Homeopathic, Biochemic or Allopathic;

(ii) any article or device such as Talisman, Tawiz, Kafachta, ring, bracelet, electric heat, cold bath or such other article or device proclaimed to possess magical or miraculous power for diagnosis, prevention, treatment, cure or mitigation of any disease or ailment, infirmity, deformity or any bodily or mental condition of human being;

(iii) any medicine, substance or article declared by Government as fancy therapeutic substance;

(d) "Government" means the Government of Sind;

(e) "guaranteed relief" means offering guarantee for prevention, cure or mitigation of any disease, ailment, infirmity, deformity or any bodily or mental condition of human being and thereby inducing any person or group of persons to pay for such prevention, cure or mitigation;

(f) "magic remedy" or "miracle cure" means treatment or offer of treatment with the fancy therapeutic substance proclaimed as possessing magical or miraculous power for diagnosis, prevention, cure or mitigation of any disease, ailment, infirmity, deformity or any bodily or mental condition of human being;

(g) "prescribed" means prescribed by rules.

3. (1) Government may constitute a Board consisting of at least thirteen members who shall be appointed by nomination in such manner as to include at least one member each from Professions of Pharmacology of Medical Colleges, Hakims, Vaidis, Homeopaths, Advertising Agencies, Pharmaceutical Manufacturers, Pakistan Medical Association, Newspapers Associations, Radio Pakistan, Television Corporation, Cinema Owners Association and two members of the Provincial Assembly of Sind.

(2) (i) Minister for Health shall be the Chairman of the Board.

(ii) Secretary of Health Department, Director of Health Services and Drugs Controller of Sind shall be ex-officio Members.

(iii) Drug Controller of Sind shall be the Secretary of the Board.

Constitution
of the Board.

(3) The nominated members of the Board shall hold office for a period of two years but shall be eligible for re-nomination; provided that Chairman of the Board may, at any time, remove any such member.

(4) The Members of the Board shall be entitled to such allowances as may be prescribed for attending meetings of the Board or for performing other functions assigned to them as nominated Members of the Board.

(5) The Board shall meet as often and at such place and transact business in such manner as may be prescribed.

4. The Board shall have power to examine any advertisement brought to its notice or put up for its approval, and pass such order in respect thereof as it may consider fit. Powers of the Board.

5. No person shall make, print or publish or cause to be made, printed or published, any advertisement, without obtaining prior approval of the Board in the manner as may be prescribed. Ban on advertisement.

6. Whoever contravenes the provisions of section 5 shall be punished with imprisonment of either description for a term which may extend to six months and fine which may extend to one thousand rupees; provided that on being convicted for the second time for similar offence, he shall be liable to imprisonment of either description for a term which may extend to two years and fine which may extend to ten thousand rupees. Penalty.

7. (1) An offence under this Act shall be non-cognizable and bailable. Cognizance and trial of offences.

(2) Every offence under this Act shall be triable by a Magistrate of the First Class upon a complaint made in writing by a person authorised generally or specially by the Board.

(3) The court may, on an application, made by the prosecution, try an offence under this Act, in a summary way, in accordance with the provision contained in section 262 to 265 of the Code of Criminal Procedure, 1898 (Act V of 1898).

8. Where the person accused of an offence under this Act, is a company, corporation or a firm, every director, partner or officer of the company, corporation or firm with whose knowledge, consent or connivance, the offence is committed, shall be punishable as if he himself had committed the offence. Offences by companies, etc.

9. Whenever any person is convicted under this Act, the advertisement material, medicine or any other substance which forms the basis of his conviction, shall be confiscated to Government and be disposed in such manner as may be prescribed. Confiscation.

Power to
make rules

10. (1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe:—

- (a) the code of ethics for advertisement of fancy therapeutic substances;
- (b) the procedure to be followed by the Board while granting or refusing permission for advertisement;
- (c) the form in which permission for advertisement is granted and the fee payable for such permission;
- (d) the mode and the manner of testing of samples of fancy therapeutic substance intended to be advertised;
- (e) the terms and conditions on which the permission to advertise may be given;
- (f) the allowance payable to the Members of the Board;
- (g) the manner in which any advertisement material, medicine or substance confiscated under section 9 may be disposed;
- (h) the method and manner of nomination of the Members of the Boards.

Indemnity.

11. No suit, prosecution or other legal proceeding shall lie against any person for doing anything which is, in good faith, done or intended to be done under this Act or any rules made thereunder.

Exemption.

12. Government may, on the recommendation of the Board, by notification in the official Gazette, exempt with or without conditions any fancy therapeutic substance or class of substances, from the operation of this Act or any rule made thereunder.

Repeal.

13. The Sind Drugs Advertisement Control Act, 1948 (Sind Act II of 1948), is hereby repealed.

By order of the Speaker,
Provincial Assembly of Sind.

JAMALUDDIN ABRO,
Secretary,
Provincial Assembly of Sind.

Karachi: Printed at the Sind Government Press