

Jammu and Kashmir Newspaper (Incitements to Offences) Act, 1971

JAMMU & KASHMIR

India

Jammu and Kashmir Newspaper (Incitements to Offences) Act, 1971

Rule

JAMMU-AND-KASHMIR-NEWSPAPER-INCITEMENTS-TO-OFFENCES-Act of 1971

- Published on 1 January 1971
- Commenced on 1 January 1971
- [This is the version of this document from 1 January 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

Jammu and Kashmir Newspaper (Incitements to Offences) Act, 1971(Act No. VIV of 1971)[Dated 7th Dec. 1971]An Act for the prevention of incitement to murder and to other offences in news paper.Whereas it is expedient to make better provision for the prevention of incitements to murder and to other offences in newspapers;It is hereby enacted as follows :-

1. Short Title, extent and Commencement.

(1)This Act may be called as the Jammu and Kashmir Newspaper (Incitements to Offences) Act, 1971.(2)It extends to the whole state.(3)It shall come into force at once.

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context :-(a)"Magistrate" means a District Magistrate, Sub-Divisional Magistrate, or District and Session Judge;(b)"Newspaper" means any periodical work containing public news or comments on public news;(c)"Printing Press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or material used for the purpose of printing.

3. Power to forfeit printing Presses in certain cases.

(1)In cases where, upon application made by order of or under authority from a Magistrate is of the opinion that a newspaper published and printed within the Province contains any incitement to

murder or to any offence under the Explosives Substances Act, 1908 (VI of 1908) or to any Act of Violence, such Magistrate may make a conditional order declaring the Printing Press used or intended to be used, for the purpose of printing or publishing such newspaper or found in or upon the premises where newspaper is, or at the time of the printing of matter was complained of.(2)A copy of such order shall be fixed on some conspicuous part of the premises specified in the declaration made in respect of such newspaper under section 5 of the Jammu and Kashmir state Press and Publications Act, 1989, or on any other premises in which such newspaper is printed and the affixing of such copy shall be deemed to the service of the said order on all persons concerned.(3)In case of emergency or in cases where the purpose of the application might be defeated by delay, the Magistrate may, on or after making of a conditional order under sub-section (1), makes a further order ex-parte for the attachment of the printing press or other property referred to in the conditional order.(4)If any person concerned appears and shows cause against the conditional order, the Magistrate shall take evidence, whether in support of or in opposition to such order, in manner provided in section 356 of the Code of Criminal Procedure, Samvat 1989.(5)If the Magistrate is satisfied that the newspaper contains matter of nature specified in sub-section (1).(6)If the Magistrate is not satisfied, he shall set aside the conditional order of forfeiture and the order of attachment if any.

4. Power to seize.

(1)The Magistrate may be warrant empower any Police Officer not below the rank of a Deputy Inspector to seize any property order to be attached under section 3, subsection(3) or to seize and carry away any property ordered to be forfeited under section 3, sub-section (5), wherever found and to enter upon and search for such property in any premises-(a)where the newspaper specified in such warrant is printed or published, or(b)where any such property may be or may be reasonably suspected to be, or(c)where any property of such newspaper is kept for sale, distribution, publication or any reasonably suspected to be so kept.(2)Every warrant issued under sub-section (1) so far as it relates to a search shall be executed in manner provided for the execution of search warrants by the Code of Criminal Procedure, S. 1989.

5. Appeal.

- Any Person concerned who has appeared and shown causes against a conditional order of forfeiture may appeal to the High Court within fifteen days from the date when such order is made absolute.

6. Bar of other Proceedings.

- Save as provided in section 5, no order duly made by a Magistrate under section 3 shall be called in question in any Court.

7. Penalty.

- Any Person who prints or publishes any newspapers specified in any prohibition specified in section 7 during continuance of that prohibition shall be liable, on conviction, to the penalties prescribed by section 20 of the Jammu and Kashmir State Press and Publication Act, Samvat 1989.

8. Application of Code of Criminal Procedure.

- All proceedings under this Act shall be conducted so far as may be, in accordance with the provisions of the Code of Criminal Procedure, Samvat 1989.

9. Operation of other laws not barred.

- No proceedings taken under this Act shall operate to prevent any person from being prosecuted for any act which constitutes an offence under any other law.