

The Press And Registration Of Books Act, 1867

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Act 25 of 1867

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066.

Statement of Objects and Reasons.-It has for many years been the endeavour of the authorities to make a collection of the books and other publications emanating from the various printing presses at work throughout the country. It was an instruction of the late Court of Directors of the East India Company, that copies of every important and interesting work published should be despatched to England to be deposited in the library of the India House. And again, on the urgent requisition of the Royal Asiatic Society in London the Secretary of State for India repeated the instructions of the late Court of Directors, and desired also that catalogues of all works published in India should be sent to England. The above instructions had special reference to the province of Lower Bengal, and the local authorities of this province were set in motion and on a plan suggested by Mr. Talboys Wheeler of the Home Office, and matured by Mr. Robinson Bengalee Translator to the Government of Bengal, a system of registration of books on terms advantageous to publishers was notified, and a catalogue of books published in the province of Lower Bengal was prepared. But this catalogue had necessarily to be prepared by its editor, not with the books before him, but from such imperfect and scattered notices and advertisements of such books as he could collect from newspapers and other such sources, and was found therefore to be to a great extent, and essentially, incorrect, and the registration system completely broke down, there having been but three applications for registration in the course of some nine months. To send to England catalogues essentially and to a considerable extent incorrect, of only such books as can be routed out by private and perfunctory enquiries, is manifestly of no sort of use. Yet the catalogue prepared in 1862, imperfect as it was showed a list of some one thousand and five hundred books of more or less interest and importance, all published within the last ten or fifteen years, and it is notorious that, in the province of Lower Bengal at least, there has been of late years very great activity in the literary world and every year shows no inconsiderable increase in the number of works, original or reprinted published and in the number of printing presses established. The literature of a country is no doubt an index of the opinions and

condition of the people and such an index it is essential to good government that the rulers of a country should possess. In the interest, too, of history and of the scholars of Europe, it is undoubtedly wise to provide that a complete collection of the publications of the press of this country should be made as well in this country as in England. It cannot but be of benefit to authors and publishers that catalogues of their works, and to a very limited extent copies of the works themselves, should be accessible to the public in certain well-known places. Systems of voluntary registrations of publications have been found to fail and it is therefore proposed by this Bill to establish a system of compulsory sale to Government of three copies of each book or similar work printed in India. These copies will be paid for at the rate at which the book is bona fide sold for cash to the public. One copy of the work will be sent to England, and the two others, after the book has been registered, will be kept in this country, to be deposited in places—the proposed new museum for instance—where they will be carefully preserved. A list of works registered will be published each quarter in the Official Gazette. It is not quite clear that the provisions of the proposed Bill are as yet required in any Province other than that of Lower Bengal, but inasmuch as the said provisions are reasonable and simple and inasmuch as it is certain that with the spread of education there will arise in the other Provinces of the Empire, as there has arisen in Bengal, a corresponding activity in literature, it is provided that the Bill may be extended by notification to any part of the Empire.

Amending Act 55 of 1955—Statement of Objects and Reasons.—The Press Laws inquiry Committee which was set up by the Government to enquire into the Press laws made certain recommendations in 1948 for amending the Press and Registration of Books Act, 1867. Based partly on these recommendations and partly on recommendations made by State Governments, who had experienced practical difficulties in the working of the Act, the Press and Registration of Books (Amendment) Bill, 1952 was introduced in Parliament. The Press Commission, which was appointed shortly thereafter, reviewed the entire position in respect of the working of the Act. They substantially endorsed the provisions of the above Bill and made certain further recommendations for the amendment of the Act. The present Bill incorporates the provisions of the earlier Bill and makes certain further provisions in order to give effect to the recommendations of the Press Commission.

2. The Bill makes certain provisions for practical contingencies like temporary changes in the place of printing or publication. It also provides that a declaration in respect of a newspaper shall cease to have effect if the newspaper does not commence publication within a specified period or if it ceases publication for a year or more or if it publishes issues the number of which is less than half of what should have been published in accordance with the declaration made in respect thereof.

3. The Act was intended to apply to all papers printed (including posters, etc.) and, as recommended by the Press Commission this intention has been clarified by removing the doubt which judicial decisions seem to have created.

4. In accordance with the recommendations of the Press Commission, it is proposed to set up an organisation under a Press Registrar for the purpose of registration of all newspapers published in India and for the collection, maintenance and publication of information concerning them.

Amending Act 26 of 1960—Statement of Objects and Reasons.—The Press and Registration of Books Act was amended in 1955 to provide inter alia for setting up of a machinery under a Central Press Registrar for the collection of statistics relating to newspapers, maintenance of a register of newspapers and other ancillary matters. The working of this Act during the last few years has revealed certain anomalies and difficulties and it is proposed to remove them by suitably amending the Act for the purpose.

2. Under the existing law, there is no specific provision for the cancellation of any declaration once it has been authenticated. This has

sometimes led to a situation where a declaration had to be allowed to continue, although it was found defective in law. It is, therefore, proposed to empower a Magistrate to cancel a declaration under certain circumstances. This power of cancellation will be exercised only after giving the persons affected an opportunity of showing cause against the action proposed to be taken. In case where a proprietor or any other person feels aggrieved by an order of a Magistrate cancelling a declaration it is proposed to provide for an appeal against such order to a Board to be set up by the Central Government. It is also proposed that an appeal might lie to the same Board when a Magistrate refuses to authenticate a declaration made by a person.³ Under the existing law it is possible for a newspaper to continue publication uninterrupted without filing a fresh declaration even when the ownership changes. It is proposed to make the filing of a declaration obligatory in such cases and to provide that the printer and the publisher should be authorised in writing by the owner to file such declarations. The filing of a fresh declaration is also made necessary when the language or periodicity of a newspaper changes or when a publisher or a printer is incapable of carrying out his duties for a period exceeding thirty days.⁴ Though the Act contemplates that the printer, publisher and editor of a newspaper should ordinarily be residents in India, there is no specific provision to this effect in the Act. It is proposed to make this point clear beyond any possibility of doubt.⁵ In order to associate the owner of a newspaper with the responsibility of its publication and printing, it is proposed to provide that every copy of the newspaper should contain the name of the owner thereof, in addition to the names of its printer, publisher and editor. It is also proposed to provide that every copy of the newspaper should contain the date of its publication.

6. A doubt has arisen whether a Magistrate is under an obligation to consult the Press Registrar before authenticating a declaration. As the Press Registrar is the only authority who would be in a position, on the basis of the records, to advise the Magistrate in regard to this matter, it is proposed to lay down specifically that the Magistrate should invariably consult the Press Registrar in every case before authenticating a declaration.

7. In order to facilitate the proper enforcement of the rules by the State Governments under section 20 of the Act, it is proposed to empower them to provide in such rules that any contravention thereof shall be punishable with fine not exceeding Rs. 100.⁸ Under section 21, the State Governments are empowered to exempt newspapers from the operation of the whole or any part of the Act. It is felt that, in the interests of uniformity, State Governments should consult the Central Government before granting such exemption to newspapers. [22 nd March , 1867]...An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books [and newspapers] [Inserted by Act 55 of 1955, Section 2 (w.e.f. 1.7.1956).] printed in [India] [Substituted by Act 3 of 1951, Section 3 and Ach., for " the whole of India except Part B States" (w.e.f. 1.4.1951).], and for the registration of such books [and newspapers] [Inserted by Act 55 of 1955, Section 2 (w.e.f. 1.7.1956).]. Preamble .Whereas it is expedient to provide for the regulation of printing-presses and of [newspapers] [Substituted by Act 35 of 1950, Section 3 and Sch.II, for "periodicals containing news" (w.e.f. 19.4.1950).], for the preservation of [* * *] [The word "three" omitted by Act 10 of 1890, Section 1.] copies of [every book and newspaper printed in India and for the registration of such books and newspapers] [Substituted by Act 55 of 1955, Section 3, for "every book printed or

lithographed in India and for the registration of such books" (w.e.f. 1.7.1956).];It is hereby enacted as follows: -

Part I – Preliminary

1. Interpretation clause

.[(1)] [Section 1 renumbered as sub-Section (1) thereof by Act 16 of 1965, Section 2 (w.e.f. 1.11.1965).] In this Act, unless there shall be something repugnant in the subject or context, Book includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed [* * *] [The words "or lithographed" omitted by Act 55 of 1955, Section 4 (w.e.f. 1.7.1956).];[* * *] [Definition of [British India" repealed by A.O.1937, see now the definition in Section 3(5) of the General Clauses Act, 1897 (10 of 1897).] [editor means the person who controls the selection of the matter that is published in a newspaper;] [Inserted by Act 14 of 1922, Section 3 and Sch.I.][* * *] [Definition of [India" omitted by Act 16 of 1965, Section 2(w.e.f. 1.11.1965).]Magistrate means any person exercising the full powers of a [Magistrate] [Now Magistrate of the first class, see the Code of Criminal Procedure, 1973 (2 of 1974).], and includes a [Magistrate] [Now Presidency Magistrate, see the Code of Criminal Procedure, 1973 (2 of 1974).] of Police [* * *] [The wordsw [and a Justice of the Peace" repealed by Act 10 of 1890, Section 2.];[newspaper means any printed periodical work containing public news or comments on public news;] [Inserted by Act 14 of 1922, Section 3 and Sch.I.][* * *] [Paragraphs relating to the definitions of [number" and [gender" repealed by Act 10 of 1914, Section 3 and Sch.II; definition of [Local Government" repealed by A.O.1937 and the definition of [States" inserted by A.O.1950 was repealed by Act 3 of 1951, Section 3 and Sch.][paper means any document, including a newspaper, other than a book;prescribed means prescribed by rules made by the Central Government under section 20-A;Press Registrar means the Registrar of Newspapers for India appointed by the Central Government under section 19-A and includes any other person appointed by the Central Government to perform all or any of the functions of the Press Registrar;printing includes cyclostyling and printing by lithography;Register means the register of newspapers maintained under section 19-B.] [Inserted by Act 55 of 1955, Section 4 (w.e.f. 1.7.1956).](2)[Any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law in force in that State.] [Inserted by Act 16 of 1965, Section 2 (w.e.f. 1.11.1965).]

2. Repeal of Act 11 of 1835

.[Repealed by the Repealing Act, 1870 (14 of

1870.

), section 1 and Schedule II, Part II.]...

Part II – Of Printing-Presses and Newspapers

3. Particulars to be printed on books and papers

.Every book or paper printed within [India] [Substituted by Act 3 of 1951, Section 3 and Sch., for "the States" (w.e.f. 1.4.1951).] shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) the name of the publisher, and [the place] [Inserted by Act 12 of 1891, Section 2 and Sch.II, Pt.I.] of publication.

4. Keeper of printing-press to make declaration

.[(1)] [Section 4 renumbered as sub-Section (1) thereof by Act 55 of 1955, Section 5 (w.e.f. 1.7.1956).] No person shall, within [India] [Substituted by Act 3 of 1951, Section 3 and Sch., for "the States" (w.e.f. 1.4.1951).], keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before [the District, Presidency or Sub-Divisional Magistrate] [Substituted by Act 56 of 1951, Section 36, for "the Magistrate" (w.e.f. 1.2.1952).] within whose local jurisdiction such press may be:I, A.B., declare that I have a press for printing at.....And this last blank shall be filled up with a true and precise description of the place where such press may be situate.(2)[As often as the place where a press is kept is changed, a new declaration shall be necessary:Provided that where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the Magistrate referred to in sub-section (1), no new declaration shall be necessary if(a)a statement relating to the change is furnished to the said Magistrate within twenty-four hours thereof;and(b)the keeper of the press continues to be the same.]

5. Rules as to publication of newspapers

.No [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for certain words.] shall be published in [India] [Substituted by Act 3 of 1951, Section 3 and Sch., for "the States" (w.e.f. 1.4.1951).], except in conformity with the rules hereinafter laid down:(1)[Without prejudice to the provisions of section 3, every copy of every such newspaper shall contain the names of the owner and editor thereof printed clearly on such copy and also the date of its publication:] [Substituted by Act 26 of 1960, Section 2, for Rule.(1) (w.e.f. 1.10.1960) which was inserted by Act 14 of 1922, Section 3 and Sch.I.](2)[[Rule (1) renumbered as Rule (2) by Act 14 of 1922, Section 3 and Sch.I.] The printer and the publisher of every such [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for certain words.] shall appear [in person or by agent authorised in this behalf in accordance with rules made under section 20, before a District, Presidency or Sub-Divisional Magistrate within whose local jurisdiction such newspaper shall be printed or published [* * *] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for certain words.], and shall make and subscribe, in duplicate, the following declaration: [Added by Act 55 of 1955, Section 5 (w.e.f. 1.7.1956).]I, A.B., declare that I am the printer (or publisher or printer and publisher) of the [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "periodical work" .] entitled.....[and to be printed or published] [Substituted by Act 55 of 1955, Section 6, for

certain words (w.e.f. 1.7.1956).], or to be printed and published, as the case may be at.....And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted.[(2-A) Every declaration under rule (2) shall specify the title of the newspaper, the language in which it is to be published and the periodicity of its publication and shall contain such other particulars as may be prescribed.] [Inserted by Act 55 of 1955, Section 6 (w.e.f. 1.7.1956).][(2-B) Where the printer or publisher of a newspaper making a declaration under rule (2) is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.(2-C) A declaration in respect of a newspaper made under rule (2) and authenticated under section 6 shall be necessary before the newspaper can be published.(2-D) Where the title of any newspaper or its language or the periodicity of its publication is changed, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.(2-E) As often as the ownership of a newspaper is changed, a new declaration shall be necessary.] [Inserted by Act 26 of 1960, Section 2 (w.e.f. 1.10.1960).](3)[[Rule (2) renumbered as Rule (3) by Act 14 of 1922, Section 3 and Sch.I.] As often as the place of printing or publication is changed, a new declaration shall be necessary:[Provided that where the change is for a period not exceeding thirty days and the place of printing or publication after the change is within the local jurisdiction of the Magistrate referred to in rule (2), no new declaration shall be necessary if(a)a statement relating to the change is furnished to the said Magistrate within twenty-four hours thereof;and(b)the printer or publisher or the printer and publisher of the newspaper continues to be the same.](4)[As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave India for a period exceeding ninety days or where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding ninety days in circumstances not involving the vacation of his appointment, a new declaration shall be necessary.] [Substituted by Act 26 of 1960, Section 2, for Rule (4) (w.e.f. 1.10.1960) which had been renumbered for the original Rule (3) by Act 14 of 1922, Section 3 and Sch.I.](5)[Every declaration made in respect of a newspaper shall be void, where the newspaper does not commence publication(a)within six weeks [of the authentication of the declaration under section 6], in the case of a newspaper to be published once a week or oftener; and(b)within three months [of the authentication of the declaration under section 6] [Substituted by Act 26 of 1960, Section 2, for "or the declaration" (w.e.f. 1.10.1960).], in the case of any other newspaper, and in every such case, a new declaration shall be necessary before the newspaper can be published.(6)Where, in any period of three months, any daily, tri-weekly bi-weekly, weekly or fortnightly newspaper publishes issues the number of which is less than half of what should have been published in accordance with the declaration made in respect thereof, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.(7)Where any other newspaper has ceased publication for a period exceeding twelve months, every declaration made in respect thereof shall cease to have effect, and a new declaration shall be necessary before the newspaper can be republished.(8)Every existing declaration in respect of a newspaper shall be cancelled by the Magistrate before whom a new declaration is made and subscribed in respect of the same:] [Inserted by Act 55 of 1955, Section 6 (w.e.f. 1.7.1956).][Provided that no person [who does not ordinarily reside in India, or] [Inserted by Act 14 of 1922, Section 3 and Sch.I.]who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 (19 of 1875), or of the law to which he is subject in respect of the

attainment of majority, shall be permitted to make the declaration prescribed by this section, nor shall any such person edit a newspaper.] [Inserted by Act 55 of 1955, Section 6 (w.e.f. 1.7.1956).][5-A. Keepers of printing-presses and printers and publishers of newspapers in Jammu and Kashmir to make and subscribe fresh declarations within specified period [Inserted by Act 16 of 1965, Section 3 (w.e.f. 1.11.1965).](1)No person who has made and subscribed a declaration in respect of any press under section 4 of the Jammu and Kashmir State Press and Publications Act, Svt. 1989 (Jammu and Kashmir Act, No. I of Svt. 1989) shall keep the press in his possession for the printing of books or papers [after the 31st day of December, 1968,] unless before the expiry of that date, he makes and subscribes a fresh declaration in respect of that press under section 4 of this Act.(2)Every person who has subscribed to any declaration in respect of a newspaper under section 5 of the Jammu and Kashmir State Press and Publications Act, Svt. 1989 (Jammu and Kashmir Act, No.I of Svt. 1989) shall cease to be the editor, printer or publisher of the newspaper mentioned in such declaration [after the 31st day of December, 1968, unless before the expiry of that date] [Substituted by Act 30 of 1968, Section 2, for certain words (retrospectively).] he makes and subscribes a fresh declaration in respect of that newspaper under rule (2) of the rules laid down in section 5 of this Act.]

6. Authentication of declaration

.Each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made:[Provided that where any declaration is made and subscribed under section 5 in respect of a newspaper, the declaration shall not, save in the case of newspapers owned by the same person, be so authenticated unless the Magistrate [is, on inquiry from the Press Registrar, satisfied] [Inserted by Act 55 of 1955, Section 7 (w.e.f. 1.7.1956).] that the newspaper proposed to be published does not bear a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State.]Deposit .One of the said originals shall be deposited among the records of the office of the Magistrate, and the other shall be deposited among the records of the High Court of Judicature, or [other principal Civil Court of original jurisdiction for the place where] [Substituted by Act 10 of 1890, Section 3, for certain words.] the said declaration shall have been made.Inspection and supply of copies .The Officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two rupees.[A copy of the declaration attested by the official seal of the Magistrate, or a copy of the order refusing to authenticate the declaration, shall be forwarded as soon as possible to the person making and subscribing the declaration and also to the Press Registrar.] [Substituted by Act 26 of 1960, Section 3, for the fourth paragraph (w.e.f. 1.10.1960) which was inserted by Act 55 of 1955, Section 7 (w.e.f. 1.7.1956).]

7. Office copy of declaration to be prima facie evidence

.In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declaration, [or, in the case of the editor, a copy of the newspaper containing his

name printed on it as that of the editor] [Inserted by Act 14 of 1922, Section 3 and Sch.I.] shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, [or printed on such newspaper, as the case may be] [Inserted by Act 14 of 1922, Section 3 and Sch.I.] that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "periodical work" .]whereof the title shall correspond with the title of the [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "periodical work" .] mentioned in the declaration, [or the editor of every portion of that issue of the newspaper of which a copy is produced] [Inserted by Act 14 of 1922, Section 3 and Sch.I.].

8. New declaration by persons who have signed a declaration and subsequently ceased to be printers or publishers

[If any person has subscribed to any declaration in respect of a newspaper under section 5 and the declaration has been authenticated by a Magistrate under section 6 and subsequently that person ceases to be the printer or publisher of the newspaper mentioned in such declaration, he shall appear before any District, Presidency or Sub-Divisional Magistrate, and make and subscribe in duplicate the following declaration: I A.B., declare that I have ceased to be the printer or publisher or printer and publisher of the newspaper entitled.] [Substituted by Act 55 of 1955, Section 8, for the first paragraph (w.e.f. 1.7.1956).] Authentication and filing .Each original of the latter declaration shall be authenticated by the signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed alongwith each original of the former declaration. Inspection and supply of copies .The Officer-in-charge of each original of the latter declaration shall allow any person applying to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees. Putting copy in evidence .In all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "periodical work" .] therein mentioned.[A copy of the latter declaration attested by the official seal of the Magistrate shall be forwarded to the Press Registrar.] [Inserted by Act 55 of 1955, Section 8 (w.e.f. 1.7.1956).][8-A. Person whose name has been incorrectly published as editor may make a declaration before a Magistrate [Inserted by Act 14 of 1922, Section 3 and Sch.I.]. If any person, whose name has appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before a District, Presidency or Sub-Divisional Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof, and if the Magistrate after making such inquiry or causing such inquiry to be made as he may consider necessary is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given the provisions of section 7 shall not apply to that person in respect of that issue of the newspaper. The Magistrate may extend the period allowed by this section in any case

were he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.][8-B. Cancellation of declaration [Inserted by Act 26 of 1960, Section 4 (w.e.f. 1.10.1960).].If, on an application made to him by the Press Registrar or any other person or otherwise, the Magistrate empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a newspaper should be cancelled, he may, after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an inquiry into the matter and if, after considering the cause, if any, shown by such person and after giving him an opportunity of being heard, he is satisfied that(i)the newspaper, in respect of which the declaration has been made is being published in contravention of the provisions of this Act or rules made thereunder, or(ii)the newspaper mentioned in the declaration bears a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State, or(iii)the printer or publisher has ceased to be the printer or publisher of the newspaper mentioned in such declaration, or(iv)the declaration was made on false representation or on the concealment of any material fact or in respect of a periodical work which is not a newspaper,the Magistrate may, by order, cancel the declaration and shall forward as soon as possible a copy of the order to the person making or subscribing the declaration and also to the Press Registrar.

8.

-C. Appeal(1)Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8-B may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board [consisting of a Chairman and another member to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978 (37 of 1978), from among its members] [Substituted by Act 37 of 1978, Section 27, for certain words (w.e.f. 7.9.1978).]:Provided that the Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.(2)On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the Magistrate and after making such further enquiries as it thinks fit, confirm, modify or set aside the order appealed against.(3)Subject to the provisions contained in sub-section (2), the Appellate Board may, by order, regulate its practice and procedure.(4)The decision of the Appellate Board shall be final.]

Part III – Delivery Of Books

9. Copies of books printed after commencement of Act to be delivered gratis to Government

.Printed [* * *] [The words "or lithographed" omitted by Act 55 of 1955, Section 9 (w.e.f. 1.7.1956).] copies of the whole of every book which shall be printed [* * *] [The words "or lithographed" omitted by Act 55 of 1955, Section 9 (w.e.f. 1.7.1956).] in [India] [Substituted by Act 3 of 1951, [Section 3 and Sch., for States" (w.e.f. 1.4.1951).] after this Act shall come into force, together with

all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the State Government shall, by notification in the Official Gazette, from time to time direct, and free of expense to the Government, as follows, that is to say: (a) in any case, within one calendar month after the date on which any such book shall first be delivered out of the press, one such copy, and, (b) if within one calendar year from such day the State Government shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the State Government on the printer, another such copy, or two other such copies, as the State Government may direct, the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book shall be printed [* * *] [The words "or lithographed" omitted by Act 55 of 1955, Section 9 (w.e.f. 1.7.1956).] The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid. Nothing in the former part of this section shall apply to (i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act, or (ii) any [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch., I, for "periodical work" .] published in conformity with the rules laid down in section 5 of this Act.

10. Receipt for copies delivered under section 9

.The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

11. Disposal of copies delivered under section 9

.The copy delivered pursuant to clause (a) of the first paragraph of section 9 of this Act shall be disposed of as the State Government shall, from time to time, determine. Any copy or copies delivered pursuant to clause (b) of the said paragraph shall be [transmitted to the Central Government.] [Substituted by A.O.1948, for certain words.][11-A. Copies of newspapers printed in [India] [Inserted by Act 14 of 1922, Section 3 and Sch I.] to be delivered gratis to Government. The printer of every newspaper in India shall deliver at such place and to such officer as the State Government may, by notification in the Official Gazette, direct, and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.][11-B. Copies of newspapers to be delivered to Press Registrar [Inserted by Act 55 of 1955, Section 10 (w.e.f. 1.7.1956).]. Subject to any rules that may be made under this Act, the publisher of every newspaper in India shall deliver free of expense to the Press Registrar one copy of each issue of such newspaper as soon as it is published.]

Part IV – Penalties

12. Penalty for printing contrary to rule in section 3

.Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act shall, on conviction before a Magistrate, be punished by fine not exceeding [two thousand] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "five thousand" .] rupees, or by simple imprisonment for a term not exceeding [six months] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "two years" .], or by both.

13. Penalty for keeping press without making declaration required by section 4

.Whoever shall keep in his possession any such press as aforesaid [in contravention of any of the provisions contained in section 4 of this Act] [Substituted by Act 55 of 1955, Section 11, for "without making such a declaration as is required by section 4 of this Act" (w.e.f. 1.7.1956).], shall, on conviction before a Magistrate, be punished by fine not exceeding [two thousand] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "five thousand" .] rupees, or by simple imprisonment for a term not exceeding [six months] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "two years" .], or by both.

14. Punishment for making false statement

.Any person who shall, in making [any declaration or other statement] [Substituted by Act 55 of 1955, Section 12, for "any declaration" (w.e.f. 1.7.1956).] under the authority of this Act, make a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall on conviction before a Magistrate, be punished by fine not exceeding [two thousand] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "five thousand" .] rupees, and imprisonment for a term not exceeding [six months] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "two years" .].

15. Penalty for printing or publishing newspaper without conforming to rules

.[(1)] [Section 15 renumbered as sub-Section(1) thereof by Act 26 of 1960, Section 5 (w.e.f. 1.10.1960).] Whoever shall [edit] [Inserted by Act 14 of 1922, Section 3 and Sch.I.], print or publish any [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I,for certain words.], without conforming to the rules hereinbefore laid down, or whoever shall [edit] [Inserted by Act 14 of 1922, Section 3 and Sch.I.], print or publish or shall cause to be [edited] [Inserted by Act 14 of 1922, Section 3 and Sch.I.], printed or published, any [newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I,for certain words.], knowing that the said rules have not been observed with respect to [that newspaper] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "that work" .], shall, on conviction before a Magistrate, be punished with fine not exceeding [two thousand].. [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "five thousand" .]rupees, or imprisonment for a term not

exceeding [six months] [Substituted by Act 14 of 1922, Section 3 and Sch.I, for "two years" .], or both.(2)[Where an offence is committed in relation to a newspaper under sub-section (1), the Magistrate may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the newspaper.] [Inserted by Act 26 of 1960, Section 5 (w.e.f. 1.10.1960).][15-A. Penalty for failure to make a declaration under section 8 [Inserted by Act 55 of 1955, Section 13, (w.e.f. 1.7.1956).].If any person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with section 8, he shall, on conviction before a Magistrate, be punishable by fine not exceeding two hundred rupees.]

16. [Penalty for not delivering books or not supplying printer with maps [Substituted by Act 10 of 1890, Section 5, for the former Sections 16 and 17.]

.If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.][16-A. Penalty for failure to supply copies of newspapers gratis to Government [Inserted by Act 14 of 1922, Section 3 and Sch.I.].If any printer of any newspaper published in [India] neglects to deliver copies of the same in compliance with section 11-A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default.][16-B. Penalty for failure to supply copies of newspapers to Press Registrar [Inserted by Act 55 of 1955, Section 14 (w.e.f. 1.7.1956).].If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11-B, he shall, on the complaint of the Press Registrar be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, by fine which may extend to fifty rupees for every default.]

17. Recovery of forfeitures and disposal thereof and of fines

.Any sum forfeited to the Government under [section 16] [Substituted by Act 11 of 1923, Section 2 and Sch.I, for "the last foregoing section" .] may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the [Code of

Criminal Procedure (10 of 1882)] [Now see the Code of Criminal Procedure, 1973 (2 of 1974).] for the time being in force, and within the period prescribed by the Indian Penal Code (45 of 1860) for the levy of a fine.[* * *] [The second paragraph repealed by A.O.1937.]

Part V – Registration Of Books

18. Registration of memoranda of books

.There shall be kept at such office, and by such officer as the State Government shall appoint in this behalf, a book to be called a Catalogue of Books printed in [India] [Substituted by Act 3 of 1951, Section 3 and Sch., for "the States" (w.e.f. 1.4.1951).], wherein shall be registered a memorandum of every book which shall have been delivered [pursuant to clause (a) of the first paragraph of section 9] [Substituted by Act 10 of 1890, Section 6, for "pursuant to section 9" .]. Such memorandum shall (so far as may be practicable) contain the following particulars (that is to say):(1)the title of the book and the contents of the title-page, with a translation into English of such title and contents, when the same are not in the English language;(2)the language in which the book is written;(3)the name of the author, translator or editor of the book or any part thereof;(4)the subject;(5)the place of printing and the place of publication;(6)the name or firm of the printer and the name or firm of the publisher;(7)the date of issue from the press or of the publication;(8)the number of sheets, leaves or pages;(9)the size;(10)the first, second or other number of the edition;(11)the number of copies of which the edition consists;(12)whether the book is printed, [cyclostyled or lithographed] [Substituted by Act 55 of 1955, Section 15, for "or lithographed" (w.e.f. 1.7.1956).](13)the price at which the book is sold to the public; and(14)the name and residence of the proprietor or the copyright or of any portion of such copyright.Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the [copy thereof pursuant to clause (a) of the first paragraph of section 9] [Substituted by Act 10 of 1890, Section 6, for "copies thereof in manner aforesaid" .] [* * *] [Last sentence of Section 18 repealed by Act 3 of 1914, Section 15 and Sch.II.]

19. Publication of memoranda registered

.The memoranda registered during each quarter in the said Catalogue shall be published in the Official Gazette, as soon as may be after the end of such quarter, and a copy of the memoranda so published shall be sent [* * *] [The words "to the said Secretary of State, and" repealed by A.O.1948.] to the Central Government [* * *] [The word "respectively" omitted by A.O.1948.]

Part V – A Registration Of Newspapers

19.

-A. Appointment of Press Registrar and other officers.The Central Government may appoint a Registrar of Newspapers for India and such other officers under the general superintendence and control of the Press Registrar as may be necessary for the purpose of performing the functions

assigned to them by or under this Act, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under this Act.

19.

-B. Register of newspapers(1)The Press Registrar shall maintain in the prescribed manner a Register of newspapers.(2)The Register shall, as far as may be practicable, contain the following particulars about every newspaper published in India, namely:(a)the title of the newspaper;(b)the language in which the newspaper is published;(c)periodicity of the publication of the newspaper;(d)the name of the editor, printer and publisher of the newspaper;(e)the place of printing and publication;(f)the average number of pages per week;(g)the number of days of publication in the year;(h)the average number of copies printed, the average number of copies sold to the public and the average number of copies distributed free to the public, the average being calculated with reference to such period as may be prescribed;(i)retail selling price per copy;(j)the names and addresses of the owners of the newspaper and such other particulars relating to ownership as may be prescribed;(k)any other particulars which may be prescribed.(3)On receiving information from time to time about the aforesaid particulars, the Press Registrar shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections therein as may be required for keeping the Register up-to-date.

19.

-C. Certificates of registration.On receiving from the Magistrate under section 6 a copy of the declaration in respect of a newspaper [and on the publication of such newspaper, the Press Registrar shall] [Substituted by Act 26 of 1960, Section 6, for certain words (w.e.f 1.10.1960).], as soon as practicable thereafter, issue a certificate of registration in respect of that newspaper to the publisher thereof.

19.

-D. Annual statement, etc., to be furnished by newspapers.It shall be the duty of the publisher of every newspaper(a)to furnish to the Press Registrar an annual statement in respect of the newspaper at such time and containing such of the particulars referred to in sub-section (2) of section 19-B as may be prescribed;(b)to publish in the newspaper at such times and such of the particulars relating to the newspaper referred to in sub-section (2) of section 19-B as may be specified in this behalf by the Press Registrar.

19.

-E. Returns and reports to be furnished by newspapers.The publisher of every newspaper shall furnish to the Press Registrar such returns, statistics and other information with respect to any of the particulars referred to in sub-section (2) of section 19-B as the Press Registrar may, from time to time, require.

19.

-F. Right of access to records and documents. The Press Registrar or any Gazetted Officer authorised by him in writing in this behalf shall, for the purpose of the collection of any information relating to a newspaper under this Act, have access to any relevant record or document relating to the newspaper in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

19.

-G. Annual report. The Press Registrar shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the newspapers in India and giving an account of the working of such newspapers, and copies thereof shall be forwarded to the Central Government.

19.

-H. Furnishing of copies of extracts from Register. On the application of any person for the supply of the copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar shall furnish such copy to the applicant in such form and manner as may be prescribed.

19.

-I. Delegation of powers. Subject to the provisions of this Act and regulations made thereunder, the Press Registrar may delegate all or any of his powers under this Act to any officer subordinate to him.

19.

-J. Press Registrar and other officers to be public servants. The Press Registrar and all officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

19.

-K. Penalty for contravention of section 19-D or section 19-E, etc. If the publisher of any newspaper (a) refuses or neglects to comply with the provisions of section 19-D or section 19-E; or [* *] [Clause (b) omitted by Act 26 of 1960, Section 7 (w.e.f. 1.10.1960).] (c) publishes in the newspaper in pursuance of clause (b) of section 19-D any particulars relating to the newspaper which he has reason to believe to be false, he shall be punishable with fine which may extend to five hundred rupees.

19.

-L. Penalty for improper disclosure of information. If any person engaged in connection with the collection of information under this Act wilfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (45 of 1860), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Part VI – Miscellaneous

20. [Power of State Government to make rules [Substituted by Act 20 of 1983, Section 2 and Sch., for Section 20 (w.e.f. 15.3.1984).]

(1) The State Government may, by notification in the Official Gazette, make such rules (not inconsistent with the rules made by the Central Government under section 20-A) as may be necessary or desirable for carrying out the objects of this Act. (2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature. [20-A. Power of Central Government to make rules [Inserted by Act 55 of 1955, Section 18 (w.e.f. 1.7.1956).] (1) The Central Government may, by notification in the Official Gazette, make rules (a) prescribing the particulars which a declaration made and subscribed under section 5 may contain; [and the form and manner in which the names of the printer, publisher, owner and editor of a newspaper and the place of its printing and publication may be printed on every copy of such newspaper;] (b) [prescribing the manner in which copies of any declaration attested by the official seal of a Magistrate or copies of any order refusing to authenticate any declaration may be forwarded to the person making and subscribing the declaration and to the Press Registrar;] [Substituted by Act 26 of 1960, Section 8, for Clause (b) (w.e.f. 1.10.1960).] (c) prescribing the manner in which copies of any newspaper may be sent to the Press Registrar under section 11-B; (d) prescribing the manner in which a Register may be maintained under section 19-B and the particulars which it may contain; (e) prescribing the particulars in which an annual statement to be furnished by the publisher of a newspaper to the Press Registrar may contain; (f) prescribing the form and manner in which an annual statement under clause (a) of section 19-D, or any returns, statistics or other information under section 19-E, may be furnished to the Press Registrar; (g) prescribing the fees for furnishing copies of extracts from the Register and the manner in which such copies may be furnished; (h) prescribing the manner in which a certificate of registration may be issued in respect of a newspaper; (i) prescribing the form in which, and the time within which, annual reports may be prepared by the Press Registrar and forwarded to the Central Government. (2) [Every rule made under this section 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] [Substituted by Act 26 of 1960, Section 8, for sub-Section (2) (w.e.f. 1.10.1960).] 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.]] [20-B. Rules made under this Act may provide that contravention thereof shall be punishable [Inserted by Act 26 of 1960, Section 9 (w.e.f. 1.10.1960)]. Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.]

21. Power to exclude any class of books from operation of Act

. [The State Government may, by notification in the Official Gazette] [Substituted by A.O.1937, for certain words.], exclude any class of books [or papers] [Inserted by Act 11 of 1915, Section 2 and Sch.I.] from the operation of the whole or any part or parts of this Act: [Provided that no such notification in respect of any class of newspapers shall be issued without consulting the Central Government.] [Inserted by Act 26 of 1960, Section 10 (w.e.f. 1.10.1960).]

22. [Extent [Inserted by Act 55 of 1955, Section 19 (w.e.f. 1.7.1956), Section 22 was repealed by Act 10 of 1890, Section 7.]

. This Act extends to the whole of India [* * *].

23. Commencement of Act

. [Repealed by the Repealing Act, 1870 (14 of 1870), section 1 and Schedule, Part II.]...