

THE PRESS AND REGISTRATION OF BOOKS ACT, 1867

INTRODUCTION

ACT 25 OF 1867

The Bill was passed by the Legislature and it came on the statute book as the Press and Registration of Books Act, 1867 (25 of 1867). The nomenclature of the Act has been given by the Indian Short Titles Act, 1897 (14 of 1897).

LIST OF AMENDING ACTS AND ADAPTATION ORDERS

1. The Repealing Act, 1870 (14 of 1870).
2. The Press and Registration of Books Act (1867) Amendment Act, 1890 (10 of 1890).
3. The Amending Act, 1891 (12 of 1891)
4. The Indian Short Titles Act, 1897 (14 of 1897).
5. The Indian Copyright Act, 1914 (3 of 1914).
6. The Repealing and Amending Act, 1914 (10 of 1914)
7. The Repealing and Amending Act, 1915 (11 of 1915)
8. The Devolution Act, 1920 (38 of 1920)
9. The Press Law Repeal and Amendment Act, 1922 (14 of 1922)
10. The Repealing and amending Act, 1923 (11 of 1923)
11. The Government of India (Adaptation of Indian Laws)Order, 1937.
12. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
13. The Adaptation of Laws Order, 1950.
14. The Repealing and Amending Act, 1950 (35 of 1950)
15. The Part B States (Laws)Act, 1951 (3 of 1951)
16. The Press (Objectionable Matter) Act, 1951 (56 of 1951)
17. The Press and Registration of books (Amendment) Act, 1955 (55 of 1955)
18. The Press and Registration of books (Amendment) Act, 1960 (26 of 1960)
19. The Press and Registration of books (Amendment) Act, 1965 (16 of 1965)

20. The Press and Registration of books (Amendment) Act, 1968 (30 of 1968).
21. The Press Council Act, 1978 (37 of 1978).
22. The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983).

THE PRESS AND REGISTRATION OF BOOKS ACT, 1867

(25 of 1867)

[22nd March, 1867]

An Act for the regulation of Printing - presses and Newspapers, for the preservation of copies of books ² [and newspapers] printed in ³ [India], and for the registration of such books ² [and newspapers].

Preamble. - WHEREAS it is expedient to provide for the regulation of printing-

1. Short title given by the Indian Short Titles Act, 1897 (14 of 1897).

For Statement of Objects and Reasons, see Gazette of India, 1867 p.191; and for Proceedings in Council, see Gazette of India, supplement, pp.72, 156 and 299.

This Act was declared by the Laws Local Extent Act, 1874 (15 of 1874), sec.3 to be in force in all the Provinces of India, except the Scheduled Districts.

It has been applied to the Santhal Parganas by the Santhal Parganas Settlement Regulation (3 of 1872), sec.3; to the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), sec.3 and Sch.; and to the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), sec.3 and Sch.

It has been extended to Goa, Daman and Diu with modifications by Regulation 12 of 1962, sec.3 and Sch; to Dadra Nagar Haveli by Regulation 6 of 1963, sec.2 Sch.1 (w.e.f. 1-7-1965) and to Pondicherry by Regulation 7 of 1963, sec.3 and Sch.I (w.e.f.1-10-1963).

It has been applied by notification under sec.3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to the following Scheduled Districts, namely:-

The Territory of Penit, see Gazette of India, 1887, Pt.I, p.144 (Penit is now no longer a Scheduled District, and all the enactments in force in the Nasik District of the Bombay Presidency, among them Act 25 of 1867, are now in force in this territory), see the Penit Laws Act, 1894 (Bom.Act 2 of 1894);

the Island of Perim, see Gazzette of India, 1887, Pt. I, p.5;

that portion of the jalpaiguri District which was formerly the Jalpaiguri Sub-division and now forms the western portion of the District of jalpaiguri and extends as far east as the Teesta River, the hills west of the Teesta River in the District of Darjiling, the Darjiling Tarai the Damson Sub-division of the Darjiling District, the Districts of Hazaribagh, Lohardaga [now called the Ranchi District, see Calcutta Gazette, 1899, Pt.I.p.44] and Manbhum, and Paragana Dhalbhum and the Kolhan in the District of Singhbhum, see Gazette of India, 1881, Pt.I, pp.74 and 504; the Western Duars of the jalpaiguri District, see Gazette of India 1910, Pt.I, p.1160;

the Districts of Kumaon and Garhwal, see Gazette of India, 1876, Pt.I.p.605;

the scheduled portion of the Mirzapur District, see Gazette of India, 1879, Pt.I, p.383.

Pargana Jaunsar Bawar in the Dehra Dun District, see Gazette of India, 1897, Pt.I, p.382;

The Districts of Kamrup, Nowgong, Darrang, Sibsagar, Lakimpur, goalpara (excluding the Eastern Duars) and Cachar (excluding the North Cachar Hills), see Gazette of India, 1878, Pt.I, p.533;

The Garo Hills, the Khasi and Jaintia Hills, the Naga Hills, the North Cachar Hills in the Cachar District, and the Eastern Duars in the Goalpara District, see Gazette of India, 1897, Pt.I, p.299;

It has been declared by notification under sec.3 (b) of the Scheduled Districts Act, 1874 (14 of 1874) not to be in force in the Scheduled District of Lahaul to the Punjab, see Gazette of India, 1886, Pt.I, p.301

It has been extended, by notification under sec.5 of the Scheduled Districts Act, 1874 (14 of 1874), to the Tarai District of the Province of Agra, see Gazette of India, 1876 Pt.I p.506, to the District of Coorg, see Gazette of India 1918, Pt.II, p.1730.

It has also been extended to Berar by the Berar Laws Act, 1941 (4 of 1941)

It has been amended in its application to Andhra by Andhra Act 8 of 1960; Madras by Madras Act 24 of 1948 and 14 of 1960; and

Punjab by Punjab Acts 14 of 1942, 25 of 1950 and 15 of 1957; Mysore by Mysore Act 10 of 1972; and Himachal Pradesh by Himachal Pradesh Act 17 of 1974.

2. Ins. By Act 55 of 1955, sec. 2 (w.e.f. 1-7-1956).
3. Subs. By Act 3 of 1951, sec.3 and Sch., for "the whole of India except Part B States".

Presses and of ¹[newspapers], for the preservation of ² [***] copies of ³[every book and newspaper printed in India and for the registration of such books and newspapers];

It is hereby enacted as follows:-

PART I

PRELIMINARY

1.Interpretation-clause.- ⁴[(1)] 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 ⁵[***];

⁶[***]

⁷["editor" means the person who controls the selection of the matter that is published in a newspaper;]

⁸[***]

"Magistrate" means any person exercising the full powers of a ⁹Magistrate, and includes a ¹⁰ Magistrate of police ¹¹[***];

¹²["newspaper" means any printed periodical work containing public news or comments on public news;]

¹³[***]

¹⁴["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 19A and includes any other person appointed by the Central Government to perform all or any of the functions of the Press Registrar.

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1. Subs. by Act 35 of 1950, sec.3 and Sch.II, for "periodicals containing news".
 2. The word "three" omitted by Act 10 of 1890 sec.1.
 3. Subs. by Act 55 of 1955, sec.3 for "every book printed or lithographed in India and for the registration of such books"(w.e.f. 1-7-1956)
 4. Section 1 re-numbered as sub-section (1) thereof by Act 16 of 1965, sec.2 (w.e.f. 1-11-1965)
 5. The words "or lithographed" omitted by Act 55 of 1955, sec.4 (w.e.f.1-7-1956)
 6. Definition of "British India" rep.by the A.O. 1937 see now the definition in sec.3(5) of the General Clauses Act, 1897 (10 of 1897).
 7. Ins. by Act 14 of 1922, sec.3 and Sch.I.
 8. Definition of "India" omitted by Act 19 of 1965, sec.2 (w.e.f. 1-11-1965)
 9. Now Magistrate of the first class, see the Code of Criminal Procedure, 1973 (2 of 1974).
 10. Now Presidency Magistrate, see Code of Criminal Procedure, 1973 (2 of 1974).
 11. The words "and a Justice of the Peace" rep. By Act 10 of 1890, sec.2.
 12. Ins. by Act 14 of 1922, sec.3 and Sch.I.

13. Paragraphs relating to the definition of "Number" and "Gender" rep. By Act 10 of 1914, sec.3 and Sch.II; definition of "Local Government" rep. by the A.O.1937 and the definition of "States" ins. by the A.O. 1950 was rep. by Act 3 of 1951, sec.3 and sch.

14. Ins. by Act 55 of 1955, sec.4 (w.e.f. 1-7-1956).

"printing" includes cyclostyling and printing by lithography;

"Register" means the Register of newspapers maintained under Section 19B.]

¹[(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.]

COMMENTS

(i) Where a person does not fulfil the conditions of "Editor" as provided in section I and does not perform the functions of an editor whatever may be his description or designation, the provisions of the Act would have no application; Haji C.H. Mohammad Koya V.T.K.S.M.A. Muthukoya, AIR 1979 SC154.

(ii) Pamphlets giving predictions of lucky figures, numbers or dates and only stray news items cannot be considered as a newspaper; Commissioner of Sales Tax Vs. Express Printing Press, AIR 1983 Bom 190:1983 Tax LR 2871 (FB).

2. Repeal of Act 11 of 1835.-- [Rep. by the Repealing Act, 1870(14 of 1870), sec.1 and Sch.Pt.II.]

PART II OF PRINTING PRESSES AND NEWSPAPERS

3. Particulars to be printed on books and papers. ♦ Every book or paper printed within ²[India] shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) ³[the name] of the publisher, and the place of publication.

COMMENTS

(i) The section only refers to the printing of a book and not its publication. Therefore the publication of a book which is not printed to conformity with the rule contained in section 3 is not an offence under section 3 read with section 12; Abdul Hakim V. State of Uttar Pradesh, AIR 1960 All 450: 1960 Cr.L.J. 1037.

(ii) Section 3 of the Act not violative of Article 19 (1) (a) of the Constitution as it does not in any way restrict the freedom of expression; In re: G. Alavander, AIR 1957 Mad 427.

4. Keeper of printing press to make declaration.-- ⁴ [(1) No person shall within ²[India], keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before ⁵[the District, Presidency or Sub-divisional Magistrate] 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.

⁶[(2)] As often as the place where a press is kept is changed, a new declaration shall be necessary:

1. Ins. by Act 16 1965, sec.2 (w.e.f.1-11-1965).
2. Subs. by Act 3 of 1951, sec.3 and Sch., for "the States".
3. Ins. by Act 12 of 1891, sec.2 and Sch.II, Pt.1.
4. Section 4 re-numbered as sub-section (1) of that section by Act 55 of 1955, sec.5 (w.e.f. 1-7-1956)
5. Subs. by Act 56 of 1951, sec.36, for "the Magistrate:" (w.e.f. 1-2-1952).
6. Ins. by Act 55 of 1955, sec.5 (w.e.f. 1-7-1956),

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 twentyfour hours thereof; and
- b. the keeper of the press continues to be the same.]

COMMENTS

A declared keeper of the press is not necessarily the owner thereof so as to be able to confer title to the press upon another. The ownership of the press is a matter of the general law and must follow the law; S.S. Apparao v. B.Lakshminarayana, AIR 1962 SC 586: 1962 (1) Cr.L.J. 518.

5. Rules as to publication of newspapers.♦No 1[newspaper] shall be published in 2[India], except in conformity with the rules hereinafter laid down:

3[(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.]

4[(2)] The ;printer and the publisher of every such 5[newspaper] shall appear 1[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 6[***] and shall make and subscribe, in duplicate, the following declaration:

"I AB., declare that I am the printer (or publisher, or printer and publisher) of the 5[newspaper] entitled--7[and to be printed or published, 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.

8[(2A) 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.]

9[(2B) 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.

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1. Subs. by Act 14 of 1922, sec.3 and Sch.1, for certain words.
 2. Subs. by Act 3 of 1951, sec.3 and Sch., for "the States".
 3. Subs. Act 26 of 1960, sec.2 for rule (1) (w.e.f. 1-10-1960) which was ins. by Act 14 of 1922, sec.3 and Sch.I.
 4. Rule (1) re-numbered as rule (2) by Act 14 of 1922, sec.3 and Sch.I.
 5. Subs. by Act 14 of 1922, sec.3 and Sch.I, for "periodical work".
 6. The words ",or such printer or publisher resides," omitted by Act 26 of 1960, sec.2 (w.e.f. 1-10-1960).
 7. Subs. by Act 55 of 1955, sec.6 for certain words (w.e.f. 1-7-1956)
 8. Ins. by Act 55 of 1955, sec.6 (w.e.f. 1-7-1956).
 9. Ins. by Act 26 of 1960, sec.2 (w.e.f. 1-10-1960).

(2C) 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.

(2D) 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.

(2E) As often as the ownership of a newspaper is changed, a new declaration shall be necessary]

¹[(3) As often as the place of printing or publication is changed, a new declaration shall be necessary:

²[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.]

3[(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.]

2[(5) Every declaration made in respect of a newspaper shall be void, where the newspaper does not commence publication♦

- a. within six weeks 4[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 4[of the authentication of the declaration under section 6], 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 re-published.

1. Rule (2) re-numbered as rule (3) by Act 14 of 1922, sec.3 and Sch.I.
2. Ins. by Act 55 of 1955, sec.6 (w.e.f. 1-7-1956)
3. Subs. by Act 26 of 1960, sec.2 for rule (4) (w.e.f. 1-10-1960) which had been re-numbered for the original rule (3) by Act 14 of 1922, sec.3 and Sch.I.
4. Subs. by Act 26 of 1960, sec.2 for "of the declaration"(w.e.f 1-10-1960).

(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:]

¹[Provided that no person ²[who does not ordinarily reside in India, or] who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 (9 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.]

³**[5A. Keepers of printing presses and printers and publishers of newspapers in Jammu and kashmir to make and subscribe fresh declarations within specified period.--**

(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, s.1989 (Jammu and Kashmir Act, No.I of S. 1989) shall keep the press in his possession for the printing of books or papers 4[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 Publications Act, S.1989 (Jammu and Kashmir Act, No.1 of S.1989) shall cease to be the editor, printer or publisher of the newspaper mentioned in such declaration ⁴[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 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 ⁶[is, on inquiry from the Press Registrar, satisfied] 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 ⁷[other principal Civil Court of original jurisdiction for the place where] 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.

1. Ins. by Act 14 of 1922, sec.3 and Sch.I
2. Ins. by Act 26 of 1960, sec.2 (w.e.f. 1-10-1960)
3. Ins. by Act 16 of 1965, sec.3 (w.e.f. 1-11-1965).
4. Subs. by Act 30 of 1968, sec.2, for certain words (retrospectively).
5. Ins. by Act 55 of 1955, sec.7 (w.e.f. 1-7-1956)
6. Subs. by Act 26 of 1960, sec.3 for certain words (w.e.f. 1-10-1960).
7. Subs. by Act 10 of 1890, sec.3, for certain words.

¹[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.]

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, ²[or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor] shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, ²[or printed on such newspaper, as the case may be] 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 ³[newspaper] whereof the title shall correspond with the title of the ³[newspaper] mentioned in the declaration, ²[or the editor of every portion of that issue of the newspaper of which a copy is produced].

COMMENTS

(i) If there are no allegations against petitioners-executive editor, managing editor and resident editor showing that they have any hand in selection of matter that is published in newspaper then presumption under section 7 of the Act against them is not attracted and order issuing process against petitioners to face trial for defamation is not proper. *Prabhu Chawla v. A.U. Sheriff*, 1995 Cr.L.J. 1922 (Kant).

(ii) The presumption under section 7 of the Act is only against the person whose name is printed as ♦Editor♦ as required under section 5(1); *K.M. Mathew v. State of Kerala*, AIR 1992 SC 2206.

(iii) Presumption as to awareness of contents of newspapers can be raised only against the editor whose name appears in declaration published in newspaper; *S. Nihal Singh v. Arjun Das*, 1983 Cr.L.J. 777.

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♦".]

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 along with 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.

1. Subs. by Act 26 of 1960, sec.3, for the fourth paragraph(w.e.f. 1-10-1960) which was ins. by Act 55 of 1955, sec.7 (w.e.f. 1-7-1956)
2. Ins. by Act 14 of 1922, sec.3 and Sch.I
3. Subs. by Act 14 of 1922, sec.3 and Sch.I, for "periodical work".
4. Subs. by Act 55 of 1955, sec.8, for the first paragraph (w.e.f. 1-7-1956).

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 ¹[newspaper] therein mentioned.

²[A copy of the latter declaration attested by the official seal of the Magistrate shall be forwarded to the Press Registrar.]

8A. Person whose name has been incorrectly published as editor may make a declaration before a Magistrate.

If any person, whose name has appeared as editor on a copy of 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 where he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.]

COMMENTS

When a person's name is printed in the newspaper as its editor, then rebuttable presumption under section 7 can be drawn only against such editor, but when a person is not shown in the paper to be its editor no presumption under section 7 can be drawn and it must be held that he has no concern with the publishing;Haji C.H. Mohammad Koya v.T.K.S.M.A. Muthukoya, AIR 1979 SC154.

[8B. Cancellation of declaration.

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;
- 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
 - 1. Subs. by Act 14 of 1922, sec.3 and Sch.I, for "periodical work"
 - 2. Ins. by Act 55 of 1955, sec.8 (w.e.f. 1-7-1956)
 - 3. Ins. by Act 14 of 1922, sec.3 and Sch.I
 - 4. Ins. by Act 26 of 1960, sec.4 (w.e.f. 1-10-1960).
- 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;
- v. 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.

8C. 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 8B 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 1[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];

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 intime.

(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 inquiries 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.]

²[PART III

DELIVERY OF BOOKS

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

Printed 3[***] copies of the whole of every book which shall be printed 3[***] in 4[India] 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 day 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

1. Subs. by Act 37 of 1978, sec.27, for certain words.

2. Subs. by Act 10 of 1890, sec.4, for the original Part III.

3. The words "or lithographed" omitted by Act 55 of 1955, sec.9 (w.e.f. 1-7-1956).

4. Subs. by Act 3 of 1951, sec.3 and Sch., for "the States".

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 ¹[***].

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 ²[newspaper] 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 ³[transmitted to the Central Government]

⁴[11A. Copies of newspapers printed in India to be delivered gratis to Government.

The printer of every newspaper in ⁵[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.]

⁶[11B. Copies of newspapers to be delivered to Press Registrar.

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

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1. The words "or lithographed" omitted by Act 55 of 1955, sec.9 (w.e.f. 1-7-1956).
 2. Subs. by Act 14 of 1922, sec.3 and Sch.I. for "periodical work"
 3. Subs. by the A.O. 1948, for certain words.
 4. Ins. by Act 14 of 1922, sec.3 and Sch.I.
 1. Subs. by Act 3 of 1951, sec.3 and Sch., for "the States".
 2. Ins. by Act 55 of 1955, sec.10 (w.e.f. 1-7-1956).

Section 3 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding ¹[two thousand] rupees, or by simple imprisonment for a term not exceeding ²[six months], or by both.

COMMENTS

As author of a printed pamphlet who is a literate person and who admits that he has written the subject matter dealt with in the printed pamphlet, cannot escape liability by merely saying that he is not connected with the press or having anything to do with its actual printing, Biman Chandra v. State, AIR 1970 Assam 128:1970 Cr.L.J. 1596 (FB).

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

Whoever shall keep in his possession any such press as aforesaid ³[In contravention of any of the provisions contained in section 4 of this Act], shall, on conviction before a Magistrate, be punished by fine not exceeding ¹[two thousand] rupees, or by simple imprisonment for a term not exceeding ²[six months]. or by both.

14. Punishment for making false statement.

Any person who shall, in making ⁴[any declaration or other statement] 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 ¹[two thousand] rupees, and imprisonment for a term not exceeding ²[six months].

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

⁵[(1)]Whoever shall ²[edit], print or publish ⁶[newspaper], without conforming to the rules hereinbefore laid down, or whoever shall ²[edit], print or publish, or shall cause to be ²[edited], printed or published any ⁷[newspaper], knowing that the said rules have not been observed with respect to ⁸[that newspaper], shall, on conviction before a magistrate, be punished with fine not exceeding ¹[two thousand] rupees, or imprisonment for a term not exceeding ²[six months] or both.

⁹[(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.]

¹⁰[15A. Penalty for failure to make a declaration under section 8.

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.]

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1. Subs. by Act 14 of 1922, sec.3 and Sch.I, for "five thousand"
 2. Subs. by Act 14 of 1922, sec.3 and Sch.I, for "two years"
 3. Subs. by act 55 of 1955, sec.11, for "without making such a declaration as is required by section 4 of this Act" (w.e.f. 1-7-1956)
 4. Subs. by Act 55 of 1955, sec.12 for "any declaration"(w.e.f. 1-7-1956)
 5. Section 15 re-numbered as sub-section (1) of that section by Act 26 of 1960, sec.5 (w.e.f. 1-10-1960).
 6. Subs. by Act 14 of 1922, sec.3 and Sch.I for "such periodical work as is hereinbefore described".
 7. Subs. by Act 14 of 1922, sec.3 and Sch.I, for "such periodical work".
 8. Subs. by Act 14 of 1922, sec.3 and Sch.I, for "that work".
 9. Ins. by Act 26 of 1960, sec.5 (w.e.f. 1-10-1960).
 10. Ins. by Act 55 of 1955, sec.13 (w.e.f. 1-7-1956).

¹[16.Penalty for not delivering books or not supplying printer with maps.

If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the some 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 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 matter 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.]

²[16A. Penalty for failure to supply copies of newspapers gratis to Government.

If any printer of any newspaper published in 3[India] neglects to deliver copies of the same in compliance with section 11A, 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.]

⁴[16B. Penalty for failure to supply copies of newspapers to Press Registrar.

If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11B, he shall, on the complaint of the Press Registrar, be punishable, on conviction by 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 ⁵[section 16] may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the ⁶[Code of Criminal Procedure (10 of 1882) 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.

1. Subs. by Act 10 of 1890, sec.5, for the former secs.16 and 17.
2. Ins. by Act 14 of 1922, sec.3 and Sch.I.
3. Subs. by Act 3 of 1951, sec.3 and Sch., for "the states".
4. Ins. by Act 55 of 1955, sec.14 (w.e.f. 1-7-1956)
5. Subs. by Act 11 of 1923, sec.2 and Sch.I, for "the last foregoing section".
6. See Now the Code of Criminal Procedure, 1973 (2 of 1974).
7. The second paragraph rep. by the 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 Catalogue of Books printed in ¹[India] , wherein shall be registered a memorandum of every book which shall have been delivered ²[pursuant to clause (a) of the first paragraph of section 9] of this Act. 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 of any part thereof;
4. the subject;
5. the place of printing and the place of publication;
6. the name of firm of the printer and the name of 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 ³[cyclostyled or lithographed];
13. the price at which the book is sold to the public; and
14. the name and residence of the proprietor of 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 ⁴[copy thereof pursuant to clause (a) of the first paragraph of section 9]⁵[***]

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 ⁶[***] to the Central Government ⁷[***].

1. Subs. by Act 3 of 1951, sec.3 and Sch., for "the States"

2. Subs. by Act 10 of 1890, sec.6 for "pursuant to section 9"
3. Subs. by Act 55 of 1955, sec.15, for "or lithographed" (w.e.f. 1-7-1956)
4. Subs. by Act 10 of 1890, sec.6 for "copies thereof in manner aforesaid".
5. Last sentence of sec18 rep. by Act 3 of 1914, sec.15 and Sch.II.
6. The words "to the said Secretary of State, and" rep. by the A.O. 1948.
7. The word "respective" omitted by the A.O.1948.

¹[PART VA]

REGISTRATION OF NEWSPAPERS

19A. 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 of allocation of functions to be performed by them under this Act.

19B. Register of newspaper.--

(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 day 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.

19C. Certificate of Registration.

On receiving from the Magistrate under section 6 a copy of the declaration in respect of a newspaper ²[and on the publication of such newspaper, the Press Registrar shall], as soon as practicable thereafter, issue a certificate of registration in respect of that newspaper to the publisher thereof.

19D. 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 19B as may be prescribed;

1. Part VA containing section 19A to 191, Ins. by Act 55 of 1955, sec.16 (w.e.f. 1-7-1956).
2. Subs. by Act 26 of 1960, sec.6, for certain words (w.e.f.1-10-1960).

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 19B as may be specified in this behalf by the Press Registrar.

COMMENTS

Where the printer and publisher of a newspaper, refused to resign and to discharge their duties as printers and publishers and the Manager and Editor of the paper, filed the declaration under section 19-D, in the name of the Publishers, the Manager and the Editor, were not liable for offence either under section 465 or under section 471 of the Indian Penal Code; R.R. Diwakar v.B.Guttal, 1975 Cr.L.J.90.

19E. 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 19B as the Press Registrar may from time to time require.

19F. 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.

19G. 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.

19H. 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.\

19I. 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.

19J. 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).

19K. Penalty for contravention of section 19D or section 19E, etc..

If the publisher of any newspaper♦

- a. refuses or neglects to comply with the provisions of section 19D or section 19E;
- b. of section 19D 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.

1. Clause (b) omitted by Act 26 of 1960, sec.7 (w.e.f. 1-10-1960).

- c. publishers in the newspaper in pursuance of clause

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

¹[**20. Power of State Government to make rules.**-- (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 20A) 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.]

²[**20A. Power of Central Government to make rules.**-- (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; ³[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];

⁴[(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.]

(c) prescribing the manner in which copies of any newspaper may be sent to the Press Registrar under section 11B;

(d) prescribing the manner in which a Register may be maintained under section 19B and the particulars which it may contain;

- a. prescribing the particulars in which an annual statement to be furnished by the publisher of a newspaper to the Press Registrar may contain;
- b. prescribing the form and manner in which an annual statement under clause (a) of section 19D, or any returns, statistics or other information under section 19E, may be furnished to the Press Registrar;
- c. prescribing the fees for furnishing copies of extracts from the Register and the manner in which such copies may be furnished;

1. Subs. by Act 20 of 1983, sec.2 and Sch., for section 20 (w.e.f.15.3.1984)

2. Ins. by Act 55 of 1955, sec.18 (w.e.f. 1-7-1956).

3. Ins. by Act 26 of 1960, sec.8 (w.e.f. 1-10-1960).

4. Subs. by Act 26 of 1960, sec.8, for clause (b) (w.e.f. 1-10-1960).

- a. prescribing the manner in which a certification of registration may be issued in respect of a newspaper;
- b. 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.

¹[(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 ²[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.]

³**[20B. Rules made under this Act may provide that contravention thereof shall be punishable.**♦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.--⁴[The State Government may, by notification in the Official Gazette], exclude any class of books ⁵[or papers] from the operation of the whole or any part of parts of this Act:

⁶[Provided that no such notification in respect of any class of newspapers shall be issued without consulting the Central Government.]

22. Extent.♦This Act extends to the whole of India ⁸[***].]

1. Commencement of Act.-- [Rep. by the Repealing Act, 1870 (14 of 1870), sec.1 and Sch., Pt.II.]

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1. Subs. by Act 26 of 1960, sec.8, for sub-section (w.e.f.1-10-1960).
 2. Subs. by Act 20 of 1983, sec.2 and Sch., for certain words (w.e.f 15-3-1984).
 3. Ins. by Act 26 of 1960, sec.9 (w.e.f. 1-10-1960).
 4. Subs. by the A.O. 1937, for certain words.
 5. Ins. by Act 11 of 1915, sec.2 and Sch.I.
 6. Ins. by Act 26 of 1960, sec.10 (w.e.f. 1-10-1960).
 7. Ins. by Act 55 of 1955, sec.19, original section 22 was re. By Act 10 of 1890, sec.7 (w.e.f. 1-7-1956).
 8. The words except the State of Jammu and Kashmir" omitted by Act 16 of 1965 (w.e.f. 1-11-1965).