

Bill No. 124 of 2011

THE PRESS AND REGISTRATION OF BOOKS AND PUBLICATIONS
BILL, 2011

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Bill No. 124 of 2011

THE PRESS AND REGISTRATION OF BOOKS AND PUBLICATIONS
BILL, 2011

A

BILL

*to amend and consolidate the laws relating to press and registration of
books and publications.*

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 2011. 1. (1) This Act may be called the Press and Registration of Books and Publications Act,

(2) It extends to the whole of India:

Provided that 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.

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

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Appellate Board” means the Press and Registration Appellate Board constituted under sub-section (1) of section 20;

(b) “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, other than newspaper, magazine, journal and newsletter, and has no definite periodicity; 5

(c) “editor” means a person, whether called editor, chief-editor, sub-editor or by whatever name called, who is a citizen of India and ordinarily resides in India, who controls the selection of the matter that is brought out in a publication;

(d) “electronic form” in reference to information means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device; 10

(e) “facsimile edition” of a publication means an exact replica in full or in part of the original edition of a foreign publication; subject to the condition that any page is not published in part; 15

(f) “financial year” means the year beginning on the 1st April and ending on the 31st March next following;

(g) “foreign publication” means any publication published in a country outside India;

(h) “journal” means a periodical publication other than a newspaper, magazine or newsletter containing comments or write-ups on specific subjects; 20

(i) “known foreign publication” means such foreign publication as may be prescribed;

(j) “magazine” means a periodical publication containing comments or write-ups on general subjects including public news or comments on public news; 25

(k) “newsletter” means a periodical publication brought out by a group or organisation or institution to present information to its members or stakeholders, on subjects of common interests;

(l) “newspaper” means a publication of loose folded sheets usually printed on newsprint brought out daily or often or atleast once in a week, containing public news or comments on public news; 30

(m) “owner” means a person who owns the publication;

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

(o) “Press Registrar General” means the Press Registrar General of India, appointed by the Central Government under section 28; 35

(p) “printer” means a person nominated by the owner to be responsible for printing;

(q) “printing” means reproduction through any technology involving mass production of copies excluding photocopying;

(r) “publication” means newspapers, magazines, journals or newsletters printed periodically and published in India including its reproduction in electronic form, or any syndication, facsimile edition, and Indian edition of periodical published outside India; 40

(s) “publisher” means a person who prepares and causes the publication to be brought out;

(t) “Register” means the register of publications maintained under section 29; 45

(*u*) “specified authority” means a District Magistrate or Deputy Commissioner or Commissioner of Police, as the case may be, or any other executive magistrate or an officer authorised in writing by the District Magistrate or Deputy Commissioner or Commissioner of Police, as the case may be;

5 (v) “syndication” means sourcing content from other publications which has been or is being published and the credit is given for the source in the byline of publications;

(*w*) “title” in relation to a publication means a word or combination of words and does not include abbreviations.

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CHAPTER II

PRINTING PRESSES AND PUBLICATIONS

3. (*I*) Every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and of the publication.

Particulars to be printed on books and publications.

15 (2) In case an edition of a publication is being printed from more than one location, the name of the printer and each printing press with their complete address shall be disclosed in the imprint line of each print.

20 4. (*I*) Every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in such form as may be prescribed, before the specified authority within whose local jurisdiction such press is kept.

Owner of printing press to make declaration.

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

25 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 specified authority referred to in sub-section (*I*), no fresh declaration shall be necessary if —

(*a*) a statement relating to the change is furnished to the said specified authority within three days thereof; and

(*b*) the owner of the press continues to be the same.

30 5. A person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication:

Who may bring out a publication.

Provided that no person who has been convicted by any court for an offence —

(*i*) involving terrorist act or unlawful activity; or

(*ii*) for having done anything against the security of the State,

shall bring out a publication.

35 *Explanation.*—For the purpose of this section, the expression “terrorist act” or “unlawful activity” shall have the meanings respectively assigned to them in clauses (*k*) and 37 of 1967. (*o*) of sub-section (*I*) of section 2 of the Unlawful Activities (Prevention) Act, 1967.

40 6. (*I*) The owner of any proposed publication may make an application proposing one or more titles, not exceeding five, in order of preference to the specified authority for verification of one of titles of the publication:

Verification and registration of title.

Provided that if the owner of the proposed publication is an entity incorporated and registered in India, the authorised signatory shall make an application on behalf of that entity under this section.

45 (2) The application referred to in sub-section (*I*) shall be in such form and accompanied by such fees as may be prescribed.

(3) The specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application:

Provided that no such application shall be rejected unless the person concerned had been given an opportunity of being heard. 5

(4) On receipt of the recommendation from the specified authority under sub-section (3), the Press Registrar General shall in writing and in such manner as may be prescribed, approve one of the title or reject all the proposed titles if such titles are—

(a) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or 10

(b) obscene; or

(c) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form;

(d) same or similar to that of a known foreign publication.

(5) The decision of the Press Registrar General as to title under sub-section (4) shall be final. 15

(6) Without prejudice to the other provisions of this Act, every title of a publication approved under this section shall, if the authenticated declaration made under section 10 is not filed with the Press Registrar General within a period of six months from the date of such approval, be deemed to have been cancelled and become available to new applicants: 20

Provided that the Press Registrar General may, if he is satisfied that the delay in filing the authenticated declaration by the applicant was beyond the control of the applicant, extend the time for such period, not exceeding four months, after recording the reasons in writing.

(7) Any owner of a publication may, after registration, transfer the title of such publication to any person, in such manner as may be prescribed. 25

(8) A title verified under this section, if not registered under section 30 within one year of its verification, shall stand cancelled:

Provided that the Press Registrar General may, in exceptional cases, grant further period of four months to those publications where the delay is due to reasons beyond the control of the title holder. 30

Printer and publisher of a publication to make declaration.

7. (1) The printer and the publisher of every publication shall appear in person or by agent authorised in this behalf, before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate, in such form as may be prescribed. 35

(2) Every declaration made under sub-section (1) shall specify the title of the publication, the language in which it is to be published and the periodicity of its publication.

(3) Where the printer or publisher of a publication making a declaration under sub-section (1) 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. 40

(4) A declaration made in respect of a publication under sub-section (1) and authenticated under section 10 shall be necessary before the publication can be published.

(5) Where the periodicity of a publication is changed, the declaration shall cease to have effect and a fresh declaration shall be necessary before the publication can be continued. 45

(6) As often as the ownership of a publication is changed, a fresh declaration shall be necessary.

(7) As often as the place of printing or publication is changed, a fresh 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 specified authority referred to in sub-section (1), no fresh declaration shall be necessary if —

(a) a statement relating to the change is furnished to the said specified authority within three days thereof; and

(b) the printer or publisher or the printer and publisher of the publication continue to be the same.

(8) 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 fresh declaration shall be necessary.

(9) Every declaration made in respect of a publication shall be void, where the publication does not commence—

(a) within six weeks of the authentication of the declaration under section 10 in the case of a publication to be published once a week or oftener; and

(b) within three months of the authentication of the declaration under section 10, in the case of any other publication,

and in every such case, a fresh declaration shall be necessary before the publication can be brought out.

(10) Every existing declaration in respect of a publication shall be cancelled by the specified authority before whom a fresh declaration is made and subscribed in respect of the same.

(11) The declaration shall cease to have effect if the publication has not been brought out as per the declared periodicity, for a period exceeding one year, and in all such cases the registration number and the title shall be deemed to have been cancelled.

9 of 1875. 8. No person, who does not ordinarily reside in India, or who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 or of any law for the time being in force to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration under section 7, or edit a publication.

Prohibition as to making declaration under section 7, or editing of a publication, in certain cases.

9. (1) Without prejudice to the other provisions of this Act, no publication shall be printed and published in India except with the prior approval of the Central Government granted in this behalf, if —

Limits of foreign news content, foreign investment, etc.

(a) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(b) its title is same or similar to a known foreign publication; or

(c) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or

(d) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(e) it is a facsimile edition of a known foreign publication.

(2) Any person who intends to print or bring out a publication referred to in sub-section (1) may make an application to the Central Government for its prior approval in such form and accompanied by such fee as may be prescribed.

(3) The Central Government may, subject to such terms and conditions as it may deem fit, grant approval for printing or publishing the publication referred to in sub-section (1) or refuse to grant such approval after recording the reasons thereof: 5

Provided that no such refusal shall be made unless that person concerned has been given an opportunity of being heard.

Authentication of declaration.

10. (1) The specified authority, before whom declaration has been made under this Act shall within a period of two months, authenticate each of the two originals of the declaration, with his signature and official seal with date or through his electronic signature with date: 10

Provided that the specified authority shall not authenticate the declaration made under section 7 unless it is accompanied by a title approved under sub-section (4) of section 6:

Provided further that any declaration so made and authenticated under the provisions of the Press and Registration of Books Act, 1867 before the commencement of this Act shall be deemed to have been made and authenticated under the corresponding provisions of this Act. 15 25 of 1867.

(2) A copy of the declaration authenticated by the specified authority, 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 General. 20

Deposit of declaration.

11. One of the originals of the declaration referred to in section 10 shall be deposited among the records of the office of the specified authority.

Inspection and supply of copies of declaration.

12. The officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one hundred rupees, 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 hundred rupees. 25

Office copy of declaration to be *prima facie* evidence.

13. In any legal proceeding, whether civil or criminal, the production of a copy of declaration so authenticated under section 10 or section 15, attested by the seal of the specified authority or in case of the editor, a copy of the publication containing his name printed on it as that of the editor or in case of more than one editor, the editor finally responsible for the selection of the matter 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 publication, 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 publication whereof the title shall correspond with the title of the publication mentioned in the declaration, or the editor of every portion of that issue of the publication, of which a copy is produced. 30 35

New declaration by persons who have signed a declaration and subsequently ceased to be printer or publisher or owner.

14. (1) If any person has subscribed to any declaration in respect of a publication under section 7 and the declaration has been authenticated by a specified authority under section 10 and subsequently that person ceases to be the printer or publisher or owner of publication mentioned in such declaration, he shall appear in person or through his authorised representative before the specified authority and make and subscribe a declaration in duplicate, in such form as may be prescribed. 40

(2) The owner shall also file declaration for change of printer or publisher by appearing before the specified authority concerned and make and subscribe a declaration in duplicate, in such form as may be prescribed. 45

Authentication and filing of declaration made under section 14.

15. (1) Each original of the declaration made under section 14 shall be authenticated by the signature with date and seal of the specified authority before whom the said declaration shall have been made, and one original of the said declaration shall be filed along with original of the declaration authenticated under section 10. 50

(2) A copy of the declaration attested by the official seal of the specified authority under sub-section (1) shall be forwarded to the Press Registrar General.

16. The officer-in-charge of each original of the declaration made under section 14 shall allow any person applying to inspect that original, on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the specified authority having custody of the original, on payment of a fee of two hundred rupees.

Inspection and supply of copies of declaration made under section 14.

17. In all trials in which a copy attested, of the former declaration have been put in evidence, it shall be lawful to put in evidence a copy, attested, 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 publication therein mentioned.

Putting up copy of declaration in evidence.

18. (1) If any person, whose name has appeared as editor on a copy of a publication, 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 specified authority and make a declaration in such form as may be prescribed, that his name was incorrectly published in that issue as that of the editor thereof, and if the said specified authority, 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 13 shall not apply to that person in respect of that issue of the publication.

Person whose name has been incorrectly published as editor may make a declaration before a specified authority.

(2) The specified authority may extend the period under sub-section (1) in case he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

19. (1) If, on an application made to him by the Press Registrar General or any other person or otherwise, the specified authority empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a publication 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 —

Cancellation of declaration.

(a) the publication, in respect of which the declaration has been made is being published in contravention of the provision of this Act or rules made there under; or

(b) the publication mentioned in the declaration bears a title which is the same as, or similar to, that of any other publication; or

(c) the owner has ceased to be the owner of the publication mentioned in such declaration; or

(d) 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 publication,

the specified authority may, by order, cancel the declaration and shall forward a copy of the order to the person making or subscribing the declaration and also to the Press Registrar General.

(2) On the cancellation of declaration under sub-section (1), the title and the registration certificate issued by the Press Registrar General shall also be deemed to be cancelled with effect from the date of such cancellation of declaration.

20. (1) Any person aggrieved by an order of a specified authority refusing to authenticate a declaration under section 10 or cancelling a declaration under section 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government,

Appeal.

by notification in the Official Gazette, consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its members:

37 of 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. 5

(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the specified authority 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. 10

(4) The decision of the Appellate Board shall be final.

CHAPTER III

DELIVERY OF BOOKS AND PUBLICATIONS

Copies of books printed to be delivered gratis to Government.

21. (1) Printed copies of the whole of every book which shall be printed in India 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 between the printer and publisher thereof, if the book is published, 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— 15 20

(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 made by the State Government on the printer, another such copy, or two other such copies, as the State Government may direct, 25

the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book printed and the publisher or other person employing the printer shall, before the expiration of the said month, supply the printer with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid. 30

(2) Nothing in sub-section (1) shall apply to 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. 35

Receipt for copies delivered under section 21. Disposal of copies delivered under section 21.

22. The officer to whom a copy of book is delivered under section 21 shall give to the printer a receipt in writing therefor.

23. (1) The copy delivered under clause (a) of sub-section (1) of section 21 shall be disposed of as the State Government shall from time to time determine. 40

(2) Any copy delivered under clause (b) of the said sub-section shall be transmitted to the Central Government.

Copies of publication printed in India to be delivered gratis to Government.

24. The publisher of every publication 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 publication as soon as it is published. 45

Copies of publication delivered to Press Registrar General.

25. (1) The publisher of every publication in India shall deliver free of expense one copy of each issue of such publication as and when demanded by the Press Registrar General.

(2) Every publisher shall preserve one copy of every issue of the publication, either in hard copy or in electronic form and shall provide the same as and when demanded by the Press Registrar General.

CHAPTER IV

5

REGISTRATION OF BOOKS

26. (1) 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, wherein shall be registered a memorandum of every book which shall have been delivered under clause (a) of sub-section (1) of section 21, containing the following particulars, namely :—

Registration of memorandum of books.

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(a) the title of the book and the contents of the title-page, with translation into English of such title and contents, when the same are not in the English language;

(b) the language in which the book is written;

(c) the name of the author, translator or editor of the book or any part thereof;

(d) the subject;

15

(e) the place of printing and the place of publication;

(f) the name or firm of the printer and the name or firm of the publisher;

(g) the date of issue from the press or of the publication;

(h) the number of sheets, leaves or pages;

(i) the size;

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(j) the first, second or other number of the edition;

(k) the number of copies which the edition consists;

(l) whether the book is printed, cyclostyled or lithographed;

(m) the price at which the book is sold to the public; and

25

(n) the name and residence of the proprietor of the copyright or of any portion of such copyright.

(2) The 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 sub-section (1) of section 21.

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27. The memorandum registered during each quarter in the catalogue referred to in section 26 shall be published in the Official Gazette, as soon as may be after the end of such quarter, and a copy of the memorandum so published shall be sent to the Central Government.

Publication of memorandum registered.

CHAPTER V

REGISTRATION OF PUBLICATIONS

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28. The Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General 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.

Appointment of Press Registrar General and other officers.

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29. (1) The Press Registrar General shall maintain in such manner as may be prescribed, a Register of publications.

Register of publications.

(2) The Register shall contain the following particulars about every publication brought out in India, namely:—

(a) the title of the publication;

(b) whether under foreign direct investment, facsimile edition, Indian edition of foreign publication, if so, the details like name of the organisation or country, etc.;

(c) the language in which the publication is published;

(d) periodicity of the publication;

(e) the name of the editor, printer and publisher of the publication; 5

(f) the places of printing and publishing;

(g) the average number of pages per week;

(h) the number of days of publication in the year;

(i) retail selling price per copy;

(j) the names and addresses of the owners of the publication and such other particulars relating to ownership as may be prescribed; 10

(k) any other particulars as may be prescribed.

(3) On receiving information from time to time about the aforesaid particulars, the Press Registrar General 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. 15

Certificate of registration.

30. On receiving from the specified authority under sub-section (2) of section 10 or sub-section (2) of section 15 a copy of the declaration in respect of a publication, and on bringing out of such publication, the Press Registrar General shall, as soon as practicable thereafter, issue a certificate of registration in respect of that publication to the publisher thereof. 20

Annual statement, etc., to be furnished by publisher.

31. (1) It shall be the duty of the publisher, and owner in the absence of the publisher, of every publication—

(a) to furnish to the Press Registrar General an annual statement in respect of the publication, at such time and containing such other particulars referred to in sub-section (2) of section 29, as may be prescribed; 25

(b) to publish in the publication at such times and such of the particulars relating to the publication referred to in sub-section (2) of section 29 as may be specified in this behalf by the Press Registrar General.

(2) If a publisher or owner required to submit annual statement under this Act fails to submit the annual statement for a consecutive period of three years, the title, declaration and the registration of the publication concerned shall stand cancelled. 30

(3) The Press Registrar General shall cause publication of the cancellation of any publication in at least one daily newspaper circulating in the locality in which the publication concerned is brought out. 35

Returns and reports to be furnished by publisher.

32. The publisher of every publication shall furnish to the Press Registrar General such returns, statistics and other information with respect to any of the particulars referred to in sub-section (2) of section 29 as the Press Registrar General may from time to time require.

Right to access to records and documents.

33. The Press Registrar General 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 publication under this Act, have access to any relevant record or document relating to the publication 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. 40 45

34. (1) The Press Registrar General on his own or on any request made to him, may conduct, through an officer or auditor authorised in this behalf, a verification in such manner as may be prescribed, as regard to circulation of the publication mentioned in the annual statement. Circulation verification.
- 5 (2) The verification under sub-section (1) shall be made in respect of a publication brought out in a financial year and not a part thereof.
- (3) In cases where the circulation verification is conducted on the request made by the owner, publisher or any other person, the verification shall be made on payment of such fee as may be prescribed.
- 10 35. The Press Registrar General 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 publications in India and giving an account of the working of such publications, and copies thereof shall be forwarded to the Central Government. Annual report.
- 15 36. On the application of any person for the supply of copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar General shall furnish such copy to the applicant in such form and manner as may be prescribed. Furnishing of copies of extract from Register.
- 20 37. The publisher, printer or owner shall, on a demand made in writing, specifying the reasons for such demand by the Press Registrar General, produce before the Press Registrar General any document referred to in any report or return submitted by such publisher, printer or owner, within a period of thirty days from the date of receipt of the demand so made. Production of documents before Press Registrar General.
- CHAPTER VI
- PENALTIES
- 25 38. Whoever prints or publishes any book or publication otherwise than in conformity with section 3 shall be liable to a fine not exceeding five thousand rupees in addition to suspension of the publication for a period of thirty days. Penalty for printing contrary to section 3.
39. Whoever owns any press in contravention of the provisions of section 4 shall be liable to a fine not exceeding five thousand rupees in addition to sealing of the printing press for a period of thirty days. Penalty for owning press without making declaration required by section 4.
- 30 40. If any person who has ceased to be a printer or publisher or owner of any publication fails or neglects to make a declaration under section 14, he shall be liable to a fine not exceeding five thousand rupees. Penalty for failure to make a declaration under section 14.
- 35 41. (1) If any printer of any such book as is referred to in section 21 neglects to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding two thousand 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 fine 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. Penalty for not delivering books or not supplying printer with maps.
- 40 (2) If any publisher or other person employing any such printer neglects to supply him, in the matter provided in sub-section (2) of section 21 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 two thousand rupees as such a Magistrate may, on such an application, determine to be in the circumstances a reasonable fine 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.
- 45

Penalty for failure to supply copies of publications <i>gratis</i> to Government.	42. If any publisher of any publication brought out in India neglects to deliver copies of the same in compliance with section 24, 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 liable to a fine which may extend to five thousand rupees for every default.	5
Punishment for making false statement.	43. Any person who, in making any declaration or other statement under the authority of this Act, makes a statement which is false, and which he either knows or believe to be false or does not believe to be true, shall be punishable with imprisonment for a term not exceeding six months and with fine which may extend to ten thousand rupees.	5
Penalty for printing or bringing out publication without conforming to the provisions of this Act.	44 (1) Whoever edits, prints or brings out any publication without conforming to the provisions of this Act and rules made thereunder, or whoever edits, prints or publishes, or causes to be edited, printed or published any publication, knowing that the provisions of this Act or the rules made thereunder have not been complied with, shall be punishable with imprisonment for a term not exceeding six months or with fine which may extend to ten thousand rupees, or with both.	10
	(2) Where an offence is committed in relation to publication under sub-section (1), the court may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the publication.	15
Penalty for failure to supply copies of publications to Press Registrar General.	45. If any publisher of a publication brought out in India neglects to deliver the copies of the publication as required under section 25, he shall be liable to a fine which may extend to five thousand rupees.	20
Penalty for failure to produce documents before Press Registrar General.	46. If the publisher, printer or owner neglects to produce any document before the Press Registrar General in compliance with the provisions of section 37, he shall be liable to a fine which may extend to five thousand rupees.	
Penalty for contravention of section 31 or section 32.	47. If the publisher of any publication refuses or neglects to comply with the provisions of section 31 or section 32, he shall be liable to a fine which may extend to five thousand rupees in addition to a further penalty of a sum of ten rupees for each day default.	25
Recovery of forfeitures and disposal thereof and of fines.	48. Any sum forfeited to the Government under this Act and rules made thereunder may be recovered, under the warrant of a Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure, 1973 for the time being in force, and within the period prescribed by the Indian Penal Code for the levy of a fine.	30
Cognizance of offence.	49. (1) No court shall take cognizance of any offence under this Act, except upon a complaint in writing made by the Press Registrar General or the specified authority or by any officer authorised by the Press Registrar General or the specified authority, as the case may be, for this purpose.	30
	(2) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.	35
CHAPTER VII		
MISCELLANEOUS		
Delegation of powers.	50. Subject to the provisions of this Act and rules made there under, the Press Registrar General may delegate all or any of his powers under this Act to any officer subordinate to him.	40
Press Registrar General and other officers to be public servants.	51. The Press Registrar General 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.

52. No suit or other legal proceedings shall lie against the Central Government or a State Government or the Press Registrar General or any officer or employee authorised by the Press Registrar General, for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Protection of action taken in good faith.

5 **53.** (1) The Central Government may, by notification in the Official Gazette, make rules under the provisions of this Act as may be necessary or desirable for carrying out the objects of this Act.

Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

10 (a) the form in which a declaration shall be made by the owner of a publication under sub-section (1) of section 4;

(b) the form, fees and manner of making an application under sub-section (2) of section 6;

15 (c) the manner in which the Press Registrar General may approve or reject the title under sub-section (4) of section 6;

(d) the manner in which owner of a publication may transfer the title under sub-section (7) of section 6;

(e) the form in which a declaration shall be made by the printer and publisher under sub-section (1) of section 7;

20 (f) limit in a publication, of foreign news content under clause (c), and of foreign investment under clause (d) of sub-section (1) of section 9;

(g) the form and fee for an application under sub-section (2) of section 9;

(h) the form in which fresh declaration shall be made under section 14;

25 (i) the form in which a declaration may be made by a person whose name has been incorrectly published as editor under sub-section (1) of section 18;

(j) the manner in which a Register shall be maintained under sub-section (1) of section 29;

(k) other particulars relating to ownership under clause (j), and any other particulars under clause (k) of sub-section (2) of section 29;

30 (l) the time within which and the particulars in respect of which, an annual statement shall be furnished by the publisher or the owner of a publication, to the Press Registrar General under clause (a) of sub-section (1) of section 31;

(m) the manner in which verification may be conducted by an officer or auditor under sub-section (1) of section 34;

35 (n) the fee for verification conducted on the request made by the owner, publisher or any other person under sub-section (3) of section 34;

(o) the form in which, and the time within which, annual report may be prepared by the Press Registrar General under section 35;

40 (p) fee for furnishing copies of extracts from the Register and the form and manner in which such copies may be furnished under section 36;

(q) any matter relating to books referred to in Chapters III and IV;

(r) any other matter which is required to be, or may be, prescribed.

45 (3) Every rule made under this Act 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 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. 5

Power of State Government to make rules.

54. (1) The State Government may, by notification in the Official Gazette, make rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, 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. 10

Power to exclude any class of books and publications from operation of Act.

55. The State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, exclude any class of books or publications from the operation of the whole or any part or parts of this Act.

Power to remove difficulties.

56. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, in consultation with the Press Registrar General, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: 15

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act. 20

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and saving.

57. (1) The Press and Registration of Books Act, 1867 is hereby repealed. 25 of 1867.

(2) Notwithstanding such repeal, —

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under this Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act; 25 30

(b) any declaration, including title thereof, so made and authenticated under the provisions of this Act hereby repealed, shall be deemed to have been made and authenticated under the corresponding provisions of this Act;

(c) any proceeding pending in any court at the commencement of this Act may be continued in that court as if this Act has not been passed; 35

(d) the Press Registrar and other officers appointed under section 19A of this Act hereby repealed and holding office as such immediately before the commencement of this Act, shall, on the commencement of this Act, continue to hold their respective offices under the corresponding provisions of this Act, unless and until they are removed or superannuated; 40

(e) the Press and Registration Appellate Board established under this Act hereby repealed shall, continue to function under the corresponding provisions of this Act, unless and until the Appellate Board is constituted under this Act;

(f) any appeal preferred to the Press and Registration Appellate Board under section 8C of the Act hereby repealed but not disposed of before the commencement of this Act may be disposed of by the Appellate Board constituted under this Act; 45

(g) any penalty payable under this Act hereby repealed may be recovered in the manner provided by or under this Act, but without prejudice to any action already taken for the recovery of such penalty under this Act so repealed;

5 (h) any certificate of registration issued or granted under this Act hereby repealed shall continue to have effect after the commencement of this Act under the same conditions as if this Act had not been passed.

10 of 1897. (3) The mention of the particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

STATEMENT OF OBJECTS AND REASONS

The Press and Registration of Books Act, 1867 was enacted for the regulation of Printing presses and Newspapers for the preservation of copies of books and newspapers printed in India, and for the registration of such books and newspapers. Though the aforesaid Act has been amended several times between 1870 and 1983, the existing provisions of the Act are not adequate to cater to the phenomenal growth of the print media sector in view of the liberalised policy of the Government.

2. The Print Media Policy of 1955, *inter alia*, provides that—(i) no foreign owned newspapers and periodicals should be published in India; (ii) the foreign newspapers and periodicals dealing mainly with news and current affairs should not be allowed to bring out Indian editions. The aforesaid Policy of 1955 was reviewed, from time to time, and as on date it, *inter alia*, allows—

(a) the foreign direct investment up to a ceiling of twenty-six per cent. of paid up equity capital in Indian entities publishing newspapers and periodicals dealing with news and current affairs and hundred per cent., in the scientific, technical and specialty category subject to certain conditions;

(b) the publication of facsimile editions, in whole or in part, of foreign newspapers by Indian entities, with or without foreign investment, and also by foreign companies owning the original newspaper;

(c) the publication of Indian editions of foreign scientific, technical, specialty and news and current affairs magazines, periodicals and journals.

3. In view of the liberalised policy of the Government, the Print Media has not only attracted the foreign direct investment but also led to a phenomenal increase in the availability of the foreign scientific and technical magazines in India. The Print Media Policy of 1955, which so far prohibited bringing out of foreign publications in India, has since been reviewed from time to time and the issues of foreign direct investment, facsimile editions, Indian edition of foreign newspapers, syndication, etc., are now being regulated through executive orders which needs to be supported with the statutory provisions to elicit optimum results and hassle free entry of foreign publications. Thus, in order to give statutory backing to the Print Media Policy and various guidelines, it is proposed to enact a new legislation to amend and consolidate the laws relating to press and registration of books and publications.

4. The proposed Press and Registration of Books and Publications Bill, 2011, *inter alia*, makes the following, namely:—

(a) every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and the publication;

(b) every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in such form as may be prescribed before the specified authority within whose local jurisdiction such press is kept;

(c) a person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication, but a person who has been convicted by any court for an offence involving terrorist act or unlawful activity or for having done anything against the security of the State shall not bring out a publication;

(d) the owner of any proposed publication may make an application proposing one or more titles, not exceeding five, in order of preference to the specified authority

for verification of one of titles of the publication and the specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application;

(e) the Press Registrar General, on receipt of the recommendation from the specified authority shall, in writing and in such manner as may be prescribed, approve one of the title and it may reject all the proposed titles if such titles are— (i) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or (ii) obscene; or (iii) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form; or (iv) same or similar to that of a known foreign publication;

(f) the printer and the publisher of every publication shall appear in person or by agent authorised in this behalf before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate in the prescribed form;

(g) no person, who does not ordinarily reside in India, or who has not attained the majority in accordance with the provisions of the Indian Majority Act, 1875 or of any law for the time being in force to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration or edit a publication;

(h) no publication shall be printed and published in India except with the prior approval of the Central Government, if—

(i) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(ii) its title is same or similar to a known foreign publication; or

(iii) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or

(iv) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(v) it is a facsimile edition of a known foreign publication;

(i) any person aggrieved by an order of a specified authority refusing to authenticate a declaration or cancelling a declaration may prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, consisting of a Chairperson and a member, to be nominated by the Press Council of India from among its members;

(j) the publisher of every publication shall furnish to the Press Registrar General the returns, statistics and other information with respect to any specified particulars;

(k) it also provides for offences, punishment and penalties for contravention of the provisions of the proposed legislation.

5. The notes on clauses explain in detail various provisions of the Bill.

6. The Bill seeks to achieve the above objectives.

Notes on Clauses

Clause 1.— This clause provides for short title, extent and commencement.

Clause 2.—This clause provides for definitions. It defines the certain expression used in the proposed legislation which, *inter alia*, includes: the expressions “book”, “editor”, “electronic form”, “facsimile edition”, “foreign publication”, “journal”, “known foreign publication”, “magazine”, “newsletter”, “owner”, “Press Registrar General”, “printer”, “printing”, “publication”, “publisher”, “syndication” and “title”, etc.

Clause 3.— This clause provides for particulars to be printed on books and publications. It provides that every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and of the publication.

It further provides that in case an edition of a publication is being printed from more than one location, the name of the printer and each printing press with their complete address shall be disclosed in the imprint line of each print.

Clause 4.— This clause provides that owner of printing press to make declaration. It provides that every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in prescribed form before the specified authority within whose local jurisdiction such press is kept.

It further provides that whenever the place where a press is kept is changed, a fresh declaration shall be necessary but 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 aforesaid specified authority, fresh declaration shall not be necessary if a statement relating to the change is furnished to the said specified authority within three days thereof; and the owner of the press continues to be the same.

Clause 5.— This clause provides that who may bring out a publication. It provides that a person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication.

It further provides that any person, who has been convicted by any court for an offence involving terrorist act or unlawful activity; or for having done anything against the security of the State, shall not bring out a publication.

I also provides an explanation for the purpose of this clause that the expression “terrorist act” or “unlawful activity” shall have the meanings respectively assigned to them in clauses (k) and (o) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967).

Clause 6.— This clause provides for verification and registration of title. It provides that the owner of any proposed publication may make an application in prescribed form proposing one or more titles, not exceeding five, in order of preference to the specified authority for verification of one of titles of the publication and if the owner of the proposed publication is an entity incorporated and registered in India, the authorised signatory shall make an application on behalf of that entity:

It further provides that the specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application and if application is rejected the person concerned shall be given an opportunity of hearing.

It also provides that on receipt of the recommendation from the specified authority, the Press Registrar General shall approve one of the title or reject all the proposed titles if such

titles are – (a) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or (b) obscene; or (c) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form; or (d) same or similar to that of a known foreign publication. The decision of the Press Registrar General as to title shall be final.

It also provides that every title of a publication approved under this clause shall be deemed to have been cancelled and become available to new applicants if the authenticated declaration made under clause 10 is not filed with the Press Registrar General within a period of six months from the date of such approval. The Press Registrar General may, if he is satisfied that the delay in filing the authenticated declaration by the applicant was beyond the control of the applicant, extend the time for such period, not exceeding four months, after recording the reasons in writing.

It also provides that any owner of a publication may, after registration, transfer the title of such publication to any person, in the prescribed manner.

It also provides that a title verified under this clause, if not registered under clause 30 within one year of its verification, shall stand cancelled. The Press Registrar General may, in exceptional cases, grant further period of four months to those publications where the delay is due to reasons beyond the control of the title holder.

Clause 7.— This clause provides that printer and publisher of a publication to make declaration. It provides that the printer and the publisher of every publication shall appear in person or by agent authorised in this behalf, before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate, in prescribed form.

It further provides that every declaration shall specify the title of the publication, the language in which it is to be published and the periodicity of its publication.

It also provides that where the printer or publisher of a publication making a declaration 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.

It also provides that a declaration made in respect of a publication under this clause and authenticated under clause 10 shall be necessary before the publication can be published and where the periodicity of a publication is changed, the declaration shall cease to have effect and a fresh declaration shall be necessary before the publication can be continued and whenever the ownership of a publication is changed or the place of printing or publication is changed, a fresh declaration shall be necessary.

It also provides whenever the printer or the publisher who made such declaration leaves 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 fresh declaration shall be necessary.

It also provides that every declaration made in respect of a publication shall be void, where the publication does not commence, in the case of a publication to be published once a week or often, within six weeks of the authentication of the declaration under clause 10; and in the case of any other publication, within three months of the authentication of the declaration under clause 10, and in every such case, a fresh declaration shall be necessary before the publication can be brought out.

It also provides that every existing declaration in respect of a publication shall be cancelled by the specified authority before whom a fresh declaration is made and subscribed in respect of the same and the declaration shall cease to have effect if the publication has not been brought out as per the declared periodicity, for a period exceeding one year, and in all such cases the registration number and the title shall be deemed to have been cancelled.

Clause 8.— This clause provides for prohibition as to making declaration under clause 7, or editing of a publication, in certain cases. It provides that no person shall be permitted to make a declaration under clause 7, or edit a publication if he does not ordinarily reside in India, or has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 (9 of 1875) or of any law for the time being in force to which he is subject in respect of the attainment of majority.

Clause 9.— This clause provides for limits of foreign news content, foreign investment, etc. It provides that without prejudice to the other provisions of proposed legislation, no publication shall be printed and published in India except with the prior approval of the Central Government granted in this behalf, if—(a) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or (b) its title is same or similar to a known foreign publication; or (c) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or (d) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or (e) it is a facsimile edition of a known foreign publication.

It further provides that any person who intends to print or bring out a publication referred to in sub-clause (1) may make an application to the Central Government for its prior approval in prescribed form and accompanied with prescribed fee.

It also provides that the Central Government may, subject to such terms and conditions as it may deem fit, grant approval for printing or publishing the publication referred to in sub-clause (1) or refuse to grant such approval after recording the reasons thereof and giving him an opportunity of hearing.

Clause 10.— This clause provides for Authentication of declaration. It provides that the specified authority, before whom declaration has been made under the proposed legislation shall within a period of two months, authenticate each of the two originals of the declaration, with his signature and official seal with date or through his electronic signature with date but the specified authority shall not authenticate the declaration made under clause 7 unless it is accompanied by a title approved under clause 6:

It also provides that that any declaration so made and authenticated under the provisions of the Press and Registration of Books Act, 1867 before the commencement of the proposed legislation shall be deemed to have been made and authenticated under the corresponding provisions of the proposed legislation.

It also provides that a copy of the declaration authenticated by the specified authority, 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 General.

Clause 11.— This clause provides for deposit of declaration. It provides that one of the originals of the declaration referred to in clause 10 shall be deposited among the records of the office of the specified authority.

Clause 12.— This clause provides for Inspection and supply of copies of declaration. It provides that the Officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one hundred rupees, 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 hundred rupees.

Clause 13.— This clause provides for office copy of declaration to be prima facie evidence. It provides that in any legal proceeding, whether civil or criminal, the production of a copy of declaration so authenticated under clause 10 or clause 15, attested by the seal of the specified authority or in case of the editor, a copy of the publication containing his name printed on it as that of the editor or in case of more than one editor, the editor finally

responsible for the selection of the matter 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 publication, 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 publication whereof the title shall correspond with the title of the publication mentioned in the declaration, or the editor of every portion of that issue of the publication, of which a copy is produced.

Clause 14.— This clause provides for new declaration by persons who have signed a declaration and subsequently ceased to be printer or publisher or owner. It provides that if any person has subscribed to any declaration in respect of a publication under clause 7 and the declaration has been authenticated by a specified authority under clause 10 and subsequently that person ceases to be the printer or publisher or owner of publication mentioned in such declaration, he shall appear in person or through his authorised representative before the specified authority and make and subscribe a declaration in duplicate, in prescribed form.

It further provides that the owner shall also file declaration for change of printer or publisher by appearing before the specified authority concerned and make and subscribe a declaration in duplicate, in prescribed form.

Clause 15.— This clause provides for authentication and filing of declaration made under clause 14. It provides that each original of the declaration made under clause 14 shall be authenticated by the signature with date and seal of the specified authority before whom the said declaration shall have been made, and one original of the said declaration shall be filed along with original of the declaration authenticated under clause 10 and a copy of the declaration attested by the official seal of the specified authority shall be forwarded to the Press Registrar General.

Clause 16.— This clause provides for inspection and supply of copies of declaration made under clause 14. It provides that the Officer-in-charge of each original of the declaration made under clause 14 shall allow any person applying to inspect that original, on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the specified authority having custody of the original, on payment of a fee of two hundred rupees.

Clause 17.— This clause provides for putting up copy of declaration in evidence. It provides that in all trials in which a copy attested, of the former declaration have been put in evidence, it shall be lawful to put in evidence a copy, attested, 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 publication therein mentioned.

Clause 18.— This clause provides that person whose name has been incorrectly published as editor may make a declaration before a specified authority. It provides that if any person, whose name has appeared as editor on a copy of a publication, 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 specified authority and make a declaration in prescribed form that his name was incorrectly published in that issue as that of the editor thereof, and if the said specified authority, 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 clause 13 shall not apply to that person in respect of that issue of the publication.

It further provides that the specified authority may extend the period under sub-clause (1) in case he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

Clause 19.— This clause provides for Cancellation of declaration. It provides that the specified authority empowered to authenticate a declaration under the proposed legislation

may, after giving the concerned person an opportunity of hearing, cancel the declaration made in respect of a publication, if- (a) the publication, in respect of which the declaration has been made is being published in contravention of the provision of this Act or rules made there under; or (b) the publication mentioned in the declaration bears a title which is the same as, or similar to, that of any other publication; or (c) the owner has ceased to be the owner of the publication mentioned in such declaration; or (d) 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 publication, and forward a copy of the order to the person making or subscribing the declaration and also to the Press Registrar General.

It further provides that on the cancellation of declaration under sub-clause (1), the title and the registration certificate issued by Press Registrar General shall also be deemed to be cancelled with effect from the date of such cancellation of declaration.

Clause 20.— This clause provides for appeal. It provides that any person aggrieved by an order of a specified authority refusing to authenticate a declaration under clause 10 or cancelling a declaration under clause 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, by notification in the Official Gazette consisting of a Chairperson 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. 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.

It also provides that on receipt of an appeal, the Appellate Board may, after calling for the records from the specified authority and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against and the decision of the Appellate Board shall be final.

Clause 21.— This clause provides that copies of books printed to be delivered gratis to Government. It provides that the printed copies of the whole of every book which shall be printed in India 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 between the printer and publisher thereof, if the book is published, 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.

It further provides that nothing in sub-clause (1) shall apply to 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 the proposed legislation.

Clause 22.— This clause provides for receipt for copies delivered under clause 21. It provides that the officer to whom a copy of book is delivered under clause 21 shall give to the printer a receipt in writing therefor.

Clause 23.— This clause provides for disposal of copies delivered under clause 21. It provides that the copy delivered under clause 21 shall be disposed of as the State Government shall from time to time determine or be transmitted to the Central Government, as the case may be.

Clause 24.— This clause provides that copies of publication printed in India to be delivered gratis to Government. It provides that the publisher of every publication 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 publication as soon as it is published.

Clause 25.— This clause provides that copies of publication delivered to Press Registrar General. It provides that the publisher of every publication in India shall deliver free of expense one copy of each issue of such publication as and when demanded by the Press Registrar General.

It further provides that every publisher shall preserve one copy of every issue of the publication, either in hard copy or in electronic form and shall provide the same as and when demanded by the Press Registrar General.

Clause 26.— This clause provides for Registration of memorandum of books. It provides that 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, wherein shall be registered a memorandum of every book which shall have been delivered under item (a) of sub-clause (1) of clause 21, containing the particulars specified in this clause.

It further provides that the 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 item (a) of sub-clause (1) of clause 21.

Clause 27.— This clause provides for publication of memorandum registered. It provides that the memorandum registered during each quarter in the catalogue referred to in clause 26 shall be published in the Official Gazette, as soon as may be after the end of such quarter, and a copy of the memorandum so published shall be sent to the Central Government.

Clause 28.— This clause provides for appointment of Press Registrar General and other officers. It provides that the Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under the proposed legislation, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under the proposed legislation.

Clause 29.— This clause provides for register of publications. It provides that the Press Registrar General shall maintain a Register of publications in prescribed manner.

It further provides that the Register shall contain the particulars about every publication brought out in India as are specified in this clause.

It also provides that the Press Registrar General 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 on receiving information from time to time about the aforesaid particulars.

Clause 30.— This clause provides for certificate of registration. It provides that the Press Registrar General shall, as soon as practicable, issue a certificate of registration in respect of the publication to the publisher thereof on receiving copy of the declaration in respect of that publication, and on bringing out of such publication, from the specified authority under sub-clause (2) of clause 10 or sub-clause (2) of clause 15.

Clause 31.— This clause provides for annual statement, etc., to be furnished by publisher. It provides that it shall be the duty of the publisher, and owner in the absence of the publisher, of every publication – (a) to furnish to the Press Registrar General an annual statement in respect of the publication, at such time and containing such other particulars referred to in sub-clause (2) of clause 29, as may be prescribed; and (b) to publish in the publication at such times and such of the particulars relating to the publication referred to in sub-section (2) of section 29 as may be specified in this behalf by the Press Registrar General.

It further provides that if a publisher or owner required to submit annual statement under the proposed legislation fails to submit the annual statement for a consecutive period of three years, the title, declaration and the registration of the publication concerned shall stand cancelled.

It also provides that the Press Registrar General shall cause publication of the cancellation of any publication in at least one daily newspaper circulating in the locality in which the publication concerned is brought out.

Clause 32.— This clause provides for returns and reports to be furnished by publisher. It provides that the publisher of every publication shall furnish to the Press Registrar General such returns, statistics and other information with respect to any of the particulars referred to in sub-clause (2) of clause 29 as the Press Registrar General may from time to time require.

Clause 33.— This clause provides for right to access to records and documents. It provides that the Press Registrar General 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 publication under the proposed legislation, have access to any relevant record or document relating to the publication 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 the proposed legislation.

Clause 34.— This clause provides for circulation verification. It provides that the Press Registrar General on his own or on any request made to him, may conduct, through an officer or auditor authorised in this behalf, a verification in the prescribed manner, as regard to circulation of the publication mentioned in the annual statement. The verification shall be made in respect of a publication brought out in a financial year and not a part thereof.

It further provides that in cases where the circulation verification is conducted on the request made by the owner, publisher or any other person, the verification shall be made on payment of prescribed fee.

Clause 35.— This clause provides for annual report. It provides that the Press Registrar General 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 publications in India and giving an account of the working of such publications, and copies thereof shall be forwarded to the Central Government.

Clause 36.— This clause provides for furnishing of copies of extract from Register. It provides that on the application of any person for the supply of copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar General shall furnish such copy to the applicant in such form and manner as may be prescribed.

Clause 37.— This clause provides for production of documents before Press Registrar General. It provides that the publisher, printer or owner shall, on a demand made in writing, specifying the reasons for such demand by the Press Registrar General, produce before the Press Registrar General any document referred to in any report or return submitted by such publisher, printer or owner, within a period of thirty days from the date of receipt of the demand so made.

Clause 38.— This clause provides for penalty for printing contrary to clause 3. It provides that whoever prints or publishes any book or publication otherwise than in conformity with clause 3 shall be liable to a fine not exceeding five thousand rupees in addition to suspension of the publication for a period of thirty days.

Clause 39.— This clause provides for penalty for owning press without making declaration required by clause 4. It provides that whoever owns any press in contravention of the provisions of clause 4 shall be liable to a fine not exceeding five thousand rupees in addition to sealing of the printing press for a period of thirty days.

Clause 40.— This clause provides for penalty for failure to make a declaration under clause 14. It provides that if any person who has ceased to be a printer or publisher or owner of any publication fails or neglects to make a declaration under clause 14, he shall be liable to a fine not exceeding five thousand rupees.

Clause 41.— This clause provides for penalty for not delivering books or not supplying printer with maps. It provides that if any printer of any such book as is referred to in clause 21 neglects to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding two thousand 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 line 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.

It further provides that if any publisher or other person employing any such printer neglects to supply him, in the matter provided in sub-clause (2) of clause 21 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 two thousand rupees as such a Magistrate may, on such an application, determine to be in the circumstances a reasonable line 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.

Clause 42.— This clause provides for penalty for failure to supply copies of publications gratis to Government. It provides that if any publisher of any publication brought out in India neglects to deliver copies of the same in compliance with clause 24, 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 liable to a fine which may extend to five thousand rupees for every default.

Clause 43.— This clause provides for punishment for making false statement. It provides that any person who, in making any declaration or other statement under the authority of the proposed legislation, makes a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punishable with imprisonment for a term not exceeding six months and with fine which may extend to ten thousand rupees.

Clause 44.— This clause provides for penalty for printing or bringing out publication without conforming to the provisions of the proposed legislation. It provides that whoever edits, prints or brings out any publication without conforming to the provisions of the proposed legislation and rules made thereunder, or whoever edits, prints or publishes, or causes to be edited, printed or published any publication, knowing that the provisions of the proposed legislation or the rules made thereunder have not been complied with, shall be punishable with imprisonment for a term not exceeding six months or with fine which may extend to ten thousand rupees, or with both.

It further provides that where an offence is committed in relation to publication under sub-clause (1), the court may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the publication.

Clause 45.— This clause provides for penalty for failure to supply copies of publications to Press Registrar General. It provides that if any publisher of a publication brought out in India neglects to deliver the copies of the publication as required under clause 25, he shall be liable to a fine which may extend to five thousand rupees.

Clause 46.— This clause provides for penalty for failure to produce documents before Press Registrar General. It provides that if the publisher, printer or owner neglects to produce any document before the Press Registrar General in compliance with the provisions of clause 37, he shall be liable to a fine which may extend to five thousand rupees.

Clause 47.— This clause provides for penalty for contravention of clause 31 or clause 32. It provides that if the publisher of any publication refuses or neglects to comply with the

provisions of clause 31 or clause 32, he shall be liable to a penalty which may extend to five thousand rupees in addition to a further fine of a sum of ten rupees for each day default.

Clause 48.— This clause provides for recovery of forfeitures and disposal thereof and of fines. It provides that any sum forfeited to the Government under the proposed legislation and rules made thereunder may be recovered, under the warrant of a Magistrate determining the sum, or of his successor in office, in the manner authorised by 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.

Clause 49.— This clause provides for cognizance of offence. It provides that no court shall take cognizance of any offence under the proposed legislation, except upon a complaint in writing made by the Press Registrar General or the specified authority or by any officer authorised by the Press Registrar General or the specified authority, as the case may be, for this purpose.

It further provides that no court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try any offence under the proposed legislation.

Clause 50.— This clause provides for delegation of powers. It provides that the Press Registrar General may delegate all or any of his powers under the proposed legislation to any officer subordinate to him subject to the provisions of the proposed legislation and rules made thereunder.

Clause 51.— This clause provides that Press Registrar General and other officers to be public servants. It provides that the Press Registrar General and all officers appointed under the proposed legislation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Clause 52.— This clause provides for protection of action taken in good faith. It provides that no suit or other legal proceedings shall lie against the Central Government or a State Government or the Press Registrar General or any officer or employee authorised by the Press Registrar General, for anything which is in good faith done or intended to be done in pursuance of the proposed legislation or the rules made thereunder.

Clause 53.— This clause provides for power of Central Government to make rules. It provides that the Central Government may, by notification in the Official Gazette, make rules for carrying out the objects of the proposed legislation.

It further specifies the matter in respect of which such rules may be made.

It also provides that every rule made under the proposed legislation shall be laid as soon as may be after it is made before each House of Parliament.

Clause 54.— This clause provides for power of State Government to make rules. It provides that the State Government may, by notification in the Official Gazette, make rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of the proposed legislation.

It further provides that every rule made by the State Government under this clause shall be laid, as soon as may be after it is made, before the State Legislature.

Clause 55.— This clause provides for power to exclude any class of books and publications from operation of the proposed legislation. It provides that the State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, exclude any class of books or publications from the operation of the whole or any part or parts of the proposed legislation.

Clause 56.— This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, in consultation with the Press Registrar General, by order published in the

Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation, as appear to it to be necessary or expedient for removing the difficulty:

It further provides that no such order shall be made under this section after the expiry of three years from the commencement of the legislation.

It also provides that every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Clause 57.— This clause provides for repeal and saving. It provides that the Press and Registration of Books Act, 1867 is hereby repealed.

It further provides that notwithstanding such repeal, —

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under the Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of the proposed legislation;

(b) any declaration, including title thereof, so made and authenticated under the provisions of the Act hereby repealed, shall be deemed to have been made and authenticated under the corresponding provisions of the proposed legislation;

(c) any proceeding pending in any court at the commencement of this Act may be continued in that court as if the proposed legislation has not been enacted;

(d) the Press Registrar and other officers appointed under section 19A of the Act hereby repealed and holding office as such immediately before the commencement of the proposed legislation, shall, on the commencement of this Act, continue to hold their respective offices under the corresponding provisions of the proposed legislation, unless and until they are removed or superannuated;

(e) the Press and Registration Appellate Board established under the Act hereby repealed shall, continue to function under the corresponding provisions of the proposed legislation, unless and until the Appellate Board is constituted under the proposed legislation;

(f) any appeal preferred to the Press and Registration Appellate Board under section 8C of the Act hereby repealed but not disposed of before the commencement of the proposed legislation may be disposed of by the Appellate Board constituted under the proposed legislation;

(g) any penalty payable under the Act hereby repealed may be recovered in the manner provided by or under the proposed legislation but without prejudice to any action already taken for the recovery of such penalty under the Act so repealed;

(h) any certificate of registration issued or granted under the Act hereby repealed shall continue to have effect after the commencement of the proposed legislation under the same conditions as if the proposed legislation had not been enacted.

It also provides that the mention of the particular matters in sub-clause (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 20 provides that any person aggrieved by an order of a specified authority refusing to authenticate a declaration under clause 10 or cancelling a declaration under clause 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, by notification in the Official Gazette consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its member.

2. Clause 28 of the Bill provides that the Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under the proposed legislation, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under the proposed legislation.

3. It proposed that the Press Registrar and other officers appointed under section 19A of the Press and Registration of Books Act, 1867 to be repealed under proposed legislation and holding office as such immediately before the commencement of the proposed legislation, shall, on the commencement of the proposed legislation, continue to hold their respective offices under the corresponding provisions of the proposed legislation, unless and until they are removed or superannuated and the Press and Registration Appellate Board established under the said repealed shall, continue to function under the corresponding provisions of the proposed legislation, unless and until the Appellate Board is constituted under the proposed legislation.

4. As the Press Registrar and other officers appointed under section 19A of the Press and Registration of Books Act, 1867 and the Press and Registration Appellate Board established under the said Act are proposed to continue to function as such under the proposed legislation, there is no financial implication involved in the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 53 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include matters: (a) the form in which a declaration shall be made by the owner of a publication under sub-clause (1) of clause 4; (b) the form, fees and manner of making an application under sub-clause (2) of clause 6; (c) the manner in which the Press Registrar General may approve or reject the title under sub-clause (4) of clause 6; (d) the manner in which owner of publication may transfer the title under sub-clause (7) of clause 6; (e) the form in which a declaration shall be made by the printer and publisher under sub-clause (1) of clause 7; (f) limit in a publication, of foreign news content under clause (c), and of foreign investment under item (d) sub-clause (1) of clause 9; (g) the form and fee for an application under sub-clause (2) of clause 9; (h) the form in which fresh declaration shall be made under clause 14; (i) the form in which a declaration may be made by a person whose name has been incorrectly published as editor under sub-clause (1) of clause 18; (j) the manner in which a Register shall be maintained under sub-clause (1) of clause 29; (k) other particulars relating to ownership under clause (j), and any other particulars under item (k) of sub-clause (2) of clause 29; (l) the time within which and the particulars in respect of which, an annual statement shall be furnished by the publisher or the owner of a publication, to the Press Registrar General under item (a) of sub-clause (1) of clause 31; (m) the manner in which verification may be conducted by an officer or auditor under sub-clause (1) of clause 34; (n) the fee for verification conducted on the request made by the owner, publisher or any other person under sub-clause (3) of clause 34; (o) the form in which, and the time within which, annual report may be prepared by the Press Registrar General under clause 35; (p) fee for furnishing copies of extracts from the Register and the form and manner in which such copies may be furnished under clause 36; (q) any matter relating to books referred to in Chapters III and IV; (r) any other matter which is required to be, or may be, prescribed.

2. The rules made by the Central Government are required to be laid, as soon as they are made, before both Houses of Parliament.

3. Clause 54 of the Bill empowers the State Government to make, by notification in the Official Gazette, rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of the proposed legislation.

4. The rules made by the State Government are required to be laid, as soon as may be after it is made, before the State Legislature.

5. The matters in respect of which rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

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to amend and consolidate the laws relating to press and registration of books and publications.

(Smt. Ambika Soni, Minister of Information and Broadcasting)