

## Standing Committee Report Summary

### The Press & Registration of Books and Publications Bill, 2011

- The Standing Committee on Information Technology tabled its report on the Press and Registration of Books and Publications Bill, 2011 on December 20, 2012. The Bill seeks to give statutory backing to the Print Media Policy of 1955 and replace the Press and Registration of Books Act, 1867.
- The Committee noted that the Bill seeks to regulate online editions of newspapers. It recommended that the definition of ‘newspaper’ and ‘printing’ under Bill be amended to include the electronic form of the newspapers. It also noted that the Bill did not address issues related to monitoring and regulation of e-books, e-publications, and online edition of newspapers.
- The Bill prohibits persons convicted of terrorist or unlawful activities from bringing out publications. It was recommended that the Bill be amended to permit such convicts to bring out publications. However, prior scrutiny of the content should be undertaken.
- The Bill penalises the failure to: (a) print specified information upon the publication, such as the name of the publisher and printer; or (b) submit a declaration about ownership and operation of printing press. It penalises these acts with suspension of publication and sealing of the printing press for 30 days. The Committee observed that this may violate the right to freedom of the press. It recommended that the penalties be reduced and the specified penalties be imposed only for repeated default.
- The Bill does not specify the limit on foreign direct investment (FDI) in print media. It does not restrict the government from allowing 100% FDI in print media. The Committee observed that allowing 100% FDI in print media may allow publications detrimental to national interest. It recommended that the Ministry ensure that control over print media remains broadly in Indian hands.
- The Committee was of the view that the issue of paid news could be addressed by asking the publishers to specify their income from advertisements. This should be done at the time of submitting the annual statement of accounts to the Press Registrar General (PRG).
- The Bill defines ‘known foreign publication’ as ‘such foreign publication as may be prescribed’. The PRG may reject an application for a newspaper title, if it is similar to a known foreign publication. The Committee noted that the term ‘known foreign publication’ is vague and that it would be difficult for the Registrar for Newspapers for India to monitor the circulation of newspapers. It recommended that the international practice in this regard be examined.
- The PRG may delegate his powers. But the circumstances for such delegation are not specified. The Committee recommended that the circumstances and scope for delegation of powers be specified to avoid misuse of powers.
- The editor is defined to include chief editors, and sub-editors. At present, in defamation cases, only the editor is held responsible. The Committee recommended that the definition of editor be amended as it allowed responsibility to be assigned to a junior.
- The Bill regulates the publication and printing of books. Books have been defined to include pamphlets. The Committee noted that under the Act pamphlets and books are governed by the same provisions. It was of the opinion that the provisions applicable to books may not be feasible to follow for all pamphlets.
- The Committee noted that the Ministry of Human Resource Development (MoHRD) is responsible for promoting books, but it had not taken action to implement provisions related to this issue. It recommended that model rules for states be formulated to promote books.
- The Committee noted that there was possibility of a conflict between the Bill and the Trademarks Act, 1999. A newspaper’s title could be registered under either mechanism. The Bill does not clarify as to which registration takes precedence. It recommended that the issue be reviewed and newspapers be removed from the scope of Trademarks Act.
- The Bill establishes an appellate authority to hear appeals from the orders of the Press Registrar General. The Appellate Authority is not empowered to hear matters related to rejection of title for newspapers. The Committee has recommended that the Bill be amended to address the issue.
- With the prior approval of the central government, the state government may exempt any class of publications from provisions of

the Act. The Committee recommended that the Rules should require concerned authorities

to record exemptions and reasons for such exemptions.

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