

ACT No. I OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 21st January 1856.)

AN ACT to prevent the Sale or Exposure of obscene Books and Pictures.

WHEREAS the practice of offering for sale or exposing to public view  
obscene books and pictures encourages immorality, and it  
is expedient to make provision for the prevention of such  
practice: It is enacted as follows:—

I. Whoever, within the territories in the possession and under the  
government of the East India Company, in any shop,  
bazar, street, thoroughfare, high-road, or other place of  
public resort, distributes, sells, or offers, or exposes for  
sale, or wilfully exhibits to public view, any obscene book, paper, print, drawing,  
painting, or representation; or sings, recites, or utters any obscene  
song, ballad, or words, to the annoyance of others; shall, upon conviction, as  
hereinafter provided, before a Magistrate, be liable to a fine not exceeding  
100 rupees, or to imprisonment, with or without hard labor, for a period not  
exceeding three months, or to both.

II. It shall be lawful for any person whatsoever to apprehend any  
person found committing any of the above-named offences,  
and forthwith to deliver him to a Police Officer of the  
place where he shall have been apprehended, to be taken before any Magis-  
trate having jurisdiction in such place; and it shall be the duty of every  
Police Officer to use his best endeavours to apprehend and to convey before  
a Magistrate any person that he shall find so offending, together with such  
obscene

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obscene books, papers, prints, drawings, paintings, and representations, as may be found with such person.

III. Upon information given or charge preferred, upon oath or solemn affirmation, a Magistrate, within whose jurisdiction the offence may have been committed, may issue a summons for the appearance, or a warrant for the apprehension, of any person accused of any of the offences enumerated in Section I, and such Magistrate shall proceed under the rules of the general law to hear and determine the case. Provided that it shall not be necessary to require the presentation of a complaint in writing, nor to require the attendance of any complainant, anything contained in Section VI Regulation IX of 1807 of the Bengal Code, or in Section XV of Regulation IX of 1816 of the Madras Code, or any other law, to the contrary notwithstanding.

IV. Every Magistrate is required to destroy, or cause to be destroyed, all such obscene books, papers, prints, drawings, paintings, or representations as may come within his power or control.

V. After the passing of this Act, it shall not be lawful for any person to import into any part of the aforesaid territories any obscene book, print, or picture; and every such book, print, or picture shall be forfeited and shall be seized by any Officer of Customs, and the same shall be destroyed by such Officer.

VI. All orders or sentences passed under this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of a Magistrate.

VII. Nothing contained in this Act shall apply to any representation sculptured, engraved, or painted, on or in any temple, or on any car used for the conveyance of idols.

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VIII. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

IX. The following words in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Interpretation. The word "Magistrate" shall include Joint Magistrates and persons lawfully exercising the powers of a Magistrate and Justices of the Peace.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.