

ACT No. VIII OF 1925.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 10th March, 1925.)

An Act to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications.

WHEREAS it is expedient to amend certain provisions of the Indian Penal Code and of the Code of Criminal Procedure, 1898, for the purpose of giving effect to the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications signed at Geneva on behalf of the Governor General in Council on the 12th day of September, 1923; It is hereby enacted as follows:—

1. This Act may be called the Obscene Publications Act, 1925.

2. For sections 292 and 293 of the Indian Penal Code the following sections shall be substituted, namely:—

“ 292. Whoever—

- (a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or
- (b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or
- (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or
- (d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or

that

Substitution of new sections for sections 292 and 293, Act XLV of 1900. Sale, etc., of obscene books, etc.

[Price One Anna or Three-half Pence.]

that any such obscene object can be procured from or through any person, or

(e) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception.—This section does not extend to any book, pamphlet, writing, drawing or painting kept or used *bona fide* for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

Sale, etc., of obscene objects to young person.

V of 1898.

3. (1) In sub-section (1) of section 98 of the Code of Criminal Procedure, 1898,—

Amendment of section 98, Act V of 1898.

(i) after the words " kept or deposited in any place " the following paragraph shall be inserted, namely:—

" or, if a District Magistrate, Sub-divisional Magistrate or a Presidency Magistrate, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit, sale, manufacture or production of any obscene object such as is referred to in section 292 of the Indian Penal Code or that any such obscene objects are kept or deposited in any place;"

XLV of 1860.

(ii) in clause (c), after the word " materials " the words " or of any such obscene objects " shall be inserted;

(iii) in clause (d), after the word " materials " the words " or such obscene objects " shall be inserted; and

(iv) in clause (e), after the words " or materials," where they first occur, the words " or such obscene objects " shall be inserted, and after the words " or for forging " the following words shall be added, namely:—

" or the said obscene objects to have been or to be intended to be sold, let to hire, distributed, publicly exhibited, circulated, imported or exported."

(2) In

(2) In the Second Schedule to the same Code,—

- (i) for the entries in column 8 against sections 292 and 293 the words "Presidency Magistrate, or Magistrate of the first class," shall be substituted;
- (ii) for the entry in column 2 against section 293 the words "Sale, etc., of obscene objects to young persons" shall be substituted; and
- (iii) for the entry in column 7 against the same section the words "Imprisonment of either description for 6 months, or fine, or both" shall be substituted.

(3) In the Fifth Schedule to the same Code, in Form IX, after the words "or seals, or coins" the words "or obscene objects" shall be inserted.