

Rep. by Act 52 of 1964, s. 2 + Sch. I (w.e.f. 28.12.64).

THE PRESS AND REGISTRATION OF BOOKS
(AMENDMENT) ACT, 1960

No. 26 OF 1960

[29th August, 1960]

An Act further to amend the Press and Registration of Books Act, 1867.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Press and Registration of Books (Amendment) Act, 1960.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 5

2. In section 5 of the Press and Registration of Books Act, 1867^{25 of 1867} (hereinafter referred to as the principal Act),—

(i) for rule (1), the following rule shall be substituted, namely:—

“(1) Without prejudice to the provisions of section 3, every copy of every such newspaper shall contain the names of the owner and editor thereof printed clearly on such copy and also the date of its publication.”;

(ii) in rule (2), the words “, or such printer or publisher resides,” shall be omitted;

(iii) after rule (2A), the following rules shall be inserted namely:—

“(2B) Where the printer or publisher of a newspaper making a declaration under rule (2) is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.”

¹1st October, 1960, vide G.S.R. 1088, dt. 8-9-1960, Gazette of India, Pt. II, S. 3(i), p. 1493.

(2C) A declaration in respect of a newspaper made under rule (2) and authenticated under section 6 shall be necessary before the newspaper can be published.

(2D) Where the title of any newspaper or its language or the periodicity of its publication is changed, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.

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

(iv) for rule (4), the following rule shall be substituted, namely:—

“(4) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave India for a period exceeding ninety days or where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding ninety days in circumstances not involving the vacation of his appointment, a new declaration shall be necessary.”;

(v) in rule (5), in clauses (a) and (b), for the words “of the declaration”, the words “of the authentication of the declaration under section 6” shall be substituted;

(vi) in rule (8), in the proviso, after the words “no person”, the words “who does not ordinarily reside in India, or” shall be inserted.

3. In section 6 of the principal Act,—

Amendment
of section 6.

(i) in the proviso to the first paragraph, for the words “is satisfied from such inquiry as he thinks fit to make from the Press Registrar or otherwise”, the words “is, on inquiry from the Press Registrar, satisfied” shall be substituted;

(ii) for the fourth paragraph, the following paragraph shall be substituted, namely:—

“A copy of the declaration attested by the Official Seal of the Magistrate, or a copy of the order refusing to authenticate the declaration, shall be forwarded as soon as possible to the person making and subscribing the declaration and also to the Press Registrar.”.

Insertion of
new sections
8B and 8C.

4. After section 8A of the principal Act, the following sections shall be inserted, namely:—

Cancellation
of declara-
tion.

“8B. If, on an application made to him by the Press Registrar or any other person or otherwise, the Magistrate empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a newspaper should be cancelled, he may, after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an inquiry into the matter and if, after considering the cause, if any, shown by such person and after giving him an opportunity of being heard, he is satisfied that—

(i) the newspaper, in respect of which the declaration has been made is being published in contravention of the provisions of this Act or rules made thereunder; or

(ii) the newspaper mentioned in the declaration bears a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State; or

(iii) the printer or publisher has ceased to be the printer or publisher of the newspaper mentioned in such declaration;
or

(iv) the declaration was made on false representation or on the concealment of any material fact or in respect of a periodical work which is not a newspaper;

the Magistrate may, by order, cancel the declaration and shall forward as soon as possible a copy of the order to the person making or subscribing the declaration and also to the Press Registrar.

Appeal.

8C. (1) Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8B may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be appointed by the Central Government:

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.

(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the Magistrate and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against.

(3) Subject to the provisions contained in sub-section (2), the Appellate Board may, by order, regulate its practice and procedure.

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

5. Section 15 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— Amendment of section 15.

"(2) Where an offence is committed in relation to a newspaper under sub-section (1), the Magistrate may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the newspaper."

6. In section 19C of the principal Act, for the words "the Press Registrar shall cause relevant entries to be made in the Register in respect of the newspaper and shall", the words "and on the publication of such newspaper, the Press Registrar shall" shall be substituted. Amendment of section 19C.

7. In section 19K of the principal Act, clause (b) shall be omitted. Amendment of section 19K.

8. In section 20A of the principal Act,—

Amendment of section 20A.

(a) in sub-section (1),—

(i) in clause (a), the following words shall be inserted at the end, namely:—

"and the form and manner in which the names of the printer, publisher, owner and editor of a newspaper and the place of its printing and publication may be printed on every copy of such newspaper";

(ii) for clause (b), the following clause shall be substituted, namely:—

"(b) prescribing the manner in which copies of any declaration attested by the Official Seal of a Magistrate or copies of any order refusing to authenticate any

declaration may be forwarded to the person making and subscribing the declaration and to the Press Registrar;";

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following 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."

9. After section 20A of the principal Act, the following section shall be inserted, namely:—

"20B. Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees."

10. To section 21 of the principal Act, the following proviso shall be added, namely:—

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

Insertion of new section 20B.

Rule made under this Act may provide that contravention thereof shall be punishable.

Amendment of section 21.