

# ACT No. XIV OF 1922.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 29th March, 1922.)

An Act to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers; and to provide for the seizure and disposal of certain documents.

**W**HEREAS it is expedient to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make further provision in the Press and Registration of Books Act, 1867, for the liability of editors of newspapers in civil and criminal proceedings, and to make certain amendments in that Act in order to facilitate the registration of printers and publishers; and to provide in the Sea Customs Act, 1878, the Code of Criminal Procedure, 1898, and the Indian Post Office Act, 1898, for the seizure and disposal of certain documents; It is hereby enacted as follows :—

**1.** (1) This Act may be called the Press Law Repeal and Amendment Act, 1922. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

**2.** (1) The Newspapers (Incitements to Offences) Act, 1908, and the Indian Press Act, 1910, are hereby repealed. Repeal of Act VII of 1908 and Act I of 1910.

(2) Nothing

*Press Law Repeal and Amendment.* [ACT XIV

(2) Nothing in sub-section (1) shall be deemed to invalidate any order made under section 12 of the Indian Press Act, 1910, before the commencement of this Act, forfeiting any newspaper, book or other document; and any newspaper, book or other document forfeited in accordance with such order shall be deemed to be forfeited in accordance with the provisions of section 99A of the Code of Criminal Procedure, 1898, except that no application under section 99B of that Code shall lie in respect of the forfeiture of any such newspaper, book or document, if forfeited more than two months before the commencement of this Act.

Amendment  
of Act XXV  
of 1867.

3. The amendments set forth in the First Schedule shall be made in the Press and Registration of Books Act, 1867. XXV of 1867.

Amendment  
of Act VIII  
of 1878.

4. The amendments set forth in the Second Schedule shall be made in the Sea Customs Act, 1878. VIII of 1878.

Amendment  
of Act V of  
1898.

5. The amendments set forth in the Third Schedule shall be made in the Code of Criminal Procedure, 1898. V of 1898.

Amendment  
of Act VI of  
1898.

6. The amendments set forth in the Fourth Schedule shall be made in the Indian Post Office Act, 1898. VI of 1898.

THE FIRST SCHEDULE.

(See section 3.)

THE PRESS AND REGISTRATION OF BOOKS ACT,  
1867 (XXV OF 1867).

1. In section 1, after the definition of "British India," the following definition, namely:—

Editor.

“ ‘editor’ means the person who controls the selection of the matter that is published in a newspaper,” and after the definition of “Magistrate” the following definition, namely:—

Newspaper.

“ ‘newspaper’ means any printed periodical work containing public news or comments on public news,” shall be inserted.

2. In

THE FIRST SCHEDULE—*contd.*

2. In section 5—

(a) For the words “printed periodical work containing public news or comments on public news,” the word “newspaper” shall be substituted;

(b) After the words “hereinafter laid down” the following clause shall be inserted, namely:—

“(1) Every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of that newspaper;”

(c) Clauses (1), (2) and (3) shall be re-numbered (2), (3) and (4);

(d) In clause (2) as re-numbered, for the words “before the Magistrate within whose local jurisdiction such work shall be published” the words “in person or by agent authorised in this behalf in accordance with rules made under section 20, before a District, Presidency or Sub-divisional Magistrate within whose local jurisdiction such newspaper shall be printed or published, or such printer or publisher resides”, shall be substituted, and for the words “periodical work” the word “newspaper” shall be substituted;

(e) After clause (4) as re-numbered, the following proviso shall be inserted, namely:—

“Provided that no person who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875, or of the law to which he is subject in respect of the attainment of majority, shall be permitted to make the declaration prescribed by this section, nor shall any such person edit a newspaper.”

IX of 1875

3. In section 7—

(a) After the words “custody of such declarations,” the words “or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor”;

(b) After

THE FIRST SCHEDULE—*contd.*

(b) After the words “to such declaration,” the words “or printed on such newspaper, as the case may be”;

(c) After the words “in the declaration,” the words “or the editor of every portion of that issue of the newspaper of which a copy is produced;” shall be inserted.

4. In sections 7, 8 and 9, for the words “periodical work” wherever they occur, the word “newspaper” shall be substituted.

5. After section 8, the following section shall be inserted, namely:—

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

“8A. If any person, whose name has appeared as editor on a copy of a newspaper, 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 District, Presidency or Sub-divisional Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof, and if the Magistrate 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 7 shall not apply to that person in respect of that issue of the newspaper.

The Magistrate may extend the period allowed by this section in any case where he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.”

6. After section 11, the following section shall be inserted, namely:—

Copies of newspaper printed in British India to be delivered *gratis* to Government.

“11A. The printer of every newspaper in British India shall deliver at such place and to such officer as the Local Government may, by notification in the local official Gazette, direct, and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.”

7. In

THE FIRST SCHEDULE—*concl'd.*

7. In sections 12, 13, 14 and 15, for the words "two years," wherever they occur, the words "six months," and for the words "five thousand" wherever they occur, the words "two thousand" shall be substituted.

8. In section 15—

(a) After the words "whoever shall" in the two places where they occur, the word "edit" shall be inserted;

(b) For the words "such periodical work as is hereinbefore described," the word "newspaper" shall be substituted;

(c) After the words "shall cause to be," the word "edited" shall be inserted;

(d) For the words "such periodical work," where they occur for the second time, the word "newspaper" shall be substituted; and

(e) For the words "that work," the words "that newspaper" shall be substituted.

9. After section 16, the following section shall be inserted, namely :—

"16A. If any printer of any newspaper published in British India neglects to deliver copies of the same in compliance with section 11A, 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 punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default."

Penalty for failure to supply copies of newspapers gratis to Government.

THE SECOND SCHEDULE.

(See section 4.)

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878).

After section 181, the following sections shall be inserted, namely :—

"181A. (1) The Chief Customs-officer or other officer authorised by the Local Government in this behalf

Power to detain packages contain-

behalf

THE SECOND SCHEDULE—*contd.*

ing certain  
publications  
imported into  
British India. behalf may detain any package, brought whether by land or sea into British India which he suspects to contain—

(a) any newspaper or book as defined in the Press and Registration of Books Act, 1867, XXV of 1867.  
or

(b) any document,

containing any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code, and shall forward such package to such officer as the Local Government may appoint in this behalf. XLV of 1860.

(2) Any officer detaining a package under the provisions of sub-section (1) shall, where practicable, forthwith send by post to the addressee or consignee of such package notice of the fact of such detention.

(3) The Local Government shall cause the contents of such package to be examined, and if it appears to the Local Government that the package contains any such newspaper, book or other document, containing any such seditious matter, may pass such orders as to the disposal of the package and its contents as it may deem proper, and, if it does not so appear, shall release the package and its contents unless the same be otherwise liable to seizure under any law for the time being in force:

Provided that any person interested in any package detained under the provisions of this section may, within two months from the date of such detention, apply to the Local Government for release of the same, and the Local Government shall consider such application and pass such orders thereon as it may deem to be proper:

Provided, further, that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the package or its contents on the ground that the package did not contain any such newspaper, book or other document containing any such seditious matter.

(4) In

THE SECOND SCHEDULE—*conold.*

(4) In this section "document" includes also any painting, drawing or photograph, or other visible representation.

V of 1898. 181B. Every application under the second proviso to sub-section (3) of section 181A shall be heard and determined, in the manner provided by sections 99D to 99F of the Code of Criminal Procedure, 1898, by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code. Procedure for disposal by High Court of applications for release of packages so detained.

181C. No order passed or action taken under section 181A shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (3) of that section." Jurisdiction barred.

THE THIRD SCHEDULE.

(See section 5.)

THE CODE OF CRIMINAL PROCEDURE, 1898 (V OF 1898).

1. After section 99, the following sections shall be inserted, namely :—

" 99A. (1) Where—

XXV of 1867. (a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or (b) any document, Power to declare certain publications forfeited, and to issue search warrants for the same.

XLV of 1860. wherever printed, appears to the Local Government to contain any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code, the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same, wherever found in British India, and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue

THE THIRD SCHEDULE— *contd.*

issue or any such book or other document may be or may be reasonably suspected to be.

(2) In sub-section (1) "document" includes also any painting, drawing or photograph, or other visible representation.

Application to High Court to set aside order of forfeiture.

99B. Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been made under section 99A, may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain any seditious matter.

Hearing by Special Bench.

99C. Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges.

Order of Special Bench setting aside forfeiture.

99D. (1) On receipt of the application, the Special Bench shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained seditious matter of the nature referred to in sub-section (1) of section 99A, set aside the order of forfeiture.

(2) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

Evidence to prove nature or tendency of newspapers.

99E. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, which are alleged to be seditious matter.

Procedure in High Court.

99F. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Courts in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

99G. No



OF 1922.] *Press Law Repeal and Amendment.*

THE THIRD SCHEDULE—*concl'd.*

99G. No order passed or action taken under section 99A shall be called in question in any Court otherwise than in accordance with the provisions of section 99B.” Jurisdiction barred.

2. In section 101 after the words “ section 98 ” the words “ section 99A ” shall be inserted.

THE FOURTH SCHEDULE.

(*See section 6.*)

THE INDIAN POST OFFICE ACT, 1898 (VI OF 1898).

After section 27, the following sections shall be inserted, namely :—

“ 27A. No newspaper printed and published in British India without conforming to the rules laid down in the Press and Registration of Books Act, Prohibition of transmission by post of certain newspapers.  
XXV of 1867, 1867, shall be transmitted by post.

27B. (1) Any officer of the Post Office authorised by the Postmaster-General in this behalf may detain any postal article in course of transmission by post which he suspects to contain— Power to detain newspapers and other articles being transmitted by post.

(a) (i) any newspaper or book as defined in the Press and Registration of Books Act, 1867 ; or  
XXV of 1867.

(ii) any document ;  
containing any seditious matter, that is to say, any matter the publication of which is punishable under XLV of 1860, section 124A of the Indian Penal Code ; or

(b) any newspaper as defined in the Press and Registration of Books Act, 1867, edited, printed or published otherwise than in conformity with the rules laid down in that Act ;  
XXV of 1867.

and shall deliver any postal article so detained to such officer as the Local Government may appoint in this behalf.

(2) Any officer detaining any postal article under the provisions of sub-section (1) shall forthwith send  
by

THE FOURTH SCHEDULE—*contd.*

by post to the addressee of such article notice of the fact of such detention.

(3) The Local Government shall cause the contents of any postal article detained under sub-section (1) to be examined, and, if it appears to the Local Government that the article contained any newspaper, book or other document, of the nature described in clause (a) or clause (b) of sub-section (1), may pass such orders as to the disposal of the article and its contents as it may deem proper, and, if it does not so appear, shall release the article and its contents, unless the same be otherwise liable to seizure under any law for the time being in force :

Provided that any person interested in any article detained under the provisions of clause (a) of sub-section (1) may, within two months from the date of such detention, apply to the Local Government for release of the same, and the Local Government shall consider such application and pass such orders thereon as it may deem to be proper :

Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any seditious matter.

(4) In this section "document" includes also any painting, drawing or photograph, or other visible representation.

Procedure for disposal by High Court of applications for release of newspapers and articles so detained.

27C. Every application made under the second proviso to sub-section (3) of section 27B shall be heard and determined in the manner provided by sections 99D to 99F of the Code of Criminal Procedure, 1898, by a Special Bench of the High Court constituted in the manner provided by section 99C of that Code. v of 1898.

Jurisdiction barred.

27D. No order passed or action taken under section 27B shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (3) of that section."