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**STANDING COMMITTEE ON
INFORMATION TECHNOLOGY
(2012-13)**

FIFTEENTH LOK SABHA

MINISTRY OF INFORMATION AND BROADCASTING

THE PRESS AND REGISTRATION OF BOOKS AND PUBLICATIONS BILL, 2011

FORTY-SECOND REPORT



LOK SABHA SECRETARIAT

NEW DELHI

December, 2012/Agrahayana, 1934 (Saka)

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Presented to Lok Sabha on 20.12.2012

Laid in Rajya Sabha on 20.12.2012



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**COMPOSITION OF THE STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2012-13)**

Shri Rao Inderjit Singh - Chairman

Lok Sabha

2. Shri Abdul Rahman
3. Shri Rajendra Agrawal
4. Shri Raj Babbar
5. Shri Nikhil Kumar Choudhary
6. Shri A. Ganeshamurthi
7. Shri Rajen Gohain
8. Smt. Darshana Jardosh
9. Shri H.D. Kumaraswamy
10. Shri Baidya Nath Prasad Mahato
11. Shri Sadashivrao D. Mandlik
12. Dr. Thokchom Meinya
13. Shri Tapas Paul
14. Shri Khagan Das*
15. Shri Radhe Mohan Singh (Ghazipur)
16. Smt. Seema Upadhyay
17. Vacant
18. Vacant
19. Vacant
20. Vacant
21. Vacant

Rajya Sabha

22. Shri Joy Abraham
23. Shri Mohammed Adeeb
24. Shri Javed Akhtar
25. Shri Salim Ansari
26. Shri Rajkumar Dhoot
27. Shri Bharatsinh Prabhatsinh Parmar
28. Shri Sachin Ramesh Tendulkar
29. Dr. C.P. Thakur
30. Vacant
31. Vacant

Secretariat

1. Shri Brahm Dutt - Joint Secretary
2. Dr. Sagarika Dash - Deputy Secretary

* Nominated to the Committee w.e.f 13th December, 2012 vice Shri Ram Sinh Rathwa vide Lok Sabha Bulletin Part II dated 13th December , 2012

INTRODUCTION

I, the Chairman, Standing Committee on Information Technology (2012-13) having been authorized by the Committee to submit the Report on their behalf, present this Forty-second Report (15th Lok Sabha) on 'The Press and Registration of Books and Publications Bill, 2011' relating to the Ministry of Information and Broadcasting.

2. The Press and Registration of Books and Publications Bill, 2011' as introduced in Lok Sabha on 16th December, 2011 was referred by the Hon'ble Speaker, Lok Sabha under Rule 331 E (1) (b) of the Rules of Procedure and Conduct of Business in Lok Sabha on 5th January, 2012 to the Standing Committee on Information Technology for examination and report within three months. On the request of the Committee, the initial time for presentation of the Report was extended till the last week of Monsoon Session of Parliament. Hon'ble Speaker granted further extension of time till last week of Winter Session of Parliament so as to enable the Committee to have wider consultations and present the Report to the House.

3. Keeping in view the immense importance and wide ramifications of the Bill, the Committee invited Memoranda containing views/suggestions from individuals/experts/organizations/stakeholders interested on the Bill through issue of Press Release in Print and Electronic Media. The Ministry of Information and Broadcasting briefed the Committee on the provisions of the Bill on 24th February 2012. The Committee received comments/suggestions from various organisations/stakeholders and based on the response, the Committee took evidence of select stakeholders on 25th June 2012.

4. Considering the important role of Press Council of India (PCI) and Registrar of Newspapers for India (RNI) with regard to the Bill, the Committee heard their views at the sitting held on 31st July, 2012. The Ministry of Human Resource Development being the nodal Ministry for two Chapters concerning Books, the Committee took evidence of the Ministry of Human Resource Development on 5th November, 2012. The Committee took the evidence of the representatives of the Ministry of Information & Broadcasting at their sitting held on 7th December 2012. The representatives of the Ministry of Law and Justice (Departments of Legal Affairs and Legislative Department) assisted the Committee in clarifying the legal position in the Bill as and when required.

5. The Committee at their sitting held on 18th December, 2012 considered and adopted the draft Report. The Committee were immensely benefitted by the suggestions/contributions made by the Members of the Committee for which I express my sincere thanks to them.

6. The Committee wish to express their thanks to the representatives of the Ministry of Information and Broadcasting, the Ministry of Human Resource Development, the representatives of Press Council of India (PCI), Registrar of Newspapers for India (RNI) and stakeholders who tendered their evidence before the Committee and furnished written information which was of great help in arriving at conclusions. The Committee also wish to express their thanks to the representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) who clarified the legal position as referred from time to time on various Clauses of the Bill.

7. The Committee would also like to place on record their deep sense of appreciation of the valuable assistance rendered to them by the officials of Lok Sabha Secretariat attached to the Committee.

8. For facility of reference and convenience, the Recommendations/Observations of the Committee have been printed in bold in the body of the Report.

New Delhi
17 December, 2012
26 Agrahayana, 1934 (Saka)

RAO INDERJIT SINGH
Chairman,
Standing Committee on
Information Technology

REPORT

I. INTRODUCTORY

The Press and Registration of Books and Publications Bill, 2011 (Appendix-I) was introduced in Lok Sabha on 16 December, 2011 and was referred to the Standing Committee on Information Technology on 5 January, 2012 by Hon'ble Speaker for examination and report to the House. Extension of time for presentation of the Report was sought initially up to last week of the Eleventh Session of Parliament and subsequently up to last week of the Twelfth Session of Parliament so as to facilitate wider consultations on the various provisions made under the Bill. Hon'ble Speaker agreed to the requests of the Committee.

1.2 The proposed Press and Registration of Books and Publications Bill, 2011 contains 57 Clauses in Seven Chapters and once enacted it will replace the existing Press and Registration of Books Act, 1867. Enumerating the objective of the legislation, the Statement of Objects and Reasons of the Bill *inter-alia* provides as under:-

“The Press and Registration of Books Act, 1867 was enacted for the regulation of Printing Presses and Newspapers for the preservation of copies of books and newspapers printed in India, and for the registration of such books and newspapers. Though the aforesaid Act has been amended several times between 1870 and 1983, the existing provisions of the Act are not adequate to cater to the phenomenal growth of the print media sector in view of the liberalised policy of the Government.

XXXXX.....XXXXX.....XXXXX.....XXXXX.....XXXXX

In view of the liberalised policy of the Government, the Print Media has not only attracted the foreign direct investment but also led to a phenomenal increase in the availability of the foreign scientific and technical magazines in India. The Print Media Policy of 1955, which so far prohibited bringing out of foreign publications in India, has since been reviewed from time to time and the issues of foreign direct investment, facsimile editions, Indian edition of foreign newspapers, syndication, etc., are now being regulated through executive orders which needs to be supported with the statutory provisions to elicit optimum results and hassle free entry of foreign publications. Thus, in

order to give statutory backing to the Print Media Policy and various guidelines, it is proposed to enact a new legislation to amend and consolidate the laws relating to press and registration of books and publications.”

A. Brief History and Previous Attempts to Review the Act

1.3 The Press and Registration of Books Act, 1867 was passed in the year 1867 to enable the Government to keep a list of the printing presses and newspapers by a system of registration, and to preserve copies of books and other matter printed in India. The Press and Registration of Books is the oldest Press Law in the country.

1.4 Major amendments were carried out in the Act in 1955 and the Office of the Registrar of Newspapers for India (RNI) was created. Another attempt to amend the Act was made in 1988 based on the recommendations of the Second Press Commission (in May 1982), recommendations contained in the study conducted by the Department of Personnel and Public Grievances and the suggestions made in the State Information Ministers Conference held in 1985. A Bill was introduced in the Rajya Sabha on 5 December, 1988.

1.5 Certain provisions of the proposed Bill attracted a lot of criticism from some sections of Press who apprehended that the proposed amendment for providing details of their assets, machines and other data might jeopardize their business interests. Few sections of Press feared that the amendments would impinge on the freedom of Press. In view of the criticism, the Ministry felt that before proceeding with the amendments, further discussions should be held with the Press and, therefore, the Bill was withdrawn on 12.12.1991.

1.6 1991 onwards in the wake of economic liberalization, it was decided to review the existing laws and bring them in line with the emerging economic environment. As a consequence, a Special Review Group (SRG) was constituted by the Ministry of Information and Broadcasting on 12.08.1993 to review the provisions of the Press & Registration of Books Act, 1867 and to identify and recommend necessary changes in the Act. The SRG submitted its Report with recommendations in December 1994 after holding meetings with the representatives of various Newspaper Organizations, small, medium as

well as big Newspapers, publishers and editors etc. at different places in the country. The Ministry examined the SRG Report and the recommendations in detail. The major recommendations for simplification of the provisions for registration and streamlining the procedures to ensure steady growth of newspapers in the country were accepted by the Ministry.

1.7 In order to streamline the various processes and to give statutory backing to the 1955 Print Media Policy coupled with new guidelines, a Note for the Cabinet dated 17 September, 2004 was moved by the Ministry with the proposal to amend the Press and Registration of Books Act, 1867. The Cabinet, in its meeting held on 29 September, 2004 considered the Note and directed that the matter may, in the first instance, be considered by a Group of Ministers. Accordingly, a Group of Ministers was constituted under the Chairmanship of the then Minister of Home Affairs.

1.8 A Note for the Group of Ministers dated 6 December, 2004 containing proposed amendments to the Press and Registration of Books Act, 1867 was moved by the Ministry. The Group of Ministers in its meeting dated 31.12.2004 considered the said Note and desired that the Ministry of Information & Broadcasting should bring a new proposal for amendments to the Press and Registration of Books Act, 1867 to clothe itself with necessary regulatory authority to implement its policies effectively and monitor compliance.

1.9 Consequent to the directive of the first meeting of the Group of Ministers, a Note for the Group of Ministers dated 9 May, 2005 was proposed by the Ministry containing proposals for certain amendments to the Press & Registration of Books Act, 1867. The second meeting of the Group of Ministers held on 12 May, 2005 considered the said Note. The Group of Ministers recommended to the Cabinet that the proposed amendments to the Press and Registration of Books Act, 1867 may be agreed to.

B. Consultations by the Ministry of Information and Broadcasting before Bringing the Legislation

1.10 On the process of consultations held in connection with amendment to the Press and Registration of Books Act, the Ministry has informed that a number of consultations were held with various stakeholders/newspapers Associations in 2006 on draft amendments to the Press and Registration of Books Act, 1867.

1.11 During 2008 and 2009 series of internal meetings and discussions were held with Registrar of Newspapers for India (RNI) on the proposed amendments. The amendments proposed to the Press and Registration of Books Act, 1867 was one of the agenda items in the 27th Conference of State and UT Ministers of Information and Cinematography (SIMCON XXVII) on 5 December, 2009. Based on the discussions held with RNI, a revised draft of the proposed amendments to PRB Act, 1867 was prepared. The Ministry of Information and Broadcasting also invited suggestions/comments from all the stakeholders by placing the draft Amendment Act on its Website as well as the Website of the Registrar of Newspapers for India. RNI also wrote to various Newspaper Associations inviting suggestions on the proposed amendments. RNI received suggestions/comments from various stakeholders viz. the Indian Language Newspapers Association, the Times of India, The Indian Newspapers Society, Financial Times, Indian Express, Sage Publications, HT Media, Association of Indian Magazines, Press Council of India, etc.

1.12 The Ministry also consulted the Books Promotion and Copyright Division of the Ministry of Human Resource Development, Department of Electronics and Information Technology, Ministry of Communications and Information Technology and Ministry of Law and Justice, Department of Legal Affairs, etc.

C. Consultations with Select Stakeholders on Specific Clauses of the Bill

1.13 The Ministry has informed that though the Cabinet had first approved the amendments to the PRB Act, 1867 on 10 February, 2011, various stakeholders such as the Indian Newspaper Society (INS) and the Times of India had raised strong objections to some of the proposed amendments concerning following three issues:

- (a) Details of advertisement income and source of income as proposed in section 31 of the proposed Act should not be asked for by RNI as part of the Annual Statement;
- (b) Circulation verification of newspapers should not be got done through private auditors;
- (c) The penalty in section 38 provides for suspension of publication up to 30 days for not conforming to section 3 of the proposed amendment Act. Section 3 provides for printing the name and place of the printer or publisher. The penalty of suspension of publication according to INS was excessive.

1.14 As regards the point at (a) above, i.e. the disclosure of advertisement income in the Annual Statement under section 31 of the proposed Amendment Act, INS wanted it to be removed as it entails a huge volume of information to be furnished by them, given the fact that large number of display and classified advertisements are published in every edition. Moreover, according to them, this information is not of much use to the Government. On examination, the Ministry came to the view that the difficulties expressed by the INS in compiling and providing such information have merit and section 31 of the proposed Act was partly amended by dropping the specific reference to the furnishing of details of advertisement income.

1.15 As regards the point at (b) above, INS delegation was of the opinion that the circulation verification should be got done by RNI officers only and not through private auditors as private persons would not be reliable and are likely to disclose the trade secrets. This was examined in the Ministry and it was found that it is practically neither possible nor feasible for the RNI to carry out circulation verification only through its officials, as it does not have the requisite manpower to carry out this gigantic task in view of the large number of registered newspapers in the country. Besides, even now Audit Bureau of Circulation (ABC), a private body, carries out circulation verification for the newspapers.

1.16 As regards (c) above, the penalty clause in the proposed amendment Act at section 38 is actually a dilution of the earlier section 12 of the Act wherein the penalty was much harsher, i.e. imprisonment for a period of up

to six months. Now, only suspension of publication has been proposed, and that too, for a limited period of 30 days.

1.17 In view of the above, it was proposed to revise only clause (a) of sub-section (1) of section 31 of the draft Bill which was approved by the Cabinet on the 10 February, 2011. Accordingly, the provision in section 31(1)(a) of the Bill **“To furnish to the press Registrar General an annual statement in respect of the publication at such time and containing particulars relating to advertisement, if any, in such publication and amount of moneys received in respect of such advertisement and the person from whom such moneys has been received and such other particulars referred to in sub-section (2) of section 29 as may be prescribed** has been changed as follows: **“To furnish to the Press Registrar General an annual statement in respect of the publication at such time and containing such other particulars referred to in sub-section (2) of section 29, as may be prescribed.”**

1.18 The Cabinet approved the above amendment in the earlier approved Bill on 30 September, 2011.

1.19 The Bill has since been introduced in Lok Sabha on 16 December, 2011 and referred to the Standing Committee on Information Technology by Hon’ble Speaker for examination and report to the House.

1.20 Salient features of the Press and Registration of Books and Publications Bill, 2011 are as under:-

- a. The new title is Press and Registration of Books and Publications (PRBP) Act, 2011;
- b. Many new definitions to the words such as ‘publications’, ‘newspapers’, ‘magazines’, ‘journals’, ‘newsletter’, etc. have been inserted;
- c. Internet edition of newspapers has been covered under the proposed legislation;
- d. Those convicted of terrorist act or have done anything against the security of the State are being prevented from bringing out a publication;

- e. Detailed provisions for verification of a title;
- f. Provisions to prevent blocking of titles to discourage non-serious publishers;
- g. Making statutory provision for circulation verification;
- h. More powers to Press Registrar and re-designation of "Press Registrar" as "Press Registrar General";
- i. Provisions with respect to limits on foreign news content (syndication), foreign investments and facsimile editions;
- j. Filing of annual statements by publishers to be made compulsory.

D. Consultations by the Committee during the Course of Examination of the Bill

1.21 Keeping in view the immense importance and the sensitive nature of the Bill, the Committee invited memoranda containing views/suggestions from individuals/ experts/ organizations/stakeholders interested on the subject matter of the Bill by issuing press releases in print and electronic media. In response thereto a number of memoranda from various stakeholders and public at large were received. Suggestions, so received were sent to the Ministry of Information and Broadcasting for examination and furnishing their comments.

1.22 Considering that as per Clause 20 (i) relating to Appellate authority, the Press Council of India (PCI) has an important role with regard to Press and Registration Appellate Board and also the important role being played by PCI in preserving the freedom of press as well as maintaining and improving the standards of newspapers and news agencies in India the Committee heard the views of Press Council of India on the proposed legislation.

1.23 The Registrar of Newspapers for India (RNI), being the implementing agency in respect of various provisions in the proposed legislation viz. verification of titles, registration of titles, circulation verification of newspapers/periodicals, obtaining Annual Statements from publishers etc.

the Committee also heard the considered views of RNI on the aforesaid legislation.

1.24 As the Ministry of Human Resource Development (HRD) is the administrative Ministry with regard to Chapters III and IV of the proposed legislation i.e. provisions relating to Delivery of Books and Publications and Registration of Books respectively, the Committee held consultations with the Ministry of Human Resource Development. The representatives of the nodal Ministry i.e. the Ministry of Information and Broadcasting deposed before the Committee at the sitting held on 7 December, 2012 for a conclusive evidence on the proposed legislation.

1.25 The Committee in the process of examination of the Bill called for written replies to various issues that emerged during the course of various deliberations from all the above Ministries/Organizations/bodies. The representatives of the Legislative Department and the Department of Legal Affairs of the Ministry of Law and Justice assisted the Committee as and when desired in clarifying the various legal issues.

1.26 The Committee have considered the views/suggestions received from individuals/experts/organizations and stakeholders and those placed before them during the course of oral evidences, the views placed by other Ministries/organizations and bodies and individuals and the response by the nodal Ministry. The Committee's findings alongwith recommendations/observations on several provisions of the Bill are detailed in subsequent Chapters of the Report.

1.27 On being enquired as to how many times the Bill had been introduced in Lok Sabha/Rajya Sabha in the past and the specific reasons for the withdrawal of the Bill, the Ministry of Information and Broadcasting has informed that as per records available in the Ministry, the Press and Registration of Books Act (Amendment) Bill, 1988 was introduced in the Rajya Sabha on 5 December, 1988. The Bill *inter alia* sought to further facilitate the commencement of publication of a newspaper; to make provision for de-freezing of the blocked titles; to make the Office of RNI a repository of comprehensive information with regard to the Newspaper industry etc. However, immediately after the introduction of the Bill it was criticized by the

newspaper industry. A number of Articles/ write-ups criticizing the provisions of the Bill appeared in leading newspapers. Representations were received from Indian Federation of Working Journalists, All India Newspaper Editors Conference and Indian Federation of Small and Medium Newspapers. The Press Council of India also made a study of the Bill and commented that some of the proposed amendments were fraught with mischief leading to consequences perilous to the freedom of the Press. The proposed Bill would have brought about substantial improvement in procedures relating to registration and publication of newspapers. However, in view of the controversial nature of some of the provisions, the Ministry considered it appropriate to withdraw the proposed amendments.

1.28 Asked as to whether the controversial issues raised in the Amendment Bill, 1988 have been dealt with in the present Bill, the Ministry informed that the controversial issues raised in the previous Bill have been addressed suitably in the new Bill.

1.29 The Committee heard the views of Chairman, Press Council of India on 31 July 2012 wherein he stated that proposals in the Bill are very serious in nature and many of them may have adverse effect on freedom of the Press, which is a Fundamental Right under Article 19(1)(a) of the Constitution. Various Press organizations like Indian Newspaper Society, Indian Languages Newspapers Association (ILNA) and other bodies are strongly opposed to various provisions of the Bill. Press Council had considered the provisions and forwarded its views to the Government of India. The Government did not respond to it. As it did not receive the feedback on what stand the Government has taken on the proposal of the Council, the Press Council could not formulate their views on the aforesaid Bill.*

* At the time of factual verification of the draft Report, the Ministry vide their OM dated 18.12.2012 has stated that the Ministry vide their letter dated 08.12.2010 had informed PCI of the suggestions received from various stakeholders including a member of PCI of the suggestions received from various stakeholders including a member of PCI and provided a copy of the comparative statement of the existing Act and the proposed bill. The comments of PCI were received in January, 2011. The same were duly examined/considered in this Ministry and the suggestions found feasible were incorporated in the Bill.

1.30 The Committee were informed that the Ministry of Information and Broadcasting did not have any detailed consultations with the State Governments separately except that it was part of the agenda item in the Conference of State Information Ministers held in December, 2009. In view of changes since 2009, the role of District Magistrate as specified authority in the Bill and the Chapters III and IV to be implemented by the State Governments, the Committee desired to know whether a need was not felt to have more detailed consultation with the State Governments before tabling of the Bill in the Parliament, the Ministry informed that in the Conference of State Information Ministers held in 2009 all the State Governments supported the amendments. Some State Governments wanted to maintain status-quo on books related provisions in the Act.

1.31 The Committee find that the Press and Registration of Books and Publications Bill, 2011 has been proposed to amend and consolidate the laws relating to press and registration of books and publications. The Act once enacted will replace the existing Press and Registration of Books Act, 1867. The Committee are given to understand that though the aforesaid Act has been amended several times between 1870 and 1983, the provisions of the PRB Act, 1867 were not adequate to cater to the phenomenal growth of print media sector. As per the Statement of Objects and Reasons, the proposed Act aims at giving statutory backing to Print Media Policy of 1955 and various guidelines and consolidate the laws relating to press and registration. The Committee have also been informed that due to absence of clear cut provisions, the existing Act is deficient in several respects particularly on title verification, foreign publications and circulation verification etc. It also lacks measures to counter the problem of squatting of titles. There is absence of time frame for disposal of title application and authentication of declaration by district authorities, which usually causes avoidable delay. The Bill intends to replace the existing Act, in order to eliminate the aforesaid deficiencies. While appreciating the efforts of the Ministry in bringing out a comprehensive legislation which will replace an pre-Independence legislation and considering the fact that provisions have a direct bearing on the Fourth Estate *i.e.* Press and Print Media, the Committee feel that the Government should move ahead with enough

caution and take all necessary steps in addressing the concerns and try to make best efforts in accommodating the views of diverse sections of the press and media including small and medium newspapers before the Bill is finally passed in the Parliament.

(Recommendation Sl. No. 1)

1.32 On the issue of the consultations with the stakeholders, though the Ministry has maintained that it has consulted a number of stakeholders and industry at large, the Committee have found that the Ministry has not taken the entire press and newspaper industry into confidence. For instance, the Chairman, Press Council of India, a representative body of press had stated that even though Government had consulted them at one point of time, after the Press Council of India sent their views, the Government did not get back to their suggestions so as to enable PCI to formulate their views on the Bill. The Ministry has, however, stated that PCI's suggestions were duly examined/considered and suggestions found feasible were incorporated in the Bill. Similarly, the Ministry's consultations with the State Governments look half hearted as the Government did not feel the necessity of having a formal consultation with the State Governments exclusively on the various provisions of the proposed legislation in general and more with regard to sections concerning books in Chapter III and IV in particular. Considering the fact that lot of changes have taken place since the last SIMCON Conference, District Magistrate has been given an important role as specified authority in the Bill and also the provisions have to be implemented by State Governments, the Committee are of the view that the Ministry should have engaged in a wider and focused consultation with State Governments and taken their views and suggestions into consideration before bringing in the said legislation.

(Recommendation Sl. No. 2)

II. Definitions

A. Book

Clause 2(b)

Clause 2(b) provides the definition of "book" as under:

"book" includes every volume, part or division of a volume and pamphlet in any language and every sheet of music, map, chart or

plan separately printed, other than newspaper, magazine, journal and newsletter, and has no definite periodicity;

2.2 The Ministry of Human Resource development has suggested the inclusion of the word “electronic form” in the definition of book as it has been done in respect of publications. Asked as to whether the aforesaid suggestion was made to the Ministry of Information and Broadcasting at the consultation stage which was not agreed to or it is a new suggestion, the Ministry of Human Resource Development informed that it did not include the suggestion of inclusion of the word ‘electronic form’ in their earlier comments furnished to the Ministry of Information and technology in the year 2010. This is a new suggestion.

2.3 When asked about the views of Ministry of Information and Broadcasting to the above suggestion, they have replied that as per chapter III of the proposed bill, it will be difficult to deliver the books, which are available in the electronic form only. Hence it is not a viable suggestion.

2.4 One of the stakeholders suggested that the definition of book and pamphlet may be modified as under:

“A Book may be defined as expression of the subject matter in a printed form in a printing press and the matter consisting of more than 50 pages and printed more than 1000 copies. Other presentations printed in printing press having up to 50 pages are the pamphlets.”

2.5 He opined that pamphlets are the economic mode of expressions for a common man and small entrepreneur. Common man cannot bear advertisement expenses in the media. Basically, pamphlets are the form of letters of communication with limited public. Hence pamphlets should not come under any regulation of registration. If anybody prints any objectionable material by way of pamphlet it is taken care by other existing laws.

2.6 Another stakeholder expressed similar views by stating that the proposed Bill in totality seeks to restrict the freedom of expression of its citizens beyond reasonable limits, giving a serious blow to its freedom in operation. He submitted that the first victim of this would be publications, books, and booklets, pamphlets at the district and the sub-divisional level

that generally are single hand ventures of non- commercial nature with very slender means of personal nature.

2.7 When the Committee enquired about the reasons for bringing even ordinary booklets, pamphlets/tracts under the ambit of the legislation the Ministry in their written replies stated that this is not a new provision. Rather the existing definition of books has been retained wherein pamphlet is also included in the definition.

2.8 To a further query as to how far it is justified to include pamphlets which are being published in large numbers and whether it is feasible to fulfill the formalities, the Ministry of I &B informed that it is practically feasible to fulfill the formalities in respect of pamphlets as prescribed in Chapters III and IV and it will not restrict free flow of information.

2.9 The Committee note that with regard to definition of book and pamphlet there is no clear cut distinction and pamphlets have been included in the definition of books. The inclusion of pamphlet in the definition of books has generated a debate and some of the stakeholders have argued that it should not form part of the definition of books and it should be defined separately. The Ministry of Information and Broadcasting has justified the inclusion by stating that this is not a new provision and the existing definition of books has been retained in the proposed legislation. Going by the aforesaid definition, pamphlets should also undergo the same process of delivery and registration as prescribed for the books. As such, there is an ambiguity as to whether rules for delivery of books and registration of books should also be followed for pamphlets are not clear in the Bill. Since large number of pamphlets are being brought out these days, the Committee feel that the provisions applicable for books may not be feasible to follow for all pamphlets. Therefore, the Committee recommend the Ministry to revisit the definition of 'book' particularly with regard to the inclusion of pamphlet in the definition.

(Recommendation Sl. No. 3)

B. Editor
Clause 2(c)

2.10 Clause 2 (c) provides the definition of Editor as under:

“editor” means a person, whether called editor, chief-editor, sub-editor or by whatever name called, who is a citizen of India and ordinarily resides in India, who controls the selection of the matter that is brought out in a publication;

2.11 Members of Press Council of India have raised objections to the above definition of editor by stating that sub-editor cannot be held responsible for selection of any matter for any publication. If that is done the Editor and the Chief Editor will have a chance to sneak clear in the case of selection of matter.

2.12 During the course of oral evidence, the representative of the Press Council of India (PCI) submitted that under the existing Act in case of any defamation case, the Chief Editor is responsible. However, under the proposed legislation the Chief Editor, sub editor have been differentiated. If there is any case of defamation in the court and there will be question of fixing responsibility for any piece of news, the owner of the publication may easily pass down the responsibility to sub editors. As such, there is scope for passing the responsibility at junior level.*

2.13 The Committee desire the Government to examine this aspect afresh and modify the definition suitably.

(Recommendation Sl. No. 4)

* At the time of factual verification of the draft Report, the Ministry *vide* their OM dated 18.12.2012 has clarified that “Owner has to decide a person as editor responsible under the Act and his name has to be written on the imprint line of the publication. Such person appointed by owner, as the editor under the definition clause will be responsible for the content selection”.

C. Facsimile Edition
Clause 2(e)

2.14 Clause 2(e) of the proposed Bill defines facsimile edition as under:

(e) “facsimile edition” of a publication means an exact replica in full or in part of the original edition of a foreign publication; subject to the condition that any page is not published in part;

2.15 The Times of India has suggested that the eligibility and methodology should be clearly defined to avoid any confusion. No facsimile edition of the foreign publication should be permitted, which has title same or similar to already published newspaper in India. They have suggested that the Facsimile edition should be redefined as under:

“Facsimile edition of a newspaper means an exact copy, counterpart, representation or replica in whole printed and published in India in accordance with the provisions of this Act and such rules and guidelines as may be issued in this regard by the Central Government from time to time, of an original newspaper preserving as it is and without any change the marks, including the title, masthead and content of such original publications, and having as its printer and publisher Indian citizens residing in India. Provided always that the title of such facsimile edition would have been verified and registered as required under this Act and the Rules framed hereunder.”

2.16 The Ministry of Communications and Information Technology in their comments to the above suggestions stated that the definition of facsimile edition is adequate and eligibility conditions are to be as per approved guidelines.

2.17 The expression of the word ‘exact replica’ in the definition seems appropriate as far as the content of the publication is concerned. However, when it comes to the title it may lead to conflict with Indian publications having same or similar titles. Therefore, the Committee recommend the Ministry to address this issue and the definition may be changed to that extent.

(Recommendation Sl. No. 5)

**D. Newspaper
Clause 2(l)**

2.18 Clause 2(l) of the proposed legislation defines 'newspaper' as under:-

"newspaper" means a publication of loose folded sheets usually printed on newsprint brought out daily or often or atleast once in a week, containing public news or comments on public news;

2.19 Indian Newspaper Society has suggested that the definition of 'newspaper' should delete "loose folded sheets usually printed on newsprint" as it would narrow down the definition and the definition should also include "news, views, opinions and write-ups on matters of general public importance and current and contemporaneous affairs".

2.20 The Ministry has reacted to the above suggestion by stating that a 'newspaper' is always published in 'loose folded sheets and is expected to be printed on 'newsprint' and also such an elaboration is not required as "public news and comments on public news" includes every such aspect.

2.21 The Committee are satisfied with the explanation and endorse the definition as given in the Bill. However, since online edition of newspapers are included under the proposed legislation, the Committee recommend the Ministry to expand the definition to include word 'electronic form' suitably in the definition.

(Recommendation Sl. No. 6)

**E. Printing
Clause 2(q)**

2.22 Clause 2(q) of the proposed legislation defines "printing" as under:

"printing" means reproduction through any technology involving mass production of copies excluding photocopying;

2.23 The Financial Times raised the following issue with regard to the definition of "printing":

The definition of “printing” does not make reference to the output of a hard copy, tangible “printed” product. If one ignores the word “printing” in the definition, the words “reproduction through any technology involving mass production of copies excluding photocopying” could be applied to the publication of online web pages, because “mass copies” of those pages can be cached or reproduced digitally.

We believe the definition of “printing” is relatively easily amended. For example, we suggest the words “hard copy” could be inserted either before the word “reproduction” or before the word “copies”.

F. Publication
Clause 2(r)

2.24 Clause 2(r) of the proposed legislation defines “publication” as under:

“publication” means newspapers, magazines, journals or newsletters printed periodically and published in India including its reproduction in electronic form, or any syndication, facsimile edition, and Indian edition of periodical published outside India;

2.25 With regard to the definition of “publication”, the Financial Times submitted the following suggestion:

“The definition of “publication” is more complex and difficult to suggest amendments to without knowing the intent of the PRB Bill. For example, it includes the words “including its reproduction in electronic form”. Is it intended that only (i) newspapers which are printed in India and which also have a related news website should fall within the definition of “publication”? But that (ii) newspapers which are not printed in India and which also have a related digital edition news website should not fall within the definition? If this assumption is correct, then the wording should be clearer to avoid ambiguities. Again, if that assumption is correct, then we would like to explore further as to what the intended scope of the PRB Bill is in respect of the first category we identify above -- i.e. newspapers which are printed in India and which have a related news website. Finally, regarding the definition of “publication”, we note the inclusion of the word “syndication in the definition. It is our understanding that the syndication of foreign news in

India is governed by the “Guidelines for Syndication Arrangements by Newspapers” issued by the Ministry of Information and Broadcasting. The entire premise of a syndication arrangement is that it allows for a foreign publisher (content provider) to license its content for publication in a newspaper printed/published in India by an India publisher. Syndicated content is therefore almost by definition either a page or part of a page (or even just a few articles) provided by a third party foreign publisher to an Indian publisher for inclusion in the Indian newspaper. The inclusion of the word “syndication” within the definition of “publication” does not seem to logically work.”

G. Syndication
Clause 2(v)

2.26 Clause 2(v) of the proposed Bill defines syndication as under:

(v) “syndication” means sourcing content from other publications which has been or is being published and the credit is given for the source in the byline of publications;

2.27 With regard to the above definition, the Times of India suggested as follows:

“syndication” may be redefined as “means sourcing of content by a publication (the ‘user publication’) from other publications or sources, which content has either been already published or is being published simultaneously or exists otherwise (the ‘source’) under any financial, editorial, syndication or joint venture agreement, and credit for which is necessarily given to the content provider source as a by-line in the user publication, in accordance with such rules and guidelines, including prescribed content limits, as the Central Government may issue from time to time in this respect provided that the user publication shall not use or print or reproduce in any manner whatsoever the title, the masthead or the full copy of the editorial page or the front page of the source publication, whether on its front page or inside pages or in the caption of the sourced content published by it or in its supplements, and whether in full or in abbreviated form or as subtitles, and whether or not in conjunction with expressions like ‘in association with’ or ‘in collaboration with’ or ‘by arrangement with’ etc. and whether in the main publication or in its supplements.”

2.28 The Ministry of Information and Broadcasting in their comments to the above three suggestions on definitions stated that the definitions of 'printing', 'publication' and 'syndication' are comprehensive and adequate.

2.29 The Committee recommend the Ministry to have a relook at the definitions of 'printing', 'publication' and 'syndication' keeping in view the suggestions of stakeholders so as to avoid any ambiguity.

(Recommendation Sl. No. 7)

III. Provision relating to Who May Bring out a Publication

Clause 5

Clause 5 of the Bill provides as under:-

“A person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication:

Provided that no person who has been convicted by any court for an offence

- (i) Involving terrorist act or unlawful activity; or
- (ii) for having done anything against the security of the State, shall bring out a publication.

Explanation—For the purpose of this section, the expression “terrorist act” or “unlawful activity” shall have the meanings respectively assigned to them in clauses (k) and (o) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967.”

3.2 Having noted that the aforesaid provision is a new provision which was not there in the PRB Act of 1867, the Committee desired to know the mechanism proposed in the Bill to prohibit the person convicted by any Court for an offence involving terrorist act and unlawful activity from bringing out a publication. To this, the Ministry in their written replies stated that in the title application form and form of declaration framed under the rules, a Clause would be made to elicit information on this aspect from the prospective title seekers.

3.3 On being enquired as to how the aforesaid provision would be implemented and monitored, the Ministry in their written replies informed

that District Magistrate/Specified Authority would see the implementation and monitoring of the provision when verifying the antecedents of an applicant.

3.4 The Times of India in its written Memorandum submitted to the Committee suggested the following with regard to the provision on 'who may bring out a publication':-

- (a) A legal entity incorporated and registered in India under any law for carrying on any commercial, charitable, philanthropic or other public service activities in India, or an individual who is a citizen of and resides in India, or any other person as defined in Section 2 of this Act shall only be eligible to own and bring out a publication in India, except the following persons:
 - (i) a minor
 - (ii) a person of unsound mind;
 - (iii) an insolvent
 - (iv) a person not ordinarily resident in India
 - (v) a company more than 20% of whose total share capital, including long term loans having a tenure of more than three years, is held or provided directly or indirectly by persons who are not Indian citizens or whose Chairman, Managing Director and more than 20% of the remaining other Directors on the Board, are not Indian citizens.
 - (vi) a partnership firm or an association of persons or a body of individuals more than 20% of whose partners or members are not Indian citizens.
 - (vii) Any entity including the above which does not have its principal place of business or other activities in India.

3.5 The Indian Newspaper Society through a written memorandum submitted to the Committee stated that the elaboration in the proposed Bill on who may bring out a publication is unnecessary (Clause 5). The simple answer to who may bring out a publication is any citizen who has attained

the age of majority, resides in India, is not an insolvent or a person of unsound mind.

3.6 The Ministry of Information and Broadcasting responded to the above suggestions as under:-

“People who are convicted of terrorist or unlawful activities and also those who have done anything against the security of the State are prohibited to bring out a publication under Section 5. It is imperative to have this clause as such elements may use the medium to harm the national interests. ‘Minor’ and ‘who does not ordinarily reside in India’ have been barred for filing a declaration under Section 8. Since authentication of declaration qualifies a publisher for registration of a title, absence of declaration as a natural corollary prohibits a person to bring out a publication. ‘Insolvent’ and ‘unsound mind’ had been included in the initial draft(s) but subsequently after detailed discussions, these restrictions were withdrawn as they cannot stand challenges with reference to the Constitution of India. Article 19 of the Constitution provides for freedom of press. Reasonable restrictions on this freedom can be imposed only in the interest of public order, security of State, decency or morality etc. under the Constitution. There is no scope to restrict freedom of expression on the grounds of insolvency and unsoundness of mind. Hence, ‘insolvent’ and ‘unsound mind’ were dropped later on from the draft Bill.”

3.7 The Committee pointed out that a person who has been involved in the terrorist activity and has been convicted by the court, awaiting the final judgment may want to give expression to his experience of negative movement of his life. In such a situation if he wants to bring out any kind of book/publication from jail whether his positive thought should not be welcomed and he should not be given an opportunity to write from the jail. Asked to respond to such a situation and whether there is a need to insert such a provision in the proposed Bill, the Ministry of Information and Broadcasting in their written reply clarified as under:-

“Only those people who are convicted of terrorist or unlawful activities and those who have been convicted for having done anything against the security of the State are prohibited to bring out a publication under Section 5. People

convicted of other offences have not been prevented. It is imperative to have this Clause as such elements may use the medium to harm the national interests.”

3.8 The Committee note that this is a newly crafted provision in the proposed legislation which seeks to clearly define as to who may bring out a publication. The Committee during their examination of the Bill found that there is more or less general consensus on the provision except that the Times of India Group forwarded a detailed version of who may bring out a publication suggesting alternate definition of the provision with respect to minor, unsound mind, insolvent, non-resident Indians etc. The Indian Newspaper Society (INS) on the other hand has narrowed down the definition. The Committee appreciate that the Ministry has examined the provision keeping in perspective conditions such as ‘minor’, ‘insolvent’, ‘unsound mind’ and persons not residing in India. The Committee also observe that reasonable restrictions on the freedom of press on the grounds of terrorist and unlawful activities has been given prominence in the wording of the Clause. While agreeing to the provision, the Committee recommend the Ministry to also address to a situation where the convict under Clause 5 may like to write from jail his positive thoughts with good intent. The Committee’s suggestion in this regard is the person may be allowed a freedom of expression. However, the publishing of such content may be considered on case to case and after scrutinizing the content.

(Recommendation Sl. No. 8)

IV. Provisions relating to Known Foreign Publications
Clause 2(i), 6(4)(d) and 9(1)(b)

Serious concerns have been expressed by various stakeholders to Clause 2(i) where a new definition has been given *i.e.* ‘Known Foreign Publications’ meaning thereby such foreign publications as may be prescribed. The expression is linked to various other clauses of the proposed legislation and the same appears in several Clauses *i.e.* 6(4)(d), 9(1)(b).

4.2 The Times of India held the view that there is no such concept as ‘known foreign publication’ and therefore, the sub-clause that the title be denied if it is same or similar to a ‘known foreign publication’ may be deleted

from the proposed legislation. The main grounds on which the objections have been raised by the Times of India are as under:-

“Since the PRB Act, like any other Indian Law, applies to India and does not, and cannot, apply to any foreign country, the concept of “known foreign publication”, as incorporated in the 2011 Bill, is alien to the concept of the PRB Act. It is thus a totally meaningless Clause and an Indian newspaper cannot be regulated with reference to a foreign newspaper and an Indian Law cannot be subservient to a foreign law. To do so, would simply be an attempt to strangulate Indian business and suppress Indian Media.

That there is no comity of Nations and there are no reciprocal arrangements in this regard between India and other countries of the world to protect each other’s newspaper titles. There is, therefore, no reason at all for the Government of India to be eager to pander to the desire of foreign nations in this regard.

Foreign newspapers have no allegiance to the Indian Constitution and they do not respect the Indian Laws. That being so, the foreign newspapers cannot seek the protection of the Indian Laws and the Government of India should not encourage such protection by amending its own Laws unilaterally just to appease the foreign media.

The word “known” is very vague and subjective. Many questions will arise as to known to whom, known in what manner and known by what yardsticks.

Foreign newspapers continue to disrespect the sovereignty and integrity of India. They continue to publish wrong maps of Indian Territory.

Newspaper titles are highly territorial in nature and newspapers with the same or similar titles are being published simultaneously within various parts of the same country abroad and also within different countries which judicial notice have taken note of. Hence protecting foreign newspaper titles in India makes no sense.

The commonality of titles of newspapers is a phenomenon prevalent in the newspaper industry all over the world.”

4.3 Similarly, the Indian Newspaper Society (INS) pointed out that definition of 'known foreign publication' may be removed as this is not a global practice and no country in the world maintains a list of known foreign publications so as to protect the foreign titles at the cost of domestic industry. There is no such concept as 'known foreign publication' and therefore the sub Clause that the title be denied if it is same or similar to a 'known foreign publication' may be deleted from the new Act. The Press and Registration of Books Act is an Indian Act applies to only the territory of Indian Union and to Indian Newspapers. There is no country of nations and there are no reciprocal arrangements between India and other countries of the world for protecting each other's newspaper titles. Therefore, this concept needs to be deleted.

4.4 When asked to react to the above objections, the Ministry of Information and Broadcasting stated as under:

“(i) Indian newspapers are not sought to be regulated with reference to 'known foreign publication' clauses. It is only to provide Indian readers access to reputed known foreign publications through their facsimile editions.

(ii) As per the definition what would constitute 'known foreign publication' will be prescribed in the rules and will not be left for subjective interpretation.”

4.5 One of the stakeholders who deposed before the Committee even expressed the apprehension that there are many newspapers abroad, which want an entry into India to publish their newspapers, and they are pressurizing the Government to reserve these titles for a backdoor entry. India will become the only country in the world to legislate something like this, which is very unfair. He also expressed that the titles, which are already registered, will not affect in any manner. But once the Government decides to block certain titles and say that these titles are known and those titles may be given to, at whosoever behest to someone else and not allowed to Indians. This should not be done.

4.6 On being enquired as to how the Ministry would decide/monitor whether a publication is known foreign publication, the Ministry informed

that as per the Ministry of Information and Broadcasting guideline dated 16 June, 2004 'prominent foreign title' would mean (i) the title should have been publishing continuously for at least 5 years in the country of its origin and (ii) the title should have circulation of at least 10,000 paid copies in the last financial year in the country of its origin.

4.7 When the Committee desired to know as to how the concept of 'known foreign publication' is to be defined, the Ministry through their written reply has informed that the Rules regarding known foreign publications would be drafted carefully after taking into account the interest of reading public and other stakeholders.

4.8 When the Committee wanted the opinion of the Registrar of Newspapers for India (RNI) as to whether the introduction of the concept of "known foreign publication" in the proposed Act is inimical to the interests of the Indian newspapers and Publications, the RNI submitted as under:-

'Known foreign publication' needs to be read in the right perspective. It is aimed to facilitate publication of facsimile or Indian editions of only prominent foreign publications by the Indian entities, which would have to strictly comply with provisions of Press and Registration of Books Act and all other Indian laws.

4.9 Keeping in view the fact that most of the newspapers use common titles such as Hindustan Times, NavBharat Times, Khaleej Times, etc. and 'Times' being the common to all these newspapers, the Committee wanted to know whether the Hindustan Times name will be a ban to Khaleej Times going by the logic of same or similar titles. To this, the representative of RNI further clarified as under:-

"Times is a generic word. There is *Nav Bharat Times* also and there is *Times of India* also. There are certain words which are generic. In fact, the most difficult and important job in the office of the Registrar of Newspapers is clearance of the title. Certification follows certain well laid down legal procedures but title is the most important thing on which a paper is getting published and there are much litigation in this regard also. So, the new Bill very clearly says that there cannot be a same or similar title in the same language and in the same State. But if

the application is from a group either a trust or an organisation or a joint stock company or a partnership firm or an individual or the same owner, then the title can be given to them. They can bring many editions. As the Hon'ble Chairman and Hon'ble Members know, *The Hindustan Times and Times of India* have many editions across the country and so is *Dainik Jagran* or any other group."

4.10 To a related query as to whether it is possible to maintain a database the Ministry stated that creation of permanent database may not be possible as it is a dynamic process. Presently the facility of electronic search vehicle is relied on.

4.11 The Ministry also informed that after the new Act is passed, under the rules to be made for the implementation of this Act, this provision called 'Known Foreign Publication' is yet to be defined. Rules regarding 'Known Foreign Publications' would be drafted carefully after taking into account the interest of reading public and other stakeholders.

4.12 Asked as to whether there is any other country in the world where there is such a provision of "known foreign entity" in the newspaper industry, the representative of RNI submitted as under:-

"To the best of knowledge of the RNI, we are not aware."

4.13 The Committee note that one of the most debated provisions which has raised serious concern among the stakeholders is the provision of 'known foreign publications' as provided in Clause 2(i) of the Bill. The Committee find merit in the objections raised by the various stakeholders to this particular provision i.e. there are no reciprocal arrangements with other countries, the territorial nature of the newspapers and the very concept of 'known foreign publication' being vague and subjective. Different sections of media have advocated for deletion of such a provision. While the Ministry has stated that the intention behind the provision is to facilitate publication of facsimile or Indian editions of only prominent publications and to give Indian readers an access to reputed known foreign

publications, the real intent behind such a provision is still beyond the comprehension of the Committee. The Committee share the concerns of the stakeholders that this concept is vague and difficult to be defined and implemented. The Committee are of the view that when thousands of newspapers are in circulation throughout the world, having same or similar publication it will be very difficult on the part of RNI to monitor such a provision. Moreover, the provision has no other precedent in the world as RNI themselves have accepted that to the best of their knowledge, they are not aware of such a provision. The Ministry has also informed that implementation aspects of the provision is yet to be defined under the rules to be made for the implementation of the Act. Accordingly, the Committee recommend the Ministry to seriously examine the provisions taking into account the international practice in allowing access to facsimile editions in other countries and concerns expressed by the various stakeholders. If at all the present provision is utmost essential, the Ministry should clearly define the concept of 'known foreign publications' and its implementation aspects in the rules to be framed so as to avoid any ambiguity.

(Recommendation Sl. No. 9)

V. Foreign Direct Investment (FDI) and Syndicate Related Issues

Clause 9

In regard to FDI in print media, as per the Print Media Policy of 1955 and related guidelines revised from time to time, the existing provisions are,

- (a) The foreign direct investment up to a ceiling of twenty-six percent of paid up equity capital in Indian entities publishing newspapers and periodicals dealing with news and current affairs and hundred per cent, in the scientific, technical and specialty category subject to certain conditions;
- (b) The publication of facsimile editions, in whole or in part, of foreign newspapers by Indian entities, with or without foreign investment, and also by foreign companies owning the original newspaper;
- (c) The publication of Indian editions of foreign scientific, technical, specialty and news and current affairs magazines, periodicals and journals.

5.2 Clause 9 (1)(2)(3) of the proposed legislation deal with limits of foreign news contents and FDI which allows the Government to decide on the FDI quantum. The relevant provision is as under:-

9. (1) Without prejudice to the other provisions of this Act, no publication shall be printed and published in India except with the prior approval of the Central Government granted in this behalf, if —

- (a) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or
- (b) its title is same or similar to a known foreign publication; or
- (c) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or
- (d) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or
- (e) it is a facsimile edition of a known foreign publication.

(2) Any person who intends to print or bring out a publication referred to in sub-section (1) may make an application to the Central Government for its prior approval in such form and accompanied by such fee as may be prescribed.

(3) The Central Government may, subject to such terms and conditions as it may deem fit, grant approval for printing or publishing the publication referred to in sub-section (1) or refuse to grant such approval after recording the reasons thereof:

Provided that no such refusal shall be made unless that person concerned has been given an opportunity of being heard.

5.3 During the course of examination, the Committee pointed out that the limits of Foreign Direct Investment/ syndication limits have not been specifically mentioned in the Bill and the Government intends to regulate the same through executive orders. Enquired as to whether the Government has

been given a blanket permission to increase FDI to 100 per cent, the representatives of the Ministry of Information and Broadcasting during evidence informed that the provisions would allow the Government to take any decision on the limit of FDI in Print Media on case to case basis.

5.4 Asked about the views of the representatives of the Ministry of Law in the matter the representatives of the Ministry of Law and Justice clarified that proposed provisions indeed give a free hand to Government to increase the limits.

5.5 On the issue of fixing the limits of FDI, the Committee desired to know whether it will not be better to specify the limit/cap on FDI in print media rather than giving a free hand to the Government. To this, the representative of the Ministry during the evidence submitted as under:-

“..... that it is never a good idea to write percentages in Acts. The reason being that the climate changes from time to time, and as you are also aware that whatever the Government does, it does administratively. It is not that the Government is living in a vacuum. They cannot do just whatever they want Government normally does take all shades of opinion and Cabinet approval.

5.6 In the context of FDI in other sectors such as banking, insurance, telecom where limits are provided in the bye-laws enacted by Parliament, the Committee enquired whether the Ministry has examined this aspect with regard to other Acts dealing with other sectors in the country.

5.7 The Ministry in a reply informed as under:-

“The FDI limit in Banking and Insurance sector is 49% whereas FDI cap in News sector of Print Media is 26% only. Keeping in mind the sensitivities involved in the News sector, FDI limit has been kept at such level so that ownership and control remains in Indian hands.”

5.8 As regard to adequate safeguards to preventing cultural infiltration and protecting the interests of the country, the Ministry of Information and Broadcasting further clarified that the FDI and facsimile/ Indian edition of foreign publications are to be seen in the light of benefit to the readers and a

large chunk of publications in India which otherwise starve for technology, marketing and capital to expand. Besides, facsimile editions and Indian editions of foreign publications would be brought out mainly by the Indian entities; hence national interests are not likely to be compromised.

5.9 On being asked about Press Council of India's views on FDI, the Chairman, PCI submitted before the Committee as under:

The industry is opposed to FDI..... India is a Sovereign nation. We do not want some foreign powers to grab hold of our Press, which is very powerful and very important in the democracy. If you start permitting foreign countries picking our Press, will that not undermine our independence, our freedom and our Sovereignty? I am personally opposed to this. I think my country is a sovereign country. And foreign companies should not take over our Press. This is my personal view.

5.10 One of the stakeholders in his memorandum submitted to the Committee expressed serious concern over giving statutory backing to the FDI norms and free hand to Government with reference to limits of FDI. He opined that by providing a statutory status to FDI in media and sanctifying syndication material of dubious intent in Indian publications through this proposed Bill, the media is being turned into a commercial activity like any other commodity for maximizing gain with fierce rivalries of the corporate world with no hands barred. Reacting to the above concern, the Ministry replied as under:-

“The Guidelines for FDI etc. are already in place. The liberalized policy environment has benefited the Print Media industry greatly. The Act only gives statutory backing to these Guidelines. Entry of foreign publications in India and FDI in print media would improve the quality of publications, and thus widen the scope of readership. Further both FDI in media and syndication are to be permitted only by Central Government as per approved guidelines. Material of dubious intent will definitely not be permitted.”*

* At the time of factual verification of the draft Report, the Ministry vide their OM dated 18.12.2012 has stated that it may not be proper to mention the share of FDI in the Bill, as the same will depend on Government's policy on FDI on case to case basis which will be regulated through executive orders.

5.11 The Committee note that Clause 9 of the Bill concerning the FDI and limits of foreign news content is one of the most important clauses in the Bill. The Committee find that the provisions in the Clause are couched in such wordings that it has been left to individual interpretations as to what are the limits of FDI and syndication in print media as the limits of FDI and syndication limits have not been specifically mentioned in the Bill and the Government intends to regulate the same through Executive Orders. The Ministry of Information and Broadcasting and the Ministry of Law and Justice have endorsed to the views that the maximum cap in FDI and syndication have not been indicated in the Bill. This gives a blanket authority to the Government to increase FDI in print media upto 100 per cent. While on the one hand, it gives Government of the day the freedom to fix the limits on print media sector as the situation demands, on the other hand, the provision is likely to be misused by raising the limits to undesirable levels putting the domestic media at the risk of takeover by foreign giants. The Ministry has emphasized that the existing arrangement of FDI and syndication continues and the proposed Bill aims at giving a legal backing to existing guidelines and allowing foreign publications for free flow of knowledge in respect of science and technology in the interest of readers. The Ministry has informed that the FDI limit in Banking and Insurance Sector is 49% the limit of FDI cap in news sector of print media is 26 per cent only and keeping in mind the sensitivities involved in the news sector, FDI limit has been kept at such a low level so that ownership and control remains in Indian hands. The Committee strongly feel that opening of the floodgates of foreign media with content not suitable to the interests of the country may have a detrimental effect on our rich culture and unity. Therefore, the Committee recommend that keeping the interests of Print Media in particular and the country at large, the Ministry should reconsider the feasibility of having the maximum permissible cap and provisions ensuring that control over print media remains broadly in Indian hands.

(Recommendation Sl. No. 10)

VI. Operational/Procedural Aspects

A. Owner of the Printing Press to make declaration **Clause 4(1)**

As per Clause 4(1) , every person who owns and operates any Press for the printing of books or publications shall make and subscribe a declaration in such form as may be prescribed, before the specified authority within whose local jurisdiction such press is kept.

6.2 Sub section 4(2), further provides as under:-

As often as the place where a press is kept is changed, a fresh declaration shall be necessary:

Provided that where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the specified authority referred to in sub-section (1), no fresh declaration shall be necessary if —

- (a) a statement relating to the change is furnished to the said specified authority within three days thereof; and
- (b) the owner of the press continues to be the same.

6.3 Indian News Paper Society has suggested as under:-

“Declaration by “printer” and printing press owner should be dispensed with as they have no control over the matter published in a newspaper. They are appointed by the owner and have nothing to do with content. A newspaper published from one place and printed from different places should not be asked to file declaration from every printing place. In case Government feels that they should have the information about these presses and the printer, he may rather be asked to give intimation to RNI instead of filing a declaration on this count.”

6.4 To the above suggestion, the Ministry of Information and Broadcasting responded as under:

“Accountability of the Printer is a must as he is responsible for the final printing of the contents. Hence, declaration from him is mandatory.

Declaration by 'Printing Press Owner' is required as DM is expected to have the record of printing presses, which are operating under his jurisdiction. To control printing presses from indulging in anti-national or anti-social activities, particularly in disturbed or border areas, such a clause is necessary.

In RNI records all major details of newspapers, including printing press(s), on the basis of the declaration as it has legal sanctity. But, intimation may be false and would be difficult to be challenged legally.

Also, in the event of any content problem at a printing place, the DM concerned may refuse to intervene as he may say that the declaration not filed before him."

6.5 With regard to the provision for Owner of printing press to make declaration the Committee also feel that such a declaration is necessary to control printing press from indulging in anti national and anti social activities. However, the Committee feel that the time limit of three days as prescribed in sub section (a) is not sufficient and the Ministry may reconsider for increase in the time limit.

(Recommendation Sl. No. 11)

B. Timeline for the Specified Authority to Verify the Antecedents
Clause 6(3)

6.6 Clause 6(3) of the Bill provides that the specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application.

6.7 Indian Newspaper Society has suggested that period of three months for clearing title application by the DM under Clause 6(3) should be one month. Similar views were expressed by another stakeholder who had suggested that in this electronic age three months is too long period hence it should be reduced to one month in the larger public interest.

6.8 The Ministry of Information and Broadcasting has reacted to the above suggestion as under:

“Since the DM has to take care of a large number of aspects with limited resources, he should be given fairly sufficient time to verify the antecedents of the applicant and do other formalities. The antecedents of the applicant need to be verified with proper care and for this purpose time limit of three months is reasonable.”

6.9 Considering the usage of IT and related data at all levels, the Committee feel that three months time for the purpose is too long and it should be reduced to two months.

(Recommendation Sl. No. 12)

C. Communication of the Reasons for Rejection of Title Clause 6(4)

6.10 Clause 6(4) of the Bill provides as under:

“On receipt of the recommendation from the specified authority under sub-section (3), the Press Registrar General shall in writing and in such manner as may be prescribed, approve one of the title or reject all the proposed titles if such titles are—

(a) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or

(b) obscene; or

(c) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form;

(d) same or similar to that of a known foreign publication.”

6.11 Some of the stakeholders have suggested that the reason for rejection may be communicated to the applicant. One of them has suggested that the following should be inserted as 4(e):

“4 (e): provided further that in case the Magistrate rejects all of the titles that have been applied for above, he shall record in writing the reasons for such rejection and shall afford to the applicant an opportunity of being heard in person.”

6.12 On the issue of rejection of title the representative of RNI submitted during evidence as under:

“Rejection is not an offence. When we reject, then, you have to apply fresh through the DM. Again, rejection is only on four grounds: one, the same title should not be asked; two, it should not be a similar title from the same region; three, if it is a group or owner, then it is considered as another addition. So, we will give. Next, it should not be obscene; it should not be unlawful. It should not resemble the symbols or words of the organisations of any terrorists. It should not resemble a foreign title. So, on these grounds, we reject. Under the proposed new Act, we give the grounds for rejection also. So, based on that, you can apply with another fresh set of five suggestions. Each applicant is required to give a list of five names.”

6.13 The Committee desire that as agreed to by RNI the Bill may specifically provide that the rejection of titles will be communicated with recorded reasons.

(Recommendation Sl. No. 13)

**D. Decision of Press Registrar General Final
Clause 6(5)**

6.14 Clause 6(5) which vests in the Press Registrar General the final authority to approve or reject the titles reads as follows:

“The decision of Press Registrar General as to title under sub section (4) shall be final.”

6.15 The stakeholders expressed their concern with regard to vesting absolute powers to Press Registrar General on the issue of titles. It has been suggested that sub section 5 may be amended as follows:

“On receipt of a recommendation from the Magistrate, the Press Registrar General may after verifying with his records approve in writing one of the titles applied for and as has been recommended by the Magistrate within a period of 30 days from the date of receipt of the recommendation provided that in case the Press Registrar General declines to verify and approve a title that has been recommended by the Magistrate he shall accordingly inform the Magistrate along with the

reasons therefore, and afford to the applicant an opportunity of being heard in person.”

6.16 The Committee note that in the proposed Bill there is a provision for Appellate Authority in Clause 20. However, only two Sections have been covered under the jurisdiction of the appellate authority and there is no other mechanism in the Bill for redressal of grievance for a person aggrieved by the decision of the PRG with regard to rejection of titles. The Committee strongly feel that in a democratic system like ours the aggrieved should be given a fair chance for appeal. The Committee recommend that requisite amendment in the Bill may be made to address the issue.

(Recommendation Sl. No. 14)

**E. Transfer of Titles
Clause 6(7)**

6.17 Clause 6(7) provides that any owner of a publication may, after registration, transfer the title of such publication to any person, in such manner as may be prescribed.

6.18 When it was suggested that the procedure and process for the transfer of titles should be clearly elaborated and time limit set out for this, the Ministry of I&B has stated that since it is a procedural aspect, it can be taken care of in due course.

6.19 The Times of India has suggested the following amendment to the provision:

“Clause 6(7) may be amended as: subject to other provisions of this Act and the Rules made hereunder a title of a publication which has been registered in the name of an entity may be transferred to another entity by the owner thereof after the same is registered with RNI either by way of sale, license, or franchising. However, a title, which has not been registered, cannot be so transferred.”

6.20 The Committee desire that this aspect should be examined and necessary provisions be made in the Rules to be framed for implementation of the proposed legislation.

(Recommendation Sl. No. 15)

F. Annual Statement of Publications
Clause 31

6.21 Clause 31 deal with the provision of annual statement etc. to be furnished by publishers which states as under:

31. (1) It shall be the duty of the publisher, and owner in the absence of the publisher, of every publication—
- (a) to furnish to the Press Registrar General an annual statement in respect of the publication, at such time and containing such other particulars referred to in sub-section (2) of section 29, as may be prescribed;
 - (b) to publish in the publication at such times and such of the particulars relating to the publication referred to in sub-section (2) of section 29 as may be specified in this behalf by the Press Registrar General.
- (2) If a publisher or owner required to submit annual statement under this Act fails to submit the annual statement for a consecutive period of three years, the title, declaration and the registration of the publication concerned shall stand cancelled.
- (3) The Press Registrar General shall cause publication of the cancellation of any publication in at least one daily newspaper circulating in the locality in which the publication concerned is brought out.

6.22 As has already been dealt in earlier part of the Report, the Ministry at the consultation stage of the drafting of the legislation had discussed with various stakeholders about the issue of disclosure of income from advertisements in the Annual Statement of newspaper. The Union Cabinet had initially approved the provision in Section 31(1)(a) of the Bill *i.e.* to furnish the Press Registrar General an annual statement in respect of the publication and amount of moneys received in respect of such advertisement and the person from whom such moneys has been received and such other particulars referred to in sub-section (2) of section 29 as may be prescribed. However, in view of the strong objections raised by Indian Newspapers Society (INS) and the Times of India (ToI), the Ministry dropped this point and modified Section 31 (1) (a) as follows:

“To furnish to the Press Registrar General an annual statement in respect of the publication at such time and such other particulars referred to in sub-section 29, as may be prescribed.”

6.23 Explaining the above, the Secretary, Information and Broadcasting during the course of oral evidence submitted as under:-

“The INS and the Times of India had raised points on our draft bill which we had prepared after the February Cabinet Meeting. There we had said that every publication is supposed to submit their accounts to the Government. Now, in those accounts, we had also made a mention at that time that they would submit a complete detail of all the advertising revenue, which had been generated by them. I do not want to go into great deal here. I am sure the Committee understands what we meant by asking them for explanation regarding advertising revenue. It was not that we were interested in the small classifieds; we were interested in the much larger revenue we are talking about here. But there was a strong objection from these quarters on advertising revenue. The argument that they gave was: “This is a very voluminous data and therefore, this should be done away with”. It is also true because if all advertising revenue has to be reported, the data would be very voluminous. This issue was examined; there were various discussions with various stakeholders and so on. Ultimately this point was dropped. Now, the Government is not insisting on them about submitting accounts of the advertising revenue generated by them in the final form of the Bill.”

6.24 On being enquired as to whether the issue was discussed with other stakeholders and an effort was made to have wider consultations on the issue of filing of annual statements by publishers to made compulsory, the Ministry of I&B informed that that there was no need to consult other stakeholders as INS is a representative body of newspapers and the Government was also convinced that the information being demanded may be voluminous. Regarding consultations with stakeholders on compulsory filing of annual statements, such consultations were not found necessary, as filing of annual statements cannot be dispensed with. Annual Statements are mandatory to be received by RNI for discharge of its statutory function of compiling 'Press-in-India. Apart from this on the basis of annual statements,

circulation of a publication is verified which helps in deciding the advertisement rates by DAVP.

6.25 During the course of briefing, when the Committee wanted to know whether the deletion of proposed provision from the bill was self thought out or there was pressure from some sections of the stakeholders, the representative of the Ministry of Information and Broadcasting replied as under :

“ I can’t really say it was under pressure There were merits and there were demerits of this issueThere could be some procedural problems. This is something, which we need to perhaps address in view of the larger problems attached to money, which some media houses do collect. That is a much larger issue, which I think, you are already aware. ”

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There was a certain amount of merit in the idea. There is also a certain amount of logic on the other side, which says that this kind of sweeping collection of data from everybody would perhaps result in a lot of voluminous data being collected. I think, what we perhaps need to do, if you ask me, is like this. We have laboured over this quite a bit. What we actually need to do is to find out a via media because we all need to address. What you just said, paid news is one of the major nuisances, which we all are facing at the moment. That is something, which we need to address. How we are going to address that. Perhaps this may not be the right way, Sir. There could be perhaps some other ways, which we would be coming out with. When we have a discussion on paid news, we would perhaps have to deal with it at that time. But putting it here and asking every newspaper or every magazine or every publication to give us all the classifieds, matrimonial and all that kind of data, would perhaps be like stretching it.”

6.26 On being pointed out that every professional management now has a mechanism and the software to collect all these details and collecting these details on the part of the Govt., should not be a hurdle, the representative further added as under:

“.....Perhaps what we need to find out is a via media here because while making such a blanket provision in the PRB Act,

we were perhaps going to end up creating a lot of inconvenience for everybody. There are some well-known defaulters as the hon. Committee is aware. This is well-documented by now. We already know it. But to deal with half a dozen or dozen or may be 100 people out of thousands and tens of thousands of publications in the country; and put 60,000 people in difficulty, would perhaps not be a very logical step on our part..... We need to work out a system for that. Perhaps this would not have resulted in solving that problem. We can get that information using some other methodology.”

6.27 On being pointed out by the Committee that the main objective of any legislation in a democratic system is to protect public interest and there is an urgent need for having a mechanism to distinguish news and paid news, furnishing of details of advertisement revenue by the publications can address the issue of paid news and deletion of the provision is a grey area, the representative of the Ministry stated that the Ministry is seized of the matter and issue of paid news is to be addressed separately and not likely through PRB Act.

6.28 The witness further explained:-

“We are not suggesting a new legislation..... What we are suggesting is that we need to address it separately. I would invite your attention to clause 29 of the new legislation where we have kept an enabling provision. It is clause 29 (k). We have kept that provision. I was talking about a mechanism. The provision is there, if you kindly note. It says: “The Press Registrar General shall maintain in such manner as may be prescribed a Register of Publication, and the Registry shall contain the following particulars about every publication brought out in India, namely.....Here, clause 29 (k) talks about ‘any other particulars as may be prescribed’. Theoretically, under this, if we choose, the Press Registrar General can ask a newspaper or they can ask a publication to give us the particulars relating to anything else which they may want, which may be relevant. What has happened is that we are not covering the entire publication industry and asking them to give the details of advertising revenue. I said that we have to develop a *via media* for this which is why I am not committing myself as of today because the modalities have to be worked out to ensure that we are not later on attacked on some other ground. You can call for

those details under clause 29 (k) from a particular publication in case we come to know that there is some kind of a violation or a problem there.”

6.29 Drawing attention of the Ministry to the fact that the remedy to paid news in the proviso 29(k) has been incorporated alongside easily ascertainable, easy to fulfill portions in clause 29(a) to (j) when the Committee asked if it was sufficient to address the issue, the representative of the Ministry submitted that 29(k) allows the Government or the Press Registrar General to seek the information from the party and for the moment it is good enough. He further added:

“.....Sir, the point basically here is we are trying to be careful because you have to have an enabling provision in the Act. After the enabling provision in the Act, you have to also frame Rules which are as per the Act. As I mentioned right in the beginning, we have had that problem where the original Act did not envisage all these things. As a matter of fact, what was happening was the guidelines we were operating under the original Act, which I have pointed out earlier, were not on the basis of what the original Act was which the Court rightly pointed out that we were going beyond our brief. So, here, we are trying to build enabling provisions under which various rules will be set up which I said the modalities will have to be worked out and there is something which we have to see in great detail”

6.30 The Committee note that the Union Cabinet had initially approved the provision in Section 31(1)(a) to furnish annual Statement in respect of the publication and disclosure of annual income from the advertisement. However, the same was dropped from the proposed legislation in view of strong objections raised by Indian Newspaper Society (INS) and the Times of India on ground of voluminous data to be furnished by a large number of publishers. When the Committee pointed out that in this age of technology when all the publishing houses are maintaining their books of account digitally through computer software and it will not be that difficult to ascertain these data, the Ministry did not have any explanation. In the context of ‘paid news’, the Committee feel that having details of return or record of income from advertisements will put a check

in place. The Committee need hardly emphasize that having the provision of furnishing details of advertisement revenue by the publications would definitely address the menace of paid news to a great extent. The Committee express their serious anguish that the Ministry has missed out an opportunity to curb the menace of paid news. Looking into the seriousness of the menace of paid news which some of the media houses are resorting to the Government could have very well asked for the above information from only those whose circulation exceeds a particular limit and Annual Revenue from advertisements exceed certain fixed amount. With this provision many small and medium publications would have been exempted automatically and the concern of furnishing details on income from advertisements by each and everyone could have been avoided. From the submissions of the representatives of the Ministry it appeared that the Ministry is going to address the issue separately. However, the Committee are of the view that the present Bill being the most comprehensive one relating to press, the issue of disclosure of details of annual income from advertisements should be addressed in this Bill only. The Committee accordingly recommend the Ministry to re-examine the issue and a suitable provision may be incorporated to check the menace of paid news.

(Recommendation Sl. No. 16)

G. Circulation Verification by Authorised Auditor
Clause 34(1)

6.31 As per the clause 34 (1) of the Bill, the Press Registrar General on his own or on any request made to him, may conduct, through an officer or auditor authorised in this behalf, a verification in such manner as may be prescribed, as regard to circulation of the publication mentioned in the annual statement.

(2) The verification under sub-section (1) shall be made in respect of a publication brought out in a financial year and not a part thereof.

(3) In cases where the circulation verification is conducted on the request made by the owner, publisher or any other person, the verification shall be made on payment of such fee as may be prescribed.

6.32 INS has suggested that circulation verification should be done by authorized officers only and not through any registered CA firms. Necessary changes may accordingly be made in the bill.

6.33 To this, the Ministry of Information and Broadcasting has clarified that circulation verification requires professional qualification particularly with reference to examination of financial documents - a criterion for assessing the circulation. In case it is restricted to be done by authorised officers only this work would come to standstill in the absence of such officers. Hence the option of getting work done through CA firms has been kept in the Bill (Clause 34).

6.34 During the course of evidence, the representative of RNI elaborated on the issue as under:

“Earlier the RNI was doing the circulation verification under 19 (f) of the existing Act. There were circulation officers and senior circulation officers in the regional and branch offices and in the headquarters also. They were drawn primarily from the Audit and Accounts Service on deputation basis. After the posts were abolished in 2006, the RNI empanelled Chartered Accountants through the Institute of Chartered Accountants of India in different parts of the country and they were authorised to conduct the circulation, verification and provide us the figures which was accepted by the DAVP also. But the Indian Language Newspapers Association had contested the decision and they have gone to the court. In the High Court of Delhi a decision was taken that the RNI will do the circulation verification. But given the acute shortage of manpower and the shortage of staff and officers, this job needs to be outsourced under section 34.”

6.35 When the Committee pointed out that there would be every chance of manipulation, the representative submitted that the other alternative is to strengthen staff strength of the regional RNIs. If the existing vacancies are filled up and circulation officers are appointed, RNI can undertake that work. In absence of such a scenario , outsourcing has been suggested. Thus, this is an enabling provision so that in the absence of technically qualified officers/officials with RNI, the work could be entrusted to private CA Firms, duly empanelled with the Government to facilitate uninterrupted disposal of circulation requests.

6.36 The apprehension that Chartered Accountants being in private domain may disclose commercial secrets of newspaper secrets to third party is ill conceived as even now CA's are verifying the circulation figures of newspapers which are accepted by DAVP. Further Audit Bureau of Circulation (ABC) a private body too verifies the circulation of a large number of newspapers. Also the Institute of Chartered Accountants of India has framed a professional code according to which individual Chartered Accountants or CA firms work. In case the code is not observed by a CA firm or an individual CA, his registration/membership certificate is liable to be cancelled by ICAI.

6.37 The Committee observe that in reaction to the concern expressed by some stakeholders that the circulation verification should be done by authorized officers only and not by Registered CA firms, the Ministry has justified their stand by stating that circulation verification being a technical job requires professional qualification. At the same time RNI has also cited the judgment by the Delhi High Court that circulation verification should be done by the staff of RNI only. However, in view of acute shortage of staff the provision to get the work done through outsourcing has been proposed in the Bill. Even if the Ministry has maintained that there is less chance of manipulation in getting the verification done by private Firms the Committee feel that it is always preferable to get the verification done by RNI. To facilitate this, the Committee recommend the RNI to take necessary steps to increase qualified professionals. The existing staff strength of RNI should be strengthened so as to enable it to fulfill all its mandate under the Bill.

(Recommendation Sl. No. 17)

H. Penalty

Clauses 38-49

6.38 Chapter VI of the Bill (Clauses 38-49) deals with penalties, which provides for various kinds of penalties for violation of different clauses of the Bill. During the course of examination of the Bill, the Committee came across divergent views on the proposed penalties. Most of the stakeholders vociferously expressed their disagreement with regard to clauses concerning

suspension of the Publication and suspension of the Press for thirty days. The issue has been dealt in the succeeding para.

6.39 Clauses 38 & 39 of the Bill provide as under:-

Clause 38:- Whoever prints or publishes any book or publication otherwise than in conformity with section 3 shall be liable to a fine not exceeding five thousand rupees in addition to suspension of the publication for a period of thirty days.

Clause 39:- Whoever owns any press in contravention of the provisions of section 4 shall be liable to a fine not exceeding five thousand rupees in addition to sealing of the printing press for a period of thirty days.

6.40 The Indian Newspaper Society in their memorandum submitted to the Committee have raised serious objections on the Chapter on penalties as under:-

“There is absolutely no reason for the draft Bill to prescribe the punishment of suspension of a publication for contravention of Sections 3 and 4. Declarations under these sections are routine in nature, and it is unnecessary for Government to claim the power to order suspension to deal with infractions. The monetary penalty imposed could, if Government so desires, follow a mathematical progression, or indeed any other formula that acts as a disincentive. But no Government should give itself the power to suspend a publication in the manner contemplated, and especially at the levels at which the power is proposed to be delegated.

The provision under Section 44(1) for imprisonment for publication not conforming to the provisions of the Act to whoever edits, prints or brings and any publication is against the very purpose of the Act, which is primarily to administer and regulate the publication of newspapers, and should be deleted. Even the Press Council of India has opposed this Section. Similarly, the provisions to cancel the declaration should be dropped.

The entire Chapter for ‘Penalty’ is a draconian provision and is violation of Chapter III of the Constitution while the original provision prescribed punishment and or fine upon conviction by a magistrate, the new section does not make conviction

mandatory. The punishments are prescribed for several technical violations.

In our opinion, suspension of the publication is too wide a power to grant to a Magistrate or even Press Registrar. A provision that causes cessation of a publication has no place in democracy and is violation of right to freedom and speech under Article 19(1)(a) of the Constitution.

This provision thus needs to be removed. The original provisions were sufficient deterrent and should not have been tinkered with.

Section 50 permits the Press Registrar to delegate all or any of his powers to any officer subordinate to him. When read with this, section 38 contemplates leaving the publications at the mercy of junior functionaries. State Governments are permitted to make rules for carrying out the objectives of the Act. With sweeping power to suspend publication or cancel registration there is every likely hood of the print media being an easy target for witch hunting.

We strongly oppose this and demand that this should be dropped/removed.”

6.41 The Haryana Editors Guild and Haryana Union of journalists expressed similar concerns on the Clauses on penalty:-

“The whole Chapter VI regarding penalties is obnoxious in nature. The bureaucracy should have no such power of coercion on the functioning of media in general and publications at district and sub-divisional levels in particular, since it will place media at the sweet mercy of babudom and will impair its independence to a dangerous extent and make it subservient to vested interests. In the name of verification of antecedents police control coupled with such penal powers spelled out under this chapter will go to make a vibrant media docile and tailing the bureaucracy. “

6.42 Asked as to why the extreme punishment of suspension of publication/sealing of printing press for contravention of Clauses 3 and 4 of the Bill have been prescribed, the Ministry has informed as under:-

“Section 3 of the proposed Act provides for printing of the name of Printer/Publisher and Place of Printing/Publishing in each issue of a book or publication. The provision has been retained from the existing Act, and in the existing Act penalty for not printing the imprint line is imprisonment of 6 months or with fine of Rs. 2000/- or both (Section 12). In the amended Act, the penalty of ‘imprisonment’ has been removed. There has been an additional penalty of ‘suspension of publication for 30 days’ instead. Further, the penalty amount has been raised from Rs. 2000/- to Rs. 5,000/-. The requirements under Section 3 are very important and therefore deterrent is a must for violators. Further imposition of any penalty is through court of law and not by Press Registrar General (PRG) or District magistrate (DM). Replacement of imprisonment by suspension of publication for 30 days cannot be termed as draconian, rather it is dilution of penalty.

As for violation of Section 4, penalty for contravention is closure of the printing press for 30 days along with fine of Rs. 5,000/-. Here too, in the existing Act the penalty is fine of Rs. 2,000/- or imprisonment of 6 months or both. The amended Act has diluted the penalty by replacing imprisonment with closure of printing press. If printing presses are allowed to work without the knowledge of district authorities, it is possible that some may prove to be detrimental to national interest, particularly in border and disturbed States. Hence the penal provision should be stringent enough to curb such tendencies.”

6.43 When the Committee asked if the penalties have been enhanced or brought down, the representative added that in absolute terms they could be called an enhancement. Clarifying on the issue of its imposition the representative stated during the evidence:

“I do not think it would really make much of a substantial difference in that sense because neither suspension nor imprisonment was being done by the executive. Both of them had to be implemented by the judiciary. It is a matter of what

the concerned judge feels, what he needs to do. His objection would have made a lot of sense in case we had introduced a penalty, which said that the Press Registrar General can suspend you, or we had said that the District Magistrate can suspend you, which is not the case. So, in any case, I do not think that is much of a point.”

6.44 The Committee note that various stakeholders have expressed serious concern on the issue of penalty i.e. suspension of publication and sealing of printing press for thirty days for contravention of clause 3 and 4 respectively. They have argued that this is violative of the Freedom of Press as guaranteed under Article 19 of the Constitution. They have expressed that this is an extreme form of penalty for mere technical violations. Sharing the concerns of the stakeholders, the Committee recommend that penalty may be imposed in stages and penalty of suspension of the publication and sealing of the press may be resorted to only on successive violations. The defaulter may be given a chance to explain and complete the formalities as prescribed in Clause 3 and Clause 4 of the proposed Bill. The Committee also feel that the sealing of printing press may have other legal implications as one of the stakeholders who deposed before the Committee had stated that sealing is a bigger thing than publication being suspended. Sealing is putting an end to somebody’s business and the only criteria provided in proposed Bill is when somebody does not make a declaration. There has to be some more strict provisions leading to a situation where a sealing of press may be resorted to because it may not stand judicial scrutiny if it was to be challenged in the Court. As such, the Committee recommend the Ministry to look into the possible ramifications and legal side of the issue before deciding on the penalty in the form of sealing of the press. Necessary amendments may be carried out in the Bill, accordingly.

(Recommendation Sl. No. 18)

I. **Delegation of Powers by Press Registrar General (PRG) to any Subordinate Officer**
Clause 50

6.45 As per Clause 50 of the proposed Bill subject to the provisions of the Act and rules made there under, the Press Registrar General may delegate all or any of his powers under the Act to any officer subordinate to him.

6.46 The INS expressed serious concerns on the above provision as it apprehended that delegation of powers when read with section 38 would leave the publications at the mercy of junior functionaries. State Governments are permitted to make rules for carrying out the objectives of the Act. With sweeping power to suspend publication or cancel registration there is every likely hood of the print media being an easy target for witch hunting. Hence the provision needs to be dropped.

6.47 The Ministry of Information and Broadcasting in their comments to the above apprehension stated that it is not correct to read delegation of powers (clause 50) with the penalty clause (Section 38). Delegation of powers is for administrative convenience. Section 38 is about a specified penalty, which is to be imposed by the Court of Law. Delegation of powers is provided in every sphere of Government functioning in order to ensure speedy disposal.

6.48 With regard to delegation of power by PRG to any subordinate Officers, serious concerns have been expressed that the provision may lead to wielding and exercising of more powers by the junior functionaries, leaving the administrative process relating to press and publications at their mercy. The Committee also feel that in the absence of clear cut guidelines regarding the circumstances when and how these powers can be delegated to subordinates leaves ample scope for misuse of the provision. The recent misuse of section 66(A) of the Information Technology (Amendment) Act, 2008 is a very good example of how the provisions on delegation of power in any Act can be misused in the absence of clear cut guidelines. The Committee recommend that necessary safeguards may be built in the Act

itself or the same may be outlined in Rules/Guidelines so as to avoid any possible misuse of this provision.

(Recommendation Sl. No. 19)

VII. Chapters III and IV relating to Books

(Clauses 21-27)

Role of Ministry of Human Resource Development

The Committee heard the views of the Ministry of Human Resource Development on the proposed legislation in general and more particularly on Chapters III and IV i.e. sections concerning books. The Secretary, Ministry of Human Resource Development while deposing before the Committee reacted to the proposed legislation as under:

As regards our reaction to the proposed amendments, the Bill and the earlier Act, by and large, this Ministry agrees to the views proposed in the Bill. We feel that all the important aspects have been covered. Since the nodal agency for this Act is the Ministry of I&B, so, though, we did not hold any formal consultation with them or they did not invite us for any formal consultation, yet we did send our comments way back on 22 June 2010. So, in a way, the comments, which you have received are slightly out-dated, which is of 2010.

To our mind, whatever changes are brought into place will facilitate book promotion. It will help in the preparation of list of catalogue and bibliography, and it will also give data of the number of books published and the number of publishers in India. So, this kind of data will now be available nationally. But since this Act is actually being implemented at the ground level by the State Governments, we feel that the State Governments need to be kept on board. Frankly, I would admit that we have not done this, and we need to work on it and sensitise them and promote the issues raised in this particular Act.

7.2 Besides, the Secretary during the course of evidence highlighted on certain key issues and put forth the following views/suggestions:

- With regard to suggestion to have a separate Act for book away from publication, etc. there is no need for having a separate Act. The proposed legislation, which deals both with the print media, publications and books, is sufficient.

- Rapid technological changes need to be taken into account, and the definition of book should also include e-books.
- Applications should be made online, and instead of giving hard copies and submission of hardcopy applications if it is done online, then it would be a good facility for the authors. This would reduce their hardship and take them out of the bureaucracy, which we sometimes tend to engage in.
- Under the Press and Registration of Books and Publications Act one has to submit certain documents, and one has to submit hard copy. Similarly, in the Ministry of Culture, there is the Delivery of Books and Newspapers Act, 1954 under which they have to supply books to four National libraries, and while doing ISBN again one submits a copy. In order to avoid the duplicity, and through use of technology the possibility of having a common platform or a common repository for such books should be explored. In any case, in the Book Promotion Council which deals with ISBN, there is no space to keep the books. In the time of technology this submission should be done electronically so that much of space for storing books in an expensive city like Delhi can be liberated.
- There should be no barriers to knowledge. As much as possible, through use of technology, these barriers should be removed and knowledge should flow freely not only within the country but also abroad, and wherever some administrative steps have to be taken through the Act in the interests of the country, it should be done as smoothly as possible by using ICT and technology.

A. Administrative Ministry for implementation of the Act – Inter Ministerial Co-ordination

7.3 On the mandate of the Ministry of Human Resource Development with regard to the Press and Registration of Books and Publications 1867 the Secretary, MHRD submitted that the Ministry of HRD has a limited role as far as this particular Act is concerned. As per Allocation of Business Rules, 1961, their role is limited to book and book promotion. In books also, there are certain aspects, which relate to the Ministry of Information & Broadcasting (I&B), and it also excludes stationery paper, news print, etc., which relates to the Department of Industry and Industrial Promotions. Secondly, this Act is actually being implemented at the State level. The Government has notified the authorised offices, and they are responsible for doing the registration in this respect.

7.4 The Committee pointed out that as per the demarcation of responsibilities in the Government of India's various Ministries the precise responsibility of the Ministry of Information and Broadcasting is restricted to publication on matters of national importance for internal and external publicity with a view to imparting to the general public at home and abroad up to date and correct information about India. For instance, in the Annual Report of the Ministry of Information and Broadcasting 2011-12 it has been mentioned that the administration of the Press and Registration of Books and Publications (section 25 of 1867) concerning newspapers is the responsibility of the Ministry of Information and Broadcasting.

7.5 When the Committee drew the attention of the Secretary, HRD to this aspect, he submitted as under:

“As far as this Ministry is concerned, the Allocation of Business Rules 1961 gives book and book promotion to us. We have to restrict ourselves to that. The ownership of this Act, the authorship is with the Ministry of I&B. They have not disputed it or contested it. They have been doing it till now. We come in only when the issue of books is concerned. As far as the journal is concerned and as far as information dissemination is concerned, it is the Ministry of I&B which is responsible.....we have no complaints with the Ministry of Information and Broadcasting; in fact the system is doing well.”

7.6 With regard to complaints like objectionable and controversial material in books suggesting banning of such books the Ministry of Human Resource Development informed that the same are received by the Ministry of HRD. However, as the subject matter regarding banning of books comes under the domain of Ministry of Home Affairs, the complaints are forwarded to them for necessary action.

7.7 Asked as to how the Ministry of Human Resource Development would explain the fragmented approach with regard to the implementation of provisions concerning books whereby several Ministries are involved and the implementation is with the State Governments, the Ministry in a post evidence reply stated as under:

“This Ministry will request the implementing Ministry *i.e* the Ministry of Information and Broadcasting to constitute an inter

ministerial Committee to monitor the implementation of the Act.”

B. Implementation of the Act by State Governments

7.8 When the Committee enquired as to whether the Ministry of Human Resource Development has ever reviewed the implementation of the provisions pertaining to Books by the State Government, the Ministry of HRD through their written replies informed that the Ministry of Human Resource Development has not taken any review of the implementation of the Act as the implementation authorities are the respective State Government. However, it is proposed to review implementation of the relevant provisions of the Act pertaining to books at Central level. This will have to be done jointly by the Ministry of Information & Broadcasting and the Ministry of Human Resource Development.

7.9 Asked as to whether the Ministry of Human Resource Development has reviewed rules framed by the State Governments concerning books in the context of ‘The Press and Registration of Books Act, 1867, the Ministry further informed that the Ministry of Human Resource Development has not taken / undertaken any review of the rules framed by the State Governments. However, a joint review mechanism will be worked out in this regard in consultation with the Ministry of Information & Broadcasting.

7.10 On being enquired as to what initiatives have been taken by the Ministry of Human Resource Development for sensitising the State Governments, the Secretary deposed before the Committee as follows:

“We are looking into this. We have not done this. I assure the Hon’ble Members that we will hold joint workshops and meetings with the nodal agencies.”

7.11 When asked about the difficulties the State Governments are facing in implementing the existing Act, the Secretary further added:

“The truth is that nobody is contacting us in connection with the Act neither the State Governments nor the publishers. Actually to be very frank, as far as we are concerned, we are out of the loop. But since the Act is there and the issue of book is

mentioned, we need to involve ourselves with the State Governments and see what the problem is.”

7.12 On being further asked as to who will take initiative in this regard, the Secretary informed that the Ministry will take initiatives and it will talk to Officers in the State Government. When the Committee enquired about concrete suggestions for sensitising the State Governments, the Ministry of Human Resource Development informed that they will take up the importance of implementation of the provisions of the Bill with all the State Governments in consultation with the Ministry of Information & Broadcasting. The Ministry will also ask the National Book Trust (NBT) to conduct awareness workshops during the book fairs to sensitise the publishers about the importance of the implementation of the Act.

7.13 When the Committee wanted to know whether there should have been more involvement and intervention of the Ministry of HRD in the drafting of the Bill, the Secretary viewed that there should be no hindrance in the free flow of knowledge unless it goes against the national interests of the country. In reply to a question about bringing the proposed legislation, he added:

“The Act has been brought in as there are issues of national security in it. However, in my opinion, the less we regulate the better it is. Till now there has been no representation, no complaint to us. So there is less interface with us as far as this Act is concerned.”

7.14 The Committee note during his deposition Secretary, Ministry of Human Resource Development was candid in his admission before the Committee that even though Chapter III & IV of the present Act relates to the Ministry of HRD, they have hardly done anything so far in implementing the provisions relating to registration of books across the country. Similarly, the Act is being implemented by the State Governments. However, the Ministry of HRD has not done any interaction with the State Governments so far in the matter. The Secretary has now assured the Committee that now onwards they will be actively involved with the provisions of the Act

concerning the books and book promotion. He also proposed to have interaction with the State Governments and emphasized the need for Co-ordination Committee wherein the representative of the Ministry of I&B, HRD, Culture and others could be included for proper implementation of the provisions of the Bill. The Committee recommend that the Ministry of I&B, which is the nodal Ministry, for the proposed legislation should examine these aspects in detail for incorporation of necessary provisions in the proposed legislation or under the Rules to be framed for implementation of the proposed legislation.

(Recommendation Sl. No. 20)

7.15 The Secretary, HRD was also candid in his admission that the Ministry of HRD has so far not coordinated with the State Governments in regard to implementation of the existing Act. It appears that all States are taking action as per their own systems. The Committee strongly feel that there is a need to have coordinated approach to ensure that there are uniform procedures across all the State Governments with designated authorities/offices which would be responsible for the Act. The Central Ministries, viz., the Ministry of Human Resource Development and I&B should also have a mechanism to get a regular feedback from the State Governments. Accordingly, the Committee recommend that necessary provisions should be incorporated in the proposed legislation for the purpose. Similarly, adequate steps should be taken to sensitize the State Governments for implementation of the legislation in letter and spirit.

(Recommendation Sl. No. 21)

7.16 The Committee note the Ministry of Human Resource Development has made certain useful suggestions with regard to provision for online application and online submission, inclusion of e-Books in the definition of books, exploring the feasibility of a common repository for books to avoid duplicity in storage of books and greater use of ICT and technology

wherever possible for smooth and efficient functioning of the administrative process. The Committee while appreciating the views of the Secretary, recommend the Ministry of Information and Broadcasting to look into the above suggestions and take necessary steps in coordination with concerned Ministries/Departments including HRD, NIC etc. so as to concretize these proposals for incorporation in the Bill and Rules to be framed for implementation of the proposed legislation.

(Recommendation Sl. No. 22)

VIII. Powers of the Central Government/State Governments to make Rules
Clause 53(1)

Clause 53(1) of the proposed legislation vests in the Central Government the power to make rules which *inter-alia* provides that the Central Government may by notification in the Official Gazette, make rules under the provisions of this Act as may be necessary or desirable for carrying out the objects of this Act. Eighteen such issues have been listed where the Government will make rules on issues concerning registration, publication printing etc. Clause 54(1) provides that the State Governments could make rules not inconsistent with rules made by the Central Government.

8.2 Some of the stakeholders suggested that the Central Government alone should frame the rules as allowing the State Governments to frame separate rules may lead to some States making rules inconsistent with Central Government rules thereby leading to confusion. On being asked the views of the Ministry of I &B, the Ministry responded:

“The rules to be framed by the State Governments would only be on Chapter III and IV. Chapter III talks about delivery of books and publications to State Governments, while Chapter IV talks about the catalogue of books to be maintained by the State Governments in a prescribed manner. The apprehension that two sets of rules would create problems is ill founded as the Act deals with publications only with regard to title verification, registration or circulation etc. State Government has nothing to do with the title verification and registration of publications.”

8.3 On being enquired as to whether the Government should formulate some model Rules for guiding the States with regard to section on books so that there is uniformity in implementation of the Act, the Ministry of I & B stated that model Rules may be made in consultation with the Ministry of Human Resource Development.

8.4 The Committee note that provisions in clause 53(1) and Clause 54(1) in the proposed Bill are a continuity from the Press and Registration of Books Act 1867. Even then some of the stakeholders have expressed apprehensions that vesting the power to make Rules in the State Governments may lead to some State Governments making Rules inconsistent with the Central Government Rules thereby leading to confusion. However, the Ministry has clarified that Rules to be framed by State Governments will only be on Chapters III and IV. Since this a continuing provision, the Committee wanted to know the position/experience in this regard from the Ministry of Human Resource Development. However, to the utter surprise of the Committee, it has been informed that the Ministry of HRD has not done any review in the matter and as such not aware of any Rules framed by the State Governments in accordance with provisions in the Act. The Central Government is not aware as to how the States are implementing the provisions of the Act. For effective implementation of the proposed legislation, the Committee strongly recommend that the Ministry of Information and Broadcasting in co-ordination with the Ministry of Human Resource Development should formulate certain model rules/guidelines for States to follow so as to ensure uniformity across the country with regard to implementation of the Act.

(Recommendation Sl. No. 23)

**IX. Power of State Governments to exclude any class of Books and Publications from the purview of the Act
Clause 55**

As per Clause 55 of the proposed legislation, the State Government may, with the previous approval of the Central Government, by notification in the official Gazette, exclude any class of books or publications from the

operation of the whole or any part or parts of the Act. Such a provision existed in Chapter VI, Clause 21 of the Press and Registration of Books and Publications Act, 1867 also.

9.2 The representative of Times of India during the course of evidence expressed the view that when the law says that all the books and publications will follow the law, then the Government cannot exempt any State from the purview of the law by having such a Clause. On being asked as to what is wrong in the provisions when it is only the State Government, which is being empowered after being scrutinized by the Central Government, the representative stated that it could be discriminating. The Government wants to reserve the power by excluding any particular publication from the law and the purpose of this is not clear.

9.3 The Committee enquired about the views of the Ministry of Information and Broadcasting behind such a provision and whether the Ministry foresees any situation where such a provision would be required, the Ministry of Information and Broadcasting in their written replies stated as under:

“There are large numbers of Publications like Law Journal, Government Publications, which are being published since long back but are not registered with RNI for whatever reason. The State Government may seek exception under this clause for availing facilities like postal concession, DAVP Advertisements which are otherwise extended to Registered Publications only.”

9.4 The Committee desired to know from the Ministry of Human Resource Development about the instances of State Governments issuing notices in this regard to which it was informed that the Ministry of Human Resource Development has no information about State Governments issuing notices about exclusion of any class of books or publications from the operation of the whole or any part or parts of this Act as this is implemented by the Ministry of Information and Broadcasting.

9.5 The Committee note that under Clause 55 of the proposed legislation the State Government may exclude, with prior approval of the Central

Government any class of Books or publications from the operation of the Act. Similar provision also existed in the PRB Act 1867. Some of the stakeholders have expressed that the provision could be discriminatory as the Government may reserve the power to exclude any particular Publication from the purview of the law and the purpose is not very clear. The Committee feel that there should be provisions in the Rules wherein the concerned authorities should record such instances and permissions/exemption should be based on recorded reasons so as to avoid any discrepancies.

(Recommendation Sl. No. 24)

X. Miscellaneous

A. e-Books, e-Publications and Online Edition of Newspapers

As per the salient features outlined in the detailed background note furnished by the Ministry, internet edition of Newspapers have been covered under the proposed legislation.

10.2 The Committee desired to know about the registration procedure for online news portals such as *rediffnews.com*, *sify.com*, *e-khabar.in* etc. and how the online editions of portals newspapers are being regulated and monitored, the Ministry of Information and Broadcasting has informed that online news portals such as *rediffnews.com*, *sify.com*, *e-khabar.in* etc. will not be under the purview of the proposed PRBP Bill. The subject matter pertains to the Ministry of Communications & Information Technology.

10.3 Recently Social Networking Websites such as Face book, Twitter are growing in popularity and increasingly influencing and shaping up the public opinion. In this context, when the Committee wanted to know what safeguards have been ensured in the proposed legislation so that these are not left out unregulated leading to glaring loopholes in the Act, the Ministry of I& B stated that this does not come under the purview of the proposed Bill as the subject matter comes under the purview of the Ministry of Information Technology.

10.4 More and more Books and Publications are using alternate media and online editions and as such greater involvement of the Ministry of Communications & Information Technology would be required with regard to technical interpretations and bring this Bill in consonance with the Information Technology Amendment Act, 2005. When the Committee asked about the efforts being made to ensure greater co-ordination with the Ministry of Communications & Information Technology so that issues of e-Book, e-publications are also addressed suitably in the proposed legislation, the Ministry replied that this would be done in due course with the concerned Ministries.

10.5 The Committee note from the salient features of the proposed legislation that internet edition of the newspapers have been covered under the Act. However, on a detailed examination of the Bill, the Committee find that nowhere in the Bill the issues relating to monitoring and regulation of e-books, e-publications, and online edition of newspapers have been mentioned in the Bill. In the present age when more and more Newspapers and publications are digitally published the Committee wonder as to how these have been left unaddressed in the Bill. Further, on the issues of online edition of news portals the Ministry of Information and Broadcasting informed that these are not under the purview of the Bill. The Committee understand that the Ministry intends to take up these in co-ordination with the Ministry of Communications & Information Technology later. In the opinion of the Committee the Bill should address these at this stage only and for this there will be a need for greater involvement of the Ministry of Communications & Information Technology with regard to technical interpretations and to bring the Act in consonance with the Information Technology (Amendment) Act of 2008. The Committee, therefore, recommend the Ministry to take up the issues with the Ministry of Communications & Information Technology and address these suitably in the proposed legislation.

(Recommendation Sl. No. 25)

B. Overlapping with Trade Marks Act

10.6 The Indian Newspaper Society (INS) through their Memorandum submitted to the Committee had stated that newspaper titles registered under the Press and Registration of Books and Publications Act are unique and are protected against infringement by others. Clause 16 of the Fourth Schedule of the Trade Mark Rules contain a word “printed matter” for registration of Trade marks. Set in the context in which it is printed, it cannot include newspapers. However, the Trademark Registry also continues to issue Registration Certificates for newspaper titles under the Trade Marks Act and leading to overlapping. On this basis, some newspapers, which have no registration under the PRB Act, have contested in courts of law that registration of newspaper titles under the PRB Act is of no consequence and registration under the Trade Marks Act is supreme and overrides the PRB Act. The Karnataka High Court has not accepted this plea and has held that Trade Marks Act can best provide only an additional registration but not the primary registration for newspapers, which is under the PRB Act. It is, therefore, necessary to remove these doubts, and make the matter abundantly clear.

10.7 In another memorandum received from the Financial Times (FT) the Committee were informed that there is great anomaly between the provisions of the PRB Act and the provisions of the Trade Marks Act 1999 (TM Act) and both need to be brought in consonance with each other. Titles of Publications that have been registered under the TM Act and even if not registered, known and accepted to be in use should be respected and registration of such titles in the name of any other persons should not be granted by the Press Registrar. Further, if such titles have already been granted, the PRB Bill must provide for a procedure for having such titles taken off the Register after granting a time period for obtaining written consent of the owner of the foreign Publications. This will enhance the import of liberalization of GOI and create a level playing field.

10.8 In this background, when the Committee desired to know the efforts made to ensure that the present Act does not conflict with the Trade Mark

Act the Ministry through their written reply informed that the Press and Registration of Books Act and Trade Mark Act are entirely different in nature and scope and independent of each other. They have different areas to deal with. The Press and Registration of Books Act deals with the semantic representation of a newspaper's identity, while the Trade Marks Act deals with the visual and phonetic representation of identities and also recognizes associations built over years of usage. PRB Act protects the newspaper titles throughout India against duplication or adoption of even a "similar" title. A newspaper title for a newspaper is what a Trade Mark is for other goods. A Trade Mark is goods oriented while a Newspaper title is 'title oriented'. Both have different fields to deal with and hence there is no necessity to further remove any doubts.

10.9 The Ministry has further informed that if at all any conflict arises; it is for the appropriate Courts to decide in each case from time to time.

10.10 The Committee note that 'The Press and Registration of Books and Publications Bill, 2011' is a comprehensive legislation concerning the press in India. During the course of examination of the Bill, however, some of the stakeholders have referred to situations wherein the Trade Marks Act (TM Act) may come in direct conflict with the PRB Act as the Trade Marks Rules contain the word 'printed matter' for registration of trademarks, which include newspapers. Trade Mark Registry continues issuing Registration Certificates for newspaper titles under the Trade Mark Act leading to conflict with PRB Act. Though the Ministry has maintained that the two Acts are entirely different areas to deal with trademarks being good oriented while newspapers title is title oriented, the case in Karnataka High Court is a case in point which proves that indeed there may be conflict between the two Acts. The case has also brought into surface anomalous situations for facsimile edition of some ongoing publications whose titles have been registered under Trade Marks Act but would be denied title registration as per the proposed legislation. The Committee find that the Bill does not prescribe any bail out for such publications. In this regard the Committee are not happy with the stand of the Ministry that if at all conflict arises between the two Acts it is for the Courts to decide each case from time to

time. The Committee strongly feel that the Ministry need to examine all such situations where possible conflicts may arise with regard to all provisions of PRB Act, and address them suitably in the Act itself rather than leaving it to the Courts. That will not only clear ambiguities in the Bill but also reduce unnecessary legal hassle and litigations. The Committee, therefore, recommend that apart from such an exercise the Ministry should take up the issue with the concerned Department for removing 'newspapers' title registration from the ambit of Trade Marks Act and make the provisions amply clear.

(Recommendation Sl. No. 26)

C. Errors and Mistakes

10.11 Errors and shortcomings to the Bill were brought forward by one of the stakeholders, which pointed to mistakes/errors at several places in the proposed Bill. The details of errors noticed and the comments/the status as given by the Ministry is as under:-

Page:16: under clause [c], first line, the word "Specialty" may be as "Speciality".	Accepted.
Page:17: Para 2, under (e), 3rd line, the word "or" to be placed ["and it" to be replaced]	Accepted.
-do- Para.3.under (f), 1st line, the word "an" may be inserted in between the words "by agent" (by an agent). Similarly, in Page.19, under clause 7,3rd line also.	Accepted.
-do- Para 8: under (iii), 1st line, it may be "in an issue of an Indian Publication. [The word is to be inserted]	Not clear.
Similarly in Page 20, clause 9, 7th line "is" to be inserted.	Not clear.
Page.18 clause.5 3rd Para, first line, the	

<p>word “It” must be placed instead of I”. (the letter “t” omitted)</p>	<p>Accepted.</p>
<p>Page:18.clause.6: 2nd line, the word “The” may be inserted, if needed, in between the words “in Prescribed” (in the Prescribed)</p>	<p>Accepted.</p>
<p>Page:19 -do- 9th line may be as “if he/she is” (if needed)</p>	
<p>-do- clause 7: A word “The” may be inserted, if needed, as last line “in the prescribed form” similarly in Page 20, below clause 9 [sub-clause (i) first Para, 3rd line, may be “approval in the prescribed form.</p>	<p>Accepted.</p>
<p>Also in P.21, clause 14, last line in and in sub-clause 1, last line; clause 18, 6th line.</p>	<p>Accepted.</p>
<p>Page 20.clause 10 (sub-clause-1) Para.2. 1st line, the word “that” is put in two places.</p>	<p>Accepted.</p>
<p>Page.21. clause 17. 3rd line & 5th line, the word “latter” is placed. May be confirmed and suitably corrected, if needed.</p>	<p>Accepted.</p>
<p>Page. 21. clause.18. The word “inquiry” in two places may be corrected as “enquiry”. Similarly in P.22, below clause 20 [1st Para 22nd line] may be corrected, if needed.</p>	<p>Not accepted.</p>
<p>-do- clause.19. 1st line, the word cancellation, the letter “C” in capital may be, in small letter.</p>	<p>Not accepted.</p>
<p>Page.22.clause.23. 2nd line, the word</p>	<p>Accepted.</p>

<p>“disposed of” or “disposal off” may be checked and confirmed Similarly in Page. 27, under clause 57, sub-clause (f) in 2nd and 3rd line.</p>	<p>Not accepted.</p>
<p>Page.25. clause. 41. 7th line, the word “fine” must be replaced instead of “line”. Similarly in 5 other places mentioned below (in Page 25 and Page. 26).</p>	<p>Accepted.</p>
<p>Page.28. Para.3. 1st line must be “It is proposed” (The word “is” to be inserted.</p>	<p>Accepted.</p>

10.12 The Committee have come across several typographical or other mistakes in the Bill. The Ministry has accepted many of these errors and agreed to correct them. Considering the large number of mistakes in the Bill, the Committee recommend the Ministry to be extra careful in drafting of important Bills such as the present one so as to avoid any kind of misunderstanding, misinterpretation and ambiguity.

(Recommendation Sl. No. 27)

**New Delhi
17 December, 2012
26 Agrahayana, 1934 (Saka)**

**RAO INDERJIT SINGH
Chairman,
Standing Committee on
Information Technology**

Bill No. 124 of 2011

THE PRESS AND REGISTRATION OF BOOKS AND PUBLICATIONS
BILL, 2011

ARRANGEMENT OF CLAUSES

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Bill No. 124 of 2011

THE PRESS AND REGISTRATION OF BOOKS AND PUBLICATIONS
BILL, 2011

A

BILL

*to amend and consolidate the laws relating to press and registration of
books and publications.*

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as

follows:— CHAPTER I

PRELIMINARY

5 2011. 1. (1) This Act may be called the Press and Registration of Books and Publications Act,

(2) It extends to the whole of India:

Provided that any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law in force in that State.

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

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Appellate Board” means the Press and Registration Appellate Board constituted under sub-section (1) of section 20;

(b) “book” includes every volume, part or division of a volume and pamphlet in any language and every sheet of music, map, chart or plan separately printed, other than newspaper, magazine, journal and newsletter, and has no definite periodicity;

(c) “editor” means a person, whether called editor, chief-editor, sub-editor or by whatever name called, who is a citizen of India and ordinarily resides in India, who controls the selection of the matter that is brought out in a publication;

(d) “electronic form” in reference to information means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device;

(e) “facsimile edition” of a publication means an exact replica in full or in part of the original edition of a foreign publication; subject to the condition that any page is not published in part;

(f) “financial year” means the year beginning on the 1st April and ending on the 31st March next following;

(g) “foreign publication” means any publication published in a country outside India;

(h) “journal” means a periodical publication other than a newspaper, magazine or newsletter containing comments or write-ups on specific subjects;

(i) “known foreign publication” means such foreign publication as may be prescribed;

(j) “magazine” means a periodical publication containing comments or write-ups on general subjects including public news or comments on public news;

(k) “newsletter” means a periodical publication brought out by a group or organisation or institution to present information to its members or stakeholders, on subjects of common interests;

(l) “newspaper” means a publication of loose folded sheets usually printed on newsprint brought out daily or often or atleast once in a week, containing public news or comments on public news;

(m) “owner” means a person who owns the publication;

(n) “prescribed” means prescribed by rules made under this Act;

(o) “Press Registrar General” means the Press Registrar General of India, appointed by the Central Government under section 28;

(p) “printer” means a person nominated by the owner to be responsible for printing;

(q) “printing” means reproduction through any technology involving mass production of copies excluding photocopying;

(r) “publication” means newspapers, magazines, journals or newsletters printed periodically and published in India including its reproduction in electronic form, or any syndication, facsimile edition, and Indian edition of periodical published outside India;

(s) “publisher” means a person who prepares and causes the publication to be brought out;

(t) “Register” means the register of publications maintained under section 29;

(u) “specified authority” means a District Magistrate or Deputy Commissioner or Commissioner of Police, as the case may be, or any other executive magistrate or an officer authorised in writing by the District Magistrate or Deputy Commissioner or Commissioner of Police, as the case may be;

5 (v) “syndication” means sourcing content from other publications which has been or is being published and the credit is given for the source in the byline of publications;

(w) “title” in relation to a publication means a word or combination of words and does not include abbreviations.

10

CHAPTER II

PRINTING PRESSES AND PUBLICATIONS

3. (1) Every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and of the publication.

Particulars to be printed on books and publications.

15 (2) In case an edition of a publication is being printed from more than one location, the name of the printer and each printing press with their complete address shall be disclosed in the imprint line of each print.

4. (1) Every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in such form as may be prescribed, before the specified authority within whose local jurisdiction such press is kept.

Owner of printing press to make declaration.

(2) As often as the place where a press is kept is changed, a fresh declaration shall be necessary:

20 Provided that where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the specified authority referred to in sub-section (1), no fresh declaration shall be necessary if —

(a) a statement relating to the change is furnished to the said specified authority within three days thereof; and

(b) the owner of the press continues to be the same.

30 5. A person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication:

Who may bring out a publication.

Provided that no person who has been convicted by any court for an offence —

(i) involving terrorist act or unlawful activity; or

(ii) for having done anything against the security of the State,

shall bring out a publication.

35 *Explanation.*—For the purpose of this section, the expression “terrorist act” or “unlawful activity” shall have the meanings respectively assigned to them in clauses (k) and 37 of 1967. (o) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967.

40 6. (1) The owner of any proposed publication may make an application proposing one or more titles, not exceeding five, in order of preference to the specified authority for verification of one of titles of the publication:

Verification and registration of title.

Provided that if the owner of the proposed publication is an entity incorporated and registered in India, the authorised signatory shall make an application on behalf of that entity under this section.

45 (2) The application referred to in sub-section (1) shall be in such form and accompanied by such fees as may be prescribed.

(3) The specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application:

Provided that no such application shall be rejected unless the person concerned had been given an opportunity of being heard. 5

(4) On receipt of the recommendation from the specified authority under sub-section (3), the Press Registrar General shall in writing and in such manner as may be prescribed, approve one of the title or reject all the proposed titles if such titles are—

(a) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or 10

(b) obscene; or

(c) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form;

(d) same or similar to that of a known foreign publication.

(5) The decision of the Press Registrar General as to title under sub-section (4) shall be final. 15

(6) Without prejudice to the other provisions of this Act, every title of a publication approved under this section shall, if the authenticated declaration made under section 10 is not filed with the Press Registrar General within a period of six months from the date of such approval, be deemed to have been cancelled and become available to new applicants: 20

Provided that the Press Registrar General may, if he is satisfied that the delay in filing the authenticated declaration by the applicant was beyond the control of the applicant, extend the time for such period, not exceeding four months, after recording the reasons in writing.

(7) Any owner of a publication may, after registration, transfer the title of such publication to any person, in such manner as may be prescribed. 25

(8) A title verified under this section, if not registered under section 30 within one year of its verification, shall stand cancelled:

Provided that the Press Registrar General may, in exceptional cases, grant further period of four months to those publications where the delay is due to reasons beyond the control of the title holder. 30

Printer and publisher of a publication to make declaration.

7. (1) The printer and the publisher of every publication shall appear in person or by agent authorised in this behalf, before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate, in such form as may be prescribed. 35

(2) Every declaration made under sub-section (1) shall specify the title of the publication, the language in which it is to be published and the periodicity of its publication.

(3) Where the printer or publisher of a publication making a declaration under sub-section (1) 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. 40

(4) A declaration made in respect of a publication under sub-section (1) and authenticated under section 10 shall be necessary before the publication can be published.

(5) Where the periodicity of a publication is changed, the declaration shall cease to have effect and a fresh declaration shall be necessary before the publication can be continued. 45

(6) As often as the ownership of a publication is changed, a fresh declaration shall be necessary.

(7) As often as the place of printing or publication is changed, a fresh declaration shall be necessary:

Provided that where the change is for a period not exceeding thirty days and the place of printing or publication after the change is within the local jurisdiction of the specified authority referred to in sub-section (1), no fresh declaration shall be necessary if —

(a) a statement relating to the change is furnished to the said specified authority within three days thereof; and

(b) the printer or publisher or the printer and publisher of the publication continue to be the same.

(8) 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 fresh declaration shall be necessary.

(9) Every declaration made in respect of a publication shall be void, where the publication does not commence—

(a) within six weeks of the authentication of the declaration under section 10 in the case of a publication to be published once a week or oftener; and

(b) within three months of the authentication of the declaration under section 10, in the case of any other publication,

and in every such case, a fresh declaration shall be necessary before the publication can be brought out.

(10) Every existing declaration in respect of a publication shall be cancelled by the specified authority before whom a fresh declaration is made and subscribed in respect of the same.

(11) The declaration shall cease to have effect if the publication has not been brought out as per the declared periodicity, for a period exceeding one year, and in all such cases the registration number and the title shall be deemed to have been cancelled.

9 of 1875. 8. No person, who does not ordinarily reside in India, or who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 or of any law for the time being in force to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration under section 7, or edit a publication.

Prohibition as to making declaration under section 7, or editing of a publication, in certain cases.

9. (1) Without prejudice to the other provisions of this Act, no publication shall be printed and published in India except with the prior approval of the Central Government granted in this behalf, if —

Limits of foreign news content, foreign investment, etc.

(a) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(b) its title is same or similar to a known foreign publication; or

(c) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or

(d) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(e) it is a facsimile edition of a known foreign publication.

(2) Any person who intends to print or bring out a publication referred to in sub-section (1) may make an application to the Central Government for its prior approval in such form and accompanied by such fee as may be prescribed.

(3) The Central Government may, subject to such terms and conditions as it may deem fit, grant approval for printing or publishing the publication referred to in sub-section (1) or refuse to grant such approval after recording the reasons thereof: 5

Provided that no such refusal shall be made unless that person concerned has been given an opportunity of being heard.

Authentication of declaration.

10. (1) The specified authority, before whom declaration has been made under this Act shall within a period of two months, authenticate each of the two originals of the declaration, with his signature and official seal with date or through his electronic signature with date: 10

Provided that the specified authority shall not authenticate the declaration made under section 7 unless it is accompanied by a title approved under sub-section (4) of section 6:

Provided further that any declaration so made and authenticated under the provisions of the Press and Registration of Books Act, 1867 before the commencement of this Act shall be deemed to have been made and authenticated under the corresponding provisions of this Act. 15 25 of 1867.

(2) A copy of the declaration authenticated by the specified authority, 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 General. 20

Deposit of declaration.

11. One of the originals of the declaration referred to in section 10 shall be deposited among the records of the office of the specified authority.

Inspection and supply of copies of declaration.

12. The officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two hundred rupees. 25

Office copy of declaration to be *prima facie* evidence.

13. In any legal proceeding, whether civil or criminal, the production of a copy of declaration so authenticated under section 10 or section 15, attested by the seal of the specified authority or in case of the editor, a copy of the publication containing his name printed on it as that of the editor or in case of more than one editor, the editor finally responsible for the selection of the matter shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, or printed on such publication, as the case may be, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every publication whereof the title shall correspond with the title of the publication mentioned in the declaration, or the editor of every portion of that issue of the publication, of which a copy is produced. 30 35

New declaration by persons who have signed a declaration and subsequently ceased to be printer or publisher or owner.

14. (1) If any person has subscribed to any declaration in respect of a publication under section 7 and the declaration has been authenticated by a specified authority under section 10 and subsequently that person ceases to be the printer or publisher or owner of publication mentioned in such declaration, he shall appear in person or through his authorised representative before the specified authority and make and subscribe a declaration in duplicate, in such form as may be prescribed. 40

(2) The owner shall also file declaration for change of printer or publisher by appearing before the specified authority concerned and make and subscribe a declaration in duplicate, in such form as may be prescribed. 45

Authentication and filing of declaration made under section 14.

15. (1) Each original of the declaration made under section 14 shall be authenticated by the signature with date and seal of the specified authority before whom the said declaration shall have been made, and one original of the said declaration shall be filed along with original of the declaration authenticated under section 10. 50

(2) A copy of the declaration attested by the official seal of the specified authority under sub-section (1) shall be forwarded to the Press Registrar General.

16. The officer-in-charge of each original of the declaration made under section 14 shall allow any person applying to inspect that original, on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the specified authority having custody of the original, on payment of a fee of two hundred rupees.

Inspection and supply of copies of declaration made under section 14.

17. In all trials in which a copy attested, of the former declaration have been put in evidence, it shall be lawful to put in evidence a copy, attested, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the publication therein mentioned.

Putting up copy of declaration in evidence.

18. (1) If any person, whose name has appeared as editor on a copy of a publication, 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 specified authority and make a declaration in such form as may be prescribed, that his name was incorrectly published in that issue as that of the editor thereof, and if the said specified authority, 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 13 shall not apply to that person in respect of that issue of the publication.

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

(2) The specified authority may extend the period under sub-section (1) in case he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

19. (1) If, on an application made to him by the Press Registrar General or any other person or otherwise, the specified authority empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a publication 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 —

Cancellation of declaration.

(a) the publication, in respect of which the declaration has been made is being published in contravention of the provision of this Act or rules made there under; or

(b) the publication mentioned in the declaration bears a title which is the same as, or similar to, that of any other publication; or

(c) the owner has ceased to be the owner of the publication mentioned in such declaration; or

(d) 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 publication,

the specified authority may, by order, cancel the declaration and shall forward a copy of the order to the person making or subscribing the declaration and also to the Press Registrar General.

(2) On the cancellation of declaration under sub-section (1), the title and the registration certificate issued by the Press Registrar General shall also be deemed to be cancelled with effect from the date of such cancellation of declaration.

20. (1) Any person aggrieved by an order of a specified authority refusing to authenticate a declaration under section 10 or cancelling a declaration under section 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government,

Appeal.

by notification in the Official Gazette, consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its members:

37 of 1978.

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. 5

(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the specified authority 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. 10

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

CHAPTER III

DELIVERY OF BOOKS AND PUBLICATIONS

Copies of books printed to be delivered gratis to Government.

21. (1) Printed copies of the whole of every book which shall be printed in India together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall, notwithstanding any agreement between the printer and publisher thereof, if the book is published, be delivered by the printer at such place and to such officer as the State Government shall, by notification in the Official Gazette, from time to time, direct, and free of expense to the Government— 15 20

(a) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy; and

(b) if within one calendar year from such day the State Government shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition made by the State Government on the printer, another such copy, or two other such copies, as the State Government may direct, 25

the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book printed and the publisher or other person employing the printer shall, before the expiration of the said month, supply the printer with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid. 30

(2) Nothing in sub-section (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act. 35

Receipt for copies delivered under section 21. Disposal of copies delivered under section 21.

22. The officer to whom a copy of book is delivered under section 21 shall give to the printer a receipt in writing therefor.

23. (1) The copy delivered under clause (a) of sub-section (1) of section 21 shall be disposed of as the State Government shall from time to time determine. 40

(2) Any copy delivered under clause (b) of the said sub-section shall be transmitted to the Central Government.

Copies of publication printed in India to be delivered gratis to Government.

24. The publisher of every publication in India shall deliver at such place and to such officer as the State Government may, by notification in the Official Gazette, direct, and free of expense to the Government, two copies of each issue of such publication as soon as it is published. 45

Copies of publication delivered to Press Registrar General.

25. (1) The publisher of every publication in India shall deliver free of expense one copy of each issue of such publication as and when demanded by the Press Registrar General.

(2) Every publisher shall preserve one copy of every issue of the publication, either in hard copy or in electronic form and shall provide the same as and when demanded by the Press Registrar General.

CHAPTER IV

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REGISTRATION OF BOOKS

26. (1) There shall be kept at such office, and by such officer as the State Government shall appoint in this behalf, a book to be called a Catalogue of Books printed in India, wherein shall be registered a memorandum of every book which shall have been delivered under clause (a) of sub-section (1) of section 21, containing the following particulars, namely :—

Registration of memorandum of books.

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(a) the title of the book and the contents of the title-page, with translation into English of such title and contents, when the same are not in the English language;

(b) the language in which the book is written;

(c) the name of the author, translator or editor of the book or any part thereof;

(d) the subject;

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(e) the place of printing and the place of publication;

(f) the name or firm of the printer and the name or firm of the publisher;

(g) the date of issue from the press or of the publication;

(h) the number of sheets, leaves or pages;

(i) the size;

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(j) the first, second or other number of the edition;

(k) the number of copies which the edition consists;

(l) whether the book is printed, cyclostyled or lithographed;

(m) the price at which the book is sold to the public; and

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(n) the name and residence of the proprietor of the copyright or of any portion of such copyright.

(2) The memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copy thereof pursuant to clause (a) of sub-section (1) of section 21.

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27. The memorandum registered during each quarter in the catalogue referred to in section 26 shall be published in the Official Gazette, as soon as may be after the end of such quarter, and a copy of the memorandum so published shall be sent to the Central Government.

Publication of memorandum registered.

CHAPTER V REGISTRATION

OF PUBLICATIONS

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28. The Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under this Act, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under this Act.

Appointment of Press Registrar General and other officers.

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29. (1) The Press Registrar General shall maintain in such manner as may be prescribed, a Register of publications.

Register of publications.

(2) The Register shall contain the following particulars about every publication brought out in India, namely:—

(a) the title of the publication;

- (b) whether under foreign direct investment, facsimile edition, Indian edition of foreign publication, if so, the details like name of the organisation or country, etc.;
- (c) the language in which the publication is published;
- (d) periodicity of the publication;
- (e) the name of the editor, printer and publisher of the publication; 5
- (f) the places of printing and publishing;
- (g) the average number of pages per week;
- (h) the number of days of publication in the year;
- (i) retail selling price per copy;
- (j) the names and addresses of the owners of the publication and such other particulars relating to ownership as may be prescribed; 10
- (k) any other particulars as may be prescribed.

(3) On receiving information from time to time about the aforesaid particulars, the Press Registrar General shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections therein as may be required for keeping the Register up-to-date. 15

Certificate of registration.

30. On receiving from the specified authority under sub-section (2) of section 10 or sub-section (2) of section 15 a copy of the declaration in respect of a publication, and on bringing out of such publication, the Press Registrar General shall, as soon as practicable thereafter, issue a certificate of registration in respect of that publication to the publisher thereof. 20

Annual statement, etc., to be furnished by publisher.

31. (1) It shall be the duty of the publisher, and owner in the absence of the publisher, of every publication—

(a) to furnish to the Press Registrar General an annual statement in respect of the publication, at such time and containing such other particulars referred to in sub-section (2) of section 29, as may be prescribed; 25

(b) to publish in the publication at such times and such of the particulars relating to the publication referred to in sub-section (2) of section 29 as may be specified in this behalf by the Press Registrar General.

(2) If a publisher or owner required to submit annual statement under this Act fails to submit the annual statement for a consecutive period of three years, the title, declaration and the registration of the publication concerned shall stand cancelled. 30

(3) The Press Registrar General shall cause publication of the cancellation of any publication in at least one daily newspaper circulating in the locality in which the publication concerned is brought out. 35

Returns and reports to be furnished by publisher.

32. The publisher of every publication shall furnish to the Press Registrar General such returns, statistics and other information with respect to any of the particulars referred to in sub-section (2) of section 29 as the Press Registrar General may from time to time require.

Right to access to records and documents.

33. The Press Registrar General or any Gazetted Officer authorised by him in writing in this behalf shall, for the purpose of the collection of any information relating to a publication under this Act, have access to any relevant record or document relating to the publication in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act. 40
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34. (1) The Press Registrar General on his own or on any request made to him, may conduct, through an officer or auditor authorised in this behalf, a verification in such manner as may be prescribed, as regard to circulation of the publication mentioned in the annual statement. Circulation verification.
- 5 (2) The verification under sub-section (1) shall be made in respect of a publication brought out in a financial year and not a part thereof.
- (3) In cases where the circulation verification is conducted on the request made by the owner, publisher or any other person, the verification shall be made on payment of such fee as may be prescribed.
- 10 35. The Press Registrar General shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the publications in India and giving an account of the working of such publications, and copies thereof shall be forwarded to the Central Government. Annual report.
- 15 36. On the application of any person for the supply of copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar General shall furnish such copy to the applicant in such form and manner as may be prescribed. Furnishing of copies of extract from Register.
- 20 37. The publisher, printer or owner shall, on a demand made in writing, specifying the reasons for such demand by the Press Registrar General, produce before the Press Registrar General any document referred to in any report or return submitted by such publisher, printer or owner, within a period of thirty days from the date of receipt of the demand so made. Production of documents before Press Registrar General.
- CHAPTER VI**
- PENALTIES**
- 25 38. Whoever prints or publishes any book or publication otherwise than in conformity with section 3 shall be liable to a fine not exceeding five thousand rupees in addition to suspension of the publication for a period of thirty days. Penalty for printing contrary to section 3.
39. Whoever owns any press in contravention of the provisions of section 4 shall be liable to a fine not exceeding five thousand rupees in addition to sealing of the printing press for a period of thirty days. Penalty for owning press without making declaration required by section 4.
- 30 40. If any person who has ceased to be a printer or publisher or owner of any publication fails or neglects to make a declaration under section 14, he shall be liable to a fine not exceeding five thousand rupees. Penalty for failure to make a declaration under section 14.
- 35 41. (1) If any printer of any such book as is referred to in section 21 neglects to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable fine for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered. Penalty for not delivering books or not supplying printer with maps.
- 40 (2) If any publisher or other person employing any such printer neglects to supply him, in the matter provided in sub-section (2) of section 21 with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as such a Magistrate may, on such an application, determine to be in the circumstances a reasonable fine for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.
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Penalty for failure to supply copies of publications <i>gratis</i> to Government.	42. If any publisher of any publication brought out in India neglects to deliver copies of the same in compliance with section 24, 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 liable to a fine which may extend to five thousand rupees for every default.	5
Punishment for making false statement.	43. Any person who, in making any declaration or other statement under the authority of this Act, makes a statement which is false, and which he either knows or believe to be false or does not believe to be true, shall be punishable with imprisonment for a term not exceeding six months and with fine which may extend to ten thousand rupees.	5
Penalty for printing or bringing out publication without conforming to the provisions of this Act.	44 (1) Whoever edits, prints or brings out any publication without conforming to the provisions of this Act and rules made thereunder, or whoever edits, prints or publishes, or causes to be edited, printed or published any publication, knowing that the provisions of this Act or the rules made thereunder have not been complied with, shall be punishable with imprisonment for a term not exceeding six months or with fine which may extend to ten thousand rupees, or with both.	10
	(2) Where an offence is committed in relation to publication under sub-section (1), the court may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the publication.	15
Penalty for failure to supply copies of publications to Press Registrar General.	45. If any publisher of a publication brought out in India neglects to deliver the copies of the publication as required under section 25, he shall be liable to a fine which may extend to five thousand rupees.	20
Penalty for failure to produce documents before Press Registrar General.	46. If the publisher, printer or owner neglects to produce any document before the Press Registrar General in compliance with the provisions of section 37, he shall be liable to a fine which may extend to five thousand rupees.	
Penalty for contravention of section 31 or section 32.	47. If the publisher of any publication refuses or neglects to comply with the provisions of section 31 or section 32, he shall be liable to a fine which may extend to five thousand rupees in addition to a further penalty of a sum of ten rupees for each day default.	25
Recovery of forfeitures and disposal thereof and of fines.	48. Any sum forfeited to the Government under this Act and rules made thereunder may be recovered, under the warrant of a Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure, 1973 for the time being in force, and within the period prescribed by the Indian Penal Code for the levy of a fine.	30
Cognizance of offence.	49. (1) No court shall take cognizance of any offence under this Act, except upon a complaint in writing made by the Press Registrar General or the specified authority or by any officer authorised by the Press Registrar General or the specified authority, as the case may be, for this purpose.	30
	(2) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.	35
CHAPTER VII		
MISCELLANEOUS		
Delegation of powers.	50. Subject to the provisions of this Act and rules made there under, the Press Registrar General may delegate all or any of his powers under this Act to any officer subordinate to him.	40
Press Registrar General and other officers to be public servants.	51. The Press Registrar General and all officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.	45 of 1860.

52. No suit or other legal proceedings shall lie against the Central Government or a State Government or the Press Registrar General or any officer or employee authorised by the Press Registrar General, for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder. Protection of action taken in good faith.
- 5 53. (1) The Central Government may, by notification in the Official Gazette, make rules under the provisions of this Act as may be necessary or desirable for carrying out the objects of this Act. Power of Central Government to make rules.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- 10 (a) the form in which a declaration shall be made by the owner of a publication under sub-section (1) of section 4;
- (b) the form, fees and manner of making an application under sub-section (2) of section 6;
- (c) the manner in which the Press Registrar General may approve or reject the title under sub-section (4) of section 6;
- 15 (d) the manner in which owner of a publication may transfer the title under sub-section (7) of section 6;
- (e) the form in which a declaration shall be made by the printer and publisher under sub-section (1) of section 7;
- 20 (f) limit in a publication, of foreign news content under clause (c), and of foreign investment under clause (d) of sub-section (1) of section 9;
- (g) the form and fee for an application under sub-section (2) of section 9;
- (h) the form in which fresh declaration shall be made under section 14;
- (i) the form in which a declaration may be made by a person whose name has been incorrectly published as editor under sub-section (1) of section 18;
- 25 (j) the manner in which a Register shall be maintained under sub-section (1) of section 29;
- (k) other particulars relating to ownership under clause (j), and any other particulars under clause (k) of sub-section (2) of section 29;
- 30 (l) the time within which and the particulars in respect of which, an annual statement shall be furnished by the publisher or the owner of a publication, to the Press Registrar General under clause (a) of sub-section (1) of section 31;
- (m) the manner in which verification may be conducted by an officer or auditor under sub-section (1) of section 34;
- 35 (n) the fee for verification conducted on the request made by the owner, publisher or any other person under sub-section (3) of section 34;
- (o) the form in which, and the time within which, annual report may be prepared by the Press Registrar General under section 35;
- (p) fee for furnishing copies of extracts from the Register and the form and manner in which such copies may be furnished under section 36;
- 40 (q) any matter relating to books referred to in Chapters III and IV;
- (r) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made under this Act 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 or more successive sessions, and if, before the
- 45

expiry of the session immediately following the session or the successive sessions aforesaid 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. 5

Power of State Government to make rules.

54. (1) The State Government may, by notification in the Official Gazette, make rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of this Act.

(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature. 10

Power to exclude any class of books and publications from operation of Act.

55. The State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, exclude any class of books or publications from the operation of the whole or any part or parts of this Act.

Power to remove difficulties.

56. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, in consultation with the Press Registrar General, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: 15

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act. 20

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and saving.

57. (1) The Press and Registration of Books Act, 1867 is hereby repealed. 25 of 1867.

(2) Notwithstanding such repeal, —

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under this Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act; 25 30

(b) any declaration, including title thereof, so made and authenticated under the provisions of this Act hereby repealed, shall be deemed to have been made and authenticated under the corresponding provisions of this Act;

(c) any proceeding pending in any court at the commencement of this Act may be continued in that court as if this Act has not been passed; 35

(d) the Press Registrar and other officers appointed under section 19A of this Act hereby repealed and holding office as such immediately before the commencement of this Act, shall, on the commencement of this Act, continue to hold their respective offices under the corresponding provisions of this Act, unless and until they are removed or superannuated; 40

(e) the Press and Registration Appellate Board established under this Act hereby repealed shall, continue to function under the corresponding provisions of this Act, unless and until the Appellate Board is constituted under this Act;

(f) any appeal preferred to the Press and Registration Appellate Board under section 8C of the Act hereby repealed but not disposed of before the commencement of this Act may be disposed of by the Appellate Board constituted under this Act; 45

(g) any penalty payable under this Act hereby repealed may be recovered in the manner provided by or under this Act, but without prejudice to any action already taken for the recovery of such penalty under this Act so repealed;

5 (h) any certificate of registration issued or granted under this Act hereby repealed shall continue to have effect after the commencement of this Act under the same conditions as if this Act had not been passed.

10 of 1897. (3) The mention of the particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

STATEMENT OF OBJECTS AND REASONS

The Press and Registration of Books Act, 1867 was enacted for the regulation of Printing presses and Newspapers for the preservation of copies of books and newspapers printed in India, and for the registration of such books and newspapers. Though the aforesaid Act has been amended several times between 1870 and 1983, the existing provisions of the Act are not adequate to cater to the phenomenal growth of the print media sector in view of the liberalised policy of the Government.

2. The Print Media Policy of 1955, *inter alia*, provides that—(i) no foreign owned newspapers and periodicals should be published in India; (ii) the foreign newspapers and periodicals dealing mainly with news and current affairs should not be allowed to bring out Indian editions. The aforesaid Policy of 1955 was reviewed, from time to time, and as on date it, *inter alia*, allows—

(a) the foreign direct investment up to a ceiling of twenty-six per cent. of paid up equity capital in Indian entities publishing newspapers and periodicals dealing with news and current affairs and hundred per cent., in the scientific, technical and specialty category subject to certain conditions;

(b) the publication of facsimile editions, in whole or in part, of foreign newspapers by Indian entities, with or without foreign investment, and also by foreign companies owning the original newspaper;

(c) the publication of Indian editions of foreign scientific, technical, specialty and news and current affairs magazines, periodicals and journals.

3. In view of the liberalised policy of the Government, the Print Media has not only attracted the foreign direct investment but also led to a phenomenal increase in the availability of the foreign scientific and technical magazines in India. The Print Media Policy of 1955, which so far prohibited bringing out of foreign publications in India, has since been reviewed from time to time and the issues of foreign direct investment, facsimile editions, Indian edition of foreign newspapers, syndication, etc., are now being regulated through executive orders which needs to be supported with the statutory provisions to elicit optimum results and hassle free entry of foreign publications. Thus, in order to give statutory backing to the Print Media Policy and various guidelines, it is proposed to enact a new legislation to amend and consolidate the laws relating to press and registration of books and publications.

4. The proposed Press and Registration of Books and Publications Bill, 2011, *inter alia*, makes the following, namely:—

(a) every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and the publication;

(b) every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in such form as may be prescribed before the specified authority within whose local jurisdiction such press is kept;

(c) a person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication, but a person who has been convicted by any court for an offence involving terrorist act or unlawful activity or for having done anything against the security of the State shall not bring out a publication;

(d) the owner of any proposed publication may make an application proposing one or more titles, not exceeding five, in order of preference to the specified authority

for verification of one of titles of the publication and the specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application;

(e) the Press Registrar General, on receipt of the recommendation from the specified authority shall, in writing and in such manner as may be prescribed, approve one of the title and it may reject all the proposed titles if such titles are— (i) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or (ii) obscene; or (iii) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form; or (iv) same or similar to that of a known foreign publication;

(f) the printer and the publisher of every publication shall appear in person or by agent authorised in this behalf before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate in the prescribed form;

(g) no person, who does not ordinarily reside in India, or who has not attained the majority in accordance with the provisions of the Indian Majority Act, 1875 or of any law for the time being in force to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration or edit a publication;

(h) no publication shall be printed and published in India except with the prior approval of the Central Government, if—

(i) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(ii) its title is same or similar to a known foreign publication; or

(iii) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or

(iv) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(v) it is a facsimile edition of a known foreign publication;

(i) any person aggrieved by an order of a specified authority refusing to authenticate a declaration or cancelling a declaration may prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, consisting of a Chairperson and a member, to be nominated by the Press Council of India from among its members;

(j) the publisher of every publication shall furnish to the Press Registrar General the returns, statistics and other information with respect to any specified particulars;

(k) it also provides for offences, punishment and penalties for contravention of the provisions of the proposed legislation.

5. The notes on clauses explain in detail various provisions of the Bill.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 2nd December, 2011.

AMBIKA SONI.

Notes on Clauses

Clause 1.— This clause provides for short title, extent and commencement.

Clause 2.—This clause provides for definitions. It defines the certain expression used in the proposed legislation which, *inter alia*, includes: the expressions “book”, “editor”, “electronic form”, “facsimile edition”, “foreign publication”, “journal”, “known foreign publication”, “magazine”, “newsletter”, “owner”, “Press Registrar General”, “printer”, “printing”, “publication”, “publisher”, “syndication” and “title”, etc.

Clause 3.— This clause provides for particulars to be printed on books and publications. It provides that every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and of the publication.

It further provides that in case an edition of a publication is being printed from more than one location, the name of the printer and each printing press with their complete address shall be disclosed in the imprint line of each print.

Clause 4.— This clause provides that owner of printing press to make declaration. It provides that every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in prescribed form before the specified authority within whose local jurisdiction such press is kept.

It further provides that whenever the place where a press is kept is changed, a fresh declaration shall be necessary but where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the aforesaid specified authority, fresh declaration shall not be necessary if a statement relating to the change is furnished to the said specified authority within three days thereof; and the owner of the press continues to be the same.

Clause 5.— This clause provides that who may bring out a publication. It provides that a person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication.

It further provides that any person, who has been convicted by any court for an offence involving terrorist act or unlawful activity; or for having done anything against the security of the State, shall not bring out a publication.

I also provides an explanation for the purpose of this clause that the expression “terrorist act” or “unlawful activity” shall have the meanings respectively assigned to them in clauses (k) and (o) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967).

Clause 6.— This clause provides for verification and registration of title. It provides that the owner of any proposed publication may make an application in prescribed form proposing one or more titles, not exceeding five, in order of preference to the specified authority for verification of one of titles of the publication and if the owner of the proposed publication is an entity incorporated and registered in India, the authorised signatory shall make an application on behalf of that entity:

It further provides that the specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application and if application is rejected the person concerned shall be given an opportunity of hearing.

It also provides that on receipt of the recommendation from the specified authority, the Press Registrar General shall approve one of the title or reject all the proposed titles if such

titles are – (a) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or (b) obscene; or (c) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form; or (d) same or similar to that of a known foreign publication. The decision of the Press Registrar General as to title shall be final.

It also provides that every title of a publication approved under this clause shall be deemed to have been cancelled and become available to new applicants if the authenticated declaration made under clause 10 is not filed with the Press Registrar General within a period of six months from the date of such approval. The Press Registrar General may, if he is satisfied that the delay in filing the authenticated declaration by the applicant was beyond the control of the applicant, extend the time for such period, not exceeding four months, after recording the reasons in writing.

It also provides that any owner of a publication may, after registration, transfer the title of such publication to any person, in the prescribed manner.

It also provides that a title verified under this clause, if not registered under clause 30 within one year of its verification, shall stand cancelled. The Press Registrar General may, in exceptional cases, grant further period of four months to those publications where the delay is due to reasons beyond the control of the title holder.

Clause 7.— This clause provides that printer and publisher of a publication to make declaration. It provides that the printer and the publisher of every publication shall appear in person or by agent authorised in this behalf, before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate, in prescribed form.

It further provides that every declaration shall specify the title of the publication, the language in which it is to be published and the periodicity of its publication.

It also provides that where the printer or publisher of a publication making a declaration 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.

It also provides that a declaration made in respect of a publication under this clause and authenticated under clause 10 shall be necessary before the publication can be published and where the periodicity of a publication is changed, the declaration shall cease to have effect and a fresh declaration shall be necessary before the publication can be continued and whenever the ownership of a publication is changed or the place of printing or publication is changed, a fresh declaration shall be necessary.

It also provides whenever the printer or the publisher who made such declaration leaves 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 fresh declaration shall be necessary.

It also provides that every declaration made in respect of a publication shall be void, where the publication does not commence, in the case of a publication to be published once a week or often, within six weeks of the authentication of the declaration under clause 10; and in the case of any other publication, within three months of the authentication of the declaration under clause 10, and in every such case, a fresh declaration shall be necessary before the publication can be brought out.

It also provides that every existing declaration in respect of a publication shall be cancelled by the specified authority before whom a fresh declaration is made and subscribed in respect of the same and the declaration shall cease to have effect if the publication has not been brought out as per the declared periodicity, for a period exceeding one year, and in all such cases the registration number and the title shall be deemed to have been cancelled.

Clause 8.— This clause provides for prohibition as to making declaration under clause 7, or editing of a publication, in certain cases. It provides that no person shall be permitted to make a declaration under clause 7, or edit a publication if he does not ordinarily reside in India, or has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 (9 of 1875) or of any law for the time being in force to which he is subject in respect of the attainment of majority.

Clause 9.— This clause provides for limits of foreign news content, foreign investment, etc. It provides that without prejudice to the other provisions of proposed legislation, no publication shall be printed and published in India except with the prior approval of the Central Government granted in this behalf, if—(a) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or (b) its title is same or similar to a known foreign publication; or (c) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or (d) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or (e) it is a facsimile edition of a known foreign publication.

It further provides that any person who intends to print or bring out a publication referred to in sub-clause (1) may make an application to the Central Government for its prior approval in prescribed form and accompanied with prescribed fee.

It also provides that the Central Government may, subject to such terms and conditions as it may deem fit, grant approval for printing or publishing the publication referred to in sub-clause (1) or refuse to grant such approval after recording the reasons thereof and giving him an opportunity of hearing.

Clause 10.— This clause provides for Authentication of declaration. It provides that the specified authority, before whom declaration has been made under the proposed legislation shall within a period of two months, authenticate each of the two originals of the declaration, with his signature and official seal with date or through his electronic signature with date but the specified authority shall not authenticate the declaration made under clause 7 unless it is accompanied by a title approved under clause 6:

It also provides that that any declaration so made and authenticated under the provisions of the Press and Registration of Books Act, 1867 before the commencement of the proposed legislation shall be deemed to have been made and authenticated under the corresponding provisions of the proposed legislation.

It also provides that a copy of the declaration authenticated by the specified authority, 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 General.

Clause 11.— This clause provides for deposit of declaration. It provides that one of the originals of the declaration referred to in clause 10 shall be deposited among the records of the office of the specified authority.

Clause 12.— This clause provides for Inspection and supply of copies of declaration. It provides that the Officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two hundred rupees.

Clause 13.— This clause provides for office copy of declaration to be prima facie evidence. It provides that in any legal proceeding, whether civil or criminal, the production of a copy of declaration so authenticated under clause 10 or clause 15, attested by the seal of the specified authority or in case of the editor, a copy of the publication containing his name printed on it as that of the editor or in case of more than one editor, the editor finally

responsible for the selection of the matter shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, or printed on such publication, as the case may be, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every publication whereof the title shall correspond with the title of the publication mentioned in the declaration, or the editor of every portion of that issue of the publication, of which a copy is produced.

Clause 14.— This clause provides for new declaration by persons who have signed a declaration and subsequently ceased to be printer or publisher or owner. It provides that if any person has subscribed to any declaration in respect of a publication under clause 7 and the declaration has been authenticated by a specified authority under clause 10 and subsequently that person ceases to be the printer or publisher or owner of publication mentioned in such declaration, he shall appear in person or through his authorised representative before the specified authority and make and subscribe a declaration in duplicate, in prescribed form.

It further provides that the owner shall also file declaration for change of printer or publisher by appearing before the specified authority concerned and make and subscribe a declaration in duplicate, in prescribed form.

Clause 15.— This clause provides for authentication and filing of declaration made under clause 14. It provides that each original of the declaration made under clause 14 shall be authenticated by the signature with date and seal of the specified authority before whom the said declaration shall have been made, and one original of the said declaration shall be filed along with original of the declaration authenticated under clause 10 and a copy of the declaration attested by the official seal of the specified authority shall be forwarded to the Press Registrar General.

Clause 16.— This clause provides for inspection and supply of copies of declaration made under clause 14. It provides that the Officer-in-charge of each original of the declaration made under clause 14 shall allow any person applying to inspect that original, on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the specified authority having custody of the original, on payment of a fee of two hundred rupees.

Clause 17.— This clause provides for putting up copy of declaration in evidence. It provides that in all trials in which a copy attested, of the former declaration have been put in evidence, it shall be lawful to put in evidence a copy, attested, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the publication therein mentioned.

Clause 18.— This clause provides that person whose name has been incorrectly published as editor may make a declaration before a specified authority. It provides that if any person, whose name has appeared as editor on a copy of a publication, 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 specified authority and make a declaration in prescribed form that his name was incorrectly published in that issue as that of the editor thereof, and if the said specified authority, 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 clause 13 shall not apply to that person in respect of that issue of the publication.

It further provides that the specified authority may extend the period under sub-clause (1) in case he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

Clause 19.— This clause provides for Cancellation of declaration. It provides that the specified authority empowered to authenticate a declaration under the proposed legislation

may, after giving the concerned person an opportunity of hearing, cancel the declaration made in respect of a publication, if- (a) the publication, in respect of which the declaration has been made is being published in contravention of the provision of this Act or rules made there under; or (b) the publication mentioned in the declaration bears a title which is the same as, or similar to, that of any other publication; or (c) the owner has ceased to be the owner of the publication mentioned in such declaration; or (d) 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 publication, and forward a copy of the order to the person making or subscribing the declaration and also to the Press Registrar General.

It further provides that on the cancellation of declaration under sub-clause (1), the title and the registration certificate issued by Press Registrar General shall also be deemed to be cancelled with effect from the date of such cancellation of declaration.

Clause 20.— This clause provides for appeal. It provides that any person aggrieved by an order of a specified authority refusing to authenticate a declaration under clause 10 or cancelling a declaration under clause 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, by notification in the Official Gazette consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978(37 of 1978), from among its members. 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.

It also provides that on receipt of an appeal, the Appellate Board may, after calling for the records from the specified authority and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against and the decision of the Appellate Board shall be final.

Clause 21.— This clause provides that copies of books printed to be delivered gratis to Government. It provides that the printed copies of the whole of every book which shall be printed in India together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall, notwithstanding any agreement between the printer and publisher thereof, if the book is published, be delivered by the printer at such place and to such officer as the State Government shall, by notification in the Official Gazette, from time to time direct, and free of expense to the Government.

It further provides that nothing in sub-clause (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under the proposed legislation.

Clause 22.— This clause provides for receipt for copies delivered under clause 21. It provides that the officer to whom a copy of book is delivered under clause 21 shall give to the printer a receipt in writing therefor.

Clause 23.— This clause provides for disposal of copies delivered under clause 21. It provides that the copy delivered under clause 21 shall be disposed of as the State Government shall from time to time determine or be transmitted to the Central Government, as the case may be.

Clause 24.— This clause provides that copies of publication printed in India to be delivered gratis to Government. It provides that the publisher of every publication in India shall deliver at such place and to such officer as the State Government may, by notification in the Official Gazette, direct, and free of expense to the Government, two copies of each issue of such publication as soon as it is published.

Clause 25.— This clause provides that copies of publication delivered to Press Registrar General. It provides that the publisher of every publication in India shall deliver free of expense one copy of each issue of such publication as and when demanded by the Press Registrar General.

It further provides that every publisher shall preserve one copy of every issue of the publication, either in hard copy or in electronic form and shall provide the same as and when demanded by the Press Registrar General.

Clause 26.— This clause provides for Registration of memorandum of books. It provides that there shall be kept at such office, and by such officer as the State Government shall appoint in this behalf, a book to be called a Catalogue of Books printed in India, wherein shall be registered a memorandum of every book which shall have been delivered under item (a) of sub-clause (1) of clause 21, containing the particulars specified in this clause.

It further provides that the memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copy thereof pursuant to item (a) of sub-clause (1) of clause 21.

Clause 27.— This clause provides for publication of memorandum registered. It provides that the memorandum registered during each quarter in the catalogue referred to in clause 26 shall be published in the Official Gazette, as soon as may be after the end of such quarter, and a copy of the memorandum so published shall be sent to the Central Government.

Clause 28.— This clause provides for appointment of Press Registrar General and other officers. It provides that the Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under the proposed legislation, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under the proposed legislation.

Clause 29.— This clause provides for register of publications. It provides that the Press Registrar General shall maintain a Register of publications in prescribed manner.

It further provides that the Register shall contain the particulars about every publication brought out in India as are specified in this clause.

It also provides that the Press Registrar General shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections therein as may be required for keeping the Register up-to-date on receiving information from time to time about the aforesaid particulars.

Clause 30.— This clause provides for certificate of registration. It provides that the Press Registrar General shall, as soon as practicable, issue a certificate of registration in respect of the publication to the publisher thereof on receiving copy of the declaration in respect of that publication, and on bringing out of such publication, from the specified authority under sub-clause (2) of clause 10 or sub-clause (2) of clause 15.

Clause 31.— This clause provides for annual statement, etc., to be furnished by publisher. It provides that it shall be the duty of the publisher, and owner in the absence of the publisher, of every publication – (a) to furnish to the Press Registrar General an annual statement in respect of the publication, at such time and containing such other particulars referred to in sub-clause (2) of clause 29, as may be prescribed; and (b) to publish in the publication at such times and such of the particulars relating to the publication referred to in sub-section (2) of section 29 as may be specified in this behalf by the Press Registrar General.

It further provides that if a publisher or owner required to submit annual statement under the proposed legislation fails to submit the annual statement for a consecutive period of three years, the title, declaration and the registration of the publication concerned shall stand cancelled.

It also provides that the Press Registrar General shall cause publication of the cancellation of any publication in at least one daily newspaper circulating in the locality in which the publication concerned is brought out.

Clause 32.— This clause provides for returns and reports to be furnished by publisher. It provides that the publisher of every publication shall furnish to the Press Registrar General such returns, statistics and other information with respect to any of the particulars referred to in sub-clause (2) of clause 29 as the Press Registrar General may from time to time require.

Clause 33.— This clause provides for right to access to records and documents. It provides that the Press Registrar General or any gazetted officer authorised by him in writing in this behalf shall, for the purpose of the collection of any information relating to a publication under the proposed legislation, have access to any relevant record or document relating to the publication in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under the proposed legislation.

Clause 34.— This clause provides for circulation verification. It provides that the Press Registrar General on his own or on any request made to him, may conduct, through an officer or auditor authorised in this behalf, a verification in the prescribed manner, as regard to circulation of the publication mentioned in the annual statement. The verification shall be made in respect of a publication brought out in a financial year and not a part thereof.

It further provides that in cases where the circulation verification is conducted on the request made by the owner, publisher or any other person, the verification shall be made on payment of prescribed fee.

Clause 35.— This clause provides for annual report. It provides that the Press Registrar General shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the publications in India and giving an account of the working of such publications, and copies thereof shall be forwarded to the Central Government.

Clause 36.— This clause provides for furnishing of copies of extract from Register. It provides that on the application of any person for the supply of copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar General shall furnish such copy to the applicant in such form and manner as may be prescribed.

Clause 37.— This clause provides for production of documents before Press Registrar General. It provides that the publisher, printer or owner shall, on a demand made in writing, specifying the reasons for such demand by the Press Registrar General, produce before the Press Registrar General any document referred to in any report or return submitted by such publisher, printer or owner, within a period of thirty days from the date of receipt of the demand so made.

Clause 38.— This clause provides for penalty for printing contrary to clause 3. It provides that whoever prints or publishes any book or publication otherwise than in conformity with clause 3 shall be liable to a fine not exceeding five thousand rupees in addition to suspension of the publication for a period of thirty days.

Clause 39.— This clause provides for penalty for owning press without making declaration required by clause 4. It provides that whoever owns any press in contravention of the provisions of clause 4 shall be liable to a fine not exceeding five thousand rupees in addition to sealing of the printing press for a period of thirty days.

Clause 40.— This clause provides for penalty for failure to make a declaration under clause 14. It provides that if any person who has ceased to be a printer or publisher or owner of any publication fails or neglects to make a declaration under clause 14, he shall be liable to a fine not exceeding five thousand rupees.

Clause 41.— This clause provides for penalty for not delivering books or not supplying printer with maps. It provides that if any printer of any such book as is referred to in clause 21 neglects to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable line for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

It further provides that if any publisher or other person employing any such printer neglects to supply him, in the matter provided in sub-clause (2) of clause 21 with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as such a Magistrate may, on such an application, determine to be in the circumstances a reasonable line for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

Clause 42.— This clause provides for penalty for failure to supply copies of publications gratis to Government. It provides that if any publisher of any publication brought out in India neglects to deliver copies of the same in compliance with clause 24, 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 liable to a fine which may extend to five thousand rupees for every default.

Clause 43.— This clause provides for punishment for making false statement. It provides that any person who, in making any declaration or other statement under the authority of the proposed legislation, makes a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punishable with imprisonment for a term not exceeding six months and with fine which may extend to ten thousand rupees.

Clause 44.— This clause provides for penalty for printing or bringing out publication without conforming to the provisions of the proposed legislation. It provides that whoever edits, prints or brings out any publication without conforming to the provisions of the proposed legislation and rules made thereunder, or whoever edits, prints or publishes, or causes to be edited, printed or published any publication, knowing that the provisions of the proposed legislation or the rules made thereunder have not been complied with, shall be punishable with imprisonment for a term not exceeding six months or with fine which may extend to ten thousand rupees, or with both.

It further provides that where an offence is committed in relation to publication under sub-clause (1), the court may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the publication.

Clause 45.— This clause provides for penalty for failure to supply copies of publications to Press Registrar General. It provides that if any publisher of a publication brought out in India neglects to deliver the copies of the publication as required under clause 25, he shall be liable to a fine which may extend to five thousand rupees.

Clause 46.— This clause provides for penalty for failure to produce documents before Press Registrar General. It provides that if the publisher, printer or owner neglects to produce any document before the Press Registrar General in compliance with the provisions of clause 37, he shall be liable to a fine which may extend to five thousand rupees.

Clause 47.— This clause provides for penalty for contravention of clause 31 or clause 32. It provides that if the publisher of any publication refuses or neglects to comply with the

provisions of clause 31 or clause 32, he shall be liable to a penalty which may extend to five thousand rupees in addition to a further fine of a sum of ten rupees for each day default.

Clause 48.— This clause provides for recovery of forfeitures and disposal thereof and of fines. It provides that any sum forfeited to the Government under the proposed legislation and rules made thereunder may be recovered, under the warrant of a Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure, 1973 (2 of 1974) for the time being in force, and within the period prescribed by the Indian Penal Code (45 of 1860) for the levy of a fine.

Clause 49.— This clause provides for cognizance of offence. It provides that no court shall take cognizance of any offence under the proposed legislation, except upon a complaint in writing made by the Press Registrar General or the specified authority or by any officer authorised by the Press Registrar General or the specified authority, as the case may be, for this purpose.

It further provides that no court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try any offence under the proposed legislation.

Clause 50.— This clause provides for delegation of powers. It provides that the Press Registrar General may delegate all or any of his powers under the proposed legislation to any officer subordinate to him subject to the provisions of the proposed legislation and rules made thereunder.

Clause 51.— This clause provides that Press Registrar General and other officers to be public servants. It provides that the Press Registrar General and all officers appointed under the proposed legislation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Clause 52.— This clause provides for protection of action taken in good faith. It provides that no suit or other legal proceedings shall lie against the Central Government or a State Government or the Press Registrar General or any officer or employee authorised by the Press Registrar General, for anything which is in good faith done or intended to be done in pursuance of the proposed legislation or the rules made thereunder.

Clause 53.— This clause provides for power of Central Government to make rules. It provides that the Central Government may, by notification in the Official Gazette, make rules for carrying out the objects of the proposed legislation.

It further specifies the matter in respect of which such rules may be made.

It also provides that every rule made under the proposed legislation shall be laid as soon as may be after it is made before each House of Parliament.

Clause 54.— This clause provides for power of State Government to make rules. It provides that the State Government may, by notification in the Official Gazette, make rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of the proposed legislation.

It further provides that every rule made by the State Government under this clause shall be laid, as soon as may be after it is made, before the State Legislature.

Clause 55.— This clause provides for power to exclude any class of books and publications from operation of the proposed legislation. It provides that the State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, exclude any class of books or publications from the operation of the whole or any part or parts of the proposed legislation.

Clause 56.— This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, in consultation with the Press Registrar General, by order published in the

Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation, as appear to it to be necessary or expedient for removing the difficulty:

It further provides that no such order shall be made under this section after the expiry of three years from the commencement of the legislation.

It also provides that every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Clause 57.— This clause provides for repeal and saving. It provides that the Press and Registration of Books Act, 1867 is hereby repealed.

It further provides that notwithstanding such repeal, —

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under the Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of the proposed legislation;

(b) any declaration, including title thereof, so made and authenticated under the provisions of the Act hereby repealed, shall be deemed to have been made and authenticated under the corresponding provisions of the proposed legislation;

(c) any proceeding pending in any court at the commencement of this Act may be continued in that court as if the proposed legislation has not been enacted;

(d) the Press Registrar and other officers appointed under section 19A of the Act hereby repealed and holding office as such immediately before the commencement of the proposed legislation, shall, on the commencement of this Act, continue to hold their respective offices under the corresponding provisions of the proposed legislation, unless and until they are removed or superannuated;

(e) the Press and Registration Appellate Board established under the Act hereby repealed shall, continue to function under the corresponding provisions of the proposed legislation, unless and until the Appellate Board is constituted under the proposed legislation;

(f) any appeal preferred to the Press and Registration Appellate Board under section 8C of the Act hereby repealed but not disposed of before the commencement of the proposed legislation may be disposed of by the Appellate Board constituted under the proposed legislation;

(g) any penalty payable under the Act hereby repealed may be recovered in the manner provided by or under the proposed legislation but without prejudice to any action already taken for the recovery of such penalty under the Act so repealed;

(h) any certificate of registration issued or granted under the Act hereby repealed shall continue to have effect after the commencement of the proposed legislation under the same conditions as if the proposed legislation had not been enacted.

It also provides that the mention of the particular matters in sub-clause (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 20 provides that any person aggrieved by an order of a specified authority refusing to authenticate a declaration under clause 10 or cancelling a declaration under clause 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, by notification in the Official Gazette consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its member.

2. Clause 28 of the Bill provides that the Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under the proposed legislation, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under the proposed legislation.

3. It proposed that the Press Registrar and other officers appointed under section 19A of the Press and Registration of Books Act, 1867 to be repealed under proposed legislation and holding office as such immediately before the commencement of the proposed legislation, shall, on the commencement of the proposed legislation, continue to hold their respective offices under the corresponding provisions of the proposed legislation, unless and until they are removed or superannuated and the Press and Registration Appellate Board established under the said repealed shall, continue to function under the corresponding provisions of the proposed legislation, unless and until the Appellate Board is constituted under the proposed legislation.

4. As the Press Registrar and other officers appointed under section 19A of the Press and Registration of Books Act, 1867 and the Press and Registration Appellate Board established under the said Act are proposed to continue to function as such under the proposed legislation, there is no financial implication involved in the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 53 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include matters: (a) the form in which a declaration shall be made by the owner of a publication under sub-clause (1) of clause 4; (b) the form, fees and manner of making an application under sub-clause (2) of clause 6; (c) the manner in which the Press Registrar General may approve or reject the title under sub-clause (4) of clause 6; (d) the manner in which owner of publication may transfer the title under sub-clause (7) of clause 6; (e) the form in which a declaration shall be made by the printer and publisher under sub-clause (1) of clause 7; (f) limit in a publication, of foreign news content under clause (c), and of foreign investment under item (d) sub-clause (1) of clause 9; (g) the form and fee for an application under sub-clause (2) of clause 9; (h) the form in which fresh declaration shall be made under clause 14; (i) the form in which a declaration may be made by a person whose name has been incorrectly published as editor under sub-clause (1) of clause 18; (j) the manner in which a Register shall be maintained under sub-clause (1) of clause 29; (k) other particulars relating to ownership under clause (j), and any other particulars under item (k) of sub-clause (2) of clause 29; (l) the time within which and the particulars in respect of which, an annual statement shall be furnished by the publisher or the owner of a publication, to the Press Registrar General under item (a) of sub-clause (1) of clause 31; (m) the manner in which verification may be conducted by an officer or auditor under sub-clause (1) of clause 34; (n) the fee for verification conducted on the request made by the owner, publisher or any other person under sub-clause (3) of clause 34; (o) the form in which, and the time within which, annual report may be prepared by the Press Registrar General under clause 35; (p) fee for furnishing copies of extracts from the Register and the form and manner in which such copies may be furnished under clause 36; (q) any matter relating to books referred to in Chapters III and IV; (r) any other matter which is required to be, or may be, prescribed.

2. The rules made by the Central Government are required to be laid, as soon as they are made, before both Houses of Parliament.

3. Clause 54 of the Bill empowers the State Government to make, by notification in the Official Gazette, rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of the proposed legislation.

4. The rules made by the State Government are required to be laid, as soon as may be after it is made, before the State Legislature.

5. The matters in respect of which rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

LOK SABHA

A

BILL

to amend and consolidate the laws relating to press and registration of
books and publications.

*(Smt. Ambika Soni, Minister of Information and
Broadcasting)*

GMGIPMRND—3053LS—08-12-2011.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-2012)**

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 24th February, 2012 from 1100 hours to 1245 hours in Committee Room No. 'G-074', Ground Floor, Parliament Library Building, New Delhi.

PRESENT

Shri Rao Inderjit Singh –Chairman

MEMBERS

Lok Sabha

2. Smt. Sarika D.S. Baghel
3. Shri Nikhil Kumar Choudhary
4. Dr. Charles Dias
5. Shri A. Ganeshamurthi
6. Shri Rajen Gohain
7. Smt. Darshana Vikram Jardosh
8. Dr. Tarun Mandal
9. Shri Tapas Paul
10. Shri Rajiv Ranjan Singh alias Lalan Singh

Rajya Sabha

11. Shri M.P. Achuthan
12. Shri Mohammad Adeeb
13. Shri Rajkumar Dhoot
14. Prof. Alka Balram Kshatriya
15. Shri P. Rajeeve

SECRETARIAT

- | | | | |
|----|---------------------|---|---------------------|
| 1. | Shri T.K. Mukherjee | - | Joint Secretary |
| 2. | Smt. Sudesh Luthra | - | Director |
| 3. | Shri Y.M. Kandpal | - | Additional Director |
| 4. | Dr. Sagarika Dash | - | Deputy Secretary |

WITNESSES

Ministry of Information and Broadcasting

Sl. No	Name	Designation
1.	Shri Rajiv Takru	Additional Secretary
2.	Ms. Supriya Sahu	Joint Secretary
3.	Shri Vijay Sharma	Director
4.	Shri T. Jairaj	Press Registrar

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened for briefing meeting with the representatives of Ministry of Information and Broadcasting in connection with examination of 'The Press and Registration of Books and Publications Bill, 2011' andXXXXX.....

3. The Chairman, then, welcomed the representatives of the Ministry of Information and Broadcasting and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the Reports on the Bills are presented to the House. The Chairman also took note of the absence of Secretary, Ministry of Information and Broadcasting from the meeting and desired that prior approval for such absence from the meeting in future should be sought by the Secretary himself in conformity with rules.

4. The representative of the Ministry of Information and Broadcasting, then, briefed the Committee on 'The Press and Registration of Books and Publications Bill, 2011' giving an outline of the genesis of the Press and Registration of Books and Publication Act, 1867, the Print and Media Policy 1955, subsequent amendments brought in the Act and guidelines allowing FDI, provisions of the amending legislation *inter-alia* including definition, title of publication, cancellation of publication, furnishing of Annual Statement of revenue, provision for penalty for printing or publishing book or publications not in conformity with the provisions of the Act, the office of the Press Registrar General, syndication and Foreign Direct Investment norms relating to books and publication etc.

5. xxxxx.....xxxxx.....xxxxx.....xxxxx.....xxxxx.

6. The Members of the Committee during the course of deliberations raised pertinent issues related to the aforesaid Bills and the representative responded to the same.

7. xxxxx.....xxxxx.....xxxxx.....xxxxx.....xxxxx.

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

xxxxx Matter not related to Report.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-12)**

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE

The Committee sat on Monday, the 25th June, 2012 from 1500 hours to 1850 hours in Committee Room 'G-074', Parliament Library Building, New Delhi.

PRESENT

Shri Rao Inderjit Singh – Chairman

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Smt. Sarika D.S. Baghel
4. Shri Nikhil Kumar Choudhary
5. Shri Charles Dias
6. Shri A. Ganeshamurthy
7. Shri Rajen Gohain
8. Smt. Darshana Jardosh
9. Dr. Tarun Mandal
10. Shri P.R. Natarajan
11. Shri Tathagata Satpathy
- 12.. Shri Rajiv Ranjan Singh *alias* Lalan Singh

Rajya Sabha

13. Shri M.P. Achuthan
14. Shri Salim Ansari
15. Shri Mohammad Adeb
16. Shri Rajkumar Dhoot
17. Shri Bhushan Lal Jangde

Secretariat

1. Shri T.K. Mukherjee - Joint Secretary
2. Smt. Sudesh Luthra - Director
3. Shri Y.M. Kandpal - Additional Director
4. Dr. Sagarika Dash - Deputy Secretary

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened to take oral evidence of the experts/organizations/stakeholders, in connection with examinations ofxxxxxx..... and 'The Press and Registration of Books and Publications Bill, 2011'.

3. xxxxx.....xxxxx.....xxxxx.....xxxxx.....xxxxx.

4. After welcoming the Witnesses, the Chairman drew their attention to the provisions of Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the report on the subject is presented to the House.

5. xxxxx.....xxxxx.....xxxxx.....xxxxx.....xxxxx.

6. The following experts/organisations/stakeholders thereafter deposed before the Committee in connection with examination of 'The Press and Registration of Books and Publications Bill, 2011':-

- | | | |
|----|--|------------------------|
| 1. | The Times of India Group
Mr. Gopal Mohan
General Manager, Corporate,
The Times of India Group
and colleagues | 1520 hrs. to 1540 hrs. |
| 2. | Indian Newspaper Society
Mr. Naresh Mohan
Chairman, IRLAC
and colleagues | 1540 hrs. to 1600 hrs. |
| 3. | Mr. Gagan Chhabra
Advocate, Supreme Court of India | 1600 hrs. to 1620 hrs. |
| 4. | Haryana Editors Guild
Mr. Satbir Sarwari
President, Haryana Union of Journalists
and colleagues | 1620 hrs. to 1640 hrs. |

7. The aforesaid witnesses deposed on 'The Press and Registration of Books and Publications Bill, 2011' one by one. The representatives of each of the organization/individual during the first instance were welcomed by the Committee and their attention drawn to provisions of Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the report on the subject is presented to the House.

8. The witnesses put forth their views on the various provisions made in the aforesaid legislation. The witnesses also responded to pertinent queries raised by the Members during the course of deliberations. The Chairman thanked representatives of each of the organization/individual for appearing before the Committee and furnishing valuable information in connection with the examination of the aforesaid Bill.

[The above witnesses then withdrew]

9. xxxxx.....xxxxx.....xxxxx.....xxxxx.....xxxxx.

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-12)**

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 31st July, 2012 from 1430 hours to 1630 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Rao Inderjit Singh – Chairman

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Smt. Sarika D.S. Baghel
4. Shri Nikhil Kumar Choudhary
5. Shri Charles Dias
6. Shri A. Ganeshamurthi
7. Shri Rajen Gohain
8. Smt. Darshana Jardosh
9. Dr. Tarun Mandal
10. Shri P.R. Natarajan
11. Shri Tapas Paul

Rajya Sabha

12. Shri Joy Abraham
13. Shri M.P. Achuthan
14. Shri Salim Ansari
15. Prof. Alka Balram Kshatriya
16. Shri Jesudasu Seelam

Secretariat

1. Smt. Sudesh Luthra Director
2. Dr. Sagarika Dash - Deputy Secretary

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened to hear the views/suggestions of the representatives of Press Council of India (PCI) and Registrar of Newspapers for India (RNI) on 'The Press and Registration of Books and Publications Bill, 2011'.

3. The Committee then took evidence of the representatives of Press Council of India on the aforesaid Bill. The Chairman welcomed the representatives of PCI and drew their attention to the provisions of Direction 51 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the Report on the Bill is presented to the House.

4. The Chairman, PCI at the outset requested the Committee to give six months time to enable them to furnish their views on the comprehensive Bill. The Hon'ble Chairman observed that the Committee was in the process of consultations with various stakeholders including newspapers organisations on the aforesaid Bill. Moreover, the Ministry of Information and Broadcasting had consultations with PCI before bringing legislation to Parliament. Besides, PCI is the Appellate Authority and the Committee would like to hear their experiences being an Appellate Authority as well as their views/suggestions on the various provisions made in the Bill. As per the orders of Hon'ble Speaker, the report on the Bill has to be presented during the coming Monsoon Session of Parliament commencing from 8th August, 2012. As such, the Committee requested Chairman, PCI to indicate minimum required time to furnish their views on the Bill to the Committee.

5. Responding to the aforesaid observation of the Committee, the representative of PCI stated that the PCI has expressed its opinion on the draft Bill before the current Chairman took over the charge. Moreover, most of the members of PCI have also joined after the consultation process. PCI needed adequate time to go through the provisions made in the Bill and present their views on the legislation. The Chairman, PCI then indicated that minimum three months' time should be given to the Organisation to furnish their views on the Bill which the Committee decided to consider.

6. In the context of examination of the subject 'Issues related to Paid News', the Committee took note of the important role played by the Press Council of India and decided that the PCI should be requested to furnish written memorandum. PCI might also be requested to

appear, as a witness before the Committee, in case the Committee desire to hear their views.

The representatives of PCI then withdrew.

The representatives of RNI were then called in.

7. The Committee then took evidence of the representatives of Registrar of Newspapers for India (RNI). The Chairman welcomed the witnesses of RNI and drew their attention to the provisions of Direction 51 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the Report on the Bill is presented to the House.

The representatives responded to the various queries raised by the Members during the course of deliberations. The Chairman then thanked the witnesses for expressing their views on the Bill.

The representatives of RNI then withdrew.

A verbatim record of the proceeding of the sitting has been kept.

8. The Committee then deliberated on the request of PCI to give minimum three months' time to enable them to furnish their considered views on 'The Press and Registration of Books and Publications Bill, 2011'. The Committee observed that PCI has been assigned since its inception the responsibility of functioning as an Appellate Authority for the purposes of the aforesaid legislation. Besides, PCI is a statutory body established for the purpose of preserving the freedom of press and maintaining and improving the standards of newspapers and news agencies in India. The Committee observed that the views of PCI may be an important input and would help the Committee in arriving at meaningful conclusions and making suggestions/ recommendations to the Government. The Committee then reviewed the status of examination of the aforesaid Bill. The Committee noted that the Ministry of Human Resource and Development is the administrative Ministry for the purposes of Chapter 3 and 4 of the legislation relating to Books. As such, consultations with the Ministry of Human Resource Development is also required. The Committee may thereafter be getting the written input based on the deliberations held so far from the nodal Ministry i.e. Ministry of Information and Broadcasting and taking their evidence followed by clause-by-clause consideration and finalization of the recommendations/observations of the Committee.

9. The Committee noted that as per the first extension accorded by Hon'ble Speaker, Lok Sabha the report on 'The Press and Registration of Books and Publications Bill, 2011' has to be presented to the House by the last week of the coming Monsoon Session of Parliament commencing from 8th August, 2012. Keeping in view the aforesaid circumstances, the Committee observed that the examination cannot be completed by the extended given time. As such, the Committee decided that Hon'ble Speaker might be requested to give further extension of time for presentation of the report on 'The Press and Registration of Books and Publications Bill, 2011' till the last week of winter session of Parliament.

The Committee then adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2012-13)**

MINUTES OF THE FIRST SITTING OF THE COMMITTEE

The Committee sat on Monday, the 5th November, 2012 from 1100 hours to 1215 hours in Committee Room G-074, Ground Floor, Parliament Library Building, New Delhi.

PRESENT

Shri Rao Inderjit Singh– Chairman

MEMBERS

Lok Sabha

2. Shri Abdul Rahman
3. Shri A. Ganeshamurthi
4. Shri Rajen Gohain
5. Smt. Darshana Jardosh
6. Shri Baidya Nath Prasad Mahato
7. Dr. Thokchom Meinya
8. Shri Ramsinh Rathwa
9. Shri Radhe Mohan Singh (Ghazipur)

Rajya Sabha

10. Shri Mohammed Adeeb
11. Shri Salim Ansari
12. Shri Rajkumar Dhoot
13. Dr. C.P. Thakur

SECRETARIAT

- | | | | |
|----|--------------------|---|------------------|
| 1. | Shri Brahm Dutt | - | Joint Secretary |
| 2. | Smt. Sudesh Luthra | - | Director |
| 3. | Dr. Sagarika Dash | - | Deputy Secretary |

Representatives of the Ministry of Human Resource Development

1. Shri Ashok Thakur Secretary
2. Smt. Veena Ish Joint Secretary (BP&CR)
3. Shri M.A. Sikander Director, National Book Trust

Representatives of the Ministry of Law and Justice

1. Dr. G. Narayan Raju Joint Secretary and Legislative Counsel

(Legislative Department)

2. Dr. Suresh Chander Joint Secretary and Legal Adviser

(Department of Legal Affairs)

2. xxxxx.....xxxxx.....xxxxx.....xxxxx.....xxxxx.

3. xxxxx.....xxxxx.....xxxxx.....xxxxx.....xxxxx.

4. The Committee also decided to give top most priority to the examination of 'The Press and Registration of Books and Publications Bill, 2011'.

[The representatives of the Ministry of Human Resource Development were then called in for oral evidence on 'The Press and Registration of Books and Publications Bill, 2011']

5. The Chairman welcomed the representatives of the Ministry of Human Resource Development and the Ministry of Law and Justice (Legislative Department and Department of Legal Affairs) to the sitting of the Committee and invited their attention to Direction 55(1) by the Speaker, Lok Sabha regarding confidentiality of the proceedings till the Report on the Bill is presented to Parliament. After introduction by witnesses, the Secretary, Ministry of Human Resource Development briefed the Committee about the mandate of the Ministry with regard to the Section on 'books' particularly in the context of Chapters III and IV of the Bill. He also elaborated on issues concerning the HRD Ministry which *inter-alia* included sensitizing State Governments on the implications of the proposed amendments, coordination with State Governments for registration of books, provisions relating to banning of books on the

grounds of national security, inclusion of word 'electronic-form' in the definition of books in the proposed legislation, etc. During the course of deliberations, Members raised various pertinent issues relating to the Bill and the representatives of the Ministry responded to the same. At the end, the Chairman directed the Ministry to furnish any additional information germane to the subject.

[The witnesses then withdrew]

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2012-13)**

MINUTES OF THE SECOND SITTING OF THE COMMITTEE

The Committee sat on Friday, the 7th December, 2012 from 1500 hours to 1630 hours in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rajendra Agarwal – In the Chair

MEMBERS

Lok Sabha

14. Shri Abdul Rahman
15. Shri A. Ganeshamurthi
16. Dr. Thokchom Meinya
17. Shri Radhe Mohan Singh (Ghazipur)
18. Smt. Seema Upadhyay

Rajya Sabha

19. Shri Salim Ansari
20. Shri Rajkumar Dhoot
21. Shri Bharatsinh Prabhatsinh Parmar
22. Dr. C.P. Thakur

SECRETARIAT

4. Shri Brahm Dutt - Joint Secretary
5. Dr. Sagarika Dash - Deputy Secretary

Witnesses

Representatives of the Ministry of Information and Broadcasting

1. Shri Jitendra Shankar Additional Secretary
Mathur
2. Shri K. Ganesan Press Registrar, Registrar of
Newspapers for India
3. Shri Anurag Srivastava Joint Secretary (P&A)

Ministry of Law and Justice

(Department of Legal Affairs)

1. Dr. S.S. Chahar Additional Secretary
- #### **(Legislative Department)**
2. Dr. G. Narayan Raju Joint Secretary and Legal Adviser
 3. Shri Diwakar Singh Deputy Legislative Counsel

2. In the absence of the Chairman, the Committee chose Shri Rajendra Agrawal, a Member of the Committee to act as the Chairman for the sitting in accordance with Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. xxxxx.....xxxxx.....xxxxxx.....xxxxx.....xxxxxx.

(The witnesses were then called in)

4. The Chairman welcomed the representatives of the Ministries of Information and Broadcasting and Law and Justice and drew their attention to the provisions of Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the Report on the Bill is presented to the House.

5. After their introduction to the Committee, the representatives of the Ministry of Information and Broadcasting elaborated on the various

provisions made under the Bill. The Committee sought clarifications about important issues like limits of FDI in print media, implications of the provisions of 'known foreign publications' and facsimile editions, provisions relating to penalties and the need for ensuring greater coordination with the Ministries of Communications and Information Technology and Human Resource Development etc. These were replied to by the witnesses. The representatives of Ministry of Law and Justice also clarified on the related legal aspects.

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2012-13)**

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 18th December, 2012 from 1500 hours to 1530 hours in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Rao Inderjit Singh – Chairman

MEMBERS

Lok Sabha

23. Shri Abdul Rahman
24. Shri Rajendra Agrawal
25. Shri Raj Babbar
26. Shri Nikhil Kumar Choudhary
27. Shri A. Ganeshamurthi
28. Shri Sadashivrrao D. Mandlik
29. Dr. Thokchom Meinya
30. Shri Radhe Mohan Singh (Ghazipur)
31. Smt. Seema Upadhyay

Rajya Sabha

32. Shri Salim Ansari

SECRETARIAT

- | | | | |
|----|-------------------|---|---------------------|
| 6. | Shri Brahm Dutt | - | Joint Secretary |
| 7. | Shri Y.M. Kandpal | - | Additional Director |
| 8. | Dr. Sagarika Dash | - | Deputy Secretary |

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee and apprised them about the agenda for the sitting.

3. The Committee then took up for consideration the Draft Report on 'The Press and Registration of Books and Publication Bill, 2011' of the Ministry of Information and Broadcasting. The Committee adopted the same without any modification. The Committee also authorized the Chairman to finalize the Report in the light of the factual verification by the concerned Ministry and present the same to the House.

4. xxxxx.....xxxxxx.....xxxxxx.....xxxxx.

The Committee then adjourned.

xxxxx Matter not related to Report.