

Salient features of the draft “Registration of Press and Periodicals Bill, 2019”

- (i) The Bill proposes to remove the existing provisions relating to registration of Books and matters connected thereto.
- (ii) The Bill proposes to do away with the existing procedure of furnishing of declaration by publishers/ printers before the District Magistrate and its subsequent authentication.
- (iii) The process of title and registration of periodicals including newspapers is proposed to be effected centrally by the Press Registrar General as a simultaneous process.
- (iv) The Bill enables the Central Government and the State Government to frame appropriate rules/ regulations to regulate the criteria/ conditions for issuing Government advertisements in newspapers, accreditation of newspapers and such other facilities for newspapers.
- (v) The Bill proposes to have a simple system of registration of e-papers.
- (vi) The Bill proposes to do away with the earlier provision under the PRB Act, 1867 of prosecution of publishers.

DRAFT REGISTRATION OF PRESS AND PERIODICALS BILL, 2019

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**REGISTRATION OF PRESS
AND PERIODICALS BILL, 2019**

**A
BILL**

An Act for the registration and regulation of printing presses and periodicals, and matters connected thereto

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Registration of Press and Periodicals Act, 2019.
 - (2) It extends to the whole of India:
 - (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—

- (a) “appropriate Government” means the Central Government or the State Government or the Government of the Union Territories having their own legislatures.
- (b) “authorised person” means a Gazetted officer subordinate to the Press Registrar General and authorized by the Press Registrar General in writing to function as his representative for discharging various functions from time to time as the case may be;
- (c) “editor” of a periodical means an individual, whether called editor, chief editor, group editor or editor-in-chief or by any other name called, being a citizen of India and is ordinarily resident in India responsible for the selection and finalization of the content of a periodical;
- (d) “facsimile edition” of a publication means an exact replica in full or in part of the original edition of a foreign publication in so far as the content is concerned, subject to the condition that any page is not published in part;
- (e) “financial year” means the year beginning on the 1st April and ending on the 31st March next following;
- (f) “foreign periodical” means any periodical published and printed in a country outside India;
- (g) “journal” means a periodical publication, other than a magazine, which carries content related to a particular subject or professional activity;
- (h) “keeper” means the authorized person to manage the day-to-day operations of a printing press in case the owner of the press is a non-individual entity;
- (i) “magazine” means a periodical publication, other than a journal, containing comments or write-ups on general subjects, including public news or comments on public news;
- (j) “new edition” means another version of the existing newspaper with a change in the content or language or periodicity;
- (k) “news on digital media” is the news in digitized format that can be transmitted over the internet, computer or mobile networks and includes text, audio, video and graphics;
- (l) “newspaper” means a periodical of loosely-folded sheets usually printed on newsprint and brought out daily or at least once in a week, containing information on current events, public news or comments on public news;
- (m) “Owner” of a publication means an individual, firm or any such legal entity owning a publication.
- (n) “periodical” means any publication including newspaper, which is published and printed at regular intervals and contain write-ups on general or specialized subjects;

- (o) “prescribed” means prescribed by rules made under this Act;
- (p) “Printer” means the owner of the printing press
- (q) “Press Registrar General” means the Press Registrar General of India, appointed by the Central Government under Section 4 of this Act;
- (r) “printing” means reproduction of a periodical through any technology involving mass production of copies but does not include photocopying;
- (s) “publication” means anything which is printed on paper and is meant for public distribution including periodicals, newspapers & books.
- (t) “publish” means the process of making a work available to the public in the form of issuing copies;
- (u) “publisher” means a person authorized in this regard to publish any publication;
- (v) “register” means the register of periodicals maintained under Sub-Section 2 of Section 4 of this Act;
- (w) “specified authority” means a District Magistrate or Collector or Deputy Commissioner of a district, as the case may be, or any other executive magistrate or an officer exercising the powers of an Executive Magistrate authorised in writing by the District Magistrate or Collector or Deputy Commissioner of a District or by the State Government or Union territory Administration;
- (x) “title” means name of the periodical as verified by the Press Registrar General, printed prominently and legibly as the masthead on the front page of the periodical by which the periodical will be known or identified.

PART II

PRINTING PRESSES AND PUBLICATIONS

3. (1) Printer to furnish an intimation: - Any person or the keeper possessing a printing press for printing of any kind of publication shall furnish an intimation before the Specified Authority within whose local jurisdiction such press may be, in such manner and setting forth such particulars as may be prescribed.

(2) The person referred to in sub-section (1) shall submit any information/document relating to the intimation as may be required by the specified authority.

(3) Printer to file an Annual Statement: - Any person or the keeper possessing a printing

press for printing of any periodical including newspaper, shall submit to the Press Registrar General an Annual Statement by the 30th April of every year regarding printing of such periodicals, containing such particulars and in such manner as may be prescribed.

4. 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;
 - (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.

PART III

AUTHORITIES

5 (1) Appointment of Press Registrar General and other officers: 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.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the Press Registrar General shall perform the following functions, namely –

- (i) Issue a Certificate of Registration to a Publication;
- (ii) Maintain a register of registered newspapers and periodicals;
- (iii) Frame guidelines for admissibility and availability of title of a periodical;;
- (iv) Levy fees, as applicable, with regard to applications received by it under the Act;
- (v) Receive funds from the Central Government and disburse the same for implementation of the Act;
- (vi) Any function incidental to or connected with clauses (i) to (v); and

(vii) Any other function as may be assigned to it by the Central Government consistent with the provisions of the Act.

(3) The Press Registrar General in exercise of his functions under the Act shall have the following powers, namely –

(i) To obtain Annual Statements from a printer and a periodical;

(ii) To verify the circulation figure of a newspaper;

(iii) To revise, revoke or suspend registration of a periodical

(iv) to requisition the services of an officer and such other person as may be specified by him for undertaking verification of circulation figure of a newspaper or for any other function under the Act;

(v) to call for records, documents and such other information from a publication as may be required in discharge of his function.

(vi) to have access to any relevant record or document relating to a periodical in the possession of the publisher or printer thereof, and may enter at any reasonable time any premise where he believes such record or document to be and where the periodical is being printed 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.

(vii) to impose fine and penalty.

PART IV

REGISTRATION OF PERIODICALS

6 . Registration of periodicals – (1) A periodical shall be printed or published in India only in accordance with the manner laid down hereunder;

(2) Every owner of a periodical, whether free or paid, shall obtain a certificate of registration from the Press Registrar General by making an application in such manner, by furnishing such documents, setting forth such particulars and payment of such fee as may be prescribed;

(3); The application under sub section (2) shall also contain the title which the owner of

periodical intends to assign to the periodical, and for that purpose the owner may suggest one or more names for the title, in an order of preference, which is not the same or similar to a title already held by any other periodical either in the same language anywhere in India or in any other language in the same State, and which conforms to the guidelines framed for this purpose by the Press Registrar General from time to time;

(4) A copy of the application for registration shall be forwarded by the Press Registrar General to the specified authority, within whose local jurisdiction the publisher is, calling for his no-objection or otherwise for registration of the said periodical by the said publisher, to be provided by the specified authority within 60 days.

(5) The Press Registrar General shall, upon receipt of application from the owner of the periodical for issuance of certificate of registration, satisfy himself regarding its correctness and completeness and after taking into account the comments, if any, received from the specified authority under whose jurisdiction the periodical is to be published and the guidelines relating to admissibility of titles and issue a Certificate of Registration along with the title of the periodical, preferably within a period of 60 days of such application;

Provided that the Press Registrar General may, for reasons to be recorded in writing, refuse to grant Certificate of Registration.

Provided further that no such refusal shall be made unless an opportunity of being heard has been provided to the owner of the periodical.

(6) The owner of the periodical shall, on receipt of the certificate of registration, commence publication of the periodical within three months of such receipt.

Provided that if the owner of the periodical fails to publish the periodical within 12 months from the end of the month in which the certificate of registration was granted, the Press Registrar General may cancel the certificate and withdraw the title.

Explanation: For the purpose of this proviso failure to publish a periodical will mean publishing of a periodical less than three fourth of what should have been published as per the application made.

7. Revision of Certificate of Registration: (1) A publisher of a periodical may apply for revision of particulars of the Certificate of Registration in such manner and setting forth such particulars as may be prescribed.

(2) The Press Registrar General may issue a revised Certificate of Registration to the publisher, and intimate the same to the specified authority.

8. (1) Transfer of Ownership of a periodical: Transfer of Ownership of a periodical shall be done only after the periodical is registered under Section 5(5) of this Act.

(2) The periodical shall obtain a Revised Certificate of Registration after change of ownership in a manner laid down in Section 6 .

9 (1) Ceasing of Periodical: The owner, of a periodical, on deciding to cease the periodical, shall within six months of such ceasing, intimate the Press Registrar General and the “specified authority” within whose local jurisdiction such periodical was published about such ceasing of periodical.

(2) The Press Registrar General, on receipt of such intimation from the publisher shall cancel the registration of the ceased periodical and remove the periodical along with its title from the register maintained under Section 4(2) of this Act.

10 Restarting of a Periodical: Where any periodical has stopped or discontinued the publication of periodical for a period exceeding three months but not exceeding twelve months the publisher shall make an application to the Press Registrar General for restarting the periodical in such manner and alongwith such documents as prescribed.

11 (1) Cancellation or suspension of Registration: The Press Registrar General may, on the basis of information received from the Government or its organization, or on the recommendations of the Press Council of India or the specified authority, or obtained by it, may suspend or cancel the Certificate of Registration if he is satisfied that :

(a) the periodical is being published in contravention of the provisions of this Act or rules made there under;

(b) the registration was obtained on false representation or on the concealment of any material fact;

(c) the periodical mentioned in the Certificate of Registration bears a title, which is the same

or similar to that of any other periodical, published either in the same language or in the same state;

(d) the periodical has stopped publishing for a period exceeding twelve months from the date of last published issue;

(e) The periodical of any periodicity has published issues less than three-fourth of what should have been published in accordance with the application made in respect thereof.

(f) the Publisher has given any wrong or false particulars in his Application for Registration or Annual Statement;

(g) The publisher has failed to furnish the annual statement within twelve months of the end of a financial year.

(h) The publisher has been convicted by any court for an offence-

- (i) Involving terrorist act or unlawful activity;
- (ii) For having done anything against the security of the State,

Provided that no order for cancellation or suspension of Certificate of Registration may be passed unless an opportunity has been granted to the publisher.

(2) A copy of order of cancellation passed under this Section shall be made available to the appropriate Government and the Specified Authority for their records;

12. Annual statement to be furnished by publisher or owner: (1) The publisher of a periodical shall furnish to the Press Registrar General an annual statement in respect of the periodical, at such time and containing such particulars as may be prescribed;

(2) If the publisher fails to comply with provision of Section 12 (1), he shall be charged with fine which may extend to ten thousand rupees, along with mandatory submission of annual statement for the defaulted year/s and is also liable for suspension/cancellation of registration.

(3) If the publisher or owner in the absence of the publisher furnishes any false particulars or details in the annual statement submitted under provision of Section 11 (1), he shall be punishable with fine which may extend to fifty thousand rupees,

Provided that no order for imposition of penalty shall be passed without providing an

opportunity of being heard to the publisher.

13. Annual Report: The Press Registrar General shall prepare and publish an annual report containing information in respect of the periodicals in India in such form and at such time as may be prescribed.

PART V

PENALTIES

14. Penalty for printing or publishing periodical without conforming to provisions of Act: Whoever owns, prints, publishes or edits any periodical without conforming to the provisions of Section 5, Section 6 and Section 7 of this Act and rules made thereunder, or causes to be owned, printed, published or edited any periodical knowing that the provisions of Section 5, Section 6 and Section 7 of this Act or the rules made there under have not been complied with, shall be punishable with a fine which may extend to fifty thousand rupees, and the periodical may also be liable for cancellation of Registration.

15. Penalty for non-compliance of provisions regarding Printing Press: (1) Non compliance in terms of provisions of Section 3 for starting a printing press without furnishing an intimation or by furnishing false particulars in the intimation or for not furnishing information called for by the specified authority shall invite such fine and penal action as may be considered appropriate by the specified authority concerned.

(b) Non compliance in terms of provisions of Section 3(3) for not filing annual statement by the printer or the keeper shall attract a fine upto fifty thousand rupees and recommendation to the specified authority for taking appropriate penal action.

PART VI

APPEAL

16 (1) There shall be an Appellate Board to be called the Press and Registration Appellate Board consisting of Chairman, Press Council of India and one member to be nominated by the Press Council of India, from among its members.

(2) Any person aggrieved by an order of the Press Registrar General with regard to refusal of registration under sub-section (5) of Section 6, or cancellation or suspension of registration

under Section 11, or imposition of penalty and orders of suspension/cancellation of registration under Section 14, may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board.

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 on time.

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

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

Part VII

GOVERNMENT ADVERTISEMENT AND ACCREDITATION

17. (1) The appropriate Government may prescribe the condition under which it may issue advertisements, grant accreditation, and provide any other benefit to the periodical or its owners/employees;

(2) The condition referred to in sub-section (1) may take into consideration the age of the publication, its circulations, compliance to various provisions of this Act, and such other criteria as it may specify.

Part VIII

REGISTRATION OF PUBLISHERS OF NEWS ON DIGITAL MEDIA

18. The publishers of news on Digital Media shall register themselves with the Registrar of Newspapers of India in such manner and giving such particulars as may be prescribed.

PART IX

MISCELLANEOUS

19. **Powers of the Central Government** (1) In discharge of its functions under the Act, the

Press Registrar General shall be bound by such directions on question of policy as the Central Government may give in writing from time to time.

(2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

20. Press Registrar General and other officers to be public servants: 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).

21. Protection of action taken in good faith: 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 authorized 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 there under.

22. (1) Power of Central Government to make rules: The Central Government, may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

- (a) the form, fees and manner of making an application under Section 6;
- (b) the other particulars of registration of periodicals under Section 6;
- (c) the form in which a Certificate of Registration will be issued under Section 6 (5)
- (d) the manner in which the register of periodicals shall be maintained under section 5(2)
- (e) Prescribing the particulars which an annual statement to be furnished by the publisher of a periodical to the Press Registrar, may contain;
- (f) Prescribing the form and manner in which an annual statement under section 12, or any returns, statistics or other information under this Act, may be furnished to the Press Registrar;
- (g) the manner in which circulation verification of newspapers may be conducted by an authorised person under Section 5(3)
- (h) 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.

23 (1) Power to remove difficulties: If any difficulty arises in giving effect to the provisions

of this Act, the Central Government may, 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.

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

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

24 (1) Repeal and saving: 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 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 this Act;
- (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 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;
- (d) the Press Registrar General and other officers appointed under Section 4(1) of the 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;
- (e) the Press and Registration Appellate Board established under the Act hereby repealed shall, continue to function under the corresponding provisions of this Act, unless and until the Appellate Authority is constituted under this Act;
- (f) any appeal preferred to the Press and Registration Appellate Board hereby repealed and not disposed of before the commencement of this Act may be disposed of by the

Appellate Authority constituted under this Act;

- (g) any penalty payable under the 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 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 this Act under the same conditions as if this Act had not been passed.
- (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. (10 of 1897).
