

Regd. No. N.E. 207



The Mizoram Gazette

EXTRAORDINARY

Published by Authority

Vol. V. Aizawl, Thursday 8th July 1976, Asadha 17, S.E. 1898, Issue No. 21

THE PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER
ACT, 1976. NO. 27 of 1976

11th February 1976.

An act to provide against the printing and publication of incitement to crime and other objectionable matter.

Be it enacted by Parliament in the 27th Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

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| 1. (1) This Act may be called the Prevention of Publication or objectionable Matter Act, 1976 | Short title
extent and
commence-
ment. |
| (2) It extends to the whole of India. | |

- (3) It shall be deemed to have come into force on the 8th day of December, 1975.
2. (1) In this Act, unless the context otherwise requires, **Definitions and construction.**
- (a) "book" includes every volume, part or division of a volume, pamphlet and is a leaflet, in any language, and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced.
- (b) "Code" means the Code of Criminal Procedure, 1973. **2 of 1974.**
- (c) "competent authority" means a competent authority appointed under section 4 ;
- (d) "document" includes also an painting, drawing or photograph or other visible representation ;
- (e) "newspaper" means any document other than a newspaper means any periodical work containing public news or comments on public news ;
- (f) "news-sheet" means any document other than a newspaper containing public news or comments on public news ;
- (g) "press" means a printing press, and includes all plan, machinery, duplicators, types, implements and other materials used for the purpose of, or in connection with, printing or multiplying documents ;
- (b) "Press Registration Act" means the Press and Registration of Books Act, 1867. **25 of 1867**
- (i) "State Govt" in relation to a U.T. means the Administrator thereof appointed under article 239 of the constitution ;
- (j) "unauthorised newspaper" means—
- (i) any newspaper in respect of which security has been required under this Act but has not been furnished as required, or
- (ii) any newspaper which is published without conforming to the rules laid down in section 3 of the Press Registration Act ;

(k) "unauthorised news-sheet" means any news-sheet in respect of which security has been required from the publisher thereof under this Act but has not been furnished as required or any news-sheet which does not contain the name of the printer and the publisher ;

(l) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act ;

(m) any expression used but not defined in this Act shall,

(i) if such expression is defined in the Code,
have the same meaning as in the Code ; and

(ii) if such expression is not defined in the Code but defined in the Indian Penal Code, have the same meaning as in the Indian Penal Code. 45 of 1860

(2) For the purposes of this Act, where different editions of the same news paper or news-sheet are published, each such edition shall be deemed to be a separate newspaper or news-sheet.

(3) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Act to any to any officer or authority shall, with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Govt. by Notification in the official Gazette.

3. In this Act, the expression "objectionable matter" means any words, signs or visible representations "Objectionable matter" defined.

(a) which are likely to—

i) bring into hatred or contempt, or excite disaffection towards, the Govt. established by law in India or in any State thereof and thereby cause or tend to cause public disorder ; or

ii) incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services ; or

- iii) seduce any member of the Armed Forces or the Forces charged with the maintenance of public order from his allegiance or his duty or prejudice the recruiting of persons to serve in any such Force or Projudice the discipline of any such Force ;
 - iv) promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities ; or
 - v) cause fear or alarm to the public or the any section of the public whereby any pertion may be induced to commit an offence against the State or against the public tranquility ; or
 - vi) incite any person or any class or community of persons to commit murder, mischief or any other offence ; or
- (b) which—
- i) are defamatory of the President of India, the Vice President of India, the Prime Minister or the Speaker of the House of the People or the Governor of a State ; or
 - ii) are grossly indecent, or are scurrilous or obscene or intended for blackmail.

EXPLANATION : I : Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Govt. with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce disharmony or feelings of enmity, hatred or ill-will between different religious, racial language or regional groups or castes or communities, shall not be deemed to be objectionable matter within the meaning of this section.

EXPLANATION II : In considering whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representations, and not the intention of the keeper of the

press or the publisher or newspaper or editor of the news-sheet, as the case may be, shall be taken into account.

4 (1) The Central Govt. may by notification in the Official Gazette, appoint such officers (being officers of the Central Govt. not below the rank of a Dy. Secy. to that Govt. or officers of State Govt's or Administrations of U.T.s not below the rank of a District Magistrate) as it deems fit to be competent authorities for the purposes of this Act and specify the local limits of their jurisdiction.

Apoin-
ment of
compe-
tant au-
thorities.

(2) An officer appointed under sub-section (1) may exercise the powers of a competent authority under this Act in relation to presses situated and newspapers and news-sheets published within the local limits of his jurisdiction, the keepers of such presses and the publishers and editors of such newspapers.

CHAPTER II PROHIBITION OF PREJUDICIAL PUBLICATIONS

5. (1) The Central Govt. or the competent authority, if satisfied that such action is necessary for the purpose of preventing or combating:

Power to
control
prejudi-
cial pub-
lications.

(a) any activity prejudicial to the interests of sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality; or

(b) any activity involving, or likely to involve or culminate in incitement to offences,

may, by order in writing, addressed to the keeper of any press or any publisher or editor, prohibit the printing or publication in any document or any class of documents any matter relating to a particular subject or class of subjects for a specified period (not exceeding two months from the date of communication of the order) or in a particular issue or issues of a newspaper or periodical.

(2) An order made under sub-section (1) shall not take effect until it is communicated to the person against whom it is made.

(3) When any order is made by the competent authority under sub-sec. 1 against any person, the competent authority shall forthwith report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter and the Central Govt. may, if satisfied after making such inquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

(4) Without prejudice to the provisions of sub-section (3), any person aggrieved by an order made under sub-section (1) may, within ten days of the communication of the order to him, make a representation to the Central Govt. and the Central Govt. may, after making such inquiry as it may deem fit and after taking into account the action, if any taken by it under sub-section (3) in respect of such order, dispose of the matter confirming, modifying or setting aside the order or as the case may be, confirming such action:

Provided that if the person making the representation makes a request in his representation that he should be given an opportunity to be heard, the Central Govt. shall not dispose of the matter without giving to such person such opportunity.

(5) If within a period of seven days from the date of receipt of a representation under sub-section (4) the Central Govt. fails to confirm, modify or set aside the order against which the representation is made, the order shall, unless sooner set aside under sub-section (3) be deemed to have been set aside on the expiry of that period.

EXPLANATION :— In computing the said period of seven days,-

- (a) public holidays, that is to say, days on which the offices of the Central Govt. remain closed; and
- (b) any time allowed to the person making the representation in compliance with his request to be heard; and
- (c) any period during which the representation could not be disposed of by reason of any injunction or order of any court (including the day on which such injunction or order was issued or made and the day on which it was withdrawn).

shall be excluded.

6. In the event of disobedience of an order made under section 5, the Central Govt. or the competent authority issuing the order may, without prejudice to any other penalty, to which the person guilty of the disobedience of the order is liable under this Act or under any other law for the time being in force, direct that copies of the publication made in disobedience of such order be seized, any that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

For forfeiture of publications made in contravention of orders under sec. 5

7. Whoever contravenes, disobeys or neglects to comply with any order made under sec. 5 shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of orders under sec. 5.

CHAPTER III

PREVENTION OF PRINTING AND PUBLICATION OF OBJECTIONABLE MATTER

8. Whenever it appears to the competent authority that any press has been used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, and that there are sufficient grounds for demanding security from the keeper of the press under this section, the competent authority shall, by order in writing, direct the keeper of the press to deposit as security, within 21 days from the date of the order, such amount as the competent authority may think fit to require :

Power to demand security from presses in certain cases.

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record, by order in writing, such warning.

9. Whenever it appears to the competent authority that any press in respect of which any security has been ordered to be deposited under sec. 8 or under this sec. is thereafter used for the purpose of printing or publishing any newspaper, news-sheet book or other document containing objectionable matter, the competent authority shall, by order in writing, declare such security as has been deposited, or any portion thereof, to be forfeited to the Central Govt or direct the keeper of the press to deposit, within 21 days from the date of order, such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper, news-sheet, book or other document containing such ob-

Power to forfeit security or demand further security from presses.

jectionable matter, wherever found in India, to be forfeited to the Central Govt.

10. (1) Where the keeper of the press is required under sec. 8 or sec. 9 to deposit any amount as security and the deposit is not made within the time allowed — Consequences of failure to de-

(a) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled; and deposit security as required under

(b) notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make or be allowed to make a fresh declaration before a Magistrate under that Act in respect of the press, unless the amount required to be deposited as security by the keeper of the press under sec. 8 or sec. 9 is deposited by the keeper of the press or such other person; and sec 8 or sec. 9

(c) the press shall not be used for printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(2) If any press is used in contravention of clause (c) of subsection (1), any Judicial Magistrate may on a complaint made to him in this behalf by the competent authority direct the keeper of the press to show cause why it should not be forfeited and after hearing him and on being satisfied that there are sufficient grounds for passing the order, declare the press or any part thereof to be forfeited to the Central Government :

Provided that the press or any part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press makes the required deposit within the aforesaid period, the press or the part thereof shall be returned to the keeper of the press.

11. Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter, and that there are sufficient grounds for demanding security in respect of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit, within 21 days from the date of the order, as security in respect of the newspaper or news-sheet, such amount as the competent authority may think fit to require :— Power to demand security from publishers of newspaper and news-sheets in certain

provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record by order in writing, such warning.

12. Whenever it appears to the competent authority that any newspapers or news-sheet in respect of which any security has been ordered to be deposited by the publisher under sec. 11 or under this section thereafter publishes any objectionable matter, the competent authority shall, by order in writing, declare such security as has been deposited, or any portion thereof, to be forfeited to the Central Govt. or direct the publisher of the newspaper or news-sheet to deposit, within 21 days from the date of the order, such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Central Govt.

13. (1) Where the publisher of a newspaper is required under section 11 of section 12 to deposit any amount as security in respect of any news-paper and the deposit is not made within the time allowed,—

(a) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled; and

(b) Notwithstanding any contained in the Press Registration Act, neither the said publisher nor any other person shall make, or be allowed to make, a fresh declaration before a Magistrate under sec. 5 of that Act as publisher of that newspaper or any other news-paper which is the same in substance as that newspaper, unless the amount required to be deposited by the publisher of the newspaper under sec. 11 or sec. 12 is deposited by the said publisher or such other person.

(2) Where a deposit is required from the publisher a newspaper or news-sheet under sec. 11 or sec. 12, no press shall, after the expiry of the time allowed to make the deposit, be used for the printing of such newspaper or news-sheet, until the deposit has been made.

(3) The Keeper of any press who knowing contravenes the provisions of sub-section (2) shall be punishable with imprisonment

Power to
forfeit se-
curity or
demand fur-
ther securi-
ty from
publishers
of news-pa-
pers and
news-sheets

Consequen-
ces of fai-
lure by pub-
lisher to de-

posit secu-
rity as requi-
red under
sec. 11 or
sec. 12.

for a term which may extend to one year, or with fine, or with both, and where such keeper is convicted for a second or subsequent contravention of that sub-section in respect of the same newspaper or news-sheet, the court may also direct that the press or any part thereof shall be forfeited to the Central Government:

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture and, if the keeper of the press makes the required deposit within the aforesaid period, the press or the part thereof, as the case may be, shall be returned to the keeper of the press.

14. Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter and that there are sufficient grounds for demanding security from the editor of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the editor of the newspaper or news-sheet to deposit, within 21 days from the date of the order, such amount as the competent authority may think fit to require:

Power to demand security from editors of newspaper & news-

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning to the editor, the competent authority may, instead of demanding security, record, by order in writing, such warning.

sheets in certain cases.

15. Whenever it appears to the competent authority —

- (a) that any newspaper or news-sheet contains any objectionable matter, and
- (b) that the editor of such newspaper or news-sheet has been ordered to deposit security (whether as editor of the same newspaper or news-sheet or of any other newspaper or news-sheet) under section 14 or this section.

Power to forfeit security or demand further security from editors of newspapers and news-sheets.

the competent authority shall, by order in writing, declare such security as has been deposited by such editor or any portion thereof to be forfeited to the Central Govt. or direct such editor to deposit, within 21 days from the date of the order, such further security as the competent authority may deem fit to require.

16. (1) The amount of security which may be required to be deposited under any of the foregoing sections of this Chapter shall be

Amount of security

fixed with due regard to the circumstances of the case and shall not be excessive. and maner of deposit.

(2) The amount of security directed to be deposited under any of the foregoing sections of this Chapter shall be deposited in money or the equivalent thereof in Govt. securities in accordance with such order as the Central Govt. may, by notification in the Official Gazette, make, with such authority or agency as may be specified in such order.

(3) Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, 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 expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification, or both Houses agree that the notification should not be issued, the modifications hereafter 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 notification.

17. (1) The competent authority shall not make any order under section 8, section 9, section 11, section 12, section 14 or sec. 15, unless he is satisfied upon a complaint made to him in writing by the proper officer an inquiry made in the manner provided in this section, that it is necessary to make such order.

Procedure etc. to be followed by the competent authority

Explanatory, In this sub-section, "proper officer" means any officer empowered by the Central Govt., by general or special order in writing, to make complaints under this section.

(2) Every complaint to the competent authority under sub-section (1) against any person (hereafter in this section referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made and, where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the officer making the complaint, should be so demanded.

(3) On receipt of a complaint under sub-section (1) the competent authority may, after making such preliminary inquiry, if any, as he may deem necessary, issue notice thereof to the respondent.

(4) when the respondent appears before the competent authority in compliance with a notice under sub-section (3), the competent authority shall settle the points for determination and proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and make such orders under this Act as he may deem fit.

(5) The competent authority shall inquire into the complaint, as nearly as practicable, in the manner prescribed for conducting trials in summons-cases by Magistrates under the code.

(6) If, on the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the competent authority may proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and make such orders under this Act as he may deem fit.

Provided that if, on an application made by the respondent within fifteen days of the date of the ex parte order, the competent authority is satisfied that there are sufficient grounds, he may set aside the order and make a fresh inquiry into the complaint.

(7) In any inquiry before the competent authority with reference to any newspaper or news-sheet any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature and effect of the words, signs or visible representation in respect of which the complaint is made.

(8) For the purpose of hearing and disposing of complaints under this sec., the competent authority shall have all the powers of a Judicial Magistrate of the first class under the Code.

(1) When any order is made by the competent authority under this Chapter against any person, the competent authority shall forthwith report the fact to the Central Govt. together with the grounds on which the order has been made and such other particulars as in the opinion of the competent authority have a bearing on the matter and the Central Govt. may, if satisfied after making such inquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

Revision by
and appeals
to Central
Government.

(2) Without prejudice to the provisions of sub-section (1), any person aggrieved by an order of the competent authority under this

Chapter may, within thirty days of the making of such order, prefer an appeal to the Central Govt. and the Central Govt. may, after making such inquiry as it may deem fit and after taking into account the action, if any, taken by it under sub-section (1) in respect of such order, dispose of the appeal confirming, modifying or setting aside the order or, as the case may be, confirming such action ;

Provided that before confirming any such order or modifying it to the disadvantage of the appellant, the Central Govt. shall give an opportunity to the appellant to represent his case.

(3) On the disposal of the appeal, the Central Govt. shall communicate the order made by it to the appellant and the competent authority.

(4) If within a period of sixty days from the date of receipt of an appeal under sub-section (2), the Central Govt. fails to confirm, modify or set aside the order appealed against, the order shall, unless sooner set aside under sub-section (1), be deemed to have been set aside on the date of the expiry of the said period.

EXPLANATION : In computing the said period of sixty days, any period during which the Central Govt. could not dispose of the appeal by reason of any injunction or order of any Court (including the day on which such injunction or order was issued or made and the date on which it was withdrawn) shall be excluded.

CHAPTER IV

PREVENTION OF CIRCULATION AND DISTRIBUTION OF OBJECTIONABLE MATTER

19. Where it appears to the Central Govt. that any issue of a newspaper or news-sheet or any book or other document, wherever made contains any objectionable matter, that Govt., may, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Central Government.

Power of
Central
Govt. to
declare cer-
tain publi-
cations for-
feited.

20. (1) Any officer of customs under the customs Act, 1962 or any other officer empowered by a general or special order by the Central Govt. in this behalf may detain any package imported into

Power to
detain pac-

India in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter and shall forthwith forward copies of any such newspaper, news-sheet, book or other document found therein to such officer as the Central Govt. may appoint in this behalf to be disposed of in such manner as the Central Government may direct.

kages containing certain publications when imported 52 of 1962

(2) Any person aggrieved by any action taken under sub-section (1) may apply, within fourteen days from the date on which such action is taken, to the Central Govt. for review and the Central Govt. may pass such orders thereon as it thinks fit.

21. (1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provision, of this Act and no unauthorised newspaper or unauthorised news-sheet shall be transmitted by post.

Prohibition of transmission by post of certain documents.

(2) Any officer in charge of a post office authorised by the Central Govt. in this behalf may detain in course of transmission by post any article other than a letter which he suspects to contain any document as is mentioned in sub-section (1) and shall deliver all such articles to such officer as the Central Govt. may appoint in this behalf.

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such order as to the disposal of the article and its contents as he deems proper, and, if he is not so satisfied, he shall return the article to the post office for transmission to the addresses.

22. (1) Any police officer or any other officer empowered in this behalf by a State Govt. may seize any unauthorised newspaper or unauthorised news-sheet in the State.

(2) Any Metropolitan Magistrate, Chief Judicial Magistrate or a Magistrate of the first class may, by warrant, authorise any police officer, not below the rank of a sub-Inspector, to enter upon and search any place where any stock of unauthorised newspapers or news-sheets or may be, reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised newspapers or unauthorised news-sheets.

Power to seize & destroy unauthorised newspapers & news-sheets.

(3) All documents seized under sub-section (1) shall be produced as soon as may be, before a Metropolitan Magistrate, a Chief Judicial Magistrate or a Magistrate of the first class and all documents seized under sub-section (2) shall be produced, as soon as may be, before the Court of the Magistrate who issued the warrant.

(4) If in the opinion of such Magistrate or Court any of such documents are unauthorised newspapers or unauthorised news-sheets, the Magistrate or Court may cause them to be destroyed, but if, in the opinion of such Magistrate or Court any of such documents are not unauthorised newspapers or unauthorised news-sheets, such Magistrate or Court shall dispose of them in the manner provided in sections 457, 458 and 459 of the Code.

23. (1) Where a Metropolitan Magistrate or a Chief Judicial Magistrate has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer, not below the rank of a sub-inspector, to enter upon and search any place where such undeclared press may be, or may be reasonably suspected to be, and if, in the opinion of the police officer, any press found in such place is an undeclared press and is used to produce an unauthorised newspaper or unauthorised news-sheet, he may seize such press and any document found in the place which, in his opinion, are unauthorised newspapers or unauthorised news-sheets.

(2) The police officer shall forthwith make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized.

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may think requisite, is of opinion that a press seized under this section is an unauthorised press which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press or any part thereof to be forfeited to the Central Govt., but if after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sec. 457, 458 and 459 of the Code.

(4) The Court shall deal with the documents produced before it under this section in the manner provided in sub-sec. (4) of sec. 22,

CHAPTER V

APPEALS AND APPLICATIONS TO HIGH COURT

24. (1) Any person aggrieved by an order passed under sec. 18 may prefer an appeal to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(2) No appeal shall be entertained under sub-sec. (1) unless it is made within sixty days of the date of the order appealed against.

(3) Upon any appeal under this sec., the High Court may pass such order as it deems fit confirming, varying or setting aside the order appealed from, and may pass such consequential or incidental orders as may be necessary.

25. (1) Any person aggrieved by an order of forfeiture passed by a Magistrate under sub-sec. (2) of sec. 10 or sub-sec. (3) or sec. 13 may, within sixty days of the date of such order, make an application to the High Court to which such Magistrate is subordinate.

Applica-
tion to
High Court
against or-
ders of for-
feiture.

(2) Any person aggrieved by an order of forfeiture passed under sec. 19 or by an order under sub-sec. (2) of sec. 20 may, within 60 days of the date of such order, make an application to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(3) The High Court to which any application is made under this sec. may pass such order as it deems fit confirming, varying or setting aside the order in respect of which such application is made and may pass such consequential or incidental orders as may be necessary.

26. Every appeal and every application to a High Court under this Chapter shall, where the High Court consists of three or more Judges, be heard and determined by a Special Bench of the High Court composed of three Judges and where the High Court consists of less than three Judges, such Special Bench shall be composed of all the Judges of the High Court

Appeals &
applica-
tions to be
heard by a
3 Bench of
Judges.

27. Every High Court may frame rules to regulate the procedure in respect of appeals and applications under this Chapter and until such rules are framed, the practice of such High Court in proceedings in respect of appeals and applications shall be, so far as may be practicable, to such appeals and applications.

Procedure
in High
Court,

CHAPTER VI

PENALTIES

28. Whoever is the keeper of a press which is used for the printing or publishing of any newspaper, news-sheet, book or other document without making a deposit as required under sec. 8 or sec. 9 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both. Penalty for keeping press without making deposit.
29. Whoever publishes any newspaper or news-sheet without making a deposit as required under sec. 11 or sec. 12 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both. Penalty for publishing newspaper or news-sheet without making deposit.
30. Whoever Acts as an editor of a newspaper or news-sheet without making a deposit as required under sec. 4 sec. or 15 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. Penalty for acting as editor without making deposit.
31. Whoever sells or distributes or keeps for sale or distribution any unauthorised newspaper or unauthorised news-sheet knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. Penalty for disseminating unauthorised newspaper and unauthorised news-sheets

CHAPTER VII

MISCELLANEOUS

32. Every notice under this Act shall be served in the manner provided for the service of summonses under the Code Service of Notices.

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of the press, affix a copy thereof to some conspicuous part of the place where the press is situated, as described in the keeper's declaration under sec. 4 of the Press Registration Act and, where the notice is directed to the publisher or editor of a newspaper, to a conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's

declaration under sec. 5 of that Act and thereupon the notice shall be deemed to have been duly served.

33. (1) Where any press or any copies of newspaper, news-sheet, book or other document are declared forfeited to the Central Govt. under this Act, the Central Govt. may require a Magistrate to issue a warrant empowering any police officer, not below the rank of a sub-inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

Issue of search-warrants in certain cases.

- (a) where any such property may be or may be reasonably suspected to be, or.
- (b) where any copy of such newspaper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(2) Without prejudice to the provisions contained in sub sec. (1) where any newspaper, news-sheet or other document is declared forfeited to the Central Govt. it shall be lawful for any police officer to seize the same, wherever found.

34. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search-warrants under the Code.

Conduct of Searches

35. (1) Where any keeper of a press or publisher or editor of a news-paper or news-sheet has deposited any amount as security or further security as required under sec. 8 or sec. 9 or sec. 11 or sec. 12 or sec. 14 or sec 15 and no further action has been taken in respect of respect of the press or the publisher or the editor under this Act for a period of two years from the date of such deposit, the person who made the deposit or any person claiming under him may apply to the Central Govt. for the return of the security in deposit.

(2) The Central Govt. shall, after making such inquiry as it may deem fit and after being satisfied about the claim of the applicant, direct the security to be returned to the applicant.

Return of security in certain cases

36. For the purpose of determining any period of limitation prescribed by this Act for any application or appeal, the provisions of sec 4 to 24 of the Limitation Act, 1963 shall apply as they apply for determining the period of limitation prescribed for any application or appeal by the Schedule to that Act.

Application of provision of Act. 36 of 1963.

37. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons be conclusive evidence that the forfeiture therein referred to has taken place, and except as provided by this Act -

Bar of jurisdiction and protection of action taken in good faith

(a) no proceeding taken or purporting to be taken under this Act shall be called in question by or before any court; and

(b) no civil or criminal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

38. Notwithstanding anything contained in this Act, no keeper of a press or publisher of any newspaper or news-sheet or editor of any newspaper or news-sheet shall be prosecuted under sec. 28, sec. 29 or sec. 30, as the case may be, if for the same act or omission such person has been proceeded against under sec. 8 or sec. 9 or sec. 11 or sec. 12 or sec. 14 or sec. 15, as the case may be, nor shall any such person be proceeded against under sec. 8 or sec. 9 or sec. 11 or sec. 12 or sec. 14 or sec. 15, as the case may be, if for the same act or omission such person has been prosecuted under section 28, sec 29 or sec. 30, as the case may be.

Bar of double penalty

39. Notwithstanding anything contained in the Code, any offence punishable under this Act and any abetment of such offence shall be cognizable and bailable.

Cognizability of offences under this Act.

40. Sections. 6. 7 and 8 of the Criminal and Election Laws Amendment Act, 1969 are hereby repealed.

Repeal of sec. 6.7.8 of Act 35 of '69

41. (1) The Prevention of Publication of Objectionable Matter Ordinance, 1975 is hereby repealed.

Repeal of Ordinance 28 of '75 and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

K.K. Sundaram
Secretary
to the Govt of India.

NOTIFICATION

S.O. 744(E), the 31st, Dec '76. In exercise of the powers conferred by section 4 of the Prevention of Publication of Objectionable Matter Ordinance, 1975 (28 of 1975), the Central Govt. hereby appoints all District Magistrates, under section 20 of the Code of Criminal Procedure, 1973 (2 of 1974), as competent authorities for the purposes of the said Ordinance and specifies that the local limits of their respective jurisdictions as such District Magistrates shall be the local limits of their respective jurisdictions as such competent authorities.

(No.F.28/2/75-Press).

S.RAMASWAMY, Under Secretary.

X X X

ORDER

S.O.2(E), the 1st Jan. '76. In pursuance of the provisions of the Explanation to sub-section (1) of sec. 17 of the Prevention of Publication of Objectionable Matter Ordinance, 1975 (28 of 1975), the Central Govt. hereby empowered the officers mentioned in the Schedule annexed hereto to make complaints under the said section.

THE SCHEDULE

1. Deputy Principal Information Officer, Pres Info. Bureau, Calcutta.
2. Information Officer, Press Information Bureau, Cuttack.
3. Information Officer, Press Information Bureau, Gauhati.
4. Information Officer, Press Information Bureau, Patna.
5. Asstt. Info. Officer, Press Information Bureau, Agartala.
6. Asstt. Info. Officer, Press Information Bureau, Shillong.
7. Dy. Principal Info. Officer, Press Information Bureau, Bombay.
8. Info. Officer, Press Information Bureau, Nagpur.
9. Asstt. Info. Officer, Press Information Bureau, Imphal.
10. Asstt. Info. Officer, Press Information Bureau, Panaji
11. Info. Officer, Press Information Bureau, Ahmedabad.
12. Info. Officer, Press Information Bureau, Poona.
13. Asstt. Info- Officer, Press Information Bureau, Rajkot
14. Dy. Principal Info. Officer, Press Info. Bureau, Madras.
15. Information Officer, Press Info. Bureau, Trivandrum.
16. Asstt. Info. Officer, Press Info. Bureau, Cochin.
17. Info. Officer, Press Info. Bureau, Bangalore.
18. Info. Officer, Press Info. Bureau, Hyderabad.
19. Asst. Info. Officer, Press Info. Bureau Vijayawada.
20. Info. Officer, Press Info. Bureau, Jullundur.
21. Director of Public Relations. Press Info. Bureau, Srinagar.
22. Asstt. Info. Officer, Press Info. Bureau, Jammu.
23. Asstt-Info. Officer, Press Info. Bureau, Varanasi.
24. Into. Officer, Press Info. Bureau, Lucknow.

ELECTION COMMISSION OF INDIA

NEW DELHI

Dated ; 8 July, 1976
Asadha 17, 1898 (Saka)**NOTIFICATION**

S.O Whereas "Nagaland Nationalist Organisation", a recognised State Party in the State of Nagaland has intimated the Commission that the Said party has been dissolved as a consequence of its merger with the India National Congress, a recognised National Party.

And whereas the Election Commission, on the basis of the records available, is satisfied that "Nagaland Nationalist Organisation" has ceased to exist as a separate political party and that its name should be deleted from the list of recognised State Parties ;

Now, therefore, in pursuance of clause (b) of sub-paragraph (1) of paragraph 17 of the Election Symbols (Resertion and Allotment) Order, 1968, the Commission hereby makes the following amendment in its notification No. 56/75-1, dated 31 January, 1975, published as S.O. 61 (E) in the Gazette of India, Extraordinary, Part II, section 3(ii), dated 31 January, 1975, and as subsequently amended from time to time, namely ;—

IN TABLES 2

Against the item "Nagaland", (a) the entry relating to "1. Nagaland Nationalist Organisation Mithun" Shall be deleted ; and (b) the figure "2" appearing before the entry "United Democratic Front" shall be deleted.

(No. 56/75-x)

By Order,

V. Nagasubramanian
Secretary

to the Election Commission of India