

Press Act, 1910

Section 1 - SHORT TITLE AND EXTENT

PRESS ACT, 1910 PRESS ACT, 1910 1 of 1910 9th February, 1910 An Act to provide for the better control of the Press. Whereas it is necessary to provide for the better control of the Press; It is hereby enacted as follows:- STATEMENT OF OBJECTS AND REASONS PUBLISHED WITH THE BILL 1. The continue recurrence of murderous outrages has shown that the measures which have hitherto been taken to deal with anarchy and sedition require strengthening and that the real search of the evil has not as yet been touched. Since 1907, the policy of the Government has been directed to the steady enforcement of the ordinary law against sedition. Prosecutions have invariably proved successful but have produced no permanent improvement in the tone of the Press, a certain section of which has continued, both by openly seditious writing and by suggestion and veiled incitement, to inculcate hostility to British rule. There is no lack of evidence that the series of crimes which preceded and have followed the passing of Act VII of 1908 is directly traceable to these influences, to which the authors of the outrages-young men of the educated middle class-are peculiarly susceptible. This propaganda has been carried on not only by means of newspapers but by leaflets, pamphlets and the like, rendering it necessary to assume control over printing-presses as well as newspapers. 2. The main divisions of the Bill which has been prepared with this object are - (I) Control over presses and means of publication; (II) control over publishers; (III) control over the importation into British India and the transmission by the post of objectionable matter; (IV) the suppression of seditious or objectionable newspapers, books or other documents wherever found. 3. I. The first of these objects it is sought to attain as follows :- (1) all proprietors of printing-presses making a declaration for the first time under Section 4 of the Press and Registration of Books Act, 1867 will be required to give security, which may, however, be dispensed with by the Magistrate at his discretion. The proprietors of existing presses will be required to give security only if and when they are guilty of printing objectionable matter of the description to which the Act applies; (2) Local Governments may declare such security forfeit where it appears to them that the press has been used for printing or publishing objectionable matter. The Bill defines such matter as that calculated- (a) to incite to murder, to anarchical outrage by means of explosives, or to acts of violence; (b) to tamper with the loyalty of the Army or Navy; (c) to excite racial class or religious animosities, or hatred or contempt of the Government of British India or of any Native State or Prince; (d) to incite to criminal intimidation; (e) to incite to interference with the administration of the law or with the maintenance of law and order; (f) to intimidate public servants by threat of injury to them or to those in whom they are interested. The declaration of forfeiture operates to annul the declaration made under the Press and Registration of Books Act, 1867. When the initial security so deposited has thus been forfeited, the deposit of further security in a larger sum is required before a fresh declaration can be made under Section 4 of the Press and Registration of Books Act of 1867, and if thereafter the press is again used for printing or publishing objectionable matter the further security deposited and the press itself may be declared forfeit. II. Control over publishers of newspapers, the second main object of the Bill, is provided for in a similar manner. The keeping of a printing-press and the publishing of a newspaper without depositing security when required are punishable with the penalties prescribed for failure to make the declarations required by Sections 4 and 5 of the Press and Registration of Books Act, 1867. III. The more efficient control over the importation and transmission by post of objectionable matter of the kind described in the Bill is given by empowering the customs and post office authorities to detain and examine packages suspected of containing such matter, and to submit them for the orders of the Local Government. The Bill further prohibits the transmission by post of any newspaper in respect of which a declaration has not been made under the Press and Registration of Books Act, 1867, and security deposited as required under this Bill, and empowers postal officials to open and deliver to the proper authorities articles in the course of transmission which are suspected of containing such newspapers. IV. The fourth object of the Bill is attained by authorizing the Local Government to declare forfeit any newspaper, book or other document which appears to it to contain matter of the prohibited

description, and upon such a declaration the Bill empowers the police to seize such articles and to search for the same. In each case the Local Government is the authority authorized to declare forfeiture, but a check is imposed upon the exercise of this power in that the Bill provides for an application, within two months of the date of such declaration to a special bench of three Judges of the High Court, on the question of fact whether the matter directed to is or is not of the description defined in the Bill. If the High Court finds that it is not of that description, it must cancel the order of forfeiture. All other legal proceedings for action taken under the Bill are barred. Subsidiary matters provided for in the Bill are the search for and seizure under special warrant of the Magistrate of property declared forfeit under the Bill; for the submission by the printer of every newspaper to such officer as the Local Government may direct of two copies of each issue of his paper on pain of a penalty of Rs. 50 for each default; the return of security deposited by a printer or a publisher, when such person ceases to keep a printing-press or, being a publisher, makes a declaration under Section 8 of the Press and Registration of Books Act of 1867 and lastly the saving of prosecutions under any other law. The following report of the Select Committee on the Bill to provide for the better control of the Press, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 8th February, 1910:- We, the undersigned. Members of the Select Committee to which the Bill to provide for the control of the Press was referred, have considered the Bill and have now the honour to submit this our report, with the Bill as amended by us annexed thereto. 2. Clause 2.-We have considered it necessary to insert a special definition of "High Court" as the definition in S. 3 (24) of the General Clauses Act, 1897, is not suitable for the provinces of Coorg and Ajmere-Merwara where the Chief Commissioner who is the Local Government is also the High Court. We have therefore provided that in the case of these two provinces the "High Court" shall mean the High Court at Madras and the High Court for the North-Western Provinces, respectively. 3. Clauses 3 (1) and 8 (1).-In the case of a keeper of a press or publisher starting business after the commencement of this Act we have reduced the maximum amount of the security from Rs. 5,000 to Rs. 2,000 as we think that the larger amount might prove excessive in the case of well-intentioned printers and publisher of small means. 4. Clause 4 (1).-In sub-clause (c) we have substituted the words "the administration of justice in British India" for the words "any lawful authority" and we have struck out from this sub-clause the words "or antipathy between members of different races, castes, classes, religions or sects" and inserted in it words to make it include the bringing into hatred or contempt of any class or section of his Majesty's subjects in British India, as we are disposed to think that the clause as thus altered will be sufficient to carry out the purpose in view. 5. Clauses 3, 5, 8 and 10.- We have expressly provided that the deposit required under the Act may be made either in money or the equivalent thereof in securities of the Government of India. 6. Clause 14.-We have slightly modified this clause so as to make it clear that it applies only to newspapers printed and published in British India. 7. Clause 15.-This clause as introduced proposed to empower postal officers to open any article in course of transit by post. We do not consider it necessary that postal officers should have this power. Nor do we think that they should have power to detain letters or parcels. We have therefore modified this clause by providing that such officers should have power only to detain articles after than letters or parcels and deliver them to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government direct. 8. Clauses 18 and 19.-We have considered it necessary to provide for cases where the Special Bench may consist of two Judges who may be divided in opinion; we have provided that in such cases the order of forfeiture made by the Local Government shall stand. 9. The other alterations which we have made in the Bill are of a formal nature and call for no special remarks. 10. The Bill was published in the Gazette of India in English on the 5th February, 1910. 11. We think that the measure has not been so altered as to require re-publication and we recommend that it be passed as now amended. 1) This Act may be called the Indian Press Act, 1910. (2) It extends to the whole of, British India, inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti.