

**In Re: S. Ramakrishnan and anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/778233](http://sooperkanoon.com/778233)

**Court :** Chennai

**Decided On :** Mar-02-1945

**Reported in :** AIR1945Mad317; (1945)1MLJ314

**Appellant :** In Re: S. Ramakrishnan and anr.

**Judgement :**

ORDER

**Happell, J.**

1. The petitioners have been convicted by the learned Fifth Presidency Magistrate of an offence punishable under Section 18, Sub-section (1) of the Press (Emergency Powers) Act, and have been sentenced each to pay a fine of Rs. 10 or in default to undergo simple imprisonment for two weeks.
2. The petitioners were the author and the printer and publisher respectively of a pamphlet headed ' A clarion call by the Tamil Nadu Students' Federation.'
3. The publication of the pamphlet was not authorised by a Magistrate and the conviction of the petitioners has been based on the finding and that the pamphlet is a news-sheet within the meaning of Section 2, Sub-section (6) of the Press (Emergency Powers) Act, the publication of which requires the authorisation of the Magistrate. Section 15(1) of the Act provides that:

The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

and Section 18(1) enacts that:

Whoever makes, prints, or otherwise produces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or news-paper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

4. The definition of the word ' news-sheet ' given in Section 2(6) is this:

'News-sheet' means any document other than a news-paper containing public news or comments on public news or any matter described in Sub-section (1) of Section 4.

5. The prosecution proceeded on the footing that the pamphlet in question did not contain any of the matter described in Sub-section (1) of Section 4. The only question therefore which the learned Magistrate had to consider was whether the pamphlet was a news-sheet as contemplated by the Act. It is argued on behalf of the petitioners that the pamphlet does not contain public news and that consequently such comment as there is, is not comment on public news. It is said that the pamphlet merely uses the fact of the Bengal Famine to illustrate the importance of food supplies and the necessity for suppressing hoarding. It is more profitable to consider in each individual case whether the publication in question falls within the definition, having regard to the ordinary meaning of words, than to explain the definition by substituting for it some other form of words; but it may be conceded that for matter published or commented on to fall within the definition there must be an element of novelty about it. If, therefore, the pamphlet did, in fact, contain nothing but a discussion of food problems and the necessity for suppressing hoarding enforced by reference to the Bengal famine, which at the date of the publication of the pamphlet was not a very recent event and had become a matter of history, it might well be said that the pamphlet was not a news-sheet within the meaning of the Act. The pamphlet, however, does not

merely refer to the famine as a historical fact. It contains reference to the condition of the people of Bengal resulting from the famine at the date when the pamphlet was written. Moreover the pamphlet is a voluminous document which refers to other matters which undoubtedly constitute public news and on which comment is made. For instance as the learned Crown Prosecutor points out, reference is made towards the end of the pamphlet to the result of the Parliamentary election in England for the Skipton constituency; a result which was quite recent and which would certainly not have been known to the majority of the readers of the pamphlet if their attention had not been drawn to it in the pamphlet. This is clearly public news and comment is made on it. I have no doubt therefore that the pamphlet does contain public news and comment on public news and that consequently the decision of the learned Fifth Presidency Magistrate was correct. The Magistrate did not take a serious view of the unauthorised publication and has passed a light sentence. The petition is dismissed.

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