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THE PRESS AND REGISTRATION OF PERIODICALS ACT, 2023

ACT NO. 51 OF 2023

[28*th* *December*, 2023.]

An Act to provide for press, registration of periodicals and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, Extent and commencement.—(*1*) This Act may be called the Press and Registration of Periodicals Act, 2023.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

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

(*a*) "facsimile edition" of a publication means an exact reproduction of the original edition of a foreign publication in English or an Indian language included in the Eighth Schedule to the Constitution;

(*b*) "journal" means a periodical publication, other than a magazine, which primarily carries academic, scientific or technical content related to a particular discipline or profession;

(*c*) "keeper" means a person who manages the day-to-day operations of a printing press, the owner of which is a non-individual entity;

(*d*) "newspaper" means a periodical of loose-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;

(*e*) "notification" means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variation and cognate expressions shall be construed accordingly;

(*f*) "owner" means an individual, firm or any such legal entity owning a periodical;

(*g*) "periodical" means any publication, including a newspaper, which is published and printed at regular intervals containing public news or comments on public news, but does not include a book, or a journal including a book or journal of scientific, technical and academic nature;

(*h*) "prescribed" means prescribed by rules made under this Act;

(*i*) "Press Registrar General" means the Press Registrar General of India, appointed by the Central Government under sub-section (*1*) of section 5;

(*j*) "printer" means the owner or keeper of a printing press;

(*k*) "printing" means reproduction of a periodical through any technology involving mass production of copies, but does not include photocopying;

1. 1st March, 2024, *vide* notification No. S.O. 989(E), dated, 1st day of March, 2024, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*)

(*l*) "publication" means newspapers, magazines, journals or newsletters printed periodically and published in India, and shall include its reproduction in electronic form or any syndication, facsimile edition, for public distribution or access;

(*m*) "publish" means the process of making a work available to the public by issuing or causing to be issued the copies thereof or in any other manner, whether for a price or free of charge, and the word "publishing" shall be construed accordingly;

(*n*) "publisher" means a person responsible to publish any periodical;

(*o*) "register" means the register of periodicals maintained under clause (*b*) of sub-section (*3*) of section 5;

(*p*) "specified authority" means a District Magistrate or Collector or such other officer as the State Government or, as the case may be, Union territory Administration may, by notification, specify;

(*q*) "title", in relation to a periodical, means the name of such periodical as may be verified by the Press Registrar General, printed prominently and legibly as the masthead on the front page of that periodical by which it shall be known or be identified.

CHAPTER II

PRINTING PRESS AND PERIODICAL

3. Printer to furnish intimation.—Every printer of a periodical shall furnish an intimation in the online portal to the Press Registrar General and the specified authority within whose local jurisdiction his printing press is situated with such particulars and in such manner, as may be prescribed.

4. Publication of periodical (*1*) Every citizen of India or a person, being an entity incorporated and registered in India under any law for the time being in force, may bring out a periodical:

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

(*a*) involving terrorist act or unlawful activity; or

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

shall bring out a periodical.

Explanation.—For the purposes of this section, the expressions "terrorist act" and "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).

(*2*) Every periodical printed in India shall have printed on it legibly the name of the printer, place of printing, name of editor, publisher and place of publication.

Explanation.—For the purposes of this sub-section, "editor" means a person who decides the matter that is to be published in a periodical.

(*3*) A facsimile edition of a foreign periodical may be printed in India only with the previous approval of the Central Government in accordance with the guidelines made in this regard, and the registration of such facsimile edition shall be made with the Press Registrar General in such manner as may be prescribed.

Explanation.—For the purposes of this sub-section, "foreign periodical" means any periodical printed and published in a country outside India.

CHAPTER III

AUTHORITIES

5. Press Registrar General and other officers.—(*1*) The Central Government may, by order, appoint a Press Registrar General of India for carrying out the purposes of this Act.

(*2*) The Central Government may, by general or special order, appoint 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 the Press Registrar General by or under this Act and may, by such order provide for the distribution or allocation of functions to be performed by them under this Act.

(*3*) In particular, and without prejudice to the generality of the foregoing provisions, the Press Registrar General shall perform the following functions, namely:—

(*a*) issue a certificate of registration to a periodical;

(*b*) maintain a register of registered periodicals;

(*c*) make guidelines for admissibility and availability of title of a periodical;

(*d*) collect fees, as may be applicable, with regard to applications received by him under this Act;

(*e*) receive funds from the Central Government and disburse the same for implementation of the provisions of this Act;

(*f*) prepare and publish an annual report containing information in respect of the periodicals in India;

(*g*) any function incidental to, or connected with, clauses (*a*) to (*f*); and

(*h*) any other function as may be assigned to it by the Central Government for the effective implementation of the provisions of this Act.

6. Powers of Press Registrar General.—The Press Registrar General shall—

(*a*) obtain annual statements of a periodical;

(*b*) verify the circulation figure of such class of periodicals in such manner and for such purpose, as may be prescribed, and shall have access to any relevant record or document relating to a periodical in the possession of the owner of such periodical or printer thereof, and enter any premises where the business of such periodical is carried on at any reasonable time to inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished;

(*c*) revise, suspend or cancel registration of a periodical;

(*d*) requisition the services of an authorised person and such other person as may be specified by him for undertaking verification of circulation figure of a periodical.

Explanation.—For the removal of doubts, it is clarified that an "authorised person" means a Gazetted Officer of the Central Government, subordinate to the Press Registrar General, and authorised by the Press Registrar General in writing to function as his representative for discharging such functions as he may assign to such representative;

(*e*) call for records, documents and such other information in respect of a printing press or a periodical as may be required in discharge of his duties;

(*f*) call for information from a State Government or Union territory Administration or a specified authority regarding a periodical; and

(*g*) impose penalty.

CHAPTER IV

REGISTRATION OF PERIODICAL

7. Registration of periodical.—(*1*) A periodical shall be printed or published in India only in accordance with the provisions of this Act.

(*2*) Every publisher of a periodical shall, with the authorisation of the owner of such periodical, obtain a certificate of registration from the Press Registrar General by making an online application to the Press Registrar General and the specified authority within whose local jurisdiction such periodical is proposed to be published, in such manner and on payment of such fee, with such documents and particulars, as may be prescribed.

(*3*) The application referred to in sub-section (*2*) shall contain the title, which the publisher intends to assign to the periodical, and for that purpose the publisher 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 owner of a periodical either in the same language anywhere in India or in any other language in the same State, and which conforms to the guidelines made by the Press Registrar General for this purpose.

(*4*) The specified authority referred to in sub-section (*2*) shall, either furnish its no-objection or comments on the application to the Press Registrar General within a period of sixty days:

Provided that no-objection of the specified authority shall not be required, where the application referred to in sub-section (*2*) is for registration of a periodical proposed to be published by the Central Government or a State Government or any authority under such Government.

(*5*) On receipt of an application referred to in sub-section (*2*), if the Press Registrar General is satisfied with its correctness and completeness and after taking into account the comments, if any, received from the specified authority within the period referred to in sub-section (*4*) and the guidelines relating to admissibility of titles, he shall issue a certificate of registration containing particulars of its periodicity, language, place of publication, details of the owner and the title of the periodical, in such form as may be prescribed:

Provided that the Press Registrar General may, after giving an opportunity of being heard and for reasons to be recorded in writing, refuse to issue the certificate of registration.

(*6*) The publisher of the periodical shall, on receipt of the certificate of registration, commence publication of the periodical:

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

8. Revision of certificate of registration or title.—(*1*) A publisher of a periodical may make an application to the Press Registrar General for revision of particulars of the certificate of registration, or for revision of title, in such manner and with such particulars as may be prescribed.

(*2*) The Press Registrar General may, on being satisfied with the particulars of the revision applied for under sub-section (*1*), issue a revised certificate of registration or a revised title, to the publisher and intimate the same to the specified authority.

9. Transfer of ownership of a periodical.—(*1*) The transfer of ownership of every periodical registered under section 7 shall be made in accordance with the provisions of this section.

(*2*) The owner of a periodical referred to in sub-section (*1*) shall apply for transfer of its ownership to the Press Registrar General by furnishing such documents, setting forth such particulars and on payment of such fee, as may be prescribed.

(*3*) On receipt of an application from the owner of a periodical for transfer of ownership of such periodical, if the Press Registrar General is satisfied with its correctness and completeness, and after taking into account the comments, if any, received from the specified authority, he shall permit the transfer of ownership of that periodical:

Provided that the Press Registrar General may, after giving an opportunity of being heard and for reasons to be recorded in writing, refuse to permit such transfer of ownership of a periodical.

(*4*) The owner of the periodical shall, on receipt of the permission from the Press Registrar General under sub-section (*3*), forward a copy of the same to the publisher, and the publisher shall apply and obtain a revised certificate of registration in accordance with the provisions of section 7.

(*5*) The owner of a periodical shall intimate any change in the shareholding pattern of his company within fifteen days of such change being informed by him to the Registrar of Companies.

10. Discontinuation of a periodical.—(*1*) The owner of a periodical may discontinue a periodical registered under this Act and shall, within six months of such discontinuation, intimate to the Press Registrar General and the specified authority, within whose local jurisdiction such periodical is published, about such discontinuation.

(*2*) The Press Registrar General shall, on receipt of intimation from the publisher under sub-section (*1*), cancel the certificate of registration of the discontinued periodical and remove the periodical along with its title from the register maintained under clause (*b*) of sub-section (*3*) of section 5.

11. Suspension or cancellation of registration.—(*1*) The Press Registrar General may, by order, for a period not less than thirty days but not exceeding one hundred and eighty days, suspend the certificate of registration of a periodical, if—

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

(*b*) the publisher has failed to publish the periodical continuously.

Explanation.—For the removal of doubts, it is hereby clarified that if a periodical publishes less than half of its issues, as are required to be published in a calendar year in accordance with the application made under sub-section (*2*) of section 7, such periodical shall be deemed to have failed to publish continuously; or

(*c*) the publisher has given false particulars in the annual statement; or

(*d*) the publisher has failed to furnish the annual statement within two years from the end of the financial year for which the annual statement was to be furnished.

(*2*) The Press Registrar General may cancel the certificate of registration of a periodical, where the publisher fails to remove the defects of the grounds on which the said certificate was suspended under sub-section (*1*) before the expiry of the period of such suspension.

(*3*) The Press Registrar General may, by order, cancel the certificate of registration of a periodical which—

(*a*) bears the same or similar title already held by any other owner of a periodical, either in the same language anywhere in India or in any other language in the same State or Union territory; or

(*b*) violates the guidelines made under sub-section (*3*) of section 7.

(*4*) The Press Registrar General may, by order, cancel the certificate of Registration of a periodical where the owner or publisher of such periodical has been convicted by any court for an offence—

(*a*) involving terrorist act or unlawful activity; or

(*b*) for having done anything against the security of the State.

Explanation.—For the purposes of this section, the expressions "terrorist act" and "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).

(*5*) No order for suspension or cancellation of certificate of registration shall be passed under this section, without giving an opportunity of being heard to the publisher or owner of the periodical, as the case may be.

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(*6*) A copy of order of suspension or cancellation passed under this section shall be made available to the Central Government or State Government or Union territory Administration, as the case may be, and to the specified authority.

(*7*) The Press Registrar General may, after the cancellation of certificate of registration of a periodical under this section, issue a new certificate of registration to such periodical bearing another title, if the publisher of that periodical makes an application to that effect in conformity with the guidelines made under sub-section (*3*) of section 7.

(*8*) The Press Registrar General may, in such circumstances and manner, as may be prescribed, authorise the specified authority to suspend or cancel the certificate of registration granted under section 7.

12. Annual statement to be furnished by periodical.—The publisher of a periodical shall furnish to the Press Registrar General an annual statement in respect of the periodical, at such time, in such form and giving such particulars, as may be prescribed.

(*2*) The publisher of every newspaper in India shall, subject to any rules made under this Act, deliver free of cost to the Press Registrar General and to the State Government one copy of each issue of such newspaper within forty-eight hours.

13. Annual report.—The Press Registrar General shall prepare and publish an annual report containing information in respect of the periodicals in India.

CHAPTER V

PENALTIES

14. Power of Press Registrar General to impose penalty.—(*1*) The Press Registrar General may impose penalty, if—

(*a*) a periodical is published without obtaining a certificate of registration under section 7;

(*b*) the publisher fails to furnish the annual statement as required under section 12 within one year from the end of the financial year in respect of which the annual statement was required to be furnished:

Provided that no order of imposition of penalty shall be passed without giving an opportunity of being heard to the publisher.

(*2*) Where a periodical is published without obtaining a certificate of registration under section 7, the Press Registrar General may impose a penalty of an amount not exceeding five lakh rupees with a direction to the publisher to cease the publication of such periodical.

(*3*) The quantum of penalty imposable under clause (*b*) of sub-section (*1*) shall be not less than ten thousand rupees but not exceeding twenty thousand rupees for the first default:

Provided that for every subsequent default, an enhanced penalty of twice such quantum may be imposed but shall not exceed two lakh rupees

(*4*) Whoever fails to cease publication of periodical even after six months of issue of a direction under sub-section (*2*), or publishes any other periodical without obtaining a certificate of registration under section 7, shall be punishable with imprisonment for a term which may extend to six months.

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CHAPTER VI

APPEAL

15. Press and Registration Appellate Board.—(*1*) There shall be an Appellate Board to be called the Press and Registration Appellate Board consisting of Chairperson, Press Council of India and two members to be nominated by the Press Council of India, from among its members:

Provided that at least one of the two members shall be a person referred to in clause (*d*) or clause (*e*) of sub-section (*3*) of section 5 of the Press Council Act, 1978 (37 of 1978).

(*2*) Any person aggrieved by an order of refusal to issue the certificate of registration under sub-section (*5*) of section 7, or cancellation or suspension of registration under section 11, or order of imposition of penalty under section 14, may, within sixty days from the date on which such order is communicated to him, prefer an appeal before the Press and Registration Appellate Board:

Provided that the Press and Registration Appellate Board may admit 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 Press and Registration 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 manner and procedure to be followed for preferring appeals, calling for records and making inquires under this section shall be such as may be laid down by the Chairperson, Press Council of India.

CHAPTER VII

MISCELLANEOUS

16. Power of Central Government to issue directions.—(*1*) Without prejudice to the foregoing provisions of this Act, the Central Government may give directions on matters of policy to the Press Registrar General, in writing, from time to time and the Press Registrar General shall, in the discharge of his powers and functions under this Act, be bound by such directions.

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

17. 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).

18. Protection of action taken in good faith.—No suit or other legal proceedings shall lie against the Central Government or State Government or Union territory Administration 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.

19. Power of Central Government to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, after previous publication, 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 manner and particulars for furnishing an intimation before the specified authority by the printing press under section 3;

(*b*) the manner of registration of a facsimile edition of a foreign periodical under sub-section (*3*) of section 4;

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(*c*) the manner of verification of circulation figure of class of periodicals under clause (*b*) of section 6;

(*d*) the form, fees and manner of making an online application, documents to be furnished and particulars to be set forth under sub-section (*2*) of section 7;

(*e*) the form in which and the particulars along with which a certificate of registration shall be issued under sub-section (*5*) of section 7;

(*f*) the manner of making an application and particulars to be set forth therein under sub-section (*1*) of section 8;

(*g*) the form, fees and manner of making an application, documents to be furnished and particulars to be set forth under sub-section (*2*) of section 9;

(*h*) the circumstances and manner for authorising the specified authority to suspend or cancel the certificate of registration under sub-section (*7*) of section 11;

(*i*) the form, time and particulars for furnishing an annual statement under section 12;

(*j*) any other matter which is required to be, or may be, prescribed under the provisions of this Act.

(*3*) The State Government may, by notification in the Official Gazette of the State, make such rules not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of this Act.

(*4*) Every rule made by the State Government under sub-section (*3*) shall be laid, as soon as may be after it is made, before the State Legislature.

20. Power to remove difficulties.—(*1*) 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.

21. Laying of rules and notification.—Every rule made or notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made or 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 rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 or notification.

22. Repeal and savings.—(*1*) The Press and Registration of Books Act, 1867 (25 of 1867) is hereby repealed.

(*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 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 Press and Registration Appellate Board 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 Press and Registration Appellate Board 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 matters referred to in clauses (*a*) to (*h*) of sub-section (*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 such repeal.

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