The Dispatch
Documents

Jammu and Kashmir State Press and Publications Act, 1932

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THE JAMMU AND KASHMIR STATE PRESS AND PUBLICATIONS ACT, 1989 (1932 A.D.)

(Act No. I of 1989.)

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XL of 1966.

THE JAMMU AND KASHMIR STATE PRESS AND PUBLICATIONS ACT, 1989 (1932 A.D.)

(Act No. I of 1989.)

[Sanctioned by His Highness the Maharaja Bahadur vide Notification No. I-L/1989 dated 25th April, 1932 and published in Government Gazette dated 17th Baisakh, 1989].

Whereas it is expedient to amend the law relating to the press and publications ; It is hereby commanded as follows :--

1. *Short title and extent.*--(1) This Act may be called the Jammu and Kashmir State Press and Publications Act of 1989.

(2) It extends to the whole of the Jammu and Kashmir State.

2. *Definitions.*-- (1) In this Act, unless there is anything repugnant in the subject or context,--

(a) ''book'' includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed ;

(b) ''document'' includes also any painting, drawing or photograph or other visible representation ;

[1][(c) ''Magistrate'' means a District Magistrate ;]

(d) ''newspaper'' means any periodical work containing public news or comments on public news ;

(e) ''Printing press'' includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or material used for the purposes of printing ;

[2][(f) Omitted] ;

(g) ''editor'' means the person who controls the selection of the matter that is published in a newspaper ;

(h) ''news-sheet'' means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 10 ;

(i) ''press'' includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents ;

1. Clause (c) substituted by Act VII of 2008.
2. Clause (f) omitted by Act X of 2010.

(j) "unauthorised newspaper" means (a) any newspaper in respect of which there are not for the time being valid declarations under section 5 of this Act ; and (b) any newspaper in respect of which security has been required under this Act but has not been furnished ;

(k) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 38 of this Act to publish it ;

(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 this Act :

(m) "State-Subject" means for the purposes of this Act every person who, at the time being, resides permanently within the State and has resided there for the previous twenty years ;

[1][(n) Repealed.]

(2) Save as herein otherwise provided, all words and expressions in this Act shall have the same meaning as those respectively assigned to them in the Jammu and Kashmir State Code of Criminal Procedure, Samvat 1989.

3. *Particulars to be printed on books and papers.*--Every book or paper printed within the Jammu and Kashmir State shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) the name of the publisher, and the place of publication.

4. *Sanction for keeping Printing Press.*--[2][(1)] No person shall, within the Jammu and Kashmir State keep in his possession any press for the printing of books or papers, who is not a State Subject as defined above, and who shall not have made and subscribed the following declaration before the Magistrate within whose local jurisdiction such press may be :--

"I, A, B, declare that I have a press for printing at.....
....."

And this last blank shall be filled up with a true and precise description of the place where such press may be situate.

[2][(2) As often as a press for the printing of books and papers having ceased to function is restarted, a new declaration shall be necessary unless the cessation is due to non-compliance with an order under

1. Definition of "Minister of State" deleted by Act X of 1996.
2. Original section 4 numbered as sub-section (1) and sub-sections (2) and (3) added by Act XXII of 2003.

sub-section (3) of section 9 or sub-section (1) of section 11 or any other law for the time being in force.

(3) For the purposes of this Act, a printing press shall be deemed to have ceased to function if no books or papers are printed therein for a period of six consecutive months.]

5. *Sanction for newspapers.*--No newspaper shall be [1][edited, printed or published] in the Jammu and Kashmir State by any one who is not a State Subject as defined above, and except in conformity with the provisions herein laid down :

(1) Every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of that newspaper.

[2][2) Every person who intends to edit, print or publish such newspaper shall appear before the Magistrate within whose local jurisdiction such newspaper is intended to be edited, printed or published and shall make and subscribe in duplicate the following declaration :--

"I, A, B., declare that I am the editor or/and printer or/and publisher of the newspaper entitled.....to be edited, or/and printed or/and published, as the case may be, at....."].

[3][(2-A) As often as a newspaper having ceased to be printed or published is re-started, a new declaration shall be necessary unless the cessation is due to non-compliance with an order under sub-section (3) of section 14 or sub-section (1) of section 16 or any other law for the time being in force].

(3) As often as the place of printing or publication is changed, a new declaration shall be necessary.

(4) As often as [4][the editor, printer or publisher] who shall have made such declaration as is aforesaid shall cease to reside in the Jammu and Kashmir State, a new declaration from [1][the editor, printer or publisher] resident within the State territories and who satisfies the conditions given above shall be necessary; provided that no person who has not attained majority in accordance with the provisions of the Majority Act, 1977 (No. XXVI of 1977) shall be permitted to make the declaration prescribed by this section. [5][x x x].

[6][5-A. *Interpretation.*--For the purposes of this Act, a newspaper shall be deemed to have ceased to be printed or published if such newspaper--

1. Substituted by Act XXII of for "printed or published"
2. Clause (2) of section 5 substituted *ibid.*
3. Clause (2-A) added *ibid.*
4. Substituted *ibid.*
5. Certain words omitted *ibid.*
6. Section 5-A substituted by Act VII of 2008(oridinally Section 5-A was inserted by Act XXII of 2003).

(i) being a daily newspaper, prints and publishes less than 24 separate issues in one calendar month, each issue comprising a minimum volume of 4 pages and containing minimum printed space of 680 square inches ;

(ii) being a bi-weekly newspaper, prints and publishes less than 8 issues in one calendar month, each issue comprising a minimum volume of 6 pages, and containing minimum printed space of 648 square inches ;

(iii) being a weekly newspaper, prints and publishes less than 4 issues in one calendar month, each issue comprising a minimum volume of 8 pages and containing a minimum printed space of 864 square inches ;

(iv) being a fortnightly newspaper, prints and publishes less than 2 issues in one calendar month, each issue comprising a minimum volume of 12 pages and containing minimum printed space of 1296 square inches ;

(v) being a monthly, brings out no issue in one calendar month or brings out an issue which does not comprise minimum volume of 24 pages and contain printed space of 1920 square inches ;

(vi) being a newspaper of any other class not covered by categories (i) to (v) above, prints and publishes less than the declared number of issues of that class comprising minimum printed space of 4,000 square inches.]

6. *Authentication of declaration.*--Each of the two originals of every declaration so made and subscribed as aforesaid shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made.

Deposit.--One of the said originals shall be deposited among the office records of the Magistrate and the other shall be deposited among the records of the High Court of Judicature, Jammu and Kashmir State.

Inspection and supply of copies.--The officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying, a copy of the said declaration duly attested, on payment of a fee of two rupees.

7. *Attested copy of declaration to be prima facie evidence.*-In any legal proceeding whatever, civil as well as criminal, the production of a duly attested copy of such declaration as is aforesaid shall be held (unless the contrary be proved) to be sufficient evidence as against the person whose name shall be subscribed to such declaration that the said person was printer or publisher or printer and publisher (according as

the words of the said declaration may be) of every portion of every newspaper whereof the title shall correspond with the title of the newspaper mentioned in the declaration. In the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor shall be sufficient evidence in similar circumstances.

8. *Declaration by persons who have ceased to be editors, printers or publishers.*--Provided always that any person who may have subscribed any such declaration as aforesaid and who may subsequently cease to be [1][the editor or/and printer or/and publisher] of the newspaper mentioned in such declaration may appear before the Magistrate and make and subscribe in duplicate the following declaration :--

"I, A. B., declare that I have ceased to be the [2][editor or/and printer or/and publisher,] of the newspaper entitled".

[3][Such person shall be assumed to be the editor or/and printer or/and publisher, as the case may be, of such newspaper until he subscribes the requisite declaration under this section.]

Authentication of filing.--Each original of the latter declaration shall be authenticated by the signature and official seal of the Magistrate before whom the said latter declaration shall have been made and one original of the said latter declaration shall be filed along with/each original of the former declaration.

Inspection and supply of copies.--The officer-in-charge of each original of the latter declaration shall allow any person applying, to inspect that original on payment of a fee of one rupee and shall give to any person applying, a copy of the said latter declaration duly attested on payment of a fee of two rupees.

Putting copies in evidence.--In all trials in which an attested copy of the former declaration shall have been put in evidence, it shall be lawful to put in evidence an attested copy of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the newspaper mentioned therein.

8-A *Person whose name has been incorrectly published as editor may make a declaration before a Magistrate.*--If any person, whose name has appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared, he

1. Substituted by Act XXII of 2003 for "printer or publisher".
2. Substituted *ibid* for "printer (or publisher or printer and publisher)".
3. Paragraph inserted *ibid.*

may, within two weeks of his becoming aware that his name has been so published, appear before the Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof, and if the Magistrate after making enquiry or causing such enquiry to be made as he may consider necessary is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given the provisions of section 7 shall not apply to that person in respect of that issue of the newspaper.

The Magistrate may extend the period allowed by this section in any case where he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

9. *Deposit of security by keepers of printing presses.*--(1) Any person keeping a printing press who is required to make a declaration under section 4, may be required by the Magistrate before whom the declaration is made, [1][x x x x x] to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose :

Provided that, if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of [2][two years] from the date of the declaration mentioned in sub-section (1), no order is made by the [3][Government] under section 10 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the [3][Government] that any printing press kept in any place in the territories of the Jammu and Kashmir State, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), is used for the purpose of printing or publishing any newspaper, book, or other document containing any words, signs or visible representations of the nature described in section 10, sub-section (1), the [3][Government] may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose

1. Words "for reasons to be recorded in writing" omitted by Act XXII of 2003.
2. Substituted by Act XXII of 2003 for "three months".
3. In section 9(2) (3) word "Government" substituted for "Minister of State" by Act II of 1997.

jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the [1][Government] may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

10. *Power to declare security of press forfeited in certain cases.*-- (1) Whenever it appears to the [1][Government] that any printing press in respect of which any security has been ordered to be deposited under section 9 is used for the purpose of printing or publishing any newspaper, book, or other document containing any words, signs or visible representations which--

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or

[2][which tend directly or indirectly--

(c) to seduce any officer or soldier in the Military forces [3][x x x x x] or any Police officer from his allegiance or his duty, or

(d) to bring into hatred or contempt [4][the Governor] or the Government established by law in this State or the administration of justice or any class or section of the State Subjects, or to excite disaffection towards [1][the Governor] or the said Government, or [5][to make malicious attacks on the said Government or any of the Ministers or to grossly misrepresent the policy and the activities of the said Government, or]

(e) to encourage or incite any person to interfere with administration of law or with the maintenance of law and order or to commit any offence, or

1. In sections 9(3), 10, 12, 13, 14(2) and (3), 15, 17, 18, 20, 26 and 33 the word "Government" substituted for "Minister of State" by Act X of 1996.
2. In section 10 words beginning with "which tend" and ending with sub-clause (ii) substituted by Act VIII of 1994. (For correction see Government Gazette 18th Jeth, 1997).
3. Words " of His Highness the Maharaja Bahadur" omitted by Act X of 2010.
4. Substituted by Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for "the Sadar-i-Riyasat".
5. Inserted by Act XXII of 2003.

(f) to intimidate a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions, or

(g) to promote feelings of enmity or hatred between different classes of the State Subjects, or [1][to indulge in vulgar abuse of their contemporaries or parties or communities to whom they are opposed, or]

(h) to prejudice the recruiting of persons to serve in any of the Military forces or in any Police force, or to prejudice the training, discipline or administration of any such force, or

[2][(i) to promote feelings of provincial or territorial hatred or feelings of religious exceptionalism, hatred or contempt],

the Government may by notice in writing to the keeper of such printing press, stating or describing the words, signs or visible representations which in their opinion are of the nature described above,--

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government ; or

(ii) where security has not been deposited, declare the press to be forfeited to the Government ; and may also declare all copies of such newspaper, book, or other document whenever found in the Jammu and Kashmir State to be forfeited to the Government].

Explanation 1.--No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature presented on this sub-section unless it has the tendency described in clause (a).

[3][*Explanation 2.*--Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

Explanation 3.--Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (d) of this sub-section.

Explanation 4.--Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between

1. Inserted by Act XXII of 2003.
2. Clause (i) inserted by Act VII of 2008.
3. Explanations 2, 3 and 4 inserted by Act VIII of 1994. [For correction see Government Gazette dated 18th Jeth, 1997].

different classes of the State Subjects shall not be deemed to be words of the nature described in clause (g) of this sub-section.]

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 shall be deemed to be annulled.

11. *Deposit of further security.*–(1) Where the security given in respect of any press, or any portion thereof, has been declared forfeited under section 10 or section 12 every person making a fresh declaration in respect of such press under section 4 shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such paper has been declared forfeited under section 10 or section 12, any unforfeited balance still in deposit shall be taken as a part of the amount of security required under sub-section (1).

12. *Power to declare further security and publications forfeited.*–(1) If, after security has been deposited under section 11, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which in the opinion of the [1][Government], are of the nature described in section 10, sub-section (1), the [1][Government] may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare--

(a) the further security so deposited, or any portion thereof, and

(b) all copies of such newspaper, book or other document wherever found in the Jammu and Kashmir State, to be forfeited to the Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) the declaration made in respect of such press under section 4 shall be deemed to be annulled.

13. *Issue of search-warrant.*–Where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to the Government [2][under section 12] [3][the Magistrate may 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

1. See footnote under section 9.
2. Substituted by Act XXII of 2003 for "under this Act".
3. Substituted *ibid* for "the Government may direct the Magistrate to issue".

to enter upon and search for such property in any premises--

(a) where any such property may be or may be reasonably suspected to be, or

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

14. *Deposit of security by publisher of newspaper.*—(1) Any publisher of a newspaper who is required to make a declaration under section 5, may be required by the Magistrate before whom the declaration is made, [1][x x x x] to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose :

Provided that, if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of [2][two years] from the date of declaration mentioned in sub-section (1), no order is made by the [3][Government] under section 15 in respect of such newspaper, the security shall, on application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the [3][Government] that a newspaper published within the territories of the Jammu and Kashmir State, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 10, sub-section (1) the [3][Government] may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the [3][Government] may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

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1. Words "for reasons to be recorded in writing" omitted by Act XXII of 2003.
2. Substituted *ibid* for "three months".
3. See footnote under section 9.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

15. *Power to declare security forfeited into certain cases.*-- (1) If any newspaper in respect of which any security has been ordered to be deposited under section 14 contains any words, signs or visible representations which in the opinion of the [1][Government], are of the nature described in section 10, sub-section (1), the [1][Government] may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations--

(a) where the security has been deposited, declare such security, or any portion thereof, to be [2][forfeited to the Government] ; or

(b) where the security has not been deposited, annual the declaration made by the publisher of such newspaper under section 5 ;

and may also declare all copies of such newspaper, wherever found in the Jammu and Kashmir State, to be [2][forfeited to the Government.]

After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5, shall be deemed to be annulled.

16. *Deposit of further security.*--(1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 15 or section 17, any person making a fresh declaration under section 5, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 15 or section 17, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

17. *Power to declare further security and newspapers forfeited.*-- (1) If after security has been deposited under section 16, the newspaper again contains any words, signs or visible representations, which, in the opinion of the [1][Government], are of the nature described in section 10, sub-section (1), he may, by notice in writing to the publisher of such

1. See footnote under section 9.
2. Substituted by Act X of 2010 for "forfeited to His Highness the Maharaja Bahadur".

newspaper, stating or describing such words, signs or visible representations, declare--

(a) the further security so deposited or any portion thereof, and

(b) all copies of such newspaper, wherever found in the State territories, to be [1][forfeited to the Government.]

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the [2][Government.]

18. *Power to declare certain publications forfeited and to issue search warrants for the same.*--Where any newspaper, book or other document wherever made, appears to the [2][Government] to contain any words, signs or visible representations of the nature described in section 10, sub-section (1), the [2][Government] may, by notification in the Jammu and Kashmir Government Gazette, stating the grounds of its opinion, declare every copy of such book or other document to be [1][forfeited to the Government] and thereupon any Police officer may seize the same, wherever found in the Jammu and Kashmir State, and any Magistrate may by warrant authorise any Police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

19. *Power to detain packages containing certain publications when imported into the State.*--Any officer of the State Customs and Excise Department not below the rank of [3][Assistant Inspector or any other officer authorised by the Government in this behalf] may detain any package brought into the Jammu and Kashmir State which he suspected to contain any newspapers, books or other documents of the nature described in section 10, sub-section (1), and shall forthwith forward copies of the newspapers, books or other documents found therein to [4][such officer as the Government may appoint in this behalf to be disposed of in such manner as the Government may direct.]

20. *Consequences of failure to deposit security required.*--(1) Where a deposit is required from the keeper of a printing press under section 9, such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 11, such press shall not be so used until the deposit has been made.

1. Substituted by Act X of 2010 for "forfeited to His Highness the Maharaja Bahadur".
2. See footnote under section 9.
3. Substituted by Act IV of 2000 for "Assistant Inspector".
4. Substituted *ibid* for certain words.

(2) Where any printing press is used in contravention of sub-section (1), the [1][Government], may, by notice in writing to the keeper thereof, declare the press to be [2][forfeited to the Government.]

(3) Where deposit is required from the publisher of a newspaper under section 14 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5, shall be deemed to be annulled.

Powers of High Court.

21. *Application to High Court to set aside order of forfeiture.*-- (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 9, or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 14, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 10, section 21, section 15, section 17 or section 18 may, within two months from the date of such order, apply to the High Court, to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in section 10, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 20 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

22. *Hearing by Special Bench.*--Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges.

23. *Order of Special Bench setting aside forfeiture.*--(1) If it appears to the Special Bench on an application under sub-section (1) of section 21 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 10, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 21 that the printing press was not used in contravention of sub-section (1) of section 20, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

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1. See footnote under section 9.
2. Substituted by Act X of 2010 for "forfeited to His Highness the Maharaja Bahadur".

24. *Evidence to prove nature or tendency of newspapers.*–On the hearing of an application under sub-section (1) of section 21 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

25. *Procedure in High Court.*–The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the practice of the Court on proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

[1][26. *Delivery of books and newpapers.*–The printer of every book and newspaper printed or lithographed in the Jammu and Kashmir State and the publisher of every book printed or lithographed outside but published in the State shall,

(a) in the case of a book, within one calendar month after the day it shall first be delivered out of the press ; and

(b) in the case of the newspaper, as soon as an issue is published, deliver at such place and to such officer as the Government may direct free of expenses two printed or lithographed copies of the whole of such book or newspaper as the case may be together with all maps, prints or other engravings belonging thereto, finished or coloured in the same manner as the best copies of the same ; the copies so delivered being bound, sewed, or stitched together and upon the best paper on which such copies of the book or newspaper shall be printed or lithographed :

Provided that, nothing in this section shall apply to any second or subsequent edition of the book in which edition no additions or alterations either in the book itself or in the maps, prints or other engravings belonging thereto have been made and a copy of the first or some preceding edition of which has already been delivered under this Act].

Penalties.

27. *Penalty for printing contrary to rule in section 3.*–Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 shall, on conviction before a [2][Judicial Magistrate] be punished by fine not exceeding two thousand rupees or by simple imprisonment for a term not exceeding six months or, by both.

1. Section 26 substituted by Act IV of 1999 (For earlier amendments see Acts III of 1990, VIII of 1994, X of 1996 and II of 1997).
2. Substituted by Act XL of 1966 for "Magistrate".

28. *Penalty for keeping press without making declaration required by section 4.*—Whoever shall keep in his possession any such press as aforesaid without making such a declaration as is required by section 4 shall, on conviction before a [1][Judicial Magistrate] be punished by fine not exceeding two hundred rupees, or by simple imprisonment for a term not exceeding six months, or by both.

29. *Punishment for making false statement.*—Any person who shall in making any declaration under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall, on conviction before a [1][Judicial Magistrate] be punished by fine not exceeding two thousand rupees, and imprisonment for a term not exceeding six months.

30. *Penalty for editing, printing or publishing periodicals without conforming to rules.*—Whoever shall edit, print or publish any newspaper without conforming to the rules hereinbefore laid down, or whoever shall edit, print or publish or shall cause to be edited, printed or published, any newspaper, knowing that the said rules have not been observed with respect to the newspaper shall, on conviction before a [1][Judicial Magistrate] be punished with fine not exceeding two thousand rupees, or imprisonment for a term not exceeding six months, or by both.

31. *Penalty for non-delivery of books.*—[2][If any printer or publisher of any such book] as is referred to in section 26, shall fail to deliver the copies of the same pursuant to that section, or if any publisher or other person employing any such printer shall fail to supply him pursuant to that section with the maps, prints and other engravings, such printer, publisher or other person shall, on conviction, be punished with fine which may extend to fifty rupees for every default.

32. *Penalty for failure to supply copies of the newspapers gratis, to Government.*—If any printer of any newspaper published in the State neglects to deliver copies of the same in compliance with section 26, he shall, on the complaint of the officer to whom copies should have been deivered or of any person authorised by that officer in this behalf, be punishable on conviction by a [1][Judicial Magistrate] having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default.

33. *Penalty for keeping press or publishing newspaper without making deposit.*—(1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 9 or section 11, as required by the [3][Government] or the Magistrate as the case may be, shall on conviction [1][by a Judicial

1. Substituted by Act XL of 1966 for "Magistrate".
2. Substituted by Act IV of 1999 for "if any printer of any suich book"
3. See footnote to sec. 9.

Magistrate], be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4.

(2) Whoever publishes any newspaper without making a deposit under section 14 or section 16, as required by the [1][Government] or the Magistrate as the case may be, or publishes such newspaper knowing that such security has not been deposited, shall, on conviction [2][by a Judicial Magistrate], be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5.

34. *Jurisdiction barred.*--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 no proceeding purporting to be taken under this Act shall be called in question by any Court except the High Court on such application as is aforesaid and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

35. *Return of securities.*--Where any person has deposited any security under this Act and ceases to be a keeper of the printing press or publisher, he may apply to the Magistrate for the return of the said security, and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

36. *Serving of notices.*--Every notice under this Act shall be sent to a Magistrate who shall cause it to be served in the manner provided for the services of summons under the Code of Criminal Procedure, Samvat 1989.

37. *Conduct of searches.*--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 of Criminal Procedure, Samvat 1989.

Unauthorised News-Sheets and Newspapers.

38. *Authorisation of persons to publish news-sheets.*--(1) 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 from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

39. *Power to seize and destroy unauthorised news-sheets and newspapers.*--(1) Any Police officer, or any other person empowered in

1. See footnote under section 9.
2. Substituted by Act XL of 1966 for "Magistrate".

this behalf by the [1][Government], may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any Magistrate of the first class may by warrant authorise any Police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be 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 news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before any 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 news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1989.

40. *Power to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.*--(1) Where a District Magistrate or a Sub-Divisional Magistrate has reasons to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdicition, he may by warrant authorise any Police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such Police officer any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The Police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court all property seized or such part thereof as may be readily removed.

(3) If such Court, after such enquiry as it may deem requisite, is of opinion that the press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be [2][forfeited to the Government]. If, after such enquiry, the Court is not of such

1. The word "Govt." substituted for the words "Minister of State" by Act II of 1997.
2. Substituted by Act X of 2010.

opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1989.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 39.

41. *Penalty for disseminating unauthorised news-sheets and news-papers.*--(1) Whoever makes, [1][prints or otherwise produces], sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment of either description which may extend to six months, or with fine, or [2][with both].

(2) Any offence punishable under sub-section (1) and any abetment of any such offence shall be cognizable.

42. *Operation of other laws not barred.*--Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act.

43. *Power to make rules.*--The [3][Government] may, by notification published in the Jammu and Kashmir Government Gazette, make such rules as may be necessary or desireable for carrying out the object of this Act and may similarly from time to time repeal, alter and add to such rules.

44. *Repeal.*--The Jammu and Kashmir State Press and Publications Regulation, 1971, is hereby repealed.

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1. Inserted by Act XIV of 1999.
2. Substituted *ibid* for "both".
3. Substituted by Act II of 1997 for "Minister of State".