



EAST INDIA (PRESS)

THE INDIAN PRESS ORDINANCE 1930

*Presented by the Secretary of State for India to Parliament
by Command of His Majesty
May, 1930*

LONDON :

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H. M. STATIONERY OFFICE at the following addresses:
Aldraal House, Kingsway, London, W.C. 2 ; 120, George Street, Edinburgh ;
York Street, Manchester ; 1, St. Andrew's Crescent, Cardiff ;
15, Donegall Square West, Belfast ;
or through any Bookseller

1930

Price 3d. Net.

Cmd. 3578

TABLE OF CONTENTS.

	PAGE
Statement by the Governor-General	3
Indian Press Ordinance, 1930	5

Statement issued by the Governor-General in explanation of the promulgation of the Indian Press Ordinance.

The Indian Press Act, which was passed in 1910 with the object of preventing the dissemination of sedition and of incitements to violence, was repealed in 1922. It was suggested at the time that the Act was not wholly effective for these purposes and that in any case the political situation and the new constitutional outlook rendered its retention undesirable. It was believed that the Press, if left to itself, would be able to overcome those malignant influences to which a part of it was subject.

2. On various occasions since 1922 the evil effects of writings in the Indian Press in promoting a spirit of revolution and stirring up extreme hatred of the Government established by law in British India have been brought prominently to notice by certain Local Governments. It has been recognised that the anticipations formed in 1922 have not been fulfilled, but that, on the contrary, the tone of a certain section of the Press has been growing almost steadily worse, with its immunity from effective control. The measure of the effectiveness of the Press Act has been shown very clearly by the remarkable accentuation since its repeal of those features which it was intended to check. Prosecutions are from time to time instituted in the worst cases, but it has always been recognised that these provide only a partial remedy, and looked at broadly are ineffective to control the ceaseless output of extreme seditious and revolutionary propaganda.

3. Nevertheless, my Government, looking to the constitutional developments that are anticipated, and confidently expecting that these would operate to remove many of the causes which underlie the extreme hostility of a section of the Press, have consistently refused to deal merely with symptoms while they are engaged in a search for more far-reaching remedies.

4. The developments, however, since the initiation of the civil disobedience movement have made it necessary to approach this problem no longer as one of general policy, but as one that constitutes a serious and dangerous emergency. The civil disobedience movement, whatever may have been the professed object of those who launched it, is rapidly developing, as all reasonable men foresaw, into violent resistance to constituted authority. The riots at Calcutta and Karachi, the armed outbreak at Chittagong and the grave disturbances at Peshawar, show clearly that the spirit of revolution, fostered by the civil disobedience movement, is beginning to emerge in dangerous

forms. Nothing at the present moment is operating so powerfully to promote that spirit as the writings in the Press, many inciting openly to violent and revolutionary action, others by consistent laudation of the civil disobedience movement, encouraging a spirit of lawlessness throughout the country. In these circumstances, I have felt it my duty to promulgate an Ordinance which revives the powers of the Press Act of 1910, with certain amendments which the conditions of the present time appeared to require. The measure is not designed to restrict the just liberties of the Press or to check fair criticism of the administration. It is one of emergency, but the emergency is plain and my responsibility for dealing with it is equally plain. I trust that at this time all the more sober and stable elements in India, realising what must now clearly be seen to be the inevitable issue of this lawless movement, will unite with me and my Government in resisting the forces of anarchy and leading the country back into the paths of peace and orderly progress.

Simla,
27th April 1930.

IRWIN,
Viceroy and Governor-General.

ORDINANCE No. II OF 1930

An Ordinance to provide for the better control of the Press.

WHEREAS an emergency has arisen which makes it necessary to provide for the better control of the Press ;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

1.—(1) This Ordinance may be called the Indian Press Short title and extent. Ordinance, 1930.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Southal Parganas and the Pargana of Spiti.

2. In this Ordinance, unless there is anything repugnant in Definitions. 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 :
- (c) "High Court" means the highest Civil Court of Appeal for any local area except in the case of the province of Coorg, where it means the High Court of Judicature at Madras :
- (d) "Magistrate" means a District Magistrate or Chief Presidency Magistrate :
- (e) "newspaper" means any periodical work containing public news or comments on public news : and
- (f) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing.

3.—(1) Every person keeping a printing-press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five

hundred or more than two 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 :

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security.

(2) The Magistrate may, at any time, cancel an order dispensing with security and require security to be deposited, and he may, at any time, vary any order fixing the amount of security under this sub-section or under sub-section (1).

(3) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which a declaration was made prior to the commencement of this Ordinance under section 4 of the Press and Registration of Books Act, 1867, is used for any of the purposes described in section 4, sub-section (1), the Local Government may, by notice in writing, require the keeper of such press to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

XXV of
1857.

4.—(1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise—

Power to declare security
forfeited in certain cases.

(a) to incite to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, or

(b) to seduce any officer, soldier, sailor or airman in the Army, Navy or Air Force of His Majesty or any police officer from his allegiance or his duty, or

(c) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Indian Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government or any such Prince or Chief, or

VI of 1908.

- (d) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security, or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or
- (e) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or
- (f) to induce 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 to resign his office, or
- (g) to promote feelings of enmity or hatred between different classes of His Majesty's subjects, or
- (h) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline or administration of any such force,

the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare the security deposited in respect of such press and all copies of such newspaper, book or other document wherever found in British India to be forfeited to His Majesty.

Explanation I.—In clause (c) the expression “disaffection” includes disloyalty and all feelings of enmity.

Explanation II.—Comments expressing disapproval of the measures of the Government or of any such Indian Prince or Chief as aforesaid with a view to obtain their alteration by lawful means, or of the administrative or other action of the Government or of any such Indian Prince or Chief or of the administration of justice in British India without exciting or attempting to excite hatred, contempt or disaffection do not come within the scope of clause (c).

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

5. Where the security given in respect of any press has been declared forfeited under section 4, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall deposit with the Magistrate before whom such declaration is made security to such 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.

6. If after such further security has been deposited 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 Local Government, are of the nature described in section 4, sub-section (1), the Local 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,
 - (b) the printing press used for the purpose of printing or publishing such newspaper, book or other document or found in or upon the premises where such newspaper, book or other document is, or at the time of printing the matter complained of was, printed, and
 - (c) all copies of such newspaper, book or other document wherever found in British India
- to be forfeited to His Majesty.

7.—(1) Where any printing-press is, or any copies of any newspaper, book or other document are, declared forfeited to His Majesty under this Ordinance, the Local Government may direct 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—

- (i) where any such property may be or may be reasonably suspected to be, or
- (ii) 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.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1893.

8.—(1) Every publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, shall, at the

Deposit of security by publisher of newspaper.

XXV of 1867.

time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two 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 :

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security.

(2) The Magistrate may, at any time, cancel an order dispensing with security and require security to be deposited, and he may, at any time, vary any order fixing the amount of security under this sub-section or under sub-section (1).

(3) Whenever it appears to the Local Government that a newspaper published within its territories, in respect of which a declaration was made by the publisher thereof prior to the commencement of this Ordinance under section 5 of the Press and Registration of Books Act, 1867, contains any words, signs or visible representation of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing, 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 five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

XXV of 1867.

9.—(1) If any newspaper in respect of which any security

Power to declare security forfeited in certain cases.

has been deposited as required by section 8 contains any words, signs or visible representations,

which in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare such security and all copies of such newspaper, wherever found in British India, to be forfeited to His Majesty.

(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 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

XXV of 1867.

XXV of
1867.

10. Where the security given in respect of any newspaper is declared forfeited, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, 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 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.

11. If, after such further security has been deposited, the newspaper again contains any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

Power to declare further security and newspapers forfeited.

- (a) the further security so deposited, and
- (b) all copies of such newspaper wherever found in British India,

to be forfeited to His Majesty.

12.—(1) Where any newspaper, book or other document wherever printed appears to the Local Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same wherever found in British India, 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.

Power to declare certain publications forfeited and to issue search-warrants for same.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1893.

V of 1898.

13. The Chief Customs-officer or other officer authorised by the Local Government in this behalf may detain any package brought, whether by land, sea or air, into British India which he suspects to contain any newspapers, books or other documents of the nature described in section 4, sub-section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Power to detain packages containing certain publications when imported into British India.

the Local Government in this behalf may detain any package brought, whether by land, sea or air, into British India which he suspects to contain any newspapers, books or other documents of the nature described in section 4, sub-section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

14. No newspaper printed and published in British India shall be transmitted by post unless the printer and publisher have made a declaration under section 5 of the Press and Registration of Books Act, 1867, and the publisher has deposited security when so required under this Ordinance.

Prohibition of transmission by post of certain newspapers.

shall be transmitted by post unless the printer and publisher have made a declaration under section 5 of the Press and Registration of

XXV of 1867.

Books Act, 1867, and the publisher has deposited security when so required under this Ordinance.

15. Any officer in charge of a post-office or authorised by the Post Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain—

Power to detain articles being transmitted by post.

Post Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain—

mission by post, which he suspects to contain—

(a) any newspaper, book or other document containing words, signs or visible representations of the nature described in section 4, sub-section (1), or

(b) any newspaper in respect of which the declaration required by section 5 of the Press and Registration of Books Act, 1867, has not been made, or the security required by this Ordinance has not been deposited by the publisher thereof,

XXV of 1867.

and shall deliver all such articles to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

16. Any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, 6, 9, 11 or 12 may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

Application to High Court to set aside order of forfeiture.

of which an order of forfeiture has been made under section 4, 6, 9, 11 or 12 may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

High Court for the local area in which such order was made, to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

17. Every such application shall be heard and determined by
Hearing by Special Bench. a Special Bench of the High Court
composed of three Judges, or, where
the High Court consists of less than three Judges, of all the
Judges.

18.—(1) If it appears to the Special Bench that the words,
Order of Special Bench signs or visible representations con-
setting aside forfeiture. tained 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 4, sub-section (1), the Special Bench shall set aside
the order of forfeiture.

(2) 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 (if any) of those Judges.

(3) Where there is no such majority which concurs in setting
aside the order in question, such order shall stand.

19. On the hearing of any such application with reference
Evidence to prove nature to any newspaper, any copy of
or tendency of newspapers. such newspaper published after the
commencement of this Ordinance
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 of
forfeiture was made.

20. Every High Court shall, as soon as conveniently may
be, frame rules to regulate the
Procedure in High Court. 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 such Court in
proceedings other than suits and appeals shall apply, so far as
may be practicable, to such applications.

21. Every declaration of forfeiture purporting to be made
under this Ordinance shall, as
Jurisdiction barred. against all persons, be conclusive
evidence that the forfeiture therein
referred to has taken place, and no proceeding purporting to
be taken under this Ordinance shall be called in question by
any Court, except the High Court, on such application as
aforesaid, and no civil or criminal proceeding, except as
provided by this Ordinance, shall be instituted against any
person for anything done or in good faith intended to be done
under this Ordinance.

22.—(1) Whoever keeps in his possession a press for the printing of books or papers without making a deposit under section 3 or section 5, when required so to do, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867. XXV of 1867.

Penalty for keeping press or publishing newspaper without making deposit.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, when required so to do, or publishes such newspaper knowing that such security has not been deposited, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867. XXV of 1867.

23.—(1) Where a deposit is required from the keeper of a printing-press under sub-section (1) or sub-section (3) of section 3 or under section 5, such press shall not be used for the printing or publishing of any newspaper, book or other document until the deposit has been made.

Power to declare printing press forfeited if used before deposit is made.

(2) Where any printing-press is used in contravention of sub-section (1), the Local Government may, by notice in writing to the keeper thereof, declare the press so used and any other printing-press found in or upon the premises where such press was so used, to be forfeited to His Majesty; and the provisions of section 7 shall apply.

24. Where any person has deposited any security under this Ordinance and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the Magistrate within whose jurisdiction such press is situate 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. XXV of 1867.

Return of deposited security in certain cases.

25. Every notice under this Ordinance shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1898. V of 1898.

Service of notices.

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

XXV of
1867.

27. So long as this Ordinance remains in force, all declarations
required to be made under section 4, section 5, section 8 and
section 8A of the Press and Registration of Books Act, 1867,
shall be made, in a Presidency town before the Chief Presidency
Magistrate, and elsewhere before the District Magistrate.

IRWIN,

Viceroy and Governor-General.

Simla,
27th April 1930.