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BEHIND THE HEADLINES:

**ASSESSING IMPACT OF THE PRESS AND REGISTRATION
OF PERIODICALS ACT 2023**

BACKGROUND

On 28 December 2023, Press and Registration of Periodicals Act, 2023 (PRP Act) received presidential assent and, upon notification by the Union Government, will replace the Press and Registration of Books Act, 1867 (Old Act). The PRP Act regulates print media and requires registration of newspapers and periodicals. The PRP Act regulates any publication, including a newspaper, which is published and printed at regular intervals containing public news or comments on public news (Periodicals).¹ Notably, it excludes 'books' and 'journals of scientific, technical and academic nature' from its remit. The PRP Act aims at simplifying the registration process for Periodicals. Further, the PRP Act prescribes imprisonment only as a last resort in the event a person violates the PRP Act and further fails to comply with a directive of the Press Registrar General, appointed under the PRP Act (Registrar) for a period of more than six months.²

The Old Act: (a) was procedurally complex requiring numerous physical declarations to be filed and authenticated before a district magistrate;³ (b) provided for separate processes for title verification and registration;⁴ and (c) provided for the penalty of imprisonment for non-compliance with the provisions of the Old Act.⁵

As such, the PRP Act is expected to increase the ease of doing business for the newspaper and print-media sector.

SALIENT PROVISIONS OF THE PRP ACT

1. Simplification and Digital Push: The PRP Act requires a publisher of a Periodical to make an online application before the Registrar and the relevant district magistrate or officer as notified (Specified Authority).⁶ The online application is required to contain the title of the Periodical, which should not be the same or similar to any other

Periodical in the same language in India or any other language in the same state. Upon acceptance of such application, the Registrar will issue a certificate of registration containing particulars of the Periodical's periodicity, language, place of publication, details of the owner and title. Thereafter, the applicant can commence publication of the Periodical. This contrasts with the requirement of making separate physical declarations and application under the Old Act.⁷

2. Annual Statement: The publisher of a Periodical is required to furnish an annual statement to the Registrar in a manner prescribed by the Union Government.⁸
3. Transfer of Ownership: The owner of a Periodical may transfer ownership of the Periodical to a third party subject to approval from the Registrar by furnishing documents comprising such particulars and on payment of such fee, as may be prescribed by the Union Government.⁹
4. Foreign Periodicals: Per the PRP Act, any facsimile edition of a Periodical printed and published outside India (Foreign Periodical) can be printed in India with the prior approval of the Union Government and as per guidelines made in this regard, and the registration of such Foreign Periodical is to be required to be made with the Registrar.¹⁰

Under the framework of the Old Act, the Ministry of Information and Broadcasting had already issued separate guidelines for:

- (a) Publication of Indian Editions of Foreign Technical / Scientific / Specialty Magazines / Journals / Periodicals; and (ii) Foreign Investment in Indian Entities Publishing Scientific / Technical /

¹ Section 2(g), PRP Act.

² Section 14(4), PRP Act.

³ Sections 4 and 5, Old Act.

⁴ Section 6, Old Act.

⁵ Section 15, Old Act.

⁶ Section 7, PRP Act.

⁷ Sections 4 and 5, Old Act.

⁸ Section 12, PRP Act.

⁹ Section 9, PRP Act.

¹⁰ Section 4(3), PRP Act.

Specialty Magazines / Journals / Periodicals; and

- (b) Publication of newspapers and periodicals dealing with news and current affairs; and (ii) Publication of facsimile editions of foreign newspapers.

It appears that the above guidelines will continue to be in effect unless specifically superseded.

PENALTIES UNDER THE PRP ACT

The Registrar can impose penalties for the following:¹¹

- (a) if a Periodical is published without a certificate of registration a penalty up to INR 5,00,000 (Indian Rupees Five Lakh) may be imposed along with a directive by the Registrar to cease such publication. Further, if a publisher continues to publish a Periodical six months after receiving a directive to cease the publishing of such Periodical, or publishes another Periodical without the required registration, the Press Registrar may impose imprisonment for

up to six months. This is welcome change from the Old Act, where a penalty of imprisonment for up to six months could be imposed upon conviction before a magistrate for non-compliance with the Old Act;¹²

- (b) if a publisher fails to submit the annual statement within a year from the end of the financial year in the annual statement was required to be furnished, the Registrar may impose a penalty of ranging from INR 10,000 (Indian Rupees Ten Thousand) to INR 20,000 (Indian Rupees Twenty Thousand), and in case of subsequent defaults up to INR 2,00,000 (Indian Rupees Two Lakh).

Any order for the imposition of the above penalties may be appealed within sixty days of passing of the order for the penalty before the Press and Registration Appellate Board appointed under the PRP Act.¹³

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¹¹ Section 14, PRP Act.

¹² Section 15, Old Act.

¹³ Section 15, PRP Act.

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