

PRESS NEWSPAPER, NEWS AGENCIES AND BOOKS REGISTRATION

ORDINANCE, 2002.

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Short title, extent and commencement

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PRESS NEWSPAPER, NEWS AGENCIES AND BOOKS REGISTRATION
ORDINANCE, 2002.

ORDINANCE No. XCVIII OF 2002
[26" Oct, 2002]

An Ordinance to amend and consolidate the law relating to news agencies publications and printing presses

WHEREAS it is expedient to amend and consolidate the law relating to news agencies, publications and printing presses and to provide for matters connected therewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution Order No. 1 of 1999 read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.— (1) This Ordinance may be called the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once

PART I
PRELIMINARY

2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “authenticated declaration” means a declaration made and subscribed under section 6, and authenticated or deemed to have been authenticated under section 10;

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

(c) “editor” means the person who controls the selection of the matter that is published in a newspaper or is circulated by news agency and whose name is specified in the declaration made under section 6;

(d) “form” means a form contained to the Schedule;

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“Federal Government” means Ministry of Information and Media Development;

“Government” means the Provincial Government;

“newspaper” means any printed periodical work containing public news or comments on public news and includes such other class of periodical works as the Government may by notification in the official Gazette declare to be the newspaper;

“news-sheet” means any document or poster other than a newspaper containing public news or comments on public news;

“paper” means any document including a newspaper, other than a book;

“prescribed” means prescribed by rules;

“printer” means a person who has made and subscribed a declaration under section 6;

“printing press” means a press and includes all engines, machinery, types, lithographic implements, utensils and other plant or materials used for the purpose of printing;

“Press Registrar” means the Registrar of Newspapers for Pakistan appointed by the Federal Government under section 39 and includes any other person appointed by the Federal Government to perform all or any of the functions of the Pres Registrar;

“printed” includes cyclostyling and printing by lithography;

“Province” includes the Islamabad Capital Territory;

“publisher” means a person who makes and subscribes a declaration under section 6;

“Page In-charge” means sub-editor or any person other than Editor designated by the editor of the publisher or the company or proprietor or the firm which owns the newspaper, periodical or book published under this Ordinance.

“Register” means the register of newspapers maintained under section 40;

“rules” means rules under this Ordinance;

“unauthorised newspaper” means any newspaper in respect of which there is not for the time being, a valid declaration under section 6;

“unauthorised news-sheet” means any news-sheet other than a news-sheet published by a person authorised under this Ordinance:

(v) “unauthorised press” means any press other than a press in respect of which there is, for the time being, a valid declaration under section 4; and

(w) “unauthorised news agency” means any news agency in respect of which there is not, for the time being, a valid declaration under section 6.

PART II

PRINTING PRESSES, NEWSPAPERS AND NEWS AGENCIES

3. Particulars to be printed on books and papers.— Every book or paper printed within Pakistan shall have printed legibly on it the name of the printer and the place of publication along-with date.

4. Keeper of printing press to make declaration.— (1) No person shall keep in his possession any press for printing of books or papers, unless he has made and subscribed before the District Co-ordination Officer within whose local jurisdiction such press may be, by a declaration in Form 'A' or such other form as may be prescribed, and the District Co-ordination Officer shall, immediately upon the filing of such form, issue a receipt for the same.

(2) Every declaration made and subscribed under sub-section (1) shall be authenticated under the signature and official seal of the District Coordination Officer before whom the said declaration is made.

(3) The District Co-ordination Officer shall, by an order in writing, refuse to authenticate a declaration made and subscribed under sub-section (1) if he is satisfied that,—

(a) the title of the printing press proposed to be kept or operated is the same as the title of any printing press already being operated at any place in the Province;
or

(b) the printer was convicted of an offence involving moral turpitude within five years before the date of his making and subscribing the declaration.

(4) The District Co-ordination Officer shall not pass an order under sub-section (3) without giving to the person making the declaration, through a notice in writing, an opportunity of being heard.

(5) In case the District Co-ordination Officer fails to authenticate a declaration under sub-section (2), or pass an order under sub-section (3), within a period of thirty days, the declaration made by the printer shall be deemed to have been authenticated on the expiry of the aforesaid period.

(6) As often as the place where a printing press is kept is changed, the keeper of the press shall, within fourteen days of such change, inform the District Co-ordination Officer in writing of the change along with the new location;

Provided that, if the place where the press is shifted is in another district, the keeper of the press shall inform the District Co-ordination Officer of both the districts from which, and to which, the press is shifted.

5. Publication of newspapers.— No newspaper shall be published except in conformity with the provisions of this Ordinance and without prejudice to the provisions of section 3, every copy of every such newspapers shall contain the name of the owner and editor thereof printed clearly on such copy and also the date of its publication. Similarly, no news agency shall disseminate or defuse news except in conformity with the provisions of this Ordinance unless there subsists a declaration authenticated by the District Co-ordination Officer.

6. Declaration of the printer, publisher and news agency.— (1) The printer and publisher of every newspaper or an owner of news agency shall appear in person or by agent authorised in this behalf before the District Coordination Officer within whose local jurisdiction such newspaper shall be printed or published, or news agency ordinarily operates and shall make and subscribe, in duplicate originals, a declaration in Form 'B' or in such other form as may be prescribed, and the District Co-ordination Officer shall, immediately upon the filing of such forms, issue a receipt for the same.

(2) Every declaration shall specify the title of the newspaper, the language in which it is to be published, the periodicity of its publication and shall contain such other particulars as may be prescribed to include bank where account will be operated and financial funding, if any.

(3) Where the printer or publisher of a newspaper making a declaration is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.

(4) The declaration of news agency shall contain its name, language of dissemination of news and credit lines to include bank where account will be operated.

(5) Submission of declaration and its authentication under this Ordinance shall be necessary before the publication of newspaper or dissemination of news by any news agency.

(6) The declaration submitted by the publisher under sub-section (5) shall be accompanied by an undertaking by the editor to abide by the Ethical Code of Practice contained in the Schedule to the Press Council of Pakistan Ordinance, 2002.

7. No minor to be printer, publisher or editor.— No person who has not attained the age of eighteen years shall be permitted to make a declaration under section 6, nor shall any such person edit a newspaper.

8. Effect of change of language, periodicity or place of publication. — (1) If, at any time, after the making of a declaration under section 6, the newspaper to which the declaration relates is proposed to be printed or published in a language or languages, with a periodicity, or at a place, other than the language, periodicity or place shown in the declaration, the printer or publisher shall notify such change to the District Co-ordination Officer within whose jurisdiction newspaper is printed and published.

(2) In case the place of publication or printing is proposed to be changed, to a district in the same Province other than the district from where the newspaper was being printed or published the information under sub-section (1) shall also be conveyed to the District Co-ordination Officer within whose jurisdiction the newspaper is proposed to be printed or published.

(3) In case the place of publication or printing is proposed to be changed to a district in a Province other than the Province from where the newspaper was being printed or published the printer and publisher of the newspaper shall make and subscribe in respect thereof, a fresh declaration under section 6 before further printing or publishing the newspaper.

9. Effect if printer or publisher leaves Pakistan — If at any time the printer or the publisher who has made a declaration under section 6 leaves Pakistan, the declaration shall become void unless,—

(a) the absence of the printer or the publisher from Pakistan be for a period not exceeding one year; and

(b) the printer or the publisher, before leaving Pakistan, informs in writing to the District Co-ordination Officer within whose jurisdiction the newspaper is printed or published, of his intended absence and the name of the person who has undertaken to discharge in his absence and on his behalf, the responsibilities of the printer or the publisher, and furnishes to the District Co-ordination Officer a statement in writing of that person accepting these responsibilities.

10. Authentication of the declaration.— (1) Subject to the provisions of sub-sections (2) and (3), each of the duplicate originals of every declaration made and subscribed under section 6 shall be authenticated by the signature and official seal of the District Co-ordination Officer before whom the said declaration is made.

(2) The District Co-ordination Officer may not authenticate the declaration if he is satisfied that,—

(a) the declaration has been filed by a person other than the owner or proprietor of the newspaper or the printing press or a person not authorised by such proprietor; and

(b) the title of the newspaper proposed to be published is the same as the title of any newspaper already being published in the same language at any place in the country, not being a newspaper of different periodicity published by the same publisher or another edition of the same newspaper published from another place;

(c) the declaration has been filed by a person who was convicted of criminal offence involving moral turpitude and or for willful default of public dues.

(d) the declaration has been cancelled or denied anywhere else in Pakistan

(3) The District Co-ordination Officer shall not pass an order under sub-section (2) without giving to the person making the declaration, through a notice in writing, an opportunity of being heard and rebutting the evidence that may be available against him.

(4) In case the District Co-ordination Officer fails to authenticate a declaration under sub-section (1) or pass an order under sub-section (2), within a period of thirty days, the declaration made

by the publisher, printer and news agency shall be deemed to have been authenticated on the expiry of the said period.

11. Effect of non-publication of newspaper— (1) If a newspaper in respect of which a declaration has been made under section 6 is not published, at the frequency reflected therein, within three months of the date on which such declaration is authenticated under section 10, the declaration shall become void.

(2) Where a declaration becomes void under sub-section (1) the printer and the publisher shall make and subscribe a fresh declaration under section 6 before printing or publishing the newspaper, and the provisions of sub-section (1) shall apply to the fresh declaration and to any subsequent fresh declaration.

(3) Where a newspaper after publication is not published—

- (a) in the case of a daily newspaper, for sixteen days in a calendar month;
- (b) in the case of a weekly newspaper, for eight weeks in a calendar year;
- (c) in the case of a fortnightly newspaper, for two months;
- (d) in the case of a monthly newspaper, for four months;
- (e) in the case of a quarterly newspaper, for six months;
- (f) in the case of a six-monthly newspaper, for one year; and
- (g) in case of a news agency for sixteen days in a calendar month;

the declaration made in respect of newspaper or news agency shall become null and void, and the printer and publisher and the news agency shall make and subscribe a fresh declaration under section 6 before further printing or publishing the newspaper or disseminating news, and to every such fresh declaration the provisions of the two foregoing sub-sections shall, without prejudice to the provisions of this sub-section apply.

(4) Where a declaration becomes void under sub-section (1) or sub-section (3) and a fresh declaration, is made under section 6, the decision with regard to its authentication shall be made within a period of thirty days.

(5) Nothing in sub-section (1) or sub-section (3) shall apply in the case of a printer, publisher or owner of a news agency who, within the period stated in those sub-sections and applicable to the particular case, show to the satisfaction of the District Co-ordination Officer that the newspaper has not been, or cannot be published or as the case may be, the news agency could not disseminate news for reasons which are beyond their control.

12. Restrictions on foreign ownership of newspapers.— No person who is not citizen of Pakistan shall own or hold any interest in any newspaper printed or published in a Province except with the previous approval of the Government, and no such person shall in any case own or hold more

than twenty-five per cent of the entire proprietary interest of any such newspaper, whether in the form of shares or by way of sole ownership, partnership or otherwise.

13. Deposit of authenticated declaration The duplicate originals of the declarations authenticated under section 10, or the receipts of the declarations which are deemed to have been authenticated under section 10, shall be deposited in the office of the District Co-ordination Officer and with the Press Register.

14. 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 hundred rupees and shall give to any person applying, a copy of the said declaration attested by the seal of the officer which has the custody of the original, on payment of a fee of one hundred and fifty rupees.

(2) A copy of the declaration attested by the official seal of the District Co-ordination Officer or a copy of the order refusing to authenticate the declaration, shall be forwarded as soon as possible to the person making and subscribing the declaration and also to the Press Registrar.

15. Copy of declaration or newspaper to be prima facie evidence— In any legal proceeding, whether civil, criminal or otherwise, a copy of a declaration and a copy of the newspaper having the name of a person printed thereon as its editor shall be sufficient evidence, unless the contrary is proved, as against the person whose name has been subscribed in such declaration, or printed on such newspaper as the case may be that the said person was a 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 corresponds with the title of the newspaper mentioned in the declaration or the editor of every portion of that issue of the newspaper of which a copy is produced.

16. New declaration by persons who have signed declaration and subsequently ceased to be printers or publishers.— Every person who having subscribed a declaration under section 6 either personally or under the authority of the owner of the newspaper subsequently ceases for any reason to be the printer or publisher of the newspaper mentioned in such declaration shall be communicated by the owner of the newspaper or its authorized representative in the prescribed manner to the District Co-ordination Officer, on a declaration in Form 'C' or such other form as may be prescribed.

17. Putting copy in evidence.— In all trials or any legal proceeding in any court of law in which a copy of declaration under section 6 attested in accordance with section 14, has been put in evidence, it shall be lawful to put in evidence a copy attested as is aforesaid 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 therein mentioned.

18. Person whose name has been incorrectly published as editor may make declaration before a District Co-ordination Officer.— (1) If any person whose name has appeared as editor in a copy of a newspaper claims that he was not the editor of the issues on which his name has so appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before a District Co-ordination Officer and make a declaration that the name was incorrectly published in that issue as that of the editor thereof, and, if the District Co-ordination Officer after making such inquiry, or causing such inquiry to be made, as he considers necessary, is satisfied that such declaration is true,

he shall certify accordingly within three days, and on that certificate being given the provisions of section 15 shall not apply to that person in respect of that issue of the newspaper.

(2) The District Co-ordination Officer 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.

19. Cancellation of declaration.— (1) On the application of the Press Registrar either suo motu or based on the information through any person, the District Co-ordination Officer empowered to authenticate a declaration under this Ordinance, is of opinion that any declaration made in respect of a newspaper should be cancelled, he may, after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an enquiry into the matter and if, after considering the cause, if any, shown by such parties and after giving them reasonable opportunity of being heard, he is satisfied that:

(a) the newspaper, in respect of which the declaration has been made, is being published in contravention of the provisions of this Ordinance or rules made there under; or

(b) the newspaper mentioned in the declaration bears a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the country; or

(c) the printer and publisher has ceased to be the printer or publisher of the newspaper mentioned in such declaration; or

(d) the declaration was made on knowingly false representation or on the concealment of any material fact or in respect of a periodical work which is not a newspaper; that District Co-ordination Officer may, by order, cancel the declaration and shall forward as soon as possible a copy of the order to the person making or subscribing the declaration and also to the Press Registrar.

(2) During the period of sixty days of the cancellation order no person shall be issued a declaration in the name of the same title to any other person.

20. Appeals.— (1) Any person who has been refused authentication of a declaration under this Ordinance or whose declaration has been cancelled may, within thirty days from the date of such order prefer an appeal to the High Court within whose jurisdiction such order has been passed.

(2) The High Court shall, after giving notice to the appellant and the Government, hear and dispose of the appeal within sixty days of its institution and pass such order, including an order awarding damages to the aggrieved party, as it may deem fit.

PART III DELIVERY OF BOOKS

21. Copies of books printed to be delivered gratis to Government.— Printed copies of the whole of every book which shall be printed in Pakistan after the commencement of this Ordinance, together with all maps, prints or other engraving belonging thereto finished and coloured in the same

manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer to the Information Department of the respective Province or to such officers and at such place, as the Government may, by notification in the official Gazette from time to time, direct, and free of expense to the Government, as follows, that is to say:—

(a) in any case within one calendar month after the date of publication of such book shall first be delivered out of the press, one such copy; and

(b) if within one calendar month from such day, the Government shall require the printer to deliver other such copies not exceeding four in number, then within one calendar month after the day on which any such requisition shall be made by the Government on the printer, another such copy or two other such copies as the Government may direct.

(2) Nothing in the former part of this section shall apply to: any second or subsequent edition of a book in which edition no additions or alterations either in the letter press or in the maps, prints or other engravings belonging to the book have been made and a copy of the first or same preceding edition of which book has been delivered under this Ordinance or published in conformity with the provisions of this Ordinance.

22. Receipts of copies so delivered — The officer to whom copies of a book are delivered under section 21 shall give to the printer a receipt in writing therefor.

23. Disposal of copies— Copies delivered pursuant to section 21 of this Ordinance shall be disposed of in the manner as the Government may, from time to time, determine.

24. Copies of newspapers printed in the Province to be delivered gratis to Government.— The printer of every newspaper shall deliver at such place and to such officer as the Provincial Government may, by notification in the official Gazette, direct, free of cost two copies of each issue of such newspaper as soon as it is published

PART IV PENALTIES

25. Penalty for contravention of section 3 Whoever prints or publishes any book or paper on disseminates news in contravention of the provisions of section 3 shall be punishable with fine not exceeding twenty thousand rupees or with simple imprisonment for a term not exceeding six months or with both.

26. Penalty for keeping printing press without making a declaration required by section 4.— Whoever keeps in his possession any printing press without making a declaration as is required under section 4, shall be punishable with fine not exceeding twenty thousand rupees or with imprisonment for a term not exceeding six months or with both.

27. Punishment for making false statement.— Any person who shall, in making any declaration under this Ordinance, makes a statement which is false and which he either knows or

believes to be false, or does not believe to be true, shall be punishable with fine not exceeding twenty thousand rupees and with imprisonment for a term not exceeding six months.

28. Penalty for printing or publishing newspaper in contravention of the provisions of this Ordinance.— Whoever edits, prints or publishes any newspaper in contravention of the provisions of this Ordinance, or whoever edits, prints or publishes, or causes to be edited, printed or published, any newspaper knowing that the said provisions have not been observed with respect to that newspaper, shall be punishable with fine not exceeding twenty thousand rupees or with imprisonment for a term not exceeding six months or with both.

29. Penalty for failure to make a declaration — If any person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with section 16, he shall be punishable with fine not exceeding twenty thousand rupees.

30. Penalty for disseminating unauthorised news-sheets and newspapers.— Whoever makes, prints, or otherwise produces, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or unauthorised newspaper or unauthorized news agency shall be punishable with imprisonment for a term not exceeding six months, or with fine, or with both.

31. Penalty for not delivering book.— If any printer of any such book as is referred to in section 21 neglects to deliver copies of the same in pursuance of that section, he shall, on the complaint of the officer to whom the copies should have been delivered or of any person authorised by the officer in this behalf, be punishable with fine which may extend to one thousand rupees for each such default, and, in addition to such fine, shall pay to the Government such further sum as the Court may determine to be the value of the copies which the printer ought to have delivered.

32. Penalty for failure to supply copies of newspaper gratis to Government.— If any printer of any newspaper published in the country neglects to deliver copies of the same in compliance with section 24, he shall, on the complaint of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, be punishable with fine which may extend to one hundred rupees for each such default.

33. Recovery of amount payable to Government under sections 31 and 32.— Any sum payable to the Government under sections 31 and 32 may be recovered, under the warrant of the Magistrate determining the sum or by his successor in office, in the manner authorised by the Code of Criminal Procedure, 1898 (Act V of 1898), and within the period prescribed by the Pakistan Penal Code (Act XLV of 1860), for the levy of a fine.

34. Responsibility of page In-charge.— (1) The Page In-charge shall, in the supervision and superintendence of editor be responsible for checking the contents of the pages and ensure due satisfaction of the material sent to the printer and publisher for publication.

(2) Every publisher shall submit the intimation in writing, as furnished by the editor, with respect to the responsibilities of page in-charge with his acceptance to the office of concerned District Co-ordination Officer and a copy to the Press Registrar.

35. Responsibility as regards to the offences and its cognizance Notwithstanding anything contained in this Ordinance or any other law for the time being in force, only such person or persons by whose wilful intention, mistake, negligence or ignorance any material is published which is an offence under this Ordinance or any other law, shall be tried and punished.

36. Cognisance of offence— No Court inferior to that of a Magistrate of the First Class shall take cognisance of, or try, an offence punishable under this Ordinance nor shall any Court take cognisance or try any such offence except on a complaint made in writing by the Government or by an officer authorized in this behalf by the Government.

PART V REGISTRATION OF BOOKS

37. Registration of memorandum of books.— There shall be kept at such office, and by such officer, as the Government shall appoint in this behalf, a book to be called a Catalogue of Books wherein shall be registered, a memorandum of every book which shall have been delivered pursuant to section 21. Such memorandum shall so far as may be practicable, contain the following particulars, that is to say:—

- (a) the title of the book and the contents of the title page;
- (b) the language in which the book is written;
- (c) the name of the author, translator or editor of the book or any part thereof;
- (d) the subject;
- (e) the place of printing and the place of publication;
- (f) the name or firm of the printer and the name or firm of the publisher;
- (g) the date of issue from the press or of the publication;
- (h) the number of sheets, leaves or pages;
- (i) the size;
- Gj) the maps included in the book along with source and area;
- (k) the first, second or other number of the edition;
- () the number of copies of which the edition consists;
- (m) — whether the book, is printed, cyclostyled or lithographed;
- (n) the price at which the book is sold to the public; and
- (O) the name and residence of the proprietor of the copy-right or of any portion of such copy-right.

38. Publication of the memoranda registered — The memoranda registered during each quarter in the said Catalogue of Books shall be published in the official Gazette, as soon as may be after the end of quarter.

PART VI REGISTRATION OF NEWSPAPERS

39. Appointment of Press Registrar and other Officers — The Federal Government shall appoint a civil servant of Basic Scale 20 as Press Registrar of newspapers for Pakistan and such other officers under the general superintendence and control of the Press Registrar as may by general or special order provide for the distribution or allocation of function to be performed by them under this Ordinance.

40. Register of Newspapers.— (1) The Press Registrar shall maintain a Register of newspapers which as far as may be practicable, contain the following particulars about every newspaper published in Pakistan namely:—

- (a) the title of the newspaper;
- (b) the language in which the newspaper is published;
- (c) periodicity of the publication of the newspaper;
- (d) the name of the editor, printer and publisher of the newspaper;
- (e) the place of printing and publication;
- (f) the average number of pages per week;
- (g) the number of days of publication in the year;
- (h) retail selling price per copy; and
- (i) the name and addresses of the owners of the newspaper and such other particulars relating to ownership as may be prescribed.

(2) On receiving information, from time to time, about the aforesaid particulars the Press Registrar shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections therein as may be required for keeping the Register up-to-date.

41. Certificates of Registration On receiving a copy of declaration from the District Coordination Officer, the Press Registrar shall within seven days, issue a certificate of registration of the newspaper to its publisher.

PART VII MISCELLANEOUS

42. Appointment of officers — The Government may appoint any officer or officers to carry out the purposes of this Ordinance and such officer or officers shall have such duties and powers in

(See section 6)
DECLARATION OF THE PRINTER AND/OR PUBLISHER
OF NEWSPAPER/OWNER OF NEWS AGENCY

and printed or published or printed and _ published or disseminate news _ at

(See section 16)

DECLARATION OF PERSON WHO CEASES TO BE PRINTER AND/OR

UNF eee eee eee

****2_** Here state the periodicity.

***3_ Here mention the language.