

THE PRESS (REGISTRATION) ACT.

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သမ္မတနိုင်ငံ ဝန်ကြီးရုံး

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THE PRESS (REGISTRATION) ACT.

[INDIA ACT XXV, 1867.] (22nd March, 1867.)

Preamble. WHEREAS it is expedient to provide for the regulation of printing-presses and of periodicals containing news, for the preservation of copies of every book printed or lithographed in the Union of Burma, and for the registration of such books ; It is hereby enacted as follows :—

PART I.**PRELIMINARY.**

- Interpretation-clause.** 1. In this Act, unless there shall be something repugnant in the subject or context,—
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|--------------|--|
| “ Book.” | “ book ” includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, plan separately printed or lithographed. |
| “ Editor.” | “ editor ” means the person who controls the selection of the matter that is published in a newspaper. |
| Magistrate.” | “ Magistrate ” means a Magistrate of the first class, |

"newspaper" means any printed periodical work containing public news or comments on public news. "Newspaper."

2. * * *

PART II.

OF PRINTING-PRESSES AND NEWSPAPERS.

3. Every book or paper printed within the Union of Burma 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. Particulars to be printed on books and papers.

4. No person shall, within the Union of Burma, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the District Magistrate within whose local jurisdiction such press may be : Keeper of printing-press to make declaration.

"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.

5. No newspaper shall be published in the Union of Burma, except in conformity with the rules hereinafter laid down :— Rules as to publication of printed periodicals containing public news.

(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) The printer and the publisher of every such newspaper shall appear, in person or by agent authorised in this behalf in accordance with rules made under section 20, before the District Magistrate within whose local jurisdiction such newspaper shall be printed or published, or such printer or publisher resides, and shall make and subscribe, in duplicate, the following declaration :—

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

And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted :

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

(4) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave the Union of Burma, a new declaration from a printer or publisher resident within the said territories shall be necessary :

Provided that no person who has not attained majority in accordance with the provisions of the Majority Act, or of the law to which he is subject in respect of the attainment of majority, shall be permitted to make the declaration prescribed by this section, nor shall any such person edit a newspaper.

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

- Deposit.** One of the said originals shall be deposited among the records of the office of the Magistrate, and the other shall be deposited among the records of the High Court, or other principal civil Court of original jurisdiction for the place where the said declaration shall have been made.
- 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, attested by the seal of the Court which has the custody of the original, on payment of a fee of two rupees.
- Office copy of declaration to be prima facie evidence.** 7. In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations, or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, or printed on such newspaper, as the case may be, 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 or the editor of every portion of that issue of the newspaper of which a copy is produced.
- New declaration by persons who have signed declaration and subsequently ceased to be printers or publishers.** 8. Provided always that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or 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 printer [or publisher, or printer and publisher] of the newspaper entitled——.”
- Authentication and filing.** Each original of the latter declaration shall be authenticated by the signature and 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, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees.
- Putting copy in evidence.** In all trials in which a copy, attested as is aforesaid, of the former declaration shall have 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.
- Person whose name has been incorrectly published as editor may make a declaration before a Magistrate.** 8A. 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 may, within two weeks of his becoming aware that his name has been so published, appear before the District 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 such inquiry or causing such inquiry 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.

PART III.

DELIVERY OF BOOKS.

9. Printed or lithographed copies of the whole of every book which shall be printed or lithographed in the Union of Burma after this Act shall come into force, together with all maps, prints or other engravings 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 at such place and to such officer as the President of the Union shall, by notification in the Gazette, from time to time direct, and free of expense to the Government, as follows, that is to say :—

Copies of books printed after commencement of Act to be delivered gratis to Government.

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

¹ (b) within six calendar months from such date, (if the book be not proscribed by Government) [five]² other such copies,

the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book shall be printed or lithographed.

The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

Nothing in the former part of this section shall apply to—

- (i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, book prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act, or
- (ii) any newspaper published in conformity with the rules laid down in section 5 of this Act.

10. The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

Receipt for copies delivered under section 9.

¹ 11. Of the copies delivered pursuant to section 9, one copy each shall be transmitted to [the Chamber of Deputies Library, the Chamber of Nationalities Library,]² the Rangoon University Library, and [the National Library]³ and the remainder shall be disposed of as the President of the Union shall from time to time determine.

Disposal of copies delivered under section 9.

¹ Substituted by Act XII, 1950.

² Substituted by Act XXXI, 1952.

³ Substituted by Act XXV, 1953.

Copies of newspaper printed in the Union of Burma to be delivered gratis to Government.

11A. The printer of every newspaper in the Union of Burma shall deliver at such place and to such officer as the President of the Union may, by notification in the Gazette, direct, and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.

PART IV.

PENALTIES.

Penalty for printing contrary to rule in section 3.

12. Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.

Penalty for keeping press without making declaration required by section 4.

13. Whoever shall keep in his possession any such press as aforesaid, without making such a declaration as is required by section 4 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding six months, or by both.

Punishment for making false statement.

14. 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 Magistrate, be punished by fine not exceeding two thousand rupees, and imprisonment for a term not exceeding six months.

Penalty for printing or publishing periodicals without conforming to rules.

15. 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 that newspaper, shall, on conviction before a Magistrate, be punished with fine not exceeding two thousand rupees, or imprisonment for a term not exceeding six months, or both.

Penalty for not delivering books or not supplying printer with maps.

16. If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorized by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

16A. If any printer of any newspaper published in the Union of Burma neglects to deliver copies of the same in compliance with section 11A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorized by that officer in this behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default.

Penalty for failure to supply copies of newspapers gratis to Government.

17. Any sum forfeited to the Government under section 16 may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorized by the Code of Criminal Procedure, and within the period prescribed by the Penal Code, for the levy of a fine.

Recovery of forfeitures and disposal thereof and of fines.

All fines or forfeitures under this Part of this Act shall, when recovered, be disposed of as the President of the Union shall from time to time direct.

PART V.

REGISTRATION OF BOOKS.

18. There shall be kept at such office, and by such officer as the President of the Union shall appoint in this behalf, a book to be called a Catalogue of Books printed in the Union of Burma, wherein shall be registered a memorandum of every book which shall have been delivered pursuant to clause (a) of the first paragraph of section 9 of this Act. Such memorandum shall (so far as may be practicable) contain the following particulars (that is to say) :—

Registration of memoranda of books.

- (1) the title of the book and the contents of the title-page * * * 1
- (2) the language in which the book is written ;
- (3) the name of the author, translator or editor of the book or any part thereof ;
- (4) the subject ;
- (5) the place of printing and the place of publication ;
- (6) the name or firm of the printer and the name or firm of the publisher ;
- (7) the date of issue from the press or of the publication ;
- (8) the number of sheets, leaves or pages ;
- (9) the size ;
- (10) the first, second or other number of the edition ;
- (11) the number of copies of which the edition consists ;
- (12) whether the book is printed or lithographed ;
- (13) the price at which the book is sold to the public ; and
- (14) the name and residence of the proprietor of the copyright or of any portion of such copyright.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copy thereof pursuant to clause (a) of the first paragraph of section 9.

19. The memoranda registered during each quarter in the said Catalogue shall be published in the Gazette as soon as may be after the end of such quarter

Publication of memoranda registered.

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¹ Deleted by the Union of Burma (Adaptation of Laws) Order, 1948.

PART VI.

MISCELLANEOUS.

Power to make rules. **20.** The President of the Union shall have power to make such rules¹ as may be necessary or desirable for carrying out the objects of this Act.

Publication. All such rules shall be published in the Gazette.

Power to exclude any class of books from operation of Act. **21.** The President of the Union may by notification exclude² any class of books or papers from the operation of the whole or any Part or Parts of this Act.

THE PRESS (EMERGENCY POWERS) ACT.

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¹ For such rules, see *Burma Gazette*, 1938, Part I, p. 951.

² For a list of exemptions, see *Burma Gazette*, 1938, Part I, p. 1039.