

THE YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956

ACT NO. 93 OF 1956

[28th December, 1956.]

An Act to prevent the dissemination of certain publications harmful to Young persons. It enacted by Parliament in the Seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) Short title, extent and commencement. This Act may be called the Young Persons (Harmful Publications) Act, 1956.

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

(3) It shall come into force on such date*1 as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions. In this Act,-

(a) "harmful publication" means any book, magazine, pamphlet, leaflet, newspaper or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly-

(i) The commission of offences; or

(ii) Acts of violence or cruelty; or

(iii) Incidents of a repulsive or horrible nature; in such a way that the publication as a whole would tend to corrupt a young person into whose hands it might fall, whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever;

(b) " State Government" in relation to a Union territory, means the administrator thereof;

(c) " Young person" means a person under the age of twenty Years.

1st February, 1957, see Gazette of India, 1957, Extraordinary, Pt. 11, Sec. 3, p. 331. 703A Extended to the State of Sikkim vide S.O. 136 (E) dated 28.2.1984. 703B Extended to and brought into force in Dadra and Nagar Haveli (w.e.f. 1.7.65) by Reg. 6 of 1963, s. 2 & sch. I. 703C Extended to the Union territory of Pondicherry by Act 26 of 1968, S.3 and Schedule. 704.

3. Penalty for sale, etc., of harmful publications. (1) If a person-

(a) Sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, any harmful publication, or

(b) for purposes of sale, hire, distribution, public exhibition or circulation, prints, makes or produces or has in his possession any harmful publication, or

(c) Advertises or makes known by any means whatsoever that any harmful publication can be procured from or through any person, he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(d) On a conviction under this section, the Court may order the destruction of all the copies of the harmful publication in respect of which the conviction was had and which are in the custody of the Court or remain in the possession or power of the person convicted.

4. Power of Government to declare harmful publications forfeited.

(1) The State Government may, if it is of opinion after consultation with the principal law officer of the State, whether called the Advocate-General or by any other name, that any publication is, a harmful publication, declare, by order notified in the Official Gazette, that every copy of such publication shall be forfeited to the Government and every such notification shall state the ground for the order.

(2) Without prejudice to the provisions contained in sub-section (1) of section 6, where there is an order of forfeiture under sub-section (1) in respect of any publication it shall be lawful for any police officer to seize the same wherever found in the territories to which this Act extends.

5. Appeal to High Court against order of forfeiture. Any person aggrieved by an order of forfeiture passed by the State Government under section 4 may, within sixty days of the date of such order, apply to the High Court to set aside such order, and upon such application the High Court may pass such order as it deems fit.

6. Power to seize and destroy harmful publications.

(1) Any police officer or any other officer empowered in this behalf by the State Government may seize any harmful publication.

(2) Any Magistrate of the first class may, by warrant, authorize any police officer not below the rank of sub-inspector to enter and search any place where any stock of harmful publications may be or may be reasonably suspected to be, and such police officer may seize any publication found in such place if in his opinion it is a harmful publication.

(3) Any publication seized under sub-section (1) shall be produced, as soon as may be, before a Magistrate of the first class, and any publication seized under sub-section (2) shall be produced, as soon as may be, before the Court which issued the warrant.

(4) If in the opinion of the Magistrate or Court such publication is a harmful publication, the Magistrate or Court may cause it to be destroyed, but if in the opinion of the Magistrate or Court, such publication is not a harmful publication, the Magistrate or Court shall dispose of it in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898 (5 of 1898).

7. Offences under this Act to be cognizable. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898) any offence punishable under this Act shall be cognizable.