

CHAPTER 32

CHILDREN AND YOUNG PERSONS (HARMFUL PUBLICATIONS)

Act No. 48 of 1956. AN ACT TO PREVENT THE DISSEMINATION OF CERTAIN PICTORIAL PUBLICATIONS HARMFUL TO CHILDREN AND YOUNG PERSONS.

[7th November. 1956.]

Short title. 1. This Act may be cited as the Children and Young Persons (Harmful Publications) Act.

Publications, to which this Act applies. 2. This Act shall apply to every book, magazine or other publication which is of a kind likely to fall into the hands of any child or young person and which consists wholly or mainly of such stories told in pictures, whether with or without the addition of written matter, as portray—

- (a) the commission of any crime, or
- (b) any act of violence or cruelty, or
- (c) any incident of a repulsive or horrible nature,

in such a way that such book, magazine or other publication would tend to corrupt a child or young person into whose hands it might fall.

Offences. 3. (1) Any person who—

- (a) prints, publishes, sells or lets on hire any publication to which this Act applies, or
- (b) has in his possession any such publication for the purpose of selling it or letting it on hire,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment:

Provided that, in any proceedings taken under this subsection against a person in respect of selling or letting on hire any publication or of having it in his possession for the purpose of selling it or letting it on

hire, it shall be a defence for him to prove that he had not examined the contents of that publication and had no reasonable cause to suspect that it was a publication to which this Act applies.

(2) Where a person is prosecuted for an offence under subsection (1) with respect to any publication (hereafter in this subsection referred to as " the relevant publication "), the court, if satisfied by information on oath or affirmation that there is reasonable cause to believe that such person has in his possession or under his control—

any copies of the relevant publication or any other publication to which this Act applies, or

any plate or photographic film prepared for the purpose of printing copies of the relevant publication or any other publication to which this Act applies,

may issue a search warrant authorizing any police officer named therein to enter any premises specified in the warrant and any vehicle or stall used by such person for the purposes of trade or business and to search the premises, vehicle or stall and seize—

- (i) any copies of the relevant publication and any copies of any other publication which the police officer has reasonable cause to believe to be one to which this Act applies, and
- (ii) any plate, or photographic film, which he has reasonable cause to believe to have been prepared for the purpose of printing copies of any such publication as is mentioned in paragraph (i) of this subsection.

(3) The provisions of the Code of Criminal Procedure Act relating to search warrants shall apply to search warrants issued under subsection (2).

(4) Where any person is convicted of an offence under subsection (1), and any such copy, plate or photographic film in his possession or under his control as is referred to in subsection (2) has been seized under that subsection, the court shall order such person to show cause why the seized article should not be destroyed and, if he fails to show cause, shall order such article to be destroyed. An order made under this subsection for the destruction of any seized article shall not take effect until the expiration of the period within which an appeal to the Court of Appeal in the matter of the proceedings in which the order was made may be lodged or, where such an appeal is lodged, until the appeal is finally decided.

(5) Where an offence under subsection (1) is committed by a body corporate, any person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(6) A prosecution for an offence under subsection (1) shall not be instituted except

by, or with the sanction of, the Attorney-General.

- 4. (1) The importation of—
 - (a) any publication to which this Act applies, or
 - (b) any plate or photographic film prepared for the purpose of printing copies of any such publication,

Prohibition of importation of publications to which this Act applies, &c.

is hereby prohibited.

(2) The provisions of subsection (1) shall be construed as one with the Customs Ordinance, and, for the purpose of the application of that Ordinance, goods the importation of which is prohibited by that subsection, shall be deemed to be goods the importation of which is prohibited by enactment.

5. In this Act, unless the context otherwise requires—

" child " means a person under the age of fourteen years;

" photographic film " includes photographic plate;

" plate " (except where it occurs in the expression " photographic plate ") includes block, mould, matrix and stencil; and

" young person " means a person who has attained the age-of fourteen years and is under the age of sixteen years.