

Lecture- 31



An Act to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India.

Be it enacted by Parliament in the Twenty-ninth year of the Republic of India as follows :

CHAPTER I

PRELIMINARY

Short title and extent

1. (1) This Act may be called the Press Council Act 1978;
- (2) It extends to the whole of India.

Definitions

2. In this Act, unless the context otherwise requires,
 - (a) "Chairman" means the Chairman of the Council;
 - (b) "Council" means the Press Council of India established under section 4;
 - (c) "Member: means a member of the Council and includes its Chairman;
 - (d) "Prescribed" means prescribed by rules made under this Act;

25 of 1867

45 of 1955

- (e) The expressions "editor" and "newspaper" have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867, and the expression "working journalist" has the meaning assigned to it in the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provision Act, 1955. '

Rule of construction respecting enactments not extending to the State of Jammu and Kashmir or

Sikkim

3. Any reference in this Act to-a law which is not in force in the State of Jammu & Kashmir or
or
Sikkim shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER II

ESTABLISHMENT OF THE PRESS COUNCIL

Incorporation of The Council

4(1) With-effect from such date as the Central Government, may, by notification in the Official Gazette, appoint, there shall be established a council by the name of the Press Council of India.

(2) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

Composition of the Council

5 (1) The Council shall consist of a Chairman and twenty-eight other members.

(2) The Chairman shall be a person nominated by a Committee consisting of the Chairman of the Council of States (Rajya Sabha), the Speaker of the House of the People (Lok Sabha) and a person elected by the members of the Council under sub-section (6) and the nominations so made shall take effect from the date on which it is notified by the Central Government in the Official Gazette.

(3) Of the other members-

(a) thirteen shall be nominated in accordance with such procedure as may be prescribed from among the working journalists of whom six shall be editors of newspapers and the remaining seven shall be working journalists other than editors, so, however, that the number of such editors and working journalists other than editors in relation to newspapers published in Indian languages shall be not less than three and four respectively;

(b) six shall be nominated in accordance with such procedure as maybe prescribed from among persons who own or carry on the business of management of newspapers, so, however, that there shall be two representatives from each of the categories of big newspapers, medium newspapers and small newspapers;

(c) One shall be nominated in accordance with such procedure as may be prescribed from among persons who manage news agencies;

(d) three shall be persons having special knowledge or practical experience in respect of education and science, law and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy;

(e) five shall be members of Parliament of whom three shall be nominated by the Speaker from among the members of the House of the People (Lok Sabha) and two shall be nominated by the Chairman of the Council of States (Rajya Sabha) from among its members; Provided that no working journalist who owns, or carries on the business of management of, any newspaper shall be eligible for nomination under clause (a);

Provided further that the nomination under clause (a) and clause (b) shall be so made that the among the persons nominated there is not more than one person interested in any newspaper or

group of newspapers under the same control of management.

*Explanation: "For the purpose of clause (b), a 'newspaper' shall be deemed to be categorised as

big medium or small newspaper on the basis of its circulation per issue, as the Central Government, may, by notification in the official gazette, notify from time to time.

(*Explanation amended vide Gazette Extraordinary dated June 6, 1994)

(4) Before making any nomination under clause (a), clause (b) or clause (c) of sub-section (3), the

Central Government in the case of the first Council and the retiring Chairman of the previous Council in the case of any subsequent Council shall, in the prescribed manner, invite panels of

names comprising twice the number of members to be nominated from such associations of persons of the categories referred to in the said clause(a) clause (b) or clause (c) as may be notified in this behalf by the Central Government in the case of the first Council and by the Council itself in the case of subsequent Councils;

Provided that where there is no association of persons of the category referred to in said clause

(c), the panels of names shall be invited from such news agencies as may be notified as aforesaid.

(5) The Central Government shall notify the names of persons nominated as members under subsection (3) in the Official Gazette and every such nomination shall take effect from the date on which it is notified.

(6) The members of the Council notified under sub-section (5) shall elect from among themselves in accordance with such procedure as may be prescribed a person to be a member of the Committee referred to in sub-section (2) and a meeting of the members of the Council for the purpose of such election shall be presided over by a person chosen from among themselves.

Term of office and retirement of members

6(1) Save as otherwise provided in this section, the Chairman and other members shall hold office for a period of three years:

Provided that the Chairman shall continue to hold such office until the Council is reconstituted in accordance with the provision of section 5 for a period of six months whichever is earlier.

(2) Where a person nominated as a member under clause (a), clause (b) or clause (c) of subsection (3) of section 5 is censured under the provision of sub-section (1) of Section 14, he shall cease to be a member of the Council.

(3) The term of office of a member nominated under clause (e) of sub-section (3) of section 5 shall come to an end as soon as he ceases to be a member of the House from which he was nominated.

(4) A member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council from three consecutive meetings of the Council.

(5) The Chairman may resign his office by giving notice in writing to the Central Government, and any other member may resign his office by giving notice in writing to the Chairman, and upon such resignation being accepted by the Central Government, or as the case may be, the Chairman, the Chairman or the member shall be deemed to have vacated his office.

(6) Any vacancy arising under sub-section (2), sub-section (3) sub-section (4) or sub-section (5)

or otherwise shall be filled, as soon as may be, by nomination in the same manner in which the member vacating the office was nominated and the member so nominated shall hold office for the remaining period in which the member in whose place he is nominated would have held office.

7) A retiring member shall be eligible for renomination for not more than one term.

Conditions of service of members

7(1) The Chairman shall be a whole-time officer and shall be paid such salary as the Central Government may think fit; and the other members shall receive such allowances or fees for attending the meeting of the Council, as may be prescribed.

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be prescribed.

(3) it is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen, as, or for being, a member of either House of Parliament.

Committees of the Council

(8)(1) For the purpose of performing its functions under this Act, the Council may constitute from among its members such Committees for general or special purposes as it may deem necessary and every Committee so constituted shall perform such functions as are assigned to it by the Council. .

(2) The Council shall have the power to co-opt as members of any Committee constituted under subsection (1) such other number of persons, not being members of the Council, as it thinks fit.

(3) Any such member shall have the right to attend any meeting of the Committee on which he is so co-opted and to take part in the discussion thereat, but shall not have the right to vote and shall not be a member for any other purpose.

Meeting of the Council and Committees

9. The Council or any Committee thereof shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

Vacancies among members of defect in the constitution not to invalidate acts and proceedings of the Council

10. No act or proceedings of the Council shall be deemed to be invalid by reason of the existence of any vacancy in, or any defect in the constitution of the Council. Staff of the Council

11(1) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Secretary and such other employees as it may think necessary for the

efficient performance of its functions under this Act.

(2) The terms and conditions of service of the employees shall be such as may be determined by regulations.

Authentication of orders and other instruments of the Council

12. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf.