

Press Council Act, 1978

Chapter 2 - CHAPTER 2 : ESTABLISHMENT OF THE PRESS COUNCIL

SECTION 4 : Incorporation of the Council(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.

SECTION 5 : Composition of the Council(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 nomination 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 may be prescribed from among persons who own or carry on the business of management of newspapers, so, however, that three 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 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 nominations under clause (a) and clause (b) shall be so made that 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.3 (1) 1. Subs. by Act 36 of 1994, Sec. 2 (w.e.f. 3-6-1994).[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.](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 the 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 sub-section (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 persons 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.

SECTION 6 : Terms of office and retirement of members(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 provisions of (section 5) or 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 sub-section (3) of (section 5) is censured under the provisions of sub-section (1) of (section 14) , he shall cease to be a member of the Council.(3) The term of the 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 notification in the same manner in which the member vacating 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 re-nomination for not more than one term.

SECTION 7 : Conditions of service of members(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 meetings 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.

SECTION 8 : Committee of the Council(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 sub-section (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 discussions thereat, but shall not have the right to vote and shall not be a member for any other purpose.

SECTION 9 : Meetings of the Council and CommitteesThe 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.

SECTION 10 : Vacancies among members or defect in the constitution not to invalidate acts and proceedings of the CouncilNo act or proceeding of the Council shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

SECTION 11 : Staff of the Council(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.

SECTION 12 : Authentication of orders and other instruments of the CouncilAll 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.