

Press Council Act, 1978

Chapter 3 - CHAPTER 3 : POWERS AND FUNCTIONS OF THE COUNCIL

SECTION 13 : Objects and functions of the Council(1) The objects of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India.(2) The Council may, in furtherance of its objects, perform the following functions namely :-(a) to help newspapers and news agencies to maintain their independence;(b) to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards;(c) to ensure on the part of newspapers, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;(d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;(e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;(f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by any individual, association of persons or any other organisation : Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from any foreign source in any other manner it thinks fit;(g) to undertake studies of foreign newspapers, including those brought out by any embassy or other representative in India of a foreign State, their circulation and impact.Explanation.- For the purposes of this clause, the expression "foreign State" has the meaning assigned to it in Section 87-A of the Code of Civil Procedure, 1908 (5 of 1908);(h) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or news agencies: Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which (Industrial Disputes Act, 1947), applies;(i) to concern itself with developments such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press;(j) to undertake such studies as may be entrusted to the Council and to express its opinion in regard to any matter referred to it by the Central Government;(k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

SECTION 14 : Power to censure(1)Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that. a newspaper or news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct, the Council may, after giving the newspaper, or news agency, the editor or journalist concerned an opportunity or being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist, as the case may be: Provided that the Council may not take cognizance of a complaint if in the opinion of the Chairman, there is no sufficient ground for holding an inquiry.(2) If the council is of the opinion that it is necessary or expedient in the public interest so to do, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particulars relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.(4) The decision of the Council under sub-section (1), or sub-section (2) as the case may be, shall be final and shall not be questioned in any court of law.

SECTION 15 : General powers of the Council(1) For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout India as are vested in a civil court while trying a suit under (Code of Civil Procedure, 1908) , in respect of the following matters, namely :-(a) summoning and enforcing the attendance of persons and examining them on oath;(b)requiring the discovery and inspection of documents;(c)receiving evidence on affidavits;(d) requisitioning any public record or copies thereof from any

court or office;(e) issuing commissions for the examination of witnesses or documents; and(f) any other matter, which may be prescribed.(2) Nothing in sub-section (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalist.(3) Every inquiry held by the Council shall be deemed to be judicial proceeding within the meaning of (sections 193) and (S.228 of the Indian Penal Code, 1860) .(4) The Council may, if it considers it necessary for the purpose of carrying out its objects or for the performance of any of its functions under this Act, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government.

SECTION 16 : Levy of feesThe Council may, for the purpose of performing its functions under this Act, levy such fees, at such rates and in such manner, as may be prescribed, from registered newspapers and news agencies and different rates may be prescribed for different newspapers having regard to their circulation and other matters.

SECTION 17 : Payments to the CouncilThe Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council by way of grants such sums of money as the Central Government may consider necessary for the performance of the functions of the Council under this Act.

SECTION 18 : Fund of the Council(1) The Council shall have its own fund, and the fees collected by it, all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person shall be credited to the Fund and all payments by the Council shall be made therefrom.(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

SECTION 19 : BudgetThe Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

SECTION 20 : Annual reportThe Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year, and giving an account of the standards of newspapers and news agencies and factors affecting them, and copies thereof, together with the statement of accounts audited in the manner prescribed under (section 22)shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

SECTION 21 : Interim reportsWithout prejudice to the provisions of (section 20), the council may prepare at any time during the course of a year, a report giving a summary of such of its activities during the year as it considers to be of public importance and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

SECTION 22 : Accounts and auditThe accounts of the Council shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.