Press Council Act, 1978

(Act 37 of 1978)

[As amended upto May 31, 2024]

[September 7, 1978]

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 newspaper 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

1. Short title and extent.—

(1) This Act may be called the Press Council Act, 1978.

(2) It extends to the whole of India.

2. Definitions.—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;

(e) the expressions "editor" and "newspaper" have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867 (25 of 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 Provisions Act, 1955 (45 of 1955).

3. Rule of construction respecting enactments not extending to the State of Jammu and Kashmir or Sikkim.—Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir or Sikkim shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

STATE AMENDMENTS

Union Territory of Jammu and Kashmir.—In its application to the Union Territory of Jammu and Kashmir, in Section 3, *omit* "Jammu and Kashmir or". [*Vide* S.O. 1123(E), dated 18-3-2020 (w.e.f. 18-3-2020)].

Union Territory of Ladakh.—In its application to the Union Territory of Ladakh — Same as that of UT of Jammu and Kashmir. [*Vide* S.O. 3774(E), dated 23-10-2020].

Chapter II

ESTABLISHMENT OF THE PRESS COUNCIL

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.

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 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 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 or management.

[1][*Explanation*.—For the purposes 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 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.

6. Term of office and retirement of members.—

(1) Save as otherwise provided in this section, the Chairman and other members

[1] Substituted by Act 36 of 1994, w.e.f. 3-6-1994.

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 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 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.

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.

8. Committees 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 threat, but shall have the right to vote and shall not be a member for any other purpose.

9. Meetings of the Council and committees.—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.

10. Vacancies among members or defect in the constitution not to invalidate acts and proceedings of the Council.—No 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.

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.

12. Authentication of orders and other instruments of the Council.—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.

Chapter III

POWERS AND FUNCTIONS OF THE COUNCIL

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 in news agencies:

Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which the Industrial Disputes Act, 1947 (14 of 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.

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 of 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 of 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.

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 the Code of Civil Procedure, 1908 (5 of 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 a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 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.

16. Levy of fees.—

(1) The 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.

(2) Any fees payable to the Council under sub-section (1) may be recovered as an arrear of land revenue.

17. Payments to the Council.—The 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.

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.

19. **Budget.—**The 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.

20. **Annual report.—**The 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.

21. **Interim reports.—**Without 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.

22. **Accounts and audit.—T**he 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.

Chapter IV

MISCELLANEOUS

23. **Protection of action taken in good faith.—**

(1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

24. **Members, etc., to be public servants.—**Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be a public servant within the meaning of Section 21 of the India Penal Code (45 of 1860).

25. **Power to make rules.—**

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that when the Council has been established, no such rules shall be made without consulting the Council.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the procedure for nomination of members of the Council under clauses (a), (b) and (c) of sub-section (3) of Section 5;

(b) the manner in which panels of names may be invited under sub-section (4) of Section 5;

(c) the procedure for election of a member of the Committee referred to in sub-section (2) of Section 5 under sub-section (6) of that section;

(d) the allowances or fees to be paid to the members of the Council for attending the meetings of the Council, and other conditions of service of such members under sub-sections (1) and (2) of Section 7;

(e) the appointment of the Secretary and other employees of the Council under Section 11;

(f) the matters referred to in clause (f) of sub-section (1) of Section 15;

(g) the rates at which fees may be levied by the Council under Section 16 and the manner in which such fees may be levied;

(h) the form in which, and the time within which, the budget and annual report are to be prepared by the Council under Sections 19 and 20 respectively;

(i) the manner in which the accounts of the Council are to be maintained and audited under Section 22.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. Power to make regulations.—

[2][(1)] The Council may [3][, by notification in the Official Gazette,] make regulations not inconsistent with this Act and the rules made thereunder, for—

[2] Inserted by Act 20 of 1983, w.e.f. 15-3-1984.
[3] Inserted by Act 20 of 1983, w.e.f. 15-3-1984.

(a) regulating the meetings of the Council or any committee thereof and the procedure for conducting the business thereat under Section 9;

(b) specifying the terms and conditions of service of the employees, appointed by the Council, under sub-section (2) of Section 11;

(c) regulating the manner of holding any inquiry under this Act;

(d) delegating to the Chairman or the Secretary of the Council, subject to such conditions as it may think fit to impose, any of its powers under sub-section (3) of Section 18;

(e) any other matter for which provision may be made by regulations under this Act:

Provided that the regulations made under clause (b) shall be made only with the prior approval of the Central Government.

[4][(2) The Central Government shall cause every regulation made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

27. Amendment of Act 25 of 1867.—[*Repealed by Repealing and Amending Act, 1998 (19 of 1988), Section 2 and Schedule I*.]

[4] Inserted by Act 20 of 1983, w.e.f. 15-3-1984.