

Press Council Act 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 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 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 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 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 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.

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 sub-section (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.

CHAPTER III

POWERS AND FUNCTIONS OF THE COUNCIL

Objects and functions of the Council

13. (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 an 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.

5 of 1908

Explanation- For the purpose of this clause the expression "foreign State" has the meaning assigned to it in Section 87A of the Code of Civil Procedure, 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.

14 of 1947

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, 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.

Power to Censure

14(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 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 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 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 be, shall be final and shall not be questioned in a court of law.

General powers of the Council

5 of 1908

15. (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, 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 journalists.

45 of 1860

(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.

(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.

Levy of fees

16(l) 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.

Payments to the Council

17. 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.

Funds of the Council

18. (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 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 Funds 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 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.

Budget

19. 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.

Annual Report

20. 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.

Interim Reports

21. 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.

Accounts and Audit

22. The 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

Protection of action taken in good faith

23. (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.

Members, etc., to be public servants 45 of 1980

24. Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be public servant within meaning of section 21 of the Indian Penal Code.

Power to make Rules

25 (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 meeting 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 session 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.

Power to make regulations

26. *(1) The Council may #(by notification in the official gazette) make regulations not inconsistent with this Act and the Rules made thereunder, for-

*Renumbered by Act 20 of 1983, Section 2, and the Schedule (w.e.f., 15th March 1984)

#Ins by ibid (w.e.f., 15th March, 1984)

(a) regulating the meetings of the Council or any Committee thereof and the procedure for conducting the business there at 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 subsection (3) of section 18;

(e) any other matter for which provisions 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.

#3(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 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.

#Ins by Ibid

*Amendment of Act 25 of 1867

27. In sub-section (1) of section 8C of the Press and Registration of Books Act, 1867, for the words "consisting of a Chairman and another member to be appointed by the Central Government", the words and figures "consisting of a Chairman and another member to be nominated by the Press-Council of India, established under section 4 of the Press Council Act 1978, from among its members" shall be substituted.

*(Section 27 of the Press Council Act, 1978 repealed vide the Repealing and Amending Act, 1988, Section 2, Sch.I: upon amendment of Sec. 8(c) of Press and Registration Act, 1867 to incorporate the above mentioned words and figures).

Published in the Gazette of India

Part III Section 4

Gazette Extraordinary

Press Council of India

NOTIFICATION

New Delhi dated Nov. 14, 1979

In exercise of powers conferred by clause (c) of Section 26 of the Press Council Act, 1978 (37 of 1978), and all other powers "hereunto enabling, the Press Council of India hereby makes the following Regulations, namely:

1. Short Title and Commencement:

(1) These Regulations, may be called the Press Council (Procedure for Inquiry) (Amendment) Regulations, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions: Unless the context otherwise requires:

- (a) "Act" means the Press Council Act, 1978 (37 of 1978).
- (b) "Committee" means the Inquiry Committee constituted by the Council under Section 8(1) of the Act for the purpose of inquiry into complaints under Sections 13(2) and 14 (1) of the Act:
- (c) "Council" means the Press Council of India constituted under the Act;
- (d) "Complainant" means a person or authority making a complaint to the Council regarding a newspaper, news agency, editor or other working journalist, in the case of complaints under Section 14(1) of the Act, and with regard to complaints relating to other matters, means a person making a complaint to the Council in respect of any matter which the Council has jurisdiction to entertain, examine and pronounce its views upon, and
- (e) "Matter" in the case of complaints under Section 14(1) means an article, news-item, news-report, or any other matter which is published by a newspaper or transmitted by a news agency by any means whatsoever and includes a cartoon, picture, photograph' strip or advertisement which is published in a newspaper: and in the case of complaints relating to other matters, 'matter' relates to an action or inaction said to impinge upon the freedom of the press.

3. Contents of complaint in respect of a newspaper, news agency, editor or other working journalist under Section 14(1) of the Act:

(1) where a person makes a complaint to the Council *in* respect of the publication or non-publication of any matter in any newspaper or news agency, under Section 14(1) of the Act he shall file the complaint in duplicate with sufficient copies for the respondents listed and shall -

(a) furnish the name and address of the newspaper, news agency, editor or other working journalist against which or whom the complaint is preferred and in cases where the complaint relates to the publication of matter in a newspaper or to the transmission by a news agency, forward along with the complaint a cutting of the matter complained of in original or a self attested copy thereof and such other particulars as are relevant to the subject-matter of the complaint; and where the complaint is

in respect of non-publication of matter, the original *or a self attested* copy of the matter, non-publication of which is complained of; (*English translation of the matter if it is in vernacular*)

(b) state in what manner the publication or non-publication of the matter complained of is objectionable within the meaning of Section 14(1) of the Act;

(c) before filing the complaint before the Council, draw the attention of the newspaper, news agency, editor or other working journalist concerned, to the matter appearing in the newspaper etc. or to the non-publication there of which, in the opinion of the complainant, is objectionable and he shall also furnish to the newspaper, news agency, editor or the working journalist, as the case may be, the grounds for holding such opinion. The complainant shall, along with the complaint, enclose a copy of the letter written by him to the newspaper, news agency, editor or other working journalist together with a copy of the reply, if any received by him, provided that the Chairman may in his discretion waive this condition;

(d)In case where the complaint is that an editor or a working journalist has committed any professional misconduct, other than the way of the publication or non-publication of any matter in a newspaper, the complainant shall set out clearly in detail the facts which according to him justify the complaint and the provisions of clause (c) above shall also apply to such complaints.

e) In every case place all other relevant facts before the Council; and

(f) (i) In the case of a complaint relating to the publication or non-publication of any matter in respect of newspaper or news agency the same shall be lodged with the Council within the following periods of its publication or non-publication:

A. Dailies, News agencies and Weeklies .. within 2 months

B. In all other cases .. within 4 months

Provided that a relevant publication of an earlier date may be referred to in the complaint.

(ii) In the case of a complaint against an editor or working journalist under clause (d) above the same shall be lodged within 4 months of the misconduct complained of:

Provided that the Chairman may, if satisfied that the complainant has acted promptly, but that the delay in filing the complaint within the period prescribed under sub clause (i) or sub-clause (ii) of Regulation (3)1(f) has been caused by reason of the time taken to comply with the condition laid down in sub clause (c) supra or on account of other sufficient cause condone the delay and entertain the complaint.

(2)The complainant while presenting the complaint shall at the foot thereof make and subscribe to a declaration to the effect:

(i) that to the best of his knowledge and belief he has placed all the relevant facts before the Council and that no proceedings are pending in any Court of Law in respect of any matter alleged in the complaint.

(ii) that he shall inform the Council forthwith if during the pendency of the of the inquiry before the Council any matter alleged in the complaint becomes the subject-matter of any proceeding in a Court of Law.

4. Return of Complaint :

(1) Where a complainant does not comply with the requirements of regulation 3, the Chairman may return the complaint under registered post acknowledgement due asking the complainant to bring it in conformity with such requirements and represent it within such time as he may deem fit in that behalf.

(2) Where a complainant fails to comply with the requirements within four weeks of service thereof, the Chairman may decide to close action in the matter. The Council shall, at its next meeting, be apprised of such decision.

5. Issue of notice :

(1) As soon as possible, and in any case not later than forty five days from the date of receipt of a complaint complete in all respects, under the direction of the Chairman, a copy thereof shall be sent to the newspaper, news agency, editor or other working journalist against which or whom the complaint has been made, under regulation 3 along with a notice

requiring the newspaper, news agency, editor or other working journalist, as the case may be, to show cause why action should not be taken under Section 14 of the act. Provided that in appropriate cases the Chairman shall have the discretion to extend time for the issuance of the notice.

Provided further that the Chairman may decide not to issue a notice to show cause to the newspaper, news agency, editor or working journalist where, in his opinion, there is no sufficient ground for holding an inquiry. The Council at its next meeting shall be apprised by the Chairman of the reasons for his decision not to issue a "Show Cause" notice and it may pass such orders as it deems fit.

(2) The notice issued under sub-regulation (I) above shall be sent to the newspaper, news agency, editor or other working journalist concerned by registered post, acknowledgement due, at the address furnished in the complaint.

6. Filing of written statement:

(1) The newspaper, news agency, editor or other working journalist against which or whom the complaint is made may, within fourteen days from the date of service of the copy of the complaint and notice under regulation 5 or within such further time as may be granted by the Chairman in this behalf, submit a written statement in reply to the complaint.

(2) A copy of the written statement when received shall be forwarded to the complainant for his information.

(3) After receipt of the complaint or written statement, the Chairman may, if he considers necessary, call for any further information either from the complainant or the respondent newspaper, news agency, editor or working journalist, as the case may be, in order to clarify matters appearing in the complaint or written statement and in doing so, may call for such documents or further statements as he might consider necessary. All the documents and statements called for by him shall form part of the record and shall be placed before the Committee at the time of the inquiry.

7. Power to call for additional particulars etc.:

The Committee may after considering the complaint and the written statement, call for such additional particulars or documents or relevant to

the subject-matter of the case as it may consider necessary from both the parties or either of them.

8. Rejection of complaint of the same nature previously inquired into:

(1) Where at any time in the course of the inquiry into the complaint it appears to the Committee that the subject-matter of the complaint is substantially the same as, or has been covered by any former complaint dealt with by the Council under these regulations, the Committee shall hear the complainant, if he desires to be heard' and also if the Committee considers it necessary, the newspaper, news agency, editor or other working journalist, as the case may be, and make its recommendation to the Council which may pass such order as may be considered necessary and the same shall be duly communicated to the parties.

9. Inquiry by the Committee:

Notice of the time, date and place of hearing shall be served on the complainant as well as on the newspaper, news agency, editor and working journalist, as the case may be, and shall be sent by registered post, acknowledgement due. In the inquiry before the Committee the parties shall be entitled to adduce relevant evidence, oral or documentary, and make submissions in support of their contentions.

(2) At the close of the Inquiry the Committee shall make a report of its findings on the allegations contained in the complaint together with its reasons and submit the record of the case to the Council.

10. Decision by the Council:

(1) The Council shall after perusing the record of the case, pass orders giving its decision or it may remit the case to the Committee for such further inquiry as the Council may deem necessary and after receipt of its report dispose of the case.

(2) Every case shall be determined by a majority of votes of the members of the Council present and voting, and in the event of the votes being equal, the Chairman shall have a casting vote and shall exercise the same.

(3) The order of the Council shall be communicated in writing to the parties to the case.

11. *Appearance of parties etc. :*

In any inquiry under these regulations, the editor, news agency or other working journalist, or any authority including government, or the newspaper through its editor, against which or whom a complaint has been made may appear in person, or with the permission of the Committee or Council as the case may be, by a Counsellor or a duly authorised representative.

12. *Restrictions on power of members to discuss and vote in certain cases :*

No members of the Committee shall vote or take part in the discussion of, and no member of the Council shall vote or take part in the discussion of any complaint coming up for consideration at a meeting of the Committee or the Council if the case is one in which he is personally involved or has any direct or indirect interest by himself or his partner, or in which he is interested professionally on behalf of a client or as an agent or representative for any newspaper, news agency, editor or other working journalist as the case may be.

13. *Power to take suo motu action:*

The Chairman may *suo motu* issue notice or, as the case may be, take action in respect of any matter which falls within the mischief of Section 14(1) of the Act or in respect of or relating to any matter falling under Section 13(2) thereof and thereupon the procedure prescribed by these regulations from regulation 5 onwards shall be followed as if it were a complaint under regulation 3.

14. *Procedure in respect of complaints etc. under Section 13:*

The procedure prescribed by these regulations in respect of complaints under section 14(1) of the Act shall apply, as far as may be, to complaints or representations received by the Council with regard to any subject falling within the provisions of Section 13.

Provided that a person making such a complaint shall make the complaint in duplicate with sufficient copies for the respondents listed and shall:-

- a) Give complete particulars of the respondent(s) viz Name, Designation and complete address.**

b) State how the action/inaction of the respondent authorities amounts to curtailment of the freedom of the press. Mention the possible reason for the action/inaction of the respondent(s)/authorities duly supported by documentary evidence.

- In case the action of the respondent(s)/authorities is a reprisal measure for writings in the newspaper, critical of the respondent's), the cuttings of such reports be furnished in original or as self attested copies. (English translation, if the news item(s) is in vernacular.

c) Draw the attention of the respondent(s)/authorities towards the grievance and furnish a copy of the letter written to the respondent(s)/authorities.

- – Furnish a copy of the reply, if any, received from the respondent(s)/authorities. Provided that the Chairman may waive this requirement in his discretion.**

d) Place before the Council all relevant facts along with the supporting documents.

e) (i) Time for filing complaint: 4 months from the date of cause of action.

ii) Provided that the Chairman may condone the delay If he is satisfied that there exist sufficient reasons for such condonation.

f) Make and subscribe to the declaration prescribed in Regulation 3(2) supra.

Further provided that on receipt of such complaint, complete in all respects, under the direction of the Chairman, a copy thereof shall be sent to the authority against whom the complaint has been made along with a notice for statement in reply as to why the matter does not warrant observation under Section 15(4) of the Act. That the procedure specified in Regulation 7-12 above shall thereafter be adopted.

15. Procedure in matters not provided for in these Regulations:

The Council as also the Committee shall have the power to regulate their own procedure in respect of any matter for which no provision or

inadequate provision is made in these regulations and shall also have the power in appropriate cases to hold inquiries in camera.

Sd/-

(VIBHA BHARGAVA)

Secretary to the

Press Council
