

Ref. by Act 56 of 1974, §. 2 and Sch. I

THE PRESS COUNCIL (AMENDMENT) ACT, 1970

No. 6 OF 1970

[31st March, 1970]

An Act further to amend the Press Council Act, 1965.

Enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Press Council (Amendment) Act, 1970.

Amendment of long title.

2. In the long title to the Press Council Act, 1965 (hereinafter referred to as the principal Act), after the word "newspapers", the words "and news agencies" shall be inserted. 34 of 1965.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted.

Insertion of new section 2A.

4. In Chapter I, after section 2 of the principal Act, the following section shall be inserted, namely:—

Rule of construction respecting enactments not extending to Jammu and Kashmir.

"2A. Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State."

Substitution of new sections for section 4.

5. For section 4 of the principal Act, the following sections shall be substituted, namely:—

Composition of the Council.

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

(2) The Chairman shall be a person nominated by a committee (hereinafter referred to as the Nominating Committee) consisting of the Chairman of the Council of States, the Chief Justice of India and the Speaker of the House of the People.

(3) Of the other members—

(a) thirteen shall be nominated by the Nominating Committee 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, in either case, be not less than three;

(b) six shall be nominated by the Nominating Committee from among persons who own or carry on the business of management of newspapers, of whom—

(i) one each shall be a representative of big newspapers, medium newspapers and small newspapers published in Indian languages, and

(ii) one each shall be a representative of big newspapers, medium newspapers and small newspapers published in any other language;

(c) one shall be nominated by the Nominating Committee 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) three shall be members of Parliament of whom two shall be nominated by the Speaker from among members of the House of the People and one shall be nominated by the Chairman from among members of the Council of States:

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 not more than one person interested in any newspaper or group of newspapers under the same control or management shall be eligible for nomination under clause (a) or clause (b).

Explanation.—For the purposes of clause (b), a “newspaper” shall be deemed to be—

(i) “big newspaper” if the circulation thereof exceeds fifty thousand copies for each issue;

(ii) "medium newspaper" if the circulation thereof exceeds fifteen thousand copies but does not exceed fifty thousand copies for each issue;

(iii) "small newspaper" if the circulation thereof does not exceed fifteen thousand copies for each issue.

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

Provided that until the Council notifies any such association, the Nominating Committee may nominate members to represent any of the categories referred to in clause (a), clause (b) or clause (c) of sub-section (3) after consultation with any such other association of persons of the category concerned or with such other individuals or interests concerned as it thinks fit.

(5) Where any association of persons referred to in sub-section (4) fails to forward a panel of names when invited to do so under that sub-section, the Nominating Committee may invite such panels of names in the like manner from any other association of persons of the category concerned or may nominate members after consultation with such other individuals or interests concerned as it thinks fit.

(6) Save as otherwise provided, no person shall be eligible for nomination under clause (a), clause (b) or clause (c) of sub-section (3) unless his name is included in the panel of names under sub-section (4) or sub-section (5), as the case may be.

(7) The names of persons nominated under this section shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette and every such nomination shall take effect from the date on which it is so notified.

4A. Subject to such conditions as may be prescribed, the Nominating Committee shall have power to review any nomination made by it on a representation made to it by any association referred to in sub-section (4) or sub-section (5) of section 4 or by any person aggrieved by such nomination or otherwise.

Power to re-view nominations under certain cases.

Amendment of section 5.

6. In section 5 of the principal Act,—

(a) in sub-section (1A),—

(i) for the words, figures and letters "until the 31st day of March, 1970", the words, figures, letters and brackets "until the 30th day of September, 1970 or until the Council is reconstituted in accordance with the provisions of section 4 as amended by the Press Council (Amendment) Act, 1970, whichever is earlier" shall be substituted;

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(ii) for the words, figures and letters "before the 31st day of March, 1970," the words, figures and letters "before the 30th day of September, 1970 or before the date on which the Council is re-constituted, as the case may be," shall be substituted;

(b) in sub-section (2), for the words, brackets and letters "chosen as a member under clause (a) or clause (b)", the words, brackets and letters "nominated as a member under clause (a), clause (b) or clause (c)" shall be substituted;

(c) in sub-section (3), for the words, brackets and letter "chosen under clause (d)", the words, brackets and letter "nominated under clause (e)", and for the word "chosen", where it occurs for the second time, the word "nominated" shall be substituted;

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) 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.";

(e) for sub-sections (5), (6) and (7), the following sub-sections shall be substituted, namely:—

"(5) Any vacancy arising under sub-section (2), sub-section (3), sub-section (3A) or sub-section (4) or otherwise shall be filled, as soon as may be, by nomination made by the same authority by which and in the same manner in which the member vacating office was nominated and the member so nominated shall hold office for the remaining period for which the member in whose place he is nominated, would have held office.

(6) A retiring member shall be eligible for re-nomination for not more than one term."

7. In section 7 of the principal Act, after the words "The Council", the words "or any committee thereof" shall be inserted. Amendment of section 7.

8. Section 8 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:— Amendment of section 7.

"(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."

9. In section 12 of the principal Act,—

(1) in sub-section (1), after the word "newspapers", the words "and news agencies" shall be inserted; Amendment of section 12.

(2) in sub-section (2),—

(a) in clause (a), after the word "newspapers", the words "and news agencies" shall be inserted.

Repealed

(b) in clause (b) and clause (c), after the word "newspapers", wherever it occurs, the words "news agencies" shall be inserted;

(c) for clause (f), the following clause shall be substituted, namely:—

"(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;"

(d) for clause (g), the following clause shall be substituted, namely:—

"(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 purpose of this clause, the expression "foreign State" has the meaning assigned to it in section 87A of the Code of Civil Procedure, 1908;"

5 of 1908.

(e) for clause (i), the following clause shall be substituted, namely:—

"(i) 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, applies;"

14 of 1947.

(f) in clause (j), after the word "newspapers", in both the places where it occurs, the words "or news agencies" shall be inserted.

Amendment of section 13.

10. In section 13 of the principal Act,—

(a) in sub-section (1),—

(i) after the word "newspaper", where it occurs for the first and the second time, the words "or news agency" shall be inserted;

(ii) for the words "censure the newspaper, the editor or journalist, as the case may be", the words "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" shall be substituted;

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(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) 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 particular 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.”;

(c) in sub-section (3), after the words, brackets and figure “under sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A), as the case may be,” shall be inserted.

11. In section 14 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

Amendment of section 14.

“(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:—

5 of 1908.

(a) summoning and enforcing the attendance of persons and examining them on oath;

(b) requiring the discovery and production 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;

(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.”.

12. In section 18 of the principal Act,—

Amendment of section 18.

(a) after the words “standards of newspapers”, the words “and news agencies” shall be inserted;

(b) after the words “copies thereof”, the words and figures “together with the statement of accounts audited in the manner prescribed under section 19” shall be inserted.

13. After section 18 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 18A.

“18A. Without prejudice to the provisions of section 18, 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 of public importance and copies thereof shall be forwarded to

Interim reports.

Repealed

the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.”.

Amend-
ment of
section 22.

14. In sub-section (2) of section 22 of the principal Act,—

(a) in clause (a), after the words “may be invited under”, the words, brackets and figure “sub-section (4) or” shall be inserted;

(b) after clause (a), the following clause shall be inserted, namely:—

“(aa) the conditions subject to which, and the manner in which, a representation for review of a nomination may be made;”;

(c) after clause (c), the following clause shall be inserted, namely:—

“(cc) matters referred to in clause (f) of sub-section (1) of section 14 which may be prescribed;”.

Amend-
ment of
section 23.

15. In section 23 of the principal Act,—

(a) in clause (a), after the words “meetings of the Council”, the words “or any committee thereof” shall be inserted;

(b) after clause (c), the following clauses shall be inserted, namely:—

“(d) delegating to the Chairman or the Secretary, subject to such conditions as it may think fit to impose, any of its powers under sub-section (3) of section 16;

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