

Press Council (Procedure for Nomination of Members) Rules, 1978

Notification.- G.S.R. 1351 : In exercise of the powers conferred by sub-section (1), and clause (a) to (c) of sub-section (2) of Section 25 of the Press Council Act, 1978 (37 of 1978), the Central Government hereby makes the following rules namely:

New Delhi, dated 24th October, 1978

1. Short title.- These rules may be called the Press Council (Procedure for Nomination of Members) Rules, 1978.

2. Definitions.- In these rules the context otherwise requires:

(a) "Act" means the Press Council Act, 1978 (37 of 1978);

(b) "Secretary" means the Secretary of the Council appointed under Section 11;

(c) "Section" means a section of the Act;

(d) Words and expressions used but not defined herein shall have the meanings assigned to them in the Act.

3. Invitation of panels of names for membership of the Council.- (1). 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 invite panels of names under sub-section (4) of section 5 by sending a notice in writing in that behalf by registered post to the associations, or associations and news agencies, as the case may be, referred to in that sub-section, and the notice shall require them to furnish in relation to the name included in the panel, the particulars specified below:

(i) The name of the person;

(ii) The category he represents;

(a) editor,

(b) working journalist other than editor,

(c) owner or manager of a newspaper, or

(d) news agency;

(iii) the title and language of the newspaper, or the news agency, in which he is employed or, which he represents, as the case may be, and whether such newspaper is big, medium or small; (figures relating to total circulation of all editions of the past one year to be furnished);

(iv) the place of publication of the newspaper;

(v) if he is a working journalist;

(a) whether he owns or carries on the business of management of any newspaper;

(b) name of the newspaper or group of newspapers under the same control or management, if any, to which he belongs or in which he has interest;

(vi) the order of preference; and

(vii) any other information.

(2). The notice in sub-rule shall the date on or before which the panel of names are to be received and such date shall in no case be earlier than the date of expiry of thirty days from the date of the notice, and a panel of names received after that date shall not be considered.

(3). The panels of names shall be signed by an office bearer duly designated and authorised to do so by the association or news agency notified in this behalf under sub-section (4) of section 5 of the Act. Such designated and authorised person shall be responsible in all respects for the accuracy of the contents thereof and where the name of any person is included in a panel of names, duly verified by such a person as representing a particular category mentioned in sub-clause (a),(b) or (c) of clause (ii) of sub-rule (1), it shall be presumed that such person is eligible for nomination under that category. The person signing the panel of names shall do so on solemn affirmation before a Magistrate."

4. Procedure for nomination of members.- From out of the panels of names recommended by the associations or, as the case may be, the associations and news agencies, under rule 3 the nomination of the members referred to in clause (a), (b) and (c) of sub-section (3) of section 5, shall, subject to the provisions of that sub-section, be made in accordance with the following procedure, namely :

(1). such person or persons as have been recommended by all the respective associations or, as the case may be, news agencies shall first be nominated under clause (a), clause (b) or clause (c) of that sub-section:

Provided that if the number of persons so recommended exceeds the requisite number of members to be nominated in each of the categories, the requisite number shall be nominated by draw of lots from the persons so recommended;

(2). Where, after following the procedure specified in clause (1), the requisite number of members to be nominated under clause (a), clause (b) or clause (c) of sub-section (3) of section 5 could not be nominated, such person or persons as have been recommended by more than one association or news agency, but not by all the association or news agencies, shall be nominated in respect of the remaining membership in the order of the number of association or news agencies recommending them:

Provided that if the number of persons so recommended exceeds the requisite number of members to be nominated in each of the categories, the requisite number shall be nominated by draw of lots from the persons so recommended;

(3). Where after following the procedure specified in clauses (1) and (2), the requisite number of members to be nominated under clause (a) or clause (b) of sub-section (3) of section 5 could not be nominated, the remaining members shall be nominated in the following manner, namely:

(a) the order in which the association of persons of the respective categories should be arranged for considering their recommendations shall be first decided by draw of lots; and

(b) the required number of members shall then be nominated from persons who have been recommended by such associations arranged in the order decided under sub-clause (a) and according to the preference indicated by such associations, but not exceeding one from each such association; and if the required number could not still be nominated, the nomination shall be from persons who have been given the next preference by such associations arranged in the said order and so on until the required number of members are nominated:

(4). Where after following the procedure specified in clause (1) and (2), the member to be nominated under clause (c) of sub-section (3) of section 5 could not be nominated, lots shall first be drawn to choose the association of news agencies, or, as the case may be, the news agency, whose

recommendation should be considered for the nomination of the member, and the person who has been given the first preference by the said association or news agency, as the case may be shall then be nominated as the member.

5. Procedure for election of a member of the Committee referred to in sub-section (2) of section 5.- (1). A meeting of the members of the Council notified under sub-section (5) of section 5 for the purpose of electing a person to be a member of the Committee referred to in sub-section (2) of that section shall be called by the Central Government in case of the first Council and the Secretary in the case of any subsequent Council by giving not less than ten days notice in writing to all such members, specifying the date, time and place of the meeting.

(2). The members of the Council referred to in sub-rule (1) shall elect from among themselves by secret ballot a person to be a member of the Committee referred to in sub-section (2) of section 5.

(3). The name of the member elected under sub-rule (2) shall be communicated by the person presiding over the meeting of the members of the Council to the Chairman of the Council of States (Rajya Sabha) within seven days of such election.