

THE PRESS COUNCIL ACT, 1974

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THE PRESS COUNCIL ACT, 1974

ACT NO. XXV OF 1974

[14th February, 1974]

An Act to establish a Press Council.

WHEREAS it is expedient to establish a Press Council for the purpose of preserving the freedom of the Press and maintaining and improving the standard of newspapers and news agencies in Bangladesh;

It is hereby enacted as follows:-

Short title

1. This Act may be called the Press Council Act, 1974.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Chairman" means the Chairman of the Council;
- (b) "Council" means the Press Council established under section 3;
- (c) "editor" means the person who controls the selection of the matter that is published in a newspaper;
- (d) "member" means a member of the Council;
- (e) "newspaper" means any periodical work containing public news or comments on public news and includes such other class of printed periodical work as the Government may, by notification in the *official Gazette*, declare to be newspaper;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "working journalist" means a person who is a whole-time journalist and is employed as such in, or in relation to, any newspaper establishment and includes an editor, a leader writer, news editor, sub-editor, feature writer, reporter, correspondent, copy tester, cartoonist, news photographer, calligraphist and proof-reader.

3. (1) With effect from such date as the Government may, by notification in the *official Gazette*, appoint, there shall be established, in accordance with the provisions of this Act, a Council to be called the Press Council.

Establishment
of the Council

(2) The Council shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

4. (1) The Council shall consist of a Chairman and fourteen other members.

Composition of
the Council

(2) The Chairman shall be a person who is, ¹[or has been,] or is qualified to be appointed as, a Judge of the Supreme Court of Bangladesh and shall be nominated by the President of Bangladesh.

(3) Of the other members,-

- (a) three shall be working journalists nominated by such association of working journalists as the Chairman may notify in this behalf;
- (b) three shall be editors of newspapers and news agencies nominated by such association of editors of newspapers and news agencies as the Chairman may notify in this behalf;
- (c) three shall be persons who own or manage newspapers and news agencies nominated by such association of owners or managers of newspapers and news agencies as the Chairman may notify in this behalf;
- (d) three shall be persons having special knowledge or practical experience in respect of education, science, art, literature and law of whom respectively one shall be nominated by the University Grants Commission, one by the Bangla Academy and one by the Bangladesh Bar Council; and

¹ The words and comma "or has been," were inserted by section 2 of the Press Council (Amendment) Ordinance, 1986 (Ordinance No. XLIX of 1986).

- (e) two shall be members of Parliament nominated by the Speaker:

Provided that before notifying any association under clause (a), clause (b) or clause (c), the Chairman shall consult such associations of persons of the category concerned and such individuals or interests concerned as he thinks fit:

Provided further that no working journalist who is an editor of any newspaper or news agency or who owns or manages any newspaper or news agency shall be eligible for nomination under clause (a):

Provided further that no editor who owns or manages any newspaper or news agency shall be eligible for nomination under clause (b):

Provided further that not more than one person having interest in any newspaper or news agency or group of newspapers or news agencies shall be eligible for nomination under clause (a), clause (b) or clause (c).

(4) Where any nominating body referred to in clause (a), clause (b), clause (c) or clause (d) fails to send the names of its nominees to the Chairman when invited by him to do so or where a nominating body does not exist for the time being, the Chairman may nominate members to represent the category concerned.

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

Term of office
of Chairman
and members

5. (1) Save as otherwise provided in this section, the Chairman shall hold office for a period of three years and shall be eligible for re-nomination for one further term.

(2) Save as otherwise provided in this section, a member shall hold office for a period of two years and shall be eligible for re-nomination for one further term.

(3) Where a person nominated as a member under clause (a), clause (b) or clause (c) of sub-section (3) of section 4 is censured under the provisions of sub-section (1) of section 12, he shall cease to be member of the Council.

(4) Where a person is nominated to be a member of the Council by virtue of his holding an office or appointment, he shall cease to be such member as soon he ceases to hold that office or appointment.

(5) A member shall be deemed to have vacated his seat if he absents himself without excuse, sufficient in the opinion of the Chairman, from three consecutive meetings of the Council.

(6) The Chairman may resign his office by giving notice in writing to the 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 Government or the Chairman, as the case may be, he shall be deemed to have vacated his office.

(7) 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 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. (1) The Chairman shall be a whole-time officer and shall be paid such salary as the Government may determine.

Conditions of service of Chairman and members

(2) A member shall receive such allowances or fees for attending the meetings of the Council as may be prescribed.

7. The Council may constitute from amongst its members such committees as it may deem necessary to assist it in the discharge of its functions:

Committees

Provided that the Council may co-opt as members of such committees persons who are not members of the Council.

Meetings of the Council

8. (1) The Council shall meet at such times and places as may be provided by regulations made under this Act:

Provided that, until such regulations are made, the Chairman may summon a meeting of the Council at such time and place as he may deem expedient by notice addressed to each member.

(2) To constitute a quorum at a meeting of the Council, not less than six members, including the Chairman, shall be present.

(3) The meetings of the Council shall be presided over by the Chairman, and, in the absence of the Chairman, by a member nominated by the Chairman.

(4) All questions at a meeting of the Council shall be decided by a majority of the members present and voting, and, in the case of equality of votes, the person presiding shall have a second or casting vote.

Vacancies, etc. not to invalidate acts or proceedings of the Council

9. No act or proceeding of the Council shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Council.

Appointment of Secretary, etc.

10. The Council may appoint a Secretary and such other employees as it considers necessary for the efficient performance of its functions on such terms and conditions as may be determined by regulations made under this Act.

Object and functions of the Council

11. (1) The object of the Council shall be to preserve the freedom of the Press and to maintain and improve the standard of newspapers and news agencies in Bangladesh.

(2) The Council may, in furtherance of its object, perform the following functions, namely:-

- (a) to help newspapers and news agencies to maintain their freedom;
- (b) to build up a code of conduct for newspapers and news agencies and journalists in accordance with high professional standard;

- (c) to ensure on the part of newspapers and news agencies and journalists the maintenance of a high standard of public taste and to 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 information of public interest and importance;
- (f) to keep under review cases of assistance received by any newspaper or news agency in Bangladesh from any foreign source including such cases as are referred to it by the 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 Government from dealing with, in any manner it deems fit, any case of assistance received by a newspaper or news agency in Bangladesh from any foreign source;

- (g) to undertake studies and research of national and foreign newspapers, their circulation and impact;
- (h) to provide facilities for proper education and training of persons in the profession of journalism;
- (i) to promote technical or other research;
- (j) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in the running of news agencies:

Provided that nothing in this clause shall be deemed to confer on the Council any function in regard to disputes to which the Industrial Relations Ordinance, 1969 (XXIII of 1969), applies;

- (k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

Power to warn,
admonish and
censure

12. (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 standard of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, 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, as the case may be.

(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 report 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.

General powers
of the Council

13. (1) For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout Bangladesh as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (V 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 production of documents;
- (c) receiving evidence on affidavit;
- (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.

(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 Penal Code (XLV of 1860).

14. The Government may pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act.

Payments to the Council

15. (1) The Council shall have its own fund, and all such sums as may, from time to time, be paid to it by the 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:

Fund of the Council

Provided that no grant or advance from any foreign source shall be accepted by the Council without the prior approval of the Government.

(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 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.

16. 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 sums which are likely to be required from the Government during that financial year, and forward copies thereof to the Government for consideration and sanction of the sums shown in the budget to be required from the Government.

Budget of the Council

- Annual report **17.** 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 copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before Parliament.
- Accounts and audit **18.** The accounts of the Council shall be maintained in such manner as may be prescribed and shall be audited by the Comptroller and Auditor-General of Bangladesh.
- Authentication of orders, etc. of the Council **19.** All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Chairman 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 by the Secretary in this behalf.
- Protection of certain actions **20.** (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.
- Public servants **21.** The Chairman, members, officers and other employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Penal Code (XLV of 1860).
- Winding up **22.** No provisions of law relating to the winding up of bodies corporate shall apply to the Council and the Council shall not be wound up except by orders of the Government and in such manner as the Government may direct.
- Power to make rules **23.** The Government may, by notification in the *official Gazette*, make rules to carry out the purposes of this Act.
- Power to make regulations **24.** The Council may make regulations, not inconsistent with this Act and the rules made thereunder, to provide for all matters not provided for by rules and for which provisions are necessary or expedient for carrying out the purposes of this Act.
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