

Bill No. XLVII of 2022

THE PRESS COUNCIL (AMENDMENT) BILL, 2022

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BILL

further to amend the Press Council Act, 1978.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Press Council (Amendment) Act, 2022.

Short title
and
commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

37 of 1978.

2. In long title of the Press Council of India Act, 1978 (hereinafter referred to as the principal Act) for the words "newspapers and news agencies", the words "newspapers, news agencies and news channels" shall be substituted.

Amendment
of long title.

10 3. Throughout the principal Act, for the words "newspaper, news agency", "newspapers, news agencies", "newspapers and news agencies", "newspaper or news agency" and "the newspaper, the news agency", wherever they occur, the words "newspaper, news agency, news channel", "newspapers, news agencies, news channels", "newspapers,

Substitution of
references to
certain
expression by
certain other
expression.

news agencies and news channels", "newspaper, news agency or news channel" and "the newspaper, the news agency, the news channel", shall respectively, subject to such changes as the rules of grammar require, be substituted.

Amendment
of Section 2.

4. In section 2 of the principal Act,—

(i) after clause (b), the following clause shall be inserted, namely:— 5

"(ba) "fake news" means publication, knowingly or intentionally, of false, misleading or distorted information purporting to be news that:

(i) defames, undermines or benefits a person or entity;

(ii) causes fear or alarm among people;

(iii) incites violence, hatred or enmity towards a group of people; or 10

(iv) threatens the security, sovereignty, unity, integrity or public order of or within India.";

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

"(ca) "news" includes newly received or noteworthy information or analysis thereof, especially about recent events primarily of sociopolitical, economic or cultural nature and shall also include any news that is digitally transmitted over the internet or computer network; 15

(cb) "news channel" means a television channel which predominantly telecasts news programmes through cable television network or digital addressable systems, etc.; 20

(cc) "newspaper" means any printed periodical work containing news and current affairs content and shall include digitised version of the newspaper transmitted over the Internet or computer network;"

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

"(da) "press" includes newspapers, news channels, news agencies or such other entity, by whatever name called;" 25

(iv) in clause (e), for the words "expressions "editor" and "newspaper" have the meanings respectively assigned to them", the words "expression "editor" has the meaning assigned to it" shall be substituted.

Amendment
of Section 5.

5. In section 5 of the principal Act, in sub-section (3),— 30

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

"(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 and news channels, so, however, that there shall be one representative each from the categories of big newspapers, medium newspapers, small newspapers, big news channels, medium news channels and small news channels;" 35

(ii) in clause (e) for the Explanation, the following shall be substituted, namely:—

"*Explanation* —For the purpose of clause (b)—

(i) a 'newspaper' shall be deemed to be categorized 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; and 40

(ii) a 'news channel' shall be deemed to be categorized as big, medium or small news channel on the basis of its viewership, as the Central 45

Government may, by notification in the Official Gazette, notify from time to time.".

6. In section 14 of the principal Act, after sub-section (I), the following sub-section shall be inserted namely:— Amendment
of Section 14.

5 "(IA) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper, news agency, news channel or journalist has been found to be responsible for spreading fake news, such persons or entity shall be liable for the following penalties—

10 (i) in the event of first violation, suspension of accreditation, registration, licence, or permission, as the case may be, to operate for up to thirty days;

 (ii) in the event of second violation, suspension of accreditation, registration, licence, or permission, as the case may be, to operate for up to ninety days; and

15 (iii) in the event of third violation, suspension of accreditation, registration, licence or permission, as the case may be, to operate for up to one-hundred and eighty days:

20 Provided that in the event of failure to comply with any of the penalties imposed, the accreditation, registration, licence, or permission, as the case may be, shall be revoked for the remaining period of its validity, and the newspaper, news agency, news channel or journalist shall also be disqualified for fresh application or renewal for up to five years.".

STATEMENT OF OBJECT AND REASONS

As the fourth pillar of our democracy, the press owes a duty to the public to adhere to the highest ethical standards and to strive towards bringing the truth to the fore. In many ways, the press is the bloodstream of representative democracy as it enables the disclosure of information for the benefit of the masses and fosters the formation of informed public opinion.

However, the role of the press as a conduit for transparency and accountability in our governance system has been severely compromised over time. Ulterior motives, political propaganda and anti-social elements have impacted the independence and neutrality of our press and have fuelled a drastic increase in the incidence of fake news. As per the latest data by the National Crime Records Bureau (NCRB), a total of 1,527 cases of fake news were recorded in 2020, which is a 214% increase as compared to the 486 cases registered in 2019.

Although the Indian Penal Code imposes criminal punishment on any person who makes statements that conduce to public mischief, it neither provides a regulatory and procedural framework for governing the instances of fake news that are perpetuated by the press nor imposes any meaningful sanction on the news organisations that knowingly or intentionally facilitate such fake news.

To place a greater responsibility on the Press to put forth accurate facts and information before the public, this Bill seeks to amend the Press Council Act, 1978 to impose graded penalties for spreading fake news. At the same time, the Bill also brings television news channels under the ambit of the Press Council Act, 1978, considering that they are a major constituent of the Press and exert great influence in shaping public opinion. This will ensure that the malpractices and wrongdoings of the television news channels are brought under the control of the Press Council. Lastly, the Bill inserts a definition for 'news', which includes any news that is digitally transmitted over the internet or computer network. The Bill bring all forms of digital news within the purview of the Press Council.

Hence, this Bill.

V. VIJAYASAI REDDY

ANNEXURE

EXTRACTS FROM THE PRESS COUNCIL ACT, 1978

[ACT NO. 37 OF 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				Long title.
*	*	*	*	*
2. In this Act, unless the context otherwise requires,—				Definitions.
*	*	*	*	*
(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 Provisions Act, 1955.				25 of 1867. 45 of 1955.
*	*	*	*	*
5. (3) Of the other members—				Composition of the Council.
*	*	*	*	*
(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;				
*	*	*	*	*
<i>Explanation.</i> —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.				
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RAJYA SABHA

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further to amend the Press Council Act, 1978.

(Shri V. Vijayasai Reddy, M.P.)