

Press Council Act 2048 (1992)

Date of Royal Seal and Publication

2048.7.28 ()

Amendments.

1. Communication Related Some Nepal Acts
(Amendment) Act, 2057 (2001) 2057.10.8 (31Jan. 2001)
2. Provisions of Some Nepal Acts Revival Act,
2063 (2006) 2063.4.23 (8 Aug. 2006)
3. Republic Strengthening and Some Nepal
Laws Amendment Act, 2066 (2010) 2066.10.7 (21 Jan. 2010)

Act Number 25 of the Year 2048 (1992)

An Act provided for the establishment and management of a Press Council

Preamble: Whereas, it is expedient to establish and make arrangement for a Press Council for the development and promotion of healthy, independent and responsible journalism by way of maintaining the highest professional ethics of journalism;

Now, therefore, be it enacted by the Parliament in the Twentieth Year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. **Short Title and Commencement:** (1) This Act may be called "The Press Council Act, 2048 (1992)".

(2) This Act shall come into force immediately.

2. **Definitions:** Unless the subject of context requires otherwise, in this Act.
- (a) "Council" means the Press Council constituted pursuant to Section 3.
 - (b) "Member" means a member of the Council and this word shall also include the Chairperson of the Council.
 - (c) "Committee" means the Audit Committee of Circulation of Newspaper constituted pursuant to Section 10.
 - (d) "Prescribed" of "as prescribed" means prescribed or as prescribed in Rules or Bye-laws made under this Act.
3. **Establishment of the Press Council:** There shall be constituted a press Council for the development of healthy journalism.
4. **Council to be an autonomous Body:** (1) The Council shall be an autonomous and corporate body having perpetual succession.
- (2) The Council shall have a separate seal of its own for all its activities.
 - (3) The Council may, like an individual, acquire, use, sell or otherwise dispose of movable and immovable property.
 - (4) The Council may, like an individual, sue and may be sued in the same name.
5. **Objectives of the Council:** The objectives of the Council shall be as follows:-
- (a) To create appropriate atmosphere for the development of healthy journalism,
 - (b) To prescribe the code of conduct for journalism with a view to prohibiting the misuse of the freedom of press.

- (c) To maintain cordial relations between the Press and Government of Nepal.
- (d) To cause to maintain public morality and dignity of the citizens, and
- (e) To make continuous efforts to prohibit the interference with the decencies of the freedom of press and journalism.

6. Constitution of the Council: (1) Government of Nepal shall constitute a Council and the Council shall consist of the following persons,-

- ¹(a) A retired Justice of the Supreme Court or a Senior Advocate or a person designated by Government of Nepal from among the persons who have rendered special contribution in the field of Newspaper Chairperson
- ²(b) Member
- ³(c) Member
- ⁴(c1) Chairperson, Federation of Nepali Journalists Member
- (d) Six persons nominated by Government of Nepal in consultation with the Journalist Associations at the rate of two persons each from journalists, editors and publishers Member
- (e) One person nominated by Government of Nepal from Member

¹ Amended by Communication Related Some Nepal Acts (Amendment) Act, 2057
² Omitted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066
³ Omitted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066
⁴ Inserted by Communication Related Some Nepal Acts (Amendment) Act, 2057

among the working journalists

- (f) One⁵ person nominated by Government of Nepal from Member amongst the persons who have rendered distinguished service in the various fields including journalism
- (g) One person nominated by Government of Nepal from Member amongst the journalists as recommended by Associations concerned with literary journalism
- (h) Director-General, Department of Press Information Member-Secretary

(2) The tenure of office of the Chairperson and the members of the Council shall be Four years.

(3) If the Chairperson or any member desires to resign from his/her office before the expiry of his/her tenure, the Chairperson may submit his/her resignation in writing to the Government of Nepal and a member may submit his/her resignation in writing to the Chairperson.

7. **Functions, Duties and Powers of the Council:** The functions, duties and powers of the Council shall be as follows:-

- (a) To provide suggestions to Government of Nepal by reviewing from time to time, the policies relating to journalism and by obtaining suggestions from the concerned quarters.

⁵ Amended by Communication Related Some Nepal Acts (Amendment) Act, 2057

- (b) To enforce a code of conduct for journalism by drawing it up with a view to development healthy journalism.
- (c) To provide suggestions to Government of Nepal for the development of journalism.
- (d) To keep an up-to date record concerning the circulation of paper.
- (e) To take necessary actions, upon receipt of any complaint by the Council, as to any news item published in any paper.
- (f) To submit an annual report to Government of Nepal on the studies and evaluation carried out on the activities and prevailing situation of papers, and
- (g) To carry out inquiries into the anti-social and objectionable items published in any paper.

8. **Meetings and Decision of the Council:** (1) The Member-Secretary shall convene the meetings of the Council as per the direction of the Chairperson.

(2) In case at least Fifty percent of the total members of the Council are present, it shall be deemed to have constituted the quorum.

(3) The meetings of the Council shall be presided over by the Chairperson and in absence of the Chairperson by such member of the Council as determined by the members of the Council from among themselves.

(4) Majority opinion of the members attained in meetings of the Council shall prevail and in case of tie the person presiding over the meeting shall exercise the casting vote.

(5) The Member-Secretary of the Council shall authenticate the decisions of the meetings.

(6) Other procedures relating to meetings of the Council shall be as determined by the Council itself.

9. **Sub-committees:** (1) The Council may, for the efficient conduct of its business, constitute sub-committees.

(2) The functions, duties, powers and procedures of the sub-committee constituted pursuant to Sub-section (1) shall be as determined by the Council.

10. **Audit Committee of Circulation of Newspaper:** (1) Government of Nepal shall, in consultation with the Council, constitute an Audit Committee of Circulation of Newspaper.

(2) The Committee constituted pursuant to Sub-section (1) shall consist of the following members:-

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| (a) | Press Registrar | Chairperson |
| (b) | Representative, Ministry of Communications | Member |
| (c) | Representative, Press Council | Member |
| (d) | Three persons nominated by Government of Nepal One person each from the Auditors Association, the Advertising Association or Agency and the Association of Businessperson or Industrial Association | Member |

(3) An official designated by the Council shall be the Secretary of the Committee.

(4) The tenure of office of the member nominated pursuant to the Clause (d) of the Sub-section (2) shall be Two years.

11. Functions, Duties and Power of the Committee: (1) The Committee shall have the following functions, duties and powers:-

- (a) To determine the number of publications on the basis of circulation of papers and maintain up-to-date record thereof, and
- (b) To classify papers on the basis, *inter alia*, of the number of the publications made.

(2) Besides the functions, duties, and powers referred to in the Sub-section (1), other functions, duties and powers of the Committee shall be as prescribed.

12. Complaints: (1) If a journalist acts in contravention of his/her professional code of conduct, any person may file a complaint before the Council.

(2) Upon receiving of a complaint pursuant to the Sub-section (1), the Council may, carry or cause to carry out as follows upon conducting necessary inquiries ,-

- (a) To cause to publish the statement of the aggrieved party in the concerned paper,
- (b) To cause to make an apology to the aggrieved party and to cause to publish his/her statement in the concerned paper,

- (c) To cause to publish any comment, article or publishing material of the aggrieved party in the concerned paper, and
- (d) To recommend to Government of Nepal for the suspension of any privilege or facility wholly or partially received from Government of Nepal to a journalist who violates the professional code of conduct repeatedly.

(3) The Council may express regret over a journalist who did not follow the decision of the Council as referred to in Sub-section (2) and may cause such matter to be published in publicly.

(4) The Council shall provide a reasonable opportunity for defense to the concerned journalist before taking any decision pursuant to the Sub-sections (2) or (3).

13. Fund to the Council: (1) The Council shall have a separate fund.

(2) The fund referred to in the Sub-section (1) shall consist of the following amounts and all expenditure of the Council shall be borne by the said fund,-

- (a) The amount received from Government of Nepal.
- (b) Grants or financial assistance received from foreign government or institution,
- (c) The amount to be received by the Council from any other source.

(3) While receiving any amount pursuant to Clause (b) of Sub-section (2), the Council shall have to obtain prior approval of Government of Nepal.

(4) The operation of the fund of the Council shall be as prescribed.

14. Accounts and Audits: (1) The accounts of incomes and expenditures of the Council shall be maintained in accordance with prevailing law.

(2) The audit of the Council shall be carried out in accordance with prevailing law.

(3) Government of Nepal may inspect or cause to inspect the accounts and records of the Council at any time.

15. Delegation of Power: The Council may delegate any of the powers conferred on it under this Act to any committee, sub-committee, member or any official of the Council.

16. Liaison with Government of Nepal: Ministry of Communication shall liaison the Council with the Government of Nepal.

17. Power to frame Rules: Government of Nepal may frame necessary Rules for the implementation of the objectives of this Act.

18. Power to frame Bye-laws: The Council, with the approval of Government of Nepal, may frame necessary Bye-laws for the conduct of its business subject to the provisions of this Act.