

CHAPTER IV

RIGHT OF REPLY : PRINCIPLES

From the Council's rulings in the cases relating to right of reply, the following principles emerge :

1. Journalistic ethics requires that journalists exercise utmost care in filing news reports.¹
2. The editor is justified in publishing a news-item coming from a regular correspondent without any further checking or verification, where he has no reason to suspect its incorrectness.²
3. Where the news report emanates from a source other than the regular correspondent, *e.g.*, some other newspaper or merely an informant, the editor has a duty to verify its accuracy, and to publish the contradiction.³
4. A newspaper may not base an editorial comment, on a matter of public importance having serious ramifications, on a report or speech or story published in some other newspapers, without verifying its correctness or allowing lapse of enough time to show beyond doubt its correctness. While justification may exist for promptly presenting news of public interest by a newspaper, there could be no immediacy in expressing views by another newspaper on such a matter which involves a person in public life, unless the matter has been verified. Haste in such matters "cannot subserve any public interest."⁴
- 4 a. A report found to be inaccurate and any comment based thereon ought to be rectified voluntarily and regret expressed. In the event of inaccuracy or incorrectness having the potentiality of sizable repercussions, publication of a letter of contradiction alone may not suffice.^{4a}
5. Even if a complaint is against the correspondent, the responsibility is that of the editor.⁵
6. When a newspaper has made comments on a matter of public nature, *e.g.*, the conduct of the Prime Minister, a reader has *locus standii* to send a rebuttal, as the general reader has a right to be

1. Case of *Hindustan Times*, Oct. 1981 P.C.I. Rev. 20.

2. *Ibid.*, case of *National Herald*, 1968 Ann. Rep. 15.

3. Case of *Tribune*, Oct. 1981 P.C.I. Rev. 27 ; case of *Organiser*, 1970 Ann. Rep. 19 ; case of *Lalkar*, 1968 Ann. Rep. 13.

4. Case of *Tribune*, *ibid.*

4^a. *Ibid.*

5. *Supra* note 1.

informed of the arguments on each side.⁶

7. Similarly, where the newspaper makes a factually wrong statement about a public figure, any responsible person has standing to issue a contradiction to the newspaper.⁷
8. A rejoinder has to be published by a newspaper if the news-item published by it is factually incorrect.⁸
9. The rejoinder should be factual and not make any personal attack on the author of the article or the person whose interview has been published.⁹ Similarly, the editor is not bound to publish a rejoinder which contains matters of opinion or inference,¹⁰ or suffers from vagueness or is libellous in nature.¹¹
10. The contradiction has to be published promptly.¹²
11. In publishing a contradiction (whether in the form of a letter or any other form), the editor has a discretion either (a) to publish it in full ; (b) to publish it in full, adding his own editorial comments ; and (c) to publish it subject to deletion, modification or editing. However, what remains should be an effective reply to the allegations contained in the news-item. Unless the person making the contradiction insists on it, the editor has no duty to refer the editorial version to him. It is unreasonable on the part of the former to insist that his rejoinder or letter should be published in full without any change.¹³ If what is published omits important points, or makes material alterations, it will be a wrong act on the part of the editor.¹⁴ If the editor doubts the truth of a contradiction, he has a duty to publish it, adding an editorial comment doubting its veracity.¹⁵
12. The following principles govern the publication of "letters to the editor" :
 - (a) The editor has a large discretion in the matter. But this discretion has to be properly exercised.
 - (b) If the newspaper contains letters on an issue, it would be proper to have the other side ventilated through a letter.
 - (c) If a person was referred to in the paper and his views or

6. Case of *Illustrated Weekly of India*, Jan. 1982 P.C.I. Rev. 41.

7. Case of *Organiser*, *supra* note 3.

8. Case of *Gavakari*, Oct. 1980 P.C.I. Rev. 22 ; case of *Image*, Jan. 1982 P.C.I. Rev. 33.

9. Case of *Bombay*, Jan. 1982 P.C.I. Rev. 32.

10. Case of *Northern India Patrika* and *Bharat*, 1972 Ann. Rep. 90.

11. Case of *Indian Author*, April 1983 P.C.I. Rev. 17.

12. Case of *Free Press Bulletin*, Jan. 1982 P.C.I. Rev. 27 ; case of *Sunday*, Jan. 1981 P.C.I. Rev. 20 ; case of *Searchlight*, Jan. 1983 P.C.I. Rev. 70.

13. Case of *Illustrated Weekly of India*, *supra* note 6 ; case of *Assam Tribune*, Jan. 1981 P.C.I. Rev. 14 ; case of *Hindustan Times*, Oct. 1982 P.C.I. Rev. 39.

14. Case of *Bharat Darpan*, 1974 Ann. Rep. 116.

15. Case of *Organiser*, *supra* note 3.

conduct were criticised, it would be his right to have his reply published.

- (d) If the editor decides to open his columns for letters on a controversial subject, though the editor has a right to refuse any letter, yet he should not exercise his discretion improperly by not publishing the other side so as to give a misleading impression to the readers.
- (e) The editor has a right to refuse publication if the letter covers a subject which had been dealt with time and again.¹⁶
13. A person who has been referred to in a book review, either specifically or by implication, has a right of reply clarifying the position. The editor, however, is not bound to publish the entire letter but can use his discretion to print a shorter letter or a correction pertinent to the alleged mis-statement or misrepresentation.^{16a}
 14. In the event of rejoinder upon rejoinder being sent by two parties on a controversial subject, the editor has the discretion to decide at which stage to close this continuing discussion.¹⁷
 15. When an editor makes a request to someone for an article, he has no obligation to publish the same. Though he may have discretion not to publish it, yet if the contract provides payment for the article, it "would be enforceable irrespective of its non-publication." Further, the editor has a discretion to edit the article so long as there is no distortion.¹⁸
 16. The editors at times deny that the contradiction has been received by them, and the burden is on the sender to prove that he actually sent it to the editor concerned. It is safe to send the contradiction by registered post.¹⁹
 17. A complainant cannot insist that the Press Council must compulsorily adjudicate the matter. It may in its discretion try to effect a compromise or reconciliation between the parties.²⁰
 18. A person may be referred to in a newspaper either expressly or by implication (innuendo).²¹
 19. Where the newspaper has improperly failed to publish the reply/rejoinder/contradiction of a person, it is not open to the Council to direct the newspaper to publish the same, but the Council may direct the newspaper, under section 14 (2) of the Act, to publish the particulars relating to the enquiry against it.²²

16. Case of *Swatantra Bharat*, 1979 Ann. Rep. 16 ; case of *Insight*, 1973 Ann. Rep. 52.

16^a. Case of *Hindu*, Oct. 1980 P.C.I. Rev. 12.

17. Case of *Statesman*, 1967 Ann. Rep. 45.

18. Case of *Andhra Patrika* and *Bharati*, 1968 Ann. Rep. 14.

19. Case of *National Herald*, *supra* note 2.

20. Case of *Hindustan Times*, Jan. 1983 P.C.I. Rev. 40.

21. Case of *Apne Log*, 1973 Ann. Rep. 81.

22. Case of *Hindu*, *supra* note 16a.