

APPENDICES

APPENDIX I

THE PRESS COUNCIL ACT, 1978 SECTION 14

- (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 standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct, 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 or disapprove the conduct of the editor or the journalist, as the case may be :

Provided that the Council may not take cognizance of a complaint if in the opinion of the Chairman, there is no sufficient ground for holding an inquiry.

- (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 particulars 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.

APPENDIX II

THE PRESS COUNCIL (PROCEDURE FOR INQUIRY) REGULATIONS, 1979

In exercise of the powers conferred by clause (c) of Section 26 of the Press Council Act, 1978 (37 of 1978), and all other powers thereunto enabling, the Press Council of India hereby makes the following Regulations, namely :

1. *Short Title and Commencement:* (1) These Regulations, may be called the Press Council (Procedure for Inquiry) Regulations, 1979.
 - (2) They shall come into force on the date of their publication in the official Gazette.
2. *Definitions :* Unless the context otherwise requires :
 - (a) "Act" means the Press Council Act, 1978 (37 of 1978)
 - (b) "Committee" means the Inquiry Committee constituted by the Council under Section 8 (1) of the Act for the purpose of inquiry into complaints under Sections 13 (2) and 14 (1) of the Act;
 - (c) "Council" means the Press Council of India constituted under the Act;
 - (d) "Complainant" means a person or authority making a complaint to the Council regarding a newspaper, news agency, editor or other working journalist, in the case of complaints under Section 14 (1) of the Act, and with regard to complaints relating to other matters, means a person making a complaint to the Council in respect of any matter which the Council has jurisdiction to entertain, examine and pronounce its views upon, and
 - (e) "Matter" means an article, news-item, news-report, or any other matter which is published by a newspaper or transmitted by a news agency by any means whatsoever and includes a cartoon, picture, photograph, strip or advertisement which is published in a newspaper.
3. *Contents of complaint in respect of a newspaper, news agency, editor or other working journalist under Section 14 (1) of the Act.*
 - (1) where a person makes a complaint to the Council in respect of the publication or non-publication of any matter

in any newspaper or news agency, under Sections 14 (1) of the Act he shall—

- (a) furnish the name and address of the newspaper, news agency, editor or other working journalist against which or whom the complaint is preferred and in cases where the complaint relates to the publication of matter in a newspaper or to the transmission by a news agency, forward along with the complaint a cutting of the matter complained of in original and such other particulars as are relevant to the subject-matter of the complaint; and where the complaint is in respect of non-publication of matter, the original or a copy of the matter, the non-publication of which is complained of;
- (b) state in what manner the publication or non-publication of the matter complained of is objectionable within the meaning of Section 14 (1) of the Act;
- (c) before filing the complaint before the Council, draw the attention of the newspaper, news agency, editor or other working journalist concerned, to the matter appearing in the newspaper etc. or to the non-publication thereof which, in the opinion of the complainant, is objectionable and he shall also furnish to the newspaper, news agency, editor or the working journalist, as the case may be, the grounds for holding such opinion. The complainant shall, along with the complaint, enclose a copy of the letter written by him to the newspaper, news agency, editor or other working journalist together with a copy of the reply, if any received by him, provided that the Chairman may in his discretion waive this condition;
- (d) In cases where the complaint is that an editor or a working journalist has committed any professional misconduct, other than by way of the publication or non-publication of any matter in a newspaper, the complainant shall set out clearly in detail the facts which according to him justify the complaint and the provisions of clause (c) above shall also apply to such complaints.
- (e) In every case place all other relevant facts before the Council; and
- (f) (i) In the case of a complaint relating to the publication or non-publication of any matter in respect of a newspaper or news agency the same shall be lodged with the Council within the following periods of its publication or non-publication:
 - A. Dailies, News agencies and ... within 2
Weeklies months

B. In all other cases ... within 4 months

Provided that a relevant publication of an earlier date may be referred to in the complaint.

- (ii) In the case of a complaint against an editor or working journalist under clause (d) above the same shall be lodged within 4 months of the misconduct complained of :

Provided that the Council may, if satisfied that the complainant has acted promptly, but that the delay in filing the complaint within the period prescribed under sub-clause (i) or sub-clause (ii) of Regulation 3(1) (f), has been caused by reason of the time taken to comply with the condition laid down in sub-clause (c) supra or on account of other sufficient cause, condone the delay and entertain the complaint. The power of condonation shall be exercised by the Chairman, subject to the approval of the Council.

- (2) The complainant while presenting the complaint shall at the foot thereof make and subscribe to a declaration to the effect:

- (i) that to the best of his knowledge and belief he has placed all the relevant facts before the Council and that no proceedings are pending in any Court of Law in respect of any matter alleged in the complaint;
- (ii) that he shall inform the Council forthwith if during the pendency of the inquiry before the Council any matter alleged in the complaint becomes the subject-matter of any proceeding in a Court of Law.

4. *Return of complaint* : (1) Where a complainant does not comply with the requirements of regulation 3, the Chairman may return the complaint asking the complainant to bring it in conformity with such requirements and represent it within such time as he may fix in that behalf.

- (2) The complainant shall be informed of the reasons for the return of the complaint.

5. *Issue of notice* : (1) As soon as possible, and in any case not later than fifteen days from the date of receipt of a complaint, under the direction of the Chairman, a copy thereof shall be sent to the newspaper, news agency, editor or other working journalist against which or whom the complaint has been made, under regulation 3 along with a notice requiring the newspaper, news agency, editor or other working journalist, as the case may be, to show cause why action should not be taken under

Section 14 of the Act. Provided that in appropriate cases the Chairman shall have the discretion to extend time for the issuance of the notice.

Provided further that the Chairman may decide not to issue a notice to show cause to the newspaper, news agency, editor, or working journalist where, in his opinion, there is no sufficient ground for holding an inquiry. The Council at its next meeting shall be apprised by the Chairman of the reasons for his decision not to issue a "Show Cause" notice and it may pass such orders as it deems fit.

(2) The notice issued under sub-regulation (1) above shall be sent to the newspaper, news agency, editor or other working journalist concerned by registered post, acknowledgement due, at the address furnished in the complaint.

6. *Filing of written statement* : (1) The newspaper, news agency, editor or other working journalist against which or whom the complaint is made may, within fourteen days from the date of service of the copy of the complaint and notice under regulation 5 or within such further time as may be granted by the Chairman in this behalf, submit a written statement in reply to the complaint.

(2) A copy of the written statement when received shall be forwarded to the complainant for his information.

(3) After receipt of the complaint or written statement, the Chairman may, if he considers necessary, call for any further information either from the complainant or the respondent newspaper, news agency, editor or working journalist, as the case may be, in order to clarify matters appearing in the complaint or written statement and in doing so, may call for such documents or further statements as he might consider necessary. All the documents and statements called for by him shall form part of the record and shall be placed before the Committee at the time of the inquiry.

7. *Power to call for additional particulars etc* : The Committee may after considering the complaint and the written statement, call for such additional particulars or documents relevant to the subject-matter of the case as it may consider necessary from both the parties or either of them.

8. *Rejection of complaint of the same nature previously inquired into* :

(1) Where at any time in the course of the inquiry into the complaint it appears to the Committee that the subject-matter of the complaint is substantially the same as, or has been covered by any former complaint dealt with by the Council under these

regulations, the Committee shall hear the complainant, if he desires to be heard, and also if the Committee considers it necessary, the newspaper, news agency, editor or other working journalist, as the case may be, and make its recommendation to the Council which may pass such order as may be considered necessary and the same shall be duly communicated to the parties.

9. *Inquiry by the Committee* : Notice of the time, date and place of hearing shall be served on the complainant as well as on the newspaper, news agency, editor and working journalist, as the case may be, and shall be sent by registered post, acknowledgment due. In the inquiry before the Committee the parties shall be entitled to adduce relevant evidence, oral or documentary, and make submissions in support of their contentions.
 - (2) At the close of the inquiry the Committee shall make a report of its finding on the allegations contained in the complaint together with its reasons and submit the record of the case to the Council.
10. *Decision by the Council* : (1) The Council shall after perusing the record of the case, pass orders giving its decision, or it may remit the case to the Committee for such further inquiry as the Council may deem necessary and after receipt of its report dispose of the case.
 - (2) Every case shall be determined by a majority of votes of the members of the Council present and voting, and in the event of the votes being equal, the Chairman shall have a casting vote and shall exercise the same.
 - (3) The order of the Council shall be communicated in writing to the parties to the case.
11. *Appearance of parties etc* : In any inquiry under these regulations, the editor, news agency or other working journalist, or any authority including Government, or the newspaper through its editor, against which or whom a complaint has been made may appear in person, or with the permission of Committee or the Council as the case may be, by a counsel or a duly authorised representative.
12. *Restriction on the power of members to discuss and vote in certain cases* : No member of the Committee shall vote or take part in the discussion of, and no member of the Council shall vote or take part in the discussion of any complaint coming up for consideration at a meeting of the Committee of the Council if the case is one in which he is personally involved or has any direct or indirect interest by himself or his partner, or in which he is interested professionally on behalf, of a client or as an

agent or representative for any newspaper, news agency, editor or other working journalist, as the case may be.

13. *Power to take suo motu action* : The Chairman may suo motu issue notice or, as the case may be, take action in respect of any matter which falls within the mischief of Section 14(1) of the Act or in respect of or relating to any matter falling under Section 13(2) thereof and thereupon the procedure prescribed by these regulations from regulation 5 onwards shall be followed as if it were a complaint under regulation 3.
14. *Procedure in respect of complaints etc. under Section 13* : The procedure prescribed by these regulations in respect of complaints under section 14(1) of the Act shall apply, as far as may be, to complaints or representations received by the Council with regard to any subject falling within the provisions of Section 13.
15. *Procedure in matters not provided for in these Regulations* : The Council as also the Committee shall have the power to regulate their own procedure in respect of any matter for which no provision or inadequate provision is made in these regulations and shall also have the power in appropriate cases to hold inquiries in camera.

