

Press Council (Procedure for Inquiry) (Amendment) Regulations, 2006

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

New Delhi dated Nov. 14, 1979

1. Short Title and Commencement.- (1) These Regulations, may be called the Press Council (Procedure for Inquiry) (Amendment) Regulations, 2006.

(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" in the case of complaints under Section 14(1) 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: and in the case of complaints relating to other matters, 'matter' relates to an action or inaction said to impinge upon the freedom of the press.

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 Section 14(1) of the Act he shall file the complaint in duplicate with sufficient copies for the respondents listed and 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 or a self attested copy thereof 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 self attested copy of the matter, non-publication of which is complained of; (English translation of the matter if it is in vernacular)

(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 case where the complaint is that an editor or a working journalist has committed any professional misconduct, other than the 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 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 Weeklies .. within 2 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 Chairman 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.

(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 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 under registered post acknowledgement due asking the complainant to bring it in conformity with such requirements and represent it within such time as he may deem fit in that behalf.

(2) Where a complainant fails to comply with the requirements within four weeks of service thereof, the Chairman may decide to close action in the matter. The Council shall, at its next meeting, be apprised of such decision.

5. Issue of notice.- (I) As soon as possible, and in any case not later than forty five days from the date of receipt of a complaint complete in all respects, 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 (I) 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 or 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.- (I) 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, acknowledgement 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 findings 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 the Committee or Council as the case may be, by a Counsellor or a duly authorised representative.

12. Restrictions on power of members to discuss and vote in certain cases.- No members 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 or 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.

Provided that a person making such a complaint shall make the complaint in duplicate with sufficient copies for the respondents listed and shall:-

(a) Give complete particulars of the respondent(s) viz Name, Designation and complete address.

(b) State how the action/inaction of the respondent authorities amounts to curtailment of the freedom of the press. Mention the possible reason for the action/inaction of the respondent(s)/authorities duly supported by documentary evidence.-

In case the action of the respondent(s)/authorities is a reprisal measure for writings in the newspaper, critical of the respondent(s), the cuttings of such reports be furnished in original or as self attested copies. (English translation, if the news item(s) is in vernacular.

(c) Draw the attention of the respondent(s)/authorities towards the grievance and furnish a copy of the letter written to the respondent(s)/authorities.-

Furnish a copy of the reply, if any, received from the respondent(s)/authorities.

Provided that the Chairman may waive this requirement in his discretion.

(d) Place before the Council all relevant facts along with the supporting documents.

(e) (i) Time for filing complaint: 4 months from the date of cause of action.

(ii) Provided that the Chairman may condone the delay If he is satisfied that there exist sufficient reasons for such condonation.

(f) Make and subscribe to the declaration prescribed in Regulation 3(2) supra.

Further provided that on receipt of such complaint, complete in all respects, under the direction of the Chairman, a copy thereof shall be sent to the authority against whom the complaint has been made along with a notice for statement in reply as to why the matter does not warrant observation under Section 15(4) of the Act. That the procedure specified in Regulation 7-12 above shall thereafter be adopted.

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.