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THE GAZETTE OF THE REPUBLIC OF SRI LANKA (CEYLON)

EXTRAORDINARY

අංක 63/5 — 1973 ජූනි 12 වැනි අඟහරුවාදා — 1973.06.12

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(Published by Authority)

PART I: SECTION (I) — GENERAL

Government Notifications

REGULATIONS made by the Minister of Information and Broadcasting under section 30, read with sections 10 and 25, of the Sri Lanka Press Council Law, No. 5 of 1973, and approved by the National State Assembly under section 30 (3) of the said Law.

RIDGEWAY TILLEKARATNE,

Secretary,

Ministry of Information and Broadcasting.

Colombo, 11th June, 1973.

1. These regulations may be cited as the Press Council (General) Regulations, 1973.
2. The proprietor, printer, publisher, editor or journalist of any newspaper when required to do so by the Council shall furnish to the Council, addressed to the Secretary, such returns and information on such matters as the Council may deem necessary in such manner or form as the Council may direct by notice served on such proprietor or other person as mentioned herein.
3. Every such return or information shall be furnished together with such number of copies thereof as the Council may require and within such number of days as may be determined by the Council.
4. Such notice shall be served on such person by delivery of such notice to the person concerned at the address of such person or be sent to such person by registered post.
5. Every such notice or other written request to any such person may be directed to the person either by name or by designation or both.
6. Every newspaper shall within 30 days of the coming into operation of these regulations, and thereafter, on or before the 31st day of January in each subsequent year furnish to the Council a return containing the names of the proprietor of the newspaper, its printer, publisher, editor and all working journalists as at the date of such return.
7. Where particulars given under regulation 6 change from time to time, the Council shall be notified of such change within 7 days of the occurrence of such change.
8. All returns or information required to be furnished and all applications made or required to be made to the Council under these regulations shall be furnished or made to the Council, addressed to its Secretary.
9. Every proprietor and every editor of a newspaper shall, within fourteen days of the date of the coming into operation of these regulations, and every person who becomes a proprietor or editor of a newspaper after the said date, shall within fourteen days after he becomes such proprietor or editor, make separate applications to the Council for registration of their names as proprietor or editor as the case may be. Every such application shall be renewed on or before the thirty-first day of January in each subsequent year.
10. Every application under regulation 9 shall state the full name of the proprietor and editor and the name of the newspaper and shall further contain the registered address of the newspaper and the private address of the proprietor and editor.

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11. Every proprietor of a newspaper making application for registration or renewal of the registration of the proprietor's name shall pay a fee of Rs. 100 with such application.

12. Where any complaint is made or where it otherwise comes to the notice of the Minister that a breach of any of the provisions of the Press Council Law has taken place or that an offence has been committed thereunder but that no action has been taken in respect of such breach or such offence, the Minister may direct the Council to take such action as is necessary and is in conformity with such Law.

13. All fees, donations, gifts or grants in money shall be paid to the " Sri Lanka Press Council. "

6-734/1

REGULATIONS made by the Minister of Information and Broadcasting under section 30 read with section 9, of the Sri Lanka Press Council Law, No. 5 of 1973, and approved by the National State Assembly under section 30 (3) of the said Law.

RIDGEWAY TILLEKARATNE.

Secretary,

Ministry of Information and Broadcasting.

Colombo, 11th June, 1973.

1. These regulations may be cited as the Press Council (Inquiries) Regulations, 1973.

2. Every complaint made to the Council in terms of section 9 of the Press Council Law shall be in writing setting out that there has been published in a newspaper a statement, picture or other matter complained of as untrue, distorted or improper, as the case may be, or that an editor or a working journalist of a newspaper has committed any professional misconduct or breach of the code of journalistic ethics.

3. Two copies of the complaint made to the Council shall be furnished to the Secretary of the Council and may be sent by registered post or be otherwise delivered at the office of the Council and an acknowledgement obtained therefor.

4. As soon as it is reasonably possible after the receipt of the complaint as aforesaid, the Secretary shall place the said complaint before the Council.

5. (1) The Council shall thereupon consider the complaint and if it has reason to believe that an inquiry should be made into such complaint, shall direct the Secretary to give to the party against whom the complaint is made (hereafter referred to as the defendant) notice as prescribed in Schedule III hereto of the date, time and place of the inquiry to be held by the Council under the provisions of the Press Council Law.

(2) Where an inquiry is initiated by the Council of its own motion, the provisions of paragraph (1) of this regulation shall be complied with by the Council and the Secretary.

6. The Council shall give to the parties at least 14 days' notice of the date of the inquiry.

7. (a) Either at the time the complaint referred to above is made to the Council or at least 48 hours before the time fixed for the inquiry, the party making the complaint (hereinafter called the complainant) shall furnish to the Council, a Declaration made before a Justice of the Peace that there are no proceedings pending in any court of law in respect of the matter fixed for inquiry by the Council.

(b) At least 7 days before the date of hearing the parties shall file with the Secretary to the Council a list of witnesses and documents relied on by the parties and at the same time deliver a copy of any such list to the other party to the case. No party shall be at liberty to call a witness or produce a document not so listed except with the permission of the Council, provided however, that the Council may in its discretion summon any person as a witness or have any document produced, though not listed.

(c) Any party shall be at liberty to apply for summons on any witness required for the party's case. Summons shall issue at the discretion and on the direction of the Council under the hand of the Secretary and in the form prescribed in Schedule I hereto, upon the payment of such charges or expenses as may be determined by the Commissioner, with the approval of

the Council, as sufficient to defray the travelling and other expenses of the person summoned. Such summons shall be served by registered post or by any other means at the address of the party summoned, and except where such summons when posted is returned undelivered, posting by registered post shall be deemed to be service on the person summoned.

8. The Council shall have full discretion to postpone any inquiry at any time or to allow or disallow any application made on behalf of either the complainant or the defendant for the postponement at any time of the hearing of any inquiry and in such event, on such terms as to costs as the Council may determine.

9. At any inquiry held by the Council, the Commissioner or the complainant or where the inquiry has been initiated by the Council, then the Commissioner, shall in person or by a pleader or any agent duly authorised in writing set out the case against the defendant and shall produce the evidence, oral and documentary on which the complainant or Commissioner relies. Witnesses called in support of the case initiated by the Council or that for the complainant, including the complainant if a witness, may be examined, cross-examined and re-examined in the manner or proceedings in a court of law, without, however, strict regard to the law of evidence or civil or criminal procedure.

10. Unless the Council thinks it unnecessary to call for a defence, at the end of the case for the complainant or the inquiry initiated by the Council, or at such other date as the Council may fix, the case for the defendant shall be set out and any evidence, documentary or oral, produced. Witnesses may be examined, cross-examined and re-examined as under regulation 9.

11. The Council may at its discretion permit a complainant, defendant, the Commissioner or a pleader or agent, as the case may be, an opportunity to address the Council on the law or the facts relating to the case.

12. The Council shall, if the circumstances of the case warrant it, have the discretion, *ex mere motu* or on the application of the complainant, defendant or the Commissioner, to hold any inquiry in camera.

13. (a) The Council shall have full discretion to award or refuse to award to any party the costs of any inquiry. Costs shall not exceed in respect of any complainant or defendant appearing in person a sum of Rs. 100 for each date of hearing or date fixed for hearing or where the Commissioner appears Rs. 210 for each such date or where a pleader or agent appears Rs. 1,050 for each such date. Where more than one pleader appears the Council shall have the discretion to limit costs to any one or more pleader or pleaders.

(b) Where copies of documents produced and filed in any proceedings or copies of proceedings are required by any party complainant or defendant, the complainant or defendant or his pleader or authorised agent shall make application to the Secretary for such copies to be furnished at the rate of 85 cts. per folio of 120 words, the minimum charge being Rs. 2.55 or in the case of photographs, pictures or cartoons or the like at the rate of Rs. 2.50 for size 6" x 4", or Rs. 3.50 for size 8" x 6" or Rs. 7.50 for size 10" x 12", for each such document.

14. Every witness who gives evidence at any inquiry shall be required to make oath or affirmation before such evidence is taken.

15. The Council shall cause a record of the proceedings at every inquiry to be made and to be maintained in its custody. The record shall bear a number and be captioned as a matter between the complainant or the Council and the defendant and shall further contain a journal of all the events from the date of receipt or initiation of the complaint and up to the end of the inquiry.

16. Any party complainant or the Commissioner or any defendant shall be entitled to obtain from the Council on application to the Secretary, a copy of the proceedings as recorded, certified by the Secretary on payment of the charges prescribed by the Council. The Commissioner shall not be required to make any payment for such copies.

17. At the close of the case for the defendant or on such other date as the Council may notify to the parties, the Council shall unless the Complainant or the Commissioner, as the case may be, has failed to discharge the burden of satisfying the Council in regard to the matter of the complaint, deliver its Order or make its censure in terms of section 9 of the Press Council Law, in the form set out in Schedule IV hereto or substantially in such form.

18. (a) Where a defendant after due notice does not appear at any inquiry or fails or neglects to appear throughout the inquiry, the Council shall hold or continue to hold the inquiry in the absence of the defendant and deliver its Order or make its censure unless the complainant

or the Commissioner as the case may be has failed to discharge the burden of satisfying the Council in regard to the matter of the complaint.

(b) Where a complainant fails to appear at an inquiry the Council shall be at liberty to consider the complaint in the absence of the complainant and to take all other steps as may be necessary and proper according to Law as might have been taken had the complainant been present.

19. Every Order delivered or censure made under section 9 of the Press Council Law shall be signed by the Chairman and the members of the Council present at the inquiry and shall bear the seal of the Council which shall be placed thereon by the Secretary to the Council who shall authenticate it by placing his signature below the seal.

20. Where the Council determines that a person has committed any offence of contempt under section 12 of the Press Council Law, the Council may cause the Secretary to transmit to the Supreme Court a certificate in the form in Schedule II of these regulations or substantially in such form.

21. Every summons issued by the Council shall be in the form in Schedule I of these regulations or substantially in such form.

22. The Council may, for good cause to be recorded by it at the time, permit a departure from the course of the inquiry prescribed in the foregoing regulations.

23. Except where otherwise stated, wherever in these regulations a notice, list, return or information or other document is required to be sent, furnished, filed, given or served, it shall be sufficient to do so by registered post.

24. In these regulations unless the context otherwise requires—
- (a) the words complainant, defendant, Commissioner and Council shall include a pleader or authorized agent appearing for such complainant, defendant, Commissioner or Council.
 - (b) the word party or parties shall mean the complainant, the defendant, the Commissioner or where the Council initiates the complaint under section 9 of the Press Council Law, the Council.
 - (c) Secretary shall mean the Secretary to the Council.

SRI LANKA PRESS COUNCIL LAW, No. 5 OF 1973

Schedule I

IN THE PRESS COUNCIL OF SRI LANKA

SUMMONS TO A PERSON TO ATTEND OR TO PRODUCE A DOCUMENT UNDER SECTION 11

No:.....
 (Name):.....
 (Address):.....

You are hereby required at the instance of the Complainant/Defendant/Council to attend at the office of the Council to give evidence and/or to produce the documents listed below at an inquiry to be held under the provision of the said Press Council Law.

You should be present at the said office on at a.m./p.m.

Failure without cause to appear before the Council at the time and place mentioned herein or to produce the documents listed, shall be an offence of contempt under section 12 of the Press Council Law, No. 5 of 1973.

By Order of the Council,

(Address of Council):.....
 Date:.....

Note.—A sum of Rs. has been deposited with the Council to defray your travelling and other expenses.

SRI LANKA PRESS COUNCIL LAW, No. 5 OF 1973

Schedule II

IN THE PRESS COUNCIL OF SRI LANKA

CERTIFICATE UNDER SECTION 12 (2)

No:.....

Whereas did on or about the day of 197.....

And whereas the Council has determined that the said has thereby committed the offence of contempt against or in disrespect of the authority of the Council.

The Council does hereby certify its determination that the said has committed the offence of contempt within the meaning of the said term in section 12.

.....
Chairman.

Transmitted to the Supreme Court by

(Seal)

.....
Secretary.

Address of the Council:.....

Date:.....

SRI LANKA PRESS COUNCIL LAW, No. 5 OF 1973

Schedule III

IN THE PRESS COUNCIL OF SRI LANKA

NOTICE TO A DEFENDANT

No:.....

(Name and Address):.....
(Defendant)

Whereas a complaint has been received by the Council/the Council has reason to believe that

2. You are hereby informed that the Council shall on the day of at a.m./p.m. hold an inquiry at its office at the address stated below.

3. You are entitled to appear at the said inquiry in person or by a pleader or by any agent duly authorized in writing.

4. Should you require the attendance of any person as a witness or for the production of any document for the purposes of your defence, you are required to make application for such purposes in accordance with the provisions of the Sri Lanka Press Council (Inquiries) Regulations, 1973.—vide *Gazette/Extraordinary* No. dated

By Order of the Council,

.....
Secretary.

Address of the Council:.....

Date:.....

SRI LANKA PRESS COUNCIL LAW, No. 5 OF 1973

Schedule IV

IN THE PRESS COUNCIL OF SRI LANKA

No:.....

Order/Censure:

Whereas a complaint that the Defendant (name) of (address) has published in a newspaper a statement, picture or other matter which is untrue, distorted or improper or has committed professional misconduct or breach of the code of journalistic ethics.

And whereas the Council held an inquiry into the said complaint and is satisfied that it is necessary to make Order or censure in terms of section 9 of the law.

The Council does hereby make Order/Censure as follows—

And the Council does hereby further Order that the Defendant abovenamed shall publish in the newspaper “.....” the aforesaid correction/apology/Censure in the following manner as determined by the Council.

1.
Member

2.
Member

3.
Member

4.
Member

5.
Member

6.
Member

.....
Chairman.

(Seal)

.....
Signature

Secretary.

Address of the Council:.....

Date:.....

6—734/2