

Rules and Complaints Procedure of the Press Complaints Commission of Sri Lanka (PCCSL)

1. Any person who reasonably believes that he has been adversely affected by a published item, including a news story, article, photograph and/or graphic that appeared in a newspaper or a magazine published in Sri Lanka may complain to the PCCSL. The PCCSL will also entertain third-party complaints on a case-by-case basis.
2. The complaint of the said complainant shall be in writing and duly signed preferably in the prescribed form and communicated to the PCCSL in person, by Registered Post, Facsimile or E-mail.
3. The complainant shall annex a copy of the published item, which he alleges adversely affected him, along with the said complaint. Where the complaint is communicated via e-mail or any other electronic means, the complainant shall take steps to have the complaint form duly signed and to provide a copy of the published item along with a copy of the complaint be delivered to the PCCSL within seven working days thereof.
4. The Chief Executive Officer (CEO) of the PCCSL shall entertain a duly received complaint only if it appears that the published item referred to has breached the ***Code of Professional Practice of The Editors' Guild of Sri Lanka*** as adopted by the Press Complaints Commission of Sri Lanka.
5. The CEO shall not entertain a complaint against any published item after two years from its publication.
6. Once the complaint is entertained the CEO shall, within one working day thereof with a copy to the complainant, communicate the same to the Editor of the newspaper or the magazine concerned and call for a reply from the said Editor within a maximum period of five working days thereof.
7. Failure by the Editor of the newspaper or the magazine as the case maybe to tender his reply on the due date may result in the said complaint being directly referred for adjudication by the Council of the PCCSL. Provided, however the Editor or someone acting on his behalf requests time to reply giving reasons in writing and such request is deemed by the CEO to be a reasonable request, such further time may be granted by the CEO.
8. The CEO shall make all endeavors by way of conciliation and/or mediation to facilitate the parties to enter into a settlement within the shortest period of time, but no later than four weeks from the date of entertainment of such complaint. Such settlement may include a correction, correction and/or apology and/or a right of reply. Provided, however the CEO may engage the services of a member of the Dispute Resolution Council (DRC) of the PCCSL for such mediation.
9. When a correction, and/or apology and/or a right of reply is published pursuant to a settlement before the PCCSL by the newspaper or the magazine against which the complaint was made, it may be specifically stated in the said

newspaper or the magazine that such publication is pursuant to a settlement reached before the PCCSL.

10. Where settlement is not possible by way of conciliation and/or mediation, the Council of the PCCSL shall adjudicate the complaint within two weeks from the date of such failure to reach a settlement by way of conciliation and/or mediation.
11. Notwithstanding the aforesaid, the CEO may refer any complaint entertained, directly for adjudication to the Dispute Resolution Council (DRC) of the PCCSL, if it appears to him/her that such adjudication is necessary in the public interest and/or interest of the newspaper industry, and/or interest of the complainant.
12. The CEO should appoint three members from the Dispute Resolution Council (DRC) for such adjudications.
13. Quorum for any adjudication by the Council of the PCCSL shall be three whilst always maintaining non-press related members' majority.
14. A member of the Council of the PCCSL having a specific personal interest in the content of the published item complained of shall not take part in such adjudication.

Evidence

15. At the request of the Arbitral Tribunal, the parties shall state the evidence on which they wish to rely on, specifying what they wish to prove thereby.
16. The Parties shall produce as requested by the Arbitral Tribunal the documentary evidence on which they rely.
17. The Arbitral Tribunal may when deemed appropriate, require the submission of written affidavits.
18. The Arbitral Tribunal may refuse to accept evidence offered to it if it considers that such evidence is not required or is irrelevant or that proof can be established more simply by other means on a particular matter.
19. The Arbitral Tribunal shall require the parties to the dispute to be comprehensive in any or all statements submitted in accordance with the foregoing Rules and may dismiss the case if the member of the public fails to comply with such requirement. In the event that a publication who is a party to the dispute fails to submit any or all statements in accordance with the foregoing Rules, such failure will not prevent the continuation of the arbitration proceedings.
20. Unless the parties agree otherwise, the Arbitral Tribunal may appoint an expert to give his opinion on a particular matter.

21. In the event that a party fails to appear at a hearing or otherwise to comply with an order and does not show valid cause for such failure, such failure shall not prevent the Arbitral Tribunal from proceeding with the case and or rendering an award.

The Award

22. Unless the parties to a dispute expressly confer on the Arbitrator, in writing power to award any other relief, the powers of the Arbitrator to award relief in any arbitral proceedings shall be limited to making an order to the publication who is a party to the dispute to publish a right of reply and or correction and or apology in the media in which the publication of the matter in dispute was made.
23. An arbitral award shall be made not less than one (1) month from the date the statement of Claim is submitted unless otherwise determined by the Council.
24. In the event a settlement is made, the Council may at the request of the parties confirm such settlement in the Award.
25. The award shall be made after having conscientiously considered and evaluated all aspects of the proceedings and after the Arbitral Tribunal determines what has been provided case.
26. In the event, the Council sits in to as the Arbitral Tribunal; the majority opinion of the Arbitral Tribunal shall prevail.
27. A separate issue or part of the matter in dispute between parties may, at the request of a party, be decided by a separate award. If any party objects, such an award may be rendered only if the Arbitral Tribunal deems that there are exceptional reasons therefore.
28. Where a party has partially admitted a claim, the Arbitral Tribunal may give a separate award on the part that has been admitted.
29. The award shall be rendered at the place of arbitration. The award shall contain an order or declaration and the reasons therefore and shall be signed by the arbitrator or all the arbitrators, as the case may be. An award may be rendered even in the absence of the signature of an arbitrator, provided that the award has been signed by the majority of the arbitrators and contains verification by them that the arbitrator whose signature is absent took part in deciding the dispute.
30. An Arbitral Tribunal shall after the close of the proceedings submit to the Commission, one copy of each award as well as a record of all proceedings.

Correction or change of the Award

31. Any obvious miscalculation or clerical error in an award shall be corrected by the Arbitral Tribunal.
32. In the event that a party so requests, within thirty (30) days of receiving the award, the Tribunal may decide a question which should have been decided in the award but which was not decided therein.
33. In the event that a party so requests, within thirty (30) days of receiving the award, the Arbitral Tribunal may provide an interpretation thereof in writing.
34. Before the arbitral Tribunal takes such action, the parties shall afford an opportunity to express their views.

Enforcement

35. In the event a publication fails to abide by the terms of settlement of conciliation, mediation and/or arbitration proceedings, the Council shall assist the member's of the public to enforce such terms of settlement before High Court in terms of the Arbitration Act, No. 11 of 1995.
36. An arbitral award may be enforced by applying to the High Court within one Year after the expiry of fourteen (14) days of the making of the award in accordance with the provisions of the Arbitration Act No 11 of 1995.
37. Any adjudication of the Council of the PCCSL. shall be published, in full, by the relevant news paper or magazine in its very earliest publication thereafter
38. Such adjudication of the Council of the PCCSL is equivalent to an award by an Arbitral Tribunal referred to in the Arbitration Act, No. 11 of 1995 and provisions of the said Act shall apply mutatis mutandis for the enforcement of such adjudication.
39. Any decision of the CEO and/or Adjudication of the Council of the PCCSL shall be final and conclusive for all purposes and cannot be challenged before a court of Law.
40. The CEO shall maintain records of all complaints and decisions of conciliation, mediation and arbitration proceedings and shall make available to the Commission an annual statement, which will be made available to the public Thereafter by way of a publication by the Commission.
41. This procedure is effective for any complaint against a published item appearing in a newspaper or a magazine published on or after October 15, 2003.
42. The interpretation of the Code of Professional Practice of the Editors' Guild of Sri Lanka as adopted by the Sri Lanka Press Institute and the PCCSL shall vest with the Council for the purpose of carrying out all provisions under these Rules.

Spokesperson of the PCCSL:

43. The Spokesperson for all policy matters relating to the Company shall be the Chairman of the PCCSL, or any member of the Board authorized to speak on behalf of the Board.
44. The Spokesperson for all Complaints received and decisions made by the Dispute Resolution Council (DRC) will be the CEO, provided however; that the CEO may consult the Chairman of the Council where it is prudent to do so, but in any event no details will be provided to the press and/or electronic media and/or the public on-going inquiries, and any interpretation of any arbitral awards made by the Council will be made by the CEO only after consultation with the Chairman of The Council and/or the Arbitral panel.
45. Any officer of the PCCSL who may wish to contribute an article or be part of any media discussion in the electronic media relating to the work of the PCCSL will require the prior approval preferably in writing, of the CEO, but in any event, such officer is precluded from speaking on any policy matters which will be the prerogative of the Board of Directors.
46. All press. Releases by the CEO will require the prior sanction of the Chairman of the PCCSL provided that if they relate to any matter involving a complaint, it will require the authorization of the Chairman of the Council.
47. These procedures will be reviewed annually or as and when required and if necessary revised and submitted by the CEO to the DRC for approval and to the PCCSL Board of Directors for ratification and implementation.

CEO/PCCSL