



ශ්‍රී ලංකා ප්‍රචාරණ පැමිණිලි කොමිසම  
இலங்கை பத்திரிகை முறைப்பாட்டு ஆணைக்குழு  
Press Complaints Commission of Sri Lanka

# *Press Complaints Commission of Sri Lanka*

## *Annual Report 2021*

Press Complaints Commission of Sri Lanka  
96, Bernard Soysa Mawatha, (Kirula Road) Colombo 5.  
Tel: (00 94 11) 5353635  
Fax: (00 94 11) 5335500  
E-mail: [srockwood@pccsl.lk](mailto:srockwood@pccsl.lk)  
Website: [www.pccsl.lk](http://www.pccsl.lk)

# Contents

Title	Page number
Objective, Vision and Mission of PCCSL	03
Message from Chairman, Board of Directors, Press Complaints Commission of Sri Lanka	04
Message from Chairman, Dispute Resolution Council	05
Annual Review 2021 (CEO's Report)	06 - 13
Violations of the Editors' Code monitored by the PCCSL	14
Complaints resolved directly by Editors	15
Category and status of complaints received by PCCSL	16
Complaints chart 2003 - 2021	17
Code of Professional Practice (Editors' Code)	18 - 21
Rules and Procedures of the PCCSL	22 - 27
Complaint Form	28

**OBJECTIVE**

To provide an effective mechanism to readers in resolving complaints fast, free and fair and to promote good professional practices.

**VISION**

To promote the Code of Professional Practice of The Editors' Guild of Sri Lanka as a means towards promoting self-regulation in the print media while emphasizing its importance towards ethical reporting in building a socially responsible press; to resolve disputes between the print media and the public through conciliation, mediation, arbitration and to assist towards ensuring a more responsible media.

**MISSION**

To be the leader in Media Self-Regulation in Sri Lanka and the South Asia region.

## **Message from the Chairman Board of Directors Press Complaints Commission of Sri Lanka**

We are in midst of change, indeed, turbulent change. That too especially after the pandemic and then this economic collapse of the country which has impacted so terribly on our quality of life. In the face of this, our journalists have done well, taking into consideration the difficulties imposed on them during the days of the protests at Galle Face and elsewhere. They must be congratulated for the fearless stance taken throughout those difficult days.

The Press Complaints Commission has been compelled to deal with challenge after challenge. Our purpose is to prevent the denigration of journalism and create *Journalists of Character* who can keep their sense of balance, protecting and promoting values that we care about. Our goal is to create a democratic environment and system of governance. We must realize that such a democracy cannot exist without a responsible media taking into accountability of the people in power, and the exploration of a wide range of informed opinion on issues that impact us on a daily basis.

If we value democracy, we will need to reform media structures and principles, so that it meets the needs of our citizens. The right to vote, means little without a system of honest elections, integrity, transparent governance, and information that will influence that vote. Our journalists must be true to the profession they have chosen and not fall prey to favorable subsidies and handouts. We must remember that the public will always be able to praise or condemn the media based on the stories and news reports published which receive greater attention or those which receive less or no coverage.

The Commission makes every attempt to highlight reports that flaunt the Editors' Code of Professional Practice and to instill the importance of ethics in covering stories. Media Reform is necessary to establish the values spoken about, yet they cannot be made without public scrutiny and acceptance as seems to be happening. Such secrecy or haste to pass legislation gives the impression that Media Reforms are more to stifle the free media, than to promote a mature self-regulatory system.

The staff of the Commission must be thanked for their passionate work. Special mention of CEO Sukumar Rockwood who continues his work under difficult circumstances along with Complaints Officer (Sinhala Print) Kamal Liyanaarachchi. However, they also need public co-operation, to ensure that this country will get the media it needs and deserves - ethical, responsible and accountable.

***Kumar Nadesan  
Chairman  
Board of Directors***

## **Message from the Chairman of the Dispute Resolution Council**

The Press Complaints Commission of Sri Lanka has continued building on a very rigorous and meaningful growth and has been successful in holding as many as 31 meetings attended by 200 publishers, editors, sub editors, desk heads and journalists all joining hands. As many as 485 members of civil society and journalists joined together to hold 15 meetings.

The Press Complaints Commission proudly boasts of its 18-year-old (Founded October 15, 2003) existence and has jointly served its original purpose to promote and foster self-regulation by means of an Editors' Code of Professional Practice for print media journalists.

The underlying objective of the Commission is to actively encourage and promote self-regulation and it is proved that this has been achieved in many fronts.

The Dispute Resolution Council were able to meet only on three occasions which was as a result of lockdown due to the COVID restrictions. Yet it continued to maintain a steady link with the PCCSL assisting in tackling difficult complaints along with Editors.

The By Laws of the DRC which was drafted was approved by the Board of Directors of the PCCSL.

It is with great pride that we report that the PCCSL has been granted 'Observer Status' by the Alliance of Independent Press Council of Europe (AIPCE), which has enabled the PCCSL to own a place on the European Unions' Press Council website – Media Councils in the Digital Age.

We record with pleasure that the 'Rights of Readers' public notice continues to be published with the active cooperation of editors of leading newspaper groups, although some newspapers do not publish our public notice yet continue to comply with the PCCSL process.

Without the active support of all 10 members of the DRC who continue to attend our meetings, I would not have been able to achieve our objectives.

A very special word of grateful thanks to members of the PCCSL Secretariat ably supported by a very active CEO Sukumar Rockwood and so ably helped by Mr. Kamal Liyanaarachchi, Complaints Officer, Sinhala Print for very successfully upholding self-regulation and its promotion in having the Newspaper Society (publishers) responsible.

***Nihal Seneviratne***  
***Chairman***  
***Dispute Resolution Council***

# **Press Complaints Commission of Sri Lanka**

## **Annual Review 2021**

### **01. Introduction**

Established 18 years ago, the Press Complaints Commission of Sri Lanka (PCCSL) continues to promote and foster self-regulation through an Editors' Code of Professional Practice for print media journalists.

The PCCSL is an independent, voluntary, self-regulatory mechanism set up by the newspaper industry of Sri Lanka, supported by the Newspaper Society of Sri Lanka, The Editors' Guild of Sri Lanka, the Free Media Movement and the Sri Lanka Working Journalists Association. Its affiliates include Sri Lanka Muslim Media Forum, Sri Lanka Tamil Media Alliance and the Federation of Media Employees Trade Union. The PCCSL was inaugurated on October 15, 2003, as a suitable alternative following the removal in 2002 of the Criminal Defamation provisions in the Penal Code and the Press Council Act.

It works on the principles of Conciliation, Mediation and Arbitration under the Arbitration Act No. 11 of 1995. It is modeled along the lines of similar self-regulatory mechanisms in Scandinavian countries, and South Africa. The High Court of Colombo is empowered to enforce an arbitration award made under the Act to enforce an order of the Dispute Resolution Council (DRC) of the PCCSL.

The Editors' Code of The Editors' Guild of Sri Lanka, which is implemented by the PCCSL, provides for conditional third party complaints. Third party complaints are entertained from six categories viz; environmental groups, animal welfare groups, adults on behalf of minors, an immediate family member of an accident victim, an immediate family member of a person in custody and anyone complaining on behalf of another, provided the prior written permission of the person personally affected is obtained and the Complaint Form signed.

The Colombo Declaration on Press Freedom and Social Responsibility, which is the foundation of the Press Complaints Commission of Sri Lanka (PCCSL), was an outcome of an international symposium held in Colombo in 1998 and revisited twice in 2008 and 2018. The ground-breaking seminar in 1998, was organized by the Newspaper Society of Sri Lanka, The Editors' Guild of Sri Lanka and the Free Media Movement in association with the Sri Lanka Working Journalists Association, the World Association of Newspapers, the Commonwealth Press Union, the International Press Institute, Article 19 and the Media Institute of Southern Africa.

The year under review saw the country ranked by Reporters without Borders at 127 in the World Press Freedom Index of 180 countries. Sri Lanka was ranked 141 in 2017, 131 in 2018, 126 in 2019 and 127 in 2020.

### **02. Executive summary**

The COVID-19 pandemic impacted negatively on the print media; a second year in a row. Editorial offices and printing presses were closed on-and-off during the year and distribution of newspapers became an issue due to lock-downs and curfews. Journalists and Editors continued to work from home. Some newspapers such as Ravaya and Nawamani suffered closure. The industry had to resort to going digital during lockdown and curfew periods and this posed fresh challenges to them.

The Press Complaints Commission of Sri Lanka (PCCSL) in the midst of this scenario continued building on the positive growth made in the previous year and successfully held 31 meetings attended by 200 publishers, editors, sub-editors, desk heads, journalists and provincial correspondents. 16

meetings were held with 485 members of civil society and journalists together. Students of journalism due to the closure of universities made good use of webinars which conducted programmes for them.

Journalist students of the Jaffna University utilised webinars during this period and found it convenient to learn through this system since the university was closed and travel restrictions imposed due to strict health guidelines keeping them home-bound. During the meetings, the importance of self-regulation and the Editors' Code of Professional Practice were discussed along with the PCCSL process in resolving complaints.

The continued support by the Dispute Resolution Council (DRC) comprising both non journalists and journalists has helped the PCCSL to a great extent. (Please see below).

Indicators that the voluntary independent self-regulatory system is broadly accepted by registered National newspapers printed and published in the country and its success can be measured by the following;

(a) The number of valid complaints, where Complainants have filled in and signed the Complaint Form thereby accepting the PCCSL process to resolve their complaint. However, Complainants remain sluggish in following up on their initial complaint, while editors are eager to resolve them when informed.

(b) The number of complaints resolved directly by editors or 'instant complaints' has maintained stability indicating that editors continue to follow the self-regulatory process. The increased number of 'Right of Reply' responses in the form of corrections, clarifications, apologies published by newspapers without formally involving the PCCSL indicates that the advocacy work done by the Commission has made readers write direct to editors and have their 'Right of Reply' published without the intervention of the PCCSL.

(c) The PCCSL also observes violations of the Code *Suo-Moto* and these are brought to the notice of the respective editors who respond positively by introducing positive steps in their newspapers which help reach the objective of a professional and responsible media.

(d) The PCCSL has been informed by several publishing houses that because of the intervention of the PCCSL in resolving complaints and training journalists, on the application of the Editors' Code to guide them to be more professional and socially responsible when writing stories, the number of cases filed in courts have significantly reduced.

(e) The publication of the public notice 'Rights of Readers'. Although, some newspapers do not publish the public notice, they adhere by the PCCSL requirements in resolving complaints.

### **2.1: Responsibilities of Media Institutions and Personnel**

Media institutions/personnel in the print media presently adhere to the Code of Professional Practice of The Editors' Guild of Sri Lanka (TEGOSL) that is enforced by the Press Complaints Commission of Sri Lanka. The Code has been adopted by the Sri Lanka Press Institute, the Sri Lanka College of Journalism, the Newspaper Society of Sri Lanka, the Free Media Movement, the Sri Lanka Working Journalists Association, the Sri Lanka Tamil Media Alliance, the Sri Lanka Muslim Media Forum, the Federation of Media Employees Trade Union, and the South Asian Free Media Association – Sri Lanka Chapter. All media institutions/personnel co-operate with the Press Complaints Commission of Sri Lanka and adhere to the communications of the Commission's Secretariat and the adjudications of the Commission's Dispute Resolution Council.

## **2.2: Press Council issues:**

The Cabinet approved on Jan. 04, a proposal put forward by Mass Media Minister Keheliya Rambukwella to set up a Media Centre. For this the Sri Lanka Press Council Act No. 5 of 1973 and the Sri Lanka Rupavahini Corporation Act No.6 of 1982 have to be amended. The Board of Directors appointed will be nine (9). The Centre will function under the Mass Media Ministry to convey accurate information on Government policies and development efforts to the public.

A few days later on Jan. 06, it was decided to amend the Press Council Act to include electronic and new media as opposed to newspapers only. Media Minister Keheliya Rambukwella during a Cabinet briefing said that they were only looking for ways and means of broadening the Sri Lanka Press Council Act to embrace the digital and social media platforms in a bid to make the media responsible in their reporting.

The Free Media Movement (FMM), on March 15 in its letter to the Secretary of the Ministry of Mass Media and Information vehemently objected to the structural reforms and reorganizing of the Press Council Law, which is nearly 50 years old with legal provisions that are severely detrimental to media freedom, calling for it to be repealed.

Eight Media organizations (TEGOSL, NSSL, FMM, SLWJA, TMA, SLMMF, SAFMA and FMETU) along with the SLPI met Media Minister Rambukwella with a Concept Paper for a Draft Media Authority Act.

Leader of the Opposition Sajith Premadasa MP, speaking to a news presenter on TV1 Channel said that his political party (SJB) supports the self-regulatory system while the Journalists for Justice organized a press conference in support of Self-Regulation and announced that they have proposed the dissolving of the Press Council.

Meanwhile, Media Ministry on Feb. 17 launched the Media Centre for National Development and appointed Mr. Milinda Rajapaksa as its director. The main focus would be to develop a dialogue with the media and to disseminate information locally and internationally on the government's development strategies under the 'Vistas of Prosperity and Splendour'.

President Gotabaya Rajapaksa speaking at Walapane, Nuwara Eliya District, on March 20, said that a number of media institutions had been attacking the government unfairly. While he had not taken any action against such institutions, he had the capacity and laws to do so. 'Media Freedom is not what media owners want to do. We can't let media owners rule the country. I haven't done anything so far but if push comes to shove, I know what to do', he said.

The Media Organizations Collective rose to the occasion a second time in three months by issuing a statement commenting on President Gotabaya Rajapaksa's speech on March 20 stating it is a threat to media freedom. The Collective members are: Dharmasiri Lankapely, Secretary, Federation of Media Employees' Trade Union, Seetha Ranjane, Convener, Free Media Movement, Duminda Sampath, President, Sri Lanka Working Journalists Association, N. M. Ameen, President, Sri Lanka Muslim Media Forum, Kanapathipillai Sarvananda, Secretary, Tamil Media Alliance and Harshana Thushara Silva, Secretary, Young Journalists Association.

Media Minister Keheliya Rambukwella speaking with Executive Committee Officers of the Ministerial Media Secretaries' Forum held at the Media Ministry said that the Press Council Act should be updated to protect the rights of journalists as well as all citizens. It has to be updated to suit the present times along with the new media. He agreed that it cannot be done unilaterally.

The Press Council of Sri Lanka comprise seven (7) members: Chairman: Mr. Mahinda Pathirana, Senior Lecturer, Sabaragamuwa University of Sri Lanka. Members of the Board: Mr. Nalaka Kaluwewa, Director General of Department of Government Information (resigned March 23), Dr. Tudor



Weerasinghe, Senior Lecturer, Sripalee Campus, University of Colombo, Mr. Prashantha Lal De Alwis, PC, Mr. Gamini Wijewardhana. Attorney-at-Law, Mr. K. G. C. P. Bandara, Journalist, ANCL and Mr. A. Dombagahawatte, Editor, Irida Lankadeepa, Wijeya Newspapers. Mr. Niroshana Thambawita, Press Commissioner.

The Sri Lanka Press Council continues to register the first publication of a newspaper under the Sri Lanka Press Council Law No. 5 of 1973 and as amended in 1994 and 2013.

### **2.3: Gender issues**

Amidst the predominantly male editors, there are three women editors; Ms. Hana Ibrahim, Editor, *Daily/Weekend Express online newspapers*, Ms. Mandana Ismail Abeywickrema, Editor, *The Sunday Morning* and Ms. Vindya Amaranayake, Editor *Ceylon Today* in addition to quite a few women deputy editors, news editors, features editors, sub-editors and supplement editors.

### **03: Total number of newspapers monitored and their frequency**

The total number of newspaper dailies and weeklies published by the end of the year in the three language streams was 34 down by four from the previous years.

List of newspapers published and their frequency (Daily/Weekly):

- Sinhala language

Dailies: *Lankadeepa, Dinamina, Divaina, Ada, Maubima and Aruna.*

Weeklies: *Irida Lankadeepa, Silumina, Irida Divaina, Deshaya, Irida Maubima, Lanka, Anidda and Sathi Aga Aruna.*

Total: dailies 06 + weeklies 08 = 14 – (41.17%)

- Tamil language

Dailies: *Virakesari, Thinakaran, Thinakkural, Thamilan and Metro News.*

Weeklies: *Virakesari Weekly, Thinakaran Varamanjari, Thinakkural Weekly and Vidivelli Weekly.*

Total: dailies 05 + weeklies 04 = 09 – (26.47%)

- English language

Dailies: *Daily Mirror, Daily FT, Daily News, The Island and Ceylon Today.*

Weeklies: *The Sunday Times, Sunday Observer, Sunday Island, Ceylon Today (Sunday Edition), Weekend FT and The Sunday Morning.*

Total: dailies 05 + weeklies 06 = 11 – (32.35%)

Besides the above there are several regional newspapers. *Uthayan, Valampuri, Yarl Thinakkural, Eelanadu, Thinamurasu* and *Kalaikaththir* are published in Jaffna while *Sooriyakanthi* and the *Udayasuriyan* are published in the upcountry.

### **04. Complaints**

During the period under review (January to December 2020), the PCCSL received **57** complaints. The following is a breakdown of complaints against the different language newspapers.

- \* Sinhala language press: **34** complaints.
- \* Tamil language press: **07** complaints.
- \* English language press: **08** complaints.
- \* Not against the print media: **08** complaints

#### 04.01. Status of complaints received:

##### Valid complaints: 41

- \* Resolved: 16.
- \* Complainant did not proceed: 25.
- \* No response from Editor: 00.

##### Invalid complaints: 16

- \* Out of mandate: 03. (Complaints that do not fall within the purview of the PCCSL).
- \* Sub-judice: 03. (Complaints pending in courts).
- \* Dismissed: 10. (Not a valid complaint)

**Total: 57 complaints** (please see attached for details of complaints)

#### 04.02. Complaints were received against the following newspapers:

- The Associated Newspapers of Ceylon Limited: ANCL (Lake House) Newspapers: ***Dinamina, Daily News, Sunday Observer.***
- Wijeya Newspapers Limited: ***Irida Lankadeepa, Daily Mirror, Lankadeepa, Tamil Mirror.***
- Express Newspapers (Cey) (Pvt) Limited: ***Virakesari weekly.***
- Upali Newspapers Limited: ***Divaina, Irida Divaina, The Island.***
- Valampuri Publishers Limited: ***Valampuri.***
- New Uthayan Publication (Pvt) Limited: ***Uthayan.***
- Ceylon Newspapers (Pvt.) Limited: ***Maubima, Ceylon Today.***
- Liberty Publishers Private Limited: ***Aruna.***
- Ravaya Publishers Limited: ***Ravaya.***
- Anidda Publishers Limited: ***Anidda.***

#### 04.03. Other complaints:

The PCCSL also received complaints of non-payment of prize-money for crossword puzzles, purportedly misleading advertisements published in newspapers, advertorials (paid Editorial content), articles sent for publication that were not published, as well as complaints against online versions of newspapers, websites and Television Stations. These were forwarded to the concerned authorities. There were also complaints of a personal nature which could not be addressed by the PCCSL and were therefore 'dismissed'.

Most of the complaints were made over the telephone and email since the postal service and mobility were disrupted frequently due to the COVID-19 pandemic. It is mandatory that before the complaint process commences, all complainants have to fill in a Complaint Form and after signing it, forward it to the PCCSL along with the incorrect article or copy and a letter stating the inaccuracy.

#### 04.04. Complaints resolved outside of the PCCSL process (direct complaints):

The PCCSL monitors the daily progress made by Editors in resolving complaints without involving the PCCSL (direct complaints) and has observed that a total of 169 complaints have been resolved during the year with the publication of a clarification (103), correction/apology (53) or Right of Reply (13). This includes 119 concerning Sinhala newspapers, 02 Tamil and 48 English.

#### 04.05. Violations of the Code monitored by the PCCSL:

The PCCSL, during the year, monitored violations of the Code in 67 instances in 53 newspapers. Given below is the name of the newspaper in which a violation was monitored and in parenthesis is the number of violations monitored in that newspaper.

The names of the newspaper and their violations are; *Divaina* (20), *Irida Divaina* (01), *The Island* (01), *Virakesari* (01), *Metro News* (01), *Daily Mirror* (02), *Lankadeepa* (06), *Irida Lankadeepa* (01), *Ada* (02),

*Tamil Mirror (01), Maubima (12), Irida Mawbima ( 01), Ceylon Today (04), Aruna (05), Thamilan (01), Daily News (01), Thinnakaran (01), Thinakkural (03), Kalaikaththir (03), Valampuri (01), Eelanadu (02), Yarl Thinakkural (03) qnd Uthayan (01).*

## **05. Right of Readers**

The 'Rights of Readers' advertisement was sent to all newspapers for publication. The following newspapers carried the public notice on a regular basis while some published it on and off.

They are:

1. ***Wijeya Newspapers Limited:*** *Daily Mirror, The Sunday Times, Daily FT, Ada, Deshaya and Tamil Mirror.*
2. ***Express Newspapers (Ceylon) (Pvt.) Limited:*** *Virakesari daily/weekly and Metro News. Daily Express and Weekly Express are online newspapers.*
3. ***Ceylon Newspapers (Pvt) Limited:*** *Ceylon Today (daily) and Ceylon Today (Sunday Edition)*
4. ***Asian Media Publications (Pvt.) Limited:*** *Thinakkural daily.*
5. ***Upali Newspapers (Private) Limited:*** *The Island and Sunday Island.*
6. ***Anidda Publishers (Guarantee) Company Limited:*** *Anidda*
7. ***Lanka First Rate Publishers (Pvt) Ltd:*** *Lanka.*

Meanwhile, Maubima (Daily Edition) and Maubima (Sunday Edition), Divaina, Irida Divaina and Silumina continue to comply with the PCCSL process, although they do not publish the 'Right of Readers' public notice.

## **06. Dispute Resolution Council**

The Dispute Resolution Council (DRC) met on three occasions; (February, April and November). Despite the lockdown, the DRC continued to maintain a steady link with the PCCSL assisting in tackling difficult complaints with editors.

The Chairman of the 11-member Dispute Resolution Council is former Secretary General of Parliament and Attorney Nihal Seneviratne. The members are: Dr. Devanesan Nesiah, Mrs. Gnana Moonesinghe, Mr. Lucille Wijewardene, Mr. Javid Yusuf and Mr. Dion Schoorman, who are non-media-related members of the Council totaling six. Mr. Siri Ranasinghe, Mr. Pramod de Silva, Mrs. Rajitha Weerakoon, Mr. Daya Lankapura and Mr. P. Balasingham, are the five media-related members on the Council.

The By-Laws of the DRC were drafted and passed by the Board of Directors.

## **07. Membership of PCCSL**

Membership of the PCCSL stands at 41 members as of December 31, 2020.

## **08. Publicity of PCCSL**

### ***08.01. Publicity of the PCCSL in the print media/digital***

- Between February 17 to 19, publicity was given to the PCCSL concerning the press release issued by the PCCSL on complaints handled.
- Between March 03 to 29, newspapers gave publicity to Mr. Kamal Liyanaarachchi, guest-of-honour at the 65<sup>th</sup> AGM of the Sri Lanka Press Association.
- March 09, an Interview of Mr. Kamal Liyanaarachchi was aired on LakFM.
- Mawbima newspaper publishers Mr. Kamal Liyanaarachchi's address to journalists on 65<sup>th</sup> Anniversary of the Sri Lanka Press Association.
- April 07, Thinnakaran newspaper publishers interview of Mr. Kamal Liyanaarachchi on reporting of race-biased stories.
- May 03, World Press Freedom Day – Road Media interviewed Mr. Sukumar Rockwood.

- Sept. 15, Interview of Mr. Kamal Liyanaarachchi available on You Tube.

#### **08.02. Web Page**

- The web page – [www.pccsl.lk](http://www.pccsl.lk) – was updated. Following requests from editors, the PCCSL will up link the following documents; articles pertaining to the print media industry both locally and abroad, the Annual Reports, the Editors' Code, Rules and Procedures of the PCCSL and the Complaint Form. The Annual Report contains the Annual Review (CEO's Report), messages from the Chairman, Board of Directors and the Chairman of the DRC and all charts that are relevant to the Annual Review.

#### **08.03. PCCSL Posts on social media**

- The PCCSL commenced a campaign to have Posts on social media every Friday commencing from June 25, 2021.

### **09. Awareness and other programmes**

#### **09.01. Awareness Programmes with publishers, editors, journalists and provincial correspondents (update)**

- The PCCSL conducted a total of 31 meetings with 200 publishers, Editors, Desk Heads, sub editors and journalists. (Please see awareness chart).

#### **09.02. Awareness programmes with civil society**

- The PCCSL, in spite of the lockdown, made positive headway by meeting 485 members representing various sections of civil society at 16 meetings. These programmes were well attended by government officials, officials from local government institutions, academics, doctors and heads of institutions. The role of the PCCSL, Rules and Procedures of the PCCSL and the Editors' Code were explained. (Please see awareness chart).

#### **09.03. Book for beginners in Journalism**

- Mr. Sukumar Rockwood made use of the COVID-19 lock down period to put material together for journalists. The book will be for beginners in journalism titled '*Thrill of journalism in touching and shaping thinking: A beginner's guide*'. It will be 120 pages A5 in size.

#### **09.04. PCCSL receives 'Observer Status' at AIPCE**

- The Press Complaints Commission of Sri Lanka (PCCSL) has been granted 'Observer Status' by the Alliance of Independent Press Councils of Europe (AIPCE). This has given the PCCSL a place on the European Union's Press Council website – 'Media Councils in the Digital Age' - <http://www.presscouncils.eu/>

#### **09.05: PCCSL and RTI**

- Mr. Kamal Liyanaarachchi gave technical support to Right To Information Project by advising on application process, writing articles and support to the RTI Journalist Forum.

#### **09.06: PCCSL and the digital media**

- The PCCSL was consulted by the Free Media Movement following a two-day workshop with members of the digital media to formulate a set of guidelines similar to the Editors' Code to be practiced by the digital media.

#### **09.07: PCCSL and Fact Checking**

- Technical support by way of advice to help identify fake news and how to create the correct content were explained through several events identifying fake news. This project was assisted by Kamal.

#### **10. AGM, Board meetings and PCCSL Secretariat**

- The PCCSL Board of Directors continued to meet once a month. The Annual General Meeting (AGM) was conducted by a Webinar (virtual zoom meeting) due to the COVID-19 health guidelines on November 10, 2021.
- **Board members:** Mr. Kumar Nadesan (Chairman, nominee of SLPI), Mr. Sinha Ratnatunga (Deputy Chairman, nominee of The Editors' Guild of Sri Lanka), Mr. Nimal Welgama (nominee of the Newspaper Society of Sri Lanka), Mr. Frank de Soysa (nominee of the Free Media Movement), Mr. Manik de Silva (nominee of the SLPI), Mr. Lasantha de Silva (nominee of the Sri Lanka Working Journalists Association), Mr. Dharman Wickremeratne, Mr. M. N. Ameen and Mr. Mohanlal Piyadasa were re-elected by the general membership of the PCCSL.

#### **11. Conclusion**

- The PCCSL Secretariat would like to thank the CEO and staff of the Sri Lanka Press Institute (SLPI) for all assistance, the Chairman and the Board of Directors of the PCCSL and the Chairman and members of the Dispute Resolution Council for their invaluable support and advice at all times.
- The Annual Report is available on the PCCSL web page: [www.pccsl.lk](http://www.pccsl.lk) .
- The Press Complaints Commission comprises in addition to the CEO, Mr. Kamal Liyanaarachchi, Complaints Officer – Sinhala Print.

**Sukumar Rockwood**  
**Chief Executive Officer**

## **Clauses frequently violated by journalists**

The Dispute Resolution Council of the Press Complaints Commission of Sri Lanka released the violations of the Editors' Code, monitored by the PCCSL Secretariat, for the Year 2021 published in national newspapers in Sinhala, Tamil and English languages. There were in all 64 violations for the Year under review.

Of the 64 violations, Clause 6. General Reporting and Writing had 55 violations, Clause 7. Privacy had 06 violations and Clause 2. Accurate Reporting had 03 violations.

### **Clause 2. Accurate Reporting – total 3 violations**

**Sub Clause 2.1:** *The media must take all reasonable care not to publish inaccurate, misleading or distorting news. (3 violations).*

### **06. General Reporting and Writing – total 55 violations**

**Sub clause 6.1:** *The press should take special care to present facts, opinions, photographs and graphics with due sensitivity and discretion, subject to its duty to publish in the public interest. (14 violations).*

**Sub Clause 6.2:** *In reporting accounts of crime or criminal case, publications shall not, unless it is both legally permitted and in the public interest – (4 violations)*

**6.2 (i).** *Name victims of sex crimes. (2 violations).*

**Sub Clause: 6.4 (ii):** *The media should avoid publishing details of a person's race, caste, religion etc., unless these are directly relevant to the story. (22 violations)*

**Sub clause 6.5:** *Excessive details of suicide given in story. (13 violations)*

### **Clause 07. Privacy – total 6 violations**

**Sub Clause 7.1:** *The press shall exercise particular care to respect the private and family lives of individuals. (6 violations).*

The Dispute Resolution Council has repeatedly informed editors and journalist through the PCCSL that they must be more vigilant at the stage of copy editing to prevent hurt for the individual concerned and embarrassment for the newspaper when it is pointed out.

### Complaints resolved directly by Editors from January to December 2021

Month	Sinhala	Tamil	English	Total
January	15	00	08	23
February	10	00	08	18
March	18	00	08	26
April	09	00	01	10
May	00	00	02	02
June	11	00	03	14
July	14	01	06	21
August	12	00	00	12
September	09	00	03	12
October	06	00	06	12
November	06	01	02	09
December	09	00	01	10
<b>Total</b>	<b>119</b>	<b>02</b>	<b>48</b>	<b>169</b>

## Category and status of complaints received in 2021

Month	Language/Total	Valid complaint	Resolved	Complain-ant did not proceed	No response from Editor	Invalid complaint	Out of Mandate	Subjudice	Dismissed
January	S-05, T-02, E-02, O-00 = Total-09	9	2	7	0	0	0	0	0
February	S-02, T-03, E-01, O-00 = Total-06	3	3	0	0	3	0	0	3
March	S-05, T-01, E-02, O-02 = Total-10	5	2	3	0	5	0	2	3
April	S-03, T-00, E-00, O-00 = Total-03	2	0	2	0	1	0	0	1
May	S-03, T-00, E-00, O-03 = Total-06	3	2	1	0	3	1	0	2
June	S-03, T-00, E-00, O-01 = Total-04	4	3	1	0	0	0	0	0
July	S-04, T-00, E-00, O-00 = Total-04	4	0	4	0	0	0	0	0
August	S-03, T-00, E-01, O-00 = Total-04	3	0	3	0	1	0	0	1
September	S-01, T-00, E-00, O-02 = Total-03	1	0	1	0	2	2	0	0
October	S-00, T-00, E-01, O-00 = Total-01	1	1	0	0	0	0	0	0
November	S-02, T-01, E-01, O-00 = Total-04	4	3	1	0	0	0	0	0
December	S-03, T-00, E-00, O-00 = Total-03	2	0	2	0	1	0	1	0
Total	S-34, T-07, E-08, O-8 = Total 57	41	16	25	0	16	3	3	10



Complaint chart: 2003 – 2021																			
Year	2003/04	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
<b>Language</b>																			
Sinhala	129	68	96	93	72	72	53	68	87	101	167	87	87	76	48	56	42	34	1436
Tamil	21	23	8	17	3	12	33	21	42	33	47	20	15	18	14	5	9	7	348
English	31	20	20	25	18	31	22	20	29	15	70	17	17	9	12	12	5	8	381
Other	0	0	0	26	0	7	23	15	18	14	7	18	14	13	5	10	20	8	198
Total	181	111	124	161	93	122	131	124	176	163	291	142	133	116	79	83	76	57	2363
<b>Validity of complaint</b>																			
Valid complaint	152	104	87	135	62	70	82	70	131	122	254	85	83	76	60	54	42	41	1710
Invalid complaint	29	7	37	26	31	52	49	54	45	41	37	57	50	40	19	29	34	16	653
<b>Status</b>																			
Resolved	49	26	7	32	27	34	38	37	73	58	192	38	29	29	33	20	16	16	754
Out of mandate	29	7	37	26	23	42	46	39	39	20	23	40	26	21	6	13	13	3	453
Complainant did not proceed	0	0	0	0	27	25	26	22	49	51	56	46	49	36	21	29	22	25	484
No response from Editor	0	0	0	0	8	11	3	11	9	13	6	1	3	11	6	5	4	0	91
Subjudice	0	0	0	0	8	10	3	15	6	21	14	17	20	7	0	9	7	3	140
Closed/Dismissed	103	78	80	103	0	0	15	0	0	0	0	0	6	12	13	7	14	10	441

# **Code of Professional Practice (Code of Ethics) of The Editors' Guild of Sri Lanka adopted by the Press Complaints Commission of Sri Lanka**

## **01. PREAMBLE**

This code of practice, which is binding on newspaper publishing companies, Editors and their journalists and contributors both in print format and online, aims to ensure that the Sri Lankan press is free and responsible and sensitive to the needs and expectations of its readers, while maintaining the highest standards of journalism.

Those standards require newspapers to strive for accuracy and professional integrity, and to uphold the best traditions of investigative journalism in the public interest, unfettered by distorting commercialism or by improper pressure or by narrow self-interest, which conspires against press freedom. Newspapers and journalists, while free to hold and express their own strong opinions, should give due consideration to the views of others and endeavour to reflect social responsibility.

This code both protects the rights of the individual and upholds the public's right to know. It should be honoured not only to the letter but in the spirit – neither interpreted so narrowly as to compromise its commitment to respect the rights of the individual nor so broadly as to prevent publication in the public interest.

Editors should co-operate swiftly with the Press Complaints Commission of Sri Lanka (PCCSL) in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including a headline reference to the PCCSL.

## **02. ACCURATE REPORTING**

2.1: The media must take all reasonable care not to publish inaccurate, misleading or distorting news, photographs and other images. Any significant digital manipulation of images should be labelled.

2.2: Every reasonable attempt should be made by editors and individual journalists to verify the accuracy of reports prior to publication. Where such verification is not practicable, that fact shall be stated in the report.

2.3: Editors and their staff, including external contributors, shall not publish material in such a way as to endorse any matter which they know or have reason to believe to be false or inaccurate.

2.4: Plagiarism must be avoided. Legitimate use of other people's work should be duly attributed.

2.5: The press must distinguish clearly between comment, conjecture and fact.

## **03. CORRECTIONS and APOLOGIES**

3.1: Where it is recognized by the editor that a report was incorrect in a material respect, it should be corrected promptly and with due prominence and with an apology where appropriate, except where the correction or apology is against the wishes of the aggrieved party.

## **04. OPPORTUNITY TO REPLY**

4.1: A fair and reasonable opportunity to reply should be given to individuals or organizations in respect of factually incorrect statements endangering their reputation, dignity, honour, feelings, privacy and office. The mutually agreed reply should be confined to the complainant's version of the facts and no longer than necessary to correct the alleged inaccuracy.

4.2: Newspapers or journalists who respond to a complainant's reply other than to apologize or regret the error, must then be prepared to offer the aggrieved party a fresh opportunity to reply.

## **05. CONFIDENTIAL SOURCES**

5.1: Every journalist has a moral obligation to protect confidential sources of information, until that source authorizes otherwise.

## **06. GENERAL REPORTING and WRITING**

6.1: In dealing with social issues of a particularly shocking or emotionally painful nature – such as atrocity, violence, drug abuse, brutality, sadism, sexual salacity and obscenity – the press should take special care to present facts, opinions, photographs and graphics with due sensitivity and discretion, subject to its duty to publish in the public interest.

6.2: In reporting accounts of crime or criminal case, publications shall not, unless it is both legally permitted and in the public interest –

- i. Name victims of sex crimes.
- ii. Knowingly name any young person accused of a criminal offence who is below the age of 16 and who has no previous convictions.
- iii. Identify without consent relatives of a person accused or convicted of a crime.

6.3: A journalist shall not knowingly or wilfully promote communal or religious discord or violence.

6.4: i. The press must avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or to any physical or mental illness or disability.

ii. It must avoid publishing details of a person's race, caste, religion, sexual orientation, physical or mental illness or disability unless these are directly relevant to the story.

6.5: When reporting suicide, care should be taken not to give excessive detail of the method used.

## **07. PRIVACY**

7.1: The press shall exercise particular care to respect the private and family lives of individuals, their home, health and correspondence, including digital communications. Intrusions on this right to privacy without consent could be justified only by some over-riding public interest.

7.2: The use of long-lens or other cameras to photograph people without consent on private or public property where there is a reasonable expectation of privacy is unacceptable, unless in the public interest.

7.3: Particular care should be taken to ensure that in cases involving grief or shock, inquiries and approaches are handled with sensitivity and discretion.

7.4: Young people should be free to complete their school years without unnecessary intrusion. Publication of material concerning a child's private life would be acceptable only if there was some exceptional public interest other than the fame, notoriety or position of his or her family or guardian.

7.5: The restrictions on intruding into privacy are particularly relevant to inquiries about individuals in hospitals or similar institutions, unless it serves the public interest.

## **08. HARASSMENT and SUBTERFUGE**

8.1: Journalists, including photo-journalists, must not seek to obtain information or pictures through intimidation or harassment or by misrepresentation or subterfuge. The use of long-lens cameras or listening devices, or interception of private or mobile telephone calls, e-mails or messages is

unacceptable unless this can be justified in the public interest and the material could not have been obtained by other means.

## **09. INTEGRITY**

9.1: All journalists should act with integrity and honour in the performance of their work.

9.2: Conflicts of interest should be avoided. Journalists should inform their editor or responsible superior of any possible conflict, such as close personal connection with any story in which they are significantly engaged; or acceptance or offers of gifts that might compromise their integrity. If such conflict is unavoidable, it should normally be disclosed to the reader.

9.3: i. Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information for the profit of others.

ii. They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest, without disclosing the interest to the publisher, editor or financial editor.

9.4: Articles written for payment or other benefit from a commercial or other non- editorial source, such as in advertorials or promotions, should be clearly labelled as such. Payment should not be sought or accepted as a reward for including favourable – or excluding hostile – editorial material.

## **INTERPRETATION**

1: Public Interest' means:

i. Protecting democracy, good governance, freedom of expression, human rights and keeping the people informed of the actions of their elected representatives and government.

ii. This also includes, but is not confined to:

- Detecting or exposing crime or the threat of crime;
- Disclosing a person or organisation's failure or likely failure to comply with any legal obligation to which they are subject;
- Disclosing a miscarriage of justice;
- Raising or contributing to an important matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public;
- Disclosing concealment, or likely concealment, of any of the above;
- Protecting public health and security and social, cultural and educational standards;
- Protecting the public from being misled by some statement or action of an individual or organisation.

2: In any case where the public interest is cited, the Press Complaints Commission will require the Editor and/or journalist to demonstrate that the breach was proportionate to the public interest served.

## **ONLINE PUBLICATIONS**

The provisions of this Code will also apply to the Online publications of the print media, where:

- The editor of the newspaper, magazine, or freestanding web publication is ultimately responsible for it and could reasonably have been expected both to exercise editorial control over it and apply the terms of the Code before publication.
- The material used has not been pre-edited to conform to the on-line or off-line standards of another media regulatory body.

## **REVIEW**

The Editors' Guild of Sri Lanka shall review the provisions of this Code from time to time, in consultation with a Code Committee comprising of members, and non-members appointed by the Guild.

The Code is supported by the following organizations:

- The Newspaper Society of Sri Lanka
- Free Media Movement
- Sri Lanka Working Journalists Association
- Sri Lanka Press Institute
- Sri Lanka College of Journalism
- Sri Lanka Tamil Media Alliance
- Sri Lanka Muslim Media Forum
- Federation of Media Employees Trade Union
- South Asian Free Media Association (SAFMA) – Sri Lanka Chapter

**Revised in 2018**

## **Rules and Procedures of the Press Complaints Commission of Sri Lanka**

### **A. MAKING A COMPLAINT**

- Any person who reasonably believes that he or she or another person/s have been adversely affected by any published item including a news story, article, photograph and/or graphic (“Published Item”), that appeared in a newspaper or a magazine or a Journal or an Online edition thereof published in Sri Lanka may make a complaint to the Press Complaints Commission of Sri Lanka (“PCCSL”). Such complaint shall satisfy the following requirements:
  - it shall be in the prescribed complaint form, which may be downloaded from the PCCSL website, at [http://www.pccsl.lk/make\\_complainant](http://www.pccsl.lk/make_complainant);
  - it shall be a concise statement in writing, describing the issue and shall be duly signed by the complainant;
  - it shall be communicated to the PCCSL in person, by registered post, facsimile, e-mail or any other electronic means;
  - any Published Item/s in an online edition (website) can either be downloaded and a print out obtained and/or forwarded to the PCCSL if such Published Item is available on the online edition and or traced from any archive of the online edition or any link to that online edition.
  - the Published Item alleged to have affected the complainant adversely shall be annexed to the complaint; provided however, that where the complaint is made via e-mail or any other electronic means, the complainant shall attach the Published Item to the complaint.
  - Where the complainant is unable to find a copy of the Published Item, the PCCSL Secretariat shall make every endeavour to assist the complainant in finding such Published Item.
- (a) The complainant may request the PCCSL to:
  - settle a dispute by conciliation
  - settle a dispute by mediation; or
  - refer the matter for adjudication by arbitration

Provided however that in the event that pursuant to action taken by the Dispute Resolution Council of the Commission (hereinafter referred to as the “Council”) as set out under (7) below, the editor of the relevant newspaper, journal, magazine or online edition thereof agrees to publish a correction and/or apology and/or a right of reply, which in the Council’s view addresses and rectifies the issue complained about, the parties shall not proceed to conciliation, mediation and/or arbitration.

- (b) Where the complainant requests the PCCSL to refer the matter for adjudication by arbitration, the complaint must, in addition to the requirements set out under (1) above, satisfy the following requirements:
  - (i) the material facts and circumstances of the dispute shall be set out;
  - (ii) a statement of evidence shall be provided; and
  - (iii) the relief sought by the complainant shall be specified.

- A complaint made against any Published Item after one year from its publication shall not be entertained by the PCCSL.

#### **B. THE ROLE OF THE COUNCIL**

- The Council shall accept a duly received complaint only if it deems, at its complete discretion that the Published Item referred to has breached the Code of Professional Practice of the Editors Guild of Sri Lanka for the time being, as adopted by the Sri Lanka Press Institute ("SLPI") and the PCCSL.
- Where the members of the Council are of the opinion that the Published Item has not breached the Code of Professional Practice of the Editors Guild of Sri Lanka, it shall reject the complaint and provide reasons therefor in written form, to the complainant within two (2) weeks of receiving the complaint. In the event that notice of refusal has not been provided to the complainant it shall be deemed that the complaint has been accepted by the Council with effect from the date on which the same was received by the Council.
- Once the complaint is accepted, the Council shall within one (1) working day thereof, communicate the same to the editor of the newspaper, journal, magazine or online edition there of which contained the Published Item which allegedly adversely affected the complainant, along with a copy of the complaint. The Council shall, along with such communication call on the said editor to act on the complaint and/or reply to the Council on the complaint within a period of five (5) working days of receiving the communication.
- In the event that the editor of the newspaper or magazine to whom the communication is made as aforesaid, does not respond to the same by the due date, the Council shall forthwith directly refer the complaint to the publisher for action on the matter and/or a reply to the Council; provided however that where the editor or the publisher (as the case may be), or a person acting for and on behalf of such editor or publisher requests for time to reply, such further time may be granted by the Council at its discretion.

Provided further, that if a correction and/or a right of reply is published in the newspaper, journal, magazine or online edition, it would be deemed to be a reply.

- The Council shall make all endeavours to facilitate the parties to enter into a settlement within the shortest period of time, but not later than two (2) weeks from the date of accepting the complaint.

#### **C. CONCILIATION**

- Where a complainant has, along with the complaint, made a request to the PCCSL that the matter be settled by conciliation, the Council shall refer such request to the Chief Executive Officer of the Council (CEO) for conciliation. A settlement agreed upon by the parties may include a correction and/or apology and/or a right of reply.
- Where there are existing circumstances or those that may arise, which are likely to give rise to reasonable doubt on the impartiality and independence of the CEO to whom the matter is

referred for conciliation, the CEO shall disclose such circumstances to the Council in writing and the Council shall refer the complaint to a member of the Council for conciliation.

- In the event that the Council is of the opinion that the matter is not likely to be resolved through conciliation, the Council may propose, for the consideration of the parties, other means of resolving the dispute.

#### **D. MEDIATION**

- Where a complainant has, along with the complaint, made a request to the PCCSL that the matter be settled by mediation, the Council shall refer such request to the CEO or three members of the Council for mediation.
- (a) Where there are existing circumstances or those that may arise, which are likely to give rise to reasonable doubt on the impartiality and independence of the CEO or a member of the Council to whom the matter is referred for mediation, the CEO or the member of the Council (as relevant) shall disclose such circumstances to the Council in writing and shall not act as mediator in such matter;  
  
(b) In the event that such a written disclosure of interest in the matter is provided by the CEO or any member of the Council (as relevant) appointed to mediate the matter, as stipulated in (a) above, the Council shall appoint another member of the Council in place of the member withdrawing.
- In the event that the CEO or the Council is of the opinion that the matter is not likely to be resolved through mediation, the Council may propose, for the consideration of the parties, other means of resolving the dispute.
- The Council shall determine the procedure for mediation so as to facilitate an expeditious and economical resolution of the dispute by mediation. In general:
  - each party shall be given a fair hearing and an opportunity to present its case in conformity with the principles of natural justice;
  - a dispute shall be settled within two (2) weeks of the date when the dispute was referred to the CEO or three-members of the Council (as relevant), however this period may be extended at the request of the parties;
- Mediation proceedings shall terminate:
  - upon the parties reaching a settlement agreement;
  - upon a declaration issued by the Council on the recommendation of the CEO or the three members of the Council (as relevant) appointed to mediate the matter, stating that it is unlikely that the proceedings would lead to the resolution of the dispute; or
  - upon a written request by any one of the parties requesting for the termination of mediation proceedings.

In the event that mediation proceedings terminate on the grounds provided under (b) and (c) above, the Council shall refer the matter for arbitration by the Council as provided for under



Part E below; provided however that a member who was involved in mediation proceedings shall not be appointed to the panel of arbitrators.

Provided however that a complainant may withdraw the complaint should he or she not be willing to proceed to arbitration.

#### **E. ARBITRATION**

- The request made to the PCCSL by a complainant to arbitrate a dispute between himself and a member of the PCCSL, arising from any publication in the press of Sri Lanka, or the consent of the complainant to any referral for arbitration made by the Council in terms of clause 11 or clause 16 above, together with the deemed consent of the member of the PCCSL in terms of article 12 of the articles of association of the PCCSL, shall be deemed to be an arbitration agreement” within the meaning of the Arbitration Act No. 11 of 1995 between the said member of the public and the particular member of the PCCSL to refer such dispute for resolution by Arbitration.
18. Where a complainant has, along with the complaint, made a request to the PCCSL that the matter be settled by arbitration, or where the Council has referred the matter for arbitration further to clause 11 or clause 16 above, the Council shall appoint a three (3) member panel of the Council as arbitrator and refer the dispute to such panel for arbitration.
19. Where the parties to the dispute object to the appointment of one or more of the member/s constituting the panel the Council shall appoint another member or members of the Council in place thereof.
20. (a) Where the three member panel of the Council sits as the arbitrator:
- the quorum for any adjudication thereby shall be two (2) members;
  - the Council shall always maintain a non-press related members majority; and
  - the majority opinion shall prevail, provided that in the event a matter is taken up by two (2) arbitrators forming the quorum, a decision shall require unanimity.
- (b) The three (3) member panel of the Council may, at its discretion, refer any matter to a fuller panel with the consent of the parties. The quorum in such event shall be two (2) members less than the composition of the relevant panel.
8. Where there are existing circumstances or those that may arise, which are likely to give rise to reasonable doubt on the impartiality and independence of any member of the Council to whom the matter is referred to for arbitration, such member of the Council shall disclose such circumstances to the Council in writing and shall not act as arbitrator in such matter.
- In the event such a written disclosure of interest in the matter is provided by the member of the Council appointed to arbitrate the matter, as stipulated in (a) above, the Council shall appoint another member of the Council in his/her place.
9. The Council shall determine the procedure for arbitration so as to facilitate expeditious and economical resolution of the dispute. In general:

- each party shall be given a fair hearing and an opportunity to present its case in conformity with the principles of natural justice;
- at the request of the arbitrator, the parties shall state the evidence on which they wish to rely on, specifying what they wish to prove thereby;
- the Council shall require the parties to the dispute to be comprehensive in any or all statements submitted and in case the complainant fails to comply with such requirement, the arbitrator may at his discretion dismiss the case; provided however that in the event the relevant editor and/or publisher fails to comply with the said requirement, such failure shall not prevent the continuation of proceedings;
- in the event that a party fails to appear at a hearing or otherwise comply with an order and does not show valid cause for such failure, such failure shall not prevent the arbitrator from proceeding with the case or rendering an award;

10. The arbitrator shall grant an arbitral award in accordance with the following:

- (a) the powers of the arbitrator to award relief in arbitral proceedings shall be limited to making an order to the editor and/or publisher to publish a right of reply and/or correction and/or apology in the media in which the relevant publication took place, unless the power to award any other relief is expressly conferred on the arbitrator in writing by the parties. Provided however that the arbitrator may specify a date and/or a page number and/or placement on a particular page of the said publication including online editors for the execution of the arbitral award;
- (b) an arbitral award shall be made after having conscientiously considered and evaluated all aspects of the proceedings and after the arbitrator determines what has been proved in the case;
- (c) an arbitral award shall be made not later than one (1) month from the date on which the matter was referred for arbitration;
- (d) a separate issue or part of the matter in dispute between the parties may at the request of a party be decided by a separate award; provided however that where the other party objects to the same, a separate award may be rendered by the arbitrator if it is deemed that there are exceptional reasons therefor;
- (e) where a party has partially admitted a claim, the arbitrator may give a separate award on the part that has been admitted;
- (f) in the event a settlement is made, the Council may at the request of the parties, confirm such settlement in the award.
- (g) a correction, change or interpretation of the award may be given effect to in the following circumstances, provided that the relevant parties to the arbitration have been presented an opportunity to express their views:
  - any obvious miscalculation or clerical error in an award shall be corrected by the arbitrator;

- the arbitrator may decide a question which should have been decided in the award but which was not decided therein, in the event that a party to the arbitration requests for the same within thirty (30) days of the award;
- the arbitrator may provide an interpretation of the award in writing provided that the same is requested for by a party to the arbitration within thirty (30) days of the award;

11. An arbitral award by the Council of the PCCSL is equivalent to an award by an arbitral tribunal under the Arbitration Act No. 11 of 1995. As such, an arbitral award by the Council may be enforced in terms of the Arbitration Act No. 11 of 1995, by applying to the High Court within one (1) year following the expiry of fourteen days from the date of the award.

12. The fee and costs of arbitration shall be decided by the Council and the Council shall prescribe how and by whom such fees and costs shall be paid.

13. Once arbitration proceedings close, the arbitrator shall submit to the PCCSL, a copy of the award as well as a record of all proceedings.

#### **F. MAINTENANCE OF RECORDS**

14. The CEO shall maintain records of all complaints including telephonic and verbal communications relating thereto and decisions of conciliation, mediation and arbitration proceedings, and shall make available to the PCCSL an annual report of the complaints made, adjudicated and pending, which will be made available to the public thereafter by way of a publication by the PCCSL.

#### **G. NOTICES**

15. Any document, addressed to the PCCSL and sent by courier or by registered post shall be deemed to be given, made or received by the PCCSL on the day it was so delivered or on the day following that on which it is posted as the case may be.

16. The spokesperson for all complaints received and decisions made by the Council will be the CEO, provided however that the CEO may consult the chairman of the Council where it is prudent to do so. In any event no details will be provided to the press and/or electronic media and/or public regarding on-going inquiries, and no interpretation of any arbitral awards made by the Council will be made by the CEO unless after consultation with the chairman of the Council and/or arbitrator.

17. All press releases and verbal statements on matters relating to the PCCSL, made to the public and/or other media, 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, the provisions of clause 29 shall apply.

#### **H. REVISION OF RULES**

18. These procedures will be reviewed annually or as and when required and if necessary revised and submitted by the CEO to the Council for approval and to the Board of Directors of PCCSL for ratification and implementation.

## **COMPLAINT FORM**

I/we wish to make a complaint regarding an incorrect publication of which details are given below:

1. Name of Newspaper/Magazine/Journal/Online publication: .....

2. Date of publication: .....

3. Page number/link: .....

4. Headline: .....

5. Clause/s in Code of Professional Practice breached: .....

6. Name in Full: (Rev./Dr./Mr./Mrs./Organization):  
.....

\*(If 3<sup>rd</sup> Party Complaint give relationship): .....

7. National Identity Card/Passport/Driving License number (please attach photo copy): .....

8. Address: .....

9. Telephone: ..... Mobile: ..... Fax: .....

10. Email: .....

I/we enclose herewith:

(a) A photocopy/print out of the newspaper article/magazine/Journal/Online publication against which the complaint is hereby made; and (b) the complaint based thereon.

(b) I/We have received a copy of the Rules and Procedures of the PCCSL and have read and understood the procedure that will be followed by the PCCSL in addressing the complaint made hereby and prefer that the dispute be settled by:  
Conciliation/Mediation/Arbitration.

**(C) I/we acknowledge that the settlement arrived at consequent to the conciliation/mediation/arbitration of a dispute shall be final and conclusive and shall not be challenged before any Court of Law or any statutory tribunal, except on a procedural defect.**

Date: .....

Signature: .....

**NOTE:** A claim may be made by a third party who falls into one of the categories specified below. The categories thus specified are not exhaustive. The PCCSL may at its complete discretion, accept or reject a third party complaint.

***\*The categories for third party complaint are:***

Environmental Groups, Animal Welfare Groups, Adults on behalf of minors, an immediate family member of an accident victim, an immediate family member of a person in custody and anyone complaining on behalf of another provided the prior written permission of the person personally affected is obtained.

Post or email to:

Address: 96, Bernard Soysa Mawatha (Kirula Road), Colombo 05.

Email: [srockwood@pccsl.lk](mailto:srockwood@pccsl.lk)

Telephone: 011-5353635

Web page: [www.pccsl.lk](http://www.pccsl.lk)