

# MALDIVES MEDIA COUNCIL BILL

- Introduction  
And Name** 1. (a) This Act provides for the establishment of the Media Council of the Maldives; sets out the objectives, functions and powers of that Council; and provides for matters related thereto.  
(b) This Act shall be cited as the "Maldives Media Council Act".
- Objectives Of  
The Council** 2. Main objectives of the Council shall be:  
(a) to establish and preserve freedom of media in the Maldives; to keep under review matters contravening this freedom and taking remedial measures.  
(b) to build up a code of practice and a code of conduct for the people working in the media industry.  
(c) to ensure people working in the media industry behave responsibly and ethically.  
(d) to conduct inquiries into complaints filed with the Council concerning abuse of rights.
- Legal Status** 3. (a) The Council shall be an independent legal entity having the power to sue and be sued in its own name; the capacity to conduct transactions in its own name; and a separate seal.
- Constitution Of  
The Council** 4. The Council shall consist of 15 Members.
- Nomination Of  
Members** 5. (a) The Council Members shall be nominated in accordance with the subsection (b);  
(b) The 15 (fifteen) members nominated to the Council shall be made up of 8 (eight) persons working in the media industry and 7 (seven) persons from the general public. The 8 (eight) Media Members chosen for the Council shall be those who get the most votes in a meeting attended by editorial representatives of the media organisations registered with the Ministry. The 7 (seven) Public Members chosen for the Council shall be those who get the most votes from a list of names submitted by the Ministry during a meeting attended by the 8 (eight) Media Members.

- Qualifications Of Members** 6. A person appointed as a Member of the Council must possess the following qualifications:
- (a) is a citizen of the Maldives who has attained 25 (twenty five) years of age;
  - (b) has not been convicted of an offence for which a *hadd* punishment is prescribed in Islam;
  - (c) has not been convicted of drug abuse;
  - (d) has not been convicted of paedophilia;
  - (e) has not been convicted of an offence of criminal nature during the past 2 (two) years;
  - (f) has not been convicted of an offence relating to bribery or dishonesty;
  - (g) is virtuous and of good conduct by societal values;
  - (h) has not been convicted of an offence relating to a writing published in a media during the past 12 (twelve) months.
- Term Of Membership** 7. Every person nominated to the Council shall serve for 2 (two) years.
- Main Function Of The Council** 8. The main function of the Council shall be to establish and enhance media freedom to the maximum extent as allowed by the laws, and also to ensure media organisations operate responsibly, whilst establishing and preserving the highest standard of conduct as perceived by the societal values of the Maldivians.
- Responsibilities Of The Council** 9. The responsibilities of the Council shall be as follows:
- (a) to preserve and enhance freedom of expression and to create awareness thereof in the public;
  - (b) to resolve matters concerning actions of media organisations and government institutions -- which contravene the freedom of expression and the freedom of access to information -- by making requests to the concerned authorities;
  - (c) to keep under review political, legal and economical barriers to the freedom of providing information to the general public and the freedom of public access to information, and take remedial actions through the concerned authorities of the government;
  - (d) to establish a code of practice and a code of conduct for the

people working in the media industry and maintain highest standards in the media industry;

- (e) to encourage complaints against articles, scenes, voice broadcasts and information provided by media organisations;
- (f) to conduct inquiries into complaints against media organisations and publicise findings of such inquiries;
- (g) to seek professional training opportunities required by the people working in the media industry with the help of local institutions as well as foreign institutions.

**Nomination Of  
The President  
And Vice-  
President Of  
The Council**

10. The President and Vice-President shall be elected from the Members of the Council by a secret vote taken by them.

**Responsibilities  
Of The  
President Of  
The Council**

11. The President of the Council shall be the key person responsible for the overall operations and functions of the Council. These responsibilities shall include:
- (a) to administer and implement all functions stated in the Act with assistance of the staff and the Members of the Council;
  - (b) to plan and carry out functions of the Council and set direction for the works of the Council;
  - (c) to chair the meetings of the Council Members;
  - (d) to manage and run all affairs concerning the Council Members and the functions of the Council.

**Responsibilities  
Of The Vice-  
President Of  
The Council**

12. The Vice-President of the Council shall discharge for a temporary period the President's functions in the event the President is incapable or had an excuse to discharge his responsibilities, or the office of the President becomes vacant. Furthermore, the Vice-President shall discharge any responsibilities assigned to him by the President of the Council.

**Vacancy**

13. (a) The office of a Member shall be deemed vacated in the following circumstances:
- (1) upon expiry of term;
  - (2) upon resignation;

(3) upon removal from membership of the Council;

(4) upon death.

- (b) Notwithstanding resignation from the concerned office, the office of the President or Vice-President of the Council shall be deemed vacant if he resigned from membership on the Council or a circumstance requiring vacancy occurred.

**Nomination Of  
Member To Fill  
A Vacancy**

14. (a) If the office of the President, Vice-President or Member of the Council becomes vacant, another person shall be nominated to fill that vacancy within 21 (twenty one) days from the day of the office becoming vacant;
- (b) The following procedure must be followed in nominating a member to fill any vacancy:
- (1) If the vacancy is that of a Media Member, a meeting must be held and attended by all media organisations which do not represent in the Council at the time, and the person who gets the most vote during that meeting shall be nominated to fill the vacancy;
- (2) If the vacancy is that a Public Member from the 7 (seven) persons elected from the general public, the Ministry shall propose to the Council names of people twice the number of vacancies, and the person who gets the most vote shall be nominated to fill the vacancy.

**Discharge Of  
The  
Responsibilities  
Of The Council  
Members**

15. (a) The responsibilities of the Council Members shall be as follows:
- (1) to attend all meetings of the Council in the absence of any cogent reason;
- (2) to discharge responsibilities assigned to him/her by the Council President in the absence of any cogent reason;
- (3) to visit places under question; to conduct inquiries with the concerned individuals; to review the articles under question; to compile reports and carry out research in relation to inquiries concerning complaints in the absence of any cogent reason;
- (4) to keep any information agreed upon by the Council as confidential;
- (5) to maintain virtue and abide by the code of conduct expected of a Council member whilst interacting with the society;

- (b) Every Council Member shall be independent, just and equitable while serving in the Council, and should discharge the functions being loyal to the Constitution and laws without bias or under influence whilst carrying out the assigned responsibilities.
- (c) No member of the Council shall participate in any capacity in the conduction of inquiries into or adjudicating upon a matter of financial interest or other sort of interest to that particular member of the Council. Where such conflict of interest was not previously anticipated, the Member shall on the realization of such conflict inform the President of the relationship between that Member and that matter and withdraw from partaking in any inquiry or decision of the Council in respect of that matter.

**Removal From  
Membership Of  
The Council**

16. A Council Member may be removed from his/her office by a vote of two third of the entire Council in the following circumstances:
- (a) upon being adjudged insolvent;
  - (b) upon becoming incapacitated to discharge the responsibilities of a Council Member;
  - (c) upon facing a situation in which the responsibilities of a Member conflict with that of his/her own interests or financial gains or benefits or roles;
  - (d) upon violation of section 15 of this Act;
  - (e) upon loss of a requisite qualification for membership under this Act;
  - (f) upon loss of virtue following conviction of a crime;
  - (g) upon being indifferent towards work of the Council.

**Resignation**

17. (a) The President or Vice-President or a Member of the Council may resign from the office by writing under his hand addressed to the Council citing cause of such resignation. However, such a person shall continue the functions of his/her office until the Council notifies him/her of the acceptance of the said resignation;
- (b) Where the President or the Vice-President of the Council resigns from his/her office under sub section (a) it shall not be deemed that he/she had resigned from membership on the Council.

- Remuneration** 18. (a) Remuneration and other financial benefits given to the President, Vice-President and Members of the Council shall be determined by the Peoples Majlis;
- (b) Remuneration or other financial benefits given to the President, Vice-President and Members of the Council shall not be reduced during the term of their office.
- (c) The Council shall determine the remuneration and other financial benefits given to staff of the Council.
- Meetings** 19. A meeting of the Council shall be held at least once every month.
- Decisions Of The Council** 20. The Council shall, in arriving at decisions of its inquiries, strive towards unanimity. Where such unanimity is not achieved, the decision shall be made by the majority of the Council. In such an event the minority view shall also be documented.
- Principles Of The Council** 21. (a) The freedom of media must be realized as a greater responsibility and obligation than the right of public access to information, and also that the responsibility of a media person is a responsibility towards the general public;
- (b) Realization of publishing articles in the media as equivalent to the right of public access to information as this is a premise for a working democratic society, and that the public have a right to newsworthy information in the media, without any sort of intimidation or coercion as these are the fundamentals of the freedom of media.
- The Council's Code Of Practice** 22. (a) In considering complaints, the Council will have regard for these general codes of practice:
- (1) Any information which is inaccurate or is believed to be inaccurate should not be published in the media.
- (2) When it is possible to verify a piece of information, such information should not be published in the media without doing so.
- (3) If an inaccurate information is published, upon coming to know about it, such writing must be immediately retracted or corrected or explained further with due prominence and, where appropriate, an apology and other things expressed to

do in that regards shall be done.

- (4) The audience is entitled to have news and comment presented to them honestly and fairly, and with respect for the privacy and sensibilities of individuals.
- (5) The right of privacy should not prevent publication of matters of public record or obvious or significant public interest.
- (6) Rumour and unconfirmed reports, if published at all, should be identified as such.
- (7) Publication of views on controversial topics shall be deemed appropriate under the following circumstances:
  - (a) The fact and the individual opinion based on that fact are clearly distinct;
  - (b) No attempt is made to conceal or distort the fact;
  - (c) Relevant fact in an article is not misrepresented or suppressed using controversial headlines, captions, images, sketches of drawing or any other means;
  - (d) Personal interest is mentioned, if there is any, while publishing news or information or giving an opinion.
- (8) Information concerning private life such as financial status or bankruptcy of a person or any such information that may distort the fact is not mentioned.
- (9) Media organisations have a wide discretion in publishing material, but the reason for the writing shall be explained when there is a possibility that social values may be affected after listening to or reading from such writings.
- (10) Fairness, good principles and balance are ensured while publishing a criticism against a particular individual or group.
- (11) Any adjudication concerning a media organization should be published on the affected media if it is possible.
- (12) The Council should strike a balance between the reasons for the actions of the media organisation and the rights of the public to know such information while considering matters and passing adjudications.

**Standards  
Concerning**

23. (a) Personal information of individuals should be gathered by media organization only if it is in the public interest. In doing so, they

**Disclosure Of  
Personal  
Information**

should not unduly intrude on the privacy of individuals and should show respect for the dignity and sensitivity of people encountered in the course of gathering information.

- (b) Any information gathered or picture taken of an individual should only be used for the purpose for which it was intended. The person who supplies personal information and the person relating to such information should have a reason to believe that it is used for the purpose for which it was collected.
- (c) Personal information gathered of an individual should be accurate, complete and up-to-date.
- (d) Personal information gathered of an individual should be protected by the media organisation from misuse, loss, or unauthorized access.
- (e) All persons who provide information to media organisations are entitled to seek anonymity. A media person must not reveal the identity of the confidential sources, and where it is lawful and practicable, while publishing information supplied with confidentiality from anonymous sources.
- (f) Fairness and balance should be ensured where individuals or groups of individual are singled out for criticism. Any personal information attributed to an individual is found to be inaccurate it should be immediately corrected in the same media with prominence, and such information should not be used again.

**Lodging  
Complaints**

24. Any individual or organization may lodge a complaint to the Council in the following manner regarding behaviors that contradict with the provisions of this Act:

- (a) If a person is dissatisfied with or objects to a writing or expressed opinion or editorial article or sketched picture or published image, it should first be raised with the editor of the publication or the person responsible for the publication to solve the matter through mutual negotiations.
- (b) If no solution could be reached by taking the action mentioned under subsection (a), the matter may be referred to the Council. While lodging a complaint he/she should provide together with the complaint information such as the number of publications carrying the objected material, the date of the publication, the page number if the material was printed, a photocopy or scanned



copy of the printed material, or an image of the material or a cutting of the original material. In the case of website publication, the URL of the published material as well as, where possible, a hard-copy version of the material should be provided.

- (c) If a complaint is likely to be resolved through conciliation, the President of the Council shall take it up to the editor of the concerned publication to find a solution to the matter. If no response is received after 1 week from the date of sending away the notification of the complaint to the editor of the concerned media or the person responsible for the content or the webmaster in case of a website, the Council shall deal with the matter formally.
- (d) If the Council considers the complaint could be the basis for a legal action against the publication, the Council shall only proceed further when the complainant has signed a document waiving his/her legal rights. The document shall be signed after thinking carefully about the nature, term and effect upon the person and, if necessary, should seek legal advice before completing it. The Council seeks a waiver because it sees itself as an alternative, not a complement, to the courts and those matters cannot be resolved outside the court.
- (e) After reviewing a complaint, if such a complaint does not appear to breach the provisions of this Act the Council shall close the complaint file after giving reason for the decision.
- (f) If the matter can be better handled by another body, the Council shall refer the matter to that body and inform the complainant of the decision and, where more appropriate, inform he/she of the options and the body which may be better able to deal with the matter.
- (g) If a settlement is reached for a complaint through negotiations initiated by the Council the matter shall be brought to an end. If the attempt at negotiated settlement fails, the matter shall be dealt formally and a notice will be issued to the concerned media organisation together with all documents delivered by the complainant to the Council. All media organisations should respond promptly to the notice issued by the Council and comply with any time limits set by them.
- (h) Upon the receipt of response by the media organisation to a

notice sent out by the Council, at this stage there are several options, including:

- (1) the complainant may regard the response as a sufficient answer to the complaint and let the matter rest;
  - (2) a member from the Council may be chosen to act as a conciliator of the complaint in order to seek a conciliation.
- (i) The complaint file shall be closed when the matter is resolved through conciliation. Where conciliation is unsuccessful, or the option is rejected by either party, the Council should formally deal with the matter.
  - (j) In order to deal with a matter formally, it has to be decided during a session of the Council whether the matter will be dealt formally. The Council shall inform the date, time and estimated duration for the hearing to both parties. It is not necessary for the parties to be present at the hearing, but they are encouraged by the Council to attend.
  - (k) After a matter has been dealt by the Council, the proceedings, summary, and the points identified by the Council shall be clearly noted down.
  - (l) Adjudication shall be sent by the Council to the person responsible for the media organisation expressing clearly that it concerns that particular media organisation.
  - (m) The Council shall embargo general publication during the time period given to the media organisation concerned to publish the adjudication. If it was not published during this period or could not be published in the media concerned, the Council reserves the right to publish it in other medias.
  - (n) If any party is not satisfied with the adjudication they may appeal to the President of the Council for a re-evaluation of the matter. In such events the President of the Council will proceed as follows:
    - (1) Where it is clear to the Chairman that the appealing party has no cogent reasons for the appeal, other than simple disappointment at the decision, the Chairman will, without further ado, dismiss the appeal;
    - (2) Where it is clear to the Chairman that the appealing party has cogent reasons for the appeal, the President of the Council shall refer the matter to the Council for re-evaluation.

- (o) After a complaint against any media organisation has been dealt, if the Councils requested the adjudication to be published in the media concerned, they must publish as instructed. If the adjudication has not been published in the media concerned, the Council has the discretion to get it published in other medias.

**Power To  
Conduct  
Inquiries**

- 25. (a) If an individual or group makes a complaint against a material published in a media insisting that a right of that individual or group has been violated or might be violated, the Council shall conduct inquiries into any such matters.
- (b) While conducting inquiries into a matter, the Council shall have the following powers:
  - (1) To summon witnesses and to procure their evidentiary statements;
  - (2) To summon persons related to the inquiry and procure their statements;
  - (3) To gather, go through or, if necessary, bring to the Council any statement which is of importance to the matter at hand, except which are used by another authority through its legal powers;
  - (4) To request that information relevant to the matter possessed by any other party be provided;
  - (5) To inquire into matters on its own where it has previously requested a Government Agency to provide information or submit a report within a given period on a certain matter related to a complaint and that Agency has failed to submit that information or report within the given period;
  - (6) To require a person being interviewed by the Council in an inquiry not to leave the country except with the permission of the Council;
  - (7) Accept legal counsel;
  - (8) Conduct its inquiries in public or in private;
  - (9) To allow inquiries to be conducted by a single Member of the Council or a committee of its Members;
  - (10) To gather and accept evidence related to the inquiry.

**Opportunity To  
Be Heard**

- 26. The media complained against should be afforded an opportunity to speak in their defence, giving reasons for the disputed matter

and explaining which actions they took in relation to that dispute. If such an opportunity has not been provided, the adjudication upon that matter shall not be valid.

**Compliance  
With Notice**

27. Where a person fails to comply with a notice issued by the Council or acts in disregard of the authority of the Council, the Council shall have the power to transmit the matter to the Attorney General's Office for legal or judicial action.

**Protection**

28. (a) No proceedings may be instituted, except as may be provided in law, against a Member or Staff of the Council in relation to an act or omission done in good faith by him/her in his/her official capacity and in pursuance of the functions of the Council and under the powers conferred upon it.

(b) No member of the Council may be summoned and questioned by an executive agency or proceedings be instituted in any court against the Council in respect of any matter contained in a report of the Council published after an inquiry conducted by it, except where there is sufficient evidence to believe it to be an untrue account.

**Appointment  
Of Staff**

29. The secretariat and administrative work of the Council shall be carried out by an appointed Secretary General and staff assigned to assist him. These people shall be appointed and dismissed by the Council.

**Funds**

30. (a) Funds necessary to carry out the responsibilities of the Council shall be provided to it every year from the State Treasury in a manner determined by the People's Majlis by allocating it in the budget passed by the People's Majlis.

(b) No financial assistance given to the Council by any group of persons, or organization or foreign government shall be utilized for any purpose outside the objectives of the Council.

(c) A financial statement of the Council's income, expenditure, assets and liabilities prepared in accordance with the principles set by the Auditor General shall be submitted to the President of the Maldives, the Minister and People's Majlis along with the Annual Report mentioned in section 32 of this Act.

- Rules And Regulations** 31. Procedures on conduction of inquiries and regulations on compliance with this Act shall be formulated and enforced by the Council.
- Annual Report** 32. (a) The Council shall prepare an Annual Report of its activities and officially publish it before 28th February of each year in such a manner that everything is detailed enough to be clear.  
 (b) The Annual Report mentioned in subsection (a) shall contain the following matters as are relevant to the period of the Report.  
 (1) Complaints filed with the Council;  
 (2) Cases dealt by the Council and their adjudications;  
 (3) Cases under inquiry out of those filed with the Council.
- Jurisdiction** 33. (a) Unless provided otherwise in this Act, inquiry into a complaint filed with the Council may only be conducted by the Council where 3 months have not lapsed between the date on which the subject matter of the complaint had taken place and the date on which the complaint was filed, even though the subject matter has occurred subsequent to the coming into force of this Act.  
 (b) Notwithstanding the provisions of subsection (a) above, this Act does not restrict the Council to inquire into a complaint where the Council is of the opinion that based upon the nature and gravity of the complaint such a complaint shall be entertained.
- Meanings** 34. Unless provided otherwise in this Act:  
 “Media” shall mean radios, televisions, interactive CDs, websites, daily papers, weekly papers, magazines, trade publications, and others in similar names, either registered or unregistered in the Maldives, and publishing of information, news, opinions, advertisements and so forth, which are publicly available for a price or freely, over the Internet and other channels.  
 “Public Interest” shall mean involving a matter capable of

affecting the people at large so they might be legitimately interested in, or concerned about, what is going on, or what may happen to them or to others.

“Personal Information” shall mean information concerning private life of an individual and exposure of which will constitute a violation of an individual’s privacy.

“Cogent Reason” shall mean identifying a matter as fact without ignoring all relevant information or accepting the occurrence or non-occurrence of an event without ignoring the potential circumstances, which may affect the decisions of the Council.

“Publishing In Media” shall mean to use writing, show animations or images, or use of voice on television or radios or interactive CDs or websites or newspapers or magazines aimed at people.

“Council” shall mean Media Council of the Maldives.

“The Ministry” shall mean the Government Authority responsible for the regulation and administration of media organisations in the Maldives.

“Minister” shall mean the Cabinet Minister responsible for the regulation and administration of media organisations.