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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 10.11.2025

Judgment delivered on: 16.01.2026

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LPA 1242/2024, CM APPL. 75626/2024, CM APPL. 75629/2024 & CM APPL. 64851/2025

PRESS COUNCIL OF INDIA

.....Appellant

Through: Mr. Vikramjit Banerjee, ASG with Mr. T. Singhdev, Mr. Bhanu Gulati, Ms. Yamini Singh, Mr. Abhijit Chakravarty, Ms. Anum Hussain, Ms. R. Kaur, Ms. Akansha, Mr. S. Kumar, Mr. T. Srivastava, Mr. P. Rawat, Mr. Vedant Sood, Advs. for PCI

versus

PRESS CLUB, MUMBAI & ORS.

.....Respondents

Through: Mr. Akhil Sibal, Sr. Adv with Mr. Salim A. Inamdar, Ms. Janvi Sindhu and Mr. Krishnesh Bapat, Advs for R-1.

Mr. Rohan Jaitly, CGSC with Mr. Dev Pratap Shahi and Mr. Varun Pratap Singh, Advs. for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

DEVENDRA KUMAR UPADHYAYA, C.J.

CHALLENGE

1. This intra-Court appeal takes exception to the judgment and order dated 22.11.2024 passed by the learned Single Judge whereby W.P.(C.) No.



16202/2024 filed by the respondent No.1 – petitioner (the Press Club, Mumbai) has been allowed and the recommendation of the Scrutiny Committee dated 10.09.2024 so far as it relates to respondent No.1 whereby it was not included in the list of notified “associations of persons” for the purposes of re-constitution of the 15th Press Council of India (**the appellant**), has been quashed.

FACTS

2. Press Council of India is a statutory body incorporated under Section 4 of the Press Council Act, 1978 (hereinafter referred to as the “**Act**”) and is a body corporate having perpetual succession and a common seal.

3. Section 5 of the Act provides for composition of the Council which consists of a Chairman and twenty eight other Members. Out of twenty eight other Members of the Council, thirteen are nominated from amongst the working Journalists of whom six are Editors of newspapers and seven are working Journalists other than Editors. Six persons are to be nominated from amongst persons who own or carry on business of management of newspapers. One Member is nominated amongst persons who manage news agencies and three persons are those who have special knowledge or practical experience in education, science, law and literature and culture, of whom one is nominated by University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy. Rest five Members are Members of Parliament of whom three are nominated by the Speaker from amongst the Members of the Lok Sabha and two are nominated by the Chairman of the Rajya Sabha from amongst its Members. For the purposes



of nomination of thirteen Members from amongst working Journalists and also for nominating six persons from amongst persons who own or carrying on business of management of newspapers and also for nominating one Member from persons who manage news agencies, the retiring Chairperson of the previous Council has to invite panels of names comprising twice the number of Members to be nominated, from “associations of persons” of the working Journalists, those who own or carry on the business of management of newspapers and also those who manage news agencies. All persons are nominated as Members of the Council by the Council except in the case of the First Council and on nomination of persons as Members, the Central Government notifies names of persons nominated by the Council. So far as the present case is concerned, we are concerned with nominations of working Journalists in terms of Section 5(3)(a) of the Act.

4. Section 5 of the Act is extracted herein below:

“5. Composition of the Council.—(1) The Council shall consist of a Chairman and twenty-eight other members.

(2) The Chairman shall be a person nominated by a Committee consisting of the Chairman of the Council of States (Rajya Sabha), the Speaker of the House of the People (Lok Sabha) and a person elected by the members of the Council under sub-section (6) and the nomination so made shall take effect from the date on which it is notified by the Central Government in the Official Gazette.

(3) Of the other members—

(a) thirteen shall be nominated in accordance with such procedure as may be prescribed from among the working journalists, of whom six shall be editors of newspapers and the remaining seven shall be working journalists other than editors; so, however, that the number of such editors and working journalists other than editors in relation to newspapers published in Indian languages shall be not less than three and four respectively;



(b) six shall be nominated in accordance with such procedure as may be prescribed from among persons who own or carry on the business of management of newspapers, so, however, that there shall be two representatives from each of the categories of big newspapers, medium newspapers and small newspapers;

(c) one shall be nominated in accordance with such procedure as may be prescribed from among persons who manage news agencies;

(d) three shall be persons having special knowledge or practical experience in respect of education and science, law, and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy;

(e) five shall be members of Parliament of whom three shall be nominated by the Speaker from among the members of the House of the People (Lok Sabha) and two shall be nominated by the Chairman of the Council of States (Rajya Sabha) from among its members:

Provided that no working journalist who owns, or carries on the business of management of, any newspaper shall be eligible for nomination under clause (a):

Provided further that the nominations under clause (a) and clause (b) shall be so made that among the persons nominated there is not more than one person interested in any newspaper or group of newspapers under the same control or management.

¹[Explanation.—For the purposes of clause (b), a “newspaper” shall be deemed to be categorised as big, medium or small newspaper on the basis of its circulation per issue, as the Central Government may, by notification in the Official Gazette, notify from time to time.]

(4) Before making any nomination under clause (a), clause (b) or clause (c) of sub-section (3), the Central Government in the case of the first Council and the retiring Chairman of the previous Council in the case of any subsequent Council shall, in the prescribed manner, invite panels of names comprising twice the number of members to be nominated from such associations of persons of the categories referred to in the said clause (a), clause (b) or clause (c) as may be notified in this behalf by the Central Government in the case of the first Council and by the Council itself in the case of subsequent Councils:



Provided that where there is no association of persons of the category referred to in the said clause (c), the panels of names shall be invited from such news agencies as may be notified as aforesaid.

(5) The Central Government shall notify the names of persons nominated as members under sub-section (3) in the Official Gazette and every such nomination shall take effect from the date on which it is notified.

(6) The members of the Council notified under sub-section (5) shall elect from among themselves in accordance with such procedure as may be prescribed, a person to be a member of the Committee referred to in sub-section (2) and a meeting of the members of the Council for the purpose of such election shall be presided over by a person chosen from among themselves.”

5. Prescribing the procedure for notification of “associations of persons” for the purposes of constitution of the Council, the Central Government has framed rules known as the Press Council (Procedure for Notification of Associations of Persons) Rules, 2021 (hereinafter referred to as the “**Rules, 2021**”) in exercise of its powers conferred on it under Section 25 read with Section 5(4) of the Act. As per Rule 3, in case of a Council subsequent to the First Council, the retiring Chairman has to invite filing of claims from eligible “associations of persons” by giving wide publicity. Rule 4 of the Rules, 2021 provides for the eligibility of “association of persons” for being eligible to file claims. According to Rule 4, to be eligible an “association of persons” must have been registered under the relevant law for at least six years prior to last date of filing of the claims and must be conducting its business continuously thereafter. Rule 4 also requires the “association of persons” seeking its nomination to submit documents duly certified by the competent authority under the relevant law under which the association is registered.



6. Rule 5 provides for scrutiny of such claims of “associations of persons” by a Scrutiny Committee comprising of three persons to be nominated by the Chairperson from amongst the Members of the Council and such Scrutiny Committee is required to submit its report to the Council. Sub Rule 2 of Rule 5 provides that the Council on consideration of the report submitted by the Scrutiny Committee shall take appropriate decision and notify the “associations of persons” in terms of the requirement of Section 5(4) of the Act. The Rules, 2021 are extracted herein below:

“In exercise of the powers conferred by sub-sections (1) and (2) of Section 25 read with sub-section (4) of Section 5 of the Press Council Act, 1978 (37 of 1978), the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called the Press Council (Procedure for Notification of Associations of Persons) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules—

(a) “Act” means the Press Council Act, 1978 (37 of 1978);

(b) “associations of persons” means associations of persons of the categories referred to in clause (a), clause (b) and clause (c) of sub-section (3) of Section 5;

(c) “Committee” means the Scrutiny Committee constituted by the Chairman under Rule 5 in exercise of powers under Section 8;

(d) “section” means a section of the Act;

(e) words and expressions used but not defined herein shall have the meanings assigned to them in the Act.

3. Associations of persons to be notified.—The Central Government in the case of first Council and the retiring Chairman of the previous Council in the case of any subsequent Council shall, for the purpose of notifying associations of persons under sub-section (4) of Section 5, invite filing of



claims from eligible associations of persons by giving wide publicity in at least two widely circulated national daily newspapers.

4. Eligibility of association of persons.—*For being eligible to file claims under Rule 3, an association of persons must have been registered under the relevant laws for the time being in force for at least six years prior to last date of filing of the claims and must be conducting its business continuously thereafter, and shall submit documents in proof thereof, duly certified by the competent authority under such relevant laws:*

Provided that the memorandum of association of such association of persons shall not restrict its membership to any particular religion, race, caste or language.

5. Scrutiny of Claims.—*(1) The claims filed by associations of persons under Rule 3 shall be scrutinized by a Scrutiny Committee consisting of three persons to be nominated by the Chairman from amongst members of the Council who are not associated in any manner with any of such claimant associations and shall submit its report to the Council.*

(2) The Council shall, after considering the report submitted by the Scrutiny Committee, take appropriate decision and notify the associations of persons as required under sub-section (4) of Section 5:

Provided that where the decision of the Council is at variance with the recommendations of the Scrutiny Committee, such decision shall be taken by not less than three-fourth majority of members, other than members of the Scrutiny Committee, present and voting, and in case of equality of votes, the Chairman shall have the casting vote.”

7. The term of the 14th Press Council of India expired on 05.10.2024. Before the expiry of its term, the Council issued a notice on 09.06.2024 inviting filing of claims for notification of “associations of persons” for constituting 15th Press Council of India under Rule 3 of the Rules, 2021. The notice dated 09.06.2024 mentions eligibility of “association of persons” which is extracted herein below:

“Eligibility of Association of Persons:

Association of Persons must have following:

- a) *It must have been registered under the relevant laws for the time being in force for at least six years prior to last date of filing of the claims;*



- b) *It must be conducting its business continuously thereafter, and shall submit documents in proof thereof, duly certified by the competent authority under such relevant laws;*
- c) *The Memorandum of Association (MoA) of such association of persons shall not restrict its membership to any particular religion, race, caste or language.*

The claims shall be filed in a sealed envelope superscribed “Claims with the name of the Association” on the letter head of the association carrying the registered address for correspondence, email i.d., contact numbers with the CHAIRPERSON PRESS COUNCIL OF INDIA, SOOCHNA BHAWAN, 8, CGO COMPLEX, LODHI ROAD, NEW DELHI-110003, so as to reach on or before 5:00 PM of 24th July, 2024.”

8. The said notice also mentioned the supportive documents to be filed which are as under:

“SUPPORTIVE DOCUMENTS TO BE FILED

The claims should be accompanied by supportive documents showing that the associations eligible in terms of the Act and the Rules made thereunder to represent anyone of the categories set out above and also to establish that it is qualified to represent the category under which it is staking its claim.

Following documents authenticated by Notary Public need to be filed:

- (a) *A copy of the MoA/Constitution/MoU of the Association;*
- (b) *Copy of the Registration Certificate of the claimant body, with up to date renewal certificate wherever applicable;*
- (c) *Minutes of the General Body meetings for the last six years preceding the issuance of advertisement filed before the appropriate authority i.e. Registrar of Societies or such authorities under relevant laws under which the Associations of persons is registered to show their existence for at least six years prior to last date of filing of the claims;*
- (d) *Certificate of the Competent Authority under relevant law in the following format:*



Dated:

Certificate

I _____ (Full Name) do hereby certify _____ (Name of the Association) has been registered/incorporated under (Name of the Act) on _____ (Date, Month & Year) and conducting its business continuously thereafter.

(Signature and Seal of the Competent Authority)

(e) An upto date detailed list of its members representing the category under which the claim is being filed with complete particulars as set out below, in hardcopy as well as soft copy in Pen Drive:

- (1) SURNAME, FIRST NAME*
- (2) RESIDENTIAL ADDRESS OF THE MEMBER(S)*
- (3) TITLE OF THE NEWSPAPER BEING REPRESENTED ALONGWITH REGISTRATION NUMBER*
- (4) LANGUAGE IN WHICH THE NEWSPAPER IS PUBLISHED*
- (5) NEWSPAPER PUBLICATION ADDRESS ALONG WITH STATE NAME*
- (6) OFFICE ADDRESS WITH NAME OF THE STATE AT WHICH THE MEMBER IS CURRENTLY POSTED*
- (7) DESIGNATION IN THE NEWSPAPER i.e. EDITOR, WORKING JOURNALIST OTHER THAN EDITORS, OWNER/PUBLISHER OR MANAGER*
- (8) CIRCULATION OF THE NEWSPAPER OWNED OR MANAGED BY THE MEMBER [INFORMATION REGARDING THIS POINT TO BE PROVIDED BY ASSOCIATIONS FILING CLAIM UNDER SECTION 5(3)(b)]*
- (9) WHETHER MEMBER OF ANY OTHER PARALLEL ASSOCIATION*
- (10) YEAR OF JOINING THE ASSOCIATION AND*



(11) MEMBERSHIP FEE UPTO DATE OR OUTSTANDING

THE ASSOCIATION SHALL SPECIFY THE CATEGORY UNDER WHICH THEY ARE STAKING THEIR CLAIM.

The President/Secretary/authorized signatory to the association shall make and subscribe to a declaration to be sworn before the Notary Public, verifying that he/she has been duly authorized by the Association of Persons to file the claim and the facts stated in the claim application and the particulars attached thereto are true to the best of his/her knowledge and belief and information.

The claimant association shall also subscribe to a declaration establishing that the claim of the said body is valid and free from all encumbrances/disputes/litigation. The Press Council may at its discretion reject any claim if any such encumbrances are brought to its notice.

No claim made by any person other than a person duly authorized under the Constitution of the association shall be entertained.

Any claim not in conformity with the above is liable to be rejected.

The Press Council of India will be within its right to call for such additional information or verify such information as might be considered necessary.

The associations notified for the present term of the Press Council (2021-2024) may also take note of this Notice and file fresh claim applications.

The list of the claimant's Associations shall be published on the website of the Council on or before 25th July, 2024. Any person can file objection questioning the eligibility of claimant's Associations by 1st August, 2024. The claims shall be decided by the Scrutiny Committee thereafter.

No claim made after 5:00 PM of 24th July, 2024 will be entertained.”

9. The notice dated 09.06.2024 also required the claimant association to subscribe a declaration establishing that claim of the concerned association is valid and free from all encumbrances/ disputes/ litigations. It also provided that the Council may at its discretion reject any claim if any such encumbrances are brought to its notice. According to the said notice no claim made by a person other than a person duly authorized under the constitution of the association shall be entertained and any claim which is



found not in conformity with such requirements is liable to be rejected. It was further provided therein that the Press Council of India will be within its right to call for such additional information or verify such additional information as might be considered necessary.

10. The respondent No.1 – the Press Club, Mumbai submitted its application pursuant to the notice dated 09.06.2024. The application of the petitioner and those of other associations were scrutinized by the Scrutiny Committee which submitted its report/ recommendation on 10.09.2024. In respect of the application of the respondent No.1 – the Press Club, Mumbai recommendation made by the Scrutiny Committee in its report dated 10.09.2024 was to reject the application for the reasons stated in the said recommendation. The recommendation made in respect of the respondent No.1 – the Press Club, Mumbai is as follows:

27.	<i>Mumbai Press Club filed by Shri Rajesh Mascarenhas, Honorary Secretary</i>	REJECTED- <ol style="list-style-type: none"> 1. <i>Copy of Registration Certificate is not legible.</i> 2. <i>Certificate issued by competent authority is in the name of Press Club Bombay but the application is in the name of Mumbai Press Club. This is a fundamental discrepancy which makes the application liable for rejection.</i> 3. <i>Scrutiny Committee observed that all the pages of the documents must carry signature along with seal of notary for authentication by Notary public to be valid.</i> <ul style="list-style-type: none"> • <i>Only the first and last page of List of members are notarized.</i> • <i>Only the last page of constitution carries the signature along with Notary seal and stamp</i> • <i>Only the first page and two other pages of the Minutes of the meetings submitted by the association carry the signature of notary</i> 4. <i>No proof of submission of minutes to the appropriate Authority.</i> 5. <i>There is no clear authorization letter to fil the claim. However, it has been mentioned in a paragraph of the declaration.</i>
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11. The Press Council of India, vide notification dated 28.10.2024 notified “associations of persons” pertaining to different categories, including the category with which this matter is concerned with, namely the category as provided for in Section 5(3)(a) of the Act, however, accepting the recommendation made by the Scrutiny Committee dated 10.09.2024, name of the respondent No.1 – the Press Club, Mumbai was not included in the list of “association of persons” as notified by the Press Council on 28.10.2024. It may also be noticed that the recommendation made by the Scrutiny Committee, dated 10.09.2024 was considered by the Press Council of India in its meeting held on 27.09.2024 whereby all the recommendations made by the Scrutiny Committee were accepted, including the recommendation of rejection in respect of respondent No.1 – the Press Club, Mumbai. It was, however, noticed in the minutes of the meeting of Press Council of India held on 27.09.2024 that eight votes were cast against the recommendation of the Scrutiny Committee in respect of the claim of the respondent No.1 which was filed under the category of working Journalists other than Editors. The relevant extract of the Minutes of the Meeting of the Press Council of India held on 27.09.2024 is quoted herein below:

“Rule 5. Scrutiny of Claims.- (1) The claims filed by associations of persons under rule 3 shall be scrutinized by a Scrutiny Committee consisting of three persons to be nominated by the Chairman from amongst members or (he Council who are not associated in any manner with any of such claimant associations and shall submit its report to the Council.

(2) The Council shall, after considering the report submitted by the Scrutiny Committee, take appropriate decision and notify the associations of persons as required under subsection (4) of section 5.

Provided that where the decision of the Council is at variance with the recommendations of the Scrutiny Committee, such decision shall be taken



by not less than three fourth majority of members, other than members of the Scrutiny Committee, present and voting, and in case of equality of votes, the Chairman shall have the casting vote.

The Council proceeded to consider the report of the Scrutiny Committee. All the claims in the Scrutiny Committee report (attached as annexure A) and recommendations thereupon were read out before the full Council and disapprovals, if any, on each decision were sought. Not a single decision could muster three fourth (3/4th) of total members present (1 member through video conferencing) and voting (17). Accordingly, the Council adopted the Scrutiny Committee report in its entirety by majority. However, eight votes were against the recommendations in case of Claim No. 27 i.e. Mumbai Press Club filed under the Category Working Journalists other than Editors.

12. After notifying the eligible “associations of persons”, the Press Council of India vide its notification dated 13.11.2024 invited panel of names comprising twice the requisite number of working Journalists (14) from the “associations of persons” notified vide notification dated 28.10.2024 for nomination to the Council as Members in terms of Section 5(4) of the Act. Being aggrieved by its non-inclusion, the respondent No.1 instituted the proceedings of the underlying writ petition with the prayer to quash the recommendation of the Scrutiny Committee made by it in its report dated 10.09.2024 so far as it related to the respondent No.1. A direction was also sought for directing the appellant to notify the respondent No.1 as “association of persons” in terms of Rule 3 of the Rules, 2021 and Section 5(3)(a) of the Act and also to include the panel of the respondent No.1 for constitution of the 15th Press Council of India. The learned Single Judge by passing the impugned judgment and order dated 22.11.2024 has held that the reasons given by the Scrutiny Committee rejecting its claim to be included as “association of persons” are illegal, erroneous and thus not



sustainable. It is this judgment rendered by the learned Single Judge which is under challenge herein.

SUBMISSIONS MADE ON BEHALF OF THE APPELLANT

13. Mr. Vikramjit Banerjee, learned ASG impeaching the impugned judgment and order passed by the learned Single Judge has argued that from the material available on record, though it is apparent that the respondent No.1 did not fulfill the eligibility as per the requirement of Rule 4 of the Rules, 2021 read with the notice dated 09.06.2024 issued by the Council inviting claims for nomination of “association of persons” for the purposes of reconstitution of the 15th Press Council of India, the learned Single Judge has erred in law in holding that the respondent No.1 was eligible.

14. Relying on a judgment of Hon’ble Supreme Court of India in *Union of India and Others v. Mahendra Singh*, 2022 SCC OnLine SC 909, learned counsel for the appellant has stated that if a statute provides for a thing to be done in a particular manner then it has to be done in that manner and not in any other manner, however, the learned Single Judge has completely ignored the said legal principle and has returned a finding that the application filed by the respondent No.1 was in order and that the reasons given by the Scrutiny Committee for rejecting the claim of the respondent No.1 were not sustainable.

15. Mr. Banerjee referred to a Constitution Bench judgment of the Hon’ble Supreme Court in *Commissioner of Central Excise, New Delhi v. Hari Chand Shri Gopal and Others*, (2011) 1 SCC 236 wherein it has been held that the plea of substantial compliance is not available to a party in case



there is violation of clear statutory prerequisites which effectuates the object and purpose of the statute and in case such statutory prerequisites have not been met, the plea of substantial compliance is not available.

16. He has further argued that in the facts of the present case, plea of substantial compliance was not available to the respondent No.1 as the application submitted by the respondent No.1 was in breach of essential statutory requirements. On the plea made by respondent no.1 before the learned Single Judge that its Members were nominated as Members of the previous Press Council of India, learned ASG has argued that merely because its Members were nominated as the Members of the previous Council, it will not entitle the respondent No.1 to seek nomination of its Members for the reason that it does not fulfill the eligibility as per the conditions of eligibility and documents to be submitted by it, in terms of the notice inviting claims for nomination dated 09.06.2024, were deficient.

17. To substantiate his arguments, he has relied upon *Chandigarh Administration and Another v. Jagjit Singh and Another*, (1995) 1 SCC 745 wherein, it has been held that in exercise of its powers under Article 226 of the Constitution of India, the High Court cannot ignore the law and well accepted principle governing writ jurisdiction to say that because in one case a particular order has been passed or a particular action has been taken, the same must be repeated irrespective of the fact whether such an order or action is contrary to law. On these counts it has been argued that learned Single Judge has erred in law and facts, which vitiates the impugned judgment.



SUBMISSIONS ON BEHALF OF THE RESPONDENTS

18. Mr. Akhil Sibal, learned senior counsel representing the respondent No.1 has defended the impugned judgment and order passed by the learned Single Judge and has submitted that the Scrutiny Committee has clearly erred by ignoring the substance of the contents of the application submitted by respondent No.1 and that the respondent No.1 in fact fulfilled all the requisite conditions and therefore, the recommendation made by the Scrutiny Committee was not sustainable. He has argued that the requirement of eligibility of “association of persons”, as given in the notice dated 09.06.2024 has to be read in the light of what has been prescribed in Rule 4 of the Rules, 2021 and further that anything read beyond Rule 4 in the notice is not sustainable.

19. He has further submitted that the supportive documents to be filed as per the notice dated 09.06.2024 are only to substantiate the claim of eligibility, as given in Rule 4 and requirement of such supportive documents cannot be read ignoring the eligibility as prescribed in Rule 4. It is his submission that in any case, the certificate given by the competent person as per the proforma contained in the notice dated 09.06.2024, clearly establishes that respondent no.1 has been registered and has been conducting its business continuously after its registration.

20. Mr. Sibal has also argued that learned Single Judge has, in the impugned judgment and order, clearly dealt with each and every objection raised by the Scrutiny Committee and has returned a finding based on the material available on record which in any manner cannot be faulted with. He has relied upon ***Hari Chand Shri Gopal*** (supra) to submit that if essence of



a Rule regarding requirement of eligibility is met and some other aspects which may amount to minor non-compliance are not met, doctrine of substantial compliance, as laid down in *Hari Chand Shri Gopal* (supra) will be attracted and, therefore, it was not open to the Scrutiny Committee to have rejected the application of respondent no.1 on certain minor lacunae. According to him, what is to be seen is actual compliance in respect to the substance which is essential to object of the statute and therefore, learned Single Judge has rightly determined that in the facts of the present case, the application submitted by respondent No.1 fulfilled the requirement of substantial and actual compliance keeping in view the object of the Rule and hence, the finding recorded by learned Single Judge that reasons given for rejection of the application of respondent no.1 are not sustainable need not be interfered with.

21. Learned senior counsel for the respondent has also relied upon *T.M. Jacob v. C. Poulose and Others*, (1999) 4 SCC 274 and has submitted that in the present case doctrine of substantial compliance has rightly been invoked by the learned Single Judge. According to him, the minor defects concerning eligibility of respondent No.1 were not such as could have misled the Scrutiny Committee and therefore, Scrutiny Committee ought to have treated respondent no.1 to be fully eligible for being nominated as an eligible association.

DISCUSSION AND ANALYSIS

22. In the backdrop of the provisions of the Act and the Rules, as also the requirement as mentioned in the notice dated 09.06.2024 and the contents of the application submitted by respondent No.1, if we analyse the judgment of



the learned Single Judge, we do not find any irregularity which may warrant any interference by us in this appeal.

23. The learned Single Judge after noticing the various provisions of the Act and the Rules, as also the contents of the application, has arrived at a categorical finding in respect of each objection raised by the Scrutiny Committee to the application furnished by respondent No.1 putting forth its claim for nomination and has held that requirement under the Rules stood satisfied. The relevant portion of the judgment of learned Single Judge is relevant to be extracted which reads as under:-

“20. The recommendations/objections raised by the Scrutiny Committee of Respondent No. 1 reproduced in paragraph 11 of this order are arbitrary and ex facie erroneous, contrary to the record, and unsustainable in the face of law. Each of the Committee’s objections is addressed in detail below:

Objection regarding the Copy of Registration Certificate not being legible:

(i) The Scrutiny Committee’s first objection pertains to the alleged illegibility of the copy of the Registration Certificate. We must acknowledge that the original Registration Certificate dates back to 1971, a document over half a century old. Naturally, with the passage of time, the original certificate has faded, and consequently, the photocopy submitted is faint. However, upon careful examination, the photocopy remains legible.

(ii) The criteria under Rule 4 of the PC Rules require that the association be registered under the relevant laws for at least six years prior to the last date of filing the claims. In compliance with these requirements, the Petitioner not only submitted the original Registration Certificate but also provided a fresh Certificate of Registration dated 19th July 2024. This updated Certificate was issued by the Assistant Registrar of Societies, Greater Mumbai Region, Mumbai, and submitted along with the Petitioner’s claim dated 18th July, 2024. Therefore, the requirement under the rules stood fully satisfied. The Certificate of Registration dated 19th July, 2024 is clear and ex facie legible.



(iii) The Scrutiny Committee's insistence on the legibility of the original certificate, while disregarding the clear and updated Certificate of Registration, amounts to placing form over substance. Such an approach is antithetical to the principles of fairness and natural justice. It is a well-settled legal principle that procedural rules are handmaidens of justice and should not be used to thwart substantive rights. In light of the above, it is clear that the Scrutiny Committee's objection regarding the legibility of the Registration Certificate is devoid of merit.

Objection Regarding the Discrepancy in Name Between the Certificate and the Application.

(i) The second objection pertains to the alleged fundamental discrepancy between the name on the Registration Certificate and the name used in the application. Specifically, the Certificate issued by the competent authority is in the name of "Press Club Bombay," while the application was submitted under the name "Mumbai Press Club." The Committee deemed this inconsistency significant enough to warrant rejection of the application.

(ii) To address this objection, it is imperative to consider the historical context in which the Petitioner club was established. The Petitioner was incorporated as a society in the year 1971 under the name "Press Club Bombay," corresponding to the official name of the city at that time. However, in November 1995, the city's name was officially changed from 'Bombay' to 'Mumbai.' As a direct consequence, the Petitioner began using the name "Press Club Mumbai" to align with the new nomenclature. Over the years, it has also become popularly known as "Mumbai Press Club."

(iii) In the claim dated 18th July 2024, the very first sentence explicitly states: "The Press Club, Mumbai (Mumbai Press Club) is a member of..". This phrasing clearly indicates that the claim is made by "The Press Club, Mumbai," and it defines "Mumbai Press Club" as its synonymous identity. The parenthetical reference serves to clarify any potential ambiguity, effectively bridging any nominal differences arising from the change of the name of the city change. The use of both names is deliberate and transparent. Furthermore, the letterhead on which the claim is submitted bears the logo of "Mumbai Press Club," consistent with its current and commonly used name. Importantly, at the bottom of the letterhead, the registration details of the Petitioner are provided, including: The registered name as per the Certificate of Registration: "The Press Club, Bombay". The Petitioner has provided satisfactory explanations, supported by documentation, to establish that the names "Press Club Bombay" and "Mumbai Press Club" refer to the same legal



entity. The Scrutiny Committee has overlooked the substantive continuity of the Petitioner's identity and operations.

Objection Regarding Notarization of Documents

(i) The third objection revolves around the notarization of the documents (Copy of list of members, copy of the constitution/by-laws of the Mumbai Press Club and minutes of meeting) submitted by the Petitioner. The Committee has observed that all pages of the documents must carry the signature along with the seal of a Notary Public for authentication to be valid. Mr. Sibal has explained that in Mumbai, the established and customary practice for notarization involves affixing the official seal, signature, and stamp of the Notary Public on the last page of the document, while the intervening pages bear a blue rubber stamp of the Notary. This is a standard procedure recognized and accepted across all courts in Mumbai, including the High Court of Bombay. He has further argued that contrary to the Committee's assertion, it is factually incorrect to state that only the first and last pages are notarized. The intervening pages indeed bear the Notary's stamp, thereby authenticating the entire document.

(ii) In light of the foregoing explanation, the Committee's insistence on having every page carry the Notary's signature and seal overlooks the substantive compliance demonstrated by the Petitioner. The document, in its entirety, has been duly notarized. Regarding the Minutes of the Meetings, the statement that only the first page and two other pages carry the Notary's signature is also factually erroneous. Each set of Minutes has been notarized as a separate document, following the standard notarization procedure elaborated above. Thus, every set of Minutes submitted by the Petitioner has been duly authenticated and notarized. Therefore, the said ground is *ex facie* arbitrary, unsustainable, erroneous, misconceived and illegal.

No proof of submission of minutes to the appropriate Authority:

(i) The proof of submission of Minutes to the appropriate Authority is not an eligibility criterion under the PC Rules. No statutory requirement for separate submission of Minutes to the Registrar of Societies has been shown to the Court. Therefore, the said ground cannot be the basis for rejecting the claim of the Petitioner.

ii.) It is apparent that the said ground for recommending rejection is also unsustainable, illegal, arbitrary and is beyond the statutory requirements, as well as Respondent No. 1's own notice dated 09th June, 2024.

There is no clear authorization letter to file the claim:



(i) The declaration in the form of a sworn Affidavit of the then Secretary of the Petitioner submitted along with the claim dated 18th July, 2024 mentions the authorisation to file the claim. The Secretary of the Petitioner is ex-officio entitled and authorised to file the said claim. Further, the said secretary has sworn on an Affidavit to this effect and in paragraph 5 thereof expressly stated that the Petitioner has authorised him to make the necessary application and declaration and provide the necessary documentation for the same. In these circumstances, this ground too is without substance or merit, is entirely arbitrary and cannot be sustained either in fact or in law."

24. In respect of the first objection raised by the Scrutiny Committee which pertained to illegible copy of registration certification, learned Single Judge has observed that original certification was obtained in the year 1971 and with the passage of time it is not difficult to note that the original certificate has faded and consequently the photostat copy submitted, is faint. He has further noticed that in compliance of requirement of Rule 4 regarding association's registration under relevant law for at least six years, the respondent No.1 had submitted not only the original registration certificate but also provided a fresh certificate of registration issued on 19.07.2024 by the Assistant Registrar of Societies, Greater Mumbai Region, Mumbai and therefore, the requirement stood satisfied. The learned Single Judge has thus, rightly observed that the objection in this regard raised by the Scrutiny Committee amounts to placing form over substance.

25. In our opinion, thus, the learned Single Judge has rightly invoked the doctrine of substantial compliance as enunciated by Hon'ble Supreme Court in *Hari Chand Shri Gopal* (supra). Paragraphs 32 to 34 of *Hari Chand Shri Gopal* (supra) are relevant to be quoted here which read as under:

“Doctrine of substantial compliance and “intended use”

32. The doctrine of substantial compliance is a judicial invention, equitable in nature, designed to avoid hardship in cases where a party does all that can reasonably be expected of it, but failed or faulted in some minor



or inconsequential aspects which cannot be described as the “essence” or the “substance” of the requirements. Like the concept of “reasonableness”, the acceptance or otherwise of a plea of “substantial compliance” depends upon the facts and circumstances of each case and the purpose and object to be achieved and the context of the prerequisites which are essential to achieve the object and purpose of the rule or the regulation. Such a defence cannot be pleaded if a clear statutory prerequisite which effectuates the object and the purpose of the statute has not been met. Certainly, it means that the Court should determine whether the statute has been followed sufficiently so as to carry out the intent for which the statute was enacted and not a mirror image type of strict compliance. Substantial compliance means “actual compliance in respect to the substance essential to every reasonable objective of the statute” and the Court should determine whether the statute has been followed sufficiently so as to carry out the intent of the statute and accomplish the reasonable objectives for which it was passed.

33. A fiscal statute generally seeks to preserve the need to comply strictly with regulatory requirements that are important, especially when a party seeks the benefits of an exemption clause that are important. Substantial compliance with an enactment is insisted, where mandatory and directory requirements are lumped together, for in such a case, if mandatory requirements are complied with, it will be proper to say that the enactment has been substantially complied with notwithstanding the non-compliance of directory requirements. In cases where substantial compliance has been found, there has been actual compliance with the statute, albeit procedurally faulty. The doctrine of substantial compliance seeks to preserve the need to comply strictly with the conditions or requirements that are important to invoke a tax or duty exemption and to forgive non-compliance for either unimportant and tangential requirements or requirements that are so confusingly or incorrectly written that an earnest effort at compliance should be accepted.

34. The test for determining the applicability of the substantial compliance doctrine has been the subject of a myriad of cases and quite often, the critical question to be examined is whether the requirements relate to the “substance” or “essence” of the statute, if so, strict adherence to those requirements is a precondition to give effect to that doctrine. On the other hand, if the requirements are procedural or directory in that they are not of the “essence” of the thing to be done but are given with a view to the orderly conduct of business, they may be fulfilled by substantial, if not strict compliance. In other words, a mere attempted compliance may not be sufficient, but actual compliance with those factors which are considered as essential.”

26. In our conclusion, the finding recorded by learned Single Judge regarding this aspect need not be interfered with as the Press Council of



India or the Scrutiny Committee should be concerned with substantial compliance of the registration of respondent no.1 for the past six years in the wake of the fresh certificate issued by the competent authority under the Societies Registration Act, dated 19.07.2024. Merely because the original certificate was not legible enough, in our considered opinion the Scrutiny Committee could not have rejected the claim of the respondent No.1.

27. The finding recorded by the learned Single Judge in respect of the objection raised by the Scrutiny Committee regarding there being some discrepancy in the name of the respondent No.1 appearing in the registration certificate and its name in the application, also need not be interfered with. The certificate issued by the competent authority is in the name of "Press Club Bombay" while the application was submitted under the name "Mumbai Press Club" and solely on this count the Committee found inconsistency in the name and treated it to be a significant defect warranting rejection of the application. The learned Single Judge, while considering the said issue has returned a finding that the society was incorporated in the year 1971 under the name "Press Club Bombay" which corresponded to the official name of the city at that time, however, in November, 1995, the name of the city of Bombay was officially changed to Mumbai and as a consequence the respondent No.1 began using the name "Press Club Mumbai" to align with the new nomenclature assigned to the city of Mumbai (the then Bombay). It has also been stated by the learned Single Judge that over the years the respondent No.1 has been popularly known as Mumbai Press Club. The learned Single Judge has also noticed the contents of the claim application dated 18.07.2024 and has recorded a finding that the



very first sentence of the application clearly states, “*The Press Club, Mumbai (Mumbai Press Club) is a member of....*”. According to the learned Single Judge, the manner in which the first sentence has been phrased in the claim application dated 18.07.2024 clearly reveals that the “Press Club Mumbai” reflects itself as a synonym of “Mumbai Press Club”. It is recorded by the learned Single Judge that the “Press Club Mumbai” and “Mumbai Press Club” are synonymous identities. Further, the letter head on which the claim application dated 18.07.2024 was filed by the respondent No.1 gives the registration details and the registration name as per the certificate of registration i.e. “Press Club, Bombay”. The learned Single Judge has then found that explanation submitted by the respondent No.1 was satisfactory to establish that the names “Press Club Bombay” and “Mumbai Press Club” refer to the same legal entity.

28. We find ourselves in complete agreement with the reasoning given by the learned Single Judge for treating “Press Club Bombay” and “Mumbai Press Club” as the same legal entity and, therefore, the finding returned by the learned Single Judge in regard to about the illegality committed by the Scrutiny Committee appears to us to be correct which does not warrant any interference.

29. Regarding notarization of documents, the learned Single Judge has clearly opined that in Mumbai, it is the established and customary practice for notarization which involves affixing of the official seal, signature and stamp of the Notary Public to be on the last page of the document while the intervening pages bear a blue rubber stamp of the Notary. The learned Single Judge has also found that this is a standard procedure recognized and



accepted across Mumbai, including the High Court of Bombay and therefore, the Scrutiny Committee's insistence on each page carrying the Notary's signature and seal, overlooks the substantive compliance as demonstrated by the respondent No.1. The learned Single Judge has opined that the document has been duly notarized following the standard notarized procedure which follows in Mumbai.

30. The learned Single Judge in the wake of these facts has, thus, arrived at a correct conclusion that such ground taken by the Scrutiny Committee for rejecting the application of the respondent No.1 is *ex facie* arbitrary, erroneous, misconceived and thus unsustainable. We are in complete agreement with the said finding recorded by learned Single Judge.

31. Regarding proof of submission of minutes to the appropriate authority, what we find is that, that is not an eligibility criterion under the Rules, 2021 and that there is no statutory requirement of separate submission of minutes to the Registrar of Societies and, therefore, we agree with the findings recorded by the learned Single Judge in this regard as well.

32. About the objection raised by the Scrutiny Committee regarding there being no clear authorization letter to file the claim, what we find is that the then Secretary of the respondent No.1 had submitted a declaration in the form of a sworn affidavit with the application dated 18.07.2024 clearly mentioning therein the authorization to file the claim. Further, the Secretary of the respondent No.1 is *ex-officio* entitled and authorized to file the claim.

33. The learned Single Judge referring to paragraph 5 of the affidavit filed along with the claim dated 18.07.2024, has observed that the said averment



made in the affidavit clearly stated that the respondent No.1 had authorized the Secretary to make the necessary application and declaration and provide necessary documentation for the said purpose. Based on these factual aspects, the learned Single Judge has opined that in these circumstances this petition is without any substance or merit; rather he found such ground for rejection of application moved by respondent No.1 to be entirely arbitrary and unsustainable either in fact or in law.

34. We have no reason to differ from the said finding recorded by the learned Single Judge in respect of this objection of the Scrutiny Committee for rejecting the claim of the respondent No.1.

35. At this juncture, reference can be had to what has been held by the Supreme Court in **T.M. Jacob** (supra). **T.M. Jacob** (supra) was a case where the matter pertained to election petition under the Representation of People Act. An objection was taken in the said matter that since the proceedings in election petitions are statutory proceedings and, therefore, Doctrine of Substantial Compliance cannot be invoked. The Hon'ble Supreme Court, analyzing the legislative intent of the Representation of People Act observed that the legislative intent appears to be quite clear as it divides violations into two classes, (1) those which would entail dismissal of the Election Petition, like non-compliance of certain provisions and (2) those violations which would not entail dismissal of the Election Commission where Doctrine of Substantial Compliance can be imported/ invoked. The Hon'ble Supreme Court in the facts of the said case concluded that the defects in the Election Petition which were complained of, were not such as could have mislead the authority concerned. The Court has further noticed that non-



mention of the name of the Notary or absence of stamp or seal of the Notary in an otherwise true copy supplied to a party to the said proceedings could not be construed to be an omission or variation of a vital nature and thus a defect, if at all it could be construed as a defect could not be construed as a defect of vital nature. The Hon'ble Supreme Court has, thus, observed that such a defect of non-vital nature will not attract consequences leading to rejection of the Election Petition.

36. Paragraph 38 and 39 of the judgment in **T.M. Jacob** (supra) are extracted herein below:

“38. We are unable to agree with Mr Salve that since proceedings in election petitions are purely statutory proceedings and not “civil proceedings” as commonly understood, there is no room for invoking and importing the doctrine of substantial compliance into Section 86(1) read with Section 81(3) of the Act. It is too late in the day to so urge. The law as settled by the two Constitution Bench decisions of this Court referred to above is by itself sufficient to repel the argument of Mr Salve. That apart, to our mind, the legislative intent appears to be quite clear, since it divides violations into two classes — those violations which would entail dismissal of the election petition under Section 86(1) of the Act like non-compliance with Section 81(3) and those violations which attract Section 83(1) of the Act, i.e., non-compliance with the provisions of Section 83. It is only the violation of Section 81 of the Act which can attract the application of the doctrine of substantial compliance as expounded in Murarka Radhey Shyam [AIR 1964 SC 1545 : (1964) 3 SCR 573] and Ch. Subbarao [AIR 1964 SC 1027 : (1964) 6 SCR 213] cases. The defect of the type provided in Section 83 of the Act, on the other hand, can be dealt with under the doctrine of curability, on the principles contained in the Code of Civil Procedure. This position clearly emerges from the provisions of Sections 83(1) and 86(5) of the Act which read thus:

“83. Contents of petition.—(1) An election petition—

- (a) shall contain a concise statement of the material facts on which the petitioner relies;*
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and*



(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings:

86. Trial of election petitions.—(1)-(4)***

(5) The High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.”

39. Applying the test as laid down in *Murarka Radhey Shyam Ram Kumar case* [AIR 1964 SC 1545 : (1964) 3 SCR 573] to the fact situation of the present case, we come to the conclusion that the defects complained of in the present case were not such as could have misled the appellant at all. The non-mention of the name of the Notary or the absence of the stamp and seal of the Notary in the otherwise true copy supplied to the appellant could not be construed to be an omission or variation of a vital nature and thus the defect, if at all it could be construed as a defect, was not a defect of any vital nature attracting the consequences of Section 86(1) of the Act. Under the circumstances, it must be held that there was no failure on the part of the election petitioner to comply with the last part of sub-section (3) of Section 81 of the Act and, under the circumstances, Section 86(1) of the Act was not attracted and the election petition could not have been dismissed by reason of the alleged failure to comply with the provisions of Section 81 of the Act. In this connection, it is also relevant to note that the appellant, neither in the memo of objections nor in the written objections or in CMP No. 2903 of 1996 has alleged that he had been misled by the absence of the name, rubber stamp and seal of the Notary on the copy of the affidavit supplied to him or that he had been prejudiced to formulate his defence. Even during the arguments, learned counsel for the appellant was not able to point out as to how the appellant could have been prejudiced by the alleged omissions on the copy of the affidavit served on him.”

37. If we analyse the objections raised by the Scrutiny Committee rejecting the claim of the respondent No.1, what we find is that such objections were not those which can be said to have the potential of misleading the Scrutiny Committee or the Press Council of India. The defects pointed out can be said to be only a minor variation in the form and



not in substance and it is only a vital defect in substance which could lead to rejection of application. The variations, if any, in our opinion, were insignificant so as to attract disqualification of the respondent No.1.

38. For the reasons aforesaid, we do not find any good ground to interfere with the impugned judgment and order passed by the learned Single Judge. The appeal is, therefore, dismissed.

39. We have been informed that in compliance of the judgment passed by the learned Single Judge, the Press Council of India vide an addendum notification dated 02.12.2024 has notified the respondent No.1 as well in the category under Section 5(3)(a) of the Act as representative body of working journalists other than editors and, accordingly, we direct that the Press Council of India shall proceed further accordingly.

40. There shall be no order as to costs.

**(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE**

**(TUSHAR RAO GEDELA)
JUDGE**

JANUARY 16, 2026

N.Khanna