APPENDIX A

A MODEL DRAFT BILL FOR
EMAI OR
ELECTRONIC MEDIA AUTHORITY OF INDIA
THE ELECTRONIC MEDIA AUTHORITY OF INDIA BILL 2013

A Bill to regulate the Electronic Media in India (including broadcasting, Electronic Media and multimedia), and for the establishment of an autonomous Authority to regulate the carriage of all forms of Electronic Media, and for establishment of an Appellate Tribunal and to provide for matters connected therewith or incidental thereto.

WHEREAS it is considered necessary
(i) To facilitate development of a national infrastructure for an information based society, and to enable access thereto;
(ii) To provide a choice of services to the people with a view to promoting plurality of news, views and information;
(iii) To establish a regulatory framework for carriage and content of Electronic Media in the scenario of convergence of Electronic Media, broadcasting, data, Electronic Media, multimedia and other related technologies and services; and
(iv) To provide for the powers, procedures and functions of a single regulatory and licensing authority and of the Appellate Tribunal.

BE it enacted by Parliament
1. Short title, extent and commencement
This Code may be called the Electronic Media Authority of India (EMAI) Code

CHAPTER I
Preliminary

2. Definitions
In this Code, unless the context otherwise requires:
1) Adjudicating Officer means an officer of the Authority appointed as Adjudicating Officer under this Code;
(a) Any local authority legally entitled to, or entrusted by the Central Government or any State Government with the control or management of any municipal or local fund; and
(b) Any person, agency or organisation engaged in land development for public use, or in roads for public transportation;
2) Appellate Tribunal means the Electronic Media s Appellate Tribunal established under this Code;
3) Appointed day, in relation to any provision of this Code, means the day on which that provision comes into force;
4) Broadcasting service means a content application service for providing television programme or radio programme, to persons having equipment appropriate for receiving that service regardless of the means of delivery of that service, but does not include telephones
5) Chairperson means the Chairperson appointed under this Code;
6) Channel means a set of frequencies used for transmission of a programme;
7) Authority means the Electronic Media s Authority of India established under this Code;
8) Electronic Media means the process of conveyance of content through transmission, emission or reception of signals, by wire or other electromagnetic waves;
9) Electronic Media service means a networking service or network application service or value added network application service or a content application service;
10) Content application service means an application service which provides content meant for the public and includes such other services as may be prescribed;
11) Content means any sound, text, data, picture (still or moving), other audio-visual representation, signal or intelligence of any nature or any combination thereof which is capable of being created, processed, stored, retrieved or communicated electronically;
12) Electronic Media Authority of India means the Electronic Media Authority constituted under this Code;
13) electronic Media persons means an electronic Media persons entered in any roll under the provisions of this Code;
14) Frequency means frequency of electro-magnetic waves used for providing a Electronic Media service;
15) Government owned institution, concern or undertaking or body which is financed wholly or substantially by funds provided directly or indirectly by the Government which may be specified, by notification in this behalf, by the Central Government;
16) Grantee means a person who has been granted registration under this Code;
17) Journalism degree on electronic Media means a person who has obtained a bachelor’s degree in journalism or electronic Media from any University established by law in India or such degrees recognised by India.
18) License means a license granted under this Code;
19) Licensee means a person who has been granted a license;
20) Member means a Member of the Authority appointed under this Code;
21) Network application service means the service provided by means of one or more networking services and includes such other services as may be prescribed;
22) Network infrastructure facilities means any element or combination of elements of physical infrastructure, which would be utilised by licensees for providing networking services and includes such other facilities as may be prescribed;
23) Networking service means a service for carrying Electronic Media s by means of guided or unguided electromagnetic waves and includes such other services as may be prescribed;
24) Notification means a notification published in the Official Gazette and the expression notified, with its cognate meaning and grammatical variation, shall be construed accordingly;
25) Post means a post and includes a pole, tower, standard, stay, strut, cabinet, pillar or any above ground contrivance for carrying, suspending or supporting any network infrastructure facility;
26) Prescribed means prescribed by rules made by the Central Government under this Code;
27) private operator of electronic media is a person or body of persons whose has a capital in the electronic media
28) Programme code means the code specified under this Code;
29) Programme means television, radio or any other electronic media programme including advertising or sponsorship, whether or not of a commercial kind, and broadcast programming shall be construed accordingly and include programme mentioned in the laws relating to the Cable Television, Prasarbarathi or Telecom Regulatory Authority of India;
30) Public service broadcaster means anybody created by an Code of Parliament only for the purpose of public service broadcasting;
31) registration means the registration granted this Code;
32) Regulations means regulations made by the Authority under this Code;
33) regulator in this Code includes the committees on radio, television, internet and other forms of electronic media
34) Secretary General means the Secretary General appointed under this Code;
35) Service provider includes any person who provides a Electronic Media service;
36) Spectrum Manager means Wireless Advisor to the Government of India notified as Spectrum Manager, Government of India under this Code under this Code;
37) Spectrum means electromagnetic wave of frequencies up to and including a frequency of 3000 giga hertz and above and below it;
38) State does not include a Union territory;
39) State Electronic Media Authority means a Electronic Media Authority constituted under Code
40) State roll means a roll of Electronic Media Authority of India (EMAI) prepared and maintained by a State Electronic Media Authority under this Code
41) Subscriber of a service means a person who subscribes to a Electronic Media service primarily for his own use;
   i) The Central Government;
42) Universal Service Obligation means obligation in respect of services as may be prescribed;
43) Value added network application service means the service provided by means of value addition using one or more network application services and includes such other services as may be prescribed;
44) Wireless Electronic Media means any Electronic Media without the use of wire or cable.
45) Wireless equipment means any equipment in use or capable of use in wireless Electronic Media and includes any article or apparatus as may be prescribed; A service (including a teletext service) that provides only data or text (with or without associated still images); or a service that makes programme available on demand on a point to point basis, including a dial-up service; satellite service or any other equipments used for the electronic media.

CHAPTER II
Regulation of Spectrum, Communication Services, Network Infrastructure Facilities and Wireless Equipment

3. Prohibition of use of spectrum without assignment
   1) No person shall use any part of the spectrum without assignment from
      a) The Central Government or
b) The Commission under this Act or
c) by virtue of Provision of services mentioned in the existing laws,
2) No person other than a public service broadcaster shall—
a) Own or provide any network infrastructure facility, or
b) Provide any networking service or any network application service or any value
   added network application service or any content application service,
c) Without a license or registration:
3) Provided that all facilities and services exempted from licensing or registration
   immediately before the commencement of this Act shall continue to be so exempt
   under this Act, until otherwise notified by the Central Government.
4) The Central Government may, by notification, exempt any—
a) Person or class of persons; or
b) Facility or service,
c) From the provisions of this section.
5) Prohibition of possession of wireless equipment without a license
a) No person shall possess any wireless equipment without obtaining a license in
   accordance with the provisions of this Act:
b) Provided that the Central Government may, by notification, exempt in the public
   interest any person or class of persons or any wireless equipment or class or
category of wireless equipments from the provisions of this section.
c) Nothing contained in sub-section (1) shall apply to—
d) Any person or equipment licensed under any law for the time being in force
   immediately before the commencement of this Act; or
e) Any person or equipment exempted from licensing immediately before the
   commencement of this Act, shall apply to the Government until otherwise notified
   by the Central Government

CHAPTER III
The Electronic Media Authority of India

4. The Electronic Media Authority of India.
1) There shall be a Electronic Media Authority of the territories to which this Code
   extends to be known as the Electronic Media Authority of India which shall consist
   of the following members, namely:...
a) The Secretary of the Press Authority of India ex officio;
b) The Attorney General of India, ex officio;
c) The Solicitor General of India, ex officio;
d) One electronic media member elected or nominated as the case may be by each
   State Electronic Media Authority from amongst its members having expertise and
   experience in the related field
e) One electronic media member nominated by the Government owned corporation of
   India Electronic Media Authority from amongst its members having expertise and
   experience in the related field
f) One private electronic media owner elected by each State Electronic Media
   Authority from amongst its members having expertise and experience in the related
   field
g) One private electronic media member amongst the watchers of electronic media having expertise and experience in the related field

2) No person shall be eligible for being elected as a member of the Electronic Media Authority of India unless he possesses the qualifications specified in this Code

3) There shall be a Chairman and a Vice. Chairman of the Electronic Media Authority of India elected by the Authority in such manner as may be prescribed.

4) The term of office of a member of the Electronic Media Authority of India elected by the State Electronic Media Authority shall.

5) In the case of a member of a State Electronic Media Authority who holds office ex officio, be two years from the date of his election or till he ceases to be a member of the State Electronic Media Authority, whichever is earlier); and

6) In any other case, be for the period for which he holds office as a member of the State Electronic Media Authority. Provided that every such member shall continue to hold office as a member of the Electronic Media Authority of India until his successor is elected.

5. Electronic Media Authority to be body corporate.

Every Electronic Media Authority shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract and may be the name by which it is known sue and be sued.

CHAPTER IV
The Functions of Electronic Media Authority of India

6. Functions of State Electronic Media Authority

The functions of a State Electronic Media Authority shall be.

1) to admit persons as Electronic Media Authority of India (EMAI) on its roll;
2) to prepare and maintain such roll;
3) to entertain and determine cases of misconduct against Electronic Media Authority of India (EMAI) on its roll;
4) to safeguard the rights, privileges and interests of Electronic Media Authority of India (EMAI) on its roll;
5) to promote the growth of Electronic Media for the purposes of effective implementation of the welfare schemes referred
6) to promote and support journalism or electronic Media reform;
7) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest;
8) to organise legal aid to the poor in the prescribed manner;
9) to manage and invest the funds of the Electronic Media Authority;
10) to provide for the election of its members;
11) to visit and inspect Universities in accordance with the directions given under this Code;
12) to perform all other functions conferred on it by or under this Code;
13) To do all other things necessary for discharging the aforesaid functions.
14) State Electronic Media Authority may constitute one or more funds in the prescribed manner for the purpose of maintaining the radio, television, internet and such other electronic media channels.
15) giving financial assistance to organise welfare schemes for the indigent, disabled or
other electronic Media persons
16) giving legal aid or advice in accordance with the rules made in this behalf;
17) Establishing journalism or electronic Media libraries.
18) State Electronic Media Authority may receive any grants, donations, gifts or
benefactions for all or any of the purposes specified by EMAI which shall be
credited to the appropriate fund or funds constituted under this enactment

CHAPTER V
Functions of Electronic Media Authority of India

7. The functions of the Electronic Media Authority of India shall be
1) to lay down standards of professional conduct and etiquette for electronic Media
persons;
2) to lay down the procedure to be followed by its disciplinary committee and the
disciplinary committee of each State Electronic Media Authority;
3) to safeguard the rights, privileges and interests of electronic Media persons;
4) to promote and support journalism or electronic Media reform;
5) to deal with and dispose of any matter arising under this Code, which may be
referred to it by a State Electronic Media Authority;
6) to exercise general supervision and control over State Electronic Media Authority;
7) to promote legal education and to lay down standards of such education in
consultation with the Universities in India imparting such education and the State
Electronic Media Authority;
8) to recognise Universities whose degree in journalism or electronic Media shall be a
qualification for enrolment as an electronic Media persons and for that purpose to
visit and inspect Universities or cause the State Electronic Media Authority to visit
and inspect Universities in accordance with such directions as it may give in this
behalf;
9) to conduct seminars and organise talks on legal topics by eminent jurists and
publish journals and papers of legal interest;
10) to organise legal aid to the poor in the prescribed manner;
11) to recognise on a reciprocal basis foreign qualifications in journalism or electronic
Media obtained outside India for the purpose of admission as an electronic Media
persons under this Code;
12) to manage and invest the funds of the Electronic Media Authority;
13) to provide for the election of its members;
14) to perform all other functions conferred on it by or under this Code;
15) To do all other things necessary for discharging the aforesaid functions.
16) The Electronic Media Authority of India may constitute one or more funds in the
prescribed manner for the purpose of.
17) giving financial assistance to organise welfare schemes for indigent, disabled or
other electronic Media persons;
18) Giving legal aid or advice in accordance with the rules made in this behalf.
19) Establishing journalism or electronic Media libraries.
20) The Electronic Media Authority of India may receive any grants, donations, gifts or
benefactions for all or any of the purposes specified in sub. section
21) Which shall be credited to the appropriate fund or funds constituted under that sub.
section.

CHAPTER VI
Qualification of Membership and Association in Other bodies

8. Membership in international bodies.
1) The Electronic Media Authority of India shall become a member of international
legal bodies such as the International Telecommunication Union (ITU),
2) contribute such sums as it thinks fit to such bodies by way of subscription or
otherwise and
3) authorise expenditure on the participation of its representatives in any international
electronic media conference or seminar
4) As representative of the government or as a participant in order to learn new trends
and technology in the electronic media.

9. Term of office of members of State Electronic Media Authority..
1) The term of office of an elected member of a State Electronic Media Authority
other than an elected member thereof referred as per this Code shall be five years
from the date of publication of the result of his election:
2) Provided that where a State Electronic Media Authority fails to provide for the
election of its members before the expiry of the said term, the Electronic Media
Authority of India may, by order, for reasons to be recorded in writing, extend the
said term for a period not exceeding six months

10. The committees of Electronic Media Authority of India
The Electronic Media Authority of India shall constitute the following standing
committees, namely.
1) an executive committee consisting of nine members elected by the Authority from
amongst its members;
2) An education committee consisting of ten members, of whom five shall be persons
elected by the Authority from amongst its members and five shall be person’s co.
opted by the Authority who are not members thereof.
3) A State Electronic Media Authority and the Electronic Media Authority of India
may constitute from amongst its members such other committees as it may deem
necessary for the purpose of carrying out the provisions of this Code.
4) Disciplinary committees..
a) A Electronic Media Authority shall constitute one or more disciplinary
committees, each of which shall consist of three persons of whom two shall be
persons elected by the Authority from amongst its members and the other shall be
a person co-opted by the Authority from amongst Electronic Media Authority of
India (EMAI) who possess the qualifications specified in the proviso to this Code
and who are not members of the Authority, and
b) The senior most electronic Media persons amongst the members of a disciplinary
committee shall be the Chairman thereof.
c) The disciplinary committees may follow Alternative Dispute Resolution (ADR) or
Online Dispute Resolution (ODR) programmes. All the petitions before the capable
of tracking in the internet.
d) All the disputes regarding the electronic media shall be disposed of within six months

11. Constitution of committees other than disciplinary committees.
A State Electronic Media Authority shall constitute the following standing committees, namely.
1) an executive committee consisting of five members elected by the Authority from amongst its members;
2) An electronic media enrolment committee consisting of three members elected by the Authority from amongst its members.

12. Transaction of business by Electronic Media Authority and committees thereof.
A State Electronic Media Authority shall meet at its headquarters or at such other place as it may, for reasons to be recorded in writing, determine.
1) The committees other than disciplinary committees constituted by the Electronic Media Authority shall meet at the headquarters of the respective Electronic Media Authority.
2) Every Electronic Media Authority and every committee thereof except the disciplinary committees shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed.
3) The disciplinary committees constituted under this Code shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed.
4) The Authority shall meet at such times and places and shall observe such procedure in regard to the transaction of business at its meetings as may be provided by regulations:
5) A Member, other than the Chairperson, shall be deemed to have vacated his office if he absents himself for three consecutive meetings of the Authority without the leave of the Chairperson.
6) The Chairperson or, if he is unable to attend a meeting of the Authority, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any other Member chosen by the Members present from amongst themselves shall preside at the meeting of the Authority.

13. Staff of Electronic Media Authority
1) Every Electronic Media Authority shall appoint a secretary and may appoint an accountant and such number of other persons on its staff as it may deem necessary.
2) The secretary and the accountant, if any, shall possess such qualifications as may be prescribed.

1) Every Electronic Media Authority shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.
2) The accounts of an Electronic Media Authority shall be audited by audit others duly qualified to Code as auditors of companies under the Companies Code, 1956, at such times and in such manner as may be prescribed.

3) As soon as may be practicable at the end of each financial year, but not later than the 31st day of December of the year next following, a State Electronic Media Authority shall send a copy of its accounts together with a copy of the report of the auditors thereon to the Electronic Media Authority of India and shall cause the same to be published in the Official Gazette.

4) As soon as may be practicable at the end of each financial year, but not later than the 31st day of December of the year next following, the Electronic Media Authority of India shall send a copy of its accounts together with a copy of the report of the auditors thereon to the Central Government and shall cause the same to be published in the Gazette of India.

14. Election to Electronic Media Authority is not to be questioned on certain grounds. No election of a member to a Electronic Media Authority shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date has, not less than thirty days before that date, been published in the Official Gazette.

15. Power to make rules.
An Electronic Media Authority of India shall have all the powers relating to this Code.

CHAPTER VII
Frequency Spectrum Management

16. Spectrum Management Committee
1) The Central Government shall be responsible for co-ordination with international agencies in respect of matters relating to spectrum management and also for allocation of available spectrum for strategic and non-strategic or commercial purposes.

2) For the purposes of discharging the responsibility under Code, the Central Government shall establish, by notification, a Spectrum Management Committee with the Cabinet Secretary as its chairman and consisting of such other members as may be notified by it from time to time.


4) Subject to the general supervision and control of the Spectrum Management Committee, the Spectrum Manager shall, inter alia, perform the following functions, namely:.

5) To co-ordinate with international agencies, matters relating to overall spectrum planning, use and its management;

6) To carry out spectrum planning, and assign frequencies to the Central Government and to State Governments to meet their vital needs, including those of defence, national security and of the public service broadcaster;

7) To allocate frequencies or band of frequencies including frequencies which are to be assigned by the Authority; and reassignment of frequencies from time to time;
8) To review constantly and to make available as much spectrum as possible for assignment by the Authority, in particular by optimising usages;

9) Monitoring as appropriate, in consultation with the Authority, the efficiency of the utilisation of the spectrum by all users including investigation and resolution of spectrum interference; and

10) After meeting the requirements of the Central Government and of State Governments for fulfilling their vital needs including those of defence, national security and public service broadcaster, the Spectrum Manager shall make the spectrum available, to the maximum extent possible, for assignment by the Authority, both in the shared as well as in the exclusive bands.

11) 4. Subject to the general supervision and control of the Spectrum Management Committee, the Spectrum Manager shall assign frequencies on payment of such fee as may be prescribed.

17. Assignment of spectrum

1) The Authority shall be responsible for assignment of the non-strategic and commercial spectrum to various users:

2) Provided that the Authority shall assign such frequencies in case these are not exclusively allocated to it, only with the prior approval of the Spectrum Management Committee.

3) Whenever the Authority seeks allocation of additional spectrum for assignment, including in the shared bands, a process for mutual consultation between the Authority and the Spectrum Manager shall be initiated in such manner and within a time frame as may be prescribed.

4) Before assigning any part of spectrum, the Authority shall prepare and notify from time to time one or more schemes or plans for such assignment, after such public hearing as it may consider appropriate.

CHAPTER VIII
License or Registration

18. License or registration of service providers

Having regard to the necessity of serving the public interest, ensuring competition and prevention of monopoly in the provision of network infrastructure facilities and Electronic Media services, the Authority may, by regulations specify—

1) Eligibility conditions for granting of licenses or registrations;

2) Restrictions regarding ownership and control of the media;

3) Restrictions on the number of licenses or extent of accumulation of interest in such licenses by a person; and

4) Such other conditions as may be considered necessary from time to time.

5) The Authority may determine by regulations, the obligations, conditions, restrictions, tariffs and rates subject to which a service provider shall provide facilities and services referred in this Code.

6) The Authority may, by regulations, determine the conditions subject to which a license or registration may be granted or transferred and where a license or registration is transferred, the transferee shall be deemed as licensee or grantees, as the case may be, for the purposes of this Code.
7) Subject to the provisions of sub section (1), the Authority may grant license or registration in such manner, and within such time, subject to such terms and conditions, on payment of such fee and after following such procedure as may be determined by regulations:

8) Provided that the fee for registration shall not exceed thirty thousand rupees.

9) The Authority shall notify, from time to time, one or more schemes or plans for licensing or registration containing such details as may be specified by regulations:

10) Provided that the Authority shall, before finalising such schemes or plans, consult the central government in order to ensure that the defense and security interests of India are fully protected.

11) Any scheme or plan referred to in sub section (4) may provide for eligibility conditions, number and scope of licenses and registrations and such other matters as the Authority may consider necessary.

12) The Authority may grant license to any person—

13) To provide or own network infrastructure facilities.

14) Explanation.—for the purposes of this clause, network infrastructure facilities shall include earth stations, cable infrastructure, wireless equipments, towers, posts, ducts and pits used in conjunction with other Electronic Media infrastructure, and distribution facilities including facilities for broadcasting distribution;

15) To provide networking services.

16) Explanation.—for the purposes of this clause, networking services shall include bandwidth services, fixed links and mobile links;

17) To provide network application services.

18) Explanation.—for the purposes of this clause, network application services shall include public switched telephony, public cellular telephony, global mobile personal Electronic Media by satellite, internet protocol telephony, radio paging services, public mobile radio trunking services, public switched data services and broadcasting (radio or television service excluding continued;

19) To provide content application services.

20) Explanation.—for the purposes of this clause, content application services shall include satellite broadcasting, subscription broadcasting, terrestrial free to air television broadcasting and terrestrial radio broadcasting;

21) To provide value added network application services such as internet services and unified messaging services.

22) Explanation.—for the removal of doubts, it is hereby declared that information technology enabled services such as call centers, electronic-commerce, tele-banking, tele-education, tele-trading, tele-medicine, videotext and video conferencing shall not be licensed under this Code.

23) The Authority may, while granting a license for any of the categories under sub section (6), confine or limit the scope of the facility or service to be provided by the licensee in each category of license, and also specify the conditions for providing that facility or service.

24) The Authority may, while granting a license under sub section (6), grant licenses either singly or jointly for one or more of the categories of facilities or services specified therein:
25) Provided that no license shall be granted under this sub section, if it conflicts with the objectives and guiding principles set out under this Code particularly in relation to ensuring fair access and promotion of competition.

26) Explanation.—no license shall be required in respect of any person or class of persons, or any facility or service, which has been exempted under the proviso to clause (b) of sub section (1) of section 4 unless specifically notified by the central government for the purposes of licensing under this Code.

19. Period and form of license or registration
1) A license or registration shall be granted for such period as may be specified by regulations.
2) A license or registration, granted under this Code, shall be in such form and shall be subject to the payment of such fee as may be determined by regulations:
3) Provided that the fee for registration shall not exceed the amount referred to in the proviso to sub section (3) of section 26:
4) Provided further that the Central Government may, by notification, in the public interest, exempt any person or class of persons from payment of the license fee or registration fee.

20. Duties of service providers
1) Every service provider shall, wherever required or applicable,—
   a. Give effect to Universal Service Obligations;
   b. Provide such life saving services as may be prescribed;
   c. Provide service to any person on demand within a reasonable period of time and on a non discriminatory basis; and
   d. Follow the codes and standards laid down and specified by the Authority.
2) Every service provider of a content application service shall, wherever required or applicable,—
   a. Endeavour to provide a suitable proportion of programme of indigenous origin; and
   b. Ensure that no programme forming part of his services infringes any copyright.
3) Without prejudice to the foregoing provisions of this Code, every service provider holding a license for providing of broadcasting services shall, amongst others,—
   a. Provide a specified number and type of broadcasting services, including those of the public service broadcaster, in such manner, as may be prescribed;
   b. Include only licensed broadcasting service in his delivery package for the purposes of distribution; and
   c. Use not more than such number of channels as specified by regulations, out of the total channel capacity of the system, for providing his own programming.

21. Certain agreements to be registered with the Authority
1) Every agreement, entered into or made by any service provider or infrastructure facilities provider, falling under one or more of the following classes shall, within sixty days from the making of such agreement, be registered with the Authority, namely:—
   a. Shareholders or promoters agreements ;
   b. Interconnectivity agreements; and
   c. Such other agreements as may be specified by regulations.
CHAPTER IX

Admission and Enrolment before the Electronic Media Authority of India (EMAI)

22. State Electronic Media Authority is to send copies of rolls of Electronic Media Authority of India (EMAI) to the Electronic Media Authority of India.

Every State Electronic Media Authority shall send to the Electronic Media Authority of India an authenticated copy of the roll of Electronic Media Authority of India (EMAI) prepared by it for the first time under this Code and shall thereafter communicate to the Electronic Media Authority of India all alterations in and additions to any such roll, as soon as the same have been made.

23. Certificate of enrolment..

1) There shall be issued a certificate of enrolment in the prescribed form by the State Electronic Media Authority to every person whose name is entered in the roll of Electronic Media Authority of India (EMAI) maintained by it under this Code.

2) Every person whose name is so entered in the State roll shall notify any change in the place of his permanent residence to the State Electronic Media Authority concerned within ninety days of such change.

24. Persons who may be admitted as Electronic Media Authority of India (EMAI) on a State roll.

1) Provided that subject to the other provisions contained in this code,

a) A national of any other country may be admitted as an electronic media persons on a state roll, if citizens of India,

b) Duly qualified,

c) Are permitted to practise journalism or electronic media in that other country;

d) He has completed the age of twenty-one years;

e) He has obtained a degree in journalism.

f) He fulfils such other conditions as may be specified in the rules made by the state electronic media authority under this chapter;

g) Makes an application for such enrolment in accordance with the provisions of this code, not later than two years from the appointed day; and

h) Fulfils the conditions specified in clauses (a), (b), (c), (d) (e) (f) and (g) of sub-section (1).

2) Is entitled to be enrolled as an electronic media persons under any rule made by the electronic media authority of India in this behalf, may be admitted as an electronic media persons on a state roll if he:

a) Makes an application for such enrolment in accordance with the provisions of this code; and

b) Fulfils the conditions specified in this Code

3) No person shall be admitted as an electronic media persons on a state roll.

a) If he is convicted of an offence involving moral turpitude;

b) If he is convicted of an offence under the provisions of the untouchability (offences) code, 1955 (22 of 1955):
c) If he is dismissed or removed from employment or office under the state on any charge involving moral turpitude. Explanation... in this clause, the expression state shall have the meaning assigned to it under article 12 of the constitution; provided that the disqualification for enrolment as aforesaid shall cease to have effect after a period of two years has elapsed since his released or dismissal or, as the case may be, removal

4) Nothing contained in sub. section (1) shall apply to a person who having been found guilty is dealt with under the provisions of the probation of offenders code, 1958 (20 of 1958 ).

25. Authority To Whom Applications For Enrolment May Be Made.. An application for admission as an electronic media persons shall be made in the prescribed form to the state electronic media authority within whose jurisdiction the applicant proposes to practise.

26. Disposal of applications for admission as an electronic Media persons..

1) A State Electronic Media Authority shall refer every application for admission as an electronic Media persons to its enrolment committee, and subject to the provisions of sub. sections (2) and (3) and to any direction that may be given in writing by the State Electronic Media Authority in this behalf, such committee shall dispose of the application in the prescribed manner:

2) (1)Provided that the Electronic Media Authority of India may, if satisfied, either on a reference made to it in this behalf or otherwise, that any person has got his name entered on the roll of Electronic Media Authority of India (EMAI) by misrepresentation as to an essential fact or by fraud or undue influence, remove the name of such person from the roll of Electronic Media Authority of India (EMAI) after giving him an opportunity of being heard.

3) (2) Where the enrolment committee of a State Electronic Media Authority proposes to refuse any such application, it shall refer the application for opinion to the Electronic Media Authority of India and every such reference shall be accompanied by a statement of the grounds in support of the refusal of the application.

4) (3) The enrolment committee of a State Electronic Media Authority shall dispose of any application referred to the Electronic Media Authority of India under sub. section (2) in conformity with the opinion of the Electronic Media Authority of India.

5) (4) Where the enrolment committee of a State Electronic Media Authority has refused any application for admission as an electronic Media persons on its roll, the State Electronic Media Authority shall, as soon as may be, send intimation to all other State Electronic Media Authority is about such refusal stating the name, address and qualifications of the person whose application was refused and the grounds for the refusal.

6) (5) A State Electronic Media Authority may remove from the State roll the name of any electronic Media persons who is dead or from whom a request has been received to that effect.

27. Application once refused not to be entertained by another Electronic Media Authority except in certain circumstances..

Where a State Electronic Media Authority has refused the application of any person for admission as an electronic Media persons on its roll, no other State Electronic Media Authority shall entertain an application for admission of such
person as an electronic Media persons on its roll, except with the previous consent in writing of the State Electronic Media Authority which refused the application and of the Electronic Media Authority of India.

CHAPTER X
Powers

28. Power to make rules.
1) A State and Central Electronic Media Authority may make rules to carry out the purposes of discharging its functions under this Code, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—
   a) summoning and enforcing the attendance of any person and examining him on oath;
   b) requiring the discovery and production of documents;
   c) receiving evidence on affidavits;
   d) issuing Authority is for the examination of witnesses or documents;
   e) subject to the provisions of sections 123 and 124 of the Indian Evidence Code, 1872, requisitioning any public record or document or a copy of such record or document, from any office;
   f) dismissing an application for default or deciding it *ex parte*;
   g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
   h) reviewing its decisions;
   i) granting interim relief; and
   j) Any other matter which may be prescribed.
2) Every proceeding before the Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Authority shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
3) The Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Code and of any rules, the Authority shall have powers to regulate its own procedure including the places at which it shall conduct its business.

29. Power to make rules and committees
The electronic media authority may make rules and committees regarding the broadcasting, Electronic Media, internet or any other electronic media subject to the laws mentioned in this Code.

CHAPTER XI
Licensing For Possession of Wireless Equipment

30. License for wireless equipment
Subject to the provisions of this Code, any person who intends to possess any wireless equipment shall make an application to the Authority for the grant of a license.
1) Every application shall be in such form and shall be accompanied by such fee as may be determined by regulations.
2) The Authority shall, on receipt of an application under sub-section (1), after making such inquiries as it deems fit, grant the license or reject the application:
3) Provided that no application shall be rejected unless an opportunity of being heard is given to the applicant:
4) Provided further that no application for a license shall be rejected except on the grounds of security of India or part thereof, public order or public interest.
5) Every license granted under this section shall be subject to such conditions and restrictions as may be determined by regulations.

CHAPTER XII
Special Provision in Respect of Certain Services
31. Provision for live broadcasting of certain events
   (1) For the purpose of ensuring the widest availability of viewing in India of a national or international event of general public interest to be held in India, the Central Government shall notify the same well in advance.
   (2) The national or international event of general public interest notified under this Code shall have to be carried on the network of a public service broadcaster as well.
   (3) In order to strive towards providing a level playing field for bidders for broadcasting rights, or persons interested in receiving broadcasting rights for events, notified under this Code, the Authority shall determine, well in advance of such event, the principles and terms for the access to the network of public service broadcaster.

CHAPTER XIII
Breach of Terms and Conditions of License or Registration, Civil Liability and Adjudication
32. Breach of terms and conditions of license, etc
   1) In case of breach of any of the terms of the license or registration or failure to comply with any decision, direction or order of the Authority, it may, after providing an opportunity to the party concerned of being heard, do any one or more of the following, namely:—
      a. direct the licensee or grantee to do or abstain from doing any Code or thing to prevent such breach or for such compliance;
      b. suspend the license or registration for a specified period;
      c. curtail the period of the license or registration;
      d. revoke the license or registration; and
      e. initiate adjudication proceedings under this Chapter.
   2) If the Authority has reason to believe that the terms and conditions of a license or registration for providing a net work infra-structure facility or Electronic Media service under this Code have been or are being breached, the Authority may direct or order the seizure of the equipment being used for provision of such facility or service, and for this purpose the Authority may, by order in writing, authorise any District Magistrate or Sub-Divisional Magistrate in any area, or any other officer of the Central Government or a State Government or Union territory Administration,
to implement and ensure compliance of its directions and orders; and when so authorised, such Magistrate or officer shall be bound to carry out the directions and orders of the Authority.

3) Any person aggrieved by the seizure under Code may prefer an appeal to the Appellate Tribunal within thirty days of the seizure and the Appellate Tribunal may pass such orders, as expeditiously as possible, as to the disposal of the property so seized as it may deem fit:

4) Provided that no such equipment shall be retained by the Authority or the authorised officer for a period exceeding forty-five days from the date of its seizure, unless the Appellate Tribunal, on the report made by the authorised officer, approves such retention for a longer period.

33. Civil liability for breach of terms and conditions of license etc
If any licensee or grantee commits breach of, or fails to comply with, any terms and conditions subject to which a license or registration, as the case may be, was granted or fails to comply with any rules, regulations or order made under this Code, the licensee or grantee shall be liable to a civil liability under this Chapter.

34. Civil liability for contravention of the provisions relating to transmission, etc
If any person transmits or distributes any Electronic Media or performs any service incidental thereto, by the use of a network infrastructure facility, Electronic Media service or wireless equipment which is required to be licensed or registered under this Code and not so licensed or registered, as the case may be, or has been established or maintained or operated in contravention of the provisions of this Code or any rule or regulation made there under, such person shall be liable to a civil liability under this Chapter.

35. Civil liability for delivery of content through facilities services or equipments not licensed or registered.
If any person delivers any content for transmission or accepts delivery of any content sent by the use of network infrastructure facility, Electronic Media service or wireless equipment knowing or having reason to believe that such facility, service or equipment has been established or has been maintained or operated without a license or registration or in contravention of the provisions of this Code or any rule or regulation made there under, such person shall be liable to a civil liability under this Chapter.

36. Civil liability for failure to register agreements.
If a service provider fails without reasonable excuse to register an agreement which is required to be registered as provided under section 29, he shall be liable to a civil liability under this Chapter.

37. Civil liability for failure to comply with the decision, etc., of the Authority.
If any person willfully fails to comply with any decision, direction or order of the Authority, he shall be liable to civil liability under this Chapter.
38. Filing of complaint, reference for adjudication, etc

1) A complaint may be filed before the Authority alleging that a service provider or any other person has incurred a civil liability under this Chapter.

2) Every complaint under sub section (1), except a complaint under section 33, shall be filed within sixty days from the date on which any Code or conduct constituting the contravention took place and shall be in such form as may be prescribed:

3) Provided that the Authority may entertain the complaint after the expiry of the prescribed period of sixty days if it is satisfied that there was sufficient cause for not filing it, within that period.

4) On receipt of a complaint under sub section (1), if the Authority is of the opinion that there is a prima facie case for referring the matter for adjudication under this Chapter, it may refer the same to the Adjudicating Officer having jurisdiction in the matter for adjudication; in all other cases the Authority may summarily dispose of the complaint.

5) Notwithstanding anything contained in this section, the Authority may at any time refer suo motu any contravention of any of the provisions of this Code or of any rule, regulation, direction or order made there under, to the Adjudicating Officer for adjudication in accordance with the provisions of this Chapter.

39. Power to adjudicate

1) For the purpose of adjudging whether any person has contravened any of the provisions of this Code, any rules, regulations, made there under or directions or orders issued under this Code is liable to a civil liability under this Chapter, the Authority shall, subject to the provisions of sub section (3), appoint by general or special order, an officer of the Authority as Adjudicating Officer for holding an inquiry in the manner provided for herein and in the regulations.

2) The Adjudicating Officer shall give the person referred to in sub section (1), a reasonable opportunity for making a representation in the matter, and if, on inquiry, the Adjudicating Officer is satisfied that the person has committed any contravention, and is liable to a civil liability, then, such liability as may be determined, by order, shall be imposed by the Adjudicating Officer on such person:

3) Provided that where the Adjudicating Officer is satisfied that there has been no contravention, he may pass such order as he deems fit.

4) No person shall be appointed as an Adjudicating Officer unless he possesses such experience as may be prescribed.

5) Where more than one Adjudicating Officers are appointed, the Authority shall specify, by order, the matters and places with respect to which such officers shall exercise their jurisdiction.

6) For the purpose of discharging his powers and functions, every Adjudicating Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

a) summoning and enforcing the attendance of any person and examining him on oath;
b) requiring the discovery and production of documents;
c) receiving evidence on affidavits;
d) subject to the provisions of sections 123 and 124 of the Indian Evidence Code, 1872, requisitioning any public record or document or a copy of such record or document, from any office;
e) issuing Authority for the examination of witnesses or for production of documents;
f) dismissing an application for default or deciding it *ex parte*;
g) setting aside any order of dismissal of any application for default or any order passed by him *ex parte*;
h) reviewing his decisions;
i) granting interim relief; and
j) Any other matter which may be prescribed.

7) The Adjudicating Officer shall Endeavour to decide disputes and complaints referred to him as expeditiously as possible.

8) Any proceeding before the Adjudicating Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Adjudicating Officer shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

40. Civil liability for willfully or otherwise damaging network infrastructure facility and causing interruption.

1) If any person damages, displaces or destroys any cable or any part of the network infrastructure facility laid, established or placed in accordance with the provisions of this Code, or if the Electronic Media service by reason of the damage or displacement caused by him is interrupted, such person shall be liable,—

2) where the Code is willful and deliberate, to a civil liability which may extend to five crore rupees and where the actual loss or damage caused is more than five crore rupees, then, a civil liability up to the extent of the damage;

3) Where the Code is not willful or deliberate, to a civil liability not exceeding the actual loss or damage caused.

4) Out of the civil liabilities imposed under sub-section (1), such sum as may be determined by the Adjudicating Officer shall be payable to the licensee or the grantee, as the case may be, as reasonable compensation for damage suffered.

41. Civil liability for not taking consent for use of private land.

If any person contravenes the provision of sub-section (2) of section 63, he shall be liable to a civil liability as determined by the Adjudicating Officer under this Chapter.

42. Facts to be taken into account by the Adjudicating Officer.

1) Any civil liability which may be imposed under this Chapter shall not exceed fifty crore rupees.

2) The Adjudicating Officer shall, while adjudging the quantum of civil liability, under this Chapter, have due regard to the provisions of this Code, and also to the following factors, namely:—

(a) the amount of revenue loss to the Government;

(b) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;

(c) the amount of loss caused to any person as a result of the default;

(d) the repetitive nature of the default; and
(e) The amount adjudged shall be such as may Code as a deterrent even though no financial loss has been caused by such contravention.

CHAPTER XIV
Electronic Media Appellate Tribunal

43. Establishment of Appellate Tribunal
1) The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Electronic Media Appellate Tribunal, to exercise the jurisdiction, powers and authority conferred on it by or under this Code.
2) Any person aggrieved by any decision or order of the Authority may prefer an appeal to the Appellate Tribunal.
a) Every appeal under sub-section (2) shall be preferred within a period of sixty days from the date on which a copy of the decision or order made by the Authority is received by the person aggrieved and the appeal shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed.
b) Any person aggrieved by an order of civil liability imposed by the Adjudicating Officer may prefer an appeal to the Appellate Tribunal within sixty days from the date on which such order is received and the appeal shall be in such form, verified in such manner and accompanied by such fee as may be prescribed:
3) Provided that the Appellate Tribunal may entertain an appeal under clause (a) or clause (b) after expiry of the period of sixty days, if it is satisfied that there was sufficient cause for not filing the same within that period.
4) On receipt of an appeal under sub-section (2) or sub-section (3), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.
5) The Appellate Tribunal shall send a copy of every order made by it to each of the parties to the appeal and to the Authority or the Adjudicating Officer, as the case may be.
6) The Appellate Tribunal shall Endeavour to deal with and dispose of every appeal preferred under sub-section (2) or sub-section (3) as expeditiously as possible; and all parties appearing before the Appellate Tribunal shall Code positively assist in ensuring that the appeal is disposed of not later than ninety days from the date of filing of the appeal.
7) The Appellate Tribunal may, on its own motion or otherwise for the purpose of examining the legality, propriety or correctness of any order or decision of the Authority or the Adjudicating Officer, call for relevant records and make such orders as it thinks fit:
8) Provided that the power under this sub-section shall not be invoked after the expiry of three months from the date of such order or decision.

44. Composition of Appellate Tribunal
1) The Appellate Tribunal shall consist of a chairperson and not more than six members to be appointed, by notification, by the Central Government.
2) The appointment of the chairperson of the Appellate Tribunal shall be made by the Central Government in consultation with the Chief Justice of India.
3) The appointment of members of the Appellate Tribunal shall be from amongst persons recommended by the search committee as may be prescribed.

4) Subject to the provisions of this Code the jurisdiction of the Appellate Tribunal may be exercised by benches thereof;

5) a bench may be constituted by the chairperson of the Appellate Tribunal consisting of two or more members thereof as he may deem fit:

6) Provided that every bench shall be presided over by a judicial member.

Explanation.—for the purposes of this section judicial member means any member of the Appellate Tribunal who has been a Judge of a High Court;

7) the benches of the Appellate Tribunal shall ordinarily sit at Delhi and also at such other places as the Central Government may notify, in consultation with the chairperson of the Appellate Tribunal;

8) The Central Government shall, on the recommendation of the Appellate Tribunal, notify the areas in relation to which each bench of the Appellate Tribunal may exercise jurisdiction.

9) The chairperson of the Appellate Tribunal may, as the exigencies of business may require, request a member of the Appellate Tribunal sitting on one bench of the Appellate Tribunal to sit on another bench thereof.

10) If at any stage it appears to the chairperson or a bench of the Appellate Tribunal that the case or matter is of such a nature that it ought to be heard by a bench consisting of more than two members of the Appellate Tribunal, the case or matter may be transferred by the chairperson to a bench of more than two members.

45. Qualifications, salary and allowances, etc., of the chairperson and members of the Appellate Tribunal.

1) A person shall not be qualified for appointment as the chairperson or a member of the Appellate Tribunal unless,—

2) in the case of the chairperson, he is, or has been, a Judge of the Supreme Court;

3) in the case of a member, he is, or has been, a Judge of a High Court, or has held the post of Secretary to the Government of India or any equivalent post in the Central Government or a State Government for a period of not less than two years, or he is a person who is proficient in any of the fields specified in this Code.

4) The chairperson and every member of the Appellate Tribunal shall hold office as such for a term of five years from the date on which he enters upon his office:

5) Provided that no chairperson or member shall hold office as such after he has attained,—

   a) in the case of the chairperson, the age of seventy years;

   b) In the case of any other member, the age of sixty-five years.

   c) The salary and allowances payable to, and the other terms and conditions of service of, the chairperson and members of the Appellate Tribunal shall be such as may be prescribed:

   6) Provided that neither the salary and allowances nor the other terms and conditions of service of the chairperson or a member of the Appellate Tribunal shall be varied to his disadvantage after appointment.

(a) If, for reason other than temporary absence, any vacancy occurs in the office of the chairperson or a member of the Appellate Tribunal, the Central Government shall
appoint another person in accordance with the provisions of this Code to fill the vacancy.

(b) When the chairperson of the Appellate Tribunal is unable to discharge his functions owing to absence, illness or any other cause, any member of the Appellate Tribunal, as authorised so to do by the Central Government, shall discharge the functions of the chairperson until the day on which the chairperson resumes charge of his functions.

7) Before appointing any person as chairperson or member of the Appellate Tribunal, the Central Government shall satisfy itself that the person does not have any such financial or other interests as are likely to affect prejudicially his functions as such chairperson or member.

8) A person, who is in the service of Government, shall have to retire or resign from service before entering the office of chairperson or member of the Appellate Tribunal.

46. Resignation and removal

(1) The chairperson or a member of the Appellate Tribunal may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the chairperson or the member shall be deemed to have vacated his office.

(2) The Central Government may remove from office, the chairperson or a member of the Appellate Tribunal, who—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as the chairperson or a member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the chairperson or a member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(3) Notwithstanding anything contained in sub-section (2), the chairperson or a member of the Appellate Tribunal shall not be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry, held by it in accordance with such procedure as may be specified in this behalf by the Supreme Court, reported that the chairperson or the member ought on such ground or grounds be removed.

(4) The Central Government may suspend from office, the chairperson or a member of the Appellate Tribunal in respect of whom a reference has been made to the Supreme Court under sub-section (2), until the Central Government has passed an order on receipt of the report of the Supreme Court on such reference.

47. Distribution of business amongst benches, etc

1) The chairperson of the Appellate Tribunal may, from time to time, by order, make provisions as to the distribution of the business of the Appellate Tribunal amongst
the benches of the Appellate Tribunal and also provide for the matters which may be dealt with by each bench thereof.

2) On the application of any of the parties and after notice to the parties, and after hearing such of them as may desire to be heard or *suo motu* without notice, the chairperson of the Appellate Tribunal may transfer any case pending before one bench of the Appellate Tribunal for disposal, to any other bench thereof.

3) If the members of a bench of the Appellate Tribunal consisting of two members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the chairperson of the Appellate Tribunal who shall hear the point or points, and thereafter such point or points shall be decided according to the opinion of the majority who have heard the case, including those who first heard it.

48. Procedure and powers of Appellate Tribunal

1) The Appellate Tribunal shall have, for the purpose of discharging its functions under this Code, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

   a. Summoning and enforcing the attendance of any person and examining him on oath;
   b. Requiring the discovery and production of documents;
   c. Receiving evidence on affidavits;
   d. Subject to the provisions of sections 123 and 124 of the Indian Evidence Code, 1872, requisitioning any public record or document or a copy of such record or document from any office;
   e. Issuing Authority is for the examination of witnesses or documents;
   f. Dismissing an application for default or deciding it *ex parte*;
   g. Setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
   h. Reviewing its decisions;
   i. Granting interim relief; and
   j. Any other matter which may be prescribed.

2) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Code, the Appellate Tribunal shall have powers to regulate its own procedure.

3) Every proceeding before the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, and the Appellate Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

49. Right of applicant to take assistance of legal practitioners etc.

An applicant or appellant may either appear in person or authorise one or more before the Appellate Tribunal.
50. Appeals to Supreme Court.
1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law for the time being in force, an appeal shall lie against any order, not being an interlocutory order, passed by the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code.
2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.
3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:
4) Provided that the Supreme Court may entertain the appeal after the expiry of the period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

51. Execution of Orders
1) An order passed by the Appellate Tribunal under this Code shall be executable by the Appellate Tribunal as a decree of a civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.
2) Notwithstanding anything contained in sub. section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.
Explanation.–For the purposes of this section, the expression civil court having local jurisdiction shall mean the civil court within whose local limits of jurisdiction, the licensee, grantee or judgment debtor, as the case may be, resides or has a place of office or business and also within whose jurisdiction any property belonging to the licensee, grantee or judgment debtor is located.

52. Penalty for failure to comply with the orders, etc., of Appellate Tribunal
1) If any person willfully fails to comply with any decision, direction or order of the Appellate Tribunal, such person shall be liable to a penalty to be imposed by the order of the Appellate Tribunal which may extend to five crore rupees:
2) Provided that no such penalty shall be imposed without giving an opportunity of being heard to the party concerned.

CHAPTER XV
Officers and Employees of the Authority and the Appellate Tribunal

53. Officers and employees of Authority and Appellate Tribunal
1) The Authority or Appellate Tribunal, as the case may be, shall appoint such officers and other employees as the Authority or Appellate Tribunal, as the case may be, considers necessary for the efficient discharge of its functions under this Code subject to such conditions as may be prescribed.
2) The salaries and allowances payable to and the terms and conditions of service of the officers and employees of the Authority and of the Appellate Tribunal shall be such as may be prescribed;
3) The officers and employees of the Authority shall discharge their functions under the general superintendence and control of the Chairperson of the Authority and the officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence and control of the chairperson of the Appellate Tribunal.
CHAPTER XVI
Finance, Accounts and Audit

54. Proceeds of license fee, etc
1) Subject to the provisions of this Code, the proceeds of the license fee, registration fee, amount received by imposition of civil liabilities imposed under this Code and amount of penalties imposed by the Appellate Tribunal shall be credited to the Consolidated Fund of India.

2) Such portion or percentage of the license fee as may be attributable to the Universal Service Obligation as may be prescribed shall be credited to a separate fund to be called the Universal Service Obligation Fund in the public account of India.

55. Electronic Media’s Authority and Appellate Tribunal Funds.
1) There shall be constituted two separate funds to be called the Electronic Media’s Authority Fund and the Appellate Tribunal Fund, and there shall be credited to these funds sums of money paid or grants made by the Central Government to be utilised for the purposes of this Code.

2) Subject to the provisions of sub-section under this Code receivable by the Authority shall be credited to the Electronic Media Authority Fund and fee receivable by the Appellate Tribunal shall be credited to the Appellate Tribunal Fund.

56. Grants and application of Funds
1) After due appropriation made by Parliament by law, the Central Government shall credit to the funds referred under this Code, by way of grant, separately for the Authority and for the Appellate Tribunal,
   a) adequate sums of money for being utilised for the purposes of this Code, and
   b) for meeting the salaries and allowances payable to the Chairperson and Members of the Authority and chairperson and members of the Appellate Tribunal and
   c) The administrative expenses including the salaries and allowances payable to, or in respect of, officers and other employees of the Authority and of the Appellate Tribunal, as the case may be.

57. Accounts and audit
1) The Authority as also the Appellate Tribunal shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner as may be prescribed in consultation with the Comptroller and Auditor General of India.

2) The accounts of the Authority as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall form part of the annual report of the Authority referred in this Code

3) The accounts of the Appellate Tribunal as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government, and that Government shall cause the same to be laid before each House of Parliament.
58. Annual report
1) The Authority shall, after the end of each financial year, furnish to the Central Government an annual report on its Code activities during the preceding financial year and containing such information relating to the proceedings and policy as may be prescribed and such report shall also contain therein the statement of annual accounts of the Authority.
2) The Central Government shall cause such report to be laid before each House of Parliament.

CHAPTER XVII
Right of way for Laying Cables and Erection of Posts

59. Rights of facility providers in public land
1) Subject to the provisions of this Code, any person entitled under the provisions of this Code for providing services or facilities (hereinafter referred to as facility provider) may from time to time lay and establish cables and erect posts under, over, along, across, in or upon any immovable property vested in or under the control or management of a public authority.
2) Any public authority under whose control or management any immovable property is vested shall, on receipt of a request from a facility provider permit the facility provider to do all or any of the following Codes, namely:—
3) to place and maintain underground cables or posts; and
4) To enter on the property, from time to time, in order to place, examine, repair, alter or remove such cables or posts.
5) The permission under this Code shall be promptly given and shall not be unreasonably withheld or denied:
6) Provided that in case of an emergency the facility provider may at any time for the purpose of examining, repairing, altering or removing any cable or post enter upon the property for that purpose without obtaining such permission.
7) The facility of right of way under this section for laying underground cables, and erecting posts, shall be available to all facility providers without discrimination and subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.
8) Where any shifting or alteration in position of the underground cable or post is required due to compulsive causes like widening of highways and construction of flyovers or bridges, the said facility provider shall shift or alter the same at the person own cost within the period indicated by the concerned public authority.
9) For the purposes of speedy clearance of requests for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority, high powered committees, or other appropriate mechanisms shall be promptly set up by the Central Government or the State Government in the manner prescribed, and they shall in each State Code as a single nodal agency to co-ordinate all activities in this regard; and the Central Government may provide appropriate guidelines in this behalf.
60. Right of public authority to grant permission
1) Any permission granted by a public authority under this Code may be subject to
   a) Such reasonable conditions as that authority thinks fit
   b) To impose as to the time or mode of execution of any work, or as to
   c) Any other matter connected with or
   d) Related to any work undertaken by the facility provider in exercise of those rights.

61. Provision for removal or alteration of cable or post
1) When under the foregoing provisions of this Chapter the provisions of this Code
   shall be applied, and.
   2) Any cable or post has been placed by any facility provider
      a) Under, over, along, across in or upon any property and the public authority
      b) Having regard to circumstances which have arisen since the cable or post was so
         placed,
      c) Considers it necessary and expedient that it should be removed or its position
         should be altered, it may require the concerned facility provider to remove it or alter
         its position, as the case may be, and it shall, then, be so removed or altered without
         any delay.

62. Determination of disputes
1) If any dispute arises under this Chapter including refusal of permission by the
   public authority, the district court within whose local limits of jurisdiction the
   property concerned is situated shall on application determine the same.
   2) Every such determination shall be in accordance with the provisions of this Chapter
   and such determination shall be deemed to be a decree of the district court and be
   for all purposes treated as such.
   3) The provisions of the Code of Civil Procedure, 1908 shall apply to adjudication of
   all disputes under this section.
   4) Pending disposal of any application, the district court may pass such interim orders,
   preventive or mandatory, for the doing of any Code under this Chapter on such
   terms and conditions as may be provided for in such order.

63. Use of private land by facility provider
1) A facility provider may make use of private land or premises for constructing or
   laying of cables or erecting posts only with the consent in writing of the owner of
   the land or premises, as the case may be:
   2) Provided that where in the opinion of a facility provider such consent to the
      reasonable use of any land or premises is not forthcoming, such facility provider
      may, on an application to and with the approval of the Authority, take steps
      authorised by the Authority for use of the land or premises for constructing or
      laying cables or erecting posts on such terms as the Authority may deem fit.
   3) Where, immediately before the commencement of this Code, a facility provider has
      made use of private land or premises for constructing or laying of cables or erecting
      posts without consent of the owner of the land or the premises and despite owner’s
      objection, the facility provider shall, within a period of six months from the date of
      commencement of this Code, obtain a written consent of the owner, and the
      provisions of this Code shall apply mutatis mutandis to this situation.
64. Power of Authority to issue order regarding use of private land
1) The Authority may, by order, require any network infrastructure facility to be provided, constructed, installed, altered, moved, operated, used, repaired or maintained on any private land or premises or any system or method to be adopted by any person interested in, or affected by, the order, and at or within such time subject to such conditions as to compensation or otherwise and under such supervision as the Authority may determine to be just.
2) The Authority may, by order, specify by whom, in what proportion and at or within what time the cost of doing anything required to be done under sub-section (1) shall be paid.
3) Any order of the Authority under sub-section (1) or sub-section (2) shall be enforceable under Chapter X of this Code as if such order is the order referred to in section 37.

65. Right of a facility provider
Nothing in this Chapter shall confer any right upon any facility provider other than that of a user for the purpose only of laying cables or erecting posts or maintaining them.

CHAPTER XVIII
Interception of Electronic Media and Punishment for Unlawful Interception

66. Interception of Electronic Media and safeguards
1) Subject to the prescribed safeguards, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or the State Government, on the occurrence of any public emergency or in the interest of public safety, if satisfied that it is necessary or expedient so to do in the interests of the security, sovereignty and integrity of India, friendly relations with foreign States or public order or for preventing incitement to the Authority of an offence, may direct—
   i) any agency of that Government to intercept any Electronic Media on any network facilities or services;
   ii) any service provider that any content brought for Electronic Media by, or communicated or received by, him shall not be communicated or shall be intercepted or detained or shall be disclosed to that Government or its agency authorised in this behalf.
2) The service provider shall, when called upon by any agency which has been directed to carry out interception under sub-section (1), extend all facilities and technical assistance for interception of the content of Electronic Media.
3) Any service provider, who fails to assist the agency referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to seven years.
4) Save as otherwise provided under this section, any person, who intercepts any Electronic Media or causes any Electronic Media to be intercepted or discloses to any person any content of such Electronic Media, shall be punishable with imprisonment which may extend to five years or with fine which may extend to ten lakh rupees, and, for the second or subsequent offence, with imprisonment which may extend to five years, and with fine which may extend to fifty lakh rupees.
Explanation.—for the purposes of this section, interception means the aural or other acquisition of the content through the use of such devices or means as may be necessary for such acquisition.

67. Saving
Nothing in this Chapter shall affect the provisions of section 69 of the Information Technology Code, 2000.

CHAPTER XIX
Offences and Punishment

68. PUNISHMENT FOR UNLICENSED SERVICES
1) Save as otherwise provided in this Code, any person who, without a license, owns or provides any network infrastructure facility or provides any Electronic Media service or knowingly assists in the transmission or distribution of such service in any manner including—
   a) collection of subscription for his principal; or
   b) issuing of advertisements to such service; or
   c) dealing in, or distribution of, equipment for decoding programme,
2) shall be punishable with imprisonment which may extend to five years, or with fine which may extend to five crore rupees, or with both, and, for the second or subsequent offence, with imprisonment which may extend to five years, or with fine which may extend to ten crore rupees, or with both.
3) Any person, who without the permission of the service provider and with the intent to defraud, diverts any signal or decodes any content or deals in decoding equipment for such purpose, shall be punishable with imprisonment which may extend to five years and with fine which may extend to five crore rupees, or with both, and, for the second or subsequent offence, with imprisonment which may extend to five years, and with fine which may extend to ten crore rupees.
4) Any person, who knowingly benefits from any unauthorized diversion or tampering with any Electronic Media service or network infrastructure facility with the knowledge that such service or facility is unauthorized or tampered, shall be punishable with imprisonment which may extend to two years, or with fine which may extend to two crore rupees, or with both.
5) Any person, who abets or induces the making of any unauthorized diversion or tampering with any Electronic Media service or network infrastructure facility, shall be punishable with imprisonment which may extend to two years, or with fine which may extend to two crore rupees, or with both.
6) Any person, who having been convicted of an offence under sub-section (3) or sub-section (4) is again convicted of an offence there under, shall be punishable with imprisonment which shall not be less than six months but which may extend to five years, and with fine which may extend to five crore rupees.

69. Punishment for possession of wireless equipment, etc., without license
1) Any person,—
   a. Who possesses any wireless equipment in contravention of the provisions of or
   b. Who uses a radio frequency which he is not authorised to use under this Code,
2) Shall be punishable with imprisonment which may extend to three years, or with fine which may extend to two crore rupees, or with both.

Explanation.—for the purposes of this sub-section, radio frequencies means any frequency of electro-magnetic waves up to and including a frequency of 3000 giga hertz.

3) When any person is convicted for an offence punishable under sub-section (1), all wireless equipments or any part thereof in respect of which the offence has been committed, shall be forfeited to the Central Government.

4) Any wireless equipment which has not been claimed by any person shall vest in the Central Government.

5) Any officer, authorised by the Central Government or the Authority in this behalf, may search any building, vehicle, vessel or place in which he has reason to believe that any wireless equipment in respect of which an offence punishable under sub-section (1) has been committed is kept or concealed, and take possession thereof.

70. Punishment for sending obscene or offensive messages

1) Any person who sends, by means of a Electronic Media service or a network infrastructure facility,—

a. Any content that is grossly offensive or of an indecent, obscene or menacing charter; or

b. For the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill-will, any content that he knows to be false or persistently makes use for that purpose of a Electronic Media service or a network infrastructure facility,

2) It shall be punishable with imprisonment which may extend to three years, or with fine which may extend to two crore rupees, or with both.

71. Attempt to commit offences

Whoever attempts to commit, or abets the Authority of, any offence under this Code shall be punished with the punishment provided for that offence.

72. Offences by companies

1) Where an offence under this Code has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

2) Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the Authority of such offence.

3) Notwithstanding anything contained in sub-section (1), where any offence under this Code has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
4) **Explanation.**—For the purposes of this section,—

a) Company means anybody corporate and includes a firm or other association of individuals; and

b) Director, in relation to a firm, means a partner in the firm.

73. **Offence triable by Court of Session**

No court inferior to that of a Court of Session shall try any offence under this Code.

74. **Offences to be cognizable**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Code shall be cognizable.

**CHAPTER XX**

**Transfer of Proceedings**

75. **Transfer of proceedings to Authority**

On the date of establishment of the Authority under sub-section (1) of section 6, all proceedings pending before the Telecom Regulatory Authority of India, established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Code, 1997, shall be deemed to be pending before the Authority and shall be disposed of in accordance with the provisions of this Code.

76. **Transfer of proceedings to Appellate Tribunal**

On the date of establishment of the Appellate Tribunal under this statute, all proceedings pending before the Telecom Disputes Settlement and Appellate Tribunal established under the Telecom Regulatory Authority of India Code, 1997 shall stand transferred to the Appellate Tribunal which shall hear and dispose of such proceedings from the stage at which the proceedings were pending before the first mentioned Tribunal, in accordance with the provisions of this Code.

**CHAPTER XXI**

**Miscellaneous**

77. **Taking over control and management of Electronic Media service or network infrastructure facility.**

1) In the event of war or any calamity of national magnitude, the Central Government may, by notification, for a limited period, in the public interest, take over the control and management of any Electronic Media service or any network infrastructure facility connected therewith, suspend its operation or entrust any agency of that Government to manage it in the manner directed by that Government for such period as provided for in the notification.

2) If it appears necessary or expedient to do so, the Central Government may, in the public interest, at any time request the Authority to direct any licensee or grantee to

a. Transmit in his broadcasting service specific announcements, in such manner as may be considered necessary by that Government;

b. Stop any broadcasting service which is prejudicial to the security, sovereignty and integrity of India, friendly relations with foreign States, or to public order, decency or morality, or communal harmony.
3) On the issue of such directions by the Authority, it shall be the duty of the licensee or grantee to ensure compliance of such directions.

78. Obligations of licensees and grantees
1) Every licensee or grantee shall—
   a) Commence operation of his service within such period as may be specified by the Authority;
   b) Maintain such documentary records and transmission schedules as may be specified by the regulations; and
   c) Allow inspection of such facilities and such documentary records and transmission schedules, as may be specified by the Authority, by any person authorised by the Authority in this behalf.
2) The Authority may call for any information from a licensee or grantee including information necessary for ensuring transparency or for ascertaining the true ownership of the license or registration or the status of licensee or grantee.
3) The Authority or any officer authorised in this behalf by the Authority shall have power to inspect and obtain information, wherever necessary, from programme producers, programme distributors and programme advertising agents.
4) For effective enforcement of the terms and conditions of license or registration, the Authority or any officer authorised by the Authority for that purpose, shall have all the powers of an officer making inspection for the purposes of inspecting books of account and other books and papers of any licensee or grantee under section 209A of the Companies Code, 1956.
5) It shall be the duty of every licensee and grantee to carry out the directions of the Authority given under this section.

79. Licenses to operate wireless equipment onboard
1) No person shall operate any wireless equipment onboard any ship or aircraft registered in India without a license granted by such authority or agency as may be notified by the Central Government in this behalf.
2) The Central Government may prescribe the qualification for the authority to be notified under sub-section (1) and the manner for granting the license to operate wireless equipment onboard ships and aircraft.
3) The Central Government may prescribe the qualification for the person to whom a license for operating wireless equipment referred to in sub.-section (1) may be granted, examination, if any, to be conducted for granting such license, the conditions of the license, the fee to be paid therefore and other connected matters.

80. Recovery of civil liabilities
1) Without prejudice to other modes of recovery, any civil liability imposed under this Code shall, if not paid, be recovered as an arrear of land revenue, and
2) The Authority shall be empowered to suspend the license or registration of the person on whom the civil liability is imposed till the same is paid.

81. Supply of information to authorised officers
3) Notwithstanding anything contained in any law for the time being in force, where the Central Government or a State Government is satisfied that any information, document or record in possession or control of any service provider relating to any
service availed of by any consumer or subscriber is necessary to be furnished in relation to any pending or apprehended civil or criminal proceedings,

4) An officer, specially authorised in writing by such Government in this behalf, shall direct such service provider to furnish such information, document or record to him and the service provider shall comply with the direction of such officer.

82. Code not to apply in certain cases
Subject to the provisions contained in Code, nothing contained in this Code shall apply to network infrastructure facilities or Electronic Media services owned, and operated by the Central Government or any State Government for their own use.

83. Bar of jurisdiction of civil courts
No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Adjudicating Officer or the Appellate Tribunal or the Authority is empowered by or under this Code to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Code.

84. Chairperson, Members, etc., to be public servants
The Chairperson, Members, officers and other employees of the Authority, and the chairperson, members, officers and other employees of the Appellate Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

85. Protection of action taken in good faith
No suit, prosecution or other legal proceeding shall lie against the Authority or any Member or officer or other employee thereof or against the Appellate Tribunal or the chairperson or member or officer or other employee thereof for anything which is in good faith done or intended to be done in pursuance of this Code or of any rule or regulation or order made there under.

86. Exemption from tax on wealth and income
Notwithstanding anything contained in the Wealth tax Code, 1957, the Income. Tax Code, 1961, or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority or Appellate Tribunal shall not be liable to pay Wealth Tax, Income Tax or any other tax in respect of its wealth, income, profits or gains derived.

87. Code to have overriding effect
The provisions of this Code shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Code.

88. Power to make rules
The Central Government may, by notification, make rules for carrying out the purposes of this Code.

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89. Amendments.
This enactment can be amended as per the two third majority of the Authority or the Parliament as in the case of the Constitution of India. The state authority can make Laws under this Act subject to Central Code, Acts, Rules, regulation and directives prescribed in this Act.

90. Laying of rules and regulations
Every rule and every regulation made under this Code shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

91. Power to remove difficulties
If any difficulty arises in giving effect to the provisions of this Code, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Code, as may appear to it to be necessary or expedient, for removing the difficulty:
Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Code.
(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

92. Repeal of certain Codes, saving of licenses and registrations and dissolution of certain Authorities
(1) Subject to the other provisions of this section, the enactments namely, the Indian Telegraph Code, 1885, the Indian Wireless Telegraphy Code, 1933, the Telegraph Wires (Unlawful Possession) Code, 1950 and the Telecom Regulatory Authority of India Code, 1997, are hereby repealed.
(2) Notwithstanding such repeal, any person, who has obtained a license or registration under the Codes repealed under sub-.section (1), or who has obtained registration under the policy of the Central Government in force may continue to provide his services, if he has made an application to the Authority for the grant of a license or registration under this Code within a period of six months from the date of establishment of the Authority under this Code or where he has already made such an application, until the disposal of such application, whichever is later.
(3) The Authority shall, on receipt of an application referred to in sub-section (2), grant a license or registration after taking into consideration the terms and conditions on which such services were licensed or registered under any of the provisions of the repealed Codes, or the policy referred to in sub-section (2), as the case may be, and keeping in view the objectives of this Code.
(4) During the period of six months mentioned in sub-section (2) or till his application is disposed of, whichever is later, the applicant shall continue to be governed by, and shall comply with, the provisions of the Indian Telegraph Code, 1885, the Indian Wireless Telegraphy Code, 1933, the Telegraph Wires (Unlawful Possession) Code, 1950 or the Telecom Regulatory Authority of India Code, 1997, as the case may be, as if these Codes had not been repealed, or the policy referred to in sub-section (2).

(5) Save as otherwise provided under this Code, with effect from the date of the establishment of the Authority and the Appellate Tribunal under this Code, as the case may be, the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Code, 1997 and the Telecom Disputes Settlement and Appellate Tribunal established under section 14 of that Code, shall stand dissolved.
APPENDIX B

THE LIST OF
ELECTRONIC MEDIA AUTHORITIES IN OTHER COUNTRIES
Appendix B

ELECTRONIC MEDIA REGULATING AUTHORITIES IN OTHER COUNTRIES

AFRICA
Africa: African Communication Regulatory Authorities Network (ACRAN)
Burkina Faso: Conseil Supérieur de l'Information (CSI)
Kenya: Communication Commission of Kenya (CCK)
Mali: Conseil Supérieur de la Communication
Marocoo: Haute Autorité de la Communication Audiovisuelle (HACA)
South Africa: The Independent Communications Authority Of South Africa (ICASA)
Uganda: Uganda Coommunications Commission (UCC)
Tanzania: Tanzania Communications Regulatory Authority (TCRA)

ASIA
Hong Kong: The Broadcasting Authority
Malaysia: The Malaysian Communications and Multimedia Commission (MCMC)
Pakistan: The Pakistan Electronic Media Regulatory Authority (PEMRA)
Singapore: The Media Development Authority (MDA)
South Korea: The Korean Broadcasting Commission (KBC)

AUSTRALIA & NEW ZEALAND
Australia: Australian Communications and Media Authority (ABA)
New Zealand: Broadcasting Standards Authority (BSA)

CENTRAL AMERICA & Caribbean
Jamaica: Broadcasting Commission

NORTH AMERICA
Canada: Canadian Radio.television and Telecommunications Commission (CRTC)
USA: Federal Communications Commission (FCC)
**SOUTH AMERICA**

Argentina: Comité Federal de Radiodifusión (COMFER)
Brazil: Agência Nacional de Telecomunicações (Anatel)
Chile: National Broadcasting Council (Consejo Nacional de Televisión)
Colombia: Comisión Nacional de Televisión (CNTV)

**EUROPE**

Europe: European Platform of Regulatory Authorities
Albania: National Council of Radio and Television (NCRT)
Andorra: Consell Andorrà de l'Audiovisual (CAA)
Austria: Bundeskommunikationssenat
Austria: Kommunikationsbehörde Austria KommAustria
Belgium: Conseil Supérieur de l'Audiovisuel de la Communauté Française
Belgium: Vlaamse Regulator voor de Media
Belgium: Medienrat of the German speaking Community of Belgium
Bosnia and Herzegovina: Communication Regulatory Agency (CRA)
Bulgaria: Council for Electronic Media (CEM)
Croatia: Council for Electronic Media of the Republic of Croatia
Cyprus: Cyprus Radio. Television Authority
Czech Republik: Council for Radio and TV Broadcasting
Denmark: Radio and Television Board
Estonia: Estonian Broadcasting Council
Finland: The Finnish Communications Regulatory Authority (FICORA)
France: Conseil Supérieur de l'Audiovisuel (CSA)
Germany: Direktorenkonferenz der Landesmedienanstalten (ALM)
Greece: National Council for Radio and Television
Hungary: National Radio and Television Commission (ORTT)
Iceland: Broadcast Licensing Committee
Ireland Broadcasting Commission of Ireland (BCI)
Isle of Man: Communications Commission
Israel: Council for Cable TV and Satellite Broadcasting
Israel: 2nd Authority for Television and Radio
Italy: Autorità per le Garanzie nelle Comunicazioni (AGCOM)
Kosovo: Kosovo Independent Media Commission
Latvia: National Broadcasting Council
Lithuania: Lithuanian Radio and Television Commission
Luxembourg: Conseil National des Programmes
Malta: Malta Broadcasting Authority
Moldova: Council for Coordination on the audiovisual activity in Moldova (CCA)
Montenegro: Broadcasting Agency Council
Macedonia: Broadcasting Council of the Republic of Macedonia
Netherlands: Commissariaat voor de Media
Norway: Norwegian Media Authority . Medietilsynet
Poland: National Broadcasting Council . KRRiT
Portugal: Entidade Reguladora para a Comunicação Social (ERC)
Romania: National Audiovisual Council (CNA)
Russia: Russian Ministry for Information Technology and Telecommunication
Serbia: Broadcasting Agency of the Republic of Serbia
Slovakia: Council for Broadcasting and Retransmission of the Slovak Republic
Slovenia: Post and Electronic Communication Agency of the Republic of Slovenia
Spain: Telecommunications Market Commission (CMT)
Spain/Navarra: Audiovisual Council of Navarre
Spain/Catalonia: Audiovisual Council of Catalonia (CAC)
Sweden: Radio and TV Authority (RTVV)
Sweden: Swedish Broadcasting Commission
Switzerland: Office Fédéral de la Communication
Switzerland: Independent Complaints Authority (UBI/AIEP)
Turkey: Turkish Radio and Television Supreme Council (RTÜK)
Ukraine: National Council of TV and Radio Broadcasting
UK: Office for Communications (OFCOM)
APPENDIX  C

LIST OF
CONTENTS OF TELEVISION
PROGRAMMES
Appendix C
LIST OF CONTENTS OF TELEVISION PROGRAMMES

1. Action Series.
2. Adult content.
3. Adventure Series.
4. Animated series. 2D or 3D computer animation.
5. Anthology series.
6. Art.
7. Cartoon series.
8. Children's series. A television show which is aimed at kids and/or children and/or families.
9. Commercials
10. Comedy.
11. Courtroom drama.
12. Current Affairs. Broadcast journalism where the emphasis is on detailed analysis and discussion of a news story.
15. Docudrama. A program depicting some sort of historical or current news event, with specific changes or fabrications for legal, continuity or entertainment reasons. Depending on the quality of the feature and intended audience, these changes can minimally or completely change the story in relation to the actual events. These programs often depict crime or criminals but can also be used to depict heroics or tell a less explored side of a well known story.
16. Documentary. A documentary is a feature length or near feature length film depicting a real world event or person, told in a journalistic style (if told in a literary narrative style the result is often a docudrama).
17. Dramatic programming.
18. Dreamily. A combination of television drama and reality television genres.
19. Educational. A type of program that helps kids learns their basics to go through school.
20. Factual television.
21. Fantasy.
22. Feature films
23. Game Show. A television show depicting a real contest, typically a trivia competition or physical challenge, with rewards in prizes or money. The players may include celebrities.
24. Fashion show
25. Infomercials.
26. Instructional.
27. International events commercials
28. Legal drama.
29. Medical Drama. A medical drama is based around a team of medics helping patients who have been involved in accidents serious or otherwise. Most
commonly, an accident occurs which results in the medics being called to help the injured.

30. Mockumentary
31. Music television. A program where people can listen to music on their TV's. This is just like a radio station.
32. News show. A television program depicting real, up to date events.
33. News drama.

34. Police procedural. A television genre some say was pioneered by the popular show Dragnet. The stories revolve around a crime that has been committed and must be solved by the end of the episode following a very generic and usually unchanging structure of events. The crime is committed, witnesses are questioned, an arrest occurs, and then a judicial conclusion wraps it up. As the name implies, the show communicates everything "by the book," as it would happen in real life. In such modern Police Procedurals such as Law & Order, you see and hear even the officers reading freshly arrested criminals their Miranda rights. Not quite as dramatic or action oriented as the Dick Tracy.style of detective shows.

35. Public affairs (broadcasting).
36. Puppet Series.

37. Reality. A purportedly unscripted show (although evidence suggests some scripting or manipulation occurs) featuring non actors and others interacting with each other or dealing with invented or contrived challenges, such as competing against others for a prize. Produced in a similar fashion as the documentary film genre, but with more emphasis on the showing of interpersonal conflict, emotional reactions, or unusual occurrences.

38. Religious. A program produced by religious organizations, usually with a religious message. It can include church services, talk/variety shows, and dramatic movies. Within the last two decades, most religious programming is found on religious television networks.

40. Serial. A television show which is one continuous story. Each episode picks up from where the last one left off. The story may shift with a new season.
41. Sitcom. Short for Situational Comedy, a generally lighthearted genre which features characters having to deal with odd or uncomfortable situations or misunderstandings.
42. Soap opera. A television show which is one continuous story. Usually on every day of the week instead of once a week. Can go on for over 20 years. Example. All My Children, Days of our Lives, The Young and the Restless, General Hospital, and Coronation Street

43. Space Western.
44. Sports.
45. Standup comedy.
46. Tabloid television.
47. Western Series.
APPENDIX- D
LIST OF CASES
APPENDIX- D

LIST OF CASES

2. All India Bank Employees Association v N.I Tribunal A.I.R 1962 SC 171.
3. All India Sainik School Employees Assn v Sainik school society, 1989 (1) SCC 205.
5. Babulal Parate v State of Maharashtra, A.I.R 1961 SC 884
11. Chairman, Railway Board v Chandrima Das (AIR 2000 SC 988) ,
12. Cheat v Union of India and others (AIR 2003 SC 3309),
14. Colgate Palmolive (India) Ltd v Hindustan Lever Ltd (1) SCC 720,
15. Dabur India Limited v Colgate Palmolive India Ltd. AIR 2005 Delhi 102.
17. Delhi Domestic Working Women’s Forum v UOI (1995) 1 SCC 14,
19. Dr.Salma Khatoon v Secretary, GOI and others.(MANU/DE/1468/2010)
20. Ebrahim Suleiman Sait v Muhamed M.C. AIR 1980 SC 354
22. Fateh Chand v State of Haryana (AIR 2009 SC 2729),
25. In K.K. Birla v The Press Council of India AIR (1976) 1 Delhi 753
27. Indian Express Newspapers (P) V Union Of India And Others Etc. AIR 1995 SC 965,
29. K.A. Abbas v Union of India A.I.R. 1971 S.C.481
32. Kaveri v Neel Sagar and Anr. (MANU/DE/2821/2010),
36. Lakhanpal v Union of India A.I.R 1982 DELHI 167
37. LIC v Manubhai 1993 AIR 171, 1992 SCR (3) 595.
40. Mahesh Bhatt v Union of India 2009 WP (C) No.23716 of 2005
42. Miller v California, 413 U.S. 15 (1973)
43. N.R. Dongre and Ors. v Whirlpool Corporation And Anr. AIR 1995 Delhi 300
44. Odyssey communications Pvt Ltd v Lokavidhya Sanghatana A.I.R 1988 SC 1642.
47. Pennell Binaural (M/S) v Union of India AIR 1957 S.C. 397.
48. Peoples' Union for Liberties and others v Union of India and Others AIR 996 Cal 89.
49. Pepsi Co Inc. and ors v Hindustan Coca Cola Ltd and anr 2003 (27) PTC 305 Del.
50. Pepsi Co., Inc. And Others. V Hindustan Coca Cola Ltd. And Anr. 2003 (27) PTC 305
51. Prabha Dutt v Union of India. A.I.R 1982 SC 6; (1982) 1 SCC 1
53. Principal and Delhi Public School Society v National Commission for Women and Others.163 (2009) DLT 557)
54. Queen v Hicklin1868 LR 3 QB 360
55. R. v Hickline (1868) LR 3 QB 360, 371
56. R.K. Aggawral v Delhi Development Authority, CIC Appeal No. CIC/WB CIC/WB /A/2007/00568/LS:
57. Raghubir Dayal Jai Prakash v Union of India AIR 1962 SC 263
58. Raj Kapoor v Laxman, 1980 AIR 605, 1980 SCR (2) 51
60. Raman Dayaram Shetty v International Air Port Authority of India (1979) 3 SCC 489
64. Ranjit D. Udeshi v State of Maharashtra 1965(1) SCR 65 SC
65. Reckit Benckiser (India) Limited v Naga Limited and Others. DLT 490, 2003 (68)
66. Reckitt & Colman Of India Ltd v Kiwi T.T.K. Ltd, 63 (1996) DLT 29,
67. Reckitt & Colman Of India Ltd v M.P.Ramchandran and Anr, CS No.31/1996
71. Roth v United States, 354 U.S. 476 (1957)
74. Samdassani P.D. v Central Bank of India AIR 1952 SC.59.
75. Sarda Plywood Industries Ltd. v C I T 1999 238 ITR 354 Cal
76. Secretary Ministry of broadcasting v Cricket Association of Bengal and others.
   A.I.R 1995 SC 1236
77. Sheela Barse v State of Maharashtra (1987) 4 SCC 373
78. Skanta Halder v The State(1952) Cr. L.J 575.
81. State v Ramanand A.I.R. 1956 Pat 188.
83. State of Maharashtra v Madhukar N. ((1991) 1 SCC 57),
84. State Trading Corporation v CTO, A.I.R1963 SC,
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   O.M.P. 132 Of 2007
86. Sukhdev Singh v Bhagatram (1975) 1 SCC 421. AIR 1975 SC 1331
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90. U.S. v One Book Entitled Ulysses by James Joyce, 72 F.2d 705, (2d Cir. 1934);
91. University of Kerala v Council, Principals' Colleges, Kerala AIR 2010 SC 2532
92. Vault Corp. v. Quaid Software Ltd., 584 847 F.2d 255 (5th Cir. 1988)
95. Yasin Mohamed v Town Area Committee A.I.R 1952 SC 115
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# APPENDIX E

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11. The Comptroller and Auditor General's (Duties, Powers and Conditions Of) Services Act 1971 No. 56
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25. The Indecent Representation Of Women (Prohibition) Act  1986 No. 60
26. The Indian Medical Council Act  1956 No.102
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30. The Juvenile Justice (Care And Protection Of Children) Act 2000 No.56
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46. The Unlawful Activities (Prevention) Act, 1967,
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