Annexures
An Act to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of Newspapers in India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. Short title and extent.- (1) This Act may be called the Press Council Act, 1965.
(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.- In this Act, unless the context otherwise requires, -
(a) "Chairman" means the Chairman of the Council;
(b) "Council" means the Press Council of India established under section 3;
(c) "member" means a member of the Council and includes its Chairman;
(d) "prescribed" means prescribed by rules made under this Act;
(e) the expressions "editor" and "newspaper" have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867 (25 of 1867), and the expression "working journalist" has the meaning assigned to it in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).

CHAPTER II
ESTABLISHMENT OF THE PRESS COUNCIL

3. Incorporation of the Council.- (1) With effect from such date{4th July, 1966; vide Notification No.G.S.R..1065, dated 2-7-1966, Gazette of India, Extraordinary, Pt.II, Sec.3 (i), p.504} as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the Press Council of India
(2) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Composition of the Council.-
(1) The Council shall consist of a Chairman and twenty-five other members.
(2) The Chairman shall be a person nominated by the Chief Justice of India.
(3) The other members shall be chosen as follows:-
(a) thirteen members from among the working journalists, of whom not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers, so however that the number of editors of newspapers published in Indian languages shall not be less than three;
(b) six members from among persons who own or carry on the business of management of newspapers;
(c) three members from among persons having special knowledge or experience in the field of education, science, literature, law or culture;
(d) three members, of whom two shall be from among the members of the House of the People
and one from among the members of the Council of States.

(4) The two members to be chosen from among the members of the House of the People shall be nominated by the Speaker thereof and the one to be chosen from among the members of the Council of States shall be nominated by the Chairman thereof; and save as aforesaid, all the other members referred to in sub-section (3) shall be nominated by a Committee consisting of the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India, and in making any such nomination, the Committee shall have due regard to the consideration that not more than one person interested in any newspaper or any group of newspapers under the same control or management should be nominated to represent any of the categories referred to in clause (a) or clause (b) of that sub-section.

(5) Before making any nomination under clause (a) or clause (b) or sub-section (3), the Committee referred to in sub-section (4) shall, in the prescribed manner, invite panels of names from all such associations of persons of the categories referred to in the said clause (a) or clause (b) as may be notified in this behalf by the Council and in making any such nomination the Committee shall have due regard to the panels of names forwarded to it:

Provided that, until the Council is established, such associations shall be notified by the Central Government.

(6) Before making any nomination under clause (c) of sub-sections (3), the Committee shall consult such associations or persons as it thinks fit.

(7) The names of persons nominated under this section shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette, and every appointment so made under this section shall take effect from the date on which it is so notified.

5. Term of office and retirement of members.-

(1) Save as otherwise provided in this section, the Chairman and other members shall hold office for a period of three years.

(2) Where a person chosen as a member under clause (a) or clause (b) of sub-section (3) of section 4 is censured under the provisions of sub-section (1) of section 13, he shall cease to be a member of the Council.

(3) The term of office of a member chosen under clause (d) of sub-section (3) of section 4 shall come to an end as soon as he ceases to be a member of the House from which he was chosen.

(4) The Chairman may resign his office by giving notice in writing to the Central Government and any other member may resign his office by giving notice in writing to the Chairman; and upon such resignation being accepted by the Central Government or, as the case may be, the Chairman, he shall be deemed to have vacated his office.

(5) A casual vacancy arising under sub-section (2) or sub-section (3) or sub-section (4) or otherwise shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(6) Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same authority by which and in the same manner in which, that member was appointed.

(7) A retiring member shall be eligible for re-appointment:

Provided that no member shall hold office for a period exceeding six years in the aggregate and on the expiry of such period he shall cease to be a member.

6. Conditions of service of members.-

(1) The Chairman shall be a whole-time officer and shall be paid such salary as the Central Government may think fit; and the other members shall receive such allowances or fees for attending the meetings of the Council, as may be prescribed.

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be prescribed.

(3) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.
7. Meetings of the Council. - The Council shall meet at such times and places and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

8. Committees of the Council. - For the purpose of performing its functions under this Act, the Council may constitute from amongst its members such committees for general or special purposes as it may deem necessary and every committee so constituted shall perform such functions as are assigned to it by the Council.

9. Vacancies amongst members or defect in the constitution not to invalidate acts and Proceedings of the Council. - No act or proceeding of the Council shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

10. Staff of the Council. -
(1) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act.
(2) The terms and conditions of service of the employees shall be such as may be determined by regulations made with the prior approval of the Central Government.

11. Authentication of orders and other instruments of the Council. - All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf.

CHAPTER III
POWERS AND FUNCTIONS OF THE COUNCIL

12. Objects and functions of the Council. -
(1) The object of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers in India.
(2) The Council may, in furtherance of its object, perform the following functions, namely:
(a) to help newspapers to maintain their independence;
(b) to build up a code of conduct for newspapers and journalists in accordance with high professional standards;
(c) to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;
(d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;
(e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;
(f) to keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government;
Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources, in any other manner it thinks fit;
(g) to promote the establishment of such common service for the supply and dissemination of news to newspapers as may, from time to time, appear to it to be desirable;
(h) to provide facilities for the proper education and training of persons in the profession of journalism;
(i) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers;
(j) to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor;
(k) to promote technical or other research;
(l) to do such other acts as may be incidental or conducive to the discharge of the above functions.

13. Power to ensure. - (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council may, after giving the newspaper, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, censure the newspaper, the editor or journalist, as the case may be.
(2) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.
(3) The decision of the Council under sub-section (1), shall be final and shall not be questioned in any court of law.

14. General powers of the Council. - (1) For the purpose of performing its functions under this Act, the Council may require the publisher of any newspaper to furnish to it information on such points or matters as it may deem necessary.
(2) While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:
(a) summoning and enforcing the attendance of persons and examining them on oath;
(b) requiring the discovery and production of documents;
(c) receiving evidence on affidavits;
(d) issuing commissions for the examination of witnesses or documents.
(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

15. Payments to the Council. - The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act.

16. Fund of the Council. - (1) The Council shall have its own Fund; and all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person shall be credited to the Fund and all payments by the Council shall be made therefrom.
(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.
(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

17. Budget. - The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

18. Annual report. - The council shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and giving an account of the standards of newspapers and factors affecting them, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

19. Accounts and audit. - The accounts of the Council shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.
CHAPTER IV
MISCELLANEOUS

20. Protection of action taken in good faith.- (1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.  
(2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

21. Members etc., to be public servants.- Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

22. Power to make rules.- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act; Provided that when the Council has been established, no such rules shall be made without consulting the Council.  
(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-
(a) the manner in which panels of names may be invited under sub-section (5) of section 4;  
(b) the allowances or fees to be paid to the members of the Council for attending meetings of the Council, and other conditions of service of such members;  
(c) the appointment of the Secretary and other employees of the Council;  
(d) the form in which, and the time within which, the budget and annual report are to be prepared by the Council;  
(e) the manner in which the accounts of the Council are to be maintained and audited.

(3) Every rule made under this Act 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 successive sessions, and if before the expiry of the session in which it is laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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.

23. Power to make regulations.- The Council may make regulations not inconsistent with this Act and the rules made thereunder, for-
(a) regulating the meetings of the Council and the procedure for conducting business thereat;  
(b) specifying the terms and conditions of service of the employees appointed by the Council;  
(c) regulating the manner of holding any inquiry under this Act: Provided that the regulations made under clause (b) shall be made with the prior approval of the Central Government.
ANNEXURE-II

PRESS COUNCIL ACT 1978

An Act to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India.

Be it enacted by Parliament in the Twenty-ninth year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

Short title and extent
1. (1) This Act may be called the Press Council Act 1978;
(2) It extends to the whole of India.

Definitions
2. In this Act, unless the context otherwise requires,
(a) "Chairman" means the Chairman of the Council;
(b) "Council" means the Press Council of India established under section 4;
(c) "Member" means a member of the Council and includes its Chairman;
(d) "Prescribed" means prescribed by rules made under this Act;
(e) The expressions "editor" and "newspaper" have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867, and the expression "working journalist" has the meaning assigned to it in the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provision Act, 1955.

Rule of construction respecting enactments not extending to the State of Jammu and Kashmir or Sikkim
3. Any reference in this Act to a law which is not in force in the State of Jammu & Kashmir or Sikkim shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER II
ESTABLISHMENT OF THE PRESS COUNCIL

4 (1) With-effect from such date as the Central Government, may, by notification in the Official Gazette, appoint, there shall be established a council by the name of the Press Council of India.
(2) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

5 (1) The Council shall consist of a Chairman and twenty-eight other members.
(2) The Chairman shall be a person nominated by a Committee consisting of the Chairman of the Council of States (Rajya Sabha), the Speaker of the House of the People (Lok Sabha) and a person elected by the members of the Council under subsection (6) and the nominations so made shall take effect from the date on which it is notified by the Central Government in the Official Gazette.
(3) Of the other members- (a) thirteen shall be nominated in accordance with such procedure as may be prescribed from among the working journalists of whom six shall be editors of newspapers and the remaining seven shall be working journalists other than editors, so, however, that the number of such editors and working journalists other than editors in relation to newspapers published in Indian languages shall be not less than three and four respectively;
(b) six shall be nominated in accordance with such procedure as may be prescribed from
among persons who own or carry on the business of management of newspapers, so, however, that there shall be two representatives from each of the categories of big newspapers, medium newspapers and small newspapers;
(c) One shall be nominated in accordance with such procedure as may be prescribed from among persons who manage news agencies;
(d) three shall be persons having special knowledge or practical experience in respect of education and science, law and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy;
(e) five shall be members of Parliament of whom three shall be nominated by the Speaker from among the members of the House of the People (Lok Sabha) and two shall be nominated by the Chairman of the Council of States (Rajya Sabha) from among its members;
Provided that no working journalist who owns, or carries on the business of management of, any newspaper shall be eligible for nomination under clause (a);
Provided further that the nomination under clause (a) and clause (b) shall be so made that the among the persons nominated there is not more than one person interested in any newspaper or group of newspapers under the same control of management.
*Explanation:* "For the purpose of clause (b), a 'newspaper' shall be deemed to be categorised as big medium or small newspaper on the basis of its circulation per issue, as the Central Government, may, by notification in the official gazette, notify from time to time.
(*Explanation amended vide Gazette Extraordinary dated June 6, 1994)
(4) Before making any nomination under clause (a), clause (b) or clause (c) of subsection (3), the Central Government in the case of the first Council and the retiring Chairman of the previous Council in the case of any subsequent Council shall, in the prescribed manner, invite panels of names comprising twice the number of members to be nominated from such associations of persons of the categories referred to in the said clause (a) clause (b) or clause (c) as may be notified in this behalf by the Central Government in the case of the first Council and by the Council itself in the case of subsequent Councils;
Provided that where there is no association of persons of the category referred to in said clause (c), the panels of names shall be invited from such news agencies as may be notified as aforesaid.
(5) The Central Government shall notify the names of persons nominated as members under sub-section (3) in the Official Gazette and every such nomination shall take effect from the date on which it is notified.
(6) The members of the Council notified under sub-section (5) shall elect from among themselves in accordance with such procedure as may be prescribed a person to be a member of the Committee referred to in sub-section (2) and a meeting of the members of the Council for the purpose of such election shall be presided over by a person chosen from among themselves.
6 (1) Save as otherwise provided in this section, the Chairman and other members shall hold office for a period of three years:
Provided that the Chairman shall continue to hold such office until the Council is reconstituted in accordance with the provision of section 5 for a period of six months whichever is earlier.
(2) Where a person nominated as a member under clause (a), clause (b) or clause (c) of sub-section (3) of section 5 is censured under the provision of sub-section (1) of Section 14, he shall cease to be a member of the Council.
(3) The term of office of a member nominated under clause (e) of sub-section (3) of section 5 shall come to an end as soon as he ceases to be a member of the House from
which he was nominated.

4) A member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council from three consecutive meetings of the Council.

5) The Chairman may resign his office by giving notice in writing to the Central Government, and any other member may resign his office by giving notice in writing to the Chairman, and upon such resignation being accepted by the Central Government, or as the case may be, the Chairman, the Chairman or the member shall be deemed to have vacated his office.

6) Any vacancy arising under sub-section (2), sub-section (3) sub-section (4) or subsection (5) or otherwise shall be filled, as soon as may be, by nomination in the same manner in which the member vacating the office was nominated and the member so nominated shall hold office for the remaining period in which the member in whose place he is nominated would have held office.

7) A retiring member shall be eligible for renomination for not more than one term.

Conditions of service of members

7 (1) The Chairman shall be a whole-time officer and shall be paid such salary as the Central Government may think fit; and the other members shall receive such allowances or fees for attending the meeting of the Council, as may be prescribed.

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be prescribed.

(3) it is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen, as, or for being, a member of either House of Parliament.

(8) (1) For the purpose of performing its functions under this Act, the Council may constitute from among its members such Committees for general or special purposes as it may deem necessary and every Committee so constituted shall perform such functions as are assigned to it by the Council.

(2) The Council shall have the power to co-opt as members of any Committee constituted under subsection (1) such other number of persons, not being members of the Council, as it thinks fit.

(3) Any such member shall have the right to attend any meeting of the Committee on which he is so co-opted and to take part in the discussion thereat, but shall not have the right to vote and shall not be a member for any other purpose.

9. The Council or any Committee thereof shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

Vacancies among members of defect in the constitution not to invalidate acts and proceedings of the Council

10. No act or proceedings of the Council shall be deemed to be invalid by reason of the existence of any vacancy in, or any defect in the constitution of the Council.

11 (1) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint at Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act.

(2) The terms and conditions of service of the employees shall be such as may be determined by regulations.

12. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf.
CHAPTER III
POWERS AND FUNCTIONS OF THE COUNCIL

Objects and functions of the Council
13. (1) The objects of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India.
   (2) The Council may, in furtherance of its objects, perform the following functions, namely:
   (a) to help newspapers and news agencies to maintain their independence;
   (b) to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards;
   (c) to ensure on the part of newspapers, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;
   (d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;
   (e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;
   (f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by an individual, association of persons or any other organisation.
   Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from any foreign source in any other manner it thinks fit;
   (g) to undertake studies of foreign newspapers, including those brought out by any embassy or other representative in India of a foreign State, their circulation and impact.
   Explanation:- For the purpose of this clause the expression "foreign State" has the meaning assigned to it in Section 87A of the Code of Civil Procedure, 1908;
   (h) To promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies.
   Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which the Industrial Disputes Act, 1947, applies;
   (i) to concern itself with developments such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press;
   (j) to undertake such studies as may be entrusted to the Council and to express its opinion in regard to any matter referred to it by the Central Government;
   (k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

Power to Censure
14 (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper or news agency has offended against the standards of journalistic ethics or public taste or that an editor or working journalist has committed any professional misconduct, the Council may, after giving the newspaper, or news agency, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist, as the case may be:
   Provided that the Council may not take cognizance of a complaint if in the opinion of the Chairman, there is no sufficient ground for holding an inquiry.
(2) If the Council is of the opinion that it is necessary or expedient in public interest so to do, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particulars relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.

(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

(4) The decision of the Council under sub-section (1), or sub-section (2), as the case be, shall be final and shall not be questioned in a court of law.

General powers of the Council

15. (1) For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout India as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the followings matters, namely:

(a) summoning and enforcing the attendance of persons and examining them on oath;
(b) requiring the discovery and inspection of documents;
(c) receiving evidence on affidavits;
(d) requisitioning any public record or copies thereof from any court or office;
(e) issuing commissions for the examination of witnesses or documents; and
(f) any other matter, which may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalists.

(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(4) The Council may, if it considers it necessary for the purpose of carrying out its objects or for the performance of any of its functions under this Act, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government.

Levy of fees

16 (1) The Council may for the purpose of performing its functions under this Act, levy such fees, at such rates and in such manner, as may be prescribed, from registered newspapers and news agencies and different rates may be prescribed for different newspapers having regard to their circulation and other matters.

(2) Any fees payable to the Council under sub-section (1) may be recovered as an arrear of land revenue.

Payments to the Council

17. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council by way of grants such sums of money as the Central Government may consider necessary for the performance of the functions of the Council under this Act.

Funds of the Council

18. (1) The Council shall have its own fund; and the fees collected by it, all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any authority or person shall be credited to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Funds shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.

(3) The Council may spend such sums it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.
Budget
19. The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

Annual Report
20. The Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year, and giving an account of the standards of newspapers and news agencies and factors affecting them and copies thereof, together with the statement of accounts audited in the manner prescribed under section 22 shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

Interim Reports
21. Without prejudice to the provisions of section 20, the Council may prepare at any time during the course of a year, a report giving a summary of such of its activities during the year as it considers to be of public importance and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

Accounts and Audit
22. The accounts of the Council shall be maintained and audited in such manner as may, in consolation with the Comptroller and Auditor-General of India, be prescribed.

CHAPTER IV
MISCELLANEOUS

Protection of action taken in good faith
23. (1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.
(2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

Members, etc., to be public servants 45 of 1980
24. Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be public servant within meaning of section 21 of the Indian Penal Code.

Power to make Rules
25 (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.
Provided that when the Council has been established, no such rules shall be made without consulting the Council :
(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
(a) the procedure for nomination of members of the Council under clauses (a), (b) and (c) of sub section (3) of section 5;
(b) the manner in which panels of names may be invited under sub-section (4) of section 5;
(c) the procedure for election of a member of the Committee referred to in sub-section (2) of section 5 under sub-section (6) of that section;
(d) the allowances or fees to be paid to the members of the Council for attending the meeting of the Council, and other conditions of service of such members under subsections (1) and (2) of section 7;
(e) the appointment of the Secretary and other employees of the Council under Section 11;
(f) the matters referred to in clause (f) of sub-section (1) of Section 15;
(g) the rates at which fees may be levied by the Council under section 16 and the
manner in which such fees may be levied;
(h) the form in which, and the time within which, the budget and annual report are to be
prepared by the Council under sections 19 and 20 respectively;
(i) the manner in which the accounts of the Council are to be maintained and audited
under section 22.

(3) Every rule made under this section 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
session aforesaid, both Houses agree in making any modification in the rule or both
Houses agree that the rule should not be made, the rule 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.

Power to make regulations

26. (1) The Council may (by notification in the official gazette) make regulations not
inconsistent with this Act and the Rules made thereunder
(a) regulating the meetings of the Council or any Committee thereof and the procedure
for conducting the business there at under section 9
(b) specifying the terms and conditions of service of the employees, appointed by the
Council, under sub-section (2) of section 11;
(c) regulating the manner of holding any inquiry under this Act;
(d) delegating to the Chairman or the Secretary of the Council, subject to such
conditions as it may think fit to impose, any of its powers under subsection (3) of section
18;
(e) any other matter for which provisions may be made by regulations under this Act;
Provided that the regulations made under clause (b) shall be made only with the prior
approval of the Central Government.

33 (2) The Central Government shall cause every regulation made under this Act to be
laid, as soon as may be after it is made, before each House of Parliament, while it is in
1 Ins by ibid (w.e.f., 15th March, 1984)
2 Remumbered by Act 20 of 1983, Section 2, and the Schedule (w.e.f., 15th March 1984)
3 Ins by Ibid Amendment of Act 25 of 1867
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 regulation or both Houses agree that the regulation
should not be made, the regulation should not be made, the regulation shall thereafter
have effect only in such modified form or be of no effect, as the case may be; so,
however, that any modification or annulment shall be without prejudice to the validity of
anything previously done under that regulation.

27. In sub-section (1) of section 8C of the Press and Registration of Books Act, 1867, for
the words "consisting of a Chairman and another member to be appointed by the Central
Government", the words and figures" consisting of a Chairman and another member to
be nominated by the Press-Council of India, established under section 4 of the Press
Council Act 1978, from among its members" shall be substituted.

*(Section 27 of the Press Council Act, 1978 repealed vide the Repealing and Amending
Act, 1988, Section 2, Sch.I: upon amendment of Sec. 8 (c) of Press and Registration
Act, 1867 to incorporate the above mentioned words and figures).
ANNEXURE-III

THE PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA) ACT, 1990

An Act to provide for the establishment of a Broadcasting Corporation for India, to be known as Prasar Bharati, to define its composition, functions and powers and to proved for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,—
(a) ‘Akashvani’ means the offices, stations and other establishments, by whatever name called, which, immediately before the appointed day, formed part of or were under the Director-General, All India Radio of the Union Ministry of Information and Broadcasting;
(b)‘appointed day’ means the date appointed under section 3;
(c)‘broadcasting’ means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public either directly or indirectly through the medium of relay stations and all its grammatical variations and cognate expressions shall be construed accordingly;
(d)’Board’ means the Prasar Bharati Board;
(e)‘Broadcasting Council’ means the Council established under section 14;
(f)’Chairman’ means the Chairman of the Corporation appointed under section 4;
(g)’Corporation’ means the Prasar Bharati (Broadcasting Corporation of India) established under section 3;
(h)’Doordarshan’ means the offices, kendras and other establishments, by whatever name called, which, immediately before the appointed day, formed part of or were under the Directorate-General, Doordarshan of the Union Ministry of Information and Broadcasting;
(i)’elected Member’ means a Member elected under section 3;
(j)’Executive Member’ means the Executive Member appointed under section 4;
(k)’kendra’ means any telecasting centre with studios or transmitters or both and includes a relay station;
(l)’Member’ means a Member of the Board;
(m)’Member (Finance)’ means the Member (Finance) appointed under section 4;
(n)’Member (Personnel)’ means the Member (Personnel) appointed under section 4;
(o)’Nominated Member’ means the Member nominated by the Union Ministry of Information and Broadcasting under section 3;
(p)‘Non-lapsable Fund’ means the Fund created from the commercial revenues of Akashvani and Doordarshan to meet expenditure on certain schemes;
(q)‘notification’ means a notification published in the official Gazette;
(r)’Part-time Member’ means a Part-time Member of the Board appointed under section 4, but does not include an ex-officio Member, the Nominated Member or an elected Member;
(s)’prescribed’ means prescribed by rules made under this Act;
(t)’Recruitment Board’ means a board established under sub-section (1) of section 10;
(u) ‘regulations’ means regulations made by the Corporation under this Act;
(v) ‘station’ means any broadcasting station with studios or transmitters or both and includes a relay station;
(w) ‘Whole-time Member’ means the Executive Member, Member (Finance) or Member (Personnel);
(x) ‘year’ means the financial year.

CHAPTER II
PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA)

3. Establishment and composition of Corporation.— (1) With effect from such date as the Central Government may by notification appoint in this behalf, there shall be established for the purposes of this Act a Corporation, to be known as the Prasar Bharati (Broadcasting Corporation of India).
(2) The Corporation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.
(3) The headquarters of the Corporation shall be at New Delhi and the Corporation may establish offices, kendras or stations at other places in India and, with the previous approval of the Central Government, outside India.
(4) The general superintendence, direction and management of the affairs of the Corporation shall vest in the Prasar Bharati Board which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation under this Act.
(5) The Board shall consist of—
(a) a Chairman;
(b) one Executive Member;
(c) one Member (Finance);
(d) one Member (Personnel);
(e) six Part-time Members;
(f) Director-General (Akashvani), ex-officio;
(g) Director-General (Doordarshan), ex-officio;
(h) one representative of the Union Ministry of Information and Broadcasting, to be nominated by that Ministry; and
(i) two representatives of the employees of the Corporation, of whom one shall be elected by the engineering staff from amongst themselves and one shall be elected by the other employee from amongst themselves.
(6) The Corporation may appoint such committees as may be necessary for the efficient performance, exercise and discharge of its functions, powers and duties:
Provided that all or a majority of the members of each committee shall be Members and a member of any such committee who is not a Member shall have only the right to attend meetings of the committee and take part in the proceedings thereof, but shall not have the right to vote.
(7) The Corporation may associate with itself, in such manner and for such purposes as may be provided by regulations, any person whose assistance or advice it may need in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated, but shall not have the right to vote.
(8) No act or proceeding of the Board or of any committee appointed by it under sub-section (6) shall be invalidated merely by reason of—
(a) any vacancy in, or any defect in the constitution of, the Board or such committee; or
(b) any defect in the appointment of a person acting as a Member or a member of such committee; or
(c) any irregularity in the procedure of the Board or such committee not affecting the merits of the case.
4. Appointment of Chairman and other Members.— (1) The Chairman and the other Members, except the ex-officio Members, the Nominated Member and the elected Members shall be appointed by the President of India on the recommendation of a committee consisting of—

(a) the Chairman of the Council of States, who shall be the Chairman of the Committee;
(b) the Chairman of the Press Council of India established under section 4 of the Press Council Act, 1978 (37 of 1978); and
(c) one nominee of the President of India.

(2) No appointment of a Member shall be invalidated merely by reason of any vacancy in, or any defect in the constitution of, the committee appointed under sub-section (1).

(3) The Chairman and the Part-time Members shall be persons of eminence in public life; the Executive Member shall be a person having special knowledge or practical experience in respect of such matters as administration, management, broadcasting, education, literature, culture, arts, music, dramatics or journalism; the Member (Finance) shall be person having special knowledge or practical experience in respect of financial matters and the Member (Personnel) shall be a person having special knowledge or practical experience in respect of personnel management and administration.

(4) The recommendations made by the committee constituted under sub-section (1) shall be binding for the purposes of appointments under this section.

5. Powers and functions of Executive Member.— (1) The Executive Member shall be the Chief Executive of the Corporation and shall, subject to the control and supervision of the Board, exercise such power and discharge such functions of the Board as it may delegate to him.

6. Term of office, conditions of service, etc. of Chairman and other Members.— (1) The Chairman shall be part-time Member and shall hold office for a term of six years from the date on which he enters upon his office.

(2) The Executive Member, the Member (Finance) and Member (Personnel) shall be Whole-time Members and every such Member shall hold office for a term of six years from the date on which he enters upon his office or until he attains the age of sixty-two years whichever is earlier.

(3) The term of office of Part-time Members shall be six years, but one-third of such Members shall retire on the expiration of every second year.

(4) The term of office of an elected Member shall be two years or till he ceases to be an employee of the Corporation, whichever is earlier.

(5) As soon as may be after the establishment of the Corporation, the President of India may, by order, make such provision as he thinks fit for curtailing the term of office of some of the Part-time Members then appointed in order that one-third of the Members holding office as such Part-time Members shall retire in every second year thereafter.

(6) Where before the expiry of the term of office of a person holding the office of Chairman, or any other Member, a vacancy arises, for any reason whatsoever, such vacancy shall be deemed to be a casual vacancy and the person appointed or elected to fill such vacancy shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy had not arisen.

(7) The Whole-time Members shall be the employees of the Corporation and as such shall be entitled to such salaries and allowances and shall be subject to such conditions of service in respect of leave, pension (if any), provident fund and other matters as may be prescribed:

Provided that the salaries and allowances and the conditions of service shall not be varied to their disadvantage after their appointment.

(8) The Chairman and Part-time Members shall be entitled to such allowances as may be prescribed.

7. Removal and Suspension of Chairman and Members.— (1) Subject to the provisions of sub-section (3), the Chairman or any other Member, except an ex-officio Member, the Nominated Member and an elected Member shall only be removed from his office by order of the President of India on the ground of misbehaviour after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with such procedure as the Supreme Court
may by rules provide, reported that the Chairman or such other member, as the case may be, ought, on such ground, be removed.
(2) The President may suspend from office the Chairman or other Member, except an ex-officio Member, the nominated Member or an elected Member, in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
(3) Notwithstanding anything contained in sub-section (1), the President may, by order, remove the Chairman or any Whole-time Member from his office, if such Chairman or such Whole-time Member --
(a) ceases to be a citizen of India; or
(b) is adjudged an insolvent; or
(c) engages during his term of office in any paid employment outside the duties of his office; or
(d) is convicted of any offence involving moral turpitude; or
(e) is, in the opinion of the President, unfit to continue in office by reason of infirmity of body or mind:
Provided that the President may, by order, remove any part-time Member from his office if he is adjudged an insolvent or is convicted of any offence involving moral turpitude or where he is, in the opinion of the President, unfit to continue in office by reason of infirmity of body or mind.
(4) If the Chairman or any Whole-time Member, except any ex-officio Member, the Nominated Member or any elected Member, is, or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Corporation or the Government of India or the Government of a State or, participates in any way in the profit thereof, or in any benefit or emolument arising therefrom than as a member, and in common with other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.
(5) If a Part-time Member is, or becomes in any way concerned, or interested in any contract, or agreement made by or on behalf of the Corporation, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.
(6) The Chairman or any other Member may resign his office by giving notice thereof in writing to the President of India and on such resignation being accepted, the Chairman or other Member shall be deemed to have vacated his office.
8. Meetings of Board.— (1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations:
Provided that there shall not be less than six meetings every year but three months shall not intervene between one meeting and the next meeting.
(2) A Member shall be deemed to have vacated his office if he absents himself for three consecutive meetings of the Board without the leave of the Chairman.
(3) The Chairman shall preside at the meetings of the Board and if for any reason he is unable to attend any meeting, the Executive Member and in the absence of both, any other Member elected by the Members present at such meeting, shall preside at the meeting.
(4) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of the Members present and voting and, in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote.
9. Officers and other employees of Corporation.— (1) Subject to such control, restrictions and conditions as may be prescribed, the Corporation may appoint, after consultation with the Recruitment Board, the Director-General (Akashvani), the Director-General (Doordarshan) and such other officers and other employees as may be necessary.
(2) The method of recruitment of such officers and employees and all other matters connected therewith and the conditions of service of such officers and other employees shall be such as may be provided by regulations.
10. Establishment of Recruitment Boards.— (1) The Corporation shall, as soon as may be, after the appointed day and in such manner and subject to such conditions and restrictions as may be prescribed, establish for the purposes of section 9, one or more Recruitment Boards consisting wholly of persons other than the Members, officers and other employees of the Corporation: Provided that for the purposes of appointment to the posts carrying scales of pay which are not less than that of a Joint Secretary to the Central Government, the Recruitment Board shall consist of the Chairman, other Members, the ex-officio Members, the nominated Member and the elected Members.

(2) The qualifications and other conditions of service of the members constituting the Recruitment Board and the period for which such members shall hold office, shall be such as may be prescribed.

11. Transfer of service of existing employees to Corporation.— (1) Where the Central Government has ceased to perform any functions which under section 12 are the functions of the Corporation, it shall be lawful for the Central Government to transfer, by order and with effect from such date or dates as may be specified in the order, to the Corporation any of the officers or other employees serving in the Akashvani or Doordarshan and engaged in the performance of those functions: Provided that no order under this sub-section shall be made in relation to any officer or other employee in the Akashvani or Doordarshan who has, in respect of the proposal of the Central Government to transfer such officer or other employee to the Corporation, intimated within such time as may be specified in this behalf by the Central Government, his intention of not becoming an employee of the Corporation.

(2) The provision of sub-section (1) shall also apply to the members of the Indian Information Service, the Central Secretariat Service or any other service or to persons borne on cadres outside Akashvani and Doordarshan who have been working in Akashvani or Doordarshan immediately before the appointed day: Provided that where any such member intimates, within the time specified in sub-section (1), his intention of not becoming an employee of the Corporation but to continue on deputation, he may be allowed to continue on deputation in accordance with such terms and conditions as may be prescribed.

(3) In making an order under sub-section (1), the Central Government shall, as far as may be, take into consideration the functions which the Akashvani or, as the case may be, Doordarshan has ceased or ceases to perform and the area in which such functions have been or are performed.

(4) An officer or other employee transferred by an order under sub-section (1) shall, on and from the date of transfer, cease to be an employee of the Central Government and become an employee of the Corporation with such designation as the Corporation may determine and shall, subject to the provisions of sub-sections (5) and (6), be governed by such regulations as may be made as respects remuneration and other conditions of service including pension, leave and provident fund and shall continue to be an officer or other employee of the Corporation unless and until his employment is terminated by the Corporation.

(5) Every officer or other employee transferred by an order made under sub-section (1) shall, within six months from the date of transfer, exercise his option, in writing, to be governed—
(a) by the scale of pay applicable to the post held by him in the Akashvani or Doordarshan immediately before the date of transfer or by the scale applicable to the post under the Corporation to which he is transferred;
(b) by the leave, provident fund, retirement of other terminal benefits admissible to employees of the Central Government in accordance with the rules or orders of the Central Government, as amended from time to time, or the leave, provident fund or other terminal benefits admissible to the employees of the Corporation under the regulations,
and such option once exercised under this Act shall be final:
Provided that the option exercised under clause (a) by an officer or other employee shall be applicable only in respect of the post under the Corporation to which such officer or other
employee is transferred and on appointment to a higher post under the Corporation, he shall be 
eligible only for the scale of pay applicable to such higher post:
Provided further that if immediately before the date of his transfer any such officer or other 
employee is officiating in a higher post under the Government either in a leave vacancy or any 
other vacancy of a specified duration, his pay on transfer shall be protected for the unexpired 
period of such vacancy and thereafter he shall be entitled to the scale of pay applicable to the post 
under the Government to which he would have reverted or to the scale of pay applicable to the 
post under the Corporation to which he is transferred, whichever he may opt:
Provided also that when an officer or other employee serving in the Union Ministry of 
Information and Broadcasting or in any of its attached or subordinate offices is promoted to 
officiate in a higher post in the Ministry or office subsequent to the transfer to the Corporation of 
any other officer or employee senior to him in that Ministry or office before such transfer, the 
officer or other employee who is promoted to officiate in such higher post shall, on transfer to the 
Corporation, be entitled only to the scale of pay applicable to the post he would have held but for 
such promotion or the scale of pay applicable to the post under the Corporation to which he is 
transferred, whichever he may opt.
(6) No officer or other employee transferred by an order made under sub-section (1) or sub-
section (2),—
(a) shall be dismissed or removed by an authority subordinate to that competent to make a similar 
or equivalent appointment under the Corporation as may be specified in the regulations;
(b) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been 
informed of the charges against him and given a reasonable opportunity of being heard in respect 
of those charges:
Provided that where it is proposed after such inquiry to impose upon him any such penalty, such 
penalty may be imposed on the basis of evidence adduced during such inquiry and it shall not be 
necessary to give such person an opportunity of making representation on the proposed penalty:
Provided further that clause (b) shall not apply where an officer or other employee is dismissed or 
removed or reduced in rank on the ground of conduct which has led to his conviction on a 
criminal charge.
12. Functions and Powers of Corporation.— (1) Subject to the provisions of this Act, it shall be 
the primary duty of the Corporation to organise and conduct public broadcasting services to 
inform, educate and entertain the public and to ensure a balanced development of broadcasting on 
radio and television.
Explanation—For the removal of doubts, it is hereby declared that the provisions of this section 
shall be in addition to, and not in derogation of, the provisions of the Indian Telegraph Act, 1885 
(13 of 1985).
(2) The Corporation shall, in the discharge of its functions, be guided by the following 
objectives, namely:
(a) upholding the unity and integrity of the country and the values enshrined in the Constitution;
(b) safeguarding the citizen’s right to be informed freely, truthfully and objectively on all matters 
of public interest, national or international, and presenting a fair and balanced flow of information 
including contrasting views without advocating any opinion or ideology of its own;
(c) paying special attention to the fields of education and spread of literacy, agriculture, rural 
development, environment, health and family welfare and science and technology;
(d) providing adequate coverage to the diverse cultures and languages of the various regions of 
the country by broadcasting appropriate programmes;
(e) providing adequate coverage to sports and games so as to encourage healthy competition and 
the spirit of sportsmanship;
(f) providing appropriate programmes keeping in view the special needs of the youth;
(g) informing and stimulating the national consciousness in regard to the status and problems of 
women and paying special attention to the upliftment of women;
(h) promoting social justice and combating exploitation, inequality and such evils as untouchability and advancing the welfare of the weaker sections of the society;
(i) safeguarding the rights of the working classes and advancing their welfare;
(j) serving the rural and weaker sections of the people and those residing in border regions, backward or remote areas;
(k) providing suitable programmes keeping in view the special needs of the minorities and tribal communities;
(l) taking special steps to protect the interests of children, the blind, the aged, the handicapped and other vulnerable sections of the people;
(m) promoting national integration by broadcasting in a manner that facilitates communication in the languages in India; and facilitating the distribution of regional broadcasting services in every State in the languages of that State;
(n) providing comprehensive broadcast coverage through the choice of appropriate technology and the best utilisation of the broadcast frequencies available and ensuring high quality reception;
(o) promoting research and development activities in order to ensure that radio and television broadcast technology are constantly updated; and
(p) expanding broadcasting facilities by establishing additional channels of transmission at various levels.

(3) In particular, and without prejudice to the generality of the foregoing provisions, the Corporation may take such steps as it thinks fit—
(a) to ensure that broadcasting is conducted as a public service to provide and produce programmes;
(b) to establish a system for the gathering of news for radio and television;
(c) to negotiate for purchase of, or otherwise acquire, programmes and rights or privileges in respect of sports and other events, films, serials, occasions, meetings, functions or incidents of public interest, for broadcasting and to establish procedures for the allocation of such programmes, rights or privileges to the services;
(d) to establish and maintain a library or libraries of radio, television and other materials;
(e) to conduct or commission, from time to time, programmes, audience research, market or technical service, which may be released to such persons and in such manner and subject to such terms and conditions as the Corporation may think fit;
(f) to provide such other services as may be specified by regulations.

(4) Nothing in sub-sections (2) and (3) shall prevent the Corporation from managing on behalf of the Central Government and in accordance with such terms and conditions as may be specified by that Government the broadcasting of external services and monitoring of broadcasts made by organisations outside India on the basis of arrangements made for reimbursement of expenses by the Central Government.

(5) For the purposes of ensuring that adequate time is made available for the promotion of the objectives set out in this section, the Central Government shall have the power to determine the maximum limit of broadcast time in respect of the advertisement.

(6) The Corporation shall be subject to no civil liability on the ground merely that it failed to comply with any of the provisions of this section.

(7) The Corporation shall have power to determine and levy fees and other service charges for or in respect of the advertisements and such programmes as may be specified by regulations: Provided that the fees and other service charges levied and collected under this sub-section shall not exceed such limits as may be determined by the Central Government, from time to time.

13. Parliamentary Committee.— (1) There shall be constituted a Committee consisting of twenty-two Members of Parliament, of whom fifteen from the House of the People to be elected by the Members thereof and seven from the Council of States to be elected by the Members thereof in accordance with the system of proportional representation by means of the single transferable vote, to oversee that the Corporation discharges its functions in accordance with the provision of
this Act and, in particular, the objectives set out in section 12 and submit a report thereon to Parliament.

(2) The Committee shall function in accordance with such rules as may be made by the Speaker of the House of the People.

14. Establishment of Broadcasting Council, term of office and removal, etc., of members thereof. — (1) There shall be established, by notification, as soon as may be after the appointed day, a Council, to be known as the Broadcasting Council, to receive and consider complaints referred to in section 15 and to advise the Corporation in the discharge of its functions in accordance with the objectives set out in section 12.

(2) The Broadcasting Council shall consist of —

(i) a President and ten other members to be appointed by the President of India from amongst persons of eminence in public life;

(ii) four Members of Parliament, of whom two from the House of the People to be nominated by the Speaker thereof and two from the Council of States to be nominated by the Chairman thereof.

(3) The President of the Broadcasting Council shall be a whole-time member and every other member shall be a part-time member and the President or the part-time member shall hold office as such for a term of three years from the date on which he enters upon his office.

(4) The Broadcasting Council may constitute such number of Regional Councils as it may deem necessary to aid and assist the Council in the discharge of its functions.

(5) The President of the Broadcasting Council shall be entitled to such salary and allowances and shall be subject to such conditions of service in respect of leave, pension (if any), provident fund and other matters as may be prescribed:

Provided that the salary and allowances and the conditions of service shall not be varied to the disadvantage of the President of the Broadcasting Council after his appointment.

(6) The other members of the Broadcasting Council and the members of the Regional Councils constituted under sub-section (4) shall be entitled to such allowances as may be prescribed.

15. Jurisdiction of, and the procedure to be followed by, Broadcasting Council. — (1) The Broadcasting Council shall receive and consider complaints from —

(i) any person or group of persons alleging that a certain programme or broadcast or the functioning of the Corporation in specific cases or in general is not in accordance with the objectives for which the Corporation is established;

(ii) any person (other than officer or employee of the Corporation) claiming himself to have been treated unjustly or unfairly in any manner (including unwarranted invasion of privacy, misrepresentation, distortion or lack of objectivity) in connection with any programme broadcast by the Corporation.

(2) A complaint under sub-section (1) shall be made in such manner and within such period as may be specified by regulations.

(3) The Broadcasting Council shall follow such procedure as it thinks fit for the disposal of complaints received by it.

(4) If the complaint is found to be justified either wholly or in part, the Broadcasting Council shall advise the Executive Member to take appropriate action.

(5) If the Executive Member is unable to accept the recommendation of the Broadcasting Council, he shall place such recommendation before the Board for its decision thereon.

(6) If the Board is also unable to accept the recommendation of the Broadcasting Council, it shall record its reasons therefor and inform the Broadcasting Council accordingly.

(7) Notwithstanding anything contained in sub-sections (5) and (6), where the Broadcasting Council deems it appropriate, it may, for reasons to be recorded in writing, require the Corporation to broadcast its recommendations with respect to a complaint in such manner as the Council may deem fit.
CHAPTER III
ASSETS, FINANCES AND ACCOUNTS

16. Transfer of certain assets, liabilities, etc., of Central Government to Corporation.
As from the appointed day, —
(a) all property and assets (including the Non-lapsable Fund) which immediately before that day vested in the Central Government for the purpose of Akashvani or Doordarshan or both shall stand transferred to the Corporation on such terms and conditions as may be determined by the Central Government and the book value of all such property and assets shall be treated as the capital provided by the Central Government to the Corporation;
(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Central Government immediately before such day for or in connection with the purposes of Akashvani or Doordarshan or both shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Corporation;
(c) all sums of money due to the Central Government in relation to the Akashvani or Doordarshan or both immediately before such day shall be deemed to be due to the Corporation;
(d) all suits and other legal proceedings instituted or which could have been instituted by or against Central Government immediately before such day for any matter in relation to the Akashvani or Doordarshan or both may be continued or instituted by or against the Corporation.

17. Grants, etc., by Central Government. — For the purposes of enabling the Corporation to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Corporation in each financial year, —
(i) the proceeds of the broadcast receiver license fees, if any, as reduced by the collection charges; and
(ii) such other sums of money as that Government considers necessary, by way of equity, grant-in-aid or loan.

18. Fund of Corporation. — (1) The Corporation shall have its own Fund and all the receipts of the Corporation (including the amounts which stand transferred to the Corporation under section 16) shall be credited to the Fund and all payments by the Corporation shall be made therefrom.
(2) All moneys belonging to the Fund shall be deposited in one or more nationalised banks in such manner as the Corporation may decide.
(3) The Corporation may spend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund of the Corporation.

Explanation — For the purpose of the section, ‘nationalised bank’ means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

19. Investment of moneys. — The Corporation may invest its moneys in the securities of the Central Government or any State Government or in such other manner as may be prescribed.

20. Annual Financial Statement of the Corporation. — (1) The Corporation shall prepare, in each financial year, an Annual Financial Statement for the next financial year showing separately —
(a) the expenditure which is proposed to be met from the internal resources of the Corporation; and
(b) the sums required from the Central Government to meet other expenses, and distinguishing —
(i) revenue expenditure from other expenditure; and
(ii) non-Plan expenditure from Plan expenditure.
(2) The Annual Financial Statement shall be prepared in such form and forwarded at such time to the Central Government for its approval as may be agreed to by that Government and the Corporation.
21. Accounts and Audit of Corporation.— (1) The Corporation shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Corporation shall be audited by the Comptroller and Audio-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Corporation to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Corporation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporation.

(4) The accounts of the Corporation 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.

22.1[Omitted]

CHAPTER IV
MISCELLANEOUS

23. Power of Central Government to give directions.— (1) The Central Government may, from time to time as and when occasion arises, issue to the Corporation such directions as it may think necessary in the interests of the sovereignty, unity and integrity of India or the security of the State or preservation of public order requiring it not to make a broadcast on a matter specified in the direction or to make a broadcast on any matter of public importance specified in the direction. 

(2) Where the Corporation makes a broadcast in pursuance of the direction issued under sub-section (1), the fact that such broadcast has been made in pursuance of such direction may also be announced along with such broadcast, if the Corporation so desires.

(3) A copy of every direction issued under sub-section (1) shall be laid before each House of Parliament.

24. Power of Central Government to obtain Information.—The Central Government may require the Corporation to furnish such information as that Government may consider necessary.

25. Report to Parliament in certain matters and recommendations as to action against the Board.— (1) Where the Board persistently makes default in complying with any directions issued under section 23 or fails to supply the information required under section 24, the Central Government may prepare a report thereof and lay it before each House of Parliament for any recommendation thereof as to any action (including supersession of the Board) which may be taken against the Board.

(2) On the recommendation of the Parliament, the President may by notification supersede the Board for such period not exceeding six months, as may be specified in the notification:

Provided that before issuing the notification under this sub-section, the President shall give a reasonable opportunity to the Board to show cause as to why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(3) Upon the publication of the notification under sub-section (2), —

(a) all the Members shall, as from the date, supersession, vacate their offices as such;

1 Omitted by the Finance Act, 2002, with effect from 1.4.2003, for following : 

"Corporation not liable to be taxed.—Notwithstanding anything contained in the Income-tax Act, 1961, or any other enactment for the time being in force relating to income-tax or any other tax on income, profits or gains, the Corporation shall not be liable to pay any income-tax or any other tax in respect of —

(a) any income, profit or gains, accruing or arising out of the Fund of the Corporation or any amount received in that Fund; and

(b) any income, profits or gains, derived or any amount received, by the Corporation.
(b) all the powers, functions and duties which may, by or under the provisions of this Act be exercised or discharged by or on behalf of the Board, shall until the Board is reconstituted under this Act, be exercised and discharged by such person or persons as the President may direct.

(4) On the expiration of the period of supersession specified in the notification issued under sub-section (2), the President may reconstitute the Board by fresh appointments, and in such a case, any person who had vacated his office under clause (a) of sub-section (3) shall not be disqualified for appointment:

Provided that the President may, at any time before the expiration of the period of supersession, take action under this sub-section.

(5) The Central Government shall cause the notification issued under-sub-section (2) and a full report of the action taken under this section to be laid before each House of Parliament.

26. Office of member not to disqualify a Member of Parliament.—It is hereby declared that the office of the member of the Broadcasting Council or of the Committee constituted under section 13 shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament.

27. Chairman, Members, etc., to be public servants.—The Chairman and every other Member, every officer or other employee of the Corporation and every member of a Committee thereof, the President and every member of the Broadcasting Council or every member of a Regional Council or a Recruitment Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

28. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the Corporation, the Chairman or any Member or officer or other employee thereof or the President or a member of the Broadcasting Council or a member of a Regional Council or a Recruitment Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

29. Authentication of orders and other Instruments of Corporation.—All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or any other Member authorised by the Corporation in this behalf and all other instruments executed by the Corporation shall be authenticated by the signature of the Executive Member or by any officer of the Corporation authorised by him in this behalf.

30. Delegation of Powers.—The Corporation may, by general or special order, delegate to the Chairman or any other Member or to any officer of the Corporation, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

31. Annual Report.—(1) The Corporation shall prepare once in every calendar year, in such form and within such time as may be prescribed, an annual report giving a full account of its activities (including the recommendations and suggestions made by the Broadcasting Council and the action taken thereon) during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

(2) The Broadcasting Council shall prepare once in every calendar year, in such form and within such time as may prescribed, an annual report giving a full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

32. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the salaries and allowances and conditions of service in respect of leave, pension (if any), provident fund and other matters in relation to the Whole-time Members under sub-section (7) of section 6;
(b) the allowances payable to the Chairman and Part-time Members under sub-section (8) of section 6;
(c) the control, restrictions and conditions subject to which the Corporation may appoint officers and other employees under sub-section (1) of section 9;
(d) the manner in which and the conditions and restrictions subject to which a Recruitment Board may be established under sub-section (1) of section 10;
(e) the qualification and other conditions of service of the members of a Recruitment Board and their period of office under sub-section (2) of section 10;
(f) the terms and conditions in accordance with which the deputation may be regulated under sub-section (2) of section 11;
(g) the salary and allowances and conditions of service in respect of leave, pension (if any), provident fund and other matters in relation to the President of the Broadcasting Council under sub-section (5) of section 14;
(h) the allowances payable to other members of the Broadcasting Council and the members of the Regional Councils, under sub-section (6) of section 14;
(i) the manner in which the Corporation may invest its moneys under section 19;
(j) the form and the manner in which the annual statement of accounts shall be prepared under sub-section (1) of section 21;
(k) the form in which, and the time within which the Corporation and the Broadcasting Council shall prepare their annual report under section 31;
(l) any other matter which is required to be, or may be, prescribed.

33. Power to make regulations.— (1) the Corporation may, by notification, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely—
(a) the manner in which and the purposes for which the Corporation may associate with itself any person under sub-section (7) of section 3;
(b) the times and places at which meetings of Board shall be held and, the procedure to be followed thereat, and the quorum necessary for the transaction of the business at a meeting of the Board under sub-section (1) of section 8;
(c) the methods of recruitment and conditions of service of officers and other employees of the Corporation under sub-section (2) of section 9;
(d) the remuneration and other conditions of service, including pension, leave and provident fund in relation to an officer or other employee of the Corporation under sub-section (4) of section 11;
(e) The authority competent to make certain appointments referred to in clause (a) of sub-section (6) of section 11;
(f) the services which may be provided by the Corporation under clause (f) of sub-section (3) of section 12;
(g) the determination and levy of fees and other service charges in respect of advertisements and other programmes under sub-section (7) of section 12;
(h) the manner in which and the period within which complaints may be made under sub-section (2) of section 15;
(i) any other matter in respect of which a provision is, in the opinion of the Corporation, necessary for the performance of its functions under this Act:
Provided that the regulations under clause (c) or clause (d) shall be made only with the prior approval of the Central Government.

34. Rules and regulations to be laid before Parliament.—Every rule and every regulation made under this Act 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.

35. Power to Remove Difficulties.—If any difficulty arises in giving effect to provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it may deem necessary, for the removal of the difficulty:
Provided that no such order shall be made after the expiry of a period of three years from the appointed day.