

SEMESTER-II

PAPER-CC-6 : TELEVISION JOURNALISM

UNIT-V

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The Prasar Bharati Act (1990) was formed by the government as a result of Chanda committee report in 1966, the Verghese Committee report in 1978 and the Joshi Committee in 1985- set up by the government made a case for organizational restructure. It comprises Doordarshan television Network and All India Radio. Earlier it were the media units of the Ministry Of Information and Broadcasting, now it is an autonomous body set up by an Act of Parliament . The Parliament of India passed an Act to grant this autonomy in 1990, but it was enacted September 15, 1997.) The Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

The Prasar Bharati (Broadcasting Corporation of India) Act, 1990

The objectives of the Prasar Bharati Bill are:

1. To confer autonomy on Akashvani and Doordarshan, thereby ensuring that they function in a fair, objective and creative manner.
2. Upholding of both unity and integrity of the country.
3. Upholding of the democratic and social values enshrined in the constitution.
4. To look after the safeguarding of the citizen's right to be informed freely, truthfully and objectively.

2. Definitions.

- a. "Akashvani" means the offices, stations and other establishments formed under the Director-General, All India Radio of the Union Ministry of Information and Broadcasting;
- 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 expression shall be construed accordingly;

Salient features of the act

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It is an Act : To provide for the establishment of a Broadcasting Corporation for India, to be known as Prasar Bharati. It is to define its composition, functions and powers .

. Section 3: Establishment and composition of Corporation.

(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,

(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 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.

(1) The Prasar Bharati (Broadcasting Corporation of India shall be established for the purposes of this Act a Corporation,

(2) The Corporation shall be a body corporate 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. 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 done by the Corporation under this Act.

12. Functions and Powers of Corporation.

- (1) 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.
- (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.

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 subsection (4) shall be entitled to such allowances as may be prescribed.

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. (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 announce 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;
 - (b) all the powers, functions and duties which may, by or under the provision 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

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 conditions of service of officers and employees under sub-section (5) of section 11 [*As amended by Act 6 of 2012 w.e.f. 08.03.2012*];
 - e. [*Deleted as per Act 6 of 2012 w.e.f. 08.03.2012*];
 - 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 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 session 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.

- **Reference :**

[sourcehttp://prasarbharati.gov.in/Corporate/Pb%20act/Pages/default.aspx](http://prasarbharati.gov.in/Corporate/Pb%20act/Pages/default.aspx)