

Bill No. 27 of 2008

THE PRASAR BHARATI (BROADCASTING CORPORATION OF
INDIA) AMENDMENT BILL, 2008

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BILL

further to amend the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008. Short title and commencement.

5 (2) It shall be deemed to have come into force on the 7th day of February, 2008.

25 of 1990. 2. In section 6 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990, — Amendment of section 6.
(a) for sub-section (1), the following shall be substituted, namely:—

"(1) The Chairman shall be Part-time Member and shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Provided that any person holding office as a Chairman immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008 shall, in so far as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Chairman and shall not be entitled to any compensation because of his ceasing to hold such office.";

(b) in sub-section (2), the words " The Executive Member," shall be omitted;

(c) after sub-section (2), the following shall be inserted, namely:—

"(2A) The Executive Member shall be a Whole-time Member and shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier:

Provided that any person holding office as an Executive Member immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008, shall, in so far as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Executive Member and shall not be entitled to any compensation because of his ceasing to hold such office.".

Repeal and saving.

3. (1) The Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008, is hereby repealed.

Ord. 5 of 2008.

(2) Notwithstanding such repeal, anything done or any action taken under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

25 of 1990.

STATEMENT OF OBJECTS AND REASONS

The Prasar Bharati (Broadcasting Corporation of India) Act, 1990 enacted to provide for the establishment of a Broadcasting Corporation of India. The said Act came into force on the 15th September, 1997. For the purpose of general superintendence, direction and management of the Corporation, sub-section (4) of section 3 of the said Act has provided for constitution of a Prasar Bharati Board which exercises all such powers and does all such acts and things as are exercised or done by the Corporation under the Act. The said Act has further provided under sub-section (5) of section 3 that among other members of the Board, there shall also be a Chairman who is also a Part-time member of the Board.

2. The Chairman holds office for a term of six years from the date on which he enters upon his office. The Act does not provide for upper age limit for the Chairman as is stipulated for the Whole-time Members of the Board. A Whole-time Member of Prasar Bharati Board holds 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. There is already an upper-age limit cap for the Whole-time Members namely, Chief Executive Officer and Executive Member, Member (Personnel) and Member (Finance). Therefore, it is felt that in the case of Chairman also an upper-age limit of seventy years may be fixed to ensure appointment of comparatively younger talent and experience. It is also felt that reducing the tenure of Chairman from the present six to three years will help to bring diversity of experience at the top level for the benefit of the organisation. Similarly a need is also being felt for change in the tenure and upper age limit of Chief Executive Officer from six to five years and from sixty-two years to sixty-five years respectively.

3. Since the Prasar Bharati has to compete with the private electronic media houses as well as to achieve the social objectives entrusted upon it by the said Act of Parliament in letter and spirit, it is being felt necessary to rationalise such matters in order to inject sectoral experience to rejuvenate Prasar Bharati and its Board by undertaking of immediate legislation. Hence the Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008 (5 of 2008) was promulgated by the President on the 7th February, 2008. The Ordinance provides as follows:—

(i) substitution of sub-section (1) of section 6 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 which provides that the Chairman shall be Part-time Member and holds office for a term of three years or until he attains the age of seventy years. Further provides that any person holding office as a Chairman immediately before the commencement of the said Ordinance, he ceases to hold office as such Chairman, if his appointment is inconsistent with this sub-section and is not entitled to any compensation because of ceasing to hold such office;

(ii) insertion of new sub-section (2A), after sub-section (2) of section 6 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 which provides that the Executive Member shall be a Whole-time Member and holds office for a term of five years or until he attains the age of sixty-five years. Further provides that any person holding office as an Executive Member immediately before the commencement of the said Ordinance, he ceases to hold office as such Executive Member, if his appointment is inconsistent with this sub-section and is not entitled to any compensation because of ceasing to hold such office.

4. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

P. R. DASMUNSI.

The 3rd March, 2008.

ANNEXURE

EXTRACT FROM THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA)

ACT, 1990

(25 OF 1990)

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Application of
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6. (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 the 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.

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further to amend the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

*(Shri P.R. Dasmunsi, Minister of Information and Broadcasting and
Parliamentary Affairs)*