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**STANDING COMMITTEE ON
INFORMATION TECHNOLOGY
(2010-11)**

FIFTEENTH LOK SABHA

MINISTRY OF INFORMATION AND BROADCASTING

**THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA)
AMENDMENT BILL, 2010**

EIGHTEENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2010/Agrahayana, 1932 (Saka)

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*Presented to Lok Sabha on 10.12.2010
Laid in Rajya Sabha on 10.12.2010*



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NEW DELHI**

December, 2010/Agrahayana, 1932 (Saka)

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* Not included in the cyclostyled copy.

COMPOSITION OF STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2010-2011)

Shri Rao Inderjit Singh - Chairman

Lok Sabha

2. Shri Rajendra Agrawal
3. Shri Nikhil Kumar Choudhary
4. Shri Milind Deora
5. Dr. Charles Dias
6. Shri Rajen Gohain
7. Smt. Darshana Vikram Jardosh
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Rajya Sabha

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29. Shri Ravi Shankar Prasad
30. Shri P. Rajeeve
31. Shri Jesudasu Seelam

SECRETARIAT

1. Shri T.K. Mukherjee - Joint Secretary
2. Smt. Sudesh Luthra - Director

* **Nominated to the Committee w.e.f. 21st September, 2010.**

INTRODUCTION

I, the Chairman, Standing Committee on Information Technology (2010-11) having been authorized by the Committee to submit the Report on their behalf, present this Eighteenth Report on 'The Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010' relating to the Ministry of Information and Broadcasting.

2. The Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010 was introduced in Rajya Sabha on 31 August, 2010 and referred to this Committee on 8 September, 2010 for examination and report within two months. On the request of the Committee, the time given was extended till the last week of Winter Session of Parliament by the Speaker, Lok Sabha to enable the Committee to have wider consultations and present the Report to the House.

3. The representatives of the Ministry of Information and Broadcasting and Prasar Bharati briefed the Committee on the provisions made under the amending legislation on 20 October, 2010. Since the provisions under the amending legislation relate to Recruitment Rules and Service Conditions of Prasar Bharati employees, the Committee invited written views in the form of memoranda from the staff/employees Associations viz. National Federation of Akashvani and Doordarshan Employees Association (NFADE) and Akashvani and Doordarshan Administrative Staff Association (ADASA). The Committee also heard their views at the sitting held on 27 October, 2010. The Committee took oral evidence of the representatives of the Ministry of Information and Broadcasting and Prasar Bharati on 23 November, 2010. The representatives of the Ministry of Law and Justice (Departments of Legal Affairs and Legislative Department) assisted the Committee in clarifying the legal position with regard to the aforesaid amending legislation at the sitting of the Committee held on 23 November, 2010

4. The Report was considered and adopted by the Committee at their sitting held on 8th December, 2010.

5. The Committee wish to express their thanks to the representatives of the Ministry of Information and Broadcasting and Prasar Bharati for tendering oral evidence before the Committee and providing valuable information that the Committee desired in connection with examination of the Bill. The Committee also wish to express their thanks to the representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) in assisting the Committee. They further wish to

express their thanks to the representatives of the National Federation of Akashvani and Doordarshan Employees Association (NFADE) and Akashvani and Doordarshan Administrative Staff Association (ADASA) for appearing before the Committee and furnishing written suggestions on the amending Bill.

6. For facility of reference and convenience, the Recommendations/Observations of the Committee have been printed in bold in Part-II of the Report.

New Delhi
December, 2010
Agrahayana, 1932 (Saka)

RAO INDERJIT SINGH
Chairman
Standing Committee on
Information Technology

REPORT

CHAPTER-I

I. HISTORY AND BACKGROUND OF THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) AMENDMENT BILL, 2010

The Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010 (**Appendix-I**) was introduced in Rajya Sabha on 31 August, 2010 and was referred to the Standing Committee on Information Technology on 8 September, 2010 for examination and report to the House within two months i.e. by 7 November, 2010. Hon'ble Speaker, subsequently, permitted extension of time upto the last week of Winter Session of Parliament for the purpose of presenting Report on the request of the Standing Committee as per the decision taken at the sitting held on 20 October, 2010 so as to facilitate wider consultations on the provisions made under the Bill.

2. The aforesaid legislation seeks to settle the long-pending issues of the status of employees working in Prasar Bharati. The Prasar Bharati Corporation was established w.e.f. 23 November, 1997 as per the provisions made under 'The Prasar Bharati (Broadcasting Corporation of India) Act, 1990'. Prior to the creation of Prasar Bharati, All India Radio and Doordarshan were attached offices of the Ministry of Information and Broadcasting. The employees on their strength were Central Government employees. These employees continued to work in Prasar Bharati after its establishment. Section 11 of the Prasar Bharati Act provides for transfer of officers or employees serving in All India Radio or Doordarshan to the Corporation by the Central Government where it has ceased to perform any of the functions of the Corporation specified in Section 12 thereof. It further provides that no such order shall be made in respect of any officer who has intimated, within the specified period, his intention of not becoming an employee of the Corporation. However, the employees were not given option in terms of Section 11 for transfer of their services to the Corporation. As indicated by the Ministry, such option has

been dispensed with in view of the resistance from the Staff/Employees Associations.

3. It has been mentioned in the Statement of Objects and Reasons of the Bill that the Government kept receiving representations from the employees about their status as to whether they were to remain as Government employees or as employees on deemed deputation serving in an autonomous organization. It gave rise to a number of litigations in various High Courts. Since the matter concerning Prasar Bharati were considered to be of grave public importance, the Central Government decided to constitute a Group of Ministers on 7 March, 2006 to take a final view. Further, Supreme Court of India, in appeals clubbed together in Civil Appeal No. 3244/2002, while upholding the right of the Prasar Bharati Broadcasting Corporation of India to transfer the employees directed the Union of India on 2 February, 2007 to take a firm decision in terms of Section 11 of the aforesaid Act and complete the entire process of deciding the service related issues of Prasar Bharati employees.

4. Accordingly, the Group of Ministers in its meetings held on 5 October, 2007 and 26 September, 2008 recommended that the Government employees shall continue to serve in Prasar Bharati on 'deemed deputation' basis till the time of their retirement with all facilities at par with Central Government employees and that the persons recruited after 23 November, 2007 i.e. the date on which Prasar Bharati was established, and serving in Prasar Bharati on the date of the decision of the Group of Ministers i.e. 5 October, 2007 will also be treated as Government employees on 'deemed deputation' to Prasar Bharati and will enjoy all facilities at par with the Central Government employees. With regard to the matters related to the posts borne on the strength of the cadres of the Indian Information Service, Central Secretariat Service and any other cadres borne outside Akashvani and Doordarshan, the Bill provides that the terms and conditions of their service in the

Corporation shall be such as may be prescribed by rules. Further, the amending legislation provides that the provisions made under the proposed Bill shall not include persons engaged or appointed on daily wages, casual, ad hoc or work charged basis.

5. Since the provisions made under the Bill relate to the service conditions of the employees working in Prasar Bharati, the Committee invited views of various Staff/Employees Associations and also heard the views of the representatives of two Associations viz. National Federation of Akashvani and Doordarshan Employees (NFADE) and Akashvani and Doordarshan Administrative Staff Association (ADASA). The representatives of the Ministry of Information and Broadcasting and Prasar Bharati briefed the Committee about the provisions made in the Bill at their sitting held on 20 October, 2010. The Committee took oral evidence of the representatives of the Ministry of Information and Broadcasting and Prasar Bharati at their sitting held on 23 November, 2010. The representatives of the Legislative Department and Department of Legal Affairs of the Ministry of Law and Justice assisted the Committee in clarifying the various legal issues involved. The Committee in the process of examination of the Bill called for written replies to various issues that emerged during the deliberations on the provisions made under Bill from the Ministry of Information and Broadcasting as well as Prasar Bharati. Having examined the provisions made under the Bill after due deliberations and in consultation with the representatives of the Staff/Employees Associations, the Committee could arrive at their views on the various provisions made in the Bill. The detailed position with regard to the deliberations alongwith the recommendations/observations of the Committee with regard to the provisions made in the Bill has been given in the subsequent Chapters of the Report.

CHAPTER-II

II. ANALYSIS OF THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) AMENDMENT BILL, 2010

(i) The status of employees working in Prasar Bharati

6. The Prasar Bharati (Broadcasting Corporation of India) Act, 1990 provides for the establishment of a Broadcasting Corporation of India, to be known as Prasar Bharati. The said Act came into force on 15 September, 1997. The accounts of Prasar Bharati were separated from the accounts of the Government w.e.f. 1 April, 2000. Prasar Bharati started receiving funds as Grants-in-Aid and loan w.e.f. 1 April, 2000. The Prasar Bharati was functioning as if it was a Government Department until the accounts were separated w.e.f. 1 April, 2000. As informed by the Ministry of Information and Broadcasting until this time the salaries of employees and the contributions towards pension were made out of Consolidated Fund of India.

7. As per the information furnished by Prasar Bharati, the total number of sanctioned strength of AIR and Doordarshan is 48173 [AIR (26473)+Doordarshan (21700)]. There are 11498 vacancies and as such the existing strength is 36675.

8. Out of 36675 employees 2738 (2465 for AIR and 273 for Doordarshan) were recruited during the period 23 November, 1997 (the appointed day when notification for establishment of Prasar Bharati Corporation was issued) to 5 October, 2007 (the date of decision regarding the status of employees by the Group of Ministers). Besides, 895 employees were recruited after 5 October, 2007. Thus out of total 36675 employees 33042 employees i.e. 90.09 per cent of the employees were serving in All

India Radio and Doordarshan prior to the establishment of Prasar Bharati and continued serving Prasar Bharati after its establishment.

(ii) Non implementation of the provisions made under Section 11 of 'The Prasar Bharati (Broadcasting Corporation of India) Act, 1990'.

9. Section 11 of 'The Prasar Bharati (Broadcasting Corporation of India) Act, 1990' provides the detailed provisions to transfer Central Government Employees serving in Akashvani and Doordarshan to the Corporation. In this connection the employees were supposed to give the option to be transferred to the Corporation or their intention of not being in the Corporation. The aforesaid provisions are also applicable 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. When enquired about the reasons for not calling the option from officers and staff and absorbing them as Prasar Bharati employees, the Ministry in the written note has submitted as under:-

"There is no technical hitch in calling for option under Section 11 of the Prasar Bharati Act from the employees for either getting absorbed in Prasar Bharati or remaining as Government servants. However, such an option has been dispensed with in view of the resistance from the employee associations."

(iii) Proposed status of deemed deputation to employees of Prasar Bharati

10. The option as prescribed under Section 11 of the principal Act could never be obtained from the employees and the uncertainty about their status continued. As mentioned in the Statement of Objects and Reasons of the Bill, the Government kept receiving representations from the employees about their status as to whether they were to remain as Government

employees or as employees on deemed deputation serving in an autonomous organization. It gave rise to a number of litigations in various High Courts. The Parliamentary Standing Committee on Information Technology in 47th Report (Fourteenth Lok Sabha) and in subsequent Reports on Demands for Grants of the Ministry of Information and Broadcasting have consistently been insisting to end the stalemate about the status of employees.

11. The detailed note as furnished by the Ministry of Information and Broadcasting indicating the history and background of the Bill is given at **Appendix-II**.

12. It has been mentioned in the aforesaid note that since the establishment of the Corporation *w.e.f.* 23 November, 1997, Corporation has passed orders transferring employees of operational and administrative staff to various parts of India as per requirements. The legality of such transfer orders were challenged by certain employees before CAT, Chandigarh bench on the ground that the Corporation does not have the power to transfer the employees and by an order dated 6 October, 2000, the said transfer orders were quashed by CAT, Chandigarh Bench.

13. Subsequently aggrieved by the said judgment, the Corporation filed Writ Petition in 2001 (CWP No. 10856-CAT/2001) before the High Court of Punjab and Haryana which was dismissed by the said High Court on 26 July, 2001. Aggrieved by the said judgment of the High court, the Corporation filed a Special Leave Petition before the Supreme Court in 2002.

14. The important observations of the Supreme Court in the aforesaid case are as under:-

"The short question which arises for consideration is as to whether in the peculiar situation obtaining in the matter, the Corporation can be said to have any power of transfer of the employees who although are working in its establishment, but continue to be the employees of the Central Government.

xxxxxx.....This case raises practical problems which is the creation of Union of India and the appellants. It is difficult for us to comprehend as to why the Union of India did not exercise its statutory functions for such a long time. It was, in our opinion, obliged to take a decision one way or the other. It was for the Union of India to transfer the officers or employees of the Doordarshan and Akashvani to the Corporation. In such an event, the employees could have exercised their option as envisaged under sub-section (5) of Section 11 of the Act. The consequences of passing of an order under sub-section (1) of Section 11, as noticed herein before, are provided for under sub-section (4) thereof. The transfer of an employee deputed under sub-section (1) of Section 11 is that of a permanent nature. So long an order under sub-section (1) is not passed, indisputably the employees and officers would continue to be the employees of the Central Government. They shall unless otherwise an order is passed would be governed by the terms and conditions of services evidenced by the rules framed by the President of India under proviso appended to Article 309 of the Constitution of India. Indisputably, no such order having been passed, the respondents continued to be the employees of the Central Government. However, there cannot be any doubt whatsoever that the services of the respondents have been placed at the disposal of the Corporation although no order of deputation has been passed.

xxxxxxxx.....The situation as obtaining in the present case, however, in our opinion, would amount to be a case of deemed deputation. It is true that no order has been passed by the Central Government on this behalf, but the respondents acted in the manner as if such an order had been passed. The respondents have been working with the Corporation for along time without any demur whatsoever. They are undoubtedly under the control and supervision of the officers of the Corporation. There are a large number of departments. Each department has separate functions. Work of one department, however, would be related to another.

xxxxx.....It has not been disputed that the functions of the Central Government has been taken over by the Corporation in terms of Section 12 of the Act, when the Corporation has started functioning on and from the appointed day. It requires man power for managing ifs affairs. It has been doing so with the

existing staff. They are being paid their salaries or other remunerations by the Corporation. They are subjected to effective control by its officers. The respondents, for all intent and purposes, are therefore, under the control of the Corporation.

xxxxx.....The Corporation has not framed its own rules. In absence of any rules, however, an employer, it is well-known, would have an inherent power to deal with its employees. In a situation of this nature, we have no doubt that the same would include a power of transfer. It is one thing to say that an employer does not possess of any power to transfer in terms of the extant rules or conditions of service or the nature thereof, but the same does not mean that the employer must have the power to transfer its employees only in terms of a statute.

xxxxxx.....We do not find that the action taken by the appellants herein in transferring the respondents is in any way arbitrary or irrational. The orders of transfer have been passed in the interest of the administration and with a view to carry on its functions.”

15. With the continuous pursuance of the issue by the Parliamentary Committees and Courts, the Government decided to constitute a Group of Ministers on 7 March, 2006 to take a final view. In the meanwhile, Supreme Court of India in appeals clubbed together in Civil Appeal No. 3244/2002, while upholding the right of Prasar Bharati Broadcasting Corporation of India to transfer the employees, directed the Union of India on 2 February, 2007 to take a firm decision in terms of Section 11 of the aforesaid Act and complete the entire process of deciding the service related issues of Prasar Bharati employees within six months.

16. While elaborating on the steps initiated by the Government to settle the issue of status of employees of Prasar Bharati, the Secretary, Ministry of Information and Broadcasting during the course of deliberations stated as under:-

“A Group of Ministers was constituted in 2006 and they held a large number of meetings. One of the issues placed before the Group of Ministers was regarding the status of the employees.

The Group of Ministers, in one of its meeting held on 5 October, 2007, recommended that the employees working in Prasar Bharati may continue on deemed deputation with all benefits available to Central Government employees. However, the minutes of the meeting of 5 October, 2007 were not clear as to the employees serving in Prasar Bharati up to which date are to be extended this benefit. A need was, therefore, felt to specify this cut-off date.

Therefore, the issue was again deliberated in the meeting of the Group of Ministers held on 26 September, 2008. In this meeting, the Group of Ministers reiterated its recommendations that the Government employees shall continue to serve in Prasar Bharati on deemed deputation basis till the time of their retirement with all facilities at par with Central Government employees and those persons recruited after 23 November, 1997, which, as I mentioned, is the Appointed Day when the Corporation came into existence, and serving in Prasar Bharati on the date of the decision of the Group of Ministers, i.e. 5 October, 2007, shall also be treated as Government employees on deemed deputation basis and will enjoy all facilities at par with Central Government employees. It further recommended for bringing necessary amendments to the Act for giving effect to this decision.

After the new Government came, the Group of Ministers was re-constituted and in its meeting held on 16 April, 2010, the earlier decision stood about the deemed deputation status."

17. In pursuance of the decision taken by the Group of Ministers, Section 11 of the principal Act has been proposed to be dispensed with and substituted by Section 11(1), 11(2), 11(3), 11(4), 11(5), 11 A and 11 B of the amending legislation. The aforesaid provisions provides the status of deemed deputation to (a) the officers and employees recruited for the purpose of Akashvani and Doordarshan before the appointed day and in service in the Corporation as on 1st day of April, 2000 as well as to; (b) all officers and employees recruited during the period on or after the appointed day till 5th day of October, 2007. For (a) category the deemed deputation status is provided till retirement but for (b) category the word 'till retirement' has not been added which makes the provision for this category vague.

18. When asked about the reasons for making the difference between the aforesaid two categories of officers and employees, the Ministry in the

written response has stated that under the provisions in the proposed Clause 11 (1) and (2), the employees covered shall be on deemed deputation to the Corporation till their retirement and they shall be eligible for all the benefits on par with the Government servants.

19. The representative of the Ministry during the course of deliberations further submitted before the Committee as under:

“Actually we were under the impression that that should be reasonably clear, but in case the Committee feel that there is some confusion here, that line can be added. It is not a problem”.

20. As stated in the earlier part of the report, 2738 employees were recruited after the establishment of Broadcasting Corporation of India to 5 October, 2007 and as per the cut-off date decided by Group of Ministers, the Bill proposes the status of deemed deputation for such employees. As per the information furnished by Prasar Bharati, 895 employees were recruited after 5 October, 2007. The Bill provides that such officers and employees recruited after 5 October, 2007 shall be officers and employees of the Corporation and be governed by such conditions of service as may be specified in the regulation. The representatives of ADASA who appeared before the Committee apprehended that the officers and employees who are recruited and working in Prasar Bharati after 2007 may also claim the status of deemed deputation and the amendment may create a lot of problem in future to the employees. When enquired how one category of employees recruited after the establishment of Prasar Bharati can be considered on deemed deputation and the second category as regular employees of Prasar Bharati, the representative of the Ministry of Information and Broadcasting during the course of deliberations submitted as under:-

“Actually for this distinction between deemed deputation and Prasar Bharti’s own employees the cut off date is 2007. Anything before that is deemed deputation and anything after that is Prasar Bharti. That is very clear.”

21. The Staff/Employees Associations who furnished memoranda and appeared before the Committee were not totally agreeable to the status of

deemed deputation provided to the officers and employees. The various reservations of the employees were (i) Deemed deputation is a temporary arrangement and to make the temporary status permanent without paving the way for absorption is bound to create conflicts and adversely affect the interest of the employees so placed; (ii) The Staff/Employees Associations had certain apprehensions about their promotional prospects vis.-a-vis. the promotional opportunities to Prasar Bharati regular employees. Elaborating on the concerns of the Staff/Employees Associations, the representative of the Ministry of Information and Broadcasting during the course of deliberations stated as under:-

"Now, the employees naturally because this is not a model which they understood very clearly, had their apprehensions, which they voiced. To the extent possible and quite reasonably, we have managed to answer all those questions and we are reasonably confident in the Ministry and in the Prasar Bharti, that we should be able to address the problems which they apprehend would arise, and secondly, there are a couple of things which they mentioned. I will also mention them.

There are a couple of places where they have mentioned that they foresee something may happen in the future, where we do not foresee that kind of a problem arising because the recruitment rules for the Prasar Bharti employees who would be recruited now are going to be drafted. So, that would be easily taken care of while drafting the rules."

22. On the observation of the Committee that the status of deemed deputation is a temporary status which can be interpreted differently by the Courts, the representative during the course of deliberations stated as under:-

"The situation on the ground as of today is not such where such a happy situation may be allowed to flourish. This is the middle course. It is not the best course, definitely not. This is actually, if I may say so, "a fairly clumsy arrangement", but it is the best arrangement under the possible circumstances because on the other end you are in danger of falling off and hurting yourself."

23. On the apprehension of the employees with regard to the promotional prospects of employees on deemed deputation vis.-a-vis. regular employees of Prasar Bharati, the Ministry in the written note stated as under:-

"The seniority of the employees recruited in a particular cadre against Direct Recruitment Quota would be as per existing

Government rules and instructions regarding the manner of interpolation of Direct Recruits and promotees in the seniority list. Prasar Bharati in this context has informed that there is no ground for such apprehension as employees on deemed deputation would continue to be governed by the original Recruitment Rules viz. Government Recruitment Rules and would be en bloc senior to the Prasar Bharati employees recruited after 5.10.07 to the respective cadres and would therefore, not affect their promotional prospects.”

24. The representative further submitted as under:-

“We have discussed this issue with the Association also after the Association met this hon. Committee. It was explained to them very clearly that anybody who joins, his or her seniority is fixed on that date. So, anybody who joins after 2007 obviously goes to the bottom of the list. So, *inter-se* seniority is not an issue.”

25. While commenting on the demand of ADASA for grant of upgraded pay scales on par with 11 categories of programme and engineering staff, the Ministry in the written note stated as under:-

“The demand of ADASA for grant of upgraded pay scales on par with the 11 categories of programme and engineering staff by decision of the Cabinet in the year 1999 was considered by the GoM on Prasar Bharati in their second meeting held on 17 June, 2010. The GoM has recommended that a group of Joint Secretaries of the Departments of Expenditure, Legal Affairs, Personnel and Training and the Ministry of Information and Broadcasting may be constituted to look into the specific issues relating to disparity in pay scales and other related issues for categories of employees that are exclusive to the Ministry of Information and Broadcasting/Prasar Bharati arising out of upgraded pay scales granted to 11 categories of employees of Prasar Bharati as per the decision taken in 1999. The GoM has further recommended that the issues relating to disparities in the pay scales of common administrative categories of employees like LDCs, UDCs and other ministerial cadres would not be considered by the Committee as this would have wide ranging implications. The Group of Joint Secretaries is examining the issues as per the recommendations of GoM.”

(iv) Recruitment Regulations and Service Conditions of Employees of Prasar Bharati

26. The Bill provides that all officers and employees recruited after 5 October, 2007 shall be officers and employees of the Corporation and shall be governed by such conditions of service as may be specified in the regulation. Section 33 of ‘The Prasar Bharati Act, 1990’ provides for making

regulations for enabling the Corporation to perform its functions under the Act. The aforesaid Section further provides that such regulations shall be made only with the prior approval of the Central Government. Section 33 (2) (c) provides for making regulations with regard to the method of recruitment and conditions of service of officers and other employees. Further the proposed amended Section 33 (d) provides for making regulation in respect of the condition of service of officers and employees recruited after the 5th day of October, 2007. Section 10 of the Act provides for the establishment of Recruitment Board. As per the information furnished by the Ministry, the said regulations have not yet been notified. The Group of Ministers in its meeting held on 17 June, 2010 has directed Prasar Bharati to finalize the recruitment regulations and service conditions for all categories of employees and the proposal for constitution of the Recruitment Board and place the same for the consideration of the Prasar Bharati Board latest by 31 July, 2010. The GoM further directed that Prasar Bharati would take a decision on all these proposals by 31 August, 2010. As per the information furnished by Prasar Bharati, Recruitment Rules of over 190 cadres in Doordarshan and AIR are under active consideration and finalization. At present, 88 numbers of RRs have been scrutinized and screened for being put up to Prasar Bharati Board for approval before they are sent to the Ministry of Information and Broadcasting for clearance. The Committee have further been informed that the remaining RRs are also expected to be finalized shortly and would be placed before the Board. With regard to setting up of Recruitment Board, the Ministry has informed that the draft Notification for constituting the Recruitment Board has been received in the Ministry on 16 November, 2010 and is under examination in the Ministry.

27. The data with regard to sanctioned strength and vacancies as furnished by Prasar Bharati has been given at **Appendix-III**. The analysis of the data indicates that out of the sanctioned strength of 48173, 11498 posts i.e. almost one-fourth of the posts are lying vacant. In the Programme Wing, the position is more critical. Out of the sanctioned strength of 10679, 3746 posts i.e. 35.08 per cent of posts are lying vacant.

28. CEO, Prasar Bharati while updating the Committee about the status of Recruitment Regulations, service conditions and Recruitment Board(s) stated as under:-

“Considering the kind of work which is involved, the strategy that we have adopted, broadly speaking, is that the critical vacancies which we had identified earlier and which had been communicated, and the number of such critical vacancies is 3,452. In respect of those critical vacancies, we are first concentrating on such cadres that would contribute the maximum critical vacancies. So, we have done the work in respect of these 88 cadres. It covers that.

In any case, we can only do all these only when the Recruitment Board actually comes into being, for which we have already sent a notification to the Government for clearing it.”

29. He further added as under:-

“It is difficult for me to tell you straightaway that we will indeed finish this work of 190 cadres rolls in two months. As I told you that within a few months we have done 88 cadres and that takes care of the initial work, which we are going to undertake and also the remaining work. All of them are various stages of finalization.”

In response to a query with regard to the important recommendations of Shunu Sen Committee Report, the Ministry in the written reply has stated that the said Committee in its Report submitted to Government on 20 May, 2000 had recommended that ‘as far as possible all employees should be employed by Prasar Bharati and not be on deputation from either the Government or Private Agency’.

30. When asked about the deadline for finalization of Recruitment Regulations and service conditions, the CEO, Prasar Bharati stated as under:-

“I can say that we will definitely finish it off by 31 March, 2011.”

(v) Pay and Allowances to Prasar Bharati Employees

31. As per the proposed Clause 11(5) as a substitute to Section 11 of the Prasar Bharati Act, the officers and employees recruited after the 5th day of October, 2007 shall be officers and employees of the Corporation and shall be governed by such conditions of service as may be prescribed in the

regulations. NFADE who appeared before the Committee suggested that service conditions of Prasar Bharati employees may be decided before the amendment of the Act. The Ministry in this regard has stated that they propose to keep the pay scales of Prasar Bharati employees on the same level as those of the Government employees. The Prasar Bharati employees may have to be given a package to compensate for medical facilities, housing and education.

32. All the Central Government employees recruited after 1st January, 2004 are entitled to different pension scheme. In this connection, the Ministry of Information and Broadcasting in the Affidavit filed in the Supreme Court has stated that the draft amendment Bill has been approved by Union Cabinet on 28 January, 2009. The aforesaid draft Bill contains clarification with regard to the applicability of the new pension scheme to the employees recruited after 1st January, 2004. The draft Bill contained a proviso in this regard as given below:

“Provided further that the employees recruited between the day of 1st January, 2004 and 5th October, 2007 shall be covered by the pension scheme published in the notification of the Government of India, in the Ministry of Finance vide F. No. 5/7/2003-ECB & PR. Dated the 22nd December, 2003, in the Gazette of India, Extraordinary Part 1, Section 1, dated the 22nd December, 2003.”

33. When asked to furnish the details of the entitlement of pay and allowances and other perks to the regular employees of Prasar Bharati as well as the employees on deemed deputation as per the amending legislation, the Ministry of Information and Broadcasting has stated that the employees on deemed deputation to Prasar Bharati shall be entitled to pay allowances and other perks on par with the Government servants. They would be given CGHS, Government accommodation, pension, admission of wards in Kendriya Vidyalaya etc. This has been incorporated in suggested sub-section 11 (3) of the proposed legislation.

34. About the housing facility, the Ministry has further stated that the employees of erstwhile AIR and Doordarshan, on deemed deputation to Prasar Bharati, continue to be eligible for allotment of General Pool

accommodation beyond November, 2007 on the same basis as other eligible Government servants and they have not been allocated specific houses by Directorate of Estates for allotment to the employees of Prasar Bharati.

35. When asked whether Prasar Bharati plan to construct their own houses for the residential purpose of Prasar Bharati, the Committee have been apprised that the Prasar Bharati has been constructing residential quarters of its own wherever land is available and is part of Plan projects scheme. At present the following staff quarters are being constructed by Prasar Bharati:-

- (i) 916 staff quarters in four metros, i.e. Delhi, Chennai, Mumbai and Kolkata;
- (ii) 32 number of hostel accommodation at Srinagar; and
- (iii) 38 number of staff quarters at Guwahati.

(vi) Issues relating to officers of Indian Information Service, Central Secretariat Service

36. As per the suggested Section 11 A (1) the provisions of proposed Section 11 (providing the status of deemed deputation) shall not apply to the officers and employees of the Indian Information Service, the Central Secretariat Service or any other service borne on any cadre outside Akashvani or Doordarshan who have been working in Akashvani or Doordarshan before the appointed day or in service in the Corporation after that day. It has been mentioned that the terms and conditions of their service shall be as prescribed.

37. The Statement of Objects and Reasons of the Bill in this regard states as under:-

“The Group of Ministers in its meeting held on 16 April, 2010 considered the issue relating to the status of the employees belonging to the Indian Information Service, the Central Secretariat Service and other cadres borne outside the cadre of Akashvani and Doordarshan and recommended that *status quo* be maintained in respect of the said employees subject to the conditions, *inter-alia*, that Ministry of Information and Broadcasting and Prasar Bharati may jointly work out the number of deputation posts to be manned by officers from Indian Information Service cadre.”

38. On being asked to state about finalization of number of posts and terms of deputation of IIS officers to Prasar Bharati before bringing the amending legislation, the Ministry in their reply stated that at present sufficient number of officers in IIS cadre is not available for posting against vacancies in Prasar Bharati. In view of this Prasar Bharati are being given certain number of posts for recruitment of its own officers.

In the above context, the witness during the course of oral evidence stated:

“There will be a certain section of officers who will be coming on deputation from CSS and Indian Information Service. Consciously we have decided that as of today, if my memory does not serve me wrongly, about 240 officers are on deputation who have gone from the IIS and CSS and about hundred posts will be allowed to be filled by Prasar Bharati with their own direct recruitment. In all autonomous organizations – when I say all, I mean 100 per cent – there is always a certain deputation amount which is kept where fresh blood from outside keeps coming in, contributing to the organization and going out. The IIS and CSS will be on the genuine kind of deputation where they are expected to be there for a few years and then move out, to be replaced by others and postings to be done by the Ministry, etc. We do not see any dichotomy at all; we do not see any problem at all. This is a smoothly functioning arrangement in all Government Corporations”.

39. In reply to a question, the Ministry stated that the employees belonging to Indian Information Service and Central Secretariat Service will be on deemed deputation (not on deputation). As the reply of the Ministry contradicts the provisions made under the amending Bill, the Committee sought clarifications. In reply, the witness during evidence stated:

“I want to give one clarification so that there is no misunderstanding. It will ensure that they do not make another fresh demand tomorrow. These gentlemen who are sent from the Indian Information Service and the Central Secretariat Service will not be entitled to deputation allowance. That is because we want to balance the emoluments of the people who are there and these people”.

(vii) Status of Work Charged Employees

40. The explanation to the proposed Section 11(2) substituting Section 11 of the Prasar Bharati Act clarifies that the status of deemed deputation shall not apply to persons engaged or appointed on daily wages, casual, *ad hoc* or work charged basis.

41. The Employees/Staff Association who appeared before the Committee and submitted written memorandum has stated that a big section of Civil Construction Wing employees of All India Radio, have not figured in the proposed Bill. However, these employees are full fledged government employees with retirement benefits. Therefore they requested that this section of employees may be included in the Bill.

42. Asked to comment upon the suggestion of the Association, the Ministry in the written reply has stated that the work charged employees are not regular employees. A proposal for regulation of these employees is under consideration in the Ministry. About the steps being taken by the Ministry to regularize the service of these employees, the representative of the Ministry during the course of oral evidence stated:

“.....Now, ‘work charged’ by its very definition means employees, who are kept against the requirements of a particular work. That is why they are kept. By their very nature, the employment of a work charged employee should finish when the work finishes. That is why they are called work charged. They are charged on the work. That is where the salary comes from..... The cadre is being managed by the All India Radio. They have been asked to identify the equivalent and matching regular posts, which are vacant in the All India Radio and Doordarshan against which the regularisation of these work charged staff could be considered. We are awaiting this information. There are about 11,000 posts vacant in Prasar Bharati. The minute these vacant posts can be adjusted, the minutes we get an equivalent posts from there, these people would be adjusted against those posts, and this category of work charged employees would cease to exist.....Anybody who is entitled to get pension automatically is falling into the same category in which the deemed deputation employees are falling. So, they would also move into the deemed deputation category.”

43. As per the information furnished by the Ministry the number of employees in Civil Construction Wing is 1457.

(viii) Financial viability of Prasar Bharati

44. The Committee asked as to why the employees were vehemently opposed to be the employees of Prasar Bharati and have been demanding to continue as regular government employees. In reply, the Ministry stated that Prasar Bharati has been receiving grants-in-aid for meeting the entire expenditure for plan projects and operating expenses to the extent of 50 per cent. Prasar Bharati has not been able to generate adequate internal resources to meet its expenses for salary, allowances to its employees besides other expenses. Therefore, the employees of Prasar Bharati have an apprehension that they may not get their salaries on regular basis, if this situation continues and the Government at any point of time in future decides not to sanction grants to Prasar Bharati. In view of this, they have been demanding to continue as regular Government servants.

45. During the course or examination of the Bill, the staff Association who submitted written views and appeared before the Committee stated that on 29 August, 2005 Government of India had filed an affidavit in the Hon'ble Supreme Court admitting that Prasar Bharati is financially unviable and will remain so in foreseeable future on account of public obligations. It was also brought in the notice of Committee that it has become the regular practice in Prasar Bharati that employees at various stations are receiving their salary after 7 to 10 days of salary day since January, 2009. Besides, welfare measures like reimbursement of medical bills, training; TA/DA, Overtime Allowance for performing additional duties etc. are hampered due to the lack of fund in Prasar Bharati. The Associations also brought to the knowledge of the Committee the issues related to non-maintenance of infrastructure of Prasar Bharati due to fund constraints.

46. Therefore, a suggestion was made to ensure salary, perks and pension of these employees, maintenance and development of infrastructure are met from Consolidated Fund of India.

47. On being asked to comment on this aspect, the Ministry has stated the affidavit has been filed in the year 2005 on behalf of Prasar Bharati.

48. In so far as the issue of financial viability of Prasar Bharati is concerned, the Committee have been informed that a Group of Ministers was constituted in the year 2006 to look into various issues relating to Prasar Bharati including the issue of Capital and Financial restructuring of Prasar Bharati. The agenda was considered by the newly constituted GoM in its meeting dated 16 April, 2010. The GoM has recommended 50 per cent of the annual operating expenses of Prasar Bharati should be borne by Prasar Bharati from its internal Extra Budgetary Resources and the remaining 50 per cent will henceforth be met by non-plan grants-in-aid by the Government. In regard to the Government support to Prasar Bharati, it was recommended that the level of 50% non plan support by Government may be maintained for the next 5 years i.e. 2010-11 to 2014-15 and the same will be reviewed thereafter in order to scale down the quantum of non-plan support by Government to Prasar Bharati. As regards, plan funding by Government to Prasar Bharati, the GoM recommended that henceforth the plan support by Government to Prasar Bharati may be in the form of grants-in-aid and not in the form of loan.

49. The Ministry has informed that the GoM while recommending that 50 per cent of the operating expenses will be borne by Government of India, has taken into consideration the present pattern of expenditure in Prasar Bharati.

50. In this context the representative of the Ministry during the course of evidence submitted as under:

“Regarding 50 per cent, we did tend to get bogged down and as I mentioned right at the beginning, the Group of Ministers took this decision of 50:50 based on data which was provided, and the data was projections made by Prasar Bharati about their expectations of income. Now, the Group of Ministers, on that basis, said: “Let us maintain 50:50 ratio for the next five years, and we can thereafter meet and see what view needs to be taken”.

51. When specifically asked whether Prasar Bharati is in a position to bear 50 per cent of the annual operating expense of the organization, CEO, Prasar Bharati during oral evidence stated:

“.....it is not actually correct to look at Prasar Bharati as a commercial entity which is driven to us earlier. We were conceived of as a creation of the statute which would perform public service. And the responsibility by the Parliament was cast on the comment to give such adequate revenue as is found fit for Prasar Bharati to be enabled to perform its function. That was the concept under which the Prasar Bharati came into being. Over the years, this thing also has been evolved that we should also try to make revenue and towards that we have been striving.”

52. As desired by the Committee during evidence, the Ministry furnished the statement indicating the actuals/projections of contribution of Prasar Bharati and Government of India which has been given in Annexure-4. The analysis of the data furnished by the Ministry indicates that the percentage share of Prasar Bharati towards operating expenses which include salary and establishment expenses, additional expenditure on account of new recruitment, replacement and augmentation of capital assets, service tax, programme related expenses and other administrative expenses during the year 2006-07 and 2007-08 was 47 per cent. During the year 2008-09 it was 48 per cent. During the year 2009-10, Prasar Bharati's contribution has been shown as 55 per cent. The projected contribution of Prasar Bharati during the years 2010-11 to 2013-14 has been indicated as 48 per cent. The operating expenses does not include spectrum and space segment charges which have been included in the funds given/to be given from Government of India funding.

(ix) Absorption of Employees in Organisation like MTNL/BSNL

53. During the course of the deliberations held at the sitting of the Committee on 20 October, 2010, the Members of the Committee had referred to handling the issues of service conditions by MTNL/BSNL when these organizations were corporatized. The replies furnished by the Ministry indicates that the Committee of Secretaries in its meeting held on 7 May, 2007 had also recommended the Ministry of I&B to work out a strategy for

absorption of employees by offering appropriate incentives by examining the methodology adopted in organizations like MTNL, BSNL and Airport Authority of India etc.. Accordingly, Prasar Bharati suggested that an offer be made to Prasar Bharati employees. Subsequently, in the agenda item of the GoM, it was brought out that it was not feasible to work out such a strategy as Prasar Bharati is totally different from cash rich organizations like MTNL, BSNL etc. which have a regular source of revenue generation while Prasar Bharati is largely dependent on Government for funding its operations.

54. The representative of the Ministry during the course of oral evidence further added as under:

“They are certainly not in the same league as MTNL and BSNL. Even BSNL and MTNL, when it comes to absorption of employees, with great difficulty they have managed to do Group C and D. In Group B they have even more difficulty and in Group A they have still not managed to resolve the problem. This is the case with even those people who are making hundreds of crores of profit. Here, it is a different ball game altogether.”

(x) Comprehensive Review of 'The Prasar Bharati Act, 1990'

55. The Standing Committee have consistently been recommending for organizational and financial restructuring of Prasar Bharati. The Standing Committee have also been expressing concern over the non-implementation of various provisions of the Bill which include constitution of a Parliamentary Committee and Broadcasting Council in spite of the fact that the word 'shall' has been used in the Act. The Committee have been emphasizing to bring comprehensive amendment to the Act. The Ministry in this context has informed the Committee that GoM in their meeting on 17 June, 2010 has recommended to make such amendments as are required to be made in the Prasar Bharati Act in the light of developments over the last 20 years, subsequent to the Shunu Sen Committee Report. The Ministry has also stated that these proposals would be finalized by 30 September, 2010 and placed before the GoM thereafter. From the information furnished by the Ministry of Information and Broadcasting and the Prasar Bharati, it appears that the provisions have not been finalized.

Part-II

Recommendations/Observations

The Committee note that the Prasar Bharati Corporation was established *w.e.f.* 23 November, 1997 as per the provisions made under 'The Prasar Bharati (Broadcasting Corporation of India) Act, 1990'. Out of the existing strength of 36675 employees, 33042 employees i.e. 90.09 per cent of the employees were serving in All India Radio and Doordarshan prior to the establishment of Prasar Bharati and continued serving Prasar Bharati after its establishment. Even after 13 years of the operation of the Act, most of the important provisions made under the Act which include transfer of service of said number of employees to the Corporation (Section 11), establishment of Recruitment Boards (Section 10), most of the provisions made under Section 33 relating to making regulations, constitution of a Parliamentary Committee (Section 13) and

establishment of Broadcasting Council (Section 14) were never implemented. With the ad-hoc approach adopted by Prasar Bharati in implementation of the provisions made under the Act, the status of the employees working in the Corporation remained uncertain. The unprofessional way Prasar Bharati dealt with the situation led to employees knocking the doors of various Courts. With the continuous pursuance of the issue by the Parliamentary Standing Committee in their respective Reports and the deadline given by the Supreme Court, some sort of concrete initiatives have been taken by the Government to end the stalemate about the status of the employees. Consequent upon the recommendations made by the various Group of Ministers, the decision in this regard which partially addresses to the concerns of the employees has been taken and 'The Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010' has been introduced in Rajya Sabha and referred to this Committee for examination and report to the House. The Committee after detailed deliberations and consultations with employees/staff associations could arrive at decisions which have been given in the subsequent paras.

PROPOSED STATUS OF 'DEEMED DEPUTATION' TO EMPLOYEES OF PRASAR BHARATI

The proposed Section 11 (1) of the Bill

2. Clause 2 of the Bill proposes to substitute Section 11 of the Principal Act. With the proposed amendment, Section 11 of the Principal Act which provides for transfer of service of employees

who were at the time of establishment of Corporation serving in Akashvani and Doordarshan to the Corporation by taking the option of the employees has been dispensed with. The proposed Section 11 (1) provides the status of deemed deputation to the officers and employees recruited for the purpose of Akashvani and Doordarshan before the appointed day and in service in the Corporation as on 1st day of April, 2000 till their retirement. From the information furnished by Prasar Bharati, the Committee find that out of the existing 36675 employees, 33042 employees i.e. 90.09 per cent of the employees fall under this category. During the course of deliberations and consultations with the employees/staff associations, the Committee have observed that the provisions are not totally agreeable to them. They have certain apprehensions with regard to their status, prospects of promotion, vis-à-vis the employees of Prasar Bharati. The Committee observe that the apprehensions of the employees to some extent are justified. The fundamental reason for such a sorry state of affair is non implementation of Section 11 of the Principal Act. The Ministry/Prasar Bharati in this regard has informed the Committee that said Section could not be implemented due to the resistance from employees. The Committee find that even the proposed amendments as per the Bill under consideration are still not totally agreeable to the employees and resistance is again there. As rightly observed by the Supreme Court, the Government was obliged to take a decision one way or the other. The non exercise of the statutory

functions by the Government for such a long time has resulted into the stalemate about the status of employees of Prasar Bharati. Although some attempt has been made now by way of bringing the proposed legislation, it partially addresses to the concerns of the employees. Even when the Group of Ministers in its meeting held on 17 June, 2010 directed Prasar Bharati to finalize the recruitment regulations and service conditions for all categories of employees and the proposal for constitution of the Recruitment Board and place the same for the consideration of the Prasar Bharati Board latest by 31 July, 2010, the said regulations and service conditions could not be finalised by Prasar Bharati till date.

3. The Committee observe that the main cause of apprehension in the mind of the employees is the uncertainty about their recruitment regulations and service conditions. Had these regulations been finalised before bringing the legislation to Parliament the concerns of the employees could have been addressed to some extent. The Committee place on record their unhappiness over the in action on the part of Prasar Bharati in implementing the Prasar Bharati Act.

4. The Committee further note that the word deputation connotes temporary status which immediately raises apprehensions about the status of employees. As rightly acknowledged by the representatives of the Ministry, the proposed status of deemed deputation is not the best course and it is a fairly clumsy arrangement. But in the circumstances whereby such a long period of 13 years has already passed and the uncertainty about the status of employees continues,

there is an urgent need to address the issue immediately. The representative of the Ministry during the course of evidence has stated that it is the best arrangement under the possible circumstances. Keeping in view the fact that Supreme Court has upheld the right of Prasar Bharati to transfer the employees, the Committee tend to agree with the proposed amendment. However, the Committee strongly recommend that the concerns of said category of employees about their promotional prospects should be taken care of. The Ministry in this regard has informed that employees on deemed deputation would continue to be governed by the original Recruitment Rules viz. Government Recruitment Rules and would be en bloc senior to Prasar Bharati employees recruited after 5 October, 2007 to the respective cadres. The Committee strongly recommend that in the Recruitment Rules and Service Conditions of employees of Prasar Bharati it should be made absolutely clear that the employees on deemed deputation are senior to Prasar Bharati employees and it would not affect their promotional prospects. The employees associations should be assured about their promotional prospects through consultations before the Recruitment Rules and Service conditions of Prasar Bharati are notified and the amending provisions are put into operation.

THE STATUS OF OFFICERS AND EMPLOYEES (A) RECRUITED DURING THE PERIOD ON OR AFTER THE APPOINTED DATE TILL THE 5 DAY OF OCTOBER, 2007 AND (B) RECRUITED AFTER THE 5TH DAY OF OCTOBER, 2007.

The proposed Sections 11 (2) and 11 (5) of the Bill

5. The proposed Bill divides the officers and employees recruited by Prasar Bharati in two categories (a) all officers and employees recruited during the period on or after the appointed day till the 5th day of October, 2007. From the information provided by the Ministry, 2465 employees for AIR and 273 employees for Doordarshan were recruited during this period and (b) all officers and employees recruited after the 5th day of October, 2007. As per the information furnished by Prasar Bharati 895 employees were recruited after October, 2007.

6. The proposed Bill provides that the officers and employees under category 'a' mentioned above shall be on deemed deputation to the Corporation with effect from 1st day of April, 2000 or the date of their joining service in the Corporation, whichever is later. The category 'b' of officers as mentioned above as well as the officers to be recruited in future would be governed by such conditions of service as may be specified in the regulations. The Ministry has tried to justify the differential treatment to the aforesaid two categories of officers and employees by stating that the cut-off date is 2007. Anybody before that is on deemed deputation and after that they would be Prasar Bharati regular employees. The Committee observe that the accounts of Prasar Bharati were separated w.e.f. 1st April, 2000. Even some of the Members of GoM were not in favour of treating the offices and employees recruited after 23 November, 1997 as Government servants. As such the Committee observe that

treating the officers and employees of Prasar Bharati recruited after 1st April, 2000 differentially is fraught with legal complications. As such the Committee caution the Ministry/Prasar Bharati to see the legal implications carefully so as to avoid legal complications and court cases in future.

7. As could be seen from above the status of deemed deputation is proposed to be provided to (a) all officers and employees recruited for the purpose of Akashvani and Doordarshan before the appointed day and in service in the Corporation as on 1st day of April, 2000 (covered under proposed Section 11(1) and (b) all officers and employees recruited during the period on or after the appointed day till 5th day of October, 2007 (covered under proposed Section 11(2) of the Act). For (a) category the deemed deputation status is provided till retirement but for (b) category the word 'till retirement' has not been added. The Committee understand from the written replies furnished by the Ministry as well as the deliberations held during the course of oral evidence that the intention of the Government is to provide the status of deemed deputation till retirement to both said 'a' and 'b' categories. The Committee feel that without specifying the period of deputation i.e. till retirement in case of officers and employees under category 'b', makes the provision vague and can be interpreted differently by Courts. The Committee, therefore, recommend to add the words 'till retirement' at the end of proposed Section 11 (2) of the Bill so as to make the

provision absolutely clear and in consonance with the intention of the Government.

RECRUITMENT REGULATIONS AND SERVICE CONDITIONS OF EMPLOYEES OF PRASAR BHARATI

8. As per Section 33 of the Principal Act, Prasar Bharati was supposed to make regulations with regard to methods of recruitment and conditions of service and the remuneration and other conditions of service including pension, leave and provident fund in relation to officers and employees of the Corporation. Further as per Section 10 of the Act, Prasar Bharati was supposed to establish Recruitment Boards for the purposes of Section 9 which prescribe for the method of recruitment of officers and employees and all other matters connected therewith. Even after a lapse of 13 years, the recruitment regulations, service conditions and Recruitment Boards are still to see the light of the day. As informed by Prasar Bharati, the notification with regard to setting up of Recruitment Boards has now been sent to the Government for clearing. With regard to the recruitment regulations, even as on date, out of 190 cadres, the work relating to only 88 cadres could be finished. The CEO, Prasar Bharati seems confident to finish the task by 31st March, 2011.

9. The Committee observe that human resource is an important asset for any organization. The satisfaction of the officers and employees is a prerequisite for the success of the organization. Even when Shunu Sen Committee and GoM emphasized to build up

Prasar Bharati's own cadre of employees and the deadline to finalize the recruitment regulations and service conditions by 31 August, 2010 was set up by GoM, the recruitment regulations could not be finalized as explained above. The Committee also observe that MTNL/BSNL and Indian Airlines (now AIR India) after corporatization could manage to have their own cadres. In case of Prasar Bharati, the status of not only the officers and employees who were their employees before it became Corporation and continued to be employees after the establishment of the Corporation, but the employees and officers recruited by Prasar Bharati remained uncertain. Prasar Bharati is the Government broadcaster and the autonomous status of the organization has continuously been emphasized by various Committees and GoM. The plea that Prasar Bharati is different from cash rich organizations like MTNL/BSNL etc. cannot accepted particularly when Government support is being provided to Prasar Bharati to manage its affairs since inception. The Committee are of the firm view that Prasar Bharati has failed to perform in a professional way which to some extent is responsible for the stalemate with regard to the status of the officers and employees of the organization.

10. The Committee are concerned to note that Prasar Bharati was not able to fill the critical vacancies as acknowledged by CEO Prasar Bharati during the course of oral evidence due to delay in finalization of Recruitment Regulations and Service Conditions. The data

furnished by Prasar Bharati indicates that out of the sanctioned strength of 48173, 11498 posts i.e. almost one fourth of the posts are lying vacant. In the Programme Wing, which is the important wing of Prasar Bharati, the position is more critical. Out of the sanctioned strength of 10679 in programme wing, 3746 posts, i.e. 35.08 percent of posts are lying vacant. This is absolutely the sorry state of affairs in Prasar Bharati. The Committee strongly emphasize to set up Recruitment Boards and finalise Recruitment Regulations and Service Conditions without any further delay so that uncertainty about the status of employees ends and the critical vacancies are filled expeditiously so as to enable the Corporation to work in an effective way.

PAY AND ALLOWANCES TO PRASAR BHARATI EMPLOYEES

11. As per the proposed Clause 11(5) of the amending Bill, the officers and employees recruited after the 5th day of October, 2007 shall be officers and employees of the Corporation and shall be governed by such conditions of service as may be prescribed in the regulations. The Ministry in this regard has informed the Committee that they propose to keep the pay scales of Prasar Bharati employees on the same level as those of the Government employees. The Prasar Bharati employees may have to be given a package to compensate for medical facilities, housing and education. The Committee emphasize to finalise the pay scales and other facilities/perks to be provided to Prasar Bharati employees before

notifying the provisions made under the amending Bill so as to have transparency on the whole issue. Besides, the Committee also emphasize to fix the pay scales and other facilities/perks in such a way so that the apprehensions of the officers and employees are set to rest and anomalies, legal complications are avoided.

12. The Committee have been informed that the demand of employees association (ADASA) for grant of upgraded pay scales on par with the 11 categories of programme and engineering staff by decision of the Cabinet in the year 1999 was considered by the GoM on Prasar Bharati in their second meeting held on 17 June, 2010. The GoM has recommended that a Group of Joint Secretaries of the Departments of Expenditure, Legal Affairs, Personnel and Training and the Ministry of Information and Broadcasting may be constituted to look into the specific issues relating to disparity in pay scales and other related issues for categories of employees that are exclusive to the Ministry of Information and Broadcasting/Prasar Bharati arising out of upgraded pay scales granted to 11 categories of employees of Prasar Bharati as per the decision taken in 1999. The Committee have been informed that Group of Joint Secretaries is examining the issues as per the recommendations of GoM. The Committee hope that issues relating to disparity would be addressed by the Group of Joint Secretaries. With regard to the disparities in the pay scales of common administrative categories of employees like LDCs, UDCs and other Ministerial Cadres, the Committee have

been informed that the Group of Ministers has already taken a view that the pay scales of the said employees would not be looked into in view of the wide ranging implications. The Committee note from the information furnished by Prasar Bharati that out of the sanctioned strength of 48173 employees, 17382 employees are from the administration wing. The issues related to disparities in the pay scales of such a high number of employees also need to be looked into. As such the Committee urge the Government to devise some mechanism to address the issues related to disparities on the lines of the mechanism of Group of Joint Secretaries for other categories.

13. The Committee have been informed by the Ministry that the officers and employees proposed to be on deemed deputation status shall be entitled to pay allowances and other perks on par with Government servants. They would be given CGHS, Government Accommodation, Pension, admission of wards in Kendriya Vidyalaya etc. The employees of erstwhile AIR and Doordarshan, on deemed deputation to Prasar Bharati, continue to be eligible for allotment of General Pool accommodation beyond November, 2007 on the same basis as other eligible Government servants. The Committee find that in the Bill it has been mentioned that such officers and employees proposed to be on deemed deputation shall be entitled to the pay scale and all other benefits as admissible to an employee of Central Government. As such the Committee emphasize the Ministry to ensure that all the facilities as mentioned above are provided to

such employees. The issues like Government accommodation should be taken up with the Directorate of Estates in line with the proposed stand of the Government in this regard. The Committee further note that Prasar Bharati plans to construct their own houses for the residential purpose of Prasar Bharati. 916 staff quarters in four metros, i.e. Delhi, Chennai, Mumbai and Kolkata; 32 number of hostel accommodation at Srinagar; and 38 number of staff quarters at Guwahati are being constructed by Prasar Bharati. The Committee emphasize for timely completion of the residential quarter projects of Prasar Bharati so as to increase the satisfaction level of officers and employees on the issue of getting residential accommodation.

14. The Committee observe that the Ministry of Information and Broadcasting had filed an affidavit in the Supreme Court wherein it was stated that the Union Cabinet in its meeting held on 28 January, 2009 had approved the draft amendment Bill relating to status of officers and employees of Prasar Bharati. The scrutiny of the documents furnished by the Ministry indicates that the following proviso was added in the aforesaid Bill placed before the Supreme Court which do not find place in the amending legislation:-

“Provided further that the employees recruited between the day of 1st January, 2004 and 5th October, 2007 shall be covered by the pension scheme published in the notification of the Government of India, in the Ministry of Finance vide F. No. 5/7/2003-ECB & PR. Dated the 22nd December, 2003, in the Gazette of India, Extraordinary Part 1, Section 1, dated the 22nd December, 2003.”

The Committee recommend that the aforesaid proviso should be suitably inserted in the amending Bill so as to clarify the position

about the entitlement of pension of officers and employees recruited after 1st January, 2004 in line with the Government's policy in this regard.

ISSUES RELATING TO OFFICERS OF INDIAN INFORMATION SERVICE, CENTRAL SECRETARIAT SERVICE

15. As per the proposed Section 11 A (1) the provisions of the proposed Section 11 (providing the status of deemed deputation) shall not apply to the officers and employees of the Indian Information Service, the Central Secretariat Service or any other service borne on any cadre outside Akashvani or Doordarshan who have been working in Akashvani or Doordarshan before the appointed day or in service in the Corporation after that day. It has been mentioned that the terms and conditions of their service shall be as prescribed. The Committee further note that the statement of Objects and Reasons in this regard states that the Group of Ministers in its meeting held on 16 April, 2010 considered the issue relating to the status of the employees belonging to the Indian Information Service, the Central Secretariat Service and other cadres borne outside the cadre of Akashvani and Doordarshan and recommended that *status quo* be maintained in respect of the said employees subject to the conditions, *inter-alia*, that Ministry of Information and Broadcasting and Prasar Bharati may jointly work out the number of deputation posts to be manned by officers from Indian Information Service cadre. The Ministry during the course of deliberations have clarified that the said employees will be on deemed deputation (not

on deputation) and will not be entitled for deputation allowance. While appreciating the intention of the Ministry for not giving any deputation allowance to the officers of Indian Information Service, the Central Secretariat Service and other cadres borne outside the cadre of Akashvani and Doordarshan so as to have the parity in the salary and other allowances being drawn by the officers of Prasar Bharati and the deputationists, the Committee do not understand the status of deemed deputation proposed to be given to said employees as per the rules to be framed by the Government. Moreover, the terminology of deemed deputation contradicts the posts on deputation as stated in para 3 of the Statement of Objects and Reasons of the Bill. The Committee apprehend that it may create legal complications and as such recommend that the posts for these categories of employees should be on deputation status as stated by GoM and incorporated in the Statement of Objects and Reasons of the Bill. The Committee also emphasize that the number of deputation posts to be manned by officers from Indian Information Service and other service cadre outside Akashvani and Doordarshan should be worked out by the Ministry of Information and Broadcasting and Prasar Bharati expeditiously as desired by GoM.

STATUS OF WORK CHARGED EMPLOYEES

16. The explanation to the proposed Section 11(2) substituting Section 11 of the Prasar Bharati Act clarifies that the status of deemed deputation shall not apply to persons engaged or appointed on daily wages, casual, *ad-hoc* or work charged basis. The

Committee during the course of deliberations have noted that a number of work charged employees are working in Civil Construction Wing of All India Radio who do not find any place in the amending Bill leading to the status of these employees being vague. When the issue was taken up with the representatives of Ministry of Information and Broadcasting and Prasar Bharati, the Committee have been informed that the steps are being taken to regularize the services of these employees. Further, the Committee have been assured by the representatives of the Ministry that these employees would be adjusted against the vacant posts in Prasar Bharati. Further, the Committee have also been assured that the said employees when regularized would move into deemed deputation category. The Committee observe that it would have been appropriate for the Government to regularize these employees before bringing the amendments and then put the status of these employees into the deemed deputation category in the proposed Bill. The Committee express serious concern over the ad-hocism with which the issue of status of officers and employees has been addressed by the Ministry/Prasar Bharati in the amending Bill. The Committee strongly recommend that All India Radio and Doordarshan should be asked to identify the equivalent and matching posts within the stipulated time frame and the services of all these employees should be regularized after adjusting them against the existing vacancies.

FINANCIAL VIABILITY OF PRASAR BHARATI

17. The Committee are concerned to note that the Ministry in the year 2005 had filed an affidavit in the Supreme Court of India on behalf of Prasar Bharati whereby it was stated that Prasar Bharati was financially unviable and would remain so in foreseeable future on account of public obligations. The Committee observe that the main reason for insecurity in the mind of officers and employees of Prasar Bharati is Government's own admission of Prasar Bharati being financially unviable before none other than the highest judicial body of the country i.e. the Supreme Court of India. From the data made available by Prasar Bharati, the Committee note that during the year 2006-07 to 2008-09, as per the actuals 47 per cent (2006-07 and 2007-08) and 48 per cent (2008-09) operating expenses were contributed by Prasar Bharati. The said operating expenses although do not include spectrum and space segment charges. The future projections with regard to Prasar Bharati contribution towards operating expenses have been indicated by Prasar Bharati as 48 per cent. During the course of deliberations, the Committee have been informed that GoM in its meeting held on 16 April, 2010 has recommended that 50 percent of the annual operating expenses of Prasar Bharati should be borne by Prasar Bharati from its internal extra budgetary resources and the remaining 50 percent will henceforth will be met by non-plan grants-in-aid by the Government.

18. The Committee observe that almost one fourth of the sanctioned posts of Prasar Bharati at present are lying vacant. The

operating expenses with the filling up of the vacant posts would lead to substantial increase in the operating expenses of Prasar Bharati. In these circumstances, the Committee fail to understand as to how Prasar Bharati would meet the 50 percent of operational expenses. While reiterating the recommendations made by the Committee in their earlier Reports, the Committee strongly emphasize that Prasar Bharati should find out ways and means to mobilize funds to reduce dependence on Government's grants to meet the operational costs. The Committee are of the firm view that Prasar Bharati can definitely increase their revenue substantially by taking the benefit of their wider coverage in the country. The capital and financial restructuring of Prasar Bharati is long due. There is an urgent need to take the decision in this regard which would further help Prasar Bharati to raise up their earnings.

19. Keeping in view the aforesaid scenario, the Committee while emphasizing for self dependence of Prasar Bharati are also conscious of the fact Prasar Bharati is the Government's broadcaster and the revenue by way of advertisement can be earned as per the directions/policies of the Government. While fixing the percentage of operational expenses as 50 per cent to be met by Prasar Bharati would definitely put pressure on the organization to take the desired initiatives to increase its earnings, at the same time showing projections as less than 50 per cent raises further questions as to how the difference between the mandate of Prasar Bharati and the actual earnings would be met. There is an urgent need to have sort

of mechanism to review the initiatives taken by Prasar Bharati in a year to increase its earnings and recommending to the Government to meet the gap between the 50 per cent i.e. the mandate minus the actual earnings of Prasar Bharati. Such gap would be met by Government grant-in-aids. Such a mechanism would definitely assure the officers and employees of Prasar Bharati that the organization is capable of meeting the expenditure on their salaries and allowances. This would boost the morale of officers and employees and they would put their best for the organization thereby increasing the revenue of Prasar Bharati.

COMPREHENSIVE REVIEW OF 'THE PRASAR BHARATI ACT, 1990'

20. The Standing Committee have consistently been recommending for organizational and financial restructuring of Prasar Bharati. The Standing Committee have also been expressing concern over the non-implementation of various provisions of The Prasar Bharati Act which include constitution of a Parliamentary Committee and Broadcasting Council in spite of the fact that the word 'shall' has been used in the Act. The Committee have been emphasizing to bring comprehensive amendment to the Act. The Ministry in this context has informed the Committee that GoM in their meeting held on 17 June, 2010 has recommended to make such amendments as are required to be made in the Prasar Bharati Act in the light of developments over the last 20 years, subsequent to the Shunu Sen Committee Report. The Ministry has also stated that these proposals would be finalized by 30 September, 2010 and placed before the

GoM thereafter. The Committee find that till date the proposals have not been finalised. While expressing serious concern over non-implementation of the important provisions of the Prasar Bharati Act, 1990, the Committee strongly recommend that the provisions should be reviewed comprehensively and the new legislation/modifications to the existing Act after addressing the concern expressed by the Committee in their various Reports is brought to Parliament without any further delay.

21. The Committee have made various recommendations/observations after exhaustive examination of various provisions made in 'The Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010' in the light of various documents procured, deliberations held with the representatives of the Ministry of Information and Broadcasting and the Prasar Bharati and consultations held with the representatives of employees/staff associations. The Committee strongly recommend that the suggestions made in the report should be given due attention before the amending Bills is taken up for consideration by Parliament.

**New Delhi
8 December, 2010
17 Agrahayana, 1932 (Saka)**

**RAO INDERJIT SINGH
Chairman
Standing Committee on
Information Technology**

**APPENDIX-II
STATEMENT INDICATING THE HISTORY AND BACKGROUND OF THE BILL AS
FURNISHED BY THE MINISTRY OF INFORMATION AND BROADCASTING**

- Prior to the creation of Prasar Bharati, All India Radio and Doordarshan were attached offices of Ministry of Information & Broadcasting. The employees on the strength of All India Radio and Doordarshan, were Central Government employees.
- Prasar Bharati (Broadcasting Corporation' of India) Act, 1990 was enacted, by which Prasar Bharati Corporation came to be established.
- The Central Government issued a notification under Section 3(1) of the Act on 22nd July 1997 in which it was stated that the Act shall come into force on 15th September 1997. On 23rd November 1997, the Central Government issued another notification stating that the Corporation has been established with effect from 23rd November 1997.
- Section 11 of the Act states that it shall be lawful for the Central Government to transfer any of the officers or other employees, from Central Government to the Corporation. However, the Central Government had to first ask such officers or other employees their option and if the officers and employees intimates their unwillingness to become an employee of the Corporation, then such transfer shall not be given effect to.
- As the transfer of the employees as contemplated under Section 11(1) of the Act has not taken place, they continued as government servants on deemed deputation to Prasar Bharati and the provisions of Rule 37 A of the CCS (Pension) Rules; 1972 are applicable to them.
- After the constitution of Prasar Bharati the employees continue to be governed, in matters of promotion by the same Government rules applicable to them earlier since the employees continue to be government servants on deemed deputation with Prasar Bharati.
- In all there were 163 categories of employees in AIR and Doordarshan collectively and each cadre was governed by a separate set of Rules.
- After the formation of Prasar Bharati steps were taken to finalize the Recruitment Rules and service conditions so that the Central Government employees working on deemed deputation could exercise their options in terms of Section 11 of the Act.

- In September 2002, regulations in respect of as many as 122 categories of employees out of the 163 identified categories were notified in consultation with the Central Government.
- At that stage various associations of employees disagreed with the regulations and categorically stated that the said regulations were not acceptable to them.
- A joint memorandum of understanding was signed on 18th September 2002 by the Corporation with the Joint Forum of Akashvani and Doordarshan Engineering Employees to the effect that the said regulations would be reviewed before implementing the same.
- Four different Committees for reviewing the said issue were constituted by the Government and despite all efforts, no consensus could be arrived at.
- The committees looking into the issue submitted their reports with draft regulations covering various identified categories. However, the Employees were not satisfied even with the said regulations.
- On 18th September 2002, another order was issued; stating that the services of all Government servants of Akashvani and Doordarshan are placed on deemed deputation basis to Prasar Bharati without deputation allowance w.e.f. 1st April, 2000 and further stated that this order shall remain in force till the said employees are transferred to the Corporation in accordance with Section 11 of the Act. This situation continues till date.
- Since the establishment of the Corporation w.e.f. 23rd November 1997 Corporation has passed orders transferring employees of operational and administrative staff to various parts of India as per requirements.
- The legality of such transfer orders were challenged by certain employees before CAT, Chandigarh Bench on the ground that the Corporation does not have the power to transfer the employees.
- By an order dated 6.10.2000, the said transfer orders were quashed by CAT, Chandigarh Bench.
- Aggrieved by the said judgment, the Corporation filed Writ Petition in 2001 (CWP No. 10856-CAT/2001) before the High Court of Punjab and Haryana which was dismissed by the said High Court on 26.7.2001.

Aggrieved by the said judgment of the High Court, the Corporation filed a Special Leave Petition before the Supreme Court in 2002.

- Since the matters concerning Prasar Bharati were considered to be of grave public importance, the Central Government constituted a Group Of Ministers on 7th March 2006 to take decisions on the issues concerning Prasar Bharati. The following were the terms of reference of the GOM:
 - (a) Capital structure and funding pattern for Prasar Bharati,
 - (b) Restoration of Section 22 of the Act,
 - (c) Continuation of facilities of accommodation, health and education to the employees until they join Prasar Bharati,
 - (d) Financial package and service conditions to be offered to the employees for joining Prasar Bharati,
 - (e) Filling up of essential category posts in AIR and Doordarshan,
 - (f) Amendments, if any, to Prasar Bharati Act, 1990 in the light of working of the Act,
 - (g) Transition to commercial audit
- On 21st November 2006 and the Supreme Court observed that the hearing of the main appeal would be proceeded with and directed impalement of Union of India as a party and issued notice to the Union of India. Union of India was directed to file its affidavit within a period of three weeks.
- Accordingly, Union of India filed its affidavit before this Hon'ble Court on 13th December 2006.
- In the said affidavit it was stated that in order to seek options from employees, the terms and conditions of service of the said employees are to be determined and that is an issue which has a vital linkage with the financial structure and viability of Prasar Bharati. It was further stated that a GOM has already been constituted by the Central Government in this regard. It was also informed that the said GOM has already held three sittings.
- The appeal filed by the Corporation was allowed by a judgement of the Supreme Court on 2nd February 2007.
- In the said Judgment dated 2nd February 2007 the Supreme Court while upholding the right of Prasar Bharati to transfer its employees directed Union of India to take a firm decision in terms of Section 11 of the Act regarding the status of Prasar Bharati employees to end the uncertainty regarding their service conditions within six months.

- Meanwhile, employees of the Corporation launched agitations all over India demanding that their status as Government servants should be maintained and all facilities like Government accommodation, health facilities under CGHS and admission of their wards to Kendriya Vidyalayas should be continued.
- On 27th September 2007, a meeting was held under the Chairmanship of Secretary, Ministry of Information and Broadcasting with the employees of Prasar Bharati belonging to the programming and engineering wing. In the said meeting, the issue with regard to the status of employees of Prasar Bharati was deliberated at length and the following was agreed to:
 - (a) On behalf of the Government, it was agreed that in the GOM meeting to be held on 5th October 2007, Ministry would put forward the proposal that the employees of Prasar Bharati who are Government employees, will continue to be Government employees. However since they have been placed at the disposal of the Prasar Bharati, they will be on deemed deputation with Prasar Bharati under Rule 37 A of CCS Pension Rules.
 - (b) It was further agreed that a committee chaired by Secretary (I&B) would be constituted by the Government which would include 2 or 3 representatives from the employees side along with management representatives to consider and recommend amendments to the Prasar Bharati Act to find a permanent solution. The recommendations of the Committee would be submitted by 30.11.2007.
 - (c) Prasar Bharati and Ministry of I&B after scrutinizing the recommendations would place the same before the GOM for their perusal and approval in consultation with the concerned Ministries.
 - (d) On receiving approval from GOM further necessary action in the matter will be taken up.
- The GOM met again on 5.10.2007. In the said meeting a firm, decision was taken to continue the employees on deemed deputation till their retirement with all the benefits available to Government servants. It was also decided to seek Cabinet approval on the said recommendation of the GOM including approval for required amendments to Section 11 of the Act and Rule ,37 A of the CCS (Pensions) Rules, 1972 to enable the employees to continue on deemed deputation till their retirement instead of only till such time as their services are transferred to the Corporation.

- The employees unions/associations were initially agreeable to the option of deemed deputation, subsequently started demanding that they should be treated as regular government employees. The employee unions continued their agitations.
- After several meetings with representatives of the employees at the level of Secretary(I&B) and the Minister for Information & Broadcasting, a Committee was constituted on 26.10.2007 under the Chairmanship of Secretary, I & B for finalizing the draft amendments to the Act as well as the CCS (Pension) Rules, so that the decision of the GOM could be implemented. The said Committee had five representatives from the employees belonging to the programming and engineering wing.
- The employees emphasized that the future appointees should also be Government servants. They felt that if this is not agreed to simultaneously two categories of employees would be created governed by different service conditions doing the same work. They also expressed their reservations about promotional avenues. . Secretary cautioned that NFADE should limit its scrutiny to safeguarding the service interests of present employees and wider policy issues must remain the prerogative of the Prasar Bharati Board and its CEO who have to restructure the Organization to meet the new challenges ahead.
- 27.02.2008: NFADE in its letter to the Ministry stated that they reject the proposed amendments as it will create three categories of employees in Prasar Bharati. In the said letter it was stated that they had earlier demanded the repeal of Prasar Bharati Act, but after regular meetings with the GOM and Ministry of I&B, they had agreed for the proposals for amendments in the Act in order to retain the employees and the assets of AIR and Doordarshan with the Government while granting functional autonomy to Prasar Bharati.
- Special meeting of the GOM was held on 26.09.2008.

The GOM decided as follows:-

- (i) The decision dated 05.10.2007 with respect to government employees working in Prasar Bharati on the appointed date i.e. 23.11.1997 was confirmed. They shall continue to serve in Prasar Bharati on deemed deputation with all facilities at par with Central Government employees.

- (ii) Persons recruited after the appointed date i.e. 23.11.1997 and serving in Prasar Bharati on the date of decision of GOM i.e. 05.10.2007 will also be treated as government employees on deemed deputation to Prasar Bharati and will enjoy all facilities at par with Central Government employees.
 - (iii) All employees recruited after 5.10.2007 will be Prasar Bharati employees.
 - (iv) The issue of IIS officers may be further deliberated upon and a suitable proposal may be brought in consultation with ministry of Law and justice at the next meeting of GOM.
- The next meetings of the newly constituted GOM was held on 16.4.2010 and again on 17.6.2010.
 - The GOM on Prasar Bharati in their meeting on 16.4.2010 considered the issue regarding the status of IIS, CSS, CSSS etc. officers and has recommended as under:
 - 1) Status quo may be maintained in respect of the scheme of posting of IIS officers to Prasar Bharati, subject to the following conditions:
 - (a) Ministry of I&B and Prasar Bharati may jointly work out the number of deputation posts to be manned by officers from the IIS cadre.
 - (b) Deputation may be for a period of three to five years without deputation allowance.
 - (c) Prasar Bharati may be allowed to fill up the remaining posts. Prasar Bharati will frame Recruitment Regulations and Service Conditions for recruitment through Recruitment Boards set up by Prasar Bharati as per the provisions of the Act. These actions should be taken by Prasar Bharati without further delay.
 - 2) Status quo may be maintained in respect of the posting of Central Secretariat Service (CSS), Central Secretariat Stenographer Service (CSSS) and Central Secretariat Clerical Service (CSCS) cadre officers and staff in Prasar Bharati. Posts of Deputy Director (Admn.) which at present are being filled on deputation basis with deputation allowance should also be filled on deemed deputation basis to bring them at par with other officers and staff of these cadres.
 - In the next meeting of the GOM held on 17.6.2010 the following additional recommendations were made:
 - (a) The Ministry of I & B should have a comprehensive look in the provisions of the Prasar Bharati Act and recommend such amendments as are required in the light of developments in the last twenty years subsequent to Shunu Sen Committee report. These

proposals would be finalized by the Ministry of I & B by 30.9.2010 and placed before GOM thereafter.

- (b) With respect to demands of employee organizations like NAFADE, ADASA, it was decided that a committee of four joint Secretaries may be constituted look into the specific issues relating to disparity in pay scales and other related issues for categories of employees exclusive to ministry of I & B , Prasar Bharati arising out of upgraded pay scales granted to 11 category of employees of Prasar Bharati as per the decision taken in 1999. GOM also felt that the demand of NAFED to repeal Prasar Bharati Act does not fall within the purview of mandate given to GOM.
- Based on the above recommendations of the GOM the Cabinet has approved the Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010. The same has been introduced in the Rajya Sabha on 31.8.2010.

APPENDIX-III

**Statement indicating the sanctioned strength and vacancies in
Prasar Bharati Corporation as furnished by Prasar Bharati**

S. No.	Wing	Sanctioned Strength	Vacancies
1.	Programme wing	10679	3,746
2.	Engineering wing	18,262	3,998
3.	Administration Wing	17,382	3,489
4.	News Wing	393	94
5.	Civil Construction wing	1,457	171
Total		48,173	11,498

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2010-11)**

MINUTES OF THE FIRST SITTING OF THE COMMITTEE

The Committee sat on Wednesday, the 20th October, 2010 from 1100 hours to 1250 hours in Committee Room No. 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Rao Inderjit Singh -- Chairman

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Shri Milind Deora
4. Dr. Charles Dias
5. Shri Rajen Gohain
6. Smt. Darshana Vikram Jardosh
7. Shri Mithilesh Kumar
8. Shri Inder Singh Namdhari
9. Shri Adhalrao Patil Shivaji
10. Shri Abdul Rahman
11. Shri Prem Das Rai
12. Shri Dhananjay Singh
13. Shri C. Sivasami

Rajya Sabha

14. Shri M.P. Achuthan
15. Shri Mohammad Adeb
16. Shri Salim Ansari
17. Shri Rajeev Chandrasekhar
18. Prof. Alka Balram Kshatriya
19. Shri P. Rajeeve
20. Shri Jesudasu Seelam

Secretariat

- | | |
|------------------------|-----------------------|
| 1. Shri T.K. Mukherjee | - Joint Secretary |
| 2. Smt. Sudesh Luthra | - Director |
| 3. Shri H.R. Kamboj | - Additional Director |

List of Witness
Ministry of Information & Broadcasting

- | | |
|---------------------|-----------|
| 1. Shri Raghu Menon | Secretary |
|---------------------|-----------|

[The representatives of the Ministry of Information and Broadcasting and Prasar Bharati were then called in for briefing on the 'Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010']

5. The Hon'ble Chairman welcomed the representatives of the Ministry of Information and Broadcasting and Prasar Bharati and invited their attention to direction 55 (1) of the Directions by the Speaker, Lok Sabha, regarding the confidentiality of the deliberations till the report on the Bill is presented to Parliament. The Secretary, Ministry of Information and Broadcasting thereafter briefed the Committee about the history and background of the proposed amending Bill. He also explained in detail the provisions made in the aforesaid Bill. The Secretary, Ministry of Information and Broadcasting and CEO, Prasar Bharati responded to the queries of Members of the Committee in the context of examination of the aforesaid Bill during the course of deliberations.

The witnesses, then, withdrew.

A verbatim record of the proceedings has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2010-11)**

MINUTES OF THE SECOND SITTING OF THE COMMITTEE

The Committee sat on Wednesday, the 27th October, 2010 from 1500 hours to 1720 hours in Committee Room No. 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Rao Inderjit Singh -- Chairman

MEMBERS

Lok Sabha

2. Shri Nikhil Kumar Choudhary
3. Dr. Charles Dias
4. Shri Rajen Gohain
5. Smt. Darshana Vikram Jardosh
6. Shri Mithilesh Kumar
7. Shri Inder Singh Namdhari
8. Shri Adhalrao Patil Shivaji
9. Shri Dhananjay Singh
10. Shri Dharmendra Yadav

Rajya Sabha

11. Shri M.P.Achuthan
12. Shri Mohammad Adeeb
13. Shri Salim Ansari
14. Shri P. Rajeeve
15. Shri Jesudasu Seelam

SECRETARIAT

- | | | |
|------------------------|----|---------------------|
| 1. Shri T.K. Mukherjee | -- | Joint Secretary |
| 2. Smt. Sudesh Luthra | -- | Director |
| 3. Shri H.R.Kamboj | -- | Additional Director |

XXXXX XXXXX XXXXX XXXXX

XXXXX.

2. XXXXX XXXXX XXXXX XXXXX
XXXXX.

3. In connection with examination of the Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010, the Committee then took evidence of the representatives of the following two staff/employees associations of the Ministry of Information and Broadcasting as per the time indicated against each:-

Sl. No.	Name of the staff/employees association	From	To
1.	Akashvani & Doordarshan Administrative Staff Association (ADASA)	1530 hrs.	1555 hrs.
2.	National Federation of Akashvani and Doordarshan Employees Association (NFADE)	1555 hrs.	1630 hrs.

4. Before the witnesses were asked to depose before the Committee, the Chairman welcomed them and drew attention of each of the witnesses to the provisions of Direction 55 (1) of the Directions by the Speaker, Lok Sabha.

5. The representatives of the staff/employees Associations explained their views/suggestions on the Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010 which seeks to settle the long pending issues about the status of the employees working in Prasar Bharati. While responding to the various queries of the Members, they also placed before the Committee their suggestions on some of the provisions made under the aforesaid Bill.

6. The Chairman then thanked the representatives of the staff/employees associations for appearing before the Committee and furnishing information which the Committee desired in connection with examination of the Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2010.

A verbatim record of the proceedings has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2010-11)**

MINUTES OF THE THIRD SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 23rd November, 2010 from 1600 hours to 1750 hours in Committee Room No. '62', First Floor, Parliament House, New Delhi.

PRESENT

Shri Rao Inderjit Singh -- Chairman

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Dr. Charles Dias
4. Shri Inder Singh Namdhari
5. Shri Tufani Saroj
6. Dr. Bhola Singh
7. Shri Dharmendra Yadav

Rajya Sabha

8. Shri M.P.Achuthan
9. Shri Mohammad Adeb
10. Shri Salim Ansari
11. Shri P. Rajeeve
12. Shri Jesudasu Seelam

SECRETARIAT

- | | | |
|------------------------|----|---------------------|
| 1. Shri T.K. Mukherjee | -- | Joint Secretary |
| 2. Smt. Sudesh Luthra | -- | Director |
| 3. Shri H.R.Kamboj | -- | Additional Director |

WITNESSES

MINISTRY OF INFORMATION AND BROADCASTING

1. Shri Rajiv Takru Additional Secretary
2. Shri Arvind Kumar Joint Secretary (B)
3. Shri V.K. Bhardwaj Director BA (E)

PRASAR BHARATI

1. Shri B.S. Lalli CEO
2. Shri V. Shivakumar Member (P)
3. Ms. Noreen Naqvi DG (AIR)

2. The following representatives from the Ministry of Law & Justice were present to assist the Committee:-

Ministry of Law & Justice

Department of Legal Affairs

Shri R.L. Koli Additional Secretary

Legislative Department

Shri P.B. Singh Joint Secretary & LC

3. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened to take oral evidence of the representatives of the Ministry of Information and Broadcasting and Prasar Bharati in connection with the examination of 'The Prasar Bharati (Broadcasting Corporation of India) Amendment Bill,2010'.

[The witnesses were then called in]

4. The Hon'ble Chairman welcomed the representatives of the Ministry of Information and Broadcasting, Prasar Bharati and the Ministry of Law and Justice and drew their attention to the provisions of Direction 55(1) of the Directions by the Speaker, Lok Sabha.
5. The representatives of the Ministry, thereafter, briefed the Committee about the various provisions of the Bill. They also replied to the various demands/apprehensions, which the Staff/Employees Associations, had

expressed on the proposed Bill. The Members sought clarifications on various issues relating to the proposed amendments and the representatives of the Ministry/Prasar Bharati responded to the same.

The witnesses then withdrew.

A copy of verbatim record of the proceedings has been kept.

The Committee then adjourned