

**Bill No. XV of 2024**

THE INDIAN MEDIA SERVICES (REGULATION AND LICENSING)  
BILL, 2024

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*to provide for the regulation and licensing of media services and facilitate development of free and independent media services in the country by establishing an independent authority to be known as the Indian Board of Media Services and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Indian Media Services (Regulation and Licensing) Act, 2024. Short title and commencement.
- 5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
  - (a) “Board” means Indian Board of Media Services established under section 4 of this Act.

(b) “citizen” means any citizen of India;

(c) “media services” means the services provided by any person(s) or entity professionally or otherwise engaged in the collection, processing and dissemination of information, news or entertainment to the general public as well as collection of and dissemination of public opinion through print, electronic or digital media such as newspaper, magazine, other publication, radio, cable or satellite television, internet, Over-The-Top (OTT) platforms or other medium of mass communication;

(d) “prescribed” means prescribed by rules and regulations made under this Act; and

(e) “service provider” means any person(s) or public or private sector entity, who are providing media services.

Licensing of Media Services.

3. No service provider shall operate after one year from the commencement of this Act, unless a license therefor has been obtained or intimation provided, in such form and manner, as may be prescribed by the Central Government, in accordance with the provisions of this Act:

Provided that the licenses issued to media services by the Central Government, from time to time in accordance with guidelines issued in this regard prior to the commencement of this Act, shall be deemed to be licenses obtained under the provisions of this Act from the respective date of issue of such license, and shall be valid till the date of expiry of the original license agreement.

Provided further that service provider(s), who have obtained licenses prior to the commencement of this Act, shall submit an intimation in this regard, within such time and containing such details in such form and manner, as may be prescribed by the Board.

Establishment of the Indian Board for Media Services.

4. **(1) The Central Government shall, within six months of the commencement of this Act, by notification in the Official Gazette, establish for the purposes of this Act, an autonomous body to be known as the Indian Board for Media Services, to regulate the functioning of media services and foster free and independent media services in the country.**

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sued and be sued.

(3) The head office of the Board shall be at such place as the Central Government may, by notification in the Official Gazette, specify and the Board may, with the previous approval of the Central Government, establish offices at such other places in India.

(4) The Board shall consist of the following, to be appointed by the President of India by warrant under his hand and seal, on the recommendation of a Selection Committee, as specified under section 5 of the Act:—

(a) an eminent journalist with an illustrious career record of 15 years or more -Chairperson;

(b) an eminent academician from the field of media studies and research Member;

(c) a member of the Telecom Regulatory Authority of India –Member, *ex officio*;

(d) a member of the Press Council of India-Member, *ex-officio*;

(e) a member of the News Broadcasting and Digital Standards Authority-

Member, *ex-officio*.

(f) an officer not below the rank of Deputy Secretary in the Ministry of Information and Broadcasting—Member, *ex-officio*; and

5 (g) an officer not below the rank of Deputy Secretary in the Ministry of Home Affairs—Member, *ex-officio*.

(5) The Board shall have the power to regulate its own procedure for transaction of its business and frame regulations, as deemed necessary, for carrying out the duties and functions as assigned to it under this Act.

5. (1) The Selection Committee shall consist of the following, namely:—

Selection Committee.

10 (a) the Prime Minister — Chairperson;

(b) the Leader of the Opposition in the House of the People or where there is no such Leader of Opposition, then, the Leader of single largest Opposition Party in the House of the People —Member;

(c) the Union Minister of Information and Broadcasting —Member; and

15 (d) one judge of the Supreme Court to be nominated by the Chief Justice of India—Member.

(2) The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the Board.

20 (3) No appointment of the Chairperson or any Member of the Board shall be invalid merely by reason of any vacancy in the Selection Committee.

6. (1) The Chairperson and the Members shall function as full-time Members of the Board, irrespective of their status in their parent organization(s) and shall hold office for a term of five years from the date on which they enter upon their offices.

Term of office and other conditions of service of the Chairperson and Members.

25 (2) **The salary and allowances payable to, and other terms and conditions of service of the Chairperson and Members of the Board shall be such as may be prescribed by the Central Government.**

30 **Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or any Member, as the case may be, shall be varied to his disadvantage after his appointment.**

7. (1) The Chairperson or any other member may, at any time, by writing under his hand addressed to the President, resign from his office and on such resignation being accepted by the President, the Chairperson or Member shall be deemed to have vacated his office with effect from the date of acceptance of such resignation.

Removal and Resignation.

35 (2) The Chairperson and Members shall not be removed from their office except by an order of the President and in such manner and on such grounds as provided in clause (4) of article 124 of the Constitution for the removal of a Judge of the Supreme Court.

40 8. (1) The Board may appoint such number of officers and staff, as it considers necessary for the efficient discharge of its functions under this Act.

Officers and employees of the Board.

45 (2) **The methods of recruitment and qualifications for service, salary and allowances payable to and other terms and conditions of service of the officers and staff of the Board shall be such as may be determined by regulations.**

Powers of the Board.

**9.** The Board shall exercise the following powers, namely:—

(a) grant the licenses required for the functioning of media services in the country, in accordance with the provisions of this Act;

(b) refuse to grant licenses under the provisions of this Act or terminate the functioning of any media service by revoking licenses issued prior to the commencement of this Act under the existing guidelines at that time, if it is of the considered opinion that the content of the channel is likely to threaten the security and integrity of the State or disturb the peace and harmony or public order in the whole or a part of the country, or on violation of other conditions as may be prescribed by the regulations framed under the Act;

Provided that no such order for refusal or revocation of license shall be issued without giving a reasonable opportunity to the media service concerned of being heard;

Provided further that any urgent request to terminate the functioning of any media service received from the Central or State Governments shall be examined by the Board within forty-eight hours of the receipt of such request and a decision given thereon, which shall be binding and enforceable.

(c) formulate rules and regulations for the monitoring, regulation and licensing of media services and service providers in the country while ensuring their independence, within the framework of the existing legislation in this regard and in accordance with the policy guidelines prescribed by the Central Government;

(d) formulate and notify the terms and conditions for grant of licenses and other permissions required for the functioning of media services and various categories of service providers in the country; and

(e) receive grievances and complaints regarding the functioning of media services and service providers and after due examination redress such grievances or take appropriate punitive action, wherever deemed necessary.

Functions of the Board.

**10.** The Board shall perform the following functions, namely:—

(a) monitor whether service providers are offering media services transparently upholding the democratic and pluralist values, as prescribed by the rules and regulations formulated by the Board in this regard;

(b) take necessary steps to bring together and convene structured dialogues amongst media service providers, policy makers, citizens and social activists for improving media services;

(c) lay down the Content Code, encompassing guidelines and standards for the creation and dissemination of media content and procedures to be followed for content certification by the service providers, as may be specified in the regulations and effectively monitor its implementation;

(d) recommend appropriate penalties for media services, service providers and any person(s), who act in contravention of any of the provisions of this Act; and

(e) perform such other functions including administrative and financial functions, as may be entrusted to it by the Central Government or as may be necessary to implement the provisions of this Act.

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| 11. | Service providers shall —  | (a) ensure that their content or programmes uphold pluralism and diversity in the country; | Responsibilities of service providers. |
| 5   | (b) disclose information about individuals or entities with financial stakes in their operations, including investors, and disclose to the general public any potential conflict of interest while reporting or disseminating information on issues related thereto.   |  |  |
|     | (c) abide by the Content Code specified in the clause (c) of section 10.   |  |  |
| 12. | The Board shall prepare every year, in such form and within such time as may be prescribed by the Central Government, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government, who in turn shall cause it to be laid before each House of Parliament. | Annual Report.   |  |
| 13. | <b>(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, make to the Board grants of such sums of money as the Central Government may think fit for carrying out the purposes of this Act.</b>   | Central Government to provide funds.   |  |
| 15  | (2) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed and the accounts shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him.  |  |  |
| 20  | (3) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.                             |  |  |
| 25  |  |  |  |
| 14. | The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.   | Act not in derogation of any other law.  |  |
| 15. | The provisions of this Act and rules made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.  | Act to have an overriding effect.  |  |
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| 16. | (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing such difficulty.  | Power to remove difficulties.  |  |
| 35  | (2) Every order and direction made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.  |  |  |
| 17. | (1) The Central Government may, by notification in the Official Gazette, make rules, for carrying out the provisions of this Act.  | Power to make rules.   |  |

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

## STATEMENT OF OBJECTS AND REASONS

The freedom of the media is crucial for the functioning of a healthy democracy. The media should be independent and should play an impartial role in the dissemination of news and information to the public at large, so as to facilitate free and fair assessment of issues and independent decision making amongst the citizens, which is crucial to the healthy functioning of a democracy. The licensing powers being a monopoly in the hands of the Executive often results in a pliant media as Journalists will hesitate to criticize the ruling dispensation for fear of legal hazards. The licensing should not be left to the whims and fancies of the bureaucracy and the ruling party. The Bill aims to correct this by proposing an autonomous body for issuing licenses and revoking them, thus ensuring free and fair functioning of media.

Hence, this Bill.

V. SIVADASAN

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Indian Board for Media Services consisting of a chairperson and six other Members, whereas, clause 6 provides for the salary and allowances payable to them. Clause 8 of the Bill provides for the salary and allowances of the officers and staff appointed to the Board. Clause 13 of the Bill provides that the Central Government, shall after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Board, as it may think fit for carrying out the purposes of this Act.

Therefore, the Bill, if enacted, would involve expenditure both of recurring and non-recurring nature from the Consolidated Fund of India. However, it is not possible at present to estimate the exact expenditure likely to be involved.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules and regulations for carrying out the purposes of the Bill. Clause 16 of the Bill empowers the Central Government to make an order or give such direction to remove any difficulty which might arise in giving effect to the provisions of the Act. As the rules, regulations, orders or directions will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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*(Dr. V. Sivadasan, M.P.)*