

**GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA**

UNSTARRED QUESTION NO:3293

ANSWERED ON:30.11.2010

PAYMENT OF LEGAL FEES BY PRASAR BHARATI

Bhagora Shri Tarachand;Rathwa Shri Ramsinhbhai Patalbhai

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

- (a) whether the Chief Executive Officer (CEO), Prasar Bharati (PB) has submitted his comments on the report of the Central Vigilance Commission as required by the Government;
- (b) if so, the details of the comments made by the CEO, PB alongwith the action taken thereon;
- (c) whether the Government/PB has made huge payment as fee for seeking legal advice in the cases involving DTH Service and other private television players;
- (d) if so, the details thereof and the reasons therefor;
- (e) whether such payment of fee is in conformity with the rules and regulations of PB; and
- (f) if so, the details thereof and if not, the action taken against the erring officials of PB?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION & BROADCASTING (SHRI C.M. JATUA)

(a)& (b) Yes, Sir. The comments of Chief Executive Officer (CEO), Prasar Bharati (PB) on the report of Central Vigilance Commission were called by 18th November, 2010 to enable the Government to take a final view in the matter. The comments of Chief Executive Officer (CEO) have been received on 18th Nov. 2010. Comments have been examined and further action as per relevant provisions of Prasar Bharati Act is under consideration of the Government.

(c) & (d) Prasar Bharati has informed that Doordarshan had engaged, the then Solicitor General of India (SG), who was assisted by an Addl. Solicitor General as expert legal advocates to resist the efforts of the stated petitioner against the enhanced carriage fee and other jurisdictional matters as a statutory body created by an act of Parliament. The then SG was paid a fee of Rs. 32.45 lakhs during the year 2008-09 for various conferences and several hearings for which he was engaged. The case was listed in various courts like Telecom Disputes Settlement and Appellate Tribunal (TDSAT), High Court of Delhi and Hon'ble Supreme Court.

DTH service was introduced by Doordarshan in December, 2004. For a few years no carriage fee was charged from private channels for coming on Board on DD Direct Platform. In the year 2007 level playing field was introduced and no one was allowed to come free on the platform. The level of the fee was also raised from Rs. 25 lakhs to Rs. 60 lakhs in the year 2008-09 for the domestic channels and Rs. 1.2 crores for foreign channels. Out of them Zee Turner, (3 channels viz. Zee Smile, Zee jagran, ETC-Music), Total TV, Time TV, Enter 10 moved the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) against the decision of increasing Annual Carriage Fee by Prasar Bharati.

The Telecom Disputes Settlement and Appellate Tribunal (TDSAT) in the initial stage issued ex-parte mandatory injunction orders to continue those channels on DD Direct+platform which led to a series of legal battles in the TDSAT, High Court of Delhi and Supreme Court. In all the main petitions, there were also number of interlocutory sub-petitions filed by these companies and the hearings in these courts spread over several days from August to December, 2008. To protect its interest and its revenues, Prasar Bharati engaged best legal experts specialized in different matters like Telecommunications / Statutory jurisdictional matters etc. Two Civil appeals filed by Prasar Bharati in the Supreme Court against the judgments of TDSAT are still pending.

(e) & (f) The matter relating to engagement of advocates and payments of high rates to such advocates in some cases without the approval of Prasar Bharati Board forms part of the CVC report.