

SYNOPSIS

1. **Format of Policy:** The Policy is in the form of an independent legislation distinct from but co-extensive with the Information Technology Act, 2000 and IT Digital Media Regulation Rules, 2021 which will establish and constitute an autonomous but subjective authority to regulate the production, usage, circulation etc. of digital media over the social media platforms, over-the-top platforms, communication platforms and other such platforms where such media can be produced, used or circulated etc. within India.
2. **Objects:**
 - a) To establish Digital Media Regulation Authority of India to regulate digital media platforms by preventing usage, production or circulation of obscene content, spreading of misinformation causing harm to social order, blasphemy, defamation and other offences punishable under the Indian Penal Laws (including Indian Penal Code, Juvenile Justice Act, POCSO Act etc.) being committed over the Social Media Platforms (“*digital media intermediaries*”) without breaching the privacy of its users and considering other landmark precedents established by the Supreme Court.
 - b) To define the constitution, powers, and authority of the DMRAI and making same co-extensive with the laws in force (including, *inter alia*, the Constitution of India, the Cinematography Act, the Cable TV Networks Act, the Information Technology Act and other rules, regulations, laws related to the subject of concern).
 - c) To make an efficacious complaint mechanism (both online as well as offline) to report any violation of the provisions under this Act or provisions of any other Act as in the manner prescribed under this Act which would ensure speedy redressal of the complaint by digital enquiry mechanism or by using other technological instruments including those led by Artificial Intelligence.
 - d) To ensure compliance by all the Digital Media Platforms to the regulations set forth in the Act through enforcement authorities under DMRAI.
 - e) To ensure compliance by all the users of such Digital Media Platforms to the regulations set forth in the Act through enforcement authorities under DMRAI.

- f) To provide for punitive measures for non-compliance to the regulations or directions issued by the DMRAI distinctively against the users as well as the digital media platforms.
- g) To make the rules co-extensive with other existing rules and regulations for the time being in force.
- h) To define powers and authority of Parliament, Central Government, State Governments, Central Judiciary, and State Judiciary with respect to the subject of concern.
- i) To give reasonable overriding powers to Central Legislature and Central Government subjected to Judicial Review and on report of the Digital Media Regulation Council established and constituted under this Act itself.
- j) To mandate certification and registration of all Digital Media Platforms in manner prescribed under this Act and other any other law if such other law prescribes for the same.
- k) To reward those digital media platforms and its users which / who aids the DMRAI in regulation of Digital Media Platforms in terms of income tax rebates, corporate tax rebates and relaxation in mandatory percentage corporate social responsibility.
- l) To establish redressal mechanism through tribunals for settlement of disputes arising out of any act or omission by any person (including a digital media intermediary and a social media intermediary) which is violating any of the provisions of the Act.
- m) To introduce a licensing system for digital media platforms to facilitate regulation by the DMRAI.

3. Subject of Concern

- a) Increasing law violations over the Digital Media Platforms.
- b) Increasing reports of circulation of obscene content, misinformation, matter inciting commission of punitive offences under Indian Penal Code, Information Technology Act etc. including cyber bullying, cyber stalking, fishing, etc.
- c) Need for a regulating authority to keep a check on the digital media platforms and its users to mitigate and indemnify the legal violations and victimization of innocent, especially minors and women, who are susceptible to obscenity, violence, digital bullying and many other malevolent digital media.

THE DIGITAL MEDIA REGULATION BILL, 2022

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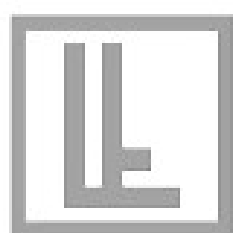
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THE DIGITAL MEDIA REGULATORY AUTHORITY BILL, 2022

An Act to provide for establishment of the Digital Media Regulation Authority of India for regulation of production, usage, circulation, publication, and storage of digital media by any person (including any digital media intermediary); to provide for rules of conduct of its business; to define its functions and purpose; to establish authorities for timely and effective management of its affairs; and establishing a complaint and redressal mechanism for effective enquiry into reported violations and for matters connected therewith or incidental thereto.

CHAPTER I

PRELIMINARY

1. Short Title, Extent and Commencement.

- (1) This Act may be called the Digital Media Regulation Act, 2022.
- (2) It extends to the whole of India and it applies also—
 - a) to all the citizens of India outside India; and
 - b) to all the digital media intermediaries established, registered or incorporated outside India transacting their business and managing their state of affairs, in part or in whole, within India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different State and any reference in any such provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

2. Definitions, Explanations and Interpretations.

- (1) In this Act, unless the context otherwise requires—
 - a) “Act” means the Digital Media Regulation Act, 2022;
 - b) "Appellate tribunal" means the Digital Media Disputes Settlement and Appellate Tribunal established under this Act;
 - c) “Authority” means the Digital Media Regulatory Authority of India established under sub-section (1) of section 4;

- d) “Digital media intermediary” means an intermediary which primarily or solely enables transmission of digitized content over the internet or computer networks and includes receiving, storage, transmission, editing or processing of digital content and includes any social media intermediary and any significant social media intermediary.
 - e) “Digital media” means digitized content that can be transmitted over the internet or computer networks and includes content received, stored, transmitted, edited or processed by- an intermediary; or a publisher of news and current affairs content or a publisher of online curated content;
 - f) “Fund” means the Digital Media Regulation Fund constituted under this Act;
 - g) “Grievance Officer” means an officer appointed by the intermediary or the publisher, as the case may be, for the purposes of the Information Technology (Intermediary Guidelines on Digital Media and Ethics Code) Rules, 2021;
 - h) “Grievance” includes any complaint, whether regarding any content, any duties of an intermediary or publisher under this Act, or other matters pertaining to the computer resource of an intermediary or publisher, as the case may be;
 - i) “Inter-Departmental committee” means the Inter-Departmental Committee constituted established under rule 14 of the Information Technology (Intermediary Guidelines on Digital Media and Ethics Code) Rules, 2021.
 - j) “Licensee” means any person licensed under this Act to operate as a digital media intermediary by the licensor;
 - k) "Licensor" means the Central Regulatory Authority who grants a licence to digital media intermediary under this Act;
 - l) “Notification” means a notification published in the Official Gazette;
 - m) “Opposite parties” means the persons against whom the complaint is filed to the authorities under this Act;
 - n) “Person” means a person as defined in sub-section (31) of section 2 of the Income tax Act, 1961 (43 of 1961) and includes a digit media intermediary.
 - o) “Prescribed” means prescribed by rules made under this Act;
 - p) “Regulations” means regulations made by the Authority under this Act;
- (2) Words and expressions used and not defined in this Act but defined in the Information Technology Act, 2000 (21 of 2000) and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 shall have the meanings respectively assigned to them in those Acts.

3. Savings.

The provisions of this Act shall be construed co-extensively with any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, unless the context otherwise requires.

CHAPTER II

THE DIGITAL MEDIA REGULATION AUTHORITY OF INDIA

4. Establishment of Digital Media Regulation Authority of India and its Regional Offices.

- (1) The Central Government shall, by notification, establish with effect from such date as it may specify in that notification, the Digital Media Regulation Authority of India to be known as the Central Authority to regulate matters relating to production, usage, circulation, publication, and storage of digital media by any person.
- (2) The Central Regulatory Authority shall consist of a Chairperson, a Vice-Chairperson and such number of other members as may be prescribed, to be appointed by the Central Government to exercise the powers and discharge the functions under this Act.
- (3) The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Central Regulatory Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority and shall discharge such other powers and functions as may be prescribed.
- (4) The Central Government may appoint one of the members to be a Vice-Chairperson of the Central Regulatory Authority who shall exercise and discharge such powers and functions of the Chairperson as may be prescribed or as may be delegated to him by the Authority.
- (5) The headquarters of the Central Regulatory Authority shall be at such place in the National Capital Region of Delhi, and it shall have regional and other offices in any other place in India as the Central Government may decide.
- (6) Every regional office established shall consist of a superintending Commissioner and such number of other members as may be prescribed, to be appointed by the Central Government to exercise the powers and discharge the prescribed functions

under the supervision of the Central Regulatory Authority and the Central Government.

(7) Notwithstanding anything contained in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, the Inter-departmental Committee established under its rule 14 may render advice or make recommendations to aid the Central Regulatory Authority in execution of its functions and discharge of its powers under this Act.

(8) Any advice rendered or recommendations made by the Inter-departmental Committee to the Central Regulatory Authority for the purpose of sub-section (7) shall not be binding on the Central Regulatory Authority.

5. Qualifications, method of recruitment, etc., of Chairperson and Vice Chairperson.

The Central Government may, by notification, make rules to provide for the qualifications for appointment, method of recruitment, procedure for appointment, term of office, salaries and allowances, resignation, removal and other terms and conditions of the service of the Chairperson, the Vice Chairperson and other members of the Central Regulatory Authority.

6. Vacancy, etc., not to invalidate proceedings of Central Regulatory Authority.

No act or proceeding of the Central Regulatory Authority shall be invalid merely by reason of—

- a) any vacancy in, or any defect in the constitution of, the Central Regulatory Authority; or
- b) any defect in the appointment of a person acting as the Chairperson or as the Vice-Chairperson or as a member; or
- c) any irregularity in the procedure of the Central Regulatory Authority not affecting the merits of the case.

7. Appointment of officers, experts, professionals and other employees of Central Regulatory Authority.

(1) The Central Government shall provide the Central Regulatory Authority such number of officers and other employees as it considers necessary for the efficient performance of its functions under this Act.

- (2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Central Regulatory Authority appointed under this Act shall be such as may be prescribed.
- (3) The Central Regulatory Authority may engage, in accordance with the procedure specified by regulations, such number of experts and professionals of integrity and ability, who have special knowledge and experience in the areas of technology, industry, commerce, administration, or media and entertainment, as it deems necessary to assist it in the discharge of its functions under this Act.

8. Procedure of Central Regulatory Authority.

- (1) The Central Regulatory Authority shall regulate the procedure for transaction of its business and allocation of its business amongst the Chairperson, the Vice-Chairperson and the members as may be specified by regulations.
- (2) The Chairperson shall have the powers of general superintendence, direction and control in respect of all administrative matters of the Central Regulatory Authority *provided that* the Chairperson may delegate such of his powers relating to administrative matters of the Central Regulatory Authority, as he may think fit, to the Vice-Chairperson or any member of the Central Regulatory Authority (including the Commissioner of a regional office).
- (3) The Central Regulatory Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.
- (4) The Chairperson or, if for any reason, he is unable to attend a meeting of the Central Regulatory Authority, Vice-Chairperson and in his absence, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.
- (5) All questions which come up before any meeting of the Central Regulatory Authority shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the Chair-person or in his absence, the person presiding, shall have a second or casting vote.
- (6) The Central Regulatory Authority may make regulations for the transaction of business at its meetings.

9. Investigation Wing.

- (1) The Central Regulatory Authority shall have an Investigation Wing headed by a Director-General for the purpose of conducting inquiry or investigation under this Act as may be directed by the Central Regulatory Authority.
- (2) The Central Government may appoint a Director-General and such number of Additional Director-General, Director, Joint Director, Deputy Director and Assistant Director, from amongst persons who have experience in investigation and possess such qualifications, in such manner, as may be prescribed.
- (3) Every Additional Director-General, Director, Joint Director, Deputy Director and Assistant Director shall exercise his powers, and discharge his functions, subject to the general control, supervision and direction of the Director-General.
- (4) The Director-General may delegate all or any of his powers to the Additional Director-General or Director, Joint Director or Deputy Director or Assistant Director, as the case may be, while conducting inquiries or investigations under this Act.
- (5) The inquiries or the investigations made by the Director-General shall be submitted to the Central Regulatory Authority in such form, in such manner and within such time, as may be specified by regulations.

10. Power of District Collector.

The District Collector (by whatever name called) may, on a complaint or on a reference made to him by the Central Regulatory Authority or the Commissioner of a regional office, inquire into or investigate complaints regarding violations of any rules, regulations, directions, or orders notified by the Central Regulatory Authority or any of its regional offices or on matters relating to violation of any rules, regulations, directions, or orders notified by the Central Regulatory Authority or any of its regional offices, or commission of any offence punishable under this Act, within his jurisdiction and submit his report to the Central Regulatory Authority or to the Commissioner of a regional office, as the case may be.

11. Complaints to authorities.

- (1) A complaint relating to violation of any rules, regulations, directions, or orders notified by the Central Regulatory Authority or any of its regional offices, or commission of any offence punishable under this Act which is against the interest of the sovereignty and integrity of India, the security of the State, friendly relations

with foreign States, public order, decency or morality, may be forwarded either in writing or in electronic mode, to any one of the authorities, namely, the Central Regulatory Authority, or the District Collector or the Commissioner of regional office within the local limits of whose jurisdiction, —

- a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, ordinarily resides or carries on business or has a branch office or personally works for gain; or
- b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office, or personally works for gain, provided that in such case the permission of the District Commission is given; or
- c) the cause of action, wholly or in part, arises; or
- d) the complainant resides or personally works for gain.

(2) A complaint, in relation to violation of rules, regulations, directions or orders notified by the Central Regulatory Authority or any of its regional offices by any person, or commission of any offence punishable under this Act which is against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality may be filed by—

- a) any natural person; or
- b) any body of persons; or
- c) any registered Civil Society, Non-Government Organization or Association, registered or unregistered; or
- d) any body corporate or firm; or
- e) any juristic person not mentioned in any of the clauses hereinabove;
- f) the Central Government, the Central Authority or the State Government, as the case may be: Provided that the complaint under this sub-section may be filed electronically in such manner as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1), no person shall file a complaint of violation of rules, regulations, directions or orders notified by the Central Regulatory Authority or any of its regional offices by any digital media intermediary unless a grievance has been filed to the Grievance Officer appointed by the digital media intermediaries under rules 3, 11 and 12 of the Information

Technology (Intermediary Guidelines on Digital Media and Code of Ethics) Rules, 2021, at least seven days before the filling of such complaint.

- (4) Every complaint filed under sub-section (1) shall be accompanied with such nominal fee and payable in such manner, including electronic form, as may be prescribed.
- (5) The Central Government shall take such appropriate measures to ensure easy and effective communication of complaints in electronic mode to either of the authorities mentioned hereinabove.
- (6) The Central Government shall take such appropriate measures to ensure redressal of complaints within a period of seven working days commencing from the date of receipt of such complaint.

12. Functions of the Central Regulatory Authority.

(1) Notwithstanding anything contained in the Information Technology Act, 2000 (21 of 2001), the functions of the Central Regulatory Authority shall be to—

a) make recommendations, either *suo motu* or on a request from the licensor, on the following matters, namely:—

- i. terms and conditions of licence to a digital media intermediary;
- ii. revocation of licence for non-compliance of terms and conditions of licence;
- iii. efficient regulation of usage, production, circulation, and transmission of digital media;
- iv. ensuring compliance by the digital media intermediaries to the Information Technology (Intermediary Guidelines on Digital Media and Ethics Code) Rules, 2021;

b) discharge the following functions, namely:—

- i. ensure compliance of terms and conditions of licence by the digital media intermediaries;
- ii. efficient regulation of usage, production, circulation, and transmission of digital media;
- iii. ensuring compliance by the digital media intermediaries to the Information Technology (Intermediary Guidelines on Digital Media and Ethics Code) Rules, 2021;

- iv. ensuring compliance by every person to the rules and regulations made by the Central Regulatory Authority or the Central Government under this Act.
 - v. preventing commission of offences punishable under this Act, or the Information Technology Act, 2000 (21 of 2000), or the Indian Penal Code, 1860 (45 of 1860) or any other penal law for the time being force in India.
- c) levy licensing fees and other charges at such rates and in respect of such services as may be determined by regulations;
- d) perform such other functions including such administrative and financial functions as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act:

Provided that the recommendations of the Authority specified under this sub-section shall not be binding upon the Central Government:

Provided further that if the Central Government having considered that recommendation of the Authority, comes to a *prima facie* conclusion that such recommendation cannot be accepted or needs modifications, it shall, refer the recommendation back to the Authority for its reconsideration, and the Authority may within fifteen days from the date of receipt of such reference, forward to the Central Government its recommendation after considering the reference made by that Government. After receipt of further recommendation if any, the Central Government shall take a final decision.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Central Regulatory Authority may, for any of the purposes aforesaid, —

- a) inquire or cause an inquiry or investigation to be made into violations of any rules, regulations, directions, or orders notified by the Central Regulatory Authority or any of its regional offices, or commission of any offence punishable under this Act, either *suo motu* or on a complaint received or on the directions from the Central Government;
- b) issue directions or orders as may be necessary for efficient discharge of its functions under this Act,
- c) file complaints against any person who has violated any of the directions, orders, rules or regulations notified by the Central Regulatory Authority or

any of its regional offices or has committed any offence punishable under this Act;

- d) spread and promote awareness on the offences committed on digitally and the complaint mechanism against the same;
- e) encourage non-Governmental organisations and other institutions working in the domain to co-operate and work with digital media regulation agencies established under this Act;
- f) issue online notices to alert a potential criminal stating a descriptive warning regarding the penal actions against the offence being committed or which has been committed;
- g) advise the Ministries and Departments of the Central and State Governments on digital media regulation measures;
- h) issue necessary guidelines to prevent commission of offences under this Act;
- i) recommend adoption of international covenants and best international practices on regulation of digital media to ensure public tranquillity, social order.

(3) While discharging its functions under sub-section (1) or sub-section (2) the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

(4) The Authority shall ensure transparency while exercising its powers and discharging its functions.

13. Power of Central Regulatory Authority to refer matter for investigation or to any other Regulator.

(1) The Central Regulatory Authority may, after receiving any information or complaint or directions from the Central Government or of its own motion, conduct or cause to be conducted a preliminary inquiry as to whether there exists a *prima facie* case of violation of any rules, regulations, directions, or orders notified by the Central Regulatory Authority or any of its regional offices, or commission of any offence punishable under this Act, by any person, which is against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality and if it is satisfied that there exists a *prima facie* case, it shall cause investigation to be made by the Director-General or by the District Collector.

- (2) Where, after preliminary inquiry, the Central Regulatory Authority is of the opinion that the matter is to be dealt with by a Regulator established under any other law for the time being in force, it may refer such matter to the concerned Regulator along with its report.
- (3) For the purposes of investigation under sub-section (1), the Central Regulatory Authority, the Director-General or the District Collector may call upon a person referred to in sub-section (1) and also direct him to produce any document or record in his possession.

14. Power of Central Regulatory Authority to pass orders.

Where the Central Regulatory Authority is satisfied on the basis of investigation that there is sufficient evidence to show violation of any rules, regulations, directions, or orders notified by the Central Regulatory Authority or any of its regional offices, or commission of any offence punishable under this Act, by a person, it may pass such order as may be necessary to effectively execute its functions and discharge its powers.

15. Power of Central Regulatory Authority to issue directions and penalties.

- (1) Where the Central Regulatory Authority is satisfied after investigation that such act or omission punishable under this Act has been committed by any person which is against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or is in contravention of any rules, regulations, directions or order notified by it prior or such commission or omission, it may, by order, issue directions to such person, as the case may be, to discontinue such act or omission or to modify the same in such manner and within such time as may be specified in that order.

- (2) Notwithstanding the order passed under sub-section (1), if the Central Regulatory Authority is of the opinion that it is necessary to impose a penalty in respect of such violation, by a person, it may, by order, impose on such person a penalty which may extend to ten lakh rupees:

Provided that the Central Regulatory Authority may, for every subsequent contravention by a manufacturer or endorser, impose a penalty, which may extend to fifty lakh rupees:

Provided further that the fine charged under this section shall be, insofar as feasible, appropriate to the degree of offence committed by the person.

- (4) No person shall be liable to such penalty if he proves that he had published or arranged for the publication of such media in the ordinary course of his business: Provided that no such defence shall be available to such person if he had previous knowledge of the order passed by the Central Regulatory Authority for withdrawal or modification of such advertisement.
- (5) While determining the penalty under this section, regard shall be had to the following, namely: -
- a) the population and the area impacted or affected by such offence;
 - b) the frequency and duration of such offence; and
 - c) the vulnerability of the class of persons likely to be adversely affected by such offence.
- (6) The Central Regulatory Authority shall give the person an opportunity of being heard before an order under this section is passed.

16. Search and Seizure

- (1) For the purpose of conducting an investigation after preliminary inquiry under this Act, the Director-General or any other officer authorised by him in this behalf, or the District Collector, as the case may be, may, if he has any reason to believe that any person has violated of any rules, regulations, directions, or orders notified by the Central Regulatory Authority or any of its regional offices, or committed any offence punishable under this Act, may, —
- a) call upon such person at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require; or
 - b) require such person to produce any record, register or other document or article in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Authority with any such statement or information relating there-to, as the case may be, required of him, within such time as may be specified; or
 - c) appoint one or more persons to make an inquiry in relation to the affairs of such person; and
 - d) direct any of its officers or employees to inspect any record, register or other document or article of such person.
- (2) Where any inquiry in relation to the affairs of any person has been undertaken under sub-section (1);-

- a) every officer of the Government Department, if such person is a department of the Government;
- b) every director, manager, secretary or other officer, if such person is a company; or
- c) every partner, manager, secretary or other officer, if such person is a firm; or
- d) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (b) and (c), shall be bound to produce before the Central Regulatory Authority making the inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Authority with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified.

(3) Every person shall maintain such record, register or other document as may be prescribed.

(4) The Central Regulatory Authority shall have the power to issue such directions to any person as it may consider necessary for proper execution of its functions.

17. Designation of any statutory authority or body to function as Central Regulatory Authority.

The Central Government may, if it considers necessary, by notification, designate any statutory authority or body to exercise the powers and perform the functions of the Central Regulatory Authority referred to in section 12.

18. Appeal to the Digital Media Disputes Settlement and Appellate Tribunal.

A person aggrieved by any order or direction passed by the Central Regulatory Authority under sections 14 and 15 may file an appeal to the Digital Media Disputes Settlement and Appellate Tribunal within a period of thirty days from the date of receipt of such order or direction.

19. Accounts and Audit.

(1) The Central Regulatory Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner as may be prescribed in consultation with the Comptroller and Auditor-General of India.

- (2) The accounts of the Central Regulatory Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Central Regulatory Authority to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the audit of the accounts of the Central Regulatory Authority shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Central Regulatory Authority.
- (4) The accounts of the Central Regulatory Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government which shall cause the same to be laid before each House of Parliament.

20. Furnishing of annual reports, etc.

- (1) The Central Regulation Authority shall prepare once in every year, in such form, manner and at such time as may be prescribed, an annual report giving full account of its activities during the previous year and such other reports and returns, as may be directed, and copies of such report and returns shall be forwarded to the Central Government.
- (2) A copy of the annual report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

21. Removal and suspension of member from office in certain circumstances.

- (1) The Central Government may remove from office any member, who,-
- a. has been adjudged an insolvent; or
 - b. has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - c. has become physically or mentally incapable of acting as a member; or
 - d. has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
 - e. has so abused his position as to render his continuance in office prejudicial to the public interest.

- (2) No such member shall be removed from his office under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

CHAPTER III

THE DIGITAL MEDIA REGULATION ADVISORY COUNCIL OF INDIA

22. Establishment of Digital Media Regulation Advisory Council of India

- (1) The Central Government shall, by notification, establish with effect from such date as it may specify in that notification, the Digital Media Regulatory Council to be known as the Central Advisory Council.
- (2) The Central Council shall be an advisory council and consist of the following members, namely:-
- a) the Minister-in-charge of the Department of Electronics and Information Technology in the Central Government, who shall be the Chairperson; and
 - b) the Minister-in-charge of the Department of Electronics and Information Technology in the State Governments; and
 - c) the Minister-in-charge of the Department of Information and Broadcasting in the Central Government, who shall be the Chairperson; and
 - d) the Minister-in-charge of the Department of Information and Broadcasting in the State Governments; and
 - e) such number of other official or non-official members representing such interests as may be prescribed.
- (3) The Central Government may appoint officers and such other employees as it considers necessary for the efficient discharge of the functions of the Central Advisory Council under this Act.
- (4) The Central Government may, by notification, make rules to provide for the qualifications for appointment, method of recruitment, procedure for appointment, term of office, salaries and allowances, resignation, removal and other terms and conditions of the service of the members of the Central Advisory Council appointed under sub-section (3).

23. Procedure for meetings of Central Advisory Council.

- (1) The Central Advisory Council shall meet as and when necessary, but at least one meeting of the Council shall be held every six months.
- (2) The Central Advisory Council shall meet at such time and place as the Chairperson may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.

24. Objects of Central Advisory Council.

The objects of the Central Advisory Council shall be to render advice on regulation of production, usage, circulation, publication and storage of digital media under this Act to the Central Regulatory Authority, the Central Government, the State Governments, the District Collectors and the Commissioners of Regional Offices of the Central Regulatory Authority.

CHAPTER IV

THE DIGITAL MEDIA DISPUTE SETTLEMENT AND APPELLATE TRIBUNAL

25. Establishment of the Digital Media Dispute Settlement and Appellate Tribunal.

The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Digital Media Dispute Settlement and Appellate Tribunal to—

- a) adjudicate any dispute—
 - i) between a licensor and a licensee;
 - ii) between the Central Regulatory Authority and the opposite parties;
 - iii) between the Central Government and the opposite parties;
 - iv) or any other dispute arising from the provisions of this Act.
- b) hear and dispose of appeal against any direction, decision or order of the Authority under this Act.

26. Application of Settlement of Disputes and Appeal to the Appellate Tribunal.

- (1) The Central Government or a State Government or a local authority or any person may make an application to the Appellate Tribunal for adjudication of any dispute referred to in clause (a) of section 24.

- (2) The Central Government or a State Government or a local authority or any person aggrieved by any direction, decision or order made by the Authority may prefer an appeal to the Appellate Tribunal.
- (3) Every appeal under sub-section (2) shall be preferred within a period of thirty days from the date on which a copy of the direction or order or decision made by the Authority is received by the Central Government or the State Government or the local authority or the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:
- Provided that* the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.
- (4) On receipt of an application under sub-section (1) or an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the dispute or the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.
- (5) The Appellate Tribunal shall send a copy of every order made by it to the parties to the dispute or the appeal and to the Central Regulatory Authority, as the case may be.
- (6) The application made under sub-section (1) or the appeal preferred under sub-section (2) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application or appeal finally within ninety days from the date of receipt of application or appeal, as the case may be: *Provided that* where any such application or appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the application or appeal within that period.
- (7) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness, of any dispute made in any application under sub-section (1), or of any direction or order or decision of the Central Regulatory Authority referred to in the appeal preferred under sub-section (2), on its own motion or otherwise, call for the records relevant to deposing of such application or appeal and make such orders as it thinks fit.

27. Composition of the Appellate Tribunal.

- (1) The Appellate Tribunal shall consist of a Chairperson and such Members to be appointed, by notification, by the Central Government.

- (2) The selection of Chairperson and Members of the Appellate Tribunal shall be made by the Central Government in consultation with the Chief Justice of India.
- (3) Subject to the provisions of this Act,—
- a. the jurisdiction of the Appellate Tribunal may be exercised by the Benches thereof;
 - b. a Bench may be constituted by the Chairperson of the Appellate Tribunal with one or two Members of such Tribunal as the Chairperson may deem fit;
 - c. the Benches of the Appellate Tribunal shall ordinarily sit at New Delhi and at such other places as the Central Government may, in consultation with the Chairperson of the Appellate Tribunal, notify;
 - d. the Central Government shall notify the areas in relation to which each Bench of the Appellate Tribunal may exercise its jurisdiction.
- (4) Notwithstanding anything contained in sub-section (2), the Chairperson of the Appellate Tribunal may transfer a Member of such Tribunal from one Bench to another Bench.
- (5) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member of the Appellate Tribunal that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairperson to such Bench as the Chairperson may deem fit.

28. Qualifications for appointment of Chairperson and Members.

A person shall not be qualified for appointment as the Chairperson or a Member of the Appellate Tribunal unless he—

- (a) in the case of Chairperson, is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;
- (b) in the case of a Member, has held the post of Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of not less than two years or a person who is well versed in the field of technology, industry, commerce, administration, or media and entertainment.

29. Term of office.

The Chairperson and every other Member of the Appellate Tribunal shall hold office as such for a term not exceeding three years from the date on which he

enters upon his office: *Provided that* no Chairperson or other Member shall hold office as such after he has attained,—

- (a) in the case of Chairperson, the age of seventy years;
- (b) in the case of any other Member, the age of sixty-five years.

30. Vacancies.

If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or a Member of the Appellate Tribunal, the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

31. Removal and resignation.

(1) The Central Government may remove from office, the Chairperson or any Member of the Appellate Tribunal, who—

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as the Chairperson or a Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or a Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Notwithstanding anything contained in sub-section (1), the Chairperson or a Member of the Appellate Tribunal shall not be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court on a reference being made to it in this behalf by the Central Government, has, on an enquiry, held by it in accordance with such procedure as it may specify in this behalf, reported that the Chairperson or a Member ought on such ground or grounds to be removed.

(3) The Central Government may suspend from office, the Chairperson or a Member of the Appellate Tribunal in respect of whom a reference has been made to the Supreme Court under sub-section (2), until the Central Government has passed an order on receipt of the report of the Supreme Court on such reference.

32. Staff of Appellate Tribunal.

- (1) The Central Government shall provide the Appellate Tribunal with such officers and employees as it may deem fit.
- (2) The officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence of its Chairperson.
- (3) The salaries and allowances and other conditions of service of such officers and employees of the Appellate Tribunal shall be such as may be prescribed.

33. Distribution of business amongst Benches.

Where Benches are constituted, the Chairperson of the Appellate Tribunal may, from time to time, by notification, make provisions as to the distribution of the business of the Appellate Tribunal amongst the Benches and also provide for the matters which may be dealt with by each Bench.

34. Power of Chairperson to transfer cases.

On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson of the Appellate Tribunal may transfer any case pending before one Bench, for disposal, to any other Bench.

35. Decision to be by majority.

If the Members of a Bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson of the Appellate Tribunal who shall hear the point or points himself and such point or points shall be decided according to the opinion of the majority who have heard the case, including those who first heard it.

36. Members, etc., to be public servants.

The Chairperson, Members and other officers and employees of the Appellate Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

37. Civil Courts not to have jurisdiction.

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in

respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

38. Procedure and powers of Appellate Tribunal.

- (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure.
- (2) The Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or a copy of such record or document, from any office;
 - (e) issuing commissions for the examination of witnesses or documents;
 - (f) reviewing its decisions;
 - (g) dismissing an application for default or deciding it, *ex parte*;
 - (h) setting aside any order of dismissal of any application for default or any order passed by it, *ex parte*; and
 - (i) any other matter which may be prescribed.
- (3) Every proceeding before the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code (45 of 1860) and the Appellate Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

39. Right to legal representation.

The applicant or appellant may either appear in person or authorise one or more legal practitioners to present his or its case before the Appellate Tribunal.

Explanation.—For the purposes of this section, “legal practitioner” means an advocate, *vakil* or an attorney of any High Court, and includes a pleader in practice.

40. Appeal to Supreme Court.

(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties:

provided that the consent of all the parties shall be free:

Explanation.— Consent is said to be free when it is not caused by coercion, undue influence, fraud,

misrepresentation, or mistake of fact. Consent is said to be so caused when it would not have been given but for the existence of such coercion, undue influence, fraud, misrepresentation or mistake.

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

41. Orders passed by Appellate Tribunal to be executable as a decree.

(1) An order passed by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

CHAPTER V

LICENSING OF DIGITAL MEDIA INTERMEDIARIES

42. Digital Media Intermediary not to be operated except after registration.

- (1) No person shall operate a digital media intermediary unless he is registered as a cable operator under this Act.

43. Registration as a Digital Media Intermediary.

- (1) Any person who is desirous of operating or is operating a digital media intermediary may apply for registration or renewal of registration, as a digital media intermediary to the Central Regulatory Authority.
- (2) The digital media intermediary shall fulfil such eligibility criteria and conditions as may be prescribed and different eligibility criteria may be prescribed for different categories of digital media intermediaries.
- (3) An application under sub-section (1) shall be made in such form and be accompanied by such documents and fees as may be prescribed.
- (4) On receipt of the application, the Central Regulatory Authority shall satisfy itself that the applicant has furnished all the required information prescribed under sub-section (3) and on being so satisfied, register the applicant as a digital media intermediary and grant him a certificate of registration or renew its registration, as the case may be, subject to such terms and conditions as may be prescribed under sub-section (5):

Provided that the Central Regulatory Authority may, if it is satisfied that the applicant does not fulfil the eligibility criteria and conditions prescribed under sub-section (2) or the application is not accompanied by necessary documents or fees as prescribed under sub-section (3), and for reasons to be recorded in writing, by order, refuse to grant its registration or renewal, as the case may be, and communicate the same to the applicant:

Provided further that the applicant may prefer an appeal against the order of the Central Regulatory Authority refusing grant or renewal of registration to the Central Government.

- (5) Without prejudice to the compliance of eligibility criteria for registration of digital media intermediaries, the Central Government may prescribe, having regard to the interests of the sovereignty and integrity of India, the security of the State, friendly

relations with foreign States, public order, decency or morality, foreign relation or contempt of court, defamation or incitement to an offence, such terms and conditions of registration including additional criteria or conditions to be fulfilled by the digital media intermediaries.

- (6) The Central Government may suspend or revoke the registration granted under sub-section (4) if the cable operator violates one or more of the terms and conditions of such registration:

Provided that no such order of suspension or revocation shall be made without giving reasonable opportunity of being heard to the cable operator.

CHAPTER VI

OFFENCES AND PENALTIES

44. Offences by companies.

- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- a. “company” means any body corporate and includes a firm or other association of individuals; and
- b. “director”, in relation to a firm, means a partner in the firm.

45. Offences by Government Departments.

- (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

46. Penalty for contravention of orders or directions of Authority.

If a person violates directions of the Authority, such person shall be punishable with fine which may extend to ten lakh rupees and in case of second or subsequent offence with fine which may extend to twenty lakh rupees and in the case of continuing contravention with additional fine which may extend to twenty lakh rupees for every day during which the default continues: *provided that* the fine charged under this section shall be, insofar as feasible, proportionate to the degree of offence committed by the person.

47. Penalty for wilful failure to comply with orders of Appellate Tribunal.

If any person wilfully fails to comply with the order of the Appellate Tribunal, he shall be punishable with fine which may extend to ten lakh rupees and in case of a second or subsequent offence with fine which may extend to twenty lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which such default continues: *provided that* the fine charged under this section shall be, insofar as feasible, proportionate to the degree of offence committed by the person.

CHAPTER VII

MISCELLANEOUS

48. Grants by Central Government.

The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority.

49. Fund.

(1) There shall be constituted a fund to be called the Digital Media Regulatory Authority of India General Fund and there shall be credited thereto—

- a. all grants, fees and charges received by the Central Regulatory Authority under this Act; and
- b. all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

- a. the salaries and allowances payable to the Chairperson and members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority; and
- b. the expenses on objects and for purposes authorised by this Act.

50. Power of Central Government to issue directions.

- (1) The Central Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.
- (2) Without prejudice to the foregoing provisions, the Authority shall, in exercise of its powers or the performance of its functions, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time: Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this subsection.

- (3) The decision of the Central Government whether a question is one of policy or not shall be final.

51. Power to prohibit transmission of certain digital media in public interest.

Where the Central Regulatory Authority or the Central Government, thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any person from transmitting or re-transmitting any digital media if, it is not in conformity with the prescribed ethics code under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 or if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquillity.

52. Power to prohibit operation of any digital media intermediary in public interest.

- (1) Where the Central Government thinks it necessary or expedient so to do in public interest, it may prohibit the operation of any digital media intermediary in such areas as it may, by notification in the Official Gazette, specify in this behalf.

- (2) Where the Central Government thinks it necessary or expedient so to do in the interest of the—

- a. sovereignty or integrity of India; or
- b. security of India; or
- c. friendly relations of India with any foreign State; or
- d. public order, decency or morality, it may, by order, regulate or prohibit the transmission or re-transmission of any digital media.

- (3) Where the Central Government considers that any digital media used, stored, circulated, or transmitted by any digital media intermediary is not in conformity with the prescribed ethics code under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, it may by order, regulate or prohibit the transmission or re-transmission of such programme.

53. Members, officers and employees of Authority to be public servants.

All members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act

to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

54. Bar of jurisdiction.

No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine.

55. Protection of action taken in good faith.

No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of Central Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

56. Exemption from tax on wealth and income.

Notwithstanding anything contained in the Wealth-tax Act, 1957 (27 of 1957), the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority shall not be liable to pay wealth-tax, income-tax or any other tax in respect of their wealth, income, profits or gains derived.

57. Delegation.

The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle dispute under Chapter IV and to make regulation under section 36) as it may deem necessary.

58. Cognizance of offences.

- (1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder, save on a complaint made by the Authority.
- (2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.

59. Power to make rules.

- (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - a. the salary and allowances payable to and the other conditions of service of the Chairperson and members; the allowance payable to the part-time members; and the allowance payable to the part-time members under this Act;
 - b. the powers and functions of the Chairperson under this Act;
 - c. the procedure for conducting an inquiry made; the salary and allowances and other conditions of service of officers and other employees of the Authority; and the salary and allowances and other conditions of service of officers and other employees of the Authority under this Act;
 - d. the category of records, registers or other documents which are required to be maintained; the form, the manner of its verification and the fee under this Act;
 - e. the salary and allowances payable to and other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal under this Act;
 - f. the salary and allowances and other conditions of service of the officers and employees of the Appellate Tribunal under this Act;
 - g. any other power of a civil court required to be prescribed under this Act;
 - h. the manner in which the accounts of the Authority shall be maintained under this Act;
 - i. the time within which and the form and manner in which returns and report are to be made to the Central Government under this Act;
 - j. any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

60. Power to make regulations.

- (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- a. the times and places of meetings of the Authority and the procedure to be followed at such meetings under this Act, including quorum necessary for the transaction of business;
- b. the transaction of business at the meetings of the Authority under this Act;
- c. matters in respect of which record is to be maintained by the authority under this Act; and
- d. levy fees on licensing of digital media intermediaries under this Act.

61. Rules and regulations to be laid before Parliament.

Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive 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.

62. Application of certain laws.

The provisions of this Act shall be in addition to the provisions of the Information Technology Act, 2000 (21 of 2000) and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and, in particular, nothing in this Act shall affect any jurisdiction, powers and functions required to be exercised or performed by the Inter-Departmental Committee established under Rule 14 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in relation to any area falling within the jurisdiction of the Committee under the said Rules.

63. Power to remove difficulties.

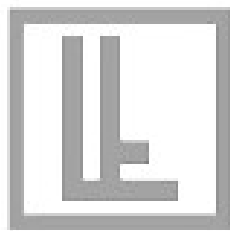
- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such

provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

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