

**MINISTRY OF INFORMATION & BROADCASTING
SHASTRI BHAWAN, NEW DELHI**

15th January, 2020

PUBLIC NOTICE

ON WEBSITE OF MINISTRY OF INFORMATION & BROADCASTING

**SOLICITING SUGGESTIONS/FEEDBACK/COMMENTS/INPUTS/VIEWS FROM
GENERAL PUBLIC/STAKEHOLDERS ON THE DRAFT “CABLE TELEVISION
NETWORKS (REGULATION) AMENDMENT BILL, 2020”**

General public/stakeholder is hereby informed that it is proposed to amend the Cable Television Networks (Regulation) Act, 1995 with the approval of Hon’ble Minister for Information & Broadcasting. A statement on the existing provisions and the proposed amendments is given at [Annexure-I](#). The extant “Cable Television Networks (Regulation) Act, 1995” is attached.

Any person/stakeholder desirous of sending their views/comments/suggestions on the proposed amendments may do so by 17.02.2020 in the prescribed proforma at [Annexure – II](#) through e-mail at sodas-moiab@gov.in.

(Gopal Sadhwani)
Director

Amendments proposed to be included in the Cable Television Network (Regulation) Act, 1995.

Yellow highlight : Addition; Blue highlight: deletion

Sl. No.	Section	Existing provision	Proposed
1	2(a)	[“ authorised officer ” means, within his local limits of jurisdiction, — (i) a District Magistrate, or (ii) a Sub-divisional Magistrate, or (iii) a Commissioner of Police, and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorised officer for such local limits of jurisdiction as may be determined by that Government;]	<u>Addition of “Additional District Magistrate”</u> [“ authorised officer ” means, within his local limits of jurisdiction, — (i) a District Magistrate, or (ii) a Sub-divisional Magistrate, or (iii) a Commissioner of Police, and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorised officer for such local limits of jurisdiction as may be determined by that Government;] or (iv) an Additional District Magistrate,
2	2(ai)	[“ Authority ” means the Telecom Regulatory Authority of India established under sub-section (1) of	<u>Broadening the scope of the “Authority”</u> [“ Authority ” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom

		section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);]	Regulatory Authority of India Act, 1997 (24 of 1997);] or any such authority prescribed by the central Government.
3	2(aiii)	<p>“Cable operator” means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network and fulfils the prescribed eligibility criteria and conditions;</p>	<p><i>Inclusion of LCO and MSO in ‘Definitions’ under “Cable Operator”</i></p> <p>“Cable operator” means any person Local Cable Operator (LCO) or Multi System Operator (MSO) as the case may be, who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network and fulfils the prescribed eligibility criteria and conditions;</p>
4	2(c)	<p>Insertion of a new sub section as 2(c)(i)-(iii) below Section 2 (c) – which is about Cable Television Network -- to include definitions of Ground-Based Channel, Platform Services, Satellite TV channel.</p>	<p><i>Inclusion of “Ground-Based Channel”, “Platform Service” and “Satellite TV channel” in ‘Definitions’</i></p> <p>“2(c) (i): “Ground-Based Channel” - is a channel that is transmitted at the headend of the DPO terrestrially and is not a Platform Service channel, satellite-based channel or a Doordarshan channel.</p> <p>(ii) “Platform Service” – are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels.</p>

			(iii) “Satellite TV channel” - is a service that delivers television programming to viewers by relaying it from a communications satellite orbiting the Earth directly to the viewer’s location via the use of receiving equipment.
5	2(d)	“ Company ” means a company as defined in section 3 of the Companies Act, 1956 (1 of 1956);	<i>Revising the definition of the “Company” as per the new Company Act</i> “Company” means a company as defined in section 2(20) of the Companies Act, 2013 (18 of 2013) ;
6	2(d)	Insertion of new sub-sections of 2 (d) as 2(d) (ii) - (d) (vii)	<i>Inclusion of definitions of “DPO”, “DTH”, “HITS”, “IPTV”, “LCO” and “MSO”</i> 2(d) (i): “Company” means a company as defined section 2(20) of the Companies Act, 2013 (18 of 2013) 2(d)(ii): “Distribution Platform Operators (DPOs)” include Direct-to-Home (DTH) Operator, Internet Protocol Television (IPTV) Operator, Headend-in-the-Sky (HITS) Operator, Multi System Operator (MSO), and Local Cable Operator (LCO), 2(d) (iii): “Direct-to-Home (DTH)” is a digital satellite service that provides TV signals directly to subscribers anywhere in the country.

		<p>DTH TV signals are received by the subscribers directly from the satellite by using a small outdoor dish antenna that is mounted to point towards satellite.</p> <p>2(d)(iv): “Headend-in-the-Sky (HITS)” Broadcasting Service, refers to the multichannel downlinking and distribution of television programme in C-Band or Ku Band, wherein all the pay channels are downlinked at a central facility (Hub/Teleport) and again uplinked to a satellite after encryption of channels. At the cable headend these encrypted pay channels are downlinked using a single satellite antenna, transmodulated and sent to the subscribers by using a land-based transmission system comprising of infrastructure of cable/optical fibres network.</p> <p>2(d)(v): “Internet Protocol Television (IPTV)” service (or technology) is the convergence service (or technology) of the telecommunication and broadcasting through QoS controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of a considerable number of multimedia contents such as Video, Audio, data and applications processed by platform to a customer via Television, PDA, Cellular, and Mobile TV terminal with STB module or similar device.</p> <p>2(d)(vi): “Local Cable Operator (LCO)” means any person or entity registered as a Cable Operator under Rule 5 of CTN Rule 1994 as amended and who receives signal from MSO for further transmission.</p>
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		<p>for cable operator (Local Cable Operator):</p> <p>“The Head Post Master of a Head Post Office of the area within whose territorial jurisdiction the office of the cable operator is situated, has been notified as the Registering Authority, vide S.O. 718(E), dated 29th September, 1994.</p>	<p>whose territorial jurisdiction the office of the cable operator is situated, has been notified as the Registering Authority, vide S.O. 718(E), dated 29th September, 1994.</p>
9	4(1)	<p>“Registration as cable operator --(1) Any person who is desirous of operating or is operating a cable television network may apply for registration or renewal of registration, as a cable operator to the registering authority”</p>	<p><u><i>Insertion of negative list for registration as cable operator</i></u></p> <p>“Registration as cable operator--(1) Any person who is desirous of operating or is operating a cable television network may apply for registration or renewal of registration, as a cable operator to the registering authority”</p> <p>“Provided that such a registration or renewal of registration shall not be granted to the State Governments, urban and local bodies, political and religious bodies, State Government Departments, State</p>

			Government owned companies, State Government undertakings, Joint ventures of the State Government and the private sector and State Government funded entities.”
10	4 (3)	“(3) On and from the date of issue of notification under section 4A, no new registration in a State, city, town or area notified under that section shall be granted to any cable operator who does not undertake to transmit or re-transmit channels in an encrypted form through a digital addressable system.”	<p><u>Deletion of Section 4(3) in view of completion of digitalisation</u></p> <p>“(3) On and from the date of issue of notification under section 4A, no new registration in a State, city, town or area notified under that section shall be granted to any cable operator who does not undertake to transmit or re-transmit channels in an encrypted form through a digital addressable system.”</p>

11	4 A (1)	<p>“4A. Transmission of programmes through digital addressable systems, etc.: (1) Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, make it obligatory for every cable operator to transmit or re-transmit programmes of any channel in an encrypted form through a digital addressable system with effect from such date as may be specified in the notification and different dates may be specified for different States, cities, towns or areas, as the case may be:</p> <p>Provided that the date specified in the notification shall not be earlier than six months from the date of issue of such notification to enable the cable operators in different States, cities, towns or areas</p>	<p><i>Revising the text in view of completion of digitalisation</i></p> <p>“4A. Transmission of programmes through digital addressable systems, etc. : (1) “Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, make It is obligatory for every cable operator to transmit or re-transmit programmes of any channel in an encrypted form through a digital addressable system only.” with effect from such date as may be specified in the notification and different dates may be specified for different States, cities, towns or areas, as the case may be:</p> <p>Provided that the date specified in the notification shall not be earlier than six months from the date of issue of such notification to enable the cable operators in different States, cities, towns or areas to install the equipment required for the purpose of this sub-section”</p>

		to install the equipment required for the purpose of this sub-section.”	
12	4A(2)	“(2)“The Central Government may prescribe appropriate measures and take such steps as it may consider necessary for implementation of the notification issued under sub-section (1).”	<p><i>Deletion of Section 4 A(2) in view of completion of digitalisation</i></p> <p>“(2)The Central Government may prescribe appropriate measures and take such steps as it may consider necessary for implementation of the notification issued under sub-section (1).”</p>
13	4-A (8) (a)	"addressable system" means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which signals of cable television network can be sent in encrypted form, which can be decoded by the device or devices, having an activated Conditional Access System at the premises of the subscriber within the limits of authorisation made, through the Conditional Access System and the subscriber management system, on the explicit choice and request of such subscriber, by the cable operator to	<p><i>Revising definition of addressable system.</i></p> <p>"addressable system" means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which transmission of signal carrying programme including re-transmission of such signals of satellite and cable television network can be sent is provisioned in encrypted form, which can be decoded by the device or devices, having an activated Conditional Access System authorised to decode the television channel programme or frequency at the premises of the subscriber within the limits of authorisation made, through the Conditional Access System and the subscriber management system, on the explicit choice and request of such subscriber, by the cable operator to the subscriber; for clarity the requirement of encryption shall apply to all frequencies, programmes and television channels, including all programme services provided by the cable operator.</p>

		the subscriber;	
14	4A	<p>There are six definitions below Section 4A(8) numbering (a) to (f) as follows :</p> <ul style="list-style-type: none"> (a) Addressable system (b) Basic service tier (c) Encrypted (d) Free-to-air channel (e) Pay channel (f) Subscriber management system 	<p><u>Shifting definitions from Section 4A to Section 2</u></p> <p>It is proposed to shift these definitions from Section 4 A to Section 2, which is about definitions, at appropriate places in alphabetical order.</p>
15	4B	<p>Right of way for cable operators and permission by public authority.-(1) Subject to the provisions of this Act, any cable operator entitled for providing cable services may, from time to time, lay and establish cables and erect posts under, over, along, across, in or upon any immovable property vested in or under the control or management of a public authority.</p>	<p><u>Inclusion of 'broadband internet access' in right of way</u></p> <p>Right of way for cable operators and permission by public authority:-(1) Subject to the provisions of this Act, any cable operator entitled for providing cable services / broadband internet access may, from time to time, lay and establish cables and erect posts under, over, along, across, in or upon any immovable property vested in or under the control or management of a public authority.</p>
16	5	<p>“Programme code: No person shall</p>	<p><u>Inclusion of Broadcaster / DPO</u></p> <p>“Programme code : No person Broadcaster or DPO shall transmit or</p>

		transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.”	re-transmit or cause to transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.”
17	6	“ Advertisement code: -No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code.”	<i>Inclusion of Broadcaster / DPO</i> “ Advertisement code: No person Broadcaster or DPO shall transmit or re-transmit or cause to transmit through a cable service any programme unless such programme is in conformity with the prescribed Advertisement code.”
18	5	“ Programme code : No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.	<i>Inclusion of penalties for violation of Section 5</i> “ Programme code : No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.” “ Whosoever contravenes Section 5 will invite penalties as provided in Section 16(2) ”.
			<i>Inclusion of penalties for violation of Section 6</i>

19	6	<p>“Advertisement code. -No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code.”</p>	<p>“Advertisement code. -No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code.”</p> <p>“Whosoever contravenes Section 6 will invite penalties as provided in Section 16(2)”.</p>
20	7	<p>“Maintenance of register : Every cable operator shall maintain a register in the prescribed form indicating therein in brief the programmes transmitted or re-transmitted through the cable service during a month and such register shall be maintained by the cable operator for a period of one year after the actual transmission or re-transmission of the said programmes.”</p>	<p><i>Shifting data maintenance from manual to electronic form</i></p> <p>“Maintenance of register : Every cable Operator shall keep the data on programmes transmitted or re-transmitted through their Cable Network in form of Electronic Programming Guide (EPG) and electronically generated Log for a period of one year and also share the same with the Authorised Officer and the Central Government as and when required”.</p>
21	8 (1)	<p>“The Central Government may, by notification in the Official Gazette, specify the names of Doordarshan channels or the channels operated by or on behalf of Parliament, to be mandatorily carried by the cable</p>	<p><i>Deletion of obsolete provision</i></p> <p>“The Central Government may, by notification in the Official Gazette, specify the names of Doordarshan channels or the channels operated by or on behalf of Parliament, to be mandatorily carried by the cable operators in their cable service and the manner of reception and re-transmission of such channels.”</p>

		<p>operators in their cable service and the manner of reception and re-transmission of such channels.”</p> <p>“Provided that in areas where digital addressable system has not been introduced in accordance with the provisions of sub-section (1) of Section 4A, the notifications as regards the prime band is considered shall be limited to the carriage of two Doordarshan terrestrial channels and one regional language channel of the State in which the network of the cable operator is located.”</p>	<p>“Provided that in areas where digital addressable system has not been introduced in accordance with the provisions of sub-section (1) of Section 4A, the notifications as regards the prime band is considered shall be limited to the carriage of two Doordarshan terrestrial channels and one regional language channel of the State in which the network of the cable operator is located.”</p>
22	9	<p>“Use of standard equipment in cable television network : No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986), use</p>	<p><u>Inclusion of certification of the equipment by BECIL or any other technical auditor</u></p> <p>“Use of standard equipment in cable television network : No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986), use any [equipment or digital addressable system] in his cable television network unless such [equipment or digital addressable system] conforms to the said Indian Standard, as certified by the Broadcasting Engineering Consultants India Limited (BECIL) or</p>

		<p>any [equipment or digital addressable system] in his cable television network unless such [equipment or digital addressable system] conforms to the said Indian Standard.”</p>	<p>another certified technical auditor.”</p>
23	11	<p>“Power to seize equipment used for operating cable television network.: If any authorised officer has reason to believe that the provisions of section 3, section 4A, section 5, section 6, section 8, section 9 or section 10 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network:</p> <p>Provided that the seizure of equipment in case of contravention of sections 5 and 6 shall be limited to the programming service provided on the channel generated at the level of the cable operator.]”</p>	<p><u><i>Inclusion of Section 19 and Section 20 in Section 11</i></u></p> <p>“Power to seize equipment used for operating cable television network. : If any authorised officer has reason to believe that the provisions of section 3, section 4A, section 5, section 6, section 8, section 9, or section 10 , Section 19 or Section 20 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network:</p> <p>Provided that the seizure of equipment in case of contravention of sections 5 and 6 shall be limited to the programming service provided on the channel generated at the level of the cable operator.]”</p>

24	12	<p>“Confiscation : The equipment seized under sub-section (1) of section 11 shall be liable to confiscation unless the cable operator from whom the equipment has been seized registers himself as a cable operator under section 4 within a period of thirty days from the date of seizure of the said equipment.”</p>	<p><i>Deletion of the word “sub-section (1)”</i></p> <p>“Confiscation : The equipment seized under sub-section (1) of section 11 shall be liable to confiscation unless the cable operator from whom the equipment has been seized registers himself as a cable operator under section 4 within a period of thirty days from the date of seizure of the said equipment.”</p>
25	16	<p>“Punishment for contravention of provisions of this Act. -- [(1)] Whoever contravenes any of the provisions of this Act shall be punishable,</p> <p>(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;</p>	<p><i>Increasing the monetary penalty amount, and insertion of a new sub-section regarding penalties for violation of the Programme Code and the Advertisement Code</i></p> <p>“Punishment for contravention of provisions of this Act. -- [(1)] Whoever contravenes any of the provisions of this Act shall be punishable,</p> <p>(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one ten thousand rupees or with both;</p> <p>(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five fifty thousand rupees.</p>

	<p>(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.</p> <p>[(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the contravention of section 4-A shall be a cognizable offence under this section.]”</p>	<p>(2) Notwithstanding anything contained in sub-section (1) of Section 16, any violation of the Programme Code under Section 5 or Advertisement Code under Section 6 shall invite one or more of the following actions :</p> <ul style="list-style-type: none"> (i) Issuing advisory, or censure, or warning (ii) Prohibition of transmission of offending programme; (iii) Apology scroll specifying the date and time; (iv) Prohibition of transmission of the channel for a period not exceeding thirty days; (v) In instances where actions referred to in clauses (ii) and (iv) above are repeated five times or more for a channel, the Central Government may cancel the permission granted to the channel after giving due opportunity to the channel. <p>Provided that no such action shall be taken without giving the Broadcaster/ DPO/ cable operator an opportunity of being heard.</p> <p>[(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the contravention of section 4-A, Section 19 or Section 20 shall be a cognizable offence under this section.]”</p>
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26	20	<p>“Power to prohibit operation of cable television network 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 cable television network in such areas as it may, by notification in the Official Gazette, specify in this behalf.”</p>	<p><u>Inclusion of “any other DPO”</u></p> <p>“Power to prohibit operation of cable television network 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 cable television network / or any other DPO in such areas as it may, by notification in the Official Gazette, specify in this behalf.”</p>
27	21	<p>Application of other laws not barred .The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940), the Pharmacy Act, 1948 (8 of 1948), the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Drugs (Control) Act, 1950 (26 of 1950), the Cinematograph</p>	<p><u>Addition of other relevant laws and updating the existing ones</u></p> <p>Application of other laws not barred .The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940), the Pharmacy Act, 1948 (8 of 1948), the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Drugs (Control) Act, 1950 (26 of 1950), the Cinematograph Act, 1952 (37 of 1952), the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Prevention of Food Adulteration Act, 1954 (37 of 1954) the Food Safety and Standards Act 2006 (34 of 2006), the Prize Competitions Act, 1955 (42 of 1955), the Copyright Act, 1957 (14 of 1957),</p>

		Act, 1952 (37 of 1952), the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Prize Competitions Act, 1955 (42 of 1955), the Copyright Act, 1957 (14 of 1957), the [Trade and Merchandise Marks Act, 1958 (43 of 1958),] the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986) [the Consumer Protection Act, 1986 (68 of 1986) and the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)]	the Trade and Merchandise Marks Act, 1958 (43 of 1958) , the Trade Marks Act 1999 (47 of 1999), the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986) [the Consumer Protection Act, 1986 (68 of 1986) 2019 (35 of 2019) and the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)], The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Products, Supply and Distribution) Act 2003 (34 of 2003) ; the Indian Telegraph Act, 1885 (13 of 1885); the Information Technology Act, 2000 (21 of 2000);
28	22 (d)	“(d): the form of register to be maintained by a cable operator under section 7;”	<u>Shifting data maintenance from manual to electronic form</u> “(d) : a cable operator shall maintain data on programmes transmitted or re-transmitted in the form of EPG and electronically generated Log, under Section 7”.

**CABLE TELEVISION NETWORKS
(REGULATION) ACT, 1995**
[Act No. 7 of Year 1995, dated 25-3-1995]
(as amended upto 31.8.07)

An Act to regulate the operation of cable television networks in the country and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-sixth year of the Republic of India as follows: -

**CHAPTER 1:
PRELIMINARY**

1. Short title, extent and commencement:

- (1) This Act may be called the Cable Television Networks (Regulation) Act, 1995.
- (2) It extends to the whole of India.
- (3) It shall be deemed to have come into force on the 29th day of September, 1994.

2. Definitions :

In this Act, unless the context otherwise requires,-

- (a) “authorised officer” means, within his local limits of jurisdiction;-
 - (i) a District Magistrate, or
 - (ii) a Sub-divisional Magistrate, or
 - (iii) a Commissioner of Police,

and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorised officer for such local limits of jurisdiction as may be determined by that Government;

- (aa) “cable operator” means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;
- (b) “cable service” means the transmission by cables of programmes including re-transmission by cable of any broadcast television signals;
- (c) “cable television network” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;
- (d) “company” means a company as defined in section 3 of the Companies Act, 1956 (1 of 1956);
- (e) “person” means-
 - (i) an individual who is a citizen of India;

- (ii) an association of individuals or body of individuals, whether incorporated or not, whose members are citizen of India;
- (iii) a company in which not less than fifty-one percent of the paid up share capital is held by the citizens of India;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “programme” means any television broadcast and includes-
 - (i) exhibition of films, features, dramas, advertisement and serials through video cassette recorders or video cassette players;
 - (ii) any audio or visual or audio-visual live performance or presentation, and the expression “programme service” shall be construed accordingly;
- (h) “registering authority” means such authority as the Central Government may, by notification in the Official Gazette, specify to perform the functions of the registering authority under this Act;
- (i) “subscriber” means a person who receives the signals of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person.

CHAPTER II: REGULATION OF CABLE TELEVISION NETWORK

3. Cable television network not to be operated except after Registration:- No person shall operate a cable television network unless he is registered as a cable operator under this Act:

PROVIDED that a person operating a cable television network, immediately before the commencement of this act, may continue to do so for a period of ninety days from such commencement; and if he has made an application for registration as a cable operator under section 4 within the said period, till he is registered under that section or the registering authority refuses to grant registration to him under that section.

4. Registration as cable operator :- (1) Any person who is operating or is desirous of operating a cable television network may apply for registration as a cable operator to the registering authority.

(2) An application under sub-section (1) shall be made in such form and be accompanied by such fees as may be prescribed.

(3) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information and on being so satisfied, register the applicant as a cable operator and grant to him a certificate of such registration:

PROVIDED that the registering authority may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant registration to him if it is satisfied that he does not fulfil the conditions specified in clause (e) of section 2.

4A. Transmission of programmes through addressable systems:- (1)

Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, make it obligatory for every cable operator to transmit or retransmit programme of any pay channel through an addressable system with effect from such date as may be specified in the notification and different dates may be specified for different States, cities, towns or areas, as the case may be. (2) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify one or more free-to-air channels to be included in the package of channels forming basic service tier and any or more such channels may be specified, in the notification, *genre-wise* for providing a programme mix of entertainment, information, education and such other programmes.

(3) The Central Government may specify in the notification referred to in sub-section (2) , the number of free-to-air channels to be included in the package of channels forming basic service tier for the purposes of that sub-section and different numbers may be specified for different States, cities, towns or areas, as the case may be.

(4) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify the maximum amount which a cable operator may demand from the subscriber for receiving the programmes transmitted in the basic service tier provided by such cable operator.

(5) Notwithstanding anything-contained in sub-section (4), the Central Government may, for the purposes of that sub-section, specify in the notification referred to in that sub-section different maximum amounts for different States, cities, towns or areas, as the case may be.

(6) Notwithstanding anything contained in this section, programmes of basic service tier shall be receivable by any subscriber on the receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached with such receiver set in any manner. (7) Every cable operator shall publicise, in the prescribed manner, to the subscribers the subscription rates and the periodic intervals at which such subscriptions are payable for receiving each pay channel provided by such cable operator.

(8) The cable operator shall not require any subscriber to have a receiver set of a particular type to receive signals of cable television network; Provided that the subscriber shall use an addressable system to be attached to his receiver set for receiving programmes transmitted on pay channel.

(9) Every cable operator shall submit a report to the Central Government in the prescribed form and manner containing the information regarding-

(i) the number of total subscribers;

(ii) subscription rates;

(iii) number of subscribers receiving programmes transmitted in basic service tier or particular programme or set of programmes transmitted on pay channel, in respect of cable services provided by such cable operator through a cable television network, and such report shall be submitted periodically at such intervals as may be prescribed and shall also contain the rate of amount, if any, payable by the cable operator to any broadcaster.

Explanation.- For the purposes of this section,-

(a) "addressable system" means an electronic device or more than one electronic devices put in an integrated system through which signals of cable television network can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of authorisation made, on the choice and request of such subscriber, by the cable operator to the subscriber;

(b) "basic service tier" means a package of free-to-air channels provided by a cable operator, for a single price to the subscribers of the area in which his cable television network is providing service and such channels are receivable for viewing by the subscribers on the receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached to such receiver set in any manner;

(c) "channel" means a set of frequencies used for transmission of a programme;

(d) "encrypted", in respect of a signal of cable television network, means the changing of such signal in a systematic way so that the signal would be unintelligible without a suitable receiving equipment and the expression "unencrypted" shall be construed accordingly;

(e) "free-to-air channel", in respect of a cable television network, means a channel, the reception of which would not require the use of any addressable system, to be attached with the receiver set of a subscriber;

(f) “pay channel”, in respect of a cable television network, means a channel, the reception of which by the subscriber would require the use of an addressable system, to be attached to his receiver set;

5. Programme code : No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code:

6. Advertisement code : No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code:

7. Maintenance of register : Every cable operator shall maintain a register in the prescribed form indicating therein in brief the programmes transmitted or retransmitted through the cable service during a month and such register shall be maintained by the cable operator for a period of one year after the actual transmission or re-transmission of the said programmes.

8. Compulsory transmission of two Doordarshan channels : (1) Every cable operator shall retransmit,-

(i) channels operated by or on behalf of Parliament in the manner and name as may be specified by the Central Government by notification in the Official Gazette;

(ii) at least two Doordarshan terrestrial Channels and one regional language channel of a State in the Prime band, in satellite mode on frequencies other than those carrying terrestrial frequencies

(2) The channels referred to in sub-section (1) shall be retransmitted without any deletion or alteration of any programme transmitted on such channels.

(3) The Prasar Bharti (Broadcasting Corporation of India) established under sub-section (1) of section 3 of the Prasar Bharti (Broadcasting Corporation of India) act,1990 (25 of 1990) may, by notification in the Official Gazette, specify the number and name of every Doordarshan channel to be retransmitted by cable operators in their cable service and the manner of reception and retransmission of such channels.

9. Use of standard equipment in cable Television network : No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986), use any equipment in his

cable television network unless such equipment conforms to the said Indian Standard.

PROVIDED that the equipment required for the purposes of section 4A shall be installed by cable operator in his cable television network within six months from the date, specified in the notification issued under sub-section (1) of that section, in accordance with the provisions of the said Act for said purposes.

10. Cable Television network not to interfere with any telecommunication system :- Every cable operator shall ensure that the cable Television network being operated by him does not interfere, in any way, with the functioning of the authorised telecommunication systems.

CHAPTER III SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

11. Power to seize equipment used for operating the cable television network :- (1) If any authorised officer has reason to believe that the provisions of section 3, 4A, 5, 6 or 8 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network.

(2) No such equipment shall be retained by the authorised officer for a period exceeding ten days from the date of its seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.

12. Confiscation :- The equipment seized under sub-section (1) of section 11 shall be liable to confiscation unless the cable operator from whom the equipment has been seized registers himself as a cable operator under section 4 within a period of thirty days from the date of seizure of the said equipment.

13. Seizure or confiscation of equipment not to interfere with the other punishment :- No seizure or confiscation of equipment referred to in section 11 or section 12 shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act.

14. Giving of opportunity to the cable operator of seized equipment:-

(1) No order adjudicating confiscation of the equipment referred to in section 12 shall be made unless the cable operator has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such equipment and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice against the confiscation and if he so desires of being heard in the matter:

PROVIDED that where no such notice is given within a period of ten days from the days of the seizure of the equipment, such equipment shall be returned after the expiry of that period to the cable operator from whose possession it was seized.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply to every proceeding referred to in sub-section (1).

15. Appeal .- (1) Any person aggrieved by any decision of the court adjudicating a confiscation of the equipment may prefer an appeal to the court to which an appeal lies from the decision of such court.

(2) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the decision appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence if necessary.

(3) No further appeal shall lie against the order of the court made under sub-section (2).

CHAPTER IV OFFENCES AND PENALTIES

16. Punishment for contravention of provisions of this Act :- (1) Whoever contravenes any of the provisions of this Act shall be punishable,-

(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), the contravention of section 4A shall be a cognizable offence under this section

17. 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, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any 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 negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or the officer shall also be deemed to be guilty of that 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.

18. Cognizance of offences :- No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by any authorized officer.

CHAPTER V MISCELLANEOUS

19. Power to prohibit transmission of certain programmes in public interest:- Where *any authorised officer* thinks it necessary or expedient so to do in public interest, he may, by order, prohibit any cable operator from transmitting or re-transmitting any programme or channel if, it is not in conformity with the prescribed programme code referred to in section 5 and advertisement code referred to in section 6 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 tranquility.

20. Power to prohibit operation of cable television network 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 cable television network 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-

(i) sovereignty or integrity of India; or

(ii) security of India; or

(iii) friendly relations of India with any foreign State; or

(iv) public order, decency or morality, it may, by order, regulate or prohibit the transmission or retransmission of any channel or programme.

(3) Where the Central Government considers that any programme of any channel is not in conformity with the prescribed programme code referred to in section 5 or the prescribed advertisement code referred to in section 6, it may by order, regulate or prohibit the transmission or re-transmission of such programme.

21. Application of other laws not barred :- The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940), the Pharmacy Act, 1948 (8 of 1948), the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Drugs (Control) Act, 1950 (26 of 1950), the Cinematograph Act, 1952 (37 of 1952), the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Prize Competitions Act, 1955 (42 of 1955), the Copyright Act, 1957 (14 of 1957), the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986) and the Consumer Protection Act, 1986 (68 of 1986)

22. Power to make rules :- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particulars, 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 form of application and the fee payable under subsection (2) of section 4;

- (aa) the manner of publicising the subscription rates and the periodical intervals at which such subscriptions are payable under sub-section (7) of section 4A;
 - (aaa) the form and manner of submitting report under subsection (9) of section 4A and the interval at which such report shall be submitted periodically under that subsection,
 - (b) the programme code under section 5;
 - (c) the advertisement code under section 6;
 - (d) the form of register to be maintained by a cable operator under section 7;
 - (e) any other matter which is required to be, or may be, prescribed.
- (3) Every rule 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 both Houses agree that the rule should not be made, the rule 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 without prejudice to the validity of anything previously done under that rule.

23. Repeal and saving :- (1) The Cable Television Networks (Regulation) Ordinance, 1995 (3 of 1995) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

**Proforma for views/comments/suggestions on the draft
Cable Television Networks (Regulation) Amendment Bill,
2020**

Serial No	Proposed Amendment (Section-wise)	Views/Comments/Suggestions/Remarks/Recommendations

Signature
(Name in block letters)
Occupation-
Address-
Phone/Mobile No-
Email-