

THE CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995

(7 of 1995)

[25th March, 1995]

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 I 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,—

¹[(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;]

²[(ai) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);]

²[(aii) “Broadcaster” means a person or a group of persons, or body corporate, or any organisation or body providing programming services and includes his or its authorised distribution agencies;]

²[(aiii) “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;]

1. Ins. by Act 36 of 2000, sec. 2 (w.e.f. 1-9-2000).

2. Subs. by Act 21 of 2011, sec. 2(A), for clause (aa) (w.r.e.f. 25-10-2011). Earlier clause (a) was relettered as clause (aa) thereof by Act 36 of 2000, sec. 2 (w.e.f. 1-9-2000). Clause (aa), before substitution by Act 21 of 2011, stood as under:

‘(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 cables 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 citizens of India;
 - ¹(iii) a company as defined in section 3 of the Companies Act, 1956 (1 of 1956);]
- ²[(e) "post" means a post and includes a pole, tower, standard, stay, strut, cabinet, pillar or any above ground contrivance for carrying, suspending or supporting any network infrastructure facility;]
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "programme" means any television broadcast and includes—
- (i) exhibition of films, features, dramas, advertisements and serials ³[***];
 - (ii) any audio or visual or audio-visual live performance or presentation,
and the expression "programming service" shall be construed accordingly;
- ⁴[(g) "public authority" means any authority, body or institution of local self-government constituted or established by or under—
- (i) the Constitution of India;
 - (ii) any law made by Parliament;
 - (iii) any law made by a State Legislature;
 - (iv) any notification issued or order made by the appropriate Government,
and includes any—
 - (v) body owned, controlled or substantially financed; or

1. Subs. by Act 21 of 2011, sec. 2(B), for sub-clause (iii) (w.r.e.f. 25-10-2011). Sub-clause (iii), before substitution, stood as under:

"(iii) a company in which not less than fifty-one per cent. of the paid-up share capital is held by the citizens of India;"

2. Ins. by Act 21 of 2011, sec. 2(C) (w.r.e.f. 25-10-2011).

3. The words "through video cassette recorders or video cassette players" omitted by Act 21 of 2011, sec. 2(D) (w.r.e.f. 25-10-2011).

4. Ins. by Act 21 of 2011, sec. 2(E) (w.r.e.f. 25-10-2011).



(vi) non-governmental organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government;]

(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 ¹[within such local limits of jurisdiction as may be determined by that Government];

(i) "subscriber" means ²[any individual, or association of individuals, or a company, or any other organisation or body] who receives the signals of cable television network at a place ³[indicated by him or it] to the cable operator, without further transmitting it to any other person.

NOTIFICATION

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.

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.

⁴[***]

COMMENTS

A person must get himself registered as cable operator under this Act, for operating a cable television network.

⁵**4. 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.

1. Ins. by Act 21 of 2011, sec. 2(F) (w.r.e.f. 25-10-2011).
2. Subs. by Act 21 of 2011, sec. 2(G)(a), for "a person" (w.r.e.f. 25-10-2011).
3. Subs. by Act 21 of 2011, sec. 2(G)(b), for "indicated by him" (w.r.e.f. 25-10-2011).
4. Proviso omitted by Act 21 of 2011, sec. 3 (w.r.e.f. 25-10-2011). The proviso, before omission, stood as under:
"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."
5. Subs. by Act 21 of 2011, sec. 4, for section 4 (w.r.e.f. 25-10-2011). Section 4, before substitution, stood as under:
"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) The cable operator shall fulfil such eligibility criteria and conditions as may be prescribed and different eligibility criteria may be prescribed for different categories of cable operators.

(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.

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

(5) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information prescribed under sub-section (4) and on being so satisfied, register the applicant as a cable operator 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 (6):

Provided that the registering 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 (4), 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 registering authority refusing grant or renewal of registration to the Central Government.

(6) Without prejudice to the compliance of eligibility criteria for registration of cable operators, 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 cable operator.

(7) The Central Government may suspend or revoke the registration granted under sub-section (5) 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 a reasonable opportunity of being heard to the cable operator.]

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(2) An application under sub-section (1) shall be made in such form and be accompanied by such fee 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."

¹[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:

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 purposes of this sub-section.

(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).

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1. Subs. by Act 21 of 2011, sec. 5, for section 4(A) (w.r.e.f. 25-10-2011). Earlier section 4A was inserted by Act 2 of 2003, sec. 2 (w.e.f. 31-12-2002). Section 4(A), before substitution by Act 21 of 2011, stood as under:

"4A. Transmission of programmes through addressable system, etc.—(1) Where the Central Government is satisfied that it is necessary in the public interest to do so, 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 members 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.

(3) If the Central Government is satisfied that it is necessary in the public interest so to do, and if not otherwise specified by the Authority, it may direct the Authority to specify, by notification in the Official Gazette, one or more free-to-air channels to be included in the package of channels forming basic service tier and any one 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 and fix the tariff for basic service tier which shall be offered by the cable operators to the consumers and the consumer shall have the option to subscribe to any such tier:

Provided that the cable operator shall also offer the channels in the basic service tier on a *la carte* basis to the subscriber at a tariff specified under this subsection.

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(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."

(4) The Central Government or the Authority may specify in the notification referred to in sub-section (3), 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.

(5) It shall be obligatory for every cable operator to publicise the prescribed information including but not limited to subscription rates, standards of quality of service and mechanism for redressal of subscribers' grievances in such manner and at such periodic intervals as may be specified by the Central Government or the Authority for the benefit of the subscriber.

(6) 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 a digital addressable system to be attached to his receiver set for receiving programmes transmitted on any channel.

(7) Every cable operator shall provide such information relating to its cable services and networks in such format and at such periodic intervals to the Central Government or the State Governments or the Authority or their authorised representatives, as may be specified by them from time to time.

(8) All actions taken by the Central Government or the Authority in pursuance of the provisions of this section as they stood immediately before the 25th day of October, 2011 shall continue to remain in force till such actions are modified as per the provisions of this Act.

Explanation.—For the purposes of this section,—

- (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 the subscriber;
- (b) "basic service tier" means a package of free-to-air channels to be offered by a cable operator to a subscriber with an option to subscribe, for a single price to subscribers of the area in which his cable television network is providing service;
- (c) "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 use of an addressable system and the expression "unencrypted" shall be construed accordingly;
- (d) "free-to-air channel", in respect of a cable television network, means a channel for which no subscription fee is to be paid by the cable operator to the broadcaster for its re-transmission on cable;
- (e) "pay channel", in respect of a cable television network, means a channel for which subscription fees is to be paid to the broadcaster by the cable operator and due authorisation needs to be taken from the broadcaster for its re-transmission on cable;

- (f) "subscriber management system" means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilised by the subscriber, channels or bouquets of channels subscribed to by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber's record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period.]

1[4B. 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.

(2) Any public authority under whose control or management any immovable property is vested may, on receipt of a request from a cable operator permit the cable operator to do all or any of the following acts, namely:—

- (a) to place and maintain underground cables or posts; and
- (b) to enter on the property, from time-to-time, in order to place, examine, repair, alter or remove such cables or posts.

(3) The facility of right of way under this section for laying underground cables, and erecting posts, shall be available to all cable operators subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.

(4) When a public authority in public interest considers it necessary and expedient that the underground cable or post placed by any cable operator under the provisions of this section should be removed or shifted or its position altered, it may require the cable operator to remove it or shift it or alter its position, as the case may be, at its own cost in the time frame indicated by the public authority.

(5) The Central Government may lay down appropriate guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority.

(6) Any permission granted by a public authority under this section may be given subject to such reasonable conditions as that public authority thinks fit to impose as to the payment of any expenses, or time or mode of execution of any work, or as to any other matter connected with or related to any work undertaken by the cable operator in exercise of those rights.

(7) Nothing in this section shall confer any right upon any cable operator other than that of user for the purpose only of laying underground cable or erecting posts or maintaining them.]

1. Subs. by Act 21 of 2011, sec. 5, for section 4A (w.r.e.f. 25-10-2011).

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.

¹[***]

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.

²[***]

COMMENTS

No person can transmit or re-transmit through a cable service any advertisement which is not in conformity with the Advertising Code prescribed under rule 7 of the Cable Television Networks Rules, 1994.

7. 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.

COMMENTS

It is mandatory for every cable operator to maintain a register in Form 5 prescribed under rule 8 of the Cable Television Networks Rules, 1994.

³**8. Compulsory transmission of certain channels.**—(1) 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:

1. Proviso omitted by Act 36 of 2000, sec. 3 (w.e.f. 1-9-2000).
2. Proviso omitted by Act 36 of 2000, sec. 4 (w.e.f. 1-9-2000).
3. Subs. by Act 21 of 2011, sec. 6, for section 8 (w.r.e.f. 25-10-2011). Earlier section 8 was substituted by Act 36 of 2000, sec. 5 (w.e.f. 1-9-2000) and amended by Act 25 of 2007, sec. 2 (w.e.f. 28-5-2007). Section 8, before substitution by Act 21 of 2011, stood as under:

“8. **Compulsory transmission of Doordarshan channels.**—(1) Every cable operator shall re-transmit,—

- (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 re-transmitted 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 Bharati (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 re-transmitted by cable operators in their cable service and the manner of reception and re-transmission of such channels.”

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 notification as regards the prime band is concerned 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.

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

(3) Notwithstanding the provisions of sub-section (1), any notification issued by the Central Government or the Prasar Bharti (Broadcasting Corporation of India) in pursuance of the provisions of sub-section (1), prior to the 25th day of October, 2011 shall continue to remain in force till such notifications are rescinded or amended, as the case may be.]

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 ¹[equipment or digital addressable system] in his cable television network unless such ¹[equipment or digital addressable system] conforms to the said Indian Standard.

²[***]

COMMENTS

On and from the date of expiry of a period of 3 years from the date of establishment and publication of the Indian Standard by the BIS, every cable operator shall be under a statutory obligation to use any equipment or digital addressable system in his cable television work, which must conform to the said Indian Standard.

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 ³[and is in conformity with such standards relating to interference as may be prescribed by the Central Government].

COMMENTS

A duty is cast on every cable operator to ensure that his cable television network does not interfere, in any way, with the functioning of the authorised telecommunication systems and is in conformity with standards relating to interference as may be prescribed by the Central Government.

1. Subs. by Act 21 of 2011, sec. 7(a), for "equipment" (w.r.e.f. 25-10-2011).

2. Proviso omitted by Act 21 of 2011, sec. 7(b) (w.r.e.f. 25-10-2011). Earlier proviso was inserted by Act 2 of 2003, sec. 3 (w.e.f. 31-12-2002). The Proviso, before substitution, stood as under:

"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."

3. Added by Act 21 of 2011, sec. 8 (w.r.e.f. 25-10-2011).

¹[10A. **Inspection of cable network and services.**—(1) Without prejudice to the provisions contained in the Indian Telegraph Act, 1885 (13 of 1885) or any other law for the time being in force, the Central Government or its officers authorised by it or authorised agency shall have the right to inspect the cable network and services.

(2) No prior permission or intimation shall be required to exercise the right of the Central Government or its authorised representatives to carry out such inspection.

(3) The inspection shall ordinarily be carried out after giving reasonable notice except in circumstances where giving of such a notice shall defeat the purpose of the inspection.

(4) On being so directed by the Central Government or its authorised officers or agency so authorised by it, the cable operator shall provide the necessary equipment, services and facilities at designated place or places for lawful interception or continuous monitoring of the cable service at its own cost by or under the supervision of the Central Government or its officers or agency so authorised by it.]

CHAPTER III

SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

²[11. **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:

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.]

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.

1. Ins. by Act 21 of 2011, sec. 9 (w.r.e.f. 25-10-2011).

2. Subs. by Act 21 of 2011, sec. 10, for section 11 (w.r.e.f. 25-10-2011). Earlier section 11 was amended by Act 36 of 2000, sec. 6 (w.e.f. 1-9-2000) and Act 2 of 2003, sec. 4 (w.e.f. 31-12-2002). Section 11, before substitution by Act 21 of 2011, stood as under:

"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."

COMMENTS

Where the cable operator from whom the equipment has been seized registers himself as a cable operator under section 4 (*i.e.*, obtains a licence) within a period of 30 days from the date of seizure thereof, such seized equipment shall not be confiscated.

13. Seizure or confiscation of equipment not to interfere with 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.

COMMENTS

Simultaneously with seizure or confiscation of equipment referred to in section 11 or section 12, any punishment to which the person affected thereby is liable under this Act can also be inflicted on him.

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 date 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).

COMMENTS

Before any order adjudicating confiscation of the equipment referred to in section 12 could be validly made, two conditions must be satisfied, (a) a notice in writing informing him of the grounds on which it is proposed to confiscate such equipment; and (b) a reasonable opportunity of making a representation in writing against the confiscation, have been given to the cable operator.

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).

COMMENTS

Any decision of the court adjudicating a confiscation of the equipment is appealable. An appeal lies to the court to which an appeal lies from the decision of such court. Only

a person who is aggrieved by the decision of the adjudicating court has right to prefer an appeal. The period of limitation for filing an appeal is 30 days (not 1 month).

CHAPTER IV

OFFENCES AND PENALTIES

16. Punishment for contravention of provisions of this Act.—¹[(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[(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 other 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 ³[by any authorised officer].

1. Section 16 re-numbered as sub-section (1) thereof by Act 2 of 2003, sec. 5 (w.e.f. 31-12-2002).

2. Ins. by Act 2 of 2003, sec. 5 (w.e.f. 31-12-2002).

3. Subs. by Act 36 of 2000, sec. 7, for certain words (w.e.f. 1-9-2000).

CHAPTER V
MISCELLANEOUS

19. Power to prohibit transmission of certain programmes in public interest.—Where ¹[any authorised officer] thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any cable operator from transmitting or re-transmitting ²[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 tranquillity.

20. Power to prohibit operation of cable television network in public interest.—³[(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.

⁴[(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 re-transmission of any channel or programme.]

⁴[(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.]

COMMENTS

The Central Government hereby prohibits the cable television networks which are carrying the programme containing the foreign satellite television channel "TB-6" throughout the country *vide* G.S.R. 705(E), dated 20th October, 1999.

In exercise of the powers conferred by sub-section (2) of section 20 of the Act, the Central Government has prohibited the transmission/re-transmission of satellite TV channel, namely "REN TV" through Cable Television Networks throughout the country, *vide* S.O. 349(E), dated 5th March, 2004.

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

1. Subs. by Act 36 of 2000, sec. 8, for certain words (w.e.f. 1-9-2000).

2. Subs. by Act 36 of 2000, sec. 8, for "any particular programme if it is" (w.e.f. 1-9-2000).

3. Section 20 re-numbered as sub-section (1) thereof by Act 36 of 2000, sec. 9 (w.e.f. 1-9-2000).

4. Ins. by Act 36 of 2000, sec. 9 (w.e.f. 1-9-2000).

(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) ¹[the Consumer Protection Act, 1986 (68 of 1986) and the Telecom Regulatory Authority of India Act, 1997 (24 of 1997)].

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 particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- ²[(a) the eligibility criteria for different categories of cable operators under sub-section (2) of section 4;]
- ³[(aa) the form of application, documents to be accompanied and the fees payable under sub-section (4) of section 4;]
- ⁴[(aaa) the terms and conditions of registration under sub-section (6) of section 4;]
- ⁵[(aaaa) the appropriate measures under sub-section (2) of section 4A for implementation of the notification under sub-section (1) of that section;]
- (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;
- ⁶[(da) the specifications of interference standards for interfering with any telecommunication system under section 10;]

* Now see The Food Safety and Standards Act, 2006 (34 of 2006).

** Now see The Trade Marks Act, 1999 (47 of 1999).

1. Subs. by Act 21 of 2011, sec. 11, for "and the Consumer Protection Act, 1986 (68 of 1986)" (w.r.e.f. 25-10-2011).

2. Subs. by Act 21 of 2011, sec. 12(i), for clause (a) (w.r.e.f. 25-10-2011). Clause (a), before substitution, stood as under:

"(a) the form of application and the fee payable under sub-section (2) of section 4;"

3. Subs. by Act 21 of 2011, sec. 12(ii), for clause (aa) (w.r.e.f. 25-10-2011). Earlier clause (aa) was inserted by Act 2 of 2003, sec. 6 (w.e.f. 31-12-2002). Clause (aa), before substitution by Act 21 of 2011, stood as under:

"(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;"

4. Subs. by Act 21 of 2011, sec. 12(iii), for clause (aaa) (w.r.e.f. 25-10-2011). Earlier clause (aaa) was inserted by Act 2 of 2003, sec. 6 (w.e.f. 31-12-2002). Clause (aaa), before substitution by Act 21 of 2011, stood as under:

"(aaa) the form and manner of submitting report under sub-section (9) of section 4A and the interval at which such report shall be submitted periodically under that sub-section;"

5. Ins. by Act 21 of 2011, sec. 12(iv) (w.r.e.f. 25-10-2011).

6. Ins. by Act 21 of 2011, sec. 12(v) (w.r.e.f. 25-10-2011).

(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 be without prejudice to the validity of anything previously done under that rule.

23. Repeal and savings.—(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 provision of this Act.
