

The Cable Television Networks (Regulations) Ordinance Act, 1995

February 20, 2013

Chapter I PRELIMINARY

1. Short title, extent and commencement –

(1) This ordinance may be called the Cable Television Networks (Regulation) Ordinance, 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

COMMENTS

The Ordinance is a special penal law. It extends to all the States as well as the Union Territories. The State of Jammu and Kashmir is no exception. This Ordinance came into force on 29th September, 1994, the date of its promulgation by the President

2. Definition

In this Ordinance, 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(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 in India

(ii) An association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India

(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.

(a) "Prescribed" means by rules made under this Ordinance.

(b) "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 "programming service" shall be construed accordingly.

(a) "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 Ordinance.

(b) "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.

COMMENTS

Clause (a):

"Cable Operator" means any person who-

(i) Provides cable service through a cable television network, or-

(ii) Otherwise controls the management and operation of a cable television network, or

(iii) Is responsible for the management and operation of a cable television network

Clause (b):

(i) Means the transmission by cables of programmes, and (ii) Includes the re-transmission by cables of any broadcast television signals.

Clause (h):

The Head Post Master of a Head Post Office has been notified as the Registering Authority, vide S.O. 718 (E) dated 29.9.1994

Clause (I):

A person who receives the signals of cable television network and further transmits such signals to any other person, cannot be called "subscriber".

COMMENTS

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.

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

2. Clause (a) re-lettered as clause (aa) by Act 36 of 2000, sec. 2 (w.e.f. 1-9-2000).

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 Ordinance:

Provided that a person operating a cable television network, immediately before the commencement of this Ordinance, 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.

COMMENTS

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

However, a person operating a cable television network immediately before the commencement of the Ordinance, may continue to do so-

(a) For a period of 90 days from such commencement, and

(b) Till-

(c) He is registered under section 4 (3), or (i) The registering authority refuses to grant registration under proviso to section 4 (3) to him.

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 cable operator to the registering authority.

(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 fulfill the condition specified in clause (e) of section 2.

COMMENTS

An application for registration as a cable operator has to be made in Form-1 accompanied by a fee of Rupees fifty only (Indian Postal Order only) to the Head Post Master of the area within whose territorial jurisdiction the office of the cable operator is situated.

Registration shall be valid for 12 months and also renewable. The provision of Rule 3 of the Cable Television Networks Rules, 1994 shall apply mutatis mutandis to an application for renewal of the registration.

The registering authority (Head Post Master) concerned – Shall register the applicant as a cable operator and grant to him a certificate of registration in Form 3 or,

May, for reasons to be recorded in writing and communicated in Form 4 to the applicant, refuse to grant registration to him.

4A. Transmission of programmes through addressable system, etc.-

1[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 date² 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.

(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.]

Comments

Vide S.O. 39(E) dated 14th January, 2003 the Central Government notifies the 15th day of January, 2003 as the date within six months from which it shall be obligatory for every cable operator to transmit/re-transmit programmes of every pay channel through an addressable system in the areas specified below, namely:—

1. Chennai Metropolitan area; 2. Municipal Council of Greater Mumbai area; 3. Kolkata Metropolitan area; 4. National Capital Territory of Delhi.

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

2. 31st December, 2006, vide S.O. 1231(E), dated 31st July, 2006, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 31st July, 2006.

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[***]

1. Proviso omitted by Act 36 of 2000, sec. 3 (w.e.f. 1-9-2000).

6. Advertisement Code .-

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

Provided that nothing in this section shall apply to the programmes of foreign satellite channels which can be received without the use of any specialised gadgets or decoder.

COMMENTS

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

Programmes of foreign satellite channels which can be received without the use of any specialised gadgets or decoder, are, however, exempted from the operation of this section.

7. Maintenance of register-

Every cable operator shall maintain 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.

8. Compulsory transmission of two Doordarshan Channels –

(1) Every cable operator using a dish antenna or Television Receiver only shall, from the commencement of this Ordinance, re-transmit at least two Doordarshan channels of his choice through the cable service. (2) The Doordarshan channels referred to in sub section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.

COMMENTS

Every cable operator who uses a dish antenna or Television Receiver only, is bound-

- (i) To re-transmit at least two Doordarshan channels of his choice through the Cable service
- (ii) Without any deletion or alteration of any programme transmitted on such channels, from the commencement of this Ordinance

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.

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 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.

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 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 system.

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.

Chapter III SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

11. Power to seize equipment used for operating the cable television network –

(1) If any officer, not below the rank of a Group, 'A' officer of the Central Government authorised in this behalf by the Government (hereinafter referred to as the authorised officer) has reason to believe that the provisions of section 3 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

The authorised officer may, if he has reason to believe that-

(i) The provisions of section 3 have been contravened by any cable operator, or

(ii) The provisions of section 3 are being contravened by any cable operator seize the equipment being used by such cable television network.

He is not competent to retain the equipment seized for a period exceeding 10 days from the date of its seizure, without the approval of the District Judge, within the local limits of jurisdiction such seizure was made.

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 registered himself as a cable operator under Section 4 within a period of thirty days from the date of seizure of the said equipment.

COMMENTS

Where the cable operator from whom the equipment has been registers himself as a cable operator under Section 4 (i.e. obtained a licence) within a period 30 days from the date of seizure thereof, such seized equipment could 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 Ordinance. 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 Ordinance may 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 does desire of being heard in the matter.

Provided that where no such notice is given within a period of ten days from the date of 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, namely:-

1. A notice in writing informing him of the grounds on which it is proposed to confiscate such equipment, and
2. A reasonable opportunity of making a representation in writing against the confiscation, have been given to the cable operator. Such notices should also specify-
3. A reasonable time within which "representation" is to be made, and
4. If the cable operator desires of being heard in the matter.

Proviso to sub section (1) mandates that the equipment seized will have to be returned to the cable operator from whose possession it was seized where a notice stipulated in sub section 91) has not been given within 10 days from the date of the seizure thereof.

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) i.e., in relation to adjudicating confiscation.

15. Appeal –

(1) Any person aggrieved by any decision of the court adjudicating of confiscation of the equipment may prefer an appeal of 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 orders 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).

The appellate court-

- (i) Is bound to give the appellant an opportunity of being heard and
- (ii) Has powers to confirm, modify or revise the decision appealed against, or to send back the case for a fresh decision or adjudication.

No appeal shall lie against the order of the appellate court.

Chapter IV OFFENCES AND PENALTIES

16. Punishment for contravention of the provision of this Ordinance-

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.]

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).

17. Offences by companies –

(1) Where an offence under this Ordinance 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 Ordinance 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 or other association of individuals, and

Explanation – For the purpose 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.

(b) "director" in relation to a firm, means a partner in the firm.

18. Cognizance of offence –

No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made 1[by any authorised officer].

1. 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.

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).

20. Power to prohibit operation of cable television network in public interest–

1[(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[(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.

(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 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.

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

* The Central Government prohibits the cable television networks which are carrying the programme containing the foreign satellite television channel "TB-6" throughout the country vide Notification No. G.S.R. 705(E), dated 20th October, 1999.

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

21. Application of other laws not barred–

The provisions of this Ordinance 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 Advertisement) 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 Ordinance. (2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-

(a) The form of application and the fee payable under sub section (2) of section 4.

(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 Ordinance 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 modifications in the rule or both Houses agree that the rule should be made, the rule shall thereafter have effect in such modified form or be of no effect, as the case may be, so, however, that as 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 , 1994 (Ord. 9 of 1994) is hereby repealed.

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 Ordinance

Rules CABLE TELEVISION NETWORKS RULES, 1994

1. Short title and commencement –

In exercise of the powers conferred by sub section (1) of section 22 of the Cable Television Networks (Regulation) Ordinance, 1944 (9 of 1994), the Central Government makes the following rules, namely:-

1. Short title and commencement – (1) These rules may be called the Cable Television Networks Rules, 1994. (2) They shall come into force on the date of their publication in the Official Gazette

2. Definitions –

In these rules unless the context otherwise requires –

(a) "Cable operator" means any person who provides cable service through a cable television network of otherwise controls or is responsible for the management and operation of a cable television networks.

(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 signals generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers.

(d) "Company" means a company defined in section 3 of the Companies Act, 1956.

(e) "Form" means form appended to these rules.

(f) "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

(iii) A company in which not less than fifty one percent of the paid up share capital is held by the citizens of India.

(a) "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 "programming service" shall be construed accordingly

(a) "Registering authority" means the registering authority notified under clause (h) of section 2 of the Cable television Networks (Regulation) Ordinance 1994.

(b) "Subscriber" means a person who receives the signal of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person.

3. Application for registration as a cable television network in India –

(1) Every application for registration as a cable television network in India shall be made in writing in Form 1 and shall be renewable after every twelve months.

(2) The application shall be addressed to the Registering Authority and delivered to his office in Form1.

(3) Every application shall be accompanied by-

(a) A fee of Rs.50/- vide Postal Order No-----dated-----on Post office and

(b) The requisite documents mentioned in Form 1 and 2.

4. Examination of applications-

(1) on receipt of an application under rule 3 the registering authority shall examine the application having regard to the provisions of section 4 of the Ordinance..

5. Registration –

On being satisfied that the applicant fulfills the provisions of the Ordinance, the registering authority shall issue a registration certificate in Form 3.

Provided that where the registering authority is satisfied that the registration cannot be granted to the applicant, he shall inform the applicant in Form 4.

6. Programme Code –

(1) No programme should be carried in the cable service which –

(i) Offends against good taste or decency

- (ii) Contain criticism of friendly countries
- (iii) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes
- (iv) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths.
- (v) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes.
- (vi) Contains anything amounting to contempt of court.
- (vii) Contains aspersions against the integrity of the President and judiciary
- (viii) Contains anything affecting the integrity of the Nation
- (ix) Criticises, maligns or slanders any individuals in person or certain groups,
- (x) segments of social, public and moral life of the country.
- (xi) Encourages superstition or blind belief.
- (xii) Denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals.
- (xiii) Denigrates children
- (xiv) Contain visuals or words reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups.
- (xv) Contravenes the provisions of the Cinematograph Act, 1952.
- (2) The cable operator should strive to carry programmes in his cables service which project women in a positive, leadership role of sobriety, moral and character building qualities.
- (3) Programmes meant for adults should normally be carried in the cable service after 11 p.m. and before 6.a.m.
- (4) Care should be taken to ensure that programmes meant for children do not contain any bad language or explicit scenes of violence. (5) Programmes unsuitable for children must be carried in the cable service at times when the largest numbers of children are viewing

7. Advertising code –

- (1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.
- (2) No advertisement shall be permitted which –
 - (i) Derides any race, caste, colour, creed and nationality
 - (ii) Is against any provision of the Constitution of India

(iii) Tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way.

(iv) Presents criminality as desirable

(v) Exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary

(vi) In its depiction of women violates the Constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service is tasteful and aesthetic and is within the well established norms of good taste and decency.

(vii) Exploits social evils like dowry, child marriage

(3) No advertisement shall be permitted the objects whereof are wholly or mainly of a religious or political nature, advertisement must not be directed towards any religious or political end.

(4) The goods or services advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act, 1986.

(5) No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.

(6) The picture and the audible matter of the advertisement shall not be excessively 'loud'.

(7) No advertisement which endangers the safety of children or creates in them many interest in unhealthy practises or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

(8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoid in all advertisements.

(9) No advertisement which violates the standards of practise for advertising agencies as approved by the Advertising Agencies Association of India, Bombay, from time to time shall be carried in the cable service.

(10) All advertisement should be clearly distinguishable from the programme and should not in any manner interfere with the programme viz. Use of lower part of screen to carry captions, static or moving alongside the programme.

8. Register –

Each cable operator shall maintain a register in Form 5 for each month of the year for which the registration is granted.

