

**THE  
CABLE TELEVISION  
NETWORKS  
(Regulation) Act, 1995**



**The Cable Television Networks Rules, 1994**

**THE CABLE TELEVISION NETWORKS (REGULATION)  
ACT, 1995**

No. 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. (1) This Act may be called the Cable Television Networks (Regulation) Act, 1995. Short title,  
extent and  
com-  
mencement
- (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. In this Act, unless the context otherwise requires— Definitions
- (a) "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;
  - (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;
- (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 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;
- (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. No person shall operate a cable television network unless he is registered as a cable operator under this Act :

Cable television network not to be operated except after registration.

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. (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.

Registration as cable operator.

(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.

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

Programme 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.

Adver-  
tisement  
Code.

6. No person shall transmit or re-transmit through a cable service any 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.

Mainte-  
nance of  
register.

7. 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.

Compul-  
sory  
transmis-  
sion of  
two  
Doordar-  
shan  
channels

8. (1) Every cable operator using a dish antenna or "Television Receiver Only" shall, from the commencement of this Act, re-transmit at least two Doordarshan channels of his choice through the cable service.

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

Use of  
standard  
equipment  
in cable  
television  
network.

9. 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, use any equipment in his cable television network unless such equipment conforms to the said Indian Standard.

10. 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.

Cable television network not to interfere with any telecommunication system.

### CHAPTER III

#### SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

11. (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.

Power to seize equipment used 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. 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.

Confiscation

13. 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

Seizure or confiscation of equipment not to interfere with other punishment.

Giving of opportunity to the cable operator of seized equipment.

14. (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 shall, so far as may be, apply to every proceeding referred to in sub-section (1). 5 of 1908

Appeal.

15. (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. 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.

17. (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.

*Cognizance of offences.*

18. No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by such officer, not below the rank of a Group 'A' officer of the Central Government, as the State Government may, by notification in the Official Gazette, specify in this behalf.

## CHAPTER V MISCELLANEOUS

*Power to prohibit transmission of certain programmes in public interest.*

19. Where an officer, not below the rank of a Group 'A' officer of the Central Government authorised by the State Government in this behalf, 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 particular programme 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.

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

20. 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.

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

23 of 1940  
8 of 1948.  
12 of 1950  
26 of 1950  
37 of 1952  
21 of 1954  
37 of 1954  
42 of 1955  
14 of 1957  
43 of 1958  
60 of 1986  
68 of 1986

Power to make rules. 22. (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 :-

(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 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.

Ord. 3  
of 1995

23. (1) The Cable Television Networks (Regulation) Ordinance, 1995 is hereby repealed.

Repeal  
and  
savings.

(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.

(K.L. Mohanpuria)  
(Secy. to the Govt. of India)

**TO BE PUBLISHED IN THE GAZETTE OF INDIA  
(EXTRAORDINARY) PART II, SECTION 3, SUB-SECTION (i)  
GOVERNMENT OF INDIA  
MINISTRY OF INFORMATION AND BROADCASTING**

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New Delhi, the 29th September, 1994

**NOTIFICATION**

G.S.R. 729 (E) — In exercise of the powers conferred by sub-section (1) of section 22 of the Cable Television Networks (Regulation) Ordinance, 1994 (Ordinance No. 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 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 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 ;

(g) "programme" means any television broadcast and includes —

(i) exhibition of films, features, dramas, advertisements 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;

(h) "registering authority" means the registering authority notified under clause (h) of section 2 of the Cable Television Networks (Regulation) Ordinance 1994;

(i) "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 Form 1.

(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 :—

- (a) Offends against good taste or decency;
  - (b) Contains criticism of friendly countries;
  - (c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
  - (d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
  - (e) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes;
  - (f) Contains anything amounting to contempt of court;
  - (g) Contains aspersions against the integrity of the President and Judiciary;
  - (h) Contains anything affecting the integrity of the Nation;
  - (i) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country ;
  - (j) Encourages superstition or blind belief;
  - (k) 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;
  - (l) Denigrates children;
  - (m) Contains visuals or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups;
  - (n) Contravenes the provisions of the Cinematograph Act, 1952.
- (2) The cable operator should strive to carry programmes in his cable 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 not 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 not 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; advertisements 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 any interest in unhealthy practices 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 avoided in all advertisements.

(9) No advertisement which violates the standards of practice 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.



# FORM 1

(See rule 3 (1))

(To be submitted in duplicate)

Form of application for registration/renewal of registration as a cable operator.

To  
The Head Postmaster  
Head Post Office

Application for registration/renewal of registration as a cable operator.

1. (a) Name of Applicant (individual/firm/company/association of persons/body of individuals)\*  
(b) Age
2. (a) Address (office).  
(b) Telephone number (if any).
3. (a) Nationality  
(b) By birth/domicile.
4. (a) Registration fee enclosed Yes/No  
(b) Postal order no. \_\_\_\_\_ dated \_\_\_\_\_ on \_\_\_\_\_ Post office.
5. Area in which cable television network is working/proposed to be set up.
- \*5A. Date from which the cable television network is operating/proposed to be set up.
6. Number of channels being provided/proposed to be provided (with names).
7. (a) Whether using TVRO Yes/No  
(b) If yes number and size  
(c) Location.
8. Names of Doordarshan satellite channels included in cable service.
9. Copy of earlier registration certificate enclosed. Yes/no  
(To be filled in only for renewal of registration).

\* Inserted by G.S.R. 453(E) dated 29-5-95

10. Declaration if Form 2 enclosed

Yes/No

I/We \_\_\_\_\_ the applicant(s)  
(individual/firm/company/association of persons/body of individuals) do  
hereby declare that the above facts are correct in all respects.

Signature of Applicant  
(individual/firm/company/  
association of persons/  
body of individuals)

Place :  
Date :

Name \_\_\_\_\_  
Address \_\_\_\_\_

★ Score out the word or words which are not applicable.

## FORM 2

(See rule 3 (1-3))

I/We \_\_\_\_\_ the applicant (s) (individual/firm/company/association of persons/body of individuals)\* for registration as a cable operator/renewal of registration as a cable operator do hereby declare that:-

(i) I/We shall ensure that my/our cable television network shall be run in accordance with the provisions of the Cable Television Networks (Regulation) Ordinance 1994 at all times.

(ii) I/We shall not permit/associate any person who is not eligible to run a cable television network under the Cable Television Networks (Regulation) Ordinance 1994 to run/with the running of my/our cable television network.

(iii) I/We shall strive to the best of my/our ability to provide cable service to the satisfaction of the subscriber (s) of my/our cable television network.

(iv) I/We shall strive to the best of my/our ability to ensure that my/our cable television network is not used for any unlawful purpose.

(v) I/We shall obtain the necessary approval/clearance from the relevant authority for the running of my/our cable television network.

(vi) I/We shall abide by any direction issued by the Central Government in respect of the running of a cable television network within India.

Signature of Applicant  
(individual/firm/company/association  
of persons/body of individuals)

Place : Name \_\_\_\_\_

Date : Address \_\_\_\_\_

\*Score out the word or words which are not applicable.

**FORM 3**  
(See rule 5)

Government of India  
Head Post Office

**REGISTRATION CERTIFICATE NUMBER**

1. Shri/Shrimati/M/s \_\_\_\_\_ resident of \_\_\_\_\_ is registered as a cable operator (individual, firm, company, association of persons or body of individuals)\* for running a cable television network at the following address \_\_\_\_\_ in the city/town of \_\_\_\_\_ for a period of twelve months with effect from \_\_\_\_\_

His Registration Number is \_\_\_\_\_

2. This Certificate is only valid for the premises stated above.

3. This Registration Certificate is not transferable.

4. The Certificate shall remain valid for the period indicated above or till the holder carries on the cable service or where the surrender of the certificate is accepted by the competent authority.

Head Post Master  
Head Post Office

Place : \_\_\_\_\_ (town/city)

Date :

**TO BE DISPLAYED PROMINENTLY ON THE PREMISES OF THE  
CABLE OPERATOR.**

\* Tick whichever is appropriate.

### FORM 4

(See proviso to rule 5 (3))

To \_\_\_\_\_

Sir,

Reference your application dated \_\_\_\_\_ for registration as a cable operator. The necessary registration cannot be granted to you for the following reason (s):-

- (i) Application is incomplete.
- (ii) Registration fee has not been tendered.
- (iii) Applicant is not a citizen of India.
- (iv) Less than fifty one percent of the paid-up share capital of the applicant company is held by citizens of India.

Head Post Master  
Head Post Office

Place : \_\_\_\_\_

Date :

### FORM 5

(See rule 8)

Form of register to be maintained by each cable operator.

| Sl. No. | Encrypted Channel/<br>Programme | Duration |    | Date | Month | Year |
|---------|---------------------------------|----------|----|------|-------|------|
|         |                                 | From     | to |      |       |      |
| 1.      | 2.                              | 3.       | 4. | 5.   | 6.    | 7.   |

Signature of cable operator

F.No. 9/7/93-PBC Vol. II

Sd/-  
(NAVIN CHAWLA)  
Joint Secretary to the Govt. of India  
Tele : 384453

(TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRA-  
ORDINARY PART II, SECTION 3, SUB-SECTION (ii) )

GOVERNMENT OF INDIA  
MINISTRY OF INFORMATION AND BROADCASTING

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New Delhi the 29th September, 94

**NOTIFICATION**

S.O. 718(E). In exercise of the powers conferred by clause (h) of section 2 of the Cable Television Networks (Regulation) Ordinance 1994, the Central Government hereby notifies the Head Post Master of a Head Post Office, of the area within whose territorial jurisdiction the office of the cable operator is situated, as the Registering Authority for registering cable television networks in the said area for the purposes of the said ordinance.

F.No. 9/7/93-PBC Vol. II

Sd/-  
(Navin Chawla)  
Joint Secretary to the Govt. of India