

Cable Television Networks Rules, 1994

CONTENTS

1. Short title and commencement
2. Definitions
- 2A. Eligibility criteria for cable operators
3. Application for registration as a cable television network in India
4. Examination of Applications
5. Registration
- 5A. Terms and conditions for registration
- 5B. Deemed registration for transmission in encrypted in certain cases
6. Programme code
- 6A. Transmission of Doordarshan channels in prime band in satellite mode without interference to terrestrial signal
7. Advertising Code
8. Register
9. Manner of publicizing the subscription rates of pay channels
10. Submission of Report to the Central Government
11. Declaration of channels as free-to-air and pay
- 11A. Application for registration as a Multi-System Operator
- 11B. Eligibility criteria for Multi-System Operator
- 11C. Registration as Multi-Systems Operator
- 11D. Terms and conditions for registration as Multi-Systems Operator
- 11E. Provisional registration
- 11F. Deemed Registration of Multi-System Operator in certain cases
12. Responsibility of cable operators in certain event
13. Provisions for set top boxes

Cable Television Networks Rules, 1994

¹1. Published in the Gazette of India, Ext. Ord. Pt. II, Sec. 3(1), No. 406, dt. 29.9.1994. G.S.R. 729 (E) dated 29.09.1994-In exercise of the powers conferred by Sub-sec. (1) of Section 22 of the Cable Television Networks (Regulation) Ordinance, 1994 (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 :

²"(a)" Act" means the cable television Networks (Regulation) Act, 1995 (7 of 1995);".

(aa) "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 (24of 1997);

(aaa) "Broadcaster" means any person including an individual, group of persons, public or body corporate, firm or any organization or body who or which is providing programming services and includes his or her authorized distribution agencies;"

³(aaaa)"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 retransmission (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 as defined in Sec. 3 of the Companies Act, 1956;

(e) "form" means form appended to these rules;

⁴ (ee) "Multi-System Operator (MSO)" means a cable operator who receives a programming service from a broadcaster or his authorized agencies and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more local cable operators (LCOs), and includes his authorized distribution agencies by whatever name called;

(eee) "Notified area" means any area notified by the Central Government under section 4A of the Act;

(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" incans 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 Sec. 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.

In the cable television Networks Rules, 1994, (hereinafter referred to as the principal rules), in rule 2, before clause (a) as so renumbered as (aaaa), the following clause shall be inserted, namely - "(a)" Act" means the cable television Networks (Regulation) Act, 1995 (7 of 1995);". (aa) "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 (24of 1997); (aaa) "Broadcaster" means any person including an individual, group of persons, public or body corporate, firm or any organization or body who or which is providing programming services and includes his or her authorized distribution agencies;" by the Cable Television Networks (Second Amendment) Rules, 2006.

In the cable television Networks Rules, 1994, (hereinafter referred to as the principal rules), in rule 2, clause (a) as so renumbered as (aaaa), by the Cafble Television Networks (Second Amendment) Rules, 2006.

In the cable television Networks Rules, 1994, (hereinafter referred to as the principal rules), in rule 2, After-clause (e), the following clauses shall be inserted, namely - "(ee) "Multi-System Operator (MSO)" means a cable operator who receives a programming service from a broadcaster or his authorized agencies and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more local cable operators (LCOs), and includes his authorized distribution agencies by whatever name called; (eee) "Notified area" means any area notified by the Central Government under section 4A of the Act;" by the Cable Television Networks (Second Amendment) Rules, 2006.

2A. Eligibility criteria for cable operators :-

The following criteria shall be fulfilled by an applicant who makes an application under rule 3, namely:-

- (a) where the applicant is a person, he shall be a citizen of India and not less than eighteen years of age;
- (b) where the applicant is an association of individuals or body of individuals. whether incorporated or not, the members of such an association or body shall be citizens of India and not less than eighteen years of age;
- (c) where the applicant is a company, such company shall be a company registered under the Companies Act, 1956 and shall be subject to such conditions relating to foreign direct investment as may be decided by the Central Government;
- (d) the applicant shall not be an un-discharged insolvent;
- (e) the applicant shall not be a person of unsound mind as declared by a competent court;
- (f) the applicant shall not be convicted of any criminal offence.

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 officer in Form-1.

(3) Every application shall be accompanied by-

- (a) a fee of Rs. 50/- vide Postal Order No..... datedon..... Post Office; and
- (b) the requisite documents mentioned in Forms 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 (now Act).

5. Registration :-

On being satisfied that the applicant fulfils the provisions of the Ordinance (now Act), 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.

5A. Terms and conditions for registration :-

A person who has been granted certificate under rule 5 shall comply with the following terms and conditions, namely-

(a) such person shall comply with all the provisions of the Act and the rules thereunder;

(b) such person shall comply with the regulations made, and the orders or directions or guidelines issued, by the Authority;

(c) such person shall not carry programming service provided on the channel generated at the level of such cable operator which is in violation of the Programme Code specified in rule 6 and the Advertising Code specified in rule 7.

5B. Deemed registration for transmission in encrypted in certain cases :-

Where, in respect of an area, a cable operator has already been registered and such registration is valid as on the date when such area was notified under subsection (1) of section 4A, he shall be deemed to have been registered in respect of such area for the remaining period of its validity:

Provided that such cable operator -

(i) transmits or re-transmits programmes of any channels in an encrypted form through a digital addressable system for the remaining period of the validity of registration in such areas; and

(ii) complies with all the provisions of the Act and the rules made thereunder, and the regulations, orders, directions or guidelines made or issued by the Authority:

Provided further that where such cable operator fails to do so, the registration which is so deemed to have been valid, shall stand cancelled with effect from the date when such area is notified.

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 promote communal attitudes;

(d) Contains anything obscene, defamatory, deliberate, false and

suggestive innuendoes 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 altitude in the portrayal of certain ethnic, linguistic and regional groups;

(n) Contravenes the provisions of the Cinematograph Act, 1952.

¹(O) is not suitable for unrestricted public exhibition.

²"Provided that no film or film song or film promo or film trailer or music video or music albums or their promos, whether produced in India or abroad, shall be carried through cable service unless it has been certified by the Central Board of Film Certification (CBFC) as suitable for unrestricted public exhibition in India."

Explanation. For the purpose of this clause, the expression "unrestricted public exhibition" shall have the same meaning as assigned to it in the Cinematograph Act, 1952 (37 of 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"(3) No cable operator shall carry or include in his cable service any programme in respect of which copyright subsists under the ⁴Copyright Act, 1957 (14 of 1957) unless he has been granted a licence by owners of copyright under that Act in respect of such programme."

(4) Care should be taken to ensure that programmes meant for children do not contain any hard language or explicit scenes of violence.

(5) Programmes unsuitable for children must not be carried in the cable service at times when the largest number of children are viewing.

5(6) No cable operator shall carry or include in his cable service any television broadcast or channel, which has not been registered by the Central Government for being viewed within the territory of India":

67 Provided that a cable operator may continue to carry or include in his cable service any Television broadcast or channel, whose application for registration to the Central Government was made on or before 11.5.2006 and is under consideration, for a period of three months from 11.2.2007 or till such registration has been granted or refused, whichever is earlier.

Provided further that channels uplinking from India, in accordance with permission for uplinking granted before 2nd December. 2005, shall be treated as "registered" television channels and can be carried or included in the cable service

Inserted by the Cable Television Networks (Amendment) Rules, 2000

In the Cable Television Networks Rules, 1994, In rule 6, in sub-rule (1) after clause (o) the following proviso shall be inserted, namely - "Provided that no Him or film song or film promo or film trailer or music video or music albums or their promos, whether produced in India or abroad, shall be carried through cable service unless it has been certified by the Central Board of Film Certification (CBFC) as suitable for unrestricted public exhibition in India." cable television Networks (Amendment) Rules, 2006.

Substituted for "(3) Programmes meant for adults should normally be carried in the cable service after 11 P.M. and before 6 A.M." by the Cable Television Networks (Amendment) Rules, 2000

In this Rule, Rule 6, sub-rule (3), for the words, figures and brackets "Copyright Act, 1972 (14 of 1972)" the words, figures and brackets "Copyright Act, 1957 (14 of 1957)" substituted by the Cable Television Networks (Amendment) Rules, 2001

In the Cable Television Networks Rules, 1994, in rule 6 after Sub-rule (5), the follow ing shall be inserted, namely:- "(6) No cable operator shall carry or include in his cable service any television broadcast or channel, which has not been registered by the Central Government for being viewed within the territory of India": Provided that a cable operator may continue to carry or include in his cable service any Television broadcast or channel, who has made an application for registration to the Central Government on

or before the date of commencement of this notification. For a period of six months from the date of such commencement or till such registration has been framed or refused, whichever is earlier: Provided further that channels uplinking from India, in accordance with permission for uplinking granted before 2nd December, 2005, shall be treated as "registered" television channels and can be carried or included in the cable service. by the Cable Television Networks (Regulation) Act 1995 (7 of 1995).

In the cable television Networks Rules, 1994, In Rule 6, first proviso shall be substituted in place of :- "Provided that a cable operator may continue to carry or include in his cable service any Television broadcast or channel, whose application for registration to the Central Government was made on or before 11th May, 2006 and is under consideration, for a period of three months from the date of this notification, or till such registration has been granted or refused, whichever is earlier:" by the Cable Television Networks (Fifth Amendment) Rules, 2006.

In Rule 6, in sub-rule (6), for the first proviso shall be substituted, the old one is as follows : [Provided that a cable operator may continue to carry or include in his cable service any Television broadcast or channel, whose application for registration to the Central Government was made on or before 11th May, 2006 and is under consideration, for a period of three months from the date of this notification, or till such registration has been granted or refused, whichever is earlier.] by the Cable Television Networks (Amendment) Rules, 2007, on [Noti. No. F. No.1601/71/2006-TV(1), dt. 11th April, 2007, Gaz. of India, Exty., Pt. II-Sec. 3(i), No. 181, dt. 11.4.2007, p. 1.] = 2007 CCS IP. 549/H. 217.]

6A. Transmission of Doordarshan channels in prime band in satellite mode without interference to terrestrial signal :-

Each cable operator shall-

(a) transmit at least two Doordarshan channels on their cable network in the prime band on channels other than those carrying terrestrial broadcast frequencies;

(b) take only satellite signals of Doordarshan channels for transmission on their cable network by dish antenna/TVRO and not yagi antenna: and

(c) not transmit any channel on the cable network in the same frequency band in which Doordarshan channels DD-I and DD-II are transmitted terrestrially, so as to avoid interference.

Explanation.-For the purposes of this rule, the expression- "Prime Band" constitutes frequencies relating to channels falling in the Band I (Channels 2 to 4 ranging from 47 to 68 MHz) and Band III

(Channels 5 to 12 ranging from 174 to 230 MHz) of electromagnetic spectrum, which are receivable by conventional TV sets without using any add-on unit or special tuner.

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 emphasise 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.

¹"(viii) promotes directly or indirectly production, sale or consumption of (A) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants; (B) infant milk substitutes, feeding bottle or infant foods."

(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.

¹²"(3A) No advertisement shall contain references which hurt religious sentiments."

(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 a 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 advertisements which violates the standards or 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 advertisements 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.

13 "(11) No programme shall carry advertisements exceeding twelve minutes per hour, which may include up to ten minutes per hour of commercial advertisements, and up to two minutes per hour of a channels self-promotional programmes."

Inserted by the Cable Television Networks (Amendment) Rules, 2000

In the cable television Networks Rules, 1994, (hereinafter referred to as the principal rules), In the principal rules, in rule 7, after sub-rule (10), the following shall be inserted, namely - "(11) No programme shall carry advertisements exceeding twelve minutes per hour, which may include up to ten minutes per hour of commercial advertisements, and up to two minutes per hour of a channels self-promotional programmes." by the Cable Television Networks (Second Amendment) Rules, 2006.

8. Register :-

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

9. Manner of publicizing the subscription rates of pay channels :-

. . **1** (1) Every cable operator shall publicise, either through advertisements in the print and electronic media or through other

means (e.g. printing on the reverse of the receipts, etc.) to the subscribers, the subscription rates and the periodic intervals at which such subscriptions are payable for receiving of the various pay channels provided by such cable operator,

(2) Every cable operator shall, while so publicizing, be required to indicate precisely the following information:

(a) rates of subscriptions for each individual pay channel provided by the cable operator and discounts, if any, offered on subscribing to a minimum number of channels or more :

Provided that discounts so offered for subscribing to the minimum number of channels or more shall not be such as to dilute/nullify the choice of subscribing to individual channels :

Provided further that the subscriber shall not be forced to buy more than the channel(s), of his choice through the mechanism of discounted pricing and by grouping of channels in such a way as to render the choice of individual pay channels offered, an illusory one.

1. Inserted by Cable Television Networks (Amendment) Rules, 2003

10. Submission of Report to the Central Government :-

¹ (1) Every cable operator shall be required to submit a report to the Central Government in the Ministry of Information and Broadcasting in Form 6.

(2) Such report shall be submitted periodically in the first week of each quarter : Provided that the Central Government may, in exceptional cases, or in public interest, require any cable operator to furnish such report within shorter periods.

1. Inserted by Cable Television Networks (Amendment) Rules, 2003

11. Declaration of channels as free-to-air and pay :-

¹ In order to inform the public as required under Rules 9 and 10, the cable operator shall declare which channel(s) will remain pay and which free-to-air and also the rates of the pay channels and discounts, if any, by 15th June, 2003.

1. Inserted by Cable Television Networks (Amendment) Rules, 2003

11A. Application for registration as a Multi-System Operator :-

(1) For the purpose of operation of cable television network services with digital addressable system in a notified area, a person who desires to provide such service shall make an application for registration as Multi-System Operator to the registering authority in Form 6 (2) Every application under sub-rule (1) shall be accompanied by-

a processing fee of rupees one lakh;
declaration in Form 2;

11B. Eligibility criteria for Multi-System Operator :-

The following criteria shall be fulfilled by an applicant who makes an application under rule 11A, namely:-

(a) where the applicant is a person, he shall be a citizen of India and not less than eighteen years of age;

(b) where the applicant is an association of individuals or body of individuals. whether incorporated or not, the members of such an association or body shall be citizens of India and not less than eighteen years of age;

(c) where the applicant is a company, such company shall be a company registered under the Companies Act, 1956 and shall be subject to such conditions relating to foreign direct investment as may be decided by the Central Government;

(d) the applicant shall not be an un-discharged insolvent.

(e) the applicant shall not be a person of unsound mind as declared by a competent court;

(f) the applicant shall not/be convicted of any criminal offence.

11C. Registration as Multi-Systems Operator :-

(1) On being satisfied that the applicant fulfils the eligibility criteria specified under rule 11B and the requirements of rule 11A, the registering authority shall, subject to the terms and conditions specified in rule 11D and the security clearance from the Central Government, issue certificate of registration-

(2) Where the registering authority is satisfied that registration cannot be granted, it shall inform the applicant in writing giving reasons for such refusal.

11D. Terms and conditions for registration as Multi-Systems Operator :-

A person who has been granted certificate under rule 11C shall comply with the following terms and conditions, namely:--

(a) such person shall comply with all the provisions of the Act and the rules made thereunder.

(b) such person shall comply with the regulations, orders, directions or guidelines made or issued by the Authority;

(c) such person shall have the capacity to carry minimum number of television channels specified by the Authority;

(d) such person shall not carry programming service provided on the channel generated at the level of such Multi-System operator which is in violation of the Programme Code specified in rule 6 and the Advertising Code specified in rule 7.

11E. Provisional registration :-

Where an application has been made under rule 11A and the registering authority considers that pending registration, it is necessary to grant provisional registration, it may, after preliminary scrutiny of such application, grant a provisional registration.

Provided that such provisional registration shall not confer any right to the applicant to claim regular registration:

Provided further that where regular registration is refused to be granted by the registering authority, the provisional registration so granted shall stand cancelled.

11F. Deemed Registration of Multi-System Operator in certain cases :-

No multisystem operator providing cable television network services in areas as on the date when such areas are notified under sub-section (1) of section 4A shall, with effect from the date specified in that notification, continue to provide such services in such areas unless such operator is granted registration under section 11C.

Provided that a multi-system operator who has been permitted to operate in areas notified prior to the coming into force of the Cable Television Networks (Regulation) Amendment Act, 2011 (21 of 2011) shall be deemed to have been registered under rule 11C in respect of such areas for the remaining period of the validity of such permission:

Provided further that such operator shall be required to furnish an undertaking to the registering authority at least thirty days prior to the notified date for operation of Digital Addressable System, namely:-

(a) such operator shall transmit or re-transmit channels only in an encrypted form through a digital addressable system in the notified areas;

such operator shall comply with the provisions of the Act and the rules made thereunder and the regulations, orders, directions or guidelines made or issued by the Authority; and

(c) such operator shall deposit the processing fee with the registering authority as prescribed in rule 11A.

Provided also that where such operator fails to do so, the permission which is deemed to have been valid, shall, with effect from the date when such area is notified, stand cancelled.

12. Responsibility of cable operators in certain event :-

1 In the event of cable operators not being in a position by the 14th July, 2003 to declare whether a channel is pay channel or free-to-air channel and the price of any pay channel due to the information not being provided by the broadcaster, the cable operator shall not transmit such channel through its network after the 14th July, 2003.

1. Inserted by Cable Television Networks (Amendment) Rules, 2003

13. Provisions for set top boxes :-

1 The cable operator shall make provisions for rent and security deposit, or refund thereof as well as warranty, repair and maintenance in the manner notified by the Government.

1. Inserted by Cable Television Networks (Amendment) Rules, 2003