

CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995

Preamble 1 - CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995

THE CABLE TELEVISION NETWORKS (REGULATION) ACT, 19951

[Act , No. 7 of 1995 ]

[ 25th March, 1995]

PREAMBLE

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:-

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1. published in the Gazette of India Extra, Part II, Section 3(i), dated 25th March, 1995.

Chapter 1 - PRELIMINARY

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An Act to regulate the operation of cable television networks in the country and for matters

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

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1. published in the Gazette of India Extra, Part II, Section 3(i), dated 25th March, 1995.

Section 1 - Short title, extent and commencement

(1) This Act may be called The Cable Television Networks (Regulation) Act, 1995.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 29th day of September, 1994.

Section 2 - Definitions

1

In this Act, unless the context otherwise requires,-

1[(a) "authorised officer" means, within his local limits of jurisdiction,-

(i) a District Magistrate, or

(ii) a Sub-divisional Magistrate, or

(iii) a Commissioner of Police,

and includes any other officer notified in the Official Gazette, by the Central

Government or the State Government, to be an authorised officer for such local limits

of jurisdiction as may be determined by that Government;]

3[(ai) "Authority" means the Telecom Regulatory Authority of India established under

sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997;

(24 of 1997)

(aii) "Broadcaster" means a person or a group of persons, or body corporate, or any

organisation or body providing programming services and includes his or its

authorised distribution agencies;

(aiii) "cable operator" means any person who provides cable service through a cable

television network or otherwise controls or is responsible for the management and

operation of a cable television network and fulfils the prescribed eligibility criteria and

conditions;]

(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;  
4[(iii) a company as defined in section 3 of the Companies Act, 1956;]  
5[(ei) "post" means a post and includes a pole, tower, standard, stay, strut, cabinet, pillar or any above ground contrivance for carrying, suspending or supporting any

2

network infrastructure facility;]

(f) "prescribed" means prescribed by rules made under this Act;

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

(i) exhibition of films, features, dramas, advertisements and serials  
6[\*\*\*];

(ii) any audio or visual or audio-visual live performance or presentation,

and the expression "programme service" shall be construed accordingly;

5[(gi) "public authority" means any authority, body or institution of local

self-government constituted or established by or under-

(i) the Constitution of India;

(ii) any law made by Parliament;

(iii) any law made by a State Legislature;

(iv) any notification issued or order made by the appropriate Government,

and includes any-

(v) body owned, controlled or substantially financed; or

(vi) non-governmental organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;]

(h) "registering authority" means such authority as the Central Government may, by

notification in the Official Gazette, specify to perform the functions of the registering

authority under this Act 5[within such local limits of jurisdiction as may be determined

by that Government;];

(i) "subscriber" means 7[any individual, or association of individuals, or a company, or

any other organisation or body] who receives the signals of cable television network

at a place 8[indicated by him or it] to the cable operator, without further transmitting

it to any other person.

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1. Inserted by Act 36 of 2000, section (w.e.f. 1-9-2000).

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

3. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

25.10.2011 Prior to Substitution it read as under:

3

"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;"

4. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

25.10.2011 Prior to Substitution it read as under:

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

citizens of India;"

5. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

25.10.2011.

6. Omitted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

25.10.2011 Prior to Omission it read as under:

"through video cassette recorders or video cassette players"

7. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

25.10.2011 Prior to Substitution it read as under:

"a person"

8. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

25.10.2011 Prior to Substitution it read as under:

"indicated by him"

4

## Chapter 2 - REGULATION OF CABLE TELEVISION NETWORK

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(i) a District Magistrate, or

(ii) a Sub-divisional Magistrate, or

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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;]

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operation of a cable television network and fulfils the prescribed eligibility criteria and

conditions;]

(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;

4[(iii) a company as defined in section 3 of the Companies Act, 1956;]

5[(ei) "post" means a post and includes a pole, tower, standard, stay, strut, cabinet,

pillar or any above ground contrivance for carrying, suspending or supporting any

network infrastructure facility;]

(f) "prescribed" means prescribed by rules made under this Act;

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

(i) exhibition of films, features, dramas, advertisements and serials  
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(ii) any audio or visual or audio-visual live performance or presentation,

and the expression "programme service" shall be construed accordingly;

5[(gi) "public authority" means any authority, body or institution of local

self-government constituted or established by or under-

(i) the Constitution of India;

(ii) any law made by Parliament;

(iii) any law made by a State Legislature;

(iv) any notification issued or order made by the appropriate Government,

and includes any-

(v) body owned, controlled or substantially financed; or

(vi) non-governmental organisation substantially financed,

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

(h) "registering authority" means such authority as the Central Government may, by

notification in the Official Gazette, specify to perform the functions of the registering

authority under this Act 5[within such local limits of jurisdiction as may be determined

by that Government;];

6

(i) "subscriber" means 7[any individual, or association of individuals, or a company, or

any other organisation or body] who receives the signals of cable television network

at a place 8[indicated by him or it] to the cable operator, without further transmitting

it to any other person.

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1. Inserted by Act 36 of 2000, section (w.e.f. 1-9-2000).

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25.10.2011 Prior to Substitution it read as under:

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

citizens of India;"

5. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

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25.10.2011 Prior to Substitution it read as under:

"indicated by him"

7

Section 3 - Cable television network not to be operated except after registration

No person shall operate a cable television network unless he is registered as a cable operator

under this Act:

1[\*\*\*]

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1. Omitted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f.

25.10.2011 Prior to Omission it read as under:

"Provided that a person operating a cable television network, immediately before the commencement of

this Act, may continue to do so for a period of ninety days from such commencement; and if he has made

an application for registration as a cable operator under section 4 within the said period, till he is

8

registered under that section or the registering authority refuses to grant registration to him under that

section."

Section 4 - Registration as cable operator

1[(1) Any person who is desirous of operating or is operating a cable television network may

apply for registration or renewal of registration, as a cable operator to the registering

authority.



(2) The cable operator shall fulfil such eligibility criteria and conditions as may be prescribed

and different eligibility criteria may be prescribed for different categories of cable operators.

(3) On and from the date of issue of notification under section 4A, no new registration in a

State, city, town or area notified under that section shall be granted to any cable operator

who does not undertake to transmit or re-transmit channels in an encrypted form through a

digital addressable system.

(4) An application under sub-section (1) shall be made in such form and be accompanied by

such documents and fees as may be prescribed.

9

(5) On receipt of the application, the registering authority shall satisfy itself that the

applicant has furnished all the required information prescribed under subsection (4) and on

being so satisfied, register the applicant as a cable operator and grant him a certificate of

registration or renew its registration, as the case may be, subject to such terms and

conditions as may be prescribed under sub-section (6);

Provided that the registering authority may, if it is satisfied that the applicant does

not fulfil the eligibility criteria and conditions prescribed under sub-section (2) or the

application is not accompanied by necessary documents or fees as prescribed under

sub-section (4), and for reasons to be recorded in writing, by order, refuse to grant its

registration or renewal, as the case may be, and communicate the same to the

applicant:

Provided further that the applicant may prefer an appeal against the order of the

registering authority refusing grant or renewal of registration to the Central

Government.

(6) Without prejudice to the compliance of eligibility criteria for registration of cable

operators, the Central Government may prescribe, having regard to the interests of the

sovereignty and integrity of India, the security of the State, friendly relations with foreign

States, public order, decency or morality, foreign relation or contempt of court, defamation

or incitement to an offence, such terms and conditions of registration including additional

criteria or conditions to be fulfilled by the cable operator.

(7) The Central Government may suspend or revoke the registration granted under

sub-section (5) if the cable operator violates one or more of the terms and conditions of such

registration:

Provided that no such order of suspension or revocation shall be made without giving

a reasonable opportunity of being heard to the cable operator.]

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1. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011

Prior to Substitution it read as under:

"(1) Any person who is operating or is desirous of operating a cable television network may apply for registration as

a cable operator to the registering authority.

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

prescribed.

(3) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the

required information and on being so satisfied, register the applicant as a cable operator and grant to him a certificate

of such registration;

10

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."

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

2[(1) Where the Central Government is satisfied that it is necessary in the public interest so

to do, it may, by notification in the Official Gazette, make it obligatory for every cable

operator to transmit or re-transmit programmes of any channel in an encrypted form

through a digital addressable system with effect from such date as may be specified in the

notification and different dates may be specified for different States, cities, towns or areas,

as the case may be:

Provided that the date specified in the notification shall not be earlier than six months

from the date of issue of such notification to enable the cable operators in different

States, cities, towns or areas to install the equipment required for the purposes of this

11

sub-section.

(2) The Central Government may prescribe appropriate measures and take such steps as it

may consider necessary for implementation of the notification issued under sub-section (1).

(3) If the Central Government is satisfied that it is necessary in the public interest so to do,

and if not otherwise specified by the Authority, it may direct the Authority to specify, by

notification in the Official Gazette, one or more free-to-air channels to be included in the

package of channels forming basic service tier and any one or more such channels may be

specified, in the notification, genre-wise for providing a programme mix of entertainment,

information, education and such other programmes and fix the tariff for basic service tier

which shall be offered by the cable operators to the consumers and the consumer shall have

the option to subscribe to any such tier;

Provided that the cable operator shall also offer the channels in the basic service tier

on a la carte basis to the subscriber at a tariff specified under this subsection.

(4) The Central Government or the Authority may specify in the notification referred to in

sub-section (3) , the number of free-to-air channels to be included in the package of

channels forming basic service tier for the purposes of that subsection and different

numbers may be specified for different States, cities, towns or areas, as the case may be.

(5) It shall be obligatory for every cable operator to publicise the prescribed information

including but not limited to subscription rates, standards of quality of service and mechanism

for redressal of subscribers' grievances in such manner and at such periodic intervals as may

be specified by the Central Government or the Authority for the benefit of the subscriber.

(6) The cable operator shall not require any subscriber to have a receiver set of a particular

type to receive signals of cable television network:

Provided that the subscriber shall use a digital addressable system to be attached to

his receiver set for receiving programmes transmitted on any channel.

(7) Every cable operator shall provide such information relating to its cable services and

networks in such format and at such periodic intervals to the Central Government or the

State Governments or the Authority or their authorised representatives, as may be specified

by them from time to time.

(8) All actions taken by the Central Government or the Authority in pursuance of the

provisions of this section as they stood immediately before the 25th day of October, 2011

shall continue to remain in force till such actions are modified as per the provisions of this

Act.

Explanation.-For the purposes of this section,-

(a) "addressable system" means an electronic device (which includes hardware

and its associated software) or more than one electronic device put in an

12

integrated system through which signals of cable television network can be

sent in encrypted form, which can be decoded by the device or devices, having

an activated Conditional Access System at the premises of the subscriber

within the limits of authorisation made, through the Conditional Access System

and the subscriber management system, on the explicit choice and request of

such subscriber, by the cable operator to the subscriber;

(b) "basic service tier" means a package of free-to-air channels to be offered

by a cable operator to a subscriber with an option to subscribe, for a single

price to subscribers of the area in which his cable television network is

providing service;

(c) "encrypted", in respect of a signal of cable television network, means the

changing of such signal in a systematic way so that the signal would be

unintelligible without use of an addressable system and the expression

"unencrypted" shall be construed accordingly;

(d) "free-to-air channel", in respect of a cable television network, means a

channel for which no subscription fee is to be paid by the cable operator to the

broadcaster for its re-transmission on cable;

(e) "pay channel", in respect of a cable television network, means a channel

for which subscription fees is to be paid to the broadcaster by the cable

operator and due authorisation needs to be taken from the broadcaster for its

re-transmission on cable;

(f) "subscriber management system" means a system or device which stores

the subscriber records and details with respect to name, address and other

information regarding the hardware being utilised by the subscriber, channels

or bouquets of channels subscribed to by the subscriber, price of such channels

or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of

all actions performed on a subscriber's record, invoices raised on each

subscriber and the amounts paid or discount allowed to the subscriber for each

billing period.]

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1. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2002 (2 of 2003).

2. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011

Prior to Substitution it read as under:

"1[(1) Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by

notification in the Official Gazette, make it obligatory for every cable operator to transmit or re-transmit programme

13

of any pay channel through an addressable system with effect from such date as may be specified in the notification

and different dates may be specified for different States, cities, towns or areas, as the case may be.

(2) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in

the Official Gazette, specify one or more free-to-air channels to be included in the package of channels forming basic

service tier and any or more such channels may be specified, in the notification, genre-wise for providing a

programme mix of entertainment, information, education and such other programmes.

(3) The Central Government may specify in the notification referred to in subsection ( 2), the number of free-to-air

channels to be included in the package of channels forming basic service tier for the purposes of that sub-section and

different numbers may be specified for different States, cities, towns or areas, as the case may be.

(4) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in

the Official Gazette, specify the maximum amount which a cable operator may demand from the subscriber for

receiving the programmes transmitted in the basic service tier provided by such cable operator.

(5) Notwithstanding anything contained in sub-section ( 4), the Central Government may, for the purposes of that

sub-section, specify in the notification referred to in that sub-section different maximum amounts for different States,

cities, towns or areas, as the case may be

(6) Notwithstanding anything contained in this section, programmes of basic service tier shall be receivable by any

subscriber on the receiver set of a type existing immediately before the commencement of the Cable Television

Networks (Regulation) Amendment Act, 2002 without any addressable system attached with such receiver set in any manner.

(7) Every cable operator shall publicise, in the prescribed manner, to the subscribers the subscription rates and the

periodic intervals at which such subscriptions are payable for receiving each pay channel provided by such cable

operator.

(8) The cable operator shall not require any subscriber to have a receiver set of a particular type to receive signals of

cable television network:

Provided that the subscriber shall use an addressable system to be attached to his receiver set for receiving

programmes transmitted on pay channel.

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

containing the information regarding -

(i) the number of total subscribers;

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

14

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.]"

Section 4B - Right of way for cable operators and permission by public authority

1[(1) Subject to the provisions of this Act, any cable operator entitled for providing cable

services may, from time to time, lay and establish cables and erect posts under, over, along,

across, in or upon any immovable property vested in or under the control or management of

a public authority.

(2) Any public authority under whose control or management any immovable property is

vested may, on receipt of a request from a cable operator permit the cable operator to do all

or any of the following acts, namely:-

(a) to place and maintain underground cables or posts; and

(b) to enter on the property, from time to time, in order to place, examine, repair,

alter or remove such cables or posts.

(3) The facility of right of way under this section for laying underground cables, and erecting

posts, shall be available to all cable operators subject to the obligation of reinstatement or

15

restoration of the property or payment of reinstatement or restoration charges in respect

thereof at the option of the public authority.

(4) When a public authority in public interest considers it necessary and expedient that the

underground cable or post placed by any cable operator under the provisions of this section

should be removed or shifted or its position altered, it may require the cable operator to

remove it or shift it or alter its position, as the case may be, at its own cost in the time frame

indicated by the public authority.

(5) The Central Government may lay down appropriate guidelines to enable the State

Governments to put in place an appropriate mechanism for speedy clearance of requests

from cable operators for laying cables or erecting posts on any property vested in, or under

the control or management of, any public authority and for settlement of disputes, including

refusal of permission by the public authority.

(6) Any permission granted by a public authority under this section may be given subject to

such reasonable conditions as that public authority thinks fit to impose as to the payment of

any expenses, or time or mode of execution of any work, or as to any other matter

connected with or related to any work undertaken by the cable operator in exercise of those

rights.

(7) Nothing in this section shall confer any right upon any cable operator other than that of

user for the purpose only of laying underground cable or erecting posts or maintaining

them.]

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1. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011.

16

Section 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[\*\*\*]

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

## Section 6 - Advertisement code

No person shall transmit or re-transmit through a cable service any advertisement unless such

advertisement is in conformity with the prescribed advertisement code.

1[\* \* \*]

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1. Proviso omitted by Act 36 of 2000, section 4 (w.e.f. 1-9-2000).

## Section 7 - Maintenance of register

Every cable operator shall maintain a register in the prescribed form indicating therein in

brief the programmes transmitted or retransmitted through the cable service during a month

and such register shall be maintained by the cable operator for a period of one year after the

actual transmission or re-transmission of the said programmes.

## Section 8 - Compulsory transmission of Doordarshan channels

3[(1) The Central Government may, by notification in the Official Gazette, specify the names

of Doordarshan channels or the channels operated by or on behalf of Parliament, to be

mandatorily carried by the cable operators in their cable service and the manner of reception

17

and re-transmission of such channels:

Provided that in areas where digital addressable system has not been introduced in

accordance with the provisions of sub-section (1) of section 4A, the notification as

regards the prime band is concerned shall be limited to the carriage of two

Doordarshan terrestrial channels and one regional language channel of the State in

which the network of the cable operator is located.

(2) The channels referred to in sub-section (1) shall be re-transmitted without any deletion

or alteration of any programme transmitted on such channels.

(3) Notwithstanding the provisions of sub-section (1), any notification issued by the Central

Government or the Prasar Bharti (Broadcasting Corporation of India) in pursuance of the

provisions of sub-section (1), prior to the 25th day of October, 2011 shall continue to remain

in force till such notifications are rescinded or amended, as the case may be.]

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1. Substituted by Act 36 of 2000, section 5, for section 8 (w.e.f. 1-9-2000).

2. Substituted by The Cable Television Networks (Regulation) Amendment Act, 2007, dated 28.05.2007. Prior to Substitution it read as under:

"(1) Every cable operator shall, from the commencement of the Cables Television Networks (Regulation)

(Amendment) Act, 2000, re-transmit at least two Doordarshan terrestrial channels and one regional language

channel of a State in the prime band, in satellite mode on frequencies other than those carrying terrestrial frequencies.

(2) The Doordarshan channels referred to in sub-section (1) shall be retransmitted without any deletion or alteration

of any programme transmitted on such channels."

3. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011

Prior to Omission it read as under:

"1[8. Compulsory transmission of Doordarshan channels

2[(1) Every cable operator shall re-transmit,--

(i) channels operated by or on behalf of Parliament in the manner and name as may be specified

by the Central Government by notification in the Official Gazette;

(ii) at least two Doordarshan terrestrial channels and one regional language channel of a State in

the prime band,

in satellite mode on frequencies other than those carrying terrestrial frequencies.

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

any programme transmitted on such channels.]

(3) The Prasar Bharati (Broadcasting Corporation of India) established under sub-section ( 1) of section 3 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 ( 25 of 1990) may, by notification in the Official Gazette, specify the number and name of every Doordarshan channel to be re-transmitted by cable operators in their cable service and the manner of reception and re-transmission of such channels.]"

Section 9 - Use of standard equipment in cable television network

No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986), use any 2[equipment or digital addressable system] in his cable television network unless such 2[equipment or digital addressable system] conforms to the said Indian Standard:

3[\*\*\*]

- 
1. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2002 ( 2 of 2003).
  2. Substituted by The Cable Television Networks (Regulation) Amendment Act, 2007, dated 28.05.2007. Prior to Substitution it read as under:- "equipment"
  3. Omitted by The Cable Television Networks (Regulation) Amendment Act, 2007, dated 28.05.2007. Prior to Omission it read as under:-
- 1[Provided that the equipment required for the purposes of section 4A shall be installed by cable operator in his cable television network within six months from the date, specified in the notification issued under sub-section (1) of that section, in accordance with the provisions of the said Act for said purposes.]

19

Section 10 - Cable Television network not to interfere with any telecommunication system

Every cable operator shall ensure that the cable television network being operated by him

does not interfere, in any way, with the functioning of the authorised telecommunication

systems 1[is in conformity with such standards relating to interference as may be prescribed

by the Central Government].

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1. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011.

20

Section 10A - Inspection of cable network and services

1[(1) Without prejudice to the provisions contained in the Indian Telegraph Act, 1885 (13 of

1885) or any other law for the time being in force, the Central Government or its officers

authorised by it or authorised agency shall have the right to inspect the cable network and

services.

(2) No prior permission or intimation shall be required to exercise the right of the Central

Government or its authorised representatives to carry out such inspection.

(3) The inspection shall ordinarily be carried out after giving reasonable notice except in

circumstances where giving of such a notice shall defeat the purpose of the inspection.

(4) On being so directed by the Central Government or its authorised officers or agency so

authorised by it, the cable operator shall provide the necessary equipment, services and

facilities at designated place or places for lawful interception or continuous monitoring of the

cable service at its own cost by or under the supervision of the Central Government or its

officers or agency so authorised by it.]

21

1. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011.

### Chapter 3 - SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

1[(1) Without prejudice to the provisions contained in the Indian Telegraph Act, 1885 (13 of

1885) or any other law for the time being in force, the Central Government or its officers

authorised by it or authorised agency shall have the right to inspect the cable network and

services.

(2) No prior permission or intimation shall be required to exercise the right of the Central

Government or its authorised representatives to carry out such inspection.

22

(3) The inspection shall ordinarily be carried out after giving reasonable notice except in

circumstances where giving of such a notice shall defeat the purpose of the inspection.

(4) On being so directed by the Central Government or its authorised officers or agency so

authorised by it, the cable operator shall provide the necessary equipment, services and

facilities at designated place or places for lawful interception or continuous monitoring of the

cable service at its own cost by or under the supervision of the Central Government or its

officers or agency so authorised by it.]

---

1. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011.

23

### Section 11 - Power to seize equipment used for operating the cable television network

3[If any authorised officer has reason to believe that the provisions of section 3, section 4A,

section 5, section 6, section 8, section 9 or section 10 have been or are being contravened

by any cable operator, he may seize the equipment being used by such cable operator for

operating the cable television network:

Provided that the seizure of equipment in case of contravention of sections 5 and 6

shall be limited to the programming service provided on the channel generated at the

level of the cable operator.]

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1. Substituted by Act 36 of 2000, section 6 for sub-section (1) (w.e.f. 1-9-2000).

2. Words "Section 3" Substituted by Cable Television Networks (Regulation) Amendment Act, 2002 (2 of 2003)

3. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011.

1[(1) If any authorised officer has reason to believe that the provisions of 2[sections 3, 4A], 5, 6 or 8 have been or

are being contravened by any cable operator, he may seize the equipment being used by such cable operator for

operating the cable television network.]

(2) No such equipment shall be retained by the authorised officer for a period exceeding ten days from the date of its

seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been

made, has been obtained for such retention.

24

## Section 12 - Confiscation

The equipment seized under sub-section (1) of section 11 shall be liable to confiscation

unless the cable operator from whom the equipment has been seized registers himself as a

cable operator under section 4 within a period of thirty days from the date of seizure of the

said equipment.

## Section 13 - Seizure or confiscation of equipment not to interfere with other punishment

No seizure or confiscation of equipment referred to in section 11 or section 12 shall prevent

the infliction of any punishment to which the person affected thereby is liable under the



provisions of this Act.

#### Section 14 - Giving of opportunity to the cable operator of seized equipment

(1) No order adjudicating confiscation of the equipment referred to in section 12 shall be

made unless the cable operator has been given a notice in writing informing him of the

grounds on which it is proposed to confiscate such equipment and giving him a reasonable

opportunity of making a representation in writing, within such reasonable time as may be

specified in the notice against the confiscation and if he so desires of being heard in the

matter:

Provided that where no such notice is given within a period of ten days from the days of

the seizure of the equipment, such equipment shall be returned after the expiry of that

period to the cable operator from whose possession it was seized.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil

Procedure, 1908 (5 of 1908) shall, so far as may be, apply to every proceeding referred to in

sub-section (1).

#### Section 15 - Appeal

(1) Any person aggrieved by any decision of the court adjudicating a confiscation of the

equipment may prefer an appeal to the court to which an appeal lies from the decision of

such court.

(2) The appellate Court may, after giving the appellant an opportunity of being heard, pass

such order as it thinks fit confirming, modifying or revising the decision appealed against or

25

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 subsection (2).

#### Chapter 4 - OFFENCES AND PENALTIES

(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 subsection (2).

#### Section 16 - Punishment for contravention of provisions of this Act

1[( 1)] Whoever contravenes any of the provisions of this Act shall be punishable,-

(a) for the first offence, with imprisonment for a term which may extend to two years or

with fine which may extend to one thousand rupees or with both;

(b) for every subsequent offence, with imprisonment for a term which may extend to five

years and with fine which may extend to Rs. 5, 000.

1[( 2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 ( 2 of

1974), the contravention of section 4-A shall be a cognisable offence under this section.].

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1. Section 16 renumbered as Sub-Section ( 1) and Sub-Section (2)  
Inserted by Cable

Televesion Networks (Regulation) Amendment Act, 2002 (2 of 2003)

#### Section 17 - Offences by companies

(1) Where an offence under this Act has been committed by a company, every person who,

at the time the offence was committed, was in charge of and was responsible to the company

for the conduct of the business of the company, as well as the company, shall be deemed to

be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to

any punishment, if he proves that the offence was committed without his knowledge or

that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act

has been committed by a company and it is proved that the offence has been committed with

the consent or connivance of, or is attributable to any negligence on the part of, any

director, manager, secretary or other officer of the company, such director, manager,

secretary or the officer shall also be deemed to be guilty of that offence and shall be liable to

be proceeded against and punished accordingly.

Explanation : For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of

individuals; and

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

26

Section 18 - Cognizance of offences

No Court shall take cognizance of any offence punishable under this Act except upon a

complaint in writing made 1 [by any authorised officer].

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1. Substituted by Act 36 of 2000, section 7, for certain words (w.e.f. 1-9-2000).

Chapter 5 - MISCELLANEOUS

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. Substituted by Act 36 of 2000, section 7, for certain words (w.e.f. 1-9-2000).

Section 19 - Power to prohibit transmission of certain programmes in public interest

Where<sup>1</sup>[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<sup>2</sup>[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.

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

2. Substituted by Act 36 of 2000, section 8, for " any particular programme if it is" (w.e.f.

1-9-2000).

Section 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

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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

27

advertisement code referred to in section 6, it may by order, regulate or prohibit the

transmission or re-transmission of such programme.]

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

1-9-2000).

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

Section 21 - Application of other laws not barred

The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and

Cosmetics Act, 1940 (23 of 1940), the Pharmacy Act, 1948 (8 of 1948), the Emblems and

Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Drugs (Control) Act, 1950

(26 of 1950), the Cinematograph Act, 1952 (37 of 1952), the Drugs and Magic Remedies

(Objectionable Advertisements) Act, 1954 (21 of 1954), the Prevention of Food Adulteration

Act, 1954 (37 of 1954), the Prize Competitions Act, 1955 (42 of 1955), the Copyright Act,

1957 (14 of 1957), the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Indecent

Representation of Women (Prohibition) Act, 1986 (60 of 1986) 1[the Consumer Protection

Act, 1986 (68 of 1986) and the Telecom Regulatory Authority of India Act, 1997] (68 of

1986).

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1. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011

for the following :- "and the Consumer Protection Act, 1986"

Section 22 - Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make rules to carry

out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules

may provide for all or any of the following matters, namely:-

2[(a) the eligibility criteria for different categories of cable operators under

sub-section (2) of section 4;]

3[(aa) the form of application, documents to be accompanied and the fees payable

under sub-section (4) of section 4;]

4[(aaa) the terms and conditions of registration under sub-section (6) of section 4;]

5[(aaaa) the appropriate measures under sub-section (2) of section 4A for

implementation of the notification under sub-section (1) of that section;]

(b) the programme code under section 5;

(c) the advertisement code under section 6;

(d) the form of register to be maintained by a cable operator under section 7;

5[(da) the specifications of interference standards for interfering with any

telecommunication system under section 10;]

(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 maybe; so, however, that any such modification or annulment shall be

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

29

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1. Inserted by Cable Television Networks (Regulation) Amendment Act, 2002 (2 of 2003).

2. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011

Prior to Substitution it read as under:- "(a) the form of application and the fee payable under sub-section ( 2) of section 4;"

3. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011

Prior to Substitution it read as under:-

1[(aa) the manner of publicising the subscription rates and the periodical intervals at which such subscriptions are payable under sub-section ( 7) of section 4A;

4. Substituted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011

Prior to Substitution it read as under:-

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

5. Inserted by the Cable Television Networks (Regulation) Amendment Act, 2011 (Act No. 21 of 2011) w.e.f. 25.10.2011.

30

Section 23 - Repeal and saving

(1) The Cable Television Networks (Regulation) Ordinance, 1995 (3 of 1995) is hereby

repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said

Ordinance, shall be deemed to have been done or taken under the corresponding provision of

this Act.

Amending Act 1 - AMENDMENT ACT

THE CABLE TELEVISION NETWORKS (REGULATION) AMENDMENT  
ACT, 2002

[Act No. 2 of 2003]

[31st December, 2002]

PREAMBLE

An Act further to amend the Cable Television Networks (Regulation) Act, 1995.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:--

1. Short title

This Act may be called the Cable Television Networks (Regulation) Amendment Act, 2002.

2. Insertion of new section 4A

In the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) (hereinafter referred to

as the principal Act), after section 4, the following section shall be inserted, namely:--

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

(1) Where the Central Government is satisfied that it is necessary in the public

interest so to do, it may, by notification in the Official Gazette, make it obligatory for

every cable operator to transmit or retransmit programme of any pay channel

through an addressable system with effect from such date as may be specified in the

notification and different dates may be specified for different States, cities, towns or

areas, as the case may be.

(2) If the Central Government is satisfied that it is necessary in the public interest so

to do, it may, by notification in the Official Gazette, specify one or more free-to-air

channels to be included in the package of channels forming basic service tier and any

or more such channels may be specified, in the notification, genre-wise for providing a

programme mix of entertainment, information, education and such other

programmes.



(3) The Central Government may specify in the notification referred to in sub-section

(2), the number of free-to-air channels to be included in the package of channels

31

forming basic service tier for the purposes of that sub-section and different numbers

may be specified for different States, cities, towns or areas, as the case may be.

(4) If the Central Government is satisfied that it is necessary in the public interest so

to do, it may, by notification in the Official Gazette, specify the maximum amount

which a cable operator may demand from the subscriber for receiving the programmes

transmitted in the basic service tier provided by such cable operator.

(5) Notwithstanding anything contained in sub-section (4), the Central Government

may, for the purposes of that sub-section, specify in the notification referred to in that

sub-section different maximum amounts for different States, cities, towns or areas, as

the case may be.

(6) Notwithstanding anything contained in this section, programmes of basic service

tier shall be receivable by any subscriber on the receiver set of a type existing

immediately before the commencement of the Cable Television Networks (Regulation)

Amendment Act, 2002 without any addressable system attached with such receiver

set in any manner.

(7) Every cable operator shall publicise, in the prescribed manner, to the subscribers

the subscription rates and the periodic intervals at which such subscriptions are

payable for receiving each pay channel provided by such cable operator.

(8) The cable operator shall not require any subscriber to have a receiver set of a

particular type to receive signals of cable television network:

Provided that the subscriber shall use an addressable system to be attached to his

receiver set for receiving programmes transmitted on pay channel.

(9) Every cable operator shall submit a report to the Central Government in the

prescribed form and manner containing the information regarding--

(i) the number of total subscribers;

(ii) subscription rates;

(iii) number of subscribers receiving programmes transmitted in basic service tier

or particular programme or set of programmes transmitted on pay channel,

in respect of cable services provided by such cable operator through a cable television

network, and such report shall be submitted periodically at such intervals as may be

prescribed and shall also contain the rate of amount, if any, payable by the cable

operator to any broadcaster.

Explanation.- For the purposes of this section,-

(a) "addressable system" means an electronic device or more than one electronic devices

put in an integrated system through which signals of cable television network can be sent

in encrypted or unencrypted form, which can be decoded by the device or devices at the

premises of the subscriber within the limits of authorisation made, on the choice and

request of such subscriber, by the cable operator to the subscriber;

(b) "basic service tier" means a package of free-to-air channels provided by a cable

operator, for a single price to the subscribers of the area in which his cable television

network is providing service and such channels are receivable for viewing by the

subscribers on the receiver set of a type existing immediately before the commencement

of the Cable Television Networks (Regulation) Amendment Act, 2002 without any

addressable system attached to such receiver set in any manner;

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

(d) "encrypted", in respect of a signal of cable television network, means the changing of

such signal in a systematic way so that the signal would be unintelligible without a

suitable receiving equipment and the expression "unencrypted" shall be construed

32

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.'

### 3. Amendment of section 9

In section 9 of the principal Act, the following proviso shall be inserted, namely:--

"Provided that the equipment required for the purposes of section 4A shall be installed by

cable operator in his cable television network within six months from the date, specified

in the notification issued under sub-section (1) of that section, in accordance with the

provisions of the said Act for said purposes".

### 4. Amendment of section 11

In section 11 of the principal Act, in sub-section (1), for the word and figure "section 3," the

word, figures and letter "section 3, 4A," shall be substituted.

### 5. Amendment of section 16

Section 16 of the principal Act shall be numbered as sub-section (1) thereof, and after

sub-section (1) as so numbered, the following subsection shall be inserted, namely:--

"(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".

#### 6. Amendment of section 22

In section 22 of the principal Act, in sub-section (2), after clause (a), the following clauses

shall be inserted, namely:-

"(aa) the manner of publicising the subscription rates and the periodical intervals at

which such subscriptions are payable under sub-section (7) of section 4A;

(aaa) the form and manner of submitting report under sub-section (9) of section 4A and

the interval at which such report shall be submitted periodically under that sub-section;"

#### Amending Act 2 - CABLE TELEVISION NETWORKS (REGULATION) AMENDMENT ACT, 2007

#### THE CABLE TELEVISION NETWORKS (REGULATION) AMENDMENT ACT, 2007

[Act No. 25 of 2007]

[28th May, 2007]

#### PREAMBLE

An Act further to amend the Cable Television Networks (Regulation) Act, 1995.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:--

#### 1. Short title

This Act may be called the Cable Television Networks (Regulation) Amendment Act, 2007.

33

#### 2. Amendment of section 8 of Act 7 of 1995

In the Cable Television Networks (Regulation) Act, 1995, in section 8, for subsections (1) and (2), the following

sub-sections shall be substituted, namely:--

"(1) Every cable operator shall re-transmit,--

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

Government by notification in the Official Gazette;

(ii) at least two Doordarshan terrestrial channels and one regional language channel of a State in the prime

band,

in satellite mode on frequencies other than those carrying terrestrial frequencies.

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

34