

Bill No. 126 of 2011

THE CABLE TELEVISION NETWORKS (REGULATION)
SECOND AMENDMENT BILL, 2011

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BILL

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

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Cable Television Networks (Regulation) Second Amendment Act, 2011.

Short title
and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

7 of 1995. 2. In the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as the principal Act), after section 5, the following section shall be inserted, namely:—

Insertion of
new section
5A.

10 "5A. (1) No cable operator shall carry or include in his cable service any satellite or terrestrial television broadcast or channel unless such broadcast or channel has been—

Prohibition on
re-transmission
of unregistered
channels.

15 (a) registered with, or permitted by, the Central Government for being viewed within the territory of India, in accordance with the policy guidelines for downlinking of television channels as may be specified by the Central Government from time to time; or

(b) approved by the Central Government for being viewed within the territory of India; or

(c) allowed in accordance with the provisions of any Central Act or rules made thereunder for being viewed within the territory of India.

(2) The provision contained in sub-section (1) shall be applicable irrespective of the manner of reception of such satellite or terrestrial television broadcast or channel, as the case may be, by the cable operator." 5

Amendment
of section 11.

3. In section 11 of the principal Act, in sub-section (1), for the word, figures and letter "section 3, 4A, 5", the word, figures and letters "section 3, 4A, 5, 5A" shall be substituted.

Amendment
of section 16.

4. In section 16 of the principal Act,— 10

(a) in sub-section (1),—

(i) in clause (a), for the words "one thousand rupees", the words "one lakh rupees" shall be substituted;

(ii) in clause (b), for the words "five thousand rupees", the words "three lakh rupees" shall be substituted; 15

(b) after clause (b), as so amended, the following proviso shall be inserted, namely:—

"Provided that in case of contravention of the provisions of section 5A, the fine for the first offence shall not be less than fifty thousand rupees and for the second or any subsequent offence shall not be less than one lakh rupees."; 20

(c) in sub-section (2), for the word, figure and letter "section 4A", the words, figures and letters "section 4A or section 5A" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Cable Television Networks (Regulation) Act, 1995 was enacted for the purpose of regulating the operations of cable television networks in the country so as to bring uniformity in their operations, avoid undesirable programmes from being made available to viewers as well as to enable the optimal exploitation of the technology which had the potential of making available to the subscribers a vast pool of information and entertainment.

2. It has come to the notice of the Central Government that instances of illegal transmission or re-transmission of unregistered channels by cable operators in different parts of the country take place as a result of the availability of signals of foreign television channels *via* satellite. There have also been instances of illegal carriage of terrestrial channels by cable operators in some border areas of the country. Several complaints have been received by the Central Government against cable operators showing illegal channels which have neither been permitted to uplink from India nor permitted or registered to downlink into India, as per the Uplinking and Downlinking Guidelines. The contents of some of these channels are found to be not conducive to the security environment of the country and may pose a potential threat to the peace and security of the country. It is, therefore, considered necessary to bring in necessary amendments in the Cable Television Networks (Regulation) Act, 1995 to make its provisions more stringent and also to enhance the punishment to have necessary deterrent effect.

3. The Bill, *inter alia*, proposes to amend the aforesaid Act so as to—

(i) prohibit transmission or re-transmission of unregistered channels irrespective of the manner of reception of such satellite or terrestrial television broadcast or channel by any cable operator;

(ii) enhance the punishment provided for contravention of the provisions of the Act as provided in section 16 thereof—

(a) from imprisonment for a term of two years or with fine which may extend to one thousand rupees or with both, as at present for the commission of the first offence, to imprisonment for a term of two years or with fine which may extend to one lakh rupees or with both;

(b) imprisonment for a term of five years and with fine which may extend to five thousand rupees or with both, as at present for the commission of the subsequent offence, to imprisonment for a term of five years and with fine which may extend to three lakh rupees or with both.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 7th December, 2011.

AMBIKA SONI.

ANNEXURE

EXTRACTS FROM THE CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995

(7 OF 1995)

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CHAPTER III

SEIZURE AND CONFISCATION OF CERTAIN EQUIPMENT

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

11. (1) If any authorised officer has reason to believe that the provisions of section 3, 4A, 5, 6 or 8 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network.

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CHAPTER IV

OFFENCES AND PENALTIES

Punishment for contravention of provisions of this Act.

16. (1) Whoever contravenes any of the provisions of this Act shall be punishable,—

(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the contravention of section 4A shall be a cognizable offence under this section. 2 of 1974.

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LOK SABHA

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BILL

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

(Smt. Ambika Soni, Minister of Information and Broadcasting)