



Bill Summary

The Cable Television Networks (Regulation) Amendment Bill, 2011

- The Cable Television Networks (Regulation) Amendment Bill, 2011 was introduced in the Lok Sabha on November 28, 2011 by Ms. Ambika Soni, Union Minister of Information and Broadcasting. The Bill amends the Cable Television Networks (Regulation) Act, 1995, and repeals the Cable Television Networks (Regulation) Amendment Ordinance, 2011.
- The Cable Television Networks (Regulation) Act, 1995 requires and provides a mechanism for registration of all cable operators. The Act empowers the central government to appoint a registering authority to review applications and grant registrations.
- The Act defines ‘pay channels’ as channels for which ‘addressable systems’ are required to be attached to the set top box. The Bill redefines ‘pay channels’ to mean channels for which the cable operator pays the broadcaster and the broadcaster’s permission is required for transmission of the channel.
- An addressable system consists of electronic devices in an integrated system through which signals of cable television can be sent. In the Act, the addressable system could transmit signals that were both encrypted and decrypted. However, under the Bill, the addressable system may only transmit encrypted signals.
- The Act empowers the central government to make it obligatory for cable operators to transmit any pay channel through addressable systems. The Act also requires the cable operators to submit reports on the total number of subscribers, subscription rates, and the number of subscribers for free-to-air and pay channels.
- The Bill would empower the central government to issue notifications requiring all cable operators to transmit any channel, including free-to-air channels, in an encrypted form through a digital addressable system. The cable operators will be given a minimum of six months to install the equipment required for such transmission. In the interim, in order to be registered, new cable operators would have to make an undertaking to transmit channels in encrypted form.
- The central government may direct the Telecom Regulatory Authority of India (TRAI) to specify the free-to-air channels to be included in the basic service tier. It may also direct TRAI to specify the tariff rate at which the cable operators would provide basic service tier to the consumer.
- Under the Bill, a cable operator may lay cables and erect posts on public property upon receiving permission from the relevant public authority. The public authority may impose a liability to pay expenses, and conditions on the time and mode of execution of such work on the cable operator. This right of way is subject to the cable operator’s obligation of restoration of property.
- The Bill would empower the registration authority to refuse registration if the cable operator does not meet eligibility requirements that may be prescribed under the amended Act. The central government may prescribe additional eligibility criteria related to matters such as, sovereignty, integrity and security of India, public order, decency and morality.
- The decisions of the registering authority to refuse grant or renewal of registration may be appealed against before the central government.
- The Bill would authorise the central government to inspect cable networks and services. Prior notice may not be given to the cable operator or broadcaster if it would defeat the purpose of the inspection.
- The Act authorised the seizure of the cable operators’ equipment if the cable operator violates provisions of the Act. This period of seizure was limited to 10 days and could be extended by an order of the District Judge. Under the Bill, there is no limitation on the period of seizure.
- The Bill would empower the central government to revoke or suspend a cable operator’s registration if he violates the terms of registration. Prior to taking such action, the cable operator has to be given an opportunity to be heard.

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