

## THE CABLE TELEVISION NETWORKS RULES, 1994

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## THE CABLE TELEVISION NETWORKS RULES, 1994<sup>1</sup>

In exercise of the powers conferred by sub-section (1) of section 22 of the Cable Television Networks (Regulation) Ordinance, 1994 (9 of 1994)<sup>2</sup>, the Central Government makes the following rules, namely :

**1. Short title and commencement.**—(1) These rules may be called the Cable Television Networks Rules, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**—In these rules, unless the context otherwise requires. —

- (a) 'cable operator' means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television networks.
- (b) 'cable service' means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals .
- (c) 'cable television network' means any system consisting of a set of closed transmission paths and associated signals generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;
- (d) 'company' means a company defined in section 3 of the Companies Act, 1956;
- (e) 'form' means form appended to these rules;
- (f) 'person' means—
  - (i) an individual who is a citizen of India;
  - (ii) an association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;
  - (iii) a company in which not less than fifty-one percent, of the paid-up share capital is held by the citizens of India;
- (g) 'programme' means any television broadcast and includes —
  - (i) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;
  - (ii) any audio or visual or audio-visual live performance or presentation; and the expression 'programming service' shall be construed accordingly;
- (h) 'registering authority' means the registering authority notified under clause (h) of section 2 of the Cable Television Networks (Regulation) Ordinance 1994.<sup>3</sup>
- (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.

<sup>1</sup> Notification No. GSR 729(E), published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 29 September, 1994.

<sup>2</sup> Now the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).

<sup>3</sup> Now the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).

**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.

<sup>4</sup>[(3) (a) Every application for registration or renewal of registration shall be accompanied by—

- <sup>5</sup>(i) a fee of rupees five hundred only; and
- (ii) the requisite documents mentioned in Forms 1 and 2.

(b) Every application for issue of duplicate certificate of registration shall be accompanied by—

- (i) a fee of rupees two hundred and fifty only; and
- (ii) the requisite documents mentioned in Form 1.

(4) The amount of fee shall be deposited under the Head Post Office where the application for registration or renewal of registration or issue of duplicate certificate of registration is being made.

(5) The amount of the fees shall be deposited under the head 'un-classified receipts (U.C.R.);]

**4. Examination of applications.**—On receipt of an application under rule 3 of the registering authority shall examine the application having regard to the provisions of the section 4 of the Ordinance.<sup>6</sup>

**5. Registration.**— <sup>7</sup>[(1)] On being satisfied that the applicant fulfils the provisions of the 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.

<sup>8</sup>[(2) On receipt of an application under clause (b) sub-rule 3 for issue duplicate certificate, the registering authority shall examine the application having regard to the provisions of rule 3 and shall issue a duplicate registration certificate in Form 3A.]

**6. Programme Code.**—(1) No programme should be carried in the cable service which—

- (a) offends against good taste or decency;
- (b) contains criticism of friendly countries;
- (c) contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;

<sup>4</sup> Now the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).

<sup>5</sup> Substituted by GSR 459(E), dated 8.10.1996.

<sup>6</sup> Now the Cable Television Network (Regulation) Act, 1995 (7 of 1995).

<sup>7</sup> Rule 5 renumbered as sub-rule (1) thereof by GSR 459(E), dated 8.10.1996 with effect from 8.10.1996..

<sup>8</sup> Inserted by GSR 459(E), dated 8.10.1996, w.e.f. 8.10.1996.

- (d) contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
- (e) is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes.
- (f) contains anything amounting to contempt of court.
- (g) contains aspersions against the integrity of the President and Judiciary;
- (h) contains anything affecting the integrity of the Nation;
- (i) criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
- (j) encourages superstition or blind belief;
- (k) denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
- (l) denigrates children;
- (m) contains visuals or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups;
- (n) contravenes the provisions of the Cinematograph Act, 1952 (37 of 1952).

<sup>9</sup>[(o) is not suitable for unrestricted public exhibition.]

(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.

<sup>10</sup>[(3) No cable operator shall carry or include in his cable service any programme in respect of which copyright subsists under the <sup>11</sup>[Copyright 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 bad language or explicit scenes of violence.

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

**6A.** <sup>12</sup>[\*\*\*\*\*]

**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;

<sup>9</sup> Inserted by GSR 710(E), dated 8.9.2000, with effect from 8.9.2000.

<sup>10</sup> Substituted by GSR 710(E), dated 8.9.2000, with effect from 8.9.2000.

<sup>11</sup> Substituted by GSR 26(E), dated 8.9.2000, with effect from 8.9.2000.

<sup>12</sup> Rule 6A inserted by GSR 597(E), dated 20.8.1999, with effect from 20.8.1999 and rescinded by GSR 719(E), dated 13.9.2000.

- (ii) is against any provision of the Constitution of India:
  - (iii) tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;
  - (iv) presents criminality as desirable;
  - (v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;
  - (vi) in its depiction of women violates the Constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service is tasteful and aesthetic, and is within the well established norms of good taste and decency;
  - (vii) exploits social evils like dowry, child marriage.
  - <sup>13</sup>[(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.
- <sup>14</sup>[(3A) No advertisement shall contain reference which hurt religious sentiments.]
- (4) The goods or services advertised shall not suffer from any defect or deficiency as mentioned in the Consumer Protection Act, 1986.
- (5) No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.
- (6) The picture and the audible matter of the advertisement shall not be excessively 'loud'
- (7) No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.
- (8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements.

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<sup>13</sup> Inserted by GSR 710(E), dated 8.9.2000, with effect from 8.9.2000.

<sup>14</sup> Inserted by GSR 710(E), dated 8.9.2000, with effect from 8.9.2000.

(9) No advertisement which violates the standards of practice for advertising agencies as approved by the Advertising Agencies Association of India, Bombay, from time to time shall be carried in the cable service.

(10) All 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.

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

<sup>15</sup>**9. Manner of publicising the subscription rates of pay channels—**(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 subscription are payable for receiving of the various pay channels provided by such cable operator.

(2) Every cable operator shall, while so publicising, 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.

**10. Submission of report to the Central Government.**—(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.

**11. Declaration to channels as 'free-to-air' and 'pay'**—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 15 June 2003.

<sup>16</sup>**12. Responsibility of cable operators in certain cases.**—In the event of cable operators not being in a position by the 31 August 2003 to declare whether a 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 31 August 2003.

<sup>15</sup> Inserted by GSR 459(E), dated 6.6.2003, with effect from 6.6.2003.

<sup>16</sup> Substituted by GSR 715(E), dated 8.9.2003, with effect from 8.9.2003.

**13. Provisions for set top boxes.**— The cable operator shall make provisions for rent and security deposits, or refund thereof as well as warranty, repair and maintenance in the manner notified by the Government.]

<sup>17</sup>[**14. Manner of making provisions for rent, security deposit, etc., for set top boxes.**— (1) The cable operator will intimate to each subscriber in writing and at least fifteen days before the introduction of 'Conditional Access System', in the specified area of service, the following details of set top boxes:

- (a) Type of set top box whether analogue or digital, its main physical functions and its conformity with the Bureau of Indian Standards.
- (b) Details of payment schemes, including validity period of the offers on sale, hire purchase, or rent of set top box and amount of refundable security deposit payable by the cable subscriber.
- (c) Maximum time for refund of security deposit to any cable subscriber who returns to set top box.
- (d) Details of maintenance facility available with the cable operators.
- (e) Maximum time to repair/replace the set top box.
- (f) Period of warranty of the set top boxes.

(2) The cable operator shall also furnish the information required in sub-rule (1) above to the Ministry of Information and Broadcasting, duly authenticated by its authorised signatory.]

<sup>18</sup>FORM 1

(See rule 3 (1))

(To be submitted in duplicate)

FORM OF APPLICATION FOR \*REGISTRATION/RENEWAL OF REGISTRATION/ISSUE OF  
DUPLICATE CERTIFICATE OF REGISTRATION AS A CABLE OPERATOR

To

The Head Postmaster

Head Post Office

.....

**Application for \*registration/renewal of registration/issue of duplicate certificate of registration as a cable operator**

1. (a) Name of Applicant (individual/firm/company/association of persons/ body of individuals)\*  
(b) \*Age/Date of establishment/Date of incorporation.
2. (a) Address (office)  
(b) Telephone Number (if any)
3. (a) Nationality (for individual applicants/body of individuals)  
(b) By birth/domicile.

<sup>17</sup> Substituted by GSR 715(E), dated 8.9.2003, with effect from 8.9.2003.

<sup>18</sup> Substituted by GSR 459(E), dated 8.10.1996, with effect from 8.10.1996.

4. (a) Amount of fee paid for \*registration/  
renewal/ issue of duplicate certificate  
Rs.....
- (b) Name of Head Post Office.....  
(Attach copy of challan *vide* which the fees  
have been deposited)
5. Area in which cable television network is  
working/ proposed to be set up.....
6. Date from which the cable television network  
is operating/proposed to be set up.....
7. Number of channels being provided/  
proposed to be provided (with names)  
.....
8. (a) Whether using Television Receive Only  
(TVRO) Yes/No
- (b) If yes, number and size of TVRO.....
- (c) Location.....
9. Names of Doordarshan satellite channels  
included in cable service.....
10. Copy of earlier registration certificate enclosed.  
(To be filled in only for renewal of  
registration). Yes/No
11. (a) State reasons for issue of duplicate  
certificate of registration.....  
(Attach mutilated or defaced original  
certificate of registration/copy of report  
made to the police in case of theft or loss of  
the original certificate)
- (b) Period of validity of the original  
Registration Certificate for which the  
duplicate Registration Certificate is being  
sought.....  
(To be filled in only for issue of duplicate  
Registration Certificate)
12. Declaration in Form 2 enclosed. Yes/No  
(To be filled in for \*registration/renewal of  
registration only)

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

.....  
Signature of Applicant  
\*(Individual/firm/company/association  
of persons/body of individuals)



Place: ..... Name .....  
Date: ..... Address .....

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

FORM 2  
(see rule 3(1-3))

I/We ..... the applicant(s) \*(individual/ firm/ company/ association of person/body of individuals) for registration as a cable operator/renewal of registration as a cable operator do hereby declare that, –

- (i) I/We shall ensure that my / our television network shall be run in accordance with the provisions of the Cable Television Networks (Regulation) Act, 1995 at all times.
- (ii) I/We shall not permit/associate any person who is not eligible to run a cable television network under the Cable Television Networks (Regulation) Act, 1995 to run/with the running of my/our cable television network.
- (iii) I/We shall strive to the best of my / our ability to provide cable service to the satisfaction of the subscriber (s) of my/our cable television network.
- (iv) I/We shall strive to the best of my / our ability to ensure that my / our cable television network is not used for any unlawful purpose.
- (v) I/We shall obtain the necessary approval/clearance from the relevant authority for the running of my / our cable television network.
- (vi) I/We shall abide by any direction issued by the Central Government in respect of the running of a cable television network within India.

.....  
Signature of Applicant

\*(Individual/firm/company/association of persons/body of individuals )

Name .....  
Address .....

Place: .....  
Date: .....

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

FORM 3  
(See rule 5)  
GOVERNMENT OF INDIA  
HEAD POST OFFICE  
REGISTRATION CERTIFICATE NUMBER

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

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

3. This registration certificate is not transferable.

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

.....  
Head Post Master

Place:.....

Head Post Office

Date:.....

(town/city)

To be displayed prominently on the premises of the cable operator.

\* Tick whichever is appropriate.

<sup>19</sup>FORM 3A

(See Rule 5(2))

GOVERNMENT OF INDIA

HEAD POST OFFICE

DUPLICATE REGISTRATION CERTIFICATE

1. Shri/Shrimati/M/s ..... resident of ..... is registered as a cable operator \*(individual/firm/ company/ association of persons or body of individuals) for running a cable television network at the following address ..... in the City/Town of ..... for a period of twelve months with effect from .....(date from which the original Registration Certificate was valid).

His Registration number is .....

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

3. This Registration Certificate is not transferable.

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

.....  
Head Post Master

Place: .....

Head Post Office

<sup>19</sup>

Inserted by GSR 459(E), dated 8.10.1996, with effect from 8.10.1996.

Date: ..... (town/city)

To be displayed prominently on the premises of the cable operator.

\* Tick whichever is appropriate.

FORM 4

(See proviso to rule 5(3))

To

.....

Sir,

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

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

Place: ..... Head Post Master

Date: ..... Head Post Office

FORM 5

(See rule 8)

FORM OF REGISTER TO BE MAINTAINED BY EACH CABLE OPERATOR.

Sl. No.	Encrypted channel/ programme	Duration from ..... to .....	Date	Month	Year
1	2	3	4	5	6

.....  
Signature of cable operator

<sup>20</sup>FORM 6

FORM OF REPORT FOR SUBMISSION TO THE CENTRAL GOVERNMENT BY THE CABLE OPERATOR

(See rule 10)

S. No. Details to be furnished

1. Total subscriber base of the cable operator.

<sup>20</sup>

Inserted by GSR 459(E), dated 6.6.2003, with effect from 6.6.2003.

- 2. (i) Total number of subscribers to pay channels; and  
(ii) Total number of pay channels being subscribed to.
- 3. (a) Total number of subscribers to free-to-air channels; and  
(b) Total number of such free-to-air channels being subscribed to.
- 4. Total number of subscribers subscribing only to free-to-air channels.
- 5. Rates of each pay channel [channel-wise].
- 6. Discounts, if any, offered in the event of subscribing to more than a channel [channel-wise].

.....

Signature of cable operator

Regn. No. ....

Valid upto .....

Name of P.O. which has issued .....

Certificate of registration.....

Place: .....

Date: .....

\_\_\_\_\_