

THE CABLE TELEVISION NETWORKS RULES, 1994

[29TH SEPTEMBER, 1994]

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

1. Short title and commencement. (1) These rules may be called the Cable Television Networks Rules, 1994. (2) They shall come into force on the date of their publication in the Official Gazette. 2. Definitions.- In these rules, unless the context otherwise requires.-

(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* .

(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.

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 Vide Notification No. GSR 729(E), dated 29th September, 1994

published in the Gazette of India Extra., Pt.II, sec. 3(i) dated 29th September, 1994.
* . Now the Cable Television Networks (Regulation) Act. 1995 (7 of 1995) Form 1 and shall be renewable after every twelve months.

(2) The application shall be addressed to the Registering Authority and delivered to his officer in form 1.

(3) Every application shall be accompanied by-

(a) 1[a fee of Rs. 100] vide Postal Order No.----- dated -----on Post Office and
(b) the requisite documents mentioned in Forms 1 and 2.

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*.

Registration. 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.

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 ;

(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.

(2) The cable operator should strive to carry programmes in his cable service which project women in a positive, leadership role of sobriety, moral and character building qualities.

(3) Programmes meant for adults should normally be carried in the cable service after 11 p.m. and before 6 a.m.

* Now the cable Television Networks (Regulation) Act, 1995 (7 of 1995).

1.Subs. by G.S.R. 820(E), dated 28th December, 1995 (w.e.f. 28-12-1995)

(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 numbers of children are viewing.

Advertising code.

(1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which-

(i) derides any race, caste, colour, creed and nationality ;

(ii) is against any provision of the Constitution of India:

(iii) tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;

(iv) presents criminality as desirable;

(v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a state dignitary;

(vi) in its depiction of women violates the Constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that 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.

(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.

(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.

(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.

Register.

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