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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 1st January, 2003/Pausa 11, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2002 and is hereby published for general information:—

THE CABLE TELEVISION NETWORKS (REGULATION) AMENDMENT ACT, 2002

No. 2 OF 2003

[31*st December*, 2002.]

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

7 of 1995. 2. In the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as the principal Act), after section 4, the following section shall be inserted, namely:— Insertion of new section 4A.

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

(*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 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 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.'.

Amendment of section 9.

3. 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.".

Amendment of section 11.

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

Amendment of section 16.

5. Section 16 of the principal Act shall be numbered as sub-section (*1*) thereof, and after sub-section (*1*) as so numbered, the following sub-section shall be inserted, namely:—

"(*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.

Amendment of section 22.

6. 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;".

SUBHASH C. JAIN,
Secy. to the Govt. of India.

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