

36

**STANDING COMMITTEE ON
INFORMATION TECHNOLOGY
(2011-12)**

FIFTEENTH LOK SABHA

MINISTRY OF INFORMATION AND BROADCASTING

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

THIRTY-SIXTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2012/ Bhadrapada, 1934 (Saka)

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Presented to Lok Sabha on 28 August, 2012

Laid in Rajya Sabha on 28 August, 2012



LOK SABHA SECRETARIAT

NEW DELHI

August, 2012/ / Bhadrapada, 1934 (Saka)

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COMPOSITION OF STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-12)

Shri Rao Inderjit Singh - Chairman

Lok Sabha

2. Shri Rajendra Agrawal
3. Smt. Sarika D.S. Baghel
4. Shri Nikhil Kumar Choudhary
5. Shri H.D. Devegowda
6. Dr. Charles Dias
- * 7. Shri A. Ganeshamurthi
8. Shri Rajen Gohain
9. Smt. Darshana Jardosh
10. Dr. Tarun Mandal
11. Shri P.R. Natarajan
12. Shri Tapas Paul
13. Shri Tathagata Satpathy
- #14. Smt. Supriya Sule
15. Smt. Seema Upadhyay
16. Vacant
17. Vacant
18. Vacant
19. Vacant
20. Vacant
21. Vacant

Rajya Sabha

- @ 22. Shri Joy Abraham
23. Shri M.P. Achuthan
24. Shri Mohammed Adeeb
25. Shri Salim Ansari
26. Shri Rajkumar Dhoot
- **27. Dr. Bhushan Lal Jangde
28. Shri Prabhat Jha
29. Prof. Alka Balram Kshatriya
30. Shri Jesudasu Seelam
- @ 31. Shri Sachin Ramesh Tendulkar

Secretariat

1. Shri Brahm Dutt - Joint Secretary
2. Smt. Sudesh Luthra - Director
3. Shri Shangreiso Zimik - Committee Officer

* Nominated to the Committee w.e.f. 29th November, 2011.

** Nominated to the Committee w.e.f. 4th May, 2012 *vice* Shri P. Rajeeve, M.P. Rajya Sabha

Nominated to the Committee w.e.f. 17th May, 2012

@ Nominated to the Committee w.e.f. 11th July, 2012 *vice* Shri Rajeev Chandrasekhar and Shri Ravi Shankar Prasad, M.P. Rajya Sabha

ABBREVIATION

AC	:	Advertisement Code
CoS	:	Committee of Secretaries
CTN	:	Cable Television Networks
DAS	:	Digital Addressable System
DD	:	Doordarshan
DM	:	District Magistrate
DoP	:	Department of Posts
DTH	:	Direct to Home
EMMC	:	Electronic Media Monitoring Centre
IB	:	Intelligence Bureau
ITU	:	International Telecommunications Union
IT	:	Information Technology
IPTV	:	Internet Protocol Television
MHA	:	Ministry of Home Affairs
MSO	:	Multi System Operators
NGO	:	Non Governmental Organisation
NOCC	:	Network Operations Control Centres
NTRO	:	National Technical Research Organisation
PC	:	Programme Code
TRAI	:	Telecom Regulatory Authority of India
TV	:	Television
WPC	:	Wireless Planning and Coordination Wing

INTRODUCTION

I, the Chairman, Standing Committee on Information Technology (2011-12) having been authorized by the Committee to submit the Report on their behalf, present this Thirty-sixth Report on 'The Cable Television Networks (Regulations) Second Amendment Bill, 2011', relating to the Ministry of Information and Broadcasting.

2. The Cable Television Networks (Regulation) Second Amendment Bill, 2011 was introduced in Lok Sabha on 15 December, 2011 and referred to the Committee on 5 January, 2012 for examination and report thereon by the Hon'ble Speaker, Lok Sabha under Rule 331 E (1) (b) of the Rules of Procedure and Conduct of Business in Lok Sabha within three months. On the request of the Committee, the time given was extended till the last week of Monsoon Session of Parliament by the Hon'ble Speaker, Lok Sabha to enable the Committee to have wider consultations and present the Report to the House.

3. The representatives of the Ministry of Information and Broadcasting briefed the Committee on the provisions of the Bill on 24 February, 2012. The Committee took evidence of the representatives of the cable associations, broadcaster associations, and individuals at their sittings held on 7 March, 7 June and 25 June, 2012. The Committee took evidence of the representatives of the Telecom Regulatory Authority of India (TRAI) at their sitting held on 18 June, 2012. The Committee took evidence of the representatives of the Ministry of Information and Broadcasting at their sitting held on 20 July, 2012 and the representatives of the Ministry of Law and Justice (Departments of Legal Affairs and Legislative Department) assisted the Committee in clarifying the legal position with regard to the aforesaid amending legislation.

4. The Report was considered and adopted by the Committee at their sitting held on 22 August, 2012.

5. The Committee wish to express their thanks to the representatives of the Ministry of Information and Broadcasting and Telecom Regulatory Authority of India (TRAI) for tendering evidence before the Committee and providing information that the Committee desired in connection with examination of the Bill. The Committee also wish to express their thanks to the representatives of the Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) in assisting the Committee. The Committee further wish to express their thanks to the organizations/individuals who furnished written information/views as well as those who appeared before the Committee and furnished valuable inputs for consideration of the Committee.

6. For facility of reference and convenience, the Recommendations/Observations of the Committee have been printed in bold in Part-II of the Report.

New Delhi
24 August, 2012
02 Bhadrapada, 1934 (Saka)

RAO INDERJIT SINGH
Chairman,
Standing Committee on
Information Technology

REPORT

PART-I: NARRATION ANALYSIS

History and Background of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'

The Cable Television Networks (Regulation) Second Amendment Bill, 2011 (Appendix-I) was introduced in Lok Sabha on 15 December, 2011 and was referred to the Standing Committee on 5 January, 2012 by Hon'ble Speaker for examination and report to the House within three months i.e. by 4 April, 2012. The Committee at their sitting held on 3 April, 2012 decided that Hon'ble Speaker might be requested to give extension of time for presentation of Report on the aforesaid Bill till the last week of the Eleventh Session of Parliament so as to facilitate wider consultations on the provisions made under the Bill. Hon'ble Speaker, accordingly, agreed to the request of the Committee.

2. The Committee have been informed that the Ministry of Information and Broadcasting has received several complaints against cable operators showing illegal channels which have neither been permitted to uplink from India nor permitted/registered to downlink into India as per the Uplinking and Downlinking Guidelines. Intelligence Bureau had identified around 25 such channels and informed the Government that the contents of these channels are not conducive to the security environment in the country and pose a potential security hazard.

3. The Ministry in their Background Note has also stated that in view of the gravity of the matter, the Ministry of Information and Broadcasting has taken various measures within the ambit of the extant law to stop carriage of these illegal channels. Besides taking up the matter with the State Governments, the Ministry has issued advisories to Associations of Multi System Operators as well as Cable Operators asking them to transmit only those channels that are registered with the Ministry of Information and Broadcasting. The transmission of unregistered channels by cable operators, however, continued.

4. In view of the seriousness and sensitivity of the issue, on a directive from PMO, a meeting of the Committee of Secretaries (CoS) was held on 25 October, 2010 to look into the various options for preventing carriage of illegal channels. Pursuant to the decision taken by the CoS, a group was constituted in the Ministry of Information and Broadcasting on 18 November, 2010 under the Chairmanship of Additional Secretary, Ministry of Information and Broadcasting to examine whether technological intervention is feasible for blocking of signals of illegal channels on a pan India basis and suggest appropriate technological solution for the same. The Group came to the conclusion that technical options to block satellite signals of unregistered channels though available cannot be resorted to as localized blocking of a particular TV channel is neither feasible nor financially viable. Moreover, the option to block any particular channel on a pan India basis by disturbing/jamming the downlink frequency is not internationally acceptable and contravenes the existing provisions of International Telecommunication Union (ITU) constitution as well as provision of Article 21 of Radio Regulations. Any counter interference may even adversely impact the entire Indian Satellite networks/systems.

5. Subsequently, a meeting of the CoS was held on 31 December, 2010 to review the actions taken by the Ministry of Information and Broadcasting in pursuance of the decisions taken by the CoS in its meeting held on 25 October, 2010 and it was decided inter-alia that the Ministry of Information and Broadcasting in consultation with the Ministry of Law and Justice and Ministry of Home Affairs will take action towards incorporating necessary amendments for preventing Cable operators from carrying unregistered channels by suitably amending the CTN (Regulation) Act, 1995.

6. The approval of the Cabinet was then solicited for introduction of the Cable Television Networks (Regulation) Amendment Bill 2011 in Parliament and the Cabinet considered the proposal in its meeting held on 30 August, 2011 and approved the proposal of the Ministry of Information and Broadcasting. It has been mentioned in the Statement of Objects and Reasons that the Bill seeks 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.

7. The Cable Television Network (Regulation) Second Amendment Bill, 2011 containing certain amendments to address the problem of illegal channels was then introduced in Lok Sabha on 15 December, 2011 and referred to the Standing Committee on Information Technology for examination and report to the House.

8. The preliminary meeting of the Committee was held on 24 February, 2012, whereby, the representatives of the Ministry of Information and Broadcasting briefed about the various provisions made in the Bill. Considering the immense importance of the Bill, the Committee invited memoranda containing views/suggestions from various individuals /experts /organisations /stakeholders interested on the subject matter of the Bill through advertisements in print and electronic media. Accordingly, various memoranda from various stakeholders and public at large were received. 4 selected associations/individuals which include cable associations, broadcaster associations, individuals having legal background deposed before the Committee at the sittings held on 7 March, 2012, 7 June, 2012 and 25 June 2012. The aforesaid stakeholders and individuals raised serious reservations/concerns on the provisions made under the Bill. The Committee held detailed interactions with the representatives of the Telecom Regulatory Authority of India (TRAI) at their sitting held on 18 June, 2012. TRAI also furnished written replies to the various issues related to the Bill raised by the Committee. The representatives of the nodal Ministry i.e. the Ministry of Information and Broadcasting deposed before the Committee at the sitting held on 20 July, 2012. The Committee in the process of examination of the Bill called for written replies to various issues that emerged during the course of deliberations on the provisions made under the Bill from the nodal Ministry i.e the Ministry of Information and Broadcasting. The representatives of the Legislative Department and Department of Legal Affairs of the Ministry of Law and Justice assisted the Committee in clarifying the various legal issues.

9. Having examined the provisions made under the Bill after due deliberations and in consultation with the various stakeholders, public at large, Telecom Regulator (TRAI) and in the light of the clarifications /written responses made by the Nodal Ministry as well as clarifications given by the Legislative Department and Department of Legal Affairs, the Committee could arrive at their views on the provisions made under the Bill. The detailed position with regard to the deliberations along with the recommendations/observations of the Committee with regard to the provisions made under the Bill is given in the succeeding chapters of the Report.

CHAPTER-II

II. Analysis of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'

10. '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.

11. It has been mentioned in the Statement of Objects and Reasons of the Bill that the amending legislation has been brought to address the issue of cable operators showing illegal channels which pose potential threat to the peace and security of the country. To achieve the aforesaid objective, the proposed amendment seeks to make the provisions of the Cable Television Networks Regulation Act, 1995 more stringent.

12. While elaborating about the proposed amendment in this regard, the Statement of Objects and Reasons states as under:-

"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."

13. The Ministry elaborated about the amendments in the written note as under:-

“(i) A new section is proposed to be inserted in the Cable Act, namely section 5A, which prohibits cable operators from carrying unregistered satellite or terrestrial channels on their cable service networks irrespective of manner of reception of these channels.

(ii) It is proposed to amend sub-section(1) of section 11 to empower the Authorized Officers to seize the equipments of the Cable operators if it is found that cable operators indulge in re-transmission of illegal channels i.e. violation of section 5A.

(iii) Financial penalties provided under sub-section (1) of section 16 of the Cable Act for violation of the provisions of the Act are proposed to be enhanced from Rs 1000/- to Rs 1,00,000/- for the first offence and Rs 5000/- to Rs 3,00,000/- , on each subsequent offence. It further provides that in case of violation of section 5A, fine imposed for the first offence shall not be less than fifty thousand and for every subsequent offence it shall not be less than one lakh rupees.

(iv) It is proposed to amend sub-section (2) of section 16 to make contravention of section 5A a cognizable offence.”

14. The comparative position with regard to the existing provisions as well as the amending provisions as proposed in the Bill as made available to the Committee by the Ministry is as under:-

Existing Provisions in the Cable TV Networks (Regulation) Act, 1995	Amending Provisions in the Cable TV Networks (Regulation) Second Amendment Bill, 2011
<p>5. Programme code : No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code:</p>	<p>Below this section , the following addition is proposed as section 5A:</p> <p>5A. Prohibition on re-transmission of unregistered channels: (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 –</p> <p>(a) registered with, or permitted by, the Central Government for being viewed within the territory of India, in accordance with the</p>

	<p>policy guidelines for downlinking of television channels as may be specified by the Central Government from time to time; or</p> <p>(b) approved by Central Government for being viewed within the territory of India; or</p> <p>(c) allowed in accordance with the provisions of any Central Act or rules made thereunder for being viewed within the territory of India.</p> <p>(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.</p>
<p>11. Power to seize equipment used for operating the cable television network :- (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.</p>	<p>11. Power to seize equipment used for operating the cable television network :- (1) If any authorised officer has reason to believe that the provisions of section 3, 4A, 5, 5A 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</p>
<p>16. Punishment for contravention of provisions of this Act -- (1) Whoever contravenes any of the provisions of this Act shall be punishable,-</p> <p>(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;</p> <p>(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.</p>	<p>16. Punishment for contravention of provisions of this Act - (1) Whoever contravenes any of the provisions of this Act shall be punishable,-</p> <p>(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to <u>one lakh rupees</u> or with both;</p> <p>(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to <u>three lakhs rupees.</u></p> <p>[New Proviso] Provided that in case of violation of section 5A, fine imposed for the first offence shall</p>

	not be less than fifty thousand rupees and for every subsequent offence it shall not be less than one lakh rupees.
(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), the contravention of section 4A shall be a cognizable offence under this section.]	(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), the contravention of section 4A and 5A shall be a cognizable offence under this section.]

15. The Ministry further clarified the provisions made in the Bill as under:-

“The Bill seeks to insert a new section, namely section 5A, and to amend section 11 and section 16. The amendments proposed in the Act will act as a deterrent and discourage cable operators from carrying illegal channels.

The proposed new section 5A prohibits the cable operators from carrying unregistered satellite or terrestrial channels on their cable service networks irrespective of manner of reception of these channels. This provision will also prohibit cable operators from picking up illegal channels via broadband/internet and re-transmitting them. As is evident in sub-section(1) of section 5A, a cable operator is allowed to carry only those channels which are indicated at clause (a), (b),(c) of sub-section(1) of section 5A. Section 5A(1)(a) covers all satellite channels registered with Ministry of I&B while 5A(1)(b) covers channels approved by the Cabinet such as channel being operated by Indira Gandhi National Open University (IGNOU) [Gyandarshan Channels], Lok Sabha Channel etc. Channels of Prasar Bharati (Doordarshan) are covered under 5A (1) (c). Sub-section (2) of section 5A will address the issue of cable operators picking up content of TV channels, which are not permitted to be downlinked into the country, channels from the internet/broadband and re-transmit the same over the cable networks.

The proposed amendments in section 11 empower the Authorized Officers to seize the equipments of the cable operators if they violate section 5A i.e if it is found that cable operators indulge in re-transmission of illegal channels.

The proposed amendments in sub-section (1) and sub-section (2) of section 16 seek to enhance the existing financial penalties for contravention of provisions of the Cable Act. Keeping in view the gravity of offence of carriage of illegal channels, it has been proposed to impose a bench mark fine for violation of section 5A. In sub-section(1) of section 16

of the Act, it has been proposed to enhance financial penalties for violation of the provisions of the Act from Rs. 1000 to Rs. 1,00,000 for the first offence and Rs. 5000 to Rs. 3,00,000, on each subsequent offence. A new proviso has been added under section 16 specifying the bench mark fine by prescribing a minimum penalty of Rs fifty thousand for the first offence and Rs one lakh for each subsequent offence for violation of section 5A i.e. carriage of illegal channels. Moreover, in sub-section (2) of section 16, section 5A has been inserted to make violation of section 5A a cognizable offence, along with section 4A.”

(i) **Consultations held by the Ministry before finalizing and bringing the legislation to the Parliament**

16. The details of the consultations held by the Ministry in the context of the aforesaid Bill as submitted by the Ministry in the written note are as under:-

Views of Prime Minister’s Officer	Comments of the Ministry of Information and Broadcasting
<p>It is seen that a number of audio/video broadcasters are available on the internet , even in case of those TV channels which are not permitted to be downlinked into the country. The matter is available both as archive (Youtube) and also being streamed live. It is, therefore, important that cable operators are also barred from relaying audio/video feed available on the internet in case of those channels which are not permitted to be downlinked into India.</p> <p>The Ministry may consider the following suggestions:</p> <p>(a) Amend Section 5A as under: (addition in bold) “Prohibition on re-transmission of unregistered channels: No cable operator shall carry or include in his cable service any satellite or terrestrial television broadcast or channel which has not been registered by the Central Government or any such audio/video content available on the internet, for being viewed within the territory of India.”</p>	<p>(a) It is mentioned that internet is, by and large, unregulated, except for certain restrictions under the Information Technology Act. The content on the web available on youtube, facebook, twitter gets picked up regularly by various news TV channels and gets shown on their channels. It is pertinent to mention here that news channels enjoy rights of fair use under copyright provisions for the purpose of carrying copyrighted content on their channels without seeking any separate authorization from the rights holder. Such content, therefore, can also be picked by cable operators for their local cable channels which also carry news. However, responsibility of conformity of such content carried on local cable channels to Programme and Advertisement Codes vests with the cable operators. Further digitalization will enable triple play and the cable operator may also seek ISP license for providing internet services, whereby the subscriber will have access to all such content available on the internet like other internet users. The wordings suggested therefore will come in conflict with these rights.</p>

The concern of the Government is carriage of unregistered foreign satellite or terrestrial broadcast channels, per se, which may be received by cable operator either via satellite or terrestrial transmission signals from neighbouring countries or if such channels come via the broadband route through fibre optic cables. This can be suitably addressed if a provision is incorporated stipulating that the prohibition to carry such channels will apply irrespective of the manner of reception by cable operator of such channels. Legislative Department has also recommended that the term "registered" be further elaborated and that section 5A be split into two parts. Accordingly the proposed section 5A has been re-drafted. Legislative Department has vetted the following formulation for section 5A:

"5A. Prohibition on re-transmission of unregistered channels: (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 –

(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."

Thus, Section 5A(1)(a) covers all satellite channels registered with Ministry of I&B while 5A(1)(b) covers channels approved by the

	<p>Cabinet such as channel being operated by Indira Gandhi National Open University (IGNOU). Channels of Prasar Bharati (Doordarshan) are covered under 5A(1) (c).</p>
<p>(b) In Section 16, the floor value of fine can be specified. Under Section A the floor value could be Rs. 50,000 and under Section B, it could be Rs. 1.00 lakh.</p>	<p>(b) As regards the suggestion of prescribing a floor value for penalty for section 16(a) and 16(b). It is mentioned that section 16 pertains to all offences under the Act which may not deserve such high penalties. It is, therefore, appropriate if a provision is given under section 16 prescribing floor value for the penalties for violation of section 5A i.e. illegal carriage of unregistered channels. The section 16(1) is proposed as under:-</p> <p>16. Punishment for contravention of provisions of this Act:- (1) Whoever contravenes any of the provisions of this Act shall be punishable,-</p> <p>(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both;</p> <p>(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to three lakh rupees.</p> <p>After clause (b), a new proviso is proposed as follows:</p> <p>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.”;</p> <p>The above formulations have since been vetted by Legislative Department.</p>

<p>In addition to the above suggestions, it is mentioned that the problem of availability of non permitted TV channels available for viewing over the internet needs to be taken cognizance of , and the Ministry may take further action as appropriate in this regard.</p>	<p>As already stated above, internet is, by and large, unregulated, except for certain restrictions under the Information Technology Act, which is being administered by Ministry of Communications and IT. Cable Act deals with content broadcast by cable operators through cable and does not deal with internet. As such, no proposal for regulation of internet has been include.</p>
<p>Views of Ministry of Home Affairs (MHA)</p>	<p>Comments of the Ministry of Information and Broadcasting</p>
<p>Draft Cabinet Note for amendment of the Cable Television Networks (Regulation) Act 1995 has been examined and Ministry of Home Affairs endorses the same. However, Ministry of Home Affairs is of the opinion that mere enhanced financial penalty for violation may not be adequate deterrent in view of potential to make huge money by illegal broadcasting even after paying the penalty. As such, Ministry of Information & Broadcasting is therefore advised that for the second violation, the punishment in terms of imprisonment should be made mandatory by stipulating that: For the second violation punishment could be “imprisonment for a term up to _____years, or fine, or both.” The M/o Information & Broadcasting may decide/work out on the quantum of imprisonment in consultation with M/o Law.</p>	<p>While concurring with the proposal contained in the draft cabinet note. MHA has also expressed the view that mere enhanced penalty for violation may not be adequate deterrent and has suggested that for the second violation, the punishment in terms of imprisonment be made mandatory. In this context, under section 16 of the Act, for any violation of the Act, besides financial penalty, imprisonment has already been provided for and the amendment proposed here is only to enhance to financial penalty while other penalties already provided in the Act remain the same. Hence, the suggestion of MHA is already provided for in the Act.</p>

(ii) The technological option to address the issue of showing illegal channels by Cable Operators

17. When enquired whether technological intervention can address the issue proposed to be addressed by the amending legislation, TRAI informed that technological intervention may not address the issue proposed to be addressed by the amending legislation.

18. Further, when asked as to how far international convention treaty can address the issue of illegal carriage of terrestrial channels through availability of signals of foreign television channel satellite, the Committee have been apprised by TRAI that the

footprints of the satellite cannot be strictly restricted to specific geographical boundaries of any territory or country in such a way that one has full signal strength within the boundary and has zero signal strength just outside the boundary. Generally the signal strength fades in a gradual manner. Therefore, the international conventions, treaties may not be able to fully address the issue.

19. When enquired whether the consultations with the Department of Electronic and Information Technology were undertaken to address the serious issues raised by PMO as stated above, the Ministry submitted as under:-

“The Cabinet Secretary had taken a meeting of the committee of Secretaries on 25 October, 2010 to discuss the issue of illegal broadcasting of channels in India and in the course of the meeting, it was decided that the Ministry of Information and Broadcasting constitute a Group consisting of representatives of National Technical Research Organization (NTRO) CERT-In, and Intelligence Bureau to explore possibility of technical solutions to block illegal channels. The Group met twice to discuss the matter and sought the comments of Wireless Planning and Coordination (WPC) Wing of the Ministry of Communication and Information technology on various technical and regulatory matters and the Deputy Wireless Advisor was co-opted as Member of the Group. After exploring the various technical options, the Group was of the unanimous view that localized blocking of a particular TV channel using terrestrial transmitter is neither feasible nor financially viable option and secondly that although it is technically feasible to block any particular channel on a pan India basis by disturbing/jamming the downlink frequency of a particular TV channel, such actions are not internationally acceptable and are against provision 197 of ITU as well as provision of Article 21 of Radio Regulation.”

20. When asked whether consultations with various stakeholders which include cable associations and public at large were undertaken by the Ministry, the Committee were informed that such consultation was not undertaken since the entire process of identification of illegal channels and their proliferation in the country was based on an Intelligence Bureau Report in 2009 which had identified a list of unauthorized foreign TV channels down linked and transmitted by Cable Operators in different places.

21. TRAI during the course of deliberations informed the Committee that no consultation has been undertaken by TRAI either on its own or on the instance of the

Ministry of information and Broadcasting on the issues covered under the aforesaid amending legislation.

(iii) The Comparative data of consumers watching TV through various available technologies and the future perspective

22. Today there are various options available for watching TV. Such options include terrestrial transmission, Cable TV, DTH, DSL etc. The Ministry has informed that as per the FICCI- KPMG Indian Media Entertainment Industry Report 2012, the total number of subscribers of Cable TV, DD Direct and DTH, for the year 2011 are provided as under:-

Platform	Total Number of households (In million)	% share
Cable	74	62%
DTH	37	31%
DD Direct	8	7%
Total	119	100%

23. With regard to IPTV subscribers, the Committee have been informed that the data is not available.

24. With regard to future perspective, the Ministry in the written note apprised the Committee that as per the aforesaid Report projected subscribers of Cable TV, DTH, DD Direct and IPTV for the years 2012, 2013, 2014 and 2015 are as under:-

Platform/Year	Projected Number of subscribers (In million)			
	2012	2013	2014	2015
Cable	78 (59%)	82(57%)	81 (52.2%)	79 (47.3%)
DTH	46 (35%)	53 (37%)	64 (41.3%)	78 (46.7%)
DD Direct	8 (6%)	8 (5.5%)	8 (5.2%)	8 (4.8%)
IPTV	-	1 (0.5%)	2 (1.3%)	2 (1.2%)
Total	132	144	155	167

Note: Figures in bracket are percentage share of the projected subscribers in each year

(iv) Criteria for identification of 'anti-national' contents

25. As per the Statements of Objects and Reasons of the Bill, the contents of about 25 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.

26. Further in the Background Note furnished by the Ministry, it is stated that Intelligence Bureau had identified around 25 channels and informed the Government that the contents of these channels are not conducive to the security environment in the Country and pose a potential security hazard.

27. When enquired how it is decided that the television contents are 'anti-national', the Secretary during the course of oral evidence informed the Committee as under:-

"It is certainly subjective and it is not so simple. Now that you have raised this issue, let me give very specific examples. In certain border areas, certain foreign channels are regularly seen. If you stop them there, the whole place would erupt. It has happened, we are approached and asked not to create such a crisis."

28. In this context, the Ministry in the written note stated as under:-

The Cable Television Networks (Regulation) Act, 1995 and the Rules promulgated thereunder at present regulate broadcast of programmes and advertisements on private satellite TV channels. The Act does not provide any pre-censorship of the programmes and advertisements telecast on such TV channels. However, all programmes and advertisements telecast on these channels are required to adhere to the Programme Code and Advertising Code provided in the Cable Television Networks (Regulation) Act, 1995 and Rules framed thereunder. The Ministry of Information and Broadcasting has also notified guidelines for down-linking and up-linking of various TV channels in India."

29. When enquired about the yardstick to conclude that the contents shown by a channel are not conducive to the security environment of the country/anti-national and the agency who makes the decision in this regard, the Ministry did not respond the matter categorically. Explaining it further, the Ministry has submitted as under:-

“The issue of illegal transmission of foreign TV channels by cable operators emanated from the report of the Intelligence Bureau (IB). Intelligence Bureau, while providing a State-wise list of some channels being illegally carried, had also brought to the notice of the Ministry of Information and Broadcasting that the contents of some of these channels are not conducive to the security environment in the country and pose a potential security hazard if the continuance of these illegal channels are allowed in India. Identification of illegal channels, therefore, is based on the report of IB that the contents on these channels are not suitable to the security environment in the country.”

30. On the query of the Committee regarding action that has been taken against 25 channels identified by Intelligence Bureau showing the contents not conducive to the security environment in the country, the Ministry in the post evidence reply stated as under:-

“The report of the Intelligence Bureau which has been forwarded to this Ministry has been taken serious note of. Keeping in view the sensitivity involved in the matter, a CoS has considered this issue and looked into various options to tackle this menace. The CoS has finally recommended that provisions in the Cable Act may be made so as to incorporate the offence of illegal transmission/ re-transmission of channels an offence and make existing financial penalties stringent so as to serve as a deterrent for such offenders. There has been no action reported on such offences so far however, the incorporation of such legislation in the Cable Act would provide the Authorised Officers under the act to take suitable action against erring cable operators. It is, therefore, imperative that such a legislation should be part of the Cable Act so that offences of the nature pertaining to transmission/re-transmission of illegal channels are effectively dealt with and action can be taken thereon.”

(v) **Different provisions for different service providers with regard to regulating the contents which are found to be not conducive to the security environment of the Country**

31. The representatives of the cable and MSO associations, during the course of consultations, raised reservations about the provisions made in the Bill which intend to regulate the cable television network. The stakeholders apprised the Committee that besides cable network there are other ways where viewers receive the illegal channels. Unregistered channels are also carried through IPTV, Mobile TV and video streaming, direct to subscribers without the help of a cable operator. It was suggested that the offensive content in this regard should be banned in its entirety.

32. With regard to the guidelines/rules, legislative framework to address the issue of transmission / retransmission of illegal channels by various service providers, the Ministry apprised as under:-

“The relevant provision to address the issue of transmission or re-transmission of illegal channels under IPTV guidelines is as follows:-

(vi) Telecom licensees while providing TV channels through IPTV shall transmit only such broadcast satellite television channels in exactly same form (unaltered) which are registered with or are otherwise permitted by the Ministry of Information and Broadcasting. In such cases, the responsibility to ensure that content is in accordance with the extant laws, rules, regulations etc shall be that of the broadcaster and telecom licensee will not be held responsible. The IPTV service provider shall not carry any broadcast satellite television channels prohibited either permanently or temporarily or not registered with the Ministry of Information & Broadcasting.

(vii) The Telecom Licensee while providing TV services through IPTV shall receive the satellite signals of a registered TV channel directly from the broadcasters and in no case such satellite signals of TV channels be taken directly from the Multi System Operators. In other words, the telecom operators providing IPTV will be eligible to obtain/receive satellite signals of registered TV channels only from the broadcaster.

(viii) Telecom service providers providing IPTV will show only those News and Current Affairs television channels which have been registered with Ministry of Information and Broadcasting. They will not produce or provide any other broadcast or non-broadcast channel having any element of News and Current Affairs.

(ix) The provisions of Programme code and Advertisement code as provided in Cable Television Network (Regulation) Act 1995 and Rules thereunder shall be applicable even in the case of contents other than TV Channels from broadcast provided by the Telecom IPTV service provider. Since it is the telecom licensee who will be providing this content, therefore, he shall be responsible for ensuring compliance to the codes with respect to such content. In addition to this, such licensees will also be bound by various Acts, instructions, directions, guidelines issued by the Central Government from time to time to regulate the contents.

(x) If the content is being sourced from content providers other than telecom service provider, then it will be the responsibility of the telecom service provider to ensure that their agreements with such content providers contain appropriate clauses to ensure prior compliance with the Programme Code”.

The relevant provision to address the issue of transmission or re-transmission of illegal channels under DTH guidelines is as follows:

“ Article-5- Compliance with Programme and Advertising Codes

5.1 The Licensee shall ensure adherence to the Programme Code (PC) and Advertisement Code (AC), laid down by the Ministry of Information & Broadcasting from time to time.

5.2 The Licensee shall invariably ensure that the subscribers of the service do not have access to any pornographic channel or to secret/ anti-national messaging and the like. If the Licensee fails to do so , the License shall stand cancelled.

Article-6- Prohibition of certain activities

6.1 The Licensee shall not carry any channels prohibited by the Ministry of Information & Broadcasting.

6.2 The Licensee shall ensure that its facilities are not used for transmitting any objectionable or obscene content, messages or communication inconsistent with the laws of India. The use of the facility or service for anti national activities would be construed as an offence punishable under the

Indian Penal Code and applicable laws and will attract immediate termination of License.

6.3 The Licensor reserves the right to prohibit the transmission or reception of programmes in the interest of national security or in the event of emergency/war or similar type of situation. Notwithstanding any agreement between the Licensee and the content providers, the Licensee shall stop forthwith, transmission of TV channels or any content, as and when directed to do so by the Licensor or any other designated lawful authority.”

33. With regard to regulation of internet in this regard, the Secretary of the Ministry during the course of deliberations apprised the Committee as under:-

“There are also provisions in the IT Act, 67 and 67 A which provides for punishment for publishing or transmitting obscene material in electronic form, punishment for publishing or transmitting a material consisting sexually explicit act, etc. in electronic form, punishment for publishing or transmitting material depicting children in sexually explicit act, etc. in electronic form, etc. So, there are provisions in the IT Act.”

(vi) Existing position with regard to the Regulations in respect of Cable TV

34. As per Section 5 of the Cable Television Networks (Regulation) Act, 1995, no person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code. Further, Rule 6 of the Cable Television Networks Rules 1994 explains about the Programme Code. Rule 6 (6) in this connection provides as under:-

“ No cable operator shall carry or include in his cable service any television broadcast or channel, which has not been registered by the Central Government for being viewed within the territory of India:

[Provided that a cable operator may continue to carry or include in his cable service any television broadcast or channel, whose application for registration to the Central Government was made on or before 11 May, 2006 and is under consideration, for a period up to 15 June, 2009 or till such registration has been granted or refused, whichever is earlier.

Provided further that channels uplinking from India, in accordance with permission for uplinking granted before 2 December, 2005, shall be

treated as “registered” television channels and can be carried or included in the cable service.”

35. Further, Section 4(6) and (7) of the Cable Television Networks (Regulation) Amendment Act, 2011 provides as under:-

“(6) Without prejudice to the compliance of eligibility criteria for registration of cable operators, the Central Government may prescribe, having regard to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, foreign relations or contempt of court, defamation or incitement to an offence, such terms and conditions or registration including additional criteria or conditions to be fulfilled by the cable operators.”

“(7) The Central Government may suspend or revoke the registration granted under sub-section (5) if the cable operator violates one or more of the terms and conditions of such registration:

Provided that no such order of suspension or revocation shall be made without giving a reasonable opportunity of being heard to the cable operator.”

36. When enquired about the number and details of the registered channels/un registered channels State/UT wise in the country, the Ministry furnished the detailed list of the such channels. The Ministry also stated that the list of permitted channels is available on the website of the Ministry www.mib.nic.in and is periodically updated.

37. With regard to the definition of illegal channels, the Ministry clarified that the channels which are not reflected in the list of registered channels are considered as unregistered illegal channels.

38. When enquired about the commonality of regulatory framework for various TV service providers, the Ministry has stated that the Cable Act and Rules thereunder prescribe the ‘Programme Code and the Advertisement Code’ which is a common legislative framework applicable to all the platforms.

39. While explaining how the cable operators pick illegal channels, the Ministry clarified as under:-

“TV Channels reach subscriber homes through various platform service providers like cable operators, DTH operators and IPTV service providers. If the satellite footprints cover India, it is possible for these service providers to downlink any foreign TV Channel which is uplinked from abroad. It is also possible that cable operator in the border areas can take the feed of the terrestrial channels of neighboring countries which are not allowed to be shown in India. It is also possible that cable operators can pick illegal channels via broadband/internet or IPTV, Mobile TV, video streaming, etc and retransmitting them. Presently, the control over the carriage of such channels is exercised by mandating that a foreign TV channel cannot be distributed in India unless it is registered with the Ministry of I&B under downlinking guidelines.”

40. While justifying the proposed amendments to regulate only the cable TV network so as to make the provisions for them more stringent, the Ministry stated as under:-

“As the channels carried on DTH services and IPTV services can be centrally monitored as these are addressable, these service providers do not indulge in carriage of unregistered channels. Thus, the problem of carriage of illegal channels is mainly with the cable operators as they provide localized services. The objective of the Bill is to prevent transmission/re-transmission of unregistered illegal foreign TV channels by cable operators on their networks due to easy availability of satellite footprints over India and terrestrial feed or through internet.”

As far as DTH and IPTV operators are concerned as per the licensing conditions they are required to maintain the recordings of programmes and advertisements carried on the platform for a period of 90 days from the date of broadcast and produce the same to the Licensor or its authorised representative, as and when required. The guidelines for DTH include the eligibility criteria, period of license, basic conditions/obligations, terms and conditions of license, the procedure for obtaining the DTH license as also the conditions for prohibition of certain activities, technical standards and other obligations, monitoring and inspection conditions, and condition related to national security etc. DTH and IPTV licenses are granted by the Central Government and these operators are required to enter into a license agreement with Central Government. The terms and conditions of these license agreement is such that any violation of one or more terms and conditions would render their license liable to be cancelled/terminated or revoked depending on the nature of violation. In view of these stringent licensing conditions, these services providers do not indulge in carriage of illegal channels.

Ministry also has a mechanism of monitoring the content on the DTH platform through its Electronic Media Monitoring Centre (EMMC). Therefore, the possibility of illegal channels being transmitted on such platforms is ruled out.”

41. The Committee during the course of interaction with various cable industry stakeholders have been given the impression that the cable operators are being overburdened with penalties, punishments with so many regulations that small cable operators would not be able to protect themselves. When asked about the comments of the Ministry on the aforesaid observation of small cable operators, the Ministry stated as under:-

“The Ministry has no bias towards small or large cable operators. The Cable Act has been enacted with a view to being uniformity in the cable TV operations. Any violations of the Cable Act attract penalties enjoined in the Cable Act uniformly for any violators irrespective of their business size.”

42. While justifying the position that DTH and IPTV service providers do not indulge in carriage of illegal channels, the Ministry in the written reply stated that:-

“DTH and IPTV licenses are granted by the Central Government and these operators are required to enter into a license agreement with Central Government .The terms and conditions of these license agreement is such that any violation of one or more terms and conditions would render their license liable to be cancelled/terminated or revoked depending on the nature of violation. In view of these stringent licensing conditions, these services providers do not indulge in carriage of illegal channels.”

43. The Broadcaster Association during the course of consultation in the context of the present legislation stated that cable operators do not come under the purview of Uplinking and Downlinking Guidelines and suggested that the cable operators should also be subject to guidelines in this regard.

44. When the issue of licensing for cable operators was raised, the Secretary, Ministry of Information and Broadcasting during the course of deliberations clarified as under:-

'It is good idea. The TRAI did mention about licensing. They had actually considered this and brought it under regulator. When we formulated the Bill we had said that the regulator will actually be a licensing authority as well. The problem today is that we have 60,000 cable operators. If you licence, you also really need to do their renewals, ensure that the licence conditions are fulfilled, etc. It becomes a far more formal arrangement at this point of time. You will require a huge mechanism. Or you delegate to District Magistrates which again has its own problems about licensing and following the licence conditions. So, we are creating say five hundred regulators across the country if we do the licensing. So, there are practical problems. All of these perhaps can be addressed collectively, if we are able to really agree to have a media regulator, not a media regulator in the negative sense but a media regulator who addresses all questions of technology for instance."

45. While elaborating on the infrastructure constraints, the Ministry in the post evidence written replies submitted as under:-

"The Cable operators are providing localized services throughout the country. The Ministry presently does not have any agency under it which has local presence. The Ministry had, in the past, consulted with the Department of Posts (DoP) as to whether they could act as a licensing agency for 60000 cable operators. While DoP had agreed to limit its role to function as a licensing authority it was not ready, however, to take up the responsibilities relating to Appellate jurisdiction, follow up work related to litigations in various Courts as also enforcing the orders passed by the licensing Authorities."

(vii) **Deadline with regard to digitization of cable TV and its effect on regulation of Cable industry**

46. Section 4A (1) of the Cable Television Networks (Regulation) Amendment Act, 2011 passed by Parliament on 19 December, 2011 and notified on 31 December, 2011 provides as under:-

"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 re-transmit programmes of any channel in an encrypted form through a digital 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:

Provided that the date specified in the notification shall not be earlier than six months from the date of issue of such notification to enable the cable operators in different States, cities, towns or areas to install the equipment required for the purposes of this sub-section.”

47. With regard to the deadline for implementation of digitization in cable TV sector, the Ministry furnished the following information:-

“The process of implementation of digitalization in cable TV sector has been planned in a phased manner leading to complete switch over off of analogue cable services in the country by 31st December, 2014. The following timelines have been fixed by the Ministry for the implementation of DAS:

- Phase-I : Four Metros of Delhi, Mumbai, Kolkata and Chennai by 31 October ,2012
- Phase-II: Cities with a population more than one million by 31st March,2013
- Phase-III : All urban areas (Municipal Corp./ Municipalities) by 30th September,2014
- Phase-IV: Rest of India by 31st December, 2014.

48. As can be seen from the phases explained above, the areas nearing the borders of India would be covered in the Phase III and Phase IV of the timeline which is by 30th September, 2014 and 31st December, 2014 respectively.”

49. On a query, whether it would be possible to control, monitor or regulate all the services provided through the cable network with digitization, the Secretary acknowledged that it would be possible to a large extent.

50. The Chairman, TRAI during the course of deliberations in this regard stated as under:-

“xxxxx.....really speaking, is that we have two options. Either we wait till everything is digitised and then because digitisation leaves a trail, we would be able to catch somebody. But that is very far off in the future – 2014 or 2015. My understanding today at least, not as TRAI Chairman but as a citizen, is that the intelligence agencies are saying that we have a problem on the border and we want to stop this happening at the border because otherwise people are beaming signals which are causing disaffection. If it is an intelligence requirement, we would say ‘go ahead

with it now because it is simply not possible for us to give you any technical solution to the problem in the immediate future.”

51. When specifically asked whether it is prudent to expedite digitization deadline in case of border areas by taking pro-active initiatives by the Government instead of resorting to legislative option for the interim period after which the law may become redundant, the Secretary during the course of oral evidence further stated as under :-

“xxxxx.....It is not difficult to catch it. In fact, technology is available where you can be able to detect which particular channel has been shown by a cable operator at what period of time. This technology is there and there is nothing unusual about it. So, from our perspective, the problem is serious and we really need to deal with it. When we really moved this Amendment to the Act, at that point of time, to the best of my knowledge, the Parliament had not passed the Digitization Amendment in the Cable Act. So, these two linkages are getting established now. Now that the Parliament has passed the Act amending the Cable Act for compulsory, mandatory digitization, why can we not really wait? That precisely is the issue that you are raising. My response to it would be that even if there is a provision that may become redundant after a while, it is better to have the provision rather than not to have it.”

52. The Ministry in the post evidence replies further submitted that these provisions should be in place in the Act at all times even if the technological advancement in the DAS regime may make such an offence redundant.

(viii) Contradiction in some of the contents of the amending legislation with the Statement of Objects and Reasons of the Bill

53. Certain contradictions in the provisions made in the amending legislation with the Objects and Reasons of the Bill have been noted by the Committee during the course of examination. One of the contradictions was that marginal heading of Clause 2 states ‘insertion of new Section 5A Prohibition of re-transmission of unregistered channels’, whereas the Statement of Objects and Reasons of the legislation states that the Bill proposes to amend Cable Act to prohibit transmission or re-transmission of unregistered channels. In this connection, the Secretary during the course of oral

evidence clarified that the legislation covers both transmission and re-transmission and there may be some editorial corrections which are possible to make. The representative of Ministry of Law and Justice (Legislative Department) during the course of oral evidence acknowledged that little addition in the marginal heading may save a lot of litigation.

54. Another contradiction pointed out during the course of deliberations was that the Statement of Objects and Reasons states about Uplinking and Downlinking whereby it is stated that 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 issue being addressed by the amending legislation. The proposed Section 5A(a) talks about only downlinking of television channels. The representative of the Ministry of Law and Justice (Legislative Department) clarified that there would be same interpretation. In the written replies furnished by the Ministry, when it was asked why the amending provisions have been restricted only to 'downlinking', it is stated as under:-

'The issue of illegal channels and its transmission emanates from downlinking of signals originated from territory outside the boundaries of India. Intelligence Bureau has identified a list of 25 illegal foreign channels whose origin is in foreign territory and, therefore, such channels require downlinking permission for transmitting the channel legally over the TV network. The Statement of Objects and Reasons refers to complaints received by 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/downlinking guidelines. The uplinking permission is accorded to companies to uplink only those TV channels which are specifically approved or permitted by the Ministry of Information and Broadcasting for uplinking from India, after obtaining necessary security clearance from Ministry of Home Affairs. Thus, there are no instances of illegal channel being uplinked as it would not get the requisite permission from the Ministry.'

55. TRAI also in the written replies clarified as under:

“A television channel re-transmitted through any television network in India may be uplinked either from within the territory of India or from outside the Indian territory. However, in both the cases it is mandatory that the channel is permitted under the downlinking guidelines. In view of this, the inclusion of the word ‘Uplinking’ in the Bill, may not be necessary.”

56. The Ministry in the post evidence reply in this regard further submitted as under:-

“Ministry of Information and Broadcasting has two sets of Policy Guidelines for granting permission to private satellite TV channels in India. While regulation of foreign TV channels uplinked from abroad and distributed in India for public viewing is governed by "Policy Guidelines for Downlinking of Television channels", private TV channels which are uplinked from India are governed by "Guidelines for Uplinking from India". These two guidelines are together known as “uplinking and downlinking guidelines”. This is the reason the words “the uplinking/downlinking guidelines” has been mentioned in the Statement of Objects and reasons. A satellite channel to be viewed within the territory of India has to be registered with the Ministry of I&B under downlinking guidelines with the exception of those channels which are approved/allowed by the Central Government, operating by or on behalf of Parliament and channels operated by Doordarshan (DD). The issue of illegal channels arises on account of two reasons which are availability of satellite footprints over India which are illegally downlinked by cable operators and secondly from the re-transmission of terrestrial feed from neighboring countries. This situation does not arise in the case of uplinking of channels as only registered channels approved by Ministry of I&B are allowed to uplink from India. Necessary clearances are required from WPC, Department of Telecom and Department of Space for uplinking of channels. Moreover, the teleport through which the channel is uplinked is coordinated with Network Operations Control Center (NOCC) of Department of Telecommunications. This eliminates the possibility of any illegal channel being uplinked from India. In view of this, there is no need for including guidelines for uplinking in the proposed Bill.”

(ix) **Concerns of the stakeholders regarding coverage of local content by the amending legislation**

57. The Cable Association in the memorandum stated that the new clause 5(A)(2) makes the sub-section (1) applicable irrespective of the manner of reception of such satellite or terrestrial television broadcast or channels. This Clause should not include video channels, which a cable operator is permitted under Section 2(g) of the Cable Operator Networks (Regulation) Act 1995 but there are no guidelines to register them. A cable operator may receive these video channels from an MSO or generate his own, adhering to the programme and advertisement code mentioned in the Rules of the Cable TV Act.

58. On the apprehension of the stakeholders, the Ministry clarified as under:-

“The proposed provision does not cover the programming services generated at the level MSO/cable operator under the section 2(g) of the Cable Act. The Cable operator can under section 2(g) the Act transmit programme on his network and the “ Programme” as defined in the Cable Act can be both pre-recorded content and live content. There is no restriction on the nature of the programme allowed to be transmitted subject to it being in compliance with the Programme Code and Advertisement Code as prescribed under Rule 6 and Rule 7 of the Cable Rules. Therefore, these programmes are excluded from the ambit of the proposed section 5A.”

(x) **Issues related to implementation of the provisions made in the Cable Television Networks (Regulation) Act, 1995**

59. The existing Cable Television Network Act provides certain penalties for transmission or re-transmission of illegal channels. When asked about the number of cases whereby the penalties have been imposed, the Ministry of Information and Broadcasting in the written information could not furnish the specific data. TRAI has stated that whenever a complaint regarding re-transmission of illegal channels is received in TRAI, it is forwarded to the Ministry of Information and Broadcasting for appropriate action by them as the issue pertains to content regulation. When asked about such complaints received from TRAI, the Ministry has stated that they have not

received any complaints from TRAI. Now it has been stated that the efforts would be made to compile the information from the States.

60. Further, when asked whether survey by any organization has ever been made to see the impact of implementation of the Cable Television Act particularly the implementation of Section 16 which provides the penalty for contravening any of the provisions of the Cable Act, the Ministry has stated that no such survey has been made.

61. TRAI has submitted that as per the provisions of the Cable Act the Authorized Officer is competent enough to take action against the erring cable operators. The Authorized Officer may seize equipments of the erring cable operators or lodge complaint in the competent Court of Law. When asked whether the Ministry is aware of the number of cases pending in various Courts in the aforesaid connection, the Ministry has stated that no data has been compiled in the Ministry.

62. Further, when asked about the action taken against the 25 channels identified by Intelligence Bureau as showing the contents not conducive to the security environment of the Country, the Ministry in the post evidence written reply stated that there has been no action reported on such actions so far.

(xi) International Experience with regard to Regulating Transmission of Anti National content on TV

63. When asked how the issue of transmission of anti-national content by various service providers is being addressed internationally, the Ministry has mentioned that they don't have any such information.

(xii) Enforcement Agencies in the context of the Cable Television Networks (Regulation) Act, 1995

64. While emphasizing on the need for enforcement of provisions made in the Cable Act through the Authorised Officers, the Chairman TRAI during the course of oral evidence stated as under:-

“Within the CTV Act, there are officers called Authorised Officers. Like all other laws, people will obey the law if it is enforced. If it is not enforced, people will ignore it. The Authorised Officers have powers under Section 11 to go and seize the equipment....I suspect the way they have worked the legislation is that they have increased the deterrent, but at the end of the day, the answer will lie only in this. If our primary concern is to prevent such channels, then the Authorised Officers have to do what they are expected to do under the law. If they do not catch them, where is the question of levying fine or putting them in prison? Ultimately it is at that level that something needs to be done.”

65. The Ministry in the Background Note has also stated that although the Authorized Officers have been adequately empowered to stem the problem of illegal beaming of channels by local cable operators, relevant provisions of the Act for preventing such carriage have seldom been exercised in letter and spirit due to local pressure or due to apprehension that such stoppage may trigger law and order problems.

66. The Secretary during the course of oral evidence in this context stated as under:-

‘Now, the authorised agencies are local agencies or local authorities. I would not have any hesitation in saying that in a large number of cases, while the problem has been very real, there has been reluctance on the part of local administration to act against them. In some cases where the local administration has acted, it has raised such a socio-political crisis in that area that post-haste this had to be really withdrawn. But the problem is there and it has to be really handled. Therefore, the view was to actually create a deterrent kind of a provision’.

(xiii) State/District Level Monitoring Committees

67. The Committee have been apprised that with a view to facilitate the Authorized Officers in enforcing the Act, particularly in curbing illegal channels, the Ministry of I&B has formulated a detailed guideline for setting up of State and District level Monitoring Committees to monitor the content transmitted by the cable operators. The compositions of these Committees include representation of academicians,

psychologists, sociologists, NGOs working for women and child welfare, etc. These Committees are intended to provide a forum for deliberations with regard to the content and channels carried through Cable Network. The deliberations are publicized in the local press for public knowledge. Any action recommended by such Committees to the Authorized Officer and consequent action has wider social acceptance. In view of the fact that Authorized Officers are well known officers of the area as also the fact that members of the State and District level Monitoring Committees are well known persons of the region and their deliberations are given wider publicity.

68. The Ministry in the post evidence written reply has further stated that in order to enforce the Cable Act and Rules at the State/District level, the Ministry issued order on 6 September, 2005 for "Monitoring Committee for the Programme and Advertisements telecast by Cable TV channels" at the State, District/local level. Subsequently, detailed guidelines were issued by this Ministry on 19 February, 2008 providing for District level Monitoring Committee and State level Monitoring Committee. The State and District level Monitoring Committee are headed by Secretary, Information & Public Relations and District Magistrate (or Police Commissioner) as Chairman respectively.

69. The District Level Committee looks into complaints of public in regard to content telecast by TV channels. Thus, there is already a provision that Consumer can lodge the complaint with the Authorized Officer designated or with the District/State Level Committee set up for the purpose. The composition of the District level Committee is fairly wide to cover not only the concerned District authorities but also the enlightened members of the public, viz, Principal of one of the Women's College in the District (to be selected by the DM), representative of a leading NGO working for children welfare (to be nominated by the DM), representative of a leading NGO working for Women welfare and Academicians/Psychologists/Sociologists. So far, Fifteen (15) States, viz, Arunachal Pradesh, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Meghalaya, Mizoram, Rajasthan, Tripura, Uttarakhand and West Bengal have set up State level Committees. When enquired about the mechanism available with the Ministry to monitor the working of these Committees, the Ministry in

the post evidence written note stated that it did not maintain centralized data about functioning of these Committees.

70. With regard to the status of setting up of District Level Monitoring Committee, the Secretary during the course of oral evidence apprised that at least 266 District Level Committees have been set up.

(xiv) Setting up of Expert Body

71. The Secretary during the course of deliberations stated as under:-

‘Today broadcasting issues of technological nature are addressed by the TRAI. But there are issues which are very specialized. There are issues that we confront when we talk of digitization. There are many technological issues-must carry, must provide provisions, etc., which have very strong technological implications. And then we realize that we need expert bodies to really advise and guide the Ministry on these matters.’

72. In the post evidence reply, the Ministry clarified that by Expert Body, the Secretary meant the proposed media regulator envisaged in the Broadcasting Bill, 2007. It was also replied that TRAI being a regulator has requisite expertise in the matters of broadcasting and cable services.

73. On the future plan of the Ministry to set up such body, the Ministry in the post evidence written reply stated that no proposals presently are under consideration of the Ministry.

74. Further, when enquired whether the Ministry has any inter-Ministerial coordination mechanism with the Department of Electronics and Information Technology and the Department of Telecommunications particularly in the context of regulating content on internet and having level playing field for all the television service providers, the Committee have been apprised that no such mechanism has been set up so far. However, consultation takes place with the Department of Electronic and Information Technology and the Department of Telecommunication on a need basis.

Part-II

Recommendations/Observations of the Committee

The Committee note that several complaints have been received by the Central Government against cable operators showing illegal channels. Intelligence Bureau had identified around 25 such channels and informed the Government that the contents of these channels are not conducive to the security environment of the country and pose a potential threat to the peace and security of the Country. There have also been instances of illegal carriage of terrestrial channels by cable operators in some border areas of the country. In spite of various measures taken within the ambit of the extant law to stop carriage of these illegal channels, the transmission of illegal channels by operators continued. It is in this background, the Government considered necessary to bring the necessary amendments in the Cable Television Network (Regulation) Act 1995 to make its provisions more stringent and also to enhance the punishment to have necessary deterrent effect.

2. So far as the details of proposed amendments are concerned, a new Section 5A is to be inserted in the Cable Television Networks (Regulation) Act, 1995 namely section 5A which prohibits cable operator from carrying unregistered satellite or terrestrial channels on their cable service networks irrespective of manner of reception of these channels. The Bill further proposes to amend sub-section(1) of section 11 to empower the Authorized Officers to seize the equipments of the Cable operators if it is found that cable operators indulge in re-transmission of illegal channels i.e. violation of section 5A. Besides, financial penalties provided under sub-section (1) of section 16 of the Cable Act for violation of the provisions of the Act are proposed to be enhanced from Rupees one thousand to Rupees one lakh for the first offence and Rupees five thousand to Rupees three lakh, on each subsequent offence.

The amending legislation further provides that in case of violation of section 5A, fine imposed for the first offence shall not be less than Rupees Fifty thousand and for every subsequent offence it shall not be less than Rupees one lakh. The Bill also proposes to amend sub-section (2) of section 16 to make contravention of section 5A a cognizable offence.

3. With the enactment of the proposed amendments, a cable operator would be allowed to carry only those channels which are indicated at Clause (a)(b)(c) of sub-Section (1) of section 5A as elaborated below:-

"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—

(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."

4. The Ministry in the written note has clarified that section 5A (1)(a) covers all satellite channels registered with the Ministry of Information and Broadcasting. Section 5A prohibits the cable operators from carrying unregistered satellite or terrestrial channels on their cable service networks irrespective of manner of reception of these channels. This provision will also prohibit cable operators from picking up illegal channels *via* broadband/internet and re-transmitting them. As is evident in sub-section(1) of section 5A, a cable operator is allowed to carry only those channels which are indicated at clause

(a), (b),(c) of sub-section(1) of section 5A. Section 5A(1)(a) covers all satellite channels registered with the Ministry of Information and Broadcasting while section 5A(1)(b) covers channels approved by the Cabinet such as channel being operated by Indira Gandhi National Open University (IGNOU) [Gyandarshan Channels], Lok Sabha Channel etc. Channels of Prasar Bharati (Doordarshan) are covered under section 5A (1) (c).

5. Technology provides varied options for viewing TV channels. TV channels reaches subscribers' homes through various service providers like cable operator, DTH operator, DD Direct, IPTV, etc. Besides, TV channels can also be watched through internet. While explaining how the cable operator picks up illegal channels, the Ministry stated that cable operator in the border areas can take the feed of the terrestrial channels of neighbouring countries which are not allowed to be shown in India. It is also possible that cable operator can pick illegal channels *via* broadband/internet or IPTV, mobile TV, video streaming and re-transmitting them.

6. The Committee have further been apprised by the Ministry that the list of registered channels is maintained in the Ministry and is available on the website of the Ministry. Besides, the list is periodically updated. The channels which are not reflected in the list of registered channels are considered as unregistered/illegal channels.

7. The Committee during the course of deliberations have been apprised that the Group consisting of representatives of National Technical Research Organisation (NTRO), CERT-in and Intelligence Bureau explored various technical options to address the issue of showing illegal contents by the Cable Networks. The Group was of the unanimous view that localized blocking of a particular TV channel using terrestrial transmitter is neither feasible nor financially viable

option and secondly that although it is technically feasible to block any particular channel on a pan India basis by disturbing/jamming the downlink frequency of a particular TV channel, such actions are not internationally acceptable and are against provision 197 of International Telecommunication Union (ITU) as well as provision of article 21 of the Radio Regulations. TRAI was also of the view that technological intervention as well as international conventions/treaties may not address the issue fully as proposed to be addressed by the amending legislation

8. Even though the Secretary, Information and Broadcasting during the course of evidence before the Committee acknowledged that there are many technological issues which have strong technological implications for which there is a need for an expert body to advise and guide the Ministry, the Ministry did not bother to consult the various stakeholders which *inter-alia* include cable associations and broadcaster associations etc. Although the proposed amendments related to content for which the Government was not mandated to consult TRAI, the Ministry could have consulted TRAI particularly when the digitalization of cable has great implications on the proposed amendments. But the Ministry chose not to consult TRAI before bringing the amendments.

9. The Committee's examination has further revealed that the Ministry has never bothered to monitor the implementation of the Cable Act which is the Central legislation. Not only that the Ministry never attempted to know as to how the issue of transmission of anti-national content by various service providers is being addressed internationally. Moreover, no survey has ever been made to see the impact of implementation of the Cable Television Act particularly the implementation of section 16 which provides the penalty for contravening any of the provisions of the Cable Act. The Committee deplore the

way the amending legislation has been brought without knowing the ground reality.

10. Considering the immense importance of the Bill, the Committee undertook detailed consultations on the provisions made in the Bill. The Committee during the examination had consultations with various stakeholders which include cable associations, broadcaster associations, public at large and the expert body and the Telecom Regulator i.e., Telecom Regulatory Authority of India. The Committee also sought clarifications and details from the nodal Ministry i.e. the Ministry of Information and Broadcasting. The Committee's examination of the proposed amendments has revealed several infirmities and inconsistencies with regard to the proposed provisions as well as the enforcement mechanism in the context of the amending legislation which have been highlighted in the succeeding paragraphs.

A. The concerns about level playing field

The Committee's attention during the course of examination has been drawn to inequitable treatment with various service providers viz. cable operators, DTH, IPTV, internet in the context of the amending provisions made in the proposed legislation. The cable associations were of the view that unregistered channels are carried through platforms other than cable like DTH, IPTV, mobile TV, video streaming, internet whereas the legislation has been brought only for the cable operators. The Committee during the course of deliberations with the cable industry stakeholders have been given the impression that the cable operators are being overburdened with penalty, punishment and with so many regulations that small cable operators are unable to protect themselves. The broadcaster associations on the other side had given the impression to the Committee that in their case stringent license conditions are applicable whereas in the case of a cable operator the requirement is only of registration. The Committee understand that the extant legislative framework/guidelines with regard to regulating unregistered/illegal channels has the commonality through the

Cable Act and rules thereunder which prescribe the Programme Code and Advertisement Code. The common legislative framework is applicable to all the platforms as acknowledged by the Ministry.

The Committee during the course of deliberations tried to analyze the specific reasons for bringing the proposed amendments in the Cable Act that would be applicable to only cable operators in the context of showing illegal/unregistered channels. The Ministry has justified the proposed amendments on the pretext that the DTH and IPTV services providers do not indulge in carriage of illegal channel as the channels carried on DTH service and IPTV service can be centrally monitored as these are addressable and leave a digital trail.

The Ministry in their own documents while explaining how illegal channels reach subscribers' homes through cable network has stated that it is possible that cable operator can pick illegal channels via broadband, internet, IPTV, mobile TV, video streaming etc. and re-transmit them. The Committee fail to understand the assertion of the Ministry that these service providers other than cable operator do not indulge in carriage of illegal channels when their own document states that the source of illegal channels re-transmitted by the cable operator can be broadband, internet, IPTV, mobile TV, video streaming etc.

The Committee further note that even the Prime Minister's Office had drawn the attention of the Ministry to address the issue of showing non-permitted channels by the internet. In the views furnished by the PMO to the Ministry at the consultations stage, it was specifically mentioned that the problem of availability of non-permitted TV channels available for viewing over the internet needs to be taken cognizance of and the Ministry may take further action. The Committee are surprised to note that in the comments column as elaborated in Part-I of the Report, the Ministry has tried to ignore the important concern expressed by PMO. Instead of examining the issue, the Ministry has stated that the internet is, by and large, unregulated, except for certain restrictions under the Information Technology Act. The Committee fail to understand how the issue of transmitting illegal/unregistered channels can be addressed in entirety without regulating the source i.e. internet.

The other basis for the assertion of the Ministry that DTH and IPTV service providers do not indulge in carriage of illegal channel is stringent licensing conditions for DTH and IPTV. When the issue of licensing of cable operators to bring all the service providers on the level playing field was raised, the main constraint as expressed by the Ministry in licensing to cable operators was the infrastructure needed to provide licence to 60,000 cable operators. The Committee observe that considering the emerging technologies, the scenario of TV watching may change drastically. As per the FICCI-KPMG Indian Media Entertainment Industry Report 2012, the percentage of cable share which is 62 per cent at present may reduce to 47.3 per cent by the year 2015. During this period the DTH percentage may increase from 31 per cent to 46.7 per cent. With the multiple transformation undergoing world over in the technologies available in the media and entertainment sector, the whole scenario of watching TV may change in future. The Ministry need to keep a constant watch on the new and emerging technologies and the international legislative framework in this regard to address the multiple challenges coming in the way. Moreover, to provide the level playing field to various service providers, the extant legislation guidelines need a constant review in the light of the technological changes so as to avoid legal complications in managing the issue of illegal transmission.

B. Contradiction in the amending legislation with the Objects and Reasons of the Bill

One of the contradictions noted by the Committee during the course of deliberations was that marginal heading of clause 2 states 'insertion of new Section 5A Prohibition of re-transmission of unregistered channels', whereas the Statement of Objects and Reasons of the legislation states that the Bill proposes to amend Cable Act to prohibit transmission or re-transmission of unregistered channels. In this connection, the Secretary during the course of oral evidence clarified that the legislation covers both transmission and re-transmission and there may be some editorial corrections which are possible to make. The representative of the Ministry of Law and Justice (Legislative Department) during the course of deliberations acknowledged that little addition in the marginal heading may save a lot of litigation.

C. Contradiction with regard to Uplinking and Downlinking Guidelines

Another contradiction pointed out during the course of deliberations was that whereas the Statement of Objects and Reasons states about Uplinking and Downlinking, the proposed section 5A(a) mentions about only downlinking of television channels. The representative of the Ministry of Law and Justice (Legislative Department) during the course of oral evidence clarified that there would be same interpretation.

The extracts from the Statement of Objects and Reasons in this regard *inter-alia* provides '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'. Although it may be a matter of technical interpretation, referring to both uplinking and downlinking in the Statements of Objects and Reasons whereby the Bill states only about downlinking has created confusion.

D. Constraint in enforcement in the provisions made under the Cable Act

The Secretary during the course of deliberations has acknowledged that there has been reluctance on the part of local administration to act against the cable operators. In some cases, where the local administration has acted, it has raised such a socio-political crisis in that area that post-haste this had to be really withdrawn. The Committee fail to understand as to how the amending legislation would address the issue in the aforesaid scenario and act as a deterrent when it has not been possible to take action against the cable operator although sufficient provisions exist in the Cable Act to penalize the cable operators for not adhering to the provisions made under the Cable Act which include adherence to Programme Code. Further, no action could be taken pursuant to Intelligence Bureau feedback about 25 channels, the contents of which were found as not conducive to the security environment of the country and posed a potential security hazard, although sufficient provisions are there under the extant Cable Act and Rules thereunder to take action in this regard. Moreover, the Ministry could not categorically respond as to how and by whom the content

being 'anti-national' is decided. The Ministry also could not respond categorically when asked about the parameters on which Intelligence Bureau decided that the contents shown by channels are not conducive to the security environment of the Country and pose a potential security hazard.

The Ministry further opined that the purpose of the amending legislation was to actually create a deterrent kind of act. The Committee are unable to understand how the proposed provisions would act as a deterrent without being able to enforce the provisions. In this connection, the Committee endorse the views expressed by the Chairman, TRAI that the Authorized Officers have to do, what they are expected to do under the law and unless that is done the cable operator would never learn what he is not supposed to do.

E. The requirement of amending legislation for the transit period till digitization of Cable Network takes place

One of the fundamental reasons for ruling out transmission of illegal/unregistered channels by TV service providers other than cable network as stated by the Ministry is the programmes being on addressable mode leaving a digital trail. The cable network so far is on analogue mode. The Committee fail to understand that even when the digitalization of cable network can provide the solution to address the issue of showing illegal/unregistered channels through the cable network as acknowledged by the Secretary as well as Chairman TRAI during the course of evidence, the Ministry could not foresee the linkages between the two during the process of consultations. The Secretary during the course of evidence acknowledged that the linkages could not be established as the Parliament has not passed the digitalization amendment in the Cable Act when the proposed amending legislation was moved. The Committee note that the concerned legislation with regard to digitalization amendment in the Cable Act was passed by Parliament on 19 December, 2011 and notified on 30 December, 2011 and the proposed legislation was introduced on 15 December, 2011. Although it is a fact that digitalization amendments were not notified by the time amending legislation was introduced, the Government could have visualized the linkages between the two.

It came out during the course of deliberations that perhaps the amending legislation has been brought to address the issue of showing illegal/unregistered channels by cable operators for the transit period till when the cable services would be digitalized. Since the problem particularly relates to border areas, the Committee inquired about the deadline of digitalization in border areas. The Ministry in the written reply has informed that the areas near the borders in India would be covered in Phase-3 and Phase-4 of the timeline for which is by 30 September, 2014 and 31 December, 2014 respectively. The transit period as such would be from the date of notification of the amending legislation till 30 September, 2014 or 31 December, 2014. The Committee are further concerned to note that the Ministry did not visualize to expedite digitalization deadline in case of border areas by taking proactive initiatives by the Government and instead resorted to legislative option for the interim period after which the law may become redundant as acknowledged by the Ministry. Now, when the issue has been analyzed threadbare by the Committee, the Ministry still acknowledges that the amending provisions should be in place in the Act at all times even if the technological advancement is in the DAS regime may make such a offence redundant.

11. The Committee have made the aforesaid observations after exhaustive examination of several issues involved with the proposed amendment in the Bill in the light of various documents procured and consultations held with the stakeholders, the Ministry of Information and Broadcasting and Telecom Regulatory Authority of India. The Committee strongly recommend that various inconsistencies and infirmities pointed out with regard to amending legislation as well as the issues relating to enforcement of the provisions made in the Cable Act should be given due attention in consultation with the Ministry of Law and Justice and other concerned Departments/Agencies before the amending Bill is taken up for consideration by the Parliament. Moreover, the Committee may also like to strongly emphasize that the digitalization deadline in the border areas should be advanced by taking proactive initiatives by the Government

particularly when as per the Ministry's own assertion digitalization can provide mechanism to regulate/monitor the problem of showing illegal channels by the cable operators, which the proposed amendments seek to address as emerged during the course of the deliberations.

The constraints with regard to implementation of the provisions made under the Cable Television Networks (Regulation) Act, 1995

12. The Committee during the course of deliberations have analyzed the enforcement issue in the context of the existing provisions made under the Cable Act. As elaborated in the earlier part of the Report, the Secretary himself acknowledged that in large number of cases while the problem has been very real there has been reluctance on the part of local administration to act against such cable operators. In some cases where the local administration has acted, it has raised such a socio political crisis in that area that post-haste this had to be really withdrawn. The Committee in this context feel that there is an urgent need to involve the consumer/subscriber in the whole process of implementation of the provisions made under the Cable Act. Besides, the involvement of the elected representatives would also address the constraints being faced in implementation of the provisions made under the Cable Act. Moreover, there is an urgent need to create awareness about the provisions made in the Cable Act that prohibit the cable operator to show the illegal channels. The information relating to registered channel is although available on the website of the Ministry, with the scenario of poor broadband connectivity in border areas, it may be difficult to access the information by the agencies involved as well as by the public at large. The Committee may like to recommend that the pamphlets containing the information should be made available to the agencies involved in enforcement of the provisions of the Cable Act. Besides, for wider dissemination, the local bodies should also be supplied

the copies of the pamphlets and also made aware about the positions in this regard. The Committee are of the firm view that by taking certain pro active initiatives the authorized agencies would be able to enforce the provisions made under the Cable Act and the issue of showing illegal channels by cable operators can be addressed.

13. The Committee further note that the Ministry of Information and Broadcasting has formulated detailed guidelines for setting up State and District Level Monitoring Committees to monitor the content transmitted by the cable operators. The composition of these Committees include representation of academicians, psychologists, sociologists, NGOs working for women and child welfare, etc. The State and District Level Monitoring Committees are headed by Secretary, Information and Public Relations of the State and District Magistrate or Police commissioner as Chairman respectively. The Committee are constrained to note that the elected representatives do not find any place in the State and District Level Monitoring Committees. The Committee as such strongly recommend that the respective guidelines should be amended so as to include the elected representatives including local MPs of Lok Sabha and Rajya Sabha as well as MLAs and MLCs in the composition of the State and District Level Monitoring Committees.

14. The Committee further note from the information furnished by the Ministry that initial order for constitution of State and District Level Monitoring Committees was issued on 6 September, 2005. Subsequently, detailed guidelines were issued on 19 February, 2008. The Committee are constrained to note that only 15 States and 266 Districts have so far been able to set up these Committees. With regard to the State-wise position of status of these Committees, the Committee note that in North Eastern States, Arunachal Pradesh is the only State which has set up the State Level Committee.

15. The Committee are further constrained to note that the Ministry does not maintain centralized data about the functioning of these Committees. The Committee feel that various issues confronting implementation of the provisions made in the Cable Act can be addressed by ensuring effective functioning of State and District Level Monitoring Committees. The Ministry should persuade the State Governments particularly the bordering States to set up these Committees expeditiously. Besides, the position of setting up of these Committees as well as their functioning should be constantly monitored by the Ministry.

Setting up of Expert Body

16. The Secretary during the course of deliberations has apprised the Committee about the constraints being faced by the Ministry in handling the issues of technological nature. The Secretary himself acknowledged the need to set up Expert Bodies to really advise and guide the Ministry on the matter. The Committee observe that with the multiple transformation going world over in the technologies available in the media and entertainment sector, there is an urgent need to have expertise to assist and advise the Ministry in handling the issues related to emerging technologies. The Committee, accordingly recommend that the Government should look into the matter urgently to find the solution in this regard by setting up some Expert Body or widening the mandate and infrastructure of the existing expert body i.e. TRAI.

17. The Committee during the course of deliberations have noted that the administrative Ministry for legislative framework with regard to internet is the Department of Electronics and Information Technology. Whereas, the Ministry of Information and Broadcasting is the nodal Ministry for media, internet plays an important role and in the context of the present legislation one of the

medium for watching TV is internet. The Committee are constrained to note that there is no mechanism to have inter-Ministerial coordination between the various related Ministries viz. the Ministry of Information and Broadcasting, the Department of Electronics and Information Technology, the Department of Telecommunications etc. The Committee strongly recommend that there is an urgent need to have some structured mechanism to have inter-Ministerial consultations and coordination between the various Ministries/Agencies dealing with technological issues related to media transmission.

Involvement of Consumer/Subscriber in the implementation process

18. The Committee observe that the most important factor for enforcement to address the issue of illegal channels being shown by cable operators is how to get the information in this regard. As stated in the earlier part of the Report, the active involvement of consumers/subscribers in the implementation process can certainly help in identifying the offender and addressing the issue of transmission/retransmission of illegal channels. The Committee have been apprised that individual subscriber can lodge complaint in this regard to Authorized Officer or report the matter to District/State Level Monitoring Committees. The Committee feel that to facilitate the consumer/subscriber to lodge the complaint in this regard to the Authorized Officer or report to State/District Level Monitoring Committee, toll free helplines should be provided. Besides, a National Helpline should also be set up to facilitate lodging of complaint by the individual consumer/subscriber from all over the country.

New Delhi
24 August, 2012
02 Bhadrapada, 1934 (Saka)

RAO INDERJIT SINGH
Chairman
Standing Committee on
Information Technology

15 DEC 2011

Bill No. 126 of 2011

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

A
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)

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.

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.

LOK SABHA

^
BILL

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

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

GMGIPMRND—3095LS(S3)—09-12-2011.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-2012)**

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 24th February, 2012 from 1100 hours to 1245 hours in Committee Room No. 'G-074', Ground Floor, Parliament Library Building, New Delhi.

PRESENT

Shri Rao Inderjit Singh –Chairman

MEMBERS

Lok Sabha

2. Smt. Sarika D.S. Baghel
3. Shri Nikhil Kumar Choudhary
4. Dr. Charles Dias
5. Shri A. Ganeshamurthi
6. Shri Rajen Gohain
7. Smt. Darshana Vikram Jardosh
8. Dr. Tarun Mandal
9. Shri Tapas Paul
10. Shri Rajiv Ranjan Singh alias Lalan Singh

Rajya Sabha

11. Shri M.P. Achuthan
12. Shri Mohammad Adeeb
13. Shri Rajkumar Dhoot
14. Prof. Alka Balram Kshatriya
15. Shri P. Rajeeve

SECRETARIAT

1. Shri T.K. Mukherjee - Joint Secretary
2. Smt. Sudesh Luthra - Director
3. Shri Y.M. Kandpal - Additional Director
4. Dr. Sagarika Dash - Deputy Secretary

WITNESSES

Ministry of Information and Broadcasting

Sl. No	Name	Designation
1.	Shri Rajiv Takru	Additional Secretary
2.	Ms. Supriya Sahu	Joint Secretary
3.	Shri Vijay Sharma	Director
4.	Shri T. Jairaj	Press Registrar

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened for briefing meeting with the representatives of Ministry of Information and Broadcasting in connection with examination of ***** and 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'.

3. The Chairman, then, welcomed the representatives of the Ministry of Information and Broadcasting and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the Reports on the Bills are presented to the House. The Chairman also took note of the absence of Secretary, Ministry of Information and Broadcasting from the meeting and desired that prior approval for such absence from the meeting in future should be sought by the Secretary himself in conformity with rules.

4. ***** ***** ***** *****.

5. Thereafter, the representative of the Ministry briefed the Committee about 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011' highlighting various issues relating to the Bill such as broadcast of unlicensed channels by Cable Television Networks, steps being taken to check satellite signals of unregistered channels including practical difficulties being faced and provisions as it exist in other Countries to check this menace, power and role of authorized officers for violation of any provision of the Act, measures adopted to stop broadcasting of content available in internet/you tube by cable operators, etc.

6. The Members of the Committee during the course of deliberations raised pertinent issues related to the aforesaid Bills and the representative responded to the same.

7. It was also decided that the next sitting of the Committee would be held on 7th March, 2012 ***** and take oral evidence of the stakeholders in connection with the examination of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'.

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-2012)**

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE

The Committee sat on Wednesday, the 7th March, 2012 from 1100 hours to 1300 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Rao Inderjit Singh –Chairman

MEMBERS

Lok Sabha

16. Shri Rajendra Agrawal
17. Smt. Sarika D.S. Baghel
18. Shri Nikhil Kumar Choudhary
19. Dr. Charles Dias
20. Shri A. Ganeshamurthi
21. Smt. Darshana Vikram Jardosh
22. Dr. Tarun Mandal
23. Shri P.R. Natarajan
24. Shri Tapas Paul
25. Shri Rajiv Ranjan Singh *alias* Lalan Singh

Rajya Sabha

26. Shri M.P. Achuthan
27. Shri Mohammad Adeeb
28. Shri Raj Kumar Dhoot
29. Shri P. Rajeeve
30. Shri Jesudasu Seelam

SECRETARIAT

5. Shri T.K. Mukherjee - Joint Secretary
6. Smt. Sudesh Luthra - Director
7. Shri Y.M. Kandpal - Additional Director
8. Dr. Sagarika Dash - Deputy Secretary

LIST OF WITNESSES

SI. NO	Name	Designation
1.	Shri Atul B. Saraf	CMD, ABS Entertainment Pvt. Ltd.
2.	Mrs. Roop Sharma	President, Cable Operators of India Association

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened ***** as well as to take oral evidence of the two stakeholders in connection with examination of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'.

3. ***** ***** ***** *****.

- The aforesaid two witnesses were then called in -

4. The Chairman, thereafter, welcomed the two stakeholders to the sitting of Committee and drew their attention to Direction 55(1) of the Directions by the Speaker about the confidentiality of the matter till the report is presented to the House. The two stakeholders, then, put forth their views before the Committee on various issues in connection with the examination of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011' which *inter-alia*, included justification for imposition of penalty on cable operators, hardship being faced by Cable operators due to various regulations, inclusion of IPTV, Mobile TV, DTH, MSOs in clause 5(A) (1) of the proposed amendment Bill, policy guidelines relating to uplinking and downlinking of unregistered Channels, guidelines for the broadcasters, public awareness campaign by the Government about the unregistered channels etc. Besides their comments on 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011', the stakeholders also brought before the Committee various contentious issues on the Cable Industry as a whole which included problems relating to digitization of the Cable TV network, shortage of Set-Top Boxes for broadcasting of TV Channels, the emergence of cross media holding/vertical monopoly in India, content regulation and need to regulate the broadcasters, etc.

5. The witnesses in their presentation highlighted certain issues relating to digitization, Set-Top Boxes etc. During the course of deliberations on related aspects such as DTH services, availability of Set-Top Boxes and payment of taxes by local cable TV operators etc., Industrialist and Member of Parliament Shri Rajkumar Dhoot withdrew from the sitting of the Committee on the issue of conflict of interest.

6. During the course of deliberations Members raised several pertinent issues related to the aforesaid Bill and the Cable Television Industry as a whole and the stakeholders responded to the same. The Chairman requested the two stakeholders to submit written suggestions containing their views separately on the amending Bill and the various issues relating to Cable industry as a whole.

7. The Chairman then thanked the stakeholders for appearing before the Committee and furnishing valuable information in connection with the examination of the aforesaid Bill.

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-2012)**

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE

The Committee sat on Thursday, the 7th June, 2012 from 1500 hours to 1700 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

M.P. Achuthan – In the Chair

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Smt. Sarika D.S. Baghel
4. Shri Nikhil Kumar Choudhary
5. Dr. Charles Dias
6. Shri A. Ganeshamurthi
7. Shri Rajen Gohain
8. Smt. Darshana Vikram Jardosh
9. Shri P.R. Natarajan
10. Shri Rajiv Ranjan Singh *alias* Lalan Singh
11. Smt. Seema Upadhyay

Rajya Sabha

12. Shri Mohammad Adeb
13. Shri Rajkumar Dhoot
14. Dr. Bhushan Lal Jangde
15. Prof. Alka Balram Kshatriya

SECRETARIAT

1. Shri T.K. Mukherjee - Joint Secretary
2. Smt. Sudesh Luthra - Director
3. Shri Y.M. Kandpal - Additional Director

2. As the Chairman was not present, the Committee under Rule 258(3) chose Shri M.P. Achuthan, M.P., and a Member of the Standing Committee on Information Technology to preside over the meeting.

3. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened to take oral evidence of the Experts /Organizations in connection with the examination of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'. *****.

4. The Committee then took evidence of the following experts/witnesses one by one.

1. Pulak Bagchi, Vice President, Legal and Regulatory, STAR India Private Limited, Gurgaon.

2. Naseem Ahmad, Managing Partner, Naseem & Associates Consultants, Noida and Ravi Gupta, Proprietor, Delhi Distribution Co. (MSO).

5. After welcoming the Witnesses, the Chairman drew their attention to the provisions of Direction 55(I) of the Directions by the speaker, Lok Sabha regarding confidentiality of the deliberations till the Report on the Bill is presented to the House.

6. The experts/witnesses then presented their views and made suggestions on the aforesaid Bill. The Members raised pertinent issues relating to the Bill during the course of deliberations and the witnesses responded to the same.

7. The Chairman then thanked the witnesses for appearing before the Committee and furnishing valuable information that the Committee desired in connection with the examination of the aforesaid Bill.

[The witnesses then withdrew]

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-2012)**

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE

The Committee sat on Monday, the 18th June, 2012 from 1500 hours to 1645 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Rao Inderjit Singh– Chairman

MEMBERS

Lok Sabha

16. Shri Rajendra Agrawal
17. Shri Nikhil Kumar Choudhary
18. Dr. Charles Dias
19. Shri A. Ganeshamurthi
20. Smt. Darshana Vikram Jardosh
21. Dr. Tarun Mandal
22. Shri P.R. Natarajan
23. Shri Tathagata Satpathy
24. Shri Rajiv Ranjan Singh *alias* Lalan Singh
25. Smt. Seema Upadhyay

Rajya Sabha

26. Shri M.P. Achuthan
27. Shri Salim Ansari
28. Shri Mohammad Adeb
29. Shri Rajkumar Dhoot
30. Dr. Bhushan Lal Jangde
31. Prof. Alka Balram Kshatriya
32. Shri Jesudasu Seelam

SECRETARIAT

4. Smt. Sudesh Luthra - Director
5. Shri Y.M. Kandpal - Additional Director

**List of Witnesses
Telecom Regulatory Authority of India**

Sl. No.	Names	Designation
1.	Dr. Rahul Khullar	Chairman, TRAI
3.	Shri R. Ashok	Member, TRAI
4.	Shri R.K. Arnold	Member, TRAI
5.	Shri Rajeev Agrawal	Secretary, TRAI
6.	Shri N. Parameswaran	Principal Advisor (B&CS)
7.	Shri Wasi Ahmad	Advisor (B&CS)

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee. *****.

[The witnesses were then called in]

7. The Chairman welcomed the aforesaid witnesses and drew their attention to the provisions of Direction 55(I) of the Directions by the speaker, Lok Sabha regarding confidentiality of the deliberations till the Report on the Bill is presented to the House.

8. The Chairman, TRAI at the outset explained that TRAI is primarily concerned with carriage, which is physical movement of radio signals or telecommunication signals and not concerned with the content of that signals. The content is controlled by the Ministry of Information and Broadcasting. He, thereafter, elaborated the nitty gritty and technical aspects related to the provisions made under 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'. The Members of the Committee raised pertinent issues which he responded during the course of the deliberations. Further the Chairman, TRAI assured the Committee to furnish the information which was not readily available.

5. The Chairman then thanked the witnesses for appearing before the Committee and furnishing valuable information that the Committee desired in connection with the examination of the aforesaid Bill.

[The witnesses then withdrew]

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-12)**

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE

The Committee sat on Monday, the 25th June, 2012 from 1500 hours to 1850 hours in Committee Room 'G-074', Parliament Library Building, New Delhi.

PRESENT

Shri Rao Inderjit Singh – Chairman

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Smt. Sarika D.S. Baghel
4. Shri Nikhil Kumar Choudhary
5. Shri Charles Dias
6. Shri A. Ganeshamurthy
7. Shri Rajen Gohain
8. Smt. Darshana Vikram Jardosh
9. Dr. Tarun Mandal
10. Shri P.R. Natarajan
11. Shri Tathagata Satpathy
- 12... Shri Rajiv Ranjan Singh *alias* Lalan Singh

Rajya Sabha

13. Shri M.P. Achuthan
14. Shri Salim Ansari
15. Shri Mohammad Adeeb
16. Shri Rajkumar Dhoot
17. Shri Bhushan Lal Jangde

Secretariat

1. Shri T.K. Mukherjee - Joint Secretary
2. Smt. Sudesh Luthra - Director
3. Shri Y.M. Kandpal - Additional Director

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened to take oral evidence of the experts/organizations/stakeholders, in connection with examinations of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011' and *****.

3. The Committee then took evidence of representatives of the following organisation on 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011' :-

1. News Broadcasters Association
Mrs. Annie Joseph 1500 hrs. to 1520 hrs.
Secretary General, NBA
and colleagues

4. After welcoming the Witnesses, the Chairman drew their attention to the provisions of Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the report on the subject is presented to the House.

5. The representatives of News Broadcasters Association then presented their views and made suggestions on various issues related to the examination of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'. The Members raised pertinent issues relating to the Bill during the course of deliberations and witnesses responded to the same. The Chairman then thanked the witnesses for appearing before the Committee and furnishing valuable information in connection with the examination of the aforesaid Bill.

[The above Witnesses then withdrew]

6. ***** ***** ***** *****.

7. ***** ***** ***** *****.

8. ***** ***** ***** *****.

9. ***** ***** ***** *****.

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned

**STANDING COMMITTEE ON INFORMATION TECHNOLOGY
(2011-2012)**

MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE

The Committee sat on Friday, the 20th July, 2012 from 1130 hours to 1330 hours
in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Rao Inderjit Singh– Chairman

MEMBERS

Lok Sabha

33. Shri Rajendra Agrawal
34. Smt. Sarika D.S. Baghel
35. Shri Nikhil Kumar Choudhary
36. Dr. Charles Dias
37. Shri A. Ganeshamurthi
38. Shri Rajen Gohain
39. Smt. Darshana Vikram Jardosh
40. Dr. Tarun Mandal
41. Shri P.R. Natarajan
42. Shri Tapas Paul
43. Shri Tathagata Satpathy
44. Smt. Seema Upadhyay

Rajya Sabha

45. Shri Joy Abraham
46. Shri M.P. Achuthan
47. Shri Salim Ansari
48. Shri Rajkumar Dhoot
49. Dr. Bhushan Lal Jangde
50. Prof. Alka Balram Kshatriya
51. Shri Jesudasu Seelam

SECRETARIAT

6. Smt. Sudesh Luthra - Director
7. Shri Y.M. Kandpal - Additional Director
8. Dr. Sagarika Dash - Deputy Secretary

List of Witnesses
Ministry of Information and Broadcasting

1. Shri Uday Kumar Varma Secretary
2. Shri Rajiv Takru Additional Secretary
3. Ms. Supriya Sahu Joint Secretary (Broadcasting)

2. The following representatives from the Ministry of Law and Justice were present to assist the Committee:-

Ministry of Law and Justice
(Legislative Department)

Dr. Sanjay Singh Additional Secretary

(Department of Legal Affairs)

Dr. S.S. Chahar Additional Secretary

3. At the outset, the Chairman welcomed the Members to the sitting of the Committee convened to take oral evidence of the representatives of the Ministry of Information and Broadcasting in connection with examination of 'The Cable Television Networks (Regulation) Second Amendment Bill, 2011'.

[The witnesses were then called in]

4. The Chairman welcomed the representatives of the Ministry of Information and Broadcasting and Law and Justice and drew their attention to the provisions of Direction 55(I) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the deliberations till the Report on the Bill is presented to the House.

5. The Committee thereafter took evidence of the representatives of the Ministry of Information and Broadcasting on the Cable Television Networks (Regulation) Second Amendment Bill, 2011. The Chairman in his opening remarks raised the issue of differential treatment of various television service providers such as Cable, IPTV, DTH on the issue of transmission of content not conducive to the security environment of the country in the context of the examination of the aforesaid Bill as has emerged during the course of deliberations. The Secretary thereafter, made a presentation covering the various issues raised by various stakeholders before the Committee as well as issues raised by Hon'ble Chairman in his opening remarks. The representatives of the Ministry of Information and Broadcasting also responded to the questions raised by members during

the course of deliberations. The representatives of the Ministry of Law and Justice clarified on the legal issues raised during the course of deliberation.

6. The Chairman then thanked the representatives of the Ministries of Information and Broadcasting and Law and Justice for appearing before the Committee and furnishing the information which the Committee desired in connection with the examination of the aforesaid Bill.

[The witnesses then withdrew]

A copy of verbatim proceedings of the sitting has been kept.

The Committee, then, adjourned.

Appendix-VIII

(Not appended to the Report updated on the website)