

THIRD REPORT

STANDING COMMITTEE
ON
COMMUNICATIONS
(1993-94)

(TENTH LOK SABHA)

THE CABLE TELEVISION NETWORKS
(REGULATION) BILL, 1993

Presented to Lok Sabha on 27 August, 1993
Laid in Rajya Sabha on 27 August, 1993



LOK SABHA SECRETARIAT
NEW DELHI

August, 1993/Bhadra, 1915(Saka)

C.C. No. 003

Price: Rs. 5.00

© 1993 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of **Business** in Lok Sabha (Seventh Edition) and printed by Manager, P.L. Unit, Govt. of India Press, Minto Road, New Delhi.

CONTENTS

	Page
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
REPORT	1
ANNEXURES	
Minutes of the sitting held on 19.8.93 (F.N.)	4
Minutes of the sitting held on 19.8.93 (A.N.)	6
Minutes of the sitting held on 23.8.93 (F.N.)	7
Minutes of the sitting held on 25.8.93 (A.N.)	8

**COMPOSITION OF THE STANDING COMMITTEE ON
COMMUNICATIONS
(1993-94)**

CHAIRPERSON

Kumari Vimla Verma

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Laeta Umbrey
5. Shri Surajbhanu Solanki
6. Shri N. Dennis
7. Shri Jagmeet Singh Brar
8. Shri Pawan Kumar Bansal
9. Shri Kodikkunnil Suresh
10. Shri B. Devarajan
11. Shri Era Anbarasu
12. Dr. B.G. Jawali
13. Shri Somjibhai Damor
14. Shri Mohan Lal Jhikram
15. Shri Mahesh Kumar Kanodia
16. Smt. Dipika H. Topiwala
17. Dr. Sakshiji Maharaj Swami
18. Shri Lalit Oraon
19. Shri Anna Joshi
20. Shri Sharad Yadav
21. Shri Ram Pujan Patel
22. Shri Shivsharan Verma
23. Shri Rupchand Pal
24. Shri Satyagopal Misra
25. Shri A. Asokaraj
26. Shri G.M.C. Balayogi
27. Shri Raj Kishore Mahto
28. Shri Sanat Kumar Mandal
29. Shri Sultan Salahuddin Owaisi
30. Shri Chandrajeet Yadav

Rajya Sabha

31. Dr. Z.A. Ahmad
32. Shri Prakash Yashwant Ambedkar
33. Shri M.A. Baby

(iv)

34. Shrimati Kailashpati
35. Shri Virendra Kataria
36. Shri Mohammed Afzal *alias* Meem Afzal
37. Shrimati Jayanthi Natarajan
38. Shri G. Prathapa Reddy
39. Shrimati Sushma Swaraj
40. Shri Vizo
41. Shri Brahmadeo Anand Paswan

SECRETARIAT

Shri G.L. Batra—*Additional Secretary*

Shri K.M. Mittal—*Deputy Secretary*

INTRODUCTION

I, the Chairperson of the Standing Committee on Communications (1993-94) to which the Bill to regulate the operation of Cable Television Networks in the country and for matters connected therewith or incidental thereto [The Cable Television Networks (Regulation) Bill, 1993] was referred by the Speaker in consultation with the Chairman, Rajya Sabha, under Rule 331 E(b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination, having been authorised to submit the Report on their behalf, present this Report.

2. The Bill was introduced in Rajya Sabha on 3rd August, 1993 and published in the Gazette of India, Extraordinary, Part-II, Section 2, dated 3rd August, 1993. Considering the time constraint in which the Committee had to work, the Committee held only four sittings to consider the Bill.

3. The Committee held its first sitting on 19th August, 1993 and took oral evidence of the representatives of various cable television networks associations, individuals etc. At their second sitting held in the afternoon on the same day, the Committee called the representatives of the Ministry of Information and Broadcasting and sought clarification from them on various clauses of the Bill.

4. At their sitting held on 23rd August, 1993, the Committee considered the Bill clause-by-clause.

5. The Committee considered and adopted the Report on the Bill as slightly amended, at their sitting held on 25th August, 1993.

NEW DELHI;
August 25, 1993

Bhadra 3, 1915 (Saka)

KUMARI VIMLA VERMA,
Chairperson,
Standing Committee on Communications.

REPORT

The Committee note that the Cable Television Networks (Regulation) Bill, 1993 has been brought forward to regulate the operation of Cable Television Networks in the country and bring about uniformity in their operation.

2. The programmes that are being put across through satellite channels of foreign television networks and received through dish antenna are at times not in tune with our rich culture and holistic character of Indian tradition.

3. The Committee has considered the principal clauses of the Bill. The Committee would like to highlight a few points to make the proposed Bill more purposeful and effective.

4. In Clause 2 of the Bill, the "cable operator" has been defined to mean any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network. The Committee feel that this definition should be suitably amended to signify the commercial motives/intents of the cable operators and accordingly, the Committee recommend that the words "as a commercial activity" may be added at the end of the aforesaid definition.

5. Clauses 5 and 6 of the Bill provide that a cable operator shall not transmit or re-transmit through a cable service any programme or advertisement unless it is in conformity with the prescribed programme/advertisement code which will be notified by the Government under the powers to make rules conferred on it under Clause 22 of the Bill.

6. The Committee are of the opinion that the cable operators show most of the time the programmes available from foreign television networks *via* satellites and have no control over them. As such it will be very difficult ^{to} from them to ensure that these programmes and advertisements are in conformity with our programme code/advertisement code. The Committee feel that before holding the cable operator guilty of violation of these two clauses of the Bill, prior knowledge of the programmes being violative of the programme/advertisement code should be established.

7. As far as programmes shown through pre-recorded cassettes on VCR are concerned, the Committee feel that the producers/distributors of the cassettes should also be made equally responsible alongwith the cable operators for adhering to the programme/advertisement codes.

8. The Committee have noted that every cable operator is required to maintain a register showing the details of the programmes transmitted

during a month and preserve it for a period of one year under clause 7 of the Bill. The Committee feel that no useful purpose will be served by indicating too many details in the register. The cable operators may keep a note of the chronological list of channels being transmitted or of the cassettes being shown by them through VCR on a particular day and time in the aforesaid register.

9. Clause 8 provides for compulsory transmission of one Doordarshan channel of their choice by the cable operators. If this provision is made mandatory the small cable operators will have to install extra dish antenna for the same. While giving evidence before the Committee, some of the cable operators stated that this clause would cause undue burden on the small cable operators. The Ministry officials on the other hand sought to allay the fears by stating that they had the option to show one Doordarshan terrestrial channel. The Committee strongly feel that when the cable operators are allowed to show the foreign channels, they must also to show atleast one of the national channels as a matter of national commitment.

10. In Clause 9, use of standard equipment conforming to Indian Standard has been made compulsory from the date of expiry of a period of one year from the date of establishment and publication of the Indian Standard by the Bureau of Indian Standards. The Committee feel that to mitigate any hardship on this account to small cable operators in the beginning, they should be allowed a period of three years to phase out their old equipment.

11. The Committee feel that in Clause 11(2), the period of ninety days allowed to the authorised officer for retaining the seized equipment without the approval of the District Judge should be reduced to ten days within which the authorised officer should obtain the orders of the District Judge for retaining it beyond that period. Clause 12 already provides that the seized equipment shall be liable to confiscation if the cable operator does not register himself within 30 days from the date of seizure of the equipment.

12. As regards the notice required to be given for confiscation of the equipment under Clause 14(1) of the Bill, the Committee feel that the time limit for giving such a notice may also be reduced from ninety days to ten days from the date of the seizure of the equipment.

13. Sub-Clause (3) of the Bill states that no further appeal shall lie against the order of the court made under sub-section (2). The Committee feel that the cable operators should be provided the right of second appeal and therefore, Sub-Clause (3) of Clause 15 of the Bill may be amended accordingly.

14. Clause 19 of the Bill gives powers to Group 'A' Officers of the Central Government authorised by the State Government in this behalf to prohibit transmission of certain programmes in public interest. The

Committee noted that there were two divergent views of the members on this clause. One view was that the words "or any other ground whatsoever" appearing in the Clause had given blanket powers to the Group 'A' Officers of the Central Government which could be misused by them and it could also be violatiye of fundamental rights of the citizens. It was suggested that the words "or any other ground whatsoever" might be deleted from this clause. The other view expressed was that the provision as made could not be faulted with as many grounds leading to a situation mentioned therein may not be visualized today but could crop up when a particular programme is produced e.g. on prostitution portroyed not aesthetically as a social problem but crudely and brazenly. If the order of the Officer violates the fundamental right of expression, it would always be open to challenge. At the most the words "any other ground whatsoever" could be qualified by the words "to be recorded in writing."

NEW DELHI;

August 25, 1993

Bhadra 3, 1915 (Saka)

KUMARI VIMLA VERMA,

Chairperson,

Standing Committee on Communications.

MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE
ON COMMUNICATIONS (1993-94)

The Committee met on Thursday, the 19th August, 1993 from 0900 hrs. to 1050 hrs. in Room No. 62, Parliament House, New Delhi.

PRESENT

Kumari Vimla Verma—*Chairperson*

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Pawan Kumar Bansal
5. Shri Mahesh Kumar Kanodia
6. Shri Rupchand Pal

Rajya Sabha

7. Shrimati Kailashpati
8. Shri Mohammed Afzal *alias* Meem Afzal
9. Shrimati Jayanthi Natarajan
10. Shri Brahmadeo Anand Paswan

SECRETARIAT

Shri K.M. Mittal — *Deputy Secretary*

2. The Chairperson welcomed the representatives of various organisations called for evidence and drew their attention to the provisions contained in Direction 58 by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha. Thereafter, Committee took oral evidence of the following organisations seriatim:—

Satellite Television

1. Shri Sidhartha Ray
2. Ms. Purva Rakesh
3. Shri Deepal Sahai

Cable Networks Association

1. Major J.S. Kohli
2. Shri Inderjeet Singh
3. Shri Rakesh Datta

Common Cause

Shri H:D. Shourie

North India Cable Operators Welfare Association

Mrs. Roopa Sharma

Noida Cable TV Operators Association

Shri Ajeet Kacker

3. A verbatim record of the evidence was kept.

The Committee then adjourned to meet again at 1500 hrs. in the afternoon on the same day.

**MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE
ON COMMUNICATIONS (1993-94)**

The Committee met on Thursday, the 19th August, 1993 from 1500 hrs. to 1745 hrs. in Room No. 50, Parliament House, New Delhi.

PRESENT

Kumari Vimla Verma — Chairperson

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shraavan Kumar Patel
4. Shri Lacta Umbrey
5. Shri Surajbhanu Solanki
6. Shri Pawan Kumar Bansal
7. Shri Mohan Lal Jhikram
8. Shri Mahesh Kumar Kanouia
9. Shri Ram Pujan Patel
10. Shri Rupchand Pal
11. Shri G.M.C. Balayogi

SECRETARIAT

Shri K.M. Mittal — Deputy Secretary

2. The Chairperson welcomed the representatives of Department of Telecommunications and the Ministry of Information and Broadcasting. Thereafter the Committee sought clarifications from the representatives of the Ministry/Department on the various clauses of the Indian Telegraph (Amendment) Bill, 1993 and the Cable Television Networks (Regulation) Bill, 1993.

The Committee then adjourned to meet again on 23rd August, 1993 at 0900 hrs.

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON COMMUNICATIONS (1993-94)

The Committee met on Monday, the 23rd August, 1993 from 0900 hrs. to 1055 hrs. in Room No.115-A, Parliament House Annexe, New Delhi.

PRESENT

Km. Vimla Verma — *Chairperson*

MEMBERS

Lok Sabha

2. Shri Shravan Kumar Patel
3. Shri Laeta Umbrev
4. Shri Anna Joshi

Rajya Sabha

5. Shrimati Kailashpati
6. Shrimati Sushma Swaraj

SECRETARIAT

Shri K.M. Mittal — *Deputy Secretary*

The Committee took up for consideration "The Indian Telegraph (Amendment) Bill, 1993" and "The Cable Television Networks (Regulation) Bill, 1993." During deliberations the Committee considered both the Bills clause-by-clause. The hon'ble members suggested some amendments in the Bills. The Chairperson directed the Secretariat to draft the Reports on both the Bills in the light of discussions held and circulate the same to the Members. The Committee decided to have their next sitting on 25th August, 1993 at 1500 hrs. to consider and adopt the two draft reports.

The Committee then adjourned.

**MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON
COMMUNICATIONS (1993-94)**

The Committee met on Wednesday, the 25th August, 1993 from 15.00 to 18.05 hrs. in Committee Room No. 62, Parliament House, New Delhi.

PRESENT

Km. Vimla Verma — Chairperson

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Pawan Kumar Bansal
5. Shri B. Devarajan
6. Shri Mohan Lal Jhikram
7. Shri Mahesh Kumar Kanodia
8. Shri Anna Joshi
9. Shri Ram Pujan Patel
10. Shri Rupchand Pal
11. Shri Satyagopal Misra
12. Shri Sanat Kumar Mandal

Rajya Sabha

13. Shri Prakash Yashwant Ambedkar
14. Shri M.A. Baby
15. Shrimati Kailashpati
16. Shri Virendra Kataria
17. Shrimati Sushma Swaraj
18. Shri Vizol

SECRETARIAT

Shri K.M. Mittal — Deputy Secretary

The Committee first considered the draft report on "The Indian Telegraph (Amendment) Bill, 1993" and adopted the same after carrying out some minor amendments therein.

2. Thereafter, the Committee took up for consideration, the draft report of "The Cable Television Networks (Regulation) Bill, 1993." The Committee made the following changes in the draft report:—

Page No. and Para No.	Amendments Made
1 2	3
1 (Para 1)	The second sentence starting with "The programmes that are being put across—may be numbered as para 2 and for the word "often" occurring in line 7, "at times" be substituted.
1 (Para 3)	The sentence—"The Committee feel that this.....definition" may be amended as under: The Committee feel that this definition should be suitably amended to signify the commercial motives/intents of the cable operators and accordingly the Committee recommend that the words "as a commercial activity" may be added at the end of the aforesaid definition.
2 (Para 5)	The sentence—"The Committee feel that.....are concerned may be amended'as under: The Committee feel that before holding the cable operator guilty of violation of these two clauses of the Bill, prior knowledge of the programmes being violative of the programme/advertisement code should be established."
2 (Para 6)	In Line 1, before the word "cassettes" the word 'pre-recorded' may be added.
2 (Para 7)	The sentence—The Cable operators may keep a note.....in the aforesaid register may be amended as under:— The cable operators may keep a note of the chronological list of channels being transmitted or of the cassettes being shown by them through VCR on a particular day and time in the aforesaid register.
3 (Para 8)	(1) In line 7, after the third sentence ending with "cable operators", the following may be added: "The Ministry officials on the other hand sought to allay the fears by stating that they had the option to show one Doordarshan terrestrial channel". (2) In line 7, delete the word "However". (3) the last sentence "At the same time....for the purpose" was deleted.

1	2	3
3 (Para 9)	The last sentence i.e. "The Committee feel that this will cause undue hardship to small....be amended as under:—	
	"The Committee feel that to mitigate any hardship on this account to small cable operators in the beginning, they should be allowed a period of three years to phase out thier old equipment."	
3 (Para 10)	"In the first sentence (Lines 1-4) the words is too much and it" were deleted and for the words "only seven days" the words "ten days" were substituted.	
4 (Para 11)	"In lines 4-5, for the words "only seven days", the words "ten days" were substituted".	
4 (Para 12)	"In lines 4-5, for the words should be allowed to appeal before the higher courts, if need be", the words "should be provided the right of second appeal were substituted."	
4 (Para 13)	Para 13 of the draft report was deleted	

3. There was fresh discussion on Clause 19 of the Bill. No consensus could be reached as two divergent views were expressed. The Committee decided to bring out both these views in the report. The report was amended accordingly and a new paragraph added to it. Then the report as amended, was adopted by the Committee and the Chairperson was authorised to present/lay the two reports in both the Houses of Parliament.

The Committee then adjourned.