

**[TO BE PUBLISHED IN GAZETTE OF INDIA (EXTRAORDINARY) IN PART II-SECTION
3-SUB-SECTION (ii)]**

GOVERNMENT OF INDIA

MINISTRY OF INFORMATION AND BROADCASTING

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Dated the 6th June, 2003.

NOTIFICATION

G.S.R. 459 (E).-In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 22 of the Cable Television Networks [Regulation] Act, 1995 (No.7 of 1995), the Central Government hereby makes the following rules to amend the Cable Television Networks [Regulation] Rules, 1994. namely:-

1. Short title and commencement.- (1) These rules may be called the Cable Television Networks (Amendment) Rules, 2003.

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

2. After rule 8 of the Cable Television Networks [Regulation] Rules, 1994,

the following rules shall be inserted, namely: -

"9. Manner of publicizing the subscription rates of pay channels.-

(1) Every cable operator shall publicise, either through advertisements in the print and electronic media or through other means (e.g. printing on the reverse of the receipts, etc.) to the subscribers, the subscription rates and the periodic intervals at which such subscriptions are payable for receiving of the various pay channels provided by such cable operator.

(2) Every cable operator shall, while so publicizing, be required to indicate precisely the following information: -

(a) rates of subscriptions for each individual pay channel provided by the cable operator and discounts, if any, offered on subscribing to a minimum number of channels or more:

Provided that discounts so offered for subscribing to the minimum number of channels or more shall not be such as to dilute/nullify the choice of subscribing to individual channels.

Provided further that the subscriber shall not be forced to buy more than the channel(s), of his choice through the mechanism of discounted pricing and by grouping of channels in such a way as to render the choice of individual pay channels offered, an illusory one._

10. Submission of Report to the Central Government.-

- (1) Every cable operator shall be required to submit a report to the Central Government in the Ministry of Information and Broadcasting in Form 6.
- (2) Such report shall be submitted periodically in the first week of each quarter.

Provided that the Central Government may, in exceptional cases, or in public interest, require any cable operator to furnish such report within shorter periods.

11. Declaration of channels as "free-to-air" and 'pay' .-

In order to inform the public as required under rules 9 and 10, the cable operator shall declare which channel[s] will remain 'pay' and which "free-to-air" and also the rates of the pay channels and discounts, if any, by 15th June 2003.

12. Responsibility of cable operators in certain event.-

In the event of cable operators not being in a position by the 14th July, 2003 to declare whether a channel is "pay" channel or 'free-to-air' channel and the price of any pay channel due to the information not being provided by the broadcaster, the cable operator shall not transmit such channel through its network after the 14th July, 2003.

13. Provisions for set top boxes.-

The cable operator shall make provisions for rent and security deposit, or refund thereof as well as warranty, repair and maintenance in the manner notified by the Government".

Explanatory Note

The Principal Rules were notified in the Gazette of India (Extraordinary) in Part II - Section 3 - Sub-section (ii) vide G.S.R.729(E) dated 29th Sept. 1994. These were amended, first in the year 1996 and subsequently in the years 2000 and 2002, through Notifications published in the Gazette of India vide G.S.R.(i) 459(E) dated 8th Oct. 1996; (ii) 710(E) dated 8th Sept. 2000, and (iii) through the Cable Television Networks (Regulation) {Amendment} Act, 2002 (No.2 of 2003) notified in the Gazette of India in Part II - Section 1 on 1st Jan. 2003.

(SUDHIR SHARMA)

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