

File No N-45011/23/2020-DAS
GOVERNMENT OF INDIA
Ministry of Information & Broadcasting

Shastri Bhawan, Dr Rajendra Prasad Marg
New Delhi, Delhi – 110001

Dated the 15th July, 2020

To

1. News Broadcasters Association
2. Indian Broadcasting Foundation
3. All registered MSOs
4. MSOs Association
5. LCOs Association
6. General Public and all stakeholders

Subject: Soliciting suggestions/feedback/comments/inputs/views from general public/stakeholders on decriminalization of minor offences under the Cable Television Networks (Regulation) Act, 1995.

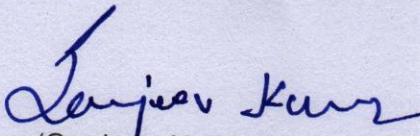
As part of the ongoing exercise to reform governance, it has been decided to undertake a detailed exercise to decriminalize minor offences under the Cable Television Networks (Regulation) Act, 1995.

2. In this regard, a decision has been taken in this Ministry to delete the entire provision of Section 16, Section 17 and Section 18 under Chapter – IV of the Cable Television Networks (Regulation) Act, 1995, captioned as "OFFENCES AND PENALTIES". Proposed amendments is annexed at Annexure-I.

3. The earlier proposed addition in the said Act circulated/published vide this Ministry's communication number N-45001/6/2019-DAS (Pt) dated 20th March, 2020 regarding Treatment of Violations under Section 5 (Programme Code) and Section 6 (Advertisement Code) under Section 16 shall now be shifted to under Section 11 as its sub-Section (1). All other proposed modifications shall remain unchanged.

4. Comments of general public and all the stakeholders concerned are therefore invited latest by 24.07.2020.

5. The Cable Television Networks (Regulation) Act, 1995 may be referred to on this Ministry's official website <https://mib.gov.in>.


(Sanjeev Kumar)

Deputy Secretary to the Government of India

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NIC, with the request to publish it on website.

Annexure-I

Amendment proposed for the decriminalization of minor offences under the Cable Television Network (Regulation) Act, 1995.

Yellow highlight : Addition; Blue highlight: deletion

Sl. No.	Section	Existing provision	Proposed
1	11	<p>“Power to seize equipment used for operating cable television network.: If any authorised officer has reason to believe that the provisions of section 3, section 4A, section 5, section 6, section 8, section 9 or section 10 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>Provided that the seizure of equipment in case of contravention of sections 5 and 6 shall be limited to the programming service provided on the channel generated at the level of the cable operator.]”</p>	<p>“Punishment for contravention of provisions of this Act and power to seize equipment used for operating cable television network.-.</p> <p>(1) any violation of the Programme Code under Section 5 or Advertisement Code under Section 6 shall invite one or more of the following actions by the Central Government :</p> <ul style="list-style-type: none"> a) Issuing advisory, or censure, or warning b) Prohibition of transmission of offending programme; c) Apology scroll specifying the date and time; d) Prohibition of transmission of the channel for a period not exceeding thirty days; e) In instances where actions referred to in clauses (ii) and (iv) above are repeated five times or more for a channel, the Central Government may cancel the permission granted to the channel after giving due opportunity to the channel. <p>(2)*If any authorised officer has reason to believe</p>

			<p>that the provisions of section 3, section 4A, section 5, section 6, section 8, section 9, or section 10, Section 19 or Section 20 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>Provided that the seizure of equipment in case of contravention of sections 5 and 6 shall be limited to the programming service provided on the channel generated at the level of the cable operator.]”</p>
2	16	<p>“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>[(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the contravention of section 4-A shall be a cognizable offence under this section.]”</p>	<p><i>Deletion of Section 16 in view of decriminalization of minor offences</i></p> <p>“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>[(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the contravention of section 4-A shall be a cognizable</p>

			offence under this section.]”
3	17	<p>Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>	<p><i>Deletion of Section 17 in view of decriminalization of minor offences</i></p> <p>Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other</p>

		<p>Explanation.—For the purposes of this section,—</p> <p>(a) “company” means any body corporate and includes a firm or other association of individuals;and</p> <p>(b) “director” in relation to a firm means a partner in the firm.</p>	<p>officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation.— For the purposes of this section,—</p> <p>(a) “company” means any body corporate and includes a firm or other association of individuals; and</p> <p>(b) “director” in relation to a firm means a partner in the firm.</p>
4	18	<p>Cognizance of offences.—No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made 1 [by any authorised officer].</p>	<p><i>Deletion of Section 18 in view of decriminalization of minor offences</i></p> <p>Cognizance of offences.— No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made 1 [by any authorised officer].</p>

*Earlier proposed amendments in this section circulated on Ministry’s website are under consideration.