

MINISTRY OF INFORMATION AND BROADCASTING
SHASTRI BHAWAN, NEW DELHI

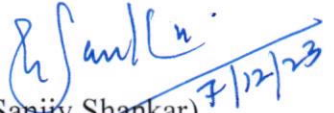
07th December, 2023

PUBLIC NOTICE

ON WEBSITE OF MINISTRY OF INFORMATION AND BROADCASTING

SOLICITING SUGGESTIONS/FEEDBACK/COMMENTS/INPUTS/VIEWS FROM GENERAL PUBLIC/STAKEHOLDERS ON THE DRAFT "BROADCASTING SERVICES (REGULATION) BILL, 2023".

In response to the representations received from the various quarters with reference to this Ministry's Public Notice dated 10.11.2023 (copy enclosed) on the subject cited above, this Ministry has decided to extend the deadline for furnishing suggestions/feedback/comments/inputs/views by any person/stakeholders on the draft "BROADCASTING SERVICES (REGULATION) BILL, 2023" upto 15.01.2024.


(Sanjiv Shankar) 7/12/23

Joint Secretary to the Govt. of India

MINISTRY OF INFORMATION AND BROADCASTING
SHASTRI BHAWAN, NEW DELHI

10th November, 2023


PUBLIC NOTICE

ON WEBSITE OF MINISTRY OF INFORMATION & BROADCASTING

SOLICITING SUGGESTIONS/FEEDBACKS/COMMENTS/INPUTS/VIEWS FROM GENERAL PUBLIC/STAKEHOLDERS ON THE DRAFT "BROADCASTING SERVICES (REGULATION) BILL, 2023"

General public/stakeholder is hereby informed that the MIB has prepared a draft "Broadcasting Services (Regulation) Bill, 2023" to cater to the evolving needs of the Broadcasting Sector. Once enacted, this bill shall replace the Cable Television Networks (Regulation) Act, 1995. The draft Bill is attached to this notice as **Annexure-I**. To facilitate better comprehension of the aforementioned draft bill, an explanatory note has been provided at **Annexure II**.

Any person/stakeholder desirous of sending views/comments/suggestions on the proposed legislation may do so by 09.12.2023 in the prescribed proforma at **Annexure-III** through email at jsb-moib@gov.in.


(Subhash Kumar)
Deputy Secretary

ANNEXURE- I

Broadcasting Services (Regulation) Bill, 2023

Chapter I: Preliminary

1. Short title, commencement and applicability.-

- (1) This Act may be called the Broadcasting Services (Regulation) Act, 2023.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.-

- (1) In this Act, unless the context otherwise requires,-
 - (a) "Accessibility Guidelines" means the accessibility Guidelines specified under sub-section (1) of section 23;
 - (b) "Addressable system" means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which transmission of programmes including re-transmission of signals of television channels can be done in encrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of the authorization made, on the choice and request of such subscriber, by the broadcasting network operator;
 - (c) "Audience Measurement Service" means service provided by an entity registered under sub-section (3) of section 40;
 - (d) "authorised officer" means,-
 - (i) in relation to cable broadcasting network operator, Radio broadcasting network operator, terrestrial broadcasting network

operator and IPTV broadcasting network operator, within his local limits of jurisdiction, -

- (a) a District Magistrate, or
 - (b) a Sub-divisional Magistrate, or
 - (c) a Commissioner of Police,
- (ii) in relation to broadcasters and broadcasting network operators other than those referred in sub-clause (i), Joint Secretary to the Government of India; and
- (iii) any other officer notified in the Official Gazette, by the Central Government, to be an authorised officer for such services within such territorial area, as may be determined;
- (e) “Broadcast Advisory Council” means the Broadcast Advisory Council constituted under Section 27;
- (f) “Broadcasting” means one-to-many transmission of audio, visual or audio-visual programmes using a broadcasting network, intended to be received or made available for viewing, by the general public or by subscribers of the broadcasting network, as the case may be, and the expression “broadcasting services” shall be construed accordingly;
- (g) “Broadcasting network” means a system used for the transmission of programmes, including cable broadcasting networks, satellite broadcasting networks, internet broadcasting networks, radio broadcasting networks and terrestrial broadcasting networks ;
- (h) “Broadcasting network operator” means any person who operates a broadcasting network, and has been granted a registration or license or permission or who has provided an intimation as required under this Act, to provide services using a broadcasting network, and includes--
- (i) Local Cable Operator;
 - (ii) Multi-System Operator;
 - (iii) Direct To Home operator;
 - (iv) Headend-In-The-Sky operator;
 - (v) Internet Protocol Television operator;
 - (vi) Over-the-top broadcasting service operator;
 - (vii) Radio broadcasting service operator; and
 - (viii) terrestrial broadcasting network operator;

- (i) “Broadcaster” means a person who provides programming services and has been provided a registration under Section 11 for uplinking or downlinking of programmes, and in relation to Radio, OTT and Terrestrial broadcasting network, means the operator of such service;
- (j) “Cable broadcasting network” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to enable the transmission of signals through cables for reception by multiple subscribers, and includes network of LCOs and MSOs;
- (k) “Company” means a company as defined under sub-section (20) of section 2 of the Companies Act, 2013;
- (l) “Computer resource” shall have the meaning assigned to it under clause (k) of sub-section (1) of section 2 of the Information Technology Act, 2000;
- (m) “Direct to home” or “DTH” means re-transmission of signals of television channels by using a satellite system, directly to subscriber’s premises without passing through an intermediary such as LCO or any other broadcasting network operator;
- (n) “Encrypted”, in respect of a signal of any broadcasting network, means the changing of such signal in a systematic way so that the signal would be unintelligible without use of an appropriate decrypting device or software and the expression "unencrypted" shall be construed accordingly;
- (o) “Guidelines” means the guidelines issued by the Central Government to fulfil the object and requirements of this act and rules made thereunder;
- (p) “Headend in the Sky” or “HITS” means the system for the transmission of programmes, including re-transmission of signals of television channels
 - (i) To intermediaries like LCOs or MSOs by using a satellite distribution system and not directly to subscribers; or
 - (ii) To the subscribers by using a satellite distribution system and its own cable networks;
- (q) “Internet broadcasting network” means a system for the delivery of broadcasting services and programmes using the internet, over a

computer resource, or using Internet Protocol, to subscribers or viewers, and includes IPTV and OTT broadcasting services;

- (r) “Internet Protocol Television” or “IPTV” means a system for the delivery of multi-channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;
- (s) “Linear broadcasting services” means any broadcasting service where the channels or programmes provided by broadcasters are offered to subscribers by broadcasting network operators in a linear manner, and includes cable broadcasting networks, satellite broadcasting networks and IPTV;
- (t) “Local Cable Operator” or “LCO” means a person who receives the programme signals from MSO or HITS operator and provides broadcasting services through a cable broadcasting network, or otherwise controls or is responsible for the management and operation of a cable broadcasting network and fulfils the prescribed eligibility criteria and conditions;
- (u) “Multi-System Operator” or “MSO” means a person operating a cable broadcasting service who receives a programming service from a broadcaster and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more local cable operators and fulfils the prescribed eligibility criteria and conditions;
- (v) “News and current affairs programmes” means:-(i) newly-received or noteworthy audio, visual or audio-visual programmes or live programmes, including analysis, about recent events primarily of socio-political, economic or cultural nature, or (ii) any programmes transmitted or retransmitted on broadcasting network , where the context, purpose, import and meaning of such programmes implies so;
- (w) “On-demand” means a system where a user, subscriber or viewer is enabled to access, at a time chosen by such user, any programme which is transmitted using a computer resource and is selected by the user;
- (x) “Operator” means, in relation to a broadcasting network, the person-

- (i) who has been granted a registration or provided an intimation in relation to such broadcasting network as required under this Act; and
 - (ii) who exercises overall control and supervision of the management and operation of such broadcasting network;
- (y) “Over-the-top broadcasting service” or “OTT broadcasting service” means a broadcasting service
- (i) made available on-demand or live to subscribers or users in India, and
 - (ii) where a curated catalogue of programmes owned by, licensed to, or contracted to be transmitted,

over the internet or a computer resource, not being a closed network; and

- (iii) where additional hardware or software or combination thereof including a set-top-box, or dongle and software keys may be required to access content on non-smart televisions or viewing devices,

Provided that OTT broadcasting services shall not include a social media intermediary, or a user of such intermediary, as defined in rules under the Information Technology Act, 2000 (21 of 2000) or such other entities as may be notified by the Central Government;

Explanation: In case of OTT broadcasting services, the person responsible for ensuring compliance with all requirements under this Act shall be the operator who makes available the programme or content and not the network operator or the internet service provider.;

- (z) “Person” means
- (i) An individual who is a citizen of India;
 - (ii) An association of persons or a body of individuals, whether incorporated or not, whose members are citizens of India;
 - (iii) A company;
 - (iv) A limited liability partnership as defined in section 3 of the Limited Liability Partnership Act, 2008 (6 of 2009);
- (aa) “Platform Service” means programs, including advertisements transmitted by following Broadcast Network

Operators exclusively to their own subscribers and does not include Doordarshan channels, registered television channels or foreign television channels that are not registered in India:

- (i) Multi-System Operator;
- (ii) Direct To Home operator;
- (iii) Headend-In-The-Sky operator;
- (iv) Internet Protocol Television operator;
- (v) Terrestrial broadcasting network operator; and
- (vi) Any other broadcast network operator notified by the Central Government;

(bb) “Post” means a post, and includes a pole, tower, standard, stay, strut, cabinet, pillar or any above ground contrivance for carrying, suspending or supporting any broadcasting network infrastructure facility;

(cc) “Prescribed” means prescribed by rules made under this Act;

(dd) “Programme” means any audio, visual or audio-visual content, sign, signals, writing, images which is transmitted using a broadcasting network, and includes

- (i) Exhibition of films, features, dramas, documentaries, advertisements and serials;
- (ii) Any audio or visual or audio-visual live performance or presentation and the expression ‘programming service’ shall be construed accordingly;

(ee) “Public authority” means any authority, body or institution of local self-government constituted or established by or under

- (i) The Constitution of India;
- (ii) Any law made by Parliament;
- (iii) Any law made by a State legislature;
- (iv) Any notification issued or order made by the appropriate government, and includes any
 - (a) Body owned, controlled, or substantially financed; or
 - (b) Non-governmental organisation substantially financed

directly or indirectly by funds provided by the appropriate government;

- (ff) “Radio broadcasting network” means the transmission of programmes by a system for the transmission or retransmission of audio programmes using electromagnetic waves on specified frequencies, satellite systems or terrestrial networks, so as to make it available for access by multiple users by connecting their receiving devices to the transmission network;
- (gg) “Radio frequency channel” or “channel” means a designated radio frequency or wavelength that carries a signal between the transmitter and the receiver for broadcasting services and is assigned by the Central Government under any law for the time being in force;
- (hh) “Registration” means a license, approval, authorization, intimation or permission by whatever name called, granted under this Act, Rules or Guidelines for providing services including broadcasting services and operating broadcasting networks;
- (ii) “Registering authority” means such authority as the Central Government may, by notification in the Official Gazette, specify to perform the functions of the registering authority under this Act within such local limits as may be determined, and different registering authorities may be specified for different broadcasting services, and where no such authority has been notified, the Central Government;
- (jj) “Satellite broadcasting network” means any system for the transmission or re-transmission of audio, visual and audio-visual programmes using a satellite system, and includes DTH and HITS;
- (kk) “Subscriber” means,
 - (i) In the context of linear broadcasting services, a person who receives broadcasting services, from broadcasting network operator, at a place indicated by such person without further transmitting it to any other person, and who does not cause the signals of channels to be heard or seen by any person for a specific sum of money to be paid by such person, and each set top box located at such place, for receiving the subscribed broadcasting services, shall constitute one subscriber; and

- (ii) In the context of OTT broadcasting services, a person who has made an account with the provider of such services and who, in accordance with the terms and conditions of the service, is provided access to programmes on such service;
- (ll) “Subscriber data” means information in relation to the number of subscribers of a broadcasting network operator and such other information as may be prescribed under clause (a) of sub-section (1) of section 14;
- (mm) “Subscriber management system” means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilized by the subscriber, channels or bouquets of channels subscribed by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber’s record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period ;
- (nn) “Telecom Regulatory Authority of India” or “TRAI” means the Telecom Regulatory Authority of India established under Section 3 of the Telecom Regulatory Authority of India Act, 1997;
- (oo) “Television Channel” means a registered television channel, which has been granted permission in accordance with Section 11;
- (pp) “Terrestrial broadcasting network” means a broadcasting network transmitting signals over-the-air through terrestrial frequency bands in analogue or digital format, from terrestrial transmitter intended for direct reception by multiple users.

(2) Words and expressions used and not defined in this Act, but defined in the Telecom Regulatory Authority of India, 1997, the Prasar Bharati (Broadcasting Corporation of India) Act, 1990, the Indian Telegraph Act, 1885, the Wireless Telegraphy Act, 1933 and the Information Technology Act, 2000 or rules or regulations made thereunder shall have the meaning assigned to them in those Acts.

Chapter II: Regulation of broadcasting services

3. Applicability of this Chapter.- The provisions of the Parts of this Chapter shall apply in the following manner:

- (a) Part A shall apply to (i) broadcasters referred in section 11, (ii) cable broadcasting networks, and (iii) satellite broadcasting networks,
- (b) Part B shall apply to radio broadcasting networks,
- (c) Part C shall apply to internet broadcasting networks, and
- (d) Part D shall apply to terrestrial broadcasting networks.

4. Requirements for Broadcasters and Broadcasting Network Operators.-

(1) No person shall provide broadcasting services or operate a broadcasting network unless he is registered or has provided an intimation, as the case may be, in accordance with the provisions of this Chapter.

(2) Subject to the provisions of sub-section (4), the following persons shall not be eligible for registration as a broadcaster or broadcasting network operator, as the case may be, under this Act:

- (a) The Central Government, Central Government Departments, Central Government owned companies, Central Government undertakings, Joint ventures of the Central Government and any other entity, and entities solely or primarily funded by the Central Government;
- (b) State Governments, State Government Departments, State Government owned companies, State Government undertakings, Joint ventures of the State Government and the private sector and entities solely or primarily funded by the State Government;
- (c) Gram Sabha, Panchayats, Municipal Councils or Municipal Corporations;
- (d) Public authorities;
- (e) Political parties registered under the Representation of People Act, 1951 (43 of 1951);

- (f) Any person who is an officer in a body under sub-clauses (a), (b) or (c); or
- (g) Any other body as may be notified by the Central Government.

Provided that this sub-section shall not apply to any person, channel or programme authorised under the Prasar Bharti (Broadcasting Corporation of India) Act, 1990 (25 of 1990) or any channel operated by or on behalf of the Parliament of India:

Provided further that this sub-section shall also not apply to Over-the-top Broadcasting Service Operator.

- (3) Any entity referred to in sub-section (2) which is providing any broadcasting service or operating a broadcasting network under any authorisation previously issued by the Central Government or under the Cable Television Networks (Regulation) Act, 1995, shall, within such period of time as may be prescribed, cease to provide such service or operate such network:

Provided that such entities may, in such form and manner and within such time period as may be prescribed, transfer their operations, assets, liabilities, obligations and entitlements to any person who is eligible to provide such service or operate such network in accordance with the provisions of this Act.

- (4) The Central Government, may, for the fulfilment of such social objectives, as may be prescribed, allow registration or intimation as a broadcaster or broadcasting network operator, as the case may be, under this Act, with such terms and conditions, as may be prescribed, to the entities referred in clause (b), (d) and (g) of sub-section (2) of this section.
- (5) The Central Government may make provisions for the regulation of services other than broadcasting services that are intricately linked to broadcasting networks or broadcasting services and prescribe or specify in the Guidelines such requirements related to eligibility, terms and conditions, fees, etc. deemed necessary.

- (6) The Central Government may prescribe or specify in the guidelines, to safeguard its interests, the requirements of furnishing Security Deposits, Performance Bank Guarantee, and other such financial instruments, before grant of registration under this Act, Rules or Guidelines.
- (7) The financial instruments mentioned in sub-section (6) of this section may be forfeited fully or partially in the manner prescribed or specified in the guidelines and may also be utilised to recover any dues or penalty under this Act, Rules or Guidelines.

5. General obligations of broadcasters and broadcasting Network Operators.-

- (1) Every broadcaster and broadcasting Network Operator shall ensure that:
- (a) he transmits programmes in compliance with such terms and conditions and in such manner as may be prescribed;
 - (b) the transmission or re-transmission of any broadcasting service provided by him is in conformity with the Programme Code and Advertisement Code prescribed under section 19;
 - (c) the broadcasting service provided by him does not interfere, in any way, with the functioning of the authorised telecommunication systems and is in conformity with such standards relating to interference as may be specified by the Central Government;
 - (d) he complies with every order or direction issued to him under section 35 or 36 relating to any programme and advertisement transmitted;
 - (e) where applicable, use such equipment in his broadcasting service which conforms to applicable standards as may be specified by the Central Government; and
 - (f) he provides such information as may be sought by the Central Government or the State Government or any agency authorised by the Central Government or authorised officer, as the case may be, within such period and in such form as may be specified by such Government or agency or officer.
- (2) The Central Government may prescribe different rules under sub-section (1) for different type of broadcasters and broadcasting network operators.

6. Compulsory transmission of certain channels.-

- (1) The Central Government may, by notification in the Official Gazette, specify the broadcasting network operators and names of Doordarshan channels or the channels operated by or on behalf of Parliament to be mandatorily carried by such broadcasting network operators in their broadcasting service and the manner of reception and re-transmission of such channels.
- (2) The channels referred to in sub-section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.
- (3) Notwithstanding the provisions of sub-section (1), any notification issued by the Central Government or the Prasar Bharti (Broadcasting Corporation of India) in pursuance of the provisions of sub-section (1), prior to the *<<date on which this Acts comes into the force>>* shall continue to remain in force till such notifications are rescinded or amended, as the case may be.

7. Guidelines for providing Platform Services.-

- (1) Any cable broadcasting network operator, satellite broadcasting network operator, IPTV network operator or such other broadcasting network operator, as may be prescribed, who intends to provide Platform Services on their registered broadcasting network may apply for permission to broadcast Platform Services to the registering authority in such form, manner and containing such particulars as may be prescribed.
- (2) Different registration procedures, eligibility criteria, verification procedures and terms and conditions under sub-section (1) may be prescribed for different type of broadcasting network operators.
- (3) The Central Government may, from time to time, frame and issue guidelines for operationalisation of this section.

8. Renewal of registrations.-

- (1) Every certificate of registration issued under this chapter shall, subject to the obtaining or renewal of such clearances as may be notified by the Central Government, be renewed after such period and upon payment of such fee, as may be prescribed, subject to the fulfilment of prescribed terms and conditions.

- (2) In case of a failure to comply with the terms and conditions related to renewal, the Central Government may cancel the registration issued under this Chapter.

9. Suspension or revocation of registration.- The Registering Authority may suspend or revoke, in such manner as may be prescribed, the registration granted under this Chapter if the broadcaster or broadcasting network operators, as the case may be, 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 broadcaster or broadcasting network operator.

10. Appeals.-

- (1) The applicant may prefer an appeal, in such form as may be prescribed, against the order of the registering authority under this Chapter for refusing grant of registration, renewal of registration and suspension or revocation of registration to the Appellate Authority, as may be prescribed, within thirty days from the date of the order appealed:

Provided that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

- (2) The applicant shall be given a reasonable opportunity of being heard before disposing of the appeal.

Part A: Broadcasters and Cable and Satellite Broadcasting Networks

11. Approval for uplinking or downlinking of programmes or channels by Broadcaster.-

- (1) Any person who intends to operate as a broadcaster by uplinking or downlinking of programmes or channels may apply for grant of permission for such uplinking or downlinking to the registering authority, in such form and manner and be accompanied by such particulars and fees as may be prescribed.
- (2) The broadcaster referred to in sub-section (1) shall fulfil such eligibility criteria and conditions as may be prescribed.
- (3) The registering authority may, after receipt of the application under sub-section (1), approve the application subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant its approval, as the case may be, and communicate the same to the applicant.
- (4) The Central Government shall notify by way of rules the guidelines for the uplinking or downlinking of programmes or channels referred to in sub-section (1), and such guidelines may include terms and conditions in relation to:
 - (a) Grant of approval for uplinking or downlinking programmes or channels;
 - (b) Uplinking of channels or programmes by news agencies;
 - (c) Grant of approval for setting up of teleport;
 - (d) Standards in relation to the equipment used by such broadcaster;
 - (e) Procedures for uplinking or downlinking of live telecast and other categories of programmes;
 - (f) Uplinking of TV channel operating in India and uplinked from India but meant only for viewership outside India;
 - (g) Uplinking of TV channel owned by a foreign entity using the facility of permitted Teleport Operator in India; and
 - (h) Other relevant terms and conditions as the Central Government may deem fit.

- (5) Every broadcaster shall ensure that the transmission or re-transmission of any programme through uplinking or downlinking is in conformity with the terms and conditions specified in the guidelines notified by way of rules as referred to in sub-section (4) of Section 11.

12.Registration of Cable and Satellite Broadcasting Network Operators.-

- (1) Any person who intends to operate a cable broadcasting network or satellite broadcasting network may apply for registration to operate as a broadcasting network operator to the registering authority, in such form and manner and be accompanied by such particulars and fee as may be prescribed.
- (2) The broadcasting network operator shall fulfil such eligibility criteria and conditions as may be prescribed by the Central Government.
- (3) The registering authority may, after receipt of the application under sub-section (1) and verification in such form and manner as may be prescribed, approve the application subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant its registration, as the case may be, and communicate the same to the applicant.
- (4) Different registration procedures under sub-section (1), eligibility criteria under sub-section (2), verification procedures and terms and conditions under sub-section (3) may be prescribed for:
- (a) cable broadcasting networks, including LCOs and MSOs;
 - (b) satellite broadcasting networks, including DTH operators and HITS operators; or
 - (c) any other category of broadcasting network operators as notified by the Central Government.

13. Obligations of cable and satellite broadcasting network operators.-

(1) Every broadcasting network operator shall:-

(a) transmit or re-transmit programmes in an encrypted form through a digital addressable system only;

Provided that broadcasting network operators authorised under the Prasar Bharti (Broadcasting Corporation of India) Act, 1990 (25 of 1990) shall be exempted from complying with requirements in relation to encryption, subject to such terms and conditions as may be prescribed.

(b) publicise the information related to subscription rates, standards of quality of service and mechanism for redressal of grievances, in such manner and at such periodic intervals as may be prescribed by the Central Government or as may be specified by TRAI by its regulation, directions or orders; and

(c) maintain records about the programmes transmitted by them in such form and for such time period as may be specified, and also share the same with the Authorised Officer and the Central Government as and when required; and

(2) A broadcasting network operator shall not require any subscriber to have a receiver set of a particular type to receive programmes or signals of their broadcasting network:

Provided that the subscriber of cable broadcasting network and satellite broadcasting network shall use a digital addressable system to be attached to his receiver set for receiving programmes transmitted on any channel.

(3) All actions taken by the Central Government or the TRAI in pursuance of the provisions of sub-section (1) as they stood immediately before the <<*date of coming this Act into force*>> shall continue to remain in force till such actions are modified as per the provisions of this Act.

14. Maintenance of records of subscriber data.-

- (1) Every broadcasting network operator and broadcaster shall:-
 - (a) maintain accurate and updated records of subscriber data of its broadcasting services or network, including the number of subscribers and such other particulars as may be prescribed;
 - (b) provide the prescribed relevant information relating to its broadcasting services and networks in such format and at such periodic intervals to the Central Government or the State Governments or the TRAI or their authorised representatives, as may be specified by them from time to time;
 - (c) undertake periodic external audits of subscriber data, as may be specified, to ensure the accuracy and reliability of subscriber data maintained by the operator; and
 - (d) comply with technical measures, as may be prescribed, in order to ensure the maintenance and reporting of accurate and updated subscriber data.

- (2) Any information provided by the broadcasting network operator under the provisions of this Act or any law in force for the time being to a State Government or the TRAI or their authorised representatives, may be shared with the Central Government, for the purpose of ensuring adequate oversight of subscriber data and ensuring compliance with the provisions of this Act.

Part B: Radio Broadcasting Networks

15. Grant of permissions to Radio Broadcasting Network Operators.-

- (1) Any person who intends to operate a radio broadcasting network may apply for a letter of intent, to operate a radio broadcasting network to the registering authority, in such form, manner and be accompanied by such particulars and fee as may be prescribed.

- (2) The registering authority may, after receipt of the application under subsection (1), approve the application for a letter of intent subject to such clearances and requirements as may be prescribed, or for reasons to be

recorded in writing, by order, refuse to grant its approval for such application, as the case may be, and communicate the same to the applicant.

- (3) Subject to the fulfilment of subsequent clearances and the requirements prescribed under the letter of intent under sub-section (1), the radio broadcasting network operator may apply for signing of grant of permission agreement to the Central Government, in such form and manner and containing such particulars as may be prescribed.
- (4) The radio broadcasting network operator referred to in sub-section (1) shall fulfil such eligibility criteria and conditions as may be prescribed.
- (5) Different permission procedures under sub-section (1) and requirement of subsequent clearances under sub-section (2) may be prescribed for:
 - (a) private FM radio broadcasting service,
 - (b) community radio broadcasting service, and
 - (c) any other category of radio broadcasting service as notified by the Central Government.

Part C: Internet Broadcasting Networks

16. Intimation by Internet Broadcasting Network Operators.-

- (1) Any person who has been provided a unified license under Section 4 of the Telegraph Act, 1885 may provide IPTV services in compliance with the terms of such license after providing an intimation to the Central Government in such form and manner as may be prescribed.
- (2) Any person providing an OTT broadcasting service in India, with such number of Indian subscribers or viewers as may be prescribed, shall, within a period of one month from the notification of this Act or its meeting the prescribed threshold, provide an intimation to the Central Government of its operations, in such form and manner as may be prescribed.

17. Central Government may, if it considers or expedient so to do for avoiding genuine hardship on such other OTT broadcasting service operators, who

do not fall under the threshold of subscribers or active users as prescribed under sub-section (2) of section 16, relax, through Guidelines, any requirement contained in any of the provisions of this Act.

Part D: Terrestrial Broadcasting Networks

18. Grant of permission to Terrestrial Broadcasting Network Operators.-

- (1) Any person who intends to operate as a terrestrial broadcasting network may apply for permission to the registering authority, in such form and manner and be accompanied by such particulars and fee as may be prescribed.
- (2) The operators referred to in sub-section (1) shall fulfil such eligibility criteria and conditions as may be prescribed.
- (3) The registering authority may after receipt of the application under sub-section (1) and verification in such form and manner as may be prescribed, approve the application subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant its registration, as the case may be, and communicate the same to the applicant.
- (4) Every certificate of permission granted under sub-section (3) shall, subject to the obtaining or renewal of such clearances as may be prescribed by the Central Government, be renewed after such intervals as may be prescribed, subject to the fulfilment of prescribed terms and conditions, and in case of a failure to comply with the terms related to renewal, the Central Government may cancel the permission.

Chapter III: Content standards, accessibility and access control measures

19. Programme Code and Advertising Code.-

- (1) Any programme transmitted or re-transmitted as broadcasting services shall be in conformity with the Programme Code, as may be prescribed.
- (2) Any advertisement transmitted or re-transmitted as broadcasting services shall be in conformity with the Advertisement Code, as may be prescribed.

- (3) Different Programme Code and Advertisement Code may be prescribed under sub-section (1) and (2) for programmes and advertisements broadcast through:
- (a) linear broadcasting services;
 - (b) on-demand broadcasting services;
 - (c) radio broadcasting services; and
 - (d) any other category of broadcasting service as notified by the Central Government.

20. News and Current Affairs Programmes.-

- (1) Any person who broadcasts news and current affairs programs through an online paper, news portal, website, social media intermediary, or other similar medium but excluding publishers of newspapers and replica e-papers of such newspapers, as part of a systematic business, professional, or commercial activity shall adhere to the Programme Code and Advertisement code referred to in Section 19.
- (2) The provisions of this Act as applicable to OTT broadcasting network operators shall also apply, mutatis mutandis, to the persons referred to in sub-section (1), and the central government may prescribe rules and issue guidelines under provisions of this Act.

21. Self-classification by broadcasters.-

- (1) The Central Government may issue guidelines for broadcasters to classify their programmes under the categories specified thereunder, having regard to the context, theme, tone, impact and target audience of such content, with the relevant rating for such categories based on an assessment of the relevant content descriptors specified in such guidelines.
- (2) The classification referred to in sub-section (1) shall be displayed prominently at the beginning of the programme, in such form and manner specified in the guidelines, to enable users to make an informed decision about such programmes.

22. Access control measures.-

- (1) The broadcasting network operator shall endeavour to implement access control measures, in the prescribed form and manner, in relation to programmes which have been classified as being appropriate for restricted viewing under sub-section (1) of Section 21.

23. Accessibility Guidelines for persons with disabilities.-

- (1) The Ministry of Information and Broadcasting may issue Accessibility Guidelines so that Broadcasting services are accessible to persons with disabilities and is guided by the following general considerations:
 - (a) Every person with disability is entitled to access programmes, platforms and equipment of broadcasting services in a form accessible to such persons;
 - (b) Every broadcasting network operator and broadcaster may make their programmes, platform, and equipment accessible for persons with disabilities; and
 - (c) Broadcasters or broadcasting network operators may be required to take certain mandatory measures under the Accessibility Guidelines and endeavour to take certain directory measures to make broadcasting services incrementally more accessible.
- (2) The requirements and measures specified in the accessibility Guidelines referred to in sub-section (1) may include-
 - (a) Supplementing video programmes with subtitles of size, colour, and font as may be specified;
 - (b) Supplementing video content with audio-description for the blind in such languages as may be specified;
 - (c) Translating audio content of videos, where appropriate, into sign language;
 - (d) Requiring providers of OTT broadcasting services to use applications that are accessible to persons with disabilities;
 - (e) Specifying a certain percentage of programmes that all broadcasters must make accessible in accordance with the accessibility guidelines within such time period as may be specified;
 - (f) Requiring providers of broadcasting services to submit an end-to-end annual accessibility audit report to the Central Government in the form and manner as may be specified;

- (g) Designation of a disability grievance redressal officer, to be appointed by the Central Government, to address complaints of contraventions of the accessibility guidelines in such manner and within such time as may be specified in guidelines; and
 - (h) Establishing mechanisms to enable any person with a disability who is unable to access the programmes, platform, or equipment of a broadcasting service to file a complaint in such form and manner, specified in guidelines.
- (3) Where the Ministry of Information and Broadcasting is of opinion that there is a violation of the accessibility guidelines, penalty on the broadcaster or broadcasting network operator may be imposed in accordance with Section 34.

Chapter IV: Regulatory structure

24. Regulatory structure.-

- (1) To ensure compliance to the Programme code and the Advertisement code and to address the grievance or complaint, if any, relating thereto, there shall be:
- (a) Self-regulation by broadcasters and broadcasting network operators in accordance with section 25;
 - (b) Self-regulatory organisations constituted in accordance with section 26; and
 - (c) The Broadcast Advisory Council constituted under section 27.
- (2) Self-certification by the Content Evaluation Committee (CEC):-
- (a) Every broadcaster or broadcasting network operator shall constitute one or more “Content Evaluation Committee “ or CEC, consisting of members who are eminent individuals representing different social groups, including but not limited to women, child welfare, scheduled castes, scheduled tribes, minorities etc., and with such other relevant criteria as may be prescribed .
 - (b) The Central government may prescribe the number of members in CEC, quorum required, and such other details to facilitate the formation of CEC and its smooth functioning.

- (c) Every broadcaster or broadcasting network operator shall intimate the Central Government and also publicise the names, credentials and other details of members of CEC on its website and in such form and manner, as may be prescribed.
 - (d) Every broadcaster or broadcasting network operator shall broadcast only those programmes which are duly certified by the CEC:
Provided that the Central Government may prescribe the programmes on which requirement of certification from CEC shall not apply.
 - (e) The certificate issued by CEC shall contain such particulars and be displayed in such manner as may be prescribed.
 - (f) The provisions of this section shall be applicable after 180 days of coming into force of this Act.
- (3) The provisions of this chapter shall be applicable, in case of cable broadcasting network operators, satellite broadcasting network operators and IPTV Network operators, to only such operators, who provide Platforms services on their network, and limited only to the content broadcasted on such platform services.

25. Self-regulation by broadcasters and broadcasting network operators.-

- (1) Every broadcaster and broadcasting network operators shall:
- (a) Appoint a grievance redressal officer for the purpose of receiving and hearing complaints in contravention of Programme code and the Advertisement code;
 - (b) Be a member of a self-regulatory organisation constituted in accordance with section 26;
 - (c) Establish and maintain suitable mechanisms for the filing and redress of complaints referred to in clause (a), in such form and manner as may be prescribed; and
 - (d) Publish information related to complaint redressal mechanisms prominently in such form as may be prescribed.
- (2) Where the complainant is not satisfied with the decision of the grievance redressal officer or no decision has been taken within prescribed time period, he may, within such period of time and in such form and manner as may be prescribed, prefer an appeal of such decision to the self-regulatory organisation of which such broadcaster or broadcasting network operator is a member under Section 26 or where such self-regulatory organisation is not available for any reason, to the Broadcast Advisory Council under section 27.

26. Self-regulatory organisations of broadcasters and broadcasting network operators.-

- (1) A self-regulatory organisation of broadcasters or broadcasting network operators, being a body constituted by broadcasters, broadcasting network operators or their associations with such number of members as may be prescribed, may be registered in the manner specified in sub-section (2) for the functions referred to in sub-section (3).

- (2) A self-regulatory organisation shall, within a period of ninety days of the coming into force of this Act or after its constitution in accordance with sub-section (2), register itself with the Central Government in such form and manner as may be prescribed:

Provided that a self-regulatory organisation previously granted registration by the Central Government in accordance with the rules made under the Cable Television Network (Regulation) Act, 1994 shall be deemed to have been registered under this sub-section.

- (3) The self-regulatory organisation shall perform the following functions:
 - (a) Address grievances which have not been addressed by the broadcaster or broadcasting network operators within the prescribed time period;
 - (b) Hear appeals filed by complainants against the decision of the broadcaster or broadcasting network operators under Section 25, in such form and manner as may be prescribed.
 - (c) Issue guidance or advisories to its members for ensuring compliance to the programme Code and the Advertising Code.

- (4) A self-regulatory organisation under this section may make governing norms and articles consistent with the provisions of the Act, Rules and Guidelines which shall also provide that contravention of any of the governing norms and articles or Programme code and Advertisement code shall render the member of Self Regulatory Organisation concerned liable to one or more of the following punishments, namely:
 - (a) expulsion from membership;
 - (b) suspension from membership for a specified period;
 - (c) any other penalty of the nature of advisory, censure, warning;
 - (d) monetary penalty not exceeding Rs. five lakhs for each contravention.

27. Broadcast Advisory Council.-

- (1) The Central Government shall constitute, for the purposes of this Act, a Broadcast Advisory Council, consisting of

- (a) One eminent independent person with not less than twenty-five years of experience in the fields of media, entertainment, broadcasting and other such relevant fields. – Chairperson;
- (b) Five officers nominated by the Central Government to represent the Ministry of Information and Broadcasting, Ministry of Women and Child Development, Ministry of Home Affairs, Ministry of External Affairs, and Ministry of Social Justice and Empowerment - Members, *ex officio*
- (c) Five eminent independent persons, nominated by the Central Government, with experience in the fields of media, entertainment, broadcasting, child rights, disability rights, rights of women, human rights, law and other such relevant fields – Members.
- (2) The term of office of an ex-officio member shall come to an end as soon as he ceases to hold office by virtue of which he was nominated.
- (3) The Broadcast Advisory Council shall meet at such times and places as may be appointed by it and shall observe such rules of procedure in regard to its quorum and the transaction of business at its meetings, as may be specified by guidelines.
- (4) The terms and conditions related to the appointment of members to the Broadcast Advisory Council, the manner of their selection, tenure and the manner of performance of their functions shall be such as may be prescribed.
- (5) The Broadcast Advisory Council shall have the power to co-opt as members such number of persons, who are not its members, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the Broadcast Advisory Council and take part in its proceedings but shall not have the right to vote:

Provided that where such members were co-opted with the approval or recommendation of the Central Government, shall have the right to vote.

28. Functions of the Broadcast Advisory Council.-

(1) The Broadcast Advisory Council shall hear complaints regarding violation or contravention of the Programme Code or Advertisement Code that may:

(a) Arise out of appeals filed by complainants against the decision of the self-regulating organisations under section 26, in such form and manner as may be prescribed:

Provided that where broadcaster or broadcasting network operator is not a member of any self-regulating organisation or self-regulating organisation under section 26 is not available due to any other reason, hear such appeals which ordinarily lies with them, in such form and manner as may be prescribed;

(b) be referred to it by the Central Government.

(2) The Broadcast Advisory Council shall examine complaints or grievances received by it, or referred to it, and make the recommendations to the Central Government as per the provisions of Section 35.

(3) The Central Government may, after taking into consideration the recommendations of the Broadcast Advisory Council, issue appropriate orders and directions under section 35.

29. Constitution of review panels by Broadcast Advisory Council.-

(1) The Broadcast Advisory Council, may, constitute review panels, with such number of members and such composition, as may be prescribed, to carry out its functions referred in section 28.

(2) The Central Government may prescribe through rules, the manner in which any appeal or reference may be assigned to review panels by the Broadcast Advisory Council.

(3) Once any matter is assigned to a review panel, the recommendation made by such review panel shall be deemed as the recommendation of the Broadcast Advisory Council.

Chapter V: Inspections and penalties

30. Power of Inspection.-

(1) The Central Government or agency so authorised by it or authorised officer, shall have the right to inspect broadcasting networks and services.

(2) On being so directed by the Central Government or agency so authorised by it or authorised officer, operator of broadcasting network or broadcasting services shall provide the necessary equipment, services and facilities at designated place or places for lawful interception or continuous monitoring at its own cost under the supervision of the Central Government or agency so authorised by it or authorised officer.

(3) The inspection shall ordinarily be carried out after giving reasonable notice except in circumstances where giving of such a notice shall defeat the purpose of the inspection.

(4) No prior permission or intimation shall be required to exercise the right of the Central Government or its authorised officers or agency so authorised by it, to carry out such inspection.

31. Power to seize and confiscate equipment.—

(1) If any authorised officer has reason to believe that provisions under this Act, or rules or Guidelines are being contravened by the operator of broadcasting network or broadcasting services specified in the Second Schedule, he may seize the equipment of such broadcasting network or broadcasting services.

- (2) No seizure or confiscation of equipment referred to in sub-section (1) shall affect the penalty to which the person affected thereby is liable under the provisions of this Act, or rules or Guidelines.
- (3) The equipment seized under sub-section (1) shall be liable to confiscation unless the operator of broadcasting network or broadcasting services, from whom the equipment has been seized demonstrates compliance with the provisions of this Act, or rules or Guidelines, within a period of thirty days from the date of seizure of the said equipment.

32. Giving of opportunity to the operator of broadcasting network or broadcasting services of seized equipment.-

- (1) No order adjudicating confiscation of the equipment referred to in section 31 shall be made by the Authorised officer unless the operator of broadcasting network or broadcasting services, has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such equipment and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice against the confiscation and if he so desires of being heard in the matter:

Provided that where no such notice is given within a period of ten days from the date of the seizure of the equipment, such equipment shall be returned after the expiry of that period to the operator of broadcasting network or broadcasting services , from whose possession it was seized.

- (2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply to every proceeding referred to in sub-section (1).
- (3) Any person aggrieved by any decision of the authorised officer, under sub-section (1), adjudicating a confiscation of the equipment may prefer an appeal to the court to which an appeal lies from the decision of the authorised officer.
- (4) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the

decision appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence if necessary.

(5) No further appeal shall lie against the order of the court made under sub-section (4).

33. Punishment for contravention of provisions of this Act.—

(1) Whoever contravenes the provisions of this Act, Rules, or Guidelines, causing an offence specified in the Third Schedule, shall be punishable with imprisonment for a term, or with a fine, or with both, further specified in the Third Schedule.

(2) Offences by companies.—

(a) 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:

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.

(b) 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.

Explanation.—

For the purposes of this sub-section,—

- (i) “company” means any body corporate and includes a firm or limited liability partnership or other association of individuals; and
- (ii) “director” in relation to a firm means a partner in the firm.
- (iii) “director” in relation to limited liability partnership means a partner in the limited liability partnership.

(3) No court shall take cognizance of any offence specified in the Third Schedule to this Act except upon a complaint in writing made by any authorised officer.

34. Penalty for contravention of provisions other than Programme code and Advertisement Code, of this Act.-

- (1) Subject to sections 33 and 35, whoever contravenes any provision of this Act, rules or guidelines, shall be liable for one or more of the following:
- (i) advisory;
 - (ii) censure;
 - (iii) warning,
 - (iv) a penalty specified in the First Schedule.

(2) The authorised officer, by making an order in writing, shall impose penalty mentioned under sub-section (1):

Provided that in case of more than three contraventions over a period of three years, the authorised officer, in addition to the penalty referred to in sub-section (1), may, for the reasons to be recorded in writing, by order, suspend or revoke the registration granted:

Provided further that no order by the authorised officer under this sub-section shall be made without giving a reasonable opportunity of being heard.

(3) Any person aggrieved by the order made under sub-section (2), may prefer an appeal to such Appellate Authority, as may be prescribed, within thirty days from the date of the receipt of the order:

Provided that an appeal may be entertained after the expiry of the period of thirty days, if Appellate Authority is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

35. Penalty and measures for contraventions of Programme code and Advertisement Code.-

(1) Subject to section 33, the Central Government may, in accordance with the provisions of section 28, issue an order requiring the broadcaster or the broadcasting network operator to comply with one or more of the following measures:

- (a) to delete or modify programme or advertisement;
- (b) Requiring to comply to an advisory, or censure, or warning issued;
- (c) to display an apology scroll at such date and time as may be specified;
- (d) A statement of apology to be read out by the Director, CEO or any other key personnel of the entity on the channel;
- (e) Directing the channel to be off-air for specified number of hours or days;
- (f) Imposing a penalty, as specified in the First Schedule, which such broadcaster or the broadcasting network operator shall be liable to pay.

(2) In cases of repeated and persistent non-compliance where a penalty under sub-section (1) has already been imposed, the Central Government may, in addition to the penalty under sub-section(1), cancel any registration granted to the broadcaster or the broadcasting network operator under this Act after giving a reasonable opportunity of being heard.

36. Power to prohibit transmission of programme or operation of broadcaster or broadcasting network.—

(1) Where any authorised officer, thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any cable broadcasting network operator, radio broadcasting network operator, terrestrial broadcasting network operator and IPTV broadcasting network operator

from transmitting or re-transmitting any programme or channel if, it is not in conformity with the prescribed programme code and advertisement code referred to in section 19 or if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquillity.

- (2) Where the Central Government thinks it necessary or expedient so to do in public interest, it may prohibit the operation of any broadcasting services or broadcasting network operators, in such areas as it may, by notification in the Official Gazette, specify in this behalf.
- (3) Where the Central Government thinks it necessary or expedient so to do in the interest of the— (i) sovereignty or integrity of India; or (ii) security of India; or (iii) friendly relations of India with any foreign State; or (iv) public order, decency or morality, it may, by order, regulate or prohibit the transmission or re-transmission of any Television Channel or programme.
- (4) Where the Central Government considers that any programme of any channel is not in conformity with the prescribed programme code and advertisement code referred to in section 19, it may by order, regulate or prohibit the transmission or re-transmission of such programme.
- (5) The central government may prescribe rules for exercise of power by the Central Government or Authorised officer under this Section.

Chapter VI: Miscellaneous

37. Sharing of infrastructure.-

- (1) Where it is technically feasible to do so and subject to the rules prescribed by the Central Government in this regard, an agreement for the sharing of infrastructure and equipment for the purpose of providing broadcasting services may be voluntarily entered into between
 - (a) An MSO and one or more MSO or HITS Operators;

- (b) Two or more DTH operators; or
 - (c) Such other entities as may be notified by the Central Government from time to time.
- (2) The entities, which seek to enter an agreement referred to in sub-section (1), shall make an application to the Central Government in such form and manner as may be prescribed.
- (3) The Central Government may, after review of the application under sub-section (2), approve or reject the proposal for sharing of infrastructure, and where approved, such proposal shall become effective from the date of such approval.
- (4) Where any agreement referred to in sub-section (1) is entered into, every person who has entered into such agreement shall be independently responsible and liable for ensuring compliance with the relevant provisions of this Act, any rules made thereunder and any other applicable law in force for the time being.
- (5) The Central Government shall prescribe terms and conditions in relation to the agreements referred to in sub-section (1).
- (6) Where it is technically feasible to do so and subject to the provisions of this Act and any other law in force, broadcasting network operators may enter into agreement for the sharing of infrastructure and equipment for the purpose of providing last mile access to Access service providers or Internet Service Providers in a fair, transparent and non-discriminatory manner for proliferation of broadband services.

38. Right of way for broadcasting networks:-

- (1) For the purpose of this Section:
- (a) "facility provider" means the Central Government or any authorized entity, including any contractor or sub-contractor or agent working for the Central Government or authorized entity, and shall include any successors or assignees;
 - (b) "public entity" means:
 - (i) the Central Government,
 - (ii) State Governments,

- (iii) local authority,
 - (iv) any authority, body, company or institution incorporated or established by the Central Government or the State Government, or under any statute, or
 - (v) any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as notified by the Central Government.
- (c) "public property" means any property, whether immovable or movable, including any machinery, which is owned by, or in the possession of, or under the control or management of any public entity.
- (2) Right of way for broadcasting network in public property
- (a) Any facility provider may submit an application to a public entity under whose ownership, control or management the public property is vested, to seek permissions for right of way for broadcasting network under, over, along, across, in or upon such public property. On receipt of an application from a facility provider, the public entity shall grant permission for all or any of the following acts:
 - (i) survey such property for the purpose of assessing the feasibility for establishing broadcasting network;
 - (ii) enter the property from time to time to establish, operate, maintain, repair, replace, augment, remove or relocate any broadcasting network;
 - (b) The public entity shall grant permission under clause (a) of sub-section (2) in an expeditious manner and within the timelines as may be prescribed, and subject to such administrative expenses and compensation for right of way, which shall not exceed amounts as may be prescribed.
 - (c) Any rejection of an application under clause (a) of sub-section (2) shall be based only on substantive grounds to be recorded in writing.
 - (d) The facility provider shall do as little damage as possible to the public property when undertaking any of the activities for which it

has been granted permission under clause (a) of sub-section (2). In the event of any damage to the property, the facility provider shall, at the option of the public entity, either:

- (i) restore such property to its state as existed prior to the undertaking of such activities, or
- (ii) pay compensation for such damage as may be mutually agreed.

(e) The provisions of this section shall also be applicable to any public property vested for projects or class of projects as notified by the Central Government, in respect of which, applications under clause (a) of sub-section (2) shall be made to the public entity granting the concession, contract or permission for such projects.

(3) Right of way for broadcasting network on property not covered under sub-section (2) of this section

(a) Any facility provider may submit an application to the person under whose ownership, control or management of property not covered under sub-section (2) of this section is vested, to seek right of way for broadcasting network under, over, along, across, in or upon such property. On receipt of an application from a facility provider, such person may enter into an agreement, specifying consideration as mutually agreed, for:

- (i) undertaking surveys as may be required by the facility provider for the purpose of assessing the feasibility for establishing broadcasting network; or
- (ii) establishing, operating, maintaining, repairing, replacing, augmenting, removing or relocating any broadcasting network by the facility provider.

(b) The facility provider shall do as little damage as possible to the property when undertaking any of the activities for which it has been granted permission under clause (a) of sub-section (3). In the event of any damage to the property, the facility provider shall restore such property to its state as existed prior to the undertaking of such activities, failing which the person granting permission under clause (a) of sub-section (3), shall

be entitled to compensation as may be mutually agreed, for any such damage.

(c) The Central Government may prescribe the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the broadcasting network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, as well as matters relating to the compensation payable for any damage.

(d) In the event the person under clause (a) of sub-section (3) does not provide the right of way requested, and the Central Government determines that it is necessary to do so in the public interest, it may, either by itself or through any other authority designated by the Central Government for this purpose, determine that such facility provider shall be permitted the right of way to establish, operate, maintain such broadcasting network, subject to terms and conditions, including charges for the right of way, and compensation for damage to the property, if any, to be payable to such person.

(4) Non-discriminatory and non-exclusive grant of right of way:-

Any person providing right of way under sub-section 2 or sub-section 3, shall ensure grant of right of way to the facility providers in a non-discriminatory manner and, as far as practicable, on a non-exclusive basis.

(5) Broadcasting network distinct from property on which it is installed:-

- (a) A facility provider shall not have any right, title or interest in the property on which broadcasting network is established, except the right to use the property as provided under sub-section 2 or section 3, as applicable.
- (b) The broadcasting network installed on any property, shall not be subject to any claims, encumbrances, liquidation or the like, relating to such property.
- (c) The broadcasting network installed on any property, shall not be considered as part of such property, including for the purposes of

any transaction related to that property, or any property tax, levy, cess, fees or duties as may be applicable on that property.

- (d) Notwithstanding the provisions of any other law for the time being in force, no public entity, other than with the permission of an officer authorized by the Central Government for this purpose, shall have the authority to take any coercive action such as sealing, preventing access, or forcible shutdown of the broadcasting network established by any registered entity under this Act, except where such actions may be necessary to deal with any natural disaster or public emergency.

(6) Power of Central Government to establish common ducts and cable corridors:-

The Central Government may notify infrastructure projects or class of infrastructure projects, whether being developed by a public entity by itself, through a public private partnership or by any other person, that shall require establishment of common ducts or conduits or cable corridors, for installation of broadcasting network. Such broadcasting network shall be made available on open access basis to facility providers, subject to terms and conditions, including fees and charges, as may be prescribed.

(7) Removal, relocation or alteration of Broadcasting Network:-

- (a) When, under sub-sections 2 or 3, broadcasting network has been placed by the facility provider, under, over, along, across, in or upon any property, and any person entitled to do so desires to deal with that property in such a manner so as to render it necessary or convenient that the broadcasting network should be removed or relocated to another part thereof or to a higher or lower level or altered in form, he may require the facility provider to remove, relocate or alter the broadcasting network accordingly.
- (b) In the event compensation has been paid under clause (d) of sub-section (2) or clause (b) or clause (d) of sub-section 3 of section 37, such person shall, when making the requisition under sub-section (2), tender to the facility provider the amount requisite to defray the expense of the removal, relocation or alteration on terms as may be mutually agreed. In

the event of any dispute, the matter shall be determined by the authority under clause (b) of sub-section 9.

- (c) If the facility provider omits to comply with the requisition, the person making such requisition, may apply to the District Magistrate within whose jurisdiction the property is situated, to order the relocation or alteration. The District Magistrate receiving an application may, at its discretion, approve or reject such relocation or alteration, subject to conditions as it determines fit, including the relocation of the broadcasting network to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final.

(8) Person exercising legal right likely to damage broadcasting network or interfere with broadcasting services to give notice.-

- (a) Any person desiring to deal in the legal exercise of a right with any property in such a manner as is likely to cause damage or to interrupt or interfere with the broadcasting network which has been duly placed in accordance with the provisions of this Act, or to interrupt or interfere with broadcasting, shall give prior notice of such duration and in the manner, as may be prescribed, to the facility provider, the Central Government or to any authority that may be notified by the Central Government.
- (b) A person dealing with any property in the manner referred to clause (a) in sub-section (8), with the bona fide intention of averting imminent danger of personal injury to himself or any other person, shall be deemed to have complied with the provisions of the said clause if he gives such- notice of the intended exercise of the right as is in the circumstances possible, in the manner as may be prescribed.
- (c) Any person who does not comply with the provisions of clause (a) of sub-section (8), or deals with any property in such a manner as is likely to cause, or causes, damage to any broadcasting network, or is likely to interrupt or interfere, or interrupts or interferes with broadcasting services, a District Magistrate may, on the application of the facility provider, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the District Magistrate necessary to remedy or prevent such damage, interruption or interference during such period.

- (d) Any person under this section shall be liable to pay such damages to the facility provider as mutually agreed. In the event of any dispute, the matter shall be determined by the authority under clause (b) of sub-section (9) of this section.

(9) Dispute resolution relating to this Section.-

- (a) The District Magistrate, or any other authority as notified by the Central Government, within whose jurisdiction the property is situated, shall have the exclusive powers to resolve any disputes under this Chapter, except for disputes arising under clause (b) of sub-section (9) of this section.
- (b) If any dispute arises relating to the sufficiency of compensation under clause (d) of sub-section 2, clause (b) or clause (d) of sub-section 3, and clause (d) of sub-section (8) of this section, shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situated, be determined by him.
- (c) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it under clause (d) of sub-section 2, clause (b) or clause (d) of sub-section 3, and clause (d) of sub-section (8) of this section, the facility provider shall pay into the Court of the District Judge such amount as determined to be sufficient by the District Judge or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (2), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.
- (d) Every determination of a dispute by a District Magistrate or District Judge under this section shall be final. However, nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the facility provider, from the person who has received the same.

39. Provisions in relation to emerging and future broadcasting technologies.

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- (1) The Central Government may, by notification, make the provisions of this Act specified in such notification applicable to any entities which are providing broadcasting services using any method referred to in sub-section (3).
- (2) A notification under sub-section (1) may be made where the Central Government is of the opinion that a broadcasting network which is not referred to or defined under this Act,
 - (a) is offering its services to users in India; and
 - (b) has attained such threshold of users in India, as may be prescribed; and
 - (c) is substantially similar to the broadcasting networks referred to in clause (g) of sub-section (1) of section (2); and
 - (d) it is necessary or expedient in the public interest that any or all provisions of this Act be made applicable to such broadcasting networks.
- (3) A notification under sub-section (1) may be made in relation to any:
 - (a) cable broadcasting networks
 - (b) satellite broadcasting networks
 - (c) internet broadcasting networks
 - (d) radio broadcasting networks
 - (e) terrestrial broadcasting networks
 - (f) other technologies or methods which satisfies the criteria of broadcasting as under clause (f) of sub-section (1) of section (2), as the Central Government may deem fit:

Provided that a notification under this section may only be made in relation to entities which are providing broadcasting services or operating broadcasting networks in the course of systematic business, professional, journalistic or commercial activity, and shall not be made in relation to any individuals who are not undertaking such systematic activity.

- (4) The notification under sub-section (1) shall contain
 - (a) the entities and the technologies in relation to which the provisions of the Act are being made applicable, including definitions thereof;

- (b) the provisions of the Act and the ensuing obligations thereunder that shall be applicable to such broadcasting services;
- (c) the manner in which such provisions of the Act shall be complied with by the entities referred to in clause (a).

(5) Every notification issued under this section shall, as soon as may be after it is made, be laid before both Houses of Parliament.

40. Registration for providing audience measurement services.-

- (1) Any person who intends to provide audience measurement services may apply for grant of registration for audience measurement agency to the registering authority, in such form and manner containing such particulars as may be prescribed.
- (2) The audience measurement agency referred to in sub-section (1) shall fulfil such eligibility criteria and conditions as may be prescribed.
- (3) The registering authority may, after receipt of the application under sub-section (1), register the applicant subject to such terms and conditions as it may deem fit to impose or for reasons to be recorded in writing, by order, refuse to grant registration, as the case may be, and communicate the same to the applicant:

Provided that the applicant may prefer an appeal against the order of the registering authority under sub-section (3) of this section, for refusing grant of registration to the Appellate Authority, as may be prescribed, within thirty days from the date of the order appealed:

Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

- (4) The Central Government shall notify by way of rules the guidelines for audience measurement services referred to in sub-section (1), and such guidelines may inter-alia include terms and conditions in relation to:
 - (a) period of registration, registration fees, basic conditions and obligations;

- (b) methodology for audience measurement, complaint redressal mechanism;
- (c) sale and use of ratings;
- (d) disclosure, reporting requirement, requirement for audit;
- (e) Action upon non-compliance;
- (f) Inspection, national security and other conditions; and
- (g) renewal of registration.

41. Transitional provision. -

(1) Any person to whom a registration or license or permission or approval has been granted to provide a broadcasting service referred to in this Act, under:

- (a) The Cable Television Network (Regulation) Act, 1995 and rules made thereunder; or
- (b) Guidelines for DTH Services, Order No. 8/1/99-PBC (Vol. II) dated 15.3.2001, as amended from time to time;
- (c) HITS Guidelines issued by the Central Government vide Order No. 9/02/2005-BP&L (Vol. III) dated 26.11.2009), as amended from time to time;
- (d) Policy guidelines for uplinking and downlinking of television channels, 2022, as amended from time to time;
- (e) License under section 4 of the Telegraph Act, 1885;
- (f) Policy Guidelines on Expansion of FM Broadcasting Services through Private Agencies (Phase III), 2011, as amended from time to time;
- (g) Policy Guidelines for setting up Community Radio Stations in India, 2006 , as amended from time to time;
- (h) Policy Guidelines for Television Rating Agencies in India, 2014, as amended from time to time;
- (i) Guidelines for provisioning of Internet Protocol Television (IPTV) Services, 2008, as amended from time to time,

shall be deemed to have been registered, approved or provided notification as required under this Act:

Provided that the Central Government may require such persons to provide a notification in such form and manner as may be prescribed to self-certify

their compliance with the provisions of this Act within such time period as may be prescribed.

- (2) The Central Government shall prescribe a time period within which the persons referred to in sub-section (1) shall be required to ensure compliance with the provisions of this Act.

42. Application of other laws not barred.- The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940), the Pharmacy Act, 1948 (8 of 1948), the Drugs (Control) Act, 1950 (26 of 1950), the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Cinematograph Act, 1952 (37 of 1952), the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Prize Competitions Act, 1955 (42 of 1955), the Copyright Act, 1957 (14 of 1957), the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986), the Information Technology Act, 2000 (21 of 2000), the Cigarettes and Other Tobacco Products Act, 2003 (34 of 2003), the Food Safety and Standards Act 2006 (34 of 2006), the Consumer Protection Act, 2019 (35 of 2019), the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), and the Trademarks Act 1999 (47 of 1999).

43. Power to make rules.-

- (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -
 - (a) the period of time within which certain entities to cease to provide broadcasting services or broadcasting network under sub-section (3) of section 4;
 - (b) the form and manner and the period of time for transfer of operations, assets, liabilities, obligations and entitlements for certain entities under proviso to sub-section (3) of section 4;
 - (c) the social objectives and terms and conditions applicable on certain broadcasters or broadcasting network operators to allow them

- registration or intimation, as the case may be, under sub-section (4) of section 4;
- (d) the requirements related to eligibility, terms and conditions, fees, etc. for the registration and regulation of services other than broadcasting services under sub-section (5) of section 4;
 - (e) the requirements of furnishing Security deposits, Performance Bank Guarantee and other financial instruments as security under sub-section (6) of section 4;
 - (f) the manner in which financial instruments mentioned in sub-section (6) of Section (4) may be forfeited fully or partially under sub-section (7) of section 4;
 - (g) the form and manner in which the particulars to be furnished by cable broadcasting network operator, satellite broadcasting network operator, IPTV network operator or other prescribed broadcasting network operator for permission to broadcast platform services under sub-section (1) of section 7;
 - (h) the period after which registration of broadcaster or cable broadcasting network or satellite broadcasting network may be renewed, fees, terms and conditions under sub-section (1) of section 8;
 - (i) the manner of suspension or revocation of registration of broadcaster or broadcasting networking operator under section 9;
 - (j) the appellate authority and form for filing appeal by broadcaster or cable broadcasting network or satellite broadcasting network under sub-section (1) of section 10;
 - (k) the form and the manner of furnishing particulars by broadcasters under sub-section (1) of section 11;
 - (l) the eligibility criteria and conditions to be fulfilled by broadcaster under sub-section (2) of section 11;
 - (m) the guidelines for the uplinking or downlinking of programmes or channels under sub-section (4) of section 11;
 - (n) the form, the manner of furnishing particulars and fees by cable broadcasting network or satellite broadcasting network under sub-section (1) of section 12;

- (o) the eligibility criteria and conditions to be fulfilled by cable broadcasting network or satellite broadcasting network under sub-section (2) of section 12;
- (p) the verification procedures of particulars furnished by cable broadcasting network or satellite broadcasting network under sub-section (3) of section 12;
- (q) the terms and conditions for exempting broadcasting network operators authorised under the Prasar Bharti (Broadcasting Corporation of India) Act, 1990 (25 of 1990) under proviso to clause (a) of sub-section (1) of section 13;
- (r) the manner and the periodic intervals for publicising information related to subscription rates, standards of quality of service and mechanism for redressal of grievances by cable broadcasting network or satellite broadcasting network under clause (b) of sub-section (1) of section 13;
- (s) the records to be maintained, information to be furnished and technical measures to be complied by broadcaster or cable broadcasting network or satellite broadcasting network under sub-section (1) of section 14;
- (t) the particulars, the form and manner in which to be furnished and fees by radio broadcasting network operator under sub-section (1) of section 15;
- (u) the clearances and requirements to be fulfilled by radio broadcasting network operator under sub-section (2) of section 15;
- (v) the particulars and the form and manner for entering into grant of permission agreement by radio broadcasting network operator under sub-section (3) of section 15;
- (w) the eligibility criteria and conditions to be fulfilled by radio broadcasting network operator under sub-section 4 of section 15;
- (x) the form and manner of intimation by IPTV Operator to the Central Government under sub-section (1) of section 16;
- (y) the number of subscribers or viewers above which OTT broadcasting service operator required to intimate Central Government and the form and manner of intimation under sub-section (2) of section 16;
- (z) the form, manner, particulars and fees for registration of terrestrial broadcasting network under sub-section (1) of section 18;

- (aa) the eligibility criteria and conditions under sub-section (2) of section 18;
- (bb) the form and manner of approval of application under sub-section (3) of section 18;
- (cc) the clearances, interval, terms and conditions under sub-section (4) of section 18;
- (dd) the programme code and advertisement code under section 19;
- (ee) the eligibility criteria, manner of providing intimation, obligations , etc. under the Act to be fulfilled by persons referred in sub-section (1) of section 20, under sub-section (2) of section 20;
- (ff) the form and manner for broadcasting network operator to implement access control measures under sub-section (1) of section 22;
- (gg) the relevant criteria to select members of CEC under clause (a) of sub-section (2) of section 24 ;
- (hh) the number of members in CEC, quorum required, and other details to facilitate the formation of CEC and its smooth functioning under clause (b) of sub-section (2) of section 24;
- (ii) the form and manner of publishing information under clause (c) of sub-section (2) of section 24;
- (jj)the programmes for which certification from CEC is not required under proviso to the clause (d) of sub-section (2) of section 24;
- (kk) the particulars and manner of display of certificate from CEC under clause (e) of sub-section (2) of section 24;
- (ll)the form and manner for filing and redressal of complaints under clause (c) of sub-section (1) of Section 25;
- (mm) the form in which information related to complaint redressal mechanism to be published by broadcaster or broadcast network under clause (d) of sub-section (1) of Section 25;

- (nn) the form, manner and the time period within which appeal to be filed against the order of grievance redressal officer by broadcaster or broadcasting network operator under sub-section (2) of section 25;
- (oo) the number of members of self-regulatory organisation of broadcasters or broadcasting network operator under sub-section (1) of section 26;
- (pp) the form and manner of registration of self-regulatory organisation of broadcasters or broadcasting network operator under sub-section (2) of section 26;
- (qq) the time period within which the self-regulatory organisation shall address the grievances under clause (a) of sub-section (3) of Section 26;
- (rr) the form and manner of appeals to be heard by self-regulatory organisations under clause (b) of sub-section (3) of Section 26;
- (ss) the manner of selection of members of Broadcast Advisory Council, their terms, tenure and conditions and manner of performance of functions under sub-section (4) of section 27;
- (tt) the form and manner of complaints to be heard by Broadcast Advisory Council under clause (a) of sub-section (1) of Section 28;
- (uu) Form and manner of appeals to be heard by Broadcast Advisory Council in case self-regulatory organisation is not available under proviso to clause (a) of sub-section (1) of Section 28;
- (vv) The composition and number of members of review panels under sub-section (1) of Section 29;
- (ww) The manner of assigning appeals or references to review panels under sub-section (2) of Section 29;
- (xx) The Appellate Authority for appeal against order of Authorised Officer under sub-section (3) of Section 34;
- (yy) Rules for exercise of powers by central government or Authorised Officer under sub-section (5) of Section 36;

- (zz) the form and manner of making application for sharing of infrastructure between broadcasting network operators under sub-section (2) of section 37;
- (aaa) the terms and conditions fulfilled by broadcasting network operators for entering into agreement for sharing of infrastructure between them under sub-section (5) of section 37;
- (bbb) the timeline for grant of permission and maximum administrative expenses and compensation for right of way under clause (b) of sub-section (2) of section 38;
- (ccc) the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the broadcasting network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, as well as matters relating to the compensation payable for any damage under clause (c) of sub-section (3) of section 38;
- (ddd) the terms and conditions, including fees and charges under sub-section (6) of section 38;
- (eee) the duration of prior notice and the manner under clause (a) of sub-section (8) of section 38;
- (fff) the manner of notice under clause (b) of sub-section (8) of section 38;
- (ggg) the threshold of users in India above which Government may make provision through notification for emerging and future technologies under clause (b) of sub-section (2) of section 39;
- (hhh) the form and the manner of furnishing particulars by audience measurement agency under sub-section (1) of section 40;
- (iii) the eligibility criteria and conditions to be fulfilled by audience measurement agency under sub-section (2) of section 40;
- (jjj) the appellate authority for audience measurement agencies under proviso to sub-section (3) of section 40;
- (kkk) the time period, form and manner in which entities deemed to be registered under section 41 to self-certify compliance to the provisions of this Act under proviso to sub-section (1) of section 41;
- (lll) the time period in which entities deemed to be registered under section 41 to ensure compliance to the provisions of this Act under sub-section (2) of section 41;

(mmm) any other matter which is required to be, or may be, prescribed.

44. Power of the Central Government to issue Guidelines.-

(1) The Central Government may take all such measures, as it deems fit or expedient, by way of issuing Guidelines to fulfil the object and requirements of this act and rules made thereunder:

Provided that the following Guidelines issued before the coming of this Act in force shall be deemed to have been issued validly under the provisions of this section, -

- (a) Guidelines for DTH Services, Order No. 8/1/99-PBC (Vol. II) dated 15.3.2001, as amended from time to time;
- (b) HITS Guidelines issued by the Central Government vide Order No. 9/02/2005-BP&L (Vol. III) dated 26.11.2009), as amended from time to time;
- (c) Policy guidelines for uplinking and downlinking of television channels, 2022, as amended from time to time;
- (d) Policy Guidelines on Expansion of FM Broadcasting Services through Private Agencies (Phase III), 2011, as amended from time to time;
- (e) Policy Guidelines for setting up Community Radio Stations in India, 2006 , as amended from time to time;
- (f) Guidelines for provisioning of Internet Protocol Television (IPTV) Services, 2008, as amended from time to time;
- (g) Guidelines for platform services offered by Multi System operators dated 30.11.2022;
- (h) Policy Guidelines for Television Rating Agencies in India, 2014, as amended from time to time;
- (i) Guidelines for sharing of Infrastructure by Multi System Operators dated 29.12.2021.

(2) The penalties specified in the Guidelines issued under this Act or deemed to be issued under this Act, for contravention of its provisions, shall be applicable:

Provided that the quantum of penalty, the manner in which it can be imposed and procedure of appeal or review specified in the guidelines issued prior to coming this Act into the force, in so far as they are inconsistent with the provisions of this Act and rules made thereunder, shall, to the extent of such inconsistency, be void.

45. Delegation of powers by Central Government.-The Central Government may, by notification and subject to such conditions, limitations and restrictions as may be specified therein, delegate any of its powers or functions under this Act other than the power to make rules and the powers under Section 35 and 36, to any officer of the Central Government as may be specified in the notification.

46. Rules to be laid before Parliament.- Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule .

47. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of the Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

48.Savings and repeal.-

(1) All rules made or purporting to have been made or all notifications issued or purporting to have been issued under the Cable Television Network (Regulation) Act, 1995 shall, in so far as they relate to matters for which provision is made in this Act or rules made or notification issued thereunder and are not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules were made or notifications were issued and shall continue to be in force unless and until they are superseded by any rules made or notifications issued under this Act.

(2) The Cable Television Network (Regulation) Act, 1995 (hereafter in this section referred to as the repealed enactment) shall stand repealed, on such date as may be notified by the Central Government:

Provided that the Central Government may notify different dates for the repeal of different provisions of such Act.

(3) Notwithstanding the repeal under sub-section (2),

- (a) anything done or any action taken or purported to have been done or taken, including any approval, notification, order or notice made or issued or any appointment or declaration made or any operation undertaken or any direction given or any proceeding taken or any penalty, punishment, forfeiture or fine imposed under the repealed enactments shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;
- (b) any person appointed to any office under or by virtue of any repealed enactment shall be deemed to have been appointed to that office under or by virtue of this Act;

(c) any proceedings instituted under the repealed enactments and pending immediately before the commencement of this Act before any Court shall, subject to the provisions of this Act, continue to be heard and disposed of by the said Court.

FIRST SCHEDULE: Quantum of penalties for different contraventions and repeated contraventions.

1. Penalty Structure Based on Category of Registered Persons or entities:

- 1.1 The Maximum Penalty imposable on the Major category of persons or entities are listed in Para 2 of this Schedule. Maximum Penalty mentioned in Para 2 of this schedule shall be restricted to **50%, 5% and 2%** respectively for the Medium, Small and Micro category of Registered persons under this Act.
- 1.2 First, the category of the person or entities shall be determined based on turnover and investment separately. After determination of the categories, the category, which attracts higher maximum penalty, shall be applicable. If the Books of Accounts are not available for the relevant period for any reason then the decision of the Authorised officer for determination of category based material available on record shall be final.

Category of persons or entities	Turnover during the financial year previous to the one in which contravention is made	Investment as on last date of financial year previous to the one in which contravention is made
Micro	Upto Rs. 5 Crore	Upto Rs. 1 Crore
Small	More than Rs. 5 Crore to 50 Crore	More than Rs. 1 Crore to 10 Crore
Medium	More than Rs. 50 Crore to 250 Crore	More than Rs. 10 Crore to 50 Crore
Major	More than Rs. 250 Crore	More than Rs. 50 crore

- 1.3 Maximum Penalty for Un-registered persons under this Act, Rules or Guidelines Shall be 100%.

2. The quantum of penalty for contravention of provisions other than those related to programme code and Advertisement code, under this Act, Rules or Guidelines: -

Sl. No.	Contravention	Maximum Penalty (in lakh Rs.)	
		First Contravention	Subsequent Contravention within 3 years
1	Contravention of Section 6 of the Act related to carrying of mandatory channels	10	50
2	Contravention of provisions:- (a) mandating Digital Transmission of Programmes, or/and (b) mandating Encryption of Programmes, or/and (c) infringement of Copyright by a person	100	500
3	Not maintaining the accurate and updated records of subscriber data by broadcasting service provider or network operator, including the number of subscribers and such other details as mandated by the Act, Rules or Guidelines	50	250
4	Use by any person other than individuals of a service or broadcasting network, requiring registration under this Act, Rules or Guidelines knowing or having reason to believe that such service or broadcasting network does not have the required registration	10	50
5	Gaining or attempting to gain, directly or indirectly, including through personation: (a) unauthorized access to a broadcasting network, or (b) Intercepting a broadcast unlawfully, or	150	750

	(c) unauthorized access to data of a registered person or entity, such as subscriber data records etc.		
6	Not taking mandatory measures specified in the Accessibility Guidelines	50	250
7	(a) Not intimating the Central Government, or/and (b) Not publicising; the names, credentials and other details of members of CEC	50	250
8	Broadcasting programmes without certification from CEC	100	500
9	Not displaying CEC Certificate in proper manner.	20	100
10	Not appointing any grievance redressal officer for the purpose of receiving and hearing complaints	50	250
11	Not becoming member of any self-Regulating organization	100	500
12	Not establishing and maintaining suitable mechanisms for the filing and redressal of complaints by the self-regulating organization	50	250
13	Broadcasting Networks and Services (including Broadcasting services) registered under the Act, Rules or Guidelines made thereunder interferes with the authorised telecommunication systems	1000	5000
14	Broadcasting Networks and Services (including Broadcasting services) registered under the Act, , Rules or Guidelines thereunder are not in conformity with standards, as may be specified by the Central Government relating to interference or equipment's to be used	100	500

15	Causing damage to Public Broadcasting Infrastructure	1000	5000
16	Contravention of any terms and conditions of registration by Direct to Home Operator for which for which no penalty or punishment is provided elsewhere.	5000	5000
17	Contravention of terms and conditions of license by the Audience management services for which no penalty or punishment is provided in this Act, Rules or Guidelines.	100	500
18	Contravention of provision for Broadcasting of live events for which no penalty or punishment is provided in this Act, Rules or Guidelines.	10	50
19	Continued violation of any order or direction issued under the Act, Rules or Guidelines	1 per day	5 per day
20	Contravention of any provision of this Act or rules or Guidelines or any terms or conditions of Registration in relation to any matter for which no penalty or punishment in this Act, Rules or Guidelines.	100	500

3. The quantum of penalty with respect to the violation of programme code and Advertisement code under the Act, Rules or Guidelines: -

Sl. No.	Contraventions	By	Penalty
A	B	C	D
1	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	Broadcasters registered under Section 11	(i) For the first contravention, upto one lakh rupees. (ii) For the subsequent contravention, upto five lakh rupees.
2	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	OTT services network operators	(i) For the first contravention, upto twenty thousand rupees. (ii) For the subsequent contravention, upto one lakh rupees.
2	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	Radio network operators	(i) For the first contravention, upto twenty thousand rupees. (ii) For the subsequent contravention, upto one lakh rupees.
2	Contravention of provision of the Act, Rules or Guidelines in relation to programme code and Advertisement code	Terrestrial network operators	(i) For the first contravention, upto fifty thousand rupees. (ii) For the subsequent contravention, upto two lakhs fifty thousand rupees.
3	Contravention of provision of the Act or Rules or Guidelines in relation to programme code and Advertisement code	Any other person	(i) For the first contravention, upto twenty thousand rupees.

			(ii) For the subsequent contravention, upto one lakh rupees.
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SECOND SCHEDULE: Broadcasting Networks and Services

Sl. No.	Broadcasting Network or Service
1	Cable broadcasting network
2	Radio Broadcasting network
3	Any Broadcasting network or service notified in the official gazette

THIRD SCHEDULE: OFFENCES AND PUNISHMENTS

1. Fine Structure Based on Category of Registered Persons or entities:

1.1 The Maximum Fine imposable on the Major category of persons or entities are listed in Para 2 of this Schedule. Maximum Fine mentioned in Para 2 of this schedule shall be restricted to **50%**, **5%** and **2%** respectively for the Medium, Small and Micro category of Registered persons under this Act.

1.2 First, the category of the person or entities shall be determined based on turnover and investment separately. After determination of the categories, the category, which attracts higher maximum penalty, shall be applicable. If the Books of Accounts are not available for the relevant period for any reason then the court shall take decision based on the report of Authorised officer and other relevant records.

Category of persons or entities	Turnover during the financial year previous to the one in which contravention is made	Investment as on last date of financial year previous to the one in which contravention is made
Micro	Upto Rs. 5 Crore	Upto Rs. 1 Crore
Small	More than Rs. 5 Crore to 50 Crore	More than Rs. 1 Crore to 10 Crore
Medium	More than Rs. 50 Crore to 250 Crore	More than Rs. 10 Crore to 50 Crore
Major	More than Rs. 250 Crore	More than Rs. 50 crore

1.3 Maximum Fine for Un-registered persons under this Act, Rules or Guidelines Shall be 100%.

2. The quantum of fine and term of imprisonment for offences under this Act, Rules or Guidelines made thereunder: -

Sl. No.	Offences	Fine	Term of Imprisonment
1	Operating Broadcasting Networks or providing Broadcasting Services under this Act, Rules or Guidelines without Registration or after expiry of Validity of the registration	Up to Rs. ten lakhs for first offence and up to Rs. fifty lakhs for subsequent offence	Up to two years for first offence and up to five years for subsequent offence
2	Providing Services other than Broadcasting services requiring registration under this Act, Rules or Guidelines without Registration or after expiry of Validity of the registration	Up to Rs. ten lakhs for first offence and up to Rs. fifty lakhs for subsequent offence	Up to two years for first offence and up to five years for subsequent offence
4	Obtaining Registration by an ineligible person by making misrepresentation before the Registering Authority	Up to Rs. twenty lakhs for first offence and up to Rs. one crore for subsequent offence	Up to two years for first offence and up to five years for subsequent offence
4	Furnishing incorrect information or false affidavit in connection to any proceeding under this Act, Rules or Guidelines made thereunder	Up to Rs. five lakhs for first offence and up to Rs. twenty-five lakhs for subsequent offence	Up to two years for first offence and up to five years for subsequent offence

Annexure- II

Explanatory Note on the Draft Broadcasting Services Regulation Bill, 2023

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Explanatory Note on the Draft Broadcasting Services Regulation Bill, 2023

A. Introduction

The Indian broadcasting industry has emerged as one of the most dynamic and vibrant sectors in the country. It encompasses a wide range of services that cater to the diverse entertainment and information needs of the Indian population. With a rich tapestry of languages, cultures, and traditions, the industry has developed a robust ecosystem to provide a variety of services to its vast subscriber base. As of 2022, the Indian broadcasting industry boasts an extensive subscriber base of approximately 165 million.

The industry has witnessed significant growth and diversification over the years. With the advent of new technologies and platforms, various categories of broadcasting services have emerged such as direct-to-home (DTH), internet-based services like IPTV, OTT platforms etc. However, the regulation of these services has been governed by different guidelines and frameworks, drawing powers from the Indian Telegraph Act, 1885, the Cable Television Networks (Regulation) Act, 1995 and/or other relevant laws.

In the past eight years, the Government has taken several initiatives for the growth of Indian broadcasting industry. These measures include allowing infrastructure sharing to boost the morale of small and medium investors, enhancing FDI limits to promote influx of investment, development of online portal to ensure greater and effective service reach, development of robust grievance redressal mechanisms etc.

Considering the above, the Government has recognized the need to streamline the regulatory framework and provide a cohesive legal framework for the diverse broadcasting services. A streamlined regulatory framework will bring clarity, consistency, and flexibility to regulations, while strengthening consumer protection and promoting ease of doing business. It will create a level playing field, foster investment and innovation, adapt to emerging trends, safeguard consumer interests, simplify compliance, and encourage growth and competition. In line with the above objective, the Ministry of Information and Broadcasting has prepared a draft Broadcasting Services Regulation Bill, 2023 to cater the needs of broadcasting services in India.

B. Public Consultation

The Ministry of Information and Broadcasting had published the statement of existing provisions and proposed amendments in respect of the Cable Television Networks (Regulation) Act, 1995 on 20th January 2020 to invite the comments of stakeholders/persons.

Comments have been received from various stakeholders and industry associations. The Ministry has examined the comments carefully and the following key themes have emerged:

- Acknowledgement of the imperative for the establishment of a novel legal framework that possesses adaptability to future developments.
- Requirement for the revision and refinement of the nomenclature and definitions pertaining to pertinent terms within the legal framework governing broadcasting services.
- Recognition of the pivotal role that a robust legal framework can assume in ensuring the smooth implementation of emerging broadcasting technologies.
- Alignment of standards for the Indian broadcasting industry with internationally recognized standards and exemplary practices.
- Emphasis on the significance of cyber security, national security, and public safety concerns, while concurrently upholding constitutional and procedural safeguards.
- Necessity for an exceptional insolvency framework that enables the continuous provision of broadcasting services, conditional upon the licensee's fulfillment of all outstanding dues.
- Demand for the rationalization of the penalty framework, encompassing the imposition of specific penalties that are unequivocally linked to the nature of the breach and gravity of the offense. Various recommendations have been received concerning procedural reforms, licensing modifications, and the decriminalization of certain aspects, which have been duly acknowledged for potential inclusion in forthcoming reforms. In light of the extensive consultations and deliberations, the Ministry of Information and Broadcasting has meticulously formulated a draft Broadcasting Services Regulation Bill for the year 2023.

The Broadcasting Services (Regulation) Bill, 2023 will replace the existing Cable Television Networks (Regulation) Act, 1995.

C. Drafting practices

The Bill has been drafted in a plain and simple language so that any citizen is able to understand its provisions. It uses contextual definitions where necessary to further clarify the intent of a section. This explanatory note provides a brief overview of the Bill to facilitate further consultations.

D. Disclaimer

This explanatory note is for informative purpose only. It is not a part of the Bill. The explanatory note shall not be considered for legal interpretation of the provisions of the Bill.

E. Chapter-Wise Summary of the Bill

(a) Chapter I- preliminary

This chapter provides a concise overview of the "Broadcasting Services (Regulation) Bill, 2023," which is proposed to be the official title of the Act. Its primary purpose is to introduce the Act and provide definitions for the different terms employed within its framework. Efforts have been made diligently to ensure that it encompasses all pertinent terms within its scope.

One of the key objectives of the Bill is to address the evolving landscape of the broadcasting industry, particularly in light of the emergence of new technologies. The Bill is designed to cater to the needs of all service providers in the sector, ranging from traditional or conventional broadcasters to those utilizing the latest technological advancements.

By incorporating provisions that encompass a wide range of service providers, the Act acknowledges the diverse nature of the broadcasting industry and the varying methodologies employed by different service providers. This inclusiveness allows the Act to effectively regulate and govern all types of broadcasters, irrespective of their operational methods or the technologies they employ.

(b) Chapter II- Regulation of Broadcasting Services

Chapter II of the broadcasting services regulation focuses on the regulation of different types of broadcasters and broadcasting networks in India. It is divided into four parts: Part A covers broadcasters and cable and satellite broadcasting networks, Part B deals with radio broadcasting networks, Part C pertains to internet broadcasting networks, and Part D relates to terrestrial broadcasting networks.

It states that no person can provide broadcasting services or operate a broadcasting network without proper registration or intimation. However, certain entities like government departments, political parties, and public authorities are not eligible for registration, except for authorized entities like Prasar Bharti or channels operated by Parliament. Previous entities operating under authorization must transfer their operations to eligible entities in accordance with the Act. The Central Government may allow registration for social objectives with specific terms and conditions. It also specifies that the Central Government has the authority to regulate services closely connected to broadcasting networks and broadcasting services. These regulations encompass eligibility criteria, terms, conditions, and fees.

Furthermore, there are general obligations for broadcasters and network operators. They are required to transmit programs in compliance with specified terms and conditions, ensuring that their services adhere to the Programme Code and Advertisement Code. The broadcasting services should not interfere with authorized telecommunication systems and must meet specific interference standards. Operators are also expected to comply with government orders and directions, use equipment meeting government standards, and provide information upon request. Different rules can be made for different types of broadcasters and network operators, allowing for tailored regulations based on the nature of their operations.

This chapter also mandates the compulsory transmission of specific channels. Also, guidelines for providing Platform Services may be issued for different types of broadcasting network operators. The provisions for the suspension, cancellation and renewal of registration are provided. Also, there is provision for appeals against the orders passed under this chapter. Applicants have the right to appeal registration-related decisions to the Appellate Authority, ensuring a fair and transparent process. The appeal must typically be made within 30 days, with exceptions considered for valid reasons.

Part A of the broadcasting regulations in India outlines the procedures for broadcasters, cable, and satellite network operators. Broadcasters need approval for transmitting programs, while network operators must register to operate. The broadcasters, cable, and satellite network operators are required to fulfill specified obligations, maintain accurate subscriber data etc. These regulations aim to ensure compliance with standards, fairness, and the smooth functioning of broadcasting services in the country.

Part B applies to radio broadcasting networks. Individuals or organizations intending to operate a radio broadcasting network must apply for a letter of intent. Permission may be granted subject to prescribed clearances and requirements.

Part C focuses on internet broadcasting networks. Unified license holders can provide IPTV services by intimating the Central Government. OTT (Over-the-Top)

broadcasting service providers meeting the prescribed threshold must provide an intimation to the Central Government.

Part D applies to terrestrial broadcasting networks. Persons intending to operate a terrestrial broadcasting network must apply for permission. Permission may be granted subject to prescribed terms and conditions and clearances.

(c) Chapter III- Content standards, accessibility and access control measures

This chapter discusses certain rules and guidelines related to broadcasting services in a simplified manner. The important sections of this chapter include:

Section 19: It states that any program or advertisement broadcasted through television, radio, or other broadcasting services must follow certain codes called the Program Code and the Advertisement Code. These codes may vary depending on the type of broadcasting service.

Section 20: It explains that individuals or organizations broadcasting news and current affairs content online, such as through websites, social media, or news portals, need to follow the Program Code and advertisement code mentioned in Section 19.

Section 21: The government can provide guidelines to broadcasters to classify their programs into different categories based on factors like content, theme, and target audience. These categories will have relevant ratings and descriptors. Broadcasters must prominently display the program's classification at the beginning of the show, allowing viewers to make informed decisions.

Section 22: Broadcasting network operators should implement access control measures for programs that are classified as appropriate for restricted viewing (e.g., adult content). These measures aim to ensure that only the intended audience can access such content.

Section 23: The Ministry of Information and Broadcasting may issue Accessibility Guidelines to make broadcasting services more accessible to persons with disabilities. These guidelines may include measures such as adding subtitles, audio descriptions for the blind, sign language translations, and using accessible applications. Broadcasters may be required to make a certain percentage of their programs accessible within a specified time frame. If there is a violation of the accessibility guidelines, penalties may be imposed on the broadcaster or broadcasting network operator.

(d) Chapter IV- Regulatory Structure

In this chapter, the regulatory structure for broadcasting content is outlined. The aim is to ensure that broadcasters and broadcasting network operators

comply with the rules regarding content and address any complaints or grievances related to content violations that may arise.

According to this chapter, every broadcaster or broadcasting network operator must establish a Content Evaluation Committee (CEC) with members from various social groups, including women, child welfare, scheduled castes, scheduled tribes, minorities, and others as specified. The Government can define the CEC's size, quorum, and operational details. The broadcaster must inform the government and disclose CEC members' information on their website. Broadcasters are only allowed to air programs certified by the CEC, except for specific programs exempted by the government. The CEC's certificates must include prescribed details and be displayed as specified. These provisions will come into effect 180 days after the Act's enforcement.

There are three main components of the regulatory structure defined under this chapter:

Self-regulation by broadcasters and broadcasting network operators: Broadcasters and network operators must appoint a grievance redressal officer to handle complaints about content violations. They are also required to be members of a self-regulatory organization (SRO) established for this purpose. Additionally, they must set up mechanisms for filing and addressing complaints and make information about these processes easily accessible.

Self-regulatory organizations: SROs are bodies formed by broadcasters and network operators or their associations. These organizations, once registered with the government, are responsible for addressing grievances related to content violations that haven't been resolved by the broadcasters or network operators within a specific time frame. They also handle appeals filed by complainants against the decisions made by broadcasters or network operators. SROs provide guidance and advisories to their members to ensure compliance with the broadcasting rules.

Broadcast Advisory Council: The government establishes a Broadcast Advisory Council, consisting of independent experts and government representatives, to oversee the implementation of the regulations. The Council receives complaints related to content violations and reviews them. Based on their examination, they make recommendations to the government. The government then considers these recommendations and issues appropriate orders and directions.

The Council can form review panels, as needed, to assist with its functions. These panels are assigned specific cases or appeals and provide their recommendations, which are considered as recommendations of the Broadcast Advisory Council.

(e) Chapter V: Inspection and Penalties

Chapter V of the Act deals with inspections and penalties for broadcasting networks and services. The Central Government and its authorized officers have the right to inspect these networks and services. Operators must provide necessary equipment for interception or monitoring as directed. Seized equipment can be confiscated unless operators demonstrate compliance. Companies and their responsible individuals can be held liable for contraventions, unless they prove lack of knowledge or due diligence. Penalties can be advisory, censure, warning, and monetary penalties. Non-compliance with the Program and Advertisement Codes can result in removal of objectionable programs, orders, apologies, off-air periods, or cancellation of registration. The government can also prohibit programs or operations for public interest or national security reasons. There are provisions for imprisonment and/or fines for few serious offences.

The quantum of monetary penalty and Fine are dependent on the financial capacity of the entity or individual. The maximum Penalty/Fine in case of unregistered entities and Major category are 100%. However, the same is restricted to the 50%, 5% and 2% respectively to the Medium, Small and Micro Category.

(f) Chapter VI: Miscellaneous

The various provisions covered under this chapter include:

Sharing of infrastructure: This section (**Section 37**) allows multiple broadcasting service providers to voluntarily share infrastructure and equipments. They need to apply to the Central Government with details of the infrastructure proposed to be shared and the roles and responsibilities of the entities involved. The government will review the application and approve or reject it based on certain criteria and conditions.

Right of way for cable operators: (Section 38) This section defines the right of way for broadcasting networks and outlines the procedures and conditions for facility providers to seek permission to establish broadcasting networks on public and private properties. The key points are:

(a) Definitions: It clarifies terms like "facility provider," "public entity," and "public property."

(b) Right of Way on Public Property: Facility providers can apply to public entities to seek permissions for right of way on public property for broadcasting networks. The public entity must process the applications promptly and grant permission subject to prescribed administrative expenses and compensation.

(c) Right of Way on Other Properties: Facility providers can seek right of way on non-public properties by entering into agreements with the property owners. The facility provider must restore the property if any damage occurs during the establishment of the broadcasting network.

(d) Non-discriminatory and Non-exclusive Grant: Any person providing right of way must do so in a non-discriminatory and, if possible, non-exclusive manner.

(e) Broadcasting Network Distinct from Property: Facility providers have no ownership of the property where the broadcasting network is installed. The network is not subject to property-related claims or encumbrances.

(f) Power of Central Government to Establish Common Ducts and Cable Corridors: The government may establish common ducts or cable corridors for broadcasting networks and provide open access to facility providers on prescribed terms.

(g) Removal, Relocation, or Alteration of Broadcasting Network: Property owners may require the facility provider to remove, relocate, or alter the network when dealing with the property, and they must compensate the facility provider if applicable.

(h) Notice for Exercising Legal Right: Any person intending to exercise a right that may damage or interfere with the broadcasting network must provide prior notice to the facility provider or relevant authorities.

(i) Dispute Resolution: District Magistrates have exclusive powers to resolve disputes related to this section, and their decisions are final.

Provisions for emerging and future broadcasting technologies: This section (**Section 39**) empowers the Central Government to make the provisions of this Act applicable to broadcasting networks that use new technologies and methods. The government can do so if these networks meet certain criteria, are similar to existing broadcasting networks, and operate as systematic business, professional, journalistic, or commercial activities.

Registration for providing audience measurement services: This section (**Section 40**) states that individuals or organizations intending to provide audience measurement services must apply for registration to the registering authority. The authority will consider eligibility criteria and conditions before granting registration. Applicants can appeal a refusal by the registering authority to the Appellate Authority.

Transitional provision: This section (**Section 41**) ensures a smooth transition for individuals or organizations already registered or granted permission under previous broadcasting regulations. They will be deemed registered, approved, or notified under this Act. However, they may need to provide a notification to self-certify compliance with the provisions of this Act within a prescribed time period.

Application of other laws not barred: This section (**Section 42**) clarifies that the provisions of this Act are in addition to, and not in derogation of, other existing laws related to various areas such as drugs, cosmetics, trademarks, cinematography, consumer protection, and telecommunications.

Power to make rules: This section (**Section 43**) grants the Central Government the power to make rules for the effective implementation of the provisions of this Act. The rules can cover a wide range of matters, including registration, eligibility criteria, obligations, penalties, and other details related to broadcasting services and networks.

Power of the Central Government to issue guidelines: This section (**Section 44**) authorizes the Central Government to issue guidelines to fulfill the objectives of this Act. Existing guidelines issued before this Act will be deemed valid, but any inconsistency with this Act will be void. Penalties specified in these guidelines will be applicable.

Delegation of powers by the Central Government: This section (**Section 45**) allows the Central Government to delegate its powers and functions under this Act, except for rule-making powers and certain specified powers, to designated officers.

Rules to be laid before Parliament: This section (**Section 46**) mandates that all rules made under this Act must be presented before both Houses of Parliament for a period of 30 days. If both Houses agree to modify or reject the rule, it will be modified accordingly or become void, but previously taken actions based on the rule will remain valid.

Power to remove difficulties: This section (**Section 47**) empowers the Central Government to make provisions through orders published in the Official Gazette to overcome any difficulties in implementing the provisions of this Act. These orders need to be laid before both Houses of Parliament.

Savings and repeal: This section (**Section 48**) addresses the continuity of rules and notifications made under the previous Cable Television Network (Regulation) Act, 1995. Such rules and notifications will be deemed to have been made under this Act, unless they are inconsistent. The Cable Television Network (Regulation) Act, 1995, will be repealed on a notified date. Actions taken under the repealed act will be considered as if done under this Act, and pending proceedings will continue.

**Proforma for views/comments/suggestions on the draft
“Broadcasting Regulation Service Bill, 2023”.**

Serial No	Particulars (clause, Sub-Section, Section)	Views/Comments/Suggestions/Remarks/Recommendations

Signature
(Name in block letters)
Occupation-
Address-
Phone/Mobile No-
Email-