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The Prasar Bharati
(Broadcasting Corporation of India)
Act 1990
THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) ACT, 1990

(25 OF 1990)

GOVERNMENT OF INDIA
Ministry of Law and Justice
THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) ACT, 1990

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STATEMENT OF OBJECTS AND REASONS

There has been a haphazard mushrooming of cable television networks all over the country during the last few years as a result of the availability of signals of foreign television networks via satellites. This has been perceived as a "cultural invasion" in many quarters since the programmes available on these satellite channels are predominantly western and totally alien to our culture and way of life. Since there is no regulation of these cable television networks, lot of undesirable programmes and advertisements are becoming available to the viewers without any kind of censorship.

2. It is also felt that the subscribers of these cable television networks, the programmers and the cable operators themselves are not aware of their rights, responsibilities and obligations in respect of the quality of service, technical as well as content-wise, use of material protected by copyright, exhibition of uncertified films, protection of subscribers from anti-national broadcasts from sources inimical to our national interest, responsiveness to the genuine grievances of the subscribers and a perceived willingness to operate within the broad framework of the laws of the land, e.g., the Cinematograph Act, 1952, the Copyright Act, 1937, Indecent Representation of Women (Prohibition) Act, 1953.

3. It is, therefore, considered necessary to regulate the operation of cable television networks in the entire country so as to bring about uniformity in their operation. It will thus enable the optimal exploitation of this technology which has the potential of making available to the subscribers a vast pool of information and entertainment.

4. The Bill seeks to achieve the above objects.

NEW DELHI:

K. P. SINGH DEO.

The 23rd July, 1993
FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for registration of a person who is operating or is desirous of operating a cable television network as a cable operator. The application for registration will be made by such person to the registering authority which will be specified by the Central Government under sub-clause (h) of clause 2. As there is no reliable estimate of the total number of cable operators in the country, it is not possible at this stage to indicate as to how many applications will be made to the registering authority and the quantum of work involved in the processing authority and the quantum of work involved in the processing of such applications. It is, therefore, not practicable at this juncture to indicate the precise amount of expenditure which will be involved in processing the said applications. However, the expenditure involved in processing the said applications will be met out of the fees which the applicants will deposit along with the applications for registration. Thus no Government budgetary support will be necessary in implementing the provisions of the Bill when enacted.
MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers an officer not below the rank of a Group 'A' officer of the Central Government authorised by the State Government, to prohibit, in public interest, any cable operator from transmitting or re-transmitting any particular programme if such officer thinks that the programme is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or is likely to disturb the public tranquillity. Clause 20 of the Bill empowers the Central Government to prohibit, in public interest, the operation of any cable television network in such areas as it may, by notification in the Official Gazette, specify in this behalf. Clause 22 of the Bill empowers the Central Government to make rules prescribing (i) the form of application for registration as cable operator and the fee payable along with such application under clause 4; (ii) the programme code which will be complied with by any person while transmitting or re-transmitting any programme through a cable service; (iii) the advertisement code which will be complied with by any person while transmitting or re-transmitting any advertisement through a cable service; (iv) the form of register required to be maintained by cable operators under section 7; and (v) any other matter which is required to be prescribed.

2. The matters in respect of which orders or notifications may be issued or rules may be made in accordance with the aforesaid provisions are matters of procedure and detail and it is not practicable to provide for them in the Bill itself.

3. The delegation of legislative power is, therefore, of a normal character.
RAJYA SABHA

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to regulate the operation of cable television networks in the country and for matters connected therewith or incidental thereto.

(Shri K. P. Singh Deo, Minister of State in the Ministry of Information and Broadcasting)