

**ADVISORY**

**Subject: Advisory to Cable Operators to comply with the extant regulations on broadcasting of News and Current Affairs.-reg.**

The Cable Television Networks Rules, 1994 allows Multi-System Operators to transmit their own programming service, either directly to their own subscribers or through one or more Local Cable Operators. These own programming services referred to as 'Platform Services' (PS) are exclusive programming services being generated at local level offered by Multi-system Operators (MSOs). The Cable Television Networks Rules, 1994 also provides the definition of Platform Services.

2. The Ministry of Information and Broadcasting issued guidelines for the regulation of PS channels on November 30, 2022. As per the guidelines, all MSOs providing PS channels or those aspiring to do so are required to undergo registration of their PS channels. Existing providers of PS channels were given a 12-month timeline from the date of the aforementioned guidelines to complete their registration. The guidelines have come into force w.e.f. 01.12.2023.

3. Now, it has been brought to the notice of this Ministry that many Platform Service channels including local news and current affair channels are being broadcast by the MSOs and LCOs without registration. Such practice promote fake news, violation of copyrights and paid news which is antithetical to the Government policy of providing free and credible news. The contravention of provisions of the aforementioned Guidelines has been viewed seriously in this Ministry. The following provisions of the guidelines are explained:

- i. **What constitutes Non News and Current Affairs:** The Guidelines defines the contents which constitutes the local information and permissible on the Platform Services provided by the MSOs. It includes information about local events and other local affairs sourced locally and not obtained from news agencies or broadcast news channels. Information pertaining to sporting events, excluding live coverage is permitted. However, live commentaries of sporting events of

*Subhash Kumar*

local nature may be permissible, if broadcasting rights for the same are not held by anyone else. Content permissible on PS channels also include information on traffic, weather, cultural events, festivals, examinations, results, admissions, career counseling, employment opportunities, and public announcements regarding civic amenities, such as electricity, water supply, natural calamities, and health alerts, as provided by the local administration.

- ii. **Incorporation as a company:** MSOs desirous of providing local news and current affairs as Platform Service channels or are already providing such services must be incorporated as a company under the Indian Companies Act, 2013 and the rules framed thereunder. In case of entities other than companies i.e. Proprietorship, Partnership, Association of persons etc. providing such services, they are required to file an application before M/o Corporate Affairs for conversion of their entity type into company within 3 months from 30.11.2022. In effect, only MSOs incorporated as company are allowed to provide local news and current affairs as Platform Service channels.
- iii. **Compliance of Programme Code and Advertising Code:** The content being transmitted on PS channels shall be in compliance to the Programme Code and Advertising Code prescribed under Section 5 and 6 respectively of the Cable Television Networks (Regulation) Act, 1995.
- iv. **Number of PS channels:** If a Local Cable Operator intends to provide PS channels to its subscribers, the same shall be done at the level of MSO and it will be the responsibility of the MSO to register such PS channels.
- v. **Penalty for Violation of Guidelines:** The first violation shall lead to prohibition of the PS channel for a period of up to 30 days; for the second violation, such prohibition shall be for a period of 90 days and for third violation, the registration of the PS shall be revoked and the channel concerned shall not be transmitted.

4. Further, as per Sub-Rule (6) of Rule 6 of the Cable Television Networks Rules, 1994, no Cable Operator shall carry or include in his cable service any television broadcast or channel, which has not been registered by the Central Government for being viewed within the territory of India. The guidelines dated 30.11.2022 provides the framework for

*Subhash Kumar*

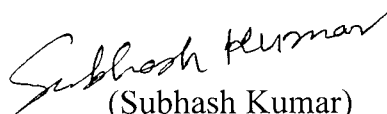
PS channels to be registered. Hence, carrying of non-registered PS channels results into violation of Programme Code.

5. The Cable Television Networks (Regulation) Act, 1995, vide Section 11 empowers the Authorised Officer to seize and confiscate the equipments of cable operators for contravention of various provisions of the Act including the Programme Code.

6. In view of the above, the Multi-System Operators and Local Cable Operators are hereby advised to:

- i. To carry out only those PS channels for which registration has been granted by this Ministry or whose application for registration is applied and pending with the Ministry as on 05.02.2024.
- ii. Local Cable Operators must not offer PS channels at their level.
- iii. MSOs offering 'Non-news and current affairs' on PS channels must be incorporated as a Company under the Indian Companies Act, 2013 and also content thereon must be confined within the contours specified in the guidelines.
- iv. Ground-Based Broadcasters are not allowed to offer news and current affairs. Any MSO desirous of providing 'Non-news and current affairs' must register such channels as its PS.

7. Further, in cases of contraventions, Authorised Officers (District Magistrates, Police Commissioners, Sub-Divisional Magistrates) are advised to invoke the powers specified in Section 11 of the Cable Television Networks (Regulation) Act, 1995 for credible deterrence. In addition to this, reports indicating contraventions are advised to be forwarded by the Authorised Officer to Designated Officer (District Magistrate, Ministry of Information and Broadcasting) under the Act for penal action.

  
(Subhash Kumar)

Deputy Secretary to the Govt. of India

To

All Cable Operators

Copy for information and necessary action:

- i. All District Magistrates
- ii. All Police Commissioners