Appendix I

The Sports Broadcast Signals (Mandatory Sharing with PrasarBharati) Rules, 2007

THE SPORTS BROADCAST SIGNALS (MANDATORY SHARING WITH PRASAR BHARATI) RULES, 2007

1 Short title and commencement.

(1) These rules may be called the Sports Broadcast Signals (Mandatory Sharing with PrasarBharati) Rules, 2007.

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

2 Definitions. In these rules, unless the context otherwise requires,

(a) ‘Act’, shall mean the Sports Broadcasting Signals (Mandatory Sharing with PrasarBharati) Act, 2007 (Act 11 of 2007);

(b) ‘content rights owner or holder’ shall mean a person for the time being having or holding the broadcasting rights in respect of a sporting event of national importance within the territory of India;

(c) Words and expressions not defined in these rules but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

3 Sharing of Sports Broadcasting Signals with PrasarBharati.

(1) Every content rights owner or holder and television or radio broadcasting service provider intending to carry a live television broadcast on any cable television network or Direct-to-Home network or intending to make a radio commentary broadcast in India, of a sporting event of national importance shall at least forty-five days prior to the proposed date of telecast or broadcast, inform the PrasarBharati about the same and offer to share the live signals in the manner and on such terms and conditions as are hereunder specified.
(2) The content rights owner or holder and television or radio broadcasting service provider shall provide the live signals to the PrasarBharati at the Master Control Room of Doordarshan or as the case may be, the Master Control Room of All India Radio, at its own cost.

(3) The signals to be shared with the PrasarBharati by the content rights owner or holder, shall be the best feed with all features as that of provided to a broadcast service provider in India, free from commercial advertisements.

(4) The signals referred to in sub-rules (2) and (3) shall include signals of the pre-live event and the post-live event coverage.

(5) The PrasarBharati shall not be under any obligation to carry the logo of any channel available in India.

(6) The PrasarBharati shall have all the rights to generate, pre, post and intermission programming.

(7) The PrasarBharati shall have the right to retransmit the signals on its terrestrial and Direct-to-Home networks including the AM and FM Channels of the All India Radio.

4 Sharing of advertisement revenue and Marketing of commercial time.

(1) The PrasarBharati shall on being informed in terms of sub-rule (1) of rule 3 or otherwise, take steps to determine who out of the two, that is the content rights owner or holder or the PrasarBharati, shall undertake the marketing of commercial time generated by the retransmission on the PrasarBharati's Channel and either of the party, which offers to maximize the revenue, shall get the marketing rights.

(2) For the purposes of sub-rule (1), a sealed bid procedure shall be adopted and such bids shall be opened in presence of representatives of both the parties and the party bidding higher shall get the marketing rights.
(3) The final amount so determined shall be the guaranteed net revenue after payment of taxes and duties, offered by the party getting the marketing rights and the revenue to be shared between the parties shall be the higher of the guaranteed revenue or actual revenue realised.

(4) The party getting the marketing right shall give a bank guarantee to the other party for an amount equal to the other party's share of guaranteed revenue which shall be valid for a period of six months from the first day of the month succeeding the month in which the sporting event comes to an end.

(5) The party having the marketing rights shall be entitled to obtain all release orders and payments in its name and all payments shall be received by it only by way of account-payee cheques, which shall be deposited in a designated escrow account from which the parties shall be at liberty to make withdrawals after discharging the tax liability.

(6) The party having the marketing rights shall submit to the other party complete accounts of revenue earnings, duly audited by a chartered accountant and along with all the release orders; and shall pay the entire guaranteed amount as well as any other amount to which the other party is entitled as per the revenue sharing formula under the Act and sub-rule (3) of rule 4, within seventy five days from the first day of the month succeeding the month in which the sporting event comes to an end.

5 Responsibility of a television or radio channel broadcasting the sporting event. If the television or radio broadcasting service provider is different from the content rights owner or holder, it shall be its duty to ensure that adequate arrangements for compliance with the provisions of the Act and the rules are made, at the time of acquisition of the rights from the content rights owner or holder.

6 Manner of declaration of sporting events of national importance.
(1) The list of sporting events of national importance shall be determined and notified by the Ministry of Information and Broadcasting in consultation with the Ministry of Youth Affairs and Sports and the PrasarBharati.

(2) An event of national importance once included in the list shall remain a sporting event as such for a period of four years from the date of its inclusion unless deleted or withdrawn earlier.

(3) The Ministry of Information and Broadcasting may, review the list of sporting events of national importance at any time and at least once in the month of February of each calendar year as per sub-rule (1), and consider new proposals for inclusion or deletion and notify amendments, if any.

7 Liability of television or radio broadcasting service provider or content rights owner or holder in certain cases of violations.

(1) Subject to the provisions of the Act, the Central Government may, in the event of any violation of a term or condition specified under section 3 of the Act or these rules, impose a penalty for each day till the violation continues.

(2) The penalty in case of television or radio broadcast service provider under sub-rule (1) shall be without prejudice to any action that the Central Government may take against them by way of suspension or revocation of licence or permission or registration.

(3) No penalty under sub-rule (1) or (2) shall be imposed unless a reasonable opportunity of being heard is given to the television or radio broadcasting service provider or the content rights owner or holder.

THE SPORTS BROADCAST SIGNALS (MANDATORY SHARING WITH PRASAR BHARATI) RULES, 2007

8. Partial supersession of guidelines. These rules partially supersede the Guidelines for Uplinking from India, dated 2nd December, 2005 and
the Policy Guidelines for Downlinking of Television Channels, dated
11th November, 2005 issued by the Government of India in the
Ministry of Information and Broadcasting, insofar as they relate to
sharing of sports broadcasting signals with the PrasarBharati in case of
sporting events of national importance and the terms and conditions
relating thereto. ------ 1. Vide G.S.R. 687(E), dated 31st October, 2007,
published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 31st
Appendix II
THE CABLE TELEVISION NETWORKS RULES, 1994

In exercise of the powers conferred by sub-section (1) of section 22 of the Cable Television Networks (Regulation) Ordinance, 1994 (9 of 1994), the Central Government makes the following rules, namely:

1. Short title and commencement.—(1) These rules may be called the Cable Television Networks Rules, 1994.

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

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) ‘cable operator’ means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;

(b) ‘cable service’ means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

(c) ‘cable television network’ means any system consisting of a set of closed transmission paths and associated signals generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

(d) ‘company’ means a company defined in section 3 of the Companies Act, 1956;

(e) ‘form’ means form appended to these rules;

(f) ‘person’ means—

(i) an individual who is a citizen of India;

(ii) an association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India:

(iii) a company in which not less than fifty-one percent of the paid-up share capital is held by the citizens of India;

(g) ‘programme’ means any television broadcast and includes —

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1 Notification No. GSR 729(E), published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 29 September, 1994.

2 Now the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).
(i) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;
(ii) any audio or visual or audio-visual live performance or presentation;
and the expression 'programming service' shall be construed accordingly;
(h) 'registering authority' means the registering authority notified under clause (h) of section 2 of the Cable Television Networks (Regulation) Ordinance 1994.3
(i) 'subscriber' means a person who receives the signal of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person.

3. Application for registration as a cable television network in India.—
(1) Every application for registration as a cable television network in India shall be made in writing in Form 1 and shall be renewable after every twelve months.
(2) The application shall be addressed to the Registering Authority and delivered to his officer in Form 1.
(3) (a) Every application for registration or renewal of registration shall be accompanied by—
   (i) a fee of rupees five hundred only; and
   (ii) the requisite documents mentioned in Forms 1 and 2.
(b) Every application for issue of duplicate certificate of registration shall be accompanied by—
   (i) a fee of rupees two hundred and fifty only; and
   (ii) the requisite documents mentioned in Form 1.
(4) The amount of fee shall be deposited under the Head Post Office where the application for registration or renewal of registration or issue of duplicate certificate of registration is being made.
(5) The amount of the fees shall be deposited under the head 'un-classified receipts (U.C.R.).'

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3 Now the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).
4 Now the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).
5 Substituted by GSR 459(E), dated 8.10.1996.
4. Examination of applications.—On receipt of an application under rule 3 of the registering authority shall examine the application having regard to the provisions of the section 4 of the Ordinance.\(^6\)

5. Registration.—\(^7\) On being satisfied that the applicant fulfils the provisions of the Act, the registering authority shall issue a registration certificate in Form 3: Provided that where the registering authority is satisfied that the registration cannot be granted to the applicant, he shall inform the applicant in Form 4.

\(^8\) On receipt of an application under clause (b) sub-rule 3 for issue duplicate certificate, the registering authority shall examine the application having regard to the provisions of rule 3 and shall issue a duplicate registration certificate in Form 3A.

6. Programme Code.—(1) No programme should be carried in the cable service which—

   (a) offends against good taste or decency;
   (b) contains criticism of friendly countries;
   (c) contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
   (d) contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
   (e) is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes.
   (f) contains anything amounting to contempt of court.
   (g) contains aspersions against the integrity of the President and Judiciary;
   (h) contains anything affecting the integrity of the Nation;
   (i) criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
   (j) encourages superstition or blind belief;
   (k) denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the

\(^6\) Now the Cable Television Network (Regulation) Act, 1995 (7 of 1995).
\(^7\) Rule 5 renumbered as sub-rule (1) thereof by GSR 459(E), dated 8.10.1996 with effect from 8.10.1996..
\(^8\) Inserted by GSR 459(E), dated 8.10.1996, w.e.f. 8.10.1996.
effect of being indecent, or derogatory to women, or is likely to deprave, 
corrupt or injure the public morality or morals;

(l) denigrates children;
(m) contains visuals or words which reflect a slandering, ironical and snobbish 
attitude in the portrayal of certain ethnic, linguistic and regional groups;
(n) contravenes the provisions of the Cinematograph Act, 1952 (37 of 1952).

9[(o) is not suitable for unrestricted public exhibition.]

(2) The cable operator should strive to carry programmes in his cable service 
which project women in a positive, leadership role of sobriety, moral and character 
building qualities.

10[(3) No cable operator shall carry or include in his cable service any programme in 
respect of which copyright subsists under the 11[Copyright Act, 1957 (14 of 1957] 
unless he has been granted a licence by owners of copyright under that Act in 
respect of such programme.

(4) Care should be taken to ensure that programmes meant for children do not 
contain any bad language or explicit scenes of violence.

(5) Programmes unsuitable for children must not be carried in the cable service at 
times when the largest number of children are viewing.

6A. 12[* * * * * *]

7. Advertising Code.—(1) Advertising carried in the cable service shall be so 
designed as to conform to the laws of the country and should not offend morality, 
decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which—

(i) derides any race, caste, colour, creed and nationality;
(ii) is against any provision of the Constitution of India:
(iii) tends to incite people to crime, cause disorder or violence or breach of law 
or glorifies violence or obscenity in any way;
(iv) presents criminality as desirable;

9 Inserted by GSR 710(E), dated 8.9.2000, with effect from 8.9.2000.
(v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;

(vi) in its depiction of women violates the Constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service is tasteful and aesthetic, and is within the well established norms of good taste and decency;

(vii) exploits social evils like dowry, child marriage.

13[(viii) promotes directly or indirectly production, sale or consumption of—

(a) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;

(b) infant milk substitutes, feeding bottle or infant foods.]

(3) No advertisement shall be permitted the objects whereof are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end.

14[(3A) No advertisement shall contain reference which hurt religious sentiments.]

(4) The goods or services advertised shall not suffer from any defect or deficiency as mentioned in the Consumer Protection Act, 1986.

(5) No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.

(6) The picture and the audible matter of the advertisement shall not be excessively 'loud'

(7) No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

(8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements.

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(9) No advertisement which violates the standards of practice for advertising agencies as approved by the Advertising Agencies Association of India, Bombay, from time to time shall be carried in the cable service.

(10) All advertisements should be clearly distinguishable from the programme and should not in any manner interfere with the programme viz., use of lower part of screen to carry captions, static or moving alongside the programme.

8. Register.— Each cable operator shall maintain a register in Form 5 for each month of the year for which the registration is granted.

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

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

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

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

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

10. Submission of report to the Central Government.— (1) Every cable operator shall be required to submit a report to the Central Government in the Ministry of Information and Broadcasting in Form 6.

(2) Such report shall be submitted periodically in the first week of each quarter:

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

11. Declaration to channels as ‘free-to-air’ and ‘pay’—In order to inform the public as required under rules 9 and 10, the cable operator shall declare which channel(s) will remain ‘pay’ and which ‘free-to-air’ and also the rates of the pay channels and discounts, if any, by 15 June 2003.

10[12. Responsibility of cable operators in certain cases.—In the event of cable operators not being in a position by the 31 August 2003 to declare whether a channel or ‘free-to-air’ channel and the price of any pay channel due to the information not being provided by the broadcaster, the cable operator shall not transmit such channel through its network after the 31 August 2003.

13. Provisions for set top boxes.—The cable operator shall make provisions for rent and security deposits, or refund thereof as well as warranty, repair and maintenance in the manner notified by the Government.]

17[14. Manner of making provisions for rent, security deposit, etc., for set top boxes.—(1) The cable operator will intimate to each subscriber in writing and at least fifteen days before the introduction of ‘Conditional Access System’, in the specified area of service, the following details of set top boxes:

(a) Type of set top box whether analogue or digital, its main physical functions and its conformity with the Bureau of Indian Standards.

(b) Details of payment schemes, including validity period of the offers on sale, hire purchase, or rent of set top box and amount of refundable security deposit payable by the cable subscriber.

(c) Maximum time for refund of security deposit to any cable subscriber who returns to set top box.

(d) Details of maintenance facility available with the cable operators.

(e) Maximum time to repair/replace the set top box.

(f) Period of warranty of the set top boxes.

(2) The cable operator shall also furnish the information required in sub-rule (1) above to the Ministry of Information and Broadcasting, duly authenticated by its authorised signatory.]