

"1994" and "ten days" by "fifteen day. (Interruptions). We do not want this Errata,

9—of 1994) promulgated by the President on the 29th September, 1994,"

श्री जगदीश प्रताप माथुर : मैं मंत्री जी से फिर निवेदन करूंगा, कुछ बिगड़ता नहीं है। पंद्रह मिनट में क्या बिगड़ जाएगा पंद्रह मिनट पहले इसको स्थगित कर दीजिए और सोमवार को जब चाहे आ जाइए। इसमें दिक्कत क्या है? आपको विदज्ञा करने को नहीं कह रहा हूँ, केवल स्थगित करने को कह रहा हूँ।... (व्यवधान)... इसमें कोई आपकी मानहानि नहीं होती है।

SHRI SATISH A.GARWAL: What is the difficulty when the Ordinance is in force? The law is in force. We support the spirit. We do not know certain details. What are those details? So as to support the Bill wholeheartedly, ... ("Interruptions").

SHRI VIREN J. SHAH: Mr. Vaya-lar Ravi mentioned about the spirit. Certainly, we accept the spirit. Mr. Ravi, you come from Kerala. You also know that the spirit has to be properly blended. Otherwise... (Interruptions). We want the blended spirit so that it has the right effect and not the wrong effect. (Interruptions).

**I. STATUTORY RESOLUTION SEEK ..  
ING DISAPPROVAL OF THE CABLE  
TELEVISION NETWORKS  
(REGULATION) ORDINANCE, 1994  
PROMULGATED ON THE 29TH  
SEPTEMBER, 1994.**

**II, THE CABLE TELEVISION NET i  
WORKS (REGULATION) BILL,  
1993.**

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Viren Shah may move the resolution and the hon. Minister may clarify all the points raised by the hon. Members at the time of reply.

SHRI VIREN J. SHAH (Maharashtra): Mr. Vice-Chairman Sir, I move the following resolution:

"That this House disapproves of the Cable Television Net works (Regulation) Ordinance, 1994 (No.

"There are two aspects. As we all mentioned, the regulation of the Cable TV Networks has not been something which any political party opposed. In fact, it has been suggested by different political parties. There are two grounds. One is, it is a matter of great regret for me that in every Session, some of us oppose the practice of Ordinance. This is the fourth or fifth time that I am standing here to oppose an Ordinance and every time, all sections of the House sympathised with the point of view that I made that in a democratic system of Government, in a Parliamentary system of Government, the governance of the country by way of Ordinance is considered undesirable. If the hon. Minister takes the trouble to go into the debates of the Constituent Assembly which once I quoted, Ordinance was to be on a very exceptional matter and a matter of such public importance that it could not wait and even the persons sitting in the Chair have sympathised with my point of view and if I recall rightly, the Deputy Chairperson then present, also mentioned that the practice of bringing Ordinances should be resorted to very rarely. Yet, what do we find in this case? Here, a Bill was introduced in this House in August 1993 and the same was immediately referred to the Standing Committee on Communications. The Standing Committee on Communications went into action in a very forthright manner, very quickly and on 25th August submitted a report. They have said: "Because the Bill was introduced in Raiva Sabha on 3rd August, 1993, published in the Gazette and so on, considering the time constraint in which the Committee had to work, the Committee had only four sittings to consider the Bill." Anyway, they have given a comprehensive report. Now, that was available to the Government on 25th August, 1993. Thereafter, several sittings of this House have taken place. Now, the

bon. Ministers job would be to ex. plain  
.to this House why it was not possible to  
bring the Bill immediately after 25th  
August, 1993 before the House and  
What me reasons were that led to  
promulgating an Ordinance. What  
explanation hat. he given? With great  
respect, I may submit, the explanation  
oH'en by the Minister is nor at all  
satisfactory, it does not explain why  
the Government did not do anything from  
25th August, 1H93 till the last Bating of  
the Rajya Sabha before we adjourned in  
the last Session. This is a matter of  
considerable importance because it wag  
mentioned a number of times that a  
habit is developing—may be with officials  
or may fee with the Ministers to take  
Parliament for granted. Even if we do net  
do it- they will issue an Or. dinarce and  
then becaufee the Ordinance is issued, me  
House will pass the Bill and hence the  
matter is taken care of Is this the way  
we want to function as a mature  
Parliamentary democracy after so many  
years of our bringing into effect the  
Parliament alfter 26th January, 1950? That  
has to be examined seriously. My first  
request to the hon. Minister would be,  
please consider that aspect first. Now, let  
us take up the explanation part. Let us see  
paragraphs 3 and \*• I am quoting. "After  
the Bil] was introduced, it was noticed  
that attempts were being made by certain  
companies to buy small operators etc., etc.  
and to provide a sense of security to the  
small cable operators and to ensure  
adherence to the programmes, the Or.  
durance was promnlgfeted," Was this not  
found between August 1993 till the time  
the need for the Ordinance came up? And  
here there is a ifallacy. I am sure the hon.  
Minister must have read a report which  
appeared in one of the Financial papers  
three days back on the front page. "Two  
very large corporations one of the large;r  
corporations in India, in collaboration  
with a foreign company, are buying over  
the entire Cable TV Networks in India.  
They had already completed negotiations  
with 25..000 cable T.V.

ever India. And here it is a mockery to  
say that to prevent the Small and  
medium operators being taken over, this  
•nee had to be brought. So I

,0 be careful about what words  
i shall use, but I think there is either  
lack tit clarity or, I am going to say,  
lack of, perhaps, intellectual integrity  
titer. That j<sub>s</sub> why this kind  
'ilnation is being given while  
exactly thi ite is happeing.  
let us, look at thi<sub>3</sub> from a different angle.  
After the Bill wa<sub>8</sub> intni-• ■'• after the  
Ordinance, a number of amendments,  
have been brought in. Now the  
amendments are brought in because of the  
Standing Committee Report. In those  
amendments there are

tber of amendments that (hey have  
;ad from the Standing Commute There  
are a few which have not been accepted.  
I woud like to talk about two e of those  
which are not accepted. Apart fr°m the  
amendments, clause 7 says:

"Every cable operator shall main  
tain a register in the prescribed  
r form and go info, ety?,, etc..... "

The Government has received repre-  
sentations from the Cable Television  
works Association. That they  
nbmitted to the Prime Minister,  
the Minister of Information and  
Broadcasting and others in which they  
have welcomed this and yet; they have  
mentioned "In keeping Buch a register.  
perhaps, there is no consideration of  
practicability of it". If any Government  
officer who has drafted this and gone  
through it had sat for two

with any cable T.V. operators, he  
would have found out whether i\* was  
possible. There are 20 channels . Thirty  
channels will be there. To maintain a  
register of ex<sup>r</sup>ery programme from 30  
channels is a Herculean task and I think  
the hon. Minister may want to consider  
the practicability oif that.

Also about the Ordinance, I was  
reading some of the editorials. A number  
of them have been very critical: critical  
because they have

Clause B says that it will be obligatory to show and retransmit at least one Doordarshan channel. In the Ordinance they have made it two. And in the Bill they have brought out two channels. What does it indicate? It indicates that on their own volition, people do not want to see Doordarshan. This is a very sad thing. Doordarshan is my own country's television network. As an Indian I feel very hurt if I find that Indians do not want to look at this Doordarshan and you have to use State power to make people see Doordarshan by making it obligatory. We have seen in the history of the last 50—70 years that wherever the State power is used to control any kind of media, it has a negative and counterproductive effect, I would submit to the hon. Minister to reconsider that. He can bring another amendment and either remove this or bring out the original idea of one Doordarshan channel instead of two Doordarshan channels. Why is he so diffident that people will not be seeing Doordarshan? I am sure if Doordarshan gives good programmes — some of the programmes are very good — the people would be willing to see on their own volition as I do. I do it not because I am a proud Indian but I do it because I like to watch it. There are a couple of amendments. In clause 19 (Chapter V) — the Standing Committee had referred to this and that too, perhaps, they had discussions in two sittings — it is stated:

"Where an officer, not below the rank of a Group 'A' officer, etc., etc. ...."

Here, there is a likelihood of subjectivity coming in. And then, there was a discussion in the Committee on 'any - other ground whatsoever'. It is given in the public interest. A variety of things are likely to be promoted, on grounds of religion, race, language, caste or community or any other ground whatsoever. On 'or any other ground whatsoever' there was a discussion in the Com-

mittee — because the Report says so — and they finally thought it would be better — it was one version of theirs — to delete that. But then another group said, "Let it be. Words should be added and recorded in writing." If this 'or any other ground whatsoever' is to be there, then this ground should be in writing; otherwise, subjectivity will come in. We know what is happening in different parts of India. And in the Government if any officer at this level wants to be given such power, it can lead to unhealthy practices. It can lead to corruption. I think all of us, including the Ministers of this Government, publicly say that want to root out corruption. Then, why should we provide something which would bring harassment and corrupt practices? In subclause (3) of clause 15 of the Bill it is stated that no further appeal shall lie against the order of the court made under sub-section (2). The Committee felt that the Cable operators should be given the right of second appeal and therefore, it recommended that sub-clause (3) of clause 15 of the Bill should be amended accordingly. This has not been done. The hon. Minister may kindly consider the recommendation, which is again a unanimous recommendation, of the Standing Committee, that the right of second appeal may be included in the Bill. I find that you have not included it in your amendments.

I would rather submit that we are in support of the Cable Television Networks (Regulation) Bill. But we

- j strongly oppose the practice of promulgating Ordinances. We also submit that the Minister must explain why the Government did not do anything from the end of August, 1993 till the end of the last Session of the Rajya Sabha and issued ordinance in between this session, and
- 1 the last session. The urgency which has been declared has no bearing. After the promulgation of the

Ordinance on 29th September a news item has appeared — it has come only four or five days back—that two large corporations are gobbling up all small cable operators. There seems to be something unclear in the mind of the Government or there is something fishy about it. What was the need for this? I would certainly expect the hon. Minister to explain to this House the reason for this.

THE MINISTER OF STATE OF  
THE MINISTRY OF INFORMATION AND  
BROADCASTING (SHRI K. P. SINGH  
DEO): Mr. Vice-Chairman, I beg to move:

That the Bill to regulate the operation of cable television networks in the country and for matters connected therewith or incidental thereto, be taken into consideration,

Sir, a Bill, the Cable & Television Network (Regulation) Bill, 1993, to regulate the operation of cable television networks in the country was introduced in the Rajya Sabha on 3rd August 1993. This Bill provided for, (1) registration of cable operators; (2) obligation to ensure that the programmes conform to the programme and advertisement code to be notified by the Central Government; (3) obligation to retransmit at least one Doordarshan channel of the cable operator; (4) Obligation to use only such equipments in the cable television network which conform to BIS specification; (5) penalties for violation of the obligations; (6) designation of a competent authority having powers to sanction prosecution and to issue restraint orders in public interest, to prohibit the cable operator from carrying out any particular programme; and (\*) other incidental and consequential provisions. The Bill was referred to the Parliamentary Standing Committee on Communications. The Standing Committee on Communications

Standing Committee and the suggestions made by the cable operators, certain amendments to the Bill were considered essential. In the meantime, a new development took place, namely, the reported attempts being made by certain big companies to buy out smaller cable operators so that they could have exclusive control over a large area. It was, therefore, decided to operationalise the cable law immediately through the promulgation of an Ordinance so as to provide a sense of security to the small cable operators, ensure adherence to the various codes and empower the appropriate authorities to proscribe the carriage of undesirable programmes channels.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Minister, just a minute. May, I have the sense of the House?

SHEELAM JETHMALANI: Mr. Vice-Chairman whether you take up the Special Mentions Or adjourn the House, I am

श्री संजय प्रिय गौतम : क्या इसे जारी रखेंगे ? पांच बज गये हैं (स्वबोधन)

सपत्तमाध्यक्ष (श्री सुरेश पचौरी) :  
हमारे सामने तीन प्रावधान हैं। या हम यह विवक्षित कर्तव्य करें या फिर स्पेशल मेंशन लें या हाउस एजडने करें।

श्री साहबमद सलीम (पश्चिम बंगाल) :  
हाउस एजडने कीजिए। (स्वबोधन)

شری محمد سلیم :- باؤس ایڈجائن  
سیٹیج ... در اخذت

indifferent. But, at least give us some opportunity to study the documents. This matter should not go on tomorrow. We at least get the document from the Librarian and study it.

THE VICE-CHAIBMari (SHRI  
SORESH PACHOURI;: Mr. Minister,  
how much time will you take?

SHB1 K. P. SINGH DKO: Sir an  
other two minutes.

, Sir, the President accordingly pro  
mulgated the Cable Television Net  
works (Regulation) Ordinance. 1994  
on.29th September, 1994.

The Ordinance provides tor ')  
gistration of cable operators at their head  
Post Offices after paying a nominal lee  
of RB. 50/- adhering to the prescribed  
programme and advertisement codes  
which are being spelt out separately 'in  
the rules, mandatory carriage of any two  
of the Doordarshan Satellite Channels,  
and the replacement of existing equip,-  
Oient being used by the cable networks  
with thad meeting the specification laid  
down by the Bureau of Indian Standards  
within a period of three years from the  
date of the establishment and publication  
of the same.

Besides these, the Ordinance also  
provides for penalties, including fine  
and imprisonment, for violation of the  
various provisions as well as for non-

adherent to the programme/adver  
tisement coiip- The Government  
has accepted the demand made by  
thg cable a that they ehould  
not be held responsible for the pro  
grammes of foreign 'satellite channels  
which can reeei 4 without the  
uf« of any specialised gadgets

However, the Government  
has retained th erg to prohibit  
the cperstkm of cable networks in such  
areas, as it may consider necessary in the  
public interest and the maintenance of  
law and order.

these words, I commend the  
amendments to the Cable Television  
fcorks (Regulation) Bill, 1993 for  
approval of the House.

*The questions <-»ere proposed*

THS VICE-CHAIRMAN (SHRI  
;i PACHOURI): Now the discus  
sionOH Statutory Resolution and (hi  
liable Television Networks (Regulation)  
Bill, 1993 will be taken up at a ■•?e.  
The House is adjourned till il.OG a in.  
tomorrow.

The House then adjourned  
at three minutes past five of  
the, clock till eleven of the  
clock on Friday, the 9th  
December, 1994.