

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

श्री जगदीश प्रसाद 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 विदवा करने को नहीं कह रहा हूं, केवल स्थगित करने को कह रहा हूं।... (व्यवधान)... इसमें कोई आपकी मानहानि नहीं होती है।

SHRI SATISH AGARWAL: 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. Vayalar 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 SEEKING DISAPPROVAL OF THE CABLE TELEVISION NETWORKS (REGULATION) ORDINANCE, 1994 PROMULGATED ON THE 29TH SEPTEMBER, 1994.**

## **II. THE CABLE TELEVISION NETWORKS (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.

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

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 publicimportance 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 Gazett 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 take place. Now, the

hon. Minister's job would be to explain to this House why it was not possible to bring the Bill immediately after 25th August, 1993 before the House and what the reasons were that led to promulgating an Ordinance. What explanation has he given? With great respect, I may submit, the explanation given by the Minister is not at all satisfactory. It does not explain why the Government did not do anything from 25th August, 1993 till the last sitting of the Rajya Sabha before we adjourned in the last Session. This is a matter of considerable importance because it was mentioned a number of times that a habit is developing—may be with officials or may be with the Ministers to take Parliament for granted. Even if we do not do it, they will issue an Ordinance and then because the Ordinance is issued, the 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 after 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 4. I am quoting, "After the Bill 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 Ordinance was promulgated." Was this not found between August 1993 till the time the need for the Ordinance came up? And here there is a fallacy. 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 largest 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.

over India. And here it is a mockery to say that to prevent the Small and medium operators being taken over, this Ordinance had to be brought. So I have to be careful about what words I shall use, but I think there is either lack of clarity or, I am going to say, lack of perhaps, intellectual integrity in this matter. That is why this kind of explanation is being given while exactly the opposite is happening. Now let us look at this from a different angle. After the Bill was introduced and 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 a number of amendments that they have accepted from the Standing Committee. There are a few which have not been accepted. I would like to talk about two or three of those which are not accepted. Apart from the amendments, Clause 7 says:

"Every cable operator shall maintain a register in the prescribed form and go into, etc., etc....."

The Government has received representations from the Cable Television Net works Association. That they have submitted 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 such 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 days with any cable T.V. operators, he would have found out whether it was possible. There are 20 channels. Thirty channels will be there. To maintain a register of every programme from 30 channels is a Herculean task and I think the hon. Minister may want to consider the practicability of 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 8 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 counter productive 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 sub-clause (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 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 the last session. The urgency which he has described here has no meaning. 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 codes to be notified by the Central Government; (3) obligation to re-transmit at least one Doordarshan channel of the choice 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 (7) other incidental and consequential provisions. The Bill was referred to the Parliamentary Standing Committee on Communications. The Standing Committee on Communications submitted its Report on 27.8.93.

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?

श्री संध प्रिय गीतम : क्या इसे जारी रखेंगे ? पांच बज गये हैं (व्यवधान)

उपसभाध्यक्ष (श्री सुरेश पचौरी) : हमारे सामने तीन प्रावधान हैं। या हम प्रह डिक्शन कन्टीन्यू करें या फिर स्पेशल सेशन लें या हाउस एडजर्न करें।

श्री बाहमद गलीम (पश्चिम बंगाल) : हाउस एडजर्न कीजिए। (व्यवधान)

شری محمد سلیم :- ہاؤس ایڈجائن  
کیجئے .. "داخلت" ....

SHRI RAM JETHMALANI: Mr. Vice-Chairman whether you take up the Special Mentions or adjourn the House, I am 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 Library and study it.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Minister, how much time will you take?

SHRI K. P. SINGH DEO: Sir an other two minutes.

Sir, the President accordingly promulgated the Cable Television Networks (Regulation) Ordinance, 1994 on 29th September, 1994.

The Ordinance provides for the registration of cable operators at their head Post Offices after paying a nominal fee of Rs. 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 equipment being used by the cable networks with that 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-

adherence to the programme/advertisement codes. The Government has accepted the demand made by the cable operators that they should not be held responsible for the programmes of foreign satellite channels which can be received without the use of any specialised gadgets-decoders. However, the Government has retained the powers to prohibit the operation of cable networks in such areas, as it may consider necessary in the public interest and the maintenance of law and order.

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

*The questions were proposed*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) Now the discussion on the Statutory Resolution and the Cable Television Networks (Regulation) Bill, 1993 will be taken up at a later stage.

The House is adjourned till 11.00 a.m. tomorrow.

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