

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-IMU-MISC-0010-2015 *28199* /R&DM dated *28.08.2017*

From

Shri Sangram Keshari Mohapatra
Joint Secretary to Government

To

All Collectors

Sub: Guidelines on implementation of Cable TV digitization in the State.

Madam/Sir,

In inviting a reference to the subject cited above, I am directed to say that Ministry of Information & Broadcasting has issued guidelines for initiation of action by authorized officers against the defaulters under the relevant provisions of Cable Television Network (Regulation) Act, 1995.

The copies of D.O. No. 3/2/2016-PMU(DAS)., dated 12.06.2017 and D.O. No. 2/10/2017-DAS., dated 16.06.2017 received from the Secretary, Ministry of I&B, Government of India to the address of Chief Secretary, Odisha on the above subject are enclosed herewith for information and necessary action.

Yours faithfully,

Sangram
24.8.17

Joint Secretary to Government

Memo No. *28200* Dated *28.08.2017*

Copy forwarded to Shri D. S. Negi, Asst. Project Director, Ministry of IB, Prasar Bharati Bhawan, OMFED Square, Chandrasekharpur, Bhubaneswar for information and necessary action.

Sangram
24.8.17

Joint Secretary to Government



D.O. No. 3/2/2016-PMU (DAS)

June 12, 2017

Cable TV Digitisation – Action by Authorised Officers against defaulters

Dear Chief Secretary,

Please refer the letters 4/4/2013-PMU(DAS) dated 30.5.2016, 9/213/2016-DAS dated 8.7.2016, 12/47/2016-DAS(part1) dated 22.12.2016, 2/135/2016-DAS dated 17.1.2017 and 2/08/2017-DAS(Part1) dated 21.4.2017 regarding implementation of cable TV digitisation in the country.

2. You are aware that as mandated by the Government, w.e.f. 1st April 2017 only digital encrypted signals can be carried on the cable television networks in the country. However, for its successful implementation, it is important that regular monitoring is carried out by the Authorised Officers {DM, SDM and CP as per Sec 2 of the Cable Television Networks (Regulation) Act 1995} to ensure that cable operators carry only digital encrypted signals, follow the provisions in the Cable Television Networks (Regulation) Act 1995 and the Rules framed thereunder, and prompt action is taken against the defaulters.

3. In this connection Ministry had prepared a Check List for inspection of MSOs by the Authorised Officers. Copy of the Check List is available at the www.digitalindiamib.com website under:

Information → Inspection of MSOs → Check List for Authorised Officers

4. Ministry had sent the Check List to the Authorised Officers on 25th April 2017 (Copy attached) with the request to plan regular inspections and take prompt action against the defaulters. However several complaints of carriage of analogue signals by the cable operators are still coming to the Ministry. These are being sent to the Authorised Officers of the districts for necessary action. Hardly any compliance reports are being received.

Contd.....P/2

5. It is reiterated that as per Sec 11 of Cable Television Networks (Regulation) Act 1995, the Authorised officers have power to seize the equipment of the defaulting cable operators. To ensure that the cable TV digitisation is complete and its benefits start accruing to all stakeholders, I request you to:

- i. Direct all the DMs in your state to take action within their powers under Sec 11 against the defaulters.
- ii. Allot about half an hour time to the Ministry, in any one of the meetings to be held by you with DMs in near future, to highlight their role/powers.
- iii. Get the issue monitored by senior officers like Divisional Commissioner, Revenue Secretary or IG Police also.

I solicit your active support and cooperation in this task.

With best regards

Yours sincerely,



Encl: As above.

(AJAY MITTAL)

No.3/2/2016-PMU(DAS)
New Delhi, the 25th April 2017

Subject :Cable TV Digitisation – Inspection of MSOs by Authorised Officers

As you are aware that cable television network in the country has undergone complete transition from analog to digital in 4 phases, no cable subscriber can now watch TV programmes without a set top box (STB). However, for its successful implementation, it is imperative that immediate action is taken against the defaulters and also regular monitoring/checks are made to ensure that the cable operators follow all the provisions in the Cable Act/Rules for providing cable TV services.

As per the Cable Television Networks (Regulations) Act 1995 and Rules framed thereunder, no multi-system operator (MSO) can provide cable television network services with digital addressable systems (DAS) without a valid registration from the Ministry of Information & Broadcasting. Registered MSO can operate in any part of India but they must have digital head-end of their own, along with a Conditional Access System (CAS) and a Subscriber Management System (SMS). They must transmit all TV channels only in digital and encrypted format. The STBs supplied by MSOs must be BIS (Bureau of Indian Standards) compliant. Registered MSOs must operationalise the cable service within 6-months of getting the registration failing which their registration is likely to be withdrawn/suspended.

For the successful implementation of cable TV digitisation, it is imperative that immediate action is taken against the defaulters and also regular monitoring/checks are made to ensure that the cable operators follow all the provisions in the Cable Act/Rules for providing cable TV services.

As per Sec 2 of the Cable Act, DM, SDM and CP are the authorised officers who have powers (Sec 11) to seize the equipment used for operating Cable TV Network if the cable operators violate of provisions of the Cable Act.


Therefore a Check List for inspection of MSOs by the Authorised Officers has been prepared and a copy of the same is attached. Copy of the Check List is also available at the www.mca.gov.in website as under:

Information \Rightarrow Inspection of MSOs \Rightarrow Check List for Authorised Officers

It is requested that the Authorised Officers may plan regular inspections of MSOs and take prompt action against the defaulters.

I solicit your active participation and cooperation in this task.

Encl. As above


(Jayashree Mukherjee)
Additional Secretary to the Govt. of India
23387558

To

All Authorised Officers of States/UTs

Copy to: State Nodal Officers for implementation of cable TV digitisation

Cable TV Digitisation

Check list for inspection of MSOs by Authorised Officers

As per the Cable Television Networks (Regulations) Act 1995 and Rules framed thereunder:

- No multi-system operator (MSO) shall provide cable television network services with digital addressable systems (DAS) in any notified areas, after the notified cut-off date(s), without a valid registration from the Ministry of Information & Broadcasting.
- They must have digital head-end of their own.
- They must set up and operationalise a Conditional Access System (CAS) and a Subscriber Management System (SMS).
- All TV channels must be in digital and encrypted.
- Registered MSO can operate in any part of India as entire country is DAS notified.

Correspondence address of the MSO :

Contact details of the MSO : Phone -

Email -

Date of inspection :

Please check the following:

S. No.	DESCRIPTION	REMARKS
1.	Has the MSO taken registration from M/o I&B?	Yes/No
2.	If yes, the registration number	
3.	Is the registration still valid? <i>(The registration issued by the M/o I&B is valid for 10 years only)</i>	Yes/No
4.	If the MSO has not taken registration from the M/o I&B, is he providing cable TV services in any of the the DAS notified areas? <i>(In that case, authorised officer has to take action)</i>	Yes/No

5.	Has the MSO installed his own digital Headend?	Yes/No
6.	If yes, the number of head-ends the MSO has? <i>(An MSO can have multiple head-ends, all over the country, at different locations)</i>	
7.	Indicate the location(s) of each headend	
8.	Has the MSO operationalised at least one of his own Headends? <i>(MSO is required to operationalise the headend within 6 months from the date of issue of registration)</i>	Yes/No
9.	Has the MSO installed the Conditional Access System (CAS)? <i>(CAS can be installed with any of the head-ends)</i> <i>(To confirm that MSO has installed CAS, ask the MSO to show that a subscriber can see only the channel(s) subscribed by him)</i>	Yes/No
10.	Has the MSO installed a SMS (Subscriber Management System) in the Headend? <i>(SMS can be installed with any of the head-ends)</i> <i>(To confirm that MSO has installed SMS, ask the MSO to provide a print out of the SMS indicating the number of subscribers)</i>	Yes/No
11.	Is the MSO transmitting all the channels only in digital format? <i>(To confirm, connect the cable to the RF Tuner input of the TV. If you see any channel on a TV screen it means that analog signals are still being provided by the MSO)</i>	Yes/No

12.	<p>Is the MSO transmitting all the channels in digital format only after encryption?</p> <p><i>(It is possible that MSO has installed CAS but still all the channels are not encrypted.)</i></p> <p><i>(To confirm, ask the MSO to show that a subscriber can see any channel only after MSO allows it)</i></p>	Yes/No
13.	Total number of permitted satellite channels being carried by the MSO?	
14.	Total number of MSO's own channels being carried?	
15.	Are the locally produced channels also encrypted?	Yes/No
16.	Is the MSO carrying all the 25 mandatory channels (22 of Doordarshan and one each of Lok Sabha, Rajya Sabha & IGNOU) and in respective genres?	Yes/No
17.	<p>Is the MSO carrying any unpermitted satellite channel(s) on his cable network?</p> <p><i>(Carry out random check.</i></p> <p><i>For the list of permitted satellite TV channels, visit http://mib.nic.in/linksthirid.aspx link)</i></p>	Yes/No
18.	Is yes, indicate the number of unpermitted satellite channel(s) and their names	
19.	<p>Are the STBs being supplied by the MSO BIS compliant?</p> <p><i>(It is mandatory for STBs to be BIS compliant as per Sec 9 of the CTN Act)</i></p>	Yes/No
20.	Is the MSO entering seeding data of STBs in the Management Information System (MIS) of the M/o I&B at www.DigitalIndiaMIB.com website?	Yes/No

21.	Does the seeding data entered in the MIS match the actual number of STBs installed by the MSO?	Yes/No
22.	Indicate the date on which the MSO had last updated the data in MIS.	
23.	Does the MSO have a Toll free helpline number?	Yes/No
24.	If yes, indicate the Toll free helpline number	
25.	Is the web-site of the MSO operational?	Yes/No
26.	If yes, indicate the web-site address	
27.	Does the MSO have any App based software for the LCOs?	Yes/No
28.	Has the MSO operationalized a web-based complaint redressal system?	Yes/No
29.	Has the MSO notified the names and contact details of the nodal Officer for public grievance redressal?	Yes/No
30.	If yes, indicate the names and contact details of the nominated nodal officers	
31.	Remarks of the inspecting officer	

32.	What action the inspecting officer proposes to be taken by the Authorised Officer?	
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Place of inspection

Name of inspecting officer

Date of inspection

Designation of the Authorised Officer or his representative

Submitted to the District Magistrate/Police Commissioner

Note: Please post a copy to the Ministry of Information & Broadcasting at das.mib@gmail.com

00562882233 - 4096

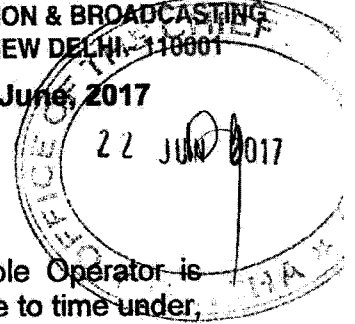
D.O. No. 2/10/2017-DAS

अजय मित्तल, भा.प्र.से.
सचिव
AJAY MITTAL, IAS
SECRETARY



भारत सरकार
सूचना एवं प्रसारण मंत्रालय
शास्त्री भवन, नई दिल्ली-110001
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION & BROADCASTING
SHASTRI BHAWAN, NEW DELHI-110001

16th June, 2017



Dear Chief Secretary,

As you are aware that for providing cable TV services, a Cable Operator is sometimes required to lay and establish cables and erect posts from time to time under, over, along, across, in or upon any immovable property ever vested in or under the control or management of a public authority. Thus, the Cable Operators require permission of the concerned public authority, under whose control or management the immovable property is vested to (a) place and maintain underground cables or posts; and (b) to enter on the property, from time to time, in order to place, examine, repair, alter or remove such cables or posts, subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.

2. Section 4B(5) of the Cable TV Networks (Regulation) Act, 1995 specifies that the Central Government may lay down appropriate guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority.

3. Accordingly, this Ministry has prepared guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for grant of Right of Way (RoW). (Copy of these guidelines is enclosed).

4. I request you to develop and issue appropriate mechanism for speedy clearance of requests from cable operators based on the guidelines sent herewith. A copy of the same may also be sent to the M/o I&B for reference.

With regards, & best wishes,

Yours sincerely,

Encl.: a/a.

Secretary, I&B

(Ajay Mittal)

To,

Copy: R&DU Deptt

Chief Secretary
Government of Orissa
General Admn. Dept.
Orissa Secretariat
Bhubaneswar-751001

Guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for granting Right of Way (RoW)

{Under Sec 4B(5) of the Cable Television Networks (Regulation) Act 1995}

For providing cable TV services, a cable operator {Multi System Operator (MSO) and Local Cable Operators (LCO)}, is required to lay and establish cables and erect posts from time to time under, over, along, across, in or upon any immovable property ever vested in or under the control or management of a public authority. Thus, the cable operators require permission of the concerned public authority, under whose control or management the immovable property is vested to (a) place and maintain underground cables or posts; and (b) to enter on the property, from time to time, in order to place, examine, repair, alter or remove such cables or posts, subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.

2. However, if the public authority in public interest considers it necessary and expedient that the underground cable or post placed by any cable operator should be removed or shifted or its position altered, it can direct the cable operator to remove it or shift it or alter its position, as the case may be, at its own cost in the time frame indicated by the public authority.

3. Section 4B(5) of the Cable Television Networks (Regulation) Act 1995 specifies that the Central Government may lay down appropriate guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority.

4. Accordingly, the Central Government, hereby lays down the following guidelines to enable the State Governments to put in place an appropriate

mechanism for speedy clearance of requests from cable operators for granting them facility of Right of Way (RoW), to establish and maintain the cable infrastructure underground and/or overground on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority: -

5. PROCEDURE

5.1 Submission of application by cable operators requesting for RoW

5.1.1 A cable operator shall, for the purposes of establishment of cable infrastructure underground and/or overground, on any immovable property vested in or under the control or management of any public authority, make an application covering the following details, supported by the documents, to that concerned authority:-

- (a) a copy of the registration granted by the Government, i.e. by the Head Post Master for local cable operators (LCOs) under Rule 5, and Central Government for Multi System Operators (MSOs), under Rule 11C, of the Cable Television Networks Rules 1994;
- (b) the extent of land required for establishment of the overground cable infrastructure;
- (c) any other matter relevant, in the opinion of the cable operator, connected with or relative to the work proposed to be undertaken; and
- (d) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or State Government or local authority;
- (e) Undertaking to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the Public authority shall necessarily be put in consequence of the work proposed to be undertaken.

5.1.2 Every application under para 5.1.1 above shall be accompanied with such fee as may be prescribed by the public authority concerned.

Provided that no application shall be rejected unless the applicant cable operator has been given an opportunity of being heard on the reasons for such rejection;

Provided further that the permission shall be deemed to have been granted if the public authority fails to either grant permission or reject the application within 65 days of the receipt of the application.

5.2.3 Where the public authority accepts the undertaking by the licensee to discharge the responsibility to restore the damage that such public authority shall necessarily be put in consequence of the work, the public authority, while granting permission under para 5.2.2(a) above, may seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

5.3 Obligations of cable operator in undertaking work after getting permission of RoW from the public authority

5.3.1 The cable operator shall make the payment of expenses or submit the bank guarantee as determined by the public authority within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground cable or installing the overground infrastructure:

Provided that the public authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the cable operator seeking such extension.

5.3.2 The cable operator shall ensure that:

- (a) Prior to the commencement of work of laying the underground and/or overground cable infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and
- (b) The work of laying underground and/or overground cable infrastructure is carried out in accordance with the conditions specified in the grant of permission by the public authority.

5.3.3 The cable operator shall provide the exact cable routing details to the public authority.

5.3.4 Nothing in this section shall confer any right upon any cable operator other than the purpose only of laying underground cable or erecting posts or maintaining them.

5.4 Powers of public authority to supervise the work

5.4.1 The public authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under para 5.2.2(a) are observed by the cable operator.

5.4.2 The public authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

5.4.3 If the public authority comes to the conclusion that the cable operator has wilfully violated any of the conditions for grant of permission under para 5.2.2(a), it may forfeit, in full or in part, the bank guarantee submitted by the cable operator and withdraw the permission granted to the cable operator, for reasons to be recorded in writing:

Provided that no action shall be taken unless the cable operator has been given an opportunity of being heard.
