

**Telecom Regulatory Authority of India**  
**Notification**

**No.1-29/2004-B&CS**

**Dated: October 1, 2004**

In exercise of the powers conferred upon it under sub-section (2) and paras (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 read with the Notification No.39 [(S.O No. 44 (E) and 45 (E)], dated 09.01.2004 issued from file No.13-1/2004-Restg. by the Central Government under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of section 2 of the Telecom Regulatory Authority of India Act, 1997, the Telecom Regulatory Authority of India hereby makes the following Order.

**THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (SECOND)**  
**TARIFF ORDER 2004 (6 OF 2004)**

**1. Short title, extent and commencement:**

- i. This Order shall be called "The Telecommunication (Broadcasting and Cable) Services (Second) Tariff Order 2004"(6 of 2004).
- ii. The Order shall be applicable throughout the territory of India <sup>1</sup>[except States, cities, towns and areas notified, from time to time, under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995].
- iii. The Order shall come into force on the date of its notification in the Official Gazette.

**2. Definitions:**

<sup>2</sup>[(a)“addressable system” means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which signals of digital addressable system can be sent in encrypted form, which can be decoded by the device or devices, having an activated Conditional Access System at the premises of the subscriber within the limits of authorisation made, through the Conditional Access System and the subscriber management system, on the explicit choice and request of such subscriber, by multi-system operator or DTH operator or IPTV operator or HITS operator to the subscriber; and ---

the expression “non-addressable system” shall be construed accordingly;”]]

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<sup>1</sup>Ins. by the Fourteenth Amendment Order, 2015, s. 2 (w.e.f. 06.01.2015).

<sup>2</sup>Subs by s. 3, *ibid.*, for ‘(a) “**broadcaster**” means any person including an individual, group of persons, public or body corporate, firm or any organization or body who/which is providing broadcasting service and includes his authorized distribution agencies;’.

<sup>3</sup> Subs. by the Fourteenth Amendment Order, 2015, s. 3(i) (w.e.f. 06.01.2015) for “**addressable system**” means an electronic device or more than one electronic devices put in an integrated system through which television signals can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of authorisation made, on the choice and request of such subscriber, by the service provider to the subscriber;

<sup>1</sup>[(aa) “authorised agent or intermediary” means any person including an individual, group of persons, public or private body corporate, firm or any organization or body authorised by a broadcaster or multi-system operator to make available its TV channels to a distributor of TV channels and such authorised agent or intermediary, while making available TV channels to the distributors of TV channels, shall always act in the name of and on behalf of the broadcaster or multi-system operator, as the case may be;]

<sup>2</sup>(ab) “**Authority**” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997);

<sup>3</sup> [(ac) “**broadcaster**” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, uplinking permission or downlinking permission, as may be applicable for its channels, from the Central Government, provides programming services;]

(b) “**broadcasting services**” means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electromagnetic waves through space or through cables intended to be received by the general public either directly or indirectly and all its grammatical variations and cognate expressions shall be construed accordingly;

(c) “**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;

(d) “**cable service**” means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

<sup>4</sup>[(dd) “**Ordinary cable subscriber**” means any person who receives broadcasting service from a cable operator and uses the same for his/her domestic purposes;

<sup>5</sup>[(dda) “**commercial establishment**” means any premises wherein any trade, business or any work in connection with, or incidental or ancillary thereto, is carried on and includes a society registered under the Societies Registration Act, 1860 (21 of 1860), and charitable or other trust, whether registered or not, which carries on any business, trade or work in connection with, or incidental or ancillary thereto, journalistic, printing and publishing establishments, educational, healthcare or other institutions run for private gain, theatres, cinemas, restaurants, eating houses, pubs, bars, residential hotels, malls, airport lounges, clubs or other places of public amusements or entertainment;]

<sup>6</sup>[(ddb) “**commercial subscriber**” means any person who receives broadcasting services or cable services at a place indicated by him to a cable operator or multi system operator or direct to home operator or head end in the sky operator or Internet Protocol television service provider, as the case may be, and uses such services for the benefit of his clients, customers, members or any other class or group of persons having access to his commercial establishment;]

(e) “**cable television network**” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment designed to provide cable service for reception by multiple subscribers;

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<sup>1</sup> Ins. by the Tenth Amendment Order, 2014, s. 2(c) (w.e.f. 10.02.2014).

<sup>2</sup> Ins. by the Fourteenth Amendment Order, 2015, s. 3(ii) (w.e.f. 06.01.2015).

<sup>3</sup> Substituted by 2(d), *ibid*, for “(ac) “**broadcaster**” means any person including an individual, group of persons, public or body corporate, firm or any organization or body who/ which is providing broadcasting service and includes his authorized distribution agencies;”

<sup>4</sup> Ins. by the Fourth Amendment Order, 2006, s. 2 (w.e.f. 7.3.2006).

Explanatory note

<sup>5</sup> Inserted by Twelfth Amendment order, 2014, sec 2,(a)(w.e.f. 16.07.2014)

<sup>6</sup> Sus. by Twelfth Amendment order, 2014, sec 2,(b)(w.e.f. 16.07.2014) for “**Commercial cable subscriber**” means any person, other than a multi system operator or a cable operator, who receives broadcasting service at a place indicated by him to a broadcaster, multi system operator or cable operator, as the case may be, and uses such signals for the benefit of his clients, customers, members or any other class or group of persons having access to such place.

The distinction between an ordinary cable subscriber and a commercial cable subscriber is in terms of the difference in the use to which such signals are put. The former would use it for his/her own use or the use of his/her family, guests etc. while the latter would over commercial and other establishments like hotels, restaurants, clubs, guest houses etc. which use the signals for the benefit of their customers, clients, members or other permitted visitors to the establishment.]

<sup>1</sup>[<sup>2</sup>[<sup>3</sup>[(f) “**Charges**”, with reference to---

- (i) subscriber, means the rates (excluding taxes) payable by the subscriber to the cable operator or multi system operator, as the case may be, for cable services received by him;
- (ii) cable operator means the rates (excluding taxes) payable by the cable operator to the multi system operator or broadcaster, as the case may be, for broadcasting services or cable services received by him;
- (iii) multi system operator, means the rates (excluding taxes) payable by the multi system operator to the broadcaster, for the broadcasting services received by him;”]]]

(g) “**free to air channel**” means a channel for which no fees is to be paid to the broadcaster for its retransmission through electromagnetic waves through cable or through space intended to be received by the general public either directly or indirectly;

<sup>4</sup>(h) “**multi system operator**” means a cable operator who has been granted registration under the Cable Television Networks (Regulation) Act, 1995 and who receives a programming service from a broadcaster and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more local cable operators;”

(i) “**pay channel**”, means a channel for which fees is to be paid to the broadcaster for its retransmission through electromagnetic waves through cable or through space intended to be received by the general public either directly or indirectly.;

<sup>5</sup>[(j) all other words and expressions used in this order but not defined and defined in the Act and rules and other regulations and Order made there under, shall have the meanings respectively assigned to them in the Act or the rules or other regulations or Order, as the case may be.

### 3. **Tariff:**

The charges, excluding taxes, payable by

<sup>6</sup>[<sup>7</sup>[(a) Ordinary cable subscribers to cable operators or multi system operators, as the case may be;]]]

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<sup>1</sup> Subs. by the Fourth Amendment Order, 2006, S. 2, for ‘(f) “charges” means and includes the rates (excluding taxes) payable by one party to the other by virtue of the written/oral agreement prevalent on 26th December 2003. The principle applicable in the written/oral agreement prevalent on 26th December, 2003, should be applied for determining the scope of the term “rates” ’ (w.e.f. 7.3.2006).

<sup>2</sup> Subs. by the Seventh Amendment Order, 2006, s. 2 (w.e.f. 21.11.2006), for “(f) ‘Charges’ means (i) for all others except commercial cable subscribers, the rates ( excluding taxes) payable by one party to the other by virtue of the written/oral agreement prevalent on 26<sup>th</sup> December 2003. The principle applicable in the written/oral agreement prevalent on 26<sup>th</sup> December 2003, should be applied for determining the scope of the term “rates”

(ii) for commercial cable subscribers, the rates (excluding taxes) payable by one party to the other by virtue of the written/oral agreement prevalent on 1<sup>st</sup> March 2006. The principle applicable in the written/oral agreement prevalent on 1<sup>st</sup> March 2006, should be applied for determining the scope of the term “rates”.

<sup>3</sup>Sus.by TwelfthAmendmentOrder, 2014, S. 2,(c)(w.e.f. 16.07.2014) for “Charges means and includes—

[(i) in respect of broadcasting and cable services provided to all ordinary cable subscribers and commercial cable subscribers except those specified in (ii) below, the rates (excluding taxes) payable by one party to the other by virtue of the written/ oral agreement prevailing on the 1<sup>st</sup> day of December, 2007. The principle applicable in the written/ oral agreement prevailing on the 1<sup>st</sup> day of December, 2007, should be applied for determining the said rates.]

(ii) [in respect of broadcasting and cable services provided to hotels] with a rating of three star and above, heritage hotels (as described in the guidelines for classification of hotels issued by Department of Tourism, Government of India) and any other hotel, motel, inn, and such other commercial establishment, providing board and lodging and having 50 or more rooms, the charges specified in (i) above shall not be applicable and for these subscribers the charges would be as mutually determined by the parties.

[**Explanation 1:** It is clarified that in respect of programmes of a broadcaster, shown on the occasion of a special event for common viewing, at any place registered under the Entertainment Tax Law and to which access is allowed on payment basis for a minimum of 50 persons by the commercial cable subscribers, the tariff shall be as mutually determined between the parties. ]]

[Explanation 2: The principle applicable in the written/ oral agreement referred to in item (i) of this sub-clause shall also be applicable for all new written/ oral agreements entered into between one party and another on or after 1<sup>st</sup> day of December, 2007.]]”

<sup>4</sup> Substituted by 2(e) of the Tenth Amendment Order, 2014for“**multi system operator**” means any person who receives a broadcasting service from broadcaster and/or their authorized agencies and re-transmits the same to consumers and/or re-transmits the same to one or more cable operators;

<sup>5</sup>Ins. by the Fourteenth Amendment Order, 2015, s. 3(iii) (w.e.f. 06.01.2015).

<sup>6</sup>Subs. by the Fourth Amendment Order, 2006, s. 3, for “(a)Cable subscribers to cable operator;” (w.e.f. 7.03.2006).

<sup>7</sup> Subs. by the Seventh Amendment Order, 2006, s. 3, for “(a) Ordinary cable subscribers to cable operator;” (w.e.f. 21.11.2006).

<sup>8</sup> Subs. by the Twelfth Amendment Order, 2014, s. 3(a) (w.e.f. 16.07.2014) for “Ordinary cable subscribers and commercial cable subscribers (except hotels with a rating of three star and above, heritage hotels (as described in the guidelines for classification of hotels issued by Department of Tourism,

<sup>1</sup>(b) cable operators to multi system operators or broadcasters, as the case may be;

<sup>2</sup>(c) multi system operators to broadcasters,

<sup>3</sup>[<sup>4</sup>[<sup>5</sup>[<sup>6</sup>[...]]<sup>7</sup>[<sup>8</sup>[<sup>9</sup>[prevalent before the coming into force of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Thirteenth Amendment) Order, 2014, and increased by an amount not exceeding eleven per cent. shall be the ceiling, ---- ]]]]]]

<sup>10</sup>[(A) for both free to air channels and pay channels transmitted or re-transmitted by multi system operators to cable operators, and by multi system operators and cable operators to the Ordinary cable subscribers; and

(B) for bouquets of channels, consisting only of pay channels or both pay channels and free to air channels, and stand-alone channels, not forming part of any bouquet, transmitted by broadcasters to multi system operators or cable operators or both:]

<sup>11</sup>[...]

<sup>12</sup>["Provided that if any new pay channel is launched or any free-to-air channel is converted to pay channel after the 1<sup>st</sup> day of January 2015, then the ceiling referred to as above shall not apply, if the new pay channel or pay channel converted from free-to-air to pay channel is provided on a standalone basis, either individually or as part of new, separate bouquet:

Provided further that the broadcaster shall declare the genre of its channels and such genre shall be either News and Current Affairs or Infotainment or Sports or Kids or Music or Lifestyle or Movies or Religious or Devotional or General Entertainment (Hindi) or General Entertainment (English) or General Entertainment (regional language);

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Government of India) and any other hotel, motel, inn, and such other commercial establishment, providing board and lodging and have 50 or more rooms) to cable operators, multi system operators or broadcasters as the case may be;"

<sup>1</sup>Subs. by the Twelfth Amendment Order, 2014, s. 3(a) (w.e.f. 16.07.2014) for "Cable operators to multi system operators/broadcasters (including their authorised distribution agencies); and"

<sup>2</sup>Subs. by the Twelfth Amendment Order, 2014, s. 3(a) (w.e.f. 16.07.2014) for "Multi system operators to broadcasters (including their authorised distribution agencies)"

<sup>3</sup>Subs. by the Eighth Amendment order, 2007, s. 4, for prevalent as on 26-12-2003 as enhanced by 7% permitted w.e.f. 11.1.2005 plus 4% on such enhanced charges w.e.f. 1.1.2006 shall be the ceiling] with respect to both free-to-air and pay channels

<sup>4</sup>Subs. by the Second Amendment Order, 2004, s. 2, for "prevalent as on 26<sup>th</sup> December 2003 shall be the ceiling" (w.e.f. 1.1.2005).

<sup>5</sup>Subs. by the Third Amendment Order, 2005, s. 2, for "prevalent as on 26-12-2003 plus 7% shall be the ceiling with respect to both free-to-air and pay channels" (w.e.f. 1.1.2006).

<sup>6</sup>Ins. by the Ninth Amendment Order, 2008, s. 2 (w.e.f. 1.1.2009).

<sup>7</sup>Substituted by 2 of the eleventh Amendment Order, 2014 for "prevalent as on 1<sup>st</sup> day of December, 2007, and increased by an amount not exceeding four per cent and further increased by an amount not exceeding seven percent of such increased amount shall be the ceiling,"

<sup>8</sup>Subs. by the Twelfth Amendment Order, 2014, s. 3(a) (w.e.f. 16.07.2014) for "prevalent before the coming into force of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Eleventh Amendment) Order, 2014, and increased by an amount not exceeding fifteen per cent. shall be the ceiling]"

<sup>9</sup>Subs. by Thirteenth Amendment order, 2014, sec 2(i), (w.e.f. 31.12.2014) for "prevalent before the 1<sup>st</sup> day of April, 2014 and increased by an amount not exceeding fifteen per cent, shall be the ceiling,"

<sup>10</sup>Subs. by the Twelfth Amendment Order, 2014, s. 3(a) (w.e.f. 16.07.2014) for "(A) with respect to both free to air and pay channels transmitted or retransmitted by multi system operators to cable operators, and by multi system operators and cable operators to subscribers referred to in sub-clause (a) above;

(B) in respect of bouquets of channels (consisting only of pay channels or both pay and free to air channels) and stand-alone channels not forming part of any bouquet transmitted by broadcasters to multi system operators, cable operators and to subscribers referred to in sub-clause (a) above."

<sup>11</sup>Following explanations were deleted by the Twelfth Amendment Order, 2014, s. 3(b) (w.e.f. 16.07.2014)

"[Explanation 1: The four per cent. increase referred above shall not apply in cases where the charges, existing as on the 26<sup>th</sup> December, 2003 as enhanced by 7% permitted with effect from 1<sup>st</sup> day of January, 2005, have been further increased by four per cent. [being the four per cent. ceiling referred to in clause 3, (as it stood before its Amendment by the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Eighth Amendment) Order, 2007) ] after the 21<sup>st</sup> December, 2006;

[Explanation [2]: for the purpose of clause 3(a) above the question whether the commercial cable subscriber will pay the cable operator/multi system operator/the broadcaster will be determined by the terms of agreement(s) between the concerned parties, namely

i) broadcaster(s)

ii) MSO(s) and cable operator(s) who have been authorized to provide signals to the commercial cable subscribers

iii) the commercial cable subscribers.]

Explanation <sup>2</sup>[3]: for the purposes of clause 3(b) and (c) above the charges will be modified to take into account the payments to commercial cable subscribers where appropriate.]"

<sup>12</sup>Ins. by the Fourteenth Amendment Order, 2015, s. 4 (w.e.f. 06.01.2015).



Provided also that the rates of channels, referred to in the first proviso shall be similar to the rates of similar channels existing as on the date of such launch of new channel or such conversion of free-to-air channel into a pay channel;

Provided also that the ceiling of charges, specified under sub-clauses (a), (b) and (c) shall not, in any case, exceed by the rates of channels referred to in the third proviso;

Provided also that in case multi system operator or a cable operator reduces the number of pay channels that were being shown on the date of coming into force of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Fourteenth Amendment) Order, 2015 ( 1 of 2015), the ceiling shall be reduced taking into account the rate(s) of the channel(s) so removed;

Provided also that in the case of the commercial subscriber, for each television connection, the charges payable by the Ordinary cable subscriber under sub-clause (a), shall be the ceiling;

Provided also that if a commercial subscriber charges his customer or any person for a programme of a broadcaster shown within his premises, he shall, before he starts providing such service, enter into agreement with the broadcaster and the broadcaster may charge the commercial subscriber, for such programme, as may be agreed upon between them;

**Explanation:** For the removal of doubt, it is clarified that any increase in the price of goods or services, being provided by the commercial subscriber during the duration of the telecast of a programme, referred to in the above proviso, shall also be treated as charge for the said programme.

Provided also that the charges referred to in sub-clause (a) shall in no case exceed the maximum amount of charges specified in the Part I or Part II, as the case may be, of the Schedule annexed with this Order.”]

<sup>1</sup>[<sup>2</sup>**3B** In determining the similarity of rates of similar channels referred to in the provisos below clause 3 above the following factors shall be taken into account:

- (i) the genre and language of the new pay or converted Free to Air to pay channel; and
- (ii) the range of prices ascribed to the existing channels of similar genre and language in the price of a bouquet(s) and prices of bouquet(s) that exist.]]

<sup>3</sup>**3BA. Tariff for commercial subscriber** – (1) A broadcaster shall offer all its pay channels, for commercial subscribers on a-la-carte basis to distributors of TV channels, and may specify separate a-la-carte rate for each pay channel:

Provided that the broadcaster may also offer all its pay channels as part of bouquet consisting of pay channels or both pay and free to air channels and specify the rate for each such bouquet of channels offered by it.

(2) A broadcaster may enter into a tripartite agreement with the distributors of TV channels and the commercial subscribers for supply of signals of TV channels to the commercial subscribers.

(3) Any tripartite agreement entered into under sub-clause (2) shall be filed with the Authority by the broadcaster within thirty days of entering into such agreement]

<sup>4</sup>**3C.Manner of offering channels by broadcasters.**—(1) Every broadcaster shall offer or cause to offer on non-discriminatory basis all its channels on a-la-carte basis to the multi system operator or the cable

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<sup>1</sup>Ins. by the Sixth Amendment Order, 2006, s. 2 (w.e.f. 31.7.2006).

<sup>2</sup>Subs. by the Fourteenth Amendment Order, 2015, s. 5 (w.e.f. 06.01.2015), for “**3B**: In determining the similarity of rates of similar channels referred to in the provisos below clause 3 above the following factors shall be taken into account:

(i) the genre and language of the new pay or converted Free to Air to pay channel; '[and]

[(ii) the range of prices ascribed to the existing channels of similar genre and language in the price of a bouquet(s) and prices of bouquet(s) that exist.]”

<sup>3</sup>Ins. by the Fifteenth Amendment Order, 2015, s. 4, (w.e.f. 08.09.2015).

<sup>4</sup>Ins. by the Fourteenth Amendment Order, 2015, s. 6 (w.e.f. 06.01.2015).

operator, as the case may be, and specify an a-la-carte rate, subject to provisions of sub-clause (2) of this clause and clauses 3 and 3B, for each pay channel offered by him.

(2) In case a broadcaster, in addition to offering all its channels on a-la-carte basis, provides, without prejudice to the provisions of sub-clause (1), to a multi system operator or to a cable operator, pay channels as part of a bouquet consisting only of pay channels or both pay and free to air channels, the rate for such bouquet and a-la-carte rates for such pay channels forming part of that bouquet shall be subject to the following conditions, namely:-

- (a) the sum of the a-la-carte rates of the pay channels forming part of such a bouquet shall in no case exceed one and half times of the rate of that bouquet of which such pay channels are a part; and
- (b) the a-la-carte rates of each pay channel, forming part of such a bouquet, shall in no case exceed three times the average rate of a pay channel of that bouquet of which such pay channel is a part and the average rate of a pay channel of the bouquet be calculated in the following manner, namely:-

If the bouquet rate is Rs. 'X' per month per subscriber and the number of pay channels is 'Y' in a bouquet, then the average pay channel rate of the bouquet shall be Rs. 'X' divided by number of pay channels 'Y':

Provided that the composition of a bouquet existing as on the 1<sup>st</sup> day of December 2007, in so far as pay channels are concerned in that bouquet, shall not be changed:

Provided further that nothing contained in the first proviso shall apply to those bouquets of channels existing on the 1st day of December 2007, which are required to be modified pursuant to the commencement of the Telecommunication (Broadcasting and Cable Services) Interconnection (Seventh Amendment) Regulation, 2014 and the rate of such modified bouquet of channels shall be determined in the following manner: ----

The rate of the modified bouquet = [rate of the existing bouquet] x [sum of a-la-carte rate of pay channels comprising the modified bouquet/sum of a-la-carte rate of all the pay channels comprising the existing bouquet],

and if after modification of the bouquet, there remains only one channel in such bouquet, the broadcaster shall be free to offer such channel at its published a-la-carte rate in its Reference Interconnect Offer.

Provided also that no pay TV channel shall be added to or removed from the modified bouquet of TV channels referred to in the second proviso:

Provided also that---

- (i) in cases where the broadcaster ceases to make available a pay channel existing as on the date of coming into force of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Fourteenth Amendment) Order, 2015 (1 of 2015) or for distribution, the rate of the bouquet containing such a pay channel existing on that date shall be reduced in the same proportion which the a-la-carte rate of the said pay channel bears to the aggregate sum of the a-la-carte rates of all pay channels comprised in the said bouquet;
- (ii) in cases where a bouquet existing on the date of coming into force of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Fourteenth Amendment) Order, 2015 (1 of 2015) consists of both free to air and pay channels, and if any free to air channel is converted into pay channel after that date, the said existing bouquet (excluding the free to air channel) shall be offered at or below the rates prevailing as on that date for such bouquet;
- (iii) in cases where a bouquet existing on the date of coming into force of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Fourteenth Amendment) Order, 2015 (1 of 2015) consists of both free to air and pay channels, and if any pay channel is converted into free to air channel after that date, the said existing bouquet shall be offered, with or without such free to air channel so converted after reducing the rate prevailing as on that date for such bouquet, by an amount not less than the amount which bears the same proportion the a-la-carte rate of the said pay channel bears to the aggregate sum of the a-la-carte rates of all pay channels comprised in the said bouquet.

(3) A broadcaster may, without prejudice to the provisions contained in sub clause (1) and other provisions of this Tariff Order, offer discounts to multi system operators and cable operators on a-la-carte rates of its channels or bouquet rates and such offer of discounts, in no case, shall, directly or indirectly, have effect of contravening the provisions of sub-clause (2) and any other provisions of this Tariff Order.]

<sup>1</sup>[**4. Reporting Requirement. -----**(1) Every broadcaster shall, within seven days from the coming into force of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Fourteenth Amendment) Order, 2015 ( 1 of 2015), furnish the following information to the Authority, namely:-

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<sup>1</sup> Subs. by s. 7, *ibid* (w.e.f. 1.12.2007), for the following:

**“4. Reporting Requirement**

The broadcasters of such new pay channel(s) that have been introduced after 26-12-2003 or of any channel(s) that was a free to air channel on 26-12-2003 is/are converted to a pay channel subsequently, shall furnish to the Authority information in respect of charges for these channels in Schedule I of this Order. This information shall be furnished within seven days of coming into force of this order or the launch of new pay channel(s)/conversion of free to air channel (s) to pay channels, whichever is applicable.”.

<sup>2</sup> Sub. the Fourteenth Amendment Order, 2015, s. 7 (w.e.f. 06.01.2015) for the following-

**“4. Reporting requirement.**

(1) Subject to the provisions of clause 3C, every broadcaster shall, within seven days from the 1st day of December, 2007, furnish the following information to the Authority, namely:-

- (a) names, genre and language of all free to air channels offered by the broadcaster;
- (b) name, a-la-carte rate, genre and language of each pay channel offered by the broadcaster;
- (c) list of all bouquets offered by the broadcaster with prices of each bouquet, indicating the names of all the pay channels and free to air channels contained therein along with the names of owners of other channels in the bouquets;
- (d) revenue share arrangement between owners of channels in the bouquet;
- (e) target audience of all the pay channels and free to air channels (National or Regional, if Regional, state(s) must be specified);
- (f) whether the pay channels are pay channels in whole of the country or only in part of the country. (States must be specified if a channel is a pay channel in part of the country);
- (g) advertisement revenue for the last three years;
- (h) any other information relevant to free to air channels, pay channels, a-la-carte rates and bouquets offered by a broadcaster.

(2) Every broadcaster who, after the 1st day of December, 2007,--

- (a) introduces any new pay channel or free to air channel; or
- (b) converts any pay channel into free to air channel; or
- (c) converts any free to air channel into pay channel; or
- (d) discontinues any free to air channel or pay channel; or
- (e) introduces any new bouquet or discontinues any bouquet or modifies any bouquet, shall, within seven days of such introduction or conversion or discontinuation, furnish to the Authority the information required in items (a) to (h) of sub-clause (1).

(3) Every broadcaster shall exhibit on its website the information furnished under sub-clauses (1) and (2) immediately except items (d) and (g) of sub-clause (1).

**4A. Power of Authority to intervene.**

The Authority may, by order or direction made or issued by it, intervene in order to secure compliance of the provisions of this Tariff Order, or protect the interests of subscribers and service providers of the broadcasting services and cable services, or promote and ensure orderly growth of the broadcasting services and cable services, or facilitate competition and promote efficiency in the operation of broadcasting services and cable services so as to facilitate growth in such services.

**4B. Issue of receipt and bill.**

(1) Every cable operator or the multi system operator or the broadcaster, as the case may be, shall give to every subscriber the bill for the charges due and payable by such subscriber for each month or for such other period for which such charges become payable by the subscriber.

(2) Every bill referred to in sub-clause (1) shall contain all relevant details including the total number of pay and free to air channels provided by such cable operator or the multi system operator or the broadcaster, as the case may be, the charges levied (excluding taxes), nature and rates of taxes levied and amount thereof.

(3) Every cable operator or the multi system operator or the broadcaster, as the case may be, shall give to every subscriber, along with the first bill given to such subscriber in compliance of sub-clause (1) after the 1st day of December, 2007, a list of all the pay channels and free to air channels being provided to the subscriber. Subsequently, written information about any changes in the pay channels or free to air channels being provided to the subscriber shall also be given along with the next bill given to the subscriber after such change.

(4) Every cable operator or multi system operator or the broadcaster, as the case may be, shall acknowledge all payments made by the subscriber by issuing a receipt therefor duly signed by him indicating therein the period and the purpose for which the payment has been received and other relevant details.

**4C. Maintenance of records by broadcaster, multi system operator and the cable operator.**

(1) Every broadcaster, multi system operator and the cable operator shall keep adequate records relating to the information pertaining to ---

- (a) the dates of increase in charges;
- (b) the amount of increase;
- (c) the number of pay channels and free to air channels with their names which were available immediately prior to every such increase or changes in charges or changes in the composition of bouquets;
- (d) the number of pay channels and free to air channels with their names which were available immediately after every such increase or changes in charges or changes in the composition of bouquets;
- (e) the names, addresses and charges pertaining to other service providers to whom broadcasting services or cable services are being provided;
- (f) any other information which may be relevant for the purposes of this Order.

(2) In addition to keeping the abovementioned records, every cable operator shall also keep complete records relating to the names, addresses and charges pertaining to all its subscribers.

**4D. Non-applicability to addressable systems.**

- (a) names, genre and language of all free to air channels offered by the broadcaster;
- (b) name, a-la-carte rate, genre and language of each pay channel offered by the broadcaster;
- (c) list of all bouquets offered by the broadcaster with prices of each bouquet, indicating the names of all the pay channels and free to air channels contained therein;
- (d) revenue share arrangement between owners of channels in the bouquet;
- (e) target audience of all the pay channels and free to air channels (National or Regional, if Regional, state must be specified);
- (f) whether the pay channels are pay channels in whole of the country or only in part of the country. (States must be specified if a channel is a pay channel in part of the country);
- (g) advertisement revenue for the last three financial years;
- (h) any other information relevant to free to air channels, pay channels, a-la-carte rates and bouquets offered by a broadcaster:

Provided that information under sub-clause (d) and (g) shall also be filed annually alongwith the filings done under the provisions of the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004).

(2) Every broadcaster who, after the commencement of the Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Fourteenth Amendment) Order, 2015 ( 1 of 2015),-----

- (a) introduces any new pay channel or free to air channel; or
- (b) converts any pay channel into free to air channel; or
- (c) converts any free to air channel into pay channel; or
- (d) discontinues any free to air channel or pay channel; or
- (e) introduces any new bouquet or discontinues any bouquet or changes rate of existing bouquet; or
- (f) changes genre, language, name etc. of any existing channel,

shall, thirty days before such introduction or conversion or discontinuation or change, furnish to the Authority, the following information, namely: -

- (i) name of the channel to be introduced, converted or discontinued,
- (ii) the date on which the new channel is to be introduced, converted or discontinued;
- (iii) the a-la-carte rate of the pay channel if it is a newly introduced or converted pay channel;

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The provisions contained in this Tariff Order except clause 3C shall not apply to cases of transmission or retransmission of channels through cable television network using addressable systems.]

- (iv) composition of new bouquet or bouquets to be introduced along with rates for each such new bouquet;
  - (v) in the case of a new channel, the genre and language of the new channel;
  - (vi) changed rate of the existing bouquet;
  - (vii) changed a-la-carte rate, genre, language, name etc. of the existing channel.
- (3) Every broadcaster shall display on its website the information furnished under sub-clauses (1) and (2), except the information specified under clauses (d) and (g) of clause (1), simultaneously with its submission to the Authority.

**4A. Power of Authority to intervene. -----**The Authority may, by any order or direction made or issued by it, intervene in order to secure compliance of the provisions of this Tariff Order.

**4B. Issue of receipt and bill. -----** (1) Every cable operator or the multi system operator, as the case may be, shall give to every subscriber the bill for the charges due and payable by such subscriber for each month or for such other period for which such charges become payable by the subscriber.

- (2) Every bill referred to in sub-clause (1) shall contain all details including the total number of pay and free to air channels provided by such cable operator or multi system operator, as the case may be, the charges levied (excluding taxes), nature and rates of taxes levied and amount thereof.
- (3) Every cable operator or multi system operator, as the case may be, shall acknowledge all payments made by the subscriber by issuing a receipt therefor duly signed by him, indicating therein the period and the purpose for which the payment has been received.
- (4) Every cable operator or the multi system operator, as the case may be, shall give to every subscriber, along with the first bill given to such subscriber in compliance of sub-clause (1), a list of all the pay channels and free to air channels being provided to the subscriber and shall also provide to the subscriber, written information about any subsequent changes in the pay channels or free to air channels being provided to the subscriber along with the next bill after such change.

**4C. Maintenance of records by broadcaster, multi system operator and the cable operator. ---**

- (1) Every broadcaster, multi system operator and the cable operator shall keep records relating to the information pertaining to ---
  - (a) the dates of increase in charges;
  - (b) the amount of increase;
  - (c) the number of pay channels and free to air channels with their names which were available immediately prior to every such increase or changes in charges or changes in the composition of bouquets;

- (d) the number of pay channels and free to air channels with their names which were available immediately after every such increase or changes in charges or changes in the composition of bouquets;
- (e) the names, addresses and charges pertaining to other service providers to whom broadcasting services or cable services are being provided;
- (f) any other information which may be relevant for the purposes of this Order.

(2) In addition to keeping the abovementioned records, every cable operator shall also keep complete records relating to the names, addresses and charges pertaining to all its subscribers.

**4D. Non-applicability to addressable system.** ----The provisions of the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff Order, 2010 (1 of 2010) shall apply to the broadcasting and cable services being provided to the consumers through the addressable system.]]

**\*5. Repeal**

The Telecommunication (Broadcasting and Cable) Services Tariff Order 2004 dated 15th January 2004 along with its amendments is hereby repealed.

**6. Explanatory Memorandum**

Annex A to this order contains an Explanatory Memorandum for the issue of this Order

(Dr. Harsha Vardhana Singh)  
Secretary cum Principal Advisor

**\*SCHEDULE TO THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES  
(SECOND) TARIFF ORDER, 2004 (6 OF 2004)**

(See clause 3)

**PART - I**

**<sup>1</sup>[<sup>2</sup><sup>3</sup>Charges payable by a subscriber [referred to in sub-clause (a) of clause 3] to the cable operator or multi system operator transmitting or re-transmitting both Free to Air channels and Pay channels in Non-CAS areas.]]]**

Serial number (1)	Number of pay channels and Free to Air channels to be transmitted or re-transmitted through the cable television network. (2)		Maximum amount of charges payable by a subscriber per month for first television connection (exclusive of all taxes) for Pay channels and Free to Air channels mentioned under column (2) (3)		
	Pay channels. 2(a)	Free to Air channels. 2(b)	A-1 and A Class cities. 3(a)	B-1 and B-2 Class cities. 3(b)	Other areas. 3(c)
1.	Upto twenty pay channels.	minimum thirty Free to Air channels	Not exceeding rupees one hundred and sixty only.	Not exceeding rupees one hundred and forty only.	Not exceeding rupees one hundred and thirty only.
2.	More than twenty and upto thirty pay channels.	minimum thirty Free to Air channels	Not exceeding rupees two hundred only.	Not exceeding rupees one hundred and seventy only.	Not exceeding rupees one hundred and sixty only.

\* As subs. by the Eighth Amendment Order, 2007 s. (8) (w.e.f. 1.12.2007), for the following Schedule –

Schedule I

Format for Reporting Rates by Broadcasters to TRAI for New Pay Channels Launched or Converted Free To Air Channel to Pay Channels after 26.12.2003

(Refer Section 4 of The Telecommunication (Broadcasting and Cable) Services (Second) Tariff Order 2004)

1. a) Name of the Channel b) Genre of Channel (eg. Entertainment, Sports, Movies etc.)
2. a) Language of Channel b) Target Audience [ National or Regional, if Regional, specify state(s)]
3. Whether channel is a pay channel in the whole of the country or only in part of the country. ( Specify states if pay in part of the country)
4. a) Is it being offered as individual channel or bouquet of channel b) If bouquet, name other channels c) Name of owners of channels in the bouquet.
5 a) Rate of channel, if offered as individual channel b) Rate of channel in Chennai
6 a) Rate of bouquet if offered as part of the bouquet b) Revenue share arrangement between owners of channels in the bouquet
7 a) Expected Advertisement Revenue b) If channel is existing FTA channel, revenue for last three years
8 Likely Impact on Consumer Tariff

3.	More than thirty and upto forty five pay channels.	minimum thirty Free to Air channels	Not exceeding rupees two hundred and thirty five only.	Not exceeding rupees two hundred only.	Not exceeding rupees one hundred and eighty five only.
4.	More than forty five pay channels.	minimum thirty Free to Air channels	Not exceeding rupees two hundred and sixty only.	Not exceeding rupees two hundred and twenty only.	Not exceeding rupees two hundred only.

<sup>1</sup>Subs. By the Ninth Amendment Order, 2008, s.3, (w.e.f. 01.01.2009), for the following table-

	Number of pay channels and free to air channels to be transmitted or re-transmitted	Maximum amount of charges payable by a subscriber per month for first television connection (exclusive of all taxes) for pay channels and free to air channels mentioned under column (2)
(1)	(2)	(3)
1.	Minimum thirty free to air channels and up to twenty pay channels.	Not exceeding rupees two hundred and thirty four only.
2.	Minimum thirty free to air channels and more than twenty pay channels.	Not exceeding rupees two hundred and ninety two only.

<sup>2</sup>Subs. by Eleventh Amendment Order 2014, s. 3(a), (w.e.f. 01.04.2014), for the following table-

[Serial number]	Number of Pay channels and Free to Air channels to be transmitted or re-transmitted through the cable television network		Maximum amount of charges payable by a subscriber per month for first television connection (exclusive of all taxes) for Pay channels and Free to Air channels mentioned under column (2)		
(1)	(2)		(3)		
	Pay channels 2(a)	Free to Air channels 2(b)	X Class cities and erstwhile A Class cities* 3(a)	Y Class cities excluding erstwhile A Class cities* 3(b)	Z Class cities, towns and other habitations 3(c)
1.	Upto twenty pay channels	minimum thirty Free to Air channels	Not exceeding rupees one hundred and seventy-one only.	Not exceeding rupees one hundred and fifty only.	Not exceeding rupees one hundred and thirty nine only.
2.	More than twenty and upto thirty pay channels	minimum thirty Free to Air channels	Not exceeding rupees two hundred and fourteen only.	Not exceeding rupees one hundred and eighty-two only.	Not exceeding rupees one hundred and seventy one only.
3.	More than thirty and upto forty-	minimum thirty Free to Air channels	Not exceeding rupees two hundred and fifty-one only.	Not exceeding rupees two	Not exceeding rupees one hundred and



	five pay channels			hundred and fourteen only.	ninetyeight only.
4.	More than forty-five pay channels	minimum thirty Free to Air channels	Not exceeding rupees two hundred and seventy-eight only.	Not exceeding rupees two hundred and thirty-five only.	Not exceeding rupees two hundred and fourteen only.

\*Erstwhile A class cities as per Government of India, Ministry of Finance (Department of Expenditure) O.M. No.

2(21)/E.II(B)/2004, dated 18.11.2004.]

<sup>3</sup>Subs. by of Thirteenth Amendment Order 2014,S. 3(a), (w.e.f. 01.01.2015), for the following table-

[Serial Number	Number of pay channels and Free to Air channels to be transmitted or re-transmitted through the cable television network.		Maximum amount of charges payable by a subscriber per month for first television connection (exclusive of all taxes) for Pay channels and Free to Air channels mentioned under column (2)		
	(2)		(3)		
	Pay channels	Free to Air channels	X Class cities and erstwhile A Class cities*	Y Class cities excluding erstwhile A Class cities*	Z Class cities, towns and other habitations
	2(a)	2(b)	3(a)	3(b)	3(c)
1.	Upto twenty pay channels	Minimum thirty Free to Air channels	Not exceeding rupees one hundred and ninety seven only	Not exceeding rupees one hundred and seventy three only	Not exceeding rupees one hundred and sixty only
2.	More than twenty and upto thirty pay channels	Minimum thirty Free to Air channels	Not exceeding rupees two hundred and forty six only.	Not exceeding rupees two hundred and nine only.	Not exceeding rupees one hundred and ninety seven only.
3.	More than thirty and up to forty pay channels	Minimum thirty Free to Air channels	Not exceeding rupees two hundred and eighty nine only.	Not exceeding rupees two hundred and forty six only.	Not exceeding rupees two hundred and twenty eight only.
4.	More than forty five pay channels	Minimum thirty Free to Air channels	Not exceeding rupees three hundred and twenty only	Not exceeding rupees two hundred and seventy only.	Not exceeding rupees two hundred and forty six only.

## PART II

### **Charges payable by a subscriber (referred to in sub-clause (a) clause 3) to the cable operator or multi system operator for transmitting or retransmitting only Free to Air channels (without any pay channels) in Non-CAS areas**

Minimum numbers of free to air channels to be transmitted or retransmitted.  (1)	The maximum amount of charges payable by a subscriber per month for first television connection (exclusive of all taxes) for free to air channels (without any pay channel) specified under column (1).  (2)
Thirty numbers of free to air channels.	<sup>1</sup> Rupees one hundred and seventeen only.

Note 1. The maximum amount of charges payable by a subscriber, for his second and subsequent television connections at his same premises, shall be such as may be mutually agreed upon between such subscriber and the cable operator or multi system operator, as the case may be.

Note 2. It shall be mandatory for all cable television networks to transmit or retransmit minimum of thirty free to air channels.

Note 3. In case the services are provided for a part of the month in a particular case, the ceiling indicated under column 3(a), 3(b) and 3(c) of Part I and under column (2) of Part II of the Schedule shall be determined on a pro-rata basis for the period of service provided during that month.

<sup>2</sup>[Note 4. Classification of cities referred to under column 3(a) and 3(b) of Part I of the Schedule shall be the same classification as mentioned in the orders of the Government of India, Ministry of Finance issued, from time to time, for the purpose of determining the entitlement of house rent allowance of Central Government Employees as per the O.M. No. 2(21)/E.II(B)/2004, dated 18.11.2004 issued by the Ministry of Finance (Department of Expenditure) as modified by its O.M. No.2(13)/2008-E.II(B), dated 29<sup>th</sup> August, 2008 or such other classification as may be specified by the Government of India, Ministry of Finance from time to time for the entitlement of the house rent allowance except in respect of cities which had been originally classified as A Class cities as per O.M. No. 2(21)/E.II(B)/2004, dated 18.11.2004, which shall, for the purpose of this Tariff Order, continue to be grouped with erstwhile A-1 Class cities now classified as X Class cities as per the said O.M. No.2(13)/2008-E.II(B), dated 29th August, 2008.]

(R.N. Choubey)

Principal Advisor (B&CS)

<sup>1</sup>Subs. by Thirteenth Amendment Order 2014, s. 3(b), (w.e.f. 01.01.2015) for the following the words “Rupees ninety four only.”

<sup>2</sup>Subs. by Ninth Amendment Order, 2008,s. 3, (w.e.f. 1.1.2009), for the following—

“Note 4. Classification of cities referred to under column 3(a) and 3(b) of Part I of the Schedule shall be the same classification as mentioned in the orders of the Government of India, Ministry of Finance issued, from time to time, for the purpose of determining the entitlement of house rent allowance of Central Government Employees as per the O.M. No. 2(21)/E.II(B)/2004 dated 18.11.2004 issued by the Ministry of Finance (Department of Expenditure) or such other classification as may be specified by the Government of India, Ministry of Finance from time to time for the entitlement of the house rent allowance.”.