

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 3rd March 2017

F. No. 21-1/2016-B&CS.----- In exercise of the powers conferred by sub-section (2) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with notification of the Central Government, in the Ministry of Communication and Information Technology (Department of Telecommunications), No. 39, -----

- (a) issued, in exercise of the powers conferred upon the Central Government by proviso to clause (k) of sub-section (1) of section 2 and clause (d) of sub-section (1) of section 11 of the said Act, and
- (b) published under notification No. S.O. 44 (E) and 45 (E) dated 9th January, 2004 in the Gazette of India, Extraordinary, Part II, Section 3,-----

the Telecom Regulatory Authority of India hereby makes the following Order, namely:-

THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (EIGHTH) (ADDRESSABLE SYSTEMS) TARIFF ORDER, 2017 (No. 1 of 2017)

PART I PRELIMINARY

1. Short title, extent and commencement. --- (1) This Order may be called the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017.

(2) This Order shall be applicable to broadcasting services relating to television provided to

subscribers, through addressable systems, throughout the territory of India.

(3) (a) Except as otherwise provided in sub-clause (b), this Order shall come into force after one hundred eighty days from the date of publication of this Order in the Official Gazette.

¹[(b) clause 3 of this Order shall come into force after sixty days from the date of its publication in the Official Gazette;

(c) clauses 6 and 8 of this Order shall come into force after thirty days from the date of its publication in the Official Gazette.]

2. Definitions. --- (1) In this Order, unless the context otherwise requires, -

(a) “Act” means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) “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 transmission of programmes including re-transmission of signals of television channels can be done in encrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of the authorization made, on the choice and request of such subscriber, by the distributor of television channels;

(c) “a-la-carte” or “a-la-carte channel” with reference to offering of a television channel means offering the channel individually on a standalone basis;

(d) “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);

(e) “bouquet” or “bouquet of channels” means an assortment of distinct channels offered together as a group or as a bundle and all its grammatical variations and cognate expressions shall be construed accordingly;

(f) “broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, downlinking permission for its channels, from the Central Government, is providing programming services;

¹ Subs. by the First Amendment Order, 2017, cl. 2 (w.e.f. 30.03.2017), for the following:

“(b) Clauses 3, 6 and 8 of this Order shall come into force after thirty days from the date of publication of this Order in the Official Gazette.”

(g) “broadcaster’s share of maximum retail price” with reference to a pay channel or a bouquet of pay channels means any fee payable by a distributor of television channels to a broadcaster for signals of pay channel or bouquet of pay channels, as the case may be, and for which due authorization has been obtained by such distributor from that broadcaster;

(h) “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;

(i) “cable service” or “cable TV service” means the transmission of programmes including re-transmission of signals of television channels through cables;

(j) “cable television network” or “cable TV 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;

(k) “compliance officer” means any person designated so, who is capable of appreciating requirements for regulatory compliance under this Order, by a service provider;

(l) “direct to home operator” or “DTH operator” means any person who has been granted licence by the Central Government to provide direct to home (DTH) service;

(m) “direct to home service” or “DTH service” means re-transmission of signals of television channels, by using a satellite system, directly to subscriber’s premises without passing through an intermediary such as local cable operator or any other distributor of television channels;

(n) “distribution platform” means distribution network of a DTH operator, multi-system operator, HITS operator or IPTV operator;

(o) “distributor of television channels” or “distributor” means any DTH operator, multi-system operator, HITS operator or IPTV operator;

(p) “distributor retail price” or “DRP” for the purpose of this Order, means the price,

excluding taxes, declared by a distributor of television channels and payable by a subscriber for a-la-carte pay channel or bouquet of pay channels, as the case may be;

(q) “free-to-air channel” or “free-to-air television channel” means a channel which is declared as such by the broadcaster and for which no fee is to be paid by a distributor of television channels to the broadcaster for signals of such channel;

(r) “head end in the sky operator” or “HITS operator” means any person permitted by the Central Government to provide head end in the sky (HITS)service;

(s) “head end in the sky service” or “HITS service” means transmission of programmes including re-transmission of signals of television channels---

(i) to intermediaries like local cable operators or multi-system operators by using a satellite system and not directly to subscribers; and

(ii) to the subscribers by using satellite system and its own cable networks;

(t) “internet protocol television operator” or “IPTV operator” means a person permitted by the Central Government to provide IPTV service;

(u) “internet protocol television service” or “IPTV service” means delivery of multi channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;

(v) “local cable operator” or “LCO” means a person registered under rule 5 of the Cable Television Networks Rules, 1994;

¹[(va) “long term subscription” means a subscription for a duration of six months or more, for which an advance payment has been made by the subscriber;]

(w) “maximum retail price” or “MRP” for the purpose of this Order, means the maximum price, excluding taxes, payable by a subscriber, for a-la-carte pay channel or bouquet of pay channels, as the case may be;

(x) “multi-system operator” or “MSO” means a cable operator who has been granted registration under rule 11 of the Cable Television Networks Rules, 1994 and who receives a

¹ Ins. by the Second Amendment Order, 2020, cl. 2(a) (w.e.f. 01.01.2020)

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;

¹[(xa) “multi TV home” means a household having more than one TV connection or set top box in the name of one person;]

(y) “network capacity fee” means the amount, excluding taxes, payable by a subscriber to the distributor of television channels for distribution network capacity subscribed by that subscriber to receive the signals of subscribed television channels and it does not include subscription fee for pay channel or bouquet of pay channels, as the case may be;

(z) “Order” means the Telecommunication (Broadcasting and Cable) Services (Eighth (Addressable Systems) Tariff Order, 2017;

(za) “pay channel” means a channel which is declared as such by the broadcaster and for which broadcaster’s share of maximum retail price is to be paid to the broadcaster by the distributor of television channels and for which due authorization needs to be obtained from the broadcaster for distribution of such channel to subscribers;

(zb) “programme” means any television broadcast and includes -

- (i) exhibition of films, features, dramas, advertisements and serials;
- (ii) any audio or visual or audio-visual live performance or presentation,

and the expression “programming service” shall be construed accordingly;

(zc) “reference interconnection offer” or “RIO” means a document published by a service provider specifying terms and conditions on which the other service provider may seek interconnection with such service provider;

(zd) “Regulations” means the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017;

(ze) “service provider” means the Government as a service provider and includes a licensee as well as any broadcaster, distributor of television channels or local cable operator;

¹ Ins. by the Second Amendment Order, 2020, cl. 2(b) (w.e.f. 01.01.2020)

(zf) “set top box” means a device, which is connected to or is part of a television receiver and which enables a subscriber to view subscribed channels;

(zg) “subscriber” for the purpose of this Order, means a person who receives broadcasting services relating to television from a distributor of television channels, at a place indicated by such person without further transmitting it to any other person and who does not cause the signals of television channels to be heard or seen by any person for a specific sum of money to be paid by such person, and each set top box located at such place, for receiving the subscribed broadcasting services relating to television, shall constitute one subscriber;

(zh) “television channel” means a channel, which has been granted downlinking permission by the Central Government under the policy guidelines issued or amended by it from time to time and reference to the term “channel” shall be construed as a reference to “television channel”.

(2) all other words and expressions used in this Order but not defined, and defined in the Act and rules and regulations made thereunder or the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) and the rules and regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules or regulations, as the case may be.

Part II

TARIFF

3. Manner of offering of channels by broadcasters.--- (1) Every broadcaster shall offer all its channels on a-la-carte basis to all distributors of television channels.

(2) Every broadcaster shall declare ----

(a) the nature of each of its channel either as ‘free-to-air’ or ‘pay’; and

(b) the maximum retail price, per month, payable by a subscriber for each of its pay channel offered on a-la-carte basis:

Provided that the maximum retail price of a pay channel shall be more than ‘zero’:

Provided further that the maximum retail price of a channel shall be uniform for all distribution platforms.

(3) It shall be permissible for a broadcaster to offer its pay channels in the form of bouquet(s) and declare the maximum retail price(s), per month, of such bouquet(s) payable by a subscriber:

Provided that, while making a bouquet of pay channels, it shall be permissible for a broadcaster to combine pay channels of its subsidiary company or holding company or subsidiary company of the holding company, which has obtained, in its name, the downlinking permission for its television channels, from the Central Government, after written authorization by them, and declare maximum retail price, per month, for such bouquet of pay channels payable by a subscriber:

Provided that such bouquet shall not contain any pay channel for which maximum retail price per month is more than ¹[rupees twelve]:

²[Provided further that maximum retail price per month of such bouquet and maximum retail price per month of a-la-carte pay channels forming part of that bouquet shall be subject to following conditions, namely: -

(a) the sum of maximum retail prices per month of the a-la-carte pay channels forming part of a bouquet shall in no case exceed one and half times of the maximum retail price per month of such bouquet; and

(b) ³[* * * *]

Provided further that the maximum retail price per month of such bouquet of pay channels shall be uniform for all distribution platforms:

Provided further that such bouquet shall not contain any free-to-air channel:

¹ Subs. by the Second Amendment Order, 2020, cl. 3(a) (w.e.f. 01.03.2020), for the following: “rupees nineteen”

² Subs. by the Second Amendment Order, 2020, cl. 3(b) (w.e.f. 01.03.2020), for the following:

“Provided further that the maximum retail price per month of such bouquet of pay channels shall not be less than eighty five percent of the sum of maximum retail prices per month of the a-la-carte pay channels forming part of that bouquet:”

³ The following words set aside by the Hon’ble High Court of Judicature at Bombay, *vide* its judgement dated 30.06.2021 passed in WP No. 680 of 2020 titled as “The Film and Television Producers Guild of India Ltd. & Anr. v. UoI & Anr.”:

“the maximum retail price per month of any a-la-carte pay channel, forming part of such a bouquet, shall in no case exceed three times the average maximum retail price per month of a pay channel of that bouquet:

Explanation: For the purpose of this order if the maximum retail price of a bouquet is Rs. ‘X’ per month per subscriber and there are ‘Y’ number of pay channels in that bouquet, then the average maximum retail price per month of a pay channel of the bouquet shall be Rs. ‘X’ divided by ‘Y’.”

¹[Provided further that maximum retail price, per month, of a pay channel shall, in no case, exceed the maximum retail price, per month, of the bouquet containing that pay channel:

Provided further that the number of bouquets of pay channels offered by a broadcaster shall not be more than the number of a-la-carte pay channels being offered by such broadcaster:

Provided further that on the request of a broadcaster, the Authority may, in view of larger consumer interests, permit the broadcaster to offer number of bouquets more than the number of a-la carte channels being offered by such broadcaster.]

Provided also that such bouquet shall not contain both HD and SD variants of the same channel.

Explanation: For the purpose of this Order, the definition of “subsidiary company” and “holding company” shall be the same as assigned to them in the Companies Act, 2013 (18 of 2013).

(4) It shall be permissible for a broadcaster to offer promotional schemes on maximum retail price(s) per month of its a-la-carte pay channel(s):

Provided that period of any such scheme shall not exceed ninety days at a time:

Provided further that the frequency of any such scheme by the broadcaster shall not exceed twice in a calendar year:

Provided further that the price(s) of a-la-carte pay channel(s) offered under any such promotional scheme shall be considered as maximum retail price(s) during the period of such promotional scheme:

Provided also that the provisions of Regulations and Tariff Orders notified by the Authority shall be applicable on the price(s) of a-la-carte pay channel(s) offered under any such promotional scheme.

¹ Ins. by the Second Amendment Order, 2020, cl. 3(c) (w.e.f. 01.03.2020)

(5) Every broadcaster, before making any change in the nature of a channel or in the maximum retail price of a pay channel or in the maximum retail price of a bouquet of pay channels or in the composition of a bouquet of pay channels, as the case may be, shall follow the provisions of all the applicable Regulations and Orders notified by the Authority, including but not limited to the publication of Reference Interconnection Offer.

4. Declaration of network capacity fee and manner of offering of channels by distributors of television channels.-¹[(1) Every distributor of television channels shall declare network capacity fee, per month, payable by a subscriber for availing a distribution network capacity so as to receive the signals of television channels:

Provided that the network capacity fee, per month, for network capacity upto initial two hundred SD channels, shall, in no case, exceed rupees one hundred and thirty, excluding taxes:

Provided further that the network capacity fee, per month, for network capacity for receiving more than two hundred SD channels, shall, in no case, exceed rupees one hundred and sixty, excluding taxes:

Provided also that a distributor of television channels shall be free to declare different network capacity fee for different regions within its service area, and shall report to the Authority, the details of such network capacity fee for each regions:

Provided also that the network capacity fee, per month, for each additional TV connection, beyond the first TV connection in a multi TV home shall, in no case, exceed forty percent of the declared network capacity fee:

¹ Subs. by the Second Amendment Order, 2020, cl. 4(a) (w.e.f. 01.03.2020), for the following:

“(1) Every distributor of television channels shall declare network capacity fee, per month, payable by a subscriber for availing a distribution network capacity so as to receive the signals of television channels:

Provided that the network capacity fee, per month, for network capacity upto initial one hundred SD channels, shall, in no case, exceed rupees one hundred and thirty, excluding taxes:

Provided further that the network capacity fee, per month, for network capacity in the slabs of twenty five SD channels each, beyond initial one hundred channels capacity referred to in first proviso to sub-clause (1), shall, in no case, exceed rupees twenty excluding taxes:

Provided also that one HD channel shall be treated equal to two SD channels for the purpose of calculating number of channels within the distribution network capacity subscribed.”

Provided also that one HD channel shall be treated equal to two SD channels for the purpose of calculating number of channels within the distribution network capacity subscribed.]

(2) Every distributor of television channels shall offer all channels available on its network to all subscribers on a-la-carte basis and declare distributor retail price, per month, of each pay channel payable by a subscriber:

Provided that the distributor retail price, per month, payable by a subscriber to a distributor of television channels for subscribing to a pay channel shall, in no case, exceed the maximum retail price, per month, declared by the broadcasters for such pay channel.

¹[(2A) Every distributor of television channels shall allow distinct choice of channels and bouquets of channels to each TV connection or set top box in a multi TV home.]

(3) Every distributor of television channels shall offer to all subscribers each bouquet of pay channels offered by a broadcaster, and for which interconnection agreement has been signed with that broadcaster, without any alteration in its composition and declare the distributor retail price, per month, for such bouquet payable by a subscriber:

Provided that the distributor retail price, per month, payable by a subscriber to a distributor of television channels for subscribing to a bouquet of pay channels offered by the broadcaster shall in no case exceed the maximum retail price, per month, declared by the broadcasters for such bouquet of pay channels:

Provided further that such bouquet shall not contain any pay channel for which maximum retail price per month declared by the broadcaster is more than ²[rupees twelve]:

Provided further that such bouquet shall not contain any free-to-air channel:

Provided also that such bouquet shall not contain both HD and SD variants of the same channel.

¹ Ins. by the Second Amendment Order, 2020, cl. 4(b) (w.e.f. 01.03.2020)

² Subs. by the Second Amendment Order, 2020 cl. 4(c) (w.e.f. 01.03.2020), for the following: “rupees nineteen”

(4) It shall be permissible for a distributor of television channels to offer bouquet(s) formed from pay channels of one or more broadcasters and declare distributor retail price(s), per month, of such bouquet(s) payable by a subscriber:

Provided that such bouquet shall not contain any pay channel for which maximum retail price per month declared by the broadcaster is more than ¹[rupees twelve]:

Provided further that the distributor retail price per month of such bouquet of pay channels shall not be less than eighty five percent of the sum of distributor retail prices per month of a-la-carte pay channels and bouquet(s) of pay channels forming part of that bouquet:

Provided further that the distributor retail price per month of a bouquet of pay channels offered by a distributor of television channels shall, in no case, exceed the sum of maximum retail prices per month of a-la-carte pay channels and bouquet(s) of pay channels, declared by broadcasters, forming part of that bouquet:

Provided further that such bouquet shall not contain any free-to-air channel:

Provided also that such bouquet shall not contain both HD and SD variants of the same channel.

Explanation: For the removal of doubt it is hereby clarified that a distributor of television channels while forming bouquet under this clause shall not break a bouquet of pay channels offered by a broadcaster to form two or more bouquet(s) at distribution level.

(5) It shall be permissible for a distributor of television channels to offer bouquet(s) formed from free-to-air channels of one or more broadcasters.

(6) No distributor of television channels shall charge any amount, other than the network capacity fee, from its subscribers for subscribing to free-to-air channels or bouquet(s) of free-to-air channels.

(7) Within the distribution network capacity subscribed, ²[* * * *], a subscriber shall be free to choose any free-to-air channel(s), pay channel(s), or bouquet(s) of channels offered by the

¹ Subs. by the Second Amendment Order, 2020, cl. 4(d) (w.e.f. 01.03.2020), for the following: “rupees nineteen”

² Del. the words “in addition to channels notified by Central Government to be mandatorily provided to all the subscribers” by the Second Amendment Order, 2020, cl. 4(e) (w.e.f. 01.03.2020).

broadcaster(s) or bouquet(s) of channels offered by distributors of television channels or a combination thereof:

Provided that if a subscriber opts for pay channels or bouquet of pay channels, he shall be liable to pay an amount equal to sum of distributor retail price(s) for such channel(s) and bouquets in addition to network capacity fee.

(8) Subject to sub-clause (1) of clause 4, a distributor of television channels shall not increase the network capacity fee for a period of six months from the date of such notification:

Provided that a distributor of television channels, before making any change in the network capacity fee, shall at least thirty days prior to the scheduled change ---

(a) inform the Authority; and

(b) inform the subscribers by running scroll on the channel.

¹[(9) All distributors of television channels shall provide all the channels notified by Central Government to be mandatorily provided to all the subscribers and all such channels shall be in addition to the number of channels which a subscriber is eligible to get for the network capacity fee paid by him.

(10) It shall be permissible for a distributor of television channels to offer long term subscriptions and declare respective network capacity fee, distributor retail price and duration of all such subscriptions:

(11) It shall be permissible for a distributor of television channels to offer promotional schemes on distributor retail price per month of a-la-carte pay channels available on its platform:

Provided that period of any such scheme shall not exceed ninety days at a time:

Provided further that the frequency of any such scheme by the distributor shall not exceed twice in a calendar year:

Provided further that the price of a-la-carte pay channel offered under any such promotional scheme shall be considered as distributor retail price(s) during the period of such promotional scheme:

¹ Ins. by the Second Amendment Order, 2020, cl. 4(f) (w.e.f. 01.03.2020)

Provided also that the provisions of Regulations and Tariff Orders notified by the Authority shall be applicable on the price of a-la-carte pay channels offered under any such promotional scheme:]

¹[* * * *]

PART III

REPORTING BY SERVICE PROVIDERS

6. Reporting requirement by broadcasters.--- (1) Every broadcaster shall, within ninety days from the date of commencement of this clause, furnish the following information to the Authority, namely:-

- (a) name, nature, language of each channel offered by the broadcaster;
- (b) maximum retail price, per month, of each pay channel, if any, offered by the broadcaster;
- (c) list of all bouquets of pay channels, if any, offered by the broadcaster along with respective maximum retail prices, per month, of each bouquet and names of all the pay channels contained in each such bouquet:

Provided that first such report shall be simultaneously published on the website of the broadcaster:

Provided further that any subsequent change in, name, nature, language, maximum retail prices, per month, of channels and maximum retail price, per month, or composition of bouquets, as the case may be,--

- (a) shall be reported to the Authority at least thirty days prior to such change; and

¹Del. the following words by the Second Amendment Order, 2020, cl. 5 (w.e.f. 01.03.2020):

“5. Offering of basic service tier by distributors of television channels.--- (1) Every distributor of television channels shall offer at least one bouquet, referred to as basic service tier, of one hundred free-to-air channels including all the channels to be mandatorily provided as notified by the Central Government to all the subscribers and such bouquet shall contain at least five channels of each genre as referred to in the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017:

Provided that in case sufficient number of free-to-air channels of a particular genre are not available on the network, the distributor of television channels shall be free to include the channels of other genres.

Explanation: For removal of any doubt it is hereby clarified that such bouquet shall be one of the options available to a subscriber. However, the subscriber, as per his requirement, shall have complete freedom to choose either bouquet of basic service tier or any other bouquet of pay channels or any other bouquet of free-to-air channels or a-la-carte pay channels or a-la-carte free-to-air channels available on the platform of the distributor of television channels or a combination thereof.”

(b) shall also be simultaneously published on the website of the broadcaster.

¹[Provided also that any change in name, nature, language, maximum retail prices, per month, of channels and maximum retail price, per month, or composition of bouquets due to the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Second Amendment) Order, 2020,

(a) shall be reported to the Authority at least forty-five days prior to such change; and

(b) shall also be simultaneously published on the website of the broadcaster.]

²[(1A) Every broadcaster shall report to the Authority and also communicate to all the distributors of television channels, with whom it has entered into interconnection agreement, details of all the promotional schemes offered by it including maximum retail price and duration of such schemes, at least fifteen days prior to date of launch of such schemes and shall simultaneously publish on its website.]

(2) Every broadcaster who, after the commencement of this Order,-----

(a) introduces any new channel; or

(b) introduces any new bouquet of pay channels ; or

(c) discontinues any channel; or

(d) discontinues any bouquet of pay channels;

shall, at least thirty days prior to such introduction or discontinuation, furnish to the Authority, the following information, namely:-

(i) name, nature, language of the channel to be introduced or discontinued;

(ii) the date on which such channel is to be introduced or discontinued;

(iii) the maximum retail price, per month, of the pay channel;

(iv) names of all the constituent pay channels of the bouquet to be introduced or discontinued along with maximum retail price, per month, of such bouquet:

¹ Ins. by the Second Amendment Order, 2020, cl. 6(a) (w.e.f. 01.01.2020)

² Ins. by the Second Amendment Order, 2020, cl. 6(b) (w.e.f. 01.01.2020)

Provided that such information relating to introduction or discontinuation of channel(s) or bouquet(s) shall be simultaneously published on the website of the broadcaster:

Provided further that any subsequent change in, name, nature, language, maximum retail prices of channels so introduced and maximum retail price or composition of bouquet so introduced, as the case may be,--

- (a) shall be reported to the Authority at least thirty days prior to the change; and
- (b) shall also be simultaneously published on the website of the broadcaster.

7. Reporting requirement by distributors of television channels.--- (1) Every distributor of television channels shall, within thirty days from the date of commencement of this Order, furnish the following information to the Authority, namely:-

- ¹[(a) region-wise network capacity fee, per month, payable by a subscriber for 200 SD channels.]
- ²[(b) region-wise network capacity fee, per month, payable by a subscriber for more than 200 SD channels.]
- (c) list of all channels along with their respective name, nature, language available on its distribution platform;
- (d) distributor retail price, per month, of each pay channel available on its distribution platform;
- (e) list of all the bouquets of pay channels formed by broadcasters which are available on its distribution platform, along with their respective distributor retail price, per month, and names of constituent pay channels thereof;
- (f) list of all the bouquets of pay channels formed by it which are available on its distribution platform, along with their respective distributor retail price, per month, and names of constituent pay channels thereof;
- (g) list of all the bouquets of free-to-air channels available on its distribution platform along with names of constituent free-to-air channels thereof;
- ³[(h) region-wise network capacity fee, per month, payable by a subscriber for each additional TV connection beyond first TV connection in a multi TV home;

¹ Subs. by the Second Amendment Order, 2020, cl. 7(a)(i) (w.e.f. 01.01.2020), for the following:

“(a) network capacity fee, per month, payable by a subscriber for 100 SD channels”

² Subs. by the Second Amendment Order, 2020, cl. 7(a)(ii) (w.e.f. 01.01.2020), for the following:

“(b) network capacity fee, per month, payable by a subscriber for each additional 25 SD channels”

³ Ins. by the Second Amendment Order, 2020, cl. 7(a)(iii) (w.e.f. 01.01.2020)

- (i) list of all the long term subscriptions offered by it, along with distributor retail price of pay channels, distributor retail price of bouquets of pay channels, duration of such subscriptions and discount offered in network capacity fee:]

Provided that first such report shall also be simultaneously published on the website of the distributor of television channels:

Provided further that any subsequent change in network capacity fee, name, nature, language, distributor retail prices of pay channels, distributor retail price or composition of bouquet of pay channels and composition of bouquet of free-to-air channels, ¹[network capacity fee for each additional TV connection beyond first TV connection in a multi TV home and long-term subscriptions,] as the case may be,---

- (a) shall be reported to the Authority at least fifteen days prior to the change; and
- (b) shall also be simultaneously published on the website of the distributor.

²[Provided also that any change in network capacity fee, name, nature, language, distributor retail prices of pay channels, distributor retail price or composition of bouquet of pay channels and composition of bouquet of free-to-air channels, network capacity fee for each additional TV connection beyond first TV connection in a multi TV home and long term subscriptions, as the case may be, due to the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Second Amendment) Order, 2020, shall be

- (a) reported to the Authority at least thirty days prior to such change; and
- (b) simultaneously published on the website of the distributor.]

³[(1A) Every distributor shall report to the Authority and also communicate to all its subscribers details of all the promotional schemes offered by it including distributor retail price and duration of such schemes, at least seven days prior to date of launch of such schemes and shall simultaneously publish on its website.]

(2) Every distributor of television channels who commences its services after coming into force

¹ Ins. by the Second Amendment Order, 2020, cl. 7(a)(iv) (w.e.f. 01.01.2020)

² Ins. by the Second Amendment Order, 2020, cl. 7(a)(v) (w.e.f. 01.01.2020)

³ Ins. by the Second Amendment Order, 2020, cl. 7(b) (w.e.f. 01.01.2020)

of this Order shall submit to the Authority, the report containing the information as required under sub-clause (1) of this clause, before commencement of its services and thereafter any changes in respect of such information shall be reported at least fifteen days prior to the change.

PART IV

MISCELLANEOUS

8. Designation of compliance officer and his obligations.--- (1) Every broadcaster and distributor of television channels shall, within thirty days from the date of commencement of this clause, designate a compliance officer.

(2) Every broadcaster and distributor of television channels who commences its operations after the coming into effect of this Order shall, within thirty days from the date of commencement of its operations, designate a compliance officer.

(3) Every broadcaster or distributor of television channels, as the case may be, shall, within thirty days from the date of designation of the compliance officer under the provisions of this clause, furnish to the Authority the name, complete address, contact number and e-mail address of the compliance officer along with authenticated copy of the board's resolution authorizing the designation of such compliance officer:

Provided that the distributor of television channel, which is not a company, shall, within thirty days from the date of designation of the compliance officer under the provisions of this clause, furnish to the Authority the name, full address, contact number and e-mail address of the compliance officer along with authenticated copy of the authorization letter authorizing the designation of such compliance officer.

(4) In the event of any change in the name of the compliance officer so designated under provisions of this clause, the same shall be reported to the Authority by the service provider within thirty days from the date of occurrence of such change along with authenticated copy of the board's resolution or authorization letter, as the case may be.

(5) In the event of any change in the address or contact number or email address of the compliance officer, the same shall be reported to the Authority by the service provider within ten days from the date of occurrence of such change.

(6) The compliance officer shall be responsible for --

- (a) generating awareness for ensuring compliance with the provisions of this Order;
- (b) reporting to the Authority, with respect to compliance with this Order and directions of the Authority issued under this Order; and
- (c) ensuring that proper procedures have been established and are being followed for compliance of this Order.

(7) The provisions contained in the sub-clause (6) shall be in addition to the liability of the service provider to comply with the requirements laid down under this Order.

9. Power of Authority to intervene.--- (1) The Authority may, by order or direction made or issued by it, intervene in order to secure compliance of the provisions of this 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.

10. Repeal and Saving.--- (1) The Telecommunication (Broadcasting and Cable) Services (Third) (CAS Areas) Tariff Order, 2006, along with all its amendments and directions issued there under are hereby repealed.

(2) All the provisions of the Telecommunication (Broadcasting and Cable) Services ¹[(Fourth)] (Addressable Systems) Tariff Order, 2010 and all its amendments and directions issued there under, except the provisions applicable to commercial subscribers are hereby repealed.

(3) The Telecommunication (Broadcasting and Cable) Services (Fifth) (Digital Addressable Cable TV Systems) Tariff Order, 2013 along with all its amendments and directions issued there under are hereby repealed.

(4) The repeal under sub-clause (1), (2) and (3) of this clause shall not affect-

¹ Subs. by the First Amendment Order, 2017, cl. 3 (w.e.f. 30.03.2017), for the following: “(Second)”

- (a) the previous operation of the repealed order(s) or anything done or any action taken under the repealed order(s); or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the order(s) so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the order(s) so repealed; or,
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid order(s) had not been repealed.

(Sudhir Gupta)
Secretary, TRAI

Note ----The Explanatory Memorandum annexed to this Order explains the objects and reasons of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017.