
**TELECOMMUNICATION (BROADCASTING AND CABLE)
SERVICES (SECOND) TARIFF ORDER, 2004**

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SCHEDULE 1 :-

**TELECOMMUNICATION (BROADCASTING AND CABLE)
SERVICES (SECOND) TARIFF ORDER, 2004**

In exercise of the powers conferred upon it under sub-section (2) and para (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India, 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.

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.
- (iii) The Order shall come into force on the date of its notification in the Official Gazette.

2. Definitions :-

- (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;

(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 electro magnetic 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;

(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;

(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"

(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 ;

(h) "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;

(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.;

3. Tariff :-

The charges , excluding taxes, payable by

- (a) Cable subscribers to cable operator;
- (b) Cable operators to multi system operators/broadcasters (including their authorised distribution agencies); and
- (c) Multi system operators to broadcasters (including their authorised distribution agencies) 2[prevalent as on 26.12.2003 plus 7% shall be the ceiling] with respect to both free-to-air and pay channels.

Provided that if any new pay channel(s) that is/are introduced after 26-12-2003 or any channel(s) that was/were free to air channel on 26-12-2003 is/are converted to pay channel(s) subsequently, then the ceiling referred to as above can be exceeded, but only if the new channel(s) are provided on a stand alone basis, either individually or as part of new, separate bouquet(s) and the new channel(s) is/are not included in the bouquet being provided on 26.12.2003 by a particular broadcaster. The extent to which the ceilings referred to above can be exceeded would be limited to the rates for the new channels. For the new pay channel(s) as well as the channel(s) that were free to air as on 26.12.2003 and have subsequently converted to pay channel(s) the rates must be similar to the rates of similar channels as on 26.12.2003:

Provided further that in case 1[a broadcaster or] a multi system operator or a cable operator reduces the number of pay channels that were being shown on 26.12.2003, the ceiling charge shall be reduced taking into account the rates of similar channels as on as on 26.12.2003.

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.

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

SCHEDULE 1

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