

[This has been repealed vide The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 except for the provisions applicable to commercial subscribers]

**THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (FOURTH)
(ADDRESSABLE SYSTEMS) TARIFF ORDER, 2010**

(NO. 1 OF 2010)

New Delhi, the 21st July, 2010.

No. 11-14/2009-B&CS. ----- In exercise of the powers conferred by sub-clauses (ii), (iii), (iv) and (v) of clause (b) of sub-section (1) and sub-section (2) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with notification of the Government of India, 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 subsection (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: -

**PART I
PRELIMINARY**

1. Short title and commencement. ----- (1) This Order may be called the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff Order, 2010.

(2) (a) Except as otherwise provided in sub-clause (b), this Order shall come into force on the 1st day of September, 2010.

(b) Clause 9 of this Order shall come into force from the date of publication of this Order in the Official Gazette.

2. Applicability. ----¹[This Order shall be applicable to broadcasting services and cable services provided to subscribers, through digital addressable systems, throughout the territory of India.]

3. Definitions. ----- In this Order, unless the context otherwise requires, -

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

(b) ²[“**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

¹ Subs. by the First Amendment Order, 2012, s. 2, (w. e. f. 30.4.2012), for the following sub-clause:

“This Order shall be applicable to broadcasting services and cable services provided to subscribers, through addressable systems, throughout the territory of India, except cable services provided through cable television networks in the States, cities, towns or areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (regulation) Act, 1995 (7 of 1995)”

² Subs. by the First Amendment Order, 2012, s. 3(a), (w. e. f. 30.4.2012) for the following sub-clause:

““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 and unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of authorization made, on the choice and request of such subscriber, by the service provider to the subscriber, and includes direct to home service, head end in the sky broadcasting service, Internet Protocol television service and digital addressable cable service”

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;]

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

(d) **“a-la-carte rate”** means the rate at which a standalone individual channel is offered to the distributor of TV channels or to the subscriber, as the case may be;

¹[(da) **“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;]

(e) **“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);

²[(ea) **“basic service tier”** means a package of free-to-air channels to be offered, with an option to subscribe, by a cable operator for a single price to subscribers of the area in which his cable television network is providing service;]

(f) ³[**“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;]

(g)**“broadcasting services”** means the dissemination of any form of communication such as 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;

(h) **“bouquet” or “bouquet of channels”** means an assortment of distinct channels, offered together as a group or as a bundle;

(i) **“bouquet rate” or “rate of bouquet”** means the rate at which a bouquet of channels is offered to the distributor of TV channels or to the subscriber, as the case may be;

(j) **“CAS area”** means the States, cities, towns or areas, where, in terms of notifications issued by the Central Government from time to time under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), it is obligatory for every cable operator to transmit or retransmit programmes of any pay channel through an addressable system;

Explanation: The expression “cable operator” in this sub-clause shall include a multi system operator.

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

¹ Ins. by the Third Amendment Order, 2014, s. 2(a), (w. e. f. 10.2.2014).

² Ins. by the First Amendment Order, 2012, s. 3(b), (w. e. f. 30.4.2012).

³ Subs. by the Third Amendment Order, 2014, s. 2(b), (w. e. f. 10.2.2014), for the following sub-clause:

““broadcaster” means any person including an individual, group of persons, public or private body corporate, firm or any organization or body who or which is providing programming service and includes his or her authorize distribution agencies”

(l) **“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;

(m) ¹[**“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 and fulfils the prescribed eligibility criteria and conditions;]

(n) **“charges”**, with reference to---

(i) subscribers, means the rates (excluding taxes) payable by subscribers to distributor of TV channels, for the broadcasting services or cable services received from such distributor;

(ii) distributors of TV channels, means the rates (excluding taxes) payable by such distributors of TV channels to broadcasters for broadcasting services received, or to other distributors of TV channels for the broadcasting services or cable services received, as the case may be;

(o) **“clause”** means the clause of the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff Order, 2010;

²[(oa) **“commercial subscriber”** means a subscriber who causes the signals of TV channels to be heard or seen by any person for a specific sum of money to be paid by such person;]

(p) **“Customer Premises Equipment”** means the equipment, components and accessories installed at the premises of the subscriber to enable the reception of any broadcasting service or cable service offered through an addressable system and includes ----

(a) the set top box and the remote control for set top box; and

(b) the dish antenna, where such dish antenna is essential for availing such service, ----

but shall not include a television receiver set, computer or any such end equipment ;

(q) **“direct to home operator”** means an operator licensed by the Central Government to distribute multi channel TV programmes in Ku band by using a satellite system directly to subscriber’s premises without passing through intermediary such as cable operator or any other distributor of TV channels;

(r) **“direct to home service”** means distribution of multi channel TV programmes by using a satellite system by providing TV signals directly to subscriber’s premises without passing through an intermediary such as cable operator or any other distributor of TV channels;

(s) **“distributor of TV channels”** means any person including an individual, group of persons, public or private body corporate, firm or any organisation or body re-transmitting TV channels through electromagnetic waves through cable or through space intended to be received by general public directly or indirectly and such person may include, but is not limited to, a cable operator, direct to home operator, multi system operator, head end in the sky operator and a service provider offering Internet Protocol television service;

³[(sa) **“encrypted”**, in respect of a signal of cable television network, means the changing of such signal in a systematic way so that the signal would be unintelligible without use of an addressable system and the expression "unencrypted" shall be construed accordingly;]

¹ Subs. by the First Amendment Order, 2012, s. 3(c), (w. e. f. 30.4.2012), for the following sub-clause:

““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”

² Ins. by the Fifth Amendment Order, 2015, s. 2(a), (w. e. f. 08.09.2015).

³ Ins. by the First Amendment Order, 2012, s. 3(d), (w. e. f. 30.4.2012).

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

(u) **“head end in the sky operator” or “HITS operator”** means any person permitted by the Central Government to -----

(a) distribute multi channel TV programmes in C band or Ku band -----

(i) by using a satellite system, to intermediaries like cable operators and not directly to subscribers; and

(ii) by using its own cable network, if any, to the subscribers of such cable network through Quadrature Amplitude Modulation (QAM) set top boxes, after first downlinking the signals at its terrestrial receiving station; and

(b) provide passive infrastructure facilities like transponder space on satellite, earth station facilities, etc. to one or more multi system operators or to any consortium of multi system operators or cable operators, for distribution of multi channel TV programmes, in C band or Ku band through QAM set top boxes, using such infrastructure facilities;

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

(w) **“maximum retail price”** is the ceiling price, exclusive of taxes, which shall be payable by a subscriber to the service provider for each pay channel or bouquet of pay channels made available to such subscriber by the service provider;

(x) ¹2[**“multi system operator”** means a cable operator who has been granted registration under rule 11C of the Cable Television Networks Rules, 1994 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;]]

(y) **“Order”** means the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff Order, 2010;

(z) ³4[**“ordinary subscriber”** means a subscriber who is not a commercial subscriber;]]

(za) ⁵[**“pay channel”**, in respect of a digital addressable system, means a channel for which subscription fees is to be paid to the broadcaster by multi-system operator or DTH operator or IPTV operator or HITS operator and due authorisation needs to be taken from the broadcaster for its re-transmission on the digital addressable system;]

¹ Subs. by the First Amendment Order, 2012, s. 3(e), (w. e. f. 30.4.2012), for the following sub-clause:

““multi system operator” means a cable operator who receives a programming service from a broadcaster or his authorized agencies or from a HITS operator and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more cable operators and includes his authorized distribution agencies by whatever name called”

² Subs. by the Third Amendment Order, 2014, s. 2(c), (w. e. f. 10.2.2014), for the following sub-clause:

““Multi-System Operator” means a cable operator who has been granted registration under rule 11 of the Cable Television Networks Rules, 1994, as amended by rule 8 of the Cable Television Networks (Amendment) Rules, 2012, and who receives a programming service from a broadcaster or its authorized agencies 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 and includes his authorized distribution agencies, by whatever name called”

³ Subs. by the Fourth Amendment Order, 2014, s. 2(c), (w. e. f. 18.7.2014), for the following sub-clause:

““ordinary subscriber” means any subscriber who receives a programming service from a service provider and uses the same for his domestic purposes”

⁴Subs. by the Fifth Amendment Order, 2015, s. 2(b), (w. e. f. 08.9.2015), for the following sub-clause: ““ordinary subscriber” means any subscriber who receives broadcasting services or cable services from multi system operator or cable operator or direct to home operator or Internet Protocol television service provider or head end in the sky operator, as the case may be, and uses the same for his domestic purposes”

⁵Subs. by the First Amendment Order, 2012, s. 3(f), (w. e. f. 30.4.2012), for the following sub-clause:

““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”

(zb) ¹["**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;]

²[(zba) "**RIO**" means a Reference Interconnect Offer published by a service provider specifying terms and conditions on which other service providers may seek interconnection from the service provider making the offer;

(zbb) "**RIO rate**" means the rate of TV channels specified by the service provider in its Reference Interconnect Offer;]

(zc) "**service provider**" means the Government as a service provider and includes a licensee as well as any broadcaster, direct to home operator, HITS operator, multi system operator, cable operator or distributor of TV channels;

(zd) "**set top box**" means a device, which is connected to, or is part of a television and which allows a subscriber to receive in unencrypted/descrambled form subscribed ³[...] channels through an addressable system;

(ze) ⁴["**subscriber**" means a person who receives broadcasting services or cable services from a multi system operator or cable operator or direct to home operator or Internet Protocol television service provider or head end in the sky operator at a place indicated by him to the multi system operator or cable operator or direct to home operator or Internet Protocol television service provider or head end in the sky operator, as the case may be, without further transmitting it to any person and includes ordinary subscribers and commercial subscribers, unless specifically excluded;]]

⁶[(zea) "**subscriber management system**" means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilised by the subscriber, channels or bouquets of channels subscribed to by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber's record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period;]

(zf) "**TV channel**" means a channel, which has been registered under ----

- (i) the guidelines for uplinking from India, issued vide No.1501/2/2002-TV(I)(Pt.) dated the 2nd December 2005; or

¹Subs. by the First Amendment Order, 2012, s. 3(f), (w. e. f. 30.4.2012), for the following sub-clause:

""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"

¹ Subs. by the First Amendment Order, 2012, s. 3(g), (w. e. f. 30.4.2012), for the following sub-clause:

""programme" means any television broadcast and includes---

- (i) Exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;
- (ii) Any audio or visual or audio-visual live performance or presentation, and ----

The expression "programming service" shall be construed accordingly"

²Ins. by the Sixth Amendment Order, 2015, section (2), (w.e.f. 01.04.2016).

³ The word "pay" omitted by the First Amendment Order, 2012, s. 3(h), (w. e. f. 30.4.2012).

⁴Subs. by the First Amendment Order, 2012, s. 3(i), (w. e. f. 30.4.2012), for the following sub-clause: ""subscriber" means a person who receives the signals of a service provider at a place indicated by him to the service provider, without further transmitting it to any other person and includes ordinary subscribers and commercial subscribers unless specifically excluded"

⁵Subs. by the Fourth Amendment Order, 2014, s. 2(d), (w. e. f. 18.7.2014), for the following sub-clause: ""subscriber" means any individual, or association of individuals, or a company, or any other organization or body who receives the signals of multi-system operator DTH operator or IPTV operator or HITS operator at a place indicated by him or it to multi-system operator or DTH operator or IPTV operator or HITS operator, without further transmitting it to any other person and includes ordinary subscribers and commercial subscribers unless specifically excluded"

⁶ Ins. by the First Amendment Order, 2012, s. 3(j), (w. e. f. 30.4.2012).

(ii) policy guidelines for downlinking of televisions channels, issued vide No. 13/2/2002-BP&L/BC-IV dated the 11th November 2005, -----

as amended from time to time, or such other guidelines for uplinking or downlinking of television channels, as may be issued from time to time by Government of India (Ministry of Information and Broadcasting) and reference to the term 'channel' shall be construed as a reference to "TV channel";

(zg) 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

WHOLESALE TARIFF

4. Manner of offering pay channels by broadcasters to distributors of TV channels using addressable systems. ----- (1) Every broadcaster shall offer or cause to offer all its pay channels on a-la-carte basis to distributors of TV channels using addressable systems, and specify the a-la-carte rate for each pay channel:

Provided that the a-la-carte rate for a pay channel for addressable systems shall not be more than *thirty-five per cent. of the a-la-carte rate of the channel as specified by the broadcaster for non-addressable systems.

¹[Provided further that nothing contained in the first proviso shall apply to the a-la-carte rate of pay channels specified by the broadcaster for commercial subscriber]

(2) In case a broadcaster, in addition to offering all its channels on a-la-carte basis, offers, without prejudice to the provisions of sub-clause (1), pay channels as part of a bouquet consisting only of pay channels or both pay and free to air channels, such broadcaster shall specify the rate for each such bouquet of channels offered by it:

Provided that -----

- (a) the composition of the bouquets offered by the broadcaster to distributors of TV channels using addressable systems shall be the same as those offered by such broadcaster for non-addressable systems; and
- (b) the rate for a bouquet of channels for addressable systems shall not be more than *thirty-five per cent. of the rate for such bouquet as specified by the broadcaster for non-addressable systems.

²[Provided further that nothing contained in the first proviso shall apply to the bouquet rate of channels specified by the broadcaster for commercial subscriber]

³**[4A– 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 using addressable systems, 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.]

¹ Ins. by the Fifth Amendment Order, 2015, s. 3(a), (w. e. f. 08.09.2015).

**The clause for 35% rate was challenged in TDSAT and it was struck down. TRAI filed appeal in Supreme Court which substituted it to 42% vide its interim order dated 18.4.2011 (Civil Appeal No.2847-2854 of 2011 TRAI Vs Zee Turner & Ors.) Thus 42% is in vogue.*

² Ins. by the Fifth Amendment Order, 2015, s. 3(b), (w. e. f. 08.09.2015).

³ Ins. by the Fifth Amendment Order, 2015, s. 4, (w. e. f. 08.09.2015).

5. Charges payable by cable operator to multi system operator or HITS operator to be governed by mutual agreement between them. -----The charges payable by a cable operator to a multi system operator or to a HITS operator, as the case may be, shall be as determined by mutual agreement.

¹[Provided that in case the multi-system operator and the local cable operator fail to arrive at mutual agreement, the charges collected from the subscribers shall be shared in the following manner: -

- (a) the charges collected from the subscription of channels of basic service tier, free to air channel and bouquet of free to air channels shall be shared in the ratio of 55:45 between multi-system operator and local cable operator respectively; and
- (b) the charges collected from the subscription of channels or bouquet of channels or channels and bouquet of channels other than those specified under clause (a) shall be shared in the ratio of 65:35 between multi-system operator and local cable operator respectively.]

PART III RETAIL TARIFF

6. Mandatory offering of²[...] channels on a-la-carte basis to ³[...] subscribers and charges therefor. (1)
⁴[Every multi-system operator or DTH operator or IPTV operator or HITS operator providing broadcasting services or cable services to its subscribers using an addressable system shall, from the date of coming into force of this Order, offer or cause to offer all channels offered by it to its subscribers on a-la-carte basis and shall specify the maximum retail price for each channel, as payable by the ⁵[...] subscriber:

Provided that the a-la-carte rate of free to air channels shall be uniform.]

⁶[⁷[Provided further that subject to the provisions of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012) and the Direct to Home Broadcasting Services (Standards

¹ Ins. by the First Amendment Order, 2012, s. 4, (w. e. f. 30.4.2012).

² The word “pay” omitted by the Second Amendment Order, 2013, s. 2(a), (w. e. f. 20.9.2013).

³ The word “ordinary” omitted by the Fourth Amendment Order, 2014, s. 3(a), (w. e. f. 18.7.2014) and again omitted by Fifth Amendment Order, 2015, s. 5, (w.e.f. 08.09.2015).

⁴ Subs. by the First Amendment Order, 2012, s. 5, (w. e. f. 30.4.2012), for the following sub-clause: “Every service provider providing broadcasting services or cable services to its subscribers using an addressable system shall, from the date of coming into force of this Order, offer or cause to offer all pay channels offered by it to its subscribers on a-la-carte basis shall specify the maximum retail price for each pay channel, as payable by the ordinary subscriber:

Provided that in case of direct to home service, a direct to home operator who is unable to offer all its pay channels to its subscribers on a-la-carte basis on the date of coming into force of this order due to any technical reason, shall offer all its pay channels on a-la-carte basis to its subscribers with effect from a date not later than the 1st January, 2011”

⁵ The word “ordinary” omitted by the Fourth Amendment Order, 2014, s. 3(a), (w. e. f. 18.7.2014) and again omitted by Fifth Amendment Order, 2015, s. 5, (w.e.f. 08.09.2015).

⁶ Ins. by the First Amendment Order, 2012, s. 6(a), (w. e. f. 30.4.2012).

⁷ Subs. by the Second Amendment Order, 2013, s.2(b)(i), (w. e. f. 20.9.2013), for the following proviso:

“*Provided further that* in case multi-system operator or DTH operator or IPTV operator or HITS operator providing broadcasting services or cable services to its subscribers, using a digital addressable system, offers channels as a part of a bouquet, the rate of such 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 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 channels are a part; and
- b) The a-la-carte rate of each channels forming part of such a bouquet shall in no cas exceed three times the average rate of channel of that bouquet of which such channel is a part;

Provided also that every multi-system operator or DTH operator or IPTV operator or HITS operator, providing broadcasting services and cable services, through digital addressable systems, before the date of commencement of this Tariff Order and continue to provide such services after such commencement shall, within sixty days from the date of such commencement, comply with the provisions of the second proviso”

⁸ Substituted by the Sixth Amendment Order, 2015, section 3(i), (w.e.f. 01.04.2016), for the following proviso:-

“*Provided further that* in case a multi-system operator or direct to home operator or Internet Protocol service provider or HITS operator providing broadcasting services or cable services to its subscribers, using a digital addressable system, offers channels as a part of a bouquet, the a-la-carte rate of such channels forming part of that bouquet shall be subject to the following conditions, namely:-

of Quality of Service and Redressal of Grievances) Regulations, 2007 (8 of 2007), if a multi-system operator or direct to home operator or internet protocol service provider or HITS operator providing broadcasting services or cable service to its subscribers, using a digital addressable system, offers pay channels as part of a bouquet, the a-la-carte rate of such pay channels forming part of a bouquet and the rate of such bouquet shall be subject to the following conditions, namely:

(a) the a-la-carte rate of a pay channel forming part of a bouquet shall not exceed two times its RIO rate offered by the broadcaster for addressable systems; and

(b) sum of a-la-carte rates of all the channels in the bouquet shall not exceed three times the bouquet rate.

Explanation: The a-la-carte rate of a channel specified by the multi-system operator or direct to home operator or internet protocol service provider or HITS operator shall be valid across all the bouquets having such channel.]]

¹[²[.]]

³[(1A) Every multi-system operator providing cable services to the subscribers, using digital addressable cable TV system, directly or through its linked local cable operator, shall offer a package of a minimum of one hundred free to air channels as basic service tier including the channels of Prasar Bharati, namely DD-Bharati, DD-Malayalam, DD-Podhigai, DD-Odiya, DD-Bangla, DD-Saptagiri, DD-Chandana, DD-Sahyadri, DD-Girnar, DD-Kashir, DD-NE, DD-Punjabi.

(1B) It shall be open to the subscriber to choose any combination of free to air channels up to one hundred channels, in lieu of the basic service tier offered by the multi-system operator.

Provided that it shall be open to the multi-system operator to specify a minimum monthly subscription, not exceeding one hundred rupees (excluding taxes) per subscriber, towards the basic-service tier or the free to air channels chosen by the subscriber in lieu of the basic service tier.

(1C) The basic service tier offered by the multi-system operator shall include at least five channels of the each genre namely news and current affairs, infotainment, sports, kids, music, lifestyle, movies and general entertainment in Hindi, English and regional language of the concerned region.

Provided that in case sufficient number of free to air channels of a particular genre is not available, the multi-system operator shall include in the basic service tier the channels of the other genres.

(1D) It shall be open to the subscriber of the digital addressable cable TV to subscribe to basic service tier or basic service tier and one or more pay channel or only free to air channels or only pay channels or pay channels and free to air channels.

(1E) If a digital addressable cable TV subscriber subscribes to the pay channels, in a-la-carte or bouquet or a combination of a-la-carte and bouquet, with or without free to air channels, it shall be open to the multi-

(a) the a-la-carte rate of a pay channel forming part of a bouquet shall not exceed two times the a-la carte rate of the channel offered by the broadcaster at wholesale rate for addressable systems; and

(b) the a-la-carte rate of a pay channel forming part of a bouquet shall not exceed three times the ascribed value of the pay channel in the bouquet;
Explanation: Ascribed value of a pay channel in a bouquet means the value arrived at by multiplying the proportionate value of the pay channels in the bouquet with the a-la-carte rate of the same pay channel and divided by the sum of a-la-carte rates of all the pay channels in the bouquet, and proportionate value of the pay channels in the bouquet shall be calculated in the following manner:-
[Bouquet rate x sum of a-la-carte rate of pay channels]/[sum of a-la-carte rate of pay channels + sum of a-la-carte rate of free-to-air channels in the bouquet, taking rate of free-to-air channel as one rupee"]

¹ Ins. by the Second Amendment Order, 2013, s. 2(b) (ii), (w. e. f. 20.9.2013).

² Following proviso deleted by the Sixth Amendment Order, 2015, section 3(ii), (w. e. f. 01.04.2016):

"Provided also that it shall be open to the multi system operator or direct to home operator or Internet Protocol service provider or HITS operator to specify the a-la-carte rate of channels, referred to in the second proviso, by adopting any one of the two conditions mentioned in para (a) and para (b) of the second proviso, till the 31st December, 2013 and from the 1st January, 2014, the a-la-carte rate of channels shall be subject to the conditions mentioned in the second proviso"

³ Ins. by the First Amendment Order, 2012, s. 6(b), (w. e. f. 30.4.2012).

system operator to specify a minimum monthly subscription, not exceeding one hundred and fifty rupees (exclusive of taxes) per month.]

(2) It shall be open to a service provider, while offering its ¹[...] channels on a-la-carte basis and specifying a-la-carte rates for each of them under clause (1), to specify a minimum subscription period, not exceeding three months, for subscribing to a ²[...] channel on a-la-carte basis by a subscriber.

(3) Every service provider providing broadcasting services or cable services to subscribers using an addressable system may, in addition to the offering of pay channels on a-la-carte basis under sub-clause (1), also offer bouquets of channels, in which case, it shall specify the maximum retail price for each such bouquet applicable to its ³[...] subscribers.

(4) ⁴[It shall be open to the service provider providing services through addressable system to specify a minimum monthly subscription, not exceeding one hundred and fifty rupees (exclusive of taxes) per month per subscriber, towards channels chosen by the subscriber;

Provided that the subscriber of the addressable systems may subscribe to any bouquet or any bouquet and any pay or free-to-air channel or only free-to-air channels or only pay channels or pay channels and free-to-air channels.]

⁵[⁶Provided further that nothing contained in this sub-clause shall apply to the service provider providing service through digital addressable cable television system;]]

Explanation: It shall be mandatory for all service providers, who are providing broadcasting services or cable services to subscribers through addressable systems, to transmit or retransmit the channels of Doordarshan required to be transmitted compulsorily under section 8 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), to each subscriber on its network.

⁷[(5) 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 sub-clause (5), shall also be treated as charge for the said programme.]

PART IV

OFFERING OF CUSTOMER PREMISES EQUIPMENT

7. Option to provide Customer Premises Equipment on out right purchase or hire purchase or rent.—

Every service provider, who provides broadcasting services or cable services using an addressable system to its ordinary subscribers, shall give an option to every ordinary subscriber to make available to such subscriber,

¹ The word “pay” omitted by the Second Amendment Order, 2013, s.2(c), (w. e. f. 20.9.2013).

² *Ibid.*

³ The word “ordinary” omitted by the Fourth Amendment Order, 2014, s. 3(a), (w. e. f. 18.7.2014) and again omitted by Fifth Amendment Order, 2015, s. 5, (w.e.f. 08.09.2015).

⁴ Subs. by the Second Amendment Order, 2013, s.2(d), (w. e. f. 20.9.2013), for the following sub-clause:

“It shall be open to the service provider to specify a minimum monthly subscription, not exceeding one hundred and fifty rupees (exclusive of taxes) per month per subscriber, towards channels chosen by the subscriber, either *a-la-carta* or bouquet, for availing the services of such service provider”

⁵ Ins. by the First Amendment Order, 2012, s. 6(c), (w. e. f. 30.4.2012).

⁶ Subs. by the Second Amendment Order, 2013, s.2(d), (w. e. f. 20.9.2013), for the following proviso:

“*Provided further that* nothing contained in sub-clause(4) shall apply to the subscribers of the digital addressable cable television system”

⁷ Ins. by Fourth Amendment Order, 2014, s. 3(b), (w. e. f. 18.7.2014).

the Customer Premises Equipment, conforming to the Indian Standard, if any, set by the Bureau of Indian Standards, on out right purchase basis or hire purchase basis or rental basis,—

- (a) in accordance with the scheme, if any, made by the Authority in this behalf;
- (b) in case no such scheme as referred to in clause (a) has been made by the Authority, then in accordance with the schemes made by such service provider or his agent authorised by him in this behalf:

Provided that any such scheme made by the service provider shall provide for the following, namely: -

- (i) terms and conditions for return of the Customer Premises Equipment by a subscriber to the service provider, before completion of period of hire purchase or rental and refund of security deposit or advance payments, if any, after appropriate and reasonable adjustments towards depreciation (not exceeding 25% for each half year or part of it) in case of return of Customer Premises Equipment by a subscriber to the service provider;
- (ii) replacement of faulty Customer Premises Equipment and repair and maintenance of Customer Premises Equipment acquired under hire purchase scheme or on rental scheme during the period of hire purchase or rental scheme without any payment.

PART V

PROTECTION OF CONSUMERS AGAINST INCREASE IN PRICES

8. No increase of subscription charges for six months from enrolment of subscriber. — (1) No service provider, who provides broadcasting services or cable services using an addressable system to its subscribers, shall, increase the charges for a subscription package offered by him, for a minimum period of six months from the date of enrolment of the subscriber for such subscription package.

¹[Provided that if a free to air channel, forming part of the subscription package, is converted into pay channel by the broadcaster, based on the verifiable consent of the subscriber, the multi-system operator or DTH operator or IPTV operator or HITS operator may either remove the said channel from the subscription package of such subscriber and reduce the price of the subscription package by an amount equal to the a-la-carte price of such free to air channel or may increase the price of the subscription package by an amount not exceeding the difference between the a-la-carte price of such free to air channel and the a-la-carte price of the said channel after its conversion into pay channel.]

(2) The provisions of sub-clause (1) shall not prevent any service provider from reducing the price of the subscription package within the period of six months referred to in that sub-clause to the advantage of the subscriber.

(3) Subject to the provisions of sub-clause (2) of clause 6, a subscriber may opt, during the period of six months referred to in sub-clause (1), for any other subscription package offered by such service provider or any other service provider.

¹ Ins. by the First Amendment Order, 2012, s. 7, (w. e. f. 30.4.2012).

PART VI

MISCELLANEOUS

9. Reporting requirement. (1) Every broadcaster shall report to the Authority, the a-la-carte rates for its pay channels fixed by it under sub-clause (1) of clause 4 and the bouquet rate or bouquet rates, as the case may be, fixed by it under sub-clause (2) of clause 4 for its bouquets and shall also publish such rates on its web site.

Provided that the first such report, containing rates effective from 1st September, 2010, shall be submitted to the Authority by 1st September, 2010 and, thereafter, any changes in such rates --

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

(2) Every broadcaster who, after the coming into force of this Order, introduces any new pay channel, shall, thirty days before introduction of such pay channel, report to the Authority the *a-la-carte* rate for such pay channel and shall also publish such rate on its website.

(3) Any broadcaster of a free to air channel intending to convert the channel into a pay channel or vice-versa shall, at least one month before the scheduled date of conversion, -----

- (a) inform the Authority about the intended conversion;
- (b) give public notice about the intended conversion, published at least in two newspapers, of which one should be a national newspaper and one in the same language as the channel proposed to be converted; and
- (c) during the notice period referred to in sub-clause (b), run a scroll at periodic intervals on the channel proposed to be converted.

Explanation: The notice period of one month shall be counted from the last date of publication in the newspaper, or from the date of receipt by the Authority of the intimation given by the broadcaster, whichever is later.

(4) Every broadcaster shall publish, at least once in three months, in at least two national newspapers, full details about the channels provided by it, the nature of each channel, i.e., whether it is a free to air or pay channel, the a-la-carte rate of each pay channel and the bouquet rates for bouquets of channels, if any, for distribution through addressable platforms.

(5) Every direct to home operator, HITS operator, service provider offering Internet Protocol television service and every multi system operator providing cable services through an addressable system, shall report to the Authority its a-la-carte rates for ¹[...] channels and bouquet rates for different bouquets of channels, and also all terms and conditions, associated with the supply of set top boxes to the subscribers on hire purchase or rental basis.

Provided that the first such report shall be sent to the Authority by 1st September 2010 and thereafter any changes in such rates shall be reported thirty days prior to the change:

²[Provided further that every such operator who commences its services after coming into force of this Tariff Order shall submit to the Authority such reports before commencement of its services and thereafter any changes in the rates shall be reported thirty days prior to the change:]

Provided further that a direct to home operator, who starts offering all its pay channels on a-la-carte basis to its subscribers with effect from a date later than 1st September, 2010 but not later than 1st January, 2011 in terms of the proviso to sub-clause (1) of clause 6, shall report the a-la-carte rates for its pay channels to the

¹ The word "pay" omitted by the First Amendment Order, 2012, s. 8(a), (w. e. f. 30.4.2012).

² Ins. by the First Amendment Order, 2012, s. 8(b), (w. e. f. 30.4.2012).

Authority thirty days prior to the commencement of such a-la-carte offer of pay channels or by 30th November, 2010, whichever is earlier.

10. 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 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.