

Telecom Regulatory Authority of India
Notification

New Delhi March 10th, 2004

No. 301-3/2004-Eco

In exercise of the powers conferred upon it under sub-section (2) of section 11 of the Telecom Regulatory Authority of India, 1997 as amended read with the Notification No.39 dated 09.01.2004 issued from file No.13-1/2004-Restg. by the Government of India 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 to notify, by an Order in the Official Gazette, tariffs at which Telecommunications (Broadcasting and Cable Operation) Services shall be provided, the Telecom Regulatory Authority of India hereby makes the following Order.

The Telecommunication (Broadcasting and Cable) Services Tariff
(First Amendment) Order, 2004
(3 of 2004)

Section I

Title, Extent and Commencement

1.Short title, extent and commencement:

- i. This Order shall be called “The Telecommunication (Broadcasting and Cable) Services Tariff (First Amendment) Order 2004”.
- ii. Except Chennai Metropolitan Area where interim stay has been granted by Madras High Court in writ petition numbers 4863, 4890, 4936 and 4919 of 2004, the Order shall cover tariffs for all Telecommunication (Broadcasting and Cable) Services throughout the territory of India as also those originating in India or outside India and terminating in India.
- iii. The Order shall come into force on the date of its notification in the Official Gazette.

Section II

Tariff

2. Clause 2 of Section II of The Telecommunication (Broadcasting and Cable) Services Tariff Order, 2004, shall be substituted by the following:

“2. The charges payable by

- (a) Cable subscribers to cable operator;
- (b) Cable operators to Multi Service Operators/Broadcasters (including their authorised distribution agencies); and
- (c) Multi Service Operators to Broadcasters (including their authorised distribution agencies)

prevalent as on 26th December 2003 shall be the ceiling until final determination by Telecom Regulatory Authority of India on the various issues concerning these charges.”

Section III

3. Explanatory Memorandum

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

BY ORDER

Dr. Harsha Vardhana Singh
Principal Advisor cum Secretary
Telecom Regulatory Authority of India

Explanatory Memorandum

The TRAI provided its interim Recommendations on 23rd February, 2004, to the Government and based on a number of factors that were mentioned therein, Recommended that the Government Notification No. SO 792 (E) dated 10th July, 2003, which notified the areas for implementing CAS, be kept in abeyance for at least three months. The Recommendation was accepted by the Government. Vide Notification No. S.O.271(E), dated 27th February, 2004, the Government suspended the mandatory operation of CAS until such date as may be notified by the Government. Due to this Notification there are no separate CAS or non-CAS areas and such distinction has been withdrawn in this amendment.

This would lead to a situation that in non-CAS areas, the 26th December, 2003 ceiling would continue as such. For such erstwhile notified mandatory CAS areas, where CAS was not actually implemented, the ceiling of 26th December, 2003, will continue. For erstwhile notified mandatory CAS areas where CAS was implemented, the Authority recognises that CAS may continue on a voluntary basis and in such a case the ceiling would again be the rates prevailing on 26th December, 2003, which the Authority recognises may have been lower than the rates in non-CAS areas.

The Notification is not applicable for Chennai Metropolitan Area on account of stay granted by Madras High Court in writ petition numbers 4863, 4890, 4936 and 4919 of 2004.