

No. F-1203/1/2007-BC.II
Government of India
Ministry of Information & Broadcasting
(Broadcasting Wing)

New Delhi, 19th February 2008

ORDER

Subject: -Monitoring Committee for Private Television Channels at the State and District levels.

Attention is invited to the Ministry of Information & Broadcasting, Government of India order No. 2301/7/2003-BC-III dated 6th September, 2005 (copy enclosed for ready reference) regarding constitution of State/ District Level Monitoring Committees to enforce the Cable Television Networks (Regulation) Act, 1995 (hereafter referred to as the Act). District Level Monitoring Committees have been constituted therein under the Chairmanship of the District Magistrate/Commissioner of Police, as the case may be.

2. It has been noticed that the enforcement of the said Act in many parts of the country is still not satisfactory either due to lack of clear understanding of the role to be played by the District Monitoring Committees or a suitable mechanism to enforce the provisions of the Act. During the review of the functioning of the District and State level Monitoring Committees, it was observed that while a few of the States/UTs have constituted District level Monitoring Committees, others are yet to do so. No State except J&K, has reported the constitution of a State level committee. Further, even where constituted, regular meetings of the district level committees are not being held.

3. An increasing number of petitions are being received in the Ministry of Information & Broadcasting, Government of India, from viewers regarding malpractices by Cable Operators and undesirable content being shown at the local level by the cable operators. As such it is most necessary in public interest that the District and State level Monitoring Committees appreciate importance of their role and activate the mechanism to enforce the provisions of the Cable Television Networks (Regulation) Act, 1995 and rules framed therein. As such while reiterating the relevant provisions of the Cable Television Networks (Regulation) Act, 1995 and rules therein, these guidelines are being issued to further define the role of the State and District Monitoring Committees and the Authorized Officers as under:

Authorized Officer:

4. The Authorized Officer as defined under Section 2(a) of the Act means within his local limits of jurisdiction –
- (i) a District Magistrate, or
 - (ii) a Sub-divisional Magistrate, or
 - (iii) a Commissioner of Police

This provision further authorizes the State Government in addition to the Central Government to notify officers other than those already specified in the Act as above to be authorized officers for such local limits of jurisdiction as may be determined by that Government so that the most effective mechanism at local level may be put in place. Authorized Officers have been given power to seize equipment used for operating the

cable television network under Section 11 of the Cable Television Networks (Regulation) Act, 1995. They can do so in cases of contravention of Section 3, 4A, 5, 6 or 8 of the Act in the following eventualities:

- (a) Operation of a Cable Television Network without registration in the local Post Office (Section 3).
- (b) Transmission of pay channels on Cable Television without use of Set Top Boxes (Addressable System) in areas notified for compulsory CAS (i.e. some parts of Chennai, Delhi, Mumbai and Kolkata) [Section 4A (1)].
- (c) Non-carriage of free to air channels and mandatory channels as per list specified in Annexure- I (Section 4A (2), Section 8).
- (d) Charging fees in CAS areas which is higher than that fixed by TRAI as per Annexure-II & III [Section 4A (4)].
- (e) Violation of Programme and Advertisement Codes (Section 5 and 6)

5. Under Section 19, the Authorized Officer is also empowered to prohibit transmission of certain programmes in public interest if any programme or channel carried by it, is not in conformity with the prescribed programme code referred to in Section 5 and advertisement code referred to in Section 6 of the Act or if such programme is likely to promote on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquility.

District Monitoring Committees:

6. The District Monitoring Committee is constituted as below:

- | | | | |
|-------|--|---|----------|
| (i) | District Magistrate (or Police Commissioner) | - | Chairman |
| (ii) | District Superintendent of Police | - | Member |
| (iii) | District Public Relations Officer | - | Member |
| (iv) | Principal of one of the Women's College in the District (to be selected by the DM) | - | Member |
| (v) | Representative of a leading NGO working for Children welfare (to be nominated by the DM) | - | Member |
| (vi) | Representative of a leading NGO working for Women welfare (to be nominated by the DM) | - | Member |
| (vii) | Academicians/Psychologists/Sociologists (one Each to be nominated by the DM) | - | Member |

7. To ensure effective functioning of the above Committee, the following guidelines are made:

Scope of the Committee:

- i) To provide a forum where the public may lodge a complaint regarding content aired over cable television and take action on the same as per procedure prescribed herein.
- ii) To review the action taken by Authorized Officers for enforcement of Cable Television Networks (Regulation) Act, 1995.
- iii) To immediately bring to the notice of State and Central Government if any programme is affecting public order or wide spread resentment in any community.

- iv) To keep a watch on content carried by cable television channels at local level and to ensure, through Authorized Officers, that no unauthorized or pirated channels are carried and local news if aired by the cable television operator is restricted to information about local events and is presented in a manner which is balanced impartial and not likely to offend or incite any community.
- v) To monitor the availability of free to air channels and channels notified for mandatory carriage on the cable network.

Suggested procedure

8. Following procedure may be followed for handling the cases :

- i) A complaint Cell headed by a nodal Officer at District level should be established and wide publicity be given regarding the constitution of Monitoring Committee and procedure followed by it, including putting it on website of the State/UT.
- ii) The Committee shall ordinarily meet once in two months to look into the complaints brought to its notice by individuals/organizations or take suo moto notice of violation of provisions of Cable TV Networks Rules, 1994.
- iii) In case the complaint concerns content carried locally by Cable TV Network at its own level, the Committee may call for footage/VCD of the programme/advertisement against which complaint is considered and the common pool of wisdom available within the Committee may form a view about whether a violation has taken place. In case the Committee is of the view that violation has taken place, the Authorized Officer may take action as per Section 11 of the Act after issuing show cause notice to the network and giving them an opportunity to be heard. The representation of the network may also be placed before the Committee for final decision regarding the action to be taken on it by the Authorized Officer.
- iv) In case the complaint pertains to national/regional satellite channels, the Committee may forward its recommendations through the State-level Monitoring Committee to the Government of India. On receipt of such complaint the Central Government shall call for footage/VCD of the concerned programme/advertisement and take a view regarding the same in the Inter-Ministerial Committee constituted in the Ministry of Information & Broadcasting. An advance copy of the recommendation may also be sent directly to the Central Government.
- v) Violations of programme and advertisement code are dealt with by the Central Government in the following manner depending on the seriousness of the violation:
 - (a) An Advisory is given to the channel
 - (b) Warning is issued.
 - (c) Channel is required to scroll an apology for a specified number of days.
 - (d) Broadcast is suspended for specified time period.

The District Monitoring Committee can likewise take action against local cable operators in respect of content carried locally only. However, no such action may be taken at their level in respect of National/Regional Satellite Channels.

9. In case it is found that a cable network operator is not carrying channels prescribed for mandatory carriage or is carrying them in such a manner that the signal is too poor to be properly visible or audible, the Committee, through Authorized Officer, may direct the cable network to ensure proper carriage of the same and take any other action it may consider necessary under Section 11.

State-level Monitoring Committee:

10. The constitution of both State and District-level Committees to enforce the Cable TV Networks Rules was envisaged in the Order dated 6th September 2005. The members of the District level Committee were specified by the same order, however, the constitution of the State-level Committee was not specified. The constitution of the State-level Committee is hereby specified as follows:

- | | | |
|-------|---|------------------|
| (i) | Secretary, Information & Public Relations -
of the State. | Chairman |
| (ii) | Representative of the DG of State Police- | Member |
| (iii) | Secretary, Social Welfare Department -
of the State | Member |
| (iv) | Secretary, Women & Child Development-
of the State | Member |
| (v) | Representative of a leading NGO of the -
State working for women (to be nominated
by Chief Secretary) | Member |
| (vi) | Academicians/Psychologists/Sociologists-
(one each to be nominated by Chief
Secretary) | Member |
| (vii) | Director (Information) of the State - | Member Secretary |

The nominated members shall have a term of two years and shall not be eligible for re-nomination. Any vacancy can be filled up by nominating a new member for a fresh term. The Committee shall meet at least once a year and submit a detailed annual report for the State, including District-wise data of Cable Operators registered within the State and estimated number of TV homes/viewers in the State to the Ministry of Information & Broadcasting, Government of India before 31st December each year.

Functions:

11. The functions of the State Level Monitoring Committee will be:

- (i) To see whether District/Local Committees have been formed.
- (ii) To see whether they are meeting regularly.
- (iii) To see whether the authorized officers are effectively performing their duties.
- (iv) To see how many cases are handled by them and what decisions are arrived at.
- (v) To give suggestion/guidance to District/Local Level Committee.
- (vi) To take decision on the matters referred to it by District/Local level Committee.

- (vii) To collate data/information from District/Local Level Committee and forward it to Secretary, Ministry of Information & Broadcasting, Government of India.
- (viii) To recommend action and forward complaints against satellite channels (National Channels) to the Ministry of Information & Broadcasting through the Chief Secretary of the State in cases of violation of Government of India's orders on the Programme and Advertising Codes.

12. The Chief Secretaries are requested to ensure that State and District Level Committees are set up as envisaged herein and effective implementation of the Cable Television Networks (Regulation) Act is ensured in consultation with representatives of consumers and civil society.

13. Hindi version of this Order will follow.

(Zohra Chatterji)
Joint Secretary (Broadcasting)
Tele No. 23382597

To

1. All Chief Secretaries of the State Governments/Union Territories.
2. State Information Secretaries.
3. All District Magistrates

2301/7/2003-BC-III
Government of India
Ministry of Information & Broadcasting
Broadcasting (BC) Wing

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Dated : 6th September, 2005

ORDER

Subject : Monitoring Committee for Private Television Channels at the State and District Levels.

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WHEREAS as per the Section 2 of the Cable Television Networks (Regulation) Act, 1995, the District Magistrate or a Sub-Divisional Magistrate or a Commissioner of Police is designated as “authorized officer” within his local limits of jurisdiction by State or Central Government. And whereas as per Section 11 and 12 of aforesaid Cable Act, the authorized officer has the power to seize and confiscate the equipment of the cable operator for violation of Section 5 and 6 of the Cable TV Networks (Regulation) Act, 1995, i.e., violation of Programme Code and Advertisement Code prescribed under Rule 6 and Rule 7 of the Cable Television Network Rules’94 respectively. And whereas, it has been noticed that enforcement of said act in many parts of the country is not satisfactory either due to lack of knowledge or mechanism to enforce the same. And whereas it was unanimously agreed in the 25th State Information Ministers Conference (SIMCON) held on 16th April 2005 at Vigyan Bhavan, New Delhi that an enforcement mechanism needs to be constituted to enforce the provisions of Cable Television Network Regulations, 1994.

Now, therefore, it has been decided to constitute a “Monitoring Committee for the Programmes and Advertisements telecast by Cable TV Channels” at the State, District / local level to enforce the Cable Act & Rules. In pursuance of the decision, a Committee with the following as members is hereby constituted:

- | | | |
|-------|---|------------|
| i) | District Magistrate (or Police Commissioner) | - Chairman |
| ii) | District Superintendent of Police | - Member |
| iii) | District Public Relations Officer | - Member |
| iv) | Principal of one of the Women’s College,
in the district (to be selected by the DM) | - Member |
| (v) | Representative of a leading NGO working
for children welfare (to be nominated by the DM) | - Member |
| (vi) | Representative of a leading NGO working
for women welfare (to be nominated by the DM) | - Member |
| (vii) | Academics / Psychologists / Sociologists
(one each to be nominated by DM) | - Member |

For cities where Police Commissioner is appointed, he shall be the Chairman of the Committee. In addition, Director, Information & Publicity of the State Government or his nominee shall be a member of the Committee. All other members shall be nominated by the Police Commissioner under various categories listed above.

The nominated members shall have a term of two years. They shall not be eligible for re-nomination. Any vacancy can be filled up by nominating a new member for a fresh term.

NOW THEREFORE, this Monitoring Committee will review and deliberate on the litany of complaints received by “ Authorized officer” or take suo-moto cognisance of violations of Programme and Advertisement Codes in the programmes transmitted and re-transmitted in the local cable channels. The Committee will take a decision on the matters referred to it in accordance with the opinion of the majority of the members present at the meeting. The Committee will determine whether a violation of the Codes has taken place and render advice on the further action to be taken in the matter to the ‘Authorised Officer’.

FURTHER, the Committee will forward complaints against satellite channels (National channels) to the Additional Secretary, Ministry of information & Broadcasting, Government of India, who is the chairman of the Inter-Ministerial Committee constituted under Section 20 of the Cable Act to look into the violations of Programme and Advertisement Codes.

In respect of content related issues telecast on local cable channels or on satellite TV channels which have local implications, Authorised Officer will take action as per Section 19 of the aforesaid Cable Act. However, content related issues telecast on satellite channels, which have all India implications the necessary action will be taken by Central Government.

Hindi version of this Order will follow.

- Sd -
(Seema Jere Bisht)
Director (BC)
Tel : 23381592

To

1. All Chief Secretaries of the State Governments/Union Territories
2. All District Magistrates

Copy to : Director (BP&L) for information and record.

Copy also to : Director (OL) for translation.

LIST OF MANDATORY NATIONAL TV CHANNELS

1. DD 1 (National Channel)
2. DD (News Channel)
3. DD Urdu
4. DD Sports
5. Gyan Darshan
6. DD Rajya Sabha
7. Lok Sabha TV Channel
8. DD Bharati

In all States.

Andhra Pradesh, Arunachal Pradesh, Assam, Chandigarh, Daman & Diu, Dadra and Nagar Haveli, Gujarat, Jammu & Kashmir, Karnataka, Kerala, Lakshdweep, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Pondicherry, Punjab, Tamil Nadu, Tripura and West Bengal.

LIST OF MANDATORY REGIONAL CHANNELS

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|--|---|
| 9. DD Saptagiri | Andhra Pradesh |
| 10. DD North East | Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura |
| 11. DD Punjabi | Punjab and Chandigarh |
| 12. DD Gujarati | Daman & Diu, Dadra & Nagar Haveli and Gujarat |
| 13. DD Kashir | Jammu & Kashmir |
| 14. DD Chandana | Karnataka |
| 15. DD Malayalam | Kerala and Lakshadweep |
| 16. DD Sahyadri | Maharashtra |
| 17. DD Oriya | Orissa |
| 18. DD Podigai | Pondicherry and Tamil Nadu |
| 19. DD Bangla | West Bengal |
| 20. DD Bharti / Local regional Channel | Andaman & Nicobar Island, Bihar, Chattisgarh, Delhi, Goa, Haryana, Himachal Pradesh, Jharkhand, Uttar Pradesh, Uttaranchal, Madhya Pradesh, Rajasthan & Sikkim. |

TELECOM REGULATORY AUTHORITY OF INDIA

August 31, 2006

Press Release No. 85 / 2006

Subject: Tariff Order for Free to Air Channels in Basic Service Tier , Pay Channel and Set Top Box schemes in respect of CAS notified areas of Delhi, Mumbai, Kolkata and Chennai.

A Division Bench of the Hon'ble High Court of Delhi had on 20th July 2006, directed implementation of CAS in the three metros of Mumbai, Kolkata and Delhi by 31st December 2006. CAS is already under implementation in Chennai. During the deliberations for introduction of CAS, the three areas identified for tariff regulation were - pay channels, basic service tier, and schemes for supply of set top boxes.

2. On the basis of detailed examination and analysis of the inputs received during the process of consultation over the last two months, TRAI has issued, today, a detailed tariff order. This order prescribes (i) the rates of tariff for basic service tier consisting of free to air channels, (ii) maximum retail price of individual pay channels which the multi system operator /cable operator will charge from the subscriber and (iii) schemes for supply of set top boxes. This order is applicable in CAS notified areas of Mumbai, Delhi, Kolkata and Chennai. The salient features of the Tariff Order are given below.

3. TRAI's decision to fix a general ceiling on maximum retail price for pay channel for CAS areas has, among other things, been guided by two significant developments. Firstly, Hon'ble TDSAT in its judgment dated 14.7.2006 relating to DTH operators, in a petition between ASC Enterprises Vs Star India Pvt Ltd expressed the hope that TRAI would soon come out with regulations to lay down the charges for each channel. Separately, the Government of India notified the Cable Television Networks (Second Amendment) Rules 2006, on 31st July 2006. These rules required the broadcasters to declare the maximum retail prices (MRPs) of each pay channel on a la carte basis. The rules also provide that if TRAI considers these prices to be too high then TRAI could fix a general MRP for all pay channels or the MRPs for each pay channel. TRAI found that generally the prices reported by the broadcasters were too high. Accordingly, it has now fixed a general ceiling on MRP. The individual pay channel prices are to be fixed by the broadcasters within this ceiling. While fixing the MRPs for the pay channels TRAI has followed a path of least intervention – broadcasters /MSOs are free to form bouquets and provide discounts for the same apart from providing pay channels on an a-la-carte basis, while at the same time ensuring that consumers' choice is maximized because of a reasonable a-la-carte pricing. To provide some stability to the revenues of the broadcasters it has also been provided that the MRPs will apply only where the subscription is for a minimum period of four months.

4. The major features of the tariff order for pay channels are :

- o All Pay channels to be offered compulsorily on a la carte basis.
- o Bouquets can be offered with discounts in addition to the a la carte offer.
- o Ceiling on the maximum retail price of any pay channel whether new or existing will be Rs. 5/- per channel per subscriber per month (excluding taxes).

- Broadcasters are free to fix prices of individual pay channels within this ceiling.
- Minimum period of subscription to a pay channel to be at least 4 months.
- One month's notice to subscribers before conversion of a free to air channel to pay channel or vice versa.
- The above will come into effect from 31st December 2006.

5. Rate for free to air channels (channels viewed without set top box) comprised in a basic service tier:

- Maximum amount that can be charged will be Rs. 77/- (exclusive of taxes) per subscriber per month with a stipulation for a minimum of 30 free to air channels. Additional free to air channels, if any provided, also to be accommodated within the above maximum amount.
- This tariff will come into force from 31st December 2006 in Mumbai, Delhi and Kolkata. This tariff is already prevailing in Chennai.

6. Scheme for supply of set top boxes

- Two schemes to be compulsorily provided by the multi system operators /cable operators as part of a standard tariff package:
 - One with a monthly rental of Rs.30 per digital set top box plus a refundable deposit of Rs. 999/- per box (refund will be made after deducting Rs.12.50 per month for use of the STB)
 - Second, with a monthly rental @ 45/- per digital set top box (Rs. 23 for analogue set top box) with a refundable deposit of Rs. 250/- per box. (refund will be made after deducting Rs.3/- per month for use of the STB).
- Operators can offer alternative tariff packages in addition to the mandated standard tariff package.
- No separate charges for installation, activation or reactivation, smart card viewing card and repair and maintenance (for five years) allowed.
- The above will come into affect from 15th October 2006.

TRAI has thus ensured adequate commercial interoperability which means that a consumer can easily exit the scheme whenever he /she desires.

7. TRAI has already issued last week Regulations on Quality of Service and Interconnection for CAS areas. The full text of these Regulations and the Tariff Order issued today are available on TRAI's website www.traai.gov.in .

LIST OF FREE TO AIR TV CHANNELS PERMITTED TO UPLINK FROM INDIA

Name of the Channels
1. JAYA TV 2. JAYA PLUS 3. JAYA MAX 4. J. MOVIE
5. KAIRALI 6. PEOPLE 7. WE
8. AAJ TAK 9. HEADLINES TODAY 10. DELHI AAJ TAK 11. AAJTAK TEZ 12. Business Today
13. SUN TV, 14. SUN NEWS, 15. SURYA TV, 16. CHUTTI TV, 17. SUN MUSIC, 18. ADITHYA TV, 19. KIRAN TV, 20. USHE TV, 21. UDAYA NEWS, 22. TEJA NEWS, KTV
23. UDAYA TV, 24. UDAYA TV-II, 25. Udaya Varthegalu, 26. Udaya Movies
27. TMG ENTER
28. ZEE MUSIC 29. SMILE TV
30. WIN TV 31. AASEERVATHAM
32. INDIAVISION NEWS 33. YES-INDIAVISION
34. CNBC-TV 18
35. TV 9 36. TV9 Kannada 37. TV9 Mumbia 38. Sanskruthi 39. TV9-NCR 40. Bollywood TV 41. TV9 Gujarat
42. Live India
43. CNN-IBN
44. Satya TV

45. YO MUSIC
46. TIMES NOW
47. IMAYAM TV
48. MANORAMA NEWS SOUTH
49. MANORAMA NEWS NORTH
50. MANORAMA NEWS CENTRAL
51. Manorama News International
52. KOLKATA TV
53. 24 GHANTA
54. MAKKAL TV
55. TV-100
56. Pragya TV
57. OTV
58. CTVN-AKD-PLUS
59. PBC TV
60. Channel No.1
61. Mega TV
62. Dhaliwal TV
63. Real Estate
64. Mi Marathi
65. TV 5
66. Jai Hind
67. Space
68. Time TV
69. N TV
70. Bhakthi
71. AZAD
72. TML Voice of India
73. TML Voice of India Lifestyle,
74. TML Voice of India Music,
75. TML Voice of India NCR,
76. TML Voice of India Bangla,
77. TML Voice of India Gujarati,
78. TML Voice of India Marathi
79. Manoranjan TV
80. News Live
81. Sri Venkateswara
82. Life 24, E 24
83. I TV
84. News X
85. News 24, Biz 24
86. Channel 10
87. Channel Eight
88. Kalaingar TV
89. Kalaingar Isai Aruvi
90. Tulsi
91. Mahuaa
92. Ashirwad
93. Home Shop 18
94. Unity-Hariyali
95. R TV
96. Virsa

97. Vasanth
98. Samay
99. Sobhagya
100. Era Channel
101. Wellmess
102. SAAM TV
103. HBN

Note : (1) The list of TV channels indicating status of being Free To Air has been prepared as per records available in the Section which had been supplied by the channels at the time of submission of their applications.

(2) No free to air TV channels have yet been notified under Section 4A of the Cable TV Networks (Regulation) Act, 1995.
