

Dated: 26<sup>th</sup> April, 2013

**DIRECTION**

**Subject: Direction to M/s \_\_\_\_\_ under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 and regulation 20 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012) for setting up and operationalisation of subscriber management system.**

No.16-2/2012-B&CS.--- Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority] established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 has been entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services, lay-down the standards of quality of service to be provided by the service providers and to ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39,---

(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification number S.O.44(E) dated the 9<sup>th</sup> January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,---

has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority, in exercise of powers conferred by section 36, read with sub clauses (i) and (v) of clause (b) of sub-section (1) 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 Telecommunication) No.39, made the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012) (herein after referred to as the regulations);

4. And whereas regulation 20 of the regulations, reads as under: -

**“20. Setting up and operationalisation of subscriber management system.-** Every multi system operator shall, before providing cable services through Digital Addressable System, establish, set up and operationalise its subscriber management system and such subscriber management system shall comply with the digital addressable cable TV system requirements as mentioned in the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012, for ensuring efficient and error-free service to the subscribers by recording and providing individualized preferences for channels, billing cycles or refunds”;

5. And whereas the Authority, has learnt that the multi system operators are providing cable services through Digital Addressable System without complying with the provisions of regulation 20 of the regulations;

6. And whereas sub-rule (4) of rule 13 of the Cable Television Network Rules, 1994, interalia, provides refund for security deposit, if any, made on the set top box, to the subscriber, if he surrenders the set top box to the multi system operator;

7. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and regulation 20 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012, directs M/s \_\_\_\_\_ to,---

- (a) comply with the provisions of regulation 20 of the regulations;
- (b) ensure that before providing cable services through Digital Addressable System, its subscriber management system is operationalised and the signals of TV channels are transmitted to only those subscribers whose details such as name, address, choice of channel and bouquets etc. are entered into the subscriber management system;
- (c) disconnect TV signals of the subscribers whose details such as name, address, choice of channel and bouquet etc. are not entered into the subscriber management system and allow such subscribers to surrender their set top box and give them full refund in accordance with the provisions of sub-rule (4) of rule 13 of the Cable Televisions Networks Rules, 1994; and
- (d) furnish compliance report latest by the 7<sup>th</sup> May, 2013.

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To,

All MSOs registered for operating in the notified areas of Digital Addressable Cable TV Systems(DAS) implementation