

# **Standards Of Quality Of Service (Broadcasting And Cable Services) (Cable Television - Non-Cas Areas) Regulations, 2009**

UNION OF INDIA

India

## **Standards Of Quality Of Service (Broadcasting And Cable Services) (Cable Television - Non-Cas Areas) Regulations, 2009**

### **Rule**

### **STANDARDS-OF-QUALITY-OF-SERVICE-BROADCASTING-AND-CABLE TELEVISION - NON-CAS AREAS) REGULATIONS, 2009**

- Published on 24 February 2009
- Commenced on 24 February 2009
- [This is the version of this document from 24 February 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

Standards Of Quality Of Service (Broadcasting And Cable Services) (Cable Television - Non-Cas Areas) Regulations, 2009 Published vide Notification No. F. No. 16-3/2009-B&CS, dated 24.2.2009.

**1514.**

F. No. 16-3/2009-B&CS, dated 24.2.2009.- In exercise of the 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 Tele-communication) No. 39,(a)issued, in exercise of the powers conferred upon the Central Government under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub-section (1) of section 2 of the said Act, and(b)published under notification No. S.O. 44(E) and 45(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4, the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

## **Chapter I**

### **Preliminary**

## **1. Short title, extent and commencement.-**

(i) These regulations may be called the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television - Non-CAS Areas) Regulations, 2009. (ii) These regulations shall apply to cable television services throughout the territory of India except States, cities, towns and areas notified, from time to time, by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995). (iii) They shall come into force on the 1st day of April, 2009.

## **2. Definitions.-**

In these regulations, unless the context otherwise requires, - (a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997); (b) "addressable system" means an electronic device or more than one electronic devices put in an integrated system through which signals of television channels can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within limits of the authorisation made, on the choice and request of such subscriber, by the service provider to the subscriber; (c) "authorised officer" shall have the same meaning as given in clause (a) of section 2 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995); (d) "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); (e) "broadcaster" means any person including an individual, group of persons, body corporate, firm or any organisation or body, who, or, which, is providing programming services and includes his authorised distribution agencies; (f) "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; (g) "cable service" means the transmission by cables of programmes including retransmission by cables of any broadcast television signals; (h) "cable subscriber" means a subscriber who receives the signals of a cable service; (i) "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; (j) "CAS Area" means the States, cities, towns or areas, where, in terms of a notification issued under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), it is obligatory for every multi system operator or cable operator to transmit or retransmit programmes of any pay channel through an addressable system and the expression "Non-CAS Area" shall be construed accordingly; (k) "commercial subscriber" means any subscriber who receives a programming service at a place indicated by him to a service provider and uses signals of such service for the benefit of his clients, customers, members or any other class or group of persons having access to such place; (l) "digital decoder" means the device which is connected to, or part of a television set, which converts digital signals into analog signals and allows a subscriber to receive unencrypted and descrambled digital cable television signals for viewing on conventional analog television sets; (m) "distributor of TV channels" means any person including an individual, group of persons, public or 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 ends in the sky

operator and a service provider offering Internet Protocol television service;(n)"free to air channel" or "FTA 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;(o)"Internet Protocol television service" means delivery of multi channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;(p)"multi system operator(MSO)" means a cable operator who receives a programming service from a broadcaster or his authorised agencies and retransmits 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 authorised distribution agencies by whatever name called;(q)"ordinary subscriber" means any subscriber who receives a programming service from a service provider and uses the same for his domestic purposes;(r)"pay channel" means a channel for which fees is to be paid to the broadcaster by the person receiving the signals from 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;(s)"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;(t)"regulations" means the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television - Non-CAS Areas) Regulations, 2009;(u)"service provider" means the Government as a service provider and includes a licensee as well as any broadcaster, multi system operator(MSO), cable operator or distributor of TV channels;(v)"set top box" means a device, -(a)which is connected to, or is part of a television; and(b)which allows a subscriber to receive in unencrypted and descrambled form subscribed pay channels through an addressable system;(w)"subscriber" means a person who receives the signals of a service provider at a place indicated to the service provider by him without further transmitting it to any other person and includes ordinary subscribers and commercial subscribers unless specifically excluded;(x)all other words and expressions used in these regulations but not defined, and defined in the Act or the Cable Television Networks (Regulation) Act,1995 and the rules, orders and other regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules, orders or other regulations, as the case may be.

## **Chapter II**

### **Connection, Disconnection And Reconnection Of Cable Services In Non-Cas Areas**

#### **3. Procedure for cable service connection, disconnection or shifting.-**

(1)Any person seeking connection, disconnection, reconnection or shifting of cable service connection may make an application in duplicate to the cable operator or multi system operator, as the case may be, in such format as may be specified by such cable operator or multi system operator, as the case may be, and such application shall be provided to such person by the cable operator or multi system operator, as the case may be.(2)Adoption of a common format specified by a multi

system operator or its affiliate for a group of cable operators under it, as the case may be, by any cable operator shall be construed as compliance of the requirement under sub-regulation

(1).(3)Every subscriber whose application has been accepted by a cable operator or multi system operator, as the case may be, shall be given a unique identification number by such cable operator or multi system operator.

#### **4. Contents of application formats.-**

(1)The formats of applications devised under sub-regulation (1) of regulation 3 shall comply with the following requirements, namely:-(a)the applications shall be serially numbered;(b)the application shall indicate, inter alia,-(i)the name, address, telephone numbers, mobile numbers, fax numbers, e-mail address, if any, of the cable operator or the multi system operator, as the case may be;(ii)in the case of a cable operator, the name, address, telephone numbers, mobile numbers, fax numbers, e-mail address, if any, of the multi system operator associated with such cable operator;(iii)the name of at least one contact person of such cable operator or multi system operator, as the case may be;(iv)the details contained in the Registration Certificate obtained under sub-section (3) of section 4 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) such as date of certificate, the date of expiry of Registration Certificate as well as any approval given by the Government of India;(v)details of programming services offered, indicating number of Free to Air and Pay channels available; and(vi)the charges for such programming services;(vii)options with respect to provision of digital decoders or set top boxes in case the cable operator or multi system operator, as the case may be, is providing digital cable television service and the charges for such digital cable television service.(2)There shall be two copies of each application of which one shall be returned to the applicant, duly acknowledged as having been received, by the cable operator or multi system operator, as the case may be.

#### **5. Provision of cable service to every person subject to technical and operational feasibility.-**

Every cable operator shall provide the cable services to every person making request for the same, subject to technical and operational feasibility.

#### **6. Response and time limit for providing connection.-**

(1)Every application from an applicant, duly signed and complete in all respects for subscribing to the cable service to be provided at a place located within the area of operation of the cable operator or multi system operator, as the case may be, shall be responded to by the cable operator or the multi system operator, as the case may be, indicating the deficiencies or shortcomings, if any, in the application and the expected date of connection of cable service.(2)In case the cable operator finds that it is possible to provide connection, there being no technical or operational non-feasibility of providing the cable service, the connection for cable service shall be provided within seven days of the receipt of such application from the subscriber.

## **7. Communication of technical or operational non-feasibility.-**

In case it is not technically or operationally feasible to provide cable services at the location where the services are requested by the applicant, the applicant shall be informed by the cable operator or the multi system operator, as the case may be, within seven days from the date of receipt of the application, indicating the reasons as to why it is technically or operationally not feasible to provide services.

## **8. Discontinuing cable service to subscriber only after prior notice.-**

(1) Save as otherwise provided in these regulations, no cable operator shall discontinue its cable service to its subscriber without giving prior notice of at least fifteen days to such subscriber, indicating the reasons for such disconnection. Explanation:- The period of fifteen days for the purpose of this sub-regulation shall be reckoned from the date of receipt of the notice for disconnection by the subscriber. (2) In case cable service is required to be interrupted for the purpose of facilitating preventive maintenance, the subscribers shall be given a prior notice indicating therein the expected date of resumption of service and the cable operator or the multi system operator, as the case may be, may choose its own method of providing prior notice of possible interruption of service to its subscribers.

## **Chapter III**

## **Billing Procedure And Billing Related Complaints For Cable Services**

## **9. Provision of bills and receipts to subscribers.-**

(1) Every cable operator or the multi system operator, as the case may be, shall give to every subscriber the bill for the charges due and payable by such subscriber for each month, or for such other period as agreed between the parties, for which such charges become payable by the subscriber. (2) Every bill, as referred to in sub-regulation (1), shall indicate the telephone numbers of the help desk of the cable operator or the multi system operator, as the case may be, as applicable. (3) Every bill, as referred to in sub-regulation (1) shall contain all relevant details relating to the cable service provided to the subscriber including the total number of pay and free to air channels provided by the cable operator or the multi system operator, as the case may be, the charges levied (excluding taxes), the nature and rates of taxes levied and amount thereof. (4) Every cable operator or multi system operator, as the case may be, shall acknowledge each payment made to it by the subscriber by issuing a signed receipt, indicating therein the period and the purpose for which the payment has been received by it and other relevant details. Explanation:- It shall be open to a cable operator or multi system operator, as the case may be, to issue a common bill-cum-receipt complying with all the provisions of this regulation.

## **10. Requirements of billing system.-**

The billing system of the cable operator or multi system operator, as the case may be, shall be such that the following benchmarks are met, namely:-(i)any complaint relating to billing shall be redressed within seven days of receipt of such complaint from the subscriber;(ii)refunds, if any, shall be made to the subscriber within thirty days following the resolution of the complaint or before the next billing cycle, whichever is earlier.

## **Chapter IV**

### **Complaint Handling And Redressal**

## **11. Establishment of help desk.-**

Every cable operator or multi system operator, as the case may be, shall establish a help desk for the purposes of receiving cable service requests, answering queries, receiving complaints and redressal of grievances of its subscribers, and such help desk shall be accessible to its subscribers for a minimum period of twelve hours beginning at 8.00 A.M. till 8.00 P.M. on each day during all days in a week and the same shall be accessible through telephone numbers informed to the subscribers.

## **12. Handling of complaints, etc.-**

Every cable operator or multi system operator, as the case may be, shall ensure that the help desk established by it under regulation 11, immediately on receipt of a request or query or complaint, as the case may be, from its subscriber relating to cable service, registers such request or query or complaint of its subscriber by allotting a unique identification number to be called the docket number and inform the same to the subscriber.(2)Every cable operator or multi system operator, as the case may be, shall -(a)maintain records of all complaints filed by the subscribers with it indicating therein the name and address of complainant, date and time of filing of the complaint, the nature of complaint with the docket number assigned to it, date and time of redressal of the complaint with the written confirmation from the subscriber that the complaint has been redressed;(b)keep such records with it till the expiry of a period of at least three months from the date of resolution of the complaint;(c)present such records whenever called upon by the Authority or the authorized officer as defined under the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).

## **13. Provision of power back-up.-**

A cable operator or the multi system operator, as the case may be, shall take all necessary steps for provision of back up power supply for at least six hours in order to minimize the incidence of service interruption due to power failure.

#### **14. Carrying of photo identification and proper behaviour by representatives of the cable operators and multi system operators.-**

Every cable operator or multi system operator, as the case may be, shall ensure that its representatives carry proper photo identification while visiting the premises of subscribers and are polite in their behaviour with the subscribers.

### **Chapter V**

#### **Additional Standards Of Quality Of Service Relating To Digital Decoder And Set Top Box For Digital Cable Service (With Or Without Conditional Access) In Non-Cas Areas**

#### **15.**

In case a cable operator or a multi-system operator, as the case may be, in a non-CAS area is providing digital cable television service (with or without conditional access system) in such non-CAS area, such cable operator or the multi system operator, as the case may be, shall: (a) make available to its subscribers information regarding the names, contact addresses and telephone numbers of persons from whom digital decoders or set top boxes, which are compliant with the standards set by Bureau of Indian Standards (BIS), can be purchased on outright basis or obtained on rent or hire-purchase; (b) publicise the salient features of various schemes available for outright purchase, rent or hire-purchase of decoders or set top boxes from it in addition to the scheme as regards pricing, hire-purchase or renting of decoder or set top boxes, if any, prescribed by the Authority for non-CAS areas.

#### **16. Arrangements for repairs or replacement of decoder or set top box supplied by the cable operator or multi system operator.-**

In cases where there is a malfunction of a decoder or set top box supplied by a cable operator or multi system operator, as the case may be, on rent or hire-purchase basis to a subscriber, then such cable operator or multi system operator shall arrange for its repair or replacement as the case may be, within twenty-four hours of receipt of the complaint of malfunctioning of such decoder or set top box, without any charge: Provided that such cable operator or multi system operator shall not be liable for such repair or replacement where the decoder or the set top box has been found tampered with by the subscriber.

### **Chapter VI**

#### **Discontinuance Of Channels From The Cable Television Network**

## **17. Notice to subscribers before taking off channels from cable television network.-**

No channel shall be taken off or discontinued from the cable television network by a cable operator or multi system operator, as the case may be, without giving prior notice of at least three weeks to the subscribers along with the reasons for taking it off or discontinuing it and the cable operator or multi system operator, as the case may be, shall give such notice in an appropriate manner to its subscribers.

## **Chapter VII**

### **Technical Standards As To Quality Of Signals**

#### **18.**

(1) Every cable operator or multi system operator, as the case may be, shall maintain such technical standards of signals in its entire cable television network as may, from time to time, be published by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986) for cable television networks. (2) Without prejudice to the foregoing provisions, all cable operators and multi system operators shall, in their networks, also ensure compliance with BIS Standard IS - 13420, Part I (Revised), or any other standard as may, from time to time, be specified by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986) relating to system performance in cable television networks and shall further ensure quality of signals at the end of the cable subscriber's premises fulfilling the following minimum requirements, namely:-(i)  $C/N > 44$  dB(ii) Minimum Carrier level 60 dB(?V)(iii) Maximum Carrier level 80 dB(?V)(iv) Slope  $< 12$  dB(v) X-Mod  $> 57$  dB(vi) CSO  $> 57$  dB ; Provided that, as and when the Bureau of Indian Standards specifies any other technical standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986) as to the quality of signals at the end of the subscriber's premises in cable television networks, the minimum requirements as to quality of signals at the end of the subscriber's premises as specified in this sub-regulation shall no longer be applicable. Explanation. - For the purpose of this sub-regulation, --(i) "C/N" means Carrier to Noise ratio; (ii) "CSO" means Composite Second Order Interference; (iii) "X-Mod" means cross modulation; and (iv) "Slope" is caused by 'SKIN EFFECT', wherein signal attenuation increases with frequency of the channel.

## **Chapter VIII**

### **Monitoring Of Performance Of Quality Of Service Standards**

#### **19.**

The Authority may, from time to time, issue directions or orders requiring service providers in non-CAS areas to furnish information in such form and at such intervals as may be required for the purpose of monitoring the performance of quality of service standards.



**20.**

The Authority may, by order or direction issued from time to time, intervene for the purpose of protecting the interests of the cable subscribers or for ensuring compliance of the provisions of these regulations.

## **Chapter IX**

### **Miscellaneous**

**21.**

The provisions of these regulations shall be in addition to, and not in derogation of, any other law for the time being in force.

**22.**

The provisions of these regulations are in addition to any right conferred upon the cable subscribers under the Consumer Protection Act, 1986 (68 of 1986) or any other law for the time being in force.

**23.**

Any cable subscriber may, at any time, -(a) during pendency of redressal of his grievance under these regulations; or (b) before filing of complaint under these regulations, exercise his right conferred upon him under the Consumer Protection Act, 1986 (68 of 1986) or the Telecom Regulatory Authority of India Act, 1997, or any other law for the time being in force and seek redressal of his grievance under that Act or law as the case may be.

**24.**

The provisions of these Regulations shall also be enforceable by any person to whom the Authority may, by a general or special order, delegate powers for that purpose under the relevant provisions of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997).