

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,

PART III, SECTION 4

**TELECOM REGULATORY AUTHORITY OF INDIA**

**NOTIFICATION**

**New Delhi the 14<sup>th</sup> May, 2012**

F. No. 3- 24/2012- B&CS – In exercise of the powers conferred by section 36, read with sub-clauses (ii), (iii), (iv) 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,-----

(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:-

**THE TELECOMMUNICATION (BROADCASTING AND CABLE SERVICES)  
INTERCONNECTION (DIGITAL ADDRESSABLE CABLE TELEVISION SYSTEMS)  
(FIRST AMENDMENT) REGULATIONS, 2012**

**No. 14 of 2012**

1. (1) These regulations may be called the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (First Amendment) Regulations, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 3 of the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012 (hereinafter referred to as the principal regulations), after sub-regulation (11), the following sub-regulation shall be inserted, namely:-

“(11A) No multi system operator shall demand from a broadcaster any placement fee.”

3. In regulation 4 of the principal regulations, after sub-regulation (8), the following sub-regulation shall be inserted, namely:-

“(8A) Every Reference Interconnect Offer submitted to the Authority under sub-regulation (7) and sub-regulation (8) shall also contain the basis on which the carriage fee payable by the broadcaster has been determined.”

4. In regulation (5) of the principal regulations, after sub-regulation (14), the following sub-regulation shall be inserted, namely:-

“(14A) Every broadcaster shall declare the genre of its channels and such genre shall be either News and Current Affairs or Infotainment or Sports or Kids or Music or Lifestyle or Movies or Religious or Devotional or General Entertainment (Hindi) or General Entertainment (English) or General Entertainment (regional language).

14(B) The multi system operator shall place the channels of a broadcaster in the genre declared by such broadcaster.

14(C) No broadcaster shall demand from the multi-system operator to assign a particular number to its channels.”

5. In regulation (5) of the principal regulations, after proviso to sub-regulation (15), the following sub-regulation shall be inserted, namely:-

“(15A) Every multi system operator shall display, in his Electronic Programme Guide, all the channels offered by him, in the same genre in which a particular channel has been indicated by the broadcaster and one channel shall appear in only one genre.”

(Wasi Ahmad)  
Advisor (B&CS)

Note.-----The Explanatory Memorandum explains the objects and reasons of the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (First Amendment) Regulation, 2012.

## Explanatory Memorandum

1. After following an extensive consultation process, the Authority had notified the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012 ( 9 of 2012) (hereinafter referred to as the principal Regulation) on 30<sup>th</sup> April, 2012. While the principal regulation is specifically applicable for digital addressable cable TV systems, the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation 2004 (13 of 2004) is applicable for non-addressable cable TV systems and also addressable systems such as DTH, IPTV etc.
2. A question has arisen regarding charging of placement fee by the multi system operator. In the digital addressable cable TV systems, the technology provides for a Electronic Program Guide (EPG) wherein the channels being carried on an MSO's network can be arranged in a simple easy to understand manner so that the subscriber can easily go through this guide and select the channel of choice instead of flipping through all the channels. This display of channels can be genre-wise where all the channels of a particular genre can be listed under that genre in the genre-wise list of EPG. Thus, in digital addressable cable TV systems, there is hardly any justification for charging of the placement fee. In sub-regulation 11 of the regulation 3 of the principal regulation dated 30<sup>th</sup> April, 2012, it has clearly been provided that insistence by multi system operator on placement of a channel in a particular slot or bouquet amounts to imposition of unreasonable terms. The intention of making this provision was that placement fee cannot be charged. However, to clarify the position in this regard, in the amendment regulation, a specific provision has been made so that the multi system operator does not charge any placement fee from any broadcaster.
3. The matter relating to charging of carriage fee by the multi system operator has been dealt with in sub-regulation 12 of regulation 3 and in sub-regulations 7 and 8 of the regulation 4 and also in the paragraphs 15 to 17 of the principal regulation. The multi system operators are to file a copy of the Reference Interconnect Offer with the Authority including the quantum of carriage fee per channel that would be charged from the broadcasters. With digital technology, the capacity to carry the channels is no longer a constraint. Also, the Subscriber Management System (SMS) provides the full declaration of the subscribers, increasing the percentage of subscription revenue to the multi system operator. With all these, the carriage fee is expected to go down substantially. It was presumed that the Reference Interconnect Offer that would be filed with the Authority would include the detailed basis on which the carriage fee has been worked out. The same has been clarified in the sub-regulation which has been inserted in this regard.

4. In sub-regulation 15 of regulation 5 of the principal regulation dated 30<sup>th</sup> April, 2012, a provision has been made that it shall be open to a multi system operator to decide the packaging of the channels offered to the subscribers from bouquet of channels provided to it by the broadcaster. A question has arisen regarding placement of channels by the multi system operator. To avoid any eventuality of a channel being placed in a disadvantageous position as compared to another channel of the same genre, a provision has now been made whereunder a broadcaster has to indicate the genre of a channel and the multi system operator has to include that channel in the genre declared by the broadcaster. The multi system operator is required to ensure that all the channels falling in a particular genre appear in its network's Electronic Programme Guide (EPG) under the same genre. With this the subscriber would be able to see the list of channels that are available genre-wise and thus making the service more customer friendly.

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