



**भारतीय दूरसंचार विनियामक प्राधिकरण**  
**TELECOM REGULATORY AUTHORITY OF INDIA**  
**भारत सरकार/Government of India**



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Dated: 11<sup>th</sup> February, 2016

**DIRECTION**

**Subject: Direction to Multi System Operators 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.**

**No.: 17-4/2016-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; to fix the terms and conditions of interconnectivity between the service providers; ensure technical compatibility and effective interconnection between service providers; lay-down the standards of quality of service to be provided by the service providers and 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 has, in exercise of powers conferred by the TRAI Act, 1997, read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.36, made the "Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012)" dated the 14<sup>th</sup> May, 2012 (hereinafter referred to as the QoS regulations);

4. And whereas, the Authority has, in exercise of powers conferred by the TRAI Act, 1997, read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39, made the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff Order, 2010 dated the 21<sup>st</sup> July, 2010 (hereinafter referred to as the Tariff Order);

5. And whereas, the Authority has, in exercise of powers conferred by the TRAI Act, 1997, read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39, made the Telecommunication (Broadcasting

  
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and Cable) Services (Fifth) (Digital Addressable Cable TV Systems) Tariff Order, 2013 (No. 1 of 2013) dated the 27<sup>th</sup> May, 2013 (hereinafter referred to as the Tariff Order for STP);

6. And whereas, the sub-regulation (7)(b) of regulation 17 of the QoS regulations, inter-alia, contains provisions relating to publicising of various schemes available for provisioning of STB for the subscribers and the relevant text reads as under:-

*“Every multi-system operator or its linked local cable operator, as the case may be, shall,--*

*(b) publicise the salient feature of various schemes available for outright purchase or rent or hire purchase of Set Top Boxes from it, in addition to the scheme as regards pricing, hire purchase or renting of Set Top Box, if any, specified by the Authority”;*

7. And whereas, the regulation 19 of the QoS regulations mandates the service provider to set up a website for providing information to the subscribers about the services available to them, and the relevant regulation reads as under:-

**“19. Setting up of website by the multi-system operator.--** *Every multi-system operator, either directly or through his linked local cable operator, shall, before providing cable services through Digital Addressable System, establish a website which shall, inter-alia, contain the information pertaining to the services offered by such multi-system operator and the details of its complaint centre, complaint redressal system, complaint monitoring system, citizen charter, nodal officer etc”;*

8. And whereas, the sub-regulation (3) of regulation 15 of the QoS regulations contains provisions relating to itemized bill, inter alia, indicating the charges for STB and reads as under:-

*“(3) The entries in the bills shall be itemized to indicate the price of individual channels or bouquet of channels along with the names of channels in the bouquet, charges for basic service tier and the channels comprised therein, charges for set top box, taxes along with the rates of taxes levied and the charges for value added services availed by the subscriber, if any.*

*Provided that this sub-regulation shall not in any manner prevent the multi-system operator from promoting different schemes of payment”.*

9. And whereas, sub-regulation (1) of regulation 3 of the QoS regulations of the QoS regulations contains provisions relating to devising of formats for application form and the relevant text pertaining to STB reads as under:-

**“3. Procedure for connection, disconnection, reconnection, transfer and shifting . –** *(1) Every multi-system operator or its linked local cable operator, as the case may be, offering digital addressable cable TV services, shall devise formats of application for seeking connection, disconnection, reconnection and for obtaining and returning of set top box as specified in Schedule I to these regulations.*

*Schedule-I: The application form shall be serially numbered and printed in Hindi, English and the regional language of the area of operation of the service provider and shall contain the following information.*

*(6) The details of all the three schemes of supply of Set Top Boxes (STBs) i.e. (1) Hire purchase, (2) Rental and (3) Outright purchase”;*

  
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10. And whereas, clause 7 of the tariff order, contains provisions relating to providing of STB on outright purchase basis, hire purchase basis or rental basis, and reads as under:-

**"7. Option to provide Customer Premises Equipment on out right purchase or hire purchase or rent.** Every service provider, who provides broadcasting services or cable services using an addressable system to its ordinary subscribers, shall give an option to every ordinary subscriber to make available to such subscriber, the Customer Premises Equipment, conforming to the Indian Standard, if any, set by the Bureau of Indian Standards, on out right purchase basis or hire purchase basis or rental basis,

(a) in accordance with the scheme, if any, made by the Authority in this behalf;

(b) in case no such scheme as referred to in clause (a) has been made by the Authority, then in accordance with the schemes made by such service provider or his agent authorised by him in this behalf:

Provided that any such scheme made by the service provider shall provide for the following, namely:-

(i) terms and conditions for return of the Customer Premises Equipment by a subscriber to the service provider, before completion of period of hire purchase or rental and refund of security deposit or advance payments, if any, after appropriate and reasonable adjustments towards depreciation (not exceeding 25% for each half year or part of it) in case of return of Customer Premises Equipment by a subscriber to the service provider;

(ii) replacement of faulty Customer Premises Equipment and repair and maintenance of Customer Premises Equipment acquired under hire purchase scheme or on rental scheme during the period of hire purchase or rental scheme without any payment";

11. And whereas, the Authority has prescribed Standard Tariff Package for providing STBs on rental scheme and the clause 4 of the tariff order for STP reads as under:-

**"4. Tariff for supply and installation of set top boxes.---** (1) Every multi system operator shall, without prejudice to the provisions of the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff Order, 2010 (No.1 of 2010), offer to every ordinary subscriber the standard tariff package, for supply and installation of the set top box, conforming to the Indian Standard, if any, set by the Bureau of Indian Standard, specified in the Schedule.

(2) In addition to the option available under the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff Order, 2010 (No.1 of 2010), the ordinary subscriber shall have option to acquire the set top box at the rate and the terms and conditions specified in the Schedule and the multi system operator shall, on receipt of request from the ordinary subscriber, supply and install the set top box at the premises indicated by the subscriber.

12. And whereas, instances have come to the notice of the Authority that service providers are not prominently publicising the schemes offered for supply and installation of STBs by them, in derogation of the regulatory framework;

13. And whereas, regulation 24 of the QoS regulations reads as under:-

**"24. Intervention by Authority in certain cases.--** The Authority may, by order or direction, from time to time, intervene, for the purpose of protecting the interest of the subscribers or monitoring the performance of quality of service standards of the multi-system operator or its linked local cable operator or for ensuring compliance of the provisions of these regulations";

  
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14. 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 24 of the QoS regulations hereby directs all the multi system operators registered for providing cable TV services through Digital Addressable Systems (DAS) to:

(a) prominently publicise information with respect to various schemes of supply and installation of STBs offered by them, on their websites;

(b) provide the URL link of their websites showing the details of schemes offered by them to the Authority;

All MSOs registered for providing Cable TV services through DAS are hereby directed to furnish compliance of the aforesaid direction to the Authority within twenty one days of issue of this direction.



(G.S. Kesarwani)

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To,

1. All MSOs registered for providing cable TV services through DAS.