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Date: Nov 15, 2015 2:48:55 PM  
Subject: Comments on the Draft Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (Sixth Amendment) Regulations, 2015.  
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Date: 15 November 2015

From

Adv. Dhananjay A Deshpande  
Nashik

To,

**The Advisor (B&CS),  
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**Ref:** Comments on the Draft Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (Sixth Amendment) Regulations, 2015.

Sir,

I would like to share a following points on the referred subject-

The proposed amendment to sub regulation 16 does not address the concerns expressed in point no. 5 and 6 of the explanatory memorandum. There should be a clear cut unambiguous regulation to the effect that there cannot be transmission, retransmission or receipt of signals unless there exists a subsisting interconnection agreement.

To achieve this following changes are necessary in Regulation 5 of the regulations.

Delete sub regulation 8, 12 and 19 of regulation No. 5. They create an impression that the requirements of interconnection agreement are not mandatory.

Insert following sub regulation at a suitable place : - **“No**

***broadcaster, multisystem operator, cable operator or distributor of TV channels shall transmit, retransmit or receive signals unless there exists a written interconnection agreement between the signal provider and receiver.”***

Sub Regulation 16 of Regulation 5 be substituted as follows:

***To ensure that inconvenience is not caused to the consumers by sudden disconnections of signals due to failure of the service providers to enter into new***

***interconnection agreements, it shall be mandatory for the service providers to enter into new agreements twenty one days prior to the date of expiry of the existing agreement:***

***Provided further that incase the service providers fail to enter into new interconnection agreement the multi system operator or the linked local cable operator, as the case may be, shall, atleast fifteen days prior to the date of expiry of the agreement inform the consumer in English and local language, through scrolled messaging on every channel through Set top boxes for atleast 24 hours, that the signals may be the disconnected from a particular date.***

***Provided further that nothing in Regulation 6 shall apply to disconnection on account of failure to enter into interconnection agreement.***

3. The system of referring to the regulations as first , second third etc. amendment regulations is cumbersome to apprehend. It would be better that principal regulation as amended from time to time is referred.
4. It is difficult to understand and apply individual amendments unless they are merged or shown in the principal regulations. It would be better if apart from the amending regulation, a version of principal regulations as amended up to date by showing the amended portion by way of foot notes, are disclosed on the website.
5. The TRAI Act is not the only enactment which empowers the TRAI to frame regulations as far as the cable services are concern. It is desirable to include following as preamble

*“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), **and by Rule 9 of Cable Television Networks Rules, 1994** 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 by proviso to clause (k) of sub-section (1) of section 2 and clause (d) of sub-section (1) of section 11 of the said Act, and (b) published under notification No. 39 (S.O. 44 (E) and 45 (E)) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part II- Section 3- Sub-section (ii), **and in exercise of all enabling powers in that regards** the Telecom Regulatory Authority of India hereby makes the following regulations to further.....”*

The Regulations need a complete overhaul and a comprehensive Interconnection Code for Digital Addressable Cable Television Systems is drafted.

Regards

Adv. D A Deshpande