

TELECOM REGULATORY AUTHORITY OF INDIA

No. 11-11/2004/B&CS

February 3rd, 2004.

New Delhi

In exercise of the powers conferred upon it under section 36 read with Sub-section 1(b) of section 11 of the Telecom Regulatory Authority of India Act, 1997 as amended by TRAI (Amendment) Act, 2000 in regard to maintenance of Register of Interconnect Agreements and matters connected therewith, the Telecom Regulatory Authority of India hereby makes the following Regulation.

THE REGISTER OF INTERCONNECT AGREEMENTS (First Amendment) REGULATIONS 2004 (2 OF 2004)

SECTION-I

SHORT TITLE, EXTENT AND COMMENCEMENT

1. This Regulation shall be called “The Register of Interconnect Agreements (First Amendment) Regulations 2004”.
2. The provisions of the Register of Interconnect Agreement Regulation 1999 (hereinafter referred to as Principal Regulation) shall, to the extent of their variance with this Regulation, be deemed to have been amended.
3. This Regulation shall come into force from the date of its notification.

SECTION-II

DEFINITIONS

1. Clause (iv) of Regulation 2 of the Principal Regulation shall be substituted to read as under.

“**Interconnection**” means the commercial and technical arrangements under which service providers connect including through electro-magnetic signals, their

equipment, networks and services to enable their customers to have access to the customers, services and/or networks of other service providers.

2. In Regulation 2 under section (ii) of the principal Regulation, the following clauses shall be inserted after clause (viii) thereof.

Clause-ix - "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;

Clause-x - "cable service" means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

Clause-xi - "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 services for reception by multiple subscribers;

Clause-xii - "broadcasting service" means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public either directly or indirectly through the medium of relay stations and all its grammatical variations and cognate expressions shall be constructed accordingly;

Clause-xiii - "broadcaster" means any person including an individual, group of persons, public or a body corporate, firm or any organization or body who/which is providing broadcasting service and includes his authorised distribution agencies;

Clause-xiv - "multi-service operator" means any person who provides cable service generally through a cable operator and whose service area extends across a state/ district/ city/ town/ area, as the case may be.

3. Clause (ix) in the principal regulation would be re-numbered as clause (xv).

SECTION-III
REGISTRATION OF INTERCONNECT AGREEMENTS

1. In Regulation 5 under section (iii) of the Principal Regulation, the following proviso, after the Regulation 5(b), shall be inserted;

"Provided that in respect of Broadcasting and Cable Services, the Broadcasters including their authorized distribution agencies and Multi-service Operators will register with the Authority any interconnect agreement to which they are parties"

SECTION-IV
GENERAL

1. If any dispute arises with regard to the interpretation of any of the provisions of these Regulations, the decision of the Authority shall be final and binding.

SECTION-V
NOTE

1. This Regulations contains at Annex A, an Explanatory Memorandum that explains the reasons for this amendment to the Register of Interconnection Agreement Regulation 1999.

By Order

(RAJENDRA SINGH)
Secretary

EXPLANATORY MEMORANDUM

1. The Government of India issued a Notification No.39 dated 09.01.2004 whereby the scope of the expression 'telecommunication services' (defined in Section 2(k) of the Telecom Regulatory Authority of India Act, 1997 as amended) was expanded to include the broadcasting services and cable services also. Consequently the Telecom Regulatory Authority of India is entrusted with the basic task of regulation of cable and broadcasting services in the country.

2. As per the provisions of the regulation titled "The Register of Interconnect Agreements Regulations 1999" (2 of 1999), all the Service Providers of Telecom Services including Broadcasting & Cable Services are required to register with the Authority any interconnect agreements to which they are parties within the time frame specified in that regulations. Since the scope of the expression "Telecommunication Service" has been expanded to include the Broadcasting & Cable Services also, such amendment in the said regulations as was necessitated to bring in the broadcasting and cable services within the ambit of the said regulation, has been made.

3. In respect of the broadcasting and cable service, in view of the huge number of cable operators, it was considered adequate to require only the broadcasters including their authorized distribution agencies and Multi-service Operators to register with the Authority any interconnect agreements to which they were parties.