

Information Note to the Press (Press Release No. 71/2018)

For immediate release

TELECOM REGULATORY AUTHORITY OF INDIA

Press Note on TRAI's Regulatory framework for Broadcasting and Cable TV sector.

New Delhi, 3rd July 2018- The Telecom Regulatory Authority of India (TRAI) on 3rd March 2017, notified a regulatory framework for broadcasting and cable TV service provided through addressable systems, which include the Direct to Home (DTH) Systems, Cable TV Systems provided through Digital Addressable Systems (DAS), Head-end In The Sky (HITS) and Internet Protocol TV (IPTV). The regulatory framework comprises of the following:-

- (a) The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, as amended on 30th March 2017 [the Tariff Order 2017];
- (b) The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [the Interconnection Regulation 2017];
- (c) The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [the QoS Regulation 2017].

2. It is pertinent to mention that the draft/notified Interconnection Regulations and the Tariff Order were the subject matter of a challenge in two writ petitions [W.P. Nos. 44126 and 44127 of 2016] in the High Court of Judicature at Madras. The Hon'ble Supreme Court in SLP No. 14336 of 2017 vide its order dated 8th May 2017, inter alia, observed as under:

'the High Court of Madras to hear out the matters in question on day to day basis and to conclude the same and deliver the judgement, if possible within a period of one month. Status quo order already passed by the High Court on 23rd December 2016 shall continue to operate till the matter is finally disposed of.'

3. Apropos to the Hon'ble Supreme Court orders, the implementation of the Interconnection Regulation 2017 and the Tariff Order 2017 was kept suspended since 8th May 2017. Implementation of the QoS Regulation 2017



was also deferred because of its natural linkage with the provisions of the Interconnection Regulation 2017 and the Tariff Order 2017.

4. In the meantime, the Interconnection Regulation 2017, the QoS Regulation 2017 and the Tariff Order 2017 were challenged before Hon'ble Delhi High Court by some other stakeholders through writ petitions WP (C) Nos. 4091/ 2017, 4135/ 2017, 6915/2017 and 7017/ 2017. The Hon'ble High Court of Delhi in its common order dated 29th August 2017, directed as under:

' upon pronouncement of the judgement by the High Court of Madras, the respondents shall inform the petitioners of the outcome in the judgement and shall inform this court as well before effectuating the orders.'

5. The Division Bench of the Hon'ble Madras High Court, vide its order dated 2nd March 2018, took divergent views and a reference was made to the third Hon'ble Judge.

6. The W.P. Nos. 44126 and 44127 of 2016 were heard by the third Hon'ble Judge of the Hon'ble High Court of Madras, which culminated in its judgement order dated 23rd May 2018. The Hon'ble High Court of Madras, in general, upheld the validity of The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and The Telecommunication (Broadcasting and Cable) Interconnection (Addressable Systems) Regulations, 2017.

7. In compliance to the direction of the Hon'ble High Court of Delhi, in its order dated 29th August 2017, the Authority has duly filed an affidavit to this effect on 3rd July 2018 before the Hon'ble Court.

8. Having complied with the judicial mandates in the matter, the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and the Telecommunication (Broadcasting and Cable) Interconnection (Addressable Systems) Regulations, 2017 as upheld by the Hon'ble Madras High Court and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 come into effect from 3rd July 2018.

9. Accordingly, all the timelines prescribed in the Interconnection Regulation 2017, the QoS Regulation 2017 and the Tariff Order 2017 would commence from 3rd July 2018. All the service providers are required to comply with all the provisions of the regulations and tariff order afresh. Some of the important activities and timelines are as under:



I. The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017: Declaration of MRP and nature of Channels by Broadcasters within 60 days; Declaration of Network Capacity fee and Distribution Retail Price (DRP) by Distributors (DPO) within 180 days; Reporting by Broadcasters within 120 days;

II. The Telecommunication (Broadcasting and Cable) Interconnection (Addressable Systems) Regulations, 2017: Publication of Reference Interconnect Offer (RIO) by Broadcasters within 60 days; Publication of Reference Interconnect Offer (RIO) by Distributors within 60 days; Signing of the interconnection agreements within 150 days;

III. The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017: Migration of the subscribers to the new framework within 180 days; Establishment of Customer Care Centre, Website, Consumer Care Channel and Publication of Manual of Practice within 120 days.

10. The Authority is of the view that implementation of the new regulatory framework will bring in transparency, enable provisioning of affordable broadcasting and cable TV services for the consumer and at the same time, would lead to an orderly growth of the sector.

11. The Regulations and Tariff Orders are available on TRAI website www.traigov.in.


(S.K. Gupta)

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