



May 6th, 2019

Shri. Anil Kumar Bhardwaj, Advisor (B&CS)

Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg, (Old Minto Road),
New Delhi -110002.

Subject: Response to the Draft 'TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES REGISTER OF INTERCONNECTION AGREEMENTS REGULATIONS, 2019.

Dear Sir:

Thank you for allowing IMCL opportunity to share our views in respect of the captioned subject-matter: attached, please find our response in connection therewith.

Yours sincerely,

For IndusInd Media & Communication Ltd.

(Ajay K Sharma)
General Counsel



Response to the Draft 'TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES REGISTER OF INTERCONNECTION AGREEMENTS REGULATIONS, 2019.

IndusInd Media & Communications Limited ("IMCL") is pleased to submit its Response to the Telecom Regulatory Authority of India ("TRAI" or "the Authority")'s Draft TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES REGISTER OF INTERCONNECTION AGREEMENTS REGULATIONS, 2019.

Both, as a Multi-Service Operator ("MSO") as well as a Headend-in-the-sky ("HITS") service-provider, IMCL agrees in principle with the Authority, as regards the concept of maintaining of a Register ('Register') of Interconnection Agreements. Such a Register could contribute towards ensuring transparency and integrity of the business environment, as such.

IMCL would like, however, to draw the attention of the Authority to the following points:

CHAPTER – II, Sub-clause 3 (2)

"Every distributor of television channels, whose average subscriber base of its entire distribution (including joint venture(s), if any in the month of March of that year is equal to or more than two lakhs (two hundred thousand), shall through its compliance officer, report to the Authority, the information relating to all interconnection agreements or modifications or amendments or addenda thereto, pursuant to the interconnection regulation, 2017, in the manner and in the format as specified in regulation 4, within thirty days from the end of every 'calendar quarter' in which such agreements or modifications or amendments or addenda, as the case may be, have been signed"

IMCL's Submissions:

In connection therewith we have to submit that the condonation of reporting requirements with respect to distributors wherein the average subscriber base remains within or below the number prescribed in the manner hereinabove ie., two hundred thousand, is susceptible to the argument that it may lend itself to being misused; in fact, even to being grossly misused.

In the interests of reinforcing the integrity of this initiative, we would therefore, respectfully, draw the attention of the Authority towards considering a level playing-field in this respect, and kindly re-examine the need, at all, for such exception.

CHAPTER – II, Sub-clause 4 (3)



“The Authority may from time to time specify through a direction, the manner of filing of data or information (including but not limited to online submission through or without a portal), the form or formats of filing, the copies of interconnection agreements, any additional requirements and other procedural aspects connected and incidental to the filing of details of interconnection agreements.”

And, with reference to CHAPTER – III, Clauses 6 & 7

PROCEDURE FOR MAINTENANCE OF REGISTER AND ITS INSPECTION

6. **“Maintenance of the register** – The Authority shall maintain register in two parts, namely Part I and Part II, where:

- (i) Part I shall consist of the information as contained in Part A furnished by the broadcaster or distributor of television channels under regulation 4.
- (ii) Part II shall consist of the information as contained in Part B and Part C furnished by the broadcaster or distributor of television channels under regulation 4.

7. Inspection of the register.

(1) Part A shall be treated as non-confidential and where any party to an Interconnect Agreement requests the Authority to keep the whole or any part of the Agreement reported in Part B or Part C as confidential, the Authority shall take a decision thereon in accordance with the relevant provisions of the Telecom Regulatory Authority of India (Access to information) Regulation, 2005.

(2) The register shall be kept open to for inspection to any member of public and would be governed by the relevant provision of the Telecom Regulatory Authority of India (Access to information) Regulation 2005 and the rules made thereunder.

IMCL’s Submissions:

With respect to all these clauses quoted hereinabove, we believe that whilst the intentions thereof are wholly in the interest of transparency, the manner of the framing of the contents and the purport thereof, perhaps merit keeping in mind the interests of protection of confidentiality of data, especially on such occasions that such data protection does not digress from achieving the larger objectives of serving the public interest which, we all agree is the fundamental purpose that the draft seeks to serve.



Chapter II, Clause 5 – Consequences of delay in reporting

- (1) If any broadcaster or distributor of television channels fails to furnish the information or the certificate required to be submitted under regulation 3 by the specified date, it shall, without prejudice to the terms and conditions of its license/permission/registration, or the Act or rules or regulations or order made, or directions issued thereunder, be liable to pay, by way of financial disincentive, ---
- (a) an amount of rupees one thousand per day for up to thirty days beyond the date specified in regulation 3,
 - (b) additional amount of rupees two thousand per day in case the default continues beyond thirty days from the due date,

As the Authority may, by order, direct.

Provided that the cumulative financial disincentive levied by the Authority under this sub-regulation shall in no case exceed Rupees Two Lakhs (Rs. Two hundred Thousand).

- (2) No order for payment of any amount by way of financial disincentive shall be made by the Authority unless the broadcaster or the distributor of television channels has been given a reasonable opportunity of representing against the contravention of the regulations observed by the Authority.
- (3) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by order of the Authority.

In connection with the contents of this clause, we seek the Authority's indulgence of seeking some further time with respect to its implementation. With the onset of the new NTO regime, and with the liability of furnishing of data substantially reinforced, such allowance would – it is our respectful submission - be in the interest of justice, equity and fair play.
