

**TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART III, SECTION 4**

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 8th July 2024

**THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES
STANDARDS OF QUALITY OF SERVICE AND CONSUMER PROTECTION (ADDRESSABLE SYSTEMS)
(FOURTH AMENDMENT) REGULATIONS, 2024
(No. 3 of 2024)**

F. No. RG-8/1/(9)/2021-B AND CS(1 AND 3). — In exercise of the powers conferred by section 36, read with sub-clause (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with notification of the Central Government, in the Ministry of Communication and Information Technology (Department of Telecommunications), No.39, —

(a) issued, in exercise of the powers conferred upon the Central Government under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub section (1) of section 2 of the said Act, and

(b) published under notification No. S.O.44 (E) and 45 (E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part II, Section 3,.....

the Telecom Regulatory Authority of India hereby makes the following regulations to further amend the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 (2 of 2017), namely: -

1. Short title, extent and commencement.— (1) These regulations may be called the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Fourth Amendment) Regulations, 2024 (3 of 2024).

(2) These Regulations shall apply throughout the territory of India.

(3) These shall come into force after ninety days from the date of their publication in the Official Gazette except sub-regulation 5 and 6 of regulation 4; sub-regulation 4 of regulation 12; regulation 14; sub-regulation 11 of regulation 24; sub-regulation 5 of regulation 38, of this Regulation which shall come into force from the date of publication of this regulation in the Official Gazette.

2. In regulation 2 of the Telecommunications (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 (hereinafter referred to as the principal regulations), in sub-regulation (1),-----

(a) for clause (n), the following clause shall be substituted, namely: -

“(n) “customer care number” means a telephone number specified by the distributor of television channels in compliance of sub-regulation (1) of regulation 25, to enable a consumer to access his customer care centre;”

(b) after clause (hh), the following clause shall be inserted, namely: -

“(hha) “Platform Services means programs transmitted by distribution platform operators exclusively to their own subscribers and does not include Doordarshan channels, registered TV channels and foreign TV channels that are not registered in India.”

(c) after clause (ii), the following clause shall be inserted, namely:-

“(iia) “regulations” means the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017;”.

3. In regulation 4 of the principal regulations, for sub-regulation (5) and (6), the following sub-regulation shall be substituted, namely:-

“(5) A distributor of television channels or its linked local cable operator, as the case may be, shall declare one-time installation charge for installation of a new connection for providing the broadcasting services related to television:

Provided that a distributor of television channels shall be free to declare different one-time installation charge for different,-

- (i) regions in its service area;
- (ii) classes of consumers; and
- (iii) any combination of (i) and (ii) above:

Provided that every classification between consumers shall be based on intelligible eligibility criteria where such criteria shall have a rational nexus to the purpose of the said classification.

Provided further that the amount charged by distributor of television channels or its linked local cable operator, as the case may be, is transparent, and non-discriminatory for all the subscribers who meet the same criteria of region or area and class, as declared by the distribution platform operator and the same is published on its website and reported to the Authority in the manner as may be specified by the Authority from time to time.

(6) A distributor of television channels or its linked local cable operator, as the case may be, shall declare one-time activation charge for activating the broadcasting services related to television:

Provided that a distributor of television channels shall be free to declare different one-time activation charge for different,-

- (i) regions in its service area;
- (ii) classes of consumers; and
- (iii) any combination of (i) and (ii) above:

Provided that every classification between consumers shall be based on intelligible eligibility criteria where such criteria shall have a rational nexus to the purpose of the said classification.

Provided further that the amount charged by distributor of television channels or its linked local cable operator, as the case may be, is transparent, and non-discriminatory for all the subscribers who meet the same criteria of region or area and class, as declared by the distribution platform operator and the same is published on its website and reported to the Authority in the manner as may be specified by the Authority from time to time.”.

4. In regulation 10 of the principal regulations, in the first proviso, for the words “rupees twelve”, the words “the rates specified in the tariff order” shall be substituted.

5. In regulation 12 of the principal regulations, for sub-regulation (4), the following sub-regulation shall be substituted, namely:-

“(4) Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from the subscriber, restore services within seventy two hours and shall declare the charges for-

(i) restoration of services if such services have remained suspended continuously for a period not exceeding three months, or

(ii) re-activation of services if such services have remained suspended continuously for a period exceeding three months:

Provided that a distributor of television channels shall be free to declare different restoration and re-activation fee for different,-

- (i) regions in its service area;
- (ii) classes of consumers; and
- (iii) combination of (i) and (ii) above:

Provided that every classification between consumers shall be based on intelligible eligibility criteria where such criteria shall have a rational nexus to the purpose of the said classification.

Provided further that the amount charged by distributor of television channels or its linked local cable operator, as the case may be, is transparent, and non-discriminatory for all the subscribers who meet the same criteria of region or area and class, as declared by the distribution platform operator and the same is published on its website and reported to the Authority in the manner specified by the Authority from time to time.”

6. In regulation 14 of the principal regulations, for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that it shall be permissible for the distributor to declare different relocation charges for different,-

- (i) regions in its service area;
- (ii) classes of consumers; and
- (iii) combination of (i) and (ii) above:

Provided that every classification between consumers shall be based on intelligible eligibility criteria where such criteria shall have a rational nexus to the purpose of the said classification.

Provided further that the amount charged by distributor of television channels or its linked local cable operator, as the case may be, is transparent and non-discriminatory for all the subscribers who meet the same criteria of region or area and class as declared by the distribution platform operator and the same is published on its website and reported to the Authority in the manner specified by the Authority from time to time.”

7. In regulation 23 of the principal regulations, in sub-regulation (2), the following proviso shall be inserted, namely:-

“Provided that the validity period of all pre-paid subscriptions shall be declared in number of days only.”

8. In regulation 24 of the principal Regulations, for sub-regulation (11), the following sub-regulation shall be substituted, namely:-

“(11) It shall be permissible for the distributor of television channels, providing direct to home (DTH) services, to declare visiting charge per registered complaint that requires visit of a person to the premises of the subscriber to carry out the repair and maintenance of the services:

Provided that such a distributor of television channels shall be free to declare visiting charge for different,-

- (i) regions in its service area;
- (ii) classes of consumers; and
- (iii) combination of (i) and (ii) above:

Provided further that--

- (a) no visiting charge shall be levied on the subscribers for any complaint relating to set top box;
- (b) the visiting charge shall not be debited from the pre-paid subscription account of the subscriber; and
- (c) the receipt for payment for such charges shall be issued to the subscriber by the distributor:

Provided that every classification between consumers shall be based on intelligible eligibility criteria where such criteria shall have a rational nexus to the purpose of the said classification.

Provided also that the amount charged by distributor of television channels providing direct to home (DTH) services is transparent and non-discriminatory for all the subscribers who meet the same criteria of region or area and class, as declared by the distribution platform operator and the same is published on its website and reported to the Authority in the manner as may be specified by the Authority from time to time.”

9. In regulation 25 of the principal regulations –

(a) in sub-regulation (1), for the clause (a), the following clause shall be substituted, namely:-

“(a) shall have customer care number having sufficient number of phone lines or connections and human resources to efficiently service the subscriber base of the distributor;”;

(b) in sub-regulation (4), in the clause (i), the words “toll free” shall be omitted;

(c) in sub-regulation (5), for the words “toll free”, the words “customer care” shall be substituted.

10. After regulation 25 of the principal regulations, the following regulation shall be inserted, namely: -

“(25A). **Option to Distributor of Television Channels** .-It shall be optional for distributor of television channels having total active subscriber base of less than thirty thousand to have,-

- (a) Interactive Voice Response System (IVRS) for complaint registration and a web-based complaint management system; and
- (b) its own website with provision for Consumer Corner, Subscriber Corner and Manual of Practice:

Provided that the information relating to list of channels and bouquets offered along with their maximum retail price in respect of pay channels and bouquets, network capacity fee, CPE schemes etc. shall be published in the manner specified by the Authority, for the information of public.

11. In regulation 38 of the principal regulations, -

(a) after sub-regulation (2), the following sub-regulation shall be inserted, namely:-

“(3) Every distributor of television channels shall display maximum retail price (MRP) in the EPG against each pay channel available on its platform and also shall be free to display distributor retail price (DRP) in the EPG, clearly distinguishing between the two prices for the clarity to the subscribers.

(4) Every distributor of television channels shall categorise platform services channels under the genre 'Platform Services' in the Electronic Programmable Guide.

(5) Every distributor of television channels shall display respective maximum retail price of the platform service channel against each platform service in EPG.

(6) Every distributor of television channels or its linked local cable operator, as the case may be, shall, provide an option to the subscribers for activation or deactivation of any platform service.”

12. In regulation 39 of the principal regulations, before the words “Every distributor of television channels”, the bracket and number “(1)” shall be inserted and the existing provision may be read as sub-regulation (1) and after the said sub-regulation, the following sub-regulation shall be inserted, namely:-

“(2) Every distributor of television channels or its linked local cable operator, as the case may be, shall, furnish the following information to the Authority: -

- (i) installation and activation charges;
- (ii) restoration charges payable by the subscriber for restoration of services, if such services have remained suspended continuously for a period not exceeding three months;
- (iii) re-activation charges; payable by the subscriber for restoration of services, if such services have remained suspended continuously for a period exceeding three months;
- (iv) visiting charges;
- (v) relocation charges;
- (vi) respective maximum retail prices of the platform service channel:

Provided that the information shall also be published on the website of the distributor of television channels, subject to the provisions of the regulation 25A, and in the Consumer Application Form :

Provided further that any subsequent change in installation and activation charges, restoration and re-activation charges, visiting charges, relocation charges and respective maximum retail price of the platform service channel, as the case may be, shall -

- (a) be reported to the Authority at least fifteen days prior to the change; and
- (b) also be simultaneously published on the website of the distributor and in the Consumer Application Form.”

13. After regulation 40 of the principal regulations, the following regulation shall be inserted, namely,----

“(40A) **Consequences for failure to comply with the provisions of the regulations by the broadcaster and distributor.**— (1) If any broadcaster or distributor of television channels, as the case may be, contravenes the provisions of the regulations, it shall, without prejudice to the terms and conditions of its license or permission or registration, or the Act or rules or regulations or order made or direction issued thereunder, be liable to pay the financial disincentive specified under schedule-V, as the Authority or an officer authorized by the Authority, as the case may be, may by order direct:

Provided that in a calendar year the maximum financial disincentive shall, in no case, exceed rupees two lakh for all the contraventions of regulations as mentioned under Group A in Table 1 of schedule-V:

Provided further that in a calendar year the maximum financial disincentive shall, in no case, exceed rupees five lakh for all the contraventions of regulations as mentioned under Group B in Table 1 of schedule-V:

Provided also that the maximum financial disincentives imposed on a service provider for all the contraventions in a calendar year shall not exceed rupees five lakh:

Provided also that no order for payment of financial disincentive shall be made by the Authority, or an officer authorized by the Authority, as the case may be, unless the broadcaster or the distributor, as the case may be, has been given a reasonable opportunity of representation against the contravention of the regulations observed by the Authority:

(2) The amount payable by way of financial disincentive under this Regulation shall be remitted to such head of account as may be specified by the Authority.

(40B) Consequences for the failure of the service providers to pay financial disincentive within the stipulated time.— (1) If a service provider fails to make payment of financial disincentive under regulation 40A within the stipulated period, it shall be liable to pay interest at a rate which will be two per cent. above the one year Marginal Cost of Lending Rate (MCLR) of State Bank of India applicable as on the beginning of the Financial Year (namely 1st April) in which last day of the stipulated period falls and the interest shall be compounded annually.

Explanation: For the purposes of this Regulation, a part of the month shall be reckoned as a full month for the purpose of calculation of interest and a month shall be reckoned as an English calendar month.”

14. In Schedule I to the principal regulations,-

(a) in item 7, the words “Region-wise” appearing before the words “Network capacity fee”, shall be omitted and for sub-items “(a) & (b)” the following item (a) shall be substituted, namely;

“(a) network capacity fees declared based on different number of channels, different regions, different customer classes or any combination thereof (if more space is required, the information may be enclosed as Annexure to the CAF).

(b) for item 17, the following item shall be substituted, namely;

“17. Customer Care Number.”

(c) item 18 shall be omitted;

(c) after item 23, the following items shall be inserted, namely:-

“23(a) Restoration and Re-activation charges.

23(b) Visting Charges.

23(c) Relocation charges.

23(d) MRP of the platform service channels.”

15. In Schedule II to the principal regulations,
(a) in the item (2), for the title and the sub-item (a) the following title and sub- item (a) shall be substituted, namely:-

“2. Details of network capacity fee, per month based on:

“(a) different number of channels, different regions, different customer classes or any combination thereof.”

(b) for item 11 the following item shall be substituted, namely;

“11. Customer care number and other contact details.”

16. In Schedule III to the principal regulations,

(a) for item 12, the following item shall be substituted, namely;

“12. Customer care number and other contact details.”

17. After Schedule -IV to the principal regulations, the following schedule shall be inserted, namely:-

“Schedule-V

(Refer regulation 40 (A))

Table 1: Quantum of Financial Disincentive for contravention of provisions of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, as amended

| Regulation | Details | Maximum amount of Financial Disincentive (Q) (in Rs.) | |
|---|---|---|--------------------------|
| | | First Contravention | Subsequent Contravention |
| Group A: Regulations for lower financial disincentive | | | |
| 32 | Provision of Customer care programming service for dissemination of information | Advisory/ Warning | 25,000 |
| 37 | Publishing of Manual of Practice by DPO | Advisory/ Warning | 25,000 |
| 39 | Submission of report for ensuring compliance of QoS | Advisory/ Warning | 25,000 |
| 39 (a) | Furnishing of information to the Authority and publishing on its website* and inclusion in CAF. | Advisory/ Warning | 25,000 |
| 40 | Designation of Compliance Officer for QoS Regulations | Advisory/ Warning | 25,000 |
| Group B: Regulations for higher financial disincentive | | | |
| 4(5) & 4(6) | Prescribed Charges reg Installation and Activation to be declared and published on website* | 25,000 | 1,00,000 |
| 8 (1) & 8 (2) | Scroll on Television Screen 15 days prior to change / discontinuation of a channel | 25,000 | 1,00,000 |

| Regulation | Details | Maximum amount of Financial Disincentive (Q) (in Rs.) | |
|---------------------|--|---|--------------------------|
| | | First Contravention | Subsequent Contravention |
| 12(4) | Prescribed Charges reg. Restoration and Reactivation to be declared and published on website* | 25,000 | 1,00,000 |
| 14 (proviso i & ii) | Prescribed Charges reg. relocation of connection* | 25,000 | 1,00,000 |
| 24 (3) & 24 (11) | CPE Schemes, Visiting Charges to be declared and published on website* | 25,000 | 1,00,000 |
| 25 | Provision of Customer care centre | 25,000 | 1,00,000 |
| 31 | Provision of Website, Consumer Corner and Subscriber Corner* | 25,000 | 1,00,000 |
| 38 | Display of Channels in EPG by DPO for consumer and indicate prices in the case of pay channels and indicate 'Free' for free-to-air channel | 25,000 | 1,00,000 |

* Subject to regulation (25A)

- a) **Categorization in case of Distribution Platform Operators (DPOs) for the purpose of imposing financial disincentive:** DPOs shall be categorized based on their subscriber base and the amount of financial disincentive payable by a DPO shall be determined based on the category of a DPO as given below (except where warning/ advisory is issued):

Table 2 : Categories of Distribution Platform Operators and financial disincentives for each category

| Category of DPOs | Subscriber Base | Amount of Financial Disincentive Applicable |
|------------------|-------------------------------|---|
| Micro | Less than 30,000 | 10% of maximum FD amount i.e. 0.1Q |
| Small | Between 30,000 to 1,00,000 | 25% of maximum FD amount i.e. 0.25Q |
| Medium | Between 1,00,000 to 10,00,000 | 50% of maximum FD amount i.e. 0.5Q |
| Large | Above 10,00,000 | 100% of maximum FD amount i.e. Q |

- b) **Categorization in case of television channels of broadcasters for the purpose of imposing financial disincentive:** In case of broadcasters, the financial disincentive shall be determined based on the nature of the television channels for which contravention is noticed i.e. whether it is Pay channel or an FTA channel, as given below (except where warning/ advisory is issued):

Table 3: financial disincentives for broadcasters

| Contravention in relation to | FD amount |
|------------------------------|-------------------------------------|
| FTA channels | 50% of maximum FD amount i.e. 0.5 Q |
| Pay channels | 100% of maximum FD amount i.e. Q |

- c) In case of more than three contraventions of the regulations mentioned under Group B in the Table 1 of schedule-V, in a block of three years counted back from the date of latest contravention, the Authority, besides imposing the financial disincentive referred to above, may recommend to the Central Government to take appropriate action without prejudice to any other action that the Authority may take as per provisions of the TRAI Act, 1997.
- d) In case of a continued contravention of a provision i.e. a contravention that is not rectified within the timeline given by the Authority for its rectification, a financial disincentive of two thousand rupees per day for first thirty days and five thousand rupees per day beyond thirty days, counted from the last date of compliance specified in the order, shall be imposed besides the financial disincentive already specified in the order for compliance.
- e) Nothing contained in this Schedule shall affect the provisions of sub-regulations 7,8 and 9 of regulation 22 of the regulations.”

(Atul Kumar Chaudhary)
Secretary, TRAI

Note 1: The principal Regulations were published vide notification No. 21-5/2016- B&CS dated the 3rd March 2017

Note 2: The principal Regulations were amended vide notification No. 21-4/2018-B&CS dated 28th December 2018 (11 of 2018)

Note 3: The principal Regulations were further amended vide notification No. 12-37/2019-B&CS dated 9th October 2019 (6 of 2019)

Note 4: The principal Regulations were further amended vide notification No. 21-4/2018-B&CS dated 1st January 2020 (2 of 2020)

Note 5: The Explanatory Memorandum explains the objects and reasons of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Fourth Amendment) Regulations, 2024 (3 of 2024)

Explanatory Memorandum

Introduction and Background

1. The Telecom Regulatory Authority of India (TRAI) on 3rd March 2017 notified the new regulatory framework to ensure orderly growth of the Broadcasting and Cable TV Sector after a consultation process. This was necessitated by the complete digitization of Cable TV networks in India. The framework comprised of following Tariff Order and Regulations:

- i. The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 (Tariff Order 2017);
- ii. The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (Interconnection Regulations, 2017);
- iii. The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 (QoS Regulations, 2017).

Hereinafter, the above two Regulations & the Tariff order are collectively referred to as ‘the Framework.’

2. After passing legal scrutiny in Hon’ble High Court Madras and Hon’ble Supreme Court, ‘the framework’ came into effect from 29th December 2018. Collectively the three determinations completely overhauled the regulatory framework for the Sector. Given the size and structure of the Sector and the changes that ‘the framework’ entailed, it was imminent that there could be some transient issues.

3. In order to address the issues noted during implementation of the Framework 2017, the Authority, after due consultation, notified the following amendments to the Regulatory Framework 2017, on 1st January 2020, TRAI notified the following amendments to the Regulatory Framework 2017, on 1st January 2020:

- A. The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Second Amendment) Order, 2017 (Tariff Amendment Order 2020)
- B. The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Second Amendment) Regulations, 2017 (Interconnection Amendment Regulations, 2020)
- C. The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Third Amendment) Regulations, 2017 (QoS Amendment Regulations, 2020)

Hereinafter, the above amendments are collectively referred to as ‘the amended framework 2020’

4. Some stakeholders challenged the amendments framework 2020. Provisions of the amended framework 2020 related to Network Capacity Fee (NCF), NCF for Multi TV homes and long-term subscriptions were challenged by All India Digital Cable Federation (AIDCF) and others in the High Court of Kerala. However, these were duly implemented in April 2020 after the interim orders of the Hon’ble High Court of Kerala. In its final judgement dated 12th July 2021, Hon’ble High Court upheld the amendments introduced by the Tariff Amendment Order, 2020.

5. Simultaneously, some broadcasters and other stakeholders challenged various provisions of Tariff Amendment Order 2020, Interconnection Amendment Regulations 2020 and QoS Amendment Regulations 2020 in various High Courts including in the Hon’ble High Court of Bombay vide Writ Petition (L) No. 116 of 2020 and other connected matters therewith.

6. Hon’ble High Court of Bombay, vide its Judgement dated 30th June 2021 upheld the validity of the amended framework 2020 except for the condition of the average test provided in the third proviso to sub-clause (3) of clause 3 of the Tariff Amendment Order 2020.

7. The petitioners in Bombay High Court filed Special Leave Petitions (SLPs) in the Hon'ble Supreme Court of India, challenging the judgement dated 30th June 2021 of the Hon'ble High Court of Judicature at Bombay. The matter was heard by the Hon'ble Supreme Court on 18th August 2021. However, no interim relief was granted by the Hon'ble Supreme Court.
8. Subsequently, on 15th February 2022 the petitioners submitted an affidavit in Hon'ble Supreme Court for withdrawal of SLPs. On the same day Hon'ble court was pleased to grant permission for the withdrawal of the SLP and passed the following order ¹:
"The Special Leave Petitions are dismissed as withdrawn. All questions of law open are kept open."
9. Meanwhile, considering that no interim relief was granted by Hon'ble Supreme Court on the judgement of Hon'ble Bombay Court, the Authority issued a letter dated 12th October 2021 to all the broadcasters seeking compliance with the provisions of New Regulatory Framework 2020 as upheld by Hon'ble Court of Bombay, within 10 days. Consequently, most of the broadcasters submitted their Reference Interconnect Offer (RIOs) to TRAI in compliance with 'the amended Framework 2020' and also published these on their websites in November 2021.
10. New tariffs announced by the major broadcasters reflected a common trend i.e., the prices of their most popular channels, including sports channels, were enhanced beyond Rs. 20/- per month. Complying with the extant provisions, as regards the inclusion of pay channels in a bouquet, all such channels priced beyond Rs. 12/- (per month) were kept out of bouquets and offered only on an a-la-carte basis. The revised RIOs as filed indicated a wide-scale changes in composition of almost all the bouquets being offered
11. Immediately after new tariffs were announced, TRAI received representations from Distribution Platform Operators (DPOs), Associations of Local Cable Operators (LCOs) and Consumer Organizations. DPOs also highlighted difficulties likely to be faced by them in implementing new rates in their IT systems and migrating the consumers in bulk to the new tariff regime through the informed exercise of options, impacting almost all bouquets, due to upward revision in the rates of pay channels and bouquets declared by broadcasters.
12. To address the issues raised in the representations, TRAI started engaging with the stakeholders through formal/informal interactions. The discussions aimed to facilitate smooth implementation of the pending provisions of the amended framework 2020. It was incumbent upon TRAI to ensure that no major disruption occur in the pay television services.
13. The representations from LCOs also highlighted the adverse impact on subscription of linear TV due to the increasing popularity of Free Dish (no cost to the consumers except installations of dish antenna) and Video on Demand (VOD), popularly known as OTT (over-the-top) services. The consumer organizations highlighted a likely increase in their subscription due to the price rise of popular channels, consequent upon implementation of proposed RIOs filed by the broadcasters.
14. In view of the above, the stakeholders requested TRAI to take immediate measures to address certain issues, arising due to the implementation of pending provisions of Regulatory Framework for safeguarding the growth of the sector including those of viewership.
15. Almost all the stakeholders opined that the tariffs announced by the broadcasters will cause large-scale changes in consumer offerings. The DPOs/ LCOs will have to obtain revised choices possibly from every consumer. The stakeholders requested TRAI to enable smooth implementation of the amended framework 2020. Further, some

¹ https://main.sci.gov.in/supremecourt/2021/15611/15611_2021_2_11_33436_Order_15-Feb-2022.pdf

stakeholders suggested that to avoid likely disruption for consumers, some provisions of the amended framework 2020 may be considered for revision.

16. To deliberate on the issues related to pending implementation of New Regulatory Framework 2020 and suggest a way forward, a committee consisting of members from Indian Broadcasting & Digital Foundation (IBDF), All India Digital Cable Federation (AIDCF) & DTH Association was constituted under the aegis of TRAI. The broad terms of reference of the Committee were as below:
 1. To look into the process of smooth implementation of New Regulatory Framework 2020 keeping in view consumers convenience in exercising informed choices and suggest measures thereof (if any).
 2. To identify issues of concern and suggest measures for overall growth of the broadcasting sector.
17. The purpose of the committee was to provide a platform and facilitate discussions among various stakeholders to come out on a common agreed path for smooth implementation of Tariff Amendment Order 2020. Stakeholders were advised to come up with an implementation plan with minimum disruptions or hassles to the consumers.
18. The committee held discussions on 23rd December 2021. Stakeholders listed the following issues which, in their opinion, required review:
 - a. The proposed tariffs by broadcasters through their RIOs submitted in compliance to NTO 2.0 Tariff Orders would cause a significant increase in the tariffs to consumers. The consumer price rise, if any, is required to be limited to a reasonable limit.
 - b. The proposed RIOs by Broadcasters may cause significant changes in the packages, especially due to keeping popular channels at higher a-la-carte prices, not being part of bouquets. This enjoins DPO to make very large number of plans and package offerings. Therefore, the DPOs require support from broadcasters so that they do not have to make large number of plans/ bouquets.
 - c. Considering the facts mentioned above, there is a need to simplify the process of exercising choices by consumers so that no channel should be provided to consumers without explicit consent. Consumers should have the facility to remove any channel.
 - d. The same product (television Channel) should be offered at the same price whether on Linear Television, Free Dish or Subscription based Video on Demand.
 - e. Stakeholders suggested that more than two years have passed since NTO 2.0 amendments and more than three years have passed with NTO 1.0 implementations, since then, there is no change in prices of bouquet or a-la- carte channels. This has kept industry under stress in terms of providing quality products to the end consumers. As such restoring the MRP ceiling for bouquet inclusion to unamended tariff order level of Rs. Nineteen (19/-) would be appropriate.
 - f. The above provision shall also help in maintaining bouquet structure by ensuring all popular channels are within ceiling limits of bouquet. Additionally, this will also create bare minimum hassles to consumers in exercising their choices under new tariffs, as most of the tariffs may continue in their current form.
 - g. Allowing additional fifteen (15%) percent incentive to DPOs for bouquets as well, as has been provided for a-la-carte channel (It was pointed by the chair that the said provision pertains to Interconnection regulations and is not part of Tariff Order).
 - h. The second twin condition may be reviewed to enhance the discount on sum of MRP of a-la-carte of pay channels forming part of the bouquet to fifty percent. This will enable the broadcasters to cross-subsidize the packages.
 - i. Revision in the ceiling of Network Capacity Fee (NCF) of Rs 130/-.
 - j. In case of multi-TV homes, broadcasters should also offer MRP of their channels for each additional TV connection, beyond the first TV connection, @ 40% of the MRP declared for the first TV connection. This will help consumers in saving cost of subscribing to pay channels on multiple televisions.
 - k. Review of ceiling of fifteen percent (15%) on discount on sum of a-la- carte channels of MRP of that bouquet available for DPOs.

1. Stakeholders suggested that TRAI should take immediate corrective measures and implement revised tariff by 1st April 2022. All DPOs present insisted that to properly implement new tariffs they will require sufficient time as prescribed.
19. The Stakeholders' Committee requested TRAI to immediately address critical issues so that minimum hardship is caused to the consumers in implementation of Tariff Amendment Order 2020. Stakeholders also listed other issues for subsequent consideration by TRAI. All the members of the stakeholders' committee observed that urgent action is required to manage a smooth transition and to avoid inconvenience to consumers.
20. In order to address the issues as identified by the stakeholders' committee; TRAI issued the consultation paper on 'Issues related to New Regulatory Framework for Broadcasting and Cable services' on 7th May 2022 for seeking stakeholders' comments on points/issues, which were pending for full implementation of 'the amended framework 2020'.
21. Subsequently, on 22nd November 2022, the Authority notified the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Third Amendment) Order, 2022 and the Telecommunication (Broadcasting and Cable) Services (Addressable Systems) Interconnection Regulations (Third Amendment) Order, 2022, which covered the following issues:
 - a) Continuance of forbearance on MRP of TV channels
 - b) ceiling of Rs. 19/- on MRP of a TV Channel price for inclusion in bouquet
 - c) Discount of 45% on sum of the price of individual channels while forming Bouquet
 - d) Additional Incentives of 15% by broadcaster to be permitted on Bouquets also.
22. The Stakeholders' Committee also listed several other issues for subsequent consideration by TRAI. In addition, the Authority held multiple meetings with representatives of broadcasters, MSOs, DTH operators and LCOs. Several issues were put forward during these meetings for inclusion in the proposed consultation paper.
23. In order to address the remaining issues pertaining to Tariff, Interconnection and Quality of Service of Broadcasting and Cable services, as identified by the stakeholders' committee and suggested by other stakeholders, TRAI issued the consultation paper on "Review of Regulatory Framework for Broadcasting and Cable services" on 8th August 2023 for seeking stakeholders' comments. Comments and counter comments received from stakeholders were placed on TRAI's website. This was followed by an open house discussion in New Delhi on 18th April 2024.
24. These comments and counter comments have been analysed and the paragraphs hereunder briefly summarize the analysis and set out the basis and rationale for the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Fourth Amendment) Regulations, 2024.
25. In the consultation paper, comments of the stakeholders were broadly sought, inter-alia, on following issues;
 - A. Review of prescribed charges
 - *Installation and Activation Charges for a new connection;*
 - *Temporary suspension of broadcasting services;*
 - *Visiting Charge in respect of registered complaint in the case of DTH services;*
 - *Relocation of connection.*
 - B. Display of prices of channels in EPG
 - C. Issues related to billing cycle

D. Regulation of Platform Service Channels

E. Review of mandatory provisions of Toll-Free Number, Consumer Corner, Subscriber Corner, Establishment of Website and Manual of Practice Etc.

A. Review of prescribed charges

26. The prescribed charges were set way back in 2017. The issue raised in the consultation paper was whether the extant charges prescribed under the 'QoS Regulations' need any modification. Additionally, whether TRAI should consider removing capping on the prescribed charges for introducing forbearance. Accordingly, comments and counter comments were sought from the stakeholders in the matter.
27. On the issue of activation and installation fees or charges, most of the stakeholders mentioned that the charges should be left to the market forces (forbearance) because the cost of setting up connection for new customers even in the same area, depends on specific circumstances which may be different. Given the market dynamics, it would be wise to exercise forbearance on regulating the quantum of these charges. Instead of dictating the exact amounts, the regulatory focus should shift towards ensuring transparency. To accomplish the same, DPOs may be mandated to clearly publish these charges as part of their retail tariff packages would ensure consumers are informed and can make choices based on full knowledge of costs. However, the exact amount of these charges should be left to the discretion of the DPOs.
28. Some of the stakeholders have mentioned that cost of running business is increasing and running in losses because of Free Dish and OTT, and therefore they have suggested to increase the activation charges for new connection and also for reconnection. Some of the other stakeholders have supported this view and stated that keeping the inflationary effects in mind, installation and activation charges for a new connection should be increased on regular basis after fixed time duration.
29. However, some of the stakeholders submitted contrary views and stated that charges currently prescribed under QoS regulations should be retained. With broadcasters constantly revising the prices of their channels, the income accruing to the members of the distribution channels is growing. One of the stakeholders has stated that from consumer's perspective, the ceiling for the total installation and activation charges may be lowered in the range of Rs. 200/- to Rs. 250/-.
30. Regarding Temporary suspension charges, some stakeholders proposed that suspensions shouldn't incur any charges if the period is less than 3 months. Thereafter, a pre-defined amount may be charged. While, one of the stakeholders has prescribed charges of Rs. 25 for less than 1 month of suspension and Rs. 100 for suspension period more than 1 month.
31. Regarding visiting charges for registered complaints for DTH operator's fees for technician visits, some stakeholders proposed that TRAI should shift towards forbearance, letting operators to set their specific charges based on their business strategies. However, another stakeholder suggested implementing a capping fee of Rs. 200/- for technician visits by DTH companies, regardless of the issue.
32. On the issue of relocation charges, most of the stakeholders have insisted that all the prescribed charges should be done away with and it should be left to market forces (forbearance) as there is enough competition in the market. However, one of the stakeholders is of the view that TRAI may introduce a provision in the QoS Regulation to provide for a periodic increment mechanism in such charges linked to a suitable index matrix which will help DPOs recover the increased operational costs.

33. Some of the stakeholders have suggested that charges should be based on actual basis i.e. depending on the location or area changed, whereas one of the stakeholders suggested that relocation of the connection charges may be capped at Rs. 300.
34. One of the stakeholders has provided counter comment in the matter that the implementation of price ceilings can have a deep impact on DPOs. These restrictions often prevent DPOs from fully recovering their operating costs and investments, potentially leading to deterioration of services. To operate within these imposed limits, some service providers might resort to cost-cutting measures that could compromise the quality and efficiency of their services. Furthermore, price ceilings can deter innovation, as DPOs may hesitate to implement new solutions due to the financial risks involved.
35. Comments were also sought from stakeholders that whether TRAI should consider removing capping on the above-mentioned charges for introducing forbearance.
36. Regarding this, most of the stakeholders believe that price control on DPO operational charges might not be the best idea and suggested that industry should move towards forbearance for all stakeholders in a phased manner as imposing ceilings on the operational charges may have unintended consequences. It might prevent DPOs from fully recovering their operational cost and compel them to adopt cost cutting measures, which in turn, may result in customer dissatisfaction due to compromised service quality. DPOs operate in highly competitive markets and TRAI should not regulate the quantum of such charges, however, to maintain transparency, DPOs may be mandated to publish these charges.
37. One of the stakeholders is of the view that TRAI should deregulate the sector, allow competitive market forces to play for the benefit of consumers & service providers.
38. On the other hand, some of the stakeholders were of the opinion that capping on above charges should not be removed as it affects the consumer. One of the stakeholders has provided counter comment suggesting for complete removal of price ceilings on DPO charges due to market competition as stakeholder believes that DPO market is sufficiently competitive as price ceilings are a feature of monopolistic or duopolistic markets and are a tool to prevent cartelization detrimental to consumer interest. Further, consumers have a wide range of service providers with varying pricing structures. This inherent competition acts as a natural regulator, driving down prices and ensuring value for money. Imposing price ceilings becomes unnecessary in such a scenario.
39. After considering various comments and counter comments received from the stakeholders, the Authority is of the view that:
 - Considering the level of competition in the market due to the presence of multiple players, the ceiling for these charges may be removed and the charges may be kept under forbearance, providing flexibility to DPOs to charge as per their business models including charging different amounts based on socio-economic factors such as region/ area or class of consumers or a combination thereof.
 - This may enable DPOs to offer attractive plans or promotional discounts, which can attract and retain customers, thereby enhancing overall customer satisfaction and loyalty.
 - This flexibility may allow DPOs to better align their pricing with operational costs, leading to more efficient resource allocation and cost management, resulting in optimized service delivery and enhanced operational efficiencies.
 - By setting their own prices, DPOs may differentiate themselves from competitors through innovative pricing strategies, such as dynamic pricing, gaining a competitive edge in the market.
 - DPOs may also respond to changes in the market, such as new entrants or shifts in customer demand, by adjusting their charges accordingly, helping them stay competitive and relevant in a rapidly evolving industry.

Overall, forbearance in setting these charges empowers DPOs to operate more strategically and competitively, ultimately benefiting both the operators and their customers. However, the charges should be transparent, non-discriminatory for all the subscribers who meet the same criteria of region/area and class of subscribers and to be declared by the DPOs on their respective website at appropriate places such as, information channel (#999), mobile apps and/or other places as deemed fit for convenience and information of the consumers. Moreover, the charges should be published in the CAF and also reported to the Authority in the prescribed manner.

B. Display of channels in EPG

40. In the current regulatory framework, the distributors of television channels display all channels available on its platform in the EPG. The channels are listed under their respective genre and exhibits the MRP in the case of pay channel. For FTA channels, it is displayed as “Zero” or “Free”. Maximum Retail Price (MRP) is the actual price of the channel, as declared by the broadcaster, whereas Distributor Retail Price (DRP) is the price payable by the consumer to the DPO, when subscribed to a channel.
41. The existing provision requires distributors of television channels to display the MRP declared by the broadcasters in the EPG. TRAI's 'Tariff Order' further mandates that the DRP declared by DPOs should be less than or equal to the MRP declared by broadcasters. Most of the DPOs are offering DRP equivalent to MRP, while some have set their DRP lower than the MRP. From a consumer's perspective, only the MRP of channels is visible in the EPG, making it difficult for them to make informed decisions. Therefore, the issue raised in the consultation paper was whether it would be appropriate to display the MRP only or DRP alongside the MRP or DRP only in the EPG for consumer transparency and accordingly comments and counter comments were sought from the stakeholders.
42. Some of the stakeholders suggested that EPG should display only the base price set by the channel broadcaster which is MRP. However, if the DPO offers a lower price than MRP which is DRP, then both MRP and DRP should be displayed. One stakeholder even suggested that if a channel is offered at promotional price by the broadcaster, then the EPG should reflect that lower promotional MRP to ensure that the benefit is passed to the consumer.
43. Some of the other stakeholders are of the opinion that both MRP with DRP should be displayed in the EPG. This provides consumers with complete transparency regarding channel pricing. With both prices in the EPG, consumers can compare deals if their DPO offers a discount on the MRP and also help the consumer make informed choices which means having a clearer picture of the overall cost of subscribing to specific channels. The provision of both the prices would provide the consumer with more information that would enable them to make a better decision.
44. One of the stakeholders has provided counter comment in the matter that the purpose of displaying price in the EPG is to inform the customer of the price at which channel is available for subscription i.e. DRP. Hence, displaying DRP is relevant for consumers. Some of the other stakeholders are also of the same view and have supported the opinion.
45. One of the stakeholders is of the view that mandating Maximum Retail Price (MRP) on the Electronic Program Guide (EPG) Channel list may not be necessary. Instead, it could be provided on DPOs' Information Channels or websites. Currently, some operators append prices as suffixes to channel names, which could compromise user experience as neither the channel names nor the prices are displayed clearly.
46. One of the stakeholders has provided counter comment in the matter that the Electronic Program Guide (EPG) should exclusively display the subscription charges for channels or bouquets. Moreover, if the Distributor Retail Price (DRP) is less than the Maximum Retail Price (MRP), this variance should be transparently displayed for the consumer's awareness. Also, any promotional pricing offered by broadcasters should be accurately reflected in the EPG to ensure transparency.

47. After considering various comments and counter comments received from the stakeholders, the Authority is of the view that in most cases the DRP declared by the DPO is equal to the MRP of the pay channels. Hence, mandating both MRP and DRP would require all DPOs to update their EPG, which would entail additional cost and may require investments in technology and processes, adding to operational expenses. Balancing these factors is crucial in implementing effective regulatory measures that benefit both DPOs and consumers in the television broadcasting ecosystem. Therefore, mandating only displaying MRP on the EPG should be continued. However, flexibility may be given to DPOs to display the distributor retail price (DRP) in the EPG but clearly distinguishing between the two prices i.e. MRP and DRP, for the clarity to the subscribers. Although in most cases, the DRP declared by the DPO is equal to the MRP of the pay channels yet in case if any DPO wants to offer a DRP different from MRP, it would be able to do it in a transparent manner for the subscribers.

C. Billing cycle for pre-paid payment option

48. In accordance with the existing regulatory regime, the DPOs may offer broadcasting services to subscribers either on pre-paid basis or post-paid basis or both. Most of the DPOs provide services to the consumers on pre-paid billing system. The existing billing cycle in the case of pre-paid billing method is thirty days from the date of activation of the services. But it is silent on the periodicity of the billing cycle in case a subscriber intends to recharge for the services for an entire year. Currently, the pre-paid billing recharge system is based on a validity period of 30 days from the date of activation of services.
49. However, many consumers have ~~also~~ raised concerns and complaints regarding the current pre-paid billing provision, which only allows for a billing cycle of 30 days from the date of activation of services. This has resulted in issues for the subscribers who wish to recharge on a long-term basis. For instance, if a customer wishes to recharge for one year from the activation date, the billing cycle would be counted as 30 x 12, i.e., 360 days, leaving a gap of 5 days or 6 days (in the case of a leap year). Hence, the issue raised in the consultation paper was about how the validity should be mentioned, especially, in the case of long term pre-paid plans and accordingly, comments and counter comments were sought from the stakeholders.
50. Most of the stakeholders advocated maintaining the existing pre-paid billing cycle of 30 days. Altering this cycle would necessitate adjustments throughout the content distribution value chain. Keeping it unchanged ensures alignment among all stakeholders, including broadcasters, distributors, and subscribers.
51. One of the stakeholders has provided a counter comment in the matter that periodicity of the billing system (pre-paid and post-paid) should be kept uniform, i.e., one calendar month. Has also suggested that broadcasters should have the ability of pre-paid billing.
52. One of the stakeholders mentioned that the billing periodicity for prepaid customers should be either for 6 or 12 months. That is, if a subscriber is billed on 5th June, she should be billed on 5th December of the same year, if it is six months and 5th June of the next year, if it is for twelve months. The six months or 12 months bills would be for the exact number of days that the subscriber uses the service.
53. One of the stakeholders has commented that the current billing system creates a disparity between pre-paid and postpaid billing cycles. While broadcasters, who heavily invest in content acquisition, operate on a postpaid monthly billing cycle, Distribution Platform Operators (DPOs) adhere to a 30-day pre-paid billing cycle. To address this inconsistency, it is proposed to establish a standardized billing period of one calendar month for both pre-paid and postpaid systems.
54. One of the stakeholders has provided counter comment in the matter that the current billing period outlined in the existing Regulation is functioning effectively and customers are accustomed to it. Therefore, there is no requirement for any alterations to the current billing system.

55. After considering various comments and counter comments received from the stakeholders, the Authority has decided to retain the current 30-day pre-paid billing cycle and additionally, is of the view that for clarity and convenience of consumers, all prepaid subscriptions should be specified in terms of the number of days only. This would avoid the situation being faced by the subscribers presently when they intend to recharge for 1 year but actually get validity for only 360 days and also resulting subscriber complaints.
56. Regarding the issue of submission of subscriber channel viewership data to broadcasters by DPOs, comments and counter-comments were solicited regarding whether the existing methodology should be reassessed. After considering various comments and counter comments received from the stakeholders, the Authority has analysed that changing the existing subscriber report extracting mechanism would be a complex task, without any much value addition. Capturing and sharing daily count of subscribers would be complicated and would require updating SMS software and hence the elevated costs for the DPOs. Taking the count 4 times a month covers most of the subscribers' activity. Therefore, the Authority is of the view that existing periodicity of providing MSRs on 7th, 14th, 21st and 28th of every month be retained.

D. Regulations on Platform Services Channels

57. Platform Service (PS) are programs transmitted by the DPOs exclusively to their own subscribers excluding channels like Doordarshan, registered TV channels and foreign TV channels that are not registered in India. The Ministry of Information and Broadcasting (MIB) has issued operational guidelines for platform service channels in respect of DTH operators on 16th September 2022 and guidelines for Multi System Operators (MSOs) on 30th November 2022. The guidelines have been formulated considering most of the TRAI recommendations on platform channels.
58. The guidelines also require all PS channels to be grouped together under the genre "Platform Services" in the EPG, with their MRP and an option for activation/deactivation in accordance with applicable regulations set by TRAI. Now, since the guidelines for the PS channels has been issued for MSOs and DTH operators, they will fall in the ambit of the TRAI regulations as well. Hence, the issue raised in the consultation paper was for suitable incorporation of the above mentioned guidelines or any other provisions w.r.t. Platform Services channels of DPOs in the 'QoS Regulations' and accordingly comments and counter comments were sought in the matter from the stakeholders.
59. Most of the stakeholders have proposed that since the conditions related to platform services are part of MIB guidelines, these can be included in the QoS Regulations as well. However, it is suggested that the genre classification for Platform Services (PS) should only apply to Set-Top Boxes (STBs) acquired after the initiation of the Regulatory framework in 2017. This is due to limitations in grouping and creating the number of genres of channels in the EPG on older STBs.
60. Some of the stakeholders have mentioned that there is no need to include the aforementioned provisions in the QoS Regulations as these provisions already exist within the legal framework and are in full force, making their duplication in the QoS Regulations unnecessary. Incorporating them into the QoS framework would not provide any added value but would only result in redundancy.
61. One of the stakeholders has provided counter comment in the matter that the MIB guidelines for Platform services, could also be incorporated into Quality of Service (QoS) Regulations. However, the implementation might not be feasible for certain Set-Top Boxes (STBs) that were in operation before the National Regulatory Framework (NRF) of 2017, and thus, exemptions may be necessary.
62. Some of the stakeholders have proposed that Platform Service (PS) channels be distinctly categorised under 'Platform Services' within the Electronic Program Guide (EPG) and suggested consolidating these channels at the

conclusion of all authorised satellite TV channels. On the other hand, a few of the stakeholders opined that PS channels should not be placed separately on the EPG as the subscribers would have great difficulty in discovering and viewing such services.

63. One of the stakeholders has proposed the application of forbearance principles to Platform Service (PS) channels and advocates for removing any caps on the quantity of PS channels and granting DPOs discretion over the content for these channels. This approach is justified by the belief that DPOs, being in close proximity to their customers, possess a deep understanding of their preferences.
64. Regarding whether the respective MRP of the PS channel should be displayed in the EPG against each platform service, one of the stakeholders suggested that the MRP of PS channels should be listed on the website of the DPOs in addition to EPG.
65. Regarding whether DPO should provide an option of activation /deactivation of platform services channel to its subscribers, one of the stakeholders is of the opinion that DPOs should be provided an option of activation/deactivation of platform services whereas one of the stakeholders has stated that they are already providing their subscribers an option of activation /deactivation.
66. One of the stakeholders has provided counter comment in the matter that Platform Service (PS) channels and broadcasters' television channels should be excluded from economic regulations. Instead, these channels should primarily fall under the purview of QoS regulations, which would concentrate on factors such as QoS, EPG, and LCN listing. Additionally, Platform services should be sequentially listed and numbered in both the LCN and EPG.
67. After considering various comments and counter comments received from the stakeholders, the Authority is of the view that the definition of platform services and the related provisions may be included in the Tariff Order, Interconnection Regulations and QoS regulations. The PS channels should be categorised separately under the genre 'Platform Services' in the EPG. Also, MRP of the PS channels should be displayed in the EPG against each PS channel and the DPOs should also provide an option to the consumers for activation/deactivation of platform services as is being done for registered satellite channels so as to enable the choice to the subscribers.

E. Review of mandatory provisions of toll-free number, Consumer Corner, Subscriber Corner, establishment of website and Manual of Practice etc.

68. As per the 'QoS Regulations', television channel distributors are required to set up a customer care centre before offering broadcasting services to subscribers. The centre should have a toll-free customer care number with sufficient lines and resources to efficiently handle subscriber queries. Furthermore, the centre should have an Interactive Voice Response System (IVRS) to facilitate complaint registration, along with a web-based complaint management system. Also, television channel distributors must create and maintain a website for broadcasting services related to television and to promote consumer awareness.
69. The distributor's website must include a 'Consumer Corner' hyperlink on the home page, which must be clearly visible without scrolling. This hyperlink should direct visitors to a web page that provides information on regulatory provisions. Additionally, the webpage should have a provision for subscriber login termed as 'Subscriber Corner', which will allow them to access specific information. Further, according to regulations, it is mandatory for every distributor of television channels to make available a manual of practice on their website. These provisions are important from consumer perspective; however, it also adds to the substantial cost for the DPOs, especially the smaller MSOs. In this context, the issue raised in the consultation paper was whether there is a need to re-evaluate some of these provisions, without dissolving the intent of the requirement to be met. Accordingly, comments and counter comments were sought from the stakeholders in the matter.

70. With regard to Toll-Free Numbers/apps or websites for Consumer Engagement, some of the stakeholders suggested that for a consumer of any company dealing with a product or service, there should be an easy option available to approach the concerned company and it is understood that toll free number is one such option. However, it may be appreciated that maintaining a toll-free number is a costly affair for any company, not only for small MSOs. Hence, DPOs should broaden their communication channels to include platforms such as WhatsApp and develop dedicated apps for customer interaction and support. They also proposed that while maintaining a toll-free number could be offered as an optional convenience for customers, it should not be mandated as a requirement for companies.
71. Some stakeholders stated that TRAI should prioritise ensuring the effective implementation and compliance of the current Quality of Service (QoS) regulations before considering any re-evaluation of its provisions. While some of the other stakeholders advocated for maintaining the current practice, some others suggested that if instances of non-compliance by any DPO regarding the aforementioned requirements persist for a consecutive period of three years, then the license of such DPOs should be terminated.
72. One of the stakeholders expressed the opinion that the current framework includes various channels for disseminating information, such as the Consumer Corner, Subscriber Corner, and Manual of Practice. Additionally, this information is conveyed through customer care programming services across 999 channels. To streamline this process, they suggest displaying only pertinent information, such as the Complaint Redressal Process, details of subscription packs, and associated charges.
73. One of the stakeholders stated that the QoS regulations are important for maintaining the service quality to the consumer. While DPOs have implemented the QoS Regulations, but it is observed that several DPOs hardly update them on a regular basis. Provisions of a consumer corner / subscriber corner / DPO website and manual of practice are outdated for several DPOs and are not necessarily linked with the services offered to the consumer. Therefore, it is very important to emphasize on ensuring periodic updation from the DPO end to ensure relevance and effectiveness in addressing consumer needs and industry standards.
74. One of the stakeholders has provided counter comment in the matter, emphasizing the necessity of ensuring timely updates from the DPOs for sustained relevance. They highlighted that the requirements have been enforced since the implementation of the NRF-2017 and are in the best interest of consumers, suggesting their continuation. Furthermore, they propose the inclusion of penal provisions, such as the termination of licences for DPOs that fail to comply with these requirements over a significant period, potentially spanning three years. This is intended to uphold accountability and maintain the quality of service within the industry.
75. One of the stakeholders has provided counter comment in the matter, suggesting that the regulatory body should take prompt action in response to any instances of non-compliance with the Quality of Service (QoS) Regulations by the relevant stakeholders. Furthermore, they propose that the regulatory body should diligently enforce the QoS Regulations to safeguard consumer interests and uphold transparency within the industry. These measures are deemed essential for maintaining accountability and ensuring the delivery of high-quality services to consumers.
76. After considering various comments and counter comments received from the stakeholders, the Authority is of the view that the DPOs must maintain a customer care number, but it may not necessarily be a toll-free number. Further, it is optional for DPOs having a total active subscriber base of less than 30,000 to establish Website, Consumer Corner, Subscriber Corner and Manual of Practice as such small DPOs may have capacity constraints both in terms of manpower as-well-as finances. Therefore, it may be appropriate to mandate the requirement of establishing Website, Consumer Corner, Subscriber Corner and Manual of Practice only for those distributors who have a significant total active subscriber base and give relaxation to the smaller ones. The dividing line of 30,000 subscribers mentioned herein has been derived as per the seeding data of TV subscribers received from MIB as on 30.06.2023 which indicates that DPOs with more than 30,000 subscriber base cover about 98% of the total

subscribers in the country, implying that DPOs with less than 30,000 subscriber base cover only about 2% subscribers. At the same time, keeping in view the interest of these subscribers, TRAI may come out with a portal for publishing such information by these DPOs who have total active subscriber base less than 30,000 so that the information is available to the public. Once the portal is developed, it shall be mandatory for such DPOs to publish information with respect to the list of channels and bouquets along with their MRP, NCF, CPE schemes etc. on the portal in the manner specified by the Authority for the information of the public.

77. In the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Third Amendment) Order, 2022 published by TRAI on 22nd November 2022, the MRP of pay channel per month for inclusion in bouquet was revised to rupees nineteen from rupees twelve but inadvertently, the same was not reflected in the QoS Regulations during that time. Since, it is the Tariff Order that determines the applicable tariff, accordingly necessary modification referring to the Tariff order has been carried out in the first proviso of regulation 10 of the principal Regulations through this amendment.

Financial Disincentive

78. In the CP, stakeholders were asked if a financial disincentive be levied in case a service provider is found in violation of any provisions of Tariff Order, Interconnection Regulations and Quality of Service Regulations. They were also asked to specify the amount of financial disincentive for different violations along with the time for compliance and any additional financial disincentive to be levied in case the service provider does not comply within the stipulated time. Please refer to CP and the explanatory memorandum to Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Fourth Amendment) Order, 2024 (1 of 2024) for the issues raised in CP, the gist of response received from the stakeholders and the analysis of the Authority.
79. For the purpose of imposing financial disincentives, the Authority noted that some contravention of Regulation of the QoS Regulation 2017 (as amended) may have large adverse implications such as affecting consumer choice, transparent information to consumers, non-discrimination among service providers, affecting healthy competition, unfair business practices, etc. Accordingly, the Authority has decided to impose a higher amount of financial disincentives for the contravention of these regulations (mentioned under Group B in Table-1). For violation/contravention of regulations having lesser implications, and which do not directly impact consumer interests or affect healthy competition, a lower amount of financial disincentives have been prescribed (mentioned under Group A in Table-1). Although the Authority believes in light touch regulation yet ensuring compliance of Regulations and Orders is of prime importance. Balancing both, the Authority has decided to issue an Advisory/Warning in case of the first contravention of regulations having lesser implications. Further, in order to deter service providers from repeated contraventions, a lower amount of financial disincentive has been prescribed for first contravention of each regulation and a higher amount for each subsequent contravention of the same regulation has been prescribed. Accordingly, different regulations of QoS Regulation 2017 as amended, and the amount of financial disincentive to be imposed for their first contravention and subsequent contravention are as follows:

Table 1: Quantum of Financial Disincentive for contravention of provisions of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, as amended

| Regulation | Details | Maximum amount of Financial Disincentive (Q) (in Rs.) | |
|---|--|---|--------------------------|
| | | First Contravention | Subsequent Contravention |
| Group A: Regulations for lower financial disincentive | | | |
| 32 | Provision of Customer care programming service for dissemination of information | Advisory/ Warning | 25,000 |
| 37 | Publishing of Manual of Practice by DPO | Advisory/ Warning | 25,000 |
| 39 | Submission of report for ensuring compliance of QoS | Advisory/ Warning | 25,000 |
| 39 (a) | Furnishing of information to the Authority and publishing on its website* and inclusion in CAF. | Advisory/ Warning | 25,000 |
| 40 | Designation of Compliance Officer for QoS Regulations | Advisory/ Warning | 25,000 |
| Group B: Regulations for higher financial disincentive | | | |
| 4(5) & 4(6) | Prescribed Charges reg Installation and Activation to be declared and published on website* | 25,000 | 1,00,000 |
| 8 (1) & 8 (2) | Scroll on Television Screen 15 days prior to change / discontinuation of a channel | 25,000 | 1,00,000 |
| 12(4) | Prescribed Charges reg. Restoration and Reactivation to be declared and published on website* | 25,000 | 1,00,000 |
| 14 (proviso i & ii) | Prescribed Charges reg. relocation of connection* | 25,000 | 1,00,000 |
| 24 (3) & 24 (11) | CPE Schemes, Visiting Charges to be declared and published on website* | 25,000 | 1,00,000 |
| 25 | Provision of Customer care centre | 25,000 | 1,00,000 |
| 31 | Provision of Website, Consumer Corner and Subscriber Corner* | 25,000 | 1,00,000 |
| 38 | Display of Channels in EPG by DPO for consumer and indicate prices in the case of pay channels and indicate 'Free' for free-to-air channel | 25,000 | 1,00,000 |

* Subject to regulation (25A)

80. It may be noted that under sub-regulations 7,8 and 9 of Regulation 22, provisions for levying financial disincentive already exist. Schedule V shall not affect the provisions of sub-regulations 7,8 and 9 of Regulation 22 of the regulations.
81. As mentioned earlier, please refer to the explanatory memorandum to Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Fourth Amendment) Order, 2024 (1 of 2024) for detailed analysis and views of the Authority on the issue related to financial disincentives. In view of above, suitable provisions have been included in the regulations.
