



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार /Government of India



Dated: 4th December 2020

DIRECTION

Subject: Direction to M/s. Den Satellite Networks Pvt. Ltd. (Den Satellite) under section 13, read with sub-clause (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997, to ensure compliance to the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, dated 3rd March, 2017.

No. 12-26/2020-B&CS: Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act), has been entrusted to discharge certain functions, inter-alia, to regulate the telecommunication services; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication services;

2. And whereas, the Central Government, in the Ministry of Communications and Information Technology (Department of Telecommunications), vide its Notification No.39, ...

(a) issued, in exercise of the powers conferred upon by Proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

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

has notified broadcasting services and cable services to be telecommunication service;

3. And whereas the Authority notified a new regulatory framework for Broadcasting and Cable TV services provided through addressable systems, encompassing the following: -

(a) *the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March, 2017 [Tariff Order 2017];*



- (b) *the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017 [Interconnection Regulation 2017]; and*
- (c) *the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017 [QoS Regulation 2017];*

4. And whereas clause 4 of the Tariff Order 2017 provides for declaration of network capacity fee and manner of offering of channels by distributors of television channels, and reads as under: -

“4. Declaration of network capacity fee and manner of offering of channels by distributors of television channels.--- (1) *Every distributor of television channels shall declare network capacity fee, per month, payable by a subscriber for availing a distribution network capacity so as to receive the signals of television channels:*

Provided that the network capacity fee, per month, for network capacity upto initial two hundred SD channels, shall, in no case, exceed rupees one hundred and thirty, excluding taxes:

Provided further that the network capacity fee, per month, for network capacity for receiving more than two hundred SD channels, shall, in no case, exceed rupees one hundred and sixty, excluding taxes:

Provided also that a distributor of television channels shall be free to declare different network capacity fee for different regions within its service area, and shall report to the Authority, the details of such network capacity fee for each regions:

Provided also that the network capacity fee, per month, for each additional TV connection, beyond the first TV connection in a multi TV home shall, in no case, exceed forty percent of the declared network capacity fee:”

Provided also that one HD channel shall be treated equal to two SD channels for the purpose of calculating number of channels within the distribution network capacity subscribed.”;

5. And whereas regulation 31 of the QoS Regulation, 2017 provides for establishment of website, and reads as under: -

“31. Establishment of website.— (1) *Every distributor of television channels shall establish and maintain a website for the purpose of publicity of information related to broadcasting services related to television offered by the distributor and for consumer awareness:*

Provided that it shall be permissible for a distributor of television channels to engage any agency for establishing and operating such website:

Provided further that the responsibility for compliance of the provisions of these regulations shall rest with the distributor of television channels.

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(2) Every distributor of television channels shall provide a hyperlink for "consumer corner" on the home page of the website which shall be clearly visible and noticeable to visitors without scrolling the page.

(3) The consumer corner hyperlink referred to in sub-regulation (2) shall point to another web page where the information in accordance with Schedule II of these regulations shall be made available.

(4) The web page referred in sub-regulation (3), shall also have a provision for login to the subscribers to access information specific to such subscriber in accordance with Schedule III of these regulations.";

6. And whereas regulation 37 of the QoS Regulation, 2017 provides for manual of practice, and reads as under: -

"37. Manual of Practice. – Every distributor of television channels shall publish a manual of practice on its website which shall contain information in accordance with Schedule IV to these regulations:

Provided that it shall be permissible for the distributor of television channels, to publish and provide the manual of practice in printed form and in Hindi, English or Regional language as per the requirements of service area."

7. And whereas compliance to the provisions of new regulatory framework was sought from M/s. Den Satellite Networks Pvt. Ltd. (Den Satellite) by TRAI Regional Office, Bangalore;

8. And whereas on scrutiny of the compliance received from Den Satellite and on verification from the website of the Den Satellite, it is observed that it does not comply with few of the provisions of the new regulatory framework, as enumerated below: -

- a) the list of Free to Air (FTA) Channels is not available on the website of Den Satellite [*mandated as per regulation 31(3) read with entry 1(a) of Schedule-II to QoS Regulation, 2017*];
- b) the list of bouquet of pay channels formed by the broadcaster with composition and their respective MRP and distributor retail price is not visible on the website of Den Satellite [*mandated as per regulation 31(3) read with entry 1(d) of Schedule-II to the QoS Regulation, 2017*];
- c) the Network Capacity Fee (NCF) as per the new regulatory framework (as amended) has not been updated on the website by Den Satellite [*mandated as per clause 4 of the Tariff Order, 2017 and regulation 31(3) read with entry 2 of Schedule-II to the QoS Regulation, 2017*];
- d) the website of Den Satellite does not display the LCN no. of the consumer Information channel [*mandated as per regulation 31(3) read with entry 12 of*

Schedule-II to the QoS Regulation, 2017];

- e) the subscriber corner hyperlink, (containing the features & information as per Schedule-III of the QoS Regulation 2017), has not been provided to the consumers on the website by Den Satellite [mandated as per regulation 31(4) of the QoS Regulation, 2017]; and
- f) the Manual of Practice, (containing the details as per Schedule-IV to the QoS Regulation 2017) is not available on the website of Den Satellite [mandated as per regulation 37 read with entry 1 to 6 of Schedule-IV to the QoS Regulation, 2017];

9. Now, therefore, the Authority, in exercise of its power under section 13, 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) hereby directs M/s. Den Satellite Networks Pvt Ltd., to comply with the provisions of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, and the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and furnish compliance report to this Direction to the Authority within twenty one (21) days from the date of issuance of the Direction.

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04/12/2020

(Devendra Dwivedi)
Joint Advisor (B&CS)

To

**Mr. Dinesh Singh,
M/s Den Satellite Network Pvt. Ltd,
401-402, 4th Floor Sentinel,
Hiranandani Business Park,
Powai, Mumbai (Maharashtra)
Pin - 400 076.**