



सत्यमेव जयते

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



**DIRECTION**

Dated: 16<sup>th</sup> April 2019

**Subject: Direction to M/s Hathway Digital Pvt Ltd 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 of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services**

**No. 30-4/2019-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, 1997"], has been entrusted to discharge certain functions, inter-alia, to regulate the telecommunication services; fix the terms and conditions of inter-connectivity between the service providers; ensure technical compatibility and effective inter-connection between different service providers; 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 service;

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

(a) issued in exercise of powers conferred by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, 1997 and (b) published under notification number S.O.44(E) dated the 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 3<sup>rd</sup> March 2017 [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 [QoS Regulation 2017].

4. And whereas the Authority, vide its Press Note dated the 3rd July 2018, informed the stakeholders that various timelines prescribed in the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 shall commence with effect from 3rd July 2018;

5. And whereas the new regulatory framework comprising the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 became applicable with effect from 29th December 2018;

6. And whereas in order to protect the interest of the consumers and to ensure smooth transition to the new regulatory regime, the Authority, vide the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Amendment) Regulations, 2018 dated 28<sup>th</sup> December, 2018, permitted the continuance of the existing packs, plans and bouquets upto 31st January, 2019 and directed all distributors of television channels to offer and obtain the option for subscription of new packs, plans or bouquets from the subscribers on or before 31st January, 2019 and ensure that services to the subscribers, after the 31st January, are provided as per the new packs, plans or bouquets opted for subscription by the subscribers;

7. And whereas as per sub-clause (3) of clause 3 of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 reads as under:-

**“3. Manner of offering of channels by broadcasters.---** (3) *It shall be permissible for a broadcaster to offer its pay channels in the form of bouquet(s) and declare the maximum retail price(s), per month, of such bouquet(s) payable by a subscriber:*

*Provided that, while making a bouquet of pay channels, it shall be permissible for a broadcaster to combine pay channels of its subsidiary company or holding company or subsidiary company of the holding company, which has obtained, in its name, the downlinking permission for its television channels, from the Central Government, after written authorization by them, and declare maximum retail price, per month, for such bouquet of pay channels payable by a subscriber:*

*Provided that such bouquet shall not contain any pay channel for which maximum retail price per month is more than rupees nineteen:*

*Provided further that the maximum retail price per month of such bouquet of pay channels shall not be less than eighty five percent of*



*the sum of maximum retail prices per month of the a-la-carte pay channels forming part of that bouquet:*

*Provided further that the maximum retail price per month of such bouquet of pay channels shall be uniform for all distribution platforms:*

*Provided further that such bouquet shall not contain any free-to-air channel:*

*Provided also that such bouquet shall not contain both HD and SD variants of the same channel.”*

8. And whereas regulations 6 and 7 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

**“6. Subscription of channels/bouquets.**— *Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, activate requested channel or bouquet available on its platform, as soon as possible, but not later than seventy two hours:*

*Provided that the charges for requested channel or bouquet shall be payable by the subscriber from the date of activation of such channel or bouquet.”*

**“7. Deactivation of channels/bouquets from subscription.**— *Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, deactivate the requested channel or bouquet from the subscription of such subscriber as soon as possible, but not later than seventy two hours:*

*Provided that it shall be permissible for the distributor, to refuse such deactivation request if the subscription of such channel or bouquet is within a lock-in period which was declared by the distributor on its website and informed to the subscriber at the time of subscription of such channel or bouquet:*

*Provided further that in case of refusal of deactivation request, the distributor shall communicate the reasons of such refusal to the subscriber through Short Message Service (SMS) to his registered mobile number and through such other means of communication which may be deemed appropriate by the distributor.”*



9. And whereas regulation 17 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 reads as under:

**“17. Price protection to subscribers.—** *In case, the broadcasting services related to television have been availed by a subscriber with a lock-in period or the charges for subscription of broadcasting services related to television are paid in advance for a specific period by a subscriber in pursuance of any scheme offered by the distributor of television channels, the distributor shall continue to provide such services for such period to the subscriber without any increase in the price of subscription and without altering the other terms of subscription to the disadvantage of the subscriber.”*

10. And whereas clause (a) of sub-regulation (1) of regulation 25 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 reads as under:

**“25. Customer care centre.-** *(1) Every distributor of television channels shall, before providing broadcasting services related to television to its subscribers, establish a customer care centre, for addressing their service requests and redressal of complaints and the distributor shall ensure that such centre:*


*(a) has a toll free “customer care number” having sufficient number of lines or connections and human resources to efficiently service the subscriber base of the distributor;*

11. And whereas on receipt of complaints and inspection of website of M/s Hathway Digital Pvt Ltd and inspection of the consumer homes by TRAI officials on the received complaints, the following issues have been observed by the Authority: -

- The said DPO is offering bouquets which contains both FTA and PAY channels.
- Subscribers who have already paid amount in advance for one year, the pay channels of such consumers have been cut without their consent and only FTA channels are being shown.
- Most of the times, the consumers are not able to contact the toll free number of M/s Hathway Digital Pvt. Ltd to express their grievance.
- Subscribers are not able to re-exercise their choice through website and the following message is being displayed :- *For any type of renewal please call your Local Cable Operator*



12. 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) directs M/s Hathway Digital Pvt Ltd to resolve the issues mentioned in para 11 above and adhere to the provisions of 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 and to report compliance as per the new regulatory framework within five days from the date of issue of this direction.

  
**(Arvind Kumar)**  
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To,

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