



सत्यमेव जयते

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



DIRECTION

Dated 03rd May 2019

Subject: Direction to M/s Multi Reach Media 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 to various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services.

No. 30-12/2019-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 with discharge of 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 service 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];

(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 28th 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 sub-regulation (4) of regulation 31 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 reads as under:

“31. Establishment of website.—

...
...

(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.”

8. And whereas sub-regulations (3), (4) and (5) of regulation 24 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

“24. Supply and installation of the customer premises equipment.—

...
...

(3) Every distributor of television channels or its linked local cable operator, as the case may be, shall offer customer premises equipment to every consumer under the following schemes:

- (i) outright purchase scheme, and
- (ii) rental scheme:

Provided that, in addition to offering customer premises equipment on outright purchase scheme and rental scheme, it shall be permissible for the distributor or its linked local cable operator, as the case may be, to offer customer premises equipment under any other scheme including bundled scheme.

(4) Every distributor of television channels or its linked local cable operator, as the case may be, shall inform the consumers the details of all the schemes of customer premises equipment offered by it.

(5) Every distributor of television channels shall publish on its website the details of all schemes for customer premises equipment along with other terms and conditions applicable to the said schemes and such information shall also be disseminated through the customer care programming service.”

9. And whereas sub-regulation (3) 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.—

...
...

(3) Every distributor of television channels shall ensure that the Interactive Voice Response System is operated in the following manner,-

(a) the first level of the Interactive Voice Response System provides for language selection;

(b) the second level of the Interactive Voice Response System provides for options relating to the broad categories of complaints and service requests;

(c) the third level of the Interactive Voice Response System provides for a sub-menu under service and complaint requests, separately;

Provided that the sub-menu in the third level shall also contain an option enabling the customer to speak to a customer care executive.”

10. And whereas regulation 32 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

“32. Customer care programming service.— (1) *Every distributor of television channels shall provide a customer care programming service for the purpose of dissemination of information as required under the provisions of these regulations and for consumer awareness.*

(2) *Every distributor of television channels shall assign a unique number to the customer care programming service as referred to in sub-regulation (1) and display the said number on its website under the consumer corner as referred to in sub-regulation (2) of regulation 31 and communicate the said number to the subscribers through running scrolls on television screen and through any other communication means as deemed appropriate.*

(3) *Every distributor of television channels shall disseminate the information, on regular intervals, in accordance with Schedule II and Schedule III of these regulations to subscribers through customer care programming service in multiple formats such as text, video, audio, scroll and multimedia graphics:*

Provided that information messages provided by the Authority if any, for consumer awareness shall also be carried over such customer care programming service.”

11. And whereas sub-clauses (2) and (7) of clause 4 of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 read as under:-

“4. Declaration of network capacity fee and manner of offering of channels by distributors of television channels.—

...

(2) *Every distributor of television channels shall offer all channels available on its network to all subscribers on a-la-carte basis and declare distributor retail price, per month, of each pay channel payable by a subscriber:*

Provided that the distributor retail price, per month, payable by a subscriber to a distributor of television channels for subscribing to a pay channel shall, in no case, exceed the maximum retail price, per month, declared by the broadcasters for such pay channel.

...

...

(7) *Within the distribution network capacity subscribed, in addition to channels notified by Central Government to be mandatorily provided to all the subscribers, a subscriber shall be free to choose any free-to-air channel(s), pay channel(s), or bouquet(s) of channels offered by the*

broadcaster(s) or bouquet(s) of channels offered by distributors of television channels or a combination thereof:

Provided that if a subscriber opts for pay channels or bouquet of pay channels, he shall be liable to pay an amount equal to sum of distributor retail price(s) for such channel(s) and bouquets in addition to network capacity fee.”

12. And whereas on receipt of compliance report from authorized representative of M/s Multi Reach Media Pvt. Ltd. during meeting in the Authority's Regional Office, Kolkata and inspection of website of M/s Multi Reach Media Pvt. Ltd., the following issues have been observed by the Authority: -

- The said DPO is not offering subscriber corner facility in their website.
- The call centre of the DPO does not support IVRS.
- The said DPO is not publishing STB schemes on their website.
- Customer care programming service is yet to be offered by the DPO.
- The said DPO is forcefully offering a bouquet of free-to-air channels with no choice to subscribers.

13. 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 Multi Reach Media Pvt. Ltd. to resolve the issues mentioned in para 12 above and adhere to the provisions of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 and Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and to report compliance as per the new regulatory framework within five (05) days from the date of issue of this direction.


(Debkumar Chakrabarti)
Pr. Advisor (B&CS)

To,

Shri Amit Upadhyay,
Chief Executive Officer
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