

**TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART III, SECTION 4
TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION**

NEW DELHI, the 9th October 2019

F. No.12-37/2019-B&CS.----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. (1) These regulations may be called the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Second Amendment) Regulations, 2019 (6 of 2019).

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 3 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, after sub-regulation (5), the following sub-regulations shall be inserted, namely: -

“(6) Every distributor of television channels shall allow the consumers to access, through application (such as Mobile App) or portal developed by the Authority, to view the television channels and bouquet of channels available on its platform, select the television channels or bouquet of channels of their choice available on the platform, deselect any channel or bouquet of channels, view their subscription details and modify their subscription.

(7) Every distributor of television channel shall enable and facilitate its website or system in such a manner that an application or portal developed by the Authority may have access to its platform for the purposes mentioned in sub-regulation (6):

Provided that the subscriber of the distributor shall be able to view its subscription details, make changes therein only after authentication by one-time password communicated by the distributor.

(8) Every distributor of television channel shall allow exchange of information through Application Programme Interface (API) as specified by Authority from time to time.”

(S. K. Gupta)
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 Explanatory Memorandum explains the objects and reasons of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Second Amendment) Regulations, 2019 (6 of 2019)

Explanatory Memorandum to Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Second Amendment) Regulations, 2019 (6 of 2019)

TRAI, on 3rd March 2017, notified the 'New Regulatory Framework' (or the New Framework) for Broadcasting and Cable services. The new framework came into effect on 29th December 2018. However, to provide enough time to subscribers for exercising their options, the Authority provided time up to 31st January 2019.

The said framework comprises of the following regulations and Tariff Order: -

- a. The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017
 - b. The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017
 - c. The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017
2. TRAI's new regulations/orders for the television and broadcasting sector gave freedom to consumers to select television channels they want to watch. To ensure proper implementation of the new framework, TRAI has made number of efforts such as series of meetings with Distribution Platform Operators (DPOs), publicity in electronic and news media, interactions with customer groups etc. Despite this, TRAI was in receipt of several complaints from the consumers that they are not able to choose the TV channels conveniently on the web portal/apps of the DPOs.
3. TRAI setup an internal committee to check functioning of existing APPs and websites of major DPOs. The committee observed that the process of selecting TV channels on various DPOs platform is cumbersome and the process of subsequent change in the existing subscription is even more tedious. The basic information such as details of existing TV channels subscription is also not visible to subscribers. To ensure proper choice to the consumers, the Authority also issued directions and show cause notices to some DPOs.
4. In order to address above issue, the Authority, in the larger public interest, felt need to have Channel Selection System developed by third party to facilitate easy channel selection by consumers. Accordingly, the Authority issued Draft Regulation (Second Amendment) to The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations 2017 on 9th August 2019, inviting written comments from stakeholders by 22nd August 2019.
5. The basic objective of TRAI was to allow third party to create an app so that consumers should have ease in selection of channels and bouquets (addition/deletion) of their choice, view their subscription and modify the same which would result in reduction of TV viewing charges for consumers by optimising their subscription.
6. On request of some of the stakeholders, the last date for submission of comments was extended upto 29th August 2019. Through this draft regulation (second amendment), TRAI sought comments of the stakeholders on the issue of developing of APP by third parties and consequent sharing of information using Application Program Interface (API) between DPOs and consumers to have ease in selection of channels of their choice and reduce TV viewing charges by optimizing their subscription while allowing them to view channels of their interest.
7. On the draft regulation, comments were received from 27 stakeholders and the same were uploaded in TRAI website. Some of the stakeholders suggested that the Authority should lay down basic minimum specification and guidelines that an App of any DPO should have as the TPD App is not offering anything unique which cannot be built by the DPOs in their current systems.
8. While some of the stakeholders raised issues like data confidentiality, security and misuse of consumer information by third party App developers and there is no guarantee of ensuring that the confidential data shared by the subscribers/DPOs would not be divulged. Further, it was also mentioned that the TPDs are not under the TRAI ambit.
9. Some of the stakeholders were in support of the draft regulation and welcomed this very innovative move to democratize the channel selection process and mentioned that this may eventually pave the way for fairness and equality for the subscribers and further stated that this will more effectively offer assistance to the consumers in choosing their wanted TV channel according to the new tariff regime. They have also stated that this will allow consumers securely communicate with the DPOs through APPs and Portals. The IT Application will also facilitate

consumers to choose channels/bouquets of their interest among the offering by their respective DPOs. The APP can also suggest an optimal configuration of bouquets based on channels desired by the subscriber to reduce the total monthly bill.

10. Subsequently, during an Open House Discussion (OHD) held at TRAI HQ, New Delhi on 16th September 2019, the stakeholders reiterated their comments and were of the view that creation of third party app will not solve the purpose and at this stage TRAI should lay down basic minimum specification and guidelines for DPOs for improving their Website, Mobile App, TV app and various other means for ease of use by consumers in selecting their choice (addition/deletion of channels/bouquets) and reduce TV viewing charges by optimizing their subscription while allowing them to view channels of their interest. It was further suggested by the stakeholders that TRAI may carry out inspection/audit of the websites of the DPOs from time to time to ensure that the guidelines have been implemented by the DPOs.

11. Further, during the OHD, stakeholders were generally of the view that TRAI may develop an App and they have no objection/hesitation in sharing their APIs with TRAI as their data is secure with the regulator and there will not be issues like leakage/misuse of consumer information and privacy of data.

12. The Authority analysed the comments received from stakeholders on the draft regulation and submissions made by the stakeholders during the OHD. Though Authority don't agree with the stakeholders that sharing of information through API to third party have security and privacy issues as now sharing the information with third party has become normal in any business and proper check and balances can be put in place to overcome the problem of privacy and security. However, in view of the other suggestions of the stakeholders that they are open to share their API with TRAI and also willing to modify their APP and website as per guidelines issued by TRAI, the Authority is not mandating DPOs to share their APIs with third party at this stage.

13. The Authority is in the process of finalising the API Specifications which will be communicated separately to the DPOs. DPOs are to share/exchange the information through API with the TRAI whenever the Authority asks for the same for ensuring integration with the TRAI's APP or Portal. These API will be modified from time to time as and when need arises. DPOs may like to make necessary modifications in their current systems so that the API can be shared with TRAI in a given time frame.

14. Through this second amendment, Authority is mandating the DPOs to allow the consumers to access channels/ bouquets available on its platform and have ease in selection of channels and bouquets (addition/deletion) of their choice, view their subscription and modify the same through the TRAI's APP/Portal.

15. The Authority has also taken cognizance of the suggestions made by DPOs that TRAI should lay down basic minimum specification and guidelines that a Website/Mobile App of any DPO should have. In this aspect, Authority has finalized the minimum requirements that a Website/Mobile App of any DPO should have. The same is being issued simultaneously along with these Regulations.