



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



F. No.: RG-8/1/(9)/2021-B&CS

Dated: 10th November, 2021

Subject: Implementation plan - New Regulatory Framework 2020

TRAI has notified the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017; 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, on 03.03.2017.

2. The said regulatory framework was amended on 01.01.2020 vide the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Second Amendment) Regulations, 2020; the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Third Amendment) Regulations, 2020; and the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Second Amendment) Order, 2020 (hereinafter collectively referred as “New Regulatory Framework 2020”).

3. Some broadcasters and other stakeholders challenged the New Regulatory Framework 2020 in various High Courts, including the Hon’ble High Court of Bombay vide Writ Petition (L) No. 116 of 2020 and other connected matters therewith.

4. The Hon’ble High Court of Judicature at Bombay, vide its Judgement dated 30th June 2021 passed in the Writ Petition No 680 of 2020 [(WP (L) No 116 of 2020)], titled as the “Film and Television Producers Guild of India Ltd & Another vs The Union of India & Another” and other connected matters therewith, has upheld the validity of New Regulatory Framework 2020 except for the condition of average test provided in the third proviso to sub-clause (3) of clause 3 of the Tariff Amendment Order 2020. The said judgement of the Hon’ble Court of Bombay has been challenged by these petitioners in the Hon’ble Supreme Court and the same is pending for adjudication.

5. Broadcasters who did not comply with the provisions of New Regulatory Framework 2020 till 12.10.2021 were asked to comply with all provisions of New Regulatory Framework 2020 as upheld by Hon’ble Court of Bombay within 10 days. Consequently, some more broadcasters have submitted their

Reference Interconnect Offers (RIO) to TRAI in line with New Regulatory Framework 2020 and same were published on their websites. However, a few broadcasters are yet to comply with the New Regulatory Framework 2020.

6. In the meantime, TRAI also received representations from many service providers and their associations such as broadcasters, DTH Operators, MSOs and other DPOs etc., wherein they have raised certain practical issues in terms of time constraints in creating ecosystem pertaining to implementation of new framework in the system and migrate the consumers to the new tariff scheme.

7. The Authority after considering the concerns expressed by various stakeholders and especially with respect to time frame for migration of subscribers and taking their choice, is of the view that paucity of time should not come in the way of smooth implementation of the New Regulatory Framework 2020 in seeking informed choices of more than 150 million pay television consumers. Therefore, sufficient time should be given to the service providers to upgrade their IT systems and incorporate various channels /bouquets before offering the same to consumers.

8. In view of the complexities and magnitude of processes involved and keeping in view of the past experiences, it would be prudent that sufficient time should be given for migration of consumers to New Regulatory Framework 2020 to avoid any inconvenience to consumers. Sufficient time for exercising an informed choice is the basic premise of the New Regulatory Framework 2020 which will ensure easy implementation of New Regulatory Framework.

9. Accordingly, all the Broadcasters and Distribution Platform Operators (DPOs) are required to comply with the provisions of the New Regulatory Framework 2020, as upheld by Hon'ble High Court of Bombay, and report the compliance to the Authority as under:

- a. all the broadcasters shall report to the Authority, any change in name, nature, language, Maximum Retail Price (MRP) per month of channels, composition of bouquets and MRP of bouquets of channels as per the New Regulatory Framework 2020, by 31st December 2021 and simultaneously publish such information on their websites. The broadcasters who have already submitted their RIOs in compliance of New Regulatory Framework may also revise their RIOs by 31st December 2021.
- b. all the Distribution Platform Operators (DPOs) shall report to the Authority, Distributor Retail Price (DRP) of pay channels, composition of bouquet of pay channels /free-to-air channels and DRP of bouquets of pay channels, as per the New Regulatory Framework 2020 by 31st

January 2022, and simultaneously publish such information on their websites.

10. All distributors of television channels shall offer and obtain the option for subscription of new bouquets or channels from the subscribers in compliance with the provisions of New Regulatory Framework 2020 from 1st February 2022 to 31st March 2022 and shall ensure that with effect from 01st April 2022 services to the subscribers are provided as per the bouquets or channels opted by the subscribers.

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