



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 Fastway Transmissions 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. 30-2/2019-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 services;

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 upon 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:-

- The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, [ Tariff Order 2017];
- The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3<sup>rd</sup> March 2017 [Interconnection Regulation 2017];
- 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 of 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 the Authority, vide its press release dated the 28<sup>th</sup> December 2018 informed all the stakeholders about the changes in the regulatory regime mentioned in para 6 above;

8. And whereas sub-regulation (2) of regulation (4) of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 reads as under:-

*“(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.”*

9. And whereas sub-regulations (2), (3) and (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.”**--- (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.”*



10. And whereas sub-clause (1) of clause (5) the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 reads as under:-

**“5. Offering of basic service tier by distributors of television channels.---** (1) Every distributor of television channels shall offer at least one bouquet, referred to as basic service tier, of one hundred free-to-air channels including all the channels to be mandatorily provided as notified by the Central Government to all the subscribers and such bouquet shall contain at least five channels of each genre as referred to in the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017:

*Provided that in case sufficient number of free-to-air channels of a particular genre are not available on the network, the distributor of television channels shall be free to include the channels of other genres.”*

11. And whereas the Authority is in receipt of several complaints against M/s Fastway Transmissions Private Ltd. regarding unavailability of choice of channels to the customer in selecting channels and forcing its own channels/packs to the consumers in violation of regulations under the new regulatory framework notified by the Authority.

12. And whereas the Authority, in the light of complaints received against M/s Fastway Transmissions Private Ltd., reviewed their website and observed that the hyperlink for ‘consumer corner’ for enabling the consumers to make their choices is not available on the website which is in violation of the provisions of the QoS regulations, 2017.

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) directs M/s Fastway Transmissions Pvt Ltd to resolve the issues mentioned in paras 11 and 12 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.

  
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