

The Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements and all such other matters Regulations, 2019

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The Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements and all such other matters Regulations, 2019¹

In exercise of the powers conferred by Section 36, read with sub-clauses (vii) and (viii) of clause (b) of sub-section (1) of Section 11 and Section 12 of the Telecom Regulatory Authority of India Act, 1997 (No. 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, namely—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) These regulations may be called the Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements and all such Other Matters Regulations, 2019.

(2) These regulations shall be applicable to all commercial and technical arrangements entered into by broadcaster, distributor of television channels and local cable operator for providing broadcasting services relating to television provided through addressable systems throughout the territory of India.

(3)(a) Except as otherwise provided in sub-clause (b), these regulations shall come into force after one hundred and twenty days from the date of publication of these regulations in the Official Gazette.

(b) Regulation 7 shall come into force from the date of publication of these regulations in the Official Gazette.

2. Definitions.—(1) In these regulations, unless the context otherwise requires—

- (a) “Act” means the Telecom Regulatory Authority of India Act, 1997 (No. 24 of 1997);
- (b) “active subscriber” means a subscriber who has been authorized to receive signals of television channels as per the subscriber management system and whose set top box has not been denied signals;
- (c) “addressable system” means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which transmission of programmes

1. TRAI, Noti. No. F. No. 6-1/2016- B&CS, dt. 4-9-2019 and published in the Gazette of India, Extra., Part III, Section 4 dt. 4th September, 2019, pp. 20-41, No. 310.

including re-transmission of signals of television channels can be done in encrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of the authorization made, on the choice and request of such subscriber, by the distributor of television channels;

- (d) “a-la-carte” or “a-la-carte channel” with reference to offering of a television channel means offering the channel individually on a standalone basis;
- (e) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of Section 3 of the Telecom Regulatory Authority of India Act, 1997 (No. 24 of 1997);
- (f) “average active subscriber base” means the number arrived at by averaging the active subscriber base count in the manner specified in the Schedule VII of the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017;
- (g) “bouquet” or “bouquet of channels” means an assortment of distinct channels offered together as a group or as a bundle and all its grammatical variations and cognate expressions shall be construed accordingly;
- (h) “broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, downlinking permission for its channels, from the Central Government, is providing programming services;
- (i) “broadcaster’s share of maximum retail price” with reference to a pay channel or a bouquet of pay channels means any fee payable by a distributor of television channels to a broadcaster for signals of pay channel or bouquet of pay channels, as the case may be, and for which due authorization has been obtained by such distributor from that broadcaster;
- (j) “broadcasting services” means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public either directly or indirectly and all its grammatical variations and cognate expressions shall be construed accordingly;
- (k) “cable service” or “cable TV service” means the transmission of programmes including retransmission of signals of television channels through cables;
- (l) “cable television network” or “cable TV network” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

- (m) “carriage fee” means any fee payable by a broadcaster to a distributor of television channels only for the purpose of carrying its channels through the distributor’s network, without, specifying the placement of such channels onto a specific position in the electronic programme guide or, seeking assignment of a particular number to such channels;
- (n) “compliance officer” means any person designated so, who is capable of appreciating requirements for regulatory compliance under these regulations, by a service provider;
- (o) “direct to home operator” or “DTH operator” means any person who has been granted license by the Central Government to provide direct to home (DTH) service;
- (p) “direct to home service” or “DTH service” means re-transmission of signals of television channels, by using a satellite system, directly to subscriber’s premises without passing through an intermediary such as local cable operator or any other distributor of television channels;
- (q) “distribution fee” means any fee payable by a broadcaster to a distributor of television channels for the purpose of distribution of pay channel or bouquet of pay channels, as the case may be, to subscribers and it does not include carriage fee;
- (r) “distribution platform” means distribution network of a DTH operator, multi- system operator, HITS operator or IPTV operator;
- (s) “distributor of television channels” or “distributor” means any DTH operator, multi-system operator, HITS operator or IPTV operator;
- (t) “electronic programme guide” or “EPG” means a program guide maintained by the distributors of television channels that lists television channels and programmes, and scheduling and programming information therein and includes any enhanced guide that allows subscribers to navigate and select such available channels and programmes;
- (u) “free-to-air channel” or “free-to-air television channel” means a channel which is declared as such by the broadcaster and for which no fee is to be paid by the distributor of television channels to the broadcaster for signals of such channel;
- (v) “head end in the sky operator” or “HITS operator” means any person permitted by the Central Government to provide head end in the sky (HITS) service;
- (w) “head end in the sky service” or “HITS service” means transmission of programmes including retransmission of signals of television channels—
 - (i) to intermediaries like local cable operators or multi-system operators by using a satellite system and not directly to subscribers; and

- (ii) to the subscribers by using satellite system and its own cable networks;
- (x) “interconnection” means commercial and technical arrangements under which service providers connect their equipment and networks to provide broadcasting services to the subscribers;
- (y) “interconnection agreement” with all its grammatical variations and cognate expressions means agreements on interconnection providing technical and commercial terms and conditions for distribution of signals of television channel;
- (z) “Interconnection Regulations” means the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017;
- (aa) “internet protocol television operator” or “IPTV operator” means a person permitted by the Central Government to provide IPTV service;
- (bb) “internet protocol television service” or “IPTV service” means delivery of multi-channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;
- (cc) “local cable operator” or “LCO” means a person registered under rule 5 of the Cable Television Networks Rules, 1994;
- (dd) “maximum retail price” or “MRP” for the purpose of these regulations, means the maximum price, excluding taxes, payable by a subscriber for a-la-carte pay channel or bouquet of pay channels, as the case may be;
- (ee) “multi-system operator” or “MSO” means a cable operator who has been granted registration under rule 11 of the Cable Television Networks Rules, 1994 and who receives a programming service from a broadcaster and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more local cable operators;
- (ff) “pay broadcaster” means a broadcaster which has declared its one or more channels as pay channel to the Authority under the provisions of applicable regulations or tariff order, as the case may be;
- (gg) “pay channel” means a channel which is declared as such by the broadcaster and for which a share of maximum retail price is to be paid to the broadcaster by the distributor of television channels and for which due authorization needs to be obtained from the broadcaster for distribution of such channel to subscribers;
- (hh) “programme” means any television broadcast and includes—
- (i) exhibition of films, features, dramas, advertisements and serials;
- (ii) any audio or visual or audio-visual live performance or presentation;
- and the expression “programming service” shall be construed accordingly

- (ii) "reference interconnection offer" or "RIO" is a document published by a service provider specifying terms and conditions on which the other service provider may seek interconnection with such service provider;
- (jj) "register" means the register of interconnection agreements and all such other matters, maintained by the Authority in the form as it may decide from time to time;
- (kk) "reporting distributor" means a distributor whose average active subscriber base of its entire distribution network, including joint venture(s), if any, in the month of March of a year, is equal to or more than the reporting threshold;
- (ll) "reporting threshold" means one lakh or as may be prescribed by the Authority by a direction or an order from time to time;
- (mm) "set top box" or "STB" means a device, which is connected to or is part of a television receiver and which enables a subscriber to view subscribed channels;
- (nn) "subscriber" for the purpose of these regulations, means a person who receives broadcasting services, from a distributor of television channels, at a place indicated by such person without further transmitting it to any other person and who does not cause the signals of television channels to be heard or seen by any person for a specific sum of money to be paid by such person, and each set top box located at such place, for receiving the subscribed broadcasting services, shall constitute one subscriber;
- (oo) "subscriber management system" means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilized by the subscriber, channels or bouquets of channels subscribed by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber's record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period;
- (pp) "television channel" means a channel, which has been granted permission for down linking by the Central Government under the policy guidelines issued or amended by it from time to time and reference to the term 'channel' shall be construed as a reference to "television channel".

(2) All other words and expressions used in these regulations but not defined, and defined in the Act and the rules and regulations made thereunder or the Cable Television Networks (Regulation) Act, 1995 (No. 7 of 1995) and the rules and regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules or regulations, as the case may be.

CHAPTER II

PROCEDURE FOR REPORTING OF INFORMATION

3. Reporting of information relating to reference interconnection offers and interconnection agreements by broadcaster and distributor.—(1) Every broadcaster shall, through its compliance officer, report to the Authority, its RIO and modifications or amendments thereto, simultaneously when the same is published on its website as per Regulation 7, of the Interconnection Regulations, in the manner and format as provided for in Schedule I or as may be prescribed by the Authority by a direction or an order from time to time.

(2) Every distributor shall, through its compliance officer, report to the Authority, its RIO and modifications or amendments thereto, simultaneously when the same is published on its website as per Regulation 8, of the Interconnection Regulations, in the manner and format as provided for in Schedule II, or as may be prescribed by the Authority by a direction or an order from time to time.

(3) Every broadcaster shall, through its compliance officer, report to the Authority, the information relating to all interconnection agreements in respect of channels—

- (i) for which RIO has been published as per Regulation 7, of the Interconnection Regulations
- (ii) for placement,
- (iii) for marketing, or
- (iv) for any other technical or commercial arrangements,

and modifications or amendments thereto, within thirty days from the date of signing of such agreements and modifications or amendments, as the case may be, in three parts, namely, Parts A, B and C, in the manner and format as provided for in Schedule III or as may be prescribed by the Authority by a direction or an order from time to time.

Provided that the information related to all such existing agreements, signed up to the date of commencement of these regulations, shall be reported within thirty days from the date of commencement of these regulations.

(4) Every reporting distributor shall, through its compliance officer, report to the Authority, the information relating to all interconnection agreements for which RIO has been published as per Regulation 8, of the Interconnection Regulations, and modifications or amendments thereto, within thirty days from the date of signing of such agreements and modifications or amendments, as the case may be, in the manner and format as provided for in Schedule IV or as may be prescribed by the Authority by a direction or an order from time to time.

Provided that information related to all such existing agreements, signed up to the date of commencement of these regulations, shall be reported within thirty days from the date of commencement of these regulations.

Provided further that in cases where the average active subscriber base of its entire distribution network, including joint venture(s), if any, of a distributor, who was a reporting distributor in the preceding year, falls below the reporting threshold, then such distributor shall, within thirty days from the end of March of the respective year, furnish to the Authority, a certificate to that effect, duly signed by its compliance officer.

(5) Every reporting distributor shall, through its compliance officer, report to the Authority, the information relating to all interconnection agreements and modifications or amendments thereto, signed with LCOs, within thirty days from the date of signing of such agreements and modifications or amendments, as the case may be, in the manner and format as provided for in Schedule V or as may be prescribed by the Authority by a direction or an order from time to time.

Provided that information related to all such existing agreements, signed up to date of commencement of these regulations, shall be reported within thirty days from the date of commencement of these regulations.

(6) Every reporting distributor shall, through its compliance officer, verify the information filed by the broadcaster, under sub-regulation (3), in respect of all interconnection agreements and modifications or amendments thereto, signed between them, within fifteen days from the date of filing by the broadcaster, in the manner as may be prescribed by the Authority by a direction or an order from time to time.

Provided that if a broadcaster fails to file the information in respect of such agreements and modifications or amendments thereto, then the concerned reporting distributor shall report to the Authority, the information relating to the same, within forty five days from the date of signing of such agreements and modifications or amendments, as the case may be.

(7) Every broadcaster shall, through its compliance officer, verify the information filed by the reporting distributor, under sub-regulation (4), in respect of all interconnection agreements and modifications or amendments thereto, signed between them, within fifteen days from the date of filing by the reporting distributor, in the manner as may be prescribed by the Authority by a direction or an order from time to time:

Provided that if a reporting distributor fails to file the information in respect of any such agreements and modifications or amendments thereto, then the concerned broadcaster shall report to the Authority, the information relating to the same, within forty five days from the date of signing of such agreements and modifications or amendments, as the case may be.

(8) Every broadcaster and reporting distributor shall, within thirty days from the end of March of every year, also furnish to the Authority a certificate, duly signed by its compliance officer, to the effect that to the best of their knowledge, all the requisite information related to all the interconnection agreements and modifications or amendments thereto, liable to be reported within the preceding

financial year, have been reported, and all the information submitted is true, correct and complete in all respects.

4. Consequences for failure to report or verify the reported information by the broadcaster or distributor.—(1) If any broadcaster or distributor fails to furnish the information or certificate or fails to verify the reported information, as required under Regulation 3, by the due date, it shall, without prejudice to the terms and conditions of its license/permission/registration, or the Act or rules or regulations or order made or direction issued thereunder, be liable to pay, by way of financial disincentive, an amount of rupees one thousand per day for default up to thirty days beyond the due date and an additional amount of rupees two thousand per day in case the default continues beyond thirty days from the due date, as the Authority may, by order, direct.

Provided that the financial disincentive levied by the Authority under this sub-regulation shall in no case exceed Rupees Two Lakhs.

Provided further that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the broadcaster or the distributor, as the case may be, has been given a reasonable opportunity of representation against the contravention of the regulations observed by the Authority.

(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.

CHAPTER III

PROCEDURE FOR MAINTENANCE OF REGISTER AND ITS INSPECTION

5. Maintenance of the register.—The Authority shall maintain the register in two parts, namely Part I and Part II where:

(i) Part I shall consist of the information

(a) as reported under sub-regulations (1), (2), (4) and (5) of Regulation 3; and

(b) as reported in Part A under sub-regulation (3) of Regulation 3;

(ii) Part II shall consist of the information as reported in Parts B and C under sub-regulation (3) of Regulation 3.

6. Inspection of the register.—(1) The register shall be treated as non-confidential, unless a party to an interconnection agreement requests the Authority, in the manner and format prescribed in sub-regulation (2) hereunder, to keep any part of the agreement reported in Part II as confidential.

(2) The request for confidentiality as per sub-regulation (1) above, shall be made in writing, along with a non-confidential summary of the portion sought to be kept confidential. The service provider shall clearly indicate the paras or parts thereof that may be treated as confidential. Such a request shall be accompanied by reason(s) for keeping such information as confidential.

(3) Where the Authority proposes to reject the request for confidentiality, it shall inform the service provider, in writing, the reasons for doing so, and give an opportunity to make a representation against the same within a stipulated period. On consideration of such representation, if any, the Authority shall take a final decision. In case the Authority rejects the request of the service provider, it shall communicate the same, in writing, along with the reasons for doing so.

(4) Subject to the provisions contained in sub-regulations (1) to (3) above, the non-confidential part (s) of the register shall be kept open for inspection to any member of public on payment of fee prescribed under sub-regulation (7) hereunder.

(5) Any person seeking inspection of the register shall apply, in writing, to the officer designated for the purpose by the Authority, giving details of the information sought.

(6) The designated officer shall allow inspection of the register and also make available extracts of the relevant portions of the register on receipt of the fee prescribed under sub-regulation (7) hereunder.

(7) Levy of fee and other charges:

(i) A fee of Rs. 50 per hour, or as may be prescribed by the Authority by a direction or an order from time to time, shall be levied for inspection of the register.

(ii) A fee of Rs. 20 per page, or as may be prescribed by the Authority by a direction or order from time to time, shall be charged for copies of extracts from the register.

Provided that the Authority may provide copies of extracts in soft format with appropriate watermark(s).

(8) Nothing contained in this regulation shall apply to an interconnection agreement entered in the register—

(i) in respect of which a period of three years has expired from the date of reporting of such agreement, or

(ii) in respect of which the period of validity as specified in the agreement has expired,

whichever is later.

CHAPTER IV MISCELLANEOUS

7. Designation of compliance officer and his/her obligations.—(1) Every broadcaster and distributor shall, within fifteen days from the date of notification of these regulations, designate a compliance officer.

(2) Every broadcaster or distributor, who commences its operations after coming into effect of these regulations, shall, within fifteen days from the date of commencement of its operations, designate a compliance officer.

(3) Every broadcaster and distributor, shall, within fifteen days from the date of designation of the compliance officer under the provisions of this regulation,

furnish to the Authority the name, complete address, contact number and e-mail address of the compliance officer along with authenticated copy of—

- (a) the board's resolution in case the service provider is a company; or
- (b) an authorization letter from the competent officer of the service provider in case it is not a company;

authorizing the designation of such compliance officer as provided for in Schedule VI.

(4) In the event of any change in the name of the compliance officer so designated under provisions of this regulation, the same shall be reported to the Authority by the service provider within fifteen days from the date of occurrence of such change along with an authenticated copy of the board's resolution or authorization letter from the competent officer, as the case may be.

(5) In the event of any change in the address or contact number or email address of the compliance officer, the same shall be reported to the Authority by the service provider within fifteen days from the date of occurrence of such change.

(6) The compliance officer shall be responsible for—

- (a) reporting to the Authority, with respect to compliance with these regulations and directions of the Authority issued under these regulations; and
- (b) ensuring that proper procedures have been established and are being followed for compliance of these regulations.

8. Removal of Difficulties.—In order to remove any difficulties in the interpretation or application of the provisions of these regulations, the Authority may issue appropriate clarifications from time to time.

9. Repeal and Saving.—(1) The Register of Interconnect Agreement (Broadcasting and Cable Services) Regulation, 2004 (No. 15 of 2004), dated 31st December, 2004, is hereby repealed.

(2) Notwithstanding the repeal of regulation mentioned under sub-regulation (1), anything done or any action taken or proposed to have been done or taken under the said regulation shall be deemed to have been done or taken under the corresponding provision of these regulations.

Explanatory Memorandum

[Ed.: see SCC OnLine]

SCHEDULE I

(Refer sub-regulation (1) of Regulation 3)

Reporting of Reference Interconnect Offer by Broadcasters

Table (IA) (To be reported by all the Broadcasters)		
Sl. No.	Parameter	Details to be provided
1	Name of the Service Provider	
2	Details of RIO	No. _____ Date: _____ Attach Soft copy of RIO in Word and pdf Format (Both versions to be submitted)

Table (I-B) List of Channels (To be reported by All the Broadcasters)						
Sl. No	Name of Channel	Type of Channel (Pay/FTA)	Genre of channel	Pay Channels*		
				MRP/ month	Discounts, if any, on MRP to DPOs	Distribution fee*

*Information as per Regulation 7 of Interconnection Regulation, 2017

Table (I-C) List of Bouquets (To be reported by All the Broadcasters) (Total Number of Bouquets ____)						
Sl. No	Name of Bouquet	No. of channels in Bouquets	Name of constituent of channels in bouquet	MRP/ month of bouquet of pay channels	Discounts, if any, on MRP to distributors	Distribution fee*

*Information as per Regulation 7 of Interconnection Regulation, 2017

SCHEDULE II

(Refer sub-regulation (2) of Regulation 3)

Reporting of Reference Interconnect Offer by All the Distributors

Table (II-A)		
Sl. No.	Parameter	Details to be provided
1	Name of the Service Provider	
2	Type of the distribution platform (MSO/ HITS/ IPTV/ DTH)	
3	Details of RIO	No. _____ Date: _____ Attach Soft copy of RIO in Word and pdf Format (Both versions to be submitted)
4	Channel Carrying Capacity, actual number of channels currently being carried on the platform and Spare channel capacity	Channel carrying capacity _____ Actual no. of channels carried _____ Spare Channel Capacity _____
5	Average Active Subscriber Base (refer sub-regulation (2) of Regulation 8 and Schedule VII of Interconnection Regulations, 2017)	SD _____ HD _____ Total _____ Number of Pending Request* _____
6	Carriage Fee	Carriage Fee _____ Discount (if any) _____
7	Whether you are a 'Reporting distributor'***	Yes/ No
* Refer sub-regulation (4)(f) of Regulation 4 of interconnection regulation. Please attach the list of pending channels.		
** For details refer to the definition of reporting Distributor as provided for in Regulation 2(kk).		

Table (II-B) List of Channels*					
Sl. No.	Name of Channel	Type of Channel (Pay/ FTA)	DRP of Pay Channel	Genre	Channel No. on EPG

* Information as per of Regulation 8 & Regulation 4 of Interconnection Regulation 2017

Nature of channels covered by the agreement (pay or FTA)	Name of Bouquet of pay and/ or FTA channels	Name of constituent pay and/or FTA channels of each bouquet of pay and/or FTA channels	Carriage fee agreed in respect of the each channel covered by the agreement (in rupee)	Amount of Discount percentage agreed in respect of the channel (% of carriage fee)
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SCHEDULE V

(Refer sub-regulation (5) of Regulation 3)

(To be Reported by All Reporting Distributors)

Details of agreements with Local Cable operator							
Sl. No.	Agreement No.	Name of the LCO	Address of the LCO	Date of signing the agreement	Validity period		Area covered by the agreement
					From	To	

Specify on which basis the agreement has been signed (MIA/SIA)	Settlement of service charges (1)		Discounts	Any other fee (2) agreed	Remarks (3)
	Share of LCO in Distribution fee (in %)	Share of LCO in Network Capacity fee (in %)			

(1) Fill this column only when MIA has been signed and the services charges are to be distributed between MSO & LCO in terms of distribution fee and network capacity fee.

(2) Fill this column only in case of MIA when there is a different arrangement for settlement of service charges between MSO and LCO other than the sharing of distribution fee and network capacity fee.

(3) Explain the nature of arrangement if settlement of service charges between MSO and LCO is different from sharing of distribution fee and network capacity fee.

SCHEDULE VI

(Refer sub-regulation (3) of Regulation 7)

Information related to Compliance officer

Sl. No.	Parameter	Details
1	Name of the Service Provider	
2	Type of the Service Provider (Broadcaster/ MSO/HITS/IPTV/DTH)	
3	Registered address of the Service Provider	
4	Name of the Authorising officer/ Person	
5	Designation of Authorizing Officer/ Person	
6	Contact Details of the Authorizing Officer/ Person	Phone: (O): (M): e-mail:
7	Board Resolution / Authorization Letter Details	No. _____ Date: _____ (Authenticated Scanned Copy to be attached)
8	Whether original nomination/ Change	Original / Change
9	Name of the compliance officer	
10	Contact Details of the Compliance Officer	Phone: (O): (M): e-mail: