

## **Entertainment and Media**

### **1. What is entertainment and media?**

The Indian entertainment and media (E&M) industry has outperformed the Indian economy and is one of the fastest-growing sectors in India. The E&M industry generally tends to grow faster when the economy is expanding. The country's entertainment and media industry is expected to see a growth of 9.7% annually in revenues to reach US\$ 73.6 billion by 2027. Revenue of the Indian video OTT market that is dominated by players such as Amazon Prime Video, Netflix and Disney+ Hotstar is set to double from US\$ 1.8 billion in 2022 to US\$ 3.5 billion by 2027.

### **2. What are the grounds for complaints?**

1. Unexpected charges on their bills or accounts.
2. Complaints about false or deceptive advertising practices.
3. Dissatisfaction with the quality of movies, TV shows, music, or other content.
4. Issues related to the unauthorized use or disclosure of personal information.
5. Complaints regarding unresponsive or unhelpful customer support.
6. Problems with subscription plans, billing errors, or cancellation difficulties.
7. Concerns about limited access to certain content or services.
8. Complaints related to restrictions on the use of digital content.
9. Frustration with bugs, glitches, or technical issues affecting the user experience.
10. Disputes related to alleged copyright violations.

### **3. When Complaints Would Not Be Accepted?**

There are various situations which might cause the complaint to be rejected. These include situations where the consumer is unable to file an appeal against an order within a period of three months, where the complaint is based on a frivolous cause of action, where the complaint falls outside the jurisdiction of the authority approached, and when the complaint has been filed under wrong sections of the act, and other such situations. This requires careful reading of all acts and regulations.

### **4. What is the complaint redressal system?**

1. The first step is to approach the customer service department of the relevant entertainment or media provider to register the grievance.

2. Further, you can approach the appropriate regulatory authorities such as the Press Council or Broadcasting Council as per the particular concern.

3. Approaching any other appropriate judicial or quasi-judicial body:

The complainant is free to take the service provider to a court or any other suitable venue (judicial or quasi-judicial). The proceedings in consumer commissions are not mired by the niceties of procedure, allowing the complainant to file a complaint for himself. As a consumer, the aggrieved party can take the service provider to the appropriate consumer commission, based on the pecuniary and territorial jurisdiction. The jurisdictions of the various consumer commissions are as follows-

a) District Commission: The aggrieved consumer can reach out to the District Commission under section 34 of the CPA, 2019, which provides that the district commission shall entertain matters where the value of the goods or services paid as consideration does not exceed more than one crore rupees.

b) State Commission: In cases where the value of the goods or services paid as consideration is more than one crore, but less than 10 crores, the consumer can approach the State Commission. Moreover, in cases of unfair contracts, the State Commission has original jurisdiction and the consumer can be directly approached. An appeal against the order of the District Commission can also be made under section 47 of the CPA, 2019.

c) National Commission: The National Commission can entertain matters where the value of goods or services paid as consideration exceeds 10 crores. Section 58 also provides that complaints against unfair contracts can be entertained by NCDRC when the amount of value paid exceeds 10 crores. The NCDRC also has appellate jurisdiction against the orders of any State Commission and Central Authority. <http://www.ncdrc.nic.in/districtlist.html>

Moreover, it must also be kept in mind that section 100 of the CPA, 2019 provides that the remedy under CPA is in addition and not in derogation of other available remedies.

#### 4. Central Consumer Protection Authority

If the commission finds violations of rights of consumers or in notice of trade practices which is unfair it can inquire or cause an inquiry, either on receipt of complaint or suo moto or as directed by Central Government. If the commission finds, after preliminary inquiry, of an existence of a

prima facie case of consumer rights violation or it is in notice of any unfair trade practice or any wrong or inaccurate advertisement which is prejudicial to public interest or to the interests of the consumers, it can order an investigation by the District Collector or by Director General. The consumer can complain to the District Collector of the respective district for investigation and subsequent proceedings by the CCPA. He/she/they can also submit a complaint via email, at [com-ccpa@nic.in](mailto:com-ccpa@nic.in).

## 5. What are the regulatory bodies?

**Ministry of Information and Broadcasting** is a nodal agency responsible for formulation and implementation of policies, frameworks, laws and regulations concerning broadcasting, information, films and press industry in India.

**Telecom Regulatory Authority of India (TRAI)** Regulates, among other things, tariffs payable by subscribers of television channels and service providers in broadcasting sector

**Central Board of Film Certification (CBFC or Censor Board)** Examines films (Indian and foreign) to determine whether a film is fit for public display. If found fit, then a certificate of exhibition is provided.

**News Broadcasting Standards Authority (NBSA)** A body of the NBA that regulates television content and can warn, admonish, censure, and fine broadcasters.

**Broadcasting Wing (BC Wing)** Regulates content on private satellite TV channels and cable television networks.

**Press Council of India** Ensures that the Indian press is free and responsible.

## What are the landmark judgements in entertainment and media?

### **Idea Cellular Ltd. v. Angad Kumar**

In the case of Idea Cellular Ltd. v. Angad Kumar, the petitioner, Idea Cellular, launched a scheme called 'Tyoharan Ki Saugat' for eligible subscribers in a specific period. The respondent, Angad Kumar, received a message claiming that he had won an Alto Car in the scheme. When he approached the petitioner's office for the car, it was not provided. The petitioner contended that a revised message was sent, asking to ignore the earlier message and that the number was not registered in Angad Kumar's name.

The District Forum ruled in favor of the respondent, directing the petitioner to pay for the Alto car, compensation, and litigation costs. The State Commission upheld the order with a modification in the compensation amount. The National Commission, in its decision, observed that the petitioner's negligence in handling the communication caused harassment and mental trauma to the respondent.

The National Commission partially allowed the revision petition, modifying the order to award Rs. 1,00,000/- as compensation to the respondent instead of the Alto car or its price. The petitioner was directed to pay this amount within 45 days, and in case of non-compliance, an interest of 10% p.a. would be applicable. Additionally, a cost of litigation of Rs. 5,000/- was ordered to be paid to the complainant by the petitioner.

#### **Dr. Uttamkumar Samanta v. Vodafone East Limited & Ors.**

In the case of Dr. Uttamkumar Samanta v. Vodafone East Limited & 4 Ors., the complainant purchased a post-paid internet service plan from the respondent. The respondent provided a Data Sim card and a device for Rs. 5,500/- but allegedly failed to inform the complainant that all transactions were final, and no refund would be made. After the payment, the complainant received a printed receipt, and the internet service was activated. However, the service was suddenly disconnected on 10.05.2013 without any intimation.

The complainant sought compensation of Rs. 99,95,500/- for the alleged deficiencies in service. The respondents contended that the connection was not activated due to the complainant's non-residence at the given address.

The State Commission observed deficiencies in service and unfair trade practices by the respondents but dismissed the complaint, considering the claimed amount disproportionate. The State Commission directed the complainant to pay Rs. 10,000/- to the State Consumer Welfare Fund within 30 days; otherwise, it would carry an interest of 9% p.a. The complainant appealed to the National Commission.

The National Commission found the complainant's claim disproportionately high and unreasonable. It observed that the complainant seemed to be misusing statutory processes to gain wrongful benefits and create nuisance value against the respondents. The appeal was dismissed as frivolous and vexatious, with a cost of Rs. 500/-.

### **General Manager, Telecom v. M. Krishnan and Another**

In the case of General Manager, Telecom v. M. Krishnan and Another, a Special Appeal was filed with the Supreme Court. The dispute revolved around the non-payment of a telephone bill, leading to the disconnection of the telephone connection provided to the first respondent. Dissatisfied with the disconnection, the first respondent filed a complaint before the District Consumer Disputes Redressal Forum, Kozhikode. The Consumer Forum ruled in favor of the first respondent, directing the appellant (General Manager, Telecom) to re-connect the telephone and pay compensation.

The appellant challenged the jurisdiction of the consumer forum by filing a writ petition before the Kerala High Court, but it was dismissed. The Writ Appeal was also dismissed by a Full Bench of the Kerala High Court. The Supreme Court, in its decision, held that when a special remedy is provided under Section 7-B of the Indian Telegraph Act, 1885, specifically addressing disputes related to telephone bills, the remedy under the Consumer Protection Act, 1986 is impliedly barred.

The Supreme Court pointed out that Rule 413 of the Telegraph Rules subjects all services related to the telephone to Telegraph Rules, and a telephone connection can be disconnected for default of payment under Rule 443 of the Rules. The court emphasized that the special law, the Telegraph Act, would prevail over the general law, the Consumer Protection Act. It referred to a previous decision stating that the National Commission lacks jurisdiction to adjudicate claims for compensation arising from motor vehicle accidents.

As a result, the Supreme Court allowed the appeal, setting aside the order and judgment of the High Court.

### **Brij Bhushan & others vs. State of Delhi**

The court held that censorship will impose obvious restrictions on freedom of speech and expression.

### **What are the Acts and guidelines that govern entertainment and media?**

Cinematograph Act, 1952

[https://www.cbfcindia.gov.in/main/CBFC\\_English/Attachments/cine\\_act1952.pdf](https://www.cbfcindia.gov.in/main/CBFC_English/Attachments/cine_act1952.pdf)

The Cable Television Network Regulation Act, 1995

<https://excise.delhi.gov.in/excise/cable-television-networks-regulation-act-and-rules>

The Information Technology Act, 2000

<https://www.meity.gov.in/content/information-technology-act-2000-0>

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) 2021 (IT Rules 2021)

<https://www.meity.gov.in/writereaddata/files/Information%20Technology%20%28Intermediary%20Guidelines%20and%20Digital%20Media%20Ethics%20Code%29%20Rules%2C%202021%20%28updated%2006.04.2023%29-.pdf>

Policy Guidelines for Uplinking of Television Channels from India, Policy Guidelines for Downlinking of Television Channels from India

<https://mib.gov.in/broadcasting/uplinking-or-downlinking-tv-channels>

Direct-To-Home Guidelines

<https://mib.gov.in/sites/default/files/%28English%20Version%29%20Operational%20Guidelines%20for%20Direct-To-Home%20%28DTH%29%20Broadcasting%20service%20in%20India%20dated%2016.09.2022.pdf>

Telecommunications (Broadcasting and Cable Services) Interconnection Regulations

[https://thc.nic.in/Central%20Governmental%20Regulations/Telecommunication%20\(Broadcasting%20and%20Cable\)%20Services%20Interco....%20Regulation,%202017.pdf](https://thc.nic.in/Central%20Governmental%20Regulations/Telecommunication%20(Broadcasting%20and%20Cable)%20Services%20Interco....%20Regulation,%202017.pdf)

The Copyright Act, 1957

<https://copyright.gov.in/documents/copyrightrules1957.pdf>

The Trade Marks Act, 1999

<https://ipindia.gov.in/writereaddata/Portal/ev/TM-ACT-1999.html>

**What are the important links and resources on entertainment and media for consumers?**

INGRAM- <https://consumerhelpline.gov.in/faq-details.php?fid=DTH/DAS>

Consumer Guide, CDSCO- <https://cdsco.gov.in/opencms/opencms/en/consumer/>

## **DTH/DAS FAQs**

### **1. What is Digital Addressable Cable TV Systems (DAS)?**

DAS is a cable TV service in which TV channels are sent through cable TV network in digital and encrypted form. Only authorized users can receive channels using a Set-Top-Box(STB) and TV set. The authorization is given by the service provider.

### **2. Who are the service providers in DAS?**

The Multi-System Operator (MSO) and its linked local cable operators (LCOs) are the service providers in DAS (hereinafter referred as cable operators).

### **3. How DAS is different from DTH service?**

Although both are digital addressable systems, in DTH service, TV channels are directly received by consumer from satellite using small dish antennas located at customer premise. However, in DAS TV signals reach consumer through the cable network. The DAS is capable of carrying interactive value added service, triple play services (Video + Audio +Data), broadband etc. through the same cable TV network.

### **4. What are the advantages of DAS for the consumers?**

The DAS offers following benefits to the consumer.,Consumer will get better signal quality for all the channels.,Consumer will get more choice of channels. DAS supports HD and 3D channels.,Consumers can choose the channels on a-la-carte (individual) basis and pay only for the channels chosen,DAS can offer value added services such as triple play with broadband, movie on demand etc,Electronic programme guide (EPG) can be provided in DAS which makes it easy for the consumer to select a particular channel or service in simple user friendly manner.,These features, amongst the others provide a much improved viewing experience to the consumers.

**5. What is to be done for availing the services in DAS? What changes will be required at consumer's end?**

For getting the services in DAS an additional piece of equipment called Set-Top Box (STB) is required along with TV set. This set top box will facilitate the consumer, to access the encrypted digital television signal carried over DAS.

**6. What are mandatory channels in DAS?**

It shall be mandatory for cable operators to transmit or retransmit the channels of Doordarshan required to be transmitted compulsorily under section 8 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), as amended from time to time, to each subscriber on its network. Currently, the channels viz. DD-1, DD-News, DD- Regional (concerned region), DD-Rajya Sabha DD-Sports, DD-Urdu, Gyandarshan and Lok-Sabha are required to be transmitted compulsorily to each subscriber on its network.

**7. Can I have both DTH and DAS?**

DTH and DAS are two independent different platforms. The consumer have option to avail both the services at his option.

**8. What is set top box (STB)?**

Set top box (STB) is a device, which is connected to a television set at the consumer premises and which allows a consumer to view encrypted channels of his choice. The basic function of the set top box is to decrypt the channels and to convert the digital signals into analog mode for viewing on television sets.

**9. Is it mandatory for the consumers to have a STB? Can I get cable television service in DAS, without a STB?**

The TV channels carried in DAS cannot be received without STB. The STB can be stand-alone unit or TV sets can have STB functions integrated into it.

**10. What are the terms and conditions for return of STB?**



The cable operator should prescribe the terms and conditions for return of STB, at the time of subscription of the service, acquired under outright purchase, rental and hire-purchase schemes at the time of subscription. The following are the rules regarding return of STB:-, The cable operator should refund the security deposit (if any), after adjusting the dues, if any. In the case of the consumer shifting his premises within the service area of cable operator, he shall be given a transfer voucher for provisioning of a new STB on the same terms and conditions at the new address. If the consumer is not satisfied with the services provided by the cable operator, the consumer shall be free to opt out and the cable operator shall allow the consumer to surrender the STB after making deductions in accordance with the conditions specified to the consumer at the time of purchasing of the STB, however such deductions shall not exceed 25% for each half year or part of it.

**11. What if a consumer has more than one TV set in his/her home? Whether he/she needs separate STB for each TV set?**

In case a consumer has more than one television set in his home, he needs to get separate set top box for each television set.

**12. What do you mean by a-la-carte offering of channels and bouquet of channels?**

A-la-carte offering of TV channels means offering the channel individually on standalone basis. Bouquet of channels means an assortment of distinct channels, offered together as a group or as a bundle.

**13. What is the monthly charge, a consumer has to pay for availing the package/bouquet/channels/services in DAS?**

The monthly charge depends upon the package/ bouquet/ channels/services chosen by the consumer. The consumers of DAS can choose package, bouquet, one or more pay channel, only FTA channels, only pay channels, pay channels and FTA channels offered by the cable operator.

**14. What is a basic service tier (BST). Is it compulsory to choose the BST offered by cable operator?**

In DAS, cable operator has to compulsorily offer a package of 100 free-to-air (FTA) channels, called Basic Service Tier(BST) at a MRP of Rs. 100/-(exclusive of taxes) per month per connection. The consumer can also choose any combination of free to air channels up to 100 channels, in lieu of the basic service tier offered by the multi-system operator at a MRP of Rs. 100/-(exclusive of taxes). While Cable operator has to offer the Basic Service Tier, it is not obligatory for consumer to subscribe to the BST.

#### **15. What is the composition of basic service tier (BST)?**

In DAS, the BST must consists at least 5 channels of each genre namely news and current affairs, infotainment, sports, kids, music, lifestyle, movies and general entertainment in Hindi, English and regional language of the region. In case sufficient number of free to air channels of a particular genre is not available, the multi-system operator shall include in the basic service tier the channels of other genres. Doordarshan channels, namely DD-Bharati, DDMalyalam, DD-Podhigai, DD-Odiya, DD-Bangla, DD-Saptagiri, DD-Chandana, DD-Sahyadri, DD-Girnar, DD-Kashir, DD-NE , DD-Punjabi shall also form part of BST.

#### **16. Who fixes the a-la-carte channel rates and bouquet rates at the retail level inDAS?**

The a-la-carte channel rates and bouquet rates are to be decided by the MSO.

#### **17. What is Free-to-air (FTA) channel?**

Free-to Air (FTA) channel means a channel for which no subscription fee is to be paid by the MSO to the broadcaster for its re-transmission on cable. However the operator may prescribe subscription charges for such channels to be paid by the consumers for reception of such channels.

#### **18. What is a pay channel?**

Pay channel means a channel for which subscription fee is to be paid to the broadcaster by the MSO operator and due authorization needs to be taken from the broadcaster for its re-transmission on cable.

#### **19. Can I get pay channels in BST?**

No. BST consists of only FTA channels.

## **20. What are the obligations for consumer?**

The subscriber should give prior notice for disconnection of the service. The consumer should protect and safeguard the property of the cable operator placed at the premises of the subscriber.

## **21. Can a cable operator discontinue exhibition of channel without giving prior notice?**

No, Cable operator cannot discontinue exhibition of any channel without giving prior notice of fifteen days to its subscribers and such notice shall be published in the local news paper and displayed through scrolls on TV screen.

## **22. Rights of the DTH/DAS consumer?**

The consumer can ask for the details of the schemes offered by the cable operator and ask the cable operator for terms and conditions of subscription and STB. The consumer has right to ask for channels on a-la-carte basis. The consumer can ask for receipt for the payment made by him. The consumer can ask for the details of his bill under pre-paid subscription by paying a reasonable amount fixed by the cable operator. Consumer can suspend his cable service for a period 1 month to three months, giving 15 days notice in advance. The consumer is not required to pay subscription charge except rental for STB(if any). The consumer can ask for Manual of Practice at the time of subscription. Consumer has a right to seek the redressal under the consumer protection Act 1986 or any other law for the time being enforced. For more information please visit [http://www.trai.gov.in/sites/default/files/FAQs\\_BnCS\\_English.pdf](http://www.trai.gov.in/sites/default/files/FAQs_BnCS_English.pdf)

## **Misleading Advertisement FAQs**

### **1. What is a misleading advertisement?**

Any advertisement or promotion through Television, Radio, or any other electronic media, Newspapers, Banners, Posters, Handbills, wall-writing etc. to misrepresent the nature, characteristics, qualities or geographic origin of goods, services or commercial activities so as to mislead the consumer could be broadly defined as a misleading advertisement.

## **2. When does an Advertisement become Misleading?**

When an edible oil advertisement gives you the impression that you are free of heart problems so long as you are using that particular oil, then it is misrepresenting facts. When an advertisement of a water purifier that filters only bacteria (and not viruses) claims that it gives 100 percent safe water, then it is a false statement. When a cell phone service provider promises STD calls for 40 paise per minute, but omits to say that this rate is applicable only when calls are made to numbers serviced by the same provider, then it constitutes misrepresentation. When a manufacturer claims that the refrigerator marketed by him is the best or that it keeps the food inside germ-free, that claim should be backed by adequate data to substantiate the claim. Or else, it becomes a false statement. When an advertisement for a detergent says that it can remove grease in just one wash- it should be able to do just that and the manufacturer should be able to prove this. Or else, it is an incorrect statement or a false advertisement. When an advertisement promises to give you a 'free gift' every time you buy the advertised product, the free gift should really be so. If the manufacturer is recovering either fully or even partly, the cost of the so-called free gift, then the advertisement becomes false and misleading. If a retailer claims that he is offering a special discount on his goods as part of a festival celebration, while he is actually using the festival as an excuse to get rid of old and outdated goods, then he is deceiving consumers. When a toothpaste advertisement says that it prevents cavities, one expects the manufacturer to have the data to prove this. If he fails to do that, then he is making an unsubstantiated claim or a false statement. If an advertisement for a face cream claims that it removes dark spots on the face and even prevents them from coming back, the manufacturer should be able to prove this. Or else, it is a deceptive advertisement. Even reducing crucial information about the product to minute letters at the bottom of the advertisement could be termed as an unfair trade practice, particularly if such information is not intelligible to the consumer.

## **3. What do I do as a consumer when I see such advertisements?**

You can register a complaint along with a copy / video / audio of such advertisement through the web portal of the GOI at <http://gama.gov.in> to bring it to the notice of the Government.

#### **4. How do I register my complaint?**

Step 1: A one-time registration is required for lodging a complaint. For registration, go to the web portal <http://gama.gov.in> and click on the login link and register yourself, verify through your email / mobile and create userid and password. Step 2: Using this user id and password, enter into the portal and fill in required details attaching necessary audio / video / paper clip / photograph (if available).

#### **5. How do I track the status of my complaint?**

Log in using user id and password and you can track the status.

#### **6. What Action do I expect on my complaint?**

Your complaint will be forwarded to the concerned authority for action against the misleading advertisement. For more information about Misleading advertisements and Advertising Standards Council of India pl see <https://www.ascionline.org/index.php/faqs.html>. For more information please visit <http://gama.gov.in/Default.aspx>