PART III, SECTION 4
TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, 3rd March, 2017

F. No. 21-5/2016-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 9th January, 2004 in the

the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES STANDARDS OF QUALITY OF SERVICE AND CONSUMER PROTECTION (ADDRESSABLE SYSTEMS) REGULATIONS, 2017
(No. 2 of 2017)

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.— (1) These regulations may be called the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017.

(2) These regulations shall be applicable to broadcasting services related 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 eighty days from the date of publication of these regulations in the Official Gazette.

(b) Sub-regulation (5) of regulation 24 and regulations 25, 31, 32, 33, 34 and 37 of these regulations shall come into force after one hundred and twenty days 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 (24 of 1997);

(b)"active subscriber"for the purpose of these regulations, 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 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 thechannel 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 (24 of 1997);

(f) "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;

(g)"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;

(h)"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;

(i) "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; (j) "cable service" or "cable TV service" means the transmission of programmes including re-transmission of signals of television channels through cables; (k)"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;

(l) "compliance officer" means any person designated so, who is capable of appreciating requirements for regulatory compliance under these regulations, by a service provider;

(m)"customer care centre" means a department or a section or a facility established under sub-regulation (1) of regulation 25 by the distributor of television for addressing service requests, answering queries, recording of complaints, and redressal of grievances of consumers, by telephonic or electronic means or by any other means;

(n)"customer care number" means a toll free telephone number specified by the

distributor of television channels in compliance of sub-regulation (1) of regulation 25, to enable a consumer to access his customer care centre;

(o)"customer care programming service"means a programming service designated for consumer awareness and dissemination of information relating to the services offered by the distributor of television Channels;

(p)"customer premises equipment" or "CPE" means the components and accessories installed at the premises of the subscriber to enable the reception of broadcasting services related to television provided through addressable systems and includes cable wire, set top box, remote control for set top box, dish antenna, low noise block converter or any other equipment which may be necessary to receive broadcasting services related to television;

(q)"direct to home operator" or "DTH operator" means any person who has been granted

licence by the Central Government to provide direct to home (DTH) service;

(r) "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;

(s) "distribution platform" means distribution network of a DTH operator, multi- system operator, HITS operator or IPTV operator;

(t) "distributor of television channels" or "distributor"means any DTH operator, multi-system operator, HITS operator or IPTV operator;

(u)"distributor retail price" or "DRP"for the purpose of these regulations, means the price, excluding taxes, declared by a distributor of television channels and payable by a subscriber for a-la-carte pay channel or bouquet of pay channels, as the case may be;

(v)"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;

(w)"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; (x)"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;

(y)"head end in the sky service" or "HITS service" means transmission of programmes including re-transmission 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;

(z) "internet protocol television operator" or "IPTV operator" means a person permitted by the Central Government to provide IPTV service;

(aa)"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;

(bb)"local cable operator" or "LCO" means a person registered under rule 5 of the Cable Television Networks Rules, 1994;

(cc)"lock-in period"with reference to subscription of a-la-carte channel or bouquet of channels, means a period of subscription during which a subscriber and the distributor of television channels offering the subscription, are restricted from discontinuing or altering the terms of the subscription of such channel or bouquet of channels;

(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)"network capacity fee" means the amount, excluding taxes, payable by a subscriber to the distributor of television

channels for distribution network capacity subscribed by that subscriber to receive the signals of subscribed television channels and it does not include subscription fee for pay channel or

bouquet of pay channels, as the case may be;

(gg)"nodal officer" means the officer appointed or designated by a distributor of television channels under sub-regulation (1) of regulation 28;

(hh)"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; (ii)"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; (jj)"service provider" means the Government as a service provider and includes a licensee as well as any broadcaster, distributor of television channels or local cable operator;

(kk)"set top box" means a device, which is connected to or is part of a television receiver and which enables a subscriber to view subscribed channels;

(ll)"subscriber" for the purpose of these regulations, means a person who receives broadcasting services related to television 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 related to television, shall constitute one subscriber;

(mm)"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;

(nn)"tariff order"means the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017;

(oo)"television channel" means a channel, which has been granted permission for downlinking 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 rules and regulations made thereunder or the Cable Television Networks (Regulation) Act, 1995 (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
SUBSCRIPTION TO BROADCASTING SERVICES RELATED TO TELEVISION

3.Provision of broadcasting services related to television.— (1) Every distributor of television channels shall, before providing broadcasting services related to television, set up and operationalize subscriber management system integrated with conditional access system for ensuring efficient and error-free distribution of encrypted broadcasting services related to television to the subscribers by recording and providing individualised preferences for channels, billing and refunds and the distributor shall ensure that such subscriber management system complies with the provisions of the applicable regulations and the tariff orders notified by the Authority from time to time.

(2) Every distributor of television channels shall adopt consumer friendly methods, including but not limited to website and telephonic call to customer care centre, for requesting subscription of broadcasting services related to television.

(3) Subject to technical and operational feasibility, every distributor of television channels or its linked local cable operator, as the case may be, shall provide broadcasting services related to television, on non-discriminatory basis, to every consumer making a request for such services, within a period of seven days from the date of receipt of such request.

(4) Every distributor of television channels shall mandatorily offer all a-la-carte channels and bouquets available on its platform on monthly subscription basis to consumers:

Provided that, in addition to offering of a-la-carte channels and bouquets in above referred manner, the distributor of television channels shall be free to offer other schemes.

(5) Every distributor of television channels or its linked local cable operator, as the case may be, offering broadcasting services related to television, shall devise a Consumer Application Form, either in electronic format or print format or both, for initial subscription to such services containing the information as provided in the Schedule I of these regulations.

4.Procedure for new connection.— (1) Every distributor of television channels or its linked local cable operator, as the case may be, at the time of providing connection to a consumer, shall inform him about complete details of services, including but not limited to, maximum retail price per month and distributor retail price per month of a-la-carte channels or bouquets, network capacity fee per month and the price of customer premises equipment, security deposit, rental amount, guarantee/warrantee, maintenance provisions and ownership of customer premises equipment, as may be applicable.

(2) Every distributor of television channels or its linked local cable operator, as the case may be, shall provide broadcasting services related to television to the consumer upon obtaining duly filled Consumer Application Form (Schedule- I) and provide a copy of the same to the consumer.

(3) Every distributor of television channels or its linked local cable operator, as the case may be, shall, by using the subscriber management system, assign a unique identification number to every subscriber which shall be communicated to the subscriber through Short Message Service (SMS) to the registered mobile number of the subscriber and other means of communication such as email, b-mail, monthly bill or payment receipt as may be deemed appropriate.

(4) The distributor of television channels or its linked local cable operator, as the case may be, shall activate broadcasting services related to television to the subscriber only after the details of Consumer Application Form of such subscriber have been entered into the subscriber management system:

Provided that the charges for broadcasting services related to television shall be payable by the subscriber from the date of activation of such services.

(5) A distributor of television channels or its linked local cable operator, as the case may be, may charge an amount not exceeding rupees three hundred and fifty as a one-time installation charge for installation of a new connection for providing the broadcasting services related to television.

(6) A distributor of television channels or its linked local cable operator, as the case may be,

may charge an amount not exceeding rupees one hundred as a one-time activation charge for activating the broadcasting services related to television.

CHAPTER III
MAINTENANCE OF SERVICE

5.Changes in subscription of broadcasting services related to television.— (1) No distributor of television channels or its linked local cable operator, as the case may be, shall, without receiving a request from a subscriber, make any change in the services subscribed by that subscriber.

(2) The records relating to the requests referred to in sub-regulation (1) shall be retained by the distributor of television channels for a minimum period of three months from the date of receipt of such request from the subscriber and shall be furnished to the competent authority as and when called for:

Provided that in the event of any complaint or dispute, such records shall be retained by the distributor till the final disposal of such complaint or dispute.

6.Subscription of channels/bouquets.— Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, activate requested channel or bouquet available on its platform, as soon as possible, but not later than seventy two hours:

Provided that the charges for requested channel or bouquet shall be payable by the subscriber from the date of activation of such channel or bouquet.

7.Deactivation of channels/bouquets from subscription.— Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, deactivate the requested channel or bouquet from the subscription of such subscriber as soon as possible, but not later than seventy two hours:

Provided that it shall be permissible for the distributor, to refuse such deactivation request if the subscription of such channel or bouquet is within a lock-in period which was declared by the distributor on its website and informed to the subscriber at the time of subscription of such channel or bouquet:

Provided further that in case of refusal of deactivation request, the distributor shall communicate the reasons of such refusal to the subscriber through Short Message Service (SMS) to his registered mobile number and through such other means of communication which may be deemed appropriate by the distributor.

8.Notice of discontinuation and change in the nature of channel.— (1) Every distributor of television channels shall inform its subscribers about any change in the nature of a channel available on its platform, at least fifteen days prior to the scheduled change, by running scrolls in

the concerned channel on television screen and such information shall also be disseminated through customer care programming service.

(2) No distributor of television channels shall discontinue any channel available on its platform without giving a prior notice of at least fifteen days to its subscribers by running scrolls in the concerned channel on television screen and such notice shall also be displayed on customer care programming service:

Provided that nothing contained in this sub-regulation shall apply in case the discontinuance of the channel has been caused by natural calamities or any technical failure.

9.Non availability of channels on distribution platform.— (1) No distributor of television channels shall charge from a subscriber, for any subscribed pay channel or bouquet of pay channels which subsequently becomes unavailable on its platform, from the date when such channel or bouquet becomes unavailable:

Provided that if such pay channel was part of a bouquet of pay channels subscribed by any subscriber, the distributor shall reduce the subscription charges of that bouquet payable by such subscriber by the amount equivalent to discounted distributor retail price of that channel, taking into account the discount offered by the distributor on such bouquet vis-a-vis the sum of distributor retail prices of all constituent pay channels.

(2) If any channel or bouquet, included in the subscription package of a subscriber, becomes unavailable on the platform of a distributor of television channels, such distributor shall not substitute the discontinued channel or bouquet with alternative channel or bouquet in the subscription package of such subscriber:

Provided that it shall be permissible for the subscriber to subscribe any new channel or bouquet and the distributor or its linked local cable operator, as the case may be, shall, upon receiving the request from the subscriber, activate such requested channel or bouquet.

10.Restriction on discontinuation and modification of subscribed bouquet during its lock-in period when all the constituent channels are available on distribution platform.— No distributor of television channels shall discontinue any bouquet, or modify the composition of the bouquet, subscribed by the subscriber during its lock-in period or during the period for which subscription amount has been paid in advance by such subscriber in pursuance of any scheme offered by the distributor, if all the channels

forming part of the bouquet continue to be available on its platform:

Provided that in case, the nature of any constituent pay channel of the subscribed bouquet of pay channels is changed to 'free-to-air channel' or the maximum retail price of such pay channel is increased beyond rupees nineteen, as the case may be, the distributor, irrespective of the lock-in period or the scheme, shall remove such channel from the bouquet and reduce the subscription charges of that bouquet payable by such subscriber by the amount equivalent to discounted distributor retail price of that channel, taking into account the discount offered by the distributor on such bouquet vis-a-vis the sum of distributor retail prices of all constituent pay channels:

Provided further that such distributor shall not substitute the removed channel with alternative channel in the subscription package of such subscriber and it shall be permissible for the subscriber to subscribe any channel or bouquet and the distributor or its linked local cable operator, as the case may be, shall, upon receiving the request from the subscriber, activate such requested channel or bouquet.

11.Introduction, discontinuation and modification of bouquets in other cases.— (1) No distributor of television channels shall introduce a new bouquet or discontinue any existing bouquet available on its platform, without giving a prior notice of at least fifteen days to all the subscribers by running scrolls on television screen and such notice shall also be displayed on customer care programming service.

(2) No distributor of television channels shall modify the composition of any existing bouquet available on its platform if all the channels

forming part of the bouquet continue to be available on its platform:

Provided that it shall be permissible for the distributor to discontinue the existing bouquet and introduce new bouquet after complying with the procedure prescribed in sub-regulation (1).

Explanation 1: For removal of doubts, it is clarified that, any distributor desiring to modify the composition of any existing bouquet either on its own or because of, any change in the nature or increase in maximum retail price, of the constituent channel of the bouquet, shall discontinue such bouquet and may introduce a new bouquet with the desired composition and such distributor shall not substitute the discontinued bouquet with alternative channels or new bouquets in the subscription package of any subscriber. However it shall be permissible for the subscriber to subscribe any new channel or bouquet and the distributor shall, upon receiving the request from the subscriber, activate such requested channel or bouquet as soon as possible but not later than seventy two hours.

Explanation 2: For removal of doubts, it is clarified that, in no case, the distributor shall modify or discontinue such bouquet, in respect of those subscribers who have either subscribed such bouquet with lock-in period or have made advance payment for such bouquet in pursuance of any scheme offered by the distributor, till the expiry of the lock-in period or the scheme period, as the case may be.

12.Temporary suspension of broadcasting services related to television on request from a subscriber.— (1) Every distributor of television channels or its linked local cable operator,

as the case may be, shall, upon receiving a request from a subscriber, temporarily suspend the broadcasting services related to television of such subscriber:

Provided that such request shall be made by such subscriber at least fifteen days prior to the date of such suspension:

Provided further that such temporary suspension shall be for a minimum period of one month and in the multiple thereof.

(2) The distributor of television channels or its linked local cable operator, as the case may be, shall not charge any amount, except the rental amount for customer premises equipment applicable if it is provided to the subscriber under rental scheme as referred to in sub-regulation (8) of regulations 24, from the subscriber during the period of temporary suspension.

(3) In case broadcasting services related to television of a subscriber remain suspended continuously for a period exceeding three months, such subscriber shall not be counted as an active subscriber of the distributor of television channels and it shall be permissible for the distributor to deactivate such subscriber from subscriber management system.

(4) Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from the subscriber, restore services within seventy two hours and may charge an amount-

(i) not exceeding rupees twenty five as restoration fee from the subscriber for restoration of services if such services have remained suspended continuously for a period not exceeding three months, or

(ii) not exceeding rupees hundred as re-activation fee from the subscriber for restoration of services if such services have remained suspended continuously for a period exceeding three months.

13.Disruption of broadcasting services related to television.— In case signals of television channels to a subscriber are continuously disrupted for a period exceeding seventy two hours, the distributor of television channels or its linked local cable operator, as the case

may be, shall reduce the subscription charges of the subscriber by an amount equivalent to the proportionate distributor retail price and network capacity fee in respect of such channels for the entire period of such disruption:

Provided that the period of such disruption shall be calculated from the time the complaint is registered by the subscriber:

Provided further that nothing contained in this sub-regulation shall apply in case the disruption is caused due to natural calamities.

14.Relocation of connection.— In case a subscriber requests for relocation of his connection from one location to another location, the distributor of television channels or its linked local cable operator, as the case may be, shall, subject to technical and operational feasibility, relocate the connection within a period of seven days from the date of receipt of such request:

Provided that it shall be permissible for the distributor or its linked local cable operator, as the case may be, to charge from such subscriber-

(i) an amount, not exceeding, twice the amount of installation charge prescribed by the distributor, in case, such relocation work involves dismantling of the outdoor equipment of customer premises equipment from old location and reinstallation at new location, or

(ii)an amount, not exceeding, the installation charge prescribed by the distributor, in case, such relocation work does not involve dismantling of the outdoor equipment of customer premises equipment from old location.

Explanation: For the purpose of this regulation, outdoor equipment means the dish-antenna, Low Noise Block Converter, connectors and other accessories fastened to the dish-antenna.

15.Interruption of broadcasting services related to television due to preventive maintenance.— If due to preventive maintenance, broadcasting services related to television are likely to be interrupted, the distributor of television channels or its linked local cable operator, as the case may be, shall give a prior notice of at least three days to its subscribers.

16. Disconnection of broadcasting services related to television.— (1) Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon request from the subscriber, disconnect the connection of broadcasting services related to television to such subscriber from the date indicated by the subscriber in his request and refund the deposits due to the subscriber, subject to fulfilment of the terms and conditions for providing services as agreed by the distributor and the subscriber, within seven days thereafter:

Provided that the subscriber shall make such request for disconnection at least fifteen days prior to the requested date of disconnection.

(2) No distributor of television channels or its linked local cable operator, as the case may be, shall disconnect the broadcasting services related to television to a subscriber without giving a prior notice of at least fifteen days to such subscriber indicating the reasons for such disconnection and the period of fifteen days shall be reckoned from the date of issue of such notice of disconnection to the subscriber.

(3) The notice for disconnection of broadcasting services related to television referred in sub-regulation (2) shall be communicated by the distributor of television channels by running scrolls on television screen and sending Short Message Service (SMS) to the registered mobile number of the subscriber:

Provided that it shall be permissible for the distributor, in addition to sending the notice in the above-referred manner, to employ other means of communicating the notice to the subscriber such as e-mail, b-mail and other methods as may be deemed appropriate.

17.Price protection to subscribers.— In case, the broadcasting services related to television have been availed by a subscriber with a lock-in period or the charges for subscription of broadcasting services related to television are paid in advance for a specific period by a subscriber in pursuance of any scheme offered by the distributor of television channels, the distributor shall continue to provide such services for such period to the

subscriber without any increase in the price of subscription and without altering the other terms of subscription to the disadvantage of the subscriber.

CHAPTER IV
BILLING AND PAYMENT

18.Billing.— (1) Every distributor of television channels or its linked local cable operator, as the case may be, shall offer broadcasting services related to television to subscribers either on pre-paid basis or post-paid basis or both pre-paid and post-paid basis.

Explanation: The pre-paid payment option offered shall be an electronic pre-paid mechanism wherein the amount paid by the subscriber is adjusted automatically for the services availed by him.

(2) Every distributor of television channels or its linked local cable operator, as the case may be, offering services both on pre-paid and post-paid basis, shall change payment mechanism from pre-paid to post-paid or *vice-versa*, as the case may be, on the request made by the subscriber, from the next billing cycle:

Provided that the distributor shall not charge any amount from subscriber for such change in payment mechanism.

(3) The charges for broadcasting services related to television shall be payable by a subscriber from the date of activation of such services.

19.Generation of post-paid bill.— In case of post-paid mechanism, the post-paid bill for the subscriber shall be generated, through subscriber management system on the basis of subscription and usage of broadcasting services related to television by the subscriber, within seven days from the end of billing cycle:

Provided that it shall be permissible for the distributor of television channels to generate bills for the subscribers either in its own name or in the name of its linked local cable operator based on the interconnection agreement entered between them.

20.Billing cycle for post-paid bill.— The billing cycle for post-paid bill shall be a calendar month.

21.Details of information in the post-paid bill.— The post-paid bill shall contain the itemised details of-

(a)network capacity fee,

(b)rental charges for customer premises equipment, if any,

(c)charges for pay channels and bouquets of pay channels subscribed by subscriber during the period of billing cycle,

(d)any other charges which has been levied in compliance with the provisions of these regulations and,

(e)taxes in conformity with applicable laws.

22.Delivery of post-paid bills and payment.— (1) Every distributor of television channels shall, either directly or through its linked local cable operator, as the case may be, deliver to every post-paid subscriber, the post-paid bill within fifteen days from the end of billing cycle:

Provided that the distributor or its linked local cable operator, as the case may be, shall deliver such bill to the subscriber either in printed form or electronic form, as may be opted by the subscriber.

(2) Every distributor of television channels or its linked local cable operator, as the case may be, shall provide a period of at least twenty one days, from the date of generation of the bill, to every post paid subscriber, for making payment of the bill:

Provided that in case of default in timely payment by a subscriber by the due date, it shall be permissible for the distributor or its linked local cable operator, as the case may be, to charge a simple interest at a rate not exceeding 2% higher than the base rate notified by State Bank of India from time to time, on the amount payable by the subscriber for the period of such delay.

(3) It shall be permissible for the distributor of television channels or its linked local cable operator, as the case may be, to enable, in addition to other payment options, consumer friendly electronic payment options in the subscriber management system for the electronic payment of post- paid bills by the subscribers.

(4) It shall be permissible for the distributor of television channels or its linked local cable operator, as the case may be, to temporarily suspend the broadcasting services related to television of a post-paid subscriber, in case of default in payment, after the expiry of due date for payment:

Provided that in case the services of the subscriber remain suspended continuously for a period of three months, such subscriber shall not be counted as an active subscriber of the distributor and it shall be permissible for the distributor to deactivate such subscriber from subscriber management system:

Provided further that the distributor or its linked local cable operator, as the case may be, shall, upon request of the subscriber, restore services and it shall be permissible for the distributor or its linked local cable operator, as the case may be, to charge, in addition to the outstanding payment with interest due from the subscriber, an amount not exceeding rupees hundred as re-activation fee from the subscriber for restoration of services if such services have remained suspended continuously for a period exceeding three months.

(5) Every distributor of television channels or its linked local cable operator, as the case may be, shall, issue a receipt to every post-paid subscriber for every payment made by him and shall enter the details of the receipt including the date, serial number of the receipt, and amount paid by the subscriber in the subscriber management system against the name of the subscriber, within seven days of the payment made by the subscriber:

Provided that the distributor or its linked local cable operator, as the case may be, shall deliver such receipt to each subscriber either in printed form or electronic form as may be opted by the subscriber.

(6) Every distributor of television channels shall, on its website, maintain the records of billing and payment of subscribers, for at least preceding six months and provide log-in access to the subscribers to their accounts.

(7) If any distributor of television channels contravenes the provisions of sub-regulation (1) or sub-regulation (5), it shall, without prejudice to the terms and conditions of its registration or the provisions of the Act or rules or regulations or orders made, or, directions issued there under, be liable to pay an amount, by way of financial disincentive, not exceeding rupees twenty per subscriber for all such subscribers in respect of whom such contravention is observed, as the Authority may by order direct.

(8) No order for payment of an amount by way of financial disincentive under sub-regulation (7) shall be made by the Authority unless the distributor of television channels has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

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

23.Pre-paid billing and payment.— (1) Every distributor of television channels or its linked local cable operator, as the case may be, shall, in case of pre-paid payments, acknowledge such payments to the subscriber and ensure that the subscriber management system is updated accordingly.

(2) The billing cycle for pre-paid payment option shall be thirty days from the date of activation of services.

(3) Every distributor of television channels shall, on its website, maintain the records of billing and payment of subscribers, for at least preceding six months and provide log-in access to the subscribers to their accounts:

Provided that such records of subscriber shall contain itemised usage details of, —

(a)network capacity fee,

(b)rental charges for customer premises equipment, if any,

(c)charges for pay channels and bouquets of pay channels subscribed by subscriber during the period of billing cycle,

(d)any other charges which has been levied in compliance with the provisions of

these regulations and,

(e)taxes in conformity with applicable laws.

(4) It shall be permissible for a distributor of television channels to temporarily suspend the services of a prepaid subscriber in case of non availability of balance amount in his prepaid account:

Provided that in case the services of the subscriber remain suspended continuously for a period of three months, such subscriber shall not be counted as an active subscriber of the distributor and it shall be permissible for the distributor to deactivate such subscriber from subscriber management system:

Provided further that the distributor shall upon the recharge of balance amount in subscriber's account, restore services and such distributormay charge an amount not exceeding rupees hundred as re-activation fee from the subscriber for restoration of services if such services have remained suspended continuously for a period exceeding three months.

CHAPTER V
CUSTOMER PREMISES EQUIPMENT

24.Supply and installation of the customer premises equipment.— (1) Every distributor of television channels or its linked local cable operator, as the case may be, shall provide to every subscriber the set top box conforming to relevant Indian Standards set by the Bureau of Indian Standards.

(2) It shall be permissible for every subscriber to buy a set top box of approved quality from the open market, if available, which is technically compatible with the system of the distributor of television channels and the distributor or its linked local cable operator, as the case may be, shall not compel any subscriber to buy or take on rent the set top box from him alone.

(3) Every distributor of television channels or its linked local cable operator, as the case may be, shall offer customer premises equipment to every consumer under the following schemes: (i) outright purchase scheme, and

(ii) rental scheme:

Provided that, in addition to offering customer premises equipment on outright purchase scheme and rental scheme, it shall be permissible for the distributor or its linked local cable operator, as the case may be, to offer customer premises equipment under any other scheme including bundled scheme.

(4) Every distributor of television channels or its linked local cable operator, as the case may be, shall inform the consumers the details of all the schemes of customer premises equipment offered by it.

(5) Every distributor of television channels shall publish on its website the details of all schemes for customer premises equipment along with other terms and conditions applicable to the said schemes and such information shall also be disseminated through the customer care programming service.

(6) In case of outright purchase scheme, the distributor of television channels or its linked local cable operator, as the case may be, shall specify the retail price of customer premises equipment along with guarantee/warranty period:

Provided that the guarantee/warranty period in respect of such customer premises equipment shall be for at least one year:

Provided further that the ownership of such customer premises equipment shall rest with subscriber.

(7) No distributor of television channels or its linked local cable operator, as the case may be, shall charge any fee or amount, except the amount applicable in accordance with sub-regulation (11), towards repair and maintenance of customer premises equipment purchased under outright purchase scheme during its guarantee/warranty period:

Provided that distributor or its linked local cable operator, as the case may be, shall also offer annual maintenance scheme for the customer premises equipment provided under such scheme after the expiry of guarantee/warranty period:

Provided further that nothing contained in this sub-regulation shall apply if the customer premises equipment has been tampered with or physically damaged by the subscriber.

(8) In case of rental scheme, the distributor of television channels or its linked local cable operator, as the case may be, shall specify the monthly rental amount for customer premises equipment and other terms and conditions, if any:

Provided that it shall be permissible for the distributor or its linked local cable operator, as the case may be, to specify an interest-free refundable security deposit as may be considered appropriate by him:

Provided further that ownership of the customer premises equipment offered by the distributor or its linked local cable operator, as the case may be, under such schemes

shall remain with the distributor or its linked local cable operator, as the case may be.

(9) In case of all other schemes which may include bundled scheme, the distributor of television channels or its linked local cable operator, as the case may be, shall specify separately, the retail price of the customer premises equipment, network capacity fee, charges for pay channels or bouquet of pay channels, bundled with customer premises equipment and other terms and conditions, if any:

Provided that the ownership of such customer premises equipment offered by the distributor or its linked local cable operator, as the case may be, under such schemes shall remain with distributor or its linked local cable operator, as the case may be.

(10) Every distributor of television channels or its linked local cable operator, as the case may be, shall be responsible for maintaining the customer premises equipment, availed under rental scheme or other schemes as referred to in sub-regulation (8) and sub-regulation (9), as the case may be, in good working condition to ensure uninterrupted services to the subscriber, for a minimum period of three years:

Provided that the subscriber shall not be liable to pay any fee or amount, except the amount applicable in accordance with sub-regulation (11), for rectification of fault in the customer premises equipment on every incidence of fault during such period.

Provided further that nothing contained in this sub-regulation shall apply if the customer premises equipment has been tampered with or physically damaged by the subscriber.

(11) It shall be permissible for the distributor of television channels providing direct to home (DTH) services to charge an amount not exceeding rupees two hundred and fifty as visiting charge per registered complaint requiring visit of a person to subscriber’s premises for carrying out repair and maintenance services:

Provided that no visiting charges will be levied on the subscribers for any complaint relating to set top box:

Provided further that such visiting charge shall not be debited from the pre-paid subscription account of the subscriber:

Provided also that the receipt for payment for such charges shall be issued to the subscriber by the distributor.

(12) Every distributor of television channels or its linked local cable operator, as the case may be, shall ensure that a faulty set top box is repaired within twenty four hours, from the time of registering of complaint by the subscriber:

Provided that the distributor or its linked local cable operator, as the case may be, shall replace the faulty set top box with a functional set top box in case the faulty set top box cannot be set right in working condition within twenty four hours.

Provided further that nothing contained in this sub-regulation shall apply if the set top box has been tampered with or physically damaged by the subscriber.

CHAPTER VI
CUSTOMER CARE AND COMPLAINT REDRESSAL

25.Customer care centre.— (1) Every distributor of television channels shall, before providing broadcasting services related to television to its subscribers, establish a customer care centre, for addressing their service requests and redressal of complaints and the distributor shall ensure that such centre:

(a) has a toll free "customer care number" having sufficient number of lines or connections and human resources to efficiently service the subscriber base of the distributor,

(b)is accessible, at least, between 08:00 hrs and 22:00 hrs on all days of the week, (c) provides the services in the regional language of the service area in addition to Hindi and English,

(d)has an Interactive Voice Response System (IVRS) with provision for complaint registration and

(e) has a web based complaint management system.

(2) It shall be permissible for the distributor of television channels to engage any agency for establishing and operating "customer care centre" as referred to in sub-regulation (1):

Provided that the responsibility for compliance of the provisions of these regulations shall rest with the distributor.

(3) Every distributor of television channels shall ensure that the Interactive Voice Response System is operated in the following manner,-

(a) the first level of the Interactive Voice Response System provides for language selection;

(b) the second level of the Interactive Voice Response System provides for options relating to the broad categories of complaints and service requests;

(c) the third level of the Interactive Voice Response System provides for a sub-menu under service and complaint requests, separately;

Provided that the sub-menu in the third level shall also contain an option enabling the

customer to speak to a customer care executive.

(4) Every distributor of television channels shall ensure that:

(i)response time for calls made on toll free "customer care number" by the subscriber, answered voice to voice, meets the following performance criteria-

(a) Eighty percent of calls to be answered (voice to voice) by a customer care executive (other than by electronic means) within sixty seconds;

(b) Ninety per cent of calls to be answered (voice to voice) by a customer care executive (other than by electronic means) within ninety seconds.

(ii)response time to the subscriber for calls made on "customer care number" by the subscriber, answered electronically meets the following performance criteria;

(a) Eighty percent of calls to be answered within twenty seconds electronically; (b) Ninety percent of calls to be answered within forty seconds electronically;

Explanation: For the purpose of calculating percentage of calls as referred to in sub-regulation (4), the total number of calls made during a month shall be taken into account.

(5) The distributor of television channels or its linked local cable operator, as the case may be, shall publicise the toll free number and the address of the web based complaint management system to its subscribers through customer care programming service and website:

Provided that, in addition to the above, it shall be permissible for the distributor of television channels to use other means of publicity such as Short Message Service (SMS), television scrolls, and printing the information on the bills and receipts.

26.Complaints handling by customer care centre.— (1) Every distributor of television channels shall ensure that the customer care centre, immediately upon receipt of a complaint from a subscriber, registers such complaint each time and allots a unique number to be called the docket number:

Provided that the Authority may, if deemed necessary, specify a format for such docket number.

(2) Every distributor of television channels shall ensure that the customer care centre- (a) at the time of registering of the complaint, communicates to the subscriber the docket number, date and time of registration of the complaint and the time within which the complaint is likely to be resolved; and

(b) on resolution of the complaint, communicates to the subscriber, the details of the action taken on the complaint and also the name and contact number of the nodal officer for further redressal of complaint, if the subscriber is not satisfied.

27.Time limit for redressal of complaints.— Every distributor of television channels or its linked local cable operator, as the case may be, shall adhere to the following time limits for redressal of complaints of the subscribers-

(a) all complaints shall be responded to within eight hours of receipt of the complaint:

provided that complaints received after the office working hours shall be responded by the next working day;

(b) at least ninety percent of all 'no signal' complaints received shall be redressed and signal restored within twenty four hours of receipt of such complaint; (c) all complaints relating to billing shall be redressed within seven days of receipt of the complaint from the subscriber and refunds, if any, shall be made to such subscriber within thirty days of receipt of the complaint;

(d) at least ninety percent of all other complaints not covered under clause (b) and clause (c) shall be redressed within forty eight hours of receipt of such complaints;

(e) no complaint, except billing related complaints referred to in clause (c), shall remain unresolved beyond seventy two hours.

28.Redressal of complaints by nodal officers.—(1) Every distributor of television channels shall, within thirty days from the date of commencement of these regulations or within thirty days from the commencement of its operations, as the case may be, appoint or designate one or more nodal officers for every State in which it is providing broadcasting services related to television, for the redressal of complaints of subscribers and the distributor shall, within ten days from the date of appointment or designation of the nodal officers,

furnish to the Authority the names, address, contact numbers, e-mail address and facsimile number of the nodal officers.

(2) Every distributor of television channels shall-

(a) give wide publicity about appointment or designation of such nodal officers or any change thereof, and

(b) display, on its website as well as customer care programming service, the names, address, contact numbers, e-mail address, facsimile number of nodal officers.

(3) In the event of any change in the names or communication details of nodal officers as referred to in sub-regulation (1), the distributor of television channels shall-

(a) inform the Authority within ten days from occurrence of such change, and (b) bring the change to the notice of the subscribers in the same manner as specified under clause (b) of sub-regulation (2).

(4) In case a subscriber is not satisfied with the redressal of complaint by the customer care centre, such subscriber may approach the nodal officer of the distributor of television channels for redressal of his complaint.

(5) The nodal officer shall-

(a) register every complaint lodged by the subscribers;

(b) issue an acknowledgement to the subscriber within two days from date of the receipt of the complaint indicating therein the unique complaint number; (c) redress such complaints of subscribers within ten days from the date of receipt of the complaint and intimate the decision taken thereon in respect of such complaint to the subscriber.

29.Complaints referred to the distributor of television channels by the Authority.— (1) The Authority may, without prejudice to the provisions contained in the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), forward the following types of complaints received from consumers, to the concerned distributor of television channels for the purpose of redressal of-

(a) complaints alleging violation of the Act or the regulations made or directions issued or orders made by the Authority under the Act;

(b) complaints of the subscribers which are generic in nature;

(c) complaints alleging that the practices adopted by the distributor of television channels adversely affects the interest of consumers;

(d) any complaint of such nature that, in the opinion of the Authority, is required to be resolved expeditiously by the distributor of television channels or its linked local cable operator, as the case may be.

(2) Every distributor of television channels shall investigate and find out the root cause of all complaints referred by the Authority under clauses (a), (b) and (c) of sub-regulation (1) and redress such complaints, within thirty days from the date of reference of the complaint and result of such complaints shall be informed to the consumer as well as the Authority within one week from redressal of complaint.

(3) Every distributor of television channels shall resolve every complaint referred to under clause (d) of sub-regulation (1) and inform to the Authority within fifteen days of the resolution of the complaint.

(4) In case on investigation, the root cause of the complaints referred to under sub-regulation (2) reveal general deficiency or systemic inadequacy in practice or operation adopted by or on the part

of the distributor of television channel, the distributor shall take immediate remedial measures in respect of all similarly placed subscribers and intimate the same to the Authority within one month of reference of the complaint.

30.Maintenance of records of complaints.— (1) Every distributor of television channels shall maintain records of all complaints filed by the subscriber and such records shall include docket number, name and address of complainant, date and time of filing complaint, type of complaint and redressal date and time and confirmation from the subscriber that the complaint has been redressed.

(2) The records referred to in sub-regulation (1) shall be kept for a minimum period of three months from the date of resolution of a complaint and the distributor of television channels

shall produce the records whenever called upon by the Authority.

CHAPTER VII
PUBLICITY OF INFORMATION AND CONSUMER AWARENESS

31.Establishment of website.— (1) Every distributor of television channels shall establish and maintain a website for the purpose of publicity of information related to broadcasting services related to television offered by the distributor and for consumer awareness:

Provided that it shall be permissible for a distributor of television channels to engage any agency for establishing and operating such website:

Provided further that the responsibility for compliance of the provisions of these regulations shall rest with the distributor of television channels.

(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.

32.Customer care programming service.— (1) Every distributor of television channels shall provide a customer care programming service for the purpose of dissemination of information as required under the provisions of these regulations and for consumer awareness.

(2) Every distributor of television channels shall assign a unique number to the customer care programming service as referred to in sub-regulation (1) and display the said number on its website under the consumer corner as referred to in sub-regulation (2) of regulation 31 and

communicate the said number to the subscribers through running scrolls on television screen and through any other communication means as deemed appropriate.

(3) Every distributor of television channels shall disseminate the information, on regular intervals, in accordance with Schedule II and Schedule III of these regulations to subscribers through customer care programming service in multiple formats such as text, video, audio, scroll and multimedia graphics:

Provided that information messages provided by the Authority if any, for consumer awareness shall also be carried over such customer care programming service.

33. Public awareness campaign.— Every distributor of television channels shall conduct public awareness campaign about the salient features of the provisions contained in these regulations and the measures implemented by the distributor of television channels or its linked local cable operator for consumer education with regard to the services made available to consumers in compliance of these regulations and submit such details to the Authority in such format and periodicity as may be specified by it.

34. Publicity of information by broadcasters.— Every broadcaster shall publicise the maximum retail price of all pay channels and bouquets, through website and running scrolls on the concerned channels, periodically for wide publicity amongst the consumers and submit details of such measures to the Authority.

35.Prohibition of on screen display.— No distributor of television channels or broadcaster shall display any notices of disconnection or discontinuation or non-availability of television channels, through multimedia graphics super imposed on full or partial television screens:

Provided that it shall be permissible for the distributor to provide such notices through text scrolls at the bottom of the television screens and the size and duration of such scrolls shall be limited in such a manner so as to avoid any material interference in the viewing experience of viewer.

CHAPTER VIII
MISCELLANEOUS

36. Technical standards.— (1) Every broadcaster and distributor of television channels shall maintain technical standards of the signals as per the relevant standards laid down by Digital Video Broadcasting (DVB)/European Telecommunication Standards Institute (ETSI) /International Electro-technical Commission(IEC)/Indian Standard, if any.

(2) Every DTH operator shall ensure that the set top box for providing direct to home services complies with Bureau of Indian Standard specification IS-15377 of 2003 or IS-15954 of 2012, as amended from time to time, or any other standard approved by any agency authorised by the Central Government.

(3) Every multi-system operator and HITS operator shall ensure that the set top box for providing for cable services complies with Bureau of Indian Standard, IS-15245 of 2002 or IS-16128 of 2013, as amended from time to time, or any other standard approved by any agency authorised by the Central Government.

(4) Every distributor of television channels, while encoding television channels for re-transmission on its network, shall not discriminate in the compression and other encoding parameters for channels placed in a genre to ensure similar reception quality to subscribers.

(5) The Authority may appoint Broadcast Engineering Consultants India Limited or any other agency to conduct technical audit of the systems of broadcasters, distributor of television channels and local cable operator to assess the quality of signals at the headend or earth-station of the distributor of television channels, the quality of signals provided by the distributor of television channels to local cable operators, and quality of signals provided by the local cable operator to the subscribers.

37.Manual of Practice.— Every distributor of television channels shall publish a manual of practice on its website which shall contain information in accordance with Schedule IV to these regulations:

Provided that it shall be permissible for the distributor of television channels, to publish and provide the manual of practice in printed form and in Hindi, English or Regional language as per the requirements of service area.

38.Display of channels in EPG.— (1) Every distributor of television channels shall display all channels available on its platform in the electronic programme guide and each channel shall be listed under the respective genre of the channel as declared by the broadcaster under applicable tariff order or regulations notified by the Authority from time to time and one channel shall appear at one place only:

Provided that it shall be permissible for the distributor to divide the channels under one genre into sub-genres on the basis of language or region and such channels shall be assigned unique logical channel numbers within the sub-genres:

Provided further that the channels of same language shall be put together within the same sub-genre.

(2) Every distributor of television channels shall indicate-

(a) **"Free"** in the electronic programme guide against each free-to-air channel available on its platform;

(b) the respective maximum retail price in the electronic programme guide against each pay channel available on its platform with the Indian rupee sign **"₹"** such as **₹2, ₹5.5** etc.;

39.Reporting to the Authority.— Every distributor of television channels shall submit report for ensuring compliance of quality of service specified in these regulations in such format and in such periodicity as may be directed by the Authority from time to time.

40.Designation of compliance officer and his obligations.— (1) Every broadcaster and distributor of television channels shall, within thirty days from the date of commencement of these regulations, designate a compliance officer.

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

(3) Every broadcaster or distributor of television channels, as the case may be, shall, within thirty 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 the board's resolution authorizing the designation of such compliance officer:

Provided that the distributor of television channels, which is not a company, shall, within thirty days from the date of designation of the compliance officer under the provisions of this regulation, furnish to the Authority the name, full address, contact number and e-mail address of the compliance officer along with authenticated copy of the authorization letter authorizing the designation of such compliance officer.

(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 thirty days from the date of occurrence of such change along with authenticated copy of the board's resolution or authorization letter, 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 ten days from the date of occurrence of such change.

(6) The compliance officer shall be responsible for-

(a)generating awareness for ensuring compliance with the provisions of these regulations.

(b)reporting to the Authority, with respect to compliance with these regulations and directions of the Authority issued under these regulations.

(c)ensuring that proper procedures have been established and are being followed for compliance of these regulations.

(7) The provisions contained in the sub-regulation (6) shall be in addition to the liability of the service provider to comply with the requirements laid down under these regulations.

41.Identification of personnel.— Every distributor of television channels or its linked local cable operator, as the case may be, shall ensure that its representatives carry proper identification along with a photograph duly certified by such distributor of television channels or its local cable operator, as the case may be, and exhibit the same as proof of identity to the subscriber.

42.Privacy protection.— Every distributor of television channels or its linked local cable operator, as the case may be, shall ensure privacy and protection of subscribers' personal information and the same shall not be used for any other purpose except in accordance with law.

43.Intervention by Authority.— The Authority may, by order or direction, from time to time, intervene, for the purpose of protecting the interest of the subscribers or monitoring the performance of quality of service standards of the distributor of television channels or its linked local cable operator, as the case may be, for ensuring compliance of the provisions of these regulations.

44.Application of other laws not barred.— The provisions of these regulations shall be in addition to, and not in derogation of, any other law for the time being in force.

45.Repeal and Saving.— (1) The Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007 (8 of 2007), the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012) and the Consumer Complaint Redressal (Digital Addressable Cable TV Systems) Regulations, 2012 (13 of 2012) along with all their amendments and directions issued thereunder are hereby repealed:

Provided that such repeal shall not affect-

(a) the previous operation of the repealed regulations or anything done or any action taken under the repealed regulations; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the regulations so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the regulations so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege , obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid regulations had not been repealed.

(2)The existing facilities of customer care centre, website, web based complaint management system, subscriber management system and addressable system set up by a distributor of television channels, wherever applicable, shall be deemed to have been set up under these regulations provided that such facilities comply with the provisions of these regulations.

(3) Nothing contained in these regulations shall affect any packs, plans or bouquets subscribed by an existing subscriber before the date of commencement of these regulations:

Provided that no such packs, plans or bouquets shall be valid beyond a period of one hundred and eighty days from the date of publication of these regulations in the Official Gazette and it shall be mandatory for all distributors of television channels to either discontinue or modify all their existing packs, plans or bouquets in compliance with the provisions of these regulations within such period.

(Sudhir Gupta)
Secretary,TRAI

Note.— 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) Regulations, 2017.

SCHEDULE – I

(under sub-regulation (5) of regulation 3)

CONSUMER APPLICATION FORM

form may be devised in Hindi, English and the regional language of the area of operation of the distributor of television channels or its linked local cable operator, as the case may be, and shall contain the following information-

Part A: Consumer information

1. Name
2. Address
3. Contact Numbers (Mobile/ landline)
4. E-mail (optional) 5. Aadhaar Number (Optional)

Part B: Service Subscription related information

6. Details of service subscribed:
   (a)name of a-la-carte pay channels/bouquets of pay channels and their distributor retail prices
   (b)bouquets of FTA channels
   (c)lock in period, if any
7. Network capacity fee— (a) for up to100 SD channels
   (b) additional channel capacity in the slab of 25 SD channels each
8. Mode of payment (pre-paid or post paid)
9. Subscription amount to be paid (monthly/half yearly/yearly/etc.)

Part C: CPE related information

10.Scheme opted (Outright purchase/rental/other schemes)
11.Monthly rental for CPE if it is under rental scheme
12.Refundable security deposit for CPE if any
13.Retail price of CPE if it is under outright purchase scheme/other scheme

14.VC number
15.Type of set top box (MPEG2/MPEG4)
16.Guarantee/Warrantee/AMC details

Part D: Customer care centre related information

17.Toll free customer care centre number
18.Any other customer care centre numbers
19.Customer care centre e-mail

Part E: Distributor of television channel/Local Cable Operator related information

20.Name of the distributor of television channels/LCO
21.Address
22.Contact numbers
23.Website

Part F: Details of payment made

24.Total Amount paid
25.Refundable security deposit, if applicable
26.Monthly rental for CPE and period of rent if applicable
27.Retail price of CPE in case of outright purchase scheme or other scheme
28.Installation charges
29.Activation fee

(Note: In case of printed CAF, Part D, Part E and Part F may be provided in the form of detachable acknowledgement receipt.)

SCHEDULE – II

(under sub-regulation (3) of regulation 31)

CONSUMER CORNER

The Consumer Corner web page shall contain the following information including but not limited to:

1. **List of channels and bouquets available on the platform**
2. (a) FTA channels
3. (b) Pay channels and their MRP and distributor retail price
4. (c) List of bouquets of FTA channels and their composition
   (d) List of bouquets of pay channels formed by broadcaster with composition and their respective MRP and distributor retail price
   (e) List of bouquets of pay channels formed by the distributor with composition and their distributor retail price
   (f) Details of lock in period, if any, in respect of a-la-carte channel or bouquets,

Details of network capacity fee

(a) Network capacity fee of 100 SD channels

(b) Network capacity fee for additional capacity of 25 SD channels

(c) Composition of basic service tier of 100 SD FTA channel,

Subscription process for subscribing channels on a-la-carte basis

Details of the provisions made by the distributor of television channels for enabling a-la-carte subscription of channels such as website, customer care centre, mobile apps etc are to be provided,

CPE Schemes: **Scheme type, CPE price, and other terms and conditions**

a)Outright purchase scheme

-Price

-Guarantee/ Warranty term

- Maintenance provisions of CPE, AMC etc.

b)Rental scheme

- Rental amount

- Security deposit, if any

- Other terms and conditions

c)Other Schemes

- Details of the scheme
- Other terms and conditions
- Price of CPE
- Price of channels and bouquets included in the scheme bundled with CPE

- Network capacity fee bundled with CPE,

5. Procedure for obtaining a new service connection and timelines,

6. Provisions for temporary discontinuation of services and details of restoration fee and reactivation fee, if applicable,
7. Provision for relocation of connection and applicable charges, 8. Complaint redressal process:
   a)Through customer care centre
   b)Through Nodal Officer
   c)Through Web based management System,
9. Consumer Agreement Form (CAF),
10. Manual of Practice,
11. Toll free number of customer care centre and other contact details,
12. Availability of customer care programming service with its LCN,
13. Any other information relevant for the consumers.

SCHEDULE – III

(under sub-regulation (4) of regulation 31)

SUBSCRIBER CORNER

The Subscriber Corner shall contain the following features and information, but not limited to:

1. Login access to the subscriber,
2. Subscriber information: Name, address, registered phone, email, Aadhar no. etc.,
3. Details of subscribed services, channels, bouquets, validity, lock in period (if any),
4. Details of selected CPE scheme,
5. Details of AMC scheme selected, if any,
6. Billing details /billing cycle/Account balance/ Dues,
7. Usage details for last six months/ provision for printing,
8. Bill Payment guidelines,
9. Payment details for last six months,
10. Complaint registering and status monitoring,
11. Completed CAF access/reprint,
12. Toll free number of customer care centre and other contact details,
13. Any other relevant information.

SCHEDULE – IV

(under regulation 37)

MANUAL OF PRACTICE

Manual of Practice should contain the following:-

1. Name and address of the distributors of television channel,
2. Terms and conditions of service offered by the distributor of television channel, Name,
3. designation and e-mail, contact telephone number, facsimile number and address of the
4. Nodal Officer,
5. Details of provisions for consumer protection as specified in these regulations:-
6. (a)disruption in service

   (b)price protection for advance subscription payment

   (c)temporary discontinuation of service

   (d)disconnection of services

   (e)terms and conditions for billing and payment,

   Procedure and benchmark for complaint redressal,

   Any other relevant information.

EXPLANATORY MEMORANDUM

1.The Broadcasting and Cable Services came under the regulatory ambit of TRAI on 01.09.2004. TRAI is vested with the responsibility of ensuring orderly growth of the broadcasting sector while protecting the interests of the consumers. The Authority has undertaken several measures in this regard and issued Quality of Service (QoS) regulations for different delivery platforms such as Cable TV, DTH, etc in the past. The first QoS regulation was issued on 23rd August, 2006 to regulate the quality of service of cable television services in the Conditional Access Systems (CAS) areas. Subsequently, QoS regulations for DTH services were issued in 2007. Similar regulations were issued for cable TV services in non-CAS areas in 2009, followed by QoS regulations for addressable Cable TV service in 2012. A separate regulation for consumer grievance redressal mechanism for addressable cable TV systems was also issued in 2012. In addition, some QoS issues were also addressed through tariff orders, interconnection regulations and directions, issued by the Authority from time to time.

2. The broadcasting sector has now achieved significant level of digitization and it is expected that digitization would be completed by March 2017. Thereafter, broadcasting
3. services will be delivered by different delivery platforms to the consumers through only addressable systems. In such scenario, ICTs can be used as an effective tool in enhancing the quality of services by enabling provisions such as subscription through electronic means, electronic billing and payment, web enabled online complaint and redressal mechanism, electronic CAF etc. Therefore, there is a need to provide a comprehensive uniform QoS regulations for different delivery platforms in addressable environment for healthy competition, transparency and growth with provision of good quality of services to the consumers. Accordingly, the Authority decided to go in for a consultation process before laying down benchmarks for quality of service standards for addressable systems.

The prime objective of the consultation was to harmonise the existing QoS regulations issued by TRAI from time to time and to formulate a unified regulatory framework for different platforms. It is expected to result in better awareness about the regulatory provisions amongst the consumers while improving the compliance and monitoring of the new regulatory framework. The consultation also laid emphasis on various measures

for consumer protection. Another thrust area was ensuring adequate publicity of the schemes and services offered by distribution platform operators (DPOs) for improving consumer awareness to enable them in making informed choices.

4. The consultation paper was issued on 18th May 2016 inviting comments from the stakeholders. A total of 29 comments and 2 counter comments were received. An open house discussion was held on the 28th July 2016 at New Delhi. Based upon the analysis of the comments and counter comments, draft regulations were put on TRAI website on 10th October, 2016 seeking specific comments from stakeholders. In response, 48 comments have been received from the stakeholders. These comments have been analysed and the paragraphs hereunder briefly summarize the analysis and set out the basis and rationale for the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2016.

5. In the consultation paper, comments of the stakeholders were sought on the broad nature of regulatory framework required in the evolving broadcasting scenario and on the need of a common framework for different platforms. Majority of the DPOs have shown preference for a self regulatory regime, whereas few broadcasters and consumer organisations have suggested for regulated framework. A large number of DPOs are providing services in different areas of the country catering to varying subscriber base from few thousand to millions. In some areas only a single DPO is providing services to a small subscriber base. In such scenario self-regulatory mechanism may not be an effective approach. It is observed that consumer choice is still not being fully enabled even in areas where digitization has completed and therefore regulatory oversight appears necessary. An oversight mechanism by regulator would enable DPOs to create standardized infrastructure for providing better quality of services to the consumers. The Authority is therefore of the view that regulated framework shall be the appropriate model for ensuring QoS and consumer protection in the broadcasting sector.

6. On the issue of having a uniform QoS regulatory framework for addressable platforms, majority of the stakeholders have supported this requirement. However, some DPOs oppose it stating that various DPOs work on different business models. The present

regulatory framework caters to specific distribution platforms and it was aimed to address prevalent issues at that time. Different QoS regulations make it difficult to create awareness amongst consumers. From the consumer's point of view, uniformity in the QoS provisions would lead to improved consumer awareness as all DPOs will disseminate information based on common QoS framework. Accordingly, the Authority is of the view that a uniform regulatory framework for QoS shall be adopted with some platform specific provisions, as may be, required keeping in view the nature of such platform.

7. Provisions of TV Broadcasting services by the DPOs is the first step towards offering services to consumers. In addressable systems, it is a prerequisite to set up a Subscriber
8. Management System (SMS) for managing subscriptions, management of services, billing
9. and payments. The SMS is to be integrated with a Conditional Access System to provide encrypted signals to the subscribers. The SMS has to confirm to the provisions and specifications as mandated in the applicable interconnection regulations and tariff orders notified by the Authority from time to time.

In order to provide good quality of services to the consumers it is important that DPOs have to ensure wide publicity of their offers and services for consumer awareness and provide user friendly methods to consumers for submitting their requests through multiple means for subscription to offered services. Consultation was held with the stakeholders on various methods that can be useful for increasing the consumer awareness. Stakeholders have suggested use of various means such as scrolls, short messaging service, websites, advertisements across mass media, etc. Therefore, in addition to customer care centre and website, other methods such as short messaging service, email, mobile applications etc. may also be adopted by the DPOs for ease of subscription.

The existing regulatory framework mandates that all channels on the DPO platform shall be offered for a-la-carte subscription to consumers. This provision of regulation is an important step towards enabling consumers' choices. It has been observed that sometimes DPOs put restrictive condition on a-la-carte subscription. For example, a channel or bouquet can be subscribed only if an add on pack is also subscribed or it can

be subscribed for certain specific period only. Such conditions defeat the intent of the regulations and restrict the choices to the consumers. Therefore, in the draft regulations it was proposed that all channels and bouquets available on DPOs platform shall be compulsorily offered, without any condition, under monthly subscription schemes. However keeping in view the business concerns of the DPOs, the DPOs may, in addition to mandatory monthly schemes, offer the channels or bouquets under other schemes which may have different lock in duration of subscription. A few stakeholders have suggested that the provision is restrictive in nature as it may result in very frequent change in subscriber choice. In the addressable system, the DPOs are free to offer attractive services for shorter as well as longer durations as per their business concerns to provide better choices to the consumers. Therefore, the provision is not restrictive. Further, any change in the service once subscribed by the subscriber under monthly scheme can take place only after a period of one month. The Authority is therefore of the view that all channels and bouquets available on DPOs platform shall be compulsorily offered, without any condition, under monthly subscription schemes.

10.The existing regulatory provision also provides six months protection to consumers with regard to price and composition of the package subscribed by them. The need of this provision in new MRP based framework was also consulted. The stakeholders have not favoured continuation of the said provision. The new tariff regime is based on MRP of channels to be declared by the broadcasters, therefore the retail tariff may not vary arbitrarily. Further, in addressable systems, the consumers can subscribe, modify or change their packages as per their requirements and the DPOs as per the business requirements can also offer channels, packages with different subscription period options e.g. on monthly, yearly basis etc. Therefore, the formation of offers and packages is available to the DPOs, except that a monthly subscription scheme in respect of all channels and bouquets available on DPO platform shall be mandatorily made available. Sometimes DPOs offer attractive schemes with longer duration subscription lock in periods for which subscribers are charged in advance. In order to protect the interest of such subscribers, it would be justifiable if the price protection is given to the subscribers of such schemes during the lock in period. Therefore, the Authority is of the view that the price protection shall accordingly be limited to the period for which advance

payment has been made by the subscribers, either under pre-paid or post-paid option, with regard to their subscription.

11.It is important for the DPOs to declare and notify the details of terms and conditions of their services offered to consumers, as specified in the regulation before offering such services to consumers. Such details also need to be informed to the consumers at the time of providing connection enabling them to take an informed decision. This information has to be declared and notified by the DPOs through website, customer care programming service, and other means for publicity to the consumers. The stakeholders are in agreement with such provisions to be prescribed in the regulations.

12.Consultation was also done on standardization of information sought in the CAF and use of electronic CAF. A few stakeholders have suggested that copy of CAF should be allowed to be made available to the subscriber in electronic form also. Another DPO has suggested that the CAF should be withdrawn as there are no security concerns in subscription of TV services unlike in telecom services. It may be appreciated that CAF constitutes the basic agreement between the subscriber and the DPO with regard to the services being subscribed, therefore it is important that CAF is duly completed by a subscriber and a copy is provided to him. Further the details captured in CAF are to be registered on the SMS which is used to manage the services to the subscriber and also for billing, payment and for determining the revenue flows along the value chain. Therefore, the Authority is of the view that CAF is necessary for availing TV broadcasting services from the DPOs and the services to a subscriber shall be activated only after entering the details of relevant information obtained through CAF in the SMS.

13.DPO’s are handling millions of subscriber details which include their personal information. Therefore, it is essential that this information should not be misused by DPO’s in any manner. DPO’s shall ensure privacy and protection of subscribers’ personal information as per law and the same should not be used for any other purpose except in context with provisioning of TV broadcasting services to the subscribers.

14.The process of providing a new connection was consulted with stakeholders. In the existing regulations different timelines have been prescribed for this process depending

on the type of platform, for example a provision of 4 days in cable and 5 days in DTH is prescribed for providing a new connection. A few DPOs have stated that it should be left to their discretion to devise their own timelines for providing a new connection. While majority of DPOs have suggested timelines between 48 to 72 hrs for processing the services request and 5-15 days for providing new connection. The broadcasters have suggested that TRAI should formulate timelines for various stages for providing a new connection. The Authority is of the view that timeline for providing a new connection may vary depending upon the area where the connection is to be provided. While in cities and urban areas it may be feasible for DPOs to provide connection quickly, in case of remote areas it may take several days. Providing a new connection at the earliest is also related to the business concerns of DPOs. The Authority is therefore of the view that new connection shall be provided and activated by DPO's within 7 days of receipt of request from consumer subject to technical and operational feasibility. These timelines are the upper ceilings and the DPOs are free to declare shorter timeline of less than 7 days which may be informed transparently to the consumers.

15. As per the existing regulatory framework for DTH sector, DTH operator may charge installation charge and activation charge from the consumers at the time of providing a new connection, subject to the ceiling prescribed in the Tariff Order. These charges were prescribed by the Authority after a detailed consultation with the stakeholders and obtaining inputs from the industry. The issue of installation charge and activation charge is important in other platforms as well, where in absence of any ceilings, consumers are being charged arbitrarily for installation and activation. In some cases, the activation fee being charged for a STB is equal to the cost of the STB itself. It is also reported that different installation and activation fees are being charged under different schemes for provision of set top box. Further different activation fee is being levied for SD and HD STB. There cannot be such difference in the installation and activation fees as per type of scheme or type of STB, as the installation and activation process remains by and large same.

16. Some DPOs have commented that installation and the activation charges are dynamic and depend upon various factors including the geographical considerations. Therefore it should not be regulated and left to the DPOs. The consumer groups on the other hand

have opined that the Authority should consider lowering the prescribed ceiling for total of installation & activation charges in the range of Rs. 200/- to Rs. 250/-. The present ceilings for installation and activation charges were finalized in the TO after a due consultation process and analysis of relevant data. An amount upto Rs.350/- towards the installation charges and upto Rs.100/- towards the activation charge were permitted to be charged from consumers in DTH sector. The Authority is of the view that in the interest of consumers, these prescribed ceilings are required to be retained and applied uniformly across all addressable platforms. DPOs are free to charge lesser installation and activation fee if they so desire.

17. Once the services have been subscribed by a subscriber it should be open to him to modify his subscription as per his preferences, subject to any specific terms and conditions as might have been agreed to at the time of such subscription. At the same time the DPOs should also not change the composition of his services without request of the subscriber, unless it is due to conditions beyond their control. The Authority therefore prescribes that DPOs shall activate the channels and bouquets as may be requested by a subscriber within a reasonable time not exceeding 72 hours. The deactivation requests shall also be completed within prescribed time frame subject to any lock in period as agreed at the time of subscription.

18.In addition to subscriber request, the channels or bouquets may get dropped from the platform for reasons beyond the control of DPOs. DPOs may also want to drop channels or reconstitute an existing bouquet due to business concerns. In such cases the subscriber should not get affected adversely. The Authority has therefore prescribed measures for these different scenarios as explained below.

(i) No DPO shall make any changes in subscription of a subscriber, without obtaining a request from the subscriber and such request records shall be kept for atleast period of three months. In case of any dispute, such records shall be preserved by the DPO's till disposal of such disputes or three months, whichever is later.

(ii) In case of dropping of pay channels or bouquets of pay channels of broadcaster, which become unavailable on the platform of a DPO due to any reason, the Authority

prescribes that the DPO will not charge the subscribers for such pay channels or bouquets of pay channels. DPOs shall not substitute for dropped channels or bouquets as the case may be without the request from the subscriber.

(iii) If the dropped pay channels happen to be part of bouquet offered by the DPO, in such case the DPO shall reduce the subscription charges payable by the affected subscribers and the reduction in subscription charges shall be an amount equivalent to discounted distributor retail price of that channel, taking into account the discount offered by the distributor on such bouquet.

(iv) Further, a DPO is not permitted to modify the bouquet of a subscriber by dropping or replacing channels which continue to be available on its platform. The subscriber is restricted to modify the subscription of a-la-carte channels or bouquets during the lock-in period, if any, for such channels and bouquets as accepted by him at the time of subscription.

19.Any change in composition of a bouquet by a DPO when the channels continue to be available on its platform shall be construed as a formation and introduction of a new bouquet and discontinuation of the earlier bouquet i.e. in case a channel is dropped from a bouquet, it shall constitute as creation of new bouquet without the dropped channel and the earlier bouquet that contained the dropped channel shall be deemed to be discontinued. The rules as prescribed in the regulation for introduction of a new bouquet & dropping of a bouquet shall be followed by DPOs. However, in case the nature of channel is changed by a broadcaster or the MRP of that channel is increased beyond rupees nineteen and if such channel is part of a subscribed bouquet, the distributor, irrespective of the lock-in period of the scheme, shall remove such channel from the bouquet and reduce the subscription charges of that bouquet payable by such subscriber by an amount equivalent to discounted distributor retail price of that channel, taking into account the discount offered by the distributor on such bouquet. Further, if any channel included in the subscription package of a subscriber, is removed by the distributor of television channels due to change of nature or increase in MRP, such distributor shall not substitute the removed channel with alternative channel in the subscription package of such subscriber.

20.In context with above provisions majority of the stakeholders have agreed that there should be a provision for offering rebate to the subscriber in case of channel subscribed by him is dropped by DPOs due to its non availability on DPO platform. Some DPOs have suggested that they should be allowed to substitute the dropped channel after obtaining the consent. However it has been observed that the provision regarding substitution of similar genre channel has been misused in the past and DPOs often push through the channel that is not wanted by the

subscribers. The Authority is of the view that above provisions adequately safeguards the interests of stakeholders and therefore prescribes the same in the QoS regulatory framework.

21.The stakeholders were consulted for extending the existing provision relating to temporary suspension of service upon the request of subscribers to all addressable platforms. DPOs are of the view that they should be permitted to charge resumption fee varying from Rs.50 to Rs.100 on each occasion and such suspension may be allowed twice in a year limited up to total 4 months period. Accordingly, the Authority has decided that subscribers should be empowered to suspend their services temporarily and that the existing regulatory framework should be extended to other platforms also. However, as the DPOs incur certain costs towards processing the request and temporarily suspending the subscribers from the SMS, they may charge a notional fee. As the work to be done in restoration of a temporary suspended connection is much lower than the work involved in activation of a new connection, a restoration fee of Rs. 25/-, one fourth of the activation fee (which is Rs 100/- as per existing regulation) is justified. If the temporary suspension continues for more than three months, it shall be open to the DPOs to de-activate such subscriber from the SMS. Thereafter reactivation of service in such a case will attract an activation fee, which may be upto Rs 100/- (the existing limit of activation fee). It may be clarified here that any subscriber who is not active for three months shall not be counted towards active subscriber while reporting such information to TRAI.

(i) Payment defaults by subscriber may also lead to temporary suspension of service. As the DPOs have to make payments to the broadcasters, irrespective of default at consumer level; timely payments are important for the seamless revenue transactions along the

value chain. As per existing QoS regulations for DTH no charges, other than charges in respect of CPE, relating to the period during which direct to home services remain discontinued due to any reason are payable by the subscribers and no reactivation charges for resumption of service are to be levied by DPOs. This provision has been reviewed and the Authority is of the view that if services to a subscriber are suspended due to payment default, and such suspension continues for a period more than three months, DPOs may de-activate such subscriber from the SMS and may charge a fee up to activation fee of Rs 100/- for resumption of services. In addition to activation fee, DPOs will also be entitled to recover the outstanding dues along with interest chargeable at a rate not exceeding 2% higher than the base rate notified by State Bank of India from time to time, on the amount payable by the subscriber for the period of such delay. Further such subscriber shall not be included in the active subscribers of the DPO if it is not active for last 3 months. The DPOs shall inform such charges, if any, prescribed by the DPOs for restoration of temporary suspension and activation of service to the subscribers through websites and customer care programming service.

(ii) No other charges shall be payable by the subscriber during the temporary suspension period, except the rental charges for the CPE, if it has been obtained under rental scheme.

Further any subscriber who remains suspended beyond three months shall not be counted as an active subscriber of the DPO. These provisions of the draft regulation have been agreed to by most stakeholders.

22.Consultations were also held on the issue of disruption in services and how the interests of subscribers can be protected if there is a continued disruption in services. The existing regulatory framework provides that all complaints related to “No Signal” are to be resolved within 3 days. This provision is being complied with by the DPOs. The Authority is of the view that in case any disruption continues beyond 72 hours, the subscriber shall not be charged

for the entire duration of such continued disruption. The period of such disruption shall be counted from the time a complaint to this effect is registered by a subscriber with the DPO or concerned customer care centre in case of individual fault and from the occurrence of fault if bulk subscribers are affected. The adjustment to the subscribers can be provided in terms of equivalent additional subscription days or by providing proportionate credit to subscriber's account, as the

case may be. In case of likely disruption due to any planned maintenance, DPOs should give at least 15 days of advance notice to the subscribers.

23. Shifting of connection from one location to another involves dismantling of CPE, from the subscribers premises and installing the same to another new location. Logically, process involved in shifting of connection to another location is similar to providing a new connection in addition to dismantling work. Subscriber details of new address are to be updated in the SMS and thereafter the services are to be activated. Therefore DPOs incur costs for shifting of connection also. The Authority is of the view that in case where the dismantling of outdoor equipment is done by the DPO and the connection is reinstalled at a new location, the DPO may charge an amount not exceeding twice the installation charges notified by the DPO within the prescribed ceiling. However, in cases where no shifting of outdoor equipment is involved, DPOs may charge a fee not exceeding the installation charges as notified by the DPO within the prescribed ceiling.

24. Comments of stakeholders were sought on how to improve customer care services, consumer complaint and grievance redressal in the addressable systems and if the customer care centre infrastructure can be outsourced to another agency keeping in view the constraints faced by smaller DPOs. Stakeholders have suggested that DPOs should widely publicise their consumer care numbers, toll free number and customer care centre details though various modes such as advertisement, scrolls on the channels, website, short messaging service, b-mail and customer care programming service etc. DPOs have also favoured outsourcing of customer care centre. The Authority therefore permits outsourcing of QoS infrastructure such as website, customer care centre, web based complaint management system etc but the responsibility of QoS compliance and reporting shall solely lie with concerned DPO.

25. Consultation was held on the issue of accessibility of customer care centre to consumers. DPOs have suggested varying access time such as 24 hrs, 8.00 to 00.00 hrs, 7.00 hrs to 23.00 hrs, 8.00 hrs to 23.00 hrs etc. Stakeholders generally supported the view that IVR services and customer care centre may provide option of regional language in addition to English and Hindi language. It was submitted by one DPO that call volume traffic gets heavily skewed towards the prime time viewership hours, that is, during 7.00 pm to

10.00 pm and nearly 25% of the entire day's call volume is received during these three hours. Therefore it is not sustainable to build capacity on the basis of these three hours prime time peak as for the rest of the day the resources would remain idle. Accordingly, stakeholders have requested for review of the bench mark of response time for voice to voice response and suggested the said benchmark should either be 90% in 90 sec or 95% in 150 sec.

26. The Authority is of the view that the operational hours of 8.00 to 22.00 hrs for operation of customer care centre are justified as this period covers normal business hours and prime time for television viewing. DPO may however extend accessibility hours beyond this period depending on their business requirements. Further, the IVR response for electronically

answered calls shall be 90% calls to be answered within 40 seconds and for voice assisted calls 90% calls to be answered within 90 seconds.

27. Comments were sought from stakeholders on the issue of recording of subscribers consent for subscriber driven action related to their subscription. Stakeholders have favoured such provisions in the QoS with recording of the communication for period of several months. The Authority is of the view that services once subscribed by the subscriber should not be modified without specific request of the subscriber to do so and such request related communication should be duly preserved for a period of at least three months. Different methods using registered mobile number, registered email, call records, IVR records, etc. may be devised for receiving such request.

28. The issues relating to billing method and billing cycle were consulted with the stakeholders. Majority of the DPOs were of the view that pre-paid payment system may be encouraged, however choice of implementing pre-paid and post paid method may be left to them. With regard to billing cycle for pre paid or post paid system, a few DPOs have suggested that billing cycle for pre paid may be 30 days from the date of activation of services while for post paid the billing cycle may be a calendar month. Some DPOs have suggested that it should be left to them to decide. The Authority is of the view that the DPOs or its linked local cable operator, as the case may be, may offer their services either on pre-paid or post-paid or both pre-paid& post-paid as per their business requirements. The billing cycle for pre paid shall be 30 days from the date of activation

of services while for post paid the billing cycles shall be a calendar month. In case of pre-paid model, DPOs or local cable operators, as the case may be, shall inform the amount debited to the subscriber at the end of every billing cycle through electronic means. In case of post paid billing, a proper bill conforming to the provisions of applicable laws with usage details shall be provided to the subscribers. The post paid bill can be provided in print form or in electronic form as may be opted by the subscribers. The subscribers shall also be provided online access through website or other electronic means for accessing their billing and payment statements for preceding six months without any charge.

29. In order to protect the interest of consumers, the Authority has consulted with the stakeholder for developing a consumer friendly common framework of CPE/STB schemes in addressable systems. At present three CPE schemes viz. outright purchase, hire-purchase and rental schemes have been prescribed by the Authority. This apart, DPOs have also been permitted to offer other schemes where they generally bundle CPE with the service subscription. It has been observed that complete details of CPE schemes are not made available to the subscribers and issues related to ownership and maintenance often lead to disputes.

30. There is a consensus among the stakeholders that essential information about CPE, namely, price, guarantee/warrantee, AMC, provision for return and other charges associated with CPE must be transparently informed to the consumers while offering such schemes. The Authority has analysed the comments of stakeholders on the issues related to CPE/STB. From a consumer's perspective, it is of utmost importance that a simplified and common CPE framework is developed in order to make the consumers well aware of the provisions. Considering that digitization for the first three phases have been completed to great extent and in the present market scenario, the Authority is of the view that two mandatory schemes, namely, outright purchase scheme and rental scheme, are sufficient to cater to the interests of the consumers. Additionally the DPOs may offer other schemes as per their business concerns.

31.In the outright purchase scheme the DPO shall declare and notify the retail price of CPE with a guarantee/warranty period of at least one year during which the subscriber shall

not be required to pay any charge towards repair and maintenance of the CPE. The ownership of the CPE shall remain with the subscriber under this scheme. The DPO shall also offer an annual maintenance scheme at reasonable price for the CPE provided under such scheme after the expiry of guarantee/warranty period.

32.In the rental scheme, the DPO shall declare and notify the monthly rental amount and other terms and conditions, if any for CPE. The DPO may specify a refundable security deposit under this scheme as may be considered appropriate. The ownership of CPE shall remain with the DPO in this scheme. DPOs are also free to form other schemes as per their business requirement; however the ownership of CPE in rental scheme and other schemes shall remain with DPO or its linked local cable operator, as the case may be.

33.In the draft regulations, it was prescribed that DPOs shall be responsible for maintenance of CPE that has been offered by DPO's under rental scheme and other schemes (excluding the outright purchase scheme) for a minimum period of 5 years. Majority of the DPO's are of the view that repair and maintenance for a period of 5 years would incur additional expenses to them and it is not financially viable. The Authority has examined this issue keeping in mind the comments of the stakeholders and consumers interest. It has been observed that repair and maintenance of CPE is the major bone of contention between the subscribers and the DPO's. Subscribers have been facing problems with regard to maintenance and repair of CPE that has been procured under various schemes offered by DPO's and they have been charged heavily in case any problem is detected in the CPE. Therefore, a provision needs to be prescribed to address the issues related to repair and maintenance of CPE during its useful life span, under the schemes where the ownership of CPE remains with the DPO as a safety net for the subscribers. The Authority also considered that CPE is an electronic item where life of such equipment is generally 3 to 4 years. The CPE technology is also changing rapidly due to technical advancements. Hence, it appears reasonable to define average useful life span of CPE of 3 years. Accordingly, the Authority is of the view that in case of services obtained under rental scheme and other schemes, it shall be the responsibility of the DPO's to provide interruption free services to subscribers for atleast minimum period of three years. The DPOs therefore shall ensure that CPE is maintained in good working

condition during this period. The subscribers during this period of three years shall not be liable to pay any amount separately towards maintenance of CPE for any incidence of fault, except in cases where the CPE has been found tampered or physically damaged by the subscriber. The DPOs may include expenses, if any, likely to be incurred towards maintaining the CPE in good working condition for providing interruption free services during the prescribed period of three years, in their schemes that are offered to the consumers.

34.A few stakeholders submitted that there is no provision in the draft regulations for return/surrender of CPE. In this regard the Authority is of the view that the ownership of CPE rests with the DPO's for the rental scheme and the other schemes being offered by DPO's. Therefore, the provision of surrender of CPE is inbuilt in the schemes excluding outright purchase scheme. A provision is also made in the regulations to enable subscribers to surrender their connection subject to terms and conditions of subscriptions, if any. Subscribers can therefore return the CPE. A few stakeholders have also highlighted the issue relating to

interoperability of STB's. The Authority has already initiated an exercise to examine the feasibility of interoperability of STB's. The Authority would come up with its view in this matter in due course of time.

35. As per the existing regulatory framework for DTH service, there is a provision of levying visit charges after guarantee/warrantee period in connection with visits for servicing of CPE at subscriber premises. The DTH operator are permitted to charge an amount not exceeding rupees two hundred and fifty as visitation charge per complaint. There is no such provision in cable TV services. In the consultation, most of the DPOs have supported levying visit charges from the subscribers for visits related to maintenance activity to be undertaken at subscriber end. A few DPOs have also suggested that it may be left to market forces to decide visit charges. After examining the comments it is observed that in the DTH the visit charges is prescribed for the external equipment like PDA, LNBC which may get disturbed due to faults not directly attributable to the DPO. Such charges are not applicable to problems related to STB, which is an indoor equipment like in case of cable connection. MSOs/HITS operators are of the view that there should not be any discrimination amongst DPOs in regard to levying of visitation charges and they should also be allowed to levy visiting charges.

One consumer organization submitted that visiting charges should be made on the basis of categories of cities. Therefore, the matter has been examined by the Authority and it is decided that DPO's providing direct to home services may charge an amount not exceeding rupees two hundred and fifty as visit charges for registered complaints requiring visit of a person to subscriber's premises for maintenance, provided that no visiting charges shall be levied for complaints relating to STB. Such visiting charge shall not be debited from the pre-paid subscription account of the subscriber and receipt for payment made towards such charges shall be issued to the subscriber by the DTH operator.

36. Consultations were held with stakeholders on various methods that can be useful for increasing the consumer awareness. Stakeholders have suggested that awareness can be done through various means such as scrolls, short messaging service, websites, advertisements across mass media, etc.

37. At present, the consumer awareness related information is being provided by DPOs in different format and manner which is not easy to access and understand by the consumers. The Authority is of the view that if this information is standardised and it is provided to the consumers in a uniform manner, it will result in better publicity and improved education of consumers. As per existing regulatory provisions, the DPOs are mandated to set up their websites which can be effectively used for dissemination of this standardized information. Accordingly, in the consultation paper, the Authority had suggested for having a dedicated "Consumer Corner" link on the home page of DPO website. The page shall also contain login provisions for existing subscribers who may be provided access to additional information specifically related to them under subscriber corner. The essential information to be displayed under the consumer corner and subscriber corner was also put up for comments of stakeholders. DPOs have welcomed and shown agreement towards the suggested measures.

38. The Authority has also prescribed various other provisions for publicity of information and consumer awareness in the draft regulations which inter-alia include customer care programming service and public awareness campaign by DPO's and broadcasters. The stakeholders have agreed with these provisions.

39. Dissemination of information related to TV broadcasting services through dedicated customer care programming service can be an effective communication method. Therefore, the Authority is of the view that DPOs should provide customer care programming service for dissemination of service related information to their subscribers. Further, the Authority is also of the view that if a uniform LCN number (say 999) is assigned by all DPOs for their respective customer care programming service, it would be consumer friendly and help in creating wider publicity to such provision.

40. The Authority had already issued order for prohibition of on screen display by DPO's for giving notices to subscribers about disconnection or discontinuation or non-availability of TV channels. The Authority is of the view that such notices can be provided by DPO's through text scrolls at the bottom of the TV screen. However, the size of such scrolls should not affect the viewing experience of the subscribers. Frequency of such scrolls should also be limited so that viewing experience is not adversely affected.

41. Comments of stakeholders were sought on the technical parameters for various addressable systems. Majority of the stakeholders are of the view that existing technical parameters and standards for transmission are sufficient and there is no requirement to modify the same. Accordingly, the Authority has prescribed certain technical standards to be complied with by DPO's and broadcasters in the draft regulations which were agreed to by the stakeholders.

42. The stakeholders were consulted on the requirement of MoP and consumer charter to be provided to consumers which is required as per the existing regulatory framework. While agreeing that MoP should be made available to the subscriber, stakeholders suggested that the same may be provided in electronic form, via e-mail and through various electronic means. Therefore, the Authority is of the view that MoP should be publicised by DPO's on their website and may be provided electronically to the subscribers. The information contained in the MoP and consumer charter is almost similar in nature. Therefore, Authority is of the view that provision of Consumer charter is not required.

43. As per the new regulatory framework for interconnection, broadcasters are required to declare their channels in any one of the nine genres viz. (1) Devotional (2) General Entertainment, (3) Infotainment, (4) Kids, (5) Movies, (6) Music, (7) News and Current Affairs, (8) Sports, (9) Miscellaneous. In the regulatory framework for interconnection, certain provisions have been made in regard to listing of channels in the EPG. These regulations provide that DPOs shall assign a unique number for each channel available on its platform and such number shall not be altered by the DPO for a period of at least one year. DPOs are also required to place the channel in the EPG in such a way that channels of same genre as declared by the broadcaster are placed consecutively and one channel shall appear at one place only. Further, all television channels of the same language within the same genre shall appear together consecutively in the EPG.

44. EPG enables the subscriber to identify the Logical Channel Number of each channel available on the DPO platform. Therefore, the manner of display of channel in the EPG assumes significant importance to the subscriber. Accordingly, certain provisions were made in the draft QoS regulations as to how channels are displayed in the EPG by the DPOs. The intent of these provisions is to make subscribers aware of the name and price of all channels being carried by the DPOs so as to enable them to make informed decision for selection of channels. Further, these provisions would also enable the subscribers to easily identify the channels which they have subscribed. In the draft QoS regulations, it has been prescribed that every DPO shall

display all channels (both pay and FTA channels) available on its platform in the EPG under the respective genre as declared by the broadcasters along with applicable a-la-carte MRP. It has been further prescribed that such display of a-la-carte prices for pay channels shall be their respective MRP declared by the broadcaster. In case of FTA channels, DPOs shall display "zero" for the price of the channel.

45.DPOs are in agreement with the provision of display of all channels in the EPG. However, majority of the DPO's are of the view that since MRP, as per the draft tariff order, varies from region to region, it would not be feasible to display MRP for the pay channels in the EPG. A few stakeholders have suggested that there should be sub

categorisation within each genre for easy access to the channels by the subscribers. One DPO submitted that display of zero pricing of FTA channel should be done away with.

46.The Authority has reviewed the matter and region based pricing of the channel as prescribed in the draft tariff order has been done away with. Therefore, the concerns expressed by the DPOs regarding difficulty for display of channels in the EPG due to variation of regional MRP pricing of channels has been addressed. The Authority is of the view that DPOs should display all channels available on their platform in the EPG with their names and their respective MRP, in case of FTA channels, the Authority is of the view that "Free" should be displayed against the name of the FTA channels in the EPG.

47. Further, the Authority finds merit regarding the suggestion of the stakeholders that there should be sub categorisation within each genre. As already mentioned, the Authority has prescribed nine genres for regulating the tariff. From the subscriber's point of view, sub-genre would enable them to easily navigate to similar channels available on the platform. Therefore, the Authority is of the view that DPOs should define the sub-genre within a particular genre on the basis of language, region, etc and the channels under sub genre should be grouped together and assigned logical channel numbers accordingly. It should be ensured that channels of same language are grouped together within sub-genre of a particular genre. It is further explained that in case the genre of a channel is changed by a broadcaster, the DPOs shall according to the regulation display the channel in appropriate genre. This will make EPG more consumers friendly insofar as selection of TV channels is concerned. The Authority expects that this manner of display of channels in the EPG by the DPOs will bring in greater visibility and transparency in informing the subscribers about all channels that are available on the platform.

48.In order to ensure good quality of TV broadcasting services to the subscribers, it is of paramount importance that the provisions of QoS regulation are complied by the DPOs and the local cable operators. It would be appropriate if the DPOs designate a compliance officer for generating awareness within their organisation regarding the provisions of the regulations and facilitating creation of required infrastructure and practices. The compliance officer will ensure timely submission of reports and

information to the Authority. Here it is important to note that the role and responsibilities of the compliance officer shall be without prejudice to the provisions of the Act with regard to the responsibilities of the DPOs towards regulatory reporting and compliance.

49.In the consultation paper, the stakeholders were asked to offer their comments on the feasibility of building a framework for carrying out audit of DPOs for verifying QoS compliance and for conducting surveys towards assessment of QoS perception of the consumers. The stakeholders have supported these suggestions. The Authority is of the view that since the broadcasting

sector is at the cusp of digital transition, it may take sometime for the industry to get stabilised. Further, the industry may also require time to get adjusted in the new regulatory framework propounded by the Authority in respect of tariff, interconnection and QoS. In such a scenario, the Authority may consider and prescribe such measures regarding conduct of audit and surveys for QoS in due course.

50. Consultations were held with the stakeholders as to whether any financial disincentives for QoS non compliance are to be imposed for violation of QoS provisions. In the draft regulation, the financial disincentives prescribed for MSOs/LCOs in addressable TV services were made applicable across all platforms. One stakeholder submitted that unless TRAI ensures compliance of QoS regulations at the end of DPOs, any attempt to implement the tariff order and/or Interconnect Regulations would have an adverse and cascading impact on all stakeholders. Another stakeholder submitted that there are no punitive measures prescribed in the regulations in the form of financial disincentives and/or recommendation of cancellation of licence in the event of default. Therefore, the Authority has made provisions for designating a Compliance Officer by DPOs who would ensure the compliance of QoS norms prescribed in these regulations. It is observed that the broadcasting services related to television are being delivered to consumers through digital addressable systems in most areas of the country and the process of digitization is expected to be completed by completion of phase-IV. In case of major DPOs, the basic infrastructure for implementing the QoS regulations is already available on ground. However, in case of smaller MSOs, adequate timeframe may be required for implementation of the framework. The Authority will continue to monitor the implementation and compliance of the QoS provisions by the DPOs and if required,

and review the matter at appropriate stage for consideration of financial disincentive for non compliance of prescribed QoS provisions and benchmarks.

51. These Regulations shall come into effect after 180 days from the date of their publication in the Official Gazette. The Authority is aware that, as on the date of publication of these regulations in the Official Gazette, there would be large numbers of packages, bouquets/channels and plans subscribed by existing subscriber based upon the framework of earlier QoS regulations. Therefore to protect the interests of consumers as well as DPOs and to enable a smooth transition from the old regulatory framework to the new one, the Authority has provided a time up to 180 days to either discontinue or modify all their existing packages, bouquets/channels and plans in compliance with the provisions of the regulations and the tariff orders. The DPOs are advised to modify their existing packages, bouquets/channels and plans well in advance before commencement of these regulations so as to ensure adequate publicity and awareness amongst the subscribers. Accordingly, the Authority is of the view that the provisions related to offering of services, CPE scheme, Customer Care Centre, Customer Care Programming Service and website are implemented within 120 days from the date of publication of these regulation in the Official Gazette. It is also necessary that an aggressive public awareness campaign should be conducted by DPOs in regard to the provisions that are having direct bearing on the consumers during the transition period so as to enable the consumers to make informed decision for subscribing broadcasting services related to television. The Authority is conscious of the fact that the existing subscribers should not face any undue inconvenience and hardships while the DPOs move from the existing QoS framework to the new regulatory framework. Therefore, DPOs are required to ensure that necessary changes in the infrastructure and services to be offered in the new regime are implemented well in advance for the smooth transition.

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