



Telecom Regulatory Authority of India

Consultation Paper

on

**Quality of Service issues**

**for**

**Cable TV Services in Non-CAS Areas and for DTH Services**

New Delhi: December 1, 2008

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## Preface

There has been an exponential growth in the Indian Cable TV industry in the past two decades. The Cable TV transmission in the country is predominantly in analog mode. The digital delivery in cable television is in its nascent stage in India. Apart from digital delivery of pay channels in CAS notified areas, the cable operators and multi system operators are gearing up to extend the benefits of digital transmission in non-CAS areas also.

2. The Authority has so far issued quality of service (QoS) regulations for cable services in CAS notified areas in 2006, and for DTH services in 2007. However, QoS regulations for about 78 million consumers in non-CAS areas being served by about 60,000 cable operators could not be issued because the cable TV sector was highly fragmented and not well organised. Therefore, when CAS was implemented later in a limited area, the QoS regulation was issued so that monitoring and implementation could be done more effectively. Separately, the matter has now been taken up with the State Governments and the Ministry of Information & Broadcasting seeking their cooperation in implementation of QoS Regulations for Cable TV services in non-CAS areas. We have also learnt certain valuable lessons after having issued QoS Regulations for CAS areas, where the number of subscribers is much less. Accordingly, we are commencing the consultation process to have appropriate quality of service regulations to empower the consumers in non-CAS areas. This consultation paper attempts to solicit the views of stakeholders on the issues involving quality of service aspects of cable television service in non-CAS area.

3. Additionally, some new quality of service issues have recently emerged during implementation of quality of service regulations in DTH services. These issues are also posed for comments of the stakeholders.

4. Written comments on the issues raised for consultation may please be furnished to Pr. Advisor (B&CS), TRAI by 31<sup>st</sup> December, 2008. The comments may preferably be sent in electronic form. [E-mail: traicable@yahoo.co.in or pvt\_1967@yahoo.com ]. The Fax numbers of TRAI are 011-23220442/011-23213294.

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Chairman, TRAI

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## Chapter 1. Introduction

- 1.1 There has been an exponential growth in the Indian Cable TV industry in the past two decades. From just 410,000 Cable TV homes in early 1992, the number of Cable TV homes has increased to 78 millions by the end of December 2007, being served by an estimated 60,000 cable operators. During this period, the number of permitted television channels has increased to about 370 channels. (excluding Doordarshan channels).
- 1.2 Broadcasting and cable services came under the purview of Telecom Regulatory Authority of India with effect from January 09, 2004, after the amendment to clause (k) of Sub Section (1) of Section 2 of the Telecom Regulatory Authority of India Act, 1997, in the year 2000. This amendment added a proviso below the said clause (k) which enable the Central Government to notify other services including Broadcasting Services to be 'telecommunication services'.
- 1.3 As per section 11(1)(b)(v) of the Telecom Regulatory Authority of India Act, 1997 as amended, TRAI is required to discharge the following function:
- "(v) lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication services."*
- 1.4 The Authority in its recommendations on "Issues Relating to Broadcasting and Distribution of TV Channels" dated October 01, 2004, had discussed the Quality of Service (QoS) codes and guidelines for the cable TV industry in India. At that time, the Authority had felt that the quality of service regulations may be issued only when enforcement mechanism is in place. Subsequently, in a writ petition filed by a group of MSOs, a Single Judge Bench of the Hon'ble High Court of Delhi, on 10th March 2006, directed that the Conditional Access System (CAS) be implemented within a period of 4

weeks. In an appeal filed by Union of India against this direction, a Division Bench of the Hon'ble High Court of Delhi had on 20th July 2006, directed implementation of CAS in notified areas of Delhi, Mumbai and Kolkata by 31st December 2006. Therefore, before roll out of CAS in parts of Delhi, Mumbai and Kolkata on December 31, 2006, the Authority had issued quality of service regulations for cable services only in CAS areas on August 23, 2006. In CAS notified areas, around 0.7 million subscribers, comprising around 35-40% of the cable TV homes of CAS notified areas, have opted for watching pay channels through set top boxes and enjoying the facility to pay for their subscribed pay channels.

- 1.5 The Authority has also issued Quality of Service Regulations for direct to home (DTH) service on August 31, 2007. Some additional quality of service issues have emerged during the implementation of these regulations.
- 1.6 The Cable TV transmission in the country is predominantly analogue and limited to transmission of TV channels in a bundled manner. The value added services are rarely available on cable television network in India. With the gradual introduction of CAS, DTH, HITS, IPTV, etc., the digital delivery, which has a qualitative edge over analogue mode of delivery at the subscriber end, is becoming a reality. As a result, the expectations of the viewers on the quality of service front have increased tremendously even in non-CAS analogue network areas. In view of the increased expectations of the consumers, it is perhaps now necessary to empower the consumers by creating certain rights for them (and casting corresponding obligations on cable TV operators) by issuing QoS Regulations. However, the presence for effective enforcement machinery at ground level is critical for the success of QoS regulation. This will empower the individual cable TV subscribers to approach the District Consumer Redressal Forums as provided under section 14 of the TRAI Act for deficiencies in service if the QoS benchmarks are not met. Parallely, TRAI is writing to the State Governments for involving the district administration for enforcement of QoS Regulations at the grass root

level separately. The Ministry of Information & Broadcasting has also been addressed for enlarging the scope of State level and district level monitoring committees, so that these committees may also monitor implementation of QoS regulations. The extent to which QoS Regulations will be successful in protecting the interests of the consumers would depend on the effectiveness of District Level Consumer Forum and the involvement of local district administration under the State Governments. Against this background and to meet the expectation of viewers and for empowering them, the Authority has felt it appropriate to lay down regulations for quality of service to be observed by the cable operators and multi system operators in non-CAS areas too.

- 1.7 As per sub-section (4) of section 11 of the TRAI Act, 1997, the Authority is required to ensure transparency while discharging its functions. TRAI is accordingly initiating a process of consultation to arrive at appropriate quality of service regulations for non-CAS area as well as the amendments, if required, in the quality of service regulations for DTH services to incorporate certain new QoS issues.
- 1.8 Chapter 2 of this consultation paper discusses the issues of quality of services relating to cable television services in non-CAS areas of the country. Chapter 3 mainly focuses on some of the quality of service issues that have arisen recently for the direct-to-home service. Chapter 4 captures the issues for consultation, and at the end, some of the relevant materials are annexed for ready reference.

## Chapter 2. QoS Issues relating to Cable TV services in Non-CAS Areas

- 2.1 The cable TV operations in India were started around 1990. The cable TV operations in India are governed by the Cable Television Networks (Regulation) Act, 1995. The cable TV segment in India, although fragmented, has shown tremendous growth. As per the industry estimates, there are 120 million TV Homes in the country, out of which, about 78 million are served by cable TV network. There are around 60,000 cable operators serving these 78 million cable TV homes.
- 2.2 The quality of the cable television service to the subscribers depends on various elements such as its network design, operation and maintenance and of course the management of the cable service. The network performance is an important element of quality of service. The subscriber desires high quality, uninterrupted cable service which is only possible through a high quality network performance. The technical standards of equipment are decided by the Bureau of Indian Standards and cable operators are bound to use these equipment in the network as per section 9 of the Cable Television Networks (Regulation) Act, 1995, (hereinafter referred to as "Cable TV Act") which reads as under:

*"9. Use of standard equipment in cable television network. – No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standard Act, 1986(63 of 1986), use any equipment in his cable television network unless such equipment conforms to the said Indian Standard.*

*Provided that the equipment required for the purposes of section 4A shall be installed by cable operator in his cable television network within six months from the date, specified in the notifications issued under sub-section (1) of that section, in accordance with the provisions of the said Act for said purposes."*

**2.3** The equipment complying with the Bureau of Indian Standards should ensure the high quality transmission/retransmission on the cable television networks. The Bureau of Indian Standards has specified various Standards for Cabled Distribution Systems for Television and Sound Signals to be observed by cable operators in their cable television networks. Some of these standards are listed below:

<b>S No.</b>	<b>IS Number</b>	<b>Title</b>
1.	IS13420(Part 1) : 2002	Cabled distribution system for Television & Sound Signals Part 1 - Methods of measurement and system performance (second revision)
2.	IS 14231(Part 1):1995	Cabled distribution systems for Television and Sound signals: Part 1- Safety requirements
3.	IS 14231(Part 3):1995	Cabled distribution systems for television and sound signals: Part 3 Active coaxial wideband distribution components
4.	IS 14231(Part 4):1995	Cabled distribution systems for television and sound signals: Part 4 Passive coaxial wideband distribution components
5.	IS 14231(Part 5):1995	Cabled distribution systems for television and sound signals: Part 5 Headend
6.	IS 14231(Part 7):1999	Cabled distribution system for television and sound signals: Part 7 Electromagnetic compatibility of systems
7.	IS 14231(Part 8):2002	Cabled distribution system for television and sound systems : Part 8 system performance of Return Path
8.	IS 14231(Part 9):2002	Interfaces of cabled distribution systems for digitally modulated signals
9.	IS 14231(Part 10):2003	Cabled distribution systems for Television & Sound Signals - Part 6 Optical Equipment
10.	IS 14264:1995	Satellite signal distribution on cabled distribution system
11.	IS 14265:1995	Satellite receivers - Specification
12.	IS 15244:2002	Analog Set Top Box - Specification
13.	IS 15245:2002	Digital Set Top Box - Specification

2.4 However, the use of standard equipments alone may not ensure quality TV signal strength at the subscriber premises. In its recommendations on restructuring of cable services dated July 25, 2008, the Authority has recommended issuance of licenses instead of mere registration for LCOs and MSOs. For ensuring quality delivery at subscriber premises, the Authority in these recommendations has recommended for LCOs as under:

*“• The licensee shall abide by section 9 of Cable Television Network (Regulation) Act 1995, relating to use of standard equipment in Cable TV Networks.*

*• Licensed cable operators should comply with BIS Standard IS - 13420, Part I (Revised) relating to system performance, and ensure delivery of proper signal at subscriber premises as given under:*

- o C/N > 44 dB*
- o Minimum Carrier level 60 dB( $\mu$ V)*
- o Maximum Carrier level 80 dB( $\mu$ V)*
- o Slope < 12 dB*
- o X-Mod > 57 dB*
- o CSO > 57 dB*

*C/N - Carrier to Noise ratio*

*CSO - Composite Second Order Interference*

*X-Mod - cross modulation*

*Slope is caused by 'SKIN EFFECT', wherein signal attenuation increases with frequency of the channel*

*(Parameters mentioned above are indicative only and subjected to any change by BIS from time to time without any notice)”*

2.5 The Authority has also observed that the responsibility to provide the required quality of service lies mainly with the LCOs in analog transmission. However, LCOs may not be able to provide good quality of service, unless they get good quality signals from MSOs, if they are getting signals from MSOs and not directly from broadcasters. The Authority has noted that Bureau of Indian Standards (BIS) has already prescribed transmission standards under IS 13420 (revised) for cable services. The Cable Television Networks (Regulation) Act, 1995 presently requires the MSOs and LCOs to comply with BIS standards relating to equipments only and there is no

stipulation regarding transmission standards, which also need to be specified for MSOs as has been recommended for LCOs. Accordingly the Authority has also recommended that the terms & conditions of license of MSOs should cast an obligation upon the licensees to follow Bureau of Indian Standards (BIS) standard IS 13420 (revised) or any other standard regarding transmission in cable TV networks as defined from time to time. However, till then, it is expected that the LCOs will incorporate appropriate conditions in their interconnection agreements with the MSOs which will enable the LCOs to meet transmission standards at subscribers end.

2.6 The other non-technical quality parameters like billing, fault repair and the support and responsiveness to a customer, are also important from subscriber's perspective. The Authority had sent its recommendations on the "Issues of Broadcasting and Distribution of TV Channels" to Government of India on October 01, 2004. In these recommendations, the Authority had made a mention of certain QoS codes and guidelines for the Cable TV industry, which included information to be provided to consumer at the time of installation of cable TV connection, complaint handling procedure, benchmarks to redress complaints and billing procedure. The purpose behind mentioning these parameters was to provide a framework whereby cable operators are guided about meeting certain customer service guidelines in the delivery of cable TV services to customers. These code and guidelines are placed at **annexure A** of this consultation paper for ready reference.

2.7 For effective enforcement of the regulation, the Authority had suggested vide its recommendations dated October 01, 2004 to amend Cable Act to empower Authorised Officers to file complaints for violation of TRAI's regulations. The relevant extract of these recommendations regarding issuance of the regulations is as follows:

*"10.10 This regulation will be issued after the Authorised Officers have been empowered to file complaints for violation of TRAI's regulations as indicated in*

*section 9. Though regulation on Quality of Service will be issued by the Authority after the regulatory enforcement machinery has been put in place, in the meantime cable operators and MSOs can take action to ensure that these standards will be met, once the regulation are in place."*

- 2.8 At the time of suggesting these code and guidelines for cable services in the year 2004, conditional access system was in place in Chennai only. Thereafter, CAS was mandated in parts of Delhi, Mumbai and Kolkata with effect from December 31, 2006. For effective roll out of CAS in these areas, the Authority has taken various measures including issuance of regulation on the Standards of Quality of Service (Broadcasting and Cable services) for Cable TV service in CAS areas on August 23, 2006. Thereafter, the Authority had also issued quality of service regulations on quality of service and redressal of grievances for direct to home broadcasting services on August 31, 2007.
- 2.9 The Ministry of Information and Broadcasting, vide its order dated September 06, 2005 had constituted monitoring committees for the Programmes and Advertisements telecast by Cable TV Channels at the State and District level to enforce the Cable Act and Rules. District level monitoring committees have been constituted under the chairmanship of the District magistrate/Commissioner of Police, as the case may be. Subsequently, vide its order dated February 19, 2008, Ministry of Information and Broadcasting has further redefined the role of State and District Monitoring Committees and the Authorized Offices under the Cable Act. Ministry vide their order dated July 28, 2008 further modified the constitution of State and District level monitoring committees. These orders are placed at **Annexure B** of this consultation paper.
- 2.10 The Authority has written to the Ministry of Information & Broadcasting to enlarge the scope of the district level committee and State level committee to include the enforcement of TRAI's directions/regulations etc. relating to quality of service. This is one of the ways for ensuring quality cable service to

the consumers in every part of the country. The Authority is also coordinating with various State Governments so that the broadcasting and cable TV subscribers get a good quality services.

- 2.11 Although the Authority has indicated code and guidelines to be followed by the cable operators, it has been receiving complaints regarding poor quality of service by the cable operators. Since the Authority has issued regulations for quality of service aspects for cable services in CAS areas and for DTH services, the expectation of the viewers has increased for high quality of cable TV services in Non-CAS areas too. Moreover, in various part of the country, the multi system operators and cable operators have started digital transmission over their cable television networks. Some are even in the process of putting addressability feature in place.
- 2.12 The Authority has recommended extension of CAS in remaining parts of 3 Metros to the Government of India. The Authority had also forwarded a report of the Group on “Digitalization and Introduction of Voluntary CAS in Cable TV network in India” to Ministry of Information and Broadcasting. It is expected that this report of the Group will be useful in deciding the roadmap for bringing about addressability in the cable TV sector. The group observed that the Voluntary CAS would be a non-starter unless the date from which CAS is to be implemented is mandated by the Government. The group identified 55 cities in the country i.e. all state capitals, and all other cities with a population of one million and above, for this purpose.
- 2.13 The Authority has, for the protection of consumers’ interests, cast an obligation on cable operators for issuance of bills and receipts to the subscribers vide its tariff amendment order dated October 04, 2007. The relevant provisions of the Tariff Order now read as under:-

**“4B. Issue of receipt and bill.**

(1) Every cable operator or the multi system operator or the broadcaster, as the case may be, shall give to every subscriber the bill for the charges due and payable by such subscriber for each month or for such other period for which such charges become payable by the subscriber.

(2) Every bill referred to in sub-clause (1) shall contain all relevant details including the total number of pay and free to air channels provided by such cable operator or the multi system operator or the broadcaster, as the case may be, the charges levied (excluding taxes), nature and rates of taxes levied and amount thereof.

(3) Every cable operator or the multi system operator or the broadcaster, as the case may be, shall give to every subscriber, along with the first bill given to such subscriber in compliance of sub-clause (1) after the 1<sup>st</sup> day of December, 2007, a list of all the pay channels and free to air channels being provided to the subscriber. Subsequently, written information about any changes in the pay channels or free to air channels being provided to the subscriber shall also be given along with the next bill given to the subscriber after such change.

(4) Every cable operator or multi system operator or the broadcaster, as the case may be, shall acknowledge all payments made by the subscriber by issuing a receipt therefor duly signed by him indicating therein the period and the purpose for which the payment has been received and other relevant details." .

2.14 Conditional Access System (CAS) in cable services is right now operational in the whole of Chennai and in the CAS notified areas of Delhi, Mumbai and Kolkata. In these areas, pay channels are being transmitted in addressable mode. In these CAS operational areas, around 0.7 million subscribers have opted for watching pay channels and enjoying the facility to pay for their subscribed pay channels. As far as direct to home subscribers are concerned,

apart from free to air service of Doordarshan, there are approx 6 million DTH subscribers registered with pay DTH private operators. QoS Regulations have already been issued for subscribers in CAS areas and for DTH subscribers.

2.15 The quality of service regulations for non-CAS areas will perhaps enable the cable operators and multi system operators in non-CAS area to compete with other delivery platforms on quality of service front. However, it needs to be clearly understood that enforcement of these regulations is a challenging task. **These Regulations have largely to be seen as a tool for self regulation by the service providers and one expects from them a high degree of sensitivity and responsiveness towards the subscribers.** This is primarily due to the fact that there are a very large number of cable operators widely spread over large geographical areas. It would be unrealistic to claim or to expect that TRAI will be in a position to effectively intervene in all the cases of violations of its QoS Regulations, keeping in mind that there are 78 million cable TV homes (covering nearly one third of the country's population) which are being served by around 60,000 cable TV operators. The objective behind this exercise should be seen as one of empowering the consumer, so that he can then seek enforcement of these rights in any one of the following ways, namely:

- (i) Section 14 of TRAI Act envisages that the complaint of an individual consumer should be looked into by the Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission under the Consumer Protection Act, 1986.
- (ii) The complaints/disputes between a group of consumers and the service providers (i.e., cable operators, DTH operators) will be adjudicated by the Telecom Disputes Settlement and Appellate Tribunal under section 14 of the TRAI Act.
- (iii) TRAI has proposed to delegate its powers of enforcement under the TRAI Act to the district level officers who already exercise the powers of Authorised Officers under the Cable TV Act. For the purpose, a letter has been sent to all the State Governments, seeking their consent for the proposed delegation to

their officers. A copy of the letter with the draft Order of delegation may be seen at the **Annexure C**. The cooperation of the State Governments in this regard is absolutely essential because it is only the State Government which has got well-established administrative machinery at the grass root level.

- (iv) The Ministry of Information & Broadcasting has constituted Monitoring Committees at the District and State levels for enforcement of certain provisions of the Cable TV Act, particularly those relating to content of the TV channels being carried on cable networks. The order of the Ministry may be seen at **Annexure B**. TRAI has now written to the Ministry of Information & Broadcasting, requesting it to enlarge the scope of these Monitoring Committees to also monitor and supervise the implementation of QoS Regulations relating to broadcasting and cable TV services. This is expected to go a long way in ensuring that the grievances of the consumers get redressed speedily at the local level without taking recourse to legal process as far as possible. The letter of TRAI addressed to Ministry of Information & Broadcasting is placed at **Annexure D**.
- (v) The QoS Regulations would have potential to empower the consumers. This means that the local residents' associations of a town/city and the Consumer Advocacy Groups (CAGs) can then coordinate and liaise with the local cable operators and demand the implementation of QoS parameters as per QoS Regulations.
- (vi) While it would be infeasible for TRAI to look into individual or group complaints for which a separate decentralised mechanism is proposed to be put in place as mentioned above, TRAI would nevertheless organise periodic surveys to assess the effective implementations of QoS parameters at macro level and to take measures for systemic improvements.

2.16 As stated earlier, the BIS has already prescribed certain technical standards. Other quality of service parameters such as handling of consumer complaints, service interruptions etc. have been indicated in the code and guidelines in the recommendations on Issues Relating to Broadcasting and Distribution of TV Channels dated October 01, 2004. The aspect of issuance of bills and receipts for cable services in Non-CAS areas have been addressed in the tariff amendment order dated October 04, 2007. Since the Quality of Service

Regulations of DTH and for cable services in CAS areas are in place, some of the QoS issues are gaining importance in Non-CAS cable services due to the current emerging competitive scenario. Some of these are listed below.

- (i) Proper procedures and timelines for connections, disconnections, transfer of cable services
- (ii) Proper procedure for billing and effective mechanism for handling technical and billing related complaints
- (iii) Procedure for overall complaint handling and redressal by the service provider
- (iv) Timeline and the procedure for services relating to provision of digital decoders and STBs in non-CAS areas, wherever service providers are providing digital services
- (v) Procedure for informing the subscribers about change of channels alongwith their channel position
- (vi) Mechanism of rebates in cases of interruption of service
- (vii) Technical standards to be observed by the service providers
- (viii) Effective monitoring of Quality of Service standards

2.17 Moreover, it is desirable to have regulatory provisions relating to QoS to be forward looking in-sync with the existing CAS Quality of Services Regulations. This will perhaps help the service providers in seamless migration on QoS front whenever CAS is extended by the Ministry of Information & Broadcasting in their areas of operation in future. This will also help in achieving the objective of digitalization and addressability in cable services at a faster pace without compromising the quality of service.

2.18 Against the above background, it is now proposed to formulate appropriate QoS Regulations for cable services in Non-CAS areas also. Therefore, the stakeholders are requested to offer their comments on the following issues:-

1. **Please offer your comments on the areas and parameters of Quality of Service which need to be covered in such regulations (refer para 2.16)? Please offer comments whether**

**QoS parameters should also be made applicable to voluntary CAS networks in non-CAS areas. If yes, then please indicate what should these parameters be.**

- 2. In particular, comments and suggestions are invited for effective and transparent monitoring and implementation of proper billing, to protect consumers' interests.**
- 3. There is an expectation that the State Governments and the Ministry of Information & Broadcasting will extend necessary cooperation in the effective implementation of QoS Regulations. Can you suggest any other supplemental measures for further strengthening the implementation of QOS Regulations?**
- 4. Please offer your view on any other issues which will make the Regulations more complete and effective.**

## Chapter 3. QoS issues relating to DTH services

3.1 The Telecom Regulatory Authority of India had issued the Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007 on 31st August, 2007. The rationale behind issuing the Regulation was outlined in the Explanatory Memorandum to the Regulation. It was mentioned that

*“...A number of complaints are being received by the Authority relating to the quality of service aspects of the DTH operators. The subscribers have a right to get a certain standard of DTH service as value for their money. For this purpose, a need has been felt to lay down such benchmarks for quality of service standards for DTH service which are well known, measurable, verifiable and specify the response time for different grievances.”*

3.2 The Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007 laid down benchmarks for quality of service standards for DTH service in respect of connection, disconnection, transfer and shifting, provision of Direct To Home Customer Premises Equipment on out right purchase or hire purchase or rent, requirement of giving notice before discontinuing exhibiting of any channel or discontinuing service to any subscriber, no increase of subscription for six months, no charges to be levied during discontinuance of service, redressal of subscriber grievances by call centres and nodal officers, time limits for redressal of grievances, obligation of direct to home operator for direct to home subscriber education and prevention of grievances etc. Although the regulations addressed many of the problems relating to Quality of Service of DTH services, it appears that there are some more areas relating to DTH services which still need to be addressed.

3.3 An analysis of recent complaints against DTH operators has thrown up certain new issues relating to dropping of channels from packages by DTH

operators without any notice, and high visiting charges levied by the DTH operators for Repair & Maintenance of Customer Premises Equipment etc.

3.4 The issue of dropping of channels from packages by DTH operators is an important issue on account of the fact that when a subscriber subscribes to a package being offered by any DTH operator, he takes the decision on the basis of specific channels included in the package and the charges payable for the same. Any change in either of the two components, namely either the change in specific channels included in the package or the change in the charges payable for the package directly affects the subscribers.

3.4.1 Although there is no tariff regulation at the retail level for DTH services, the DTH QoS Regulations issued on 31st August, 2007 provide tariff protection to subscribers for a period of six months from the date of enrolment to any subscription package. The relevant provisions of the DTH QoS Regulations, 2007 read as under:-

***“9. No increase of subscription for direct to home service for six months.-***

*(1) No direct to home operator shall, increase the charges for a subscription package offered by him, to the disadvantage of the direct to home subscriber, or change the charges to the disadvantage of the direct to home subscriber for a minimum period of six months from the date of enrolment of the subscriber for such subscription package...”*

3.4.2 Moreover, these DTH QoS Regulations require the DTH operators to give prior notice before taking any channel off the air. The relevant provisions of the DTH QoS Regulations, 2007 read as under:-

***“6. Discontinuing exhibiting of any channel only after notice.—***

(1) No direct to home operator shall take off the air or discontinue exhibition of any channel without giving prior notice to the direct to home subscribers.

(2) The notice referred to in sub-regulation (1) shall be published widely.

(3) Nothing contained in sub-regulation (1) shall apply in case of discontinuance of exhibition of any channel caused by disturbances of weather or natural calamities or reasons beyond control of the direct to home operator.”.

3.4.3 Similarly, the Interconnection Regulations as amended from time to time require the distributors of TV channels (including DTH operators) to give three week notice to the broadcaster and the consumers before disconnecting the retransmission of any TV channel. However, such a notice is applicable only for complete removal of a channel from the DTH platform and this notice under Interconnection Regulations may not be necessary in case a DTH operator repackages the channels in such a way that a specific channel is removed from a package but continues to be available on the DTH platform in some other package.

3.4.4 Thus, there is no prohibition on the DTH Operators to drop any channel, provided the requirements of QoS Regulations and Interconnection Regulations are met. The DTH subscribers are given six months protection against increase in charges for a subscription package to their disadvantage or change in charges to their disadvantage. DTH QoS Regulations do not explicitly prohibit changing the constituent channels of a package. However, it is clearly understood that any repackaging of channels which results in a DTH subscriber being forced to pay more for getting the same content is prohibited for six months from date of enrolment of that subscriber to a package.

3.4.5 There has been a view that the interests of the consumers can be better protected by further prohibiting the DTH operators from dropping any channel from any subscription package for six months from the date of enrolment of a subscriber. In such a scenario, the DTH operators would be required to make sure that any channel being offered in a package to a subscriber would be available in the same package for the next six months from the time of enrolment of that subscriber to the package. In such a case, the DTH operators will have to enter into appropriate interconnection agreements with broadcasters which reflect such subscription package protection requirement. Otherwise, they will have to stop enrolling new subscribers for such a channel/ package six months before the expiry of agreement for that channel. Sometimes, inspite of channels being available to DTH operator by the broadcasters, it has been observed that DTH operators drop channels from the packages subscribed by the subscriber, and offer dropped channel in some other packages/add-on packages. This may affect some subscribers adversely. On the other hand, the consumers may also be required to subscribe to any channel/ package for a certain minimum subscription period as in CAS areas. The consumers in CAS areas are required to subscribe to a channel for a minimum period of 4 months. This will protect the interests of the service providers by reducing frequent changes in subscription plans.

**3.4.6 The issues for consultation are:-**

- 1. Whether the DTH operators should be specifically prohibited from dropping of channels from a subscription package for a subscriber for six months from the date of enrolment of that subscriber, if the channel continues to be available on their platform**

2. **Within this period of six months, in case the channel ceases to be available on a particular DTH platform, then whether it would be appropriate to have a mechanism of reducing the subscription charges by an amount equal to the wholesale a-la-carte rate of that channel. *Alternatively*, can you suggest any other methodology for such compensation to the subscriber? Should such compensation be paid/adjusted even when one channel in a package is dropped, and it is replaced/substituted by another channel so that the total number of channels in that package is not affected?**
3. **Whether the subscribers should also be required to subscribe to any channel/ package for a certain minimum subscription period as in CAS areas. If yes, what should be such minimum subscription period?**

3.5 There have been complaints about high visiting charges being levied by the service providers for repair & maintenance of Customer Premises Equipment (CPE) for DTH service. The DTH QoS Regulations issued on 31<sup>st</sup> August, 2007 provide protection to subscribers who take the customer premises equipment under hire purchase or rental scheme. The relevant provisions of the DTH QoS Regulations issued on 31<sup>st</sup> August, 2007 read as under:-

***“4. Option to provide Direct To Home Customer Premises Equipment on out right purchase or hire purchase or rent. –***

*(1) Every direct to home operator shall give an option to every person making request under regulation 5 to make available to him, the Direct To Home Customer Premises Equipment conforming to the Indian Standard set by the Bureau of Indian Standards as applicable, on out right purchase basis or hire purchase basis or rental basis, –*

...

*(ii) no charges payable towards repair and maintenance of Direct to Home Customer Premises Equipment acquired under the hire purchase scheme or on rental scheme during the period of hire purchase or rental scheme:*

*...”.*

**3.5.1** There are many subscribers who had acquired (purchased/ taken on rent) their CPE before the DTH QoS Regulations were issued on 31<sup>st</sup> August, 2007. Some DTH operators are also providing CPE to the subscribers free of cost for viewing, i.e. without charging any rental and retaining the ownership of the CPE. The protection of the aforementioned regulations from charges payable towards repair and maintenance of Direct to Home Customer Premises Equipment does not extend to such subscribers, or to subscribers who have made an outright purchase. Presently there is no regulation on visiting charges for repair and maintenance. Sometimes it so happens that the service providers are levying visiting charges even in case complaints of ‘no signal’ due to poor signal strength or improper installation of CPE including dish antenna by the service providers.

**3.5.2** **The issues for consultation are that for CPE which is not acquired through hire-purchase or rent:-**

- 1. Whether there is any justification for visiting charges for “no signal” complaint by the subscribers? If yes, should there be a ceiling on such visiting charges for complaints of “no signal”?**
- 2. Similarly, should any ceiling be placed in respect of visiting charges for repair and maintenance of CPE for DTH services? Alternatively, should DTH operators be required to offer Annual Maintenance Contracts (AMCs) to their subscribers?**

**3. Can you suggest some form of AMCs for DTH Service covering all aspects such as repair & maintenance charges for CPE, visiting charges, attending “no signal” complaints, etc.?**

3.6 The DTH services being offered by the DTH operators are primarily prepaid in nature. The prepaid nature of these services requires the subscribers to purchase recharge coupons for topping up/ replenishment of their accounts. The recharge process is similar to recharging of prepaid mobile telephone connections. However, the major difference between the two is that recharging of prepaid telephone connections is done by calling up a toll-free number and then punching in the secret code of the coupon, whereas the number for recharge calls in case of DTH is not necessarily toll-free.

3.6.1 The DTH QoS Regulations issued on 31<sup>st</sup> August, 2007 required the DTH operators to establish Call Centres. The relevant provisions of extracts for the DTH QoS Regulations issued on 31<sup>st</sup> August, 2007 read as under:-

***“ 13. Establishment of Call Centre. –***

*(1) Every direct to home operator shall, on or before the date of commencement of these regulations, establish one or more Call Centres for the purposes of registering of direct to home service requests, answering queries, registering of complaints and redressal of grievances of its direct to home subscribers...*

*...*

*(3) Every direct to home operator shall ensure that no call charges are levied upon, or payable by its direct to home subscriber, for calls made to the “toll free number” or “consumer care number” or “help line number” or special number, as the case may be.*

*...”.*

3.6.2 It is clear that though the DTH QoS Regulations issued on 31<sup>st</sup> August, 2007 require the helpline/ consumer-care number to be toll-free, no specific requirement for a toll-free number for recharging prepaid accounts has been laid down. This has led to some complaints wherein it has been mentioned that some DTH operators are giving outstation numbers (accessible through STD only) for recharge calls.

**3.6.3 The issues for consultation are:-**

- 1. Whether the service providers should be required to make available toll-free numbers for recharge calls for prepaid accounts?**

3.7 Representations have been made by DTH operators regarding the provisions in DTH QoS Regulations issued on 31<sup>st</sup> August, 2007 which prohibit DTH operators from levying charges for the period when the direct to home services were discontinued by the operator on his own or upon the request of the direct to home subscriber or for any other reason. It has been pointed out that in the event of suspension of services to a subscriber for part of a calendar month, the subscriber gets reflected as an active subscriber on the first/ last day of the month in the Subscriber Management System and as a result the Broadcasters are to be paid in respect of such subscribers for the whole month. An examination of interconnection agreements between broadcasters and DTH operators has confirmed this position.

3.7.1 These problems can be overcome by laying down the minimum period of suspension of service on the request of any subscriber.

**3.7.2 The issues for consultation are:-**

- 1. Whether the request for suspension of service for full calendar months only should be entertained?**

3.8 The present DTH QoS Regulations do not have provisions about the time period within which the DTH operator must comply with any request for change in tariff package. In Telecom sector, service providers are required to comply with such requests by the date on which the next billing cycle starts. Similarly, there would be occasions when a DTH operator decides to discontinue a subscription package for operational or other reasons. Of course, such discontinuance for a subscriber can not be resorted to by the DTH Operator within six months of the enrolment of that subscriber, nor can it be done within the contracted period, if any, for that subscription package for that subscriber. In such cases of discontinuances on operational or other grounds, there would still be a need to inform the subscriber sufficiently in advance so that he can decide on various other alternatives. On the telecom side, a minimum time period of 30 days has been prescribed in such cases.

**3.8.1 The issues, therefore, proposed for consultation are :-**

- 1. Whether tariff plan or subscription package changes requested by the DTH subscriber should be accepted and implemented immediately or from the start of next billing cycle for DTH subscriber.**
- 2. Whether advance notice of minimum 30 days should be given by DTH operators to a DTH subscriber before terminating his existing tariff plan provided that no tariff plan can be terminated within the contracted period, if any, for that package or within six months of enrolment of that subscriber to that package.**

## Chapter 4. Issues for Consultation

4.1 The issues for consultations are summarised below:

### **For Non-CAS Cable Services:**

- 4.1.1 Please offer your comments on the areas and parameters of Quality of Service which need to be covered in such regulations (refer para 2.16)? Please offer comments whether QoS parameters should also be made applicable to voluntary CAS networks in non-CAS areas. If yes, then please indicate what should these parameters be.
- 4.1.2 In particular, comments and suggestions are invited for effective and transparent monitoring and implementation of proper billing, to protect consumers' interests.
- 4.1.3 There is an expectation that the State Governments and the Ministry of Information & Broadcasting will extend necessary cooperation in the effective implementation of QoS Regulations. Can you suggest any other supplemental measures for further strengthening the implementation of QOS Regulations?
- 4.1.4 Please offer your view on any other issues which will make the Regulations more complete and effective.

### **For Direct to Home Broadcasting Services:**

- 4.1.5 Whether the DTH operators should be specifically prohibited from dropping of channels from a subscription package for a subscriber for six months from the date of enrolment of that subscriber, if the channel continues to be available on their platform.
- 4.1.6 Within this period of six months, in case the channel ceases to be available on a particular DTH platform, then whether it would be appropriate to have a mechanism of reducing the subscription charges by an amount equal to the wholesale a-la-carte rate of that

channel. *Alternatively*, can you suggest any other methodology for such compensation to the subscriber? Should such compensation be paid/adjusted even when one channel in a package is dropped, and it is replaced/substituted by another channel so that the total number of channels in that package is not affected?

- 4.1.7 Whether the subscribers should also be required to subscribe to any channel/ package for a certain minimum subscription period as in CAS areas. If yes, what should be such minimum subscription period?
- 4.1.8 Whether there is any justification for visiting charges for “no signal” complaint by the subscribers? If yes, should there be a ceiling on such visiting charges for complaints of “no signal”?
- 4.1.9 Similarly, should any ceiling be placed in respect of visiting charges for repair and maintenance of CPE for DTH services? Alternatively, should DTH operators be required to offer Annual Maintenance Contracts (AMCs) to their subscribers?
- 4.1.10 Can you suggest some form of AMCs for DTH Service covering all aspects such as repair & maintenance charges for CPE, visiting charges, attending “no signal” complaints, etc.?
- 4.1.11 Whether the service providers should be required to make available toll-free numbers for recharge calls for prepaid accounts?
- 4.1.12 Whether the request for suspension of service for full calendar months only should be entertained?
- 4.1.13 Whether tariff plan or subscription package changes requested by the DTH subscriber should be accepted and implemented immediately or from the start of next billing cycle for DTH subscriber.

**4.1.14 Whether advance notice of minimum 30 days should be given by DTH operators to a DTH subscriber before terminating his existing tariff plan provided that no tariff plan can be terminated within the contracted period, if any, for that package or within six months of enrolment of that subscriber to that package.**

\*\*\*\*\*

## **Annexure A: QoS codes and guidelines mentioned in the recommendations on issues relating to Broadcasting and Distribution of TV channels dated October 01, 2004**

### Information to be provided to consumer at the installation of cable TV connection

(i) Detailed information must be provided to consumers at the time of installation and activation of cable services and at least annually to subscribers and at any time upon request about:

- products and services offered i.e. number of channels and names of individual channels being offered
- prices and options of programming services
- installation and service maintenance policies
- billing and complaint procedures including the address and telephone number of the customer service centre.

### Complaint handling procedure and benchmarks to redress complaints

(ii) A cable operator shall improve the network quality and the complaint redressal infrastructure to meet the following benchmarks:

- 90% of complaints will be corrected within 4 hours.
- No more than 3% of customers should require to lodge complaint against service interruption each month.
- 90% of "no signal" calls received should be corrected within 24 hours.
- 90% of all other types of complaints will be corrected within 48 hours.

(iii) Each cable operator must maintain a customer service center or help desk 8 hours a day, 6 days a week. All complaints shall be registered and complaint number issued for each complaint.

(iv) A Cable Operator shall maintain record containing all complaints filed by the subscriber. The records shall include name and address of complainant, date and time of filing complaint, type of complaint and redressal date and time with the confirmation of the consumer that the complaint has been redressed. The cable operator shall present the records whenever called upon by the Authority or the Authorised officer.

(v) A Cable Operator shall take all necessary steps like provision of alternate power supply for at least 6 hours, to minimise the incidence of service interruption for power failure.

(vi) For the purposes of maintenance and repair, a cable operator must ensure that its representative(s) carry proper identification along with a photograph. Billing Procedure and complaints

(vii) Cable subscribers must be billed monthly with statements being clear and transparent. Where a customer does not view pay channels via a set-top box, a bill should be itemized clearly indicate cable charges and taxes. Where a customer does view pay/premium channels via a STB, a bill should be itemized and clearly indicate the price of the basic free-to-air tier, the price of pay channels or bouquets, STB rental and deposits, and taxes.

(viii) The billing system should be such that the following benchmarks are met:

- complaints shall be addressed within 7 days of notice from the consumer to the operator.
- Refunds must be issued no later than either the customer's next billing cycle or 30 days following the resolution of the complaint, whichever is earlier.

#### STB related Complaints

(ix) In cases, where there is a malfunction of a STB provided by the operator on rent, a cable operator must repair or replace the STB within 24 hours.

(x) In cases where a customer chooses to return a STB, the refund must be made within 15 days, subject to a proper working condition of the STB.

(xi) If a customer chooses to subscribe to pay channels via a set-top box STB installation and, subscriber activation must take place within 48 hours of the receipt of the subscriber's request.

(xii) Rebate for deficient service: In case the installation and activation of the STB is delayed beyond 48 hours of the receipt of the Subscriber's request, the multi system operator/cable operator shall in the monthly subscription give a rebate of Rs 15 per day for the first 5 days and Rs 10 per day for the subsequent period.

#### Change in positioning of channels

(xiii) Change of positioning of TV channels should not be normally done. In case of pressing technical reasons requiring changes

of TV channel position is required, the cable operators shall notify subscribers at least two days in advance of such occurrence.

### Technical Standards

(xiv) A Multi System Operator and cable operator shall match the technical standards set by the Bureau of Indian Standards (BIS) for cable TV Network.

## Annexure B: Ministry of Information and Broadcasting Orders on the issue of monitoring committees

No. F.3102/1/2008-BC-II  
Government of India  
Ministry of Information & Broadcasting  
Broadcasting Wing

\*\*\*\*\*

New Delhi, the 28<sup>th</sup> July 2008

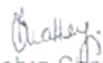
### ORDER

**Subject:** Monitoring Committee for Private Television Channels at the State and District Level.

In amplification of Ministry of Information & Broadcasting Order issued vide No. F.1203/1/2007-BC.II dated 19<sup>th</sup> February, 2008 on the above mentioned subject. The constitution of State/District level Committee is modified as under.

- (A) State level Monitoring Committee: Director, Doordarshan Kendra (State Capital Kendra) and one member from journalists' organization OR local member of Press Council of India may also be nominated in the Committee.
- (B) District level Monitoring Committee: The District Information/Publications Officer or any other suitable officer may be designated as Member-Secretary by the Chairman of the Committee (the District Magistrate or Police Commissioner), for coordination and secretarial assistance to the Committee. In addition, one member from recognized media bodies or journalists' organizations or local members of Press Council, Doordarshan or All India Radio may also be nominated in the Committee.

2. It is requested that necessary action may be taken as indicated above and this Ministry may be informed in the matter.

  
(Zohra Chatterji)  
Joint Secretary (Broadcasting)  
Tele No. 23382597

- To
1. All Chief Secretaries of the State Governments/Administrator of UTs.
  2. State Information Secretaries.
  3. All District Magistrate

- Copy to:
1. OSD to CEO, Prasar Bharati, PTI Building, New Delhi-110001.
  2. Director General, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.

  
(Atya Nand)  
Under Secretary to the Govt. of India  
Tele No. 23074166

No. F-1203/1/2007-BC.II  
Government of India  
Ministry of Information & Broadcasting  
(Broadcasting Wing)

New Delhi, 19<sup>th</sup> February 2008

ORDER

Subject: -Monitoring Committee for Private Television Channels at the State and District levels.

Attention is invited to the Ministry of Information & Broadcasting, Government of India order No. 2301/7/2003-BC-III dated 6<sup>th</sup> September, 2005 (copy enclosed for ready reference) regarding constitution of State/ District Level Monitoring Committees to enforce the Cable Television Networks (Regulation) Act, 1995 (hereafter referred to as the Act). District Level Monitoring Committees have been constituted therein under the Chairmanship of the District Magistrate/Commissioner of Police, as the case may be.

2. It has been noticed that the enforcement of the said Act in many parts of the country is still not satisfactory either due to lack of clear understanding of the role to be played by the District Monitoring Committees or a suitable mechanism to enforce the provisions of the Act. During the review of the functioning of the District and State level Monitoring Committees, it was observed that while a few of the States/UTs have constituted District level Monitoring Committees, others are yet to do so. No State except J&K, has reported the constitution of a State level committee. Further, even where constituted, regular meetings of the district level committees are not being held.

3. An increasing number of petitions are being received in the Ministry of Information & Broadcasting, Government of India, from viewers regarding malpractices by Cable Operators and undesirable content being shown at the local level by the cable operators. As such it is most necessary in public interest that the District and State level Monitoring Committees appreciate the importance of their role and activate the mechanism to enforce the provisions of the Cable Television Networks (Regulation) Act, 1995 and rules framed therein. As such while reiterating the relevant provisions of the Cable Television Networks (Regulation) Act, 1995 and rules therein, these guidelines are being issued to further define the role of the State and District Monitoring Committees and the Authorized Officers as under:

Authorized Officer

4. The Authorized Officer as defined under Section 2(a) of the Act means within his local limits of jurisdiction –

- (i) a District Magistrate, or
- (ii) a Sub-divisional Magistrate, or
- (iii) a Commissioner of Police

This provision further authorizes the State Government in addition to the Central Government to notify officers other than those already specified in the Act as

above to be authorized officers for such local limits of jurisdiction as may be determined by that Government so that the most effective mechanism at local level may be put in place. Authorized Officers have been given power to seize equipment used for operating the cable television network under Section 11 of the Cable Television Networks (Regulation) Act, 1995. They can do so in cases of contravention of Section 3, 4A, 5, 6 or 8 of the Act in the following eventualities:

- (a) Operation of a Cable Television Network without registration in the local Post Office (Section 3).
- (b) Transmission of pay channels on Cable Television without use of Set Top Boxes (Addressable System) in areas notified for compulsory CAS (i.e. some parts of Chennai, Delhi, Mumbai and Kolkata) [Section 4A (1)].
- (c) Non-carriage of free to air channels and mandatory channels as per list specified in Annexure-I (Section 4A (2), Section 8).
- (d) Charging fees in CAS areas which is higher than that fixed by TRAI as per Annexure-II & III [Section 4A (4)].
- (e) Violation of Programme and Advertisement Codes (Section 5 and 6)

5. Under Section 19, the Authorized Officer is also empowered to prohibit transmission of certain programmes in public interest if any programme or channel carried by it, is not in conformity with the prescribed programme code referred to in Section 5 and advertisement code referred to in Section 6 of the Act or if such programme is likely to promote on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquility.

**District Monitoring Committees:**

6. The District Monitoring Committee is constituted as below:

- |       |  |   |          |
|-------|--|---|----------|
| (i)   | District Magistrate (or Police Commissioner)   | - | Chairman |
| (ii)  | District Superintendent of Police  | - | Member   |
| (iii) | District Public Relations Officer  | - | Member   |
| (iv)  | Principal of one of the Women's College in the District (to be selected by the DM)       | - | Member   |
| (v)   | Representative of a leading NGO working for Children welfare (to be nominated by the DM) | - | Member   |
| (vi)  | Representative of a leading NGO working for Women welfare (to be nominated by the DM)    | - | Member   |
| (vii) | Academicians/Psychologists/Sociologists (one Each to be nominated by the DM)             | - | Member   |

7. To ensure effective functioning of the above Committee, the following guidelines are made:

**Scope of the Committee:**

- i) To provide a forum where the public may lodge a complaint regarding content aired over cable television and take action on the same as per procedure prescribed herein.
- ii) To review the action taken by Authorized Officers for enforcement of Cable Television Networks (Regulation) Act, 1995.

- iii) To immediately bring to the notice of State and Central Government if any programme is affecting public order or wide spread resentment in any community.
- iv) To keep a watch on content carried by cable television channels at local level and to ensure, through Authorized Officers, that no unauthorized or pirated channels are carried and local news if aired by the cable television operator is restricted to information about local events and is presented in a manner which is balanced impartial and not likely to offend or incite any community.
- v) To monitor the availability of free to air channels and channels notified for mandatory carriage on the cable network.

**Suggested procedure**

8. Following procedure may be followed for handling the cases :

- i) A complaint Cell headed by a nodal Officer at District level should be established and wide publicity be given regarding the constitution of Monitoring Committee and procedure followed by it, including putting it on website of the State/UT.
- ii) The Committee shall ordinarily meet once in two months to look into the complaints brought to its notice by individuals/organizations or take suo moto notice of violation of provisions of Cable TV Networks Rules, 1994.
- iii) In case the complaint concerns content carried locally by Cable TV Network at its own level, the Committee may call for footage/VCD of the programme/advertisement against which complaint is considered and the common pool of wisdom available within the Committee may form a view about whether a violation has taken place. In case the Committee is of the view that violation has taken place, the Authorized Officer may take action as per Section 11 of the Act after issuing show cause notice to the network and giving them an opportunity to be heard. The representation of the network may also be placed before the Committee for final decision regarding the action to be taken on it by the Authorized Officer.
- iv) In case the complaint pertains to national/regional satellite channels, the Committee may forward its recommendations through the State-level Monitoring Committee to the Government of India. On receipt of such complaint the Central Government shall call for footage/VCD of the concerned programme/advertisement and take a view regarding the same in the Inter-Ministerial Committee constituted in the Ministry of Information & Broadcasting. An advance copy of the recommendation may also be sent directly to the Central Government.
- v) Violations of programme and advertisement code are dealt with by the Central Government in the following manner depending on the seriousness of the violation:
  - (a) An Advisory is given to the channel
  - (b) Warning is issued.

- (c) Channel is required to scroll an apology for a specified number of days.
- (d) Broadcast is suspended for specified time period.

The District Monitoring Committee can likewise take action against local cable operators in respect of content carried locally only. However, no such action may be taken at their level in respect of National/Regional Satellite Channels.

9. In case it is found that a cable network operator is not carrying channels prescribed for mandatory carriage or is carrying them in such a manner that the signal is too poor to be properly visible or audible, the Committee, through Authorized Officer, may direct the cable network to ensure proper carriage of the same and take any other action it may consider necessary under Section 11.

**State-level Monitoring Committee:**

10. The constitution of both State and District-level Committees to enforce the Cable TV Networks Rules was envisaged in the Order dated 6<sup>th</sup> September 2005. The members of the District level Committee were specified by the same order, however, the constitution of the State-level Committee was not specified. The constitution of the State-level Committee is hereby specified as follows:

- |       |   |                  |
|-------|---|------------------|
| (i)   | Secretary, Information & Public Relations - of the State.   | Chairman         |
| (ii)  | Representative of the DG of State Police-   | Member           |
| (iii) | Secretary, Social Welfare Department - of the State   | Member           |
| (iv)  | Secretary, Women & Child Development- of the State  | Member           |
| (v)   | Representative of a leading NGO of the - State working for women (to be nominated by Chief Secretary) | Member           |
| (vi)  | Academicians/Psychologists/Sociologists- (one each to be nominated by Chief Secretary)                | Member           |
| (vii) | Director (Information) of the State -   | Member Secretary |

The nominated members shall have a term of two years and shall not be eligible for re-nomination. Any vacancy can be filled up by nominating a new member for a fresh term. The Committee shall meet at least once a year and submit a detailed annual report for the State, including District-wise data of Cable Operators registered within the State and estimated number of TV homes/viewers in the State to the Ministry of Information & Broadcasting, Government of India before 31<sup>st</sup> December each year.

**Functions:**

11. The functions of the State Level Monitoring Committee will be:

- (i) To see whether District/Local Committees have been formed.
- (ii) To see whether they are meeting regularly.
- (iii) To see whether the authorized officers are effectively performing their duties.

- (iv) To see how many cases are handled by them and what decisions are arrived at.
- (v) To give suggestion/guidance to District/Local Level Committee.
- (vi) To take decision on the matters referred to it by District/Local level Committee.
- (vii) To collate data/information from District/Local Level Committee and forward it to Secretary, Ministry of Information & Broadcasting, Government of India.
- (viii) To recommend action and forward complaints against satellite channels (National Channels) to the Ministry of Information & Broadcasting through the Chief Secretary of the State in cases of violation of Government of India's orders on the Programme and Advertising Codes.

12. The Chief Secretaries are requested to ensure that State and District Level Committees are set up as envisaged herein and effective implementation of the Cable Television Networks (Regulation) Act is ensured in consultation with representatives of consumers and civil society.

13. Hindi version of this Order will follow.

  
(Zohra Chatterji)  
Joint Secretary (Broadcasting)  
Tele No. 23382597

To

1. All Chief Secretaries of the State Governments/Union Territories.
2. State Information Secretaries.
3. All District Magistrates

**2301/7/2003-BC-III**  
**Government of India**  
**Ministry of Information & Broadcasting**  
**Broadcasting (BC) Wing**

**Dated : 6<sup>th</sup> September, 2005**

**ORDER**

Subject:-Monitoring Committee for Private Television Channels at the State and District Levels.

WHEREAS as per the Section 2 of the Cable Television Networks (Regulation) Act, 1995, the District Magistrate or a Sub-Divisional Magistrate or a Commissioner of Police is designated as "authorized officer" within his local limits of jurisdiction by State or Central Government. And whereas as per Section 11 and 12 of aforesaid Cable Act, the authorized officer has the power to seize and confiscate the equipment of the cable operator for violation of Section 5 and 6 of the Cable TV Networks (Regulation) Act, 1995, i.e., violation of Programme Code and Advertisement Code prescribed under Rule 6 and Rule 7 of the Cable Television Network Rules'94 respectively. And whereas, it has been noticed that enforcement of said act in many parts of the country is not satisfactory either due to lack of knowledge or mechanism to enforce the same. And whereas it was unanimously agreed in the 25<sup>th</sup> State Information Ministers Conference (SIMCON) held on 16<sup>th</sup> April 2005 at Vigyan Bhavan, New Delhi that an enforcement mechanism needs to be constituted to enforce the provisions of Cable Television Network Regulations, 1994.

Now, therefore, it has been decided to constitute a "Monitoring Committee for the Programmes and Advertisements telecast by Cable TV Channels" at the State, District / local level to enforce the Cable Act & Rules. In pursuance of the decision, a Committee with the following as members is hereby constituted:

- |       |   |            |
|-------|---|------------|
| i)    | District Magistrate (or Police Commissioner)  | - Chairman |
| ii)   | District Superintendent of Police   | - Member   |
| iii)  | District Public Relations Officer   | - Member   |
| iv)   | Principal of one of the Women's College,<br>in the district (to be selected by the DM)      | - Member   |
| (v)   | Representative of a leading NGO working<br>for children welfare (to be nominated by the DM) | - Member   |
| (vi)  | Representative of a leading NGO working<br>for women welfare (to be nominated by the DM)    | - Member   |
| (vii) | Academicians / Psychologists / Sociologists<br>(one each to be nominated by DM)             | - Member   |

For cities where Police Commissioner is appointed, he shall be the Chairman of the Committee. In addition, Director, Information & Publicity of the State Government or his nominee shall be a member of the Committee. All other members shall be nominated by the Police Commissioner under various categories listed above.

The nominated members shall have a term of two years. They shall not be eligible for re-nomination. Any vacancy can be filled up by nominating a new member for a fresh term.

NOW THEREFORE, this Monitoring Committee will review and deliberate on the litany of complaints received by "Authorized officer" or take suo-moto cognisance of violations of Programme and Advertisement Codes in the programmes transmitted and re-transmitted in the local cable channels. The Committee will take a decision on the matters referred to it in accordance with the opinion of the majority of the members present at the meeting. The Committee will determine whether a violation of the Codes has taken place and render advice on the further action to be taken in the matter to the 'Authorised Officer'.

FURTHER, the Committee will forward complaints against satellite channels (National channels) to the Additional Secretary, Ministry of information & Broadcasting, Government of India, who is the chairman of the Inter-Ministerial Committee constituted under Section 20 of the Cable Act to look into the violations of Programme and Advertisement Codes.

In respect of content related issues telecast on local cable channels or on satellite TV channels which have local implications, Authorised Officer will take action as per Section 19 of the aforesaid Cable Act. However, content related issues telecast on satellite channels, which have all India implications the necessary action will be taken by Central Government.

Hindi version of this Order will follow.

- Sd -  
(Seema Jere Bisht)  
Director (BC)  
Tel : 23381592

To

1. All Chief Secretaries of the State Governments/Union Territories
2. All District Magistrates

LIST OF MANDATORY NATIONAL TV CHANNELS

<ol style="list-style-type: none"> <li>1. DD 1 (National Channel)</li> <li>2. DD (News Channel)</li> <li>3. DD Urdu</li> <li>4. DD Sports</li> <li>5. Gyan Darshan</li> <li>6. DD Rajya Sabha</li> <li>7. Lok Sabha TV Channel</li> <li>8. DD Bharati</li> </ol>	<p>In all States.</p> <p>Andhra Pradesh, Arunachal Pradesh, Assam, Chandigarh, Daman &amp; Diu, Dadra and Nagar Haveli, Gujarat, Jammu &amp; Kashmir, Karnataka, Kerala, Lakshdweep, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Pondicherry, Punjab, Tamil Nadu, Tripura and West Bengal.</p>
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LIST OF MANDATORY REGIONAL CHANNELS

<ol style="list-style-type: none"> <li>9. DD Saptagiri</li> <li>10. DD North East</li> </ol>	<p>Andhra Pradesh Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura</p>
<ol style="list-style-type: none"> <li>11. DD Punjabi</li> <li>12. DD Gujarati Gujarat</li> <li>13. DD Kashir</li> <li>14. DD Chandana</li> <li>15. DD Malayalam</li> <li>16. DD Sahyadri</li> <li>17. DD Oriya</li> <li>18. DD Podigai</li> <li>19. DD Bangla</li> <li>20. DD Bharti / Local regional Channel</li> </ol>	<p>Punjab and Chandigarh Daman &amp; Diu, Dadra &amp; Nagar Haveli and</p> <p>Jammu &amp; Kashmir Karnataka Kerala and Lakshadweep Maharashtra Orissa Pondicherry and Tamil Nadu West Bengal Andaman &amp; Nicobar Island, Bihar, Chattisgarh, Delhi, Goa, Haryana, Himachal Pradesh, Jharkhand, Uttar Pradesh, Uttaranchal, Madhya Pradesh, Rajasthan &amp; Sikkim.</p>

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**TELECOM REGULATORY AUTHORITY OF INDIA**

August 31, 2006

Press Release No. 85 / 2006

**Subject: Tariff Order for Free to Air Channels in Basic Service Tier , Pay Channel and Set Top Box schemes in respect of CAS notified areas of Delhi, Mumbai, Kolkata and Chennai.**

A Division Bench of the Hon'ble High Court of Delhi had on 20th July 2006, directed implementation of CAS in the three metros of Mumbai, Kolkata and Delhi by 31st December 2006. CAS is already under implementation in Chennai. During the deliberations for introduction of CAS, the three areas identified for tariff regulation were - pay channels, basic service tier, and schemes for supply of set top boxes.

2. On the basis of detailed examination and analysis of the inputs received during the process of consultation over the last two months, TRAI has issued, today, a detailed tariff order. This order prescribes (i) the rates of tariff for basic service tier consisting of free to air channels, (ii) maximum retail price of individual pay channels which the multi system operator /cable operator will charge from the subscriber and (iii) schemes for supply of set top boxes. This order is applicable in CAS notified areas of Mumbai, Delhi, Kolkata and Chennai. The salient features of the Tariff Order are given below.

3. TRAI's decision to fix a general ceiling on maximum retail price for pay channel for CAS areas has, among other things, been guided by two significant developments. Firstly, Hon'ble TDSAT in its judgment dated 14.7.2006 relating to DTH operators, in a petition between ASC Enterprises Vs Star India Pvt Ltd expressed the hope that TRAI would soon come out with regulations to lay down the charges for each channel. Separately, the Government of India notified the Cable Television Networks (Second Amendment) Rules 2006, on 31st July 2006. These rules required the broadcasters to declare the maximum retail prices (MRPs) of each pay channel on a la carte basis. The rules also provide that if TRAI considers these prices to be too high then TRAI could fix a general MRP for all pay channels or the MRPs for each pay channel. TRAI found that generally the prices reported by the broadcasters were too high. Accordingly, it has now fixed a general ceiling on MRP. The individual pay channel prices are to be fixed by the broadcasters within this ceiling. While fixing the MRPs for the pay channels TRAI has followed a path of least intervention - broadcasters /MSOs are free to form bouquets and provide discounts for the same apart from providing pay channels on an a-la-carte basis, while at the same time ensuring that consumers' choice is maximized because of a reasonable a-la-carte pricing. To provide some stability to the revenues of the broadcasters it has also been provided that the MRPs will apply only where the subscription is for a minimum period of four months.

**4. The major features of the tariff order for pay channels are :**

- All Pay channels to be offered compulsorily on a la carte basis.
- Bouquets can be offered with discounts in addition to the a la carte offer.
- Ceiling on the maximum retail price of any pay channel whether new or existing will be Rs. 5/- per channel per subscriber per month (excluding taxes).
- Broadcasters are free to fix prices of individual pay channels within this ceiling.

- o Minimum period of subscription to a pay channel to be at least 4 months.
- o One month's notice to subscribers before conversion of a free to air channel to pay channel or vice versa.
- o The above will come into effect from 31st December 2006.

**5. Rate for free to air channels (channels viewed without set top box) comprised in a basic service tier:**

- o Maximum amount that can be charged will be Rs. 77/- (exclusive of taxes) per subscriber per month with a stipulation for a minimum of 30 free to air channels. Additional free to air channels, if any provided, also to be accommodated within the above maximum amount.
- o This tariff will come into force from 31st December 2006 in Mumbai, Delhi and Kolkata. This tariff is already prevailing in Chennai.

**6. Scheme for supply of set top boxes**

- o Two schemes to be compulsorily provided by the multi system operators /cable operators as part of a standard tariff package:
  - One with a monthly rental of Rs.30 per digital set top box plus a refundable deposit of Rs. 999/- per box (refund will be made after deducting Rs.12.50 per month for use of the STB)
  - Second, with a monthly rental @ 45/- per digital set top box (Rs. 23 for analogue set top box) with a refundable deposit of Rs. 250/- per box. ( refund will be made after deducting Rs.3/- per month for use of the STB).
- o Operators can offer alternative tariff packages in addition to the mandated standard tariff package.
- o No separate charges for installation, activation or reactivation, smart card viewing card and repair and maintenance (for five years) allowed.
- o The above will come into affect from 15th October 2006.

TRAI has thus ensured adequate commercial interoperability which means that a consumer can easily exit the scheme whenever he /she desires.

7. TRAI has already issued last week Regulations on Quality of Service and Interconnection for CAS areas. The full text of these Regulations and the Tariff Order issued today are available on TRAI's website [www.traai.gov.in](http://www.traai.gov.in).

LIST OF **FREE TO AIR** TV CHANNELS PERMITTED TO UPLINK FROM INDIA

Name of the Channels
1. JAYA TV
2. JAYA PLUS
3. JAYA MAX
4. J. MOVIE
5. KAIRALI
6. PEOPLE
7. WE
8. AAJ TAK
9. HEADLINES TODAY
10. DELHI AAJ TAK
11. AAJTAK TEZ
12. Business Today
13. SUN TV,
14. SUN NEWS,
15. SURYA TV,
16. CHUTTI TV,
17. SUN MUSIC,
18. ADITHYA TV,
19. KIRAN TV,
20. USHE TV,
21. UDAYA NEWS,
22. TEJA NEWS, KTV
23. UDAYA TV,
24. UDAYA TV-II.
25. Udaya Varthegalu.
26. Udaya Movies
27. TMG ENTER
28. ZEE MUSIC
29. SMILE TV
30. WIN TV
31. AASEERVATHAM
32. INDIAVISION NEWS
33. YES-INDIAVISION
34. CNBC-TV 18
35. TV 9
36. TV9 Kannada
37. TV9 Mumbia
38. Sanskruthi
39. TV9-NCR
40. Bollywood TV
41. TV9 Gujarat
42. Live India
43. CNN-IBN
44. Satya TV
45. YO MUSIC

46. TIMES NOW
47. IMAYAM TV
48. MANORAMA NEWS SOUTH
49. MANORAMA NEWS NORTH
50. MANORAMA NEWS CENTRAL
51. Manorama News International
52. KOLKATA TV
53. 24 GHANTA
54. MAKKAL TV
55. TV-100
56. Pragya TV
57. OTV
58. CTVN-AKD-PLUS
59. PBC TV
60. Channel No.1
61. Mega TV
62. Dhaliwal TV
63. Real Estate
64. Mi Marathi
65. TV 5
66. Jai Hind
67. Space
68. Time TV
69. N TV
70. Bhakthi
71. AZAD
72. TML Voice of India
73. TML Voice of India Lifestyle,
74. TML Voice of India Music,
75. TML Voice of India NCR,
76. TML Voice of India Bangla,
77. TML Voice of India Gujarati,
78. TML Voice of India Marathi
79. Manoranjan TV
80. News Live
81. Sri Venkateswara
82. Life 24, E 24
83. I TV
84. News X
85. News 24, Biz 24
86. Channel 10
87. Channel Eight
88. Kalaignar TV
89. Kalaignar Isai Aruvi
90. Tulsi
91. Mahuaa
92. Ashirwad
93. Home Shop 18
94. Unity-Hariyali
95. R TV
96. Virsa

97. Vasanth
98. Samay
99. Sobhagya
100. Era Channel
101. Wellmess
102. SAAM TV
103. HBN

- Note : (1) The list of TV channels indicating status of being Free To Air has been prepared as per records available in the Section which had been supplied by the channels at the time of submission of their applications.
- (2) No free to air TV channels have yet been notified under Section 4A of the Cable TV Networks (Regulation) Act, 1995.

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## Annexure C: Letter to the State Governments

नृपेन्द्र मिश्र  
**Nripendra Misra**  
अध्यक्ष/Chairman  
भारतीय दूरसंचार विनियामक प्राधिकरण  
Telecom Regulatory Authority of India



D.O. No. 12-30/2008-B&CS  
Dated: 21.10.2008

Dear *Chief Secretary*

I am writing to you for inviting your kind attention to an important matter dealing with the protection of interests of millions of those consumers in your State who have subscribed to the cable TV services and direct to home (DTH) services.

2. Telecom Regulatory Authority of India (TRAI) was constituted in 1997 by an Act of Parliament for regulating certain aspects of telecommunications sector. Subsequently, in 2004, TRAI was further given the powers to regulate the cable TV services and direct to home (DTH) services also. In our country today, there are approximately 78 million households covered by cable TV services served by about 60,000 last mile cable TV operators, and about 5 million are covered by pay DTH services served by five DTH operators. As you may be aware, protection of consumer rights is one of the mandates of TRAI. For this purpose, TRAI issues Quality of Service (QoS) Regulations. We have so far issued such Regulations for those cable TV subscribers who are residing in areas where Conditional Access System (CAS) has been notified (parts of Delhi, Mumbai & Kolkata, and the whole of Chennai), covering about 2.5 million subscribers (out of 78 million subscribers). Similarly, QoS Regulations have also been issued for DTH subscribers.

3. It is felt that these QoS Regulations can be effectively enforced only with the assistance of State Government. This is mainly because of the fact that TRAI, located at Delhi, cannot effectively attend to the needs of 83 million subscribers of cable TV and DTH services, being served by five DTH operators and 60,000 cable operators scattered all over the country. While section 14 of the Telecom Regulatory Authority of India Act, 1997 (or "TRAI Act") does provide for an individual consumer to take his complaint to the District level Consumer Disputes Redressal Forum, the feedback received by us is that these Forums often take a long time to pass orders and is not cost effective for the consumer.

4. We believe that a solution to this problem can be found if the State Governments come forward to assist TRAI in its endeavour to protect consumers' interests. What we are, therefore, proposing is that while TRAI will issue QoS Regulations for cable TV subscribers residing in non-CAS areas of your State, we shall simultaneously delegate, **with your consent**, TRAI's powers of enforcement under TRAI Act to the District Administration and Police Commissioners in your State. For this purpose, we propose to utilise the existing mechanism of Authorised Officers who are already empowered under the Cable Television Networks (Regulation) Act, 1995 (also called "Cable TV Act"), for taking action in cases of

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महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग, (पुराना मिनटो रोड), नई दिल्ली-110002  
दूरभाष : 91-11-23211236, 23213409 फॅक्स : 91-11-23236026 ई-मेल : cp@traigov.in  
Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg, (Old Minto Road), New Delhi-110002  
Tel. : 91-11-23211236, 23213409, Fax : 91-11-23236026 E-mail : cp@traigov.in  
Website : www.traigov.in

violations of Cable TV Act. Section 2(a) of the Cable TV Act defines the Authorised Officers as follows:

“authorised officer” means, within his local limits of jurisdiction;-

- (i) a District Magistrate, or
- (ii) a Sub-divisional Magistrate, or
- (iii) a Commissioner of Police,

and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorised officer of such local limits of jurisdiction as may be determined by that Government;”

5. However, these Authorised Officers will have to be specifically empowered for taking action in cases of violations of our QoS Regulations which are issued under TRAI Act. We now propose to delegate the enforcement powers of TRAI Act to these Authorised Officers with your consent. Once such Order of delegation is issued by us, the Authorised Officers can then take action for violations of QoS Regulations (covering all distribution platforms such as Cable TV in CAS and non-CAS areas, DTH, IPTV etc.) as per the provisions of TRAI Act, besides taking any other action under Cable TV Act for which they already have powers.

6. Accordingly, I am enclosing a draft Order of delegation to enable you to convey the consent of your State Government for this Order of delegation. The TRAI Act and the QoS Regulations issued by the B&CS Division of TRAI are available on our website [www.traigov.in](http://www.traigov.in). The Cable TV Act is available on the website of Ministry of Information & Broadcasting at [www.mib.nic.in](http://www.mib.nic.in). For any clarifications, Shri R.N. Choubey, Principal Advisor (Phone No. 011- 23221509) or Shri Rakesh Gupta, Jt. Advisor (Phone No. 011-23220364, Fax No. 011-23220442) may be contacted.

I look forward to a positive response from your State Government which may kindly be conveyed by 20<sup>th</sup> November, 2008, which will go a long way in protecting the consumers' interests who at present, in most cases, may be subjected to last mile monopoly of cable TV operators.

*with best wishes*

Yours sincerely,

  
(Nripendra Misra)

Encl.: Draft Order of delegation

# The Telecom Regulatory Authority of India

## (Broadcasting & Cable Services Division)

File No. 12-30/2008-B&CS

Dated .11.2008

### ORDER

**Subject:** Delegation of certain powers as provided under section 33 of the Telecom Regulatory Authority of India Act, 1997, to the Authorised Officers as defined in the Cable Television Networks (Regulation) Act, 1995

**Whereas** the Telecom Regulatory Authority of India, under sub-clause (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997, (hereinafter referred to as “**TRAI Act**”) has been conferred with the powers to lay down the Standards of Quality of Service to be provided by the service providers and ensure the quality of service and conduct periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. **And** whereas by the Notification No.39 issued by the Ministry of Communication & Information Technology on 9<sup>th</sup> January, 2004 (S.O.No.44(E)), the Central Government has notified the broadcasting services and cable services to be telecommunication service, thus conferring powers upon the Telecom Regulatory Authority of India to regulate these services;

3. **And** whereas the Telecom Regulatory Authority of India has been issuing Regulations from time to time for laying down the Standards of Quality of Service to be provided by the service providers of such broadcasting services and cable services so as to protect the interests of the consumers;

4. **And** whereas a need has now been felt to put in place an appropriate mechanism to ensure quick redressal/rectification of the violations of such Regulations reported by the consumers of such broadcasting services and cable services;

5. **Now, therefore,** under the powers conferred under section 33 of the Telecom Regulatory Authority of India Act, 1997, the Telecom Regulatory Authority of India hereby delegates to the Authorised Officers (hereinafter referred to as “**Authorised Officers**”) as defined in the Cable Television Networks (Regulation) Act, 1995, (hereinafter referred to as the “**Cable TV Act**”) the following powers and functions under the Telecom Regulatory Authority of India Act, 1997:

- (i) The function relating to ensuring the quality of service and conducting periodical surveys of such service provided by the service providers so as to protect the interests of the consumers of broadcasting services and cable services, as provided under sub-clause (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997;
- (ii) The powers relating to calling for information, conducting investigations and issuing direction etc as provided under section 12 of the Telecom Regulatory Authority of India Act, 1997, except those under sub-section (3) therein, ;

Provided that any action taken by the Authorised Officer under this delegation shall only be with reference to a specific complaint of a consumer or consumers and shall be limited to the redressal of the complaint so received, and no action under sub-sections (1) or (2) or direction under sub-section (4) shall be of a general nature;

- (iii) The powers relating to lodging a complaint under section 34 of the Telecom Regulatory Authority of India Act, 1997, in the court of Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class,

Provided that such complaints shall be limited to the discharge of delegated powers under this Order;

6. **Provided** further that the exercise of the delegated powers by the Authorised Officer under this Order shall be limited only to the Regulations and Directions issued from time to time by the Telecom Regulatory Authority of India, under sub-clause (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997, relating to the Standards of Quality of Service to be provided by the service providers of broadcasting services and cable TV services;

7. **Provided** further that the exercise of the delegated powers by the Authorised Officer under this Order shall be limited only to his area of jurisdiction;
8. **Provided** further that the Authorised Officer shall not further delegate these powers to any other person;
9. **Provided** further that the exercise of the delegated powers by the Authorised Officer under this Order shall be subject to the condition, as permitted under section 33 of the TRAI Act, that the Telecom Regulatory Authority of India shall have the powers of overall supervision over the actions of the Authorised Officer, including amending, withdrawing or superceding any of the orders or directions issued or complaints lodged by the Authorised Officer and such decision of Telecom Authority of India shall be final;
10. **Provided** further that the Authorised Officer shall be entitled at all times to the protection under the law as provided under section 28 of the TRAI Act.
11. **Notwithstanding** anything contained in this Order, the Telecom Regulatory Authority of India shall have the powers to modify or withdraw this Order at any time in any manner consistent with the provisions of TRAI Act.

**(R.K. Arnold)**

**Secretary**

**To**

**The Authorised Officers**

Copy to:

(1) The Chief Secretaries of the State Governments

(2) The Secretary, Ministry of Information & Broadcasting

Government of India, New Delhi.



# Annexure D: TRAI's letter to Ministry of Information & Broadcasting

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Nripendra Misra  
अध्यक्ष/Chairman  
भारतीय दूरसंचार विनियामक प्राधिकरण  
Telecom Regulatory Authority of India



D.O. No. 12-30/2008-B&CS  
Dated: 21.10.2008

Dear Madam

As you are aware, section 11(1)(b)(v) of TRAI Act, 1997, requires the Telecom Regulatory Authority of India to lay down the standards of Quality of Service (QoS) which a service provider has to ensure while providing service at the consumer end. Such QoS Regulations are intended to protect consumers' interests and to empower them for taking appropriate action if the service providers do not meet the QoS benchmarks.

2. While TRAI has issued separate QoS Regulations for cable TV services in CAS areas and for DTH services, no such regulation could be issued for cable TV services in non-CAS areas. This is mainly because there is a lack of effective consumer grievance redressal mechanism at the grass root level, keeping in mind that there are nearly 78 million cable TV subscribers being served by upto 60,000 cable TV operators. While TRAI Act does provide for an individual consumer to take his complaint to the District level Consumer Disputes Redressal Forum, the feedback received by us is that these are not very friendly and efficient route for the redressal of grievance.

3. We welcome the Order No. F-1203/1/2007-BC.II dated 19.2.2008 issued by your Ministry in which Monitoring Committees have been constituted at the district and State levels. These Monitoring Committees are essentially meant to help in content regulation of the TV channels and to ensure implementation of certain sections of Cable Television Networks (Regulation) Act, 1995. It is now proposed, through this letter, to request your Ministry to enlarge the scope of these Monitoring Committees to monitor all the QoS Regulations relating to broadcasting and cable TV services issued by TRAI from time to time.

4. In particular, therefore, it is proposed that in para 7 of the said Order dealing with "Scope of the Committee", the following sub-para may be added:

"(vi) To monitor all the Quality of Service Regulations relating to broadcasting and cable TV services issued by Telecom Regulatory Authority of India from time to time (available on TRAI's website at [www.trai.gov.in](http://www.trai.gov.in)), and to provide a forum where the public may lodge a complaint regarding violations of these Regulations".

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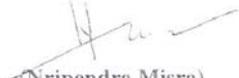
महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग, (पुराना मिनटो रोड), नई दिल्ली-110002  
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Tel. : 91-11-23211236, 23213409, Fax : 91-11-23236026 E-mail : [cp@trai.gov.in](mailto:cp@trai.gov.in)  
Website : [www.trai.gov.in](http://www.trai.gov.in)

Similarly, in para 8 dealing with "Suggested procedure", the following may be added:

"(vi) The complaint cell headed by the Nodal Officer at district level mentioned in sub-para (i) above shall also receive all the complaints filed by the subscribers against the local cable operators/DTH operators pertaining to violations of Quality of Service Regulations relating to broadcasting and cable TV services issued by Telecom Regulatory Authority of India from time to time. These complaints shall be referred by the Nodal Officer to the local cable operator/DTH operator concerned for urgent redressal/rectification. If in the opinion of the Nodal Officer, the local cable operator/DTH operator is held to be in continued violation of the said Regulations, then he shall bring the same to the notice of District Monitoring Committee for appropriate action under the law. The Committee may also take a view about reporting such cases of blatant and continued violations to the notice of registering/licensing authority (which are presently the Head Post Offices of the area in the case of cable operators, and the Ministry of Information & Broadcasting in the case of DTH operators) and to the notice of Telecom Regulatory Authority of India."

5. Once your Ministry agrees to issue the amendments as above, TRAI will take steps to issue the Quality of Service Regulations for non-CAS areas. In the meantime, we propose to go ahead with the release of consultation paper on this issue in anticipation of positive action from your Ministry.

Yours sincerely,



(Nripendra Misra)

Smt. Sushma Singh, IAS  
Secretary  
Ministry of Information & Broadcasting,  
Shastri Bhavan, New Delhi- 110 001