

DIRECT TO HOME BROADCASTING SERVICES (STANDARDS OF QUALITY OF SERVICE AND REDRESSAL OF GRIEVANCES) REGULATIONS, 2007

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short title and commencement
2. Definitions

CHAPTER 2 :-DIRECT TO HOME SERVICE, ITS CONNECTION, DISCONNECTION, TRANSFER AND SHIFTING

3. Obligation of every direct to home operator to give direct to home service
4. Option to provide Direct To Home Customer Premises Equipment on out right purchase or hire purchase or rent
5. Procedure for direct to home service connection, disconnection or shifting
6. Discontinuing exhibiting of any channel only after notice
7. Discontinuing direct to home service to any direct to home subscriber
8. Prohibition to disable Direct to Home Set Top Boxes
9. No increase of subscription for direct to home service for six months
10. No charges to be levied during discontinuance of direct to home service

CHAPTER 3 :- BILLING FOR DIRECT TO HOME SERVICE

11. Billing for post paid direct to home subscribers
12. Providing usage details in respect to Pre-paid direct to home service

CHAPTER 4 :-REDRESSAL OF DIRECT TO HOME SUBSCRIBER GRIEVANCES BY CALL CENTRES

13. Establishment of Call Centre
14. Procedure for handling request or complaint by Call Centres
15. Time limit for redressal of grievance of the direct to home subscriber by Call Centres

CHAPTER 5 :-REDRESSAL OF DIRECT TO HOME SUBSCRIBER GRIEVANCES BY NODAL OFFICERS

16. Appointment or designation of Nodal Officer
17. Redressal of Grievances of direct to home Subscribers by Nodal Officers
18. Handling of grievances of direct to home subscriber by Nodal Officers
19. Time limit for redressal of complaints by Nodal Officer

CHAPTER 6 :-COMPLAINTSFORWADED BY AUTHORITY TO DIRECT TO HOME OPERATOR FOR REDRESSAL OF GRIEVANCES OF DIRECT TO HOME SUBSCRIBER

20. Complaints forwarded to direct to home operator by Authority

CHAPTER 7 :-OBLIGATIONOF DIRECT TO HOME OPERATOR FOR DIRECT TO HOME SUBSCRIBER EDUCATION ANDPREVENTION OF GRIEVANCES

21. Manual of Practice for direct to home subscriber

CHAPTER 8 :- MISCELLENEOUS

22. Identification of personnel of direct to home operator
23. Inspection and Auditing
24. Intervention by Authority in certain cases
25. Application of other laws not barred
26. Right of direct to home subscriber to seek redressal under the Consumer Protection Act, 1986 or any other law for the time being in force
27. Provisions of these regulations to apply to persons availing direct to home service before commencement of these regulations

SCHEDULE 1 :-

DIRECT TO HOME BROADCASTING SERVICES (STANDARDS OF QUALITY OF SERVICE AND REDRESSAL OF GRIEVANCES) REGULATIONS, 2007

F.No.4-557 2007-BandCS.- In exercise of the powers conferred by section 36, read with sub clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39,- (a)issued, in exercise of the powers conferred upon the Central Government under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub section (1) of section 2 of the said Act, and (b)published under notification No. S.O.44 (E) and 45 (E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4, the Telecom Regulatory Authority

of India hereby makes the following regulations, namely:-

CHAPTER 1
PRELIMINARY

1. Short title and commencement :-

(1) These regulations may be called the Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007.

(2) They shall come into force on the 1st day of December, 2007.

2. Definitions :-

In these regulations, unless the context otherwise requires,-

(a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(c) "broadcaster" means any person including an individual, group of persons, body corporate, firm or any organisation or body, who, or, which, is providing programming services and includes his authorised distribution agencies;

(d) "Call Centre" means a department or a section or a facility established under sub-regulation (1) of regulation 13 by the direct to home operator for registering of service requests, answering queries, recording of complaints, and redressal of grievances, of its direct to home subscribers, by telephone or electronic means or by any other means;

(e) "commercial subscriber" means any subscriber who receives a programming service at a place indicated by him to a service provider and uses signals of such service for the benefit of his clients, customers, members or any other class or group of persons having access to such place;

(f) "Direct to Home Customer Premises Equipment" means the components and accessories installed at the premises of the subscriber to enable the reception of a direct to home service and includes Direct to Home Set Top Box, the remote control for set top box and the dish antenna;

(g) "direct to home operator" means an operator licensed by the

Central Government to distribute multi channel TV programmes by using a satellite system directly to subscriber's premises without passing through intermediary such as cable operator or any other distributor of TV channels;

(h) "direct to home service" means distribution of multi channel TV programmes by using a satellite system by providing TV signals directly to subscriber's premises without passing through an intermediary such as cable operator or any other distributor of TV channels;

(i) "direct to home subscriber" means a subscriber who receives the signals of a direct to home service;

(j) "distributor of TV channels" means any person including an individual, group of persons, public or body corporate, firm or any organisation or body re-transmitting TV channels through electromagnetic waves through cable or through space intended to be received by general public directly or indirectly and such person may include, but is not limited to, a cable operator, direct to home operator, multi system operator, head ends in the sky operator and a service provider offering Internet Protocol television service;

(k) "Direct to Home Set Top Box" means a device,-

(i) which is connected to, or is part of a television; and

(ii) which allows a direct to home subscriber to receive and view the channels of a direct to home service;

(l) "Internet Protocol television service" means delivery of multi channel TV programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;

(m) "Manual" means the Manual of Practice referred to in sub-regulation (1) of regulation 21;

(n) "Nodal Officer" means the officer appointed or designated under sub-regulation (1) of regulation 16 by a direct to home operator;

(o) "ordinary subscriber" means any subscriber who receives a programming service from a service provider and uses the same for his domestic purposes; (p) "pay channel" means a channel for which fees is to be paid to the broadcaster by the person receiving the signals from the broadcaster, for its re-transmission through electromagnetic waves through cable or through space intended to

be received by the general public either directly or indirectly;

(q) "programme" means any television broadcast and includes-

(i) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;

(ii) any audio or visual or audio-visual live performance or presentation, and the expression "programming service" shall be construed accordingly;

(r) "regulations" means the Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007;

(s) "Schedule" means the Schedule annexed to these regulations;

(t) "subscriber" means a person who receives the signals of a service provider at a place indicated to the service provider by him without further transmitting it to any other person and includes ordinary subscribers and commercial subscribers unless specifically excluded;

(u) All other words and expressions used in these regulations but not defined, and defined in the Act or the Cable Television Networks (Regulation) Act, 1995 and the rules, orders and other regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules, orders or other regulations, as the case may be.

CHAPTER 2

DIRECT TO HOME SERVICE, ITS CONNECTION, DISCONNECTION, TRANSFER AND SHIFTING

3. Obligation of every direct to home operator to give direct to home service :-

Every direct to home operator shall, on fulfillment of the requisite requirements for providing direct to home service, provide, on non discriminatory basis, the direct to home service to every person making request for the same, subject to technical and operational feasibility.

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,

(a) in accordance with the scheme, if any, made by the Authority in this behalf;

(b) in case no such scheme as referred to in clause (a) has been made by the Authority, then in accordance with the schemes made by the direct to home operator or his agent authorised by him in this behalf and such schemes shall, inter alia, provide for the following, namely:-

(i) the period of hire-purchase together with the details of installments;

(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:

Provided that this sub-regulation shall not apply to cases where it is found that the Direct to Home Customer Premises Equipment has been tampered with;

(iii) the terms and conditions for return of Direct to Home Customer Premises Equipment by a direct to home subscriber to the direct to home operator, before completion of period of hire

(iv) refund of security deposit or advance payments, if any, after appropriate and reasonable adjustments in case of return of Direct to Home Customer Premises Equipment by a direct to home subscriber to the direct to home operator:

Provided that, in case the Direct to Home Customer Premises Equipment made available to any direct to home subscriber before the commencement of these regulations does not conform to the Indian Standard set by the Bureau of Indian Standards as applicable, the direct to home operator shall, within seven days of commencement of these regulations, replace, without any extra charge, the Direct To Home Customer Premises Equipment made available before such commencement with the Direct to Home Customer Premises Equipment conforming to the Indian Standard set by the Bureau of Indian Standards as applicable.

(2) Every direct to home operator shall give all the three options, namely, (a) on outright purchase basis, (b) on hire purchase basis, and (c) on rental basis, as referred to in sub-regulation (1), for making available the Direct to Home Customer Premises Equipment to the person making the request for the same under that sub-regulation.

5. Procedure for direct to home service connection, disconnection or shifting :-

(1) Any person seeking connection, disconnection or shifting of direct to home service connection may make an application in duplicate to the direct to home operator in such format as may be specified by the direct to home operator and such application shall be provided to such person by the direct to home operator:

(2) The format of application referred to in sub-regulation (1) shall contain among other things the following information, namely:-

(i) name, address and telephone number of the applicant;

(ii) details of schemes for provision of Direct to Home Customer Premises Equipment;

(iii) details of subscription package indicating therein, among others, the number and names of all the channels and value added services, if any;

(iv) details of documents to be furnished;

(v) details of terms and conditions of payment.

(3) Every direct to home operator shall, on receipt of an application in duplicate for connection of direct to home service, made by any person complete in all respects, give a unique customer identification number and provide a copy of the Manual at the time of his subscription for direct to home service.

(4) All information furnished by the applicant shall be kept confidential.

(5) Every direct to home operator shall, .

(a) evolve procedures for handling requests for shift in the place of installation of the direct to home service, transfer the said service from one direct to home subscriber to another, dis-connection or re-connection of the direct to home service;

(b) specify the maximum time limit within which the request referred to in clause (a) above, be fulfilled and such time limit, subject to technical feasibility, in no case shall exceed five working days from the date of making of such request.

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.

7. Discontinuing direct to home service to any direct to home subscriber :-

(1) Save as otherwise provided in these regulations, no direct to home operator shall discontinue its direct to home service to its direct to home subscriber without giving prior notice indicating the reasons for such disconnection.

(2) The provisions of sub-regulation (1) shall not apply to the direct to home service provided on pre-paid basis which had been discontinued due to non availability of balance amount for providing such service on pre paid basis.

(3) In case direct to home service is required to be interrupted for the purpose of facilitating preventive maintenance, the subscribers shall be given a prior notice indicating therein the expected date of resumption of service.

8. Prohibition to disable Direct to Home Set Top Boxes :-

In case the direct to home subscriber does not owe any dues (including any arrear towards installments of hire purchase scheme or arrears of rent for the Direct to Home Customer Premises Equipment of such operator) to a direct to home operator, such operator shall not disable the Direct to Home Set Top Box of such subscriber who does not intend to continue to opt or avail direct to home services offered by such direct to home operator and uses or

intends to use the Direct to Home Customer Premises Equipment for viewing the direct to home services of Doordarshan or any other direct to home operator.

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.

(2) The provisions of sub-regulation (1) shall not prevent any direct to home operator to reduce the price of the subscription package within the period of six months referred to in that sub-regulation to the advantage of direct to home subscriber:

(3) Nothing contained in sub-regulation (1) shall prevent any direct to home subscriber to opt, during the period of six months referred to in that sub-regulation, for any other subscription package offered by such direct to home operator or any other direct to home operator

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10. No charges to be levied during discontinuance of direct to home service :-

No charges (other than charges in respect of Direct to Home Customer Premises Equipment) relating to 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, or reactivation charges for resumption of such service, shall be payable by any direct to home subscriber.

CHAPTER 3

BILLING FOR DIRECT TO HOME SERVICE

11. Billing for post paid direct to home subscribers :-

Every direct to home operator shall issue bills, to its direct to home subscribers who opt for direct to home service on post-paid basis specifying in such bills,

(a) the charges for such package;

(b) the charges for the value added services availed by such

subscriber;

(c) the charges for Direct to Home Customer Premises Equipment;

(d) the nature and rate of applicable taxes;

12. Providing usage details in respect to Pre-paid direct to home service :-

(1) Every direct to home operator, shall, on request from any direct to home subscriber who has been provided pre-paid direct to home service, supply to the subscriber, at a reasonable cost, the information relating to the itemized usage charges showing actual usage of direct to home service.

(2) Every direct to home operator, shall provide the information referred to in sub-regulation (1) for any period falling in preceding six months immediately preceding the month in which the request has been made by the subscriber under the said sub-regulation.

CHAPTER 4

REDRESSAL OF DIRECT TO HOME SUBSCRIBER GRIEVANCES BY CALL CENTRES

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, and such Call Centre shall be accessible to its direct to home subscribers round the clock during all days in a week:

Provided that a direct to home operator, who has been granted a licence after the commencement of these regulations, shall establish such one or more Call Centres before or simultaneously with commencement of its operations.

(2) Every direct to home operator shall earmark or allot or establish basic telephone or cellular mobile telephone number having sufficient lines or connections to be called as the "toll free number" or "consumer care number" or "help line number" or "special number", as the case may be, at its Call Centres, so as to ensure the compliance of the benchmarks specified in the Schedule to these regulations.

(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.

(4) Every direct to home operator shall, immediately on establishment of its Call Centre, give wide publicity about such Call Centres.

14. Procedure for handling request or complaint by Call Centres :-

Every direct to home operator shall ensure that the Call Centres, immediately on receipt of a request or complaint, as the case may be, from its direct to home subscriber relating to direct to home service, register such requests or queries or complaints of its direct to home subscriber by allotting a unique identification number to be called the docket number and inform the same to the direct to home subscriber.

15. Time limit for redressal of grievance of the direct to home subscriber by Call Centres :-

(1) Every direct to home operator shall take necessary steps to address all requests or queries or redress all complaints by the direct to home subscriber as early as possible: Provided that

(a) in case of complaints relating to non-receipt of all signals (other than those caused by disturbances of weather or natural calamities) by direct to home subscriber, at least ninety per cent of all such complaints shall be redressed and signals restored within a period of twenty-four hours of the receipt of complaint;

(b) in case of complaints (other than non receipt of signals) by direct to home subscriber, at least ninety per cent of all such complaints shall be redressed within a period of forty-eight hours of the receipt of complaint.

(2) No complaint referred to in clauses (a) and (b) of proviso to sub-regulation (1) shall remain unresolved beyond five days. Provided further that the requests or complaints which

(a) relate to the remote or hilly tracts or hilly areas or distant rural areas; or

(b) are caused by disturbances of weather, may be addressed or redressed as early as may be feasible

(3) In case a direct to home operator fails to redress the complaint within the period specified in sub-regulation (2), it shall, without prejudice to any other right conferred upon the direct to home subscribers under any law for the time being in force, give proportionate rebate to the direct to home subscriber for the period during which such complaints had not been redressed and such period shall be reckoned from the date of expiry of five days, referred to in sub-regulation (2)

Provided that the time limit specified in clause (a) or clause (b) of the proviso to sub-regulation (1) or the rebate specified in sub-regulation (3) shall not apply in a case in which the Direct to Home Customer Premises Equipment had been found tampered with or damaged by the direct to home subscriber or stolen, as the case may be.

Provided further that in case a direct to home operator finds, at the time of redressal of complaint of a direct to home subscriber that the Direct to Home Customer Premises Equipment installed at his premises had been found tampered with or damaged by the direct to home subscriber, the direct to home operator shall within five days of making of the complaint by such subscriber intimate the same in writing to the direct to home subscriber.

(4) Every complaint relating to billing of direct to home service shall be redressed within seven days of receiving such complaint from the direct to home subscriber and refunds, if any, due to him, shall be made to such subscriber within thirty days of making of such complaint by him.

CHAPTER 5

REDRESSAL OF DIRECT TO HOME SUBSCRIBER GRIEVANCES BY NODAL OFFICERS

16. Appointment or designation of Nodal Officer :-

(1) Every direct to home operator shall, before or on the date of commencement of these regulations, appoint or designate one or more Nodal Officers in every State in which it is providing direct to home service, as may be considered necessary for the purposes of these regulations:

Provided that a direct to home operator, who has been granted a licence after the commencement of these regulations, shall appoint or designate simultaneously with provision of direct to home service, one or more Nodal Officers in every State in which it is

providing direct to home service, as may be considered necessary for the purposes of these regulations.

(2) Every direct to home operator shall, immediately on appointment or designation or change of a Nodal Officer

(a) give wide publicity about appointment or designation of such Nodal Officers or any change thereof;

(b) display, at its each office, Call Centre, customer care center, help desk, and, at the sales outlets, website and at the office of the Nodal Officer, the name of the Nodal Officers, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them.

17. Redressal of Grievances of direct to home Subscribers by Nodal Officers :-

In case a direct to home subscriber is not satisfied with the redressal of his grievance by the Call Centre, such subscriber may approach, by a letter in writing, or through telephone, or web based online filing of complaints or through short message service or through other electronic means or any other means, the Nodal Officer of the direct to home operator for redressal of his grievance:

Provided that a direct to home subscriber may, in emergent situation, approach at the first instance a Nodal Officer instead of a Call Centre and the Nodal Officer shall redress the grievance.

18. Handling of grievances of direct to home subscriber by Nodal Officers :-

Every Nodal Officer shall,

(a) be accessible to the direct to home subscribers at the address publicised, as required by regulation 16;

(b) register every complaint lodged by the direct to home subscriber;

(c) issue an acknowledgement to the concerned direct to home subscriber within three days from date of the receipt of the complaint indicating therein the unique complaint number;

(d) intimate, within the time limit specified in regulation 19, the decision taken in respect of such complaint, to the direct to home subscriber, immediately after taking the remedial measure for redressal of the grievance.

19. Time limit for redressal of complaints by Nodal Officer :-

The Nodal Officer shall resolve or redress the complaints of the direct to home subscriber within ten days of the registration of the complaint under regulation 18.

CHAPTER 6

COMPLAINTS FORWARDED BY AUTHORITY TO DIRECT TO HOME OPERATOR FOR REDRESSAL OF GRIEVANCES OF DIRECT TO HOME SUBSCRIBER

20. Complaints forwarded to direct to home operator by Authority :-

(1)The Authority may, without prejudice to the provisions contained in the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), forward to the direct to home operator for redressal the complaints

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

(b)being the complaints, of the direct to home subscriber which are generic in nature;

(c)being the complaints, alleging the practices adopted by direct to home operator adversely affecting the interest of the direct to home subscribers.

(2)The direct to home operator shall resolve or redress such complaints within fifteen days from the date of forwarding of the complaints by the Authority.

(3)The direct to home operator, shall inform the concerned direct to home subscriber and the Authority regarding resolution or redressal of the complaint within one month from the date of forwarding of the complaints under sub-regulation (1).

CHAPTER 7

OBLIGATION OF DIRECT TO HOME OPERATOR FOR DIRECT TO HOME SUBSCRIBER EDUCATION AND PREVENTION OF GRIEVANCES

21. Manual of Practice for direct to home subscriber :-

(1) Every direct to home operator shall publish a Manual of Practice containing, among other things, the following information relating to direct to home service, namely: -

(a) details of call centres and Nodal Officers;

(b) procedure and benchmarks for redressal of complaints through

the call centres and through the Nodal Officers;

(c) instructions regarding operations of Direct to Home Customer Premises Equipments;

(d) rights conferred upon the direct to home subscribers under these regulations;

(e) duties and obligations of the direct to home operator.

(2) A copy of the Manual shall be provided by the direct to home operator or his agent to each direct to home subscriber at the time of his subscription for direct to home service.

CHAPTER 8

MISCELLANEOUS

22. Identification of personnel of direct to home operator :-

Every direct to home operator shall ensure that its representatives carry proper identification along with a photograph duly certified by such operator and exhibit the same as proof of identity to the direct to home subscriber.

23. Inspection and Auditing :-

(1) Every direct to home operator shall maintain for at least a period of one year the complete and accurate records of redressal of grievances of the direct to home subscribers by its Call Centres and Nodal Officers.

(2) The Authority may, if it considers it expedient so to do, and to ensure compliance of the provisions of these regulations, by order in writing, direct any of its officers or employees or through one or more persons appointed by the Authority to inspect any Call Centre and office of the Nodal Officer and the records maintained under sub-regulation (1), and submit to the Authority a report in respect of such inspection.

(3) The Authority, if it considers it expedient so to do, may require the direct to home operator to~

(a) get the records maintained under sub-regulation (1) audited through one or more officers or persons appointed by the Authority and submit the report in respect of such audit to the Authority;

(b) get the records maintained under sub-regulation (1) audited through an independent agency as may be specified by the Authority and submit the report in respect of such audit to the

Authority.

(4) The cost of the audit under clause (b) of sub-regulation (3) shall be borne by the concerned direct to home operator.

24. Intervention by Authority in certain cases :-

The Authority may, by order or direction, from time to time, intervene, for the purpose of protecting the interest of the direct to home subscribers or monitoring the performance of quality of service standards of the direct to home service or for ensuring compliance of the provisions of these regulations.

25. Application of other laws not barred :-

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

26. Right of direct to home subscriber to seek redressal under the Consumer Protection Act, 1986 or any other law for the time being in force :-

(1) The provisions of these regulations are in addition to any right conferred upon the direct to home subscribers under the Consumer Protection Act, 1986(68 of 1986) or any other law for the time being in force.

(2) Any direct to home subscriber may, at any time,--

(a) during pendency of redressal of his grievance under these regulations; or

(b) before filing of complaint under these regulations, exercise his right conferred upon him under the Consumer Protection Act, 1986(68 of 1986) or any other law for the time being in force and seek redressal of his grievance under that Act.

27. Provisions of these regulations to apply to persons availing direct to home service before commencement of these regulations :-

The provisions of these regulations shall, as far as may be, apply to the persons who have been availing, before commencement of these regulations, the direct to home service and continue to do so on such commencement.

SCHEDULE 1

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