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EXTRAORDINARY, PART III SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, the 14th May, 2012

F. No. 16-3/2012-B&CS - 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:

**CONSUMERS COMPLAINT REDRESSAL
(DIGITAL ADDRESSABLE CABLE TV SYSTEMS) REGULATIONS, 2012
(13 OF 2012)**

CHAPTER I
PRELIMINARY

1. Short title, commencement and application.--- (1) These regulations may be called the “Consumers Complaint Redressal (Digital Addressable Cable TV Systems) Regulations, 2012(13 of 2012)”.

(2) They shall come into force from the date of their publication in the Official Gazette.

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 subsection (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997;
- (c) "cable operator" means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network and fulfils the prescribed eligibility criteria and conditions;
- (d) “Complaint Centre” means a facility established under regulation 3 by the multi-system operator or his linked local cable operators, as the case may be;
- (e) “Consumer” means a consumer of a multi-system operator or his linked local cable operator, as the case may be, to whom these regulations apply and includes its customer and subscriber;
- (f) “Consumer Care Number” means a telephone number earmarked by the multi-system operator or his linked local cable operator, as the case may be, to access his complaint centre;
- (g) “Multi-System Operator” means a cable operator who has been granted registration under rule 11 of the Cable Television Networks Rules, 1994, as amended by rule 8 of the Cable Television Networks (Amendment) Rules, 2012, and who receives a programming service from a broadcaster or its authorised agencies and re-transmits the same or transmits his own programming service for simultaneous reception

either by multiple subscribers directly or through one or more local cable operators and includes his authorised distribution agencies, by whatever name called;

- (h) “Nodal Officer” means the officer appointed or designated by the multi-system operator or his linked local cable operator, as the case may be under regulation 8 of the regulations;
- (i) "regulations" means Consumers Complaint Redressal (Digital Addressable Cable TV Systems) Regulations, 2012 (13 of 2012);
- (j) “system” means the Web Based Complaint Monitoring System established under sub-regulation (1) of regulation 5;
- (k) 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 (7 of 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 II
REDRESSAL OF COMPLAINTS OF DIGITAL ADDRESSABLE CABLE
TELEVISION SYSTEMS CONSUMERS

3. Establishment of complaint centre---(1) Every multi-system operator or his linked local cable operator shall, before providing the digital addressable cable TV services, establish a complaint centre in his service area, for redressal of complaints and for addressing service requests of his consumers.

Provided that the complaint centre for a service area shall provide the services in the local language of that service area in addition to Hindi and English.

(2) Every complaint centre shall be accessible to the consumers between 08:00 hrs and 00:00 hrs on all days of the week.

(3) Every multi-system operator or his linked local cable operator, as the case may be, shall deploy sufficient number of employees at his complaint centre to meet the Quality of Service parameters, as may be specified by the Authority from time to time.

(4) Every multi-system operator or his linked local cable operator, as the case may be, shall ensure that the complaint centre is accessible to his consumers through a “Consumer Care Number” having sufficient lines or connections.

(5) The “Consumer Care Number” shall be toll free.

(6) Every multi-system operator or his linked local cable operator, as the case may be, shall ensure that an Interactive Voice Response System (IVRS), if installed on a “Consumer Care Number”, is operated in the following manner,---

(a) the first level of the IVRS provides for language selection;

(b) the second level of the IVRS provides for options relating to the broad categories of complaints and service requests;

(c) the third level of the IVRS provides for a sub-menu under complaints and service requests, separately;

Provided that the sub-menu in the third level shall also contain an option enabling the consumer to speak to a consumer care agent.

(7) Response time to the subscriber for calls made on “Consumer Care Number” by the subscriber, answered electronically;

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

(b) Ninety five percent of calls to be answered within forty seconds electronically;

(8) Response time to the subscriber for calls made on “Consumer Care Number” by the subscriber, answered by operator;

(a) Eighty percent of calls to be answered (voice to voice) by a person (other than by electronic means) appointed by the multi-system operator or its linked local cable operator, as the case may be, within sixty seconds;

(b) Ninety five per cent of calls to be answered (voice to voice) by a person (other than by electronic means) appointed by the multi-system operator or its linked local cable operator, as the case may be, within ninety seconds.

Explanation.--- For the purpose of calculating percentage of calls referred to sub-regulation (7) and (8), the total number of calls made during a month shall be taken into account.

4. Publication of information----(1) Every multi-system operator or his linked local cable operator shall, before providing the digital addressable cable TV services, establish a complaint centre in his service area, publicise the “Consumer Care Number” through,----

(a) public notice in a leading newspaper in Hindi or English and in a leading newspaper published in a local language of the service area;

- (b) display on the website of the multi-system operator and his linked local cable operator;
- (c) updation of set top boxes of consumers by pre-configuration or over the air transfer;
- (d) display in all complaint centres and sales outlets;
- (e) scrolling the information on the channels transmitted or re-transmitted on his network.

(2) Every multi-system operator or his linked local cable operator, as the case may be, shall publicise the “Consumer Care Number” in the same manner as given at clause (a) of sub-regulation (1) above, at least once in six months.

(3) In case of any change in the “Consumer Care Number”, the same shall be publicised at least one week prior to such change, in the manner specified in sub-regulation (1).

5. Establishment of complaint monitoring system.---- (1) Every multi-system operator or his linked local cable operator shall, before providing the digital addressable cable TV services, establish a complaint centre in his service area, establish a ‘Web Based Complaint Monitoring System’ to enable the consumers to monitor the status of their complaints.

- (2) Every multi-system operator or his linked local cable operator, as the case may be, shall,--
- (a) immediately on establishment of the ‘Web Based Complaint Monitoring System’, under sub-regulation (1), publish information about the address of the ‘Web Based Complaint Monitoring System’ and the process for monitoring the complaints in a leading newspaper in Hindi or English and in a leading newspaper in the local language of the service area and through the bills issued by the multi-system operator or his linked local cable operator, as the case may be;
 - (b) continue to make available such information in the bills issued by the multi-system operator or his linked local cable operator, as the case may be, and also

publish once in six months in the newspapers in the manner prescribed in clause (a) of sub-regulation (2).

(3) Any change in the address of the 'Web Based Complaint Monitoring System' shall also be intimated to the consumers in the same manner as specified under sub-regulation (2).

(4) The Authority may, from time to time, issue such directions as it may deem appropriate, to the multi-system operator regarding the 'Web Based Complaint Monitoring System'.

6. Handling of complaints by complaint centre.--- (1) Every complaint centre shall, immediately on receipt of a complaint from a consumer, register such complaint and allot a unique number to be called the docket number;

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

(2) Every complaint centre shall,----

(a) at the time of registering of the complaint,----

(i) communicate to the consumer the docket number, date and time of registration of the complaint and the time within which the complaint is likely to be resolved; and

(ii) update the system with the date and time of registration of the complaint, docket number assigned under sub-regulation (1), the telephone number of the consumer, and the time indicated to the consumer for resolution of the complaint;

(b) on completion of action on a complaint,----

(i) communicate to the consumer, the details of the action taken on the complaint; and

(ii) update the system with the details of action taken.

7. Time limit for redressal of complaints of consumers.—(1) Every multi-system operator or his linked local cable operator, as the case may be, shall ensure redressal of the complaints

in accordance with the time frame as specified under sub-regulation (1) of regulation 11 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012), issued by the Authority;

(2) Where a time limit has not been specified under the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012), issued by the Authority, the complaints shall be addressed within a time period not exceeding three days.

CHAPTER III

REDRESSAL OF CONSUMER'S COMPLAINTS BY NODAL OFFICERS

8. Appointment or designation of Nodal Officer.-----(1) Every multi- system operator or his linked local cable operator, as the case may be, shall, on or before the date of commencement of these regulations or before or simultaneously with commencement of its operations, appoint or designate one or more Nodal Officers in every State in which it is providing its service, as may be considered necessary for the purposes of these regulations.

(2) Every multi-system operator or his linked local cable operator, as the case may be, 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, complaint centre, 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.

9. Handling and redressal of consumer complaints by Nodal Officers.---- (1) In case a consumer is not satisfied with the redressal of his complaint by the complaint centre, such consumer 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 multi-system operator or his linked local cable operator, as the case may be, for redressal of his complaint:

Provided that a consumer may, in emergent situation, approach at the first instance a Nodal Officer instead of a complaint centre and the Nodal Officer shall redress the complaint.

(2) Every Nodal Officer shall,---

(a) be accessible to the consumers at the address publicized, as required by sub-regulation (2) of regulation 8;

- (b) register every complaint lodged by the consumers;
- (c) issue an acknowledgement to the consumer within two days from date of the receipt of the complaint indicating therein the unique complaint number;
- (d) intimate, within the time limit specified in sub-regulation (3) of this regulation, the decision taken in respect of such complaint, to the consumer, immediately after taking the remedial measure for redressal of the complaint.

(3) The Nodal Officer shall resolve or redress the complaints of the consumer as per the time frame specified under regulation 12 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012), issued by the Authority.

10. Complaints referred to the multi-system operator by the Authority.—(1) The Authority may, without prejudice to the provisions contained in the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), forward the complaint to the concerned multi-system operator for the purpose of redressal,---

- (a) complaints alleging violation of the Act or regulations made or directions issued or orders made by it under the Act;
- (b) complaints of the consumers which are generic in nature;
- (c) complaints alleging that the practices adopted by the multi-system operator adversely affects the interest of the consumers;
- (d) a complaint of such nature that, in the opinion of the Authority, is required to be resolved expeditiously by the multi-system operator;

(2) Every multi-system operator shall investigate and find out the root cause of all complaints referred by the Authority under clause (a), (b) and (c) of sub-regulation (1) and redress such complaints, under information to the consumer as well as the Authority of the result within one month from the date of reference of the complaint.

(3) Every multi-system operator shall resolve every complaint referred to under clause (d) of sub-regulation (1) within seven days of reference of the complaint, and inform the result to the Authority within three days of the resolution of the complaint.

(4) In case the investigation and root cause of the complaints referred to under sub-regulation (2) reveal general deficiency or systemic inadequacy in practice or operation adopted by or on the part of the multi-system operator, the multi-system operator shall take remedial measures in respect of all similarly placed consumers and intimate the same to the Authority within one month of reference of the complaint.

11. Maintenance of records of complaints.----- (1) Every multi-system operator or his linked local cable operator, as the case may be, shall maintain records of all complaints filed by the consumer with them and such records shall include docket number, name and address of complainant, date and time of filing complaint, type of complaint and redressal date and time and the written confirmation from the consumer that the complaint has been redressed.

(2) The records referred to in sub-regulation (1) shall be kept till the expiry of three months from the date of resolution of a complaint and the multi-system operator shall produce the records whenever called upon by the Authority or the authorised officer, as defined under The Cable Television Network (Regulation) Act, 1995 (7 of 1995).

CHAPTER IV

CONSUMER'S CHARTER FOR DIGITAL ADDRESSABLE CABLE TV SYSTEMS

12. Consumer's charter ----(1) Every multi-system operator shall, directly or through his linked local cable operator, shall within sixty days of the coming into force of these regulations, publish a 'Consumer's Charter for addressable cable TV systems' containing the following information,---

- (a) name , contact address, telephone number, e-mail and facsimile number of the multi-system operator and his linked local cable operator;
- (b) services offered by the multi-system operator or his linked local cable operator, including the details of geographic areas where such services are available;
- (c) terms and conditions of service offered by the multi-system operator and his linked local cable operator;
- (d) Quality of Service parameters specified by the Authority in respect of each of the services;
- (e) Quality of Service promised by the multi-system operator or his linked local cable operator, as the case may be, in respect of each service and geographic area;
- (f) details about equipment offered to the consumer by the multi- system operator or his linked local cable operator, as the case may be, in respect of any of the services;
- (g) right of consumers under the different regulations, orders and directions issued by the Authority; and in particular those relating to tariff;
- (h) the duties and obligations of the multi-system operator or his linked local cable operator, as the case may be, under the different regulations, orders and directions issued by the Authority and in particular those relating to tariff;
- (i) Consumer Care Number;
- (j) complaint redressal mechanism, including complaint redressal procedure and the time limits for redressal of complaints;

- (k) e-mail, contact address, telephone number and facsimile number of the Nodal Officers and time limits for disposal of complaints;
- (l) procedure for termination or disconnection of each service offered by the multi-system operator or his linked local cable operator, as the case may be; and
- (m) any other information that may be specified by the Authority from time to time.

(2) The 'Consumer's Charter for digital addressable cable TV systems' shall be prepared in Hindi, English and the local language of each service area.

(3) The 'Consumer's Charter for digital addressable cable TV systems' shall be available for reference at every office of the multi-system operator or its linked local cable operator, complaint centre and on the website of the multi-system operator or his linked local cable operator, as the case may be.

(4) A copy of the 'Consumer's Charter for digital addressable cable TV systems' or its abridged version containing salient features such as terms and conditions of service, the Consumer Care Number, contact details of complaint centre and the Nodal Officers, procedure and time limit for redressal of complaints and disposal of complaints shall be provided by the multi-system operator or his linked local cable operator, as the case may be, to each consumer at the time of subscription for service.

(5) A copy of the 'Consumer's Charter for addressable cable TV systems' shall be filed with the Authority before commencement of service.

(6) The multi-system operator or his linked local cable operator, as the case may be, shall file with the Authority, by the 15th January of every year, a fresh copy of the 'Consumer's Charter for digital addressable cable TV systems' incorporating all changes effected.

CHAPTER V
MISCELLANEOUS

13. Inspection and auditing----(1) Every multi-system operator shall maintain complete and accurate records of redressal of complaints by his complaint centre and the Nodal Officer.

(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 his officers or employees or an independent agency appointed by the Authority to,----

(a) inspect the complaint centre and the office of Nodal Officer and the records maintained under sub-regulation (1); or

(b) get the records maintained under sub-regulation (1) audited.

14. 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.

15. These regulations not to apply in certain cases.---(1) Nothing contained in these regulations shall apply to any matter or issue for which,---

(a) any proceedings before any court or tribunal are pending; or

(b) a decree, award or an order has already been passed by any competent court or tribunal or authority or forum or commission, as the case may be.

16. Interpretation.----In case of any doubt regarding interpretation of any of the provisions of these regulations, the clarification issued by the Authority shall be final and binding.

(Wasi Ahmad)
Advisor (B&CS)

Note.-----The Explanatory Memorandum explains the objects and reasons of the Consumer's Complaint Redressal (Digital Addressable Cable TV Systems) Regulations, 2012 (13 of 2012).

Explanatory Memorandum

I- Background:

1. Consumer protection is one of the focus areas of TRAI. The Authority has taken several measures to protect the interest of consumers, facilitated availability of broadcasting and cable television services at affordable price and has ensured Quality of Service provided in broadcasting and cable television sector.

2. Effective redressal of consumer complaints is, therefore, of prime importance. While the measures taken by TRAI so far have been, by and large effective, the effort in this regard is a continuous process and requires to be reviewed from time to time to improve the effectiveness of complaint redressal. TRAI has already issued Quality of Service (QoS) regulations for the cable TV services in the notified CAS areas in the year 2006, for DTH services in the year 2007 and for cable TV services in non-CAS areas in the year 2009. These regulations are:

- (i) The Standards of Quality of Service (Broadcasting and Cable Television-CAS areas) Regulation 2006 dated 23.08.2006.
- (ii) The Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television Non-CAS Areas) Regulations, 2009 dated 24th February, 2009.
- (iii) The Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007 dated 31st August, 2007 along with its amendment date 12.03.2009.

These regulations provide a framework for redressal of consumer complaints. However, there has not been any separate regulation for redressal of consumer complaints. Keeping in view the importance of consumer protection, a separate regulation has been issued for consumer complaint redressal in the case of digital addressable cable TV systems.

3. The inherent limitations, of capacity constraints and non-addressability, in the analog cable TV systems has posed several challenges in the sector such as limited consumer choice, non transparent business transactions etc. After undertaking a public consultation process, the

Authority, on 5th August 2010, gave its recommendations to the Government on implementation of Digital Addressable Cable TV Systems (DAS) in the country along with a roadmap to achieve the same.

4. The Government, on 25th October, 2011, issued an Ordinance amending the Cable Television Networks (Regulation) Act, 1995, enabling the implementation of digital addressable cable TV systems in India. Thereafter, the Government also issued a notification dated 11th November, 2011, which laid down the roadmap for implementation, in a phased manner, in four phases starting from June 2012 to December, 2014. The Ordinance dated 25th October, 2011, subsequently, in December, 2011, became an Act.

5. Considering the amended provisions of the Cable Television Networks (Regulation) Act, 1995, and the notification dated 11.11.2011 mentioned above, the Authority initiated a consultation process on the issues relating to implementation of digital addressable cable TV systems. In this connection a consultation paper was issued on 22.12.2011 titled “Issues related to Implementation of Digital Addressable Cable TV Systems”. On the aspect of the quality of service, the issues for the consultation are related to benchmarks for QoS standards for the digital addressable cable TV systems, procedure and time limits for handling consumer complaints, provisions of service, set top box and billing related issues etc. An Open House Discussion (OHD) was also held in New Delhi on 13th March, 2012. While quality of service norms have been prescribed in a separate QoS regulations titled the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012), the present regulations focus on the consumer’s complaint redressal mechanism in the Digital Addressable Cable TV Systems.

II- Analysis of the issue

6. The following is a summary of main issues, stakeholder comments and analysis thereon:-

7. The issues for consultation in respect to consumer’s complaint redressal mechanism are establishment of call centres, time limits for attending the complaints and redressal of grievances of the consumers, appointment of nodal officers for redressal of grievances of the

consumers, maintenance of records of consumer complaints and redressal of the complaints forwarded by the Authority to the multi-system operators(MSOs).

8. Majority of the broadcasters, MSOs and individuals have stated that they agree with the proposed quality of service norms. A few of the local cable operators(LCOs) have mentioned that in case of complaints of 'no signals', the responsibility could also lie with the broadcasters. There is a suggestion that the time limit for attending/responding to the complaints should be twenty four (24) hours instead of eight (8) hours as proposed. It has also been suggested that in case of 'no signals' complaints, the time limit should be seventy two (72) hours instead of twenty four (24) hours as proposed and for all other types of complaints also the time limit should be seventy two (72) hours instead of forty eight (48) hours as proposed.

9. In the digital addressable cable TV system, since MSO is responsible for headend and associated systems such as conditional access system and subscriber management system, the responsibility for ensuring the norms for quality of service matters is of the Multi-system operator or his linked local cable operator. The provisions in the present regulations, therefore, make the MSO responsible for attending to and responding to the consumer complaints/ request for service within the prescribed time limits. Considering the majority view, the Authority is of the view that the time limits prescribed are adequate.

10. The regulations provide for the establishment of a complaint centre with a toll free "Consumer Care Number". Since a sizeable segment of consumers are from the rural areas and the low income group, it is necessary that the IVRS menu should have an option of the consumers being able to speak to the customer care agent. Hence, a provision has been made in these regulations prescribing the manner in which the IVRS menu shall be managed including the provision for speaking to a customer care agent.

11. To address the problem of low awareness about the existing complaint redressal mechanism, a provisions has been in the regulations for advertisement about the complaint

centre and Nodal Officer to be published every six months in two newspapers and also such information should be given through website, bills, vouchers, complaint centres etc.

12. It has been mandated in these regulations that every complaint shall be registered by giving a unique docket number, which should remain in the system for at least three months. The docket number along with date and time of registration and the time limit for resolution of the complaint would be communicated to the consumer. The customer shall also be informed of the action taken. The regulations mandate the MSO directly or through linked local cable operator to implement the web-based complaint system.

13. The Authority is of the view that the complaint centres are essentially registration and response centre and do not themselves deal with the resolution of complaints. They only facilitate registration of consumer complaint and the level at which a problem is resolved within a company depends upon the complexity of the issue involved. If the consumer is not satisfied with the resolution of the complaints, he can approach the next tier – the Nodal Officer for redressal of his complaints.

14. The regulations make provisions for the time bound resolution of complaints received by the Authority and referred to MSO. The regulations also provide for a Consumer's Charter. Keeping the interest of the consumer, the Authority has prescribed detailed guidelines, regarding material to be published in the Consumer's Charter.

15. These regulations are in addition to, and not in derogation of, any other law for the time being in force. At any point of time, either during the redressal of the complaint under these regulations or thereafter, consumer can seek legal remedy under any law for the time being in force.
