



सत्यमेव जयते

भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



DIRECTION

Dated 03rd May 2019

Subject: Direction to Barasat Cable TV Network Pvt. Ltd. under section 13, read with sub-clause (v) of clause (b) of sub section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 to ensure compliance to various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services.

No. 30-16/2019-B&CS - Whereas the Telecom Regulatory Authority of India [hereinafter referred to as "the Authority"], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) [hereinafter referred to as "TRAI Act, 1997"], has been entrusted with discharge of certain functions, inter-alia, to regulate the telecommunication services; fix the terms and conditions of inter-connectivity between the service providers; ensure technical compatibility and effective inter-connection between different service providers; 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 service;

2. And whereas the Central Government, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No. 39,---

(a) issued in exercise of powers conferred by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, 1997 and

(b) published under notification number S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part II, Section 3 - sub-section (ii)---

has notified broadcasting services and cable services to be telecommunication service;

3. And whereas the Authority notified a new regulatory framework for Broadcasting and Cable TV service provided through addressable systems, encompassing the following: -

(a) The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, [Tariff Order 2017];

(b) The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [Interconnection Regulation 2017];

(c) The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 [QoS Regulation 2017].

4. And whereas the Authority, vide its Press Note dated the 3rd July 2018, informed the stakeholders that various timelines prescribed in the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 shall commence with effect from 3rd July 2018;

5. And whereas the new regulatory framework comprising the Interconnection Regulations 2017, the QoS Regulations 2017 and the Tariff Order 2017 became applicable with effect from 29th December 2018;

6. And whereas in order to protect the interest of the consumers and to ensure smooth transition to the new regulatory regime, the Authority, vide the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Amendment) Regulations, 2018 dated 28th December 2018, permitted the continuance of the existing packs, plans and bouquets upto 31st January, 2019 and directed all distributors of television channels to offer and obtain the option for subscription of new packs, plans or bouquets from the subscribers on or before 31st January, 2019 and ensure that services to the subscribers, after the 31st January, are provided as per the new packs, plans or bouquets opted for subscription by the subscribers;

7. And whereas sub-regulation (2) (3) & (4) of regulation 31 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 reads as under:

“31. Establishment of website.—

...

(2) Every distributor of television channels shall provide a hyperlink for “consumer corner” on the home page of the website which shall be clearly visible and noticeable to visitors without scrolling the page.

(3) The consumer corner hyperlink referred to in sub-regulation (2) shall point to another web page where the information in accordance with Schedule II of these regulations shall be made available.

(4) The web page referred in sub-regulation (3), shall also have a provision for login to the subscribers to access information specific to such subscriber in accordance with Schedule III of these regulations.”

8. And whereas sub-regulations (1), (2) & (3) of regulation 25 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

“25. Customer care centre.— *(1) Every distributor of television channels shall, before providing broadcasting services related to television to its subscribers, establish a customer care centre, for*

addressing their service requests and redressal of complaints and the distributor shall ensure that such centre:

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

(b) is accessible, at least, between 08:00 hrs and 22:00 hrs on all days of the week,

(c) provides the services in the regional language of the service area in addition to Hindi and English,

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

(e) has a web based complaint management system.

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

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

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

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

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

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

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

9. And whereas regulations 32 of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 read as under:

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

(2) Every distributor of television channels shall assign a unique number to the customer care programming service as referred to in sub-

regulation (1) and display the said number on its website under the consumer corner as referred to in sub-regulation (2) of regulation 31 and communicate the said number to the subscribers through running scrolls on television screen and through any other communication means as deemed appropriate.

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

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

10. And whereas on receipt of compliance reports from authorized representative of M/s Barasat Cable TV Network Pvt. Ltd. during meeting in Authority's Regional Office, Kolkata and inspection of website of M/s Barasat Cable TV Network Pvt. Ltd. and consumer premises, the following issues have been observed by the Authority: -

- The said DPO is not offering consumer corner & subscriber corner facility on their website
- Toll Free Customer Care Number is not responding
- The call centre of the DPO does not support IVRS
- Customer care programming service is yet to be offered by the DPO

11. Now, therefore, the Authority, in exercise of its power under section 13, read with sub-clause (v) of clause (b) of sub section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) directs M/s Barasat Cable TV Network Pvt. Ltd. to resolve the issues mentioned in para 10 above and adhere to the provisions of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 and report compliance as per the new regulatory framework within five days from the date of issue of this direction.


(**Deb Kumar Chakrabarti**)
Pr. Advisor (B&CS)

To,
Shri Achintya Kundu,
Director,
M/s Barasat Cable TV Network Pvt. Ltd,
Golden Plaza, 1st Floor,
Krishnanagar Road,
Nabapally, Barasat,
Kolkata-126