

DIGITAL ADDRESSABLE SYSTEM - CONSUMER PERSPECTIVE



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TELECOM REGULATORY AUTHORITY OF INDIA ON PERIODIC INTERVALS ISSUED REGULATIONS WITH AN OBJECTIVE:

- To ensure protection of consumers interest;
- To ensure orderly growth of the broadcasting sector;
- To empower consumers to make informed decisions;
- To bring transparency

SOME PROMINENT REGULATIONS FRAMED BY TRAI POST IMPLEMENTATION OF DAS SPECIFICALLY KEEPING IN MIND THE CONSUMER INTEREST

- Consumers Complaint Redressal (Digital Addressable Cable TV Systems) Regulations, 2012;
- Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012);
- Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulations, 2013;
- The Standards of Quality of Service (Digital Addressable Cable TV Systems) (Amendment) Regulations, 2015;
- The Telecommunication (Broadcasting and cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017.

CONSUMERS COMPLAINT REDRESSAL (DIGITAL ADDRESSABLE CABLE TV SYSTEMS) REGULATIONS, 2012;

One of the initial Regulation framed by TRAI post implementation of DAS with an objective of effective redressal of complaint of Consumers. Some of the key highlights of Regulations are:

- Establishment of complaint centre;
- Publication of information;
- Establishment of complaint monitoring system;
- Handling of complaints by complaint centre;
- Time limit for redressal of complaints of consumers (as prescribed under Regulation 11 of QoS, 2012);
- Appointment or designation of Nodal Officer.

STANDARDS OF QUALITY OF SERVICE (DIGITAL ADDRESSABLE CABLE TV SYSTEMS) REGULATIONS, 2012 (12 OF 2012);

TRAI with an objective to ensure premium services to consumers framed the Regulations setting standards for services. Some of the key highlights are:

- Procedure for connection, disconnection, reconnection, transfer and shifting;
- Provision of cable service to every person subject to technical and operational feasibility;
- No Discontinuing or Disconnection of cable service to the subscriber without issuing 15 days prior written notice;
- Change in the composition of subscription package subject to 15 days public notice published in news paper and scrolls on TV screen.
- Subscriber shall have the option to choose the services on post paid or pre-paid basis and each subscriber shall receive its bill from MSO/LCO as the case may be;

STANDARDS OF QUALITY OF SERVICE (DIGITAL ADDRESSABLE CABLE TV SYSTEMS) REGULATIONS, 2012 (12 OF 2012);

- Set Top Box installed at the premises of the consumer shall meet minimum standards set by Bureau of Indian Standards;
- Technical standards for provisioning of cable services also prescribed;
- Every MSO to maintain a website with all relevant information and Set up and operationalise subscriber management system;
- Right of the subscriber to seek redressal under the Consumer Protection Act, 1986 is still open;
- Every MSO should reach out to consumer and inform them about the provisions of this Regulations;
- It is still open for Authority to intervene in case any provision of this Regulations are not complied with;

STANDARDS OF QUALITY OF SERVICE (DURATION OF ADVERTISEMENTS IN TELEVISION CHANNELS) (AMENDMENT) REGULATIONS, 2013*

TRAI issued the above Regulation keeping in mind the consumers viewing of TV channel. Key highlights of Regulations are:

- No broadcasters shall carry advertisements on its channels for more than 12 minutes in a clock hour;
- Broadcasters shall report details of Advertisement at the end of every quarter.

** This Regulation was stayed by Hon'ble High Court of Delhi vide order dated 17 December 2013 and pending adjudication.*

THE STANDARDS OF QUALITY OF SERVICE (DIGITAL ADDRESSABLE CABLE TV SYSTEMS) (AMENDMENT) REGULATIONS, 2015;

TRAI made few amendments to earlier Regulations keeping in view the Consumer interest such as:

- MSO or LCO as the case may be shall provide 15 days time to subscriber to pay the bills;
- MSO or LCO as the case may be shall change the plan of customer at customers request in not less than 30 days.

THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES STANDARDS OF QUALITY OF SERVICE AND CONSUMER PROTECTION (ADDRESSABLE SYSTEMS) REGULATIONS, 2017*

Some of the key highlights of Regulations with respect to Consumers are that:

- Every DPO shall provide services only after obtaining completely filled CAF form;
- One time installation charges and One time activation charges are also fixed at max @ Rs. 350/- and Rs. 100/- respectively;
- No DPO shall change the services of customer without receiving a request;
- DPO shall activate/deactivate services of customer within 72 hours from receipt of such request;
- DPO shall inform the customers about any change in nature of channel or discontinuation at least 15 days in advance;
- DPO shall not charge any amount for any channel not available on network shall reduce equivalent discounted distribution retail price of the channel from the subscription price if such channel was part bouquet;

** These Regulations are stayed by Hon'ble Supreme Court of India vide order dated 08 May 2017 and pending adjudication before Hon'ble High Court of Chennai.*

THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES STANDARDS OF QUALITY OF SERVICE AND CONSUMER PROTECTION (ADDRESSABLE SYSTEMS) REGULATIONS, 2017*

- DPO shall not discontinue or modify any bouquet during Lock in period or where the customer has paid in advance; (all channels forming part of such bouquet shall be available on network)
- No introduction of new bouquet or discontinuation or modification of existing bouquet without giving 15 days prior written notice;
- Customer may choose to suspend the services for minimum one month period or multiple thereof by making a 15 days prior written request to its LCO or DPO;
- In case customer faces disruption of signals beyond 72 hours, DPO/LCOs shall reduce the charges by an amount equivalent to the proportionate DRP and network capacity fees for such channels for entire period of disruption.
- Disconnection notice may be send through E-Mail, B-Mail and any other methods as may be deemed appropriate.
- DPO shall continue to provide the services without increasing the subscription charges and without altering other terms of subscription to the disadvantage of subscriber; In case of lock in period or for the period where the customer has paid in advance;

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** These Regulations are stayed by Hon'ble Supreme Court of India vide order dated 08 May 2017 and pending adjudication before Hon'ble High Court of Madras.*

ORDERS AND DIRECTIONS ISSUED BY TRAI & HON'BLE TELECOM DISPUTE SETTLEMENT AND APPELLATE TRIBUNAL

Consumer Interest has been of paramount objective for TRAI and beside issuing above Regulations, they have been issuing directions, advisory, orders, FAQs and conducting open houses on periodic basis resulting more informed subscribers.

TRAI also keeps check on periodic compliance of Regulations as the MSO or Broadcasters are required to furnish information on regular intervals.

Hon'ble Telecom Dispute Settlement and Appellate Tribunal has also weighed the consumer interest as of foremost importance.

It can be observed from various orders passed by Hon'ble Telecom Dispute Settlement and Appellate Tribunal whether it is with respect to disconnection of signals to public at large.

Thank You