

New Delhi, the 15<sup>th</sup> November, 2007

**DIRECTION**

**Subject:** Direction, 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), for providing billing information to the consumers by the Multi System Operators who possess valid permission granted by the Government of India (Ministry of Information and Broadcasting) under sub-rule (3) of rule 11 of the Cable Television Networks Rules, 1994,

**No.16-1/2007-B&CS.-----** Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority] has been established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the TRAI Act, 1997) and entrusted discharge of certain functions ,*inter alia*, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, 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 Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39, --

- (a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and
- (b) published under notification number.S.O.44(E) dated the 9<sup>th</sup> January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,

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

3. And whereas, in exercise of the powers conferred upon it under section 36 and 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), read with notification No.39 [No.S.O. 44(E) and 45 (E) dated 9th January, 2004], issued from file No.13-1/2004–Restg. by the Government of India under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub-section (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Authority has made and notified the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television –CAS Areas) Regulations, 2006 (8 of 2006) (hereinafter referred to as the said QOS Regulations);

4. And whereas-----

(a) clause 5 of the QOS Regulations, *inter alia*, imposes obligation upon the specified Multi System Operators who possess valid permission granted by the Government of India (Ministry of Information and Broadcasting) under sub-rule (3) of rule 11 of the Cable Television Networks Rules, 1994(hereafter referred to as the specified Multi System Operators) to itemize the entries in the bills to separately indicate price of individual pay channel(s) or bouquet(s) of pay channels and the names of channels in the bouquet, as applicable, charges for basic service tier and the channels comprised therein, charges for set top box, amount of each type of tax levied and the rate thereof and the said clause, *inter alia*, contains the following provisions namely:-

“5.1 Subscribers in CAS areas shall generally be billed on monthly basis and the bill should indicate the Service Tax Registration Number, Entertainment Tax Registration number of the MSO or the cable operator, as the case may be, as applicable. The entries in the bills must be itemized to separately indicate price of individual pay channel(s) or bouquet(s) of pay channels and the names of channels in the bouquet, as applicable, charges for basic service tier and the channels comprised therein, charges for set top box, amount of each type of tax levied and the rate thereof. This clause, however, does not preclude a cable operator /MSO, from promoting different schemes of payment in which case the bills can be raised at such periodicity as per the scheme opted by the subscriber.

5.3 The following procedure will normally be followed for raising of bills, delivery of bills and collection of payments thereof:

i) In respect of subscriber opting to watch pay channels through a set top box, a single bill will be generated by the MSO, indicating the charges for pay channels as well as channels forming part of the basic service tier. The subscriber should be required to make only one payment.

ii) In respect of subscribers who do not opt to watch pay channels through the set top box, the monthly bill shall be raised and the proceeds collected by the cable operator.”;

(b) clause 9 of the said QOS Regulations confers powers upon the Authority to require, from time to time, by issue of directions or orders, service providers in Conditional Access Service (CAS) areas to furnish information in such form and at such intervals as may be required for the purpose of monitoring the performance of quality of service standards and said clause provides as under:-;

**“9. Monitoring of performance of quality of service standards in respect of cable services in CAS areas**

The Authority may, from time to time, issue directions, orders requiring service providers in CAS areas to furnish information in such form and at such intervals as may be required for the purpose of monitoring the performance of quality of service standards.”;

(c) rule 14 of the Cable Television Networks Rules, 1994 imposes obligation upon the specified Multi System Operators *inter alia* to maintain the quality of service as per the standards, including the arrangements for handling complaints and redressal of grievances of the subscribers, as may be determined by regulation or order by the Authority and said rule 14 provides as under:-

**“14. Dispute Resolution Mechanism. -** Every multi-system operator shall be obliged to maintain the quality of service as per the standards, including the arrangements for handling complaints and redressal of grievances of the subscribers, as may be determined by regulation or order by the Authority. The Authority may look into the efficacy of such arrangements and issue necessary directions to the concerned parties for compliance.”;

5. And whereas it has been noticed by the Authority that consumers are generally not being issued the itemized bills from the multi system operators or cable operators, as the case may be, on monthly basis or on other periodical basis as per the option of the consumers, as the case may be, as required under the provisions of the clause 5.1 and

clause 5.3 of the QOS Regulations as referred to in sub-paragraph (a) of the preceding paragraph;

6. Now, therefore, the Telecom Regulatory Authority of India, in exercise of the powers conferred upon it 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), and clause 9 of the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television –CAS Areas) Regulations, 2006 (8 of 2006), hereby, directs that:

(a) all multi system operators (including the independent cable operators), who possess valid permission granted by the Government of India (Ministry of Information and Broadcasting) under sub-rule (3) of rule 11 of the Cable Television Networks Rules, 1994, shall inform their subscribers about the billing information of such subscribers in accordance with the provisions contained clauses 5.1 and clause 5.3 of the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television –CAS Areas) Regulations, 2006 (8 of 2006) on regular basis, i.e. either on monthly basis or at such periodicity as per the scheme opted by the respective subscribers;

(b) the information to all the subscribers referred to in the preceding sub-paragraph shall be provided for the months of July, August, September and October, 2007 within fifteen days from the date of issue of this Direction;

(c) a compliance report in respect of Directions referred to in sub-paragraphs (a) and (b) of this paragraph shall be submitted to the Authority within 15 days from the date of issue of this Direction.

(R.N. Choubey)  
Principal Advisor (B&CS)

To

All Multi System Operators in CAS notified areas of Delhi, Mumbai, Kolkata and Chennai