



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



DIRECTION

Dated: 28th March, 2019

Subject: Amendment to the Direction dated 3rd December 2018 issued to broadcasters and distributors of television channels under section 13, read with sub-clause (ii) of clause (b) of sub section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997, relating to display of television channels.

No. 12-37/2017-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 to discharge certain functions, which *inter-alia*, include 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 services;

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 upon the Central Government 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, in exercise of powers conferred upon it under section 13, read with sub-clause (ii) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), in order to protect the interest of service providers and consumers and ensure orderly growth of the sector, directed all broadcasters and distributors of the television channels to restrain from placing any registered satellite television channel, whose TV rating is released by TV rating agency, on the landing LCN or landing channel or the boot-up screen with immediate effect and in case of previously entered agreements, efforts may be made

Page 1 of 2

to implement these directions as soon as possible and it shall be implemented in all cases by 31st March 2019.

4. And whereas, the Authority received representation from All India Digital Cable Federation (herein after referred to as AIDCF) requesting the Authority to extend the implementation date of 31st March 2019 for a further period of two months in view of the appeal against the direction pending before the Hon'ble TDSAT vide Broadcasting appeal No. 4/2018 and its hearing and /or pronouncement of order may go beyond the cut-off date of 31st March 2019;

5. And whereas, AIDCF also requested that the matter being under judicial consideration, any action on the said direction will not only be prejudicial to their right and contentions but also against the principle of natural justice;

6. And whereas the Authority considered the representation of AIDCF and observed that there is merit in the request under given circumstances as well as in the interest of fairness.

7. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (ii) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), in order to protect the interest of service providers and to ensure orderly growth of the sector, decided to extend the date of compliance of the direction No. 12-37/2017-B&CS dated 03rd December 2018 for previously entered agreements and hereby directs all the broadcasters and distributors of television channels to implement the direction dated 3rd December 2018 as soon as possible but not later than 31st May, 2019.



(S.M.K.Chandra)
Joint Advisor (B&CS)

To,

All Broadcasters and Distributors of television channels