



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



DIRECTION

Dated: 25th April, 2018

Subject: Direction 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 on landing LCN.

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 its power 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, issued a direction dated the 8th November, 2017 wherein all the broadcasters and distributors of television channels were directed 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 boot up screen within fifteen days from the date of issuance of the direction;

4. And whereas the direction dated the 8th November, 2017 was challenged by some service providers before Hon'ble Telecom Disputes Settlement & Appellate Tribunal (*hereinafter referred to as Hon'ble Tribunal*) vide Broadcasting Appeal Nos.1,2,3,4 and 5 of 2017 and the Hon'ble Tribunal *vide* its order dated the 22nd November, 2017 directed that "the impugned direction shall not be given effect to" ;

5. And whereas the Authority submitted to the Hon'ble Tribunal on the 9th March, 2018 that it will reconsider the impugned direction and requested for postponement of the passing of any order on the preliminary issue, Hon'ble Tribunal kindly accepted the submission made by the Authority;

6. And whereas with the aim to protect the interest of the consumers, to ensure fair growth of the sector, and to ensure unbiased TRP ratings, the Authority has issued a consultation paper on "Issues related to Placing of Television Channel on Landing Page" on the 3rd April, 2018 seeking comments /suggestions of all the stakeholders;

7. And whereas the Authority, in view of its submissions made before the Hon'ble Tribunal on the 9th March, 2018 and in order to examine in detail the various issues raised in the consultation paper, referred to in the preceding para, made a statement on the 18th April, 2018 before the Hon'ble Tribunal that it has issued a fresh consultation paper on the issues and has decided to withdraw the impugned direction dated the 8th November, 2017;

8. And whereas the Hon'ble Tribunal, *vide* its order dated the 18th April, 2018 permitted the Authority to withdraw the said direction dated the 8th November, 2017;

9. Now, therefore, the Authority, in exercise of its power 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), hereby repeals the direction No. 12-37/2017-B&CS dated the 8th November, 2017 with immediate effect.



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

To,

All Broadcasters and Distributors of television channels