



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



Dated: 16th December 2020

DIRECTION

Subject: Direction to M/s Manakula Vinayagar Digital Network under section 13, read with clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997, to ensure compliance of the provisions of the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 dated 3rd March, 2017, regarding listing of channels in electronic programme guide.

No.6-02/2020-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"), has been entrusted to discharge 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, and
- (b) published under notification number S.0.44(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 the Broadcasting and Cable TV services provided through addressable systems, encompassing the following:-

- (a) the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (No. 1 of 2017) dated the 3rd March, 2017 (hereinafter referred to as "Interconnection Regulations");
- (b) the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 (No. 2 of 2017) dated 3rd March, 2017 (hereinafter referred to as "QoS Regulations"); and
- (c) the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 dated 3rd March 2017, (hereinafter referred to as "Tariff Order");

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

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

6. And whereas the Authority, on 01.01.2020, amended the new regulatory framework and notified the following:-

- (a) the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Second Amendment) Regulations, 2020 (1 of 2020);
- (b) the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Third Amendment) Regulations, 2020 (2 of 2020); and
- (c) the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Second Amendment) Order, 2020 (1 of 2020)

7. And whereas regulation 18 of the Interconnection Regulations, as amended, inter-alia, reads as under: -

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"18. Listing of channels in electronic programme guide- (1) Every broadcaster shall declare the genre of its channels and such genre shall be either 'Devotional' or 'General Entertainment' or 'Infotainment' or 'Kids' or 'Movies' or 'Music' or 'News and Current Affairs' or 'Sports' or 'Miscellaneous'.

(2) It shall be mandatory for the distributor to place all the television channels available on its platform in the electronic programme guide, in such a manner that all the television channels of a particular language in a genre are displayed together consecutively and one television channel shall appear at one place only.

(3) Every distributor of television channels shall assign a unique channel number for each television channel available on the distribution network...."

8. And whereas regulation 38 of the QoS Regulations, inter-alia, reads as under: -

"38. Display of channels in EPG.- (1) It shall be mandatory for the distributor of television channels to display all the television channels available on its platform in the electronic programme guide, in such a manner that all the television channels of a particular language in a genre are displayed together consecutively and one television channel shall appear at one place only...."

9. And whereas the Authority received a complaint from News Broadcasters Association (NBA) on 01.06.2020 and subsequent letters regarding running of 'Republic TV' channel (an English News channel) at 'Out of Genre' (Tamil News Genre) on the network of M/s Manakula Vinyagar Digital, Puducherry;

10. And whereas the Authority, vide email/letter dated 16.06.2020, sought clarification from M/s Manakula Vinayagar Digital on the issue raised by NBA;

11. And whereas, M/s. Manakula Vinayagar Digital has not responded to Authority's email/letter dated 16.06.2020 and subsequent reminder dated 24.06.2020;

12. And whereas the Regional Office of the Authority at Hyderabad, inspected the network of M/s. Manakula Vinayagar Digital and submitted its report to the Authority on 04.12.2020;

13. And whereas according to the inspection report, the Authority has found that 'Republic TV' channel was running along with Tamil News channels on the network of M/s Manakula Vinayagar Digital, Puducherry;

14. And whereas the Authority has found that M/s Manakula Vinayagar Digital is in the violation of the provisions of regulation 18(2) of the Interconnection Regulations and regulation 38 of the QoS Regulations, as amended from time to time;

15. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), hereby directs M/s. Manakula Vinayagar Digital, Puducherry, to ensure compliance to the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 by ensuring that all the television channels of a particular language in a genre are displayed together consecutively and one television channel shall appear at one place only, and to furnish compliance report to the Authority within five days from the date of issue of this Direction.

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16/12/2020

(Sapna Sharma)
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To,

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