

N-45001/6/2021-DAS
Government of India
Ministry of Information and Broadcasting

Room No. 544A, 'A' Wing
Shastri Bhawan, New Delhi-110001
Dated: 27/04/2023

To

Shri V. Raghunandan
Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
New Delhi

Subject: TRAI's Recommendation on "Renewal of Multi-System Operators (MSOs) Registration" dated 29.12.2022 -reg.

Sir,

I am directed to refer to TRAI's recommendations dated 29.12.2022 on the subject mentioned above and to say that the recommendation on "Renewal of Multi-System Operators (MSOs) Registration" dated 29.12.2022 have been examined in this Ministry. However, it has been decided to refer back to TRAI its Recommendations at para 44 and para 79(e) in chapter 2 of the aforesaid recommendations. The comments of this Ministry on these two recommendations are as under:

(A) Recommendation at para 44 of Chapter 2:

"The Authority recommends that all such registrations, which have either expired or about to expire within the next 8 months from the date of implementation of decision of MIB w.r.t. renewal of MSO registrations, should be deemed to expire after 8 months from the date of implementation of rules/guidelines for renewal."

Comments/Suggested modification

The issue of extension of validity of registration of MSOs which have either expired or about to expire till decision on "Renewal Procedure" is implemented was duly considered in the Ministry. To ensure continuity of services offered by the MSOs, it has been decided by the Competent Authority that MIB may seek details like number of subscribers to check

whether the MSO is operational and filled in security clearance form to get necessary security inputs from M/o Home Affairs and may grant temporary extension, subject to compliance of terms and conditions of MSO registration and receipt of security clearance from M/o Home Affairs. Accordingly, the above details were sought from MSOs who were expecting the expiry of their MSO registrations. Only those MSOs who had either furnished the above details or made a request before MIB for renewal of registration were granted temporary extension subject to relevant necessary compliance and security clearance from M/o Home Affairs. The MSO Registrations of those who had not furnished above details or made any request for renewal were allowed to expire. At present Ministry has granted temporary extension till 30.06.2023 on the applicable cases.

The recommendation of TRAI is to increase the validity of all registrations for a period of 8 months after implementation of decision by MIB. Such omnibus extension will also result in increase in validity of MSO registrations of non-serious players who may be non-compliant to the terms and conditions of the registration.

In view of the above, this Ministry is of the view that the existing practice in MSOs as mentioned above may continue to be followed by MIB till formulation of the Renewal Policy.

(B) Recommendation at sub para (e) of para 79 in chapter 2:

“Every renewal application shall be referred to the Authority for confirmation to compliance of extant rules and regulations. The process of seeking confirmation of compliance may be online through Broadcast Seva Portal. The Authority will provide explicit instances of non-compliance, if such is the case, within fifteen days of online referral. For the purposes of transparency and clarity, TRAI shall release a detailed circular on its website which shall contain the specifics of the review process and grounds of such review by TRAI. If the Authority does not respond within fifteen days of such referral, then the compliance from regulator may be considered as deemed confirmation.”

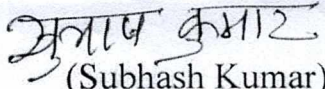
Comments/suggested modifications

The renewal of registration of an MSO under the CTN Act, 1995 is a quasi-judicial process. The Registering Authority is required to grant opportunity of being heard before denying registration. The decision of Registering Authority is appealable before Central Government. The compliance to

TRAI regulations, guidelines and orders are part of terms and conditions of registration granted to an MSO. Hence, TRAI may share instances of non-compliance at any point of time and MIB may take action as per the provisions of CTN Act and Rules. It is suggested that the process of TRAI sharing the details of defaulter MSOs with MIB for necessary action should continue to be followed and the same should not be mixed specifically with the process of renewal of registration.

2. In view of the above, it is requested that as per the provisions of Proviso to Section 11(1) of TRAI Act, the Authority may after considering this back reference, kindly furnish their recommendations on the suggested modifications to enable the Government to take a final decision in this matter.

Yours faithfully,


(Subhash Kumar)

Deputy Secretary to the Govt. of India