

F.No 1-2/2007-(B&CS)

Dated : 29<sup>th</sup> May, 2007

Subject: Direction under section 13, read with sub-clauses (i), (ii), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) regarding compulsory carriage of Doordarshan channels by all Multi System Operator and cable operators.

No.1-2/2007-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 telecommunications 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 the provisions contained in sub-sections (1) and (2) of section 8 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) (hereinafter referred to as the Cable Act) require that every cable operator shall re-transmit, from the commencement of the Cable Television Networks (Regulation) Amendment Act, 2000, at least two Doordarshan terrestrial channels and one regional language channel of a State in the prime band in satellite mode on frequencies other than those carrying terrestrial frequencies and such Doordarshan channels shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels;

4. And whereas---

(a) the provisions contained in sub-section (3) of section 8 of the Cable Act, provide that the Prasar Bharati (Broadcasting Corporation of India) (hereinafter referred to as Prasar Bharati) established under sub-section (1) of section 3 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 (25 of 1990) may, by notification in the Official Gazette, specify the number and name of every Doordarshan channel to be re-transmitted by cable operators in their cable service and the manner of reception and re-transmission of such channels;

(b) the Prasar Bharati had, in exercise of the powers conferred upon it by sub-section (3) of section 8 of the Cable Act, issued the following notifications mentioned under clauses (i) to (v) of this sub-paragraph, specifying such number and name of every Doordarshan channel which shall be re-transmitted, in the States and Union Territories mentioned therein, by the cable operators in their cable service and the manner of reception and re-transmission of such channels, namely:-

(i) notification issued under S.O.823(E) dated the 13<sup>th</sup> September, 2000 published on the 13<sup>th</sup> September, 2000, in Part II, Section 3, sub-section (ii) of the Gazette of India Extraordinary;

(ii) notification issued under S.O.82 (E) dated the 29<sup>th</sup> January, 2001 published on the 29<sup>th</sup> January, 2001 in Part II, Section 3, sub-section (ii) of the Gazette of India Extraordinary;

(iii) notification issued under S.O.157 (E) dated the 4<sup>th</sup> February, 2002 published on the 4<sup>th</sup> February, 2002 in Part II, Section 3, sub-section (ii) of the Gazette of India Extraordinary;

(iv) notification issued under No.16(1)/Cable-2000-E-III dated the 24<sup>th</sup> October, 2003 published on the 24<sup>th</sup> October, 2003, in Part III, Section 4 of the Gazette of India Extraordinary;

(v) notification issued under No.16(1)/Cable-2005-E-III dated the 25<sup>th</sup> February, 2005 published on the 25<sup>th</sup> February, 2005, in Part III, Section 4 of the Gazette of India Extraordinary;

(vi) notification issued under No.16(1)/Cable/2000-E-III dated the 25<sup>th</sup> February, 2005 published on the 25<sup>th</sup> February, 2005, in Part III, Section 4 of the Gazette of India Extraordinary;

5. And whereas, the notifications referred to in sub-paragraph (b) of the preceding paragraph require certain Doordarshan channels specified therein to be,—

- (a) compulsorily carried by the cable operators on their network in prime-band on the frequencies other than those carrying terrestrial frequencies; and,
- (b) carried compulsorily in the non-prime band.

6. And whereas it has been brought to the notice of the Authority that a number of service providers, being the cable operators (including multi system operators) are not re-transmitting such Doordarshan channels in the manner specified in the provisions and notifications referred to in paragraphs 3,4 and 5 above and the viewers either miss the Doordarshan channels altogether or are deprived of good visual quality of the broadcast in respect of such channels due to default in re-transmitting such Doordarshan channels in the manner specified in the provisions and notifications referred to in paragraphs 3,4 and 5 above;

10. Now, therefore, in exercise of the powers conferred under section 13, read with sub-clauses (i), (ii), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the provisions and notification referred to in paragraph 2 above and for the reasons mentioned in the preceding paragraph, the Telecom Regulatory Authority of India hereby directs that all service providers, being the cable operators (including multi-system operators) who are registered under section 4 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) shall re-transmit the Doordarshan channels in accordance with the provisions referred to in section 8 of the Cable Television Networks (Regulation) Act, 1995 and notifications issued by the Prasar Bharati as referred to in sub-paragraph (b) of paragraph 4.

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

To

- 1. All Multi System Operators.
- 2. All cable operators.