

FRIDAY, THE 24TH DAY OF JULY 2026

WP(C) No. 17422 of 2026

ALL INDIA DIGITAL CABLE FEDERATION & ANOTHER

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONERS:

SHRI.M.GOPIKRISHNAN NAMBIAR,
SHRI.K.JOHN MATHAI,
SRI.JOSON MANAVALAN,
SRI.KURYAN THOMAS,
SHRI.PAULOSE C. ABRAHAM,
SHRI.RAJA KANNAN,
SRI.JAI MOHAN

ADVS FOR RESPONDENTS:

SHRI.AMAL PARTHASARADHY, CGC,
SHRI.JAISHANKAR V.NAIR, SC,
TELECOM REGULATORY AUTHORITY OF INDIA - TRAI,
SHRI.MATHEW NEVIN THOMAS,
SHRI.KURIAN ANTONY MATHEW,
SHRI.SHINTO MATHEW ABRAHAM

BECHU KURIAN THOMAS, J.

W.P.(C) No.17422 of 2026

Dated this the 24th day of July, 2026

ORDER

The writ petition has been filed seeking to strike down the proviso to clause 5.4.1 of the TV Ratings Policy, 2026 notified by the Union of India.

2. When the writ petition came up for consideration, after hearing the learned Senior Counsel for the petitioners, by an order dated 22.05.2026, this Court directed the respondents not to implement the proviso to clause 5.4.1 of Ext.P1, without getting further orders from this Court. It was specifically mentioned in the aforesaid order that the Supreme Court is found to be in seisin of the matter in Civil Appeal Nos.6001-6003/2019. Subsequently, applications have been filed on behalf of respondents 1 and 2 seeking to vacate the interim order.

3. In view of the petitions to vacate the interim order, I heard Sri. Arun Kathpalia, the learned Senior Counsel instructed

by Sri. Swapnil Gupta and Sri.Jai Mohan, the learned counsel for the petitioners, Sri. P.Sreekumar, the learned Additional Solicitor General of India instructed by Sri.Amal Parthasarathy, the learned Central Government Counsel on behalf of first respondent, Sri.Jaisankar V. Nair, the learned Standing Counsel on behalf of second respondent, apart from Sri. Joseph Kodianthara and Sri.Abhishek Malhotra, learned Senior Counsel, instructed by Adv. Kurian Antony Mathew on behalf of the third respondent.

4. The issue that is raised for consideration in this writ petition relates to Landing Page Regulations. The Landing Page of a channel in simple terms refers to the specific channel which is displayed when a subscriber activates the set top box. The landing page is activated by default and is not viewed at the option of the subscriber.

5. The TV Ratings Policy was brought out, even according to the petitioners, in the year 2014 by the Government through the Ministry of Information and Broadcasting. The television channels started using the landing page as a means to identify their TV Rating. While so, the Telecom Regulatory Authority of India (for short 'TRAI'), on the belief that the Landing Page is not a natural

choice of the viewer and the ratings get distorted, issued an order in purported exercise of the powers under section 13 read with section 11(1)(b)(ii) of the Telecom Regulatory Authority of India Act, 1997 (for short 'the Act') and restrained all broadcasters and distributors of television channels from placing any registered satellite television channel whose TV Rating is released by TV Rating Agency on the landing channel.

6. The said order of TRAI was challenged before the TDSAT and by Ext.P26 the said Appellate Tribunal observed that the directions issued by TRAI were beyond the powers of the Act. The said decision has been challenged before the Supreme Court in an appeal under section 18 of the Act. By Ext.P28 order dated 30.07.2020, the Supreme Court directed that TRAI shall not enforce Landing Page Regulations/directions against the respondents and other similarly situated members of the Association. In the meantime, the Ministry of Information and Broadcasting (for short 'MIB') has issued Ext.P1 'TV Ratings Policy, 2026', wherein, clause 5 provides for the methodology for audience measurement, in which, clause 5.4 deals with data analysis. The impugned clause is the first proviso to clause 5.4.1, which reads as follows:

"Provided that any viewership arising out of Landing Page shall not be counted in the viewership measurement. Landing Page can be used only as a marketing tool."

7. The interim order was granted by this Court on the prima facie belief that the issue is pending consideration before the Supreme Court and Ext.P28 order was issued not to enforce the Landing Page Regulations. However, on an appreciation of the contentions raised to vacate the interim order, this Court notices that, what is pending consideration before the Supreme Court are those directions issued by the TRAI in exercise of the powers conferred under sections 11(1)(b)(ii), 11(1)(b)(iii) and 11(1)(b)(iv) of the Act. One of the main questions considered by TDSAT was regarding the jurisdiction of TRAI to issue such directions. In fact the contentions raised, reveal that the petitioners therein had specifically argued about the power being vested with MIB in contradistinction to TRAI, to issue such directions.

8. As is prima facie evident from the pleadings and the documents produced, television rating is a matter of policy of the Government. What should be included for identifying TV Rating and what should be excluded, are all prima facie matters of

policy. Petitioners do not have any vested right to demand that the TV Rating must be based on a particular method. Since it is a matter of policy, issuance of Ext.P1, including proviso to clause 5.4.1 cannot be said to be prima facie without authority.

9. Further, as mentioned earlier, what was challenged before the TDSAT and which is now pending before the Supreme Court is the validity of directions issued by TRAI in exercise of the statutory powers of the Act, while the present being a matter of policy, the proviso inserted by MIB in Ext.P1 cannot be said to be without authority. The directions of TRAI dealt with the question of placement, as against the present clause, which deals with rating.

10. Apart from the above, the contention based on violation of the fundamental right under Article 19(1)(g) of the Constitution of India does not appear to be prima facie legally tenable, as the right of the petitioners to carry on their business is not affected by the impugned clause. Article 19(1)(g) cannot be stretched to include within its ambit the right to generate profits in the manner the petitioner wants. The right to do business is distinct from the right to profitability.

11. It was also contended that petitioners' right to freedom

of speech and expression under Article 19(1)(a) of the Constitution of India is also affected by the impugned proviso. Reliance has also been placed on the decisions in **Bennett Coleman & Co. and Others v. Union of India** and Others [(1972) 2 SCC 788], **Brij Mohan Lal v. Union of India and Others** [(2012) 6 SCC 502]. However, those decisions have no application to the facts of the present case, at least prima facie, as what is involved in the impugned proviso is only the methodology to be adopted for rating of a TV channel and not any restriction or prohibition of advertisements. The impugned provision does not restrict or prohibit any advertisements on the landing page, but only stipulates that viewership on landing page shall not be counted for measuring the viewership. This Court cannot comprehend any infringement of the petitioners right to freedom of speech and expression by the impugned proviso.

12. Further, the contention that since, a benefit of TV channel ratings based on Landing Page, enjoyed by the petitioners all along, is being taken away suddenly, balance of convenience leans in favour of continuing the existing arrangement, though impressive on first blush, is not legally sustainable. As mentioned earlier, ratings based on landing page

is not a vested right. It is also not a true reflection of the viewer's choice. Further, the benefit, if any, enjoyed by the petitioners all along, cannot be expected to be continued forever even after realizing that is not based on actual viewer choice. Hence no balance of convenience can be claimed by the petitioners. In view of the above circumstances, this Court is satisfied that the restraint issued by this Court ought not to be continued further.

Accordingly, the interim order of this Court dated 22.05.2026, restraining the implementation of proviso to clause 5.4.1 in Ext.P1 - TV Ratings Policy, is hereby vacated.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

vps