Telecom Regulatory Authority of India (TRAI) can validly regulate advertisement duration on television channels under its 'quality-of-service' powers once broadcasting falls within its regulatory domain, and such regulation can include a 12-minute per clock hour cap to protect viewer interest

The **Delhi High Court** in the case of **9X Media vs TRAI [W.P.(C) 7982/2013] dated July 08, 2026**, has held that Telecom Regulatory Authority of India (TRAI) can validly regulate advertisement duration on television channels under its 'quality-of-service' powers once broadcasting falls within its regulatory domain, and such regulation can include a 12-minute per clock hour cap to protect viewer interest. The Court also held that this is a constitutionally valid, neutral and proportionate regulation of a licensed activity involving public spectrum, does not infringe Articles 14 and 19, and is in any case supported by the constitutional principles in Articles 39(b) and 39(c) read with Article 31-C.

The Court observed that TRAI had the statutory competence to frame the impugned regulation under Sections 11(1)(b)(v) and 36 of the TRAI Act, 1997. It said that once broadcasting and cable services were included within the definition of telecommunication services, TRAI's quality of service jurisdiction extended beyond purely technical matters and legitimately included viewer experience. The Court found that in television broadcasting, the frequency and duration of advertisement breaks directly affect consumer viewing quality, and therefore regulating advertisement time was a valid quality of service measure.

The Court strongly emphasized that airwaves and spectrum are scarce public resources held by the State in trust for the public. Since broadcasters use public spectrum under a statutory and licensed regime, they cannot claim an unfettered right to commercially exploit it. The Court said the State is fully entitled to regulate such use in public interest so that the benefit of spectrum accrues to the community at large and not merely to private commercial entities.

On the constitutional challenge, the Court held that the broadcasters' real grievance was about loss of advertisement revenue and not direct suppression of editorial or programme content. It therefore viewed the challenge principally through Article 19(1)(g), not the core of Article 19(1)(a). The 12-minute cap was treated as a neutral, time-based regulation that did not ban any category of speech or content, but merely limited the quantity of advertisement time in the interest of viewers. The Court added that Article 19(1)(g) does not guarantee profitability or unlimited monetisation of a public resource.

The Court also held that the uniform cap across channels, genres and time slots was based on a rational regulatory objective, namely preventing over-commercialisation and protecting viewer experience. It found that the framework was not manifestly arbitrary because it was based on consultation, consumer complaints and comparative international practice. The Court further held that TRAI was not required to accept every objection raised by industry stakeholders so long as the regulatory process showed transparency, rationality and application of mind.