



**Telecom Regulatory Authority of India**



**Recommendations**  
**On**  
**Platform Services offered by DTH Operators**

New Delhi, India

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## **CHAPTER I**

### **BACKGROUND**

- 1.1 The Television service distribution sector in India mainly comprises of cable TV services delivered by Multi-System Operators (MSO) and their linked Local Cable Operators (LCO), Direct to Home (DTH) services, Internet Protocol Television (IPTV) services, Headend-in-the-Sky (HITS) services and terrestrial TV services which are provided by Prasar Bharati under the brand name Doordarshan, the public broadcaster. At present there are four pay DTH operators (the services of M/s Independent TV have recently been suspended) providing TV services through addressable systems in the country.
- 1.2 The TV channel distribution platforms primarily re-transmit broadcast TV channels permitted by the Ministry of Information & Broadcasting (MIB) under their uplinking and downlinking guidelines. At present there are 900+ permitted TV satellite channels (including both free-to-air channels and pay channels) in India. These channels generally cater to the varied needs of the consumers spread across various states, languages, preferences and tastes. However, in addition to these channels, as a prevailing practice, various TV channel Distribution Platform Operators (DPOs) - cable TV operators (MSO/LCO) and DTH operators are providing certain programming services which are specific to their platform and are not obtained from satellite-based broadcasters.
- 1.3 Earlier in this regard, a reference has been received from the Ministry of Information and Broadcasting vide its letter dated 17<sup>th</sup> January 2013, wherein the recommendations of the Authority have been sought on the entire aspect of transmission of local channels and ground-based channels by cable operators/MSOs.
- 1.4 Since there was no registration system in place for the platform services offered by DPOs, neither MIB nor any other agency has full information about what is being shown on TV networks. The various rules/regulations

on cable TV networks or the DTH platform mandate that all the channels transmitted/re-transmitted on TV networks need to have requisite registration/permission/approval of the MIB. Therefore, there had been an urgent need to ensure that these programming services are brought within the four corners of a robust and fair regulatory system that addresses all concerns adequately.

1.5 Therefore, in this regard, TRAI had issued its recommendations on the 'Regulatory Framework for Platform Services'<sup>1</sup> dated 19<sup>th</sup> November 2014, the salient features of the recommendations include, *inter-alia*:

- The definition of platform service and the content that can be carried on these channels.
- Establishment of an online system by MIB to register all the platform services being offered. Registration is to be done on the basis of a simple set of information and at a nominal registration fee of Rs. 1000 per channel.
- Prior clearance from the district authorities of any local information; local affairs bulletins that may be transmitted if required.
- DPO's desirous of providing platform services must be incorporated as a company under the Indian Companies Act, 2013.
- Limitation on the number of such channels that a DPO may offer to a subscriber have been prescribed.
- A time of 12 months have been prescribed for the DPOs to comply with the guidelines to be issued by MIB, in this regard.

1.6 In addition to the recommendations on platform services, the Authority has *suo motu* made recommendations on the regulatory framework for ground-based broadcasters as well. This has been done to ensure that any TV channel that is distributed on any TV network in India is covered by a regulatory framework, whether it is obtained from a satellite-based broadcaster, produced by the network operator or sourced from a terrestrial

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<sup>1</sup> <https://main.traai.gov.in/sites/default/files/Recommendation%3D24112014.pdf>

broadcaster. The recommendations for the ground-based broadcasters are largely the same as that for the satellite broadcasters, barring the requirements of seeking spectrum and approvals in that regard from Department of Telecommunications and Department of Space.

- 1.7 TRAI has now received a reference from MIB vide its letter no 3/1/2014-BP&L (Vol. III) dated 2<sup>nd</sup> July 2019 (**Annexure I**), wherein MIB has referred the TRAI's earlier recommendations on "Regulatory Framework for Platform Services" dated 19<sup>th</sup> November 2014 and requested TRAI to furnish its recommendations by reconsidering the issues regarding platform services. The MIB reference letter is specific to the PS channels of DTH operators and not for all DPOs.
- 1.8 The Authority issued a Consultation Paper (CP) on 'Platform Services offered by DTH Operators<sup>2</sup>' on 28<sup>th</sup> August 2019 to solicit the comments/views of all stakeholders on the issues related to platform services (PS). Written comments on the consultation paper were invited from stakeholders by 4<sup>th</sup> October 2019 and counter comments, if any, by 11<sup>th</sup> October 2019.
- 1.9 The Authority has received 16 comments. All the comments are available on TRAI website<sup>3</sup>. Subsequently, an open house discussion was also held on 15<sup>th</sup> October 2019, in Delhi, to seek the views of the stakeholders on various issues.
- 1.10 Based on the inputs received from stakeholders and internal analysis, the Authority has arrived at these recommendations on the key issues. Chapter II deals with various issues related to platform services offered by DTH operators. Summary of all the recommendations is available in Chapter III.

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<sup>2</sup> [https://main.trai.gov.in/sites/default/files/CP\\_28082019.pdf](https://main.trai.gov.in/sites/default/files/CP_28082019.pdf)

<sup>3</sup> <https://main.trai.gov.in/consultation-paper-platform-services-offered-dth-operators>

## **CHAPTER II**

### **ISSUES AND ANALYSIS**

- 2.1 As mentioned in the previous chapter, TRAI has received a reference from Ministry of Information & Broadcasting (MIB) vide its letter dated 2<sup>nd</sup> July 2019, wherein TRAI has been requested to give its considered recommendations for inclusion in the DTH guidelines on the various issues related to platform services with reference to DTH guidelines, reconsidering TRAI's earlier recommendations on "Regulatory Framework for Platform Services" dated 19.11.2014.
- 2.2 In accordance with the MIB reference and with a view to examine the mentioned issues, the Authority raised various issues in the consultation paper (CP) on different aspects which can be broadly categorised as:
- A. Exclusivity in the programmes transmitted through PS channels by the DTH operator.
  - B. Number of PS channels offered by a DTH operator.
  - C. Quantum of the registration fee of a PS channel.
  - D. Provision of activation/deactivation of a PS channel.
  - E. Issues related to sequence, caption and genre of the PS channels.
- 2.3 Responses received from the stakeholders in the form of comments and submissions during the open house discussions on the issues listed above have been duly deliberated and analysed in the following sections.

#### **Issue A: Exclusivity in the programmes transmitted through PS channels by the DTH operator**

- 2.4 As per TRAI earlier recommendations of 2014, the definition of platform service shall be:

*"Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India."*

In so far as carrying local news and current affairs bulletins on PS is concerned, the following categories will be treated as non-news and current affairs broadcast and will, therefore, be permissible:

- (i) Information about local events and other local affairs, sourced locally and not obtained from news agencies or from broadcast news channels/ sources;
- (ii) Information pertaining to sporting events, excluding live coverage. However live commentaries of sporting events of local nature may be permissible, if broadcasting rights for the same are not held by anyone else;
- (iii) Information pertaining to Traffic and Weather;
- (iv) Information pertaining to and coverage of cultural events, festivals;
- (v) Coverage of topics pertaining to examinations, results, admissions, career counseling;
- (vi) Availability of employment opportunities; and
- (vii) Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration.

In addition, the Authority recommended that the DPO obtain prior permission from the Authorised Officer in this regard and that the State Governments should not charge any fees for according such permission. Any DPO offering PS must ensure full adherence to the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994.

- 2.5 Since cable TV networks disseminate information about local affairs to their subscribers, the importance of such a service provided by the local cable TV networks was recognised. However, considering the more stringent regulatory norms in India for news broadcast, as compared to that for general entertainment, allowing DPOs to freely include news content in their PS is neither fair to news broadcasters nor advisable as unhindered (unregulated) dissemination of news also has significant security implications. Therefore, only local affairs/information bulletins sourced entirely from local resources,

was allowed on PS channels to be run. News from news agency sources or national/international news derived from broadcast TV channels were not permitted to be transmitted as content of PS.

2.6 PS, as mentioned in paragraph 2.4 above, are programming services provided by a DPO to its own subscribers. These services are not shared, therefore there is no interconnection required with other DPOs for distribution of PS. This definition was deliberated upon and discussed in great detail by the stakeholders. Therefore, the Authority reiterates the definition of platform services.

2.7 **The Authority reiterates the definition of PS as recommended in ‘Regulatory Framework for Platform Services’ dated 19<sup>th</sup> November 2014. The definition of platform services (PS) for DTH operators shall be:**

***“Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India.”***

**Registered TV channels or television channels means a channel, which has been granted downlinking permission by the Central Government under the policy guidelines issued or amended by it from time to time and reference to the term “channel” shall be constructed as a reference to “television channel”.**

2.8 The fundamental point of MIB reference dated 2<sup>nd</sup> July, 2019 is that since DTH operations have pan-India presence, DTH operators should be made very clear at the time of registration itself that whenever any programme is transmitted by the DTH operator as a platform service channel, he has to ensure that such programmes are not shared with any other Distribution Platform Operator (DPO).



- 2.9 The stakeholders have commented that the programmes transmitted on PS channels can be produced in two ways. Firstly, the programme can be produced by the DTH operator himself. Secondly, the programme created by some third-party producer and made available to the DTH operator. The stakeholders (mainly the DTH operators) commented that while the total curated PS feed is specific and exclusive to the DTH operator, it is possible that the content or the programmes within the PS may not be exclusive. The mandate for exclusivity will result in denial of content or tied-in-deals with the owners. Further several programmes such as different popular movies run across various channels, with no bar on exclusivity.
- 2.10 Some content creators commented that since huge investment is involved in creation and acquisition of content and if PS channels would not be shared with others this will lead to financial distress to the content distributors. Some stakeholders further opined that PS could be shared with other DPO networks. Some others suggested that linear programming services that compete with a traditional broadcaster's content ought not to be allowed as PS. DPOs should be comprehensively restricted from providing advertising spots on their non-linear channels. Such non-linear channels should not carry any news or current affairs programming because of security considerations.
- 2.11 The other stakeholders submitted that the programme should be exclusive to one DTH operator only and should not be shared with other DTH operators, otherwise it would become another broadcaster's channel and will lose the tag of being a PS channel. Sharing the content with other DPOs will circumvent the uplinking and downlinking guidelines. One stakeholder submitted that DTH operators are charging a sizeable fee from its subscriber for the PS, therefore the programmes should be exclusive.
- 2.12 The Authority has noted that PS channels being offered by the DTH operators generally include music, movies, devotional, entertainment, teleshopping, kids programs, serials, documentaries, infotainment, market news, educational, and interactive games. Some of these programs are distinct from

the programs offered on registered TV channels while many of them are similar. DTH operators also offer Movie on Demand (MoD) and Pay per View (PPV) kind of services to their own subscribers.

2.13 During the earlier consultation process of 2014, it has emerged in the discussions that to ensure that PS channels remain distinct from the registered TV channels permitted under uplinking/downlinking guidelines and do not trespass the domain of broadcasters either overtly or covertly, certain provisions should be there regarding the composition of PS channels. The Authority noted that since DTH are PAN India operations, the concept of local content is not much applicable to DTH operators and therefore the content in the programmes of PS should be exclusive for the subscribers of the DTH operators.

2.14 The Authority has also noted that the programming services are either produced by the DPO itself or are sourced from certain ground-based broadcasters. Ground-based channels are akin to the traditional broadcast channels, but with a strong local focus. They have generally been referred to as 'local-channels' and the producers of such channels are ground-based broadcasters. These channels offer a variety of content such as local news and information; regional movies and music; religious content, etc. These channels like traditional TV channels, these channels may also be carried on more than one DPO network simultaneously. The owners of these channels transmit the content terrestrially to the headend of distributor's network, i.e., there is no uplinking or downlinking of the channel and the DPOs retransmit them on commercial terms to the subscribers. Like traditional TV channels, these local-channels also carry advertisements and the ad-revenue obtained usually accrues to the ground-based broadcaster. Consequently, they own the rights for the content carried and are responsible for the same. Such channels of the ground-based broadcasters are not formally recognized as a 'broadcaster'. If there is any such content, which is local in nature or has to be shared across various DPOs, that would be categorised as the content of that ground-based broadcaster. The regulatory framework of ground-based

broadcasters has already been recommended by TRAI in its 19.11.2014 recommendations.

2.15 Therefore, the Authority is of the view that programme transmitted by a DTH operator should be exclusive and should not be shared with other DPOs, which will also ensure that domain of PS channels remains distinct from that of registered channels. The PS channels should act as a unique selling point (USP) of the DTH operators, and therefore being termed as platform service of that particular DTH operator and not as a broadcast content to be shared with other DPOs. If the content creators/broadcasters feel that the programme developed by them is not exclusive for a particular DTH operator and the same has to be shared with other DPOs as well, such programme would fall under the category of ground based broadcasters, and not transmitted as a PS channel of a specific DTH operator.

2.16 **Accordingly, the Authority recommends that:**

- (a) The programme transmitted by the DTH operator as a platform service shall be exclusive and the same shall not be permitted to be shared directly or indirectly with any other Distribution Platform Operator (DPO).**
- (b) Programme transmitted by the DTH operator as a platform service shall not directly or indirectly include any registered TV channel or Doordarshan channel or foreign TV channel. Time-shift feed of registered TV channels (such as +1 services) shall not be allowed as a platform service.**
- (c) DTH operator shall ensure and provide an undertaking to the Ministry in the format prescribed by the Ministry that the programme transmitted as a platform service is exclusive to their platform and not shared directly or indirectly with any other DPO.**
- (d) In case the same programme is found available on the PS of any other DPO, MIB/TRAI may issue direction to immediately stop the transmission of such programme. MIB also reserves the right for cancellation of registration of such PS of the DTH operator.**

## Issue B: Number of PS offered by a DTH operator

2.17 MIB in its reference has also sought TRAI's recommendations to reconsider the maximum number of PS channels that a DTH operator can offer keeping in view that so far it is unregulated. The MIB has also provided number of PS channels offered by the DTH operators as given in Table 1 below:

DTH operator	Number of PS Channels
Tata Sky	41
Dish	40
Airtel	Airtel – 26+ 24 – information and promotional services, out of which 12 for 'Airtel make your pack' (as per new TRAI tariff order)
Sun Direct (May 2019)	4 (movies being telecast in Tamil, Telugu, Malayalam & Kannada language) 1- Information service.
Independent TV (presently suspended)	NIL

**Table 1:** PS channels offered by DTH operators as mentioned in the MIB letter dated 2<sup>nd</sup> July 2019

2.18 The above issue had also been considered during the consultation process in June 2014 and after ascertaining the views of stakeholders on the issue, the Authority in its recommendations dated 19<sup>th</sup> November, 2014 recommended a maximum of 15 PS channels that could be offered by the DPOs which also included DTH operators.

2.19 Regarding the number of PS channels on a DTH platform, few of the stakeholders have commented that 1-2% of the total capacity declared by the DTH operators should be allowed to be reserved by the DTH operators for transmitting their PS channels. Other stakeholders commented that 5-10% or a number between 15- 20 PS channels may be prescribed.

2.20 Broadcasters in the open house discussion stated that large number of platform services cannot be permitted, as the capacity constraint has been a major challenge and this self-created/in-built capacity constraints defeats the provisions of the ‘must carry’ principle. Some other stakeholders suggested that it is good to restrict the number of platform services on a platform, as PS channels can be used as a tool to restrict the carriage of the broadcast channels. DTH operators were of the view that since broadcasters are forming their own OTT distribution platforms to take their content directly to the subscriber, therefore the DTH operators should not be restricted in any manner.

2.21 The DTH operators have, as on 30<sup>th</sup> June 2019, reported to TRAI the following total channel carrying capacity, spare channel capacity and the number of PS channels (Table 2) that are being offered by them.

S. No.	DTH operator	Total channel carrying capacity (in terms of SD channels)	Spare channel capacity (in terms of SD channels)	No. of PS Channels
1.	Tata Sky	758	NIL	43
2.	Airtel	686	2	25
3.	Dish	479	NIL	20
	D2h	616	NIL	20
4.	Sun Direct	352	9	7

**Table 2:** Total channel carrying capacity, spare channel capacity and no. of PS Channels offered by DTH Operators

2.22 From Table 2 it can be noted that the DTH operators have total channel carrying capacity in the range of 350-760 channels and all the DTH operators are having PS channels. Some of them are having PS channels as high as 20 to 43 channels.

2.23 In this regard, the Authority has noted that TRAI has introduced a new regulatory framework for broadcasting & cable services which was duly notified on 3<sup>rd</sup> March 2017. The sub-regulations (4) and (5) of regulation 4 of

The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 reads as under:

**“ 4. General obligations of distributors of television channels. —**

...

*(4) Every distributor of television channels shall, within thirty days from the commencement of these regulations or within thirty days from the commencement of its operations, as the case may be, on its website, publish—*

- (a) target markets as declared under sub-regulation (3) of this regulation;*
- (b) the total channel carrying capacity of its distribution network in terms of number of standard definition channels;*
- (c) list of channels available on the network;*
- (d) number of channels for which signals of television channels have been requested by the distributor from broadcasters and the interconnection agreements signed;*
- (e) spare channel capacity available on the network for the purpose of carrying signals of television channels; and*
- (f) list of channels, in chronological order, for which requests have been received from broadcasters for distribution of their channels, the interconnection agreements have been signed and are pending for distribution due to non-availability of the spare channel capacity:*

*Provided that the list of channels in chronological order, under clause (f), shall be prepared on the basis of date and time of receipt of the written request from the broadcaster:*

*Provided further that for the purpose of calculating spare channel capacity of the distribution network, one high definition channel shall be equal to two standard definition channels:*

*Provided further that spare channel capacity available on the network under clause (e) shall be the difference between the total channel carrying capacity of the distribution network and numbers of channels available on the distribution network in terms of standard definition channels:*

*Provided further that any subsequent change, due to addition or reduction in total channel carrying capacity of the distribution network or due to addition of channels on the distribution network or due to discontinuation of existing channels available on distribution the network, shall be reflected in the spare channel capacity:*

*Provided also that any change in the information, published under this sub-regulation, shall be updated on the website within seven calendar days from the date of occurrence of such change.*

*(5) Every distributor shall allocate every alternate spare channel capacity on its network to the channels, in sequential manner, listed under clause (f) of sub-regulation (4), for distribution of the television channels.*

... ”

- 2.24 In this framework, the provision ‘must carry’ has been enshrined to ensure the reach of all the channels to the subscribers. There are four private DTH operators which are having capacity of carrying around 350-750 channels on their platform. ‘Must carry’ provisions would ensure the access to the distribution networks in non-discriminatory manner. ‘Must carry’ provision is uniformly applicable to all types of DPOs subject to availability of spare capacity.
- 2.25 The regulation 4(4) of the Interconnection regulations, 2017 mandates the DPO to declare their total channel carrying capacity and spare channel capacity of its distribution network in terms of standard definition channels. As seen from the Table 2 most of the DTH operators have declared their spare channel capacity either NIL or very minimal. Therefore, there is a need to ensure that the capacity available with the DTH operators should be provided to the channels of the broadcasters and hence the number of PS channels should be restricted.
- 2.26 With large number of channels already available (900+) and considering the largest channel carrying capacity of a DTH operator which is 758 and spare channel capacity as NIL, the capacity to carry remaining 150 satellite TV channels is still unavailable. Therefore, carrying large number of PS channels in the limited capacity violates the principle of ‘must carry’ provision of the regulations. Hence, the PS channels should be restricted.
- 2.27 In DTH services, the programmes are delivered directly to the consumer households through satellite and hence the coverage of the channels span across the country. In such a scenario, the delivery of the local content by

the DTH operators is difficult to be fulfilled through such platforms. From this perspective also, the number of platform service channels should be restricted.

2.28 Therefore, the Authority is of the view that owing to that fact that DTH operators have a limited channel carrying capacity and with the availability of a huge number of permitted satellite TV channels(900+) in all regional languages and genres, there is no pressing requirement, as such for a large number of PS channels to the DTH operators. Further, the domain of DTH operator is different from the domain of the broadcaster. The DTH operators are primarily to carry the content produced by the broadcasters, and not to produce the content on their own. However, keeping in mind the current practice of prevailing platform services channels, DTH operators may be permitted to provide platform service channels but the number of such platform services channels should be restricted. A larger chunk of PS channels also defeats the principles of 'must carry' obligation of the DTH operators. Taking into consideration the comments of the all stakeholders and its own analysis the Authority is of the view that only 3% of the total channel carrying capacity and subject to a maximum of 15 channels should be allowed to DTH operator for carrying their PS channels.

2.29 **Accordingly, the Authority recommends that the total number of permitted PS for a DTH operator shall be capped to 3% of the total channel carrying capacity of the DTH operator platform and subject to a maximum of 15 platform services channels.**

#### **Issue C: Quantum of the registration fee of a PS channel**

2.30 MIB in the reference has sought TRAI recommendations to consider enhancement of one-time registration fee to Rs. 1 lakh per PS channel as against Rs 1000 per PS channel. Regarding the registration fee to be charged from the DTH operator, it may be recalled that TRAI in its 2014 recommendations on 'Regulatory Framework for Platform Services' has recommended that no annual fees should be imposed on PS channels,



however, a nominal one-time registration fee of ₹1000 per PS channel should be charged and an online payment gateway for acceptance of the registration fees may be incorporated by MIB.

- 2.31 During consultation, one of the stakeholders has suggested that registration fee should be increased to Rs 1 lac per service per annum. Another stakeholder suggested that the registration fees should be half of what is applicable to a linear channel, if exclusivity is extended across all DTH operators. DTH operators commented that they are already paying a large quantum of License Fee which is 10% of the gross revenue, and hence they should not be imposed any additional registration/annual fees. Few stakeholders suggested that the registration fee for PS channels must be identical to that of broadcasters. The other stakeholders suggested registration fees Rs 1000-2000 and annual fees to be five times of the registration fees.
- 2.32 Theoretically, a channel of the broadcaster is capable of reaching 100% households. However, PS channel is restricted to the platform of a specific DTH operator. At present there are around 197 million TV households in India, out of which total active subscriber base (includes subscribers who have been inactive or temporarily suspended for not more than last 90 days) are 68.92 million for the period of June 2019, as reported by the DTH operators.
- 2.33 As per downlinking guidelines, in addition to a processing fee of ₹10,000 for registration of the channel<sup>4</sup>, the applicant company is required to pay annual fee at the rate of ₹ 5 lakhs per channel per annum for the downlinking of a TV channel uplinked from India.

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<sup>4</sup> *Policy Guidelines for Downlinking of Television Channels; Para 8. Procedure for grant of permission of Channels; Para 8.1 The applicant company shall apply to the Secretary, Ministry of Information and Broadcasting in the prescribed Performa along with full details and documentation relevant for evaluating its eligibility for grant of permission to downlink Television Channels in India. Each application form shall be accompanied by a demand draft of Rs. Ten Thousand towards non-refundable processing fee.*

- 2.34 Considering the fact that DTH operators are already paying an annual licence fee which is 10% of the Gross Revenue as per the DTH guidelines<sup>5</sup>. Therefore, a one-time non-refundable registration fee of ₹10,000 may be charged from the DTH operators for transmitting a PS channel.
- 2.35 **Accordingly, the Authority recommends that a one-time non-refundable registration fee of ₹10,000 per PS channel shall be charged from a DTH operator.**

#### **Issue D: Provision of activation/deactivation of PS channels**

- 2.36 MIB in the reference also sought the Authority's recommendation on whether there should be a provision/option for the subscribers to activate/deactivate any PS Channel. In this regard the Authority has noted that the procedure for activation and deactivation of channels has already been prescribed in the regulations(6) and (7) of the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, dated 3<sup>rd</sup> March 2017. The following are the relevant provisions.

**“6. Subscription of channels/bouquets.—** Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, activate requested channel or bouquet available on its platform, as soon as possible, but not later than seventy two hours:

*Provided that the charges for requested channel or bouquet shall be payable by the subscriber from the date of activation of such channel or bouquet.*

**7. Deactivation of channels/bouquets from subscription.—** Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, deactivate

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<sup>5</sup> Guidelines for obtaining license for providing Direct-To-Home (DTH) broadcasting service in India. Article 3. The Licensee shall pay an initial non-refundable entry fee of Rs.10 crores before the issue of letter of intent to him by Licensor, and, after the issue of the WOL by the WPC Wing of the Ministry of Communications, an annual fee equivalent to 10% of its gross revenue in that particular financial year in the manner detailed hereunder.

*the requested channel or bouquet from the subscription of such subscriber as soon as possible, but not later than seventy two hours:*

*Provided that it shall be permissible for the distributor, to refuse such deactivation request if the subscription of such channel or bouquet is within a lock-in period which was declared by the distributor on its website and informed to the subscriber at the time of subscription of such channel or bouquet:*

*Provided further that in case of refusal of deactivation request, the distributor shall communicate the reasons of such refusal to the subscriber through Short Message Service (SMS) to his registered mobile number and through such other means of communication which may be deemed appropriate by the distributor.”*

**2.37 Accordingly, the Authority recommends that the DTH operators shall provide an option of activation/deactivation of platform services as prescribed in the orders/directions/regulations issued by TRAI from time-to-time.**

**Issue E: Issues related to placement, caption and genre of the PS channels**

2.38 MIB in the reference also sought the Authority’s recommendation on sequencing the PS channels separately from the regular channels and ‘Platform Services’ as a caption to be displayed in a size to be notified by the Government, to distinguish them from regular channels and suggestions on specific genre of platform services channels.

2.39 In this regard, the comments of stakeholders were varied. One stakeholder opined that PS channels should not be classified and clubbed along with the regular TV channels and should be grouped under common one/two digit prefixed number series and all PS channels appearing under a single sequence grouping. He also suggested that a flip button on STB or STB remote control may be exclusively assigned for such PS channels.

- 2.40 The DTH operators commented that currently PS channels and linear channels of same genre are placed together. Their further classification is not required. Subscriber finds it easier to navigate through current classification according to the genre. Placing PS channels separately will lead to confusion. Some content owners suggested that PS channels should form a part of the list of a regular TV channels for the convenience of consumers to easily shuffle, choose and select the same from various genres available on the DTH operator platform. These stakeholders further said that a significant percentage of the TV viewers in India is rural based who find it difficult to adapt to the rapid technological advancements and hence placing PS channels separately on the electronic programme guide (EPG) may result in complications and confusions for such viewers.
- 2.41 One DPO commented that the Authority has specified in clause 18 of Interconnection regulations as to how the channels need to be arranged in the EPG – directing the DPOs to place the channels genre wise together consecutively. The current proposal to place PS channels separately is in contradiction to the logic of clause 18 and will inconvenience the subscriber in locating the channel pertaining to a genre as it will have to be outside the genre, as per this proposal.
- 2.42 Regarding the font of the PS channels, the broadcasters suggested that there should be a provision for displaying name and sequence number of PS channels in a particular font size under the heading 'PS' or 'Value Added Services' on TV screen so as to distinguish them from the regular TV channels. This would enable the subscribers to identify PS channels of the DTH operator easily vis-à-vis channels of the broadcasters. One stakeholder commented that a separate genre should be created on the EPG under the heading "PS", which must be placed after the mandatory genres as declared by TRAI.
- 2.43 The views of the stakeholders have been considered in the light of the consumer ease to clearly identify and activate/deactivate such channels. The Authority noted that placing the PS channels separately on the EPG and

placing them under the genre 'Platform Services' will bring clarity in the minds of consumers. At present, TRAI has notified nine genres - 'Devotional', 'General Entertainment', 'Infotainment', 'Kids', 'Movies', 'Music', 'News and Current Affairs', 'Sports' and 'Miscellaneous'. The broadcasters have to declare the genre of its channels and the distributors have to place channels in the electronic programme guide, in such a way that the television channels of same genre, are placed together consecutively.

2.44 The Authority is of the view that placement of platform services in between the channels of the broadcasters should not be permitted. A separate genre should be constituted to place such channels. A provision for putting a caption as 'Platform Services' may be required to distinguish the platform services from the linear TV channels. Consumers should be able to identify such channels and to make an informed choice regarding selection of these platform services. Font size or type may be left to the operators as long as it is well received in the market and the font has to be readable, legible and visually pleasing for digital use.

2.45 **Accordingly, the Authority recommends that:**

- (a) The platform services channels shall be categorised under the genre 'Platform Services' in the Electronic Programmable Guide (EPG) subject to orders/directions/regulations issued by TRAI from time-to-time.**
- (b) The respective maximum retail price (MRP) of the platform service shall be displayed in the EPG against each platform service subject to the orders/directions/regulations issued by TRAI from time-to-time.**
- (c) A provision for putting a caption as 'Platform Services' may be required to distinguish the platform services from the linear TV channels. Government may decide the caption in a size which is visually readable by the consumers.**

## **Other Conditions**

- 2.46 Once these recommendations are accepted by the Government and becomes part of terms and conditions of the License issued to DTH operators, there may be a need to deliberate on issues related to tariffs, quality of service to protect the interest of subscribers.
- 2.47 **Accordingly, Authority recommends that the DTH operator shall be bound by orders/directions/regulations issued by TRAI in respect of DTH services including platform services provided by the operator.**

## CHAPTER III

### SUMMARY OF RECOMMENDATIONS

**3.1 The Authority reiterates the definition of PS as recommended in ‘Regulatory Framework for Platform Services’ dated 19<sup>th</sup> November 2014. The definition of platform services (PS) for DTH operators shall be:**

*“Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India.”*

**Registered TV channels or television channels means a channel, which has been granted downlinking permission by the Central Government under the policy guidelines issued or amended by it from time to time and reference to the term “channel” shall be constructed as a reference to “television channel”. [Para. 2.7]**

**3.2 The Authority recommends that:**

- (a) The programme transmitted by the DTH operator as a platform service shall be exclusive and the same shall not be permitted to be shared directly or indirectly with any other Distribution Platform Operator (DPO).**
- (b) Programme transmitted by the DTH operator as a platform service shall not directly or indirectly include any registered TV channel or Doordarshan channel or foreign TV channel. Time-shift feed of registered TV channels (such as +1 services) shall not be allowed as a platform service.**
- (c) DTH operator shall ensure and provide an undertaking to the Ministry in the format prescribed by the Ministry that the programme transmitted is exclusive to their platform and not shared directly or indirectly with any other DPO.**
- (d) In case the same programme is found available on the PS of any other DPO, MIB/TRAI may issue direction to immediately stop the**

**transmission of such programme. MIB also reserves the right for cancellation of registration of such PS of the DTH operator.**

**[Para. 2.16]**

**3.3 The Authority recommends that the total number of permitted PS for a DTH operator shall be capped to 3% of the total channel carrying capacity of the DTH operator platform and subject to a maximum of 15 platform services channels.**

**[Para. 2.29]**

**3.4 The Authority recommends that a one-time non-refundable registration fee of ₹10,000 per PS channel shall be charged from a DTH operator.**

**[Para. 2.35]**

**3.5 The Authority recommends that the DTH operators shall provide an option of activation/deactivation of platform services as prescribed in the orders/directions/regulations issued by TRAI from time-to-time.**

**[Para. 2.37]**

**3.6 The Authority recommends that:**

**(a) The platform services channels shall be categorised under the genre 'Platform Services' in the Electronic Programmable Guide (EPG) subject to orders/directions/regulations issued by TRAI from time-to-time.**

**(b) The respective maximum retail price (MRP) of the platform service shall be displayed in the EPG against each platform service subject to orders/directions/regulations issued by TRAI from time-to-time.**

**(c) A provision for putting a caption as 'Platform Services' may be required to distinguish the platform services from the linear channels. Government may decide the caption in a size which is visually readable by the consumers.**

**[Para. 2.45]**

**3.7 The Authority recommends that the DTH operator shall be bound by orders/directions/regulations issued by TRAI in respect of DTH services including platform services provided by the operator.**

**[Para. 2.47]**



## **List of Abbreviations**

<b>Abbreviation</b>	<b>Description</b>
CP	Consultation Paper
DPO	Distribution Platform Operators
DTH	Direct-to-Home
EPG	Electronic Programmable Guide
HITS	Headend-in-the-Sky
IPTV	Internet Protocol Television
LCO	Local Cable Operators
MIB	Ministry of Information & Broadcasting
MoD	Movie-on-Demand
MSO	Multi System Operators
OTT	Over the Top
PPV	Pay per View
PS	Platform Service
TRAI	Telecom Regulatory Authority of India
TSP	Telecom Service Provider
VoD	Video on Demand
VAS	Value Added Services
USP	Unique Selling Proposition

No.3/1/2014-BP&L(Vol.III)  
Government of India  
Ministry of Information and Broadcasting  
(BP&L Division)

Shastri Bhawan, New Delhi-110001  
Dated, the 2<sup>nd</sup> July, 2019

To

Shri Sunil K Gupta  
Secretary,  
TRAI,  
Mahanagar Doordarshan Bhawan,  
New Delhi

Subject:-Recommendation of TRAI for new provisions to be incorporated in proposed DTH guidelines - regarding

Sir,

I am directed to refer to this Ministry's letter No. 3/1/2014-BP&L (Vol.II)(1) dated 12-09-2018 on the above noted subject and letter No.4-6/2018-B&CS(2) dated 04-10-2018 from TRAI. The Ministry, as you are aware, is in the midst of revision of some of the clauses of the DTH guidelines based mainly on the recommendations dated 23/7/2014 of TRAI on "issues related to new DTH licenses". During consideration of the guidelines, the issue regarding own channels of DTH Operators was also brought out wherein TRAI had stated that the issues raised by MIB have already been addressed by TRAI in its recommendations on "Regulatory Framework for Platform Services" dated 19.11.2014. The Ministry is broadly in agreement with the TRAI recommendations on "Regulatory Framework for Platform Services". The matter has been further deliberated in the Ministry. TRAI may consider inclusion of the following regarding Platform Services (PS) with reference to DTH guidelines:

- I. In case of DTH operators, since these have pan-India presence, it could be made very clear at the time of the registration of the said Platform Services channels that whenever exclusive content shall be uploaded by the DTH operator on Platform Service, he has to ensure that the broadcaster shall not share the same content with any other Distribution Platform Operator.
- II. The one time registration fee can be considered for enhancement to Rs. 1 Lakh per PS channel as against Rs.1000 per PS channel proposed.
- III. TRAI may reconsider the maximum number of PS channels that a DTH operator can offer keeping in view that it is so far unregulated and as on date the number of channels being shown by the DTH operators are as follows:-
  - I. Tata Sky - 41

2. Dish TV – 40
3. Airtel – 26+

24 – informational and promotional services, out of which 12 for 'Airtel make your pack' (as per new TRAI tariff order)

4. Sun Direct – 4 (movies being telecast in Tamil, Telugu, Malayalam & Kannada languages)

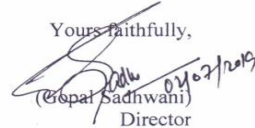
1- Information service.

5. Reliance Big TV (now Independent TV) – Nil

- IV. Platform Services could be sequenced separately from the regular channels and should be included along with other value added channels by the DTH operators.
- V. 'Platform Services' as a caption should be displayed in a size to be notified by the Government, to distinguish these from regular channels.
- VI. There should be a provision/option for the subscribers to activate/de-activate any Platform Service Channel.
- VII. TRAI may give its suggestions on specific genre of Platform Services channels.

2. It is, therefore, requested that TRAI may kindly furnish its recommendations on the aforesaid issues at an early date.

Yours faithfully,



(Gopal Sadhwani)

Director

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