



JPL/TRAI/2026-27/53

11th May 2026

To,

Dr. Deepali Sharma,
Advisor (B&CS),
Telecom Regulatory Authority of India,
Tower-F, World Trade Centre,
Nauroji Nagar, New Delhi – 110029.

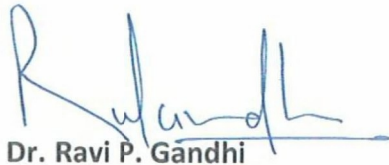
Subject: JPL's comments on TRAI's "Consultation Paper on Formulation of a Regulatory Framework for Application-based Linear Television Distribution (ALTD) Services (Including Free Ad-Supported Streaming Television (FAST) Services)"

Dear Madam,

Please find enclosed the comments of Jio Platforms Limited's (JPL) on the TRAI's "Consultation Paper on Formulation of a Regulatory Framework for Application-based Linear Television Distribution (ALTD) Services (Including Free Ad-Supported Streaming Television (FAST) Services)" dated 06.04.2026.

Thanking you,

Yours Sincerely,
For Jio Platforms Limited



Dr. Ravi P. Gandhi
Chief Regulatory Officer

Enclosure: As above

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**Jio Platforms Limited's (JPL) comments on TRAI's Consultation Paper on
"Formulation of a Regulatory Framework for Application-based Linear Television
Distribution (ALTD) Services (Including Free Ad-Supported Streaming Television (FAST)
Services)" dated 06th April 2026**

I. Preamble:

1. We thank the Authority for providing us the opportunity to submit our comments on this Consultation Paper (CP). Before responding to the specific issues raised in the Consultation Paper, we would like to place on record certain submissions that form the basis of our response to the issues under consultation.
2. We note that the Consultation Paper has been issued to frame a regulatory framework for **all Over the Top(OTT) application providers that distribute content, what the Consultation Paper refers to as "linear television channels", to consumers.**
3. Therefore, in the Consultation Paper, the Authority appears to have incorrectly construed the channels delivered over the top (OTT) through internet as "linear channels" just because such channels follow a scheduled programming and includes advertisements.

Extract from Consultation Paper:

"2.52 In 'ALTD Services', television channels being delivered on internet are linear in nature in a sense that they carry scheduled programming and advertisements (which may be same or different) but is functionally indistinguishable to consumers watching a channel through conventional regulated DPO."

4. In light of the above context, we respectfully submit that it becomes necessary to examine whether content delivered over the internet in a scheduled format can be equated with "linear television channels" delivered using dedicated carriage mechanisms such as Cable/Satellite (DTH) or IPTV.

5. Distinction between OTT Content and Broadcasting:

- a. Today, the content is delivered to users over the top (OTT) through internet in various formats, be it scheduled or non-scheduled, across a wide range of platforms hosted on internet.
- b. Irrespective of whether the content is scheduled or non-scheduled and irrespective of whether it carriers and is supported with advertisement or not, such content delivery through internet remains OTT services.**
- c. FAST (Free Ad-Supported Streaming Television) services are a category of OTT services as the content is delivered over the public internet and is free for the consumer at the point of consumption.

- d. Such OTT services are fundamentally distinct from traditional television broadcasting. In OTT media services (including FAST), the bearer cost (i.e., data charges for the underlying internet connection) is borne separately by the user through their internet subscription, whereas in traditional television broadcasting (Cable/DTH/HITS/IPTV), the bearer cost is bundled with channel charges by Distribution Platform Operators (DPOs) as part of a single subscription fee paid to the DPO. In the case of FAST services specifically, the consumer's total payment to the platform service provider is zero, the only cost borne is the consumer's pre-existing internet subscription, paid entirely independently of the FAST platform.
- e. The distinctions between OTT media services and traditional television broadcasting are further evident across multiple dimensions, including delivery architecture, nature of content rights, network control and quality of service, use of network resources, and device ecosystem, as elaborated below:
- i. **Delivery architecture:** Traditional television broadcasting operates over dedicated, managed networks using a one-to-many (broadcast) architecture through cable, DTH, HITS, and IPTV platforms. In contrast, OTT services are delivered over the public internet using unicast networks on a one-to-one basis.
 - ii. **Nature of content rights:** Broadcasting is governed by traditional TV transmission rights linked to television distribution, whereas OTT platforms operate on digital/content rights directly from the content aggregators. Such rights are platform-specific, flexible, and often include on-demand and multi-format exploitation models.
 - iii. **Network control and quality of service:** Broadcasting networks are controlled end-to-end by DPOs, enabling assured quality and reliability. OTT services, however, are delivered over best-effort internet infrastructure without control over the access network, and service quality is dependent on external network conditions.
 - iv. **Use of network resources:** Broadcasting carriage relies on scarce and regulated resources such as use of licensed spectrum and dedicated infrastructure by DPO such as DTH, HITS, Cable, IPTV, justifying ex-ante regulatory oversight. On the other hand, OTT services utilise open, general-purpose internet infrastructure without exclusive allocation of any such resources to the distribution carriage operator.
 - v. **Screen size and device diversity:** Unlike television channels distributed over licensed Distribution Platform Operator (DPO) networks, which are primarily designed for viewing on television screens, content delivered over the internet is optimised for consumption across a wide range of devices, including mobile phones, tablets, laptops, and connected TVs.
- f. We acknowledge that several online platforms, such as YouTube, JioTV, Zee5 and similar OTT services and websites, offer content streams that may resemble

continuous or scheduled “live channels.” However, such content is acquired from content owners in the form of **distribution rights over internet** , and curated by the platform into scheduled content streams, along with the advertisements.

- g. These OTT streams are delivered over the internet, with the **underlying network cost being borne by the end user through their internet subscription**. FAST services follow the same as the content is delivered over the public internet, the FAST platform neither owns nor controls the underlying access network, and the consumer’s sole cost is their ISP subscription. The access network and associated infrastructure are neither owned nor controlled by any OTT or FAST media service provider. In contrast, DPOs operate **managed and controlled broadcasting networks**, and recover the cost of both **carriage (bearer) and channel subscription** from consumers as part of a bundled service offering.
- h. Therefore, even if OTT content streams, including FAST channels which are a category of OTT media services, are delivered to users in a scheduled or channel-like format, they qualify as OTT media services and are **fundamentally distinct from the distribution of television channels through licensed DPOs** such as cable TV, DTH, HITS, and IPTV, as defined under the Uplinking and Downlinking Guidelines.
- i. Accordingly, **digitally aggregated content streams, whether in scheduled or channel-like format (as in FAST), on-demand, or any other internet-delivered format, cannot be equated with licensed television channels distributed through DPO networks. FAST services, as a category of OTT media services, must be regulated under the same framework as OTT services and not under the broadcasting regulatory framework applicable to Cable/DTH/HITS/IPTV DPOs.**
- j. Further, it may be argued that there is a need for additional regulation on OTT to ensure the non-discriminatory availability of their content to every user. The principle of net neutrality already mandates that internet service providers carry all content without discrimination, ensuring that any content hosted on the internet is equally accessible to all users. By this it is ensured that all content hosted on internet is equally available to every user. This effectively satisfies the core requirements of “Must Carry” and “Must Provide.” Accordingly, introducing separate regulatory provisions to ensure unhindered availability of content over networks may be redundant
- k. It is further noted that in the internet ecosystem several OTT platforms, websites etc., host a wide range of **scheduled and live content formats**, including live sports events, news streams, cultural programmes, music performances, government broadcasts (such as parliamentary proceedings), webinars, and other real-time transmissions. Such content may be presented either as standalone live streams in channel like format or as part of curated schedules within OTT platforms, such as YouTube, JioHotstar, JioTV, Airtel Xstream, SonyLIV, Zee5, MX Player, Amazon Prime Video, Netflix, Disney+ platforms, Facebook (Live), Instagram (Live), X (formerly Twitter Live), and a large number of other similar applications. These formats demonstrate that **scheduled or “channel-like” presentation is not unique or limited to television**

broadcasting, but is a common and evolving feature of internet-based content delivery.

- l. In view of the above, it is essential that any definition of “linear television channels” **clearly excludes content that is aggregated and delivered over the internet by OTT platforms, websites etc.**, and ensures that such services continue to be governed under the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**, as applicable. These rules already provide a comprehensive framework for regulating OTT media content, including provisions relating to Observance and adherence to the Code, content classification, grievance redressal, and due diligence obligations.
- m. Treating such internet-based OTT content streams as “linear television channels” would give rise to **significant ambiguity and practical challenges**, including:
 - i. **Definitional ambiguity:** Whether only 24x7 continuous streams would qualify as “channels,” or whether **intermittent or time-bound scheduled content** would also be included;
 - ii. **Classification issues:** Whether individual content streams within a platform would be treated as separate “channels,” or whether the **entire application/platform** would be subject to regulation;
 - iii. **Form Factor issues:** Whether only channel like presentation would qualify as “channels” or similar content (scheduled or unscheduled) streamed over Mobile/fixed internet will be included as ALTD.

6. Legal and Regulatory frameworks recognize distinction between TV Channel and Content over the Internet:

- a. The applicable legal and regulatory frameworks clearly distinguish between the terms “**television channel**” and “**content available over the internet.**” A television channel refers to a channel that has been granted permission by the Central Government under the **Uplinking and Downlinking Guidelines** and is authorised to be distributed through licensed **DPOs** such as cable television networks, DTH platforms, HITS operators, and IPTV services. In contrast, **content over the internet** broadly refers to digital content, irrespective of its scheduled or non-scheduled nature, applications, services, and data that are made available to users through internet-based platforms and applications.
- b. The regulations issued by TRAI also differentiate between a **television channel**, which is provided by a licensed broadcasting entity, and **content available over the internet**, which constitutes digital data transmitted over internet networks.

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

“Television channel” means a channel which has been granted permission for downlinking 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 construed as a reference to “television channel”.

The Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016:

“Content” includes all content, applications, services and any other data, including its end-point information, that can be accessed or transmitted over the internet.

- c. The distinction between **television channels** and **OTT/digital media platforms** has also been expressly recognised by the MIB. In this regard, digital media content made available over the internet is regulated by the MIB under the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**, framed under the **Information Technology Act, 2000**.
- d. This distinction has been further expressed by the MIB in its communication dated **10th March 2023 (No. F-14013/3/2022-DM)** issued to publishers of online curated content (OTT platforms), wherein the Ministry clarified the applicability of the FDI policy in the context of digital news content.
- e. In the said communication, the Ministry clarified that OTT platforms merely hosting the digital feed of news channels **“as a medium,” without exercising editorial control**, would not be treated on par with entities engaged in the publishing or curation of digital news content. Further, the Ministry inter alia also stated that **television news channels are granted permission under the Uplinking and Downlinking Guidelines, 2022**, implying that television channels operate under a **distinct regulatory framework**.
- f. This clarification is significant as it underscores the consistent position of the Government that:
 - (i) **television channels and digital/OTT platforms are subject to distinct regulatory and policy frameworks, and**
 - (ii) **OTT platforms, even when hosting digital feeds of scheduled programmes, are not equated with the broadcasting entities.**
- g. The distinction between television broadcasting services and internet-based OTT services has also been recognised by the Telecom Disputes Settlement and Appellate Tribunal (TDSAT). In its order¹, the TDSAT recognised that OTT platforms neither constitute “TV channels” nor require any licence or permission from the Central Government for provision of such services. Further, TDSAT recognised that OTT platforms do not fall within the regulatory jurisdiction of TRAI under the TRAI Act, 1997, and are governed under the IT Act, 2000.
- h. In view of the above, it is evident that the **existing legal and regulatory framework treat television channels and internet content transmitted by OTT platforms as two distinct categories**, each governed by separate regulatory framework.
- i. Therefore, it is respectfully submitted that OTT **content made available over the internet cannot be equated with “television channels” merely on account of**

¹ Order Dated: 04/10/2023 in BROADCASTING PETITION/217/2023 AIDCF vs Star India

similarities in presentation or format and any attempt to extend the regulatory framework applicable to television channels to internet-based content, including content presented in any specific (i.e. scheduled or channel-like format), would not be consistent with the existing legal and regulatory distinctions governing these two categories.

7. Content over the Internet cannot be regulated based on its presentation format:

- a. **The scheduling of OTT content, by itself, does not constitute a basis for establishing a distinct regulatory framework.** On the internet, several content creators and aggregators routinely organise and present content through **scheduled live streams, premieres, curated playlists, and time-based programming**, which may resemble linear presentation formats (as described in the CP). Conversely, even within traditional television broadcasting, viewers frequently **navigate across multiple TV channels based on their individual viewing preferences**, thereby exercising control over content selection in a manner that is functionally akin to **on-demand consumption**.
- b. Therefore, there is no distinction between **scheduled and user-selected (videos) content consumption in the contemporary digital ecosystem**. From a consumer standpoint, both formats represent **different methods of organising and discovering content over the same internet infrastructure**, rather than fundamentally distinct categories of services.
- c. In this context, introducing a separate regulatory regime based solely on the artificially created hypertechnical distinction from digital content and similarity with linear channel may lead to **regulatory asymmetry and platform-specific regulation**, which may not be consistent with the principle of **technological and platform neutrality** that has traditionally guided policy and regulatory frameworks governing internet-based services.
- d. Accordingly, in light of the above, we respectfully submit that **the creation of a separate regulatory framework based solely on the format of presentation and/or scheduled nature of content over the internet is neither necessary nor justified**.

8. Structural and Market differences between TV Channels and OTT Media Services:

- a. We note that the Consultation Paper explores the possibility of extending certain elements of the regulatory framework applicable to the traditional television broadcasting sector, such as **tariff regulation (including pay channel price prescriptions), quality of service requirements, and interconnection obligations**, to OTT media services over the internet (termed as ALTD Services in the CP) .
- b. In this regard, we respectfully submit that the regulatory framework governing traditional broadcasting services **cannot be applied to OTT-based media content services delivered over the internet**, as the two operate under fundamentally different technological and market structures.

c. Absence of Direct Relationship between Broadcasters/Programme Creators and Consumers in the Traditional Television Broadcasting Sector:

- i. In the traditional television broadcasting ecosystem, **broadcasters and programme creators do not have a direct relationship with end viewers**. Television channels are disseminated to consumers through the networks of licensed DPOs, such as cable TV, DTH, HITS, and IPTV platforms. **Further, the customer pays only to DPO for the carriage as well as content.**
- ii. From a consumer's perspective, a DPO connection availed by him is capable of carrying television channels of only those broadcasters with which the DPO has entered into commercial arrangements. Accordingly, the availability of any television channel to a consumer is contingent upon the **commercial agreements between the broadcaster and the DPO**. Therefore, it becomes necessary for DPOs to enter into arrangements with all broadcasters offering channels relevant to their market. Failing this, the consumer may not receive certain TV channels and therefore may be required switch the cable TV/DTH operator who can provide certain channels required by the customer. This requires installation of new cable, new satellite receiver or IPTV connection.
- iii. Conversely, from the perspective of a broadcaster (including original programme creators), access to viewers is **mediated through DPO networks**. A broadcaster can reach only those consumers who are subscribed to DPOs with whom it has entered into commercial arrangements. Therefore, in order to maximise the reach of its channels or programmes, a broadcaster is required to **enter into agreements with multiple DPOs** serving its target audience.
- iv. In this context, there arises a fundamental requirement within the broadcasting sector to ensure that **every DPO has access to television channels of all broadcasters**, and correspondingly, that **every broadcaster has access to the networks of all DPOs**. These considerations form the basis of the regulatory principles of **"Must Provide"** and **"Must Carry"**, which underpin the traditional television broadcasting framework.
- v. The regulatory framework further ensures that:
 - I. While implementing the **Must Provide** and **Must Carry** obligations, neither party imposes **unreasonable or onerous commercial conditions** on the other, thereby preventing bypass of these regulatory safeguards;
 - II. **DPOs, which have made significant investments in network infrastructure, are not subjected to discriminatory treatment by broadcasters by denial of any content;**
 - III. **No DPO is able to act as a gatekeeper**, thereby ensuring that broadcasters are able to reach each customer connected to a **distribution network** to disseminate their channels to consumers.

- vi. Accordingly, the regulatory framework governing the traditional television broadcasting sector is specifically designed to address the above requirements due to **inherent structural limitation caused due to prohibition on direct relationship between content creators/broadcasters and end viewers**, mediated through licensed distribution networks.
- d. **OTT Media Services through internet allows Direct Relationship between Content Creators and Consumers: :**
- i. The advent of OTT media services over a **content-neutral network such as the internet** has fundamentally altered the content distribution landscape. In this ecosystem, content creators are able to **reach viewers directly**, either through their own platforms or via one or more content aggregators. Since OTT media services operate independently of the underlying internet access network, they are able to **make content available to consumers directly without entering into any commercial arrangements with underlying internet service providers** providing the carriage service for the content.
 - ii. From a consumer's perspective, the internet ecosystem eliminates the need for multiple access connections. A consumer **does not need to subscribe to multiple internet connections** to access content from different providers. A single internet connection, obtained from any service provider, enables access to **diverse OTT platforms and content services**.
 - iii. Further, OTT platforms **do not invest in or control the underlying access network infrastructure**, which is deployed and maintained by internet service providers. As such, OTT media service providers do not acquire the resources like spectrum, right of way for laying underground and over-ground cables like DPOs such as DTH, HITS, Cable or IPTV providers..
 - iv. In view of these structural differences, the principles of **"Must Provide"** and **"Must Carry"**, which underpin the regulatory framework for the traditional broadcasting sector, **are not applicable to OTT media services**. Therefore, regulatory framework applicable to traditional TV broadcasting services does not apply to OTT Media services over the internet.
 - v. Thus, the tariff and interconnection regulations applicable to the broadcasting sector are designed to achieve the following two key objectives:
 - a. **"Must Provide"**: This principle ensures that a Distributor Platform Operator (DPO) receives content from broadcasters in a non-discriminatory manner. To prevent denial of access through the imposition of exorbitant charges, the regulation prescribes for publishing maximum retail price (MRP) of each channel, thereby ensuring that all DPOs get access content on fair and transparent terms. Additionally, the regulations mandate uniform discount structures to eliminate any possibility of discriminatory treatment of a DPO by any broadcaster.

- b. **“Must Carry”**: This principle ensures that every DPO carries the content of a broadcaster, whether pay or free-to-air channel, in a non-discriminatory manner and at the charges as prescribed regulatory framework. This includes adherence to norms relating to carriage and placement, thereby enabling broadcasters to effectively reach the subscribers of each DPO.
- vi. **The above-mentioned objectives are not required in the context of OTT media including FAST channels, as content hosted on the internet is directly accessible to all users, irrespective of the underlying internet service provider. Consequently, consumers are not denied access to content, nor are content providers denied access to consumers. This effectively obviates the need for regulatory intervention in areas such as tariffs and interconnection.**
- vii. **With regard to Quality of Service (QoS) regulations in the broadcasting sector, these primarily address aspects such as installation of connections, provisioning of set-top boxes, associated charges, refunds, and subscription to broadcast carriage platforms such as cable and DTH services. In the context of OTT media, however, the carriage infrastructure and customer premises equipment (CPE) are provided by internet service providers rather than OTT content providers. Moreover, the functionality of a set-top box is increasingly integrated into software applications on existing user devices. Accordingly, such QoS regulations are not directly applicable to OTT media services.**

9. Encouraging Growth of Traditional Television Broadcasting Services:

- a. We note that several proposals set out in the Consultation Paper, which seek to impose regulatory requirements on scheduled content services (referred to as “Linear Channels” in the CP), appear to be motivated by an intent to preserve the competitiveness of traditional television broadcasting in the context of rising content consumption over the internet.
- b. In this regard, as elaborated in the preceding sections, we respectfully submit that the proposed regulatory measures are **not applicable to digital media services delivered over the internet**, for the following reasons:
 - i. **Television channels**, as recognised under the traditional broadcasting regulatory framework, are **inherently distinct** from content services delivered over the internet;
 - ii. Irrespective of the format of presentation, **all media content delivered over the internet, including FAST channels, qualifies as OTT media content services and must be treated accordingly**
 - iii. OTT media Content made available over the internet is **already governed under the applicable regulatory framework** notified under the Information Technology Act, 2000;

- iv. The **format of presentation of content** (e.g., scheduled versus non-scheduled) **cannot form a valid basis for a distinct regulatory framework**, as this would result in regulatory asymmetry and inconsistent treatment of similar services;
 - v. **Pricing and tariff regulations** applicable to traditional broadcasting services cannot be extended to OTT media services, particularly in the absence of structural conditions such as **“Must Provide”** and **“Must Carry”**, which underpin the broadcasting regulatory framework.
 - vi. **Further, as noted above, carriage charges are paid directly by consumers to internet service providers. Similarly, content charges, if any, are paid directly by consumers to OTT content providers, without the involvement of underlying carriage service provider/platform operator such as DTH, cable, HITS, or IPTV. In view of this distinct structure, the two frameworks are not comparable, and accordingly, the broadcasting pricing and pricing framework cannot be applied to OTT platforms.**
- c. Notwithstanding the above, we fully support the objective of **promoting the growth and sustainability of traditional television broadcasting services** in an evolving digital ecosystem. In this regard, we respectfully submit that the appropriate policy approach would be to **enhance regulatory forbearance in the traditional TV broadcasting sector**, while continuing to safeguard the interests of consumers, broadcasters, and distributors.
- d. It is important to note that the broadcasting ecosystem, both at the content creation/broadcasting level and at the distribution platform level, is characterised by a high degree of competition, with multiple broadcasters, channels, and DPOs operating in the market. Further, both broadcasters and DPOs face increasing competitive pressure from alternative modes of content consumption, including OTT platforms. In such a competitive environment:
- i. Every broadcaster is under pressure to utilise every available distribution platforms to retain and grow its advertisement and subscription revenues and
 - ii. Every distributor cannot afford to not carry any available channel due to high competition as its services can be substituted by any other DPO
- e. Thus, this competitive landscape ensures that there are no significant supply-side or demand-side constraints that would necessitate the extension of regulatory controls to unrelated services such as OTT platforms.
- f. Introducing greater regulatory flexibility would enable stakeholders in the traditional broadcasting ecosystem to **innovate, design, and price their offerings in response to changing consumer preferences**, thereby improving competitiveness vis-à-vis OTT media services. Such an approach would not only foster a **more balanced and**

sustainable ecosystem, but also **enhance consumer welfare** through increased choice, improved service offerings, and potentially more affordable pricing.

10. Conclusion:

- a. In conclusion, we emphasise that the media content provider over the top through internet should continue to be governed under the existing framework for digital media, including the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- b. Without prejudice to the above, if the Authority, in its wisdom, considers introducing a specific regulatory framework for the OTT media content services over the internet, the following aspects may be considered to ensure clarity, consistency, and a level playing field:
 - i. Any such framework should apply uniformly to all forms of OTT content that are presented in a scheduled or unscheduled format over the internet. This would necessarily include content streams across all platforms, such as YouTube, Netflix, Amazon Prime, JioHotstar, JioTV, Airtel Xstream, SonyLIV, Zee5, MX Player, Amazon Prime Video, Disney+, Facebook (Live), Instagram (Live), X (formerly Twitter Live), and similar services, to avoid regulatory arbitrage and ensure that no stakeholder is able to circumvent the framework through any hypertechnical differences in platform design or content presentation.
 - ii. It is equally important to ensure that OTT media services, including FAST services, which do not control the underlying access network and require users to separately bear the cost of the internet data through their ISP subscriptions, are treated on par with each other and are not placed at a structural disadvantage vis-à-vis traditional Cable/DTH/HITS/IPTV DPOs, where carriage and content charges are bundled into a single consumer-facing fee. The structural asymmetry is clear: a FAST or OTT consumer pays the ISP for connectivity and pays zero (or a separate subscription fee) to the content platform; whereas, a DPO subscriber pays one bundled fee that covers both connectivity and content. Any regulatory framework must reflect this reality and preserve parity between FAST services and other OTT media services. In this context, appropriate policy considerations may also be explored within the existing net neutrality framework, including permitting zero-rating of OTT and FAST media content in a calibrated and non-discriminatory manner. This would enable OTT and FAST service providers to adopt market-based approaches to offset the data costs that their users independently bear- costs that are absorbed within the DPO subscription for Cable/DTH/IPTV consumers - thereby enhancing affordability and improving competitiveness, while ensuring alignment with broader principles of an open and fair internet.

II. Issue raised in the Consultation Paper

Q1. What should be the appropriate definition and scope of Application-based Linear Television Distribution Services, i.e., 'ALTD Services' in the Indian broadcasting context, taking into account terminologies available internationally? Stakeholders are requested to provide their comments with detailed justification.

JPL Response:

1. As submitted in the preamble to this response, we **do not support the introduction of a distinct regulatory framework for OTT content services, including FAST, solely on the basis that such OTT content is presented in a scheduled (linear) format** as such distinct framework, based on hypertechnical differentiation, is neither necessary nor justified considering the differences between OTT Content services and TV broadcasting services. Moreover, it would be inconsistent with the principle of technological and platform neutrality that has historically guided policy and regulatory frameworks for internet-based services.
2. We note that the Consultation Paper has been issued to frame a regulatory framework for **all OTT application providers that distribute content, what the Consultation Paper refers to as "linear television channels", to consumers.**
3. Therefore, in the Consultation Paper, the Authority appears to have incorrectly construed the channels delivered over the top (OTT) through internet as "linear channels" just because such channels follow a scheduled programming and advertisements.
4. In light of the above context, we respectfully submit that it becomes necessary to examine whether content delivered over the internet in a scheduled format can be equated with "linear television channels" delivered using dedicated carriage mechanisms such as Cable/Satellite (DTH) or IPTV.
5. Today, content is delivered to users by Over the Top (OTT) platforms over the internet in various formats be it scheduled and non-scheduled, across a wide range of platforms, hosted on the internet. **Irrespective of whether such content is scheduled or non-scheduled and whether it carriers or supported with advertisement or not, such content remains OTT services.**
6. Further, FAST (Free Ad-Supported Streaming Television) services are a category of OTT services as such content is delivered over the public internet, and the service is free to the consumer at the point of consumption.
7. **Such OTT services are fundamentally distinct from traditional television broadcasting. In OTT content services (including FAST), the bearer cost (i.e., data charges for the underlying internet connection) is borne separately by the user through their internet subscriptions, whereas in traditional television broadcasting, the bearer cost is bundled with channel charges by Distribution Platform Operators (DPOs) as part of single**

subscription fee paid to the DPO. Specifically, in case of FAST services, the consumer's total payment to the platform service provider is zero and the only cost borne is the consumer's pre-existing internet subscription, paid entirely independently of the FAST platform.

8. The distinctions between OTT media services and traditional television broadcasting are further evident across multiple dimensions, including delivery architecture, nature of content rights, network control and quality of service, use of network resources, and device ecosystem, as summarised below:
 - a. **Delivery architecture:** Broadcasting uses dedicated, managed one-to-many networks (cable, DTH, HITS, IPTV), whereas OTT operates over the public internet on a one-to-one (unicast) basis.
 - b. **Content rights:** Broadcasting follows traditional TV transmission rights; OTT relies on flexible, platform-specific digital/content rights directly from the content aggregators for distribution of content over the internet. Such content rights are platform specific and include on-demand and multi-format usage.
 - c. **Network control & QoS:** DPOs ensure end-to-end control and assured quality in broadcasting; OTT services run on best-effort internet with quality dependent on external networks.
 - d. **Network resources:** Broadcasting relies on scarce resources such as use of licensed spectrum and dedicated infrastructure by DPOs such as DTH, HITS, Cable, IPTV, warranting ex-ante regulation; on the other hand, OTT uses open, shared internet infrastructure without exclusive resource allocation to distribution carriage operator.
 - e. **Devices & consumption:** Broadcasting targets TV screens, while OTT content is optimised for diverse devices such as mobiles, tablets, laptops, and connected TVs.
9. While we acknowledge that several online platforms, such as YouTube, JioTV, Zee5 and similar OTT services and websites, offer content streams that may resemble **continuous or scheduled "live channels."**, such services (including FAST) offered over OTT platforms and websites are distinct from traditional TV broadcasting, due to the following reasons:
 - a. These acquire content in form of distribution rights over the internet and curate them into scheduled programming streams, along with advertisements. These streams are transmitted to customers over internet connection, and the cost of this underlying connection is borne by customers. Specifically, FAST services follow the same, as the content is delivered over the public internet, and the FAST platform neither owns nor controls the underlying access network, and the consumers' sole cost is their ISP subscription.
 - b. Whereas in traditional broadcasting, DPOs acquire TV channels under Uplinking and Downlinking Guidelines, and transmit them over their networks, with customers paying DPOs both for Pay Channels as well for the cost of network.

Therefore, even if OTT content streams, including FAST channels which are a category of OTT media services, are delivered to users in a scheduled or channel-like format, they qualify as OTT content services and are **fundamentally distinct from the distribution of television channels through licensed DPOs** such as cable TV, DTH, HITS, and IPTV, as defined under the Uplinking and Downlinking Guidelines.

- c. In view of the same, all Content services, including **FAST services, as a category of OTT content services, must be regulated under the same framework as OTT services and not under the broadcasting regulatory framework applicable to Cable/DTH/HITS/IPTV DPOs.**
- d. Further, it may be argued that there is a need for additional regulation on OTT to ensure the non-discriminatory availability of their content to every user. The principle of net neutrality already mandates that internet service providers carry all content without discrimination, ensuring that any content hosted on the internet is equally accessible to all users. By this it is ensured that all content hosted on internet is equally available to every user. This effectively satisfies the core requirements of “Must Carry” and “Must Provide.” Accordingly, introducing separate regulatory provisions to ensure unhindered availability of content over networks may be redundant.
- e. It is further noted that several OTT platforms, websites and other platforms host a wide variety of scheduled and live content. Such content may be presented either as standalone live streams in channel like format or as part of curated schedules within OTT platforms such as YouTube, JioHotstar, JioTV, Airtel Xstream, SonyLIV, Zee5, MX Player, Amazon Prime Video, Netflix, Disney+ platforms, Facebook (Live), Instagram (Live), X (formerly Twitter Live), and a large number of other similar applications. Therefore, **scheduled or “channel-like” presentation is not unique or limited to television broadcasting**, but is a common and evolving feature of internet-based content delivery.
- f. Treating such internet-based content streams as “linear television channels” would give rise to **significant ambiguity and practical challenges**, including:
 - i. **Definitional ambiguity:** Whether only 24x7 continuous streams would qualify as “channels,” or whether **intermittent or time-bound scheduled content** would also be included;
 - ii. **Classification issues:** Whether individual content streams within a platform would be treated as separate “channels,” or whether the **entire application/platform** would be subject to regulation;
 - iii. **Form Factor issues:** Whether only channel like presentation would qualify as “channels” or similar content (scheduled or unscheduled) streamed over Mobile/Fixed internet would also be included as ALTD.
- g. Moreover, the scheduling or “linear” presentation of OTT content does not create a distinct category warranting separate regulatory framework:
 - i. As mentioned, Internet platforms routinely organise content through live streams, premieres, and curated schedules,

- ii. Conversely traditional television consumption also reflects user-driven, on-demand behaviour as the user selects the channel of his choice amongst hundreds of channels.
- h. From a consumer perspective, both scheduled and user-selected formats are simply different ways of accessing OTT content over the same internet infrastructure. Introducing a regulatory framework based solely on the artificially created hypertechnical distinction from digital content and similarity with linear channel would therefore create unnecessary regulatory asymmetry and undermine the principle of neutrality that has traditionally guided policy and regulatory frameworks governing internet-based services.
- i. Therefore, irrespective of the format and/or scheduled nature in which such content is consumed, OTT media content made available over the internet must continue to be regulated under the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**, framed under the **Information Technology Act, 2000**. These rules already provide a comprehensive framework for regulating digital media content, including provisions relating to Observance and adherence to the Code, content classification, grievance redressal, and due diligence obligations.
- j. Without prejudice to the above, if the Authority, in its wisdom, considers introducing a specific regulatory framework for the OTT media services over the internet, the following aspects may be considered to ensure clarity, consistency, and a level playing field:
 - i. Any such framework should apply uniformly to all forms of OTT content that are presented in a scheduled or unscheduled format over the internet. This would necessarily include scheduled content streams across all platforms, such as YouTube, Netflix, Amazon Prime Video, JioHotstar, JioTV, Airtel Xstream, SonyLIV, Zee5, MX Player, Disney+, Facebook (Live), Instagram (Live), X (formerly Twitter Live), and similar services, to avoid regulatory arbitrage and ensure that no stakeholder is able to circumvent the framework through any hypertechnical differences in platform design or content presentation.
 - ii. It is equally important to ensure that OTT media services, including FAST services, which do not control the underlying access network and require users to separately bear the cost of the internet data through their ISP subscriptions, are treated on par with each other and are not placed at a structural disadvantage vis-à-vis traditional Cable/DTH/HITS/IPTV DPOs, where carriage and content charges are bundled into a single consumer-facing fee. The structural asymmetry is clear: a FAST or OTT consumer pays the ISP for connectivity and pays zero (or a separate subscription fee) to the content platform; whereas, a DPO subscriber pays one bundled fee that covers both connectivity and content. Any regulatory framework must reflect this reality and preserve parity between FAST services and other OTT media services.

In this context, appropriate policy considerations may also be explored within the existing net neutrality framework, including permitting zero-rating of OTT and FAST media content in a calibrated and non-discriminatory manner. This would enable OTT and FAST service providers to adopt market-based approaches to offset the data costs that their users independently bear - costs that are absorbed within the DPO subscription for Cable/DTH/IPTV consumers - thereby enhancing affordability and improving competitiveness

Q2. The ‘ALTD Services’ ecosystem involves multiple entities, including application providers, television equipment manufacturers, operating system providers, broadcasters, content providers, content aggregators and other technology or solution providers. However, the application provider appears to play a central role in the distribution of linear television channels across various business models. In this context, should the Application Provider be designated as the primary stakeholder responsible for obtaining authorisation for the provisioning of ‘ALTD Services’?

JPL Response:

1. **Not Applicable** - Please refer to our response to Question 1. Digital media content (scheduled /non-scheduled) transmitted over the internet by OTT platforms should continue to be governed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
2. Irrespective of the nature of content (scheduled/non-scheduled), its transmission over the internet involves two entities – content creator and content aggregator. The existing framework under these rules require both intermediaries and publishers of online content to comply with the provisions applicable to them.
3. Further, given the fundamental differences between OTT media content services and traditional TV broadcasting, as outlined in the preamble and in response to Question 1, OTT services warrant regulation primarily in the context of content oversight and grievance redressal.
4. These Rules provide a comprehensive framework, including provisions on adherence to the Code of Ethics, content classification, grievance redressal due diligence obligations and enable the Government to direct deletion, modification, or blocking of content, where necessary.

Q3. What should be the terms and conditions including fees or charges for the grant of service authorisation to the application providers provisioning ‘ALTD Services’ in India, under the ‘Television Channel Distribution Services’ as recommended in Annexure-II of ‘Authorisation Recommendations dated 21st February 2025’? Stakeholders are requested to provide their detailed comments including but not limited to the following conditions:

- a. Service Area
- b. Validity Period

- c. Eligibility Conditions
- d. Minimum Net worth
- e. Processing Fee
- f. Entry Fee
- g. Bank Guarantee
- h. Authorisation Fee
- i. Security Deposit
- j. Roll Out Obligations
- k. Any other terms and conditions

Further, what terms and conditions/obligations should be put in place for foreign entities providing 'ALTD Services' in India?

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Q4 What should be the common terms and conditions applicable for the authorised entities provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Part-I of Annexure-III in 'Authorisation Recommendations dated 21st February 2025'? Stakeholders are requested to provide their detailed comments on the following conditions:

- a. Renewal of Authorisation
- b. Renewal Fee
- c. Equity Holding and Management Control
- d. Restriction on cross-holding of equity shares/capital contribution between
 - i. TV broadcasters and application providers provisioning ALTD services
 - ii. Application Providers provisioning ALTD services and other DSPs
- e. Transfer/Surrender of Service Authorisation
- f. Sharing of Infrastructure
- g. Any other terms and conditions

JPL Response:

1. **Not Applicable** - Please refer to our response to Question 1. Digital media content, both scheduled and non-scheduled, transmitted over the internet by OTT platforms should continue to be governed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
2. Notwithstanding the above, the present question appears to be premised on an incorrect comparison between OTT services and traditional TV broadcasting services. As highlighted in the preamble and in our response to Question 1, OTT content services are fundamentally different from traditional broadcasting.
3. In view of these differences, concepts such as service area, validity period, eligibility conditions, minimum net worth, processing fee, entry fee, authorisation fee/renewal, bank guarantee, authorisation fee, security deposit, sharing of Infrastructure, roll-out obligations, equity restrictions, etc., typically applicable to traditional DPOs operating over licensed, geographically bound networks using resources and dedicated

infrastructure, are not relevant to OTT media and content services delivered over the open internet.

4. Further, as noted in the preamble and in response to Q10, OTT service providers operate under a fundamentally different model from TV broadcasting services, where broadcasters are prohibited from directly acquiring customers and must distribute their channels through DPOs. In contrast, OTT content services enable content creators and aggregators to reach consumers directly, without reliance on dedicated distribution networks. Accordingly, concerns relating to discriminatory treatment or similar issues do not arise in the context of OTT content services, and therefore do not warrant the imposition of cross-holding restrictions.
5. Accordingly, imposing such conditions on OTT services would be inappropriate, as they are not aligned with their technological architecture, business models, or existing regulatory framework.

Q5 What should be the specific terms and conditions applicable for the authorised entities provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Part-II of Annexure-III in 'Authorisation Recommendations dated 21st February 2025'?

Stakeholders are requested to provide their detailed comments on the following conditions:

- a. Reservation of operational channel capacity by Vertically Integrated Entity
- b. Platform Services (PS) offered by application providers provisioning ALTD services
- c. Monitoring and Inspection of facilities
- d. Supply of Information to Central Government/TRAI
- e. Contravention of terms and conditions of authorisation
- f. Any other terms and conditions Further, whether the mandatory sharing of Sports Broadcasting Signals with Prasar Bharati and the compulsory transmission of certain channels as mandated for DTH, HITS and IPTV services should be made applicable to the application providers provisioning 'ALTD Services'.

Stakeholders are requested to provide their comments with detailed justification on all such obligations that should be made applicable on such entities.

JPL Response:

1. **Not Applicable** - Please refer to our responses to Questions 1, 3, and 4. Digital media content (scheduled/ non-scheduled) transmitted over the internet by OTT platforms should continue to be governed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
2. Notwithstanding the above, the present question also appears to be premised on an incorrect comparison between OTT services and traditional TV broadcasting services. As already highlighted in the preamble and in our earlier responses, OTT content services are fundamentally different in terms of technology, content carriage, architecture, and

business models, and therefore warrant regulation primarily in the context of content oversight and grievance redressal.

3. **In this context, the issues raised in the question**, such as reservation of operational channel capacity by vertically integrated entities, platform services, monitoring and inspection of facilities, supply of information, contravention of authorisation conditions, and mandatory obligations relating to carriage of specific channels or sharing of broadcasting signals, **are rooted in the regulatory framework applicable to traditional DPOs operating over licensed, capacity-constrained, and geographically bound networks.**
4. **Such concepts are not relevant to OTT media services delivered over the open internet.** OTT platforms do not operate finite channel capacity or transponder-based systems requiring reservation or allocation; nor do they control end-to-end transmission infrastructure in a manner comparable to DPOs. Content on OTT platforms is delivered over unicast networks, without the constraints of channel capacity or spectrum-based carriage. Similarly, obligations such as mandatory carriage of channels or sharing of broadcast signals are specific to traditional broadcasting ecosystems and do not align with the nature of internet-based content delivery.
5. Further, in the context of OTT content services, the primary areas warranting regulation are content and grievance redressal, both of which are already comprehensively addressed under the existing Rules. Requirements such as supply of information to the Government and related compliance obligations are also adequately covered within this framework as the Government can issue directions relating to deletion, modification or blocking of content.
6. With specific reference to the requirement of sharing of broadcast signals (including with Prasar Bharati), it is submitted that OTT media services do not operate on the basis of acquiring signals of TV channels under Uplinking and Downlinking Guidelines. Instead, OTT platforms acquire rights for content transmission over the internet, which are distinct from traditional broadcasting rights. Accordingly, such obligations relating to mandatory sharing of broadcast signals are not applicable to OTT media services.
7. Accordingly, extending such conditions to OTT services would be inappropriate and disproportionate, as they are not aligned with the underlying technological architecture, operational characteristics, or existing regulatory framework governing OTT media and content services.

Q6. What type of assurance or certification mechanism should be prescribed for television manufacturers and operating system providers to ensure that applications provisioning ALTD services, (whether pre-integrated with television sets or made available for download through application stores or web platforms) are duly authorised by MIB.

JPL Response:

Not Applicable – all the OTT content, irrespective of it being scheduled/ non-scheduled, should continue to be governed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These Rules provide adequate mechanisms for content enforcement, including the ability of the Government to issue directions for removal, modification, or blocking of content in case of non-compliance. In view of these existing provisions, no additional assurance or certification requirements are necessary.

Q7. What kind of assurance mechanisms should be instituted to ensure that the applications providers authorised for provisioning ALTD services carry only those channels which are authorised/permitted by MIB for distribution in India. What kind of penalty/disincentive/deterrent be instituted for non-compliance? Provide your comments with justification.

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Q8. Whether there is a need to prescribe any specific terms and conditions for value-added services offered by ALTD service providers? If yes, what should be the terms and conditions? Stakeholders are requested to provide their detailed comments with justification.

JPL Response:

1. Not Applicable – Please refer to our responses to Questions 1, 3, 4, and 5. Digital media content transmitted over the internet by OTT platforms should continue to be governed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
2. In the Consultation Paper, the Authority appears to have incorrectly construed the content delivered over the top (OTT) through internet as “linear channels” just because such content follows a scheduled programming and includes advertisements.
3. As highlighted in the preamble and in our earlier responses, OTT content services, including scheduled or non-scheduled, are fundamentally distinct from traditional television broadcasting and warrant regulation primarily in the areas of content oversight and grievance redressal. These aspects are already comprehensively addressed under the existing Rules, which lay down clear obligations relating to content classification, adherence to the Code of Ethics, due diligence, and adequate mechanisms for content enforcement, including the ability of the Government to issue directions for removal, modification, or blocking of content in case of non-compliance.

Q9. Whether the broadcasters/content owners providing or intending to provide television channels on ALTD platforms operating in India be mandated to obtain authorisation either for:

- **Satellite-based Broadcasting and/or**
- **Ground-based Broadcasting along with its applicable terms and conditions, before entering into the agreements with authorised entities provisioning ALTD services to consumers? If yes, provide reasons with justifications.**

JPL Response:

1. Not Applicable - Please refer to our responses to previous questions. Digital media content transmitted over the internet by OTT platforms should continue to be governed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
2. Notwithstanding the above, as consistently highlighted in the preamble and in our earlier responses, OTT content services are fundamentally distinct from traditional television broadcasting services in terms of technology, carriage, regulatory treatment, and commercial models. In particular, OTT services operate on the basis of acquisition and exploitation of **digital/media rights over the internet**, rather than the carriage and distribution of linear television channels licensed under the uplinking and downlinking guidelines applicable to satellite or ground-based broadcasting.
3. Under the traditional broadcasting regime, television channels are created and distributed pursuant to specific regulatory permissions (including uplinking/downlinking approvals), and are then carried by DPOs over managed networks. In contrast, OTT platforms curate and deliver content (irrespective of whether these are scheduled or non-scheduled in nature) over the open internet based on contractual digital rights, enabling multi-format consumption across devices over the internet. This model does not involve the licensing, or distribution of “television channels”, applicable to conventional regulatory framework.
4. Furthermore, the applicable legal and regulatory framework also recognizes the distinction between Content and TV channels:
 - a. The regulations issued by TRAI differentiate between a **television channel**, which is provided by a licensed broadcasting entity, and **content available over the internet**, which constitutes digital data transmitted over internet networks.

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

“Television channel” means a channel which has been granted permission for downlinking 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 construed as a reference to “television channel”.

The Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016:

“Content” includes all content, applications, services and any other data, including its end-point information, that can be accessed or transmitted over the internet.

- b. The distinction between **television channels** and **OTT/digital media platforms** has also been expressly recognised by the MIB in its communication dated **10th March 2023 (No. F-14013/3/2022-DM)** issued to publishers of online curated content (OTT

platforms), wherein the Ministry clarified the applicability of the FDI policy in the context of digital news content.

- c. In the said communication, the Ministry clarified that OTT platforms merely hosting the digital feed of news channels **“as a medium,” without exercising editorial control**, would not be treated on par with entities engaged in the publishing or curation of digital news content. Further, the Ministry inter alia also stated that **television news channels are granted permission under the Uplinking and Downlinking Guidelines, 2022**, implying that television channels operate under a **distinct regulatory framework**.
 - d. This clarification is significant as it underscores the consistent position of the Government that:
 - (iii) **television channels and digital/OTT platforms are subject to distinct regulatory and policy frameworks, and**
 - (iv) **OTT platforms, even when hosting digital feeds of programmes, are not equated with the broadcasting entities.**
5. The distinction between television broadcasting services and internet-based OTT services has also been recognised by the Telecom Disputes Settlement and Appellate Tribunal (TDSAT). In its order², the TDSAT recognised that OTT platforms neither constitute “TV channels” nor require any licence or permission from the Central Government for provision of such services. Further, TDSAT recognised that OTT platforms do not fall within the regulatory jurisdiction of TRAI under the TRAI Act, 1997, and are governed under the IT Act, 2000.
6. Accordingly, imposing any authorisation requirements would be inappropriate and would create regulatory inconsistency with the existing framework governing digital media content.

Q10. In view of the availability of the pay television channels on ALTD platforms, what pricing methodology should be adopted for price parity of television channels across these platforms? Please provide detailed justification for your response.

JPL Response:

1. In the Consultation Paper, the Authority appears to have incorrectly construed the content delivered over the top (OTT) through internet as “linear channels” just because such content follows a scheduled programming and advertisements.
2. **We submit that pricing regulation cannot be imposed on OTT content services (including FAST) delivered over the internet**, as the two operate under fundamentally different technological and market structures.

² Order Dated: 04/10/2023 in BROADCASTING PETITION/217/2023 AIDCF vs Star India

3. **In the context of OTT content services, carriage charges are paid directly by consumers to internet service providers. Similarly, content charges, if any, are paid directly by consumers to OTT content providers, without the involvement of underlying carriage service provider/platform operator such as DTH, cable, HITS, or IPTV. In view of this distinct structure, the two frameworks are not comparable, and accordingly, the broadcasting pricing and pricing framework cannot be applied to OTT platforms.**
4. Moreover, TV broadcasting services and OTT content services operate under two different models due to absence of Direct Relationship between Broadcasters/Programme Creators and Consumers in the Traditional Television Broadcasting Sector, whereas OTT content Services through internet allows Direct Relationship between Content Creators and Consumers, as explained herein.
5. **Absence of Direct Relationship between Broadcasters/Programme Creators and Consumers in the Traditional Television Broadcasting Sector:**
 - a. In the traditional television broadcasting ecosystem, **broadcasters and programme creators do not have a direct relationship with end viewers.** Television channels are disseminated to consumers through the networks of licensed DPOs, such as cable TV, DTH, HITS, and IPTV platforms. Further, the customer pays only to DPO for carriage as well as content.
 - b. From a consumer's perspective, a DPO connection availed by him is capable of carrying television channels of only those broadcasters with which the DPO has entered into commercial arrangements. Accordingly, the availability of any television channel to a consumer is contingent upon the **commercial agreements between the broadcaster and the DPO.** Therefore, it becomes necessary for DPOs to enter into arrangements with all broadcasters offering channels relevant to their market. Failing this, the consumer may not receive certain TV channels and therefore may be required switch the cable TV/DTH operator who can provide certain channels required by the customer. This requires installation of new cable, new satellite receiver or IPTV connection.
 - c. Conversely, from the perspective of a broadcaster (including original programme creators), access to viewers is **mediated through DPO networks.** A broadcaster can reach only those consumers who are subscribed to DPOs with whom it has entered into commercial arrangements. Therefore, in order to maximise the reach of its channels or programmes, a broadcaster is required to **enter into agreements with multiple DPOs** serving its target audience.
 - d. In this context, there arises a fundamental requirement within the broadcasting sector to ensure that **every DPO has access to television channels of all broadcasters,** and correspondingly, that **every broadcaster has access to the networks of all DPOs.** These considerations form the basis of the regulatory principles of **"Must Provide"** and **"Must Carry"**, which underpin the traditional television broadcasting framework.
 - e. The regulatory framework further ensures that:

- i. While implementing the **Must Provide** and **Must Carry** obligations, neither party imposes **unreasonable or onerous commercial conditions** on the other, thereby preventing bypass of these regulatory safeguards;
 - ii. **DPOs, which have made significant investments in network infrastructure, are not subjected to discriminatory treatment by broadcasters by denial of any content ;**
 - iii. **No DPO is able to act as a gatekeeper**, thereby ensuring that broadcasters are able to reach each customer connected to a **distribution network** to disseminate their channels to consumers.
- f. Accordingly, the regulatory framework governing the traditional television broadcasting sector is specifically designed to address the above requirements due to **inherent structural limitation caused due to prohibition on direct relationship between content creators/broadcasters and end viewers**, mediated through licensed distribution networks.

6. OTT Media Services through internet allows Direct Relationship between Content Creators and Consumers:

- a. The advent of OTT media services over a **content-neutral network such as the internet** has fundamentally altered the content distribution landscape. In this ecosystem, content creators are able to **reach viewers directly**, either through their own platforms or via one or more content aggregators. Since OTT media services operate independently of the underlying internet access network, they are able to **make content available to consumers directly without entering into any commercial arrangements with underlying internet service providers providing the carriage service for the content.**
- b. From a consumer's perspective, the internet ecosystem eliminates the need for multiple access connections. A consumer **does not need to subscribe to multiple internet connections** to access content from different providers. A single internet connection, obtained from any service provider, enables access to **diverse OTT platforms and content services.**
- c. Further, OTT platforms **do not invest in or control the underlying access network infrastructure**, which is deployed and maintained by internet service providers. As such, OTT media service providers do not acquire the resources like spectrum, right of way for laying underground and over-ground cables like DPOs such as DTH, HITS, Cable or IPTV providers.
- d. In view of these structural differences, the principles of **"Must Provide"** and **"Must Carry"**, which underpin the regulatory framework for the traditional broadcasting sector, **are not applicable to OTT media services.** Therefore, regulatory framework applicable to traditional TV broadcasting services does not apply to OTT Media services over the internet.

7. **Notwithstanding** the above, we fully support the objective of **promoting the growth and sustainability of traditional television broadcasting services** in an evolving digital ecosystem. In this regard, we respectfully submit that the appropriate policy approach would be to **enhance regulatory forbearance in the traditional TV broadcasting sector**, while continuing to safeguard the interests of consumers, broadcasters, and distributors.
8. Greater regulatory flexibility would enable stakeholders in the traditional broadcasting ecosystem to **innovate, design, and price their offerings in response to changing consumer preferences**, thereby improving competitiveness vis-à-vis OTT content services. Such an approach would not only foster a **more balanced and sustainable ecosystem**, but also **enhance consumer welfare** through increased choice, improved service offerings, and potentially more affordable pricing.

Q11. What obligations are required to be specified for the authorised entities provisioning ALTD services, with respect to consumer protection and grievance redressal mechanism, considering the different modes of service access such as smart televisions, websites, mobile applications etc.? Please provide your comments with detailed justification.

JPL Response:

1. Not Applicable – Please refer to our responses to Questions 1 to 5. Digital media content transmitted over the internet by OTT platforms should continue to be governed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
2. The extant Rules already provide a comprehensive and well-defined framework for consumer protection and grievance redressal. These include obligations relating to adherence to the Code of Ethics, content classification, establishment of grievance redressal mechanisms, time-bound resolution of complaints, and escalation to self-regulatory bodies and oversight mechanisms, where required. The framework is platform-agnostic and applies uniformly across different modes of access, including smart televisions, websites, and mobile applications.
3. In view of the above, the concerns raised in this question are already adequately addressed under the existing regulatory regime.

Q12. With the revised guidelines now including multiple viewing platforms in audience measurement, stakeholders are requested to furnish their comments on the right methodology for integrating ALTD service data into the television ratings framework, as well as the proposed timelines for implementation, supported by detailed justifications.

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Q13. Under the revised guidelines, television distribution platforms and/or OTT platforms may publish periodic viewership data of broadcasters/channels they carry on their platforms and/or on their websites, without prior registration. In this context, stakeholders are invited to provide their comments on how such an enablement can be aligned with the

proposed authorisation framework for application providers provisioning ALTD services, along with any related considerations.

JPL Response:

We submit that OTT Content providers with two-way data transfer capability to end users are well-positioned to significantly enhance the effectiveness of audience measurement systems. By leveraging anonymised and aggregated insights derived from user interactions, such providers can contribute to a substantial increase in sample size, improve diversity, and foster greater competition and innovation in audience measurement methodologies.

In this regard, we recommend that OTT content providers be permitted to collect and share viewership data on a voluntary and mutual agreement basis, without any prescriptive or mandatory requirements. An enabling policy framework should encourage the development and sharing of such data with interested stakeholders on mutually agreed commercial terms.

Q14. Considering the scenario wherein application providers provisioning ALTD services may adopt a hybrid business model offering free and/or paid services, stakeholder comments are invited on how such services should be subject to the regulatory framework, particularly with respect to tariff, interconnection and quality of service aspects. Please provide your comments with justification.

JPL Response:

1. Please refer to our response to Question 10, as elaborated therein, pricing/tariff regulation applicable to traditional television broadcasting services cannot be extended to OTT media services, given the fundamental differences in their technological architecture, market structure, and direct relationship with consumers.
2. The **tariff and interconnection regulations** applicable to the broadcasting sector are designed to achieve the following two key objectives:
 - a. **“Must Provide”**: This principle ensures that a Distributor Platform Operator (DPO) receives content from broadcasters in a non-discriminatory manner. To prevent denial of access through the imposition of exorbitant charges, the regulation prescribes for publishing maximum retail price (MRP) of each channel, thereby ensuring that all DPOs get access content on fair and transparent terms. Additionally, the regulations mandate uniform discount structures to eliminate any possibility of discriminatory treatment of a DPO by any broadcaster.
 - b. **“Must Carry”**: This principle ensures that every DPO carries the content of a broadcaster, whether pay or free-to-air channel, in a non-discriminatory manner and at the charges as prescribed regulatory framework. This includes adherence to norms relating to carriage and placement, thereby enabling broadcasters to effectively reach the subscribers of each DPO.

3. **The above-mentioned objectives are not required in the context of OTT media including FAST channels, as content hosted on the internet is directly accessible to all users, irrespective of the underlying internet service provider. Consequently, consumers are not denied access to content, nor are content providers denied access to consumers. This effectively obviates the need for regulatory intervention in areas such as tariffs and interconnection.**
4. **With regard to Quality of Service (QoS) regulations in the broadcasting sector, these primarily address aspects such as installation of connections, provisioning of set-top boxes, associated charges, refunds, and subscription to broadcast carriage platforms such as cable and DTH services. In the context of OTT media, however, the carriage infrastructure and customer premises equipment (CPE) are provided by internet service providers rather than OTT content providers. Moreover, the functionality of a set-top box is increasingly integrated into software applications on existing user devices. Accordingly, such QoS regulations are not directly applicable to OTT media services.**
5. Further, aspects relating to consumer protection and grievance redressal in OTT media services are already comprehensively addressed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These Rules prescribe obligations for content classification, adherence to the Code of Ethics, and establishment of grievance redressal mechanisms, thereby adequately safeguarding consumer interests in the OTT ecosystem.
6. In view of the above, extending tariff, interconnection, or QoS regulations designed for traditional broadcasting services to OTT media service (including FAST), would be inappropriate and inconsistent with their distinct operational and regulatory framework requirements.

Q15. Whether there are other issues (such as channel positioning on home screen, EPGs, revenue sharing, interconnection agreements including marketing and placement agreements, etc.), not specifically covered in this consultation paper, which may be relevant for consideration while formulating the regulatory framework for ALTD services? Stakeholders are also requested to share relevant international best practices or regulatory approaches, if any, along with appropriate justification.

JPL Response:

1. As elaborated in our earlier responses, OTT media/content services operate in a fundamentally different environment. They are delivered over the open internet, do not involve capacity-constrained channel carriage, and enable a direct relationship between content providers and consumers.
2. The arrangements relating to revenue sharing, content placement, and marketing are purely commercial in nature and governed by mutually negotiated agreements in a competitive marketplace. There is no structural bottleneck or market failure that would warrant regulatory intervention in these areas. Imposing broadcasting-centric obligations

on such aspects would therefore be inappropriate and may stifle innovation, platform differentiation, and consumer choice.

3. Further, international best practices also reflect a differentiated and light-touch approach for OTT media services. For instance, in Singapore, the Infocomm Media Development Authority (IMDA) regulates content across platforms through applicable content codes³. While traditional television and radio broadcasting services are subject to specific broadcasting framework, OTT and online video services, including those offering linear or scheduled content over the internet, are governed under separate content standards frameworks applicable to OTT services.
4. This demonstrates that even where similar or scheduled content is delivered over the internet by OTT platforms, it is regulated from a content standards perspective, rather than being subjected to the structural, licensing, and economic regulations applicable to traditional broadcasting services. It reinforces the principle that the mode of delivery i.e., internet-based versus dedicated broadcast networks, should determine the regulatory treatment, and not merely the format of content presentation.
5. In view of the above, no additional regulatory conditions are warranted for OTT media services in relation to the issues identified. The existing framework under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, read with general competition law and consumer protection principles, is sufficient to address any residual concerns while preserving flexibility and innovation in the digital ecosystem.

³ <https://www.imda.gov.sg/regulations-and-licensing-listing/content-standards-and-classification/standards-and-classification/television-and-radio>