



Telecom Regulatory Authority of India



Consultation Paper

on

Ministry of Information and Broadcasting (MIB)

**back reference on TRAI's Recommendations dated
19.11.2014 on "Regulatory Framework for Platform
Services"**

and

**MIB reference on TRAI's Recommendations on "Platform
Services offered by DTH Operators" dated 13.11.2019.**

7 December 2020

Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi- 110002
Website- www.traigov.in

Written Comments on the consultation paper are invited from the stakeholders by 14th December 2020 and counter-comments by 19th December 2020. Please support your comments with detailed reasons, relevant data and justifications. Comments will be posted on TRAI's website www.trai.gov.in. The comments may be sent, preferably in electronic form, to Sh. Anil Kumar Bhardwaj, Advisor (B&CS), Telecom Regulatory Authority of India, on the email:- advbcs-2@traigov.in or sapna.sharma@traigov.in. For any clarification/ information, Sh. Anil Kumar Bhardwaj, Advisor (B&CS) may be contacted at Tel. No.: +91-11-23237922, Fax: +91-11-23220442.

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CHAPTER – I: BACKGROUND

- 1.1 Ministry of Information and Broadcasting (MIB), vide their letter dated 17 January 2013 sought recommendations of TRAI under section 11 (1) (a) (ii), (iii) and (iv) of TRAI Act, 1997 (as amended) on the issues related to local ground-based channels of cable TV operators.
- 1.2 The TV channel distribution platforms primarily re-transmit broadcast TV channels permitted by MIB under their uplinking and downlinking guidelines. However, in addition to these channels, as a prevailing practice, various Distribution Platform Operators¹ (DPOs) are providing certain programming services which are specific to their platform and are not obtained from satellite-based broadcasters. These programming services are either produced by the DPO itself or are sourced from certain local content producers.
- 1.3 A Consultation Paper (CP) on ‘Regulatory framework for Platform Services’ was issued on 23 June 2014 to solicit the comments/views of all stakeholders on issues related to Platform Services (PS), so that an appropriate regulatory framework for PS could be put in place. Four regional Open House Discussions (OHDs) were held with the stakeholders in Mumbai (12 September 2014), Bengaluru (16 September 2014), Kolkata (19 September 2014) and New Delhi (24 September 2014). After considering the views of the stakeholders and its own analysis, the Authority issued the Recommendations on Regulatory Framework for Platform Services on 19 November 2014. It may be noted that the Authority had forwarded its recommendations on Regulatory Framework for Platform Services in 2014 when digitization process was not complete. As the process of Digitalisation has since been completed in March 2017, the recommendations as regards those for DAS areas only remain relevant now.
- 1.4 Meanwhile in 2019, TRAI received a reference from MIB vide letter no 3/1/2014-BP&L (Vol. III) dated 2nd July 2019. Herein, MIB referred the TRAI’s earlier recommendations on “Regulatory Framework for Platform

¹ DPO include Multi-System Operators (MSOs), Direct to Home (DTH) service provider, Internet Protocol Television (IPTV) operators and Head-End Into The Sky (HITSO operators)

Services” dated 19th November 2014 and sought TRAI recommendations by reconsidering the issues regarding platform services for DTH operators.

1.5 Accordingly, a Consultation Paper (CP) on ‘Platform Services offered by DTH Operators’ was issued by TRAI on 28th August 2019 to solicit the comments/views of all stakeholders on the issues related to platform services (PS). An open house discussion was also held on 15th October 2019, in Delhi, to seek the views of the stakeholders on various issues. After considering the views of the stakeholders and its own analysis, the Authority issued the Recommendations on Platform Services offered by DTH Operators on 13th November 2019.

1.6 TRAI has now received two references from MIB, both vide letter no N-45001/1/2020-DAS dated 23rd October 2020 (Annexure I & Annexure II).

a. In one of the references (Annexure I), MIB has referred to the TRAI’s earlier recommendations on “Regulatory Framework for Platform Services” dated 19th November 2014 and informed TRAI that after consideration of the recommendation on “Regulatory Framework for Platform Services” dated 19/11/2014 by Inter-Ministerial Committee (IMC), the recommendations have been accepted, except Recommendation No.8. MIB has further informed TRAI that certain recommendations have been approved with modification, as indicated in MIB above referred letter and requested TRAI to furnish its recommendations on the suggested modifications.

b. Vide the second reference (Annexure II), wherein MIB has informed TRAI that they are examining the TRAI’s Recommendations on “Regulatory Framework for Platform Services” dated 19/11/2014, for their implementation in respect of Multi Systems Operators (MSOs) / Local Cable Operators (LCOs). MIB has mentioned that it is observed that some of the recommendations made by TRAI on 13/11/2019 regarding Platform Services offered by DTH operators could be adopted in respect of MSOs / LCOs as well as to have uniformity of guidelines in both segments. MIB has proposed to adopt the certain

recommendations, as indicated in MIB above referred letter, in respect of Platform Services offered by MSOs / LCOs also by appropriately replacing the word “DTH” with “MSO/LCO” wherever required and requested TRAI to furnish its views on the above proposal.

- 1.8 Ensuing Chapter II contains the Authority’s earlier recommendations on issues referred, the view of MIB thereon and proposed views of the Authority.

CHAPTER – II: ISSUE-WISE PROPOSED VIEWS

2.1 Response to back references dated 23rd October 2020 received from Ministry of Information and Broadcasting (MIB) on TRAI's Recommendations dated 19th November 2014

The Authority has examined the observations of the MIB on its recommendations dated 19.11.2014. The TRAI recommendations, views of MIB thereof and the proposed view of the Authority are as follows:

(i) Para 2.39 of the TRAI's Recommendations dated 19.11.2014

A. Recommendation:

Any person/ entity desirous of providing PS, or is already providing such services, must be incorporated as a company under the Indian Companies Act, 2013 and the rules framed thereunder.

B. MIB View:

This recommendation was not accepted by IMC in respect of MSOs/LCOs, since most of the MSOs/LCOs operated in small areas are either proprietorship or partnership firms which are not registered as companies. Making it obligatory for MSOs/LCOs to convert into companies may not be in line with the promotion of ease of doing business. IMC decided that anybody registered as a DPO, either with MIB or with post office, shall be eligible to carry PS channels.

C. TRAI Response:

The permission to operate private satellite TV channel is granted only to Companies registered in India under the Companies Act. However, a Distribution Platform Owner may or may-not be a Company. Respective guidelines for registration for DTH/ HITS/ IPTV/ MSO prescribe the status of ownership. As such a DTH or a HITS service provider needs to be registered as a company to be eligible for registration with MIB. However, an IPTV service provider or an MSO need not be a company to get a registration with MIB. Guidelines for both the IPTV operators and MSO prescribe individuals/ firms etc. as eligible for registration.

The observations made in TRAI recommendations in November 2014 as regards registration of Platform Services are important. The recommendations make a note that almost all DPOs provide platform service channels. One way to ensure uniformity in the legal status of all the DPOs, is that the DPO offering PS must be a company registered in India under the Companies Act. Further, the Authority had noted that for company registration procedure have been simplified. There is an online system for registration of a company. Thus, even small MSOs who are already registered with MIB as an individual may easily register as a company under Companies Act, 2013. The 2014 recommendations also highlight that the compliance and ownership status of a registered company is much clearer. Therefore, with a view to ensure better transparency and oversight, it was prescribed that all DPOs desirous to offer platform services should register as a company under the Companies Act.

Almost, every MSO provides platform channels. DAS implementation ensures that the PS can only be inserted at the head-end by MSO. Given that a very large number of platform channels are possible, the issue of oversight on information spread through such channels is important. The recommendations as regards mandatory registration as company were made with the purpose of transparency and regular compliances. Platform Channels can quickly and widely spread information/ misinformation.

In case MIB considers that there is no necessity to register as company for MSOs desirous to register their platform service, it should satisfy itself regarding the transparency of ownership and assurance of content of such platform services at the time of registration. MIB may ensure that registration of Platform Service Channel may be made in such a way that the individuals provide full disclosure.

In view of above TRAI has no objection to accept Ministry's view provided that Ministry of Information and Broadcasting is able to specify compliance structure to ensure that those providing platform services make full disclosure on ownership status and comply to content code and advertisement code while providing platform services.

(ii) Para 2.45 of the TRAI's Recommendations dated 19.11.2014

A. Recommendation:

A maximum number of 5 PS channels may be offered by the cable operators in non-DAS areas. In DAS areas and for all other platforms, a maximum of 15 PS channels may be offered by the DPOs. These numbers are the number of PS channels to be made available at the subscribers' end.

B. MIB View:

With the completion of digitization process, there is no distinction between DAS and non-DAS area. Further, it is noted while it is necessary to restrict capacity of PS channels carried by DPOs as recommended by TRAI, it is not in the interest of the evolving and dynamic market like Cable TV to restrict the number of PS channels. Regulation may only intervene to the point of upholding customer interests, ethical business practices, ease of doing business and safeguard against violation of programming code and advertisement code.

Taking note of this, it is recommended that the MSOs may be permitted to operate to a maximum of 5%, and LCOs to a maximum of 1%, of the total permitted satellite channel being carried by them as permitted PS channels without any upper limit.

C. TRAI Response:

It is reiterated that the Authority had forwarded its recommendations on Regulatory Framework for Platform Services in 2014 when digitization process was not complete. As the process of Digitalisation has since been completed in March 2017, the recommendations as regards those for DAS remain relevant.

The domain and functioning of the DPOs is different from that of the broadcasters. The main purpose of granting permission/ registration/ license to Distribution Platform Operators (DPOs) is distribution of TV channels covered under uplinking/ downlinking guidelines. Thus it is essential that the major portion of the

distribution capacity of these platforms is used for the intended purpose. A small portion of this distribution capacity may be used for PS so as to meet the specific need of the subscribers of these DPOs.

One must note that a television channel is a mechanism to disseminate information and has the ability to create opinions. When a consumer watches a channel, the impact and effect remains same for satellite channels or Platform Service channels. In fact, in some cases the impact of platform channel may be more as they are more local and may be more relevant for public in that area. At present there are more than sixteen hundred (1600) registered MSOs. A simple calculation with fifteen Platform Services, each exclusive to respective DPO suggests that there can be more than Twenty-four thousand (24000) platform services. Given the limitations on oversight mechanism available for such channels, any more leverage to increase the number of channels further will put unbearable strain on monitoring/ oversight. The technical arrangement in DAS is such that a Television Channel can only be inserted at Head-end. Even if an LCO wishes to provide his channel, the feed for same must be provided at the head-end of the MSO. It is very much possible for an MSO to allocate some channels out of available limit of fifteen PS channels to LCOs. As all the channels are inserted at the level of MSO, it will be responsibility of the MSO to register such platform channels. This will provide sufficient pool of availability on networks for registered satellite television channels. It is important to note that there are more than 900 registered television channels. These channels can only reach the consumers through the networks of DPOs. Sufficient channel carrying capacity is therefore necessary for these broadcasters too. Moreover, among the registered televisions channels, there is sufficient spread across regional languages and genres. Therefore, there is no pressing requirement, for many PS channels.

It is also pertinent to ensure that liberal regulatory framework of PS should not encourage bypassing of traditional broadcast route. In case, there is compelling regional content available on a local platform channel, such entity² can register itself as a broadcaster. The ability to provide a large number of PS channels will

² MIB may ensure adherence to Vertical Integration guidelines amongst broadcasters and DPOs

present an arbitrage opportunity for DPOs as they may circumvent the regulations on broadcasting.

The Authority is also of the view that it is not desirable to separately specify the limit on number of PS channels that may be offered by the MSOs and LCOs. This may be left to the mutual arrangement among MSOs and LCOs. An MSO may remain responsible for all the platform service channels being offered on its platform.

In view of above, the Authority reiterates its recommendations.

(iii) Para 2.52 of the TRAI's Recommendations dated 19.11.2014

A. Recommendation:

The Authority notes that all DPOs, other than MSOs and LCOs operating in non-DAS areas, are already security cleared. For these MSOs and LCOs, the Authority recommends that at any time before the MIB obtains the security clearance, it is determined that the programming service offered on PS and which has been registered on the online system is inimical to India's national security or to the public interest, MIB may require the DPO to withdraw from distribution the PS Channel or the programming service and/ or cancel the registration.

B. MIB View:

1. TRAI's assumption that all the DPOs operating in DAS areas are security cleared is not correct since security clearance for LCOs is not a pre-requisite for grant of registration. Further, with the completion of digitization process there is no distinction between the DAS and non-DAS areas. At present about 72% MSOs are not security cleared by MHA as during their registration period security clearance was not a pre-requisite. More so, none of the LCOs are security cleared.
2. Taking note of this, it is recommended to extend TRAI recommendation for security clearance of MSOs/LCOs in non-DAS areas, to all MSOs / LCOs who are not security cleared and wish to offer PS to their subscribers.
3. That is to say, MIB will obtain security clearance of all MSOs / LCOs, who wish to offer PS and were not MHA security cleared at the time of registration, while

they run their PS. However, if at any time before the MIB obtains the security clearance, it is determined that the programming service offered on PS and which has been registered on the online system is inimical to India's national security or to the public interest, MIB may require the MSO / LCO to withdraw from distribution of the PS Channel or the programming service and / or cancel the registration.

C. TRAI Response:

The Authority had forwarded its recommendations on Regulatory Framework for Platform Services in 2014 when digitization process was not complete. It is desirable that all the MSOs offering PS are security cleared.

In view of above TRAI agree with the suggestion given by MIB.

2.2 Draft Response to the back reference dated 23rd October 2020 received from Ministry of Information and Broadcasting (MIB) on TRAI's Recommendations dated 13th November 2019

The Authority has examined the observations of the MIB on its recommendations dated 19.11.2014 and 13.11.2019. However, it may be noted that Authority has considered only the points mentioned in the said MIB letter. The TRAI recommendations dated 13.11.2019, views of MIB thereof and the draft response of the Authority are as follows:

(iv) Para 2.7 of the TRAI's Recommendations dated 13.11.2019

A. Recommendation:

The Authority reiterates the definition of PS as recommended in 'Regulatory Framework for Platform Services' dated 19th 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”.

B. MIB View:

It is proposed to adopt the above recommendations in respect of Platform Services offered by MSOs / LCOs also by appropriately replacing the word “DTH” with “MSO/LCO” wherever required

C. TRAI Response:

The suggestion by the Ministry to apply relevant provision to MSOs is quite relevant. Since completion of digitalisation, the Authority has endeavoured to a common regulatory regime. It is important to note that in DAS based networks, the PS channels can only be inserted at the Head-end by the MSOs. The 2019 consultation by TRAI was specific to DTH service providers, provision mentioned in MIB reference is quite similar to the recommendation made by TRAI in November 2014. The definition of platform services recommended by the Authority in its ‘Recommendations on Platform Services offered by DTH Operators’ dated 13th November 2019 is the same which the Authority had recommended in its recommendations on ‘Regulatory Framework for Platform Services’ dated 19th November 2014. Only some explanation pertaining to Registered TV channels or television channels or channel was added in 2019. Thus, there is no material change in the definition of platform services owing to this explanation.

Authority, therefore, agrees with the views of MIB. The definition of Platform Services (PS) 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’.

(v) Para 2.16 of the TRAI’s Recommendations dated 13.11.2019

A. Recommendation:

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.

B. MIB View:

It is proposed to adopt the above recommendations in respect of Platform Services offered by MSOs / LCOs also by appropriately replacing the word “DTH” with “MSO/LCO” wherever required

C. TRAI Response:

To ensure uniformity of guidelines of DTH operators and MSOs, it is desirable that abovementioned recommendations may also be applicable to all DPOs including MSOs.

The Authority agrees with the views of MIB. The authority recommends that:

(a) The programme transmitted by the Direct To Home (DTH) operator/ Multi Systems Operators (MSOs)/ Internet Protocol Television (IPTV)/ Head-End Into The Sky (HITS) 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/ MSOs/ IPTV/ HITS 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/ MSOs/ IPTV/ HITS 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/ MSOs/ IPTV/ HITS operator.

(vi) Para 2.37 of the TRAI's Recommendations dated 13.11.2019

A. Recommendation:

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.

B. MIB View:

It is proposed to adopt the above recommendations in respect of Platform Services offered by MSOs / LCOs also by appropriately replacing the word “DTH” with “MSO/LCO” wherever required

C. TRAI Response:

The suggestion by the Ministry to apply relevant provision to MSOs is quite relevant. Since completion of digitalisation, the Authority has endeavoured to a common regulatory regime. It is important to note that since November 2014 market dynamics have changed. Though, the 2019 consultation by TRAI was specific to DTH service providers, provisions mentioned in MIB reference are quite common and pro-consumer. DAS system provides for the features related to activation/ deactivation of channels on a-la-carte basis. This should be applied on all DPOs including the MSOs. Once applied, this feature will help the consumers in exercising the choice.

The Authority agrees with the views of MIB. The authority recommends that **the DTH operator/ MSOs/ IPTV/ HITS operator shall provide an option of activation/deactivation of platform services as prescribed in the orders/directions/regulations issued by TRAI from time-to-time.**

(vii) Para 2.45 of the TRAI’s Recommendations dated 13.11.2019

A. Recommendation:

The Authority recommends that:

(a) The platform services channels shall be categorized 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.

B. MIB View:

It is proposed to adopt the above recommendations in respect of Platform Services offered by MSOs / LCOs also by appropriately replacing the word "DTH" with "MSO/LCO" wherever required

C. TRAI Response:

To ensure uniformity of guidelines of DTH operators and MSOs, it is desirable that abovementioned recommendations may also be applicable to MSOs. It is also pertinent to note that since November 2014 market dynamics have changed. As mentioned earlier, though, the 2019 consultation by TRAI was specific to DTH service providers, provisions mentioned in MIB reference are quite common and pro-consumer. DAS system provides for the features related to classification on EPG, which should be applied on all DPOs including MSOs. This feature will assist the consumers in getting explicit information on their TV screen.

The Authority agrees with the views of MIB. The Authority recommends that for **the DTH operator/ MSOs/ IPTV/ HITS operator:**

(a) The platform services channels shall be categorized 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.

N-45001/1/2020-DAS
 Government of India
 Ministry of Information and Broadcasting
 Shastri Bhawan, New Delhi-110001

Dated 23/10/2020

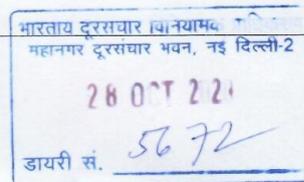
To
 Shri Sunil K. Gupta
 Secretary
 Telecom Regulatory Authority of India
 Mahanagar Doorsanchar Bhawan,
 New Delhi

Subject: TRAI's Recommendation on "Regulatory Framework for Platform Services" dated 19/11/2014-reg.

Sir,

I am directed to refer to TRAI's recommendations dated 19/11/2014 on the subject mentioned above and to say that after consideration of the recommendation on "Regulatory Framework for Platform Services" dated 19/11/2014 by Inter-Ministerial Committee (IMC), the recommendations have been accepted, except Recommendation No. 8. Further, the following recommendations have been approved with modification as under:-

<i>Recommendation of TRAI</i>	<i>Approved/Rejected with modifications</i>
<p>Recommendation No. 8: "Any person/entity desirous of providing PS, or is already providing such services, must be incorporated as a company under the Indian Companies Act, 2013 and the rules framed thereunder."</p>	<p>This recommendation was not accepted by IMC in respect of MSOs/LCOs, since most of the MSOs/LCOs operated in small areas are either proprietorship or partnership firms which are not registered as companies. Making it obligatory for MSOs/LCOs to convert into companies may not be in line with the promotion of ease of doing business. IMC decided that anybody registered as a DPO, either with MIB or with post office, shall be eligible to carry PS channels.</p>

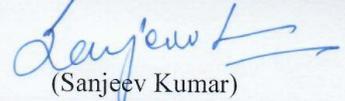


<p>Recommendation No. 9: <i>“A maximum number of 5 PS Channels may be offered by the cable operators in non-DAS areas. In DAS areas and for all other platforms, a maximum of 15 PS channels may be offered by the DPOs. These numbers are the number of PS channels to be made available at the subscribers’ end.”</i></p>	<ol style="list-style-type: none"> 1. With the completion of digitization process, there is no distinction between DAS and non-DAS area. Further, it is noted while it is necessary to restrict capacity of PS channels carried by DPOs as recommended by TRAI, it is not in the interest of the evolving and dynamic market like Cable TV to restrict the number of PS channels. Regulation may only intervene to the point of upholding customer interests, ethical business practices, ease of doing business and safeguard against violation of programming code and advertisement code. 2. Taking note of this, it is recommended that the MSOs may be permitted to operate to a maximum of 5%, and LCOs to a maximum of 1%, of the total permitted satellite channel being carried by them as permitted PS channels without any upper limit.
<p>Recommendation No. 11: <i>“The Authority notes that all DPOs, other than MSOs and LCOs operating in non-DAS areas, are already security cleared. For these MSOs and LCOs, the Authority recommends that at any time before the MIB obtains the security clearance, it is determined that the programming service on PS and which has been registered on the online system is inimical to India’s national security or to the public interest, MIB may require the DPO to withdraw from distribution of the PS Channel or the programming service and /or cancel the registration.”</i></p>	<ol style="list-style-type: none"> 1. TRAI’s assumption that all the DPOs operating in DAS areas are security cleared is not correct since security clearance for LCOs is not a pre-requisite for grant of registration. Further, with the completion of digitization process there is no distinction between the DAS and non-DAS areas. At present about 72% MSOs are not security cleared by MHA as during their registration period security clearance was not a pre-requisite. Moreover, none of the LCOs are security cleared. 2. Taking note of this, it is recommended to extend TRAI recommendation for security clearance of MSOs / LCOs in non-DAS areas, to all MSOs / LCOs who are not security cleared and wish to offer PS to their subscribers. 3. That is to say, MIB will obtain security

	clearance of all MSOs / LCOs, who wish to offer PS and were not MHA security cleared at the time of registration, while they run their PS. However, if at any time before the MIB obtains the security clearance, it is determined that the programming service offered on PS and which has been registered on the online system is inimical to India's national security or to the public interest, MIB may require the MSO / LCO to withdraw from distribution of the PS Channel or the programming service and/ or cancel the registration.
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2. It is requested that as per the provisions of Section 11(1) of TRAI Act, the Authority may after considering this reference, kindly furnish their recommendations on the suggested modifications to enable the Government to take a final decision in this matter.

Yours faithfully,



(Sanjeev Kumar)

Deputy Secretary to the govt. of India

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N-45001/1/2020-DAS
Government of India
Ministry of Information and Broadcasting
ShastriBhawan, New Delhi-110001

Dated 23/10/2020

To

Shri Sunil K. Gupta
Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
New Delhi

Subject: TRAI's Recommendations on "Platform Services offered by DTH Operators", Dated 13/11/2019, - regarding.

Sir,

I am directed to say while this Ministry is examining the TRAI's Recommendations on "Regulatory Framework for Platform Services" dated 19/11/2014, for their implementation in respect of MSOs / LCOs, it is observed that some of the recommendations made by TRAI on 13/11/2019 regarding Platform Services offered by DTH operators could be adopted in respect of MSOs / LCOs as well to have uniformity of guidelines in both segments. Therefore, it is proposed to adopt the under-mentioned recommendations in respect of Platform Services offered by MSOs / LCOs also by appropriately replacing the word "DTH" with "MSO/LCO" wherever required :

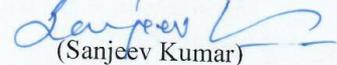
Recommendation Number	Recommendation of TRAI dated 13/11/2019 on " Platform Services offered by DTH Operators "
3.1	<i>"Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered 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". framed thereunder."</i>
3.2	<i>"The Authority recommends that: (a) The programme transmitted by the DTH operator as a platform service shall be</i>



	<p>exclusive and the same shall not be permitted to be shared directly or indirectly with any other Distribution Platform Operator (DPO).</p> <p>(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.</p> <p>(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.</p> <p>(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."</p> <p>(*MIB had made a back reference that powers may rest with MIB)</p>
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."
3.6	<p>"The Authority recommends that:</p> <p>(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.</p> <p>(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.</p> <p>(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."</p>

2. It is requested to convey your views on the above proposal at the earliest.

Yours faithfully,


(Sanjeev Kumar)

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