

12<sup>th</sup> December, 2020

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Telecom Regulatory Authority of India  
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Dear Sir,

**Sub: Comments on Consultation Paper dated 7<sup>th</sup> December, 2020 on MIB back reference on TRAI's recommendations dated 19-11-2014 on "Regulatory Framework For Platform Services" and MIB reference on TRAI's recommendations "Platform Services Offered by DTH Operators" dated 13<sup>th</sup> November, 2019**

We humbly submit the following comments:

**2.1 (i) Para 2.39 of the TRAI's Recommendation dated 19-11-2014**

**Comments:** MIB recommendation permitting any DPO registered with MIB or post office is eligible to provide "Platform Services" irrespective of legal status including an individual, proprietorship, partnership firm, LLP, or company is just and right.

**Supporting Reasons:** The legal status of the service provider is not relevant in order to define and bring the accountability of the product or service quality just like any other product or services sold by either an individual or partnership firm or company. Any restriction in legal status such as only registered companies under Companies Act, 2013 is absolutely misplaced thought affecting the right to information, right to livelihood, increase in unnecessary cost of compliances, increase in unnecessary cost of entity set up etc. With the increasing affordability of 4G and forthcoming 5G based connectivity on mobile, desktop or smart TV an individual is able to connect with millions of people and share content, the idea of Platform Services can survive only if similar freedom to create and share content platforms are available. We are surrounded with millions of such examples where legal status is irrelevant to define, control, supervise the quality of the product or service. To ensure the quality and accountability of the Platform Services, all DPOs must be made to comply with content and advertisement code as applicable to satellite channels.

**2.1 (ii) Para 2.45 of the TRAI's Recommendation dated 19-11-2014**

**Comments:** The recommendation of MIB permitting 5% by MSOs/1% by LCOs of total permitted satellite channel without any restrictions on the upper limit i.e 45 PS channels by MSOs / 9 PS channels by LCOs with current 900 permitted satellite channels and TRAI's recommendation of maximum 15 PS channels by MSOs leaving difference of 30 PS Channels or a capacity utilisation of 3% assuming 900 channel capacity of MSO in comparison with MIB recommendation has **NO impact on the 3 objectives i.e burden on monitoring/oversight, by-passing of traditional broadcast, sufficient channel carrying capacity for satellite channel.** However such restrictions are misplaced and will affect the growth of PS channels similar to the de-growth story of broadcast channels.

**Supporting Reasons:** The number of permitted satellite channels in India has fallen to 900 from 3,000 a significant dip of 70% in last 3 years due to various factors including high distribution cost paid by broadcasters to MSOs, high subscription cost paid by customers to MSOs affecting affordability, uncertain time lines of statutory approvals to be obtained for satellite channel, non transparent TRP rating affecting revenues/existence of channel, heavy onslaught on the freedom of channels functioning. The existing laws, rules and regulations related to satellite channels has made broadcast channels a non-viable investment in terms of cost and quality of the satellite channel which cannot be related to the PS channels existence or their numbers.

#### **2.1 (iii) Para 2.52 of the TRAI's Recommendation dated 19-11-2014**

**Comments:** Security Clearance for MSOs/LCOs providing PS channels is not appropriate and serves no purpose. A strict compliance with content and advertising code is MUST for any content across any media including newspaper, TV, internet, Mobile.

**Supporting reasons:** In order to regulate the content the direct and most important aspect is compliance with content code rather the legal status or security clearance of the content provider just like sale of any product or service. The compliance of content code and accountability is not dependent on the legal status or security clearance.

#### **2.2 (iv) Para 2.7 of the TRAI's Recommendation dated 13-11-2019**

**Comments:** The definition of PS should include **all** programs other than DD and permitted satellite channels by CG permitted to be transmitted to their subscribers only.

#### **2.2 (v) Para 2.16 of the TRAI's Recommendation dated 13-11-2019**

**Comments:** Agreed.

#### **2.2 (vi) Para 2.37 of the TRAI's Recommendation dated 13-11-2019**

**Comments:** Agreed.

**2.2 (vii) Para 2.45 of the TRAI's Recommendation dated 13-11-2019**

**Comments:** All PS channels **MUST be clearly titled and listed under separate EPG in different colour, font, number series after the end of satellite channels listing.** Currently most of the PS channels are listed immediately before the satellite channels EPG and some cases in between the satellite channels by DPOs.

**Summary:** *The market is the best teacher and in this case the market has invented PS channel services as a replacement to the broadcast channel. The current change in market is driven by various factors including high distribution cost paid by broadcasters to MSOs, high subscription cost paid by customers to MSOs affecting affordability, cumbersome channel subscription procedure for users, uncertain time lines of statutory approvals to be obtained for satellite channel, non transparent TRP rating affecting revenues/existence of channel, heavy onslaught on the satellite channels functioning etc. At the same time the internet affordability and availability will for sure change the market of content generation, distribution and monetisation. The current laws, rules and regulations relating to the Media including TV/Internet needs to be updated on priority in order to protect the content generator, distributor and user to the benefits of all stakeholders including our nation at large.*

Thanking you,

Yours faithfully

**For Shreya Broadcasting Pvt Limited**

**ANIL SINGH**  
**CFO**