

CONSUMER PROTECTION ASSOCIATION  
HIMMATNAGAR  
DIST. : SABARKANTHA  
GUJARAT



Consultation Paper  
On  
Regulatory Framework for Platform Services  
**COMMENTS**

Introduction :

Today the area/jurisdiction within which the programme generated at the level of cable operators can be transmitted has not been defined in the Cable Television Networks (Regulation) Act, 1995, it is possible for Local Cable Operators (LCOs)/Multi System Operators (MSOs) operating at the local levels to broadcast local channels over a

larger geographical area i.e at Regional/State/National level by transmitting the same content over their entire network.

We have seen that some cable operators are also venturing into transmission of local channels over wider geographical area which includes inter-state and intra state transmission by sharing the same content with others on their network. In such a scenario, local channels are basically operating as State/Regional/National channels like permitted private satellite TV channels without getting any permission. The intent of allowing cable operators to generate and transmit local programme is to keep the local people informed of relevant local issues. However this intent is not fulfilled when LCOs and MSOs start networking of the content to cover a larger geographical area. Given the present state of technological advancement, the tendency to network content at a larger geographical area has gained strength. In this scenario this consultation paper will be very useful.

1. Do you agree with the following definition for Platform Services (PS)? If not, please suggest an alternative definition:

*“Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own*

*subscribers and does not include Doordarshan channels and TV channels permitted under down linking guidelines.”*

Yes.

2. Kindly provide comments on the following aspects related to programs to be permitted on PS channels:

1. PS channels cannot transmit/ include

2.1.1 Any news and/or current affairs programs,

Yes.

Local news can be permitted.

2.1.2 Coverage of political events of any nature,

Yes

2.1.3 Any program that is/ has been transmitted by any Doordarshan channels or TV channels permitted under up linking/ down linking guidelines, including serials and reality shows,

Yes

2.1.4 International, National and State level sport events/ tournament/ games like IPL, Ranji trophy, etc.

Yes

2. PS channels can transmit/ include

2.2.1 Movie/ Video on demand

Yes

2.2.2 Interactive games,

Yes

2.2.3 Coverage of local cultural events and festivals, traffic, weather, educational/ academic programs (such as coaching classes), information regarding examinations, results, admissions, career counseling, availability of employment opportunities, job placement.

Yes

2.2.4 Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration.

Yes

2.2.5 Information pertaining to sporting events excluding live coverage.

Yes

2.2.6 Live coverage of sporting events of local nature i.e. sport events played by district level (or below) teams and where no broadcasting rights are required.

Yes

3. What should be periodicity of review to ensure that the PS is not trespassing into the domain of regular TV broadcasters?

Three months.

4. Should it be mandatory for all DPOs to be registered as Companies under the Companies Act to be allowed to operate PS? If not, how to ensure uniform legal status for all DPOs?

1. Yes .

2. It can also be registered under an appropriate regulatory frame work.

It will ensure uniformity in the legal status.

The process should be very simple within a stipulated time period.

5. Views, if any, on FDI limits?

FDI limit should not exceed the permissible limit 26% in any situation. Broadcasting is a sensitive subject and there are a number of restrictions on foreign investment in this sector including US in global. Many countries do not allow FDI in

media and content distribution platforms or restrict it to low levels. India is far more liberal in this regard.

6. Should there be any minimum net-worth requirement for offering PS channels? If yes, then what should it be?

No. because,

1. PS is actually a very small level of business with operational areas including just Taluks and within corporation or district limits.
2. as per the down linking guidelines, an applicant company needs to have a minimum net worth of Rs 5 crore to downlink of its first TV channel and Rs 2.5 crore for any additional channel.

If at all, the net worth should be according to :

1. Rural and tribal areas and
  2. Urban areas.
7. Do you agree that PS channels should also be subjected to same security clearances/ conditions, as applicable for private satellite TV channels?

Yes.

With this procedure, TV channels can be registered with MIB.

8. For the PS channels to be registered with MIB through an online process, what should be the period of validity of registration and annual fee per channel?

The validity period of registration should be 10 year. Because as per down linking guidelines, the initial permission for down linking of channels is granted for a period of 10 years and a renewal of permission may be considered for a period of 10 years at a time subject to certain conditions.

As the PS channels are restricted to subscribers of the concerned DPO only and operating in Talukas, Municipality, corporation and districts, they do not attract the provisions related to 'must carry' and 'must provide' which are applicable to registered channels permitted under down linking guidelines. Therefore, the fee charged in the instant case for PS channels should not be the same and should be lower than that for registered channels permitted under the down linking guidelines.

9. What is your proposal for renewal of permission?

Renewal of permission may be considered for another period of 10 years at a time subject to the conditions that :

1. The channel should not have been found guilty of violating the terms and conditions of the programme and advertisement code.
  2. Self-regulation mechanism should be established.
  3. subject to the channel's acceptance of all terms and conditions of permission as the government makes.
  4. Repeated violations, its license renewal should be revoked.
  5. Renewal proposal should be cleared within 90 days before the expiry of the validity period .
  6. It should not give rise to corruption.
10. Should there be any limits in terms of geographical area for PS channels? If yes what should be these limits.

Yes.

1. As per the provisions stipulated in their respective license / registration / permission
2. Extent of that particular district.



11. Should there be a limit on the number of PS channels which can be operated by a DPO? If yes, then what should be the limit?

Yes.

The limit may be specified as a % of total number of channels offered or fixed number i.e. maximum 10 or a combination of above.

12. Do you have any comments on the following obligations/restrictions on DPOs:

12.1. Non-transferability of registration for PS without prior approval of MIB;

Yes

12.2. Prohibition from interconnecting with other distribution networks for re-transmission of PS i.e. cannot share or allow the re-transmission of the PS channel to another DPO;

Yes

But we should consider two or more DPOs existed in the same area, can interlink with each other.

Such interconnecting with other distribution networks for re-transmission of PS, should not take place outside the district. In case such re-transmission or interconnection is

required for any reason, they should take permission from the appropriate authority.

- 12.3. Compliance with the Programme & Advertisement Code and TRAI's Regulations pertaining to QoS and complaint redressal.

Yes

13. What other obligations/ restrictions need to be imposed on DPOs for offering PS?

1. They must meet basic norms of decency, non piracy etc..
2. DPOs can withdraw their services either temporarily or permanently for any reason after giving information before one month.

14. Should DPO be permitted to re-transmit already permitted and operational FM radio channels under suitable arrangement with FM operator? If yes, then should there be any restrictions including on the number of FM radio channels that may be re-transmitted by a DPO?

Yes

15. Please suggest the mechanism for monitoring of PS channel.
  1. DPOs should be mandated to keep a record of programmes for 90 days and produce the same before any agency of the Government as and when required.
  2. It may be monitored in a district-wise or state-wise model.
  
16. Do you agree that similar penal provisions as imposed on TV Broadcasters for violation of the terms and conditions of their permissions may also be imposed on PS? If not, please suggest alternative provisions.

No.

PS is a small-scale business and the current affairs and news category is excluded from PS. If in case such violations take place, two time warnings may be given to the respective PS and then after heavy penalty should be charged.

17. What amendments and additional terms & conditions are required in the existing registration/ guidelines/ permission/ license agreements w.r.t. DPOs for regulating the PS channels?

1. DPOs should permit the Government agencies and registered consumer organizations to inspect the facilities as and when required.
  2. To furnish information as may be required by the Ministry of I&B from time to time.
  3. Provide the necessary monitoring facility at its own cost for monitoring of programme or content by the Govt. representative or registered consumer organization as and when required.
18. What should be the time limit that should be granted to DPOs for registration of the existing PS channels and bring them in conformity with the proposed regulatory framework once it is notified by MIB?
- Six months.
19. Stakeholders may also provide their comments on any other issue relevant to the present consultation including any changes required in the existing regulatory framework.
1. The VAS and cable channels offered by DPOs provide locally relevant information are akin to radio, so the guidelines that govern FM radio networks can be

adopted for the PS channels as well. FM radio networks are allowed to provide information pertaining to sporting events excluding live coverage, information pertaining to traffic and weather, information pertaining to and coverage of cultural events, festivals, availability of employment opportunities, and public announcements pertaining to civic amenities like electricity, water supply, natural calamities and health alerts.

2. Local Channel Licenses should not become as Difficult As Satellite TV Licenses and too invasive for locally generated channels.
3. This small scale business should be protected and it should be done in a regularized manner.
4. All possible opportunities should be given to improve as it is beneficial for advertisers, small scale regional businessman, Schools, Govt. announcements, regional festivals, consumer awareness etc. etc. with highly effective and economical manner.

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