Dish TV India Ltd

7th November, 2023

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Sub: Response of Dish TV India Limited to Pre-Consultation Paper on Inputs for Formulation of "National Broadcasting Policy"

Dear Sir,

We hereby submit our response to the TRAI Pre-Consultation Paper on Inputs for Formulation of "National Broadcasting Policy dated 21st September 2023 Please find enclosed the same.

Thanking you,

Yours truly,
For Dish TV India Limited

Authorized Signatory

Enclosed: as above

Dish TV India Response to the Pre-Consultation Paper on Inputs for Formulation of "National Broadcasting Policy"

Introductory Comments

Dish TV India Ltd welcomes the Pre-Consultation Paper on the New Broadcast Policy. We note that the Pre-consultation paper duly mentions the series of Policy Changes in Telecom and consequently the emergence of the sector as a major growth driver for the economy.
We note that the Pre-consultation paper seeks to understand similar initiatives for the broadcast sector. However the Consultation paper has not dwelt upon the current regulatory environment for the Broadcast Sector which includes a series of regulations which were introduced for the sector as whole as well as for the Distribution part of the Broadcast Services.

(i) C&S (Cable TV), DTH, IPTV and OTT Linear distribution are integral parts of the Broadcast Ecosystem and need to be covered as a part of the Broadcast Policy.
(ii) An Integrated Broadcast Policy cannot be silent on OTT and the capability of Linear deliveries of uncensored content via alternate media. While being treated as a part of "Internet Delivered" services, these are now a part of the mainstream of viewership.

Response to the Points in the Pre-Consultation Paper"
Q1. Stakeholders are requested to provide their comments on the possible structure and content for National Broadcasting Policy, clearly outlining the specifics along with the justification. The comments may explicitly include the following titles/heads:

- **Preamble**
- **Vision**
- **Mission**
- **Objectives:**
- **Goals**
- **Strategies**

The stakeholders are requested that against each suggested objective, possible goals and the strategies may be explicitly provided.

Dish TV would like to outline the Goals and Strategies for the New Broadcast Policy.

<u>Suggested Goals of the New Broadcast Policy</u>

(a) Empowerment of the Broadcast Sector

(b) Remove unnecessary regulations which have harmed the growth of the Broadcast Sector over the years

(c) Defining Rules of Business for the Broadcast Sector

(d) Making the Broadcast Policy all-inclusive Free of Interference from other Regulators

(e) Alignment of the Broadcast Sector as per Global Practices

(f) Provide specific goals to the participants (Govt and Private) to take broadcasting Sector a GDP growth driver and driver of employment

(g) Specify the roles of Govt Agencies in Broadcasting and bring them under common regulations

(h) Enable Indian Broadcasters to set up business abroad and enhance their scale

(i) Flexible Policy- to be able to modify the regulations based on recent implementation and learning

(j) Induction of new technologies including the use of New Generation LEO, MEO and GEO satellites and Value added services

(k) Make procedures of approvals fast and faceless with Penalties for violation

(l) Common Rules of Business for Multiple types of Delivery Services serving the same customer including the C&S and OTT.

A brief outline of what is sought by these goals is provided below.

(a) Empowerment of the Broadcast Sector

The Broadcast Sector has been demanding an Infrastructure status to the Industry on same lines as was provided for the telecom Sector. The type of Infrastructure needed for Broadcast and Cable services is identical to that of Telecom and includes Earth Stations, Teleports, Receive Antenna Infrastructure, Fiber and cable, Broadband Internet, broadcasting Satellites and others. In the absence of Infrastructure being provided to the Broadcast Sector, the Indian Broadcasters have been unable to launch new satellites (including DTH Broadcasting Satellites). Foreign Broadcasters (Such as Dish Network USA or Echostar) own and operate a constellation of satellites. While India DTH operators use capacity equivalent to 2x or 3x that of a single satellites, all the leases (except TataPlay with GSAT) are foreign where remittances of 3 to 4 times the cost of a single satellite have gone out of the country for each DTH operator.

(b) Remove unnecessary regulations which have harmed the growth of the Broadcast Sector over the years

It is a matter of record that the poorly conceived regulations foisted on the Broadcast Sector or their rules of implementation have decimated the entire Terrestrial Broadcasting Sector in India. On the C&S side the regulations on Tariffs have been so restrictive and impractical that the entire sector including the customers have been suffering. Where implemented there are constant litigations with un-proportionally high cost as compared to revenues or net profits per customer.

(c) Defining Rules of Business for the Broadcast Sector

It is important that the rules of business to defined for broadcast sector, in so far as it relates to the roles of agencies outside of the Regulator and the MIB in what information they can seek, rules or penalties they can impose and regulations they can make on their own.

In the recent past few years we have seen external agencies such as the DoT, TEC and others seek comments in important and sensitive policies such as Frequencies impinging on the Broadcast Spectrum, Standard of Terrestrial Broadcasting in India (ATSC instead of DVB-T) and micro-managing the attributes of satellites carriers such as FEC or others within the assigned spectrum. Sometimes the notice to respond to such requests is as short as 12-24 hours indicating that these agencies may be under some pressure to formulate or recommend certain types of policies.

(d) Making the Broadcast Policy all-inclusive Free of Interference from other Regulators

The Broadcast Sector is currently subject to Interference and interventions by other regulators and Departments including the Dept of Space, IN-SPACE, DoT, MeitY, TEC,NOCC and many others. The requirements and permissions etc to be given to broadcast sector need to be brought under a single body.

(e) Redefine the role of Ministry as Business enabler and not Restrainer

Foreign Media companies are always enabled by their Diplomatic missions, administrative ministries who help push for inroads into foreign markets. In India rules have been made whereby Indian companies in Media Sector are not allowed to provide services overseas. As a result a majority of players in the media sector are foreign players and enjoy much larger economies of scale.

(f) Alignment of the Broadcast Sector as per Global Practices

The Broadcast Sector in India is enshackled by inward looking policies which look at India being as the only area of operation. For example there is no provision for Indian companies to provide DTH services overseas in the countries where such permissions are permitted, to provide any type of value added services via DTH, to provide two way DTH services or to select foreign satellites with spot beams which can help localize content while reducing costs. These types of services have been available to foreign companies since over 30 years which is the amount of time by which the India Broadcast Sector has been lagging.

(g) Provide specific goals to the participants (Govt and Private) to take broadcasting Sector a GDP growth driver and driver of employment

The growth targets of the broadcast sector should be jointly worked out between the Govt and the Industry. This should provide a look ahead of how this growth will be achieved. Bothe the Ministry and the private sector should be responsible for overseeing the targets.

(h) Specify the roles of Govt Agencies in Broadcasting and bring them under common regulations

(i) Enable Indian Broadcasters to set up business abroad and enhance their scale

(j) **Flexible Policy- to be able to modify the regulations based on recent implementation and learning**

Due to the fast changing technology environment, it is necessary that the regulations where framed should also have a window of change based on industry consultations and not be fixed for long periods such as 20 years.

(k) **Induction of new technologies including the use of New Generation LEO, MEO and GEO satellites and Value added services**

(l) **Make procedures of approvals fast and faceless with Penalties for violation**

Q2. Stakeholders may provide specific comments and suggestions for identifying objectives, goals and strategies for National Broadcasting Policy including the following aspects:

i. Public Service Broadcasting

a) **Requirement, Relevance and Review**

Public service Broadcasting is important and relevant to provide National and regional content to widespread audiences across India as well Indian community of Interests overseas. For this purpose Doordarshan already has about 24 National and regional channels meeting this requirement.

While Prasar Bharti DD Freedish had relevant in the past for having a satellite DTH delivered service, the act of on-taking private channels served to only reduce the viewership of he DD Channels and exponentially increasing the viewership of private channels.

It is a matter of record that while the private channels received hundreds of crores in Ad revenues, the viewership of DD channels languished so badly so as to make these irrelevant.

Prasar Bharti does receive a few hundred crores in auction revenues but these do not serve any purpose as this meagre amount can be state funded for public service broadcasting or be funded from the 24+ DD channels as Advt. and slot syndication revenue.

The regulations enacted earlier never considered the impact of DD-Freedish, which provides over 100 FTA channels with out the NCF, and covers the largest single segment of users with estimated 60 million subscribers. It (regulations) also failed to assess the impact on Tariff; if the discount on bouquets was severely restricted forcing customers to go for A-La-Carte channels, a move which was not well supported by the DPOs which had their own bouquets (Multi-Broadcaster) which were more practical for subscribers than subscribing to multiple bouquets of multiple broadcasters.

b) Support and Validation

There are already regulations in place whereby he DD channels need to be mandatorily carried on all the Cable and DTH distribution systems and hence there is no real reason why a Free DTH of private channels should be made up to distort the entire distribution tariff regime.

<u>Prasar Bharti Public Service Platform Should be Encrypted</u>

At the outset we would like to state that an FTA platform for Public Broadcasting is entirely appropriate and Prasar Bharati has been successful in creating this platform which has now replaced the terrestrial transmission.

Today it carries 24 Public Broadcasting channels including HD channels and in addition 200 E-Vidya channels are also available on this platform via MPEG-4 STBs.

However its induction of private broadcaster channels which are broadcast FTA on the platform is inappropriate for the following reasons:

(i) It distorts the Tariff regime as the channels are free for life for all customers, and thus impacts the viability of pay DTH and Cable Operators. Pay and DTH services cannot co-exist for the same customers for similar channels.

(ii) The customer base and profile of customers of Freedish is not known, all channels are carried based on highest bidding. For historical reasons, it has led to the concentration of North channels on Freedish and consequently majority of Freedish installations are in the North.

(iv) As per the Uplink/ Downlink Policy Amendment in 2022, the Ku-Band channels must be transmitted in encrypted format.

> *"Uplinking may be done in the Frequency Band specified by the applicant, after due approval of the Ministry and other concerned authorities, subject to the further condition that uplinking in any band (other than C band) shall only be in encrypted mode"*

Freedish is clearly not in compliance with this Policy Amendment.

(v) The STBs used on Freedish are not standardized and cannot be up-graded or addressed over the air. This will prevent the implementation of PWD act (Persons with Disabilities Act) in being able to implement close captioning standards.

There was in fact a move to proceed with the encryption of DD-Freedish Channels in the past for which STBs had also been developed. It had used an indigenous encryption system iCAS and uplink of 8 channels in encrypted MPEG-4 format had also started on these channels. However this had not progressed subsequently.

The encryption on Freedish can happen in the following manner:

(i) A time period of 3 years can be set for this exercise.

(ii) STBs which supported encryption (such as those used in Pay DTH systems) are now quite inexpensive at about Rs 1200 per unit. The price difference between FTA DTH Boxes (Rs700) and Pay DTH STBs is now very small.

(iii) The Transmissions should be increasingly shifted to MPEG-4 format, with encrypted transmissions where only encrypted STBs can be used.

(iv) This will help Prasar Bharati to double the number of channels now auctioned and transmitted over time.

(v) Authorizations of STBs can be based on any simple system such as Aadhar authentication or Mobile Authentication and remain FTA or be priced for some channels.

c) Content Priority
d) Mandatory Sharing of television programmes
e) Enhance global reach

ii. Policy and Regulation

a) Satellite Broadcasting

We note from the consultation paper that it tends to address a wide range of issues from Content Policy to areas of Public Service Broadcasting.

We suggest that the Broadcast regulator take an overall view of the scenario and the hurdles facing the sector.

<u>Space Policy</u>

One of the key and Critical inputs for Satellite Broadcasting is the Space Policy under which broadcasters can uptake capacity for their uplink operations.

Also, as INSPACE and DoS are well aware, Broadcasters are today heavily dependent on the use of foreign satellites in the C-Band for the uplink of their channels. The use of foreign satellites constitutes about 75% of all C-Band capacity used by Indian Broadcasters. In addition Broadcasters are also dependent on the use of the Ku-Band by their distribution partners (Primarily DTH operators) which account for over 80 Million customers.

International Satellite Capacities in C-Band

At the outset it may be stated that broadcasters seek capacities on foreign satellites for a variety of reasons. This can include-

-**Footprint of the satellite** including coverage of various countries where the channels need to delivered. It may be appreciated that due to the community of interest for Indian channels, such channels may need to be delivered to countries in the far east, Middle East North Africa (MENA), Eastern Europe, Africa (including South Africa). More than 140 countries fall in these footprints and Indian INSAT/GSAT satellites do not have such coverage. Hence it is out of business need that Indian channels need to contract with foreign satellites for such delivery.

-**Availability of receive dishes at Partner cable operators/ DTH operators in foreign countries**

Indian broadcasters partner with foreign operators (Cable and DTH) to receive signals at their head-ends in various countries. All these operators have limited number of dishes pointing to the "Hot" TV satellites (satellites which carry bulk of TV channels from various countries). They have been unwilling to put 16 foot dishes for just one channel to receive

A GSAT/INSAT satellite even where the footprint is available. It is therefore the only option to opt for satellites such as Asiasat-7,IS-20,IS-17, Apstar-7 Measat-3 etc which are widely received in the region.

-**Ability to enter into longer term arrangements at lower costs:**

All foreign operators offer longer term contracts at significantly lower prices. As broadcasting is a long term continuing business, broadcasters prefer to have 3 year, 5 year or longer contracts as may be permitted by ISRO. In many cases, due to the local restrictions on licensing, they prefer to go to foreign playouts and uplinking services where contracts for long term can be had at as much as 50% discount. It has been the request of Indian broadcasters also to DoS to offer longer term contracts instead of year-on-year renewals, which have not been acceded to so far.

-Ability to enter into contracts for uplinking using foreign teleports:
In many cases, it is more convenient to have the uplinking done from outside India (say from Singapore, Hongkong or other countries) even if the satellite to be used could be INSAT/GSAT satellite. However this is not permitted as per extant regulations.

Procedure for obtaining Capacities on Satellite for Channel uplinks-

(i) For all International Satellite Capacities in C-Band:

C-Band Capacities come under the purview of an "Open Skies Policy" where any broadcaster should be able to contract capacity on any foreign satellite in the C-Band provided that the satellite has been coordinated with the DoS under the ITU coordination process. The relevant license clause is that the Licensee can contract capacity on any Indian or foreign satellite, but Indian satellites will be given preference.

However in practice even though the capacity sought is on a few TV specific international satellites numbering a total of about 7 satellites (IS-20, Asiasat-7,IS-17, Measat-3 and Thaicom-7 and Asiasat-5) permission of DoS is sought by the MIB in each and every case even though hundreds of permissions might have been issued for the very same satellite and therefore it Is known to be ITU coordinated with DoS.

(ii) Application needs to be made on the Website of MIB for the satellite capacity required or renewed giving the details of the license and channels for which such capacity is required. MIB then verifies whether such channels are licensed or otherwise and can return the application if the application is being made for a channel which is planned in the coming year but not licensed so far.

(iii) In the recent past all applications made for foreign satellites have drawn a response to explain in detail why a foreign satellite is required even though the same reasoning has been provided multiple times and DoS has no capacity to offer on TV satellites.

The timelines for processing are not clearly defined as a "Service Charter" with any clear upper limit by when the relevant license will be issued. Also missing are the list of documents which need to be submitted which are clearly numbered and specific and MIB or other agencies do not keep seeking additional documents or contracts whether relevant or otherwise. If any documents are deemed to be "necessary" these should be predefined in the list of documents to be submitted.

Suggestions for Improvement Under the New Space Policy

1. New Channel permissions, changes in existing channels (SD to HD, logo, name, language etc without change of genre and within the same company):

For all existing networks, which have been given permission to operate channels, and are so operating channels on one or more satellites:

(i) The Application process for all new channel applications, changes of logo, language, and channel name should be handled via on online portal. The Applicant should certify via digital signature that it meets all MIB and WPC criteria for such an application or name/ logo change. Any erroneous applications under this digital affidavit would make the channel permission illegal and also bring the broadcaster under a "case by case" approval bucket.

(ii) The New channel application and/ or logo changes should be approved within 7 days. If not approved/ disapproved within 7 days the Broadcaster would treat this as approval.

(iii) For all C-Band capacities, the Open Skies policy should be honoured. The Online form should contain a list of approved satellites and transponders on such satellite, which ISRO believes are coordinated. The Applicant will merely click on the specific satellite/ transponder to generate the application.

(iv) A simultaneous communication should be generated to WPC to endorse spectrum which also should be done within an additional 7 days post payment of requisite spectrum fees.
(v) Role of NOCC:

A copy of the same application filed online should get transmitted to NOCC. The NOCC plays the following role:

For Foreign satellites
Foreign satellites have their own Satellite control centres and approve carrier plans, emission levels and do 24 hour monitoring of the same. The role of NOCC in such cases is

a. Carrier plan approval (as approved by Foreign satellite Operator)
b. MVPT of earth station
c. Final approval for uplink
d. Up-linking (start of the services)
e. Resolution of interference

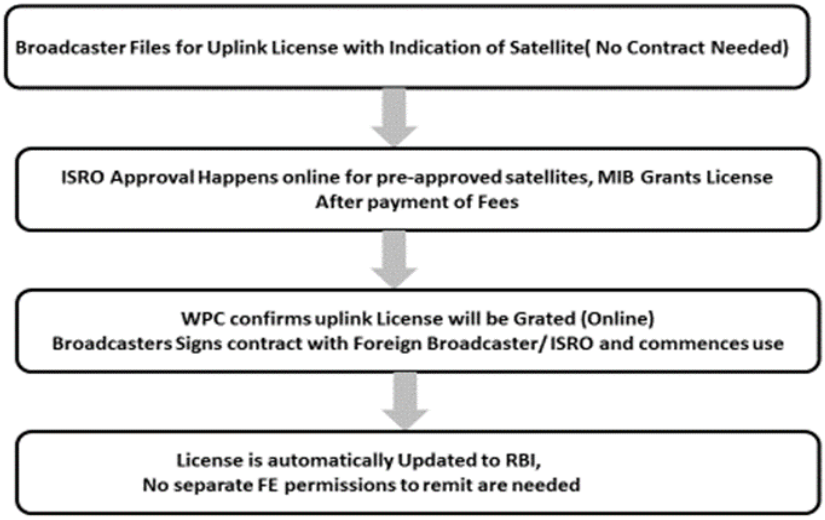
There should be only a one time charge for a carrier set up on a foreign satellite, as ongoing services are minimal.

For Indian satellites:

NOCC is the designated agency under the INSAT/GSAT system for carrier parameters, emission characteristics, continuous monitoring and interference control.

NOCC is performing along with having following roles

a. Carrier plan approval
b. MVPT of earth station
c. Final approval
d. Up-linking (start of the services)
e. Resolution of interference
f. Implementation of the contingency plan in case of failure of Transponder/Satellite, etc



The Figure above provides the suggested process which should happen online. The broadcasters should need to commence payments to satellite operators only when uplink contract is signed simultaneously with up-linking, saving several months to a year of infructuous payments.

FE Permissions

The permission to grant FE is processed year by calendar year irrespective of satellite contract, and for the first 3-6 months no payments are made to foreign operators in the absence of permission. These result in higher charges for satellite capacity which are offered by satellite providers to Indian broadcasters as compared to foreign broadcasters. Instead the FE permissions should be automatic with channel permission and/ or on filing of contract.

2. Permission for temporary uplinking of live coverage of events of national importance
The present process is very cumbersome, and the online facility should be used to issue guaranteed approvals within 24 hours. In emergency cases, post facto approvals should also be permitted.

Recognition of Satellite Systems
In many cases the satellite being used is replaced by the satellite provider due to age, obsolescence technical issues etc. In such a case the operator may provide an identical replacement of the satellite with same orbital location and frequencies. This has happened many times in recent years such as replacement of INSAT3B with GSAT-30, replacement of IS-10 with IS-20, or replacement of Asiasat3S with Asiasat-7. Such cases will continue to happen in future.
However such an event becomes a major challenge for broadcasters where all permissions including DoS, MIB. WPC and NOCC need to be applied again and fees paid again for the use of the same capacity. The processes need to be streamlined so that fthe time and resources of dozens of broadcasters are not wasted in repeatedly filing the same bulky documentation for which they have already obtained all permissions following the due process.
This will also save time at the MIB, WPC and NOCC enabling them to focus more on policy issues.

New Space Policy and Current Space Policy 2000 Provisions
The Satellite NGP 2000 provisions allowed Indian Broadcasters to contract for satellite capacity directly from Foreign satellite operators. This was permitted both by the Satellite- NGP and the Uplink-License Agreements of the Broadcasters.
Under the new draft (2023) guidelines following is the Impact:

Broadcasters lose the right to Select the Foreign Satellite Operator –
Broadcasters must use that Foreign satellite operator who applies as an Indian Entity for becoming an Indian Provider of Foreign Space Capacity. Such operators may be selected by IN-SPACE based on Political Considerations and International relations as well as their submission to coordination demands of ISRO/DoS.
This narrows the Sub-set of satellite operators to only those who apply for and form and Indian Entity and are able to get approval of their satellites by crossing the hurdles of Planned band capacity Orbital coordination and possible transfer of their filings to India. As these satellite operators have major business out of India (Spanning up to 140 countries) and long term interests in their business it is unlikely that they will comply with such directives.

Broadcasters must now choose only from those satellites which are approved based on Coordination by their Operators

Most of the foreign satellites have transponders in the normal C-Band as well as extended bands and “Plan Bands”. Such satellites whose plan bands are not approved are then no longer available for continuation of lease, and such leases must be terminated forthwith.
This becomes problematic because the proliferation of 5G in the lower C-Band will reduce the capacity of all existing satellites by up to 60%.

Distribution Sector (DPOs)
The DPOs in India, specifically DTH operators are issued licenses for 10 years/ 20 years based on the selection of their foreign satellites. These foreign satellites were approved by ISRO based on these being coordinated and not constituting security threats to the country.
Some of the foreign satellites used for DTH include SES-8, Measat-3, ST2 and SES-9.

While the licenses have been issued based on the satellite to be used, the current draft space policy sets a sunset date of 31-Dec-2024, just a year and 3 months away.
Each of the DTH operators has millions of Customer Dishes looking at the satellite, and this constitutes their only source of entertainment and education in rural areas.

The question is that if the concerned satellite operator is not able to complete the onerous process of creating an Indian Entity and providing satisfactory coordination response to DoS, the leases can no longer be renewed beyond 31-Dec-2024, and the DTH system then must shutdown.

The situation here is similar to those of broadcasters, who can no longer take a decision on their own but must rather depend on the actions of satellite operators, who may not be able to comply the formalities in time to have their Indian Entities established and give the coordination that DoS needs to enable their systems.

Relation between Customers of Communications/ Broadcast Services and Entities in the Space Sector
The Policy is silent on what is the relation and touch points between the users of satellite services and the entities in the space sector viz. NSIL, ISRO, DoS and INSPACE.
Under the current order of business rules, the operators take permission from ISRO/DoS for foreign capacities by approaching them a few months prior to the expiry of leases. This is done in parallel with the licensing ministry, i.e. the I&B.

Under the new draft policy there is no mention of customers (Users of Space capacity) and how and whom they should approach. There is ample mention of the satellite operators, who must approach ISPACE to get their systems approved and the processes they need to comply in this regard.

Agency to oversee the needs of the requirements of the Industry

The users of broadcasting, DTH and telecom services have needs for space capacity which is today not being met by the Indian Satellites. Under the new draft Space Policy Implementation guidelines, there is a role assigned to INSPACE to grant various permissions and approvals, but there is a lack of any agency which will wholistically look at the current usage, upcoming requirements and the overall demands of the users and how these can be met.

Future Indian satellites, which could be launched after ITU coordination is a distant milestone which could be achievable in 5-10 years. However there is a need for an agency which will ensure that the needs of the Industry/ users can be met.

Ingress of the C-Band via the allocation of C-Band Spectrum to 5G

There is an existential threat to the entire broadcasting sector due to the ongoing discussions/ consultations on the allocation of part of the C-Band spectrum to 5G services thus reducing the overall capacity by over 60%. However this is being planned without funding and launching new satellites whose model is being purported to be copied.

Merely marking the C-band spectrum as dual use (broadcast and IMT), does not absolve the agencies to judicially allocate the spectrum as per the legacy use and interests of the entire broadcast Industry.

However in various consultative processes including with the TRAI, we do not find any inputs from the Dept of Space or INSPACE on the impact of part allocation to 5G and how the current satellite bands and transmissions can be preserved. This leaves the industry to fend on its own. Needless to say that this will hurt the smaller players more than the larger players who may be able to pay a premium pricing for the balance spectrum left.

Concluding Comments on Space Policy

We acknowledge that the New Space Policy 2023 and its Draft implementation guidelines may be well intended to carve out certain activities such as building and launching of satellites or filing for spectrum to private entities. However the policy, in so far as it deals with the satellite capacity users is regressive.

While under the Space Policy 2000, the users could contract directly with foreign satellite operators (with DoS approval), they would no longer be permitted to do so. Instead they must now contract with Indian entities of the operators, if and when established. This can be a serious bottleneck as the requirements of the broadcast industry are quite dynamic and there is need in News, Sports and other areas of entertainment to contract foreign satellite capacities for short term or long term use on urgent basis. The move away from open skies policy in the C-Band to a regulated Indian entity based contracting is undesirable.

The industry will be happy to take the help of any Indian entities which may be established in future. However closing door on all other capacities not available via these Indian entities is highly regressive.

The Broadcast Regulator must have an integrated view of the entire ecosystem which is faced by the Indian Broadcasting Industry.

Linear Services Distribution

Cable and Satellite (Linear Services) distributed via Traditional Distribution Networks Cable and DTH). The consultation paper is quite timely as a wide gulf has developed in the Tariff framework with the advent of OTT based services which replicate the linear delivery of channels at a much lower cost, or in some cases totally free.

Secondly the USP of linear channels which have traditionally been dedicated to either event based or based on specific types of entertainment (e.g. Channels dedicated to Cricket, Golf, Football etc) has eroded over time with significant lumpiness in viewership for specific events (say India Pakistan Matches) or specific multi-starrer movies. These events which were the drivers of many channels have now come into question as channel drivers with the mega events being delivered directly via OTT platforms, which so far have not been subject to any regulation.

Thus a wide gulf has developed between a " Highly regulated Tariff Regime" on delivery of Linear channels where each segment of delivery is highly regulated, starting from The Broadcaster, MSO,DPO and extending to specifics such as whether homes have multiple TVs, Genre of channels (HD or SD) on the one hand, and a parallel delivery infrastructure via Multiple OTT providers. The new delivery mechanisms cost about 10% of the total cost via-a-vis a DPO subscription on a per year basis. The very basis of Regulatory Infrastructure needs a complete relook including the entire thought process which began in 2017 for a tight jacketed tariff regime purportedly for " Consumer Interest".

The complexities dictated by the Various Tariff regimes notified by the TRAI since 2017 while attempting to span the entire range of Broadcasting and Distribution Players was subject to incessant litigation primarily because the Tariff orders failed to comprehend the granularity on the ground in terms of size of players, rural and urban areas, the capacity of delivery networks and cost and complexity of compliance to the series of regulations and reporting requirements.

To a large extent it is now seen in hindsight that such an elaborate framework was not indeed essential as all players operate in a competitive market and there are alternatives to subscription and modes of viewership of content including free viewership via Prasar Bharti.

A significant deterrent for the Linear TV Industry also has been the tight-jacketed uplink and downlink policy of the country which requires each broadcaster to complete extensive time consuming formalities and pay License fees, Spectrum charges and be subject to a range of compliances such as recording of channels, maintaining the same transmission formats, same satellite, same teleport and with no change in any of the channel attributes such as Live coverage, censorship on movies content and regulations on channel format HD or SD, and its encryption and Compression (MPEG-2 or MPEG-4 with no further standards defined).
Likewise a dramatic change in scene has emerged with the growth of Mobile Networks in terms of growth of subscribers to over 800 million, growth of Smartphones, Data Tariffs coming down, Speeds going up and new services such as 5G which make OTT as a preferred mode of viewership both urban and rural. The mobile networks have also brought in alternative modes of viewing of content including Facebook Live Stream and multiple other formats including websites of TV channels themselves.

These multiple changes have pushed the entire Linear C&S services in India in distress with falling subscribers, lack of agility due to compliances and lack of being competitive due to inflexibility in fixing tariffs for various types of subscribers, demographics and change these based on best business considerations.

We note that the view of all Industry bodies including that of IBDF has been that of 'forbearance" as there is enough competition in the market and tight jacketed tariff regimes can no longer be supported particularly when the OTT-Linear deliveries and Mobile Services are out of Tariff regime.

Worldwide the trend is reflected in the growth of FAST networks which carry channels free of subscription and supported by Ads.

Accordingly our views are of complete forbearance of tariffs, and consequent lowering of costs for the operators which will make them more competitive and provide better services for the customers. It is very difficult to justify specific NCF whether Rs 130 or more or less in this business scenario, and this is reflected in the LCOs/ MSOs providing more than the mandated 120 channels (going up to 200 or more) without increasing the NCF.

Regulations on Bit Rates and Specifics of Satellite Broadcasting Parameters
Currently all parameters, permissions for uplink downlink, satellites etc are very closely regulated to the extent that these interfere in proper operations of satellite uplinks and downlinks, making broadcasters to prefer overseas uplinks despite the higher downlink fees.

As an example, we can take the issue of specifying bit rates for SD and HD channels. Our view in general is that this level of control should be relinquished and these should be left to

market forces. In case there is a need to interfere in this position, then channels of similar genre from different broadcasters should be mandated to have similar Mbps if same encoding standard is used. For example sports channels from all broadcasters may have a mbps rate of R1, for movie channels it may be R2 and for News it may be R3. These rates are difficult to specify of mandate as all broadcasters and DPOs use Statistical Multiplexing (Stat-Mux) which means that the same channel will have different Mbps rates at different time based on the scene and the inter-se demand of the channels. Major Broadcasters and DPOs refrain from specifying the specific bit rates but rather refer to an Mbps pool.

The parameter to monitor QoS is Quality of Experience (QoE) measurements and are based on ITU-T Rec. G.1033 (10/2019). However only some broadcasters would have equipment to monitor this in the country. However once again we believe that this is best left to the discretion of operators.

Specific microfocus on such issues has led the Govt to miss larger issues such as 4K or UHD and public financing support for upgrade of reception infrastructure.

b) Terrestrial television Broadcasting

Terrestrial Broadcasting in India has always been with Doordarshan/ Prasar Bharti. This was in analog format till about 2015, post which some Digital Transmitters were commissioned in DVB-T2 format which has been accepted as the Standard for Digital Broadcasting in India.

TRAI in 2005 had examined whether terrestrial television broadcasting should be opened to participation by private entities. In its recommendations on "Issues relating to Private Television Broadcasting Service" dated 29th August 2005, TRAI had, inter - alia, recommended that *: "After considering all these factors as well as the fact that private television channels are already extensively available through cable and satellite, it is considered that there should not be any bar on throwing open terrestrial broadcasting to the private sector. The question as to whether this would make business sense in a market with high cable and satellite penetration is of course a relevant issue. However, it is considered that this option should be really left to the market to decide.*

TRAI had issued a consultation paper in 2016 (Consultation Paper On Issues related to Digital Terrestrial Broadcasting in India 24th June, 2016). The issues for consultation included inter-alia:

-appropriate strategy for DTT
-Should digital terrestrial television broadcasting be opened for participation by the private players
-model or a combination thereof for Digital terrestrial transmission will be most suitable in Indian context

-the approach for implementing DTT network (MFN/SFN/Hybrid)
-How many digital multiplex per DTT operator should be planned for metro, major cities, urban and rural areas
-most appropriate frequency band as per National Frequency Allocation Plan 2011 for implementation of Digital terrestrial transmission including mobile TV
-roadmap for digitization of terrestrial TV network in the country

Subsequently the TRAI had recommended the Privatization of Digital Terrestrial Transmission in India. (Issues related to Digital Terrestrial Broadcasting in India New Delhi: January 31, 2017). The TRAI recommended as follows:

-introduction of DTT services throughout the country in a time bound manner.
-that it is important to expedite the digitization of terrestrial TV broadcasting in the country to ensure that all delivery platforms are digitized and modernized to synergize the broadcasting ecosystem.
-There are various advantages/reasons in favour of allowing private sector participation in terrestrial TV broadcasting. These are briefly discussed below: - (i) Since large investment is required for migration to digital TV broadcasting, allowing the private sector in terrestrial TV broadcasting would result in inflow of private capital, speedy transition and overall growth of the terrestrial services. (ii) Private sector would develop DTT platform as a competitive and viable alternative platform to consumers, as per market demands. (iii) Private participation would lead to innovation in services and new business models for commercial utilization of DTT platform. Content differentiation between terrestrial and other platform may also improve.

However to protect the Interests of the Prasar Bharati, the MIB never implemented any privatization of the Terrestrial Broadcasting in India. The entire Terrestrial Broadcasting system was subsequently completely decimated in India post the stoppage of Analog Transmitters.

As an alternative to Terrestrial Broadcasting, Prasar Bharti started the Freedish service which was fine as a DTH for DD channels but never a replacement for Terrestrial Broadcasting. DD had over 7000 transmitters which could have been converted to DVB-T2 which is India's recognized TV standard, but this was never done. In the meantime Prasar Bharti has been keeping the terrestrial broadcast spectrum virtually dormant as there are no users for this service.

In the meantime pushed by certain private Interests, some committees of DoT have on their own started seeking comments to usher in the ATSC 3.0 Terrestrial Standard as an alternative to the Nationally adopted DVB-T2 standard. The comments are being sought with great urgency and behind the garb of a Mobile service (Direct to Mobile). It is apparent that this

will only serve sectional interests with the bounty of Prasar Bharti Spectrum which can be otherwise profitably auctioned.

The New Broadcast Policy should unequivocally declare the DVB-T2 as a National Interest and Fully privatize the entire Terrestrial Broadcasting sector.

c) Radio Broadcasting
d) Print media
e) Digital Media
No Specific comments offered by Dish TV

iii. Promotion of Local Content
As provided in our Introductory comments, Local content is very important for India and this can be furthered by new generation satellite systems such as DTH satellites with spot beams. DirectTV is USA has ben using Ka spot beams for localizing content for over two decades.

iv. Piracy and Content Security
The TRAI has provided detailed Specifications and recommendations for Content security. We believe that these should be enforced.

v. Technology innovation & Standardization
No Specific comments offered by Dish TV

vi. Convergence
Dish TV would like to recommend the same.

viii. Robust grievance redressal mechanism
ix. Role of Broadcasting during Disaster
x. Audience Measurement System:
xi. Social Goals
xii. Environmental Responsibility
xiii. Animation, Visual Effects, Gaming and Comics (AVGC) segment

No Specific comments offered by Dish TV