

We welcome this consultation paper brought by TRAI on the Regulatory Framework for Platform Services. Our replies to the question raised are given below:

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 downlinking guidelines.”

Reply- In our view the definition of Platform services should be as u/m-

“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 downlinking guidelines ensuring that these programs meet advertisement and programming guidelines as issued by MI&B from time to time.

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,

Reply- We are of the view that locally relevant news should be allowed to be disseminated, we also feel that such local news may also cover snippets of Doordarshan news or AIR news.

2.1.2 Coverage of political events of any nature,

Reply- We feel local coverage of political events may be allowed to be covered by platform services but without any commentary from platform services.

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

Reply- We are of the view that program having uplinking/ downlinking permission having IPR content should not be allowed without permission from content owner, barring snippets of any news from Doordarshan AIR.

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

Reply- Same as above 2.1.3

2. PS channels can transmit/ include

2.2.1 Movie/ Video on demand

2.2.2 Interactive games,

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.

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

2.2.5 Information pertaining to sporting events excluding live coverage.

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.

Reply- We agree on all above points from 2.2.1 to 2.2.6.

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

Reply- We feel that the local event covered by the platform service provider's should not be reviewed by the ministry except in such cases where there is a complaint of trespassing into the domain of regular TV. Local TV channels telecast through PS should also have recording facility of recording transmitted content of upto 90 days to facilitate check, in case so required by the Ministry of Information and Broadcasting, to ensure compliance with programming and advertisement guidelines.

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?

Reply -We feel that there should be no mandatory requirement for registering as a company under Companies Act,, as PS operator as these services are also offered amongst other by the cable operators who do not have wherewithal to meet various requirements under Companies Act. However any DPO who is offering local programs should simply inform MI&B that they are offering local services including the number of channels and genre.

5. Views, if any, on FDI limits?

Reply - We feel 100 percent FDI should be allowed and PS operator shall be free to offer content including TV News and Current Affairs coverage and political event coverage by the DPO, since he will be required to meet the Advertisement & Programming code. However in such a cases post of CEO, COO, CTO, CIO etc. should be held by resident Indians only.

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

Reply - There should be no net worth requirement for offering PS channels.

7. Do you agree that PS channels should also be subjected to same security clearances/ conditions, as applicable for private satellite TV channels?

Reply - In our view there should be no need for any security clearance that should apply to PS channels distributed by DPO. It should be light touch regulation requiring meeting of Advertisement and Programming Code.

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?

Reply - There shall generally be no requirement of registration with MI&B, however if mandated to register it should be a simple method for online registration with MI&B should be adopted for registration of PS channels. The validity of registration should be 1 year and no annual fee shall be charged for the same.

9. What is your proposal for renewal of permission?

Reply - Renewal of permission should be automatic subject to application for renewal by the applicant and there being no investigation against the content on PS channels. The process of renewal may be started by applicant 60 days in advance.

10. Should there be any limits in terms of geographical area for PS channels? If yes what should be these limits.

Reply - The geographical area for PS channels should be co-terminous with respective license/ registration/ permission being granted to any PS owner.

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?

Reply - We feel there should be a limit of 10 PS channel per DPO.

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;

Reply - We are of the view that if there is an online system for registration of PS Channels, facility of transferability of registration for PS shall be only limited to intimation to MI&B.

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; and

Reply - We generally agree to the prohibition on interconnecting with the other distribution networks with the exception that already interconnected network of MSO/IPTV/HITS and LCO should be treated as one network in this scenario.

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

Reply - We agree that such channels must meet advertisement and programming code as well as TRAI's Regulations pertaining to QOS and complaint redressal.

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

Reply - There is no need to have any other obligation or restriction on DPO for offering PS channel except online registration maintaining the Programming & Advertisement Code and TRAI's Regulations pertaining to QOS standard additionally PS owners should have recording services which are upto 90 days to check if in case so required by the Ministry of Information and Broadcasting to ensure compliance with programming and advertisement guidelines.

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?

Reply - DPO should be permitted to re-transmit already permitted and operational FM radio channels without any limit, subject to suitable agreement in place.

15. Please suggest the mechanism for monitoring of PS channel.

Reply - We feel that there is a lot of competition in the market and market forces will ensure compliance to Programming and Advertisement Code. If so required authorized officials can access 90 days recording to access compliance.

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.

Reply - We agree that similar penal provision as existing in downlinking guidelines should be made as part of guidelines to DPO as a part of PS channels.

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?

Reply - We feel suitable amendments will need to be made in all existing regulations as well as registration to enable DPO's and bringing them under regulatory framework to allow the PS owners to offer PS content. Guidelines of HITS/DTH/IPTV as well as allowing LCO's to create local content by making changes in Cable TV Rules/ACT.

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?

Reply - A minimum of 1 Year time should be given to all DPO for registration of with MI&B & for complying with the prescribed rules to existing DPO's.

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.

Reply - No Other Comments.