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Counter Comments
TRAI CP¹PR^{2,3,4}

Introduction:

1.The CP⁵ is still under consideration of the stakeholders. During this period TRAI **inter-alia** has placed three releases^{6,7,8} in public domain relevant to the current deliberations. These have been taken note of while preparing the response.

Issues for consultation:

Q1.: Stakeholders may offer their feedback/ comments on the Draft Regulations 2022 as per following format (Table 1). Table 1: Format for stakeholders' response on issues related to Draft Regulations 2022 raised in this CP S no Clause number of Draft Regulations 2022 Do you agree with the Draft Regulations proposed in this CP (Yes/No) If you do not agree with the amendment proposed in this CP, then provide amended Clause proposed by you Reasons with full justification for your response.

Ans.:1.No specific answer to the question.

Q2: Please provide comments/ any other suggested amendment(addition), if any, with reasons thereof, in the Draft Regulations 2022, that the stakeholder considers necessary (other than those proposed in this CP). The stakeholders must provide their comments in the format specified in Table 2 explicitly indicating the new clause number, suggested amendment(addition) and the reason/ full justification for proposed amendment.

Table 2: Format for stakeholders' response on issues related to 'System Requirement for Digital Right Management (DRM)' on issues other than those proposed in this CP
S no New Clause number proposed in the Draft Regulations 2022 Suggested Amendment (additional clause) Reasons/ full justification for the proposed amendment.

Ans.:2.1.No specific answer to the question.

2.However the observations below submitted for your kind consideration.

Observations:

3.0. The CP is heavily loaded in favour of BROADCASTER. This is causing a non level playing field between three pertinent entities viz., Broadcaster, Distributor and customer/user/subscriber.

3.1. There are as many as '11' parameters asked about customer.⁹

3.1.1. Their use may lead to security issues.

4.Note.1: The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4, vide notification No. 21-4/2016-B&CS dated 3rd March 2017 (1 of 2017).¹⁰

4.1.In fact the date 3rd March 2017 is the date of notification by TRAI.¹¹

5.Note. 2:The principal regulations were amended vide notification No. 21-6/2019-B&CS dated 30th October 2019 (7 of 2019).¹²

5.1. 30th October 2019 is the date for notification by TRAI¹³

6.Note. 3: The principal regulations were further amended vide notification No. 21-5/2019- B&CS dated 1st January 2020 (1 of 2020).¹⁴

6.1. 1st January 2020 is the date for notification by TRAI.¹⁵

7.Note. 4: The principal regulations were further amended vide notification No. RG1/2/(3)/2021-B AND CS(2) dated 11th June 2021 (1 of 2021).¹⁶

7.1.11th June 2021 is the date for notification by TRAI.¹⁷

8. The differential prices notified¹⁸ for a popular channel in a bouquet or taken as a-la-carte has skewed the status unfavourable to the customer.

8.1. The choice of a popular channel viz; having high TRP by a subscriber as part of a bouquet is costing less but some unwanted piggy a.k.a niche channels have also to be paid for.

8.2. The choice of a popular channel as a-la-carte will cost more but customer avoids unwanted channels.

8.3. Interesting as customer will pay more for getting something in the form of unwanted channels.

8.4. May be unwittingly TRAI is providing a regulatory 'nudge'¹⁸ in favour of choosing a popular channel as a part of bouquet channel instead of choosing the same as a-la-carte by a subscriber.

8.5. The nudge of '8.4' above has also resulted in the 'doctrine' of forbearance away from the subscriber.

8.5.1. It is not clear whether the discretion¹⁹ exercised falls in legal framework or regulatory framework. This is at variance with section 1(3) of¹⁰.

9. The only tangible perceivable benefit accruing the customer/subscriber/user from the implementation of DAS, CAS, SMS, DRM and overriding Audit do not explicitly bring out any other benefit/benefits other than the one already mentioned.

9.1. In fact the exercise of choice of channels by user either by himself/herself using computer or mobile phone or through someone claiming to be from TATA PLAY or TRAI site is quite cumbersome.

(a) Presumably most of users of TATA PLAY may be choosing the path of Mobile Path-cum package.

(b) Choosing mobile path may be simple but it has its flip side too.

(i) The user choosing this path may land not only land with many piggy back channels (so called niche channels for which may be TRP is not even measured) in addition to popular channels.

(ii) The benefit accruing by getting popular channels via package path has also vanished after TR3.

9.1.2 Each method is tilted towards the packages choice, in one way or the other, as this is made quite simple.

10. The charges for the service are on monthly basis with some discounts for a payment for longer period in advance.

10.1 The balance is being reduced on daily basis by taking a month of 30 days.

10.2 For online payment by computer net banking the choices are available with minimum amount of Rs. 500/-. The other choices are Rs.1000/- and Rs.1500/-.

10.3. Monthly charges may be a round figure rarely.

11. The downloads are not authenticated in the absence of details of the URL of the source of the download and the date of the download.

12. Presently various takeaways a.k.a reports from implementation of DAS, CAS, SMS generated for compliance of regulatory framework including audit within the ambit of legal framework of the land do not include any data explicitly addressing the prime concerns of the subscriber.

13. The prime concerns of a subscriber are:

- (a) Ease of choosing a service provider
- (b) Ease of choice from the service provided
- (c) Ease of payment for the service
- (d) Value for the amount paid.
- (e) Above all after sales service.

(i) The redressal of grievance method is foreclosing other options available in other laws of the land as:

(ii) The customer is not able to get data in the form needed for approaching other agencies for the purpose of redressal.

14. The word 'forbearance' appears in many papers made available in public domain by TRAI. For example it is appearing 'five times' in⁶ {Tariff(Third Amendment)}.

15. TRAI is making available many 'Press releases' in public domain on many subjects.

- (a) Regulations are operative only after 'Gazette Notification'.
- (b) However in case of 'THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (EIGHTH) (ADDRESSABLE SYSTEMS) TARIFF (THIRD AMENDMENT) ORDER, 2022 (No. 4 of 2022)', the Press Release⁸ and the Regulations⁷ have been made available in public domain on the same date:22-11-2-2022.

Suggestion: The following suggestions are made based on the observations above for kind consideration:

1. In view of '3.2' of **observations** above: the use of '11' parameters may be reviewed for reducing this to minimal essential excluding desirables.
2. Kindly refer '4,5,6,7' of **observations** above: The dates indicated are the dates of notifications of the various regulations. However these will come into force from the date of their publication in the Official Gazette. So the dates of publication may please be included in the CP.
3. Kindly refer '8' of **observations** above: The 'nudge' should have been provided by Service Provider and not by the regulator.
4. Kindly refer '9' above of **observations**: The process of add-delete of channels by an individual needs to be simplified.
5. Kindly refer '10' above of **observations**: The unit may be changed from month to day for offer and charging.
- 5.1 The amount to be paid for recharge may be displayed for the number of days for which service is required to be renewed by the subscriber at the time of recharge in place of the present practice.
6. Kindly refer '11' above of **observations**: Downloads, screen shots may provide authentication by providing source URL and the date of download.
7. Kindly refer '12' above of **observations**: It may be difficult to generate report for individual user but some reports could be made available, after due audit of such reports, in public domain on global basis to indicate level of performance of service provider w.r.t individual concerns.
7. Kindly refer '13'(i) above of **observations**: para '6' of suggestions above is reiterated.
8. Kindly refer '(14)' above of **observations**: The use of 'forbearance' approach being exercised by Trai appears to be customary. In case the same is not so then regulatory framework/legal framework applicable may kindly be put in public domain.
9. Kindly refer '15' above of **observations**: The relative legal status of A Press Release, Trai Notification and A Gazette Notification w.r.t rights/obligations of a subscriber vis-a vis a service provider need to be clearly defined and put in public domain so as to avoid passing on of any liability of IPR violation to the customer under any circumstance.
- 9.1. This will perhaps take us to the realm of content (a taboo at present). But whenever the same is considered the paradigm preferably may be 'Need to See' as opposed to 'Want to See' to be monitored diligently by the Regulator on an ongoing basis.

References:

1. https://www.trai.gov.in/sites/default/files/CP_09092022.pdf
2. https://www.trai.gov.in/sites/default/files/PR_No.61of2022.pdf
3. https://tra.gov.in/sites/default/files/PR_No.69of2022.pdf
4. https://tra.gov.in/sites/default/files/PR_No.73of2022.pdf
5. supra '1'.
6. https://tra.gov.in/sites/default/files/Regulation_22112022.pdf
THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (EIGHTH) (ADDRESSABLE SYSTEMS) TARIFF (THIRD AMENDMENT) ORDER, 2022 (No. 4 of 2022)
7. https://tra.gov.in/sites/default/files/Regulation_Interconnection_22112022.pdf
THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES INTERCONNECTION (ADDRESSABLE SYSTEMS) (FOURTH AMENDMENT) REGULATIONS, 2022 (2 of 2022)
8. https://tra.gov.in/sites/default/files/PR_No.73of2022.pdf
9. Item 8 Table 1 page 11-12 supra 1.
10. https://www.trai.gov.in/sites/default/files/Interconnection_Regulation_03_mar_2917.pdf
11. page 24 supra 1.

12. https://www.trai.gov.in/sites/default/files/Regulation_30102019.pdf
13. page 24 supra 1.
- 14 https://www.trai.gov.in/sites/default/files/Regulation_01012020.pdf
- 15.page 24 supra 1.
16. https://www.trai.gov.in/sites/default/files/Regulation_11062021.pdf
17. page 24 supra 1.
18. section '2' supra '6'.
19. section 1(iii) ibid.

S. No.	Ministry / Organization	Department	Office	Subject	Category	Part & Section	Issue Date	Publish Date	Gazette ID	Downlo
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395	Telecom Regulatory Authority of India	Not Applicable	Not Applicable	In exercise of the powers conferred by section 36	Extra Ordinary	Part III-Section 4	03-Mar-2017	08-Mar-2017	NOT available (174634)	1.65 MB
396	Telecom Regulatory Authority of India	Not Applicable	Not Applicable	In exercise of the powers conferred by section 36	Extra Ordinary	Part III-Section 4	03-Mar-2017	07-Mar-2017	NOT available (174620)	2.34 MB
397	Telecom Regulatory Authority of India	Not Applicable	Not Applicable	In exercise of the powers conferred by subsection 2 of section 11 of the Telecom Regulatory Authority of India Act	Extra Ordinary	Part III-Section 4	03-Mar-2017	06-Mar-2017	NOT available (174613)	1.53 MB

- Broadcast Engineering Consultants India Limited (BECIL)

<https://www.becil.com/s>

- Indian Broadcasting and Digital Foundation (IBDF)
- News Broadcasters & Digital Association (NBDA)
- All India Digital Cable Federation (AIDCF)
- Dish TV
- Tata Sky
- Bharati Telemedia
- Sun Direct
- NXT Digital
- IIT Kanpur
- Andhra Pradesh State Fibernet Ltd
- Delinet Broadband



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13/18V \equiv
350mA max

VIDEO

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Warning! DVB-CI 5V \equiv 300mA max
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USB \rightleftarrows

AUDIO

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HDMI

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12V \equiv 1.5A max
(18W max)