

30 April 2024

By Email and Hand

Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg (Old Minto Road)
New Delhi - 110002

Subject: Response to TRAI's Consultation Paper on Inputs for Formulation of 'National Broadcasting Policy' dated 02 April 2024

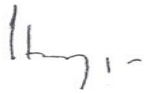
Kind Attn: Mr. Syed Tausif Abbas, Pr. Advisor (B&CS)

Dear Sir,

We thank the TRAI for this opportunity to express our views on the above captioned Consultation Paper.

Tata Play's response to the same is attached for your ready reference.

Yours faithfully,



Harit Nagpal
Managing Director and CEO

Enclosed: As above

TATA PLAY'S RESPONSE DATED 30 APRIL 2024 TO TRAI'S CONSULTATION PAPER ON INPUTS FOR FORMULATION OF 'NATIONAL BROADCASTING POLICY' DATED 02 APRIL 2024

Q1. Stakeholders are requested to provide their inputs in framing the Preamble, Vision, Mission and Broad Objectives for the formulation of the National Broadcasting Policy (NBP).

TATA PLAY COMMENTS:

The National Broadcasting Policy should be carved out keeping in mind the following:

- **Forbearance and light touch regulation**
 - DTH industry is over-regulated, a light touch regulatory structure is required.
 - Uniform licensing regime and equitable regulatory compliance for all industry players including OTT and DD Free Dish.
 - Forbearance should be introduced, and pricing should be driven by market forces.
- **Building level playing field**
 - DTH License fee should be done away with to bring parity.
 - Rigorous TRAI regulations are applicable on DTH operators while there is no regulatory framework for OTT.
 - Either the same framework is made applicable to all, or forbearance is introduced for traditional distribution platforms as well.
- **Efficiency in processes and ensuring speed of approvals**
 - Streamlining of processes that are applicable to all platforms.
 - Many authorities/Ministries are involved in granting approvals for DTH business, making it a cumbersome process.
 - Well-defined timelines, provision of deemed approval and a defined query system should be introduced.

Economy Measures and Contribution

Q2. There exist data gaps in ascertaining contribution towards economy, revenue generation, employment generation, subscription figures etc. in the broadcasting sector which relies heavily on industry studies to carry out research and estimates. What should be the parameters, targets and institutional framework for measurement? Provide your comments with detailed justification. Also provide the indicative metrics used for calculating the targeted figures, if possible.

TATA PLAY COMMENTS:

No comments.

Universal Reach, Indigenous Manufacturing, Skill development and Startups ecosystem

Q3. Please suggest the strategies to be adopted by the Government and industry for propelling the growth of broadcasting sector w.r.t. the following:

- i. Provisioning of affordable television services in 'TV Dark' households;**
- ii. Augmenting R&D capabilities and promoting indigenous manufacturing of broadcasting equipment;**

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

- iii. Employment generation with emphasis on skill development;
 - iv. Promotion of innovation led Start-ups and SMEs;
 - v. Any other related area/strategy
- Please elaborate with detailed reasoning.

TATA PLAY COMMENTS:

i. Provisioning of affordable television services in 'TV Dark' households

Price Forbearance:

- Prior to implementation of NTO, DPOs could enter into negotiations with the broadcasters and enjoy forbearance with respect to pricing of the channel.
- Forbearance allowed DPOs to price packages keeping in mind the paying capacity of the subscribers which they know best due to their proximity versus the broadcasters.
- Prior to the NTO Consultation Process, there was no concept of NCF. The businesses were blooming and subscribers had no confusion as they were given a combined figure which was easier for them to understand.
- In case NCF is not removed, then DPOs should be allowed to have variable NCF for different bouquets/plans. Variation as per regional classification (State/ City/ Town/ Village) will enable service providers to offer tailored packages that align with varying consumer preferences.
- DPOs understand the subscriber's behavior the best and can devise plans and prices closest to subscribers' paying capacity and interests.
- Market competition will keep a check so that the subscribers do not have to pay more.
- Forbearance would promote the following:
 - Equal opportunity to all DPOs
 - Bring level playing field
 - Bring down prices of traditional television viewing.
 - cater to diverse consumer needs.
 - enable greater consumer choice.
 - promote ease of doing business

ii. Augmenting R&D capabilities and promoting indigenous manufacturing of broadcasting equipment

Indigenous Manufacturing of Broadcasting Equipment:

- **Current status:** Tata Play is already working with indigenous manufacturers and while the bulk is already indigenized, we are looking for local vendors of quality within a reasonable price.
- **Tata Play Recommendations:**
 - **Production linked incentive:** It is recommended to add STBs in the category of Production Linked Incentive and also in the CPE category of Telecom Production Linked Incentive to help make the assemblers/ manufacturers of boxes competitive versus their international counterparts.
 - **Government support on development:** Government to support development of components in India to reduce dependency on imports of components from other countries.
 - **Assembly of equipment:** Assembly of equipment in India (this is already being done)

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

- **Encourage Indian design houses:** Encouragement to Indian design houses to come up to speed with global competitor.
- **Global Investment:** Government must also invite large global Original Design Manufacturer (ODMs), Original Equipment Manufacturers (OEMs) and Electronic Manufacturing Services (EMS) companies to invest in India for India to become a global manufacturing powerhouse.

India as a Content and Uplinking Hub

Q4. What other policy and regulatory measures should be adopted in the policy for creation and expansion of quality Indian content to make India the ‘Global Content Hub’? Further, suggest how to extend support to local talents and content developers in terms of training, infrastructure and incentives. Provide your comments with detailed explanation.

TATA PLAY COMMENTS:

No comments.

Q5. Suggest the measures to promote the uplinking of television channels owned by foreign companies from India, which is now permitted by the Government to make India an ‘Uplinking Hub’.

TATA PLAY COMMENTS:

No comments.

Public Service Broadcasting

Q6. What broad guiding principles, measures and strategies should be considered in the NBP to strengthen India’s public service broadcaster (i.e. Prasar Bharati) to promote quality content creation, dissemination of DD and AIR channels and maximizing its global outreach? Also suggest, what support and measures should be provided for the proliferation of television and radio broadcasting services provided by the public service broadcaster in fulfilment of its mandate?

TATA PLAY COMMENTS:

- DD Free Dish is run and operated by Prasar Bharati.
- Prasar Bharati was introduced to provide accurate factual information to the public at affordable prices in the national interest.
- Prasar Bharti currently seems to further the interests of private broadcasters who are paying exorbitant prices as auction money to Prasar Bharti to gain higher advertisement revenue because of the wide audience that DD Free Dish has.
- DD Free Dish must not carry private channels and should restrict themselves to Doordarshan channels which honestly educate the masses on matters of public interest.
- If DD Free Dish carries pay private channels, then such channels must also be offered as FTA channels on all other distribution platforms.
- It is unfair for subscribers of other DPOs who pay for the same channel which is being enjoyed for free by the subscribers of DD Free Dish.
- Uniform pricing across DPOs and DD Free Dish needs to be promoted.

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

- Transitioning DD Free Dish from a non-addressable platform to an addressable should be done for the following reasons:
- **Piracy:** There have been instances in past wherein the footfall of channels on DD Free Dish has been distributed in an illegal and unauthorized manner. Once addressable, and within the regulatory ambit, the piracy would stop.
 - **Level Playing Field:** All DPOs should be treated at par and without any discrimination. Applying regulations across all platforms could promote consistency and level the playing field in terms of pricing, channel availability and quality of service.
 - **Advertising Revenue:** In an addressable system, their exact subscriber base can be calculated which will get them more advertising revenue.

Various Segments of the Sector

Q7. What policy measures and regulatory aspects should be adopted in the NBP to nudge the growth of Indian regional content through OTT platforms?

Q8. What new strategies and measures should be envisaged in the policy for the film industry to enhance audience engagement, infrastructure development, upskilling artists, reduce piracy, increase foreign direct investment or any other aspect? What steps are required to make India a preferred filming destination? Provide your comments with detailed justification.

Q9. Online gaming being a rising sector holds potential for contributing to economy, what policy and regulatory aspects should be adopted for the orderly growth of online gaming in India? Further, suggest measures to support local game developers to compete and grow. Also suggest safeguards to protect general public (especially underage players) from negative and psychological side effects, while promoting healthy gaming.

Q10. What further steps and initiatives should be adopted by the Central and State Governments and the industry for the growth of animation, VFX and post-production segment? Provide your comments with detailed reasoning and justification.

Q11. What strategies and measures should be included in the policy for the music segment to enhance infrastructure development, upskilling artists, financial certainty and to resolve other challenges being faced by artists? What steps should be taken to encourage the global promotion of Indian music and artists? Please provide your comments with detailed reasoning.

Q12. What measures and strategies should be included in the National Broadcasting Policy to encourage expansion and ensure orderly growth and sustainability of FM Radio Stations and Community

Radio Stations in the various cities of country including hilly and border areas? In what ways the policy can facilitate the integration of digital radio technologies into the existing FM radio infrastructure to improve audio quality, functionality and spectrum efficiency?

TATA PLAY COMMENTS:

No comments.

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

Policy and Regulations

Q13. With the continuous advancement of technologies and convergence of the telecom, information technology and broadcasting sectors, what policy and regulatory measures are required, beyond the existing ones, to facilitate the growth of the broadcasting sector with ease of compliance? Elaborate your comments with proper reasoning and justifications to the following issues:

- i. To enable healthy and competitive environment amongst the existing and emerging services and ensuring parity among comparable distribution mediums, while being technology neutral.**
- ii. To allow and encourage infrastructure sharing among the players of broadcasting and that with the telecommunication sector.**
- iii. Any other suggestion for policy and regulatory framework.**

TATA PLAY COMMENTS:

➤ **Uniform Regulatory Structure:**

- There is presently an imbalance in the regulatory structure where DTH players are overly regulated, more so with the advent of NTO, which is responsible for the decline in the DTH industry.
- DTH industry is continually suffering while industry players like OTT Platforms and DD Free Dish conduct a similar and substitutable function as of the licensed and registered DPOs but do not fall under the TRAI Regulatory structure.
- The disparity in the regulatory structure and pricing structure of OTT Platforms need to be addressed in the National Broadcasting Policy and suitable measures need to be put in place for a level playing field in the market.
- Regulating OTT platforms will promote healthy market competition as it will ensure price parity.
- Further, The Ministry of Electronics and IT (MeitY) has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021) and amendments thereto whereby strict compliance obligations have been placed on earlier unregulated OTT platforms like Social Media Platforms and Social Media Intermediaries. Similarly, we urge the Authority to also pull in the OTT Platforms distributing content in competition with the DTH industry, under the same regulatory regime as the DTH sector.

➤ **DTH License:**

- The DTH Operators have been issued a License by MIB for operating DTH services in India.
- On expiry of the said License, all DTH Operators were operating on an interim permission granted by the MIB, year on year which restrained investments in the industry.
- Provisional Licenses were granted to all DTH Operators in 2020 but final License Agreements with final terms and conditions are yet to be signed with MIB by the DTH Operators.
- TRAI has released recommendations on 'License Fee and Policy Matters of DTH Services', however, in the new draft agreement received from MIB, no such recommendations have been included or executed.
- A system may be established, and processes may be put in place to execute the final DTH Licenses at the earliest with the abovementioned TRAI recommendations included.

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

➤ **DTH License Fee:**

- The DTH Industry is levied an exorbitant 8% of Gross Revenue as License Fee but OTT Platforms, while providing the same service to end customers, are not burdened with any license fee.
- DTH platforms distribute channels, just as MSOs of Cable and HITS platforms; and pay License Fee at the rate of 8% of AGR, while the MSOs and HITS platform do not, despite being licensed by the MIB and regulated by the TRAI with respect to pricing and packaging.
- Imposing License Fee on DTH industry while not imposing on others, seems like an attempt to discourage one technology while encouraging others.
- TRAI in its Recommendations on 'License Fee and Policy Matters of DTH Services' recommended that the DTH Licensee Fee should be brought down to 3% of AGR (Adjusted Gross Revenue) and should be made 0 (zero) in three years.
- The abovesaid Recommendations may be implemented at the earliest and be made uniform across all distribution platforms, including OTTs, MSOs and HITS Operators.

➤ **Entertainment Tax:**

- With the transition to GST, the industry truly believed in the consolidation of all indirect taxes and for creation of ease of tax processes. However, Entertainment tax has been left within the purview of the local and municipal authorities.
- While the intent may have been of consolidation and reduction of tax liabilities, leaving Entertainment Tax out of GST has not achieved this goal of consolidation of all indirect taxes and has instead increased the tax liabilities of the assesseees by leaving it to the local and municipal bodies.

➤ **Timebound Authority approval (MIB, WPC, NOCC) for various operational issues:**

- The DTH Operators are mandated to seek prior approvals from various Authorities like MIB, WPC and NOCC for providing DTH services to the customers.
- Satellites that are owned and controlled by the Indian government, no approval should be required from any government authority since it unnecessarily delays the process and causes hinderance to the business of the DTH operator which conflicts with the idea of ease of doing business for the DTH operators.
- The DTH operators are also liable to seek 'prior approval' for any changes made in the equity/ shareholding structure, appointment of Directors and Key personnel some of which form part of our routine day-to-day activity.
- The new policy should mandate time bound processes for all such authority approvals from MIB, WPC, NOCC etc. and in case where approvals are to be taken, there should be a fixed period of 7 days for granting such approvals, beyond which the matter should be considered 'deemed approved'.

➤ **Mobile operators carrying TV channels:**

- Broadcasters have been providing the signals for their linear/live TV channels to Mobile operators at inexpensive rates to the detriment of the legacy DPOs.
- This is leading to a shift in the television viewing pattern of subscribers towards mobile devices.
- There must be a mechanism to regulate such agreements and maintain level-playing field.

Combat Piracy and Content Security

Q14. What additional measures should be adopted to combat piracy and ensure content security through copyright protection in the broadcasting sector? How can the technology driven solutions

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

be developed and deployed to prevent unauthorised distribution and detection of the source of original content. Provide your comments with detailed explanations.

TATA PLAY COMMENTS:

No comments.

Digital Terrestrial Broadcasting

Q15. What policy and regulatory provisions would be required in the policy to enable and facilitate growth of digital terrestrial broadcasting in India. Stakeholders are requested to provide strategies for spectrum utilization, standards for terrestrial broadcasting, support required from the Government, timelines for implementation, changes to be brought in the current ecosystem and the international best practices. Please provide your comments with detailed justification and proper reasoning.

TATA PLAY COMMENTS:

No comments.

Audience Measurement and Rating System

Q16. How the strategies with respect to audience measurement and rating system in National Broadcasting Policy can ensure, address and encourage:

- i. Establishment of a transparent, credible, and technologically equipped television audience measurement system that accurately reflects viewer preferences and behaviour
- ii. Expansion of the sample size to adequately represent the diverse landscape of television viewership, considering the anticipated growth in TV households
- iii. Integration of data from non-linear sources from digital media to cover cross-platform content consumption habits
- iv. Establishing a policy framework for conducting radio audience measurement in India
- v. Encouraging multiple agencies to ensure healthy competition and enhancing service quality of measurement and methodologies
- vi. Adoption and utilization of modern technologies

TATA PLAY COMMENTS:

- **Broader Technology Required:** Considering that the technologies are ever evolving, we request that the transferring of viewership data could have a more broader technology approach. Other than Return Path Data we request the Authorities to also consider Embedded SIM, Narrowband IoT, QR Code, Android STB, OTT, and others.
- **Larger Sample Size:** A larger sample size/panel size would aid in getting viewership for niche channels/HD channels etc.
- **Robust Extrapolation:** The extrapolation of sample is currently based on Indian Readership Survey and BARC – Business Intelligence. There should be a continuous, robust and large sample media survey tracker. Based on this, television rating panel can use it to project the panel to the universe.
- **Monetization of Data:** DPOs can monetize anonymized viewership data with Audience Measurement Agency. The monetization of anonymized viewership data by DPO's should not be restrictive and should

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

also include Broadcasters, media agencies, research agencies as well in the ambit for better utilization of the data and help DPOs monetize the data which otherwise is underutilised.

- **IRS Survey:** The current IRS survey is dated (2018). Hence, there is a need to have an updated measure of IRS survey tracker to help extrapolation. There needs to be a continuous tracker so that extrapolation truly reflects the market changes.

Q17. What other strategies should be adopted in the policy document for ensuring a robust grievance redressal mechanism to address and resolve complaints with respect to content as well as services effectively? Provide your comments with proper explanation.

TATA PLAY COMMENTS:

- The present structure of resolving grievances is sufficiently effective and does not need any further modification.
- The Ministry of Information and Broadcasting (MIB) launched PG Portal, TRAI portals along with the respective Ministries ensure proper redressal of complaints by service providers.

Socio-Environmental and Disaster Responsibilities

Q18. What role the broadcasting sector should play to fulfill social and environmental responsibilities? Provide in detail the key focus areas and the strategies the sector should consider. Also provide strategies on the following specific issues:

- To empower Person with Disabilities (PwDs) to access the information and entertainment programmes
- To encourage gender equality w.r.t. the participation and safety of the women workforce
- To raise awareness about the issues of marginalized tribal communities, minorities and LGBTs
- To adopt green broadcasting practices

TATA PLAY COMMENTS:

No comments.

Q19. Keeping in mind the immense role of broadcasting during disasters, how can the latest technologies be effectively utilized to provide disaster alerts and timely updates on television/mobile/radio during disasters? Elaborate with proper justifications.

TATA PLAY COMMENTS:

- Tata Play has implemented the requisite measures for disaster management communication whenever such mandate has been issued by concerned authorities.
- The communication regarding disaster can be disseminated on screen as warning text.
- The parameters for such communication may be issued by the concerned Authority from time to time and same can be implemented by broadcasting platforms/satellite channels etc.

Any other Issue

Q20. Stakeholders may provide their comments with full details (measures/ strategies) and justification on any other subject matter which may be considered to be incorporated as the inputs for the National Broadcasting Policy.

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

TATA PLAY COMMENTS:

No comments.