



# 1939, 9<sup>th</sup> MAIN, 27<sup>th</sup> CROSS, BANASHANKARI 2<sup>nd</sup>  
Stage, BENGALURU - 560070  
**Phone:** 6364928222  
**E-Mail :** [ccsbng@gmail.com](mailto:ccsbng@gmail.com)  
**Website:** [ccsbng.org](http://ccsbng.org)

---

30<sup>th</sup> September, 2023

**Shri Anil Kumar Bhardwaj,**  
Advisor (B & CS),  
Telecom Regulatory Authority of India.

Sir,

**Sub: Consultation Paper on Review of Regulatory Framework for Broadcasting and Cable services**

We are a CAG of TRAI.

We are pleased to submit our comments/suggestions on the Consultation Paper on Review of Regulatory Framework for Broadcasting and Cable Services for your perusal.

Thanking you,

Yours Sincerely

GOPAL RATNAM V  
Secretary  
Consumer Care Society  
M:8618226492

## **Comments on Consultation Paper on Review of Regulatory Framework for Broadcasting and Cable services**

### **A. Tariff related issues**

***Q1. Should the present ceiling of Rs.130/- on NCF be reviewed and revised?***

***a. If yes, please provide justification for the review and revision.***

***b. If yes, please also suggest the methodology and provide details of calculation to arrive at such revised ceiling price.***

***c. If not, provide reasons with justification as to why NCF should not be revised.***

***d. Should TRAI consider and remove the NCF capping?***

**NO.** The present ceiling of Rs 130/- on NCF should not be revised. Furthermore, the capping should not be removed too.

**Our reasons are as follows.,**

- 1. As mentioned in the draft, the average NCF is lower than that currently stipulated and hence it is market forces at work.**
- 2. Frequent revision of NCF would create confusion at the subscriber levels and leads to mis-representation by the DPO/LCO.**
- 3. There are complaints from the subscribers that the DPO/LCO charge a higher NCF even when there is cap. And if the cap is removed, the DPO/LCO will fleece the rural and poor subscribers and they will have no recourse to a reasonable fee, as is the situation now.**
- 4. Flexibility in NCF for multi-TV homes will provide a buffer for any cost increase. Kindly refer to our comment to Q4.**

***Q2. Should TRAI follow any indices (like CPI/WPI/GDP Deflator) for revision of NCF on a periodic basis to arrive at the revised ceiling? If yes, what should be the periodicity and index? Please provide your comments with detailed justification.***

**We have recommended that at present the NCF should not be revised. In the event the regulator does go in for a revision of the NCF, our suggestion is as follows.**

**The periodicity of revision should be once every 5 years. The index that should be used for WPI, which is a better measure of inflation than the CPI.**

***Q3. Whether DPOs should be allowed to have variable NCF for different bouquets/plans for and within a state/ City/ Town/ Village? If yes, should there be some defined parameters for such variable NCF? Please provide detailed reasons/ justification. Will there be any adverse impact on any stakeholder, if variable NCF is considered?***

**NO.** The DPOs should not be allowed to have variable NCF for different plans or within a City/Town. However, for Village, there could be a variable NCF.

**Our reasons are:**

- 1. Any freedom given to the DPOs on the NCF is likely to be misused with the DPOs generally overcharging.**

2. In many locations, the DPOs are a monopoly and have been using their power to charge higher prices even now.
3. Multiple NCFs would lead to confusion among the subscribers/consumers, which would give rise to disputes and grievances.
4. With the density of the population and with the increasing vertical growth of housing like apartments, the DPOs have a lower cost of installation and maintenance.

As such, a change to a variable NCF regime, the subscriber/consumer in these areas would be severely affected.

However, we do understand that DPOs in rural areas, having less number of subscribers and greater distances, would have a higher overhead and maintenance cost. So, for DPOs in rural areas, that is villages, exceeding a particular distance, the NCF can be increased in slabs. As an illustration, the current NCF can apply to subscribers within one kilometer. Above that, for every kilometer there can be a small fee increase.

With a variable NCF mandated in the villages, the subscribers in these areas would know the exact amount payable as NCF, unlike now, with the DPOs charging any amount.

*Q4. Should TRAI revise the current provision that NCF for 2nd TV connection and onwards in multi-TV homes should not be more than 40% of declared NCF per additional TV?*

*a. If yes, provide suggestions on quantitative rationale to be followed to arrive at an optimal discount rate.*

*b. If no, why? Please provide justification for not reconsidering the discount.*

*c. Should TRAI consider removing the NCF capping for multi-TV homes? Please provide justification?*

We suggest option C. TRAI should consider removing the NCF capping for multi-TV homes. This can be justified on the following grounds.

1. Subscribers/consumers having multiple TVs are likely to have higher income and hence should be in a better position to negotiate and have a higher paying capacity.
2. To move to a less regulated market and light touch regulation as a policy, the NCF capping for multi TV homes can be removed.
3. This additional income accruing to the DPOs is another reason why the NCF for a single TV home should NOT be increased.

*Q5. In the case of multi-TV homes, should the pay television channels for each additional TV connection be also made available at a discounted price?*

*a) If yes, please suggest the quantum of discount on MRP of television channel/ Bouquet for 2nd and subsequent television connection in a multi-TV home. Does multi-TV home or single TV home make a difference to the broadcaster? What mechanism should be available to pay-channel broadcasters to verify the number of subscribers reported for multi-TV homes?*

*b) If not, the reasons thereof?*

**NO.** There should be no mandated discounted rates for multi-TV. The reasons listed for question 5 for NCF are equally applicable for the TV channels.

**Q6. Is there a need to review the ceiling on discount on sum of MRP of a-la-carte channels in a bouquet (as prescribed through the second proviso to clause 4 (4) of the Tariff Order 2017) while fixing the MRP of that bouquet by DPOs?**

**a. If yes, what should be the ceiling on such discount? Justify with reasons.**

**b. If not, why? Please provide justification for not reviewing the ceiling.**

**YES. There is a need to review this regulation. The reasons are as follows:**

- 1. By restricting the discount given by the DPOs for the bouquet made and offered by the DPOs, the consumer is affected adversely with the price being higher than what is determined by the marketplace.**
- 2. The DPO business is constrained by the lack of freedom in deciding the pricing of their services. This could lead to the closure of DPOs, as consumers are already moving to other alternatives like streaming services.**
- 3. The inability to be flexible with the pricing to maximise their revenues and their profits, the DPOs resort to unfair and unethical ways to raise their revenues.**

**Q7. Whether the total channel carrying capacity of a DPO be defined in terms of bandwidth (in MBPS) assigned to specific channel(s).**

**If yes, what should be the quantum of bandwidth assigned to SD and HD channels. Please provide your comments with proper justification and examples.**

**No Comments.**

**Q8. Whether the extant prescribed HD/SD ratio which treats 1HD channel equivalent to 2SD channels for the purpose of counting number of channels in NCF should also be reviewed?**

**a. If yes, should there be a ratio/quantum? Or alternatively should each channel be considered as one channel irrespective of its type (HD or SD or any other type like 4K channel)? Justify with reasons.**

**b. If no, please justify your response.**

**No Comments.**

**Q9. What measures should be taken to ensure similar reception quality to subscribers for similar genre of channels? Please suggest the parameter(s) that should be monitored/checked to ensure that no television channel is discriminated against by a DPO. Please provide detailed response with technical details and justification.**

**No Comments.**

**Q10. Should there be a provision to mandatorily provide the Free to Air News / Non-News / Newly Launched channels available on the platform of a DPO to all the subscribers?**

**a. If yes, please provide your justification for the same with detailed terms and conditions.**

**b. If not, please substantiate your response with detailed reasoning.**

**There should be selective mandatory provision. NO to Free to Air News/Non-News Channels. YES to Newly Launched Channels.**

Our reasons are as follows.,

1. Consumers have the freedom to choose Free to Air News/Non-News channels if they so desire, as a part of the minimum 200 channels. In fact, mandating ANY channel to be included would be to negate the very intent of the regulations - consumers' right to choose.
2. In the case of Newly Launched Channels, there is a need for a mandate. This is necessary to encourage innovation and promote competition in the market place by lowering the barrier to entry. Consumers will benefit due to increased choice and lower prices. The number of Newly Launched Channels should be kept low and should be specified. Further, the period for which these channels will be compulsorily offered to the consumer would be specified. Our suggestion is that a maximum of 5 % of the minimum number of channels, that is 10 (5 % of 200) should be reserved. The period should be for a year from the date of launch, after which the market forces will be in play.

***Q11. Should Tariff Order 2017, Interconnection Regulations 2017 and Quality of Service Regulations 2017 be made applicable to non-addressable distribution platforms such as DD Free Dish also?***

**NO.** The regulations should not be applied to DD Free Dish.

1. Currently, consumers can access the channels on DD Free Dish without the additional burden of a monthly subscription.
2. The fact that there is DD Free Dish introduces an element of competition in the marketplace, favouring the consumers.
3. Also, it offers the new broadcasters/TV channels 2 go-to-market strategies which is beneficial to the broadcasting sector.
4. With the DPOs unwilling to cater to areas with a sparse population or with low purchasing power, there is a need for an alternate platform to cater to the needs of the consumers in these areas.
5. There are areas of public services like education, in which TV channels need to operate. DD Free Dish is able to provide a low-cost platform for consumers of these services.

***Q12. Should the channels available on DD Free Dish platform be mandatorily made available as Free to Air Channels for all the platforms including all the DPOs?***

**NO.** This restricts the freedom of the broadcaster and in turn the reduction in inter platform competition, which is detrimental to consumer choice. Further, the number of pay channels that use DD Free Dish is a minuscule number of 20, which does not warrant any intervention by the regulator.

***Q13. Whether there is a need to consider upgradation of DD Free Dish as an addressable platform? If yes, what technology/ mechanism is suggested for making all the STBs addressable? What would be the cost implications for existing and new consumers? Elaborate the suggested migration methodology with suggested time-period for proposed plan. Please provide your response, with justification.***

**NO.** There is no need to bring DD Free Dish under the addressable platform regulations at present.

**B. Interconnection related issues**

*Q14. In case of amendment to the RIO by the broadcaster, the extant provision provides an option to DPO to continue with the unamended RIO agreement. Should this option continue to be available for the DPO?*

*a. If yes, how the issue of differential pricing of television channel by different DPOs be addressed?*

*b. If no, then how should the business continuity interest of DPO be protected?*

**YES.** In case there is a stalemate in the signing of the RIO, due to the refusal of any party to the agreement, it is the consumer interest that suffers. Hence, it is imperative that the broadcast and cable services are not disrupted during this period. So, under these circumstances, the continuation of the existing RIO should be allowed, as being done currently for thirty days.

In the event, after thirty days, due to the intransigence of any party, a new RIO is not in place, the broadcast and cable services should not be disrupted or discontinued to the consumers. It is suggested, in the interest of the consumers, the channel fees for the channels of the broadcaster with whom a RIO could not be signed would be offered as a Free-To-Air channel for the existing subscribers.

*Q15. Sometimes, the amendment in RIO becomes expedient due to amendment in extant Regulation/ Tariff order. Should such amendment of RIO be treated in a different manner? Please elaborate and provide full justification for your comment.*

**YES.** The regulator, in consultation with the stakeholders, could decide on a common implementation date based on factors like feasibility, time required, criticality etc.

*Q16. Should it be mandated that the validity of any RIO issued by a broadcaster or DPO may be for say 1 year and all the Interconnection agreements may end on a common date say 31st December every year. Please justify your response.*

**YES.** The validity of an RIO should be specified and all the Interconnection agreements end on a common date.

This solution will create stability in the marketplace. There would be no irregular and sudden disruption in the broadcast services. Consumers would be immensely benefited by clarity on pricing and certainty of services.

*Q17. Should flexibility be given to DPOs for listing of channels in EPG?*

*a. If yes, how should the interest of broadcasters (especially small ones) be safeguarded?*

*b. If no, what criteria should be followed so that it promotes level playing field and safeguard interest of each stakeholder?*

**NO.** The DPOs should not be given the flexibility for the listing of channels in EPG.

The current method of Language and then Genre is the preferred method of listing the channels. Subscribers, generally at the first level, choose the language, so it is an ideal starting point.

*Q18. Since MIB generally gives permission to a channel in multiple languages, how the placement of such channels may be regulated so that interests of all stakeholders are protected?*

A channel running programs in multiple languages should be allowed to choose the language under which it wishes to be listed and accordingly that should be followed. This is fair and reasonable to all the stakeholders. Any other method would result in compounding the problem. For example, in the future, a channel may offer programs in different genres, then the question will be, where should the channel be listed? Let the channel decide.

*Q19. Should the revenue share between an MSO (including HITS Operator) and LCO as prescribed in Standard Interconnect Agreement be considered for a review?*

*a. If yes:*

*i. Should the current revenue share on NCF be considered for a revision?*

*ii. Should the regulations prescribe revenue share on other revenue components like Distribution Fee for Pay Channels, Discount on pay channels etc.? Please list all the revenue components along-with the suggested revenue share that should accrue to LCO. Please provide quantitative calculations made for arriving at suggested revenue share along-with detailed comments / justification.*

*b. If no, please justify your comments.*

Since the consultation paper does share any data on the services provided by the different members of the distribution channels, it is obviously difficult to comment or suggest any options. It is suggested that TRAI obtain anonymised data or collect data on a pilot basis to be shared with all the stakeholders, for any meaningful consultation.

*Q20. Should there be review of capping on carriage fee?*

*a. If yes, how much it should be so that the interests of all stakeholders be safeguarded. Please provide rationale along with supporting data for the same.*

*b. If no, please justify how the interest of all stakeholders especially the small broadcasters can be safeguarded?*

YES. With all the income streams of MSO/DPOs mandated or capped, the MSO/DPOs resort to unfair and usury means to increase their revenues. This impacts the subscribers as they are forced to pay higher charges than that mandated by TRAI. The increase in cap on the carriage fee at specified intervals should be reasonable and linked to an agreed index. The broadcasters could factor in any reasonable increase in the carriage fee in their business operations.

*Q21. To increase penetration of HD channels, should the rate of carriage fee on HD channels and the cap on carriage fee on HD channels may be reduced. If yes, please specify the modified rate of carriage fee and the cap on carriage fee on HD channels. Please support your response with proper justification.*

**YES.** To promote HD channels at the broadcasters' level, an incentive may help. However, at the consumer level, it may not make a difference unless the shift to the appropriate equipment happens.

*Q22. Should TRAI consider removing capping on carriage fee for introducing forbearance? Please justify your response.*

**NO.** The cap on carriage fee should not be removed.

We believe that if the cap on carriage fee is removed, it could lead to increased prices for consumers. The paper itself mentions that regional channels were forced to negotiate rates with the DPOs. In the event of removal of the Cap, the DPOs may resort to huge increases, especially in areas where they are a monopoly. Then the broadcasters forced to pay a higher carriage fee may pass the increase to the consumers through increased channel fees.

*Q23. In respect of DPO's RIO based agreement, if the broadcaster and DPO fail to enter into new interconnection agreement before the expiry of the existing agreement, the extant Interconnection Regulation provide that if the parties fail to enter into new agreement, DPO shall not discontinue carrying a television channel, if the signals of such television channel remain available for distribution and the monthly subscription percentage for that television channel is more than twenty percent of the monthly average active subscriber base in the target market. Does this specified percentage of 20 percent need a review? If yes, what should be the revised prescribed percentage of the monthly average active subscriber base of DPO. Please provide justification for your response.*

**Yes.** The prescribed percentage should be revised.

We suggest that a lower figure is necessary as the subscriber suffers due to no fault of his making. There are frequent complaints that the DPOs suddenly discontinue a channel. A subscriber has no protection against this arbitrary action. Even a single individual subscriber should not be at the mercy of the DPOs, but considering other factors, a lower figure of 10 % is suggested for prescription.

### **C. Quality of Service related issues**

*Q24. Whether the extant charges prescribed under the 'QoS Regulations' need any modification required for the same? If yes, justify with detailed explanation for the review of:*

- a. Installation and Activation Charges for a new connection*
- b. Temporary suspension of broadcasting services*
- c. Visiting Charge in respect of registered complaint in the case of DTH services*
- d. Relocation of connection*
- e. Any other charges that need to be reviewed or prescribed.*

**NO.** The Services and Charges currently prescribed under QoS regulations should be retained. With broadcasters constantly revising the prices of their channels, the income accruing to the members of the distribution channels is growing.



These regulations are necessary as there is rampant overcharging in many parts of the country. Further, these charges serve as a reference point for consumers in their interaction with the DPOs. They also clearly define the standards of the services, breaching of which, would enable consumers to initiate action of complaint and redressal.

*Q25. Should TRAI consider removing capping on the above-mentioned charges for introducing forbearance? Please justify your response.*

NO. The capping of the all the above mentioned services should be retained. TRAI should NOT remove the caps as the balance of power is with the DPOs in most areas as they are a monopoly. With channel prices increasing, sometimes on a yearly basis there is adequate revenues for the DPOs from other income streams. In addition, we have suggested that the capping of fees for multi-TV homes be removed. This will also yield more revenue.

*Q26. Whether the Electronic Programme Guide (EPG) for consumer convenience should display*

*a. MRP only*

*b. MRP with DRP alongside*

*c. DRP only?*

*Justify your response by giving appropriate explanations.*

Both MRP with DRP should be displayed in the Electronic Programme Guide (EPG). The provision of both the prices would provide the consumer with more information that would enable him to make a better decision. Currently, in some areas the LCOs levy a service charge claiming that they are not able to recover their costs. Unfortunately, the consumer has a way of knowing the truth. With both the prices are displayed, the subscriber is in a position to refute such arguments.

*Q27. What periodicity should be adopted in the case of pre-paid billing system. Please comment with detailed justification.*

The current billing system does create confusion at the subscriber end also, as the billing date in a month is NOT fixed and keeps shifting. To avoid this problem, at least for the Pre-Paid Subscriber, the following billing method can be adopted.

The billing periodicity for Pre-Paid customers should be either for six (6) or twelve (12) months. In effect, it means that if a subscriber is billed on 5<sup>th</sup> June, she should be billed on 5<sup>th</sup> December of the same year, if it is six months and 5<sup>th</sup> June of the next year, if it is for twelve months. The six months or 12 months bills would for the exact number of days that the subscriber uses the service. In this example it would be, 183 days for six months and 182 days or 183 days (if a leap year).

*Q28. Should the current periodicity for submitting subscriber channel viewership information to broadcasters be reviewed to ensure that the viewership data of every subscriber, even those who opt for the channel even for a day, is included in the reports? Please provide your comments in detail.*

**YES. We believe that, in the interest of transparency and the protection of consumer interests, the data of even a single day subscriber should be captured and reported.**

However, no data is provided in the draft on how prevalent this issue is. We believe the stakeholder who proposes any changes in regulations should provide data to support their point of view, so that the other stakeholders could discuss the issue in a rational and logical manner.

Moreover, we feel there is a need to address this demand from the consumer end. If the subscribers are interested in viewing a channel for a shorter period of time, then the channels and the DPOs should cater to this demand of the subscriber.

So we suggest that all fees of the channels be quoted on a daily basis so there is flexibility in the system to cater to different needs of the subscriber.

*Q29. MIB in its guidelines in respect of Platform Services has inter-alia stated the following:*

*a. The Platform Services Channels shall be categorised under the genre 'Platform Services' in the EPG.*

*b. Respective MRP of the platform service shall be displayed in the EPG against each platform service.*

*c. The DPO shall provide an option of activation /deactivation of platform services.*

*In view of above, you are requested to provide your comments for suitable incorporation of the above mentioned or any other provisions w.r.t. Platform Services channels of DPOs in the 'QoS Regulations'.*

**YES. All the guidelines of MIB in respect of Platform Services Channels of DPOs should be incorporated in the 'QoS Regulations'.**

In addition, we suggest that these provisions also be included,

- 1. The Platform Services Channels should be offered on a-la-carte basis only and should not be included in any DPOs bouquets.**
- 2. The MRP of Platform Service Channels should be listed on the website of the DPOs in addition to EPG.**
- 3. The price of Platform Service Channels should be fixed for a period of a year.**

*Q30. Is there a need to re-evaluate the provisions outlined in the 'QoS Regulations' in respect of:*

*a. Toll-free customer care number*

*b. Establishment of website*

*c. Consumer Corner*

*d. Subscriber Corner*

*e. Manual of Practice*

*f. Any other provision that needs to be re-assessed*

*Please justify your comments with detailed explanations.*

While the provisions outlined in the 'QoS Regulations' are adequate, there is a need for incorporation of these additional points.

- 1. The DPOs should be asked to establish customer channels on other media like Whatsapp.**

2. The DPOs should also develop app for customer contact and service.
3. The provision outlined should be strictly adhered to. We find that the 'Consumer Corner' in some of the DPO's website does not have the prominence or the correct labelling as stipulated by the regulations.

#### D. Financial Disincentive

*Q31. Should a financial disincentive be levied in case a service provider is found in violation of any provisions of Tariff Order, Interconnection Regulations and Quality of Service Regulations?*

*a. If yes, please provide answers to the following questions:*

*i. What should be the amount of financial disincentive for respective service provider? Should there be a category of major/ minor violations for prescription of differential financial disincentive? Please provide list of such violation and category thereof. Please provide justification for your response.*

*ii. How much time should be provided to the service provider to comply with regulation and payment of financial disincentive. and taking with extant regulations/tariff order?*

*iii. In case the service provider does not comply within the stipulated time how much additional financial disincentive should be levied? Should there be a provision to levy interest on delayed payment of Financial Disincentive?*

*1. If yes, what should be the interest rate?*

*2. In no, what other measures should be taken to ensure recovery of financial disincentive and regulatory compliance?*

*iv. In case of loss to the consumer due to violation, how the consumer may be compensated for such default?*

*b. If no, then how should it be ensured that the service provider complies with the provisions of Tariff Order, Interconnection Regulations and Quality of Service Regulations?*

**YES.** A financial disincentive may be levied in case a service provider is found in violation of any provisions of the Tariff Order, Interconnection Regulations and Quality of Service Regulations, as over 5 years has passed from the date of implementation of these regulations, for the service provider to comply with them.

a) Our response is as follows;

i) A reasonable financial disincentive should be imposed. This can be decided by TRAI and the opinion of the affected stakeholders are ascertained before an order is passed.

ii) The time for the payment of the financial disincentive can be fixed as 15 days from the date of intimation to the service provider. Since sufficient time has lapsed from 2017, no further time extension needs to be given for implementation. However, TRAI can consider as a remedial measure, suitable time extension depending on the nature of non-compliance.

iii) YES to both the issues. There should be a penalty of 50% of the financial dis-incentive for non-compliance beyond the time period. Interest should be levied on delayed payment of the financial dis-incentive. The interest rate as mentioned in the regulations of 2 % above SBI base rate for loans.

iv) In case of loss to the customer due to violation, the compensation should be twice the loss to the customer.

**E. Any other issue**

***Q32. Stakeholders may provide their comments with full details and justification on any other issue.***

**We wish to raise 2 other issues.**

**A. QoS regulations should be extended to include other consumer related issues, like delays in installation, delays in addressing consumer complaints etc., as in the telecom sector.**

**B. In this regard, we would like to suggest that Consumer Organisations (CAGs) be included in the various stakeholders meetings that are organised by TRAI in the Broadcasting and Cable Services Sector for the following reasons.**

- 1. Consumers' Perspective is presented in all the meetings of the stakeholders which is now absent. This will enable a more holistic approach in the formulation of the regulations which ultimately affect consumers immensely.**
- 2. Consumer organisations and, in effect, consumers would have a better appreciation of the perspectives of the other stakeholders, which will hopefully lead to better regulations.**
- 3. Participation of Consumer Organisations (CAG) would enhance the capabilities of the CAGs.**

GOPAL RATNAM V  
Secretary  
Consumer Care Society  
M:8618226492