Dish TV India Ltd

April 30, 2024

Shri Tejpal Singh,
Advisor (B&CS),
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
New Delhi 110002

Sub: Response of Dish TV India Limited to the Consultation Paper on Inputs for formulation of National Broadcasting Policy dated April 02, 2024

Dear Sir,

We hereby submit our response to the TRAI the Consultation Paper on Inputs for formulation of National Broadcasting Policy dated April 02, 2024.

Please find enclosed the same.

Thanking you,

Yours truly,
For **Dish TV India Limited**

Authorized Signatory

Enclosed: as above

Response of Dish TV India Limited ('Dish TV') to the Consultation Paper on Inputs for formulation of National Broadcasting Policy dated April 02, 2024

Dish TV would like to provide its comments on the Consultation Paper issued by TRAI on National Broadcast Policy being formulated under the aegis of the MIB. At the outset we would like to offer our general comments. In the interest of brevity, we have kept our comments brief.

General Comments on the National Broadcast Policy

(i) Establishment of a Broadcast Regulator

The Broadcasting Industry has been demanding a Broadcast Regulator which is independent from the Telecom Regulator on the lines of OFCOM. Despite the slogans of convergence, the two industries i.e. the Linear Television Industry and the Telecom Industry operate largely in an independent manner.

The satellites used for Broadcast Industry, in the C-Band and the Ku-Band, are for example the "Hot Satellites" to which the cable operators point their dishes. The Satellites for Telecom are different and operate in a different manner of HTS providing high throughputs serving Telecom Networks.

The Telecom Networks due to their high revenues and bargaining power have in the recent past been able to wrest multiple concessions from the Government such as deferment of Spectrum charges, which they had committed at the time of bidding of spectrum, waiver of Bank Guarantees, Infrastructure Status, Conversion of debt to Equity, waiver of NOCC charges and many others.

On the other hand, the Linear Broadcast Industry has received a very step motherly treatment with the imposition of Tariff Orders, limitations on channel pricing, limitation on formation of Bouquets, Manner of distribution of revenues amongst Broadcasters and DPOs, CAS regulations, reporting requirements, Uplink-downlink policy and many others. These have shackled the industry, emancipated the finances and made the same unable to generate enough surplus to invest in future. There are hardly any startups in Broadcasting and no opportunities for skill development owing to shrinking scale of Industry. While there are many consultations on ease of doing business, the environment is getting worse and worse.

It is therefore essential that a Broadcasting Regulator be established which can dedicatedly look into the issues faced by broadcasting companies and take effective measures to resolve the same.

(ii) **Grant of Infrastructure Status to the Broadcast Industry**

It is essential that the Broadcasting industry be granted an Infrastructure status to kickstart investment in Infra used for broadcasting and improve the finances of the operating entities. There have been virtually no investments in Infrastructure in Broadcasting over the past decade, and the aging Infra and Satellites are unlikely to be replaced.

(iii) Strategic Role and Vision

The Broadcast Policy needs to be ahead of the expected developments in the field and not be trailing many years behind. As an example, counties have moved into the era of HTS satellites a decade back. India is now signing into Global LEO Satellite Systems where foreign satellite systems will have access to far flung areas of India. However, we still have policies in Satellite Industry where simple approvals of change of channel from one satellite to another take months and involve multiple Govt agencies such as DoS, NSIL, MIB and WPC. Extension of routine C-Band contracts where Open Skies policy is applicable is routed via DoS and is held or released on commercial considerations such as payments of dues to its commercial entities. The open Skies Policy announced years back are yet to be implemented in any true sense and the sector continues to be shackled by the whims of the Government agencies giving any type of permissions.

(iv) Distinction between Sovereign Regulatory Role and Commercial Role

Many of the Government agencies entrusted with the role of granting permissions are seeded in the old days of heavy-handed regulations and apply these without recognizing the importance of distinction between regulatory functions and commercial functions of subordinate entities.

For example, the permissions for simple actions by the Dept. of Space such as extension of a contract or addition of a channel on a satellite. The Permissions from DoS are being sought by MIB from the point of view of whether the Satellite in question is an approved satellite by DoS and not in conflict on account of regulatory or national security issues. This reference to the DoS is in the capacity of its sovereign function bestowed on it. However, it refers the case to Antrix (now NSIL) and the permissions are declined even if there are dues outstanding to the extent of a few rupees. Many of the demands of the commercial entities are not in order such as FE rates or penalties, but the DoS uses its sovereign function to obliterate the distinction between the commercial function of entities by demanding upfront payments. Same situation extends with other entities overseeing the grant of permissions on various accounts.

The Broadcast regulator needs to subsume all these functions and be a single point of contact make the functioning of the broadcasting entities and DPOs seamless.

Response to Questions
India as a Content and Uplinking Hub

Q.4 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 content developers in terms of training, infrastructure and incentives. Provide your comments with detailed explanation.

At the outset there must be a recognition that creation of content and its management and finally broadcasting (Uplinking) Streaming (Storage, Delivery) are operations which require large investments and uncertain business returns.

Unlike many other businesses such as Utilities, Manufacturing or Retailing the investments in content yield at best uncertain returns. Financing is not easily available, and the ultimate results are a result of highly create individuals operating in a free and unrestrained environment.

The restraints imposed on the industry today such as Content regulations, Tariff regulations, censorship, oversight committees are reminiscent of an environment of a totalitarian nation where the freedom of expression and free views are required to be suppressed in the eyes of the Government.

Unless these restraints are removed, world class content with high creative will be difficult to be attained. Indians have a diverse culture and a very high level of creativity, but to be on a global scale it requires funds and management which can only come about in a regime of minimum interference.

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'.

The creation of India as an uplinking Hub has been on the agenda of the Govt since 2001-02 when the then Finance Minister had expressed this to be one of the goals and the Broadcasting industry was expected to deliver a similar growth as the IT industry which had become one of the pillars of Indian Economy. However, for various reasons this objective has not been achieved. Our suggestion in this regard are as under:

Revamp of uplink and Downlink Policy
The uplink and downlink policy must be on the lines of Media Development Authority of Singapore where the uplink and downlink permissions can be granted in 24-48 hours.

Role of DoS: The Role of DoS must be only to provide a list of approved C-Band, Ku-Band and Ka-Band Satellites. They must declare this list as a onetime exercise. No cases should be referred to the DoS for any uplinking and downlinking permissions. If a broadcaster chooses to select a satellite which on the approved list, it must automatically be considered approved.

Change of Teleports: The broadcasters should be free to choose the teleports as per their wish. Currently this process takes many months (if not a year) beginning with the previous Teleport giving a NoC. It is not known why such bureaucratic practices delving into the commercial aspects of private entities are allowed to act as barriers for smooth functioning.

Uplink License for Channels: The uplink license for channels should be considered as granted once the requisite fees has been paid. No purpose is served in delaying the process via multiple stages of evaluation of net-worth, time of launch or Tariff etc. The regulatory authorities, in any case monitor the content and this does not change if a case is delayed by obtaining details which are of little relevance for the operation of the channel except populating the files of different departments. The same is the case for a downlink license.

The requirements of specifying the language of the channel should be done away with as most channels would like to go with multiple languages. They should be able to change channel logos, language and other attributes as such as audio format) stereo, Dolby or others) without intimation or permission.

Uplink Parameters

The present control exercised by WPC and NOCC on uplink parameters does not serve any purpose. Parameters such as FEC, modulation format (MPEG-4 or MPEG-4-AVC), bandwidth per channel measure should be left to the discretion of the broadcasters as with better evolving equipment the parameters change and no purpose is served in bureaucrats delaying the process in delaying approvals on a multiplicity of counts. The operators, for example keep getting violations for changing FEC say from ¾ to 7/8 without understanding that FEC is meant to be changed to cater to the downlink environment such as rain, 5G interference or others.

Q. 7 What policy measures and regulatory aspects should be adopted in the NBP to nudge the growth of Indian regional content through OTT platforms?

The OTT platforms in India are doing very well, thanks to a lot of original content. It should be recognized that they are in direct competition with the Global giants such as Netflix or Amazon Prime. Netflix says it will spend $17 billion on content in 2024, up 35% from the year prior. (Source Fortune March 2024). This is equivalent to Appox 141,950 Crores. Against this the size of Indian Cinema industry industry is Appox 14,000 crores or just 10% of the spending on content by just one player Netflix.

Hence it is very important that the Indian content industry be continued to be given a free environment and all opportunities to earn revenues. These revenues are:
(i) Streaming Rights
(ii) Satellite Rights (currently constrained by Tariff regulations)
(iii) Box office (constrained by Censorship and Taxation)
(iv) Content- Threatened by new enactments on regulations of OTT content, oversight committees etc.

There is a need to remove these barriers and not impose new ones such as content oversight committees else it will kill the Indian content industry.

Q. 13 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.

The telecommunications and broadcasting sectors have evolved using largely different technologies. Broadcasting started as a terrestrial medium, to which there was no direct parallel in telecom. While satellites are used for both telecom and broadcasting, these satellites are entirely different in usage types. Broadcasting uses two types of satellites:

(i) **C-Band Satellites-** These satellites are certain specific satellites to which Cable operators tune their dishes. Typically over each country r region there are only 5-6 such satellites (called Hot Satellites). Telecom Operators do not use such satellites. They need point t point connectivity at high bandwidths to which a different range of satellites is better suited.

(ii) **Ku-band Satellites:** TV Industry uses Ku-Band for DTH applications in India and other countries in a band called the FSS band. In other countries such s USA, the bands to be used apart from Ku-FSS can also be Ku-BSS or Ka-BSS bands.

Again, the Telecom Industry does not use these bands or satellites.

(iii) **IP Based deliveries**

The common ground between broadcasting and telecom is the use of IP or broadband in the delivery of Linear or OTT TV. In fact, bulk of the use of IP based networks provided by the telecom operators is the carriage of Video. There can be a lot of synergy in this field.

(a) Ministry should promote Virtual Operators for Broadband and Mobile

It is essential that instead of 3 major operators there should be multiple value-added resellers which can buy up Telecom/ Broadband facilities in bulk and then provide better interfaces to Broadcasters as we as customers. Disintermediation of Broadband facilities would be important for this purpose. Likewise Virtual Mobile operators should be licensed who can use a common RAN or Mobile Infra and customize it for Broadcast requirements.

(b) Uplink Downlink Policies should be changed to permit delivery to Operators over IP

Currently the DPOs can only receive the satellite channels via decoders provided at headends. However, there is a need to enable the use of Broadband networks either as public Internet or as VPNs to effect the same type of deliveries which can avoid the use of expansive Satellite networks. This will be specially helpful for HD and UHD channels which re not viable over satellite.

Q. 15 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.

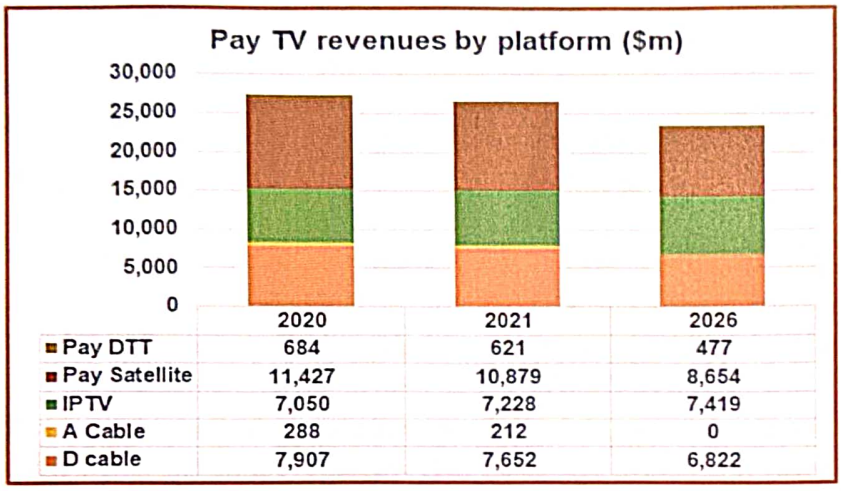
The advent of technologies of High-Speed Broadband in homes and parallelly 5G for Smartphones has meant that the importance of Terrestrial mode of Broadcasting has declined over the years.

Digital Terrestrial Broadcasting became Popular in the US when digital decoders were provided free to each and every household for ATSC decoding at the time of Analog (NTSC) phaseout. This transition which happened in Feb 2009 was successful due to the wide seeding of digital decoders which increased the reach of popular public as well as private terrestrial broadcasting. Subsequently all TV sets sold in the US were required to have digital decoder facility.

The experience of DD Direct DTH has also shown that the seeding of a large no of decoders is critical to the success of a Broadcasting Platform.

India unfortunately missed the bus when the analog broadcasting was shut down without seeding of Digital decoders. This virtually has led to the complete disintegration of the wide customer base to alternative media such as Cable or Satellite services. In the last 4 years this has been again succeeded by OTT and Broadband which have flattened the growth of Linear TV along with Cable and DTH.

In so far as the Digital Terrestrial Broadcasting is concerned, it has also declined over the years in most European and other countries globally.



	2020	2021	2026
Pay DTT	684	621	477
Pay Satellite	11,427	10,879	8,654
IPTV	7,050	7,228	7,419
A Cable	288	212	0
D cable	7,907	7,652	6,822

(Source: Digital TV Europe)

As per the data the Pay DTT is declining rapidly and being replaced by IPTV and Digital Cable. The pressure on DTT also arises due to the larger use of frequencies for 5G.

We believe that there is no reason to revive Digital Terrestrial Broadcasting as there is no seeded market for Digital decoders. We also do not recommend seeding the decoders at govt expanse as multiple other ways of delivery exist.

Standards for Digital Terrestrial Broadcasting

India has adopted DVB standards for all Broadcasting. These include DVB-C for Cable, DVB-S/S2 for Satellite and DVB-T2 for Terrestrial Broadcasting. Previously the transmitters set up by Prasar Bharti were all DVB-T2.

There have been reports of some private interests which have started propagating the standards of ATSC-2 which are used predominantly in USA. Further these interests have

formed self-serving committees to assert that the ATSC standards are best suited for India including the D2M (Direct to Mobile). However, these efforts of the "committees" which have ridden roughshod over multiple objections from Handset manufacturers, Mobile Operators and others have been working in haste to out pressure on adoption of American standards.

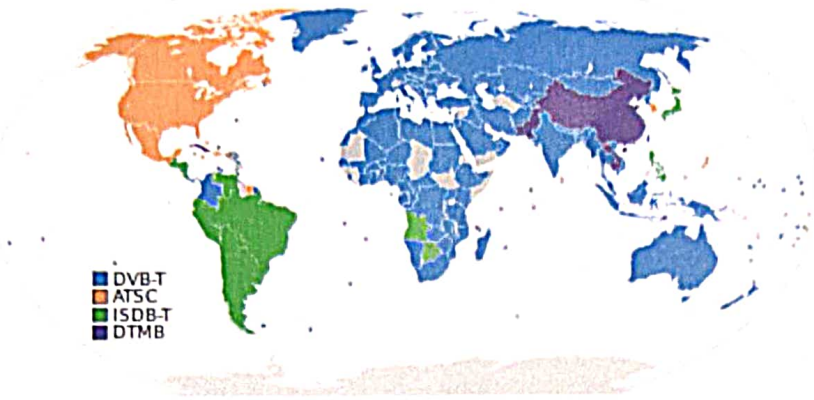


Figure: TV Standards adopted around the World- Showing that North Aerica is the only dominant Country for ATSC. India is a DVB-T Country.

The primary objective seems to be to get access to the spectrum which is with Prasar Bharati (free of charge) and which if not used ideally should be auctioned as 5G spectrum and promote the sale of ATSC equipment in India benefiting American companies.

We do not believe that consumers will buy dongles to watch FTA channels and attach to their phones when there are alternative ways of viewing the same content. Nor is it likely that sufficient number of Terrestrial Antennas of Outdoor (or Indoor type) will spring up to watch FTA channels.

In the absence of adequate seeded base, we as a Broadcaster see no compelling reason to use a Terrestrial Broadcasting system.