

Comments of Prasar Bharati on the Consultation Paper dated 8th August, 2023 issued by TRAI

1. Prasar Bharati hereby submits its comments on the Consultation Paper limited to the issues concerning it.
2. The primary issue in the Consultation Paper concerning Prasar Bharati is the issue raised by DTH Operators seeking a level playing field with DD Free Dish.
3. Prasar Bharati operates its broadcasting network under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 to fulfil its objective of public service broadcasting. It is the primary duty of Prasar Bharati to organise and conduct public broadcasting services to inform, educate and entertain the public in general. While discharging its duty of public service broadcasting Prasar Bharati is guided by objectives as set out in Section 12 of the Prasar Bharati Act 1990 some of which are:
 - a. Providing comprehensive broadcast coverage through the choice of appropriate technology and the best utilisation of the broadcast frequencies available and ensuring high quality reception
 - b. Paying special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health and family welfare and science and technology
 - c. Serving the rural and weaker sections of the people and those residing in border regions, backward or remote areas

4. While detailed submissions on this issue are made in the latter portion of these comments, at the outset, Prasar Bharati wishes to point out that there can be no comparison between DD Free Dish and the private DTH Platforms. DD Free Dish is a free to air platform and the private DTH Platforms are pay platforms. DD Free Dish has a non-addressable system, whereas the private DTH Platforms have addressable systems and their broadcasts are encrypted.
5. DD Free Dish is a public Broadcaster discharging public duties as set out in Section 12 of the Prasar Bharati Act, whereas the activities of the private DTH Platforms are actuated by profit.
6. The level playing field argument pre-supposes that private platforms are at a disadvantage vis-à-vis DD Free Dish. The supposition is incorrect. The private platforms cater to those who can afford to pay for channels of their choice. DD Free Dish discharges public duties and caters primarily to those who cannot afford to subscribe to the private platforms. Capacity wise the private platforms provide a wider choice to their subscribers, whereas DD Free Dish has capacity constraints and no subscription revenue stream.
7. Equality and level playing field can only be amongst equals and not amongst unequals. DD Free Dish and the private DTH Platforms are unequals. They fall in two distinct streams. In recognition of this fact, historically, the policy makers have treated DD Free Dish and private platforms differently. The

classification between DD Free Dish and private platforms is based on an intelligible differentia having nexus with the objects sought to be achieved by the Prasar Bharati Act. The demand for a level playing field is misconceived, untenable and not in the interest of the general public.

8. Before giving specific answers to the issues raised in the Consultation Paper, it is necessary to give a brief background concerning DD Free Dish and the nature of its operations.
9. Television Broadcasting started in India in September, 1959 by way of terrestrial transmissions. A regular satellite network of Doordarshan between Delhi Transmitters and the satellite network was established in 1982. By the year 2003, the reach of Doordarshan National Channel through terrestrial analog transmission was upto 89.7% of the population and 77% area of the country. The terrestrial transmission did not reach the far flung areas of the country.
10. To extend Doordarshan reach in uncovered areas, a high-end technology and less expensive option of transmission of all channels of Doordarshan in Ku-band on free-to-air basis was envisaged. Therefore, in June 2003, a proposal was approved by Expenditure Finance Committee, under 10th Five Year Plan, envisaging setting up of a Ku-band up-linking facility and hiring of transponders for transmission of 30 channels (20 channels of Doordarshan and 10 channels of private broadcasters in Free-to-Air (FTA) mode).

11. In November 2003, the Ministry of Information and Broadcasting conveyed approval of the Cabinet Committee on Economic Affairs (CCEA) permitting Prasar Bharati to use satellite distribution technology for Doordarshan's bouquet of 20 channels and 10 channels of private broadcasters, in free-to-air mode. Prasar Bharati was mandated to make every effort to recover carriage fee from private broadcasters.
12. The Cabinet Committee on Economic Affairs (CCEA) also mandated that the design and specifications of the Set-Top-Boxes (STBs) and antenna kit should be such as could later be capable of being bought by any person, off the shelf from the market. Accordingly, Prasar Bharati did not get into the aspect of controlling the sale or distribution of FTA STBs and the distribution/sale of FTA STBs organically developed over the years as an eco system which was propelled by easy availability, installation and open architecture.
13. As per approval of CCEA, DD Free Dish is a Free-to-Air (FTA) Platform and its viewers are not required to be its subscribers. Any person can purchase a modestly priced set top box from the market and can tune in to the DD Free Dish service. The entire bouquet of DD Free Dish is available to all viewers free of cost. Prasar Bharati has no control over FTA STBs being used by DD Free Dish viewers. The system is not addressable and having regard to its nature, it is not required to be so.

14. Subsequently, approvals of the Government have been received from time to time to expand the capacity of DD Free Dish. At present DD free dish has capacity for 167 TV channels, comprising of 94 MPEG 2 channels, 22 MPEG 4 channels, 51 educational channels and 48 Radio Channels.

ISSUES RAISED IN THE CONSULTATION PAPER

Q.11: 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?

Tariff Order 2017

15. In the Tariff Order, the word “Tariff” denotes the price chargeable for a channel. The Tariff Order was issued after consultations concerning a Comprehensive Tariff Structure for Addressable TV Distribution of “TV Broadcasting Services” across Digital Broadcasting Delivery Platforms.
16. Prasar Bharati’s DTH Platform being completely free to air, no Tariff order is required at all for the same. A Tariff Order for a Platform that is completely free to air, would be a contradiction in terms.
17. A tariff order is required for a pay and addressable platform, where monies are collected from subscribers, whether by way of carriage fee or by way of payment for a specified

channel/bouquet opted for by them. That situation does not arise in the case of DD Free Dish. Every channel carried by DD Free Dish is available to viewers free of cost.

18. The need for a tariff order is there for pay and addressable platforms. Such systems have a Conditional Access System (CAS) and Subscriber Management System (SMS). Both these systems are incompatible with a free to air non addressable platform like DD Free Dish. DD Free Dish being FTA platform does not have CAS and SMS, nor does it require them.

Interconnection Regulations 2017

19. The Interconnection Regulations 'cover commercial and technical arrangements, among service providers for interconnection, for broadcasting services relating to television provided through addressable systems'.
20. As already stated, DD Free Dish does not have an addressable system, nor does it require one. The Interconnect Regulations are aimed at regulating the 'must provide' and 'must carry' mandates as prescribed by Regulations 3 & 4. The Regulations also mandate that a broadcaster must publish Reference Interconnect Offer ("RIO") for the distributor to avail service.
21. The working of DD Free Dish is completely different. Due to capacity constraints, DD Free Dish cannot carry any and every channel. Prasar Bharati does not demand channels under the RIO published by a broadcaster. Rather a broadcaster has to participate and be successful in an e-auction conducted by

Prasar Bharati to be able to carry its channels on DD Free Dish platform. DD Free Dish slot is allotted to successful bidders and not to all the broadcasters who participated in the auction process.

22. Considering the unique nature of DD Free Dish, its capacity constraints and the manner of allocation of slots by e-auction, there is no need for the Interconnect Regulations to be made applicable to DD Free Dish. The Interconnect Regulations are incompatible with the structure and working of DD Free Dish.

Quality of Service Regulations 2017

23. The Quality of Service Regulations provide that every 'distributor of television channels shall, before providing broadcasting services related to television, set up and operationalize subscriber management system integrated with conditional access system for ensuring efficient and error-free distribution of encrypted broadcasting services related to television to the subscribers by recording and providing individualised preferences for channels, billing and refunds and the distributor shall ensure that such subscriber management system complies with the provisions of the applicable regulations and the tariff.'
24. The Quality of Service Regulations provide for things like Installation and Activation charges, Restoration and Reactivation charges, Visiting charges, Relocation charges, display of MRP, setting up of a customer care centre, provision

of toll free number etc. None of these requirements are compatible with a free to air and non addressable platform like DD Free Dish.

25. The Quality of Service Regulations along with the Tariff Order and the Interconnect Regulations provide the regulatory framework for pay and addressable platforms, which are distinct from DD Free Dish in all material respects. As such there is no need whatsoever to apply the same to DD Free Dish. Even otherwise it would be incongruous to apply Regulations meant for addressable pay platforms to a non- addressable free to air platform.

Q 12. 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?

26. Conceptually, there is no need or requirement for a Regulation, which mandates that every channel carried on DD Free Dish should be available as a Free to Air channel on all platforms. There is a fundamental distinction between DD Free Dish and the other platforms in the country. There is nothing wrong with a channel being a Pay channel on pay and addressable platforms and being a free to air channel on DD Free Dish. It does not result in a non-level playing field. In fact, it facilitates the interest of viewers, especially those with limited incomes, who thereby get access to an otherwise 'pay channel' free of cost. There is no element of discrimination, since having regard to the different nature of the platforms, in one case the

broadcaster pays DD Free Dish and in the other the private platforms pay the broadcaster.

Q 13. Whether there is a need to consider upgradation of DD Free Dish as an addressable platform? If yes, what technology/ mechanisms 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.

27. Government of India lifted ban on use of Ku-band transmission in January 2001. Later, Cabinet also approved removal of restrictions on maintenance of equipment capable of receiving Ku-band signals and permitted the Ministry of Information and Broadcasting to entertain applications for DTH services in Ku-band, on certain prescribed conditions. These conditions are prima-facie on a subscription based business model and envisage mandatory encryption of signals, use Conditional Access System and Subscriber Management System to enable subscribers to access the signals directly and the broadcasters to realize subscription revenues from the service provider/customers. These DTH guidelines do not envisage to run a free-to-air DTH service.
28. DD Free Dish has been set up in public interest, pursuant to a Cabinet resolution. It is a policy decision of the Government of

India that the DTH Platform of the Public Broadcaster should be free to air. Non-addressability is implicit in that policy decision.

29. A non-addressable platform serves and protects the interest of the viewers. It does not burden them with any costs much less a monthly cost, as in the case of Private DTH Platforms. There being no concept of activation/deactivation, it ensures the widest dissemination of signals which is one of the primary duties of Prasar Bharati under the Prasar Bharati Act.
30. Whether DD Free Dish ought to be upgraded to an addressable system is to be considered primarily from the perspective of public interest i.e. the interest of viewers, the advantage if any on account of such conversion and the practicality thereof.
31. The viewer would not gain in any manner whatsoever, if DD Free Dish were to be upgraded to an addressable platform. Addressable platforms are meant primarily to cater to issues related to the price payable by viewers for watching a particular content. That situation does not arise in the context of DD Free Dish. All channels carried by it are available to all viewers free of cost.
32. As such the upgradation of DD Free Dish to an addressable platform will be an exercise in futility, serving no purpose whatsoever. At the same time, it will have a huge capital cost, the estimated cost of replacement of all Set Top Boxes being in excess of Rs. 5000 crores. That apart, the process of

upgradation would result in blacking out DD Free Dish from Television owning households for a considerable period.

33. Making DD Free Dish to an addressable system would be injurious to public good. It shall require replacement of all Set Top Boxes purchased by the viewers at a nominal cost from the year 2005 onwards. Reportedly, the number of the Set Top Boxes is around 4.5 crores. The result will be all round chaos with signals of DD Free Dish being blacked out till the replacement exercise is completed.
34. Since inception, Akashvani and Doordarshan has been transmitting its program as Public Service Broadcasting and remained on free-to-air basis without creating any barrier for accessing it by public. Accordingly, Cabinet Committee permitted Prasar Bharti to run DD Free Dish, in free-to-air mode enabling Prasar Bharti to discharge its duty of Public Service Broadcasting. Any attempt to make DD Free Dish an addressable platform would create an entry barrier for general public to access public service broadcasting which is against the principle of Public Service Broadcasting.
35. Considering the unique nature of the DD Free Dish Platform, it being free to air, non-addressable, Set Top Box and Dish being available at a nominal price, there is no need at all for converting it into an addressable system.