

BROADCAST REGULATION FRAMEWORK IN INDIA



DISTRIBUTION PLATFORMS

- Terrestrial Broadcasting
- Oldest mode of broadcasting and not open for private operators.
- Monopoly is with Prasar Bharti, a Government of India company.
- It broadcasts a number of channels under the umbrella brand of 'Doordarshan', the only terrestrial broadcaster.

- As per the Constitution, legislative & executive power over 'Posts and telegraphs; telephones, wireless, broadcasting, and other like forms of communication' vests with the Union.

- **Indian Telegraph Act. 1885:** Principal pillar of the regulatory framework for communications.

- The Statute's legal rules and regulatory provisions are organized around the concept of 'telegraph'. This term is broadly defined and broad enough to include the most modern communication devices, irrespective of their underlying technology, including broadcasting services, satellite radio and the Internet.

- Section 4(I) of the Telegraph Act states that the Central Govt. has exclusive privilege of establishing, maintaining and working telegraphs within India.

- However, a proviso to Section 4(I) authorizes the Govt. to part with its privilege by granting a license to operate a telegraph.
- This proviso is the legal basis for the government to grant telegraph licenses to private entities and person to offer various communication services including Broadcasting.
- Wireless Telegraphy Act, 1933- License for Wireless Communication.

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- Policy, Licensing of broadcasting sector, Content regulations.

Ministry of Information Technology and Communications

- Registration of Cable Operators in Post Offices, Spectrum allocation, Telecom services.

TRAI

- Created by an Act of Parliament, Telecom Regulatory Authority of India Act, 1997,
- Broadcasting sector came under purview of TRAI in 2004.
- Carriage regulation including Tariff, Interconnection and Quality of Service is done by the Telecom Regulatory Authority of India. Content regulation is still done by the Ministry of Information & Broadcasting.

TDSAT

- Dispute settlement (original jurisdiction).
- Appeals.

BROADCASTING

- Registered Private Satellite TV channels- 800+
- Out of which 360 are news channels. Higher license fee and net worth requirements for news and current affairs channels
- Number of Multi System Operators- 7000, Number of Cable Operators- 60,000 +.
- 2 HITS permission holders.

CABLE NETWORK

- This mode of distribution consists of multi system operators (MSOs) and local cable operators (LCOs). The MSO gathers content from various broadcasters, and the LCO takes the feed from the MSO and further distribute.
- There are National level MSO who are present in many cities all across the country;
- State level MSOs who operate in particular state and Independent MSOs who operate in a city or an area of a city.
- Independent Cable Operators also exist in many parts of the country reaching direct to the subscribers. Some of the carry only FTA signals.

CABLE NETWORK

- To operate a cable television network, registration is required as cable operator, with the Head Post Master of the local post office.
- Regulated by the Cable Television Network (Regulation) Act, 1995 and the rules made thereunder.
- In a few major cities such as Chennai, Delhi, Mumbai and Kolkata, Conditional Access System (CAS), which uses a set top-box through an addressable system, to transmit TV channels in digital mode, has been implemented. In these cases, a cable operator would also need to procure permission from the MIB.

CABLE NETWORK

- No exclusivity of content: Broadcaster “must provide” signals on non-discriminatory basis to the distributors of various TV Platforms.
- Sharing of important sporting events of National importance with public broadcaster.
- Mandatory carriage of channels of public broadcaster and channels operated by or on behalf of Parliament.
- TV channels to be carried over any platform must have permission under uplinking and downlinking guidelines.
- ‘MustCarry’ provision for Hindi English and regional channels of the area concerned in Digital Addressable Cable TV systems.
- Detailed Quality of Service Regulations.

• Terrestrial Television Broadcasting by Doordarshan through its 1500 transmitters

and 66 Studio centers across the country

- 6 Private DTH Operators
- 248 private FM radio stations apart from All India Radio.
- 106 million Cable TV subscribers with million digital subscribers.
- DD Direct + public sector FTA DTH service.
- 251 community Radio stations.

QUALITY OF SERVICE

- Issuance of monthly bill and proper receipt.
- Bill should contain number of FTA and Pay channels.
- Provide information regarding change of channels in cable service to the customers.
- Taking the channels off air-notice is must by an advertisement in 2 local newspapers, and also may inform by running a scroll in the relevant channel.

QUALITY OF SERVICE

- Connection-within two working days of the completion of the formalities.
- Disconnection-written notice of at least 15 days.
- Shifting- five working days from the date of request .
- Complaints.
- At least 90% of “No Signal” calls received shall be corrected within 24 hours.
- At least 90% of all other types of complaints shall be corrected within 48 hours.

QUALITY OF SERVICE

- Broadcasters “must provide” content on non-discriminatory terms.
- Broadcasters to provide all channels on a-la-carte basis to cable and DTH platforms.
- Limits prescribed for relationship between a-la-carte and bouquet prices by broadcasters.
- Broadcasters directed to provide channels to DTH at reasonable rates.