



2024 AVIA Regulating for Growth – Pay TV Matrix for India

Questions	Pay TV	Foreshadowed changes?
<p>1. How regulated? <i>Details of regulator/s</i></p>	<p>Pay TV in India is regulated by the following:</p> <ol style="list-style-type: none"> 1. The Ministry of Information and Broadcasting (MIB) is responsible for policy making, permissions and licences, and content moderation. There are several units under the MIB that aid in such regulation including: <ol style="list-style-type: none"> a. Bureau of Outreach and Communication, which is <i>inter-alia</i> engaged in educating persons about the Government’s policies and programmes and aiding participation in developmental activities; and b. Electronic Media Monitoring Centre (EMMC), which is <i>inter-alia</i>, engaged in the monitoring of content aired on satellite TV channels to ensure compliance with the Programme Code and the Advertising Code under the Cable Television Networks Act, 1995 (CTN Act). 2. The Telecom Regulatory Authority of India (TRAI), a statutory body established under the Telecom Regulatory Authority Act, 1997 regulates the broadcast carriage services and issues orders, regulations, directions, recommendations and policies on tariffs, quality, interconnection etc. The TRAI also provides inputs to the MIB prior to policy formulation. 3. The Telecom Disputes Settlement and Appellate Tribunal (TDSAT), a dispute settlement forum for matters of original jurisdiction and appeals. 	<ol style="list-style-type: none"> 1. The MIB published the Broadcasting Services (Regulation) Bill, 2023 (draft Broadcast Bill) in November, 2023 for stakeholder comments, which provides for a consolidated framework for the broadcast sector. The period of consultation for the current draft Broadcast Bill has been extended till 15 October 2024. The current draft Broadcast Bill <i>inter-alia</i> stipulates: <ol style="list-style-type: none"> a. The procedure for registration of broadcasters and broadcast network operators. b. The obligations of broadcasters and broadcast network operators which includes transmission of programmes in compliance with law and non-interference of the broadcasting service with other services. c. Specific obligations for broadcast network operators to ensure transmission in encrypted form through digital addressable systems, publicising information on subscription rates, grievance redressal, standards of quality of services etc. d. Maintenance of records of programmes for a time period to be prescribed by the Government. e. Separate Programme Code and Advertising Code for different broadcast network operators. f. Self-regulation by broadcasters and broadcast network operators through the appointment of a grievance redressal officer, constitution of an internal Content Evaluation Committee, and becoming a part of a self-regulatory body approved by the government. Any grievance that has not been addressed per above will be referred to the Broadcast Advisory Council constituted by the Central Government.

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		<p data-bbox="1294 228 2004 284">g. Accessibility Guidelines for increased access of content for persons with disabilities.</p> <p data-bbox="1238 308 2004 363">The MIB, TRAI and TDSAT will continue to regulate the Pay TV sector under the proposed Broadcast Bill.</p> <p data-bbox="1238 387 2004 603">The MIB has also published a consultation paper on the National Broadcasting Policy seeking comments from stakeholders pertaining to <i>inter-alia</i> the method for calculation of economic contribution in the sector, increasing reach of affordable television, incentivising uplinking of television channels owned by foreign companies, from India, public service broadcasting, piracy and content security, audience measurement and ratings.</p> <p data-bbox="1238 627 2004 1423">1. The TRAI on 20 June 2024 released recommendations on 'Input for formulation of National Broadcasting Policy 2024 which <i>inter-alia</i> recommend: (i) establishing a robust broadcasting ecosystem by enabling growth oriented policies and regulations through data driven governance; (ii) enabling reach of broadcasting services to all and making India an 'Uplinking Hub'; (iii) harnessing the power of emerging technologies including in public service broadcasts; (iv) promoting and facilitating the growth of Indian content through films, animation, visual effects, gaming, music and state of the art post production infrastructure; (v) strengthening the enforcement mechanism under the Copyright Act, 1957 to combat piracy; (vi) creating incentive schemes to enable DPOs to provide televisions sets to districts with low density television penetration; (vii) mandating public service broadcasters to procure indigenous broadcasting technologies and equipment in prescribed proportion and incentivising DPOs to adopt the same; (viii) enabling development of startup ecosystem in the broadcasting sector by providing assistance through mentoring, networking, funding, and marketing the technology; (ix) simplifying and digitising the permissions process and adoption of growth-oriented rules and regulatory practices; (x) establishing transparent, credible, and technology equipped television audience measurement system that accurately reflects viewer preferences; and (xi) encouraging the use of</p>

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		technology driven solutions like Digital Rights Management, fingerprinting, encryption and digital watermarking, blockchain technology to combat piracy.
2. Copyright protection?	<p>The Copyright Act, 1957 grants protection to literary, dramatic, musical, artistic works, cinematograph films, and sound recordings and provides against unauthorised exploitation of such work by the public, save and except to the extent such use falls within the fair use exceptions set out in the Copyright Act. An "infringing copy" includes a sound recording or cinematographic film of a programme or performance with broadcast reproduction or performer's rights, made or imported without requisite consent.</p> <p>The Copyright Act provides both civil and criminal remedies for violation of copyrighted content.</p> <p>The term of copyright protection in the case of cinematograph films is 60 years counted from the date of publication of such film. With respect to its broadcast, a broadcaster shall have the right to: (i) rebroadcast its broadcast; (ii) cause the broadcast to be heard or seen for the payment of a fee; (iii) make any recording of the broadcast; (iv) make any reproduction of such recording or visual recording where such initial recording was done without a licence; or (v) sells or gives on commercial rental or offer for sale for any recordings set out at (iii) and (iv) above, for a period of 25 years from the beginning of the calendar year after the year of the initial broadcast.</p> <p>Further, any broadcasting organisation desirous of communicating to the public by way of broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to: (i) providing prior notice to the original copyright holder setting out the intended territory for broadcast and duration of the broadcast; (ii) payment of royalties to the original copyright owners as determined by the Commercial Court; (iii) announcing the names of the authors and principal performers with the broadcast; (iv) maintaining and providing records and books of account with respect to the content.</p>	<p>The draft Broadcast Bill stipulates a penalty of INR 1,00,00,000 for the first instance of copyright infringement and INR 50,000,000 for any subsequent infringement within 3 years from the original instance of infringement.</p> <p>The Parliamentary Standing Committee on Commerce had undertaken a review of the Intellectual Property Rights regime in India and presented its report to the Rajya Sabha and the Lok Sabha on 23 July 2021. The Committee <i>inter-alia</i> recommended for a separate category of rights for the protection of intellectual property rights in Artificial Intelligence generated works. The Committee also recommended a review of existing legislations such as the Copyright Act to account for emerging technologies such as artificial intelligence.</p> <p>After several stakeholders raised their concerns against persons using their news content to train AI models, the Ministry of Electronics and Information Technology stated the government will come up with fresh legislation to deal with artificial intelligence or will include this within the scope of the proposed Digital India Act which is slated to replace the Technology Act.</p>

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3. Convergence and new technologies	India has formally recognised the following kinds of Distribution Platform Operators (DPOs): Multi-System Operators (MSOs), Local Cable Operators (LCOs), Direct To Home (DTH) operators, IPTV service providers, and Headend-In-The-Sky (HITS), all regulated by the MIB and TRAI. Presently, there are no regulations for the convergence and emergence of new technologies.	<p>While the draft Broadcast Bill does make references to novel and emerging technologies in broadcasting, there is no regulation in status quo streamlined to address convergence of technologies.</p> <p>The consultation paper issued by TRAI however indicates that future legislations, amendments, regulations etc. may account for increased convergence of technology and services.</p> <p>In January 2023, TRAI issued a consultation paper seeking comments from stakeholders on issues pertaining to the regulation of converged digital technologies and services to assess whether the present regime of separate licences and distinct Ministries are capable of regulating carriage of broadcasting services and telecommunication services.</p> <p>The draft Broadcast Bill, 2023 was introduced by the Central Government with the intention of keeping pace with evolving technologies and introduces comprehensive definitions for contemporary broadcasting terms and to incorporate provisions for emerging broadcast technologies. The Broadcast Bill additionally identifies Over the Top Platforms as a broadcast network operator.</p>
4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i>	A company or LLP may apply on the MIB's Broadcast Seva Portal for the downlinking of a TV Channel in India subject to the payment of the fee per the Guidelines for Uplinking and Downlinking Television Channels, 2022 (Uplinking and Downlinking Guidelines) and fulfilling the criteria therein including compliance with the minimum net worth requirements, having a commercial presence in India, compliance with the foreign direct investment regulations etc. The Uplinking and Downlinking Guidelines allows for the downlinking of a channel only if the Company or the LLP has exclusive marketing and distribution rights in the territory of India.	<p>The draft Broadcast Bill stipulates that any person who intends to operate as a broadcaster by downlinking channels in India may apply for permission in the form to be prescribed by the Central Government and is subject to complying with the conditions to be prescribed by the Central Government.</p> <p>The Central Government has yet to issue any rules in this regard for public consultation.</p>
5. Licence fees and taxation	<p>Licence Fee</p> <p><u>Broadcasters of Satellite Television Channels:</u></p>	The draft Broadcast Bill stipulates that the Central Government shall have the power to make rules for carrying out the provisions of the draft Broadcast Bill related to <i>inter-alia</i> the eligibility requirements, terms and conditions, fees, and any other

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	<p>1. INR 10,000 per channel is paid as a non-refundable processing fee.</p> <p>2. INR 2,00,000 per channel as annual permission fee for uplink of a television channel.</p> <p>3. Company / LLP uplinking a television channel are also required to pay royalty to the Wireless Planning and Coordination (WPC) Committee for the use of the spectrum.</p> <p>4. INR 5,00,000 per channel as annual permission fee for downlinking of a television channel.</p> <p>5. INR 15,00,000 per channel as annual permission fee for downlinking of a television channel from outside India.</p> <p>6. INR 10,00,000 as registration fee for downlinking TV channels uplinked from other countries.</p> <p>7. INR 2,00,000 per channel as annual permission fee for uplinking of a foreign channel from Indian teleport.</p> <p>The period of permission for uplinking and downlinking television channels is 10 years at a time.</p> <p><u>Teleports:</u></p> <p>1. INR 10,000 per teleport is paid as a non-refundable processing fee.</p> <p>2. INR 2,00,000 per teleport as annual permission fee for operating a teleport.</p> <p>3. Teleport operators shall also be required to pay royalty to the WPC for the use of the spectrum.</p> <p>The period of permission for operating a teleport is 10 years.</p> <p><u>Multi System Operators (MSO):</u></p> <p>1. INR 1,00,000 as a non-refundable processing fee.</p>	<p>conditions as may be necessary for the registration of broadcasters and broadcast network operators under the draft bill.</p> <p>The Central Government has yet to issue any rules in this regard.</p>

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	<p>The period of permission is valid for 10 years.</p> <p><u>Direct to Home Operators (DTH):</u></p> <ol style="list-style-type: none"> 1. INR 10,00,00,000 as an initial non-refundable entry fee. 2. Annual License fee of 8% of the Adjusted Gross Revenue of the DTH operator subject to a minimum of INR 1,00,00,000. 3. DTH operators shall also be required to pay royalty to the WPC for the use of the spectrum. <p>The period of permission for the license to provide DTH services is 20 years.</p> <p><u>Headend in the Sky Operators (HITS):</u></p> <ol style="list-style-type: none"> 1. INR 1,00,000 as a non-refundable processing fee. 2. INR 10,00,00,000 as a non-refundable entry fee. 3. HITS operators shall also be required to pay royalty to the WPC for the use of the spectrum. <p>The period of permission of the licence to provide HITS services is 10 years.</p> <p>Taxation</p> <p>Statewise entertainment taxes were subsumed under the Goods and Service Tax (GST) regime which was introduced under the Goods and Services Tax Act, 2017 (GST Act). Accordingly, this has resulted in individual consumers bearing less tax liability compared to the previous regime. Currently 18% GST is payable for broadcasting services.</p>	
<p>6. Rate regulation <i>Including wholesale and retail rate regulation and whether there are any</i></p>	<p>Channel rates for Pay TV are regulated by TRAI and will be regulated by the Telecommunications (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017, which was amended on 8 July 2024, and will come into effect on 8 October 2024 wherein <i>inter-alia</i>:</p>	<p>Once the draft Broadcast Bill is notified, the Central Government shall have the power to make rules for carrying out the provisions of the Broadcast Bill related to <i>inter-alia</i> rate regulation.</p>

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<p><i>price controls on eg. basic tier</i></p>	<ol style="list-style-type: none"> 1. The maximum retail price (MRP) per month of such bouquet of pay channels shall not be less than 55% of the sum of the maximum retail prices per month of a-la-carte pay channels forming part of that bouquet. This was reduced from the initial 85% that will provide distribution platform operators greater liberty to price bouquets. 2. The MRP per month of a pay channel cannot exceed the monthly MRP of the bouquet containing that pay channel. 3. Only channels priced at less than INR 19 may be included in the bouquet. 4. The network capacity fee of INR 130 for 200 SD channels and INR 160 for more than 200 SD channels has been omitted, and DPOs are required to ensure that the network capacity fee charged for a second connection does not exceed the fee declared for the first connection. 5. A cap of INR 5,00,000 per month is imposed on the carriage fee payable by a broadcaster to DPO for carrying a channel. 6. A pay channel which is available without any subscription fee on DD Free Dish must be declared a free-to-air channel for distribution through all other distribution platforms, to ensure a level playing field. 7. DPOs must also prescribe the rates, per month, for platform services provided by the DPO. Platform services are programs transmitted by DPOs exclusively to their own subscribers but do not include DD channels, registered channels or foreign TV channels not registered in India. 	
<p>7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i></p>	<p>The CTN Act provides for the Central Government to direct TRAI to specify Free to Air channels providing a mix of entertainment, information, education, be included in a package of channels which shall be offered as the Basic Service Tier. The channels offered as part of such tier must also be offered by cable operators on an a-la-carte basis. Additionally:</p>	<p>Once the draft Broadcast Bill is notified, the Central Government shall have the power to make rules for carrying out the provisions of the draft Broadcast Bill related to <i>inter-alia</i> programme packaging. It remains to be seen if the draft Broadcast Bill will revamp the existing TRAI regulations or subsume the TRAI regulations in status quo.</p>

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	<ol style="list-style-type: none"> 1. The number of bouquets of pay channels can't exceed the number of pay channels offered. 2. DPOs may declare different NCFs based on: (i) geographical areas of service; (ii) number of channels offered by it; (iii) classes of consumers; and (iv) any combination of the above. 3. DPOs have the flexibility of offering promotional schemes at par with broadcasters. 4. DPOs must allow multi-TV home subscribers to choose a different set of channels for each TV connection. 	
<p>8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i></p>	<p>The Advertising Code under the CTN Act and the rules issued thereunder, require for advertisements to not: (i) deride any race, caste, colour, creed and nationality; (ii) breach any provision of the Constitution of India; (iii) incite people to commit a crime, cause disorder or violence; (iii) exploit the national emblem or any part of the Constitution or the personality of a national leader or State dignitary; (iv) exploit social evils like dowry or child marriage; and (v) directly or indirectly promote the consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants.</p> <p>Per the Cable Television Network Rules, 1994 (CTN Rules) and the Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations 2012:</p> <ol style="list-style-type: none"> 1. No programme can carry advertisements exceeding 12 minutes per hour, which may include up to 10 minutes of commercial advertisements and up to 2 minutes per hour of the respective channel's self-promotional programmes. 2. Broadcasters are required to report the duration of advertisements carried on their channels to TRAI on a quarterly basis. <p>In 2022, the Central Consumer Protection Authority published the guidelines on 'Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022' which <i>inter-alia</i> set out: (i) the conditions for a valid advertisement; (ii) the</p>	<p>The draft Broadcast Bill sets out that differentiated Advertisement Codes may be prescribed for programmes and advertisements broadcasting through linear broadcasting services, on demand broadcasting services, radio broadcasting services and any other category of broadcasting services notified by the Central Government. However, there have been no further notifications in this regard.</p> <p>Media reports further indicate that the Union Consumer Affairs Ministry will soon issue rules to curb surrogate advertisements by alcohol brands.</p>

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	<p>prohibition of surrogate advertising; (iii) conditions for advertisements targeted towards or employing children; and (iv) duties of persons to whom the guidelines apply.</p> <p>The MIB also issued an advisory directing newspapers, private satellite television channels, and digital media publishers of news and current affairs to refrain from publishing advertisements of online betting platforms.</p> <p>In October 2022 and April 2023, the MIB published advisories for entities to curb the broadcast of surrogate advertisements i.e., to indirectly promote product or service, advertisements for which have been restricted or prohibited by law.</p> <p>The Supreme Court had issued a directive in its order dated 7 May 2024, that all advertisers/ Advertising Agencies must submit a 'Self-Declaration Certificate' confirming their compliance with applicable laws before broadcasting any advertisement.</p> <p>MIB further clarified through their advisory, dated 3 July 2024, that the Self-Declaration requirement would apply only to the Food and Health sector. Advertisers and Advertising Agencies must upload annual self-declaration certificates on Broadcast Seva Portal for their TV or Radio advertisements, and to the Press Council of India for Print and Digital/Internet Advertisements. They are also to submit copies of the same to relevant broadcasters printers, publishers or electronic media platforms for them to maintain a record.</p>	
<p>9. (a) Content regulation <i>Including local content quotas, content control and insertion of classification and other content labels into international feeds</i></p>	<p>There are no local content quotas. Content on TV is divided into news and current affairs content and non-news and current affairs (general entertainment) content and advertisements. And is regulated as under:</p> <p>Non-News TV Channels</p> <ol style="list-style-type: none"> 1. The CTN Act and Rule 6 of the CTN Rules (the Programme Code) sets out guidelines to ensure that the content displayed is decent; does not incite violence, communalism; does not encourage superstitions; is not obscene or defamatory; does not showcase women or children in a derogatory fashion; is 	<p>The draft Broadcast Bill sets out that differentiated Programme Codes may be prescribed for programmes and advertisements broadcasting through linear broadcasting services, on demand broadcasting services, radio broadcasting services and any other category of broadcasting services notified by the Central Government.</p> <p>Further, the draft Broadcast Bill prescribes the 3-tier grievance redressal mechanism for all broadcasters and broadcast network operators, which will further increase the importance of the functions carried out by bodies such as the NBA and the IBF.</p>

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	<p>suitable for unrestricted public exhibition and doesn't contravene the provisions of the Cinematograph Act, 1952; and that content for adults should be broadcast after 11:00PM and before 6:00AM and ensure that there is no negative impact on children.</p> <ol style="list-style-type: none"> 2. The EMMC was established by the MIB for effective monitoring of content of various TV channels for violation of the provisions of the Programme Code or the Advertisement Code, CTN Act and CTN Rules, or any other laws of India. The EMMC reports violations to a committee of the MIB for scrutiny, which then examines the purported violations and forwards its findings to the IMC for further action. 3. State-level and District-level Monitoring Committees constituted by MIB to hear complaints on content carried locally and decide on violations. 4. The Self-Regulation Guidelines for General Entertainment and Non-News and Current Affairs TV channels (Self-Regulation Guidelines) and the Content Code and Certification Rules 2011 (Content Code) adopted by the Indian Broadcasting Foundation (IBF), a self-regulatory body, are applicable to all non-news broadcast programmes on TV by IBF members, setting out guidelines and good practices for service providers. 5. The Broadcasting Content Complaints Council (BCCC) set up by the IBF handles complaints filed against any programme broadcast on TV and can also initiate <i>suo moto</i> proceedings against any programme broadcast on a non-news and current affairs TV channel. The complaints received against a channel that is not a member of IBF are forwarded to MIB for appropriate action. <p>News and Current Affairs Television Channels</p> <ol style="list-style-type: none"> 1. The Code of Ethics and Broadcasting Standards (NBA Code) formulated by the News Broadcasters Association (NBA), a self-regulatory association, states principles and guidelines to 	<p>It is presently unclear if the EMMC and the BCCC will continue to carry out their functions. This may become clear upon notification of the draft Broadcast Bill and the rules thereunder.</p>

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	<p>be adhered to by NBA members in their news channel broadcasts.</p> <p>2. The News Broadcasting Standards Regulations (NBSR) of the NBA constitutes the News Broadcasting Standards Authority (NBSA) to enforce the compliance of the NBA Code and adjudicate disputes amongst members.</p>	
<p>9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i></p>	<p>Accessibility Standards for Television Programmes for Hearing Impaired issued by the MIB in 2019 <i>inter-alia</i> set out that:</p> <ol style="list-style-type: none"> 1. Broadcasters and DPOs (collectively, Service Providers) are required to deliver sub-titles/ closed captioning/ sign language across specified television programmes to ensure access of such programmes by hearing impaired persons. The Service Providers may choose one or more options from the above as suited to the format of the programme; 2. Subtitles, open/ closed captioning must be provided in the language as may be deemed feasible by the broadcaster (depending on factors such as region and target audience); 3. Where sign language interpretation is provided, service providers should be encouraged to provide it in a manner wherein the viewer can see the sign language as well as the facial expressions of the interpreter where necessary. The image of the interpreter should be super imposed on the original programme and should appear on the right-hand part of the screen and occupy at least 1/6th of the picture; 4. Foreign language television programmes should have closed captions in English or any other Indian language; 5. TV channels achieving an average audience share of all households over a 12-month period of less than 1% are excluded from providing accessible services. Further, content such as live sports, live news events, awards shows, music shows, debates, advertising content shall be exempt from such requirements; and 	<p>The MIB has taken several steps towards the increase of accessibility standards for viewing of filmed and television content. In 2022, as per the MIB, 62 TV news channels and 76 TV programmes have been made accessible for hearing-impaired persons. Further, Prasar Bharati carries sign language interpretation for its DD News channel and provides this feed to private satellite television channels for inclusion in their broadcast free of cost. Prasar Bharati has also been carrying live sign language interpretation of major sport events.</p> <p>The draft Broadcast Bill sets out that the MIB may issue guidelines so that broadcasting services are accessible to persons with disabilities. The MIB may prescribe requirements including: (i) supplementing video programmes with subtitles of size, colour and font as may be specified; (ii) supplementing video content audio description for the blind in such languages as may be specified; (iii) translating of audio content into sign language; (iv) requirement to submit an annual end to end compliance report to the Central Government; (v) establishing a complaints mechanism for persons with disabilities who are unable to access the content.</p>

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	6. Service Providers are required to indicate in the electronic programme guide as to what programmes/ channels have accessibility features.	
<p>10. Program supply restrictions</p> <p><i>Including must provide rules and other restrictions on exclusivity and anti-siphoning rules</i></p>	<p>Broadcasters must not enter into exclusivity agreements with any broadcaster to restrict the right to distribute the channel to any DPO(s). Accordingly, broadcasters must provide signals on a non-discriminatory basis to all DPOs upon request, save and except if the DPO has previously defaulted on payments to the broadcaster.</p> <p>If a broadcaster directly or indirectly proposes for a channel to be placed in any specified position in the programme guide or assigns a particular channel number as a pre-condition for providing signals, this will be deemed to be the imposition of an unreasonable condition.</p> <p>DPOs have the right to discontinue carrying television channels in the event the monthly subscription percentage for that channel is less than 5% of the monthly average subscriber base in each of the immediately preceding six consecutive months.</p> <p>Further, DPOs must publish <i>inter-alia</i> the following on its website:</p> <ol style="list-style-type: none"> 1. The total channel carrying capacity of the distribution network in terms of the number of SD channels; and 2. Spare channel capacity available on the network for the purpose of carrying signals of television channels. 	<p>It remains to be seen if the TRAI regulations will be revamped or subsumed as part of the draft Broadcast Bill.</p>
<p>11. Restrictions on FDI</p> <p><i>Including platforms and wholesale supply of programming and cross-media ownership restrictions</i></p>	<p>Per the Foreign Direct Investment Policy effective 15 October 2020:</p> <ol style="list-style-type: none"> 1. 100% FDI is permitted under the automatic route for investment in: (i) Teleports (setting up of up-linking HUBs/Teleports); (ii) DTH; (iii) Cable networks (MSO's operating at National or State or District level and undertaking upgradation of networks towards digitalisation and addressability); (iv) Cable Networks (other MSOs not undertaking upgradation towards digitalisation); (v) Mobile TV; and (vi) HITS. Infusion of foreign investment beyond 49% in 	<p>TRAI issued a consultation paper soliciting responses to several issues pertaining to cross media ownership including to criteria to determine ownership/ control, methods to determine market concentration, basis for classification of relevant geographic markets to determine concentration in media ownership and whether entities should be allowed to have interests in both broadcasting and distribution companies.</p> <p>Several stakeholders highlighted that structural regulations to monitor media ownership is violative of the right to freely disseminate and receive information in India and must accordingly</p>

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	<p>a company not seeking a license or permission from the sectoral Ministry, resulting in a change of ownership pattern by existing investor to a foreign investor will require government approval.</p> <ol style="list-style-type: none"> 2. 49% FDI is permitted under the government route for investment in uplinking of News & Current Affairs TV channels 3. 100% FDI is permitted under the automatic route for investment in uplinking of Non-News & Current Affairs TV channels and, or, downlinking of TV channels 4. The infusion of fresh foreign investment, beyond 49% in a company not seeking licence/permission from MIB, that results in change in the ownership pattern and, or/ transfer of shareholding to a foreign investor, requires government approval. 	<p>be avoided. It remains to be seen if the Government will impose any cross-media ownership restrictions given the increasing levels of convergence of technologies and services.</p>
<p>12. Retransmission arrangements <i>Including must carry and remuneration</i></p>	<p>Per the Uplinking and Downlinking Guidelines and the MIB's advisory on Obligation of Public Service Broadcasting, Private satellite TV channels must undertake public service broadcast for a minimum period of 30 minutes in a day on themes of national importance including education, health and family welfare, science and technology, welfare of weaker sections of society and welfare of women. The content need not be at a stretch and may be spread over smaller time slots but must not be broadcast between 0000 hrs to 0600 hrs. Foreign channels downlinking in India are exempt from the obligation of Public Service Broadcasting.</p> <p>The CTN Act and the rules and notifications thereunder require for DPOs using digital addressable system to mandatorily carry a total of 28 channels (i.e., 25 DD Channels, Sansad TV SD, Sansad TV HD, Sansad TV Rajya Sabha Channels). Further 11 regional DD channels are mandatorily required to be carried by DPOs if their services are limited to the state to which such regional channels pertain to. DPOs are not required to provide remuneration to channel owners for this transmission.</p>	<p>It remains to be seen if the TRAI regulations will be revamped or subsumed as part of the draft Broadcast Bill. The provisions pertaining to public service broadcasting under the Uplinking and Downlinking Guidelines will continue to apply unless the Central Government issues any subsequent notification in this regard.</p>

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	<p>Per the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati Act, 2007), all content owners and broadcasters must simultaneously share live broadcasting signals of sporting events of national importance as notified by the Government without advertisements with Prasar Bharati to enable them to retransmit the same through Prasar Bharati's own terrestrial networks and direct-to-home networks.</p>	
<p>13. Consumer protection <i>Including cooling-off period, termination rights and payment mechanism</i></p>	<p>The Telecommunications (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 stipulates <i>inter-alia</i> the following to protect consumers of Pay TV services:</p> <ol style="list-style-type: none"> 1. DPOs must operationalise subscriber management systems integrated with conditional access systems to ensure efficient and error free distribution of encrypted broadcasting signals by recording and providing individualised preferences for channels, billings and refunds. 2. DPOs must adopt consumer friendly methods including website and telephonic call to the customer care centre for requesting subscription of broadcasting services; 3. Every DPO or its linked local cable operator offering broadcasting services must devise a Consumer Application Form for the initial subscription to the services; 4. The one time activation fee or installation fee charged by a DPO is consistent, transparent and non discriminatory. The earlier limits of INR 100 and 350 respectively were removed. 5. DPOs must inform their subscribers if there is any change in the nature of a channel available on its platform at least 15 days prior to the scheduled change by running scrolls in the concerned channel; 6. If signals of a particular channel are continuously disrupted for a period exceeding 72 hours, the DPO should reduce the subscription charges of the subscriber by an amount 	<p>NA</p>

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	<p>equivalent to the proportionate distributor retail price and network capacity fee for such period of disruption;</p> <p>7. DPOs must not disconnect broadcasting services without giving at least 15 days prior notice to the subscriber;</p> <p>8. If broadcasting services are availed by a subscriber with a lock in period, or for advanced remuneration, the DPO will continue to provide the services for such period without any increase in the price of subscription;</p> <p>9. DPOs must publish details of all schemes for customer premises equipment along with other terms and conditions applicable to said schemes. Such information is also required to be relayed through the customer care programming service;</p> <p>10. DPOs must set up a customer care centre for addressing service requests and complaints and shall ensure that: (i) There is a toll free customer care numbers having sufficient connections and human resources to efficiently service the subscriber base; (ii) the customer care is accessible from 0800 to 2200 hrs on all days of the week; (iii) customer care provides support in regional languages; (iv) the DPO has an interactive voice response system with provision for complaint registration; and (v) the DPO has web based complaint management system. There are also prescribed timelines to address different types of complaints; DPOs who have less than 30,000 subscribers are exempt from the requirements of having an interactive voice response system for complaint registration and its own website with manual of practice, consumer corner etc.</p> <p>11. DPOs must allow the subscriber to access the television channels and bouquet of channels on its platform through a portal or a mobile application, and must allow for the subscriber to modify its subscription through such portal or mobile application.</p>	

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	<p>12. DPOs are required to appoint a nodal officer for the redressal of complaints of subscriber and furnish details of such person to TRAI.</p> <p>13. DPOs must display the MRP in the EPG against each pay channel available on its platform and may display the distributor retail price, for ease of comparison for the customers.</p> <p>14. DPO must ensure the privacy and protection of subscribers personal information.</p> <p>15. Every DPO must <i>inter-alia</i> furnish installation and activation charges, restoration charges, reactivation charges, visiting charges, relocation charges and respective maximum retail prices of the platform service channel, to TRAI.</p> <p>16. Penalties for failure to comply with the regulations extending up to INR 25,000 for the initial offence and INR 1,00,000 for repeat offenders. The penalties are also contingent on the quantum of the relevant DPOs subscriber base.</p>	
14. Entering a new market: FAST TV	There is currently no dedicated legislation applicable to Free Ad Supported Video Television in India. However, the channels to be broadcast on FAST TV must be in conformity with the regulations set out herein.	The draft Broadcast Bill references to novel and emerging technologies in broadcasting. Accordingly, it is likely that FAST TV services may be brought under the purview of the draft Broadcast Bill.
15. Data handling	<p>In August 2023, the Central Government published the Digital Personal Data Protection Act, 2023 (Data Protection Act), which is the first comprehensive data protection regulation in India. The provisions of the Data Protection Act will come into force subsequent to the Central Government notifying the provisions and issuing the rules under the Data Protection Act.</p> <p>Until such notification, privacy norms in India are set out in the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 which broadly provide that data should be processed with consent and in a lawful manner. There are no data localisation</p>	The Central Government is likely to notify the provisions of the Data Protection Act and issue the rules thereunder within the coming months. While the provisions broadly provide that data should be processed with consent and in a lawful manner, the Data Protection Act also provides for reasonable exceptions where such processing can take place without the consent of the concerned individual. The Data Protection Act also prescribes fines for breach of the Data Protection Act and the rules issued thereunder.

Questions	Pay TV	Foreshadowed changes?
	requirements in place save and except sector specific regulations unrelated to the subject matter of these matrices.	
Other country-specific information not already covered	NA.	NA