

22<sup>nd</sup> November, 2024

**Shri Deepak Sharma,  
Advisor (B&CS),  
Telecom Regulatory Authority of India (TRAI),  
New Delhi.**

**Subject: BIF's Comments on the TRAI Consultation Paper on Regulatory framework for Ground-based Broadcasters, dated 18 October 2024**

Dear Sir,

With reference to the subject mentioned, please find enclosed BIF's comments on the above-mentioned Consultation Paper.

We earnestly request your kind consideration in this regard.

Best Regards,



T.V. Ramachandran,  
President,  
Broadband India Forum.

## **BIF Response to TRAI CP on Regulatory Framework for Ground-based Broadcasters**

**Q1. For the purpose of regulatory framework for ground-based broadcasters, do you agree with the draft definition for broadcaster, programme, Satellite-based broadcasting and Ground-based broadcasting given below? If not, please suggest alternative definitions. Please elaborate your response with full justification.**

*"broadcaster" means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorization from the Central Government for its channels, is providing programming services;"*

*"programme" means any television broadcast and includes- exhibition of films, features, dramas, advertisement and serials; News & current affairs, Non-news & current affairs, educational content any audio or visual or audio-visual live performance or presentation, and the expression "programming service" shall be construed accordingly;"*

*"Satellite-based Broadcasting" means providing programming services using satellite-based communication medium for delivering channels to the distributors of television channels."*

*"Ground-Based Broadcasting" means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels."*

### **BIF RESPONSE**

A broadcaster who is broadcasting to the public through any technology should be called a Broadcaster because that entity is Broadcasting, i.e. communicating with the public. The medium of carriage (terrestrial or satellite), should not change the definition of Broadcasting under the Act. Hence, we are of the view that there should be one common definition of Broadcasting, notwithstanding the medium of distribution.

**Q2. Should there be any Distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.**

### **BIF RESPONSE**

No - In principle there should be no distinction in the Regulatory Framework between GBBs and SBBs.

It is important to bear in mind that GBBs are not restricted to a single technology as in the case with Satellite Based Broadcasters (SBBs). They use potentially a number of transmission mediums which include fiber, terrestrial wireless technologies viz. ATSC or even Cellular Mobile based technologies viz. 5G Broadcast, which are quite distinct from Satellite Based Broadcasting. They do not demand that all Channels be uplinked and downlinked through a Teleport/Hub to the Satellite and be broadcast or transmitted to multiple Distribution Platform Operators (DPOs) for further retransmission.

Since, Ground Based Broadcasters are not operating using satellite technology, therefore, the relevant clauses pertaining to Satellite DL & UL may be exempted from the current Uplinking and Downlinking guidelines. However, the rest of the clauses should be made applicable to them, viz. all the other clauses of the DL & UL guidelines viz. Net Worth, Directors requirement, etc , and compliance to the other regulations like the Cable TV Act including its Amendments, Programming and Advertising Code prescribed by MIB and respective Interconnect, Tariff and QoS regulations prescribed by TRAI, should all be made applicable to GBBs, depending on their reach , area of coverage ,etc

**Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.**

### **BIF RESPONSE**

Yes, in principle all terrestrial transmission mediums (excluding satellite) should be permitted. A broadcaster who is broadcasting to the general public through any technology should be called a Broadcaster because that entity is Broadcasting, i.e. communicating with the public. The medium of carriage (terrestrial or satellite), should not change the definition of Broadcasting under the Act. Since Indian broadcasting sector is at a crucial stage where it needs to embrace new and better ways of transmitting., hence the government should allow TV channels to be broadcast via cloud, fibre or broadband. Transitioning to cloud, fibre, and broadband broadcasting is a forward-thinking approach that addresses the limitations of satellite space, reduces costs, and embraces technological advancements, while providing better viewing option to the consumers. It offers improved quality, scalability, and flexibility, while also supporting regional diversity.

For the future growth and modernization of India's television broadcast industry, it is imperative that the government facilitates this transition by removing the condition of "mandatory" satellite based uplinking and downlinking in the Broadcasting Guidelines and adding the option of using Fibre/Cloud/broadband for content delivery.

**Q4. Whether GBBs should be permitted/authorised to provide services in two separate categories i.e. (i) at State level, and (ii) at National level? If State level category for GBB are considered, then should such State level GBB may be allowed to obtain separate permissions/ authorisations in more than one State or there may be some ceiling on number of State-wise**

**permissions/authorisations beyond which national level permission/authorisation must be obtained?**

**BIF RESPONSE**

Yes. GBBs should be provided the choice of providing services either at the National or at the State level. This would depend on his target audience, and reach and his scale of operations.

The permission taking process must be uniform, simple and through a single dedicated online portal.

**Q5. An SBB pays a cumulative annual permission fee of Rs. 7 lakhs (Rs. 2 lakhs for uplinking + Rs. 5 lakhs for downlinking) per channel. Whether GBB should be mandated to pay the same amount of annual fee of Rs. 7 lakhs per channel? If not, what should be the annual fee for GBBs? Please provide detailed justification for your response.**

**BIF RESPONSE**

In principle, GBBs and SSBs should be treated at par. The annual permission fee for GBBs should be at par with SBBs at Rs. 7Lakhs per year.

Net Worth requirement for all broadcasters- both SBBs and GBBs, maybe relaxed so that they do not serve as entry barriers and the entrepreneurs, who are creating content and working on small scale, can make their business viable.

**Q6. Provisions for teleport/teleport hub exists in the uplinking/ downlinking Guidelines 2022 for broadcaster using satellite communication. Whether similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of TV channels by GBBs? If so, what should be the corresponding provisions? Please elaborate with justification.**

**BIF RESPONSE**

No. Since a GBB can use its servers to directly deliver content through terrestrial transmission mediums to DPOs for distribution of TV Channels; therefore, in case of GBBs, provisions for any teleport hub or gateway is not required.

**Q7. If a GBB is permitted to operate at State level, then what should the regulatory provisions for a GBB operating at State level which include:**

- a) Processing Fee**
- b) Annual Fee**
- c) Net worth Requirement**
- d) Performance Bank Guarantee (PBG)**
- e) Other regulatory provisions**

## **BIF RESPONSE**

While the National level GBBs may be subjected to same regulatory provisions as SBBs, the smaller GBBs or state or regional level GBBs may be subjected to less onerous and light touch regulations in terms of proportionate reduction in Processing Fees, Annual Fees, Networth, PBGs, etc. This would help in encouraging smaller players and entrepreneurs who wish to enter the market and offer local/regional content to communities, etc.

**Q8. Whether the extant Tariff Order, Interconnection Regulation and Quality of Service Regulation may be applied mutatis mutandis to GBB? Please explicitly indicate, if any modifications are required in the said Tariff Order, Interconnection Regulation or Quality of service Regulation for GBBs.**

## **BIF RESPONSE**

Yes. the Tariff Order, Interconnection Regulation and QoS regulation, as laid down by extant TRAI framework should apply in a similar manner to GBBs.

The above-mentioned existing framework also mandates "Must Carry" and "Must Provide" provisions. The "Must Carry" provision mandates Distribution Platform Operators (DPOs) to carry specific channels on fair terms, while the "Must Provide" provision obligates broadcasters to make their channels available to DPOs on fair terms. These provisions ensure a balanced, fair, and competitive broadcasting environment while promoting consumer access to diverse content.

Since the "Must Carry" and "Must Provide" provisions as part of the extant TRAI Regulatory framework are mandated for all Broadcasters, the same must be applicable for GBBs too. However, while the same may be uniformly applicable to all Broadcasters, for the smaller broadcasters viz. those catering to local/regional/communities only, the terms may be relaxed.

In case the Broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, TRAI must intervene and help by relaxing the 'Must carry' provisions for such smaller broadcasters, so that it does not impose additional costs upon them, which may make them unviable.

In both the situations, the extant Tariff Order, Quality of Service Regulation and Interconnection Regulation maybe applied to GBBs, as is applicable to SBBs.

**Q9. (a) The extant interconnection regulation provides for "Must Carry" and "Must Provide" regime. In case of GBB, whether the same regime should be made applicable?**

**Q9. (b) Normally, the cost of bandwidth / any other additional cost involved should be borne by both the parties based on a mutual agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, since the 'Must carry' provision is exercised by the broadcaster, therefore they should bear the cost of**

**bandwidth between broadcasters and DPOs/ any additional cost and similarly, since the 'Must provide' provision is exercised by DPO, therefore DPO should bear bandwidth cost/ any additional cost involved. Do you agree with the above approach? If not, who should bear the cost in both the cases? Please provide detailed justification for your response.**

### **BIF RESPONSE**

9 (a): Yes - the same "Must Carry" and the "Must Provide" provisions under the current TRAI Regulatory framework, must be made applicable for GBBs, albeit with suitable relaxations for small GBBs, as mentioned in response to Q8 above.

GBBs should be required to sign interconnection agreements with DPOs. This will clarify the terms of service, demonstrate non-discriminatory practices, and reduce disputes, thus enhancing transparency within the sector. However, in case any dispute arises between the two, then TRAI may kindly intervene to relax the regulatory provisions, especially for the smaller broadcasters or those serving local /regional /communities.

9 (b): Since the "Must Carry" and "Must Provide" provisions as part of the extant TRAI Regulatory framework are mandated for all Broadcasters, the same must be applicable for GBBs too. However, while the same may be uniformly applicable to all Broadcasters, for the smaller broadcasters viz. those catering to local/regional/communities only, the terms may be relaxed.

In case the Broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, TRAI must intervene and help by relaxing the 'Must carry' provisions for such smaller broadcasters, so that it does not impose additional costs upon them, which may make them unviable.

**Q10. In case a SBB wishes to switch to terrestrial-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?**

### **BIF RESPONSE**

For a Hybrid mode (Some channels on Satellite and some on Ground based media) of transmission or a switchover from one mode to another, the below mentioned regulatory framework maybe adopted:

- a) If an existing Satellite based broadcaster (SBB) having obtained permission under the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 wishes to switch to GBB mode to distribute a channel/channels to DPOs, then since as an SBB, it is already permitted to operate nationwide, therefore, no additional obligations/fees may be imposed on such SBBs. However, such SBBs may only be required to intimate MIB/TRAI, say at least 60 days in advance prior to use of any terrestrial communication medium(s) for providing programming services.

- b) In case a Ground-based broadcaster (GBB) for a channel wishes to switch to satellite-based broadcasting, then it may be necessary for a GBB to intimate MIB, say at least 60 days in advance, and seek necessary clearances/permissions as applicable for SBBs from WPC and other DOT departments
- c) In case of a scenario where a broadcaster (GBB/SBB) wishes to use both satellite and terrestrial transmission technologies to provide their channels to the DPOs, Broadcasters may be permitted to operate both as SBB and GBB simultaneously, provided they obtain the necessary permission/authorization for both satellite-based broadcasting and ground-based broadcasting as well as obtain the requisite spectrum bands for satellite operations and/or terrestrial wireless operations from WPC/DoT. Broadcasters must ensure that they meet all obligations/conditions for each transmission medium independently.

This will ensure that regulatory integrity and fairness is maintained across the entire broadcasting sector and is technology/medium agnostic.

**Q11.** In case a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?

### **BIF RESPONSE**

Response given in Q10 above

**Q12. In case a broadcaster (SBB/GBB) wishes to use both satellite and terrestrial transmission technology to provide their channels to the DPOs, what should be the regulatory provisions for such broadcaster(s)? Should they require separate permissions and pay additional annual permission fees, processing fees, etc. for the above scenarios? Please provide detailed justification for your response.**

### **BIF RESPONSE**

Response given in Q10 above

**Q13. What should be the Regulatory Framework/Guidelines for Ground based broadcasters vis-à-vis 'Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022'? Please provide detailed justification for your response.**

### **BIF RESPONSE**

Regulatory Framework for Ground Based Broadcasters:

The existing Guidelines for Uplinking and Downlinking of Satellite TV Channels in India, 2022 provides a comprehensive regulatory structure for satellite-based

broadcasters, covering aspects such as eligibility conditions, licensing procedures, fee structure, roll-out obligations, performance bank guarantees, content regulation, and compliance with Foreign Direct Investment (FDI) policies, etc.

However, with the emergence of GBBs, which utilize technologies such as cloud platforms, broadband, and cable/fibre for content distribution, it is essential to evaluate as to what amendments are required in the existing Guidelines for uplinking and downlinking of Satellite TV Channel in India, 2022, to accommodate GBB's unique operational model.

In its recommendations on the "Regulatory Framework for Platform Services" dated November 19, 2014, TRAI had proposed a foundational framework for regulating Ground-Based Broadcasters (GBBs) in India. The recommendations had emphasized that the regulatory framework for GBBs should be aligned as far as possible with the existing Uplinking and Downlinking Guidelines applicable for satellite-based broadcasters, with necessary adjustments for the ground-based broadcast model. We are in agreement with this approach, subject to certain caveats for smaller broadcasters who are operating at local/state/community level for Ease of Doing Business.

**Q14. Whether the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite communications, be made applicable to ground-based broadcaster or do they need any modifications? In case you are of the opinion that modifications are required in existing uplinking/downlinking guidelines 2022, then please provide your comments with reasons thereof on amendments [including any additional restriction(s)/condition(s)] required for Ground based broadcasters.**

**The stakeholders must provide their comments in the format specified in Table 1 explicitly indicating the existing clause, suggested amendment and/or additional condition/restriction and the reason/full justification for such amendment(s)/addition(s) for Ground based broadcasters.**

**Table 1: Format for stakeholders' response on amendments required in existing uplinking/downlinking guidelines for Ground based broadcasters.**

<b>S. No.</b>	<b>Clause number of the existing uplinking/downlinking guidelines (1)</b>	<b>Provisions of the existing uplinking/downlinking guidelines (2)</b>	<b>Amendment/ additional provision(s) (conditions and/or restrictions) suggested by the stakeholder (3)</b>	<b>Reasons/ full justification for the proposed amendment (4)</b>
<b>1</b>				
<b>2</b>				



***(Note: In case additional provision(s) (conditions/restrictions) is/are proposed column (1) and (2) may be left blank)***

**BIF RESPONSE**

BIF is of the view that all the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite spectrum which mainly pertains to uplinking and downlinking and WPC permissions , should be made applicable to ground-based broadcasters.

**Q15. Stakeholders may also like to provide their comments on any other issue relevant to the present consultation along with justification.**

**BIF RESPONSE**

No Comments

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