



To,

**Shri Sanjeev Kumar Sharma,**  
**Advisor (Broadband and Policy Analysis)**  
**Telecom Regulatory Authority of India**

**Subject:** Comments/Observations on behalf of DEN Networks Limited on the Consultation Paper on “Regulating Converged Digital Technologies and Services - Enabling Convergence of Carriage of Broadcasting and Telecommunication services” dated 30.01.2023 (“CP”).

**Dear Sir,**

We would like to express our gratitude for providing us with the opportunity to share our observations on the Consultation Paper.

At the outset, it is noted that the comments in this paper are premised on our understanding of the broadcasting and cable TV industry practices, its gradual growth over the decade and the current legislative structure. We humbly acknowledge and appreciate the efforts that the Authority has put forth in initiating a CP on such a significant issue that is in relation to the Converged Digital Technologies and Services - Enabling Convergence of Carriage of Broadcasting and Telecommunication services.

The broadcasting industry has undergone significant changes and transformations over recent years, driven by a range of technological, economic, and social factors. Some of the key trends and developments in the industry include:

**The shift towards digital platforms:** One of the biggest changes in the broadcasting industry has been the shift towards digital platforms, driven by the widespread adoption of the internet and mobile devices. This has enabled new forms of content distribution and consumption, such as streaming services and video-on-demand. The industry is severely struggling with unjust Pay TV channel prices from broadcasters, non-regulated Over the top (OTT) applications and unencrypted Free Dish.

**Fragmentation of audiences:** As consumers have more choice in terms of what they

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watch and how they watch it, the traditional broadcasting model has become more fragmented. This has led to a decline in the dominance of traditional broadcasters and the rise of new players in the market. Cable TV industry had lost nearly 40 million customers in last 4 years i.e., from 110 million to 70 million, nearly 70,000 local cable operators (LCOs) have shut their businesses, around 900 MSOs have become non-operational, and 2.5 lakh people had lost their job.

**Increased competition:** The rise of digital platforms has also led to increased competition in the broadcasting industry, as companies vie for viewers and advertising revenue. This has led to a more crowded and complex market, with new players entering the market and existing players diversifying their offerings.

**Changing business models:** The traditional business models of the broadcasting industry have also come under pressure, as companies look to adapt to the new digital landscape. This has led to the emergence of new revenue models, such as subscription-based services and pay-per-view models.

Thanking You  
Yours Faithfully

  
**DEN NETWORKS LIMITED**

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## **Issues for Consultation**

**Q1. Whether the present laws are adequate to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how?**

**OR**

**Whether the existing laws need to be amended to bring in synergies amongst different acts to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain with reasons and what amendments are required?**

**OR**

**Whether there is a need for having a comprehensive/converged legal framework (separate Comprehensive Code) to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, provide details of the suggested comprehensive code.**

**Response:** We would like to inform the authority that we are in support of the view of the Honourable Ministry of Information and Broadcasting Notice no. 8/13/2021-BP&L dated 4<sup>th</sup>October 2022(Refer Annexure A), wherein Honourable Ministry has categorically highlighted that there is no need of convergence of carriage of broadcasting services and telecommunication services. Honourable Ministry letter para (six)6 states as:

*“The need of the hour is not to bring in further disturbances but to re-engineer business processes such that there is ease and convenience of doing business for these entities. The regulatory convergence in the broadcasting sector is being achieved through the “Ease of doing business model” by creating a single platform in the form of “Broadcast seva portal” on which all the stakeholders/ministries/departments are integrated as a single window for all licensing, permissions and reporting requirements.....”*

We would like to emphasize that convergence is not necessary, and that maintaining separate regulatory frameworks for broadcasting and telecommunications services is important to ensure diversity of content and protect the interests of consumers. In addition, convergence could lead to a concentration of power in the hands of a small

number of large companies, reducing competition and innovation in the market. The convergence will have the following impact:

**1. Reduced diversity of content:** If broadcasting and telecommunications services converge, there is a risk that a small number of large companies will dominate the market, leading to a reduction in diversity of content. This could be particularly problematic in areas such as news and current affairs, where a range of perspectives and viewpoints is essential for maintaining a healthy democracy.

**2. Loss of local content:** Convergence could also lead to a reduction in locally produced content, as large companies may focus on producing content that appeal to a broader, global audience. This could be particularly problematic for smaller, regional broadcasters, which may struggle to compete with larger companies.

**3. Regulatory challenges:** Convergence may also present regulatory challenges, as it can be difficult to regulate new, integrated services that combine elements of broadcasting and telecommunications. This could lead to a lack of clarity around issues such as content standards, advertising, and data privacy. Broadcasting and Telecommunications industry works on different regulatory frameworks.

The current legal framework for broadcasting services in India is governed by the Cable Television Networks (Regulation) Act, 1995 (CTN Act) and the Telecom Regulatory Authority of India (TRAI) Act, 1997. The CTN Act regulates the operation of cable television networks and provides for the registration of cable operators, the regulation of content and advertising, and the resolution of disputes. The TRAI Act establishes the Telecom Regulatory Authority of India (TRAI), which is responsible for regulating the telecom and broadcasting sectors. The convergence of carriage distribution (DTH and Cable) platform and Telecommunications services might be viable for Telecom operators; however, the same is not viable for MSOs. In addition, there is a one-way communication in Cable Television Network technology, while for providing telecommunication services; interactive two-way signal technology is used. Therefore, MSOs/LCOs cannot utilize their cable TV networks for providing mobile telecommunication services, as the same is not viable for them without making substantial investments in technological upgradations.

**4. Technology and infrastructure challenges:** Convergence may also require significant investment in new technology and infrastructure for creating infrastructure related to spectrum, development of RAN/CORE network, installation of BTSs and for development of large teams for operations, particularly if companies

are looking to offer high quality, reliable services across a range of platforms and devices. This could be particularly challenging for smaller companies, which may struggle to compete with larger, more established players.

Therefore, we would like to suggest to the authority to maintain the status- quo and not to converge broadcasting and telecommunication services since both the industry are completely different from each other in terms of the industry framework and regulations. In addition, a convergence of both the industry will lead to loss of employment and revenue to the Cable TV industry.

We would also to bring attention of the authority towards loss to the Cable TV industry wherein on an average the industry has lost nearly 40 million customers in last 4 years i.e., from 110 million to 70 million, thereby leading to closure of business of nearly 70,000 local cable operators (LCOs), around 900 MSOs becoming non-operational, and 2.5 lakh people losing their job and not only this , In addition of this, the industry competing with unjust Pay TV channel prices from broadcasters, non-regulated Over the top (OTT) applications and unencrypted Free Dish.

With the present scenario, wherein Cable TV industry is struggling hard for its sustenance, the continuously changing regulatory landscape, convergence of licensing & regulatory framework between telecommunication and broadcasting will only create significant delay in government decisions regarding crucial reforms required for the industry to help it to survive.

**Q 2. Whether the present regime of separate licenses and distinct administrative establishments under different ministries for processing and taking decisions on licensing issues, are able to adequately handle convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how?**

**If no, what should be the suggested alternative licensing and Administrative framework/architecture/establishment that facilitates the orderly growth of telecom and broadcasting sectors while handling challenges being posed by convergence? Please provide details.**

**Response:** We would like to state that the status quo should be maintained wherein separate licenses and distinct administrative establishments under different ministries for processing and taking decisions on licensing issues are handled by

Honourable Ministry of Information and Broadcasting as per the “Allocation of Business Rules”. The convergence of broadcasting and telecommunication services would lead to annihilation of cable industry and the following problems will be faced by the Multi System Operators( MSOs).

**Upgrading Infrastructure:** MSOs will have to upgrade their existing infrastructure to provide telecommunications services such as broadband internet, voice over IP (VoIP), and mobile services. This will require a significant investment in new technology and infrastructure.

**Regulatory Compliance:** MSOs will need to comply with the regulatory requirements of the telecommunications industry. The regulations for the telecommunications industry are different from those of the cable television industry, and MSOs may need to obtain new licenses and permits to operate in the new industry.

**Competition:** The telecommunications industry is highly competitive, and MSOs will have to compete with established players in the market. This can be a challenge for smaller MSOs who may not have the financial resources to compete effectively.

**Customer Service:** The telecommunications industry has a different customer service model than the cable television industry. MSOs will need to develop new customer service processes to meet the expectations of their new customers.

**Technological Advances:** The telecommunications industry is rapidly evolving, and MSOs will need to keep up with the latest technological advances to remain competitive. This can be challenging for smaller MSOs who may not have the resources to invest in research and development.

In conclusion, MSOs will need to invest in new technology and infrastructure, comply with regulatory requirements, compete with established players, develop new customer service processes, and keep up with technological advances to succeed in the new industry that will have an adverse impact on many industries.

### **Q3. How various institutional establishment dealing with –**

**(a) Standardization, testing and certification.**

**(b) Training and Skilling.**

**(c) Research & Development; and**

**(d) Promotion of industries**

**under different ministries can be synergized effectively to serve in the converged era. Please provide institution wise details along with justification.**

**Response:** : (a) Standardization, testing and certification-The standardization, testing, and certification of broadcasting equipment and services are important aspects of the broadcasting era. In India, there are several institutions under different ministries that are responsible for these functions.

**1. Bureau of Indian Standards (BIS):** The Bureau of Indian Standards, under the Ministry of Consumer Affairs, Food, and Public Distribution, is responsible for the development of technical standards for different products and services, including broadcasting equipment. BIS has developed standards for different types of broadcasting equipment, such as digital set-top boxes, television sets, and antenna systems. These standards help ensure that the equipment meets certain quality and safety standards.

**2. Electronics Test and Development Centre (ETDC):** The Electronics Test and Development Centre, under the Ministry of Electronics and Information Technology, is responsible for testing and certification of electronic products, including broadcasting equipment. ETDC conducts testing of broadcasting equipment to ensure that they meet the technical standards set by BIS and other regulatory bodies.

**3. Central Board of Excise and Customs (CBEC):** The Central Board of Excise and Customs, under the Ministry of Finance, is responsible for the certification of imported broadcasting equipment. CBEC ensures that imported equipment meets the technical standards set by BIS and other regulatory bodies.

**4. Ministry of Information and Broadcasting (MIB):** The Ministry of Information and Broadcasting is responsible for the overall regulation of the broadcasting industry in India. MIB has set up the Broadcast Engineering Consultants India Limited (BECIL) to provide technical consultancy and testing services for broadcasting equipment. BECIL provides testing and certification services for different types of broadcasting equipment, such as satellite uplink and downlink equipment, studio equipment, and transmission equipment.

In conclusion, various institutions under different ministries in India are dealing with the standardization, testing, and certification of broadcasting equipment and services in the broadcasting era. These institutions have different roles and responsibilities, such as developing technical standards, testing and certification of

equipment, and providing technical consultancy services. Together, they help ensure that broadcasting equipment and services meet certain quality and safety standards, which is crucial for the growth and development of the broadcasting industry in India.

**(b) Training and Skilling**-The converged broadcasting era requires professionals with specialized skills and knowledge to work in the broadcasting industry. In India, there are several institutions under different ministries that are responsible for providing training and upskilling programs to meet the demands of the industry. These institutions include:

**1.National Skill Development Corporation (NSDC):** The National Skill Development Corporation, under the Ministry of Skill Development and Entrepreneurship, is responsible for promoting skill development and training programs across different sectors, including broadcasting. NSDC has launched several programs in partnership with industry players to provide training and upskilling programs to individuals interested in working in the broadcasting industry.

**2.Indian Institute of Mass Communication (IIMC):** The Indian Institute of Mass Communication, under the Ministry of Information and Broadcasting, is a premier institution for training and education in the field of mass communication, including broadcasting. IIMC offers various courses in different areas of broadcasting, such as television journalism, radio production, and new media.

**3.Prasar Bharati Training Institute (PBTI):** Prasar Bharati Training Institute, under the Ministry of Information and Broadcasting, is responsible for providing training and skill development programs to employees of Prasar Bharati, India's public broadcasting agency. PBTI offers courses in different areas of broadcasting, such as television production, radio programming, and transmission engineering.

**4.Broadcast Engineering Consultants India Limited (BECIL):** The Broadcast Engineering Consultants India Limited, under the Ministry of Information and Broadcasting, provides technical consultancy and training services to the broadcasting industry. BECIL offers training programs in different areas of broadcasting, such as satellite uplink and downlink operations, studio production, and transmission engineering.



In conclusion, various institutions under different ministries in India are dealing with training and upskilling programs in the broadcasting era. These institutions offer a wide range of courses and programs to meet the demands of the industry and help professionals acquire the specialized skills and knowledge required to work in the broadcasting industry.

**(c) Research & Development; and**

**(d) Promotion of industries**

In India, there are several institutions under different ministries that are responsible for research and development and promotion of industries in the broadcasting era. These institutions include:

**1.Ministry of Information and Broadcasting (MIB):** The Ministry of Information and Broadcasting is responsible for the overall regulation of the broadcasting industry in India. MIB promotes research and development in the broadcasting industry by setting up various committees and councils to study the different aspects of the industry, such as content regulation, digitalization, and technological advancements. MIB also provides support for the development of the industry by launching various schemes and initiatives, such as the Community Radio Scheme Digital India, and Make in India.

**2.Department of Telecommunications (DoT):** The Department of Telecommunications, under the Ministry of Communications, is responsible for the regulation of the telecommunications industry, which includes broadcasting. DoT promotes research and development in the broadcasting industry by supporting various research and development projects in the field of telecommunications, such as the development of digital broadcast standards, spectrum management, and satellite communication.

**3.Centre for Development of Telematics (C-DOT):** The Centre for Development of Telematics, under the Ministry of Communications, is a research and development organization that develops indigenous technology solutions in the telecommunications sector, including broadcasting. C-DOT has developed several technologies for the broadcasting industry, such as digital set-top boxes, satellite-based broadcast systems, and radio frequency identification systems.

**4.Broadcast Engineering Consultants India Limited (BECIL):** The Broadcast Engineering Consultants India Limited, under the Ministry of Information and

Broadcasting, provides technical consultancy services to the broadcasting industry. BECIL promotes research and development in the industry by conducting research and development projects in different areas of broadcasting, such as digital broadcast technology, broadcast automation, and multimedia applications.

In conclusion, various institutions under different ministries in India are dealing with research and development and promotion of industries in the broadcasting era. These institutions promote research and development in the industry by supporting various research projects and initiatives developing indigenous technology solutions, and providing technical consultancy services to the industry. These efforts help in the growth and development of the broadcasting industry in India.

We would like to reiterate that both services -Broadcasting and Telecommunication are different from each other and require different skillset, knowledge and training. The above-mentioned institutional administrations under various ministries are dealing with broadcasting industry for Standardization, testing and certification, Training and Skilling, Research & Development; and Promotion of industries. The convergence of it might lead to concentration of power in few players, loss of competition in the industry thereby leading to monopoly by them.

**Q4. What steps are required to be taken for establishing a unified policy framework and spectrum management regime for the carriage of broadcasting services and telecommunication services? Kindly provide details with justification.**

**Q5. Beyond restructuring of legal, licensing, and regulatory frameworks of carriage of broadcasting services and telecommunication services, whether other issues also need to be addressed for reaping the benefits of convergence holistically? What other issues would need addressing? Please provide full details with suggested changes, if any.**

**Response:** We would like to inform the authority that Question no 4-5 does not accounts for any response in view of the response given on the consultation paper as we would like to reiterate once again that both services -Broadcasting and Telecommunication are different from each other and require different skillset, knowledge and training. The convergence of broadcasting and telecommunication

services might lead to concentration of power in few players, loss of competition in the industry thereby leading to monopoly by them.

**ANNEXURE III (Chapter 2/Para no. 2.48)**

**Views of MIB on DoT reference**

**No. 8/13/2021-BP&L  
Government of India  
Ministry of Information & Broadcasting**

Shastri Bhawan, New Delhi  
Dated, the 04<sup>th</sup> October, 2022.

To

The Secretary,  
Telecom Regulatory Authority of India (TRAI),  
Mahanagar Doorsanchar Bhawan,  
Jawahar Lal Nehru Marg,  
New Delhi-110002.

**Sub: DoT's Reference dated 20.10.2021 on Convergence of carriage of Broadcasting Services and Telecommunication Services- regarding.**

Sir,

I am directed to refer to TRAI's letter no. R-3/5/(3)/2021-BBPA dated 05.09.2022 on the above mentioned subject asking for inputs on "Revising regulatory regime in respect of DTH and Cable TV services holistically addressing all Institutional, regulatory and legal aspects" and to say that as per the '**Allocation of Business Rules**', the matters relating to broadcasting has been allocated to the Ministry of Information and Broadcasting (MIB).

2. This Ministry, therefore, governs policies and legal framework for broadcasting sector through various Acts/Rules/Guidelines etc. which inter-alia include Cable Television Network (Regulation) Act, DTH guidelines, HITS guidelines, Guidelines for uplinking/ downlinking of TV channels etc. This Ministry is also in the process of amending CTN Act to bring all the different broadcasting carriage platforms under its ambit, in order to holistically address all institutional, regulatory and legal aspects of broadcasting services under a unified Act.

3. Further, Telecom Regulatory Authority of India (TRAI) is a common regulator for the carriage segment of Telecommunication and Broadcasting Sector. It has been giving recommendations suo-moto or on reference from the M/o I&B, on various aspects of broadcasting like carriage platforms, foreign investment provisions, license fee, digital terrestrial transmission etc. Convergence of technologies has already happened to a great extent in last decade; and TRAI along with the Ministry have very successfully handled so far all the legal, policy and regulatory requirements arising out of such changes. Hence carriage policy and regulations for broadcasting should continue with MIB. Also, regulation of content requires separate skill sets of creative and artistic persons than that of technocrats or economists who can factor the impact of content on sensibilities, morals and value system of the society. Hence, content policy and regulation should also continue with the MIB.


4. The spectrum bands for various services are standardized by international bodies like ITU and this Ministry is well versed with its policy and plans for utilization in broadcasting functions. It is strongly felt that the issues related to allocation of broadcasting spectrum and its realignment should be dealt by this Ministry at national and international levels.

5. Broadcasting is an important sector that has relevance for educating and informing the masses, especially those below poverty line who might not have access to mobile/internet data, and thus, has a crucial role to play in economic development of the country. Also, broadcasting networks have proved to be very effective during natural disasters and emergencies (when internet and satellite based signals are susceptible to jamming). Considering the sensitivity and impact of broadcasting on the country, it is categorized as a strategic sector which needs to be regulated. Therefore, multiple agencies are involved for the purposes of company clearances like MHA for security clearance, DoT for wireless and spectrum clearance, DoS for satellite allocation to various licensees, MEA, DPIIT for FDI and foreign executives working in broadcasting entities, MCA for company matters, MeitY for digital news and online curated content etc. and the MIB has established systems and processes to effectively coordinate with all these agencies. Shifting of licensing functions to another department say DoT, will not serve any good but will only disturb the established practices.

6. The need of the hour is not to bring in further disturbances but to re-engineer business processes such that there is ease and convenience of doing business for these entities. The regulatory convergence in the broadcasting sector is being achieved through the 'Ease of Doing Business Model' by creating a single platform in the form of 'Broadcast Seva Portal' on which all the stakeholders/ministries/Departments are integrated as a single window for all licensing, permissions and reporting requirements etc. As of now this portal is integrated with DoT's 'Saraal Sanchar Portal' and portals of other Ministries/Departments are also planned to be integrated under single window system that will enable ease of obtaining license/permissions etc. This will serve the purpose of holistically addressing all aspects related to DTH, HITS and Cable TV services. Any change in the legal, regulatory framework should entail bare minimum changes of essential nature and aim to provide smooth transition. Further, there is no guarantee of the advantages that will be achieved which cannot be achieved through the single window clearance system as being implemented by this Ministry. TRAI is already doing consultation on 'Ease of Doing Business' and it may consider the aspect of single window clearance system in this effort.

7. This Ministry has no further reference to make for now on the subject.

Yours faithfully,

  
04/10/22  
(Shiv Ram Meena)

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