

BIF Response to TRAI CP on Formulation of a Regulatory Framework for Application-based Linear Television Distribution (ALTD) Services (Including Free Ad-Supported Streaming Television (FAST) Services)

Broadband India Forum (BIF) thanks TRAI for the opportunity to comment on the above-mentioned consultation.

GENERAL COMMENTS

At the outset, we submit that regulatory treatment of ALTD/FAST services (hereinafter collectively referred to as the "Application-based Services" or "App-based Channel Services") should be assessed through the broader principles of proportionality, consumer interest, and ease of doing business.

The emergence of such services reflects evolving consumer preferences towards greater flexibility, personalised viewing experiences, and wider content choice. In this context, consumer interest warrants a regulatory approach that preserves competition, promotes innovation and regulatory certainty, while continuing to support affordability, accessibility, and diversity of content offerings.

App-Based Channel Services Cannot Be Equated with DPOs

In the context of the current consultation, we submit that regulatory frameworks in the broadcasting sector have been designed around entities that operate and control managed delivery infrastructure and undertake carriage of television channels through licensed and regulated networks. However, App-based Services operate through fundamentally different technological and functional architectures and the service providers neither operate nor control such delivery networks. The content on these apps is delivered over the public internet and not through a managed distribution network operated or controlled by the service provider, as is the case with DPOs. Regulation of these services as "distribution platforms" would mean equating the open internet with a licensed and controlled broadcasting network, which is neither technically accurate nor legally tenable.

In the absence of market failure and given that such services are sufficiently regulated under the existing laws, we submit that there is no requirement for any regulatory intervention under the broadcasting regulations.

Need for Regulatory Rationalization & Forbearance in the Broadcasting Ecosystem

Any claims regarding regulatory asymmetry between broadcasters, DPOs and App-based Services, in fact merit broader consideration of regulatory rationalisation and forbearance

across the entire broadcasting sector, rather than extension of carriage-oriented regulation to fundamentally different application-based services.

Registered DPOs currently operate under extensive prescriptive obligations relating to pricing, packaging, service obligations including QoS, commercial arrangements, and are subject to regulatory levies and other conditions, which constrain innovation and weaken the sector's ability to sustain investments in content and infrastructure amid declining linear revenues.

The case of DTH illustrates these structural pressures. TRAI's Performance Indicators Report (October–December 2025) shows a sharp decline in the DTH subscriber base, from 66.62 million in December 2022 to 50.99 million by December 2025.¹ In parallel, television industry revenues fell from ₹70,900 crore in 2022 to ₹69,600 crore in 2023–24 (a 1.8% decline), and further to ₹67,900 crore in calendar year 2025.² This sustained contraction points to structural challenges facing linear television, despite its continued dominance in reach.

Given the critical role of the broadcasting sector in ensuring large-scale accessibility and reach of audio-visual content across the country, and pressures from the evolving broadcasting and digital ecosystem, we believe that a more proportionate approach may be to examine whether aspects of the existing regulatory framework applicable to traditional platforms need to be reviewed so as to provide more regulatory flexibility and calibrated move towards forbearance. Such a move would support long-term viability and sustainability of the sector, as well as protect investment incentives.

In view of the above, we request TRAI to undertake a specific, time-bound assessment to identify and remove legacy DPO obligations that no longer serve the public-policy rationale on which they were originally grounded. This would enable ease of doing business, encourage innovation, enhance competitiveness, while also ensuring better affordability of tariffs and increased consumer choice. This would protect the investment incentives and competitive vitality across the broadcasting value chain.

QUESTION SPECIFIC COMMENTS (For Q. 1 to 5 ONLY)

Q1. What should be the appropriate definition and scope of Application-based Linear Television Distribution Services, i.e., 'ALTD Services' in the Indian broadcasting context, taking into account terminologies available internationally? Stakeholders are requested to provide their comments with detailed justification.

BIF Response to Q1

- 1.1. Para 1.61 of the CP states that "(ALTD) Services' are all application providers that distribute linear television channels to consumers, either as **applications pre-installed on television**

¹ https://www.trai.gov.in/sites/default/files/2026-03/QPIR_03032026_0.pdf

² https://www.trai.gov.in/sites/default/files/2026-03/QPIR_03032026_0.pdf

sets and other devices, or downloadable mobile or smart TV applications, or web-based applications accessible through web browsers.” The CP states that while these services are presently primarily ad-supported, there may be instances where its cost is bundled within a subscription package and they may evolve into paid offerings in the future. Accordingly, these services encompass FAST Services.

- 1.2. Upon reading this definition, it is pertinent to note that the above-mentioned definition of ALTD Services conflates the service with the service provider that make linear television channels available, thereby defining the service by reference to the entity offering it, rather than by reference to the **nature and function of the service itself.**
- 1.3. **At the outset, it is respectfully submitted that, such App-Based Channel Services, despite offering linear or scheduled streams of content, remain application-layer services,** and are fundamentally distinct from traditional broadcasting distribution platforms such as Cable TV, DTH, or IPTV. **Any regulatory approach premised on treating these services as analogous to DPOs is therefore misplaced.**

A. Over-broad Scope of the Proposed Definition

- 1.4. The present definition of “ALTD” includes applications preinstalled on TV, mobile and extends to web-based applications accessible through web browsers. This approach extends the scope of the proposed regulatory framework to virtually all forms of internet-based streaming services offering linear services. **Such services are outside the scope of the broadcasting regulatory domain and, so beyond the jurisdiction of TRAI.**
- 1.5. **Furthermore, there exists no statutory bar on making content available through applications.** The Consultation Paper does not identify the specific provisions of the broadcasting laws that cover such services. If such services were covered under the broadcasting laws, then providing them without complying with respective provisions would be illegal, which is not the case.
- 1.6. Mere availability of television-like content through alternative technological means does not create a regulatory gap. The current legal framework already provides for regulating these differently from broadcasters and distribution platforms under the Information Technology Act, 2000 and the rules framed thereunder.

B. Fundamental Distinction between App-Based Services and Traditional Broadcasting Services

- 1.7. The most critical distinction between these App-Based Channel Services and traditional broadcasting services lies in how content is delivered and accessed. In App-Based Channel Services, like in cases of any App, the content is usually encoded, packaged and then delivered via an app or browser through internet, whereas traditional broadcasting is

transmitted as a continuous distribution signal over broadcast or managed distribution network, for which a customer subscribes depending on the quality and availability for the Cable TV/DTH.

- 1.8. It may be noted that DTH/Cable TV/IPTV services constitute a telecommunication network service which provide transmission, emission or reception of any messages, by wire, radio, optical or other electro-magnetic systems. By virtue of this, the DPOs provide telecommunication services using signalling. However, there is no underlying telecommunication network nor there is any telecommunication in case of App-based services which operate on layer above the telecommunication network layer as applications and not as networks or telecommunication services. They are not covered under the Telecommunications Act. Terming an App Provider as “Telecommunication Service Provider” is ultra-vires the provisions of the Telecommunication Act, 2023. [also refer to para 1.15 below]
- 1.9. The distinction (in the table below) between these services is crucial for determining the scope of regulatory obligations.

Dimension	Traditional Broadcasting Services	App-based Channel Services
Delivery path	Terrestrial, satellite, cable, or managed IPTV distribution	Internet/IP delivery over apps, smart-TV apps, mobile apps, and web browsers
Transport logic	One-to-many broadcast transmission from a headend/uplink to all receivers in the footprint	HTTP-based streaming to individual devices
Scheduling	Fixed channel schedule, tuned via TV service or Electronic Programming Guide (EPG)	Consumers choose when to “pull” content; Implemented as a streamed playlist or virtual channel in software
Device dependency	TV set plus tuner, Set-Top Box (STB), satellite dish, or cable access	Connected device plus app/browser, internet access, and platform/OS support
Ad insertion	Traditionally broadcast ad breaks inserted in the linear feed	Usually server-side ad insertion or dynamic ad stitching in the stream

Dimension	Traditional Broadcasting Services	App-based Channel Services
Personalization	Same feed for all viewers	Viewers choose what content they want to consume; Can support personalization, and device-level ad decisions
Geographic reach	Limited by transmission footprint and carriage rights	Potentially global, subject to app availability, licensing rights, and geo-blocking

C. ALTD/FAST Services Do Not Constitute “Distribution” in the Broadcasting Sense

- 1.10. The above analysis shows that the characterisation of App-Based Channel Services as “distribution” platforms, which are carriage-based operators such as DTH, IPTV, or HITS is not correct.
- 1.11. Under the existing broadcasting regulatory framework, distributor or distribution service platforms undertake **carriage of television signals over controlled network infrastructure** whether through cable networks, satellite systems or managed IP networks. This is evident through the definitions of “distribution platform”³ in **Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations 2017** which include the distribution network of a DTH operator, multi-system operator, HITS operator or IPTV operator. Accordingly, “distributor of television channels” or “distributor”⁴ means any DTH operator, multi-system operator, HITS operator or IPTV operator. By virtue of this function, they fall within the regulatory ambit of TRAI regulations.
- 1.12. The cable operators, DTH providers, IPTV operators and other DPOs are entities that **operate and control the broadcasting infrastructure** for the delivery of content to end-users. Their regulatory obligations for Licensing, Quality of Service, etc. arise because they act as **carriage providers**, exercising end-to-end control over signal and content dissemination.
- 1.13. **In contrast, App-based Channel Services do not operate or control any transmission network, do not undertake uplinking, downlinking, or signal carriage and do not function as intermediaries in the physical delivery of broadcast signals.** Instead, they merely **provide application-based interfaces** through which users access content over the public internet.

³ Regulation 2(r)

⁴ Regulation 2(s)

- 1.14. The mere presentation of content in a linear format does not convert an application-layer service into a distribution platform. **Accordingly**, any attempt to regulate such services as “distribution platforms” would mean equating the open internet with a licensed and controlled broadcasting network that operates by using a scarce and finite resource, i.e., spectrum. This approach is neither technically accurate nor consistent with the existing statutory framework.

D. Jurisdictional Constraints

- 1.15. As explained, that App-based Channel Services are digital platforms operate via the public internet, and so their regulation as a Broadcasting Service under Section 3(1)(a) of the Telecommunication Act, 2023 would be legally untenable as these services do not exercise any control over the underlying network and function at the application layer over the internet. Because they do not require spectrum allocation, uplinking/downlinking permissions, or physical cable infrastructure, the technical trigger or the foundational basis for TRAI's traditional licensing powers does not exist. Further, we submit that TRAI has a limited mandate to regulate the carriage-related aspects of broadcasting.
- 1.16. Furthermore, the Telecom Disputes Settlement and Appellate Tribunal (TDSAT)⁵ has explicitly ruled that Over-The-Top (OTT) streaming platforms do not fall under the jurisdiction of TRAI or the TRAI Act, 1997. Because ALTD and FAST services are internet-based applications delivering content to smart TVs and mobile devices, they functionally operate as OTT services. The TDSAT affirmed that these platforms are legally distinct from conventional television networks and do not require licenses from the Central Government. As per TDSAT's order, OTT platform is not a TV channel, nor do such OTT platforms require any permission or a licence from the Central Government.
- 1.17. Application-layer Internet Apps are also outside the purview of Telecommunications Act, 2023. **During the drafting and passage of the Bill, application layer internet services/apps were decisively kept out of the ambit of telecom regulations to protect innovation and internet penetration.** Therefore, any attempt to regulate ALTD/FAST services under telecom authorisation frameworks would run contrary to this legislative intent.

C. Inapplicability of “Level Playing Field” Arguments

- 1.18. The argument that App-Based Channel Services should be regulated similarly to DPOs to ensure a “level playing field” is also misplaced.
- 1.19. A level playing field requires parity between entities that are similarly situated. Regulatory parity cannot be determined solely by similarity in content, when other aspects like the set of users, the types of devices and even the nature of service completely differ.

⁵ *All India Digital Cable Federation v. Start India Pvt. Limited*

- DPOs operate infrastructure, hold licenses, and receive regulatory entitlements such as spectrum access and rights of way;
- ALTD/FAST services operate without such entitlements, over the internet and without control over networks.

1.20. Treating these fundamentally different entities identically would not create fairness, it would instead impose disproportionate burdens without corresponding regulatory justification. Additionally, Article 14 of the Constitution underlines the fundamental doctrine of treating dissimilar entities differently.⁶

1.21. We submit that the regulatory framework should account for the distinct layers at which the services operate. Infrastructure layer and related services are regulated under telecom/broadcasting laws and fall within the regulatory ambit of TRAI, and Application-layer Internet Services are regulated under the IT Act and the rules thereunder.

Q2. The 'ALTD Services' ecosystem involves multiple entities, including application providers, television equipment manufacturers, operating system providers, broadcasters, content providers, content aggregators and other technology or solution providers. However, the application provider appears to play a central role in the distribution of linear television channels across various business models. In this context, should the Application Provider be designated as the primary stakeholder responsible for obtaining authorisation for the provisioning of 'ALTD Services'?

a. If yes, please provide detailed justification and supporting reasons.

b. If not, please identify the appropriate stakeholder(s) who should be responsible for obtaining such authorisation, along with rationale.

BIF Response to Q2

2.1 As explained above, it is submitted that the question of identifying a stakeholder responsible for obtaining authorisation for 'ALTD Services' does not arise, as such services do not fall within the category of services requiring authorisation under the Telecommunication Act.

2.2 As none of the entities – **application providers, television equipment manufacturers, operating system providers, broadcasters, content providers, content aggregators and other technology or solution providers** – perform the function of **distribution of television channels through a network**, which is the basis for imposing authorisation requirements under the existing framework. Therefore, no entity within the ALTD ecosystem can be identified as an appropriate candidate for authorisation.

⁶ St.Stephen's College vs Univ. of Delhi, (1992) 1 SCC 568; Onkar Lal Bajaj vs Uol, AIR 2003 SC 2562

- 2.3 More specifically, it is submitted that the application provider or television equipment manufacturers, operating system providers cannot be designated as the primary stakeholder responsible for obtaining authorisation for the reasons provided in response to Q1.
- 2.4 It may be noted that DTH/Cable TV constitute a telecommunication network and provide transmission, emission or reception of any messages, by wire, radio, optical or other electro-magnetic systems. By virtue of this they provide telecommunication services.
- 2.5 However, there is no underlying telecommunication network nor there is any telecommunication in case of App-based services which operate on layer above the telecommunication network layer as applications and not as networks or telecommunication services. They are not covered under the Telecommunications Act. Terming an App Provider as "Telecommunication Service Provider" is ultra-vires the provisions of the Telecommunication Act, 2023.

Q3. What should be the terms and conditions including fees or charges for the grant of service authorisation to the application providers provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Annexure-II of 'Authorisation Recommendations dated 21st February 2025'? Stakeholders are requested to provide their detailed comments including but not limited to the following conditions: a. Service Area b. Validity Period c. Eligibility Conditions d. Minimum Net worth e. Processing Fee f. Entry Fee g. Bank Guarantee h. Authorisation Fee i. Security Deposit j. Roll Out Obligations k. Any other terms and conditions Further, what terms and conditions/obligations should be put in place for foreign entities providing 'ALTD Services' in India?

Q4. What should be the common terms and conditions applicable for the authorised entities provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Part-I of Annexure-III in 'Authorisation Recommendations dated 21st February 2025'? Stakeholders are requested to provide their detailed comments on the following conditions: a. Renewal of Authorisation b. Renewal Fee c. Equity Holding and Management Control d. Restriction on cross-holding of equity shares/capital contribution between i. TV broadcasters and application providers provisioning ALTD services ii. Application Providers provisioning ALTD services and other DSPs e. Transfer/Surrender of Service Authorisation f. Sharing of Infrastructure g. Any other terms and conditions.

Q5. What should be the specific terms and conditions for the authorised entities provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Part II of Annexure-III in 'Authorisation Recommendations dated 21st February 2025'? Stakeholders are requested to provide their detailed comments on the following conditions: a. Reservation of operational channel capacity by Vertically Integrated Entity b. Platform Services (PS) offered by application providers provisioning

ALTD services c. Monitoring and Inspection of facilities d. Supply of Information to Central Government/TRAI e. Contravention of terms and conditions of authorisation f. Any other terms and conditions Further, whether the mandatory sharing of Sports Broadcasting Signals with Prasar Bharati and the compulsory transmission of certain channels as mandated for DTH, HITS and IPTV services should be applied to the application providers provisioning 'ALTD Services'. Stakeholders are requested to provide their comments with detailed justification on all such obligations that should be made applicable on such entities

BIF Response to Q3-Q5

- 3.1 In line with the submissions made in response to Q1 & Q2, it is reiterated that ALTD Services do not involve the provision of telecommunication services or broadcasting distribution services, and therefore **do not require licensing or authorisation under the existing statutory framework.**
- 3.2 The existing framework applicable to DPOs is premised on the regulation of entities that undertake carriage of television channels through controlled delivery systems. ALTD Services do not perform such a function and therefore cannot be brought within the same regulatory construct.
- 3.3 Accordingly, it is submitted that ALTD Service Providers cannot be brought under any licensing or authorisation framework and so, there is no question of prescribing eligibility conditions or entry requirements for ALTD Services. It is submitted that any attempt to regulate such services as "distribution platforms" would mean equating the open internet with a licensed and controlled broadcasting network (carriage infrastructure), which is neither technically accurate nor consistent with the existing statutory framework.