



11th May, 2026

To,
Dr. Deepali Sharma,
Advisor (B&CS)
Telecom Regulatory Authority of India ("**TRAI**")
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Subject: Consultation Paper dated 6th April 2026 on **Formulation of a Regulatory Framework for Application-based Linear Television Distribution ("ALTD") Services (Including Free Ad-Supported Streaming Television ("FAST") Services)**

Dear Madam,

We write to you in response to the above referenced Consultation Paper promulgated by **TRAI** on 06/04/2026.

Please find enclosed herewith our responses to the issues raised by TRAI in the Consultation Paper.

We hope that TRAI will give careful and favourable consideration to our submissions while undertaking its evaluation.

Thanking you,

Yours sincerely,
For Culver Max Entertainment Private Limited
(formerly Sony Pictures Networks India Private Limited)

Ritesh Khosla
General Counsel & Executive Director

Encl.: Comments on the Consultation Paper

COMMENTS OF CULVER MAX ENTERTAINMENT PRIVATE LIMITED (FORMERLY SONY PICTURES NETWORKS INDIA PRIVATE LIMITED) ("CME") TO THE ISSUES RAISED IN THE CONSULTATION PAPER ON FORMULATION OF A REGULATORY FRAMEWORK FOR ALTD SERVICES INCLUDING FAST SERVICES

Introduction

On April 06, 2026, The Telecom Regulatory Authority of India ("TRAI") released the Consultation Paper inviting stakeholder comments, which examines the imposition of an authorization and regulatory framework ("**Authorization and Regulatory Framework**") on entities delivering linear television channels and value-added services ("**VAS**") content over the Internet via software applications, including the authorization and regulation of ALTD including FAST services under the Telecommunications Act, 2023 ("**Telecommunications Act**"), and the Telecom Regulatory Authority of India Act, 1997 ("**TRAI Act**").

We note that the present Consultation Paper emanates from the reference dated 15.12.2025 of the Ministry of Information and Broadcasting ("**MIB**") seeking recommendations from the TRAI on formulation of a regulatory framework for FAST Services. The said reference proceeds substantially based on representations made by the All India Digital Cable Federation ("**AIDCF**"), which represents the interests of distributors.

We appreciate the TRAI for undertaking a public discussion on the Consultation Paper and providing us the opportunity to provide our thoughts. We have concerns and objections about the scope, ambit and topics covered in the Consultation Paper, as we believe that on the issues, the Consultation Paper goes beyond TRAI's jurisdiction.

Given below are our detailed submission pursuant to the Consultation Paper.

A. ALTD including FAST services operate as Application-Layer OTT services

At the outset, it is imperative to state that functionally ALTD including FAST services operate at the application layer and are delivered 'over-the-top' ("**OTT**") on the open Internet. They are, by their very nature, structurally, technologically, and conceptually distinct from the underlying network infrastructure and carriage mechanisms that constitute "telecommunication services" under the TRAI Act and the Telecommunications Act. Globally, ALTD including FAST platforms are treated as digital software services, which operates in a highly competitive and free market environment. Further, OTT platforms are fundamentally distinct from linear broadcasting services as they are based on user choice, individualized viewing preferences and on-demand access to content, rather than scheduled programming delivered in a one-to-many format.

B. ALTD including FAST services are users of telecommunication networks, and not providers of telecommunication services

The Telecommunications Act is in relation to telecommunication services, networks, and the assignment of spectrum. Thus, it intends to focus on the physical and logical infrastructure that enables connectivity. In fact, Section 2(p) of the Telecommunications Act defines "telecommunication" as the "*transmission, emission or reception of any messages, by wire,*

radio, optical or other electro-magnetic systems, whether or not such messages have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception". Section 2(g) of the Telecommunications Act defines a "message" to mean *"any sign, signal, writing, text, image, sound, video, data stream, intelligence or information sent through telecommunication"*.

In this regard, it may be noted that ALTD including FAST services do not engage in the "transmission, emission or reception" of signals via electro-magnetic systems. The actual transmission of the data stream is entirely by network-layer entities such as, Internet Service Providers ("**ISPs**") and Telecom Service Providers ("**TSP**") that operate the underlying infrastructure such as, broadband, optical fiber, or cellular network.

Further, ALTD including FAST service operate by packaging audio-visual content into data packets on cloud servers and provide a software interface for end-users to request / pull that content. For clarity, they do not own, operate, lay, or manage the *"wire, radio, optical or other electro-magnetic systems"* that transport these packets to the end-user's device.

Therefore, the ALTD including FAST services are unequivocally **users** of telecommunication networks, and not **providers** of telecommunications. To equate users with providers or for that matter to equate creators / aggregators of messages with entities providing the electromagnetic transmission of that message is not envisaged under the Telecommunications Act or the TRAI Act.

C. ALTD including FAST services are not comparable to TSP services

Section 2(t) of the Telecommunications Act defines a "telecommunication service" simply as "any service for telecommunication". Since ALTD including FAST services do not perform the act of telecommunication, they cannot be classified as providing telecommunication service. It is pertinent to note that ALTD including FAST do not provide any services which are comparable with telecommunication services provided by the TSPs.

Further, the TSPs operate at the network layer and are involved in establishing and maintaining the physical connections, routing protocols, and broadband infrastructure that drive the operation of the Internet ("**Network Layer**"). On the other hand, ALTD including FAST services operate exclusively on the application layer, merely utilizing the underlying network layer to transfer their data to consumers ("**Application Layer**").

Accordingly, separation of the Application Layer from the Network Layer is a foundational principle of the internet and digital communications. Any attempt to **equate an Application Layer service with a Network Layer service would amount to comparing un-equals as equals.**

D. ALTD including FAST services falls outside the regulated broadcasting and distribution services

Pertinently, there is a distinction between 'telecommunication' and 'broadcasting' services. Telecommunication is a two-way communication, involving re-transmission of voice / data and in no manner relates to creation of content, which is inherent to broadcasting. Broadcasting, on the other hand, is a creative and expressive medium for communicating thoughts, ideas, information and knowledge.

The Hon'ble Supreme Court, in *Ministry of Information and Broadcasting v. Cricket Association of Bengal* (1995) 2 SCC 161, has held that '*broadcasting is a means of communication and, therefore, a medium of speech and expression*', which is protected under Article 19(1)(a) of the Constitution of India. Broadcasting primarily operates in a 'one-to-many' communication format, targeting a wider audience, whereas telecommunications focus on transmitting voice or data in a 'one-to-one' manner. Telecommunications infrastructure can be considered as a scarce public resource and thus licensed, whereas creation and dissemination of broadcasting content are one of the fundamental rights.

Accordingly, there is a well-established distinction between 'broadcasting' and 'telecommunications' which is central to the statutory framework for determining the scope of TRAI's jurisdiction under the TRAI Act.

Similarly, there is a distinction between the services provided by a FAST service provider and a 'distribution platform operators' ("**DPO**"). It appears that the Consultation Paper proceeds on a premise that ALTD including FAST services are functionally equivalent to traditional such as DTH, MSOs and IPTV, and on that basis seeks to subject them to a similar regulatory framework. This approach appears to be misplaced. ALTD including FAST services operate over the open internet and do not involve licensed carriage infrastructure services regulated by TRAI.

Further, there exists a distinction between 'ALTD including FAST' and traditional 'broadcasting'. ALTD including FAST services are delivered over the open internet through applications and digital platforms, accessible across multiple devices, as also acknowledged in the Consultation Paper. In case of 'broadcasting' it requires, obtaining uplinking / downlinking permission for television channels from the MIB; distribution of such channels only through licensed DPOs, which operates under a regulated and closed network environment; and delivery of such television channels only through signal reception decoders provided to the authorized DPOs.

We would also like to submit that IPTV remains distinct from internet-based applications streaming platforms. IPTV involves delivery of linear television channels using Internet technology, defined under Regulation 2(1)(aa) of the Interconnection Regulations which expressly stipulates that such delivery must take place over a '*closed network of one or more service providers*'. Thus, it operates within a controlled, licensed, and closed transmission ecosystem, thereby continuing to fall within the ambit of regulated broadcasting services.

Dissemination of content / programmes over the open Internet occurs through a public, unmanaged IP network that is dynamic, data-driven, and multi-stream. The data packets traverse multiple Internet service providers and global routers without any single entity controlling the delivery path. Such dissemination is governed by the Information Technology Act, 2000 ("**IT Act**") and does not constitute a licensed broadcasting service, nor does it involve carriage obligations or guaranteed quality of service.

Accordingly, the open internet architecture of ALTD including FAST services places them squarely **outside the scope of regulated broadcasting and distribution services**.

E. TRAI's ambit is confined to carriage and does not extend to content or internet-based services

It is a settled principle that TRAI, is bound by the TRAI Act and its jurisdiction is confined thereto. Section 11 of the TRAI Act provides for TRAI's powers to make recommendations and

regulate matters pertaining to telecommunication services. Pertinently, the inclusion of "broadcasting services" within TRAI's ambit, through subsequent developments, has been carefully limited only to carriage-related aspects such as interconnection, technical standards, quality of service, and tariff regulation. TRAI does not have jurisdiction over content, programming, or the manner of dissemination of content over open internet platforms. By seeking to frame regulatory regime for ALTD including FAST through the Consultation Paper is effectively an attempt to restructure the current regulatory framework. Such an attempt is beyond TRAI's recommendatory power under Section 11(1)(a), of the TRAI Act, which is confined to advising on "terms and conditions of licence" within its carriage-related domain.

Historically, the regulatory architecture has evolved through a conscious and consistent separation between content regulation and carriage regulation. Content-related aspects such as programming, editorial standards, and compliance with Programme and Advertising Codes have always been within the domain of the MIB, as reflected in the Cable Television Networks (Regulation) Act, 1995, the Uplinking and Downlinking Guidelines, and the establishment of self-regulatory bodies. Carriage regulation pertains to infrastructure and transmission often involving public resources such as spectrum. Content regulation, however, directly implicates the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution. Any restriction on such right must satisfy the strict requirements of Article 19(2) and cannot be indirectly imposed through licensing conditions framed under a telecommunications statute. The Hon'ble Supreme Court in *Star India Pvt. Ltd. v. DIPP*, (2019) 2 SCC 104, has clarified that the TRAI Act does not extend to regulation of content of television channels.

Thus, we humbly request that TRAI's role be limited to carriage-focused aspects being satellite and closed networks. ALTD including FAST services represent application services that reside / operate on top of the telecommunications network or telecommunication services. By attempting to impose an authorization and/or regulatory frameworks, TRAI would inadvertently go beyond its statutory boundaries into the domain of content and media regulation, which is impermissible and wholly outside the ambit of the "telecommunication" mandate of the Telecommunications Act and TRAI Act.

Without prejudice to the aforesaid, the Consultation Paper is contrary to TRAI's own consistent and unequivocal position, as taken before constitutional courts, that it does not have jurisdiction over internet-based or OTT services. This settled position, reflected across multiple pleadings and proceedings, clearly establishes that services delivered over the open internet fall outside the scope of the TRAI Act, 1997 and cannot be brought within its regulatory ambit in the absence of express statutory authority.

In *All India Cable Operators Association & Anr. v. TRAI* (W.P. (C) No. 2426 of 2017) filed before the Hon'ble Delhi High Court, TRAI categorically stated in its counter affidavit that its regulatory framework governing broadcasting services applies only to licensed distribution platforms such as DTH, Cable TV, HITS and IPTV, and "does not cover OTT services", as the regulation of such services falls within the domain of the Ministry of Information and Broadcasting. TRAI in its counter affidavit dated 09.10.2017, has stated that:

"6. Recently, TRAI, the answering Respondent No. 1, holistically reviewed the applicable regulatory framework for broadcasting services. After considering all the inputs of the stakeholders, the answering respondent has finalized and issued the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017, the

Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order 2017 and the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 on 03.03.2017, which would ensure level playing field, non-discrimination and transparency. These regulations are applicable to DTH, Cable TV, HITS and IPTV distribution platforms. These regulations, however, do not cover OTT Service as the regulation of such service is to be decided by Ministry of I&B.

...

9.3 It must be highlighted that in the absence of any guidelines/ Rules/ Regulations framed by the Ministry of I&B with respect to OTT services like "HotStar", TRAI is unable to take any action in that regard. This is for the reason that unless OTT services like "HotStar" are brought within the purview of the TRAI Act, 1997, TRAI would not be able to regulate these services TRAI draws its power to regulate service providers providing "Telecommunication Services" from the TRAI Act, 1997.

...

Department of Telecom ("DoT") and Ministry of I&B are the competent authorities to grant license under Telegraph Act, 1885. As per the information available with TRAI, "Hotstar" has not been granted any license by any of these two authorities, therefore "Hotstar" does not fall within the purview of the TRAI Act.

This position has been consistently reinforced by the MIB, which has clarified in multiple proceedings that dissemination of content over OTT platforms does not amount to broadcasting of television channels and does not violate the Uplinking and Downlinking Guidelines.

In *Un-Canned Media Pvt. Ltd. v. MIB & Ors.* (W.P. (C) No. 10724 of 2016) filed before the Hon'ble Delhi High Court, MIB categorically stated that OTT services involve transmission of content over the internet and are governed by the Information Technology Act, 2000, and not by the regulatory framework applicable to licensed broadcasting or carriage services.

In *All India Cable Operators Association & Anr. v. TRAI* (W.P. (C) No. 2426 of 2017), a direction was sought to MIB to conduct investigation against Star India for violation of Uplinking and Downlinking Guidelines. MIB, in its counter affidavit stated that:

"...STAR India Pvt Ltd has been granted permission to uplink and downlink 57 satellite television channels under non-News & Current Affairs category. However, this permission is limited to uplinking & downlinking of said TV channels only. The question of violation of Up-linking guidelines and Downlinking guidelines does not arise as alleged violative content is not on these satellite TV channels. Also, no violations of regulatory provisions of carriage services such as Cable TV network, DTH etc are involved as the alleged violative content is not on these satellite TV channels. ..."

In *Un-Canned Media Private Limited v. MIB and Ors.*, W.P. (Civil) No. 10724 of 2016 filed before the Hon'ble Delhi High Court alleging that Star India providing its

content to Hotstar for free amounts to violation of Uplinking and Downlinking Guidelines. MIB, in its counter affidavit had stated that:

"6. Respondent No.4 i.e. M/s Novi Digital Entertainment Pvt Ltd neither is a registered MSO under Ministry of I&B nor a licensee of Department of Telecommunication. It has also not provided any self-certified declaration for providing IPTV. Respondent No. 4 is, therefore, not eligible for providing IP services in India. As mentioned by the Petitioner himself, Respondent No. 4 is transmitting content over Internet. It therefore, is providing an OTT (Over the Top) service thereby attracting the relevant provisions of the IT Act.

7. Respondent No. 3 has been granted permission to uplink and downlink 57 satellite television channels under non-News & Current Affairs category. The question of violation of Up-linking guidelines and Downlinking guidelines does not arise as alleged violative content is not on these satellite TV channels. Also, no violations of regulatory provisions of carriage services such as Cable TV network, DTH, HITS (HITS guidelines are at Annexure R-3) etc are involved as the alleged violative content is not on these satellite TV channels."

Further, TRAI, in its affidavit dated 07.08.2022 filed in *Star v. TRAI*, Writ Petition No. 14039 of 2022, filed before the Hon'ble Delhi High Court had stated that:

"3. That in response to Impugned Order, the Appellant, vide its letter dated 09.12.2021, specifically declared that:

"b. Disney+ Hotstar is owned and operated by Novi Digital Entertainment Pvt. Ltd. (an affiliate of Star India Private Ltd.). Disney+ Hotstar creates or acquires content from third parties and does not utilize any reception decoders to receive satellite TV channels from Star India Private Limited ("Star India"). Further, as you are aware, Disney+ Hotstar enables its viewers to watch content through the medium of the internet.

...

5. That the Authority has considered the aforesaid declaration and confirmation furnished by the Appellant, vide its letter dated 09.12.2021, and on having due regard to the declaration and the confirmation therein, it prima face appears that there is no violation of clause 5.6 of the Policy Guidelines. Thus, Authority intends to close the issue at this stage."

Accordingly, it is evident that the Consultation Paper is founded on a lack of jurisdiction and is inconsistent with the settled legal position repeatedly affirmed by TRAI itself on affidavit before constitutional courts. TRAI's regulatory purview is limited to carriage-related aspects of licensed distribution platforms. Any equation of ALTD and / or FAST services with broadcasting services effectively collapses this distinction between 'telecommunication' and 'broadcasting' services and seeks to extend TRAI's mandate.

Conscious exclusion of OTT services in final Telecommunications Act and consequently from the amended TRAI Act

The Telecommunications Act is designed to 'occupy the field' of carriage and network operations exclusively. It is in public domain that the legislature consciously and deliberately

omitted OTT applications (which would include ALTD (including FAST) services) from the explicit scope of the Telecommunications Act.

It may be noted that the earlier draft i.e., the Draft Indian Telecommunication Bill 2022, proposed the inclusion of OTT services. In this regard, reference may be made to the following stipulations proposed in the Telecommunications Bill:

“telecommunication services” means service of any description (including broadcasting services, electronic mail, voice mail, voice, video and data communication services, audiotex services, videotex services, fixed and mobile services, internet and broadband services, satellite based communication services, internet based communication services, in-flight and maritime connectivity services, interpersonal communications services, machine to machine communication services, over-the-top (OTT) communication services) which is made available to users by telecommunication, and includes any other service that the Central Government may notify to be telecommunication services;”

Following detailed consultation process, the final parliamentary enactment resulted in exclusion of OTT services from the Telecommunications Act and consequently, as an implication from the amended provisions of the TRAI Act. For clarity, OTT services are currently too excluded from the purview of TRAI Act.

Considering that OTT services have not been included directly within the ambit of the Telecommunications Act and TRAI Act, they cannot be included therein indirectly. As such, it is inappropriate to force fit OTT services within the domain of the said statutes when the Parliament has consciously and deliberately excluded them from the final text of the Telecommunications Act (and consequently, from the amended provisions of the TRAI Act as well).

Constitutional safeguards under Article 19(1)(a)

The proposition to subject ALTD including FAST services to a regulatory regime raises questions concerning the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India.

It is submitted that ‘exclusive privilege’ in telecommunication, which is routed on the scarcity principle, does not apply to ALTD including FAST services since they operate at the application layer where any number of applications can coexist and stream content over networks. Subjecting ALTD including FAST services, which operate in an environment of technological abundance of the internet to a mandatory regulatory regime under the Telecommunications Act constitutes an unreasonable restriction on Article 19(1)(a) that fails the test of proportionality under Article 19(2).

Without prejudice to the above, the imposition of an authorization or regulatory framework upon ALTD including FAST services would also raise serious constitutional concerns. Such measures risk infringing the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution, particularly in the absence of any demonstrable necessity grounded in the traditional justifications for regulation such as scarcity of natural resources, which has historically underpinned the regulation of spectrum-based telecommunications and satellite broadcasting.

Risk to Innovation, Investment and Consumer Choice

The FAST ecosystem is closely interlinked with the broader smart television, including hardware manufacturers, operating system providers, and application developers. The imposition of regulatory obligations would have a significant chilling effect on investments, increase compliance costs and regulatory uncertainty in this space. This, in turn, would undermine innovation, limit consumer choice, and impede the growth of digital infrastructure. Such an outcome would also be contrary to the Government of India's stated objective of fostering a robust digital economy and would risk stalling the development of an emerging and high-potential segment of the media and technology ecosystem.

The Government of India has consistently championed the 'Digital India' initiative and the 'Ease of Doing Business' paradigm, emphasizing light-touch regulation, the dismantling of archaic compliance burdens, and the promotion of a self-reliant, digitally empowered society. The premise of and suggestions contained in the Consultation Paper are fundamentally antithetical to these national objectives.

FAST services in India are nascent, highly innovative, and driven by the Internet economy. A regulatory framework will instantly consolidate the market and force out players (including OEMs and content providers and application developers) who will face immense compliance burden and costs. Imposing any such framework in India would isolate the country globally, *inter-alia* stifling domestic start-ups, investment and innovation in the digital media sector.

Right approach is regulatory forbearance

It is respectfully submitted that if regulatory parity remains primary objective of the Consultation Paper, then there ought to be forbearance for traditional broadcasting and DPOs, rather than extinguishing digital innovations by layering regulations upon ALTD including FAST services.

It is imperative to note that there is ample, robust competition for digital services currently, including User-Generated Content (UGC), Social Media Intermediaries (SSMIs), and online gaming. The ALTD including FAST ecosystem currently operates highly effectively under market-driven model. The market is adequately correcting itself, and consumer choice is at an all-time high.

It is submitted that instead of extending an authorization and regulatory regime to the Internet ecosystem in the pursuit of creating a 'level playing field', which may hamper digital innovation, it would be more appropriate to bring forbearance for traditional broadcasting ecosystem i.e., for broadcasters and distribution platform operators ("**DPOs**").

Conclusion

The framework suggested in Consultation Paper to subject ALTD including FAST services to a regulatory and authorization regime under the Telecommunications Act and/or TRAI Act, is outside the purview of TRAI.

ALTD including FAST services operate entirely on the application layer of the internet. They do not operate on the network layer, and do not utilize scarce resources. Further, they do not execute the physical act of "telecommunication" as defined by statute. Therefore, attempting to classify them as "Telecommunication Services" under Section 2(t) or requiring them to obtain authorization under Section 3 of the Telecommunications Act is entirely *ultra vires* and

infringes upon the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution.

The strict, historic legal distinction between “carriage” (i.e., the pipes) and “content” (i.e., the water) ought to be preserved. It is submitted that Authority’s mandate is restricted by statute to the former.

It is respectfully submitted that instead of stifling a highly competitive ecosystem by framing regulations TRAI ought to champion the principles of ‘Digital India’. If regulatory parity is the goal, TRAI ought to implement regulatory forbearance for traditional broadcasting and DPOs by systematically removing the tariff, regulatory and licensing burdens that currently restrict them.

Care must therefore be taken to ensure that any framework intended to address FAST linear channels does not extend to OCCPs and on-demand streaming services, which operate under a distinct technological, commercial and regulatory mechanism.

It is respectfully submitted that ALTD including FAST services are nascent and innovative digital services, and they should be given opportunity to flourish under market-based dynamics.

Response to Specific Issues for Consultation

Without prejudice to the foregoing submissions, which are urged in the alternative and without prejudice to one another, we respond to the issues posed in the Consultation Paper as follows. Further, for brevity, the submissions made above are reiterated and are not being repeated in responses to the specific issues for consultation.

Definition, Scope, and Primary Stakeholders (Q1 & Q2).

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.

Response: As mentioned above, ALTD including FAST services need to be defined strictly as application-layer services. They should be explicitly and categorically excluded from the definitions of “Telecommunication Services” under the Telecommunications Act 2023, and “Broadcasting Services” under legacy MIB and TRAI regulatory frameworks. Further, the scope of ALTD including FAST services should accurately reflect their status as software applications operating over the open Internet, entirely distinct from carriage infrastructure. Further, inclusion of on-demand content within the scope of ALTD would impact the well-established distinction between linear broadcasting services and Online Curated Content Platforms (‘OCCPs’), thereby significantly expanding the scope of the proposed framework beyond FAST linear channels.

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 authorization for the provisioning of 'ALTD Services'?

Response: It is submitted that Application Providers or any other entity involved in ALTD including FAST services should not be required to obtain authorizations under the Telecommunications Act. In this regard, it is submitted that ALTD including FAST services do not constitute telecommunication services, and as such, no statutory authorization is required. Further, designating any entity, be it the TV manufacturers, OS providers, or Application Providers, as a "primary stakeholder" will not only be impermissible and *ultra vires* the provisions of the Telecommunications Act but would also make the framework practically unworkable, given the decentralized nature of service / software deployment. It is further submitted that the Authority also needs to take note of Government's position that online content is regulated under the Information Technology Act (as amended) as well as the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

Terms and Conditions for Authorization (Q3, Q4, Q5).

Q3. What should be the terms and conditions including fees or charges for the grant of service authorization to the application providers provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Annexure-II of 'Authorization 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. Authorization 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 authorized entities provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Part-I of Annexure-III in 'Authorization Recommendations dated 21st February 2025'? Stakeholders are requested to provide their detailed comments on the following conditions:

- a. Renewal of Authorization
- 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 Authorization
- f. Sharing of Infrastructure
- g. Any other terms and conditions

Q5 What should be the specific terms and conditions applicable for the authorized entities provisioning 'ALTD Services' in India, under the 'Television Channel Distribution Services' as recommended in Part-II of Annexure-III in 'Authorization 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 authorization
- 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 made applicable 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.

Response: ALTD services operate at the application layer over the open internet and do not involve licensed carriage, spectrum usage, or closed network distribution. As such, they fall outside the scope of "telecommunication services" under the Telecommunications Act. Consequently, no authorization framework whether in the nature of licensing, registration, or otherwise be imposed upon such services under the existing statutory regime. Similarly, imposing minimum net worth, entry fees, or bank guarantees on Internet applications *inter-alia* violates the fundamental right to carry on trade and business and aggressively stifles digital innovation.

We humbly submit that obligations such as mandatory sharing of sports broadcasting signals with Prasar Bharati and the compulsory carriage of designated channels are rooted in public interest considerations intrinsically linked to the use of licensed spectrum, as well as the doctrine of scarcity that underpins the regulation of traditional broadcasting services. These obligations have historically been justified in the context of regulated, spectrum-dependent broadcasting ecosystems. However, extending such requirements to ALTD services would be legally unsustainable and fundamentally inconsistent with their nature as internet-based, application-layer content platforms.

Device Integration, Content Assurance, and Value-Added Services (Q6, Q7, Q8).

Q6. What type of assurance or certification mechanism should be prescribed for television manufacturers and operating system providers to ensure that applications provisioning ALTD services, (whether pre-integrated with television sets or made available for download through application stores or web platforms) are duly authorized by MIB.

Q7. What kind of assurance mechanisms should be instituted to ensure that the applications providers authorized for provisioning ALTD services carry only those channels which are authorized/permitted by MIB for distribution in India. What kind of penalty/disincentive/deterrent be instituted for non-compliance? Provide your comments with justification.

Response: TV Manufacturers (OEMs) and Operating System providers are hardware and software vendors, and they are not telecommunication service providers. Mandating them to act as regulatory gatekeepers, enforcement agents, or censors is legally untenable. Regarding MIB-permitted channels, the onus of compliance regarding content legality rests with the content creators under the general law of the land. ALTD platforms voluntarily curate safe, high-quality content to attract advertisers and/or viewers hence imposing rigid certification mechanisms is unnecessary.

Q8. Whether there is a need to prescribe any specific terms and conditions for value-added services offered by ALTD service providers? If yes, what should be the terms and conditions? Stakeholders are requested to provide their detailed comments with justification.

Response: It is submitted that *inter-alia* for reasons stated herein there is no need to prescribe any specific terms and conditions for value-added services. It is further submitted that the Authority also needs to take note of Government of India's position that online content is regulated under the Information Technology Act (as amended) as well Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. In this regard, it may be noted that all online content publishers (including News publishers) are already registered with the MIB as well pursuant to the said Rules under the said Act.

Television Channels Offered and Pricing Parity (Q9 & Q10).

Q9. Whether the broadcasters/content owners providing or intending to provide television channels on ALTD platforms operating in India be mandated to obtain authorization either for:

- **Satellite-based Broadcasting and/or**
- **Ground-based Broadcasting along with its applicable terms and conditions, before entering into the agreements with authorised entities provisioning ALTD services to consumers? If yes, provide reasons with justifications.**

Response: It is submitted that Broadcasters / content owners providing or intending to provide television channels on ALTD platforms operating in India should not be mandated to obtain authorization under the Telecommunications Act before entering into agreements with entities providing ALTD services to consumers.

Q10. In view of the availability of the pay television channels on ALTD platforms, what pricing methodology should be adopted for price parity of television channels across these platforms? Please provide detailed justification for your response.

Response: It is submitted that ALTD platforms are Internet applications, which do not constitute telecommunication services under the Telecommunications Act, and as such, the Authority has no jurisdiction to determine pricing methodology for price parity of television channels across these platforms. If legacy DPOs feel disadvantaged, the Authority ought to remove the artificial tariff regulations for DPOs, rather than imposing unworkable price controls on Internet applications.

Consumer Protection and Audience Measurement (Q11, Q12, Q13).

Q11. What obligations are required to be specified for the authorized entities provisioning ALTD services, with respect to consumer protection and grievance redressal mechanism, considering the different modes of service access such as smart televisions, websites, mobile applications etc.? Please provide your comments with detailed justification.

Response: ALTD platforms and digital services are already subject to the comprehensive provisions of the Consumer Protection Act, 2019, and general laws governing misleading advertisements and consumer rights, etc. The digital ecosystem inherently features immediate, highly effective grievance feedback loops (e.g., app store reviews, social media engagement, direct in-app support ticketing). Additional DPO-style Quality of Service (QoS) mandates are redundant and practically impossible to enforce, for numerous reasons because the ALTD provider does not control the user's Internet bandwidth (the ISP does), which is the primary determinant of video streaming service quality.

Q12. With the revised guidelines now including multiple viewing platforms in audience measurement, stakeholders are requested to furnish their comments on the right methodology for integrating ALTD service data into the television ratings framework, as well as the proposed timelines for implementation, supported by detailed justifications.

Q13. Under the revised guidelines, television distribution platforms and/or OTT platforms may publish periodic viewership data of broadcasters/channels they carry on their platforms and/or on their websites, without prior registration. In this context, stakeholders are invited to provide their comments on how such an enablement can be aligned with the proposed authorisation framework for application providers provisioning ALTD services, along with any related considerations.

Response: Audience measurement for digital applications is fundamentally different from traditional sampling-based television ratings. Digital platforms possess exact, deterministic analytics based on server logs and stream requests. Forcing these highly accurate deterministic digital metrics into an antiquated, sample-based statistical framework designed for linear broadcast is technologically regressive and practically impossible. All relevant players should remain entirely free to utilize global digital measurement standards without mandatory regulatory integration or oversight.

Without prejudice to the foregoing, it is respectfully submitted that issue of whether television rating constitutes a "telecommunication service" already stands conclusively determined by the Hon'ble TDSAT in *Bennett Coleman & Co. Ltd. vs. BARC* (B.P. No. 612 of 2020), wherein it was categorically held that the activities undertaken by BARC in relation to television audience measurement do not fall within the ambit of telecommunication services. In view of

the above, once audience measurement is held to be outside the scope of “telecommunication services,” the same necessarily falls beyond the regulatory domain of TRAI under Section 11 of the TRAI Act. It is also respectfully submitted that the new ratings guidelines dated 27.03.2026 referred in the Consultation Paper also exclude TRAI’s oversight on ratings related issues and that MIB’s reference too excludes consideration of ratings related issues by TRAI.

Future Considerations and Hybrid Models (Q14 & Q15).

Q14. Considering the scenario wherein application providers provisioning ALTD services may adopt a hybrid business model offering free and/or paid services, stakeholder comments are invited on how such services should be subject to the regulatory framework, particularly with respect to tariff, interconnection and quality of service aspects. Please provide your comments with justification.

Response: ALTD services should not be subjected to any such regulations under the Telecommunications Act and/or TRAI Act. The choice of whether a digital application follows a free, paid, or hybrid business model is a matter of commercial strategy. Imposing traditional DPO-style interconnection, tariff, or carriage obligations on internet-based software applications is without precedent and would severely undermine the unit economics of India’s digital streaming ecosystem, deter investment, reduce market participation, and ultimately operate to the detriment of consumer interests.

Q15. Whether there are other issues (such as channel positioning on home screen, EPGs, revenue sharing, interconnection agreements including marketing and placement agreements, etc.), not specifically covered in this consultation paper, which may be relevant for consideration while formulating the regulatory framework for ALTD services? Stakeholders are also requested to share relevant international best practices or regulatory approaches, if any, along with appropriate justification.

Response: Electronic Programme Guides (EPGs), UI/UX design, channel positioning, and search algorithms on a smart TV application are proprietary software features protected by intellectual property and copyright laws. Unlike a monopolistic cable set-top box, an ALTD app is just one of the numerous applications a user can choose to download and open. Mandating UI design, dictating algorithmic prominence, or interfering in B2B revenue-sharing agreements between app developers and content owners is an extreme measure *inter-alia* impinging on the freedom of contract and has no basis whatsoever.
