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USISPF Representation: &
TRAI's Consultation Paper on FAST Channels and ALTD &

1. Concerns regarding regulation of services provided over the internet

The Telecom Regulatory Authority of India (TRAI) regulates carriage and interconnection of broadcasting services as these services utilise spectrum. Spectrum is a rivalrous, finite public resource, as recently reiterated by the Supreme Court in *State Bank of India v. Union of India* on 13 February 2026. In contrast, services available on the internet over the application layer, including OTTs and FAST channels, do not utilise spectrum. There is no regulatory rationale that justifies a licensing or authorisation regime for such services available over the internet, especially in the absence of any market failure. Therefore, as internet-based services do not rely on scarce resources, we request TRAI to forbear from any regulation of OTT services, including OCCPs (i.e. publishers of online curated content), that are available over the internet.

2. Content and Carriage should continue to be regulated separately

TRAI's proposal to regulate FAST channels or Application-Based Linear Television Distribution (ALTD) services blurs the clearly established content–carriage separation. TRAI has typically been focused on regulating the technical and economic aspects of broadcasting. This regulatory remit has also been upheld by the Supreme Court of India in *Star India Private Limited v. Department of Industrial Policy and Promotion & Ors.* To prevent overregulation and regulatory uncertainty for businesses, we request that content regulation be limited to the Ministry of Information and Broadcasting (MIB). This aligns with the Government of India's Allocation of Business Rules, which empower MIB to regulate matters relating to online content.

3. Application services fall outside TRAI's statutory mandate

The Telecommunications Act 2023 is designed to occupy the field of network carriage exclusively. Section 2(p) defines "telecommunication" as transmission via "wire, radio, optical or other electro-magnetic systems"; applying *noscitur a sociis*, the term must refer to the physical act of transporting data across network infrastructure. Application providers do not perform such transmission — that is executed by Internet Service Providers and Telecom Service Providers operating the underlying networks. Application providers that provide services over the internet are unequivocally *users* of telecommunication networks, not providers. Significantly, while the Draft Telecommunications Bill 2022 expressly included OTT services, Parliament consciously omitted them from the final 2023 enactment. Reading them back in by regulatory inference would be *ultra vires* both the Telecommunications Act and the amended TRAI Act.

4. **Constitutional concerns under Article 19(1)(a)**

Subjecting apps that provide services over the internet to a mandatory authorisation or regulatory regime also raises serious concerns under the fundamental right to freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution. The doctrine of "exclusive privilege" in telecommunication is anchored in scarcity of natural resources and has no relevance to the application layer of the internet, where any number of services can coexist in conditions of technological abundance. Requiring internet broadcasters and application developers to obtain economic authorisation merely to stream content would be analogous to requiring a telecommunication licence to publish a digital newspaper — an outcome that fails the test of proportionality under Article 19(2). Current MIB permissions for satellite broadcasting are administrative registrations necessitated by orbital coordination and uplinking logistics; that distinction must be preserved and not extended to internet-delivered services.

5. **Publishers of Online Curated Content (OCCPs) are sufficiently regulated**

In this Consultation Paper, TRAI has introduced the definition of Application-Based Linear Television Distribution (ALTD) Services, which includes value-added services such as on-demand content delivered over the internet, free to consumers with revenues primarily generated through advertising. TRAI also proposes to introduce infrastructure-centric DPO obligations designed for managed physical networks onto agnostic application layers that operate over the public internet.

The broad definition risks capturing publishers of online curated content (OCCPs) within scope. However, OCCPs are already sufficiently regulated under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and other existing laws. Given that there is no regulatory vacuum, TRAI's interventions are unwarranted. Additionally, as highlighted above, we recommend that content regulation be limited to MIB.

Making regulatory inroads into a sector that is already regulated and working well risks creating business uncertainty and introducing friction into the market. It may also give rise to overlapping regulation, resulting in a lack of clarity and enforcement-related challenges.

6. **Regulatory forbearance, and not expansion, is the right approach**

Legacy sectors (like traditional DPOs) face historical regulatory burdens – and the policy response to such legacy sectors should be forbearance. However, similar regulations must not be expanded to new digital services – like digital media and streaming ecosystem – to protect its growth trajectory in alignment with the government's Digital India and Ease of Doing Business objectives.