

JioStar India Private Limited's (*JioStar*) preliminary counter-comments to comments on TRAI's Consultation Paper regarding Formulation of a Regulatory Framework for Application-Based Linear Television (ALTD) Services (including FAST Services) dated April 6, 2026 (*Consultation Paper*).

Preliminary Submissions.

1. Pursuant to the Consultation Paper issued on April 6, 2026, and in view of the comments submitted by few responders in support of authorization / regulatory framework for Application-based Linear Television Distribution (**ALTD**) and Free Ad-Supported Streaming Television (**FAST**) services (**Responders**), JioStar is providing these preliminary counter-comments to oppose authorization and regulatory framework for ALTD / FAST services. At the outset, we reiterate our preliminary comments dated May 11, 2026, which may kindly be read as forming part of the present counter-comments and they are not being repeated for the sake of brevity.
2. Our comments and these counter-comments are aimed towards preserving the growth of India's digital media ecosystem by opposing any inadvertent regulatory overreach since, ALTD / FAST services are outside the purview of the telecommunications and traditional broadcasting distribution frameworks.
3. We take this opportunity to reiterate that ALTD / FAST services are Internet-based application layer services that function over the open Internet. Subjecting them to a telecommunication authorization and/or traditional broadcasting carriage / distribution regulatory framework is not sustainable. It is submitted that the Parliament intentionally excluded Over-the-Top (*OTT*) services from the scope of the Telecommunications Act, 2023 (**Telecommunications Act**). As such any authorization / regulatory framework for ALTD / FAST services under the Telecommunications Act would be ultra vires and contradictory to the legislative intent.
4. It is important to note that the Draft Indian Telecommunication Bill, 2022, initially contained an explicit inclusion of "Over-the-top (OTT) communication services" within its definition of "telecommunication services". After detailed public consultation and stakeholder feedback seeking exclusion of OTT services, the final text of the statute eventually excluded OTT services. It is submitted that OTT services are "network-agnostic" applications that ride on top of the internet, and that no spectrum is allocated to OTT service providers, and they do not lay fiber-optic cables and do not possess the "right of way" to install infrastructure. Further, they also do not provide services that compete with those of Telecom Service Providers (TSPs) or Internet Service Providers (ISPs).

5. Considering that the legislature consciously removed a specific category of service from a Bill after public consultation, therefore, it is a clear signal of legislative intent to exclude that category of service from the Act's regulatory ambit. This intent was further confirmed by the Hon'ble Union Minister Ashwini Vaishnav, who stated that ***"OTT has been regulated by the IT Act of 2000 and continues to be regulated by the IT Act. There is no coverage of OTT in the new telecom bill passed by the Parliament."*** As such, it is not permissible to read back OTT services into the Telecommunications Act as it would result in bypassing of parliamentary intent and exercising powers that the legislature specifically chose not to confer.
6. It is also pertinent to note that the Government (MeitY and MIB) seeks to regulate online content comprehensively under the Information Technology Act, 2000 (IT Act) and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021), which also shows that there is no 'regulatory vacuum' as wrongly assumed in the Consultation Paper and by few Responders in their comments as justification for new sectoral intervention. Nevertheless, a 'regulatory vacuum' would by itself not justify force fitting of ALTD / FAST services under the Telecommunications Act or bringing them under TRAI's jurisdiction.
7. It is respectfully submitted that the Telecommunications Act is designed to regulate the carrier of a message or content, and not the author or publisher of the message, or content. To illustrate – when a person sends an email or streams a movie, the telecommunication service being used is the underlying network access being provided by their ISP / TSP (i.e., the carrier), and that the email or the movie itself, delivered via an app, is a content product. To regulate the app used to send email or make a movie available under the Telecommunications Act would be akin to regulating a book publisher under the laws governing the truck company that delivers the books.
8. ALTD / FAST services operate at the software/application layer. Unlike traditional DPOs, they do not own, manage, or control physical carriage infrastructure, spectrum, or satellite transponders. Imposing infrastructure-centric obligations (entry fees, net worth, bank guarantees) on digital applications will create insurmountable entry and continuity barriers for all stakeholders especially startups and digital entrepreneurs. Further, prescriptive regulations on UI/UX, EPG design, and search algorithms will stifle the commercial agility inherent to such services, which ought not be interfered with.
9. The mere fact that audio-visual content may be disseminated through multiple technological mediums cannot result in a conclusion that all such modes of exploitation must necessarily be subjected to identical authorization and/or

¹ <https://economictimes.indiatimes.com/industry/telecom/telecom-news/ott-not-under-ambit-of-telecom-bill-ashwini-vaishnav/articleshow/106224226.cms>

regulatory framework including pricing structures, interconnection frameworks, tariff obligations or economic regulation. The mode of dissemination including technological architecture, market ecosystem, audience behavior, competitive conditions and underlying economic model may differ substantially, which cannot be lost sight of. Copyright law itself recognizes that the owner of an intellectual property right is entitled to commercially exploit different facets and windows of dissemination of the same work in distinct manners and through distinct licensing and commercial arrangements.

10. It is respectfully submitted that dissemination and commercial exploitation of audiovisual works is fundamentally governed by the Copyright Act, 1957, which recognizes copyright as a bundle of distinct and valuable proprietary rights vesting in the owner or lawful exploiter of the work. The statutory framework itself contemplates that copyrighted audiovisual works may be commercially exploited through multiple distinct modes and windows of dissemination including theatrical exhibition, satellite broadcasting, cable distribution, DTH dissemination, IPTV systems, OTT streaming, digital dissemination and other evolving technological mediums. The copyright law recognizes that the owner of the work is entitled to commercially exploit different dissemination windows through distinct technological, commercial and licensing arrangements depending upon the nature of the platform, market conditions and intended audience.

Summary of Responders' comments and our counter-comments thereto.

Jurisdictional Conflict (Telecommunications Act & TRAI Act vs. IT Act).

11. Responders seeking an authorization and regulatory framework for ALTD / FAST services have themselves conceded that these platforms are covered under the IT Act and IT Rules 2021 framed thereunder. This admission highlights a fundamental contradiction i.e., demanding that ALTD/FAST services be brought under TRAI's broadcasting framework is admittedly inconsistent with and *ultra vires* both the Telecommunications Act and the TRAI Act. It may be noted that this is also the consistent position of the Government (MeitY and MIB) that transmission of content over the Internet is covered under the Information Technology Act.

Stifling Innovation and Anti-Competitive Structures.

12. On one hand, Responders have acknowledged that ALTD / FAST services are of different types and that businesses have defined their services differently yet, on the other hand, they seek to impose an authorization and regulatory framework (with a mandatory MRP/DRP-based business model) on all entities irrespective of difference in nature of services. This attempt to shoehorn diverse digital models into the legacy mold of Distribution Platform Operators (DPOs) is impermissible. Further, in their zeal to bring ALTD/FAST services under an onerous and restrictive regulatory net, certain

Responders have proposed measures that would effectively dismantle existing models to suit DPOs. For instance, Responders have *inter-alia* proposed a steep entry fee for ALTD/FAST services, which is economically perverse, as it penalizes technological efficiency solely to protect legacy business models. Similarly, some have proposed that interconnection regulations, tariff orders, Quality of Service (QoS) regulations, and register of interconnection agreements regulations should be applied to ALTD/FAST services. These are designed for traditional DPO offerings, and DPOs are fully aware that doing so would drive digital players out of the market, ultimately creating a benefit solely for traditional DPOs and negatively impacting consumer interests.

Regulatory Parity / Level Playing Field.

13. Few Responders have commented incorrectly that ALTD / FAST services should be subject to the same rules to prevent the decline of the DTH/Cable industry. In this regard, it is submitted that ALTD / FAST platforms are not comparable. Further, DPOs benefit from regulatory entitlements like spectrum access and right of way, whereas ALTD / FAST services operate without such privileges on the volatile open internet. Assuming for the sake of argument and without admitting the same, if DPOs face regulatory burdens, then solution is regulatory forbearance for the legacy sector, and not the expansion of regulatory framework to innovative digital services. Ideally levelling down of regulations on legacy players will allow them to compete in a free market ultimately, benefitting consumer choice.

MIB Guidelines.

14. It has been commented by few Responders that the carriage of linear channels on ALTD / FAST platforms violates certain provisions of the Uplinking and Downlinking Guidelines. In this regard, it is *inter-alia* submitted that Uplinking and Downlinking Guidelines do not apply to ALTD / FAST services. ALTD / FAST services are internet-based and do not involve satellite signal reception or transmission.

Tariff Parity & MRP Uniformity.

15. Few Responders have sought TRAI's regulatory (including tariff) framework for ALTD / FAST services. In this regard, it is submitted that this argument is technologically and economically flawed. Traditional DPOs operate on closed, managed networks using exclusive spectrum / right of way, which is different from ALTD / FAST services that operate on the open, Internet, subject to high volatility, massive competition, and complete dependence on third-party ISPs / TSPs for delivery quality. Therefore, there are fundamental structural differences in the 'playing fields' occupied by ALTD / FAST platforms and DPOs. Mandating regulatory / tariff structure applicable to DPOs for ALTD / FAST services would destroy the unique unit economics of Internet streaming and impede the ability of relevant stakeholders to monetize content differently across

mediums. Forcing legacy regulatory framework on digital content to protect legacy DPO models is fundamentally anti-innovation and anti-consumer. Further, content is subject matter of the Copyright Act and cannot be said to be covered under the Telecommunications Act or TRAI Act.

Accountability.

16. Few Responders have commented that App providers should be the primary stakeholder responsible for authorization and certification of content. Few Responders have also commented that unregulated ALTD / FAST services pose security threats and lack effective consumer grievance mechanisms. Regarding content on ALTD / FAST services, the onus of compliance regarding content legality rests with the content publishers under the law of the land (e.g., laws against hate speech, defamation, etc.). ALTD / FAST platforms, operating in a free market, voluntarily curate safe, high-quality content to attract advertisers and/or viewers.
17. Imposing rigid mechanisms is unnecessary and creates an environment of prior restraint and censorship. Further, it is reiterated that content cannot be said to be covered under the Telecommunications Act or TRAI Act. It is submitted that *inter-alia* for reasons stated herein there is no need to prescribe any specific terms and conditions for authorization and/or TRAI's regulatory framework. Importantly, the Government's position (MeitY and MIB) is that transmission of content online is regulated under IT Act and the IT Rules, 2021. In this regard, it may be noted that online content publishers (including news publishers) furnish their details to MIB, pursuant to the said Rules under the said Act. It is also important to note that ALTD providers do not control the user's internet bandwidth (the ISP does), making DPO-style Quality of Service (QoS) mandates redundant. The Internet economy *inter-alia* features highly effective, immediate grievance redressal through app store reviews, social media, and in-app support ticketing, which are far more responsive than traditional DPO style QOS framework.

Contextualizing the ecosystem and expanding assessment of all relevant factors.

18. While content production, acquisition, licensing, and initial app development are the most visible expenses, the operational costs that are often referred to as the 'silent taxes' of streaming are unique, substantial and critical to ALTD / FAST services. These costs also reflect a fundamentally distinct distribution methodology compared to legacy DPO platforms making them incomparable. It is submitted that the issues in the present consultation paper ought not be discussed or decided in isolation. Suggesting authorization and regulatory framework basis a single aspect (i.e., the output of ALTD / FAST services) without evaluating and distinguishing technical and economic aspects would be unfair to say the least. These distinctions further demonstrate why, from both a technological and economic standpoint, ALTD / FAST

services cannot be mapped onto the existing DPO licensing and regulatory framework (including interconnection regulations, tariff orders, QOS regulations, etc.). ALTD / FAST platforms operate in an entirely unique and different environment when compared with DPOs. This is evident from the following:

- (a) **Media Delivery & Infrastructure (e.g., CDNs, Cloud Services, Video Players)**. These are ALTD / FAST platform's technical backbone and are predominantly usage-based. They include:
 - (i) **Content Delivery Networks (CDNs)**. Responsible for caching video content in edge servers close to the user to minimize latency and prevent buffering. These costs are typically billed on a consumption basis, priced either per gigabyte (GB) of data transferred or per minute of video streamed.
 - (ii) **Cloud Service Providers**. This encompasses compute for transcoding (processing a single master video file into multiple resolutions and bitrates for adaptive streaming), storage for securely housing massive raw video libraries and localized assets, and egress to transfer data out of cloud providers ecosystem to the CDN or directly to the end-user.
 - (iii) **Video Players**. The embedded video player UI is usually powered by third-party Software Development Kits (SDKs), which is usually licensed basis volume of active users or total video plays.

- (b) **Advertising Technology (For Ad-based & Hybrid Models)**. If a platform utilizes an Ad-based or hybrid model, then it engages with service providers for ad-tech services. These include:
 - (i) **Server-Side Ad Insertion (SSAI)**. To ensure seamless transitions between content and commercials, ads are dynamically stitched into the video stream at the server level.
 - (ii) **Supply-Side Platforms (SSPs)**. ALTD / FAST platforms may leverage SSPs to programmatically auction their ad inventory.

- (c) **Analytics & Growth Ecosystem**. ALTD / FAST platforms engage vendors to analyze user behavior and monitor application health. These include:
 - (i) **Quality of Experience (QoE) Analytics**. These tools track technical telemetry such as, buffering rates, playback start failures, and mid-stream resolution drops, and generate alerts regarding network issues.

- (ii) **Customer Data & Marketing Platforms.** These cover, *inter alia*, attribution and Customer Relationship Management (CRM). They typically track subscriber acquisition sources (e.g., specific social media ad campaigns) and CRM tools deployed to re-engage dormant users via push notifications and emails, etc.
 - (d) **Distribution & Monetization entities.** These entities are wedged between the ALTD / FAST platform and the consumer, facilitating access and processing payments (where applicable). ALTD / FAST platforms engage these entities to maintain their application listings across different digital ecosystems. For pay services, operating systems and app stores may levy commission / fees on user subscriptions and in-app purchases made through their native billing systems, etc. Further, pay services are subject to transaction fees from payment gateways and processors, alongside subscription and billing management software fees.
19. It is submitted that for a holistic exercise to be conducted, it is imperative to analyze all aspects and issues relating to ALTD / FAST services fundamentally including those mentioned above and the following:
- (a) In the digital space, the choice to reach an end-user directly or through an intermediary is a commercial and technical decision made by content providers. Forcing a DPO- style intermediary layer *inter-alia* creates artificial barriers. The regulator *inter-alia* ought to consider whether the private commercial interests of intermediary (DPO) platforms are being erroneously conflated with the ‘public interest’. Further, whether the ‘gatekeeper’ model of legacy DPOs is compatible with the decentralized nature of the open Internet where ALTD / FAST services operate.
 - (b) DPOs are the primary stakeholders poised to benefit from the introduction of an authorization and regulatory framework for ALTD/FAST services. There is a significant risk that such a framework would be used to force ALTD / FAST services into a DPO-controlled ecosystem.
 - (c) As highlighted above, unlike the linear satellite-to-DPO model, ALTD / FAST services operate within a complex ecosystem of technology and business realities (CDNs, Cloud Service Providers, Ad-Tech stacks, and OS manufacturers, etc.). Attempting to interpolate ALTD / FAST services into a DPO-style licensing and regulatory model ignores these existing aspects of streaming and threatens to stifle the viability of ALTD / FAST services.

Misapplication of International Precedents.

20. Few comments supporting the authorization / regulatory framework for ALTD / FAST services have relied heavily on international examples cited in the Consultation Paper and have also annexed documents from Canada or the UK without context. Citing foreign laws that operate under different constitutional and statutory foundations is a flawed justification for expanding the scope of the Telecommunications Act or the TRAI Act. Even otherwise, in the Indian context, the Government's position (MeitY and MIB) is clear that OTT services fall under the IT Act and IT Rules. This stance has also been echoed by MIB, TRAI, and TDSAT on various occasions.

Jurisdiction over Foreign Entities.

21. Few Responders have challenged the foreign jurisdiction clauses of global platforms overlooking the existing domestic safeguards. Under the IT Rules, 2021, entities required to appoint a grievance officer based in India / provide grievance redressal mechanism. The demand for further jurisdictional oversight demonstrates a lack of appreciation for the existing regulatory framework that envisages local accountability. In this regard, it is reiterated that the Government (MeitY and MIB) seeks to regulate online content comprehensively under the IT Act and IT Rules, 2021.

Crossholding restrictions.

22. The demand by few Responders for stringent crossholding restrictions (as well as authorization and regulatory framework) for ALTD / FAST services is self-serving and an attempt to weaponize regulation to penalize digital innovation. They are attempting to port scarcity-era restrictions into an era of digital abundance. It is for this reason, even in case of legacy DPOs, cross holding restrictions were applicable only in case of DTH and HITS, and not other means. Further, unlike DTH and HITS platforms, which rely on managed, proprietary infrastructure and spectrum, the open Internet environment is characterized by an absence of bottleneck gatekeepers. ALTD / FAST services operate as over-the-top Internet applications where content reaches consumers via unmanaged public networks. Consequently, imposing ex-ante crossholding caps ignores the fundamental market reality that there is no barrier to entry for digital platforms, and the contestability of the market is at its peak. Theoretical competition concerns ought not result in preemptive and restrictive authorization and regulatory framework since that would stifle a nascent sector. In an ecosystem where a consumer can switch between different digital services, the traditional DPO type ability to 'block' or 'gatekeep' content is non-existent. To restrict entities from owning ALTD / FAST platforms, would be to ignore global trends and artificially segment a unified digital market. Regulatory intervention should be a tool of last resort, reserved only for proven market failures. In the present case, the only failure is the refusal of legacy models to allow an inherently open and contestable internet economy.

Regulatory Framework for ALTD / FAST Services.

23. The demand of certain Responders to extend DPO-style regulatory framework (comprising of interconnection regulations, reference interconnection offers / agreements (RIO), tariff orders, etc.) on ALTD / FAST services is *inter-alia* fundamentally flawed. The traditional regulatory framework was designed for managed addressable systems of DPOs where physical infrastructure created a 'gatekeeper' bottleneck for reasons such as, proprietary set-top-boxes / low interoperability, last mile monopoly, etc. In contrast, ALTD / FAST services operate over the open Internet, which is inherently non-bottlenecked. Imposing traditional broadcasting distribution-style rules on ALTD / FAST platforms is an attempt to solve a non-existent problem.
24. In fact instead of providing any solution such measures could create problems since ALTD / FAST models rely on proprietary tech stacks for service delivery, server-side ad insertion, etc. Further, forced interconnection would mandate sharing content with competitors who could jeopardize revenue thereby creating value leakage where the content owner bears the cost of content while the third-party platform with whom content is shared cannibalizes the ad revenue.

Conclusion.

25. The comments of certain Responders demanding for regulation of ALTD / FAST services akin to DPOs is a protectionist attempt to safeguard legacy business models of DPOs at the cost of ALTD/ FAST services and consumers. We strongly urge TRAI to uphold the principles of 'Digital India' and 'Ease of Doing Business' by maintaining the current status of application-layer services, while focusing on identifying and removing restrictive legacy obligations from traditional broadcasting distribution ecosystem.
