



**Federation of India Chambers of Commerce and Industry**

Response to

TRAI Consultation Paper

on

"Ease of Doing Business in  
Telecom and Broadcasting Sector"

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## **Preamble**

At the outset, we thank the Telecom Regulatory Authority of India (TRAI) for giving us the opportunity to submit comments on the consultation paper on “Ease of Doing Business in Telecom and Broadcasting Sector”. We appreciate TRAI for its continued efforts towards the identification and removal of various bottlenecks in the path of a smooth regulatory process, by streamlining policies, practices, and procedures in the telecom and broadcasting sector to create a conducive business environment in India.

## **Introduction**

India is galloping ahead in its aspiration of being a leading nation in terms of Ease of Doing Business. The year-on-year improvement in its global ranking is the direct result of the sustained steps taken in this regard. An aggregate of multi-sectoral reforms will work towards easing the regulatory framework and catapult India to a higher ranking thereby attracting foreign investments in the country.

TRAI through this consultation paper on “Ease of Doing Business in the Telecom and Broadcasting Sector” has initiated a conversation of a much-needed holistic review of the current bottlenecks to improve inter-ministerial coordination and streamline various compliances related to the telecom and broadcasting sectors.

The Union Cabinet on 15<sup>th</sup> September 2021 approved major reforms in the Telecom sector in terms of structural and procedural reforms which would go a long way in ensuring holistic growth in the sector and making it robust. This consultation paper by TRAI is another step in this direction which by involving the industry, ensures transparent representation of views. It is our belief that with the involvement of industry in this process, TRAI shall be able to make recommendations to MIB that are in consonance with the broader economic objectives of the Government of India such as increasing FDI attractiveness, promoting ease of doing business, and realizing the vision of Digital India.

Broadly, we would like to recommend the following to improve Ease of Doing Business (EoDB) in the broadcasting sector:



### **Ministry of Information and Broadcasting (“MIB”)**

- MIB should institutionalize the mechanism/process for grant of permissions/approvals through a fully integrated online **single-window clearance system** that is time-bound. Presently the entire process takes longer, and the timelines are also uncertain.
- The requirement of *seeking prior permissions* in most of the cases should be substituted with *giving prior intimations* by the broadcasters including permissions for change of name and logo of the channel, and temporary Uplinking.
- Broadcasters already holding existing uplink and downlink permissions of TV channels should not require security clearance from the Ministry of Home Affairs (MHA) every time they make an application for new channels/renewals. A one-time clearance given to the broadcaster should suffice as long as there is no change of ownership.
- The requirement of obtaining prior approval of MHA in case of appointment of Director by companies overlaps with the compliance requirement mentioned under Companies Act and should be deleted. Instead, it should be clarified that channel permission once obtained shall be valid for a few years viz., ten years instead of yearly renewal.
- Appointment of directors should be by mere intimation in accordance with the company law. If in case MIB receives adverse comments, then the company may be asked to take necessary action accordingly.
- Security clearance once granted by MHA, should be valid till the operational existence of the broadcaster, irrespective of the number of applications for new channels/renewals submitted by the broadcaster. An individual who is already security cleared and serving on board of a company permitted to operate television channels/teleport, should be allowed to be appointed on board of another broadcasting entity. This should be by mere intimation.
- To facilitate Mergers & Acquisitions, there should be a time-bound transfer of licences and acquisition via slump sale. Acquisition via NCLT sanctioned mergers or demergers should not require further permission from MIB, as long as the resultant or transferee company is already a licensee under the existing Guidelines.



### **Wireless Planning and Co-ordination (“WPC”)**

- To facilitate ease of doing business an **online “single window” clearance system** be introduced for teleports with standardized timelines that need to be adhered to by all concerned departments and ministries.
- The validity of the WPC permission issued to teleports to be for 10 years on payment of requisite license and royalty fee.
- The WPC portal be integrated with the “single window clearance system” so as to enable ease of doing business.

### **Network Operation and Control Centre (“NOCC”)**

- There are inordinate delays faced in procuring requisite approvals within a stipulated timeline. There is an urgent need to make the entire process online.
- In case WPC and NOCC permissions have been issued for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels.
- An online portal be created for obtaining NOCC permissions and the same be integrated with the “single window clearance system” so as to enable ease of doing business.

### **Telecom Regulatory Authority of India (TRAI)**

- TRAI’s BIPS portal should be equipped with Artificial Intelligence tools to make the entire process faster and ease the submission of correct and accurate information without fewer typographical errors. Currently, Broadcasters face multiple issues such as screen freeze in case any new functionality is added, inability to upload documents, absence of an editable option, while uploading the information sought by TRAI while submitting information on the BIPS portal making the entire process cumbersome and against the spirit of ease of doing business.
- It is submitted that the information uploaded by a broadcaster on the BIPS portal be considered by TRAI. Any duplication of submissions (i.e., uploading of information on the



website as well as separate submission by way of emails/physical communications) makes the entire process burdensome.

While the above points convey our suggestions on a broad scale, the various “issues for consultation” in the TRAI consultation paper require a thorough response. We would thereby like to present our detailed comments and suggested reforms in the regulatory processes, policies, practices, and procedures in the broadcasting sectors to help create a conducive business environment in India. The issue-wise comments are as follows:

<b>Issues related to the Grant of permissions by the <u>Ministry of Information and Broadcasting</u></b>	
<b>Q1.</b>	<p><b>Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:</b></p> <p><b>a. Simple, online and well-defined processes</b>  <b>b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any</b>  <b>c. Precise and well-documented timelines along with the possibility of deemed approval</b>  <b>d. Well-defined and time bound query system in place</b>  <b>e. Seamless integration and approvals across various ministries/departments with the end-to-end online system</b>  <b>f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration</b>  <b>Give your suggestions with justification for each license/permission/registration separately with detailed reasons along with examples of best practices if any.</b></p>
Response	<p>One of the crucial aspects of improving business conditions is to reduce the number of approvals, permissions required and avoiding the use of administrative fees as a source of revenue maximization. Also, the automation and speeding up of basic processes, will encourage faster business decision-making in the sector making it more competitive.</p> <p>In view of the above, TRAI should recommend MIB to implement the following in light of the EoDB initiative in the broadcasting sector:</p> <p><b>a. Introduce a fully functional and integrated “single window” clearance system:</b> The greatest need of the hour in terms of administrative processes is to introduce a truly effective and meaningful online “single window” process</p>



wherein all relevant documents and fees can be uploaded, and the permission be issued online in a time bound manner. The portal should be one-stop solution for all approvals and permission and should be seamlessly integrated across various ministries/departments with the end-to-end online system. Though the Ministry has taken steps such as introducing “The Broadcast Seva” portal, the implementation and effective use is awaited eagerly by the sector. Currently, the broadcast seva portal doesn’t serve as a single window clearance system and the filing of application requires submission of documents in physical format with no clear timelines defined.

The entire process involves approvals of multiple set of ministries and departments other than MIB, such as Ministry of Home Affairs (“MHA”), Department of Space (“DoS”), empaneled auditors of MIB, Ministry of Corporate Affairs (“MCA”), Ministry of Finance (“MoF”) Wireless Planning Commission (“WPC”) and National Operations and Control (“NOCC”). The involvement of multiple ministries causes delay in getting approvals as they do not stick to any stipulated timeframe and also derails business planning and payment of valuable forex to foreign satellite operators. Therefore, it is suggested that the WPC and NOCC process should also be brought online and integrated into the single window clearance system that enables the filing of applications online with MIB and the concerned Ministries/Departments are asked to give their comments online through intranet amongst ministries. The entire process should be time bound so that satellite TV businesses can take time sensitive decisions.

- b. Broadcast seva portal should allow submission of documents with digital signatures:** The Broadcast Sewa portal allows the broadcasters to submit various applications although documents such as affidavits and undertakings, but still require them to be submitted in original hard copies. This defeats the entire purpose behind ease of doing business as, despite online submissions, physical submission of certain documents is still required for processing the application. It is suggested that digital signatures be accepted and



accordingly, any document bearing digital signatures be allowed to be submitted online.

**c. Change of Name and Logo should be substituted from “seeking prior permission” to “giving prior intimation”:**

The dynamic nature of the satellite TV broadcast sector needs to respond to the ever-changing consumer interests, tastes and preferences based upon weekly system ratings. Hence, broadcasters require to adjust accordingly and thus, change the name and logo of their channels as they innovate upon the content being delivered through the TV channels. In view of the same, the process needs to be simplified and streamlined through the following:

- If there is no change in the applicant company’s name / ownership and there is a mere change in name and logo of any channel with no change in the technical parameters of an on-air channel i.e. no change in teleport, no change in frequency, no change in satellite or transponder or no dual illumination involved, a mere intimation with the prescribed processing fee (if it is changed within a year of getting license) should be required. While intimating the applicant may be required to submit proof of Copyright and Trademark for the changed name and logo.
- In the case of only change of name and logo the endorsement by WPC/NOCC should be done away with and instead a process of mere “intimation” should be introduced as WPC/NOCC require updation of records at their respective ends. Once MIB acknowledges the change, the endorsement of WPC and NOCC of such change on the license of the teleport operator should only be for record-keeping purposes.
- As for the requirement of applying for trademark registration of the logo of the channel, it is suggested that the same be done away with. The rationale being that if the incumbent broadcaster adopts a channel logo which infringes the trademark of another entity, the same will be challenged by the said entity. If a court finally adjudicates that the logo adopted by the broadcaster indeed infringes the mark of another entity,



MIB can ask the broadcaster to change the logo of the channel or revoke the permission.

**d.** In case of a change in name and logo of a channel where there are technical changes involved then the said changes along with the change in name and logo of a channel should also be intimated online.

**e. Change of Format and Language:**

- Once a broadcaster has acquired necessary up-linking and downlinking permissions, the change in language of TV channel should be permitted based upon an intimation by the respective broadcaster to MIB as any programming or content, in any language, is subject to the self-regulatory mechanism including adherence with Code for the programming and content. Hence instituting any heavy-handed regulatory structure for it than what already exists would not be consistent with the ease of doing business.
- Once a broadcaster has acquired necessary up-linking and downlinking permissions, it may be allowed to broadcast different variants of a TV channel such as SD, HD, 4K etc when the TV channel programming remains the same in all versions. Notwithstanding, the Ministry may require the Broadcaster to pay separate fees for each of the formats.

**f. Licenses should be transferrable within a stipulated timeframe–**

Companies usually restructure through merger, demerger or amalgamation so as to enhance the operational efficiency of that organization. There is a need to align the up-linking and downlinking guidelines with provisions of Companies Act. Sections 230 & 232 of the Companies Act, for the compromises, arrangements and amalgamations, provide that a notice of the meeting of shareholders and/or Directors along with scheme of compromise, arrangements and amalgamation (including merger or demerger) and other documents as may be prescribed, are mandated to be sent to all the Regional Directors, the income tax-authorities, the Reserve Bank of India, the Securities and Exchange Board, the Registrar, the respective stock exchanges, the Official Liquidator, the Competition Commission of India,



and such other sectoral regulators or authorities (which would include the TRAI and MIB) which are likely to be affected by the compromise or arrangement. It is further required that representations, if any, by such authorities shall be made by them within a period of 30 (thirty) days from the date of receipt of such notice, failing which, it shall be presumed that they have no representations to make on the proposals. Hence, in view of the above and to improve the ease of doing business in the sector, we suggest the following:

- i. If both the transferor company and transferee company are holders of permission for up-linking of a TV channel under up-linking and downlinking guidelines, then, the Ministry should grant permission for the transfer of the permission held by the transferor company to the transferee company within the thirty day period set forth under section 230 of the Companies Act, 2013, subject to the net worth criteria being met by the transferee company post-approval of the amalgamation, merger or demerger being approved pursuant to the provisions of the Companies Act.
- ii. Similarly, in case of transfer of business or undertaking in whole or part by way of a slump sale or an asset transfer, if both the transferor company and the transferee company are holders of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, the Ministry should grant approval within a stipulated period of 15/30 days' subject to the transferee company meeting the net worth criteria.
- iii. In so far as the transferee company is not a holder of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, The Ministry should make its representation to the proposal for merger, demerger, etc. within the time stipulated under the provisions of Section 230 of the Companies Act, 2013. Else it should be presumed that the proposal is approved subject to security clearance and net worth criteria being met



**g. Streamlining the Temporary Uplinking process for sporting events and removal of any processing fee charged for the same:**

The sports broadcast business is primarily based upon making available live sports events. Presently, sports channels are treated as “non-news and current affairs” channels for the purpose of licensing by MIB and hence have to seek temporary permission for live uplink like any other channel in this category. The concern that arises over here is that as against other channels in the “non-news and current affairs” category such as GEC among others, the primary activity performed by sports channels is to reach consumers with live sports events. In view of the above, it is suggested that:

- MIB should consider permitting issuance of short term/ temporary channel licenses, specifically to cater the need of broadcasting multiple feeds of the same live event (such as a sporting event and entertainment events in various languages) and also to assure audiences regarding the availability of overlapping live events (including events of national importance).
- The processing fee per channel per day for temporary uplink charged by MIB for a live event should be done away with. MIB vide order dated Dec 13, 2017 has introduced a processing fee per channel per day for temporary uplink of a live event of Rs 50,000 for Regional channels and Rs 1,00,000 for National Channels. As Sports channels usually consist of live sporting events and cater to various regions, the amount being paid by broadcasters towards temporary uplinking fees is mammoth which runs into 4-5 crore per sporting event. The broadcaster pay charges of frequency allocation in WPC and monitoring changes by NOCC, through the teleport operators who in turn charge the broadcasters. This is a deterrent to development of sports in India.
- A separate permission should be issued for sports channels, by which such sports channels (having majority of content as live sports) can uplink from any location in India at any point of time without the need to seek individual permissions for every single match and venue. This



would bring them at par with the “news and current affairs channels” as both are engaged primarily in live broadcasts.

It should also be noted that most times when sports channels seek temporary uplink permission the same is being done to broadcast “events of national importance” as notified by MIB. Therefore, it is incumbent that the time consuming and cumbersome process for the temporary uplink of sports channels be changed as per the suggestions given below:

- In the present regime the broadcasters are forced to get prior approval from three different bodies, MIB, WPC, and NOCC even for minor changes. Such a mechanism does not encourage world-class entertainment events or sporting events to be live broadcast by Indian channels.
- Sports broadcasters should be allowed to broadcast live sporting events by way of a self-declaration stating that it will only live up-linking sporting events and no news or news-related content shall be carried on such feed.
- For both sports and GEC channels: Applicants should merely intimate and get approval of the MIB within a prescribed time limit by giving macro details of the event which include, name of the tournament and teams involved, start and end date, details of the venue, etc. and a self-declaration that the live feed will only consist of sporting or general entertainment events. Within the total approved calendar schedule, if there is any last-minute change (due to unavoidable reasons like rain, law and order, etc.), the sports broadcaster should merely be asked to intimate rather than wait for last-minute amendment and approval.
- Sports broadcasters should be permitted to seek temporary up-linking permission for their entire annual calendar of sporting events in one go.
- It is suggested that the period of 15 days prescribed for filing an application for temporary uplinking on a non-news channel should be



reduced to a period of 7 days as there are many sports events which do not have clarity in respect of the schedule 15 days prior to the event.

- A broadcaster should be allowed to use single frequency in “Multi Channel per Carrier” (“MCPC”) mode for sending more than one contribution feeds from the venue. This will help better utilization of the bandwidth and allow advanced technology of multiple camera feeds etc. to be provided to the viewers by the broadcaster.
- A broadcaster should be allowed to use the same transmission frequency of a satellite transponder for which it may have the appropriate frequency approvals to be used for sending contribution feeds from the venue to the teleport in a reverse direction. This technology allows for utilizing the same transponder for contribution that is used for channel transmission and thus increases the efficiency of utilizing satellite capacity.
- Also, in order to support varying business needs and consumer experience, MIB should consider permitting issuance of short term / temporary channel licenses, specifically to cater the need of broadcasting multiple feeds of the same live event (such as a sporting event in various languages) as well as assuring audiences the availability of overlapping live events (including events of national importance).

- h. MIB should allow payment of annual renewal fees for the entire period of validity:** The Annual Renewal Process for satellite TV channels needs to be simplified in order to improve the ease of doing business in this sector. It would be appropriate if the annual renewal fee for 10 years shall be payable at single go, while issuing fresh licenses. In addition, necessary provisions can be introduced whereby permission granted to broadcasters can be withdrawn by giving prior notice even when the broadcaster has permission for a longer period.
- i. Clarification on non-applicability of DoS approval on applications filed for shifting of channels to an approved teleport:**



- As per the notification dated February 22, 2017 issued by the Ministry of Information & Broadcasting in respect of Clause 9.2 of the Uplinking Guidelines whereby the condition to seek DOS approval has been waived. However, considering that the Clause 9.2 relates to Process for Obtaining Permission for new channels, we would sincerely appreciate if MIB could provide clarification that the said exemption on DOS approval shall also be applicable to the existing permission holders who seek to move the permitted channel(s) to an approved teleport. Further, in order to simplify the process, there should be an online facility where all approved teleports/satellites should be listed.

Similarly, foreign satellites are currently permitted to provide services only after the same have been coordinated with ISRO. MIB could thus obtain list of such Foreign Satellites from DoS which are coordinated with ISRO, and the list of such Foreign Satellites could be made available on MIB's website. Broadcasters could then be aware on the list of permitted Foreign Satellites, and avail services only from such permitted Foreign Satellites for uplinking of signals. The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate MIB's process for approving new channels or change of satellite (in case of permitted channels), wherein they could refer to such list of Foreign Satellites rather than sending the file to DOS on each occasion.

**j. Facilitating inter-departmental clearances**

The time-period of nearly 30 days from the date of issuance of the Letter of Intent (LOI) to the date of issuance of permission should be nullified so that the moment MIB receives clearance from MHA, the applicant company should be asked to furnish permission fee and performance bank guarantee (PBG).

- k.** The window to operationalise a television channel from the time of obtaining MIB's permission should be increased from 1 year to at least 2 years, subject to validity of PBG and payment of permission fee.



	<p><b>l.</b> Transfer of television channel permission from company ‘A’ to company ‘B’ should be allowed through mere intimation if company ‘B’ is already security cleared for operating in same category of television channels, subject to undertaking from company ‘B’ that it will fulfil all necessary criterion.</p> <p><b>m.</b> To avoid any kind of interference and conflict of business interest with other services like DTH players, uplinking of television channels should only be allowed in C-band and in case uplinking is taking place in any other band, then the signals should be encrypted.</p>
<p><b>Issues related to the Grant of permissions by the Department of Telecommunications</b></p>	
<p><b>Q9.</b></p>	<p><b>Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:</b></p> <ul style="list-style-type: none"> <li><b>a. Simple, online and well-defined processes</b></li> <li><b>b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any</b></li> <li><b>c. Precise and well-documented timelines along with the possibility of deemed approval</b></li> <li><b>d. Well-defined and time bound query system in place</b></li> <li><b>e. Seamless integration and approvals across various ministries/departments with the end-to-end online system</b></li> <li><b>f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate</b></li> </ul> <p><b>Give your suggestions with justification for each license/clearance/certificate separately with detailed reasons along with examples of best practices if any.</b></p>
<p>Response</p>	<p><b>a. Better co-ordination</b></p> <p>The core factors affecting the issue of “operationalization of TV channel” as caused by Wireless Planning &amp; Coordination Wing (hereinafter “WPC”) remain the same, i.e. (a) better inter-departmental coordination; (b) identification of clear-cut timelines; &amp; (c) creating enabling framework for new technologies. The manner in which these factors affect WPC and Network Operation &amp; Control Centre (hereinafter “NOCC”) clearances have been detailed as follows:</p>



Introduction of new technologies and digitalization of uplink process has allowed multiple channels to be carried on a single frequency. Consequently, if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels. In any event the WPC is actively engaged in monitoring of such channels. Further, these last moment permissions from WPC and NOCC leads to lapse of validity period of “operationalization” as well as forfeiture of the performance bank guarantees (hereinafter “PBG”). This incurs a heavy loss to the business in terms of rollout obligation. Thus, the term “operationalization” of TV channel has to be preceded by a major streamlining of part of WPC, NOCC and MIB.

Provision for a single annual application to WPC/ NOCC for the entire duration of a year or the relevant period, in case of broadcasters with an advance calendar of live entertainment, sporting and non-news events for a year. Provided that, following long-term/annual approval, a separate notification shall be sent to the WPC/ NOCC of transponder capacity use. (This will greatly reduce the possibility of accidental rogue carrier uplink, as the satellite, transponder and frequency will be allocated long-term. These kinds of rogue carriers have been experienced by broadcasters which seriously impact the legitimate carrier and hence the feed and the consumer’s Television experience.

**b. Use of DSNG and Teleport for temporary Uplinking permission**

It has been the aim of the Government to make Indian Teleport Industry the Commercial Hub for the “Global Turnaround” of the channels from east to west as India being geographically located in such a favourable zone. For this proposition to succeed, it is pertinent to reduce the financial burden on the teleport & DSNG service providers of the Country. In support of our view, and as teleport consumers, we would like to submit as under:-



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|  | <ul style="list-style-type: none"><li>(i) The process of applying for MIB Permission for events should be made an Online 24x7 system, for new permissions and for amendments. There should be single window clearance system in MIB, WPC &amp; NOCC regarding Application &amp; Approval of temporary events. At the moment it is a very cumbersome process of coordinating between three departments / ministries to get permission for temporary live telecast of any event. Since GOI departments are operational 5 days a week, while any event can be calendared between Sunday to Saturday, getting all three permissions within a reasonable period of time, especially for high profile events, becomes extremely cumbersome and stressful.</li><li>(ii) In case of sporting Events, including ongoing tournament-based and continuing events like cricket, football, etc , MIB should issue its permission on the basis of number of days and locations only. Exact time &amp; exact dates should not be insisted upon, as experience shows that they get changed at the last moment for reasons such as rain, power failure, election, law &amp; order situation or any other local situation. For example, in the case of an event like Khelo India or IPL, which is spread over a period of two months and spread across many locations within the country, MIB should issue a permission for the complete duration (i.e. no of days) and locations mentioned in the application. By adding requirements for exact dates / timing, any last minute changes create a rush toward respective Ministry(ies) to seek amendment at the last moment.</li><li>(iii) Also, due to unavoidable reasons if a particular stadium cannot be used and if another stadium is available within the same city/town the applicant should be allowed to use the second stadium as far as the city/town remains the same.</li><li>(iv) WPC Fee should be based on an event basis and should not be based on frequencies to be used in the event. For example:- for 21 days falling under 2 or 3 months period attracts 3 months WPC fee</li></ul> |
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subjected for single frequency spot but if the consistent frequency is not available then per frequency fee is multiplied. For 3 months period if we use three different frequency slots ( as consistent frequency for longer duration becomes very tough to get), WPC fee becomes 9 times (3 x 3 months) and this is a serious pinching point for broadcaster.

- (v) For temporary live uplinking services such as Sports, Corporate events, etc. that require the use of DSNG vans / terminals the WPC Wing should charge on hourly or daily basis rather than for a whole month, which is presently followed. We request the MIB to take up this issue with the WPC wing, in the interest of holding more events (like sporting/mega entertainment events) in the country. Alternately they may fix a fee of Rs. 5000/- (Min) or Rs.25,000/- (max) to be levied per event.

Following are the Illustrations where we try to elaborate this issue.

Reason 1:- . If any temporary event is there for 3 days using 9 MHz satellite BW on any of the Indian satellite, say, 30th March to 1st April, then WPC Wing will be charging spectrum royalty for minimum for 2 months, i.e. for 60 days viz. whereas the event is only for 3 Days, the user is paying BW charges (9MHz) for 3 Days only to the Satellite service provider (3 Days X Rs.45000/- =Rs,135000/- and WPC charges (9 MHz X Rs.140,000/- , /12 X 2 = Rs. 2,10,000/ - (Royalty) + Rs 1000/- (License Fees).

(As explained above, for an event which is only for a period of three days but WPC charges spectrum fee for 60 days and this is both unfair and unjustified.)

- (vi) Irrespective of frequency used, fee should be levied on transmission basis. This practice is being followed in other countries like Sri Lanka, Bangladesh, Singapore, UAE, UK etc.
- (vii) Mostly in all the countries, the Regulator only charges nominal License fees for administrative purposes. NO separate Spectrum charges or any satellite monitoring charges (such as NOCC fees) is



charged. Only a single fee, as charge by the satellite service provider is being paid globally along-with the nominal license fees for administrative purposes. OR

- (viii) WPC fees should be charged on daily basis (i.e. Per day charges), as it is being charged by the NOCC and all the satellite operators across the globe charges on the basis of per day rate / per minute rate.
- (ix) MIB application should be on-line and by an automation route, rather than submitting 3~4 weeks prior to start of an event. Nowadays, because of operational reasons many of the details such as satellite details, venue etc. are decided at a later stage.

**c. WPC should remove any restrictions placed on the bit rate that can be used for TV channels uplinked through a teleport:**

- Recently, the Telecommunication Engineering Centre (TEC) released its “STANDARD FOR INTERFACE REQUIREMENTS TEC 42012:2021” that removed restriction on bit rate that can be used per HD channel and SD channels. Additionally, there are no standards set by ITU or DVB w.r.t a particular bit rate that must be used for the broadcast of TV signals over satellite. Hence, TEC has allowed the broadcasters to select their desired bit rate as it would be in the broadcaster’s interest to ensure that the signal broadcasted by them is of the highest quality. This is also to bring parity between channels uplinked from India and uplinked from other countries, where such “bit rate” restrictions are not in force.
- At present the bit rate per HD channel and SD channel enforced by WPC:

Sr. No.	Compression Type	HD Bit Rate (min)	SD Bit Rate (min)
1	MPEG2	7.0 Mbps	2.0 Mbps
2	MPEG4 or h.264	5.0 Mbps	1.5 Mbps
3	HEVC or h.265	3.5 Mbps	1.5 Mbps

- The table below is an example of the number of channels that can be accommodated in a full transponder of 36 MHz exited by one carrier with one frequency, one MCPC and with DVB-S2, 8-PSK modulation with  $\frac{3}{4}$  FEC if the archaic restriction is removed forthwith:



Sr. No.	Compression Type	HD channels	OR	SD channels
1	MPEG2	8	OR	30
2	MPEG4 or h.264	12	OR	40
3	HEVC or h.265	17	OR	40

- This will not only pave way for introduction of new futuristic technologies like 4K technologies and 4K or UHD channels for Indian viewers, it can also reduce forex outflow as majority of Indian broadcasters use foreign satellites and pay in foreign exchange.
- Since the limit on bitrate has been removed by TEC, the same should be acknowledged and recognized by WPC so that broadcasters are allowed to use a data rate that best suits the requirement within the approved satellite capacity.

**d.** Equipment operating under a particular WPC license operates on fixed sets of technical parameters which are directly related to bandwidth allocated on a particular satellite. Operator / licensee cannot deviate from these fixed parameters, unless and until there is a consent sought from satellite operator. Since all these parameters are fixed and cannot be changed by mere own wish, WPC should take declaration of information and basis such declaration, automatically license number should be generated from portal after cross verification.

**e.** Operators / licensees should be allowed to keep their un-used equipment under NDPL without any cap on time limit as RF equipment are very costly equipment and can be used even after span of time. Since RF equipment are costly equipment and if they are not used by captive user than the user may be allowed to give its equipment to a DPL license holder company.

**Q10.** **Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes**
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any**



	<p>c. <b>Precise and well-documented timelines along with the possibility of deemed approval</b></p> <p>d. <b>Well-defined and time bound query system in place</b></p> <p>e. <b>Seamless integration and approvals across various ministries/departments with the end-to-end online system</b></p> <p>f. <b>Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval</b></p> <p><b>Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.</b></p>
Response	<p>The core factors affecting ease of doing business including those related to assignment of frequencies by WPC remain the same, i.e. (a) better inter-departmental coordination; (b) identification of clear-cut timelines; &amp; (c) creating enabling framework for new technologies. The manner in which these factors affect WPC and NOCC clearances have been detailed as follows:</p> <ul style="list-style-type: none"> <li>• Even though WPC and NOCC belong to Department of Telecommunication, for some unknown reasons, they are located in different buildings and the endorsement/approval happen one after the other leading to delay in getting required approvals within a stipulated timeline. Operators are asked to pay Bandwidth/Frequency allocation and monitoring charges separately. This entire process needs restructuring and rationalization.</li> <li>• Another reason for delay is because WPC has been adopting a six-monthly window system for assignment of broadcast frequencies after the 2G verdict of the Hon'ble Supreme Court in 2012. It is incumbent upon DoT to seek clarification from the Hon'ble Supreme Court regarding the assignment of broadcast frequencies as the same is for "captive" purposes as against telecom spectrum.</li> <li>• Introduction of new technologies and digitalization of uplink process has allowed multiple channels to be carried on a single frequency. Consequently, if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels.</li> </ul>



	<p>In any event the WPC is actively engaged in monitoring of such channels. In any event the WPC is actively engaged in monitoring of such channels. Further, these last moment permissions from WPC and NOCC leads to lapse of validity period of “operationalization” as well as forfeiture of the performance bank guarantees (hereinafter “PBG”). This incurs a heavy loss to the business in terms of rollout obligation.</p> <p>In view of the same it is suggested that major streamlining of part of WPC, NOCC and MIB is required presently in order to facilitate ease of doing business. It is suggested that an online portal be created for NOCC permissions and the same be integrated with the “single window clearance system” so as to enable ease of doing business.,</p>
<p><b>Issues related to the Grant of permissions by the <u>Department of Space</u> for Telecom and Broadcasting services</b></p>	
<p><b>Q13.</b></p>	<p><b>Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of</b></p> <ul style="list-style-type: none"> <li><b>a. Simple, online and well-defined processes</b></li> <li><b>b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any</b></li> <li><b>c. Precise and well-documented timelines along with the possibility of deemed approval</b></li> <li><b>d. Well-defined and time bound query system in place</b></li> <li><b>e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system</b></li> <li><b>f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity</b></li> </ul> <p><b>Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.</b></p>
<p>Response</p>	<p>All broadcasters use satellites for the delivery of channels to the recipient DTH operators, MSOs and LCOs as applicable. As ISRO satellites are not readily available or available with sufficient capacity, many of the Indian broadcasters use foreign satellites in addition to INSAT/GSAT satellites. As regards use of Indian satellites is concerned, no technical parameters have been given so as to</p>



compare Indian satellites with foreign satellites to make an informed decision while choosing the satellites for broadcast of TV channels. Broadcasters bear considerable cost to lease transponder capacity, and the foreign satellites used by broadcasters are usually bound by long term contractual obligations, which are difficult to break away from. In case the broadcasters are forced to migrate to Indian satellites, then breach of the contractual obligations would lead to serious implications including payment of exit fees, long drawn litigation or arbitration. Additionally, if broadcasters are forced prematurely to migrate to Indian satellites and the artificial scarcity of spectrum allocation is highlighted, then the implementation of “open sky” policy will be hampered. As of now, there is no scarcity of orbital spectrum, if the foreign satellites are used, while mandatory up-linking from India to Indian Satellite may cause scarcity of transponders and restrict growth of the broadcast sector. Furthermore, Indian satellites are not well equipped to provide replacements or backups in cases of technical glitches.

In view of the above, we suggest the following –

- (i) It is suggested that the validity of the permission/approval issued by DoS for use of satellite and transponder be same as the uplink and downlink permission for TV channel issued by MIB. The Uplink Downlink permission issued by MIB is valid for a period of 10 years whereas the validity of the DoS permission/approval is valid for 3 years.
- (ii) Foreign satellites are permitted to provide services only after the same have been coordinated with ISRO. MIB could thus obtain list of such Foreign Satellites from DoS that are approved/coordinated with ISRO, and the list of such Foreign Satellites could be made available on MIB’s website and any application on these satellites should have automatic approvals. Broadcasters could then be aware on the list of permitted Foreign Satellites, and avail services only from such permitted Foreign Satellites for uplinking of signals. The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate MIB’s



process for approving new channels, wherein they could refer to such list of Foreign Satellites for every new applicant rather than sending the files to DOS each time. Only the satellites not coordinated should be referred to DOS /ISRO for their comments / approval. The broadcasters should be free to sign up with the satellite provider once the application has been approved, so that there are no undue payments needing to be maintained to foreign satellite companies for periods up to a year, without being able to commence services.

- (iii) Satellite Bandwidth (BW) should be pre – approved, when leased out to the users. i.e. when DOS allocates any satellite BW to the users, the said BW should be pre – approved by the various agencies such as MIB, NOCC, WPC etc. so that the user can use the BW immediately after the allocation. This will ensure faster / efficient utilization (of bandwidth).
- (iv) DOS should provide information on its website about bandwidth capacity which is available with it so that process is transparent and clear. DOS should also place on its website information about the future roadmaps with regard to satellite launch and use so that users can plan accordingly. The customer support service of DOS should be more robust and turnaround time should be minimal.
- (v) Else DOS should charge the users/ applicants from the day of actual use of the BW after getting all the requisite approvals by granting a reasonable period of say 3 months for such approval.
- (vi) When a new ISRO satellite is being marketed, which is owned and operated by the Government of India, they too follow the same methodology of charging end user, although the other departments concerned in granting final approvals, namely, MIB, WPC and NOCC are also the wings of the Government of India.
- (vii) Since ISRO wants to encourage Indian broadcasters to use Indian satellites, DOS should start charging broadcasters from the day they obtained all the necessary clearances from MIB, WPC and NOCC.



- (viii) There should be online filing of application for INSAT capacity reservation / allocation for these services i.e. Teleport / TV uplinking, SNG/DSNG & VSAT. This will not only facilitate ease and efficiency in application / processing but will also help environment protection by saving numerous pages of hardcopies. All details should be made available on the websites of ISRO/Antrix and WPC. All applications must move electronically as transactions and all approvals accorded online with intimation to applicants.
- (ix) There should be no deposits from the users towards booking / allocation of the satellite capacity. However, for due compliance by users and protection of ISRO's interests, there may be provision for BANK GUARANTEES say monthly deposits, in line with the industry and international best practices.
- (x) There should be open sky policy for all the satellite requirements in India.
- (xi) Forex Remittance authorizations could be made available for the entire period of the contract between the approved Satellite Service Provider and the Broadcasters. The contract between the Broadcaster and the Satellite Provider is anyways submitted to the MIB as part of the original application from the Broadcaster. However, the Broadcasters could continue to file the details of the foreign remittances made for transponder charges on a yearly basis. RBI has already given general permission for payments to foreign satellites for Uplinking services subject to MIB approval. This requirement of MIB approval should be done away with since such payments are current account payments made in the normal course of business through Authorised Dealers.

**OTHER ISSUES**

- a) The satellites have a definite life after expiry of which the satellite operator provides a fall back / replacement satellite on the same location or co-located orbital position.



*It is therefore recommended that the fall back / replacement satellite on the same / co-located orbital position should have an automatic approval from all regulatory authorities to provide a smooth and uninterrupted services to broadcasters.*

Once a satellite has been given NoC by ISRO, any additional channel on the same satellite should not again require any NoC from ISRO and should be approved at MIB itself without again being referred to ISRO.

- b) If a satellite is replaced by ISRO due to end of life or other reasons, the Teleport approvals on the satellite should automatically get transferred to the new satellite, without users having to make a fresh teleport application to the new satellite.
- c) If a broadcaster(s) shifts their set of channel(s) from one approved teleport in one city to another approved teleport in another city of already on-air channel(s) MIB should not refer the application to DOS – provided there is no change in satellite/transponder; bandwidth/frequency allocation and no other amendments in the uplinking and downlinking permissions. The issue primarily pertains to SACFA clearance from WPC only.
- d) Broadcasters / teleport/DSNG operators are required to apply in MIB for various permissions. The MIB then forwards the proposal to DOS for seeking satellite clearance. Post grant of satellite clearance from DOS, the MIB processes the application. In order to simplify the process, it may be suggested that DOS should provide a list of coordinated satellite to MIB and basis such list, MIB should grant clearance wherever possible without any further reference to DOS. However, MIB should provide DOS intimation about the companies to whom MIB is granting clearances so that DOS also has the record of permission granted by MIB. It is further suggested that in case where broadcaster / operator has hired bandwidth from DOS and has some legitimate dues which are payable to DOS, then DOS should immediately inform MIB / the concerned department and clearance granted should be withdrawn or operator should be asked to clear the dues immediately. In order to avoid any conflict of business interest and



	<p>interference, two separate operations should not be allowed on a particular satellite. For example, if an operator ‘A’ is operating DTH on satellite ‘X’, then satellite ‘X’ should be specifically used for DTH and distribution services only. No other service, for example uplinking of TV channels should be allowed on satellite ‘X’ and this should also be followed vice-versa. Doing so will ensure that stakeholders are unable to take unfair advantage / piggyback one service at the strength of the other merely on account of mode of transmission of both services via same satellite.</p>
<p><b>Issues related to the Grant of permissions by the <u>Ministry of Electronics and Information Technology</u> and the <u>Ministry of Power</u> in respect of the Telecom and Broadcasting sector</b></p>	
Q15	<p><b>Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:</b></p> <ol style="list-style-type: none"> <li>a. Simple, online and well-defined processes</li> <li>b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any</li> <li>c. Precise and well-documented timelines along with the possibility of deemed approval</li> <li>d. Well-defined and time bound query system in place</li> <li>e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system</li> <li>f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration</li> </ol> <p><b>Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.</b></p>
Response	<p>TRAI should mandate all the licensed distribution platforms operators to only use BIS certified equipments to ensure Quality of Service (QoS) standards for the end consumers, protection of content and stoppage of revenue leakages to all the stakeholders which include the exchequer</p>
<p><b>Issues related to the Periodic Compliances and Audit Requirements</b></p>	
Q20.	<p><b>What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.</b></p>
Response	<p>As there is no clarity on the number of last mile cable operators in the country the registration process of LCOs should be made online and on the dedicated portal of MIB with due verification process. This will help understand how</p>



	<p>many LCOs are in the country and their obligations to the licensing ministries, to the stakeholders who include broadcasters, consumers and the government</p>
<p><b>Q21.</b></p>	<p><b>TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.</b></p>
<p>Response</p>	<p>The broadcasters are required to upload requisite information in respect of interconnection agreements pursuant to the Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements and all such other matters Regulations, 2019. The BIPS portal is an evolving portal even after a period of 2 years, since it was launched in January 2020. Broadcasters face multiple issues such as screen freeze in case any new functionality is added, inability to upload documents, absence of editable option, while uploading the information sought by TRAI. These issues/concerns have been brought to TRAI's notice on multiple occasions by the broadcasters by way of letters. Notwithstanding, there are certain concerns that remain unaddressed. It also submitted that earlier the requisite information was filed once a year by July 31 however, at present the same is required to be filed upon execution of the interconnection agreement (s) with the DPOs on ongoing basis (at times it results in uploading the same on a daily basis). This makes the entire process cumbersome and is not in the spirit of Ease of doing business. It is suggested that the requisite information be required to be filed on a quarterly/half-yearly basis with ability to upload bulk data on Microsoft excel format. Additionally, it is suggested that the BIPS portal should have the ability to extract data from the Microsoft excel file and be uploaded under relevant heads on the BIPS portal. We would also like to draw your kind attention to the fact that despite the information being available/updated on a regular basis, the same information is sought by TRAI from broadcasters from time to time. This results in duplication of submissions, making the entire process burdensome. It is submitted that the information uploaded by broadcaster on the BIPS portal be considered by TRAI.</p>



<b>Q22.</b>	<b>Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.</b>
Response	It is suggested that the BIPS portal be equipped with Artificial Intelligence tools that will help in faster resolution of issues faced by broadcasters while uploading requisite information. There are software(s) that enable/assist in editing/incorporating correct date/numbers/spellings in case of typographical errors. Such tools also enable options to be provided to the user, making the entire process faster and facilitating the user to upload requisite information with least errors.
<b>Q24.</b>	<b>Are there any other issues in the present system of licenses/permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.</b>
Response	The licensing framework should be simplified and shortened. The licensing framework should facilitate a single-window clearance for new and currently operational channels through an online portal. Whenever a company applies for permission to uplink television channel on satellite that is already coordinated, then there should not be a fresh requirement of satellite clearance from DOS, ISRO. MIB may send the application to DOS, ISRO for information/records only and if in case DOS, ISRO has any objection, they may intimate MIB about their objections. Ideally DOS, ISRO should share a list of coordinated satellites with MIB so that MIB can check the list and process accordingly. In this regard, the 'Broadcast Seva' portal launched by MIB in 2017 has the ability to act as the 'Single Window' interface whereby processes of applications for new channel license/amendment to an existing license or for temporary uplinking permission for events can be made online on 24x7 basis and the portal's scope of services can be scaled up and provisions for broadcasters to track the status of their application when the file moves from MIB to WPC to NOCC can be added. Therefore, the required permissions from MIB, WPC and NOCC must be integrated with the portal which will then function as a 'Single Window' for obtaining clearances.



	<p>An outer time limit is required to be prescribed in respect of approvals to be granted by MIB and other departments/agencies. Should the relevant department/agency fail to process an application within such specified timeline, the approval should be deemed to have been granted at the end of the timeline. While prescribing the specified timeline, the time that may get consumed in rectification / modification of applications should also be considered.</p>
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