

IBDF's Response to TRAI's Consultation Paper dated 08 December 2021 on Ease of Doing Business in Telecom and Broadcasting Sector

PRELIMINARY COMMENTS / SUBMISSIONS:

1. At the outset, we would like to thank Telecom Regulatory Authority of India (“TRAI”) for according us the opportunity to provide our inputs on the much-needed consultation on Ease of doing business in the Broadcasting sector that seeks a holistic review of the current bottlenecks to improve inter-ministerial coordination and streamline various compliances related to the broadcasting sectors. Presently, the permissions/approvals are being granted by Ministry of Information and Broadcasting (“MIB”) in a timely manner. Notwithstanding there is a need to institutionalize the mechanism followed by MIB. With the passage of time, change in business models and advancement in technologies it is imperative that the existing processes be relooked with a fresh perspective keeping the spirit of “Make in India” initiative in mind so as to attract foreign investment and ease regulatory framework in the country. A favorable business environment contributes greatly to the economic development of a country.
2. We request TRAI to consider our earlier comments/inputs submitted in response to Consultation Papers on “Ease of doing business in the broadcasting sector” and “Issues relating to Uplinking and Downlinking of TV channels in India”.
3. We would also like to submit that for facilitating ease of doing business in the broadcasting sector it is essential that all processes relating to filing of applications, requisite information, grant of approvals/permissions be carried out in a smooth, time-bound, paperless, fast and end-to-end online manner. This has also been observed by TRAI in the Consultation Paper. It is submitted that draft Uplinking / Downlinking guidelines (“Guidelines”) have been issued in 2020 by MIB with an aim to facilitate ease of doing business that will enable the sector to grow multifold, encouraging creativity and creating employment opportunities in the long run.
4. Broadly, we would like to recommend the following measures to be taken to promote orderly growth and to improve Ease of Doing Business (“EoDB”) in the broadcasting sector:
 - 4(a) Promote Ease of Doing Business
 - (i) Revamp and simplify the regulatory framework concerning the broadcasting sector.



- (ii) Reform Guidelines to address ambiguities, further simplify and streamline the process to avoid delays and prescribe filing of online TV Channel applications, single window clearance with clear timelines, and use of foreign satellites.
- (iii) Implementation of a transparent and time-bound registration, licensing and approval process at:

A. **Ministry of Information and Broadcasting:**

- (i) At present, the permissions/approvals are being granted by MIB in a manner where there are no pre-set timelines. It is submitted that there is a need to institutionalize the mechanism, process, and timelines to be followed by MIB. There is a need to have a time-bound clearance mechanism and/or a single window clearance mechanism. Presently, the entire process is not institutionalised and time consuming , and importantly, the timelines are also uncertain. It is suggested that a fully integrated online interface between the Ministries/departments be created where the permissions can be issued seamlessly.
- (ii) The requirement of *seeking prior permissions* in most of the cases should be substituted with *giving prior intimations* by the broadcasters (i.e., in case of change of name and logo of channel, temporary uplinking).
- (iii) Broadcasters holding existing uplink and downlink permissions of TV channels need to obtain security clearance from Ministry of Home Affairs ("MHA") every time they make an application for new channels/renewals. This requirement should be removed. A one-time clearance given to the broadcaster, coupled with clearance of its chief executive officer (if required) at the time of appointment and an undertaking by the broadcaster that there is no change of ownership, should suffice.
- (iv) 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 few years viz., ten years instead of yearly renewal. Also, security clearance once granted should be valid till the operational existence of the broadcaster, irrespective of the number of applications for new channels/renewals submitted by the broadcaster.
- (v) To facilitate M&A, 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 Guidelines.

(vi) **Without prejudice to broadcasters’ rights and contentions viz. mandatory sharing of sporting events, the MIB should look to revisit and revamp the tendering process for compulsory simulcast on DD for sporting events of national importance, and reconsider the following structure and processes:**

- With a view of post-pandemic restrictions and to ease out the meeting and RMC bidding process for Sporting events of National importance, it is suggested that an online bidding mechanism should be adopted
- The MIB should consider allowing the RMC to open of a Special Account instead of the requirement of Escrow Account. As per the present guidelines the highest bidding broadcasters (i.e. the Revenue Management Company ('RMC')) are required to open an escrow account to deposit the revenues generating out of the said sporting event, which is a tedious and time-consuming process sometime taking 3 to 4 months during which time agencies may start remitting the advertising revenue. Even closing of the escrow account is a cumbersome process taking another 4-5 months after payment of DD’s share. There are also issues pertaining to reconciliation of accounts and chasing transferred DD authorized officials.
- Permitting the RMC to provide Post Dated Cheque (PDC) for a date that is 60-to-75 days after the closing of the specific event instead of the requirement to present a Bank Guarantee (BG). At present, the RMC is required to provide a BG equal to the other party’s minimum share. The RMC’s bank cannot issue a BG until the agreement is executed by both the parties, which takes 2 -3 months. Since the RMC which acquires the Broadcasting rights typically have a substantial net-worth, solution like a PDC would serve the purpose rather than any BG.

B. **Wireless Planning and Co-ordination (“WPC”):**

- (i) 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.
- (ii) The validity of the WPC permission issued to teleports to be for 10 years.
- (iii) The WPC portal be integrated with the “single window clearance system” so as to enable ease of doing business.

C. Network Operation and Control Center (“NOCC”):

- (i) 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 a fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels.
- (ii) 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.

D. Telecom Regulatory Authority of India (“TRAI”):

The 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 while submitting information on the BIPS portal making the entire process cumbersome and against the spirit of ease of doing business. It is suggested that the BIPS portal be equipped with Artificial Intelligence tools to make the entire process faster and ease submission of correct and accurate information without fewer typographical errors. In this regard, it is also submitted that BIPS portal should have capabilities to populate / pull data from Microsoft excel files i.e., bulk upload option, etc. instead of there being a requirement to manually make entries. This will go a long way in ensuring error free uploading of data. It is suggested that intimation to Broadcasters should be provided on a real-time basis about any addition of new fields or deletion of existing fields on BIPS portal. This shall ease out the submission process.

- (i) Forbearance on tariff regulations to revive the flagging cable and satellite sector and enable them to compete against telecom operators (TSP) and Internet Service providers (ISP) and other new forms of distribution technology.
- (ii) Harmonization of the CTN Act, the Guidelines, TRAI’s Regulations and Tariff orders and other national policies, statutes, guidelines and regulations with rights guaranteed under the Constitutional.
- (iii) Efficient and effective satellite capacity allocation and utilization:
 - Satellite capacity is a crucial and expensive overhead of broadcasters. Therefore, it is important that capacity be utilized in the most efficient and cost-effective manner.

- Further, the spectrum frequencies 3.7 – 4.2 GHz are earmarked for providing broadcasting services. The large geographic coverage of C-band satellite beams represents a cost-effective communication solution, while its low susceptibility and robustness to weather impairments, especially in sub-equatorial regions like India, making C-band the most suitable band to guarantee high service availability. Additionally, services in the C band are essential in emergencies and in disaster recovery. For these reasons, C-band is irreplaceable and not substitutable. Therefore, it is imperative that the existing satellite systems operating in the C-band be protected while allocating C-band frequencies to the upcoming 5G deployment. A 100 MHz guard band in C-Band (i.e., 3.6 – 3.7 GHz) should be maintained so as to mitigate any form of interference due to provisioning of IMT services to ensure current and future C-band broadcasting services can continue to operate and thrive.

4(b) Making India a Teleport Hub

India has great potential to become a teleport hub for up-linking and down-linking of television content. This will have a great opportunity for the broadcast sector to generate employment, create value and earn foreign exchange for the country.

4(c) Amendment of Cable Television Network (Regulation) Act, 1995 (“CTN Act”)

Currently, the Cable Television Network (Regulations) Act and rules thereunder through Programming and Advertising Codes purports to govern content aired by broadcasters. The current governance under the regime needs an absolute overhaul inter-alia from the perspective of want of jurisdiction as well as from the perspective of stipulations being violative of basic tenets of freedom of speech and expression, right to do business and for being vague and arbitrary. We suggest introduction and revamping of mechanism to curb piracy including appropriate punishment at central and state levels for such offences in the CTN Act.

4(d) Infrastructure Sharing:

In so far as infrastructure sharing at DPO level is concerned, MIB has issued certain broad guidelines on 29.12.2021. It is submitted that the said guidelines are unworkable and insufficient since, they leave all critical aspects open and do not contemplate mandating any industry gold standard content protection and security requirements. It is submitted that infrastructure sharing can be allowed to be explored by DPOs on a voluntary basis. However, there ought not be any diktat on broadcasters to allow sharing of channels

licensed to one DPO with other DPO(s) by such DPO unless, broadcasters fully satisfy themselves as to whether or not there are robust checks and balances in place, which will ensure that infrastructure sharing will not result in any losses to broadcasters. In this regard, comprehensive audit rights also need to be made available to broadcasters.

Without prejudice to our comments above, any measures that are taken to secure and safeguard the broadcasters' interests must be represented adequately in the interconnect regulations, to enable gold standard terms and conditions that account for content protection and security.

4(e) Promotion of sports broadcasting

- (i) Sports Channels are sui generis and therefore should be treated differently from other genres of channels.
- (ii) It is important to recognize the role played by the private sports broadcasters to create a viable sports ecosystem to provide Indian youngsters alternate career opportunities and prepare them to participate in international competitions to win medals for the country. So, sports broadcasting should be promoted by creating a level playing field for private sports broadcasters so that they can run the sports broadcasting channels with financial viability to reinvest in the sector to boost the ecosystem.

5. Satellite TV broadcast industry like any other industry involves innovating and making strategic and tactical business moves aimed at greater efficiency and enhancing consumer experience. However, in the broadcast sector it has long been observed that making even small and incremental changes can become regulatory and compliance nightmares for the stakeholders in the value chain. In addition to submissions made herein, we take this opportunity to make the following additional suggestions / recommendations:

- (i) The licensing framework should be simplified and shortened.
- (ii) The licensing framework should facilitate a single window clearance for new and currently operational channels through an online portal. The framework should be enabled to ensure that clearance and approvals are seamlessly integrated from the application stage till the time the channel goes on air/is operationalized. Whenever a company applies for permission to uplink television channel on satellite, which is already coordinated, then there should not be fresh requirement of satellite clearance from Department of Space ("DoS"), Indian Space Research Organization ("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 list of coordinated satellite 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 existing license or for temporary up-linking 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 functions as a 'Single Window' for obtaining clearances.

- (iii) 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.
- (iv) 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").
- (v) The window to operationalize 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.
- (vi) To avoid any kind of interference and conflict of business interest with other services like DTH players, up-linking of television channels should only be allowed in C-band and in case up-linking is taking place in any other band, then the signals should be encrypted.
- (vii) Appointment of directors of the companies should be by mere intimation in accordance with company law. If in case MIB receives adverse comments, then company may be asked to take necessary action accordingly. An individual who is already security cleared and serving on Board of a company permitted to operate television channels / teleport, he/she should be allowed to be appointed on Board of another broadcasting entity. This should be by mere intimation.
- (viii) 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.

- (ix) 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.
- (x) 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 Dealer Possession License (DPL) license holder company.
- (xi) 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.
- (xii) 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. It is submitted that all channels should be required to be uplinked in C-band however, if such channels are being uplinked in Ku-band, then the same should mandatorily be required to be encrypted. Further, unencrypted channels ought not be allowed to use a satellite which is being used for providing DTH services since, such use has potential of giving unfair advantage to unencrypted channel over its competing channels.

(xiii) **TEMPORARY UPLINKING PERMISSION**

Existing Provisions

Uplinking Guidelines

“6.4 All Foreign channels, permitted entertainment channels uplinked from India and companies/individuals not covered in 6.1, 6.2 and 6.3 as above will be required to seek temporary uplinking permission for using SNG/DSNG for any live coverage/footage collection and transmission on case-to-case basis.”

Further, the teleport/DSNG Vans used for Uplinking of the live events from India are anyways cleared by the Ministry for carrying out live Uplinking for news channels.

The provisions of the Uplinking and Downlinking Guidelines relating to the temporary/live uplinking by Non-News channels need to be revised and substituted as below:

“All Non-News & Current Affairs Channels uplinked from India and/or downlinked in India will be required to give an intimation to Ministry of Information and Broadcasting regarding the proposed event/footage to be aired LIVE on the channel at least 7 days prior to the scheduled live broadcast of the said event via an online filing portal.

(xiv) **CHANGE IN NAME OF THE CHANNEL AND/OR LOGO OF THE CHANNEL**

Existing Provisions

There are no provisions existing in the Uplinking and/or Downlinking Guidelines regarding change in name and/or logo of the permitted television channels. An approval is however sought before giving effect to any change to the approved name/logo of the channel.

Suggestions:

When there are minimal changes to the Logo (Colour/font changes) and Name of the channels (Addition of HD), there should not be need of an approval. A prior intimation may be filed with the Ministry for any minor changes in the name and/or Logo of permitted channels along with the appropriate details at least 15 days before such change is to be implemented. However, change of name/logo require the approval from MIB.

(xv) **REQUIREMENT OF APPROVAL FROM DEPARTMENT OF REVENUE (DOR)**

Existing Provisions

Downlinking Guidelines

1.3. The applicant company must either own the channel it wants downlinked for public viewing, or must enjoy, for the territory of India, exclusive marketing/ distribution rights for the same, inclusive of the rights to the advertising and subscription revenues for the channel and must submit adequate proof at the time of application.

1.4. In case the applicant company has exclusive marketing / distribution rights, it should also have the authority to conclude contracts on behalf of the channel for advertisements, subscription and programme content.

Suggestions:

No changes required in the MIB guidelines; the above clauses are very clear if the applicant company is agent of the owner company, then required to submit Sales & Distribution agreement between owner & agent to MIB which will further forwarded to DoR for verification

Implementation / Operational Ease - If the applicant company is owner of the proposed channel and do the sales & distribution, there is no question of submission of sales & distribution agreement to MIB. The above issue has been discussed & explained several times, yet MIB still demands sales & distribution agreement, irrespective whether the applicant is agent or owner.

(xvi) **CHANNEL TO BE OPERATIONALIZED WITHIN 1 YEAR**

Existing provisions

Uplinking /Downlinking Guidelines (Clause 2.4.2 /5.9)

5.9. The applicant company seeking permission to downlink a channel shall operationalize the channels within one year from the date of the permission being granted by the Ministry of Information and Broadcasting .

Suggestions:

To get a permission for a new channel is a tedious process require permissions from various Departments /Ministries including MHA normally takes more than 1 year. By the time the permission is granted it is possible that the plan of the applicant company may change slightly. Therefore, MIB should give at-least 2 years' time to operationalise the channel.

(xvii) **Net Worth Criteria**

Existing provisions

Uplinking /Downlinking Guidelines (Clause No. 2.1.2 / 1.5)

The applicant company should have a minimum net worth as prescribed below:-

Category	Items	Required Net-worth
News and Current Affairs TV channel	First News and Current Affairs TV channel	Rs. 20.00 crore
	For each additional TV channel	Rs. 5.00 crore
Non -News and Current Affairs TV channel	First TV Channel	Rs. 5.00 crore
	For each additional TV Channel	Rs. 2.50 crore

Suggestions:

The Net Worth criterion enforced by the MIB which is good for the sake of acting as a deterrent for fly by night operators and to ensure that genuine company apply for the Uplinking/downlinking license. At present more than 800 channels are operating in India there is stiff competition amongst the Broadcasters and in order to make the channel viable it takes at least 4 -5 years; therefore it is suggested that MIB should not review the net worth every year for the existing operational channels. The Net-worth requirement should be applicable to existing channels only if their 10 years license has expired, or Broadcasting company applied for new channel in the existing bouquet.

(xviii) **SECURITY CLEARANCE OF THE COMPANIES**

Existing provisions

Uplinking Guidelines

9.2 On the basis of information furnished in the application form, if the applicant is found eligible, its application will be sent for security clearance to the Ministry of Home Affairs and for clearance of satellite use to the Department of Space (wherever required)..

Downlinking Guidelines

8.3 After scrutiny of the application if the applicant company is found eligible, the same will be sent for security clearance to the Ministry of Home Affairs. In the meanwhile, the Ministry of Information and Broadcasting will evaluate the suitability of the proposed channel for downlinking into India for public viewing.

Suggestions:

As per the Office Memorandum dated 25.06.2014, MIB has clarified that no fresh security clearance would be sought in case security cleared company (with security cleared directors) seeks permission for additional television channel(s) within the validity period of security clearance.

In case of **Downlinking channel**, MIB is still seeking fresh Security Clearance from MHA for Security Cleared company with Security Cleared Directors. MIB should clarify that no fresh security clearance is required for Downlinking of channels similar to the Uplinking of channels.

(xix) **TRANSFER OF PERMISSION OF TV CHANNELS**

Existing Provisions

Uplinking Guidelines

11.1. The permission holder shall not transfer the permission without prior approval of the Ministry of Information and Broadcasting. On a written request from the permission holder, the Ministry shall allow transfer of permission in case of merger/demerger/ amalgamation, or from one Group Company to another provided that such transfer is in accordance with the provisions of the Companies Act, and further subject to the fulfillment of following conditions:

- (i) *The new entities should be eligible as per the eligibility criteria including the net worth and should be security cleared.*
- (ii) *The new entities should undertake to comply with all the terms and conditions of permission granted.*

Downlinking Guidelines

- 10.1. *The permission holder shall not transfer the permission without prior approval of the Ministry of Information and Broadcasting.*
- 10.2. *In case of transfer of permission of a Satellite Television Channel uplinked from India from one company to another as per the provisions of Uplinking Guidelines, the registration of the channel under the downlinking Guidelines shall also stand transferred to the new company.*
- 10.3. *In case of companies permitted to downlink channels from other countries, on a written request from the permission holder, the Ministry shall allow transfer of permission in case of merger/demerger/ amalgamation, or from one Group Company to another provided that such transfer is in accordance with the provisions of the Companies Act, and further subject to the fulfillment of following conditions:*
 - (i) *The new entities should be eligible as per the eligibility criteria including the net worth and should be security cleared.*
 - (ii) *The new entities should undertake to comply with all the terms and conditions of permission granted.*

Suggestions:

On a written request from the permission holder, the Ministry shall allow transfer of permission:

- a) *In case of merger/demerger/ amalgamation which has been duly approved by the Court/Tribunal in accordance with the provisions of the Companies Act, 2013 provided that the permission holder files a copy of the order of the Court/Tribunal sanctioning the said scheme;*
- b) *In case of transfer of business or undertaking such as through slump sale, business transfer agreements or by such other means in accordance with the provisions of the applicable law, provided that the permission holder file a copy of the*



agreement/arrangement executed between the permission holder and the transferee company;

- c) In case of transfer within Group Company provided that the permission holder files an affidavit undertaking stating that the transfer is within the Group Companies.*
- d) In the event the new entity/acquiring company is an existing broadcasting entity holding a valid uplink and/or downlink permission issued by the Ministry, such an entity shall be deemed to be security cleared so far the transfer application has been filed by such company within its validity of the security clearance.”*

Same should be applicable for downlinking channel.

6. Please also see below our detailed response and suggestions for improving ease of doing business and suggestions on reforms required in the regulatory processes, practices, and procedures in the broadcasting sector for creating a conducive business environment India. Kindly note, our response hereinunder is with respect to the issues related to the broadcasting sector.

ISSUE-WISE COMMENTS / SUBMISSIONS:

- Q1. 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:**
- (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**
 - (c) Precise and well-documented timelines along with the possibility of deemed approval**
 - (d) Well-defined and time bound query system in place**
 - (e) Seamless integration and approvals across various ministries/departments with the end-to-end online system**
 - (f) Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

Comments:

- (a) 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.**
- (b) In the broadcasting sector, the stakeholders are required to obtain/seek multiple permissions/approvals from different ministries and departments in order to commence any broadcasting related service. To improve the ease of doing business in any industry that has multiple ministerial/departmental stakeholders in the Government dealing with different aspects of policy framework governing the sector, it is essential that all those ministries/departments/agencies come together and form an inter-ministerial panel/group in order to coordinate and create a single checklist for businesses operating the sector. The MIB while granting the uplink and downlink permission is dependent on various departments and ministries for necessary clearances and approvals. In view of the foregoing, we suggest that the following measures be implemented forthwith –**
 - i. “Single Window” clearance system should be made effective and time bound:**

- A. Any sector that involves taking multiple permissions, such as satellite TV broadcasting, can be aided greatly by creating an effective online “single window” clearance system that functions like a one stop shop for all filings and also provides real time progress of all applications. An online system called “Broadcast Seva” has been implemented by the MIB whereby applicant can submit the application through the Broadcast Seva portal. At present the Broadcast Seva portal is not a “single window clearance” portal. Presently, the Broadcast Seva portal is not in use as the same is being refurbished to make the website more efficient, user friendly and to resolve existing issues.
- B. Notwithstanding the entire process involves approvals of multiple set of ministries and departments other than MIB, such as MHA, DoS, empaneled auditors of MIB, Ministry of Corporate Affairs (“MCA”), Ministry of Finance, WPC and NOCC. The Broadcast Seva portal enables the applicant to file the application online but having said that the entire process that follows requires submission in physical format. There are two stages of application processing at MIB. In Stage One, when a broadcaster applies, with multiple copies, the physical copies go to other ministries like DOS, MCA, MHA etc. Once these ministries give their consent MIB only gives “in principle” approval which we call it either “permission” or “license”. However, the real operationalization of the channel happens, post the “permission” or “license” from MIB, the WPC and NOCC in Department of Telecommunications (“DoT”) endorses the MIB’s approval in the license of the teleport operator or fix frequencies. Therefore, for any meaningful ease of doing business, it is suggested that the WPC and NOCC process should also be brought online and approved.
- C. It is suggested that an inter-ministerial panel consisting of representatives from all the above ministries/departments should review the system implemented by MIB and support the same by becoming part of the same. Accordingly, meaningful implementation of the “Single Window” clearance will be possible only if the applications are filed online at the MIB and the concerned Ministries/Departments are asked to give their comments online through intranet amongst ministries.
- D. It is felt that the involvement of multiple ministries causes delay in getting approvals in time as they do not stick to any stipulated timeframe, but it also derails business planning and payment of

valuable forex to foreign satellite operators. Hence, as part of the above suggested process the ministries/departments should also prepare a clear-cut timeline that satellite TV businesses can rely on to take time sensitive decisions.

- E. Accordingly, it is suggested that this online system be evolved to be converted into a “single window clearance” in order to make available an online interface between multiple relevant ministries / departments.

ii. Allow submission of documents with digital signatures:

The Broadcast Seva portal allows the broadcasters to submit various applications although documents such as affidavits and undertakings are still required 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.

iii. Change of name and logo:

The satellite TV broadcast sector is highly dynamic and has to respond to consumer interests, tastes and preferences based upon weekly system ratings. Hence, broadcasters are pressed to change the name and logo of their channels as they innovate upon the content being delivered. In view of the same, the following streamlined process for changing name and logo of channel is suggested:

- A. A mere change in name and/or 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, or no change in ownership involved), should not require elaborate documentation and a time-consuming process. A mere intimation should be sufficient.
- B. 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.

- C. 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 change in name and logo of a channel, then the said changes should also be applied online. Requisite acknowledgement of intimation should be issued by MIB, DOS and DOT (WPC and NOCC) online itself on a real time basis.

iv. Change in format and language:

- A. Once a broadcaster has acquired necessary uplinking 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.
- B. As for change in language, it should be permitted based upon an intimation by the respective broadcaster to MIB. As it is, 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 already exists would not be consistent with the ease of doing business.

v. Transfer of licenses:

- A. We are of the view that licenses should be transferable. 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 Guidelines with provisions of Companies Act.

- B. 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.
- C. Hence with a view to improve the ease of doing business in the sector, our proposal is to consider:
- If both the transferor company and transferee company are holders of permission under the relevant Guidelines, then, the Ministry should grant permission for 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.
 - 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 under the relevant Guidelines, the Ministry should grant approval within a stipulated period of 15/30 days' subject to the transferee company meeting the net worth criteria.
- D. 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 MIB 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.

vi. **Permission for temporary uplinking:**

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.

vii. **Removal of processing fee for temporary live uplinking by non-news & current affairs channels:**

- A. It is suggested that 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 and entertainment events in various languages) and also to assure audiences regarding the availability of overlapping live events (including events of national importance). Additionally, 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 broadcasters pay charges of frequency allocation in WPC and monitoring changes by NOCC, through the teleport operators who in turn charge the broadcasters. In view of the same, **it is suggested that the processing fee per channel per day for temporary uplink of a live event should be done away with.**
- B. We would also like suggest that for sports channels, a separate permission be issued , by which such sports channels (having majority of content as live sports) can up-link 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.

- C. It should also be noted that most times when sports channels seek temporary uplink permission the same is also being done to broadcast “events of national importance” as notified by the MIB. There is a non-level playing between news channels and sports channels, and the sports channels should be allowed to go “live” purely on the basis of airing sports content. Therefore, it is incumbent that the time consuming and cumbersome process for temporary uplinks of live sporting events by 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-link sporting events and no news or news related content shall be carried on such feed.
 - For both sports and GEC channels, Applicants should be required to provide a general sporting events calendar schedule and inform in advance 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 are any last-minute changes (due to unavoidable reasons like health advisories, lockdowns, rain, law and order etc.), the sports broadcaster should be required to intimate the ministry/authority rather than wait for last minute amendment and approval.
 - 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).

viii. Delay in permission for starting new channels by existing broadcast companies:

Existing broadcasters face a considerable delay when it comes to grant of permission/permissions to start new channels. The plethora of permissions that the broadcasters have to seek from various ministries consumes a lot of time and can be done away with. The security clearance by Home Ministry itself takes about a period of 9 months to 1 year.

ix. 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 an option can be given to broadcasters to pay annual renewal fee on any yearly basis or on a lumpsum basis for 10 years 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 broadcaster has permission for longer period.

x. Clarification on non-applicability of dos approval on applications filed by permission holders for movement 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.

Q2. to Q8. - NO COMMENTS

Q9. 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:

- (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**



- (c) **Precise and well-documented timelines along with the possibility of deemed approval**
- (d) **Well-defined and time bound query system in place**
- (e) **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- (f) **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate**

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

Comments:

Under the Guidelines, a broadcaster receives the permission to either uplink a satellite linear TV channel from a teleport located in India and downlink the same in India or downlink a satellite TV channel into India which has been uplinked from a teleport located abroad. The Guidelines lay down the criteria for granting the permission to entities who have established teleports in India to use the same for uplinking of satellite TV channels, for which such entities have to obtain a “Wireless Operating License” under Section 4 of the Telegraph Act from WPC of DoT. Teleport services are an integral part of the satellite TV broadcasting value chain as without an earth-based uplink facility, the process of broadcasting simply cannot function. The existing procedures followed by multiple departments/ agencies lack interdepartmental coordination. The procedures followed by these departments do not have any prescribed time frame. The situation often leads to inordinate delays in grant of permissions/licenses thrusting uncertainties and undue costs on the applicants. It is suggested that the policy framework governing such facilities should be simple and time bound. To achieve the above, we state:

- A. The permission/license process for teleports involve a number of stages and applicants have to approach different ministries and departments multiple times before the teleport can begin operation. This becomes a serious hurdle in improving ease of doing business in the sector. In view of the same, as in the case of satellite TV channels, an online “single window” clearance system should be introduced with standardized timelines, which need to be adhered to by all concerned departments and ministries. This online single window clearance system should be created as per the recommendations of an inter-ministerial panel/group, which involves all the relevant ministries/departments dealing with this sector.
- B. As in the case of the license/permission to set up a teleport, the WPC permission should also be given for 10 years and additionally, an option can be given to stakeholders to opt for yearly renewals. Further, where WPC permission is given for ten years, a report can be submitted by relevant entity to the WPC/MIB on an annual basis confirming compliance with the license terms and payments made to foreign satellite providers.

- C. It is suggested that the WPC portal be integrated with the “single window clearance system” so as to enable ease of doing business.
- D. Another reason for delay is because WPC has been adopting a six-monthly window system for assignment of broadcast frequencies. If necessary, DoT ought to inter-alia issue clarification that the six-monthly window system for assignment of frequencies will apply to telecom spectrum and not to broadcast frequencies since, the same are for “captive” purposes.
- 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**
 - (c) Precise and well-documented timelines along with the possibility of deemed approval**
 - (d) Well-defined and time bound query system in place**
 - (e) Seamless integration and approvals across various ministries/departments with the end-to-end online system**
 - (f) Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Comments:

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; and (c) creating enabling framework for new technologies. The manner in which these factors affect WPC and NOCC clearances have been detailed as follows:

- A. As there is no requirement for monitoring of the allocated frequency by the NOCC, it is suggested that the monitoring charges payable to NOCC be removed, from the Charges payable to NOCC/WPC, which presently include ‘frequency-allocation charges’ to WPC and ‘monitoring charges’ to NOCC. The frequency allocated by WPC is used by

broadcasters for the particular channel only and neither can it be used by the broadcaster for any other channel, nor could it be used by any other broadcaster.

- B. 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 PBGs. This results in incurring of heavy losses to the business in terms of rollout obligation.

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.

Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, 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**
- (c) **Precise and well-documented timelines along with the possibility of deemed approval**
- (d) **Well-defined and time bound query system in place**
- (e) **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
- (f) **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Comments:

- A. Recently, the Telecommunication Engineering Centre (TEC) released its “Standard For Interface Requirements TEC 42012:2021” which removed the WPC’s old rule of bit rate

per HD channel and SD channels. 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. It is submitted that there should not be any minimum requirement of bit rate for operating channels and it should be left on broadcasters to decide.

B. 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	16.0 Mbps	2.0 Mbps
2	MPEG4 or h.264	8.0 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

C. This will not only pave the way for introduction of new newer / niche technologies like 4K, 8K and UHD channels for Indian viewers, it can also reduce forex outflow as majority of Indian broadcasters use foreign satellites and pay in foreign exchange.

Q12. NO COMMENTS

Q13. 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

(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



- (c) **Precise and well-documented timelines along with the possibility of deemed approval**
- (d) **Well-defined and time bound query system in place**
- (e) **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
- (f) **Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity**

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.

Comments:

- A. All broadcasters use satellites for the delivery of channels to the recipient DTH operators, MSOs, etc. 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 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, damages, compensation (including for loss of profit, etc.), long drawn litigation / arbitration, etc. 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.
- B. 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 made aware about the list of permitted Foreign Satellites, and so as to enable them to 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 is filed with 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 for approval on a case-to-case basis. 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 commence using the BW immediately after its allocation. This will ensure faster / efficient utilization (of bandwidth).
- (iv) Alternatively, 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.
- (v) 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.
- (vi) Since ISRO wants to encourage broadcasters to use Indian satellites therefore, DOS too should start charging broadcasters from the date they obtain all the necessary clearances from MIB, WPC and NOCC.
- (vii) There should be online filing of application for INSAT capacity reservation / allocation for these services i.e., Teleport / TV uplinking, SNG/DSNG and VSAT. This will *inter-alia* facilitate ease and efficiency in filing of application and its

processing. 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.

- (viii) There should be no deposits from the users towards booking / allocation of the satellite capacity.
- (ix) There should be open sky policy for all the satellite requirements in India.
- (x) 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.

C. OTHER ISSUES / SUGGESTIONS:

- (i) The satellites have a definite life after expiry of which the satellite operator provides a fall back / replacement satellite at 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 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.

- (ii) 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.
- (iii) If broadcasters shift their channels from one approved teleport in one city to another approved teleport in another city, 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.

- (iv) In order to avoid any conflict of business interest and interference, two 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 only. No other service, for example teleport, 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.

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

Comments: Please refer to our response to Issue No. 1 / Q1. (above).

Q15. 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:

- (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
- (c) Precise and well-documented timelines along with the possibility of deemed approval
- (d) Well-defined and time bound query system in place
- (e) Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- (f) Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration

Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.

Comments:

TRAI should mandate that the licensed distribution platforms should only use equipment certified by BIS to ensure quality of service to the end consumers, protection of content and stoppage of revenue leakages to all the stakeholders which include the public exchequer. Further, to ensure that there are no revenue leakages / infringement of copyright, BIS ought to prescribe robust content / security requirements that are deemed to be industry gold standards.

Q16. to Q19 NO COMMENTS

Q20. 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.

Comments:

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 many LCOs are in the country and their obligations to the licensing ministries, to the stakeholders who include broadcasters, consumers and the government.

Q21. 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.

Comments:

The broadcasters are required to upload on BIPS portal, 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 and 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 and bulk option, missing data viz., channel & bouquet details, distribution platform operators 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 agreements with the DPOs on an 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.

Q22. 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.

Comments:

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. It is also submitted that BIPS portal should have capabilities to populate / pull data from Microsoft excel files, etc. instead of there being a requirement to manually make entries. Addition of bulk upload functionality will also make the submission process less arduous. This will go a long way in ensuring error free uploading of data.

Q23. What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.

Comments: None

Q24. 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.

Comments:

- A. Use of “Freeband” technology: A technology by the name of “Freeband” where the satellite bandwidth capacity used for channel transmission over the entire transponder can be used for a return contribution feed from the venue on the same satellite transponder capacity simultaneously. This requires a specialized and combined modulator – demodulator at the transmission teleport. Regulatory framework that permits the usage of such technology need to be explored.
- B. Resolving frequency theft: Broadcasters take approval from WPC and NOCC to uplink their channels on specific frequency from a specific teleport on C-band. There have been However, due to incidents of “rouge carrier” uplink the broadcasters authorized frequency uplink is seriously affected which leads to blackout of broadcaster’s signals till the rouge carrier exists. These “Rouge carriers” are nothing but uplink carriers put on the licensed frequency by unknown entities for which the licensed broadcaster has the license. These rouge carriers may be due to accidental radiation or purposeful radiation with higher uplink power than what is approved to the broadcaster thus overwhelming the broadcasters’ uplink carrier. It is requested that the WPC and NOCC departments should actively look into such issues when presented by the broadcaster with evidence and identify such sources of rouge carriers and define regulation to penalize such sources of rouge carriers and even forfeit the licenses of such up-linkers if proved guilty of purposeful disruption. Broadcasters have experienced rouge carrier during 2016 – 17 for durations ranging from few minutes to few hours on all its approved transponders. The broadcaster pays annual fees to WPC for use of these frequencies which are approved by WPC, hence WPC should device means to track such rouge carrier sources and take corrective actions.
- C. Disaster preparedness for broadcast facilities: Disaster preparedness for both teleport and satellites need to be implemented on an urgent basis given the increasing occurrence of natural disasters such as earthquakes, floods etc or possible law and order situations. It is our suggestion that a separate consultation process be undertaken, to get stakeholders response on this very important subject and come out with its recommendation. In this regard, at a preliminary level we suggest that the relevant authority formulate a Disaster Recovery Policy/Plan for teleports in different time zones and jurisdictions to allow broadcasts to continue operations even during times of



disasters and this would also aid in effective dissemination of information during such unforeseen occurrences and allow better coordination of disaster management activities. In case of any disaster involving a satellite/transponder, the broadcaster should be allowed to change/utilize different frequencies (by using a different transponder) on the same satellite or on any approved satellite till such time that the issues with the approved transponder are resolved. Similarly, in case of any disaster on ground involving a teleport, the broadcaster should be allowed to use any approved teleport in any city till such time that the issues with the approved teleport are resolved. To ensure ease of implementation and enable continuity of service without undue disruption, an intimation in this regard may be required to be sent to MIB/DOS and no approval be required for the same.
