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**Subject: ISPAI Response to TRAI Consultation Paper on "Regulating Converged Digital Technologies and Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication Services"**

Dear Sir,

We congratulate the Authority to have come out with this Consultation paper on the matter captioned above and sincere thanks for providing us the opportunity to submit our response on this important issue.

We have enclosed our comprehensive response for your consideration.

We believe that the Authority would consider our submissions positively on the subject matter.

Thanking you,

With Best Regards,  
For Internet Service Providers Association of India



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Encl: As above

**ISPAI Response to TRAI Consultation Paper on “Regulating Converged Digital Technologies and Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication services”**

**Preamble**

At the outset, we thank TRAI for providing us an opportunity to share our comments on important Consultation Paper which may pave the path for converged legal and regulatory framework for handling of content and carriage together in India in line with global practices. With the evolving technology in digital markets, the devices, services and networks have converged to large extent. This convergence plays an important role in society from the economic, social, and development perspective. This may certainly influence the way in which governments develop appropriate policies while looking for social welfare.

The key drivers of convergence are the efficient utilization of resources, increased level of competition, more innovative user applications and technological developments and same has been further accelerated by use of digital technologies across the sectors.

The increase in the storing, processing and functional capabilities of the network systems and consumer devices and further digitalization of these services has resulted in the convergence of individual delivery networks as well as consumer devices. Digital transformation has increased the computing and information delivery capabilities of communication networks. Which in turn lead to the development of global-scale digital platforms which are hosted in the Cloud and can deliver virtually any service to any person and at any place through the Internet. In place of having vertical networks for each service, the digital platforms and networks have created horizontal layers. Accordingly, there may be a need to reorient the applicable policies, laws, rules, regulations, and procedures from vertical to horizontal.

Convergence is made possible by technological changes such as the move from analogue to digital, improvements in network speeds, improvements in compression techniques and storage capacity and a growing range of wireless applications. Broadband Internet, 4G mobile networks, wireless LANs and digital televisions are the platforms which have played a key role in convergence. Realisation of the full potential of these technologies for economic growth and social improvement may require that changes in policy and regulatory frameworks take place.

With the above development in the convergence of telecommunication and broadcasting services, it is envisaged that the convergence of carriage and content presents complex legal and regulatory issues that may require extensive amendments to existing laws or the creation of a comprehensive/converged legal framework as existing laws may not be sufficient to deal with the challenges and opportunities that arise from the convergence of Telecommunications and Broadcasting sectors. There is also a need to understand how Regulators are handling issues arises from converged Telecommunications and Broadcasting services globally. We are of the view that a unified regulatory body would be better equipped to deal with convergence issues and could help to streamline the licensing process. This would not only reduce the administrative burden on both service providers and Ministries issuing the license but would also ensure that consumer interests are protected.

**ISPAI comments on the Issues raised in the Consultation Paper**

**Question 1 – Whether the present laws are adequate to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how?**

**Or**

**Whether the existing laws need to be amended to bring in synergies amongst different acts to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain with reasons and what amendments are required?**

**Or**

**Whether there is a need for having a comprehensive/converged legal framework (separate comprehensive code) to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, provide details of the suggested comprehensive code?**

**ISPAI Response:**

ISPAI is of the view that present laws are adequate to provide services in broadcasting services and telecommunication services respectively, however it may not be adequate to deal with the challenges and opportunities that will arise from the convergence of Telecommunications and Broadcasting sectors. The Broadcasting regulations are focused on content and may not adequately address the technical and operational aspects of carriage. Similarly, telecom regulations are typically geared towards network operations and rightly ignore the contents and cultural dimensions of broadcasting. Therefore, the convergence of carriage of broadcasting services and telecommunications poses complex legal and regulatory challenges that may require extensive amendments in present legal framework or creation of a new comprehensive/converged legal framework.

There are governance challenges due to distinct policy structures for telecom and broadcasting sectors like multiple license/permission authorities for same converged service (e.g., IPTV), lack of regulatory clarity on the outcomes of converged technologies (e.g., OTT), demarcated administration of the converged digital services (e.g., converged cloud platforms) etc. These challenges are also required to be addressed in the new framework.

In our view, a comprehensive/converged legal framework (separate comprehensive code) to deal with convergence of carriage of broadcasting and telecommunication services may be necessary to address the full spectrum of legal and regulatory issues related to convergence. This would involve the creation of a separate comprehensive code that specifically deals with convergence of both content and carriage of broadcasting and telecommunications services respectively. Comprehensive/converged legal framework should be defined in such a way that it ensures sufficient flexibility and opportunities to connectivity providers, media/content providers and technology providers for adopting new business models.

Further, it is submitted that the Comprehensive code should ensure protection of interest of existing Service Providers in terms of consistency in framework and facilitate innovation and competition in the converged sector. It is suggested that a comprehensive Code should have provisions for content regulation, network neutrality, licensing, spectrum allocation and consumer protection with a aim of

ensuring ease of doing business. In addition, convergence of telecom and broadcasting networks services should also ensure efficient utilization of the available resources.

**Q2. Whether the present regime of separate licenses and distinct administrative establishments under different ministries for processing and taking decisions on licensing issues, are able to adequately handle convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how? If no, what should be the suggested alternative licensing and administrative framework/architecture/establishment that facilitates the orderly growth of telecom and broadcasting sectors while handling challenges being posed by convergence? Please provide details.**

**ISPAI Response:**

Current policies and regulations for both the sectors are varied and are implemented by a number of different agencies. They may not be able to handle convergence of content and carriage of broadcasting services and telecommunication services. Rapid development of the Internet and e-commerce is resulting in significant changes in the type of services available. These services often do not fit easily into existing regulatory definitions and frameworks. In our view, convergence of telecommunications, broadcasting will bring new regulatory and legal challenges that the current regulatory framework may not be equipped to handle.

With an objective to handle convergence of carriage of broadcasting services and telecommunication services, it is suggested that the regulatory framework be reviewed to consider the changing nature of these services. One option could be to create a unified regulatory body that regulate both broadcasting and telecommunications services. There is also a need to understand global practices in this regard.

We are of the view that the new converged regulatory body would be better equipped to deal with convergence issues and could help to streamline the licensing process. The new converged body can be empowered to issue authorisation or to provide license for both telecommunication and broadcasting services. Alternatively, Scope of the Unified License can be further enhanced to accommodate Broadcast service also. This would reduce the administrative burden on both service providers and Ministries issuing the license and would help to ensure that consumers are protected. In fact, India should adopt the model which is being followed in most of the countries wherein the regulator itself has been given the power to grant licenses to the service providers and at the same time has also been entrusted with the duty to regulate them. Being the sectoral Regulator, TRAI, can do justice by synergizing with the license conditions as per the evolving technological changes and then make regulations and monitor the compliances by the service providers in a more efficient manner.

**Q3. How various institutional establishment dealing with –**

**(a) Standardization, testing and certification.**

**(b) Training and Skilling**

**(c) Research & Development; and**

**(d) Promotion of industries under different ministries can be synergized effectively to serve in the converged era. Please provide institution wise details along with justification.**

**ISPAI Response:**

Synergizing among various institutional establishments dealing with standardization, testing, certification, training & skills, R&D, and promotion of industries can greatly benefit the industries and promote innovation and growth. Following are the ways which may help in bringing the synergies.

- Establish a centralized platform wherein all the institutional establishments can come together to share their resources, knowledge, and expertise. This platform can act as a single interface for all the industry needs, where industries can get access to different services provided by these establishments.
- Collaborate and sharing of resourcing among these establishments can lead to better utilization of resources, expertise, and knowledge. The testing and certification centers can collaborate with R&D centers to develop better testing protocols for new products. Similarly, training and skills development centers can work with standardization bodies to develop training programs to meet industry requirements.
- The integration of data and technology can also lead to better decision-making and improved efficiency.
- These establishments can work together to develop industry-specific solutions to address the challenges faced by various industries.
- With a centralised platform, Cross-functional teams can bring together experts from different fields to work on complex industry problems.

It is our view, synergy among various establishments dealing with standardization, testing, certification, training & skills, R&D, and promotion of industries can be achieved by collaborative approach, integration of data and technology, development of industry-specific solutions, and promotion of cross-functional teams. This will lead to improved efficiency, better decision-making, and the promotion of innovation and growth in various industries

**Q4. What steps are required to be taken for establishing a unified policy framework and spectrum management regime for the carriage of broadcasting services and telecommunication services? Kindly provide details with justification?**

**ISPAI Response:**

We are of the view that that Wireless Planning and Coordination (WPC) wing under DoT being is a highly specialized agency and the spectrum is assigned to all users including broadcasting services in India by the WPC Wing. Thus, there is no need to establish any new policy framework for assignment of spectrum for telecommunications and broadcasting services. However, if still there is a requirement of in case, there is a need arises to establish a unified policy framework and spectrum

management regime for the carriage of broadcasting services and telecommunication services requires a multi-step process,

- Identify key stakeholders: To develop a unified policy framework, key stakeholders must be identified, including various ministries, regulator, broadcasters, telecommunication service providers, and consumers. It is important to involve all relevant stakeholders in the policy development process to ensure that the framework is inclusive and reflective of the needs of all parties.
- Before any policy framework can be established, a feasibility study must be conducted to determine the viability of unifying the policy framework and spectrum management regime for broadcasting and telecommunication services. The study should assess the current regulatory landscape, the current spectrum allocation and utilization practices, and the potential benefits and drawbacks of unification
- Once the feasibility study has been conducted and key stakeholders have been identified, a policy framework can be developed. The framework should address issues such as spectrum allocation, license conditions, technical standards, and regulatory compliance. The framework should also establish clear rules and procedures for spectrum sharing between broadcasters and telecommunication service providers.
- The policy framework should be subject to public consultation and feedback to ensure that it is inclusive and reflective of the needs of all stakeholders. The feedback received should be incorporated into the framework where appropriate.
- Once the policy framework has been developed it must be implemented. Implementation may involve changes to the regulatory environment, spectrum allocation procedures, and license conditions. Implementation may also require the development of technical standards and guidelines for spectrum sharing.
- The unified policy framework and spectrum management regime should be subject to ongoing review and evaluation to ensure that it remains current with the industry requirement and customer interest. The review may be conducted periodically and may involve consultation with stakeholders, technical experts.

A unified policy framework and spectrum management regime for broadcasting and telecommunication services requires significant coordination and collaboration between stakeholders. It is important to establish clear rules and procedures for spectrum sharing and to ensure that the framework is inclusive and reflective of the needs of all parties.

**Q5. Beyond restructuring of legal, licensing, and regulatory frameworks of carriage of broadcasting services and telecommunication services, whether other issues also need to be addressed for**

**reaping the benefits of convergence holistically? What other issues would need addressing? Please provide full details with suggested changes, if any.**

**ISPAI Response:**

The convergence of broadcasting and telecommunications services may result in to emerging of new challenges for content regulation. Government needs to develop new regulatory frameworks that address issues such as content classification, censorship, and consumer protection in a converged environment.

The traditional separate distinctions between broadcasting and telecommunications are becoming increasingly blurred which calls into the question the logic of maintaining existing separate regulatory frameworks for telecommunications and broadcasting. However, the integration of frameworks will not be simple. New technologies in particular broadband Internet and the services provided on these platforms have already begun to compete with traditional services provided over broadcasting infrastructures. Overall, the convergence of broadcasting and telecommunications services is a complex process that requires a multi-faceted approach. By addressing these issues, Government can ensure that they are able to reap the full benefits of convergence, while also protecting the interests of consumers and ensuring the efficient use of available resources.

There are several other issues that need to be handled for such as (a) Technical interoperability between Telecommunication networks and Broadcasting to enable devices and networks to work together, (b) Spectrum allocation to meet growing demand for spectrum to support convergence of broadcasting and telecommunications services, (c) Content regulations to address issues such as content classification, censorship, and consumer protection in a converged environment, (d) Privacy and security framework to protect consumer privacy and ensure the security of converged networks and services, (e ) Consumer protection regulations to protect consumers from unfair practices in the converged service offerings etc.

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