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February 9, 2022

Shri Anil Kumar Bhardwaj
Advisor (B&CS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Nehru Marg (Old Minto Road)
New Delhi, 110 002

Re: USIBC Comments in Response to the Consultation Paper on the Ease of Doing Business in the Telecom and Broadcasting Sector

Dear Shri Bhardwaj,

Since our inception in 1975, The U.S.-India Business Council (USIBC) has tirelessly promoted an inclusive bilateral trade environment between India and the United States, and consistently advocates for a strong, strategic bilateral relationship in support of entrepreneurship, job creation and economic growth. We participate in stakeholder dialogue to ensure that India's digital economic growth flourishes on par with the global digital, telecom and media & entertainment (M&E) ecosystems. As you may know, USIBC is an integral part of the U.S. Chamber of Commerce, the largest business advocacy organization in the world, operating in over 50 countries to promote free enterprise and advance trade and investment, representing companies of every size and from every sector. USIBC directly represents approximately 200 companies based in India, the United States, Europe, and friendly Asia nations.

Our membership includes broadcasters, telecom operator, equipment manufacturers, systems integrations, and companies reliant on secure, trusted and efficient global communications networks. These include India's largest information technology (IT) companies, software platforms, and several innovative Indian media companies developing streaming content, gaming, and esports. Our broader digital membership also includes e-commerce, sharing economy, and a diverse set of digital enterprises, as well as the technology service providers and product producers that support and enable India's rapidly expanding digital economy and telecom manufacturing sectors. In short, USIBC promotes a broad set up digital policies focused on promoting bilateral trade and commerce, creating a transparent and attractive investment environment, and the general ease of doing business.

USIBC has a long history of working with Telecom Regulatory Authority of India (TRAI). Most recently, we hosted the TRAI Chairman at our West Coast Digital Summit which focused on new technology and start-ups in coordination with the Ministry of Electronics and Information Technology (MeitY) Start-up Hub (MSH). As a U.S. co-chair of the U.S.-India Information



and Communications Technology Working Group (ICTWG), we also develop strategies for long-term, multi-stakeholder cooperation. We support technical interactions, such as quantum computing, artificial intelligent, and other strategic technologies. We also welcome India's budget announcement that focuses on emerging sections, including the creation of an audio/visual working group (AVWG), and look forward to working with that committee to leverage the U.S.-Indian creative and M&E sectors.

Focusing on the consultation paper at hand, at the outset, we would like to take this opportunity to thank TRAI for bringing out the much-needed consultation on ease of doing business (EoDB) in the telecom and 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.

We understand that the Consultation Paper follows a decision taken by the Union Cabinet on September 15, 2021 to approve major reforms in the telecom sector. We also believe that with the involvement of industry in this process, the Authority shall be able to make recommendations to Department of Telecommunications (DoT) and the Ministry of Information and Broadcasting (MIB) that are in consonance with the broader economic objectives of the Government of India (GoI) such as increasing foreign direct investment (FDI) attractiveness, promoting EoDB and realizing the vision of *Digital India*.

EoDB is directly linked to creating efficiencies and predictability, building competitiveness, and ensuring speed of approvals required to provide service and introduction innovation. Indeed, leveraging digital can help facilitate business and investment. USIBC recommends that TRAI consider the following general principles when reviewing specific EoDB proposals for the telecom and broadcasting industries.

- **There is a need for GoI inter-ministerial coordination** to ensure transparent, clear, and light-touch regulations across India's digital economy. The current structure has decision-making and regulation spread across, with overlaps and inconsistencies, between TRAI, the DoT Wireless Planning & Coordination Wing (WPC), MIB, the Department of Space (DoS), the Bureau of Indian Standards (BIS), and other agencies that manage Right of Way (RoW), conforming testing, and other compliance reequipments. This results in complex regulation, delays, overlapping regulations, and conflicting compliance requirements.
- **There are clear opportunities to streamline licensing via online processes**, both corresponding to particular ministry/agency requirements, but also across ministries/agencies. The we are confident that the implementation of a national electronic single-entry window serving as an "e-one stop shop" portal, if executed well, will facilitate simplification and reduction of processing time for regulatory processes and procedures across all sectors. Delays have increased and have become a critical issue impacting business. The current process of obtaining prior approval has proved quite time consuming and a barrier to efficient operations and create uncertainty.

- **USIBC stresses that the timely approvals benefit the economy, enhance consumer welfare, and facilitate investment and innovation.** While numerous compliance obligations have been removed, one thing which has not changed is the unpredictability of timelines. There is no certainty attached as to when an application will be approved. Thus, there is a critical need rationalize licenses and approvals to create a streamlined, predictable and definitive time frame for approvals, clearances and certifications from multiple agencies including the Bureau of Indian Standards (BIS), the Department of Communication's (DoT)
- **There is a clear need to reduce or eliminate overlapping conformity testing requirement.** India currently has a half-dozen different conformity testing regimes managed by BIS, MeitY, several DoT agencies, and others. There is a clear global best practice to allow single, international testing of products to eliminate the redundant, complex, and costly local retesting and certification processes.

Turning to broadcast licensing, USIBC emphasizes that MIB should institutionalize the mechanism to grant permissions and approvals through a fully integrated online single window clearance system which is time-bound. Presently the entire process takes long, and the timelines are also uncertain. The requirement of *seeking prior permissions* in most of the cases should be substituted with *giving prior intimations* by the broadcasters including permissions for change of name and logo of channel, and temporary uplinking. Broadcasters already holding existing uplink and downlink permissions of TV channels should not require security clearance from Ministry of Home Affairs (MHA) every time they make an application for new channels/renewals. A one-time clearance given to the broadcaster should suffice as long as there is no change of ownership.

Furthermore, the requirement of obtaining prior MHA approval 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 until the operational existence of the broadcaster, irrespective of the number of applications for new channels/renewals submitted by the broadcaster.

To facilitate mergers and acquisition, there should be a time bound transfer of licences and acquisition via slump sale. Acquisition via National Company Law Tribunal (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.

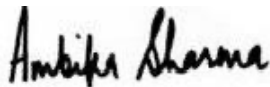
Turning to the WPC, **there is a need for an online "single window" clearance system for teleports** with standardized timelines that need to be adhered to by all concerned departments and ministries. The validity of the WPC permission issued to teleports to be for 10 years. The WPC portal should be integrated with the "single window clearance system" so as to enable ease of doing business. There are also inordinate delays faced in getting Network Operation and Control Center (NOCC) approvals within a stipulated timeline, which should also move to an entirely process online. In addition, WPC and NOCC permissions for new channels on the same transponder and frequency require fresh

permissions. USIBC recommends that WPC move to a notification framework in these instances rather than obtaining an entirely new permission.

TRAI should update the Broadcasting and Cable Services (B&CS) Integrated Portal (BIPS) to include artificial intelligence tools to make the entire process faster and ease submission of correct and accurate information without fewer typographical errors. Currently, broadcasters face multiple issues such as screen freeze in case any new functionality is added, inability to upload documents, absence of editable option, while uploading the information sought by TRAI while submitting information on the BIPS portal making the entire process cumbersome and against the spirit of ease of doing business. It is submitted that the information uploaded by broadcaster on the BIPS portal be considered by TRAI. Any duplication of submissions (i.e. uploading of information on the website as well as separate submission by way of emails/physical communications) make the entire process burdensome.

In light of the above, we would like to present our detailed comments and reforms required in the regulatory processes, policies, practices, and procedures in broadcasting sectors in creating a conducive business environment India. Accordingly, USIBC provides direct responses to the consultation questions below, and has attached our previous submission to MIB on proposed reforms to the broadcasting sector. Should you have any questions, please do not hesitate to contact me or my staff: Jay Gullish, jgullish@usibc.com in Washington, D.C. Meanwhile, USIBC is committed to enhancing commerce and investment between India and the United States and appreciate that our submission will be given due consideration.

Warm Regards,

A handwritten signature in black ink that reads "Ambika Sharma".

Ambika Sharma
Managing Director- India,
U.S.- India Business Council

Appendix 1: Question by Question Responses

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:

- **Simple, online and well-defined processes**
- **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- **Precise and well-documented timelines along with the possibility of deemed approval**
- **Well-defined and time bound query system in place**
- **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- **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.**

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. USIBC also encourages the use of digitalization and automation to speed up basic processes which encourages faster innovation and investment into the sector, making it more competitive. In view of the above, TRAI should recommend MIB to implement the following in light of the EoDB initiative in the broadcasting sector:

Introduce a fully functional and integrated “single window” clearance system: The greatest need in terms of administrative processes is to introduce a truly effective and meaningful online “single window” process wherein all relevant documents and fees can be uploaded, and the permission be issued online in a time bound manner. The portal should be one-stop solution for all approvals and permission and should be seamlessly integrated across various ministries/departments with the end-to-end online system. Though the Ministry has taken steps such as introducing “The Broadcast Seva” portal, the implementation and effective use is awaited eagerly by the sector. Currently, the Broadcast Seva portal doesn’t serve as a single window clearance system and the filing of application requires submission of documents in physical format with no clear timelines defined. We would also suggest that the “single window” allow applicants to easily access and track status and progress of their application(s).

The sector licensor (MIB in the case of the broadcasting sector) should be the primary interface with enterprise/entrepreneur at hand. There are instances where the 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 (MoF), WPC and NOCC are required in an application. The involvement of multiple ministries causes delay in getting approvals as they do not stick to any stipulated timeframe and also derails business planning and payment of valuable forex to foreign satellite operators. **In such instances, we suggest for MIB to liaise with those relevant ministries or departments and be the primary interface between the GoI and the broadcast enterprise.** Enterprises/entrepreneurs should not be required to separately liaise with those other relevant ministries or departments with respect to specific queries they may have.

The MIB may set up an information/enquiry counter for all queries from enterprises/entrepreneurs. This single point of contact is in line with the spirit of an electronic single-entry window and would provide clarity on communication between public and private sector, and certainty in application/approval processes. We additionally suggest that the WPC and NOCC process should also be brought online and integrated into the single window clearance system that enables the filing of applications online with MIB and the concerned ministries/departments are asked to give their comments online through intranet amongst ministries. The entire process should be time bound so that satellite TV businesses can take time sensitive decisions.

Broadcast Seva portal should 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 but still requires them to be submitted in original hard copies. This defeats the entire purpose behind ease of doing business as despite online submissions, physical submission of certain documents is still required for processing the application. It is suggested that digital signatures be accepted and accordingly, any document bearing digital signatures be allowed to be submitted online. In addition, we suggest that affidavits accompanying the online applications be done away with for existing broadcasters provided there is no change in ownership of channel, shareholding, etc. We urge that all relevant documentation be allowed to be uploaded in the future electronic single-entry window. This would make the application method fully online, thereby reducing processing time and speeding up the application approval process.

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

- If there is no change in the applicant company’s name and there is mere change in name and logo of any channel with no change in the technical parameters of an on-air channel, i.e., no change in teleport, no change in frequency, no change in satellite or transponder or no dual illumination involved, a mere intimation with the prescribed processing fee (if it is changed within a year of getting license) should be required. While intimating the applicant may be required to submit proof of copyright and trademark for the changed name and logo. Here, we encourage stronger coordination between MIB and the Trademark Registry. Downlink licenses should not be granted to applicant companies having channel names/logos that are identical/similar to already existing channels. There is a need for MIB to check with the Trademark Registry if an identical or similar mark has been applied for or granted to anyone other than the applicant company.
- 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 updating 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.

- In case of change in name and logo of a channel where there are technical changes involved along with the change in name and logo of a channel, the process should be online along with specific timelines from the GoI agencies requiring approvals, e.g., MIB, DoS and DoT (WPC and NOCC, etc.

Change of Format and Language: Once a broadcaster has acquired necessary up-linking and downlinking permissions, the change in language of TV channel should be permitted based upon an intimation by the respective broadcaster to MIB as any programming or content, in any language, is subject to the self-regulatory mechanism including adherence with a code of ethics for the programming and content. Once a broadcaster has acquired necessary up-linking and downlinking permissions, it may be allowed to broadcast different variants of a TV channel such as standard definition (SD), high definition (HD), 4K ultra high definition (UHD), 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.

Licenses should be transferrable within a stipulated timeframe: Companies usually restructure through merger, demerger or amalgamation so as to enhance the operational efficiency of that organization. There is a need to align the up-linking and downlinking guidelines with provisions of Companies Act. Sections 230 & 232 of the Companies Act, for the compromises, arrangements and amalgamations, provide that a notice of the meeting of shareholders and/or Directors along with scheme of compromise, arrangements and amalgamation (including merger or demerger) and other documents as may be prescribed, are mandated to be sent to all the Regional Directors, the income tax-authorities, the Reserve Bank of India (RBI), the Securities and Exchange Board of India (SEBI), the Registrar, the respective stock exchanges, the Official Liquidator, the Competition Commission of India (CCI), and such other sectoral regulators or authorities (which would include the TRAI and MIB) which are likely to be affected by the compromise or arrangement. It is further required that representations, if any, by such authorities shall be made by them within a period of 30 (thirty) days from the date of receipt of such notice, failing which, it shall be presumed that they have no representations to make on the proposals. Hence, in view of the above and to improve the ease of doing business in the sector, we suggest the following:

If both the transferor company and transferee company are holders of permission for up-linking of a TV channel under up-linking and downlinking guidelines, then, the Ministry should grant permission for 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 for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, the Ministry should grant approval within a stipulated period of 15/30 days' subject to the transferee company meeting the net worth criteria.

In so far as the transferee company is not a holder of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, The Ministry should make its representation to the proposal for merger, demerger, etc. within the time stipulated under the provisions of Section 230 of

the Companies Act, 2013. In other instances, it should be presumed that the proposal is approved subject to security clearance and net worth criteria being met

Streamlining the temporary uplinking process for sporting events and removal of any processing fee charged for the same: The sports broadcast business is primarily based upon making available live sports events. Presently, sports channels are treated as “non-news and current affairs” channels for the purpose of licensing by MIB and hence have to seek temporary permission for live uplink like any other channel in this category. The concern that arises over here is that as against other channels in the “non-news and current affairs” category such as general entertainment channels (GECs), among others, the primary activity performed by sports channels is to reach consumers with live sports events. In view of the above, it is suggested MIB should consider permitting issuance of short term/ temporary channel licenses, specifically to cater the need of broadcasting multiple feeds of the same live event (such as a sporting event and entertainment events in various languages) and also to assure audiences regarding the availability of overlapping live events (including events of national importance).

The processing fee per channel per day for temporary uplink charged by MIB for a live event should be done away with. MIB vide order dated Dec 13, 2017 has introduced a processing fee per channel per day for temporary uplink of a live event of Rs 50,000 for Regional channels and Rs 1,00,000 for National Channels. As Sports channels usually consist of live sporting events and cater to various regions, the amount being paid by broadcasters towards temporary uplinking fees is mammoth which runs into 4-5 crore per sporting event. The broadcaster pays charges of frequency allocation in WPC and monitoring changes by NOCC, through the teleport operators who in turn charge the broadcasters. This is a deterrent to development of sports in India.

A separate permission should be issued for sports channels, by which such sports channels (having majority of content as live sports) can 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.

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

- In the present regime the broadcasters are forced to get prior approval from three different bodies, MIB, WPC and NOCC even for minor changes. Such a mechanism does not encourage world class entertainment events or sporting events to be live broadcast by Indian channels.
- Sports broadcasters should be allowed to broadcast live sporting events by way of a self-declaration stating that it will only live up-linking sporting events and no news or news related content shall be carried on such feed.
- For both sports and GEC channels, applicants should merely intimate and get approval of the MIB within a prescribed time limit by giving macro details of the event which include, name of the tournament and teams involved, start and end date, details of the venue etc. and a self-declaration that the live feed will only consist of sporting or general entertainment events. Within the total approved calendar schedule if there is any last-minute change (due to

unavoidable reasons like rain, law and order etc.), the sports broadcaster should merely be asked to intimate rather than wait for last minute amendment and approval.

- Sports broadcasters should be permitted to seek temporary up-linking permission for their entire annual calendar of sporting events in one go. It is suggested that the period of 15 days prescribed for filing an application for temporary uplinking on a non-news channel should be reduced to a period of 7 days as there are many sports events which do not have clarity in respect of the schedule 15 days prior to the event.
- A broadcaster should be allowed to use single frequency in Multi-Channel per Carrier (MCPC) mode for sending more than one contribution feeds from the venue. This will help better utilization of the bandwidth and allow advanced technology of multiple camera feeds etc. to be provided to the viewers by the broadcaster.
- A broadcaster should be allowed to use the same transmission frequency of a satellite transponder for which it may have the appropriate frequency approvals to be used for sending contribution feeds from the venue to the teleport in a reverse direction. This technology allows for utilizing the same transponder for contribution that is used for channel transmission and thus increases the efficiency of utilizing satellite capacity.
- 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).

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

Clarification on non-applicability of DoS approval on applications filed for shifting of channels to an approved teleport: As per the MIB notification dated February 22, 2017 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 India Space Research Organisation (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.

The electronic single-entry window should also provide for surrendering of licenses: At present, if a company intends to shut down a channel, the MIB Guidelines are silent on the process of surrendering a license. A company sends an email to MIB to inform them of the intention to shut down. We suggest that an option be provided on the electronic single-entry window to allow for surrender of the license. This is in line with a truly online process to facilitate ease of doing business.

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)?

- **Simple, online and well-defined processes**
- **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- **Precise and well-documented timelines along with the possibility of deemed approval**
- **Well-defined and time bound query system in place**
- **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- **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.**

The process and procedural rules and requirements for electronic filings (e-filings) for all applications (including for licenses, permissions and registrations) in both telecom and broadcasting sectors should be designed to ensure a clear and consistent application to all matters submitted.

The procedural rules for e-filings/submissions should be clearly written and publicly available on the website. For example, clarifying the eligibility requirements in checklist form for particular filings and licenses, the manner and method of submitting fee payments and the significance of file numbers and the method of supplemental submissions. An effort needs to be made to ensure that operational bottlenecks do not inhibit licensing application procedures; the electronic filing system should be robust and free from glitches. Electronic filings for submissions to courts and arbitration forums internationally have clearly posted procedural rules available online, such that applicants and parties have visibility and knowledge of the requirements for e-filings and what is required for each submission as a matter of process.

There is also a clear need for precise and well-documented timelines along with the possibility of deemed approval. The e-filings portals should have substantive information indicating the precise status of a submission under review. This will allow applicants to prepare and adjust business needs accordingly. The procedural rules for e-filings/submissions should have timelines clearly written and published (publicly available) on the website/portal. For example, courts and arbitration forums internationally have precise and documented timelines relating to the process, including timelines on the body reviewing submissions. This also facilitates trust and confidence in the process.

Seamless integration and approvals across various ministries/departments with the end-to-end online system would significantly improve the procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration. To improve the EoDB in the telecom sector we recommend alignment of licenses with the technological functions, as is presented in the licensing regime in the broadcasting sector. The broadcasting sector licensing regime accounts for the various different activities and types with applicable licenses available, whereas the telecom sector licensing regime primarily only has two categories of licenses (Access License and Virtual Network Operators (VNO)) which both over-account and under-account for the activities sought to be undertaken (and business conducted), and are also not current with technology today. Further, the data residency

requirements arising in the telecom sector are not in alignment with larger global principals and the conduct of multinational business. Finally, the telecom sector licensing regime contains numerous overbroad definitions, or terms that are undefined, whereas the licensing regime in the broadcasting sector has greater clarity. We recommend open comment for clarifying defined terms in the licensing regime that are in alignment with current technology and industry usage today.

Removing lawful interception requirement for enterprise in-premises private wireless networks:

For advancement of Industry 4.0, telecom operators and vendors may partner to deploy a private Long-Term Evolution (LTE) 4G networks for enterprises that will get a dedicated wireless network for business-critical machines, sensors and workers. LTE/4G provides a high performance scalable future proof in-premises network. All solution components (core, radio access network, access points) are deployed on premises and are for sole usage of the enterprise. All user data remains inside the premises of the facility without any exposure to outside networks.

USIBC recommends that that lawful interception and monitoring requirements should not be applicable to telecom operators deploying such private LTE networks since no user data is moving out of premises. It is requested that DoT issue a clarification for the same as it will go a long way in promotion and adoption of Industry 4.0 solutions contributing immensely to economic growth and productivity.

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:

- **Simple, online and well-defined processes**
- **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- **Precise and well-documented timelines along with the possibility of deemed approval**
- **Well-defined and time bound query system in place**
- **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- **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.**

USIBC stresses that there are needed EoDB efforts to facilitate inter-departmental coordination, provide clear-cut timelines, and create enabling framework for new technologies.

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

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

Temporary Uplinking Permission for Digital Satellite News Gathering (DSNG) and Teleports:

The GoI has set forth policies to reform India’s satellite communications sector. For this proposition to succeed, it is pertinent to reduce the financial burden on the teleport and DSNG service providers of the country. In support of our view, and as teleport consumers, we would like to submit as under:

- The process of applying for MIB permission for events should be made an Online 24x7 system, for new permissions and for amendments. There should be single window clearance system in MIB, WPC & NOCC regarding Application & Approval of temporary events. At the moment it is a very cumbersome process of coordinating between three departments/ministries to get

permission for temporary live telecast of any event. Since GOI departments are operational 5 days a week, while any event can be calendared between Sunday to Saturday, getting all three permissions within a reasonable period of time, especially for high profile events, becomes extremely cumbersome and stressful.

- In case of sporting events, including ongoing tournament-based and continuing events like cricket, football, etc., MIB should issue its permission on the basis of number of days and locations only. Exact time & exact dates should not be insisted upon, as experience shows that they get changed at the last moment for reasons such as rain, power failure, election, law & order situation or any other local situation. For example, in the case of an event like Khelo India or Indian Premier League (IPL), which is spread over a period of two months and spread across many locations within the country, MIB should issue a permission for the complete duration (i.e. no of days) and locations mentioned in the application. By adding requirements for exact dates / timing, any last-minute changes create a rush toward respective ministry(ies) to seek amendment at the last moment.
- Also, due to unavoidable reasons if a particular stadium cannot be used and if another stadium is available within the same city/town the applicant should be allowed to use the second stadium as far as the city/town remains the same.
- WPC fee should be based on an event basis and should not be based on frequencies to be used in the event. For example: 21 days falling under 2- or 3-months period attracts 3 months WPC fee subjected for single frequency spot but if the consistent frequency is not available then per frequency fee is multiplied. For 3 months period if three different frequency slots are used (as consistent frequency for longer duration becomes very tough to get), the WPC fee becomes a nine-fold expense (3 x 3 months) and this impacts which sports are broadcast.
- For temporary live uplinking services such as sports, corporate events, etc. that require the use of DSNG vans/terminals, the WPC should charge on hourly or daily basis rather than for a whole month, which is presently followed. We request the MIB to take up this issue with the WPC wing, in the interest of holding more events (like sporting/mega entertainment events) in the country. Alternately they may fix a fee of Rs. 5000/- (Min) or Rs.25,000/- (max) to be levied per event. Irrespective of frequency used, fee should be levied on transmission basis, a practice followed in other countries like Sri Lanka, Bangladesh, Singapore, UAE, UK, etc.
- In most countries the regulator only charges a nominal License fees for administrative purposes with no separate spectrum charges or any satellite monitoring charges (such as NOCC fees). Thus, there is a simple, single fee
- MIB applications, including DSNG and teleports, should be on-line and automation route, rather than submitting 3~4 weeks prior to start of an event when many operational details, satellite, venue, duration, location, etc. are not yet decided.

WPC should remove any restrictions placed on the bit rate that can be used for TV channels uplinked through a teleport: Recently, the DoT's Telecommunication Engineering Centre (TEC) released its "STANDARD FOR INTERFACE REQUIREMENTS TEC 42012:2021" that removed restriction on bit rate that can be used per HD channel and SD channels. Additionally, there are no

standards set by International Telecommunication Union (ITU) or Digital Video Broadcasting (DVB) w.r.t a particular bit rate that must be used for the broadcast of TV signals over satellite. Hence, TEC has allowed the broadcasters to select their desired bit rate as it would be in the broadcaster’s interest to ensure that the signal broadcasted by them is of the highest quality. This is also to bring parity between channels uplinked from India and uplinked from other countries, where such “bit rate” restrictions are not in force.

At present the bit rate per HD channel and SD channel enforced by WPC:

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

The table below is an example of the number of channels that can be accommodated in a full transponder of 36 MHz exited by one carrier with one frequency, one MCPC and with DVB-S2, 8-PSK modulation with ¾ FEC if the archaic restriction is removed forthwith:

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

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

WPC ETA approval delays from DoT for BIS CRS products: There are certain products which are exempted from import licensing requirements as per export-import policy of Directorate General of Foreign Trade (DGFT) and operate in de-licensed frequency bands such as Bluetooth, Wi-Fi, near-field communications (NFC), etc. These require WPC approval called Equipment Type Approval (ETA) through self -certification” under a process instituted in 2018. This is for speedy faceless approvals through an online portal which was very efficient. Since February 2020, WPC approval timelines changed from one week to several weeks and no expected Turn Around Time (TAT). This has started impacting the business significantly. Therefore, this requires the processes to be responsive in order to meet the requirements of companies.

USIBC recommends that the approval/certification process have clearly defined timelines for processing of applications including grant of certification. The process should introduce a concept of “Deemed Approval” wherein the application will be considered deemed approval and certification

granted, if the application is not processed within a clearly defined time frame. The competent authority may determine the timelines. However, any delay beyond the stipulated timelines, deemed approval should be granted to the application and BIS number granted/WPC ETA. Further, the applications will be filed as per the existing process and requirements including responding to clarifications. Without these much-needed reforms in the times lines, such approvals will remain a major hindrance for ease of doing business.

In fact, the Government of Telangana (GoTN) has introduced the TS-iPass Rules-Telangana State Industrial project approval and self-certification system (TS-iPass) Rules, 2015 – Amendment dated 28-07-2017, wherein the time bound clearances are mandated. If, no clearance is given in the stipulated manner, then it is the case for deemed approval. The relevant para from the TS-iPass rule is given below:

".....The government may notify the clearances in respect of which the failure of the competent authority to pass final orders on the application within the stipulated time shall result in deemed approval. Certificate so issued to the units shall be binding on all concerned departments."

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:

- **Simple, online and well-defined processes**
- **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- **Precise and well-documented timelines along with the possibility of deemed approval**
- **Well-defined and time bound query system in place**
- **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- **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.**

The core factors affecting ease of doing business including those related to assignment of frequencies by WPC remain the same, i.e., better inter-departmental coordination, identification of clear-cut timelines, and creating enabling framework for new technologies. Even though WPC and NOCC both are both DoT agencies, they are located in different buildings and the endorsement/approval happen one after the other leading to delay in getting required approvals within a stipulated timeline. Operators are asked to pay bandwidth/frequency allocation and monitoring charges separately. This entire process needs restructuring and rationalization.

Another reason for delay is because WPC has been adopting a six-monthly window system for assignment of broadcast frequencies after the 2G verdict of the Hon'ble Supreme Court in 2012. It is incumbent upon DoT to seek clarification from the Hon'ble Supreme Court regarding the assignment of broadcast frequencies as the same is for "captive" purposes as against telecom spectrum.

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. In any event the WPC is actively engaged in monitoring of such channels. Further, these last moment permissions from WPC and NOCC leads to lapse of validity period of "operationalization" as well as forfeiture of the PBG). This incurs a heavy loss to the business in terms of rollout obligation.

Hence, USIBC recommends an overarching initiative to streamlining WPC, NOCC and MIB requirements as part of your efforts to introduce EoDB to the sector, specifically creating an online portal for NOCC permissions, integrated into the "single window clearance system."

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:

- **Simple, online and well-defined processes**
- **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- **Precise and well-documented timelines along with the possibility of deemed approval**
- **Well-defined and time bound query system in place**
- **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
- **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.**

There is a clear need for a simple, well-defined, online processes within the TEC which as various departments or sections involved and the stages the application is being currently processed need to be made transparent to the applicants. The current process of getting stakeholder inputs for the Mandatory Testing and Certification of Telecom Equipment (MTCTE) scheme and technical inputs for essential requirements (ERs) is archaic, complex, redundant and costly. A formal process of involving stakeholders is required to enable the industry and TEC to understand and contribute together. Views of the industry are important for any scheme to succeed. Any ill thought and untimely certification scheme will cause a severe impact to the industry. USIBC recommends that the entire process application should be online without any requirement of printed hard copies and have an option for digital signatures.

Furthermore, any new phase of MTCTE scheme should have minimum one-year timeline for implementation after the phase is notified. This will help original equipment manufacturers (OEMs) to gear up for the certification in multiple areas-arrange the required samples that in many cases need to be imported, do trial testing in the accredited labs to prepare for the requirements, address short comings, seek clarity and give adequate window for supply chain and sales functions.

Maintaining the confidentiality of a product before it is launched need to be built within the application system. Applicants should be allowed to choose the date of publication of the Certificate after the due process of scrutiny and grant of the application has been completed. This will prevent leakage of product details to the competition before the official launch of the product/model.

The inclusion of high-volume products in any phase of MTCTE scheme needs to be taken keeping in view the following aspects:

Readiness of TEC (manpower, portal, etc.): There is a lack of sufficient labs required to fulfil the TEC MTCTE requirements, but more importantly best practices allow for streamline testing globally by accredited labs. For example, the U.S. Federal Communications Commissions permits accreditation of Indian labs, and hence allows equipment exported from India to the United States to be tested in India. India currently does not have the same reciprocal process, which requires local retesting that

adds costs, negatively impacts supply chains, and limits India’s access so some technology and products.

USIBC, therefore, suggests that the TEC accept international standards and reports based on International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA). The ITU, the International Accreditation Forum (IAF) and the International ILAC have signed a Memorandum of Understanding (MoU) that the Government of India should accept. Accreditation bodies independently evaluate the compliance of conformity assessment bodies against recognized international standards, verifying their competence and impartiality. TEC should continue to accept ILAC reports as long as it is meeting the required standards. This will help OEMs to comply with the requirements in a flexible manner leveraging Local labs and international labs as suitable for one requirement.

There is also a need for a simple application format with a need to review of archaic fields, information, and online submission of documents if any. Format for any scheme needs to be discussed with wider industry stakeholders, inputs for improvements considered and explained. Many a times OEMs have to struggle to understand the fields that have been asked for and the information to be provided. Adequate file size for test reports and other documents needs to be enabled. File may contain drawings and pictures which require larger file sizes.

Another EoDB measure is the requirement for precise and well-documented timelines along with the possibility of deemed approval. Timelines should be published and known to the applicant for each stage of the application with well-marked SLAs and reasonable timelines. On completion of each stage, the actual date of completion should also be highlighted. Certificate grant should not exceed 2 weeks, after applying at the portal. Timelines may be shown as follows for Scrutiny and Review at each stage and each department if more than one department is involved. Below is an example of a simple form:

Department	Expected date	(Actual) Completion date	Remarks
A			
B			

The timelines should be visible on the portal for an applicant at each stage. This will avoid ambiguous information like Application under process. The applicant needs to be aware which department or section is handling the application or query at each stage. This will enable transparency in the entire process of the grant of certificate. If the processing of an application crosses the defined timeline threshold, there need to be a provision of Deemed Approval. This will ensure that the OEM is not penalized for delay at the TEC end.

Building on clear times, there is a need for well-defined and time bound query system in place. The query resolution details may be made available in the following format at the portal that would provide information about the date of the query, details, and the timing of TEC’s response. There need to be an adequate space for submitting the response and each stage should be visible online. If response to a query is found inadequate, sufficient reason and explanation should be given to enable the respondent to understand and modify the response.



There is also a need for seamless integration and approvals across various ministries/ departments with the end-to-end online system, as well as a procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval. If more information is required, adequate reason for query should be clear. If at any stage, if applicant is not satisfied, an escalation matrix should be provided with clear SLA and timelines.

Q12. What measures should be taken to ensure that there is no duplication in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.

Measures to be taken to ensure that there is no duplication in standards or in testing at BIS, WPC, NCCS and TEC. Inter-ministerial/departmental dialogue is necessary to ensure that no more than one ministry/department/authority is working on standards or certification on any specific area. Even if standards have been framed, before issuing/publishing the standard document to the industry and public, the departments should discuss and finalize which standard is to be issued instead of publishing conflicting standards and thereby increasing the burden on the OEMs.

One glaring example is the Certification like smart cameras. MeitY/BIS had included Smart Watch as part the existing compulsory registration order (CRO) process through Gazette Notification No S.O. 2742(E) dated 17th August, 2017. As a result of the notification, testing and certification started and many brands and models have been certified successfully. The CRO scheme is now running for the last four years for smart watches and the industry including labs and OEMs are fully aware of the process and the requirements. The end consumer is also now fully aware of the BIS registration number for smart watch. Surprisingly and to the dismay of the industry, smart watch is also included in the TEC notification for MTCTE Phase-3 dated 22 September 2021.

This has created an unprecedented scenario wherein a single product is now going to be tested and certified by two separate government agencies. The TEC notification comes at a time when there are several lacunae in the MTCTE certification process itself- Adequate and competent labs are not available to test all the functionalities asked in the TEC MTCTE ER requirements. As on date, to the best of our knowledge, not a single lab exists which can test all the functionalities under one roof. The end result is that an OEM has to run to multiple labs for carrying the mandatory testing increasing the time, resources and money for testing and submission of application. This brings an undue pressure and complexity on an OEM who has been so far meeting all the required certification needs of the government. The Time to Market, Number of Samples to be arranged, Number of resources to allocated for the project and the uncertainty of meeting the requirements of a new regulator puts an unnecessary and undue pressure on the industry leading to severe EoDB challenges.

Another pertinent example is the security testing of mobile devices. BIS LITD-17 has published mobile security testing requirements while at the same time DoT-NCCS wing has also published another set of documents for the same product. It is a case of the left hand not knowing what the right hand is doing.

What is required for the authorities is to let existing certification scheme continue for such products which are already under a government scheme. New products and product categories not already undergoing certification within an existing scheme may be put under a new scheme such as the TEC MTCTE scheme. This will avoid EoDB challenges to the industry and help prevent confusion to the end consumer for redressal if required.

Which agency is more appropriate for carrying out various testing approvals: The MeitY/BIS certification scheme should be the central testing agency for consumer products where core telecom equipment should reside with the DoT/TEC. This separation would prevent overlap, and each agency focuses on its core competency – electronics vs core telecom equipment. Using this bifurcation, MeitY

can leverage its technical insight into electronics and software whereas the TEC can focus on telecom nodes, mobile switching elements, gateways, radio and access products, et al.

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

- **Simple, online and well-defined processes**
- **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- **Precise and well-documented timelines along with the possibility of deemed approval**
- **Well-defined and time bound query system in place**
- **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
- **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.**

All broadcasters use satellites for the delivery of channels to the recipient direct-to-home (DTH) operators, multi-service and local-service operators (MSOs, LCOs) as applicable. As ISRO satellites are not readily available or available with sufficient capacity, many of the Indian broadcasters use foreign satellites in addition to INSAT/GSAT satellites. As regards use of Indian satellites is concerned, no technical parameters have been given so as to compare Indian satellites with foreign satellites to make an informed decision while choosing the satellites for broadcast of TV channels. Broadcasters bear considerable cost to lease transponder capacity, and the foreign satellites used by broadcasters are usually bound by long term contractual obligations, which are difficult to break away from. In case the broadcasters are forced to migrate to Indian satellites, then breach of the contractual obligations would lead to serious implications including payment of exit fees, long drawn litigation or arbitration. Additionally, if broadcasters are forced prematurely to migrate to Indian satellites and the artificial scarcity of spectrum allocation is highlighted, then the implementation of “open sky” policy will be hampered. As of now, there is no scarcity of orbital spectrum, if the foreign satellites are used, while mandatory up-linking from India to Indian Satellite may cause scarcity of transponders and restrict growth of the broadcast sector. Furthermore, Indian satellites are not well equipped to provide replacements or backups in cases of technical glitches.

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.

Foreign satellites are permitted to provide services only after the same have been coordinated with ISRO. MIB could thus obtain list of such Foreign Satellites from DoS that are approved/coordinated with ISRO, and the list of such Foreign Satellites could be made available on MIB’s website and any application on these satellites should have automatic approvals. Broadcasters could then be aware on the list of permitted Foreign Satellites, and avail services only from such permitted Foreign Satellites for uplinking of signals. The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate MIB’s process for approving new channels, wherein they could refer to such list of Foreign Satellites for every new applicant rather than sending

the files to DoS each time. Only the satellites not coordinated should be referred to DoS/ISRO for their comments/ approval. The broadcasters should be free to sign up with the satellite provider once the application has been approved, so that there are no undue payments needing to be maintained to foreign satellite companies for periods up to a year, without being able to commence services.

Satellite bandwidth (BW) should be pre-approved when leased out to the users, i.e., when DoS allocates any satellite BW to the users, the said BW should be pre-approved by the various agencies such as MIB, NOCC, WPC, etc. so that the user can use the BW immediately after the allocation. This will ensure faster and efficient utilization of bandwidth. As an alternative, 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. 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.

Since ISRO wants to encourage Indian broadcasters to use Indian satellites, DOS should start charging broadcasters from the day they obtained all the necessary clearances from MIB, WPC and NOCC. There should be online filing of application for INSAT capacity reservation/allocation for these services, i.e., teleport, TV uplinking, DSNG, and very small aperture terminals (VSAT). This will not only facilitate ease and efficiency in application / processing but will also help environment protection by saving numerous pages of hardcopies. All details should be made available on the websites of ISRO/Antrix and WPC. All applications must move electronically as transactions and all approvals accorded online with intimation to applicants.

There should be no deposits from the users towards booking / allocation of the satellite capacity. However, for due compliance by users and protection of ISRO's interests, there may be provision for BANK GUARANTEES say monthly deposits, in line with the industry and international best practices. There should be open sky policy for all the satellite requirements in India. Forex remittance authorizations could be made available for the entire period of the contract between the approved satellite provider and the broadcaster. 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 authorized dealers.

The satellites have a definite life after expiry of which the satellite operator provides a fall back/replacement satellite on the same location or co-located orbital position. It is therefore recommended that the fall back/replacement satellite on the same/co-located orbital position should have an automatic approval from all regulatory authorities to provide a smooth and uninterrupted services to broadcasters. Once a satellite has been given NOCC by ISRO, any additional channel on the same satellite should not again require any NOCC from ISRO and should be approved at MIB itself without again being referred to ISRO. 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.

If a broadcaster(s) shifts their set of channel(s) from one approved teleport in one city to another approved teleport in another city of already on-air channel(s) MIB should not refer the application to DoS – provided there is no change in satellite/transponder; bandwidth/frequency allocation and no other amendments in the uplinking and downlinking permissions. The issue primarily pertains to Standing Advisory Committee on Frequency Allocation (SACFA) clearance from WPC only.

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:

- **Simple, online and well-defined processes**
- **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- **Precise and well-documented timelines along with the possibility of deemed approval**
- **Well-defined and time bound query system in place**
- **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
- **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.**

TRAI should mandate all the licensed distribution platforms operators to only use BIS certified equipment to ensure Quality of Service (QoS) standards for the end consumers, protection of content and stoppage of revenue leakages to all the stakeholders which include the exchequer

Furthermore, the existing certification process under the Compulsory Registration Scheme (CRS, aka CRO) has been operational since 2013. The certification lead time got reduced to 1 to 5 days which was 4 to 6 weeks till the end of 2019. The remarkable reduction in the certification time was achieved through concerted efforts of BIS over the past several years. However, for last few months there has been a drastic increase in the BIS certification time leading to delays with no clear TAT.

When a product under CRS requires certification from BIS, the following steps must be undertaken:

- Testing of a product in BIS accredited Indian lab
- Report submitted to BIS with all documentation
- BIS reviewer scrutinizes the technical test report
- BIS reviewer raises query, if any
- BIS reviewer approves the technical report, if response to the query is accepted
- BIS reviewer changes status of the application to “Decision awaited from Granting Officer”
- Granting officer grants the registration
- BIS certificate of product is available online for download.

Manufacturers undertake Steps 1 and 2. BIS’ have control on steps 3 to 8 of which Steps 3 – 6, as described above, have been working smoothly. However, all applications that move into Step 6 do not seem to go beyond that stage and get the BIS certification. The above delays have also impacted the certification of products covered under the CRO. BIS approval delays have started impacted the product new launches, business losses. The delays in granting BIS certification is affecting the Indian consumers’ access to products and is significantly impacting the businesses of our member companies.

in the time bound clearances are mandated. If, no clearance is given in the stipulated manner, then it is the case for deemed approval. The relevant para from the TS-iPass rule is given below:

".....The government may notify the clearances in respect of which the failure of the competent authority to pass final orders on the application within the stipulated time shall result in deemed approval. Certificate so issued to the units shall be binding on all concerned departments."

The above is for reference purposes only to suggest similar certainty needs to be instituted by way of defining specific timelines and deemed approval in the approval/certification process. Processes may differ basis specific requirements, however certainty needs to be instituted from timelines perspective. This will go a long way in supporting ease of doing business by bringing certainty, predictability to the business environment dependent on approvals.

There is also a need for simple, well-defined online processes. Any change in the online process and tool need to be informed well in advance to the stakeholders and applicants. Example: the BIS Laboratory Information Management System (LIMS) tool was introduced by BIS in August 2021 for labs and OEMs without any prior intimation to the stakeholders and impacted parties. This created issues both to the labs as well as applicant OEMs. Labs were not having experience in using the new tool and unaware of the data to be uploaded in the portal. The result was delay in generating test requests and uploading the test reports. The overall impact was delay in issuing certificates to applicant OEMs.

Furthermore, any maintenance or upgrade in the online portal or existing process should be informed to stakeholders well in advance in the portal.

New phases are to be announced only after ensuring that lab infrastructure and accreditation is in place. On the day of notification, Frequently Asked Questions (FAQs) and the Test Report Form (TRF) both should be published. Delay in releasing the TRF means that OEMs cannot start the certification/changeover process. Digital signature should also be accepted to may as an option in addition to physical signatures. For change in management information for an applicant, the process needs to incorporate acceptance of soft copies and online payment instead of the current requirement of submitting Demand Drafts.

The BIS portal crsbis.in has one login for each factory. In the current manufacturing ecosystem, one factory is producing models for different brands. Within the master login, one more level of login should be made available for each brand. Persons who are working on one brand then cannot access the information pertaining to some other brand preventing league of confidential information.

Precise and well-documented timelines along with the possibility of deemed approval: Currently there is no timeline defined for the scrutiny and approval stages. A well-defined timeline for each stage needs to be made available to the applicant in the portal to show the lifecycle of the application from submission to approval including all intermediate steps.

Department	Expected date	(Actual) Completion date	Remarks
A			
B			

Certificate grant should not be more than 1 week, after applying at the portal. If the processing of an application crosses the defined timeline threshold, there need to be a provision of Deemed Approval. This will ensure that the OEM is not penalized for delay at the MeitY/BIS end. Other applications viz. Change of Authorised, Indian Representative, management details need also have well defined timelines. Sometimes it is observed that such changes take 30-45 days. This needs to be reduced to 1 week at the maximum.

The query system needs to have more clarity and information to the applicant. It is observed that similar queries are asked for different products/ factory when the response had already been submitted and accepted. The queries and responses for a particular product/model/factory needs to be synced.

The query resolution details may be made available in the following format at the portal.

- Query raised on----, Query details ...
- Query response submitted on...
- Query resolution handled by Department A, Expected date of completion. Y days, Actual completion date-

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.

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.

The broadcasters are required to upload requisite information in respect of interconnection agreements pursuant to the Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements and all such other matters Regulations, 2019. The BIPS portal is an evolving portal even after a period of 2 years, since it was launched in January 2020. Broadcasters face multiple issues such as screen freeze in case any new functionality is added, inability to upload documents, absence of editable option, while uploading the information sought by TRAI. These issues/concerns have been brought to TRAI's notice on multiple occasions by the broadcasters by way of letters. Notwithstanding, there are certain concerns that remain unaddressed. It also submitted that earlier the requisite information was filed once a year by July 31 however, at present the same is required to be filed upon execution of the interconnection agreement (s) with the DPOs on ongoing basis (at times it results in uploading the same on a daily basis). This makes the entire process cumbersome and is not in the spirit of Ease of doing business. It is suggested that the requisite information be required to be filed on a quarterly/half-yearly basis with ability to upload bulk data on Microsoft excel format.

Additionally, it is suggested that the BIPS portal should have the ability to extract data from the Microsoft excel file and be uploaded under relevant heads on the BIPS portal. We would also like to draw your kind attention to the fact that despite the information being available/updated on a regular basis, the same information is sought by TRAI from broadcasters from time to time. This results in duplication of submissions, making the entire process burdensome. It is submitted that the information uploaded by broadcaster on the BIPS portal be considered by TRAI.

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.

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 is software 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.