==Only by Email: <dyadvbcs-1@trai.gov.in>==

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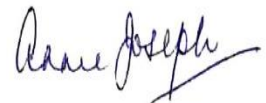Jawahar Lal Nehru Marg
New Delhi – 110 002

Dear Sir,

> **Re: Comments of News Broadcasters & Digital Association [NBDA] on Consultation Paper dated 8.12.2021 on "Ease of Doing Business in Telecom and Broadcasting Sector"**

Attached please find comments of News Broadcasters & Digital Association [NBDA] on the Consultation Paper dated 8.12.2021 on "Ease of Doing Business in Telecom and Broadcasting Sector".

Thanking you,

Yours faithfully,

Annie Joseph
Secretary General

CC: Mr. Rajat Sharma, President, NBDA

Encl: As above

Comments of News Broadcasters & Digital Association [NBDA] on Consultation Paper dated 8.12.2021 on "Ease of Doing Business in Telecom and Broadcasting Sector"

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1. Telecom Regulatory Authority of India ("TRAI") has brought out a Consultation Paper dated 8th December 2021 relating to '*Ease of Doing Business in Telecom and Broadcasting Sector*'(EoDB) in order to seek the stakeholders view on the issues arising with regard to it in India.

2. The News Broadcasters & Digital Association, NBDA (previously NBA) appreciates that TRAI has acknowledged that India is one of the fastest-growing major economies in the world and is well poised to attract foreign investments and has therefore floated this Consultation Paper to identify various bottlenecks and new process requirements, if any, and suggest measures for the reforms required in the regulatory processes, policies, practices, and procedures in the telecom and broadcasting sectors in order to create a conducive business environment in India.

3. While the Consultation Paper emphasises the need for a *Single-Entry Window,* wherein an investor/entrepreneur should be able to apply for all the licenses/approvals without any further need to submit physical copies of the application and visit any department physically, the Consultation Paper also attempts to identify key factors /areas in respect of EoDB which are essential to improve in order for EoDB to become a reality. These factors include-S*implified applications with well-defined processes, Timelines for queries, approvals, and deemed approvals, Inter-ministerial/departments and intra department movement of files, Minimal Physical Interface, Transparent with end-to-end online tracking system and use of digital technologies* .

4. The Consultation Paper also covers the processes of grant of permissions/ registrations/licenses by ministries/departments including the regulator and discusses the issues being faced by the applicants and the service providers and the operational issues involved *qua* the Ministry of Information and Broadcasting (MIB), Department of Telecommunications (DoT) , Wireless Planning and Coordination (WPC), Network Operation Control Centre(NOCC), Department of Space (DOS),Ministry of Electronics and Information Technology (MeitY), Ministry of Power (MoP),Telecom Regulatory Authority of India and Telecommunication Engineering Centre (TEC).

5. TRAI had previously also floated a Consultation Paper on this subject relating to the Broadcasting Sector on 31st July 2017 and thereafter TRAI had conducted an Open House discussion with the stakeholders, leading to

releasing of TRAI's Recommendations on 26th February 2018 which suggested various important measures for promoting EoDB in the Broadcasting Sector. Similarly, TRAI had undertaken the consultation process on "Issues relating to Uplinking and Downlinking of TV Channels in India" and issued a Consultation Paper on the same on 19th December 2017 and came out with its recommendations on 25th June,2018.

6. At the outset, NBDA states that there are several complicated issues which continue to arise in the broadcasting sector in spite of the various suggestions given by the stakeholders. These issues are listed hereinbelow:

   1. There are unpredictable delays in obtaining clearances from the concerned authorities which act as a major bottleneck for carrying on business operations in an unhindered and smooth manner. These unforeseen time delays caused by physical processes and particularly at the time of the pandemic have an adverse impact on EoDB as it puts a question mark on subsequent business activities and impacts contractual obligations with other stakeholders in the value chain.

   2. The present policy framework involves multiple clearances at different levels within the same Ministry as well as between several Ministries within the Government. Be it security clearances or technical clearances, applicants have to approach several authorities before permissions or approvals are granted with respect to their TV channels.

   3. There are considerable costs and expenses that are incurred by the broadcasters in keeping alive business interests while awaiting the statutory clearances.

   4. There is the aspect of the burden of unwarranted satellite charges which are levied on the broadcasters on account of delayed clearances.

   5. Even after grant of permission from the MIB, under the Uplinking and Downlinking Guidelines, a broadcaster of a television channel is required to take prior approval of MIB in relation to operational issues at every stage. For example, if a broadcaster wants to make any change in name, logo, category, satellite for uplink, teleport for uplink, etc., of a television channel, then prior permission from the MIB needs to be obtained. Such approval process results in substantial delays and often leads to derailment of the purpose for which such permission was sought. All queries from MIB, NOCC etc are still offline and while the WPC online portal Saral Sanchar is in place for WPC, but for making online payments the

broadcasters have to use Bharatkosh and then upload the details in Saral Sanchar portal.

6. The process for renewal of the ten year permission for uplinking and downlinking is offline.

7. Presently, once an application is submitted with the MIB, it sometimes takes as long as 7-9 months for a final outcome due to the involvement of multiple agencies/government departments (such as, MHA, DOT/WPC, NOCC and Department of Revenue – in case of only downlinking) to whom the application is sent for approval. This makes the entire process of obtaining approvals quite cumbersome, which certainly has a negative impact on business and operating plans of a television channel broadcaster. The intent and objective of companies to invest in television channel broadcasting sector gets defeated as they are unable to commence their operations for prolonged periods of time due to pendency in grant of permission from the MIB and other relevant agencies/government departments. The current approach being adopted by the government is not in sync with the government's overall policy objective of 'Minimum Government and Maximum Governance'.

8. News channels are using mobile based news gathering (Backpacks) extensively. Each backpack transmitter uses multiple SIM cards for bandwidth aggregation. These SIM cards are not available for anyone for their personal use. Furthermore, backpacks are deployed at various stations along with various crew members based on the dynamic requirements of news gathering. As per TRAI guidelines, the KYC is demanded by the Telcos for these SIM cards. While the company is responsible to ensure legitimate usage of these SIMs, the company is unable to ensure ownership of these cards to particular employees of the organization.

9. Slow pace of reforms in this sector will impede growth and act as an entry barrier for new investments, thereby reducing competition which will ultimately have an adverse impact on the choices available to the Indian viewers.

10. In view of the above, NBDA states that to fuel the next phase of growth in the broadcasting sector, policies need to be rationalized. Significant investments are required for viewers in India to receive content that is at par with contents available in other parts of the world, especially in the developed nations. Investments will not only help the growth of the industry but will also contribute to the overall growth of the nation's

economy. The current licensing framework for satellite broadcast television industry needs to be simplified, made transparent and time-bound so as to attract more investments, which in turn will promote better delivery of services and make the broadcasting industry sustainable. In order to promote growth in this sector, it is important to ease the hardships faced by the stakeholders at multiple levels.

11. In view of the above, NBDA is giving its suggestions in respect to the Questions /Queries raised in the Consultation Paper as under :

ISSUES FOR CONSULTATION

1. **Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**
   a. Simple, online and well-defined processes
   b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
   c. Precise and well-documented timelines along with the possibility of deemed approval.
   d. Well-defined and time bound query system in place.
   e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
   f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration.

   Comments:

   A. **National Broadcast Policy**: While the proposed new MIB Guidelines related to various facets of the broadcasting sector, these need to be revalued in view of the changing scenarios and to give further impetus to the broadcasting industry. MIB also needs to come out with the proposed National Broadcast Policy (NBP) which will cover all aspects of the broadcasting sector and which will act as a vision document for the sector. Under the NBP, the various Guidelines and activity specific Guidelines can operate.

   B. **Timebound Decisions:** While the licensing framework needs to be simplified, the processes of filing of applications, requisite documents, grant of approvals/permissions should be carried out in a smooth, time-bound manner, should be paperless and the process should be online end-to-end. While prescribing the specified timeline, the time that may get

consumed in rectification / modification of applications should also be considered. The focus should be on decision making in a time bound manner. The process with a clear and unambiguous timeline will result in giving the much-needed respite to the industry and help the service providers to plan their businesses accordingly with a better perspective. Since the broadcasting industry involves high use of skilled manpower and deployment of high-end technology, clear and time-bound processes will help the existing as well as the new entrepreneurs immensely.

An outer time limit is required to be prescribed in respect of approvals to be granted by MIB and other departments / agencies. If the relevant department / agency fails to process an application within such specified timeline, the approval should be deemed to have been granted at the end of the timeline.

There should be well defined procedures with regard to the list of documents for grant of various permissions/ licenses / approvals etc. The timelines should cover all the authorities / agencies.

C. **Online**: There should be a mechanism to upload the documents online which will also result in faster processing and obviate the need for making multiple sets of applications meant for various authorities. As pointed out by TRAI, the internal processes that involve interaction within and between ministry departments are at present done manually. This makes the entire process cumbersome and extremely time consuming. With the changing face of technology, it is imperative that critical processes and clearances such as the MHA, WPC and NOCC permissions be automated and aligned through an online mechanism which will not only save considerable time but will also go a long way in improving efficiency in reviewing applications and granting the necessary approvals/clearances. The approvals should be streamlined to make it completely integrated and accessible online in track change mode or on an online Drive.

The existing processes being adopted at various ministries and departments should be studied in consultation with the stakeholders and efforts should be made to make them end-to-end online, paperless and make various compliances and report submissions, including generations of management information system (MIS), etc., through electronic and traceable means of communications.

While the Ministry's effort in launching the 'Broadcast Seva' portal to facilitate online payments and tracking of applications is appreciated, however, the Broadcast Seva portal should be upgraded to make it an end-

to-end platform for all kinds of processing. The same should be extended to facilitate online processing and approval of permissions across various departments and ministries. At present the portal is wrought with teething issues, which need to be urgently addressed and resolved and it should function in a more user-friendly manner.

Promoting online processes for clearances and approvals will go a long way in easing the burden of the current mechanism and will save a lot of time, money and help in removal of uncertainties in the whole process, thereby benefiting the broadcasters. An online mechanism will not only address this issue but will also facilitate efficient systems of database management for the Ministries. Presently, stakeholders submit voluminous information and data pertaining to their business and management while seeking approvals and clearances from the authorities. An online mechanism will help make available such key information at the disposal of the concerned authorities and will ease the burden of repeated and lengthy information submission by stakeholders.

Online payment facility can be integrated into the overall system to ensure that there is no delay in making payments and as such approvals are not put on hold for such delays.

In fact, all processes in the online system should be identified by an identification number and a broadcaster should be able to know at which stage its application is pending. Further for each process the required documents should be specified, and no additional documents should be sought as this tends to delay the process of granting the final approval. If due to any reason an additional document is sought, it should be with the identification of the authority seeking such documentation.

There should be minimal physical interface.

Use of digital technologies like Digi Locker Agreements and contracts with Digital Signatures should be promoted to maximize the use of technology and technological instruments as far as possible.

D. **Self-Certification-** One of the factors that adds to the time spent on seeking regulatory approvals under the current policy framework is the requirement for attestation of certain documents i.e., affidavits and undertakings that form part of the application. NBDA is of the view that service providers, in any sector, are better equipped with know-how about their business and therefore self-certified documents must be explored as against third party certification. Submissions before government and other regulatory bodies, including the TRAI itself are now being self-certified

by the applicants and therefore the process requirements in this space must also take this into consideration. A simple self-certification system will enable reduction in transaction costs, speed up information sharing, procedures, and formalities and, as a result, will significantly increase the rate of regulatory approvals. The main advantage of self-certification is that it will help reduce administrative costs and transaction time and can truly strengthen the call of EoDB in India. Therefore, for MIB approvals and applications, self-certification on company's letter head should be acceptable in various affidavits/undertakings in place of attestation by notary public on stamp papers.

E. **Feedback:** The MIB should set up an intranet (involving the concerned ministries) where documents can be scanned and uploaded to allow the respective ministries and departments to give their feedback within a prescribed timeline. This is how the Foreign Investment Promotion Board processes FDI applications.

F. **Prior Approval:** That the government must consider a policy shift from the existing 'Prior Approval' to the more practical 'Prior Intimation' regime. Prior intimation may be filed with the MIB along with appropriate details / documents for records (with a copy of such intimation being sent to other agencies / government departments, such as DOS, MHA, DOT/WPC, NOCC).

There may be a need for the MIB to consult with the other ministries/authorities at the time of grant of fresh license. However, when additional channels are being launched by the same broadcaster or other broadcasters within the same "group", the original report/remarks issued by the ministries/authorities may be referred to rather than obtaining fresh clearances each time. Existing broadcasters applying for additional channel licenses within the validity period of ten years should not be referred to MHA or any other Ministry.

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

H. **Single Window Clearance**: The licensing framework should facilitate a *Single Window* Clearance for new and currently operational channels through an online portal. Whenever a company applies for permission to

uplink television channel on satellite which is already co-ordinated, there should not be fresh requirement of satellite clearance from DOS, ISRO. MIB may send the application to DOS, ISRO for information / records only and if DOS, ISRO has any objection, they may intimate MIB about their objections. Ideally DOS, ISRO should share list of coordinated satellites with MIB so that MIB can check the list and process it accordingly. The 'Broadcast Seva' portal launched by MIB in 2017 has the ability to act as the 'Single Window' interface whereby processes of applications for new channel license / amendment to existing license or for temporary Uplinking permission for events can be made online on 24x7 basis and the portal's scope of services can be scaled up and provisions for broadcasters to track the status of their application when the file moves from MIB to WPC to NOCC can be added. Therefore, the required permissions from MIB, WPC and NOCC must be integrated with the portal which will then function as a 'Single Window' for obtaining clearances.

A Single Window system, with the desired target that the licenses should be issued expeditiously, within specified timeframes and the broadcaster should be able to synchronize their content related expenses with the targeted launch date and the licensing process.

There should be seamless integration and approvals across various ministries/departments with the end-to-end online system. The applicant should be initially registered with a login id and password and the applicant should be required to submit the basic KYC documents like the company related documents and Director's documents on the system. Once the registration is done, the applicant can apply for the required permission / approval. For a user, this should act as a *Single Window*. The system should enable the various authorities/agencies to be connected through a secured path.

I. **Queries:** Further, the *Single Window* system may also be equipped with the latest technologies like a chatbot, automated call centre and Artificial Intelligence (AI) based tracking, analysis, and response systems, so that the person willing to apply for licenses/ approval can get answers to all their queries in an efficient and timebound manner regarding the process, mechanism, policies, documents required etc.

J. **Equipment**: There needs to be a provision in the *Single Window* system to send the equipment to India for testing and return back through processes like RMA.

The details of equipment testing laboratories authorized by DoT in foreign countries, if any, need to be made available in the portal for applying online for ETA. There should be no mandatory registration of telecom equipment which are part of emerging technologies which are independently governed by DoT Guidelines.

K. **Intimation**: Appointment of Directors should be by mere intimation in accordance with company law. If in case MIB receives adverse comments, then the company may be asked to take necessary action accordingly. An individual who is already security cleared and serving on the board of a company permitted to operate television channels / teleport, he/she should be allowed to be appointed on the board of another broadcasting entity. This should be by mere intimation.

Transfer of television channel permission from company 'A' to company 'B' should be allowed through mere intimation if company 'B' is already security cleared for operating in the same category of television channels, subject to an undertaking from company 'B' that it will fulfil all necessary criterion.

A mere change in name and logo of any channel should not require elaborate documentation as it is a time-consuming process. An intimation of the change/modification in name and logo with a processing fee of Rs 25,000 should be sufficient. Further, even a change in colour and style of name/logo involves a long-drawn process and in such a case intimation in case of any modification should suffice. Dual logos should permitted.

For launch of a new channel by an existing news network, no separate security clearance should be insisted as the company has already been cleared earlier and has a channel running. Similarly, security clearances of Directors should also not be a pre-condition.

L. The approval of MIB on remittances of foreign exchange should be avoided.

M. In case of refusal to grant permission, opportunity of being heard should be granted.

N. There should be no imposition of penalties for procedural delays or non-compliance of trivial administrative compliances.

O. **Forfeiture of Performance Bank Guarantee (PBG) on non-operationalization of the channel:** In terms of the current policy

framework, MIB has stipulated the roll-out obligation for operationalization of TV channels within a period of one year from the date of permission. PBG of Rs. 2 crores in case of news channels at the time of issuance of the final uplink/ downlink permission towards the roll out obligation. In the event of failure of the broadcaster to operationalize the channel within the period of one year, the permission is immediately cancelled and the PBG is forfeited. This stipulation is a double whammy for the broadcaster. On the one hand, the broadcaster incurs huge financial losses due to the failure to launch the TV channel as projected and on the other hand the permission granted subject to operationalization is cancelled without any opportunity whatsoever for the broadcaster to seek redressal or extension of time for the same even after penalty is levied.

Broadcasters face challenges on multiple fronts and almost always these challenges are due to extraneous circumstances and the broadcasters have very little control over the situation or its consequences. Payment of PBG upfront itself is a huge liability and a harsh enough deterrent against non-operationalization of the channel within the stipulated one-year period.

NBDA's submits that to encourage EoDB in this sector, the scare of financial loss such as forfeiture of PBG, must be looked into to make it more stakeholder friendly. The window to operationalise a television channel from the time of obtaining MIB's permission should be increased from 1 year to at least 3 years, subject to validity of PBG and payment of permission fee.

A 6-month extension should be granted to broadcasters who fail to operationalize the channel within the stipulated period of 3 years, subject to the payment of a nominal penalty. The forfeiture of the PBG may be invoked in the event the broadcaster fails to launch the channel even after the extended period of 6 months without affording any further opportunity. This suggestion, if implemented, will avoid imposition of harsh consequences while still maintaining the sanctity of the roll-out condition, and will also give a fair and equitable opportunity to the broadcaster to deal with the situation and the extraneous circumstances.

P. **Offences & Penalties-** The current policies that govern satellite TV channels and their related license conditions prescribe penalties that are far too stringent and not always commensurate with the offences committed. For instance, ban of a TV channel for a fixed period of time, if found to be violative of the prescribed guidelines is a very harsh stipulation and will have an adverse impact on the business operations of the channel. The graded penalties for the offences committed as laid down in the policy guidelines that govern the uplink and downlink permissions

granted to broadcasters does not clarify any mitigating circumstances or the process that would be followed before the penalty of revocation of license is levied on the channel. It is also not clear how the instances of violation will be considered or how the nature of offence will qualify as a violation.

NBDA suggests that these provisions on offences and penalties be reviewed afresh and greater emphasis is laid on self-regulation. It is well known that the broadcasting sector, whether the news or the non-news genre has adhered to self-regulation guidelines laid down by bodies such as NBDSA, BCCC and ASCI and the framework has found favour with the MIB on many occasions. As a step, all instances of violation, specifically related to content carried on TV channels must be referred to the independent redressal bodies set up under the aegis of the NBDA, IBDF and ASCI.

Q. **Mergers & Acquisitions (M&A)-** Presently, the extant guidelines that govern the broadcasting sector do not encourage corporate actions such as mergers and acquisitions, specifically within the sector. Detailed submissions have been made before TRAI as far as cross media ownership and restrictions are concerned. And it has been submitted that vertical Integration within the broadcasting sector should be encouraged with necessary safeguards. Corporate actions such as M&A are essential for the growth and expansion of businesses and must be permitted even within the broadcasting space. Specific guidelines and rules govern M&A and any fear of hindrance to competition or abuse of any dominant position by an entity would be adequately addressed under Competition laws. The Indian Competition law framework is already equipped to deal with issues affecting competition across sectors, including the Media and Entertainment sector. Therefore, concerns of consolidation, dominance or monopoly that may arise as a result of such mergers can be adequately addressed under the existing Competition law framework.

The intent of the existing policy guidelines aims to permit only those transactions that are approved under the Companies Act through a court approved process and are effected between group or associate companies. This stipulation effectively discourages M&A within the sector i.e. between non-related or non-group entities in the broadcasting sector. NBDA submits that M&A deals are integral to any business restructuring exercise, whether in media or other sectors. M&A allows businesses to expand their business and augment capabilities to deliver a wider range of products and services. Business integration also gives fair value for players who wish to realize or opt out of competition. TRAI should review the existing policy guidelines from this perspective and bring out

modifications that encourage and promote M&A within the broadcasting sector.

R. **Annual Renewal of Permission**: The process of Annual Renewal of Permission has to be simplified. Vide notification dated November 11, 2016, the MIB has in fact done away with the annual renewal of permission. However, MIB has also discontinued the issuance of Renewal Certificates. It is important that the Renewal Certificates are continued to be issued by the MIB along with the receipt of payment giving details of the channel and the period for which the fee is paid. This process can be facilitated through the 'Broadcast Seva' portal as part of the overall online automation process.

2. **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 81 of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of: a. Simple, online and well-defined processes**
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate
Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

Comments :

A. NBDA is of the view that a '*Single Window*' mechanism will go a long way in easing the coordination process between departments and ministries, as already highlighted in response to Question 1 of this Consultation Paper. In addition to removing the manual submission method adopted by the MIB, the entire process of seeking information, approvals, payments, and coordination between and within different departments and ministries must be automated as an online mechanism. This will save time and will ease the entire process of seeking permissions for operating a TV channel.

B.   In the broadcast services, the present system of WPC permission for TV channels should be removed and replaced with a simple intimation and reporting requirement method . Presently WPC issues a teleport license to the teleport with certain capacity. Once a channel is added/deleted/renamed, there is a requirement for the teleport to obtain WPC permission for addition/deletion/renaming of the channel. This process can be replaced by a periodic MIS to be sent by a teleport giving the information on the TV channels uplinked by the teleport.

C. As regards the uplink permission from WPC and NOCC and endorsement of TV channel names, there should be no need to take specific approval.   In case of endorsement of name change, a simple intimation by the teleport operator to WPC and NOCC should suffice. WPC Wireless Operating License, once issued, should have provision for filing of online addition/ deletion / modification of TV channels and the same should be system driven. For example, in a certain capacity which is already approved by WPC, if 10 SD channels are allowed, then the WPC should allow the teleport operator to add/delete/modify the channel details as per the business requirements. The only requirement should be that the teleport operator fills these complete details online by uploading necessary documents and the deemed approval is granted, subject to verification of the documents by WPC within 15 days of the filing. This   process while ensuring the regulatory compliance will not burden the business entity.

D. There must be an efficient delegation of powers within the concerned Ministries to speed up the approval process. In view of technological advancements in compression technologies, WPC should lower the minimum data rate for HD channels from the present data rate of 8mbps under MPEG4.

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

F. ETA (WPC): A well-defined procedure should be in place for examining the details of equipment operating on a de-licensed band. For importing the latest equipment from foreign countries, the broadcaster needs to be able to test the equipment in an authorized Indian laboratory through an online process.

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

Online portal Saral Sanchar is in place for WPC, but for making online payments the broadcasters have to use Bharatkosh and need to upload the details in the Saral Sanchar portal. As has been suggested the Bharatkosh facility be integrated with Saral Sanchar. Digitally signed PDF document is the only accepted format in Saral Sanchar.

3. **Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**
a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval
Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Comments :

A. As stated above, as regards endorsement of TV channel names, there should be no need to take specific approval from NOCC. NOCC should issue an uplink permission to the teleport operator/DSNG operator and there should be provision for filing of online addition/ deletion / modification of TV channels and the same should be system driven. For

example, in a certain capacity which is already approved by NOCC, if 10 SD channels are given uplink permission, then the NOCC should allow the teleport operator to add/delete/modify the channel details as per the business requirements. The only requirement should be that the teleport operator fills these complete details online by uploading necessary documents and the deemed approval is granted, subject to verification of the documents by NOCC within 5 days of the filing. This kind of process while ensuring the regulatory compliance will not burden the business entity with additional compliances and there will be time-bound permissions/ approvals granted.

B. Permission should be granted to use SNG/DSNG equipment of a group company and there should be no requirement to have a separate approval for hiring. Furthermore, there should be no requirement for furnishing PBGs per DSNG van which adds to the financial burden of a broadcaster.

C. Similarly seeking prior uplink permission from NOCC for TV channels uplink should be done away with by replacing it with the Intimation & Reporting system. No separate permissions should be required for change of Satellite or Teleport. For this purpose a prior intimation should be sufficient.

D. There needs to be a customer support system in place for clearing technical related queries in the online portal as far as the NOCC is concerned. Chat support as primary and call support as next level support is suggested.

4. **Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of**

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.

Comments:

Issues in relation to Question 13:

A. At the outset it may be stated that broadcasters seek capacities on foreign satellites for a variety of reasons for example footprints of the satellite including coverage of various countries where the channels need to be delivered. It may be appreciated that due to the community of interest for Indian channels, such channels may need to be delivered to countries in the far east, Middle East North Africa (MENA), Eastern Europe, Africa (including South Africa). More than 140 countries fall in these footprints and Indian INSAT/GSAT satellites do not have such coverage. Hence it is out of business necessity that Indian channels need to contract with foreign satellites for such delivery.

B. **Availability of receive dishes at Partner cable operators/ DTH operators in foreign countries-**Indian broadcasters' partner with foreign operators (Cable and DTH) to receive signals at their headends in various countries. All these operators have limited number of dishes pointing to the "Hot" TV satellites (satellites which carry bulk of TV channels from various countries). These broadcasters have been unwilling to put 16-foot dishes for just one channel to receive a GSAT/INSAT satellite even where the footprint is available. The only option therefore is to opt for satellites such as Asiasat-7, IS-20, IS-17, Apstar-7 Measat-3 etc which are widely received in the region.

C. **Ability to enter into longer term arrangements at lower costs:** All foreign operators offer longer term contracts at significantly lower prices. As broadcasting is a long-term continuing business, broadcasters prefer to have 3-year, 5 year or longer contracts as may be permitted by ISRO. In many cases, due to the local restrictions on licensing, the broadcasters prefer to go to foreign playouts and uplinking services where contracts for long term can be had at as much as 50% discount. It has been the request of Indian broadcasters to DOS to offer longer term contracts instead of year-on-year renewals, which request has not been acceded to so far.

D. **Ability to enter into contracts for Uplinking using foreign teleports:** In many cases, it is more convenient to have the uplinking from outside India (say from Singapore, Hongkong or other countries) even if the

satellite to be used could be INSAT/GSAT satellite. However, this is not permitted as per extant regulations.

E. The broadcasters use satellites for uplinking the signals of their channels to reach various DPO platforms. As ISRO satellites are not readily available or not available with sufficient capacity, many of the Indian broadcasters use foreign satellites in addition to INSAT/GSAT satellites. Further, the broadcasters in order to reach the targeted footprints in overseas markets have to select a satellite based on its geographical reach.

 In view of the above, NBDA suggest as under:

A. **Clear Policy**: The policy related to space capacity should be clear and unambiguous. Though the Uplinking Guidelines clearly mentions that a channel will be allowed to be uplinked using the space capacity on either Indian or foreign satellite, however in practice the policy is not clear and the DOS in the first place raises objections on any hiring of the satellite bandwidth from a foreign satellite. The lack of clarity forces the applicants to enter into short-term arrangement for capacity hiring only.

B. The satellite policy should be clear and the "Open Sky Policy" should be implemented in letter and spirit. DOS should also offer longer term contracts instead of year-on-year renewals to the broadcasters.

C. 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 permissions for TV channels issued by MIB. The uplink and downlink permissions issued by MIB is valid for a period of 10 years whereas the validity of the DOS permission/approval is valid for 3 years.

D. To avoid any kind of interference and conflict of business interest with other services like DTH players, uplinking of television channels should only be allowed in C-band and in case uplinking is taking place in any other band, then the signals should be encrypted.

E. Foreign satellites are permitted to provide services only after the same have been coordinated with ISRO. MIB could obtain list of such Foreign Satellites from DOS that are approved/coordinated with ISRO, and the list of such Foreign Satellites should be made available on MIB's website and any application on these satellites should have automatic approvals. Broadcasters would be aware of 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 approved by the WPC.

F. Details of available capacity and other technical details including footprint can be published on the website. Footprints of existing satellites which are already being used are also missing on the website. There needs to be a single point of contact, who can deal with the techno-commercial details of the satellite likewise in foreign satellite service providers. Now the entire process is offline which needs to be modified as suggested in the paragraphs above.

G. Satellite Bandwidth (BW) should be pre – approved, when leased out to the users. i.e., when DOS allocates any satellite BW to the users, the said BW should be pre – approved by the various agencies such as MIB, NOCC, WPC etc. so that the user can use the BW immediately after the allocation. This will ensure faster / efficient utilization (of bandwidth). Otherwise 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 3 months for such approval.

H. 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 the 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.

I. There should be online filing of application for INSAT capacity reservation / allocation for these services i.e. Teleport / TV Uplinking, SNG/DSNG and VSAT.

J. 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 like monthly deposits, in line with the industry and international best practices.

K. Forex Remittance authorizations could be made available for the entire period of the contract between the approved satellite service provider and the broadcasters. The contract between the broadcaster and the satellite provider is submitted to the MIB as part of the original application from the broadcaster. However, the broadcasters could continue to file the details of the foreign remittances made for transponder charges on a yearly basis. RBI has already given general permission for payments to foreign

satellites for uplinking services subject to MIB approval. This requirement of MIB approval should be done away with since such payments are current account payments made in the normal course of business through authorised dealers.

L. DOS should provide information on its website about the bandwidth capacity which is available with it so that process is transparent and clear. DOS should also place on its website information about the future roadmaps with regard to satellite launch and use so that broadcasters can plan accordingly. The customer support service of DOS should be more robust and the turnaround time should be minimal.

M. Broadcasters / teleport/DSNG operators are required to apply to MIB for various permissions. The MIB then forwards the proposal to DOS for seeking satellite clearance. Post grant of satellite clearance from DOS, the MIB processes the application. In order to simplify the process, it is suggested that DOS should provide a list of coordinated satellite to MIB and on the basis of such a list, MIB should grant clearance wherever possible without any further reference to DOS. However, MIB should provide DOS intimation about the companies to whom MIB is granting clearances so that DOS also has the record of permission granted by MIB. It is suggested that in case where broadcaster / operator has hired bandwidth from DOS and has some legitimate dues which are payable to DOS, then DOS should immediately inform MIB / the concerned department and clearance granted should be withdrawn or the operator should be asked to clear the dues immediately. In order to avoid any conflict of business interests and interference, two operations should not be allowed on a particular satellite. For example, if an operator 'A' is operating DTH on satellite 'X', then satellite 'X' should be specifically used for DTH only. No other service, for example teleport, should be allowed on satellite 'X' and this should also be followed vice-versa. Doing so will ensure that stakeholders are unable to take unfair advantage / piggyback one service at the strength of the other merely on account of mode of transmission of both services via same satellite.

N. 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 smooth and uninterrupted services to broadcasters.

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

P. 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.

Q. If a broadcaster(s) shifts their set of channel(s) from one approved teleport in one city to another approved teleport in another city of already on-air channel(s) ,MIB should not refer the application to DOS – provided there is no change in satellite/transponder, bandwidth/frequency allocation and no other amendments in the Uplinking and Downlinking permissions. The issue primarily pertains to SACFA clearance from WPC only.

R. C-Band Capacities come under the purview of an "Open Sky Policy" where any broadcaster should be able to contract capacity on any foreign satellite in the C-Band provided that the satellite has been coordinated with the DoS under the ITU coordination process. The relevant license clause is that the licensee can contract capacity on any Indian or foreign satellite, but Indian satellites will be given preference. However in practice even though the capacity sought is on a few TV specific international satellites numbering a total of about 7 satellites (IS-20, Asiasat-7,IS-17, Measat-3 and Thaicom-7 and Asiasat-5) permission of DOS is sought by the MIB in each and every case even though hundreds of permissions might have been issued for the very same satellite and therefore it is known to be ITU coordinated with DOS. An application needs to be made on the website of MIB for the satellite capacity required or renewed giving the details of the license and channels for which such capacity is required. MIB should then verify whether such channels are licensed or otherwise and can return the application if the application is being made for a channel which is planned in the coming year but not licensed so far.

S. In all applications made for foreign satellites the timelines for processing is not clearly defined as a "Service Charter" with any clear upper limit by when the relevant license will be issued. The list of documents which need to be submitted to MIB or other departments is missing which should necessarily be available on the website in order that MIB/ other departments do not keep requesting for additional documents or contracts whether relevant or otherwise. If any documents are deemed to be "necessary" these should be predefined in the list of documents to be submitted.

T. For all existing networks, which have been given permission to operate channels, and are so operating channels on one or more satellites:(i) The application process for all new channel applications, changes of logo, language, and channel name should be handled via an online portal. The applicant should certify via digital signature that it meets all MIB and WPC criteria for such an application for name/ logo change. The application for a news channel and/ or logo changes should be approved within 7 days. If not approved/ disapproved within 7 days, the broadcaster would treat this as deemed approval.

U. For all C-Band capacities, the Open Sky policy should be honoured. The online form should contain a list of approved satellites and transponders on such satellite, which ISRO believes are coordinated. The applicant should click on the specific satellite/ transponder to generate the application.

V. A simultaneous communication should be generated to WPC to endorse spectrum which also should be done within an additional 7 days post payment of requisite spectrum fees.

W. A copy of the same application filed online should get transmitted to NOCC. The NOCC plays the following role:

> **For Foreign satellites:**
> (i) Foreign satellites have their own Satellite control centres and approve carrier plans, emission levels and do 24 hour monitoring of the same. The role of NOCC in such cases is-
>
> > a. Carrier plan approval (as approved by Foreign satellite Operator)
> > b. MVPT of earth station
> > c. Final approval for uplink
> > d. Up-linking (start of the services)
> > e. Resolution of interference
>
> There should be only a one time charge for a carrier set up on a foreign satellite, as ongoing services are minimal.

> **For Indian satellites:**
> NOCC is the designated agency under the INSAT/GSAT system for carrier parameters, emission characteristics, continuous monitoring and interference control. The role of NOCC in such cases is-
>
> > a. Carrier plan approval
> > b. MVPT of earth station

    c. Final approval

    d. Up-linking (start of the services)

    e. Resolution of interference

    f. Implementation of the contingency plan in case of failure of Transponder/Satellite, etc

Y. Foreign Exchange (FE) Permissions

The permission to grant FE is processed by the calendar year irrespective of satellite contract, and for the first 3-6 months no payments are made to foreign operators in the absence of permission. This result in higher charges for satellite capacity which are offered by satellite providers to Indian broadcasters as compared to foreign broadcasters. Instead the FE permissions should be automatic with the grant of channel permission and/ or on filing of contract.

The present process of granting permissions for temporary uplinking of live coverage of events of national importance is very cumbersome, and the online facility should be used to issue guaranteed approvals within 24 hours. In emergency cases, post facto approvals should also be permitted.

Z. Recognition of Satellite Systems

In many cases the satellite being used is replaced by the satellite provider due to age, obsolescence, technical issues etc. In such a case the operator may provide an identical replacement of the satellite with same orbital location and frequencies. This has happened many times in recent years such as replacement of INSAT3B with GSAT-30, replacement of IS-10 with IS-20, or replacement of Asiasat3S with Asiasat-7.

However such an event becomes a major challenge for broadcasters where all permissions from DOS, MIB, WPC and NOCC need to be applied for and fees paid again for the use of the same capacity. The processes need to be streamlined so that the time and resources of dozens of broadcasters are not wasted in repeatedly filing the same bulky documentation for which they have already obtained all permissions following the due process.

This will also save time at the MIB, WPC and NOCC enabling them to focus more on policy issues.

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

business in India for satellite-based services? Give details along with justification.

Comments:

A. There should be complete end to end online process which is well defined.

B. There should be a '*Single Window'* for making applicationswith regard to hiring space segment capacity with the desired target that the licenses should be issued expeditiously, within specified timeframes.

C. Further for each process the required documents should be specified, and no additional documents should be sought as this tends to delay the process of granting the final approval. If due to any reason an additional document is sought, it should be with the identification of the authority seeking such documentation.

D. In the past, proposals have been delayed on grounds by seeking further queries or seeking various documents. The process flow should flow to multiple departments involved at the same time rather than sequentially.

E. There should be clear timelines for grant of various permissions / approvals.

F. In case of any query, all queries should be raised immediately by one agency.

G. There should be seamless integration and approvals across various ministries/ departments with the end to end online system.

H. The procedures, timelines and online system of notice / appeal for rejection/cancellation of space segment capacity should be clearly defined. There should be no delay in decision making in DOS.

Procedure for Disaster Recovery Sites (DR sites)

Most broadcasters need to have disaster recovery sites in order to provide for continuity of transmission in the unfortunate event of a catastrophe at the normal place of business such as earthquake, fire or floods.

Permissions for DR sites are delayed in most cases beyond all normal processing times expected, sometimes extending up to several years. The reasons for delay include the following:

(i)   Repeated queries to provide the satellite contract when the DR facility is for a specific channel(s) for which the satellite is already approved by the MIB.

(ii)   Seeking Teleport Operators 'license for the DR teleport even though the Teleport operator is already licensed to operate on the same satellite and is in operation as per permissions of the MIB.

(iii)   Seeking repeated WPC approval for the satellite bandwidth when it is known that the same carrier as at the original teleport will shift to the DR teleport.

(iv)   Issuing approvals under terms which are not covered under policy guidelines- in many cases approvals have been granted with the proviso that for every change from normal to DT teleport there would be a charge of Rs. 1 Lakh for every such movement for every channel involved and that a similar charge would be applicable when the channel reverts back to the original teleport.

By way of an example, if a broadcaster has 10 channels on a satellite carrier for which a DR permission is issued, then every time a carrier is moved from the normal teleport to the DR teleport there would be a charge of Rs 10 lakhs and if on the next day it is reverts back there would be a similar charge of Rs 10 Lakhs adding up for a charge of Rs 20 lakhs for a single day.

If a DR teleport is used, for example due to heavy rain at the site of the normal teleport, and it reverts back after an hour there is a charge of Rs 20 lakhs to be paid which is illogical and harsh as such operations may happen dozens of times in a year. Such arbitrary policies and charges are not supported by any Policy document or SoP. If there are any internal documents which prescribe this, these need to be corrected to ensure that the DR teleports can operate for the purposes indicated.

It is for such reasons that many broadcasters prefer to move to foreign uplinks rather than to Indian uplinks where such charges are not levied whimsically.

The DR teleport approvals do not require any verification of channel particulars, company particulars (such as Directors) and as such should be granted within 2 weeks from the time of application and payment of fees.

6. **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.**

Apart from the comments /suggestions given in the paragraphs hereinabove, it is reiterated that a simple online and paperless system should be designed with accepting digital signatures for all the routine filings done by service providers. While ensuring compliance and effective regulatory monitoring, this will reduce the burden on the service providers.

7. **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 Broadcasting and Cable Services Integrated Portal (BIPS) introduced by TRAI for filing of the interconnection agreements is a good step towards digital transformation. However, the BIPS portal has certain teething issues which needs to be resolved for its effective functioning. It should be ensured that the data asked under the portal should be relevant and the portal should be made user friendly.

8. **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.**

There should be light touch regulations and the compliances should not be onerous on the service providers. Hence, the information sought should be limited and the frequency of the information sought should be less.

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

The BIPS portal should allow taking downloads of various information which is punched in by the service provider and also the uploading of files in pre-defined formats should be considered if technically feasible.

10. **Q24. Are there any other issues in the present system of licenses/ permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/ MeitY/MoP that can be**

identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.

The regime should be based on light touch regulations wherein the regulations are for the benefit of the sector and the regulations should serve as facilitators rather than become as a burden or hindrance in the working of businesses. The regime should have special provisions for bypassing the process in case of natural disasters.

The Broadcasting Sector has emerged as a key driver of economic and social development and has made the country a favourable business destination amongst investors. If business environment is made more efficient by simplifying the existing provisions of policy frameworks in various ministries and departments involved in issuing permission, registrations and licenses to the stakeholders of the broadcasting sector as suggested above, the Industry will definitely move up in the trajectory of growth and the policy of 'EoDB' will actually be achieved.

These suggestions/comments are being given on behalf of the members of NBDA.

Annie Joseph
Secretary General

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