
Pre-Consultation Paper on Ease of Doing Business in Broadcasting Sector
17th April, 2017

In response to TRAI's 'Pre-consultation paper on Ease of Doing Business in Broadcasting Sector', please find below our views and response to the said pre-consultation. You may kindly note that below comments are without prejudice to our rights and contentions, including any ongoing or future litigations and we reserve our rights to modify, change and submit further comments or counter comments to clarify our position on the issues under this consultation paper.

Proposed Pre-consultation Issues are as under:

I. Online Access to information:

For all kinds of service providers in Broadcasting Sector, there is a mandatory registration/ permission/ licensing from a government regulatory body, which at present is the Ministry of Information and Broadcasting, Government of India ('MIB'). Generally, these permissions/ registrations are time consuming, not owing to the inherent procedural delays but due to requirement of physical applications, delay in communication to the applicant for want of further information, document, etc. While seeking one's application updates from MIB would be time consuming, it would be convenient and will save time if the information is available through an online portal. The online portal will go a long way to reduce these multiplicities and time lags in such processes. Online access to one's application will also add up much needed transparency and accountability in the whole process of grant of permission and registration.

II. 'Self-certification' instead of third party certifications:

Service Providers, in any sector, know better than any other party about their own businesses, broadcasting sector is no exception. Now a days self-certification is a norm when submission of documents and undertakings in other government institutions, for eg. submissions/ reporting to TRAI itself. To provide a simple self-certification system that enables the reduction of transaction costs, speeds up information sharing, procedures and formalities

and, as a result, significantly increases the rate of regulatory approvals. The main advantage of self certification is to reduce the administrative costs & transaction time and can truly strengthen the call of ease of doing business in India.

Thus, for MIB approvals and applications, self-certification on company's letter heads should be promoted in various affidavits/undertakings instead of attestation by notary public on stamp papers.

III. Offences & Penalties should be reviewed

Under the present statutory laws that govern the regulation of broadcasting sector in India, the provision of penalties is very harsh in terms of ban on telecast of TV channels for certain period. It should be reviewed and just provisions should be made with greatest emphasis on self-regulation. Only on gross or extreme violations, stringent penal actions may be allowed against corporations or their management.

IV. Provisions supporting Mergers & Acquisitions

Mergers & acquisitions are a sign of a positive and upbeat economy. M&A allows businesses to increase their size and build upon their capacity to increase in array of their services. This also gives fair value for players who wish to realize opt out of competition. Although reasonable stipulations with regard to eligibility conditions on the M&A transactions can be laid but there should not be conditions prohibiting sale & purchase or consolidations in the broadcasting space. The broadcasting space should also be allowed to do business as is done by other entities under the applicable corporate laws.

V. Doing away with WPC & NOCC Permissions for subsequent changes

Especially in the broadcast services, the present system of WPC permission for TV channels should be done away with a simple intimation & reporting requirement. Presently WPC issues a teleport license to the teleport with certain capacity. Once any channel is added/deleted/renamed, there is a requirement for the teleport to obtain WPC permission for addition/deletion/renaming of the

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channel. This is a very time consuming process and such pre-approval from WPC is unnecessary considering that there is already an approval from the MIB. This can be replaced by a periodic MIS to be sent by teleport giving the information on the TV channels uplinked by the teleport.

Similarly seeking prior uplink permission from NOCC for TV channels uplink should be done away with by replacing it with Intimation & Reporting system.

VI. Safety & Confidentiality of Service Providers' Information and Data:

Cybersecurity is not only a need of the hour but also the biggest challenge. The Government being regulators and the licensors for services in broadcasting sector becomes privy to very commercially sensitive information. Thus the sector regulators must ensure the highest level of protection to data and information.

Similar other issues that should be considered under the pre-consultation are as under:

VII. Doing away the restriction on satellite bandwidth

VIII. Ability to choose the satellite

IX. High cost of satellite bandwidth