

**COMMENTS ON TRAI CONSULTATION PAPER ON ISSUES RELATING TO
UPLINKING AND DOWNLINKING OF TV CHANNELS IN INDIA
(DATED – 19 DEC., 2017)**

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General:

Broadcasting service as defined under 1.38 of Section-III (Article-1) of ITU Radio Regulations (an international treaty of the International Telecommunication Union, Geneva) *is a radiocommunication service* in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, *television* transmissions or other types of transmission.

The definition of 'Telegraph' in Indian Telegraph Act, 1885 is quite wide and encompasses all line and wireless signals, including broadcasting, similar to the understanding at international level.

Broadcasting service has two main components –

- (i) program or content; and
- (ii) Carriage or transmission / broadcast.

The policy guidelines for up linking of TV channels from India and policy guidelines for downlinking of TV channels issued on 5th. Dec., 2011 encompasses both the above components. The carriage / transmission / broadcast is regulated under the Indian Telegraph Act, 1885. The infrastructure at the teleport for up-linking the TV channel/content and the space segment/satellite transponder capacity used, forms the 'carriage'. The Teleport Operator has to obtain the Wireless Operating Licence under Section 4 of the Indian Telegraph Act.

The down-linking of satellite TV channels does not require any specific wireless license since reception of satellite TV signals has been exempted from wireless licensing requirements.

Satellite TV requires an entirely different treatment as compared to the terrestrial FM or TV broadcasting.

ITU's Radio Regulations, which complement the ITU Constitution, are based on the main principles of 'efficient and rational use of the RF spectrum and equitable access' to the spectrum / orbit resources for countries, laid down in ITU Constitution.

Satellites and the RF spectrum to be used by them, need to be coordinated at international level, for which large number of constraints are to be accepted by all countries. Hence, the satellite RF spectrum is an international shared resource.

Therefore, auctioning of satellite spectrum, by any country, has international ramifications and is not considered desirable.

Responses to limited number of issues in the Consultation Paper, which appear relevant to these broad technical / regulatory aspects mentioned under General remarks are provided below;

Issues' in Chapter 4 of TRAI consultation Paper and comments

Definition of 'News and Current Affairs channels' and Non-'News and Current Affairs Channels'

4.1 Is there any need to redefine “News and Current Affairs TV channels”, and Non-News and Current Affairs TV channels” more specifically? If yes, kindly suggest suitable definitions of “News and Current Affairs TV channels” and Non-News and Current Affairs TV channels” with justification.

No comment

Net-worth of eligible companies

4.2 Should net-worth requirement of the applicant company for granting uplinking permission, and/ or downlinking permission be increased? If yes, how much should it be? Please elaborate with appropriate justification.

4.3 Should there be different net-worth requirements for uplinking of News and non-News channels? Give your suggestions with justification?

No comment

Processing fee for application

4.4 Is there any need to increase the amount of non-refundable processing fee to be deposited by the applicant company along with each application for seeking permission under uplinking guidelines, and downlinking guidelines?, What should be the amount of non-refundable processing fee? Please elaborate with justification.

No comment

Grant of license/ permission for Satellite TV Channels

4.5 Whether auction of satellite TV channels as a complete package similar to FM Radio channels is feasible? If yes, then kindly suggest the approach.

Response: No

4.6 Is it technically feasible to auction individual legs of satellite TV broadcasting, i.e. uplinking space spectrum, satellite transponder capacity, and downlinking space spectrum? Kindly explain in detail.

4.7 Is it feasible to auction satellite TV channels without restricting the use of foreign satellites, and uplinking of signals of TV channels from foreign soil? Kindly suggest detailed methodology.

Response for 4.6 & 4.7: The satellite RF spectrum is a shared international resource. Hence, it is not feasible to auction the satellite TV channel or the satellite spectrum for uplinking or downlinking, whether on Indian satellites or foreign satellites.

4.8 Is it advisable to restrict use of foreign satellites for satellite TV broadcasting or uplinking of satellite TV channels, to be downlinked in India, from foreign soil?

Response: The Radio, Television and Video Cassette Recorder Sets (Exemption from Licensing Requirements) Amendment Rules, which were last amended through GSR 18(E) dated 9 January 2001, do not impose any restriction on reception of satellite TV signals from any satellite in any frequency band. It is only their re-transmission – through Cable or any other media – which can be, and is being regulated through the existing Downlinking Guidelines and Cable TV Act. It is, however, required that the existing restrictions be enforced.

4.9 Can there be a better way to grant license for TV satellite channel than what is presently followed? Give your comments with justification?

Response: Reduction in processing time and a single window clearance for grant of permission and the associated wireless license is needed.

Entry Fee and License fee

4.10 If it is decided to continue granting of licenses for satellite TV channels on administrative basis, as is the case presently, what should be the entry fee for grant of license for uplinking of TV channels from India, downlinking of TV channels uplinked from India, and downlinking of foreign TV channels? Please suggest the fee amount for each case separately with appropriate justification.

No comment

4.11 What should be the license fees structure, i.e. fixed, variable, or semi-variable, for uplinking and downlinking of satellite TV channels? Please elaborate if any other license fee structure is proposed, with appropriate justification.

No comment

4.12 If the variable license fee structure is proposed, then what should be rate of license fee for TV channels uplinked from India and TV channels uplinked from abroad, and what should be the definition of AGR?

Response: One of the cardinal principles / objectives of the Uplinking & Downlinking Guidelines was to encourage the Indian broadcasters to start uplinking their satellite TV channels from India. In order to provide 'Ease of doing Business' in Broadcasting sector, cost of uplinking from India (including licence fee and other levies) should remain competitive, with respect to uplinking from abroad. These aspects may kindly be kept in view while reviewing any fee and levies.

4.13 to 4.36 :

No Comments