



VIL/PB/RCA/2023/009

March 26, 2023

**Advisor (Broadband and Policy Analysis)**  
**Telecom Regulatory Authority of India,**  
Mahanagar Doorsanchar Bhawan,  
Jawaharlal Nehru Marg (Old Minto Road),  
New Delhi – 110002

**Kind Attn: Shri Sanjeev Kumar Sharma**

**Subject:** Comments on the TRAI's Consultation Paper on "Regulating Converged Digital Technologies and Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication services" dated January 30, 2023

**Dear Sir,**

This is with reference to the above mentioned consultation paper from TRAI on "Regulating Converged Digital Technologies and Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication services" dated January 30, 2023.

In this regard, kindly find enclosed herewith comments from Vodafone Idea Limited to the said consultation paper.

We hope our comments will merit your kind consideration please.

Thanking you,

Yours sincerely,

For **Vodafone Idea Limited**

**P. Balaji**  
**Chief Regulatory & Corporate Affairs Officer**

**Enclosed:** As stated above



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

At the outset, we are thankful to the Authority for giving us this opportunity to provide our comments to the TRAI Consultation Paper on “Regulating Converged Digital Technologies and Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication services” dated 30.01.2023.

In this regard, we would like to submit our question-wise comments for Authority’s kind consideration, as given below:

**Q1. Whether the present laws are adequate to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how?**

**OR**

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

**OR**

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

**VIL Comments to Q. no. 1**

1. In our view, present laws should be realigned to deal with convergence of carriage of broadcasting and telecommunication services.
2. **Convergence Models and need of Converged Legal framework:**
  - a. We support the need to revisit regulatory and licensing frameworks for enabling convergence of the technologies across the sectors as mentioned by TRAI in its Consultation Paper. We understand that this is needed to ensure that orderly growth of the telecommunication and broadcasting sector is in sync with global reforms and



trends and to enable and facilitate industry players to offer new services in a ubiquitous and cost-effective manner in a converged era.

- b. The edges between broadcasting and telecom networks are reducing with digital technologies and these two platforms are increasingly complementing each other with the growing adoption of high-speed broadband networks and consumers are demanding the same content experience (OTT + linear) across all screens and looking for bundled services.
- c. Further, the deployment of digital technologies are leading to converged services over a single broadband platform.

### 3. Present framework:

- a. In India, at present, different departments of the Government regulate the Telecom, Broadcasting and IT industries differently viz.
  - i. The telecommunication services are regulated by the Department of Telecommunications under Ministry of Communications, through separate and distinct licenses for different types of communication services, under the Indian Telegraph Act, 1885.
  - ii. Radio and television broadcasting services are regulated by the Ministry of Information and Broadcasting under the Telegraph Act, 1885.
  - iii. DTH license is issued under Section 4 of the Indian Telegraph Act, 1885 by MIB after clearance from different ministries/ departments.
  - iv. Cable television network operations are regulated by The Cable Television Networks (Regulation) Act, 1995.
  - v. The IT Act, 2000 provides for some regulation of OTT platforms but is limited to their liabilities as an intermediary only and not communications service providers. OTT broadcasting content is regulated by MIB.
- b. Further, provisions of Indian Telegraph Act, 1885 (extract given below) cover communication/information carried over telegraph, which includes telecommunications as well as broadcasting layers:

*"telegraph" means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means.*



*Explanation. – "Radio waves" or "Hertzian waves" means electro-magnetic waves of frequencies lower than 3,000 giga-cycles per second propagated in space without artificial guide;]*

*"message" means any communication sent by telegraph, or given to telegraph officer to be sent by telegraph or to be delivered;*

- c. The DoT has already initiated work on convergence by defining the telecommunication services in the draft Telecommunication Bill 2022 ("draft Telecom Bill"), as below:

*"telecommunication services" means service of any description (**including broadcasting services**, electronic mail, voice mail, voice, video and data communication services, audiotex services, videotex services, fixed and mobile services, internet and broadband services, satellite based communication services, internet based communication services, in-flight and maritime connectivity services, interpersonal communications services, machine to machine communication services, over-the-top (OTT) communication services) which is made available to users by telecommunication, and includes any other service that the Central Government may notify to be telecommunication services;*

- d. As per above provisions, the draft Telecom Bill now covers almost all communication related services including broadcasting services.
- e. However, the present arrangement of license/permissions through different departments and under different acts does not provide ease of doing business and/or level playing field for converged services.
4. We appreciate that the Authority has acknowledged that the TSPs bear the costs for the infrastructure, spectrum management and pay license fees for use of spectrum and also bound to meet Universal Services Obligations and roll-out obligations and comply with other regulations. TSPs also need to maintain network QoS and comply with tariff framework and are also subjected to various Government levies. However, this is in contrast with the OTT service providers who are presently not mandated to adhere to any regulatory obligations and do not have to bear any such costs. Since, the OTT services ride over the resources of TSPs and are transposable with the services offered by TSPs, they should also be regulated under a framework and asked to compensate TSPs.



## 5. Framework for Converged Services:

- a. In our view, suitable enabling provisions should be provided in the draft Indian Telecommunication Bill, 2022 to cover broadcasting services as well.
- b. However, it should also be examined that while convergence has its benefits and brings scalability, it also creates big converged service providers (significant market players becoming significant ecosystem players). Considering the converged scenario and relative competitiveness between converged players and standalone players, definition of market and significant market player would require examination and review, so that fair competition is ensured and concerns of cross-subsidization and predation should not arise.
- c. In addition to the above, all payments to be made to the Government for said telecommunication and broadcasting services under converged era, may become complicated and hence, need to be examined. Even in telecom, License Fees across different licenses was fixed to 8% to avoid complications and arbitrage.
- d. The new framework should create a level playing field amongst all the service providers, be it converged service providers or standalone service providers. The converged framework should be defined in such a way that it curbs anti-competitive activities exercised by any significant market players.
- e. The new framework should provide more flexibility, opportunities and ease of doing business to the stakeholders. The converged framework should be based on a principle of level playing field and thus, should:
  - i. Regulate OTT communication providers.
  - ii. Allow TSPs to recover network access charges from the OTT players having significant number of users.
- f. Therefore, all the communications services which use the telecommunication network and those which ride over the top of fixed and wireless networks, should be converged and defined under the new Telecommunication Bill.

**Q2. Whether the present regime of separate licenses and distinct administrative establishments under different ministries for processing and taking decisions on licensing issues, are able to adequately handle convergence of carriage of broadcasting services and telecommunication services?**



**If yes, please explain how?**

**If no, what should be the suggested alternative licensing and administrative framework/architecture/establishment that facilitates the orderly growth of telecom and broadcasting sectors while handling challenges being posed by convergence? Please provide details.**

#### **VIL Comments to Q. no. 2**

1. As submitted under comments to question no. 1, we recommend a common legal framework to deal with the converged services. To ensure ease of doing business, these services should come under a single Ministry/Department.
2. These services can be licensed through different authorizations under a converged license akin to Unified License. The terms and conditions for maintaining level playing field as well as to operate and provide such services may be different for each category of service, which should be examined and incorporated.

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

- (a) Standardization, testing and certification.**
- (b) Training and Skilling.**
- (c) Research & Development; and**
- (d) Promotion of industries**

**under different ministries can be synergized effectively to serve in the converged era. Please provide institution wise details along with justification.**

#### **VIL Comments to Q. no. 3**

1. Presently, the TSPs follow the Unified License vide which the telecom equipment has to meet TEC standards or relevant standards set by International standardization bodies, such as, ITU, ETSI, IEEE, ISO, IEC etc. or set by International Fora, such as 3GPP, 3GPP-2, IETF, MEF, WIMAX, Wi-Fi, IPTV, IPv6, etc.
2. TEC regularly develops new specifications and update the existing ones in order to keep pace with the global development and has established telecom laboratories. It also participates in meetings held by various international bodies such as ITU, IETF, APT, etc.



3. In addition to TEC, BIS also develops & publish Indian Standards, Implement Conformity Assessment Schemes and recognize & run laboratories. Apart from TEC, BIS, various Indian standardization bodies and skill organizations like STQC under MeitY, TSDSI, TSSC, etc. are also present.
4. All the communication service providers follow such standard practices laid out by the Licensor from time to time.
5. In convergence era, there can be a phase-wise implementation of the approach i.e. firstly, legal framework is converged and only after significant number of years with market stability, different standardizing and testing bodies be synergized.

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

#### **VIL Comments to Q. no. 4**

1. For establishing a unified policy framework and spectrum management regime for the carriage of broadcasting services and telecommunication services, spectrum assignment and management should be entirely under WPC/DoT framework and applicable global practices should be followed.
2. In our view, any allocation of spectrum for telecommunication service or broadcasting service or converged service or satellite communication services or private networks for captive purposes or otherwise, should be carried out through a transparent and fair auction process only.
3. Further, the Government should also ensure that:
  - a. For optimum utilization of spectrum, spectrum utilization audit should be conducted for all IMT spectrum used by the non-licensed entities.
  - b. All the IMT band spectrum is vacated by non-licensed users (including Government users) and they should be shifted to alternate band/ technologies.
  - c. As recommended by TRAI vide its recommendations on 'Auction of Spectrum in frequency bands identified for IMT/5G' dated 11th April 2022, Spectrum held by



Prasar Bharti in 526-582 MHz band should be got vacated and their services should be shifted to alternate bands/technologies.

- d. The spectrum should be made available for various communications services like telecommunication, broadcasting, satellite, private networks for captive purposes etc. through auction only. Also, it should be ensured that spectrum is allocated to licensed service providers only.
4. Moreover, 5G will unlock new opportunities and efficiencies, including in the TV broadcasting ecosystem with 5G Broadcast distribution technology. Similarly, Direct to Mobile broadcasting would also have its value in the ecosystem. However, these technologies Direct to Mobile / 5G terrestrial broadcast services are in nascent stage with demonstrations/trials being carried out globally, to assess customer value proposition and effectiveness and for research on its viability.
5. In our view, it would be bit early to define their role in the ecosystem or to define framework for these services at this stage hence, we do not support any specific framework to be recommended by TRAI in this regard.

**Q5. Beyond restructuring of legal, licensing, and regulatory frameworks of carriage of broadcasting services and telecommunication services, whether other issues also need to be addressed for reaping the benefits of convergence holistically? What other issues would need addressing? Please provide full details with suggested changes, if any.**

#### **VIL Comments to Q. no. 5**

1. It is being witnessed that market forces are already working towards convergence. To cater to the same, there is a need to create a regulatory environment that is flexible, provides level-playing field, has suitable controls to maintain competition and provide fair compensation to TSPs from OTT players.
2. It is important that the communication sector is developed in a competitive environment and that market dominance is suitably regulated.
3. It should be a common goal that only efficient, affordable and innovative technologies, which provide excellent customer experience should proliferate and a level playing field for all operators serving consumer interest is worked upon.





4. The objective should be to remove entry barriers and not to support any new technologies with any fiscal/non-fiscal incentives. Incentives provided to newer technologies reduces competitive activity and level of innovation and brings inefficiencies into the ecosystem.
5. Therefore, in our view, convergence of ecosystem should happen organically through natural technology/devices innovation and development. For this to happen, entry barriers in terms of legal, licensing and regulatory frameworks should be removed, but no other incentives are required.
6. All the converged services should be brought under single licensing Ministry and single Regulator, to make sure that quality, plurality, diversity and choice of services are promoted as well as competitive structure of the market is maintained.

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