

November 07, 2023

To,

**Shri Anil Kumar Bhardwaj**  
**Advisor (B&CS)**  
**Telecom Regulatory Authority of India**  
**Mahanagar Doorsanchar Bhawan**  
**Jawaharlal Nehru Marg,**  
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**RESPONSE TO:**

**TRAI Pre-Consultation Paper on Inputs for Formulation of “National Broadcasting Policy”**

Dear Sirs,

We write on behalf of the Association of Radio Operators in India (AROI), to provide comments and suggestions in response to the Telecom Regulatory Authority of India (TRAI) the captioned subject. We thank your good offices for issuing the Pre-Consultation Paper and allowing stakeholders to present their suggestions and concerns.

As you are aware, AROI is the association of radio operators in India. It is registered as a society under the Societies Registration Act, 1860, with the aim of promoting the interests of Radio Media sector and its Member Operator. The association seeks to promote cooperation on matters affecting the common business interests of its Radio Operator members who operate 384 FM Radio Stations in India.

It is in light of AROI’s role to protect, promote and address the concerns of the private FM radio industry that AROI is making the present suggestions to the Pre-Consultation Paper (“**Paper**”) as under:

1. We do not think there is a need for having a comprehensive/converged legal framework in form of a National Broadcast Policy. The Paper also does not set out any particular or pressing need for one at the current moment.
2. The Government has from time to time laid our various sector-specific policies to address typical issues pertaining to each broadcast sector and formulated various statutes and regulations pertaining to each sector which we believe is correct approach for Indian broadcast sector.
3. In our considered view, there is neither a need to amend existing laws to bring in synergies amongst different statutes nor a need to have a converged legal framework. E.g. telecom services and broadcasting services are distinct services and hence the laws to deal with the carriage of broadcasting services must be kept sperate from laws that govern the carriage of telecommunication services.
4. The specific functions carried out by specialized regulators cannot be converged – and introducing a converged regulatory framework/converged regulator (for telecom and broadcasting) may cause jurisdictional overlaps with such specialized regulators. For instance, the Competition Commission of India (“CCI”) is one such specialized cross-sectoral regulator specifically empowered to investigate issues related to anti-trust and anti-competitive behavior. Please note that the CCI has had jurisdictional conflicts with other sectoral regulators in the past, like the TRAI, requiring the intervention of the Supreme Court. Notably, the Supreme Court, in its wisdom referred to the need for sectoral regulators to operate effectively in their respective domains

(specifically, the TRAI and the CCI). In our view, bringing in a converged policy may not merely lead to the emergence of further jurisdictional conflict between regulators but may also result in business/industry-wide uncertainty as such conflicts would likely have to be settled through long drawn litigations in constitutional courts (in a manner similar to the dispute between the TRAI and CCI).

Therefore, to prevent any negative impact to the global perception of the ease of doing business in India and to ensure the healthy growth of the industry (including for facilitating new entrants from overseas markets), convergence in the form of a unified code/regulator should be avoided.

5. To conclude, in our view, the sector specific reforms initiated by the Central Government through a consultative process (including continuous engagement with stakeholders) adequately addresses the challenges posed by the so-called “convergence” of technologies and it is in any case, not possible to have a one size fits all treatment for different forms of content. Hence, there is requirement of a comprehensive, unified broadcast policy.

Yours sincerely  
Uday Chawla  
Secretary General  
AROI