

**Indian Broadcasting & Digital Foundation's ("IBDF") preliminary response to Telecom Regulatory Authority of India's pre-consultation paper on inputs for formulation of National Broadcasting Policy dated 21 September 2023.**

---

**A. Background.**

1. The Ministry of Information and Broadcasting ("MIB") sent a reference to the Telecom Regulatory Authority of India ("TRAI") on 13 July 2023 and sought inputs on the formulation of a National Broadcasting Policy ("NBP"). The regulator has floated a pre-consultation paper ("Pre-CP") to engage in a pre-consultation exercise on the issue and solicited various stakeholder inputs on the same. The Pre-CP suggests that the policy aims to project India's diverse culture, rich heritage, and help in the transition to a digital and empowered economy. The scope of the intended policy is largely related to TV and radio broadcasting.
2. Specific comments and suggestions are sought on various aspects, including Public Service Broadcasting, Policy and Regulation, Promotion of Local Content, Piracy and Content Security, Technology Innovation & Standardization, Convergence, Specific Regulatory Authority for Broadcasting, Grievance Redressal, Role of Broadcasting during Disaster, Audience Measurement System, Social Goals, Environmental Responsibility, and the Animation, Visual Effects, Gaming, and Comics segment.

**B. Preliminary concerns about the TRAI's Pre-CP.**

3. We appreciate the TRAI for undertaking a public discussion on the NBP and providing us the opportunity to provide primary thoughts initially and contribute towards the formulation of a National Broadcast Policy. **We understand that the scope of this pre-consultation paper is as per the remit of the TRAI under the Telecommunications Regulatory Authority of India Act, 1997 and covers broadcasting communication (distribution) technologies for television.** However, we have preliminary concerns and objections about the scope, ambit, and topics covered in the Pre-CP, as we believe that on the vast majority of issues, the Pre-CP goes beyond TRAI's jurisdiction. These are important jurisdictional issues that go to the core of the Pre-CP and should be decided as preliminary issues at the outset before proceeding further with the exercise. In addition, we would like to make the following preliminary submissions:

(a) *The NBP does not address key existential concerns faced by the sector.*

The broadcast sector is facing an existential crisis due to misplaced priorities, prescriptive and heavy-handed price regulations, and lack of clarity and certainty on regulatory framework. The Pre-CP on the NBP ignores these key issues and places disproportionate focus *inter-alia* on the social goals and public objectives of the public broadcaster and involving the private sector in these. The Pre-CP should have underscored these issues given that the TRAI is aware of concerns that the industry has raised before the regulator in past

consultation papers, as well as the developments that determine the circumstances and needs of the broadcasting industry.

**Instead of an NBP, we propose that the Government could consider a principle-based policy and vision statement to iterate high-level goals, rather than dealing with relevant individual aspects. A principle-based policy can be designed to be flexible enough to be applied to a wide range of situations, and to allow for innovation and creativity in how the policy is implemented.**

The above suggested principle-based policy could keep policy recognition to:

- (i) A robust self-regulatory framework and forbearance on economic regulation;
  - (ii) The need to nurture creativity in content production and foster innovation in distribution technologies;
  - (iii) The need to protect freedom of speech and expression;
  - (iv) The importance of market-driven licensing and negotiation;
  - (v) The need for flexibility and adaptability to changing consumption patterns and technological innovations in sectoral and regulator capabilities; and
  - (vi) The need to recognise, protect and uphold the primacy of intellectual property rights protection in content-driven industries and the need for sector-specific copyright enforcement measures.
- (b) The NBP pre-consultation solicits policy suggestions for policy and regulation of 'digital media', which (i) the TRAI does not have jurisdiction over and (ii) is separate from broadcasting.

We humbly submit that digital media is not part of the broadcasting ecosystem and therefore should not be covered under the proposed policy.

- (i) Under the Allocation of Business Rules, 1961, the Ministry of Electronics and Information Technology ("MeitY") administers the Information Technology Act, 2000 and other policy matters and laws related to information technology, the internet, and services they enable, including digital media/streaming/Online Curated Content Providers.<sup>1</sup>

---

<sup>1</sup> Allocation of Business Rules, 1961.

- (ii) The extant framework under the IT Act<sup>2</sup> has separate and clear obligations for digital intermediaries and publishers that enable information exchange, and additional responsibilities on online curated content providers (“OCCP”). Specifically, OCCPs are regulated under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. MeitY implements these Rules in synchrony with the MIB and a self-regulatory framework is functioning well. There is no evidence of market or regulatory failure that requires added policy emphasis. Moreover, there are several distinctions between broadcasting services and OCCPs and digital media, as they make differentiated offerings to consumers:
- (iii) TV broadcasting is distinct from OCCPs/digital media as it uses satellite and needs distribution platform operators to transmit content. TV broadcasting content is meant for public viewing. In contrast, OCCPs make their content available on the internet, on their own platforms, that users can access only through a website or application. Their content is non-linear, on-demand and not intended for public exhibition.<sup>3</sup> Recently, the Telecom Disputes and Settlement Appellate Tribunal (TDSAT) held that such services are not akin to TV channels, based on several distinctions between the two, and the separate laws that govern either service.<sup>4</sup> Importantly, similar position has been maintained by TRAI itself.
- (iv) Pipelines / modes, manner of offering and business models for broadcasting and OCCPs/digital media are distinct, and one size fits all approach is bound to be counter-productive and retrograde.
- (v) Television is a push-based medium, meaning viewers consumer content at a prescribed time and schedule as decided by the broadcaster. On the other hand, OCCPs/digital media are pull-based meaning consumers decide the time and content they want to watch from a library of available content.
- (vi) According to a market study conducted by the Competition Commission of India in 2022 on the film Distribution Chain in India, television, and OCCP platforms each serve differing needs for consumers. For example, television is seen as a family medium and has a high proportion of co-viewing within one’s friends and family. According to a report by BCG, approximately 98 per cent of households

---

<sup>2</sup> Information Technology Act, 2000.

<sup>3</sup> Tansimul Hassan, ‘Digital Divide: Is Big Brother Trying to Control the Booming Internet Space?’The Leaflet, 5 March 2021, available at: <https://theleaflet.in/digital-divide-is-big-brother-trying-to-control-the-booming-internet-space/>

<sup>4</sup> All India Digital Cable Federation vs. Star India Pvt. Ltd., Broadcasting Petition/217/2023, available at: [https://tdsat.gov.in/Delhi/services/daily\\_order\\_view.php?filing\\_no=NDM2MzM=](https://tdsat.gov.in/Delhi/services/daily_order_view.php?filing_no=NDM2MzM=)

in India which, on average, comprise 4.25 individuals,<sup>5</sup> own a single TV.<sup>6</sup> The BIF-CUTS International survey also found that 38 per cent of respondent consumers watch television as a family bonding exercise.<sup>7</sup> In contrast, OTT content is viewed by several individual users over their smartphones.<sup>8</sup>

- (c) *The NBP makes assumptions concerning requisition by public service broadcasting, and indicates an intention to impose additional social responsibility, and environmental responsibility obligations on the broadcasting industry.*

Public service broadcasting is the primary and exclusive remit of the public broadcaster, and Prasar Bharti-owned Doordarshan channels and All India Radio (AIR) should take the lead in public service broadcasting, achievement of social goals, and environmental responsibility. Section 12 of the Prasar Bharti Act lists the functions of the public broadcaster, and guiding objectives that it should follow. These include, among other things, paying special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health and family welfare and science and technology, promoting social justice and combating exploitation, inequality and such evils as untouchability and advancing the welfare of the weaker sections of the society, and taking special steps to protect the interests of children, the blind, the aged, the handicapped and other vulnerable sections of the people. Social goals and other public related objectives in broadcasting fall squarely in the public broadcaster's domain, for which the lead and responsibility/ accountability ought to be shouldered by the public broadcaster.

The broadcasting industry responds to consumer demands for plural and diverse content and also fulfils its core social objectives, as necessary. An inorganic requirement to mandatorily allocate and invest resources towards meeting the public broadcaster's objectives diminishes the broadcaster's programmatic autonomy and the broadcaster's ability to cater to the diverse needs of TV consumers. Private broadcasters cannot stand in for the public broadcaster, which already receives statutory funding to broadcast and lead broadcasting objectives in the public interest.

On several aspects, the public broadcaster is in a privileged position compared to private broadcasters. For example, Prasar Bharati charges heavy fees for carrying the channels of the private broadcaster by way of a "slot fee" through

---

<sup>5</sup> Ad Gully. 'BARC India 2018 Survey Analyses Impact of Co-Viewing on TV Viewership', 13 October 2018. <https://www.adgully.com/barc-india-2018-survey-analyses-impact-of-co-viewing-on-tv-viewership-81022.html>.

<sup>6</sup> BCG-CII, "Blockbuster Script for the New Decade: Way Forward for Indian Media and Entertainment Industry", BCG-CII, December 2021, <https://web-assets.bcg.com/7b/a8/1eff85904e408c18fb8284a299f9/blockbuster-script-for-the-new-decade.pdf>.

<sup>7</sup> Kulkarni, Amol, Sidharth Narayan, and Vidushi Sinha. 'Towards Effective Choice: A Nation-Wide Survey of Indian TV Consumers'. [https://broadbandindiaforum.in/wp-content/uploads/2022/08/BIF-CUTS\\_Indian-TV-Consumers-Study-Report\\_2-August-2022.pdf](https://broadbandindiaforum.in/wp-content/uploads/2022/08/BIF-CUTS_Indian-TV-Consumers-Study-Report_2-August-2022.pdf).

<sup>8</sup> BCG-CII, "Blockbuster Script for the New Decade: Way Forward for Indian Media and Entertainment Industry", BCG-CII, December 2021

its auction process thereby trying to maximise its profits. There is a need to bring in more transparency which is more aligned to the goals for which Prasar Bharati is established instead of just focusing of revenue maximisation.

Further, private broadcasters also assist the public broadcaster by mandatorily sharing feeds on sports and events of national importance. Even though, private TV channels and news channels in particular broadcast several programmes that are socially relevant, they are subject to mandatorily sharing feeds under the Prasar Bharti (Mandatory Sharing of Sports Signals) Act, 2007. We understand the objective of the law, which is to prevent private broadcasters from monopolising intellectual property rights to televise important and culturally significant events of national importance. The IP right is balanced against the access objective to ensure access to those who cannot pay for TV services. However, the application of the law should be proportionate and confined to achieving the end only with due respect to the primacy of intellectual property protection. Prasar Bharati attempts to maximise its revenue and minimise costs by demanding the clean feed of various content from private broadcasters free of cost which are not even events of National importance. While Prasar Bharati does not remit any subscription fees to the private broadcasters whose channels are being retransmitted on DD Free Dish, it charges exorbitant fees from broadcasters for carrying its channels. To ensure the objective of maximizing access, private broadcasters should be allowed to provide the feed of its TV channels directly to Prasar Bharati for a cost, and the methodology of selecting events/programs of “national importance” should be streamlined.

**Without prejudice to the foregoing, and to honour TRAI’s pre-consultation process, we are making the following submissions. For clarity, since the current exercise is a “pre-consultation paper”, we understand that TRAI will issue a substantive consultation paper on the NBP. We reserve our right to respond to that consultation paper and also request that any future draft of the NBP must be put out for consultation before it is finalised.**

**C. Suggestions on TRAI’s Pre-CP on NBP.**

4. Please see below our suggestions for what the preamble, vision, mission and objectives of the NBP should cover.

(a) Preamble. The NBP should:

- (i) seek to acknowledge the integral role of broadcasting in India’s economic landscape.
- (ii) aim to champion the constitutional guarantee of freedom of speech and expression, ensuring that broadcasting remains a potent tool for

widespread dissemination of information, education, and entertainment.

- (iii) seek to propel the broadcasting sector as a catalyst for intellectual property creation, global promotion of Indian culture, connectivity for the Indian diaspora, and a generator of employment opportunities, positively influencing tourism and related industries.
- (iv) aim to leverage India's favourable position in broadcasting, having maximized access to communication technologies, to harness the country's economic strengths, such as abundant labour, a large domestic market, and competitive creative industries.
- (v) aim to introduce policy certainty and predictability in policy formulation and regulation and establish a strong foundation for an enabling environment that supports orderly growth. Recognizing the significant investments made by broadcasters and media organizations in content creation and delivery, providing a clear and stable policy framework is paramount. This ensures a virtuous cycle of investments and growth.
- (vi) aim to embody the principle of 'Minimum Government, Maximum Governance,' advocating for minimal regulatory intervention and trust in self-regulatory mechanisms, ensuring a predictable operating environment for all players. This approach will enable better resource allocation, support the industry in developing long-term strategies, foster market-led competition, and innovation, benefiting both the industry and the consumers.
- (vii) aim to underscore the paramount role of broadcasting in the dissemination of entertainment and information and its substantial contribution as a vital development tool.
- (viii) recognize that an informed society is a precondition for sustainable development and democratic governance, and broadcasting plays a central role in this information ecosystem. By ensuring the availability of reliable and diverse content, broadcasting nurtures an environment that stimulates intellectual growth, innovation, and progress, fostering the overall development of the nation.
- (ix) be resolute in its aim to nurture a public broadcaster that operates with unwavering fairness, reasonableness, and a non-discriminatory approach, while creating, producing, and showcasing its own distinct content.

- (b) **Vision.** The NBP should outline a long-term vision for the broadcasting sector with separate policy roadmaps for growing the distribution/carriage infrastructure and broadcasting/content services. A globally competitive and locally driven broadcasting sector that meets consumer demands and attracts investments should be the key objective of the NBP. Systemic reforms to engender predictability in regulation, incentivise creation of high-quality content, maximize opportunities to monetize intellectual property created in India, and build a resilient infrastructure backbone are the building blocks that the NBP should espouse. The policy should seek to grow the segment's social and economic contribution towards nation-building and set new global benchmarks in terms of both broadcasting distribution technology and high-quality globally resonant content.
- (c) **Mission.** The mission of the NBP should be to:
- (i) Introduce a structural basis for transitioning towards agile sectoral governance with evidence-led government intervention in the market and maintaining oversight and prescribing guardrails to ensure fair, transparent, and competitive interaction of market forces.
  - (ii) Create a future-ready policy ecosystem grounded in principles of certainty and predictability.
  - (iii) Encourage symbiotic co-existence and mutual trust among diverse stakeholder groups, and harmonious dispute settlement in business-to-business interactions through consultation, mediation, and negotiation.
  - (iv) Provide a roadmap to bolster public sector efforts and support private sector initiatives to generate high-quality high-demand content for local and global audiences and undertake state-of-the-art infrastructural upgrades and expansion for enhanced consumer Quality of Experience.
  - (v) Provide a sustainable model for public broadcasting with the ability to meet evolving consumer needs for content on themes of national importance; adequately cater to the government's public information dissemination objectives; expand infrastructure in remote and unconnected areas; and produce and acquire content with due respect to intellectual property and labour involved in content creation.
  - (vi) Enhance domestic capacity to cater to global demands for Indian content and skilled labour in specialised production techniques, rationalise approvals, permissions, and taxation, and adopt and

implement global benchmarks for content protection to make India a preferred destination for content production and exports.

- (vii) Position India as a world leader and the first country to create a broadcasting ecosystem that innovates and experiments with emerging and new communication technologies, promotes and adopts sustainable social and environmental initiatives, and adheres to accountability and transparent data integrity practices.

(d) **Objectives.** The objectives of the NBP ought to be to promote:

- (i) self-regulatory framework and forbearance,
- (ii) nurture creativity and foster innovation,
- (iii) recognize and abide by an individual's freedom of speech and expression,
- (iv) underscore the importance of market-driven ecosystem,
- (v) provide for flexibility and adaptability to changing circumstances,
- (vi) recognise, protect and provide ecosystem for enforcement of intellectual property rights.

5. In addition to the foregoing, we are making the following submissions:

(a) **Public Service Broadcasting.** Public service broadcasting is the primary and exclusive remit of the public broadcaster, and Prasar Bharti-owned Doordarshan channels and All India Radio (AIR) should take the lead in public service broadcasting, achievement of social and environmental goals. Statutory objectives listed under Section 12 of the Prasar Bharti Act list the functions of the public broadcaster, and guiding objectives that it should follow. The urgent need is to engender accountability in the functioning of the public broadcaster and bolster its ability to meet statutory objectives. The NBP should aim to enable Prasar Bharti to fulfil its objectives by reforming its governance structure, establishing a review process to ensure that the public broadcaster meets objectives, and focus on capacity building within the public broadcaster.

(b) **Policy and Regulation.**

- (i) **Satellite Broadcasting.** The urgent need is to ensure that the broadcasting sector's satellite and spectrum requirements are addressed in discussions on frequency allocation. The National Digital Communications Policy 2018 referred to the need for an assessment of spectrum needs but the exercise is yet to be undertaken. Recent reports show that the Department of Telecommunications (DoT) is looking to free up satellite spectrum for 5G rollouts ignoring the impact it may have on the broadcasting sector. A mechanism to raise the



broadcasting sector's concerns in decision-making bodies like the Wireless Planning and Coordination (WPC) and SACFA wings under the DoT, and international bodies like the International Telecommunications Union (ITU) is the key priority for satellite broadcasting policy and regulation.

- (ii) **Terrestrial Broadcasting.** Doordarshan enjoys monopoly over DTT. In 2005, TRAI made a recommendation to the MIB to allow private broadcasting companies to peruse DTT technology. The regulator stated that there should not be any bar on allowing private broadcasters into terrestrial broadcasting as private TV channels are already widely available through both satellite and cable. This was reiterated by TRAI in 2017 in the 'Recommendations on issues related to Digital Terrestrial Broadcasting in India'. In 2017, following consultation, TRAI recommended the opening of DTT to private and phased implantation of the services to be completed by December 2023.

Private entry would enable competition, innovation and quality content and delivery, enable market-driven utilization of broadband, telecom and spectrum resources. DTT also provides an avenue to create localized plural content given that DTT is transmitted in a localized manner through radio waves. From the consumer's perspective private entry into DTT would mean more channels besides Prasar Bharti-owned Doordarshan channels.

- (iii) **Print Media.** IBDF does not represent print media entities however, it is imperative to bear in mind that print media falls outside the purview of broadcasting and the TRAI's jurisdiction.
- (iv) **Digital Media.** Digital media falls outside the purview of broadcasting and the TRAI's jurisdiction. Please refer to our submissions above including those in paragraph 3(b) above.

- (c) **Promotion of local content.** Content related aspects are outside the purview of TRAI's jurisdiction. Without prejudice to the foregoing, Indian content is in high demand in several geographies and globally acclaimed. It is important to create an enabling environment conducive to content generation. On the demand side, the government could provide policy support in the form of promotion of Indian audio-visual content in international markets through participation in film festivals, trade fairs, and other events and include promotion of cross-border flow of Indian audio-visual content in trade agreements. On the supply side, the government should focus on an enabling and predictable regulatory environment and give industry the opportunity to make long-term investment strategies and to support skilling initiatives.

Promotion of local content is also inherently linked to the extent of media and journalistic freedom in a jurisdiction. As such, the Government must encourage local content production by giving content creators and broadcasters the widest latitude for diverse content creation.

- (d) **Piracy and Content Security.** Broadcasting is a content-driven industry, and it is important to prioritise strong protection for intellectual property. Piracy *inter-alia* causes the Government to lose tax revenue and contributes to the growth of cash transaction-based economy, which is susceptible to be misused. There is limited legal recourse for broadcasters against piracy under cable TV regulations / TRAI regulatory framework. Legal recourse primarily lies under the Copyright Act. Copyright enforcement is undertaken by local law enforcement agencies under state governments and policy direction on intellectual property protection by the Department for Promotion of Industry and Internal Trade (DPIIT). The need of the hour is to foster inter-ministerial cooperation (IMC) and lay the groundwork for dedicated IMC task forces to address specific challenges, such as cable television piracy, and introduce severe penalties for violations.

There is an urgent need to create a regulatory framework to address, clarify, and resolve content protection issues that stem from system / equipment providers (conditional access system (CAS), subscriber management system (SMS), set-top-box (STB) and digital rights management (DRM) providers) (“System / Equipment Providers”). We believe that this can be achieved by making system and equipment providers responsible for *inter-alia* following Schedule III and Schedule IX requirements of the TRAI's interconnection regulations as well relevant provisions quality of service regulations. Concerns regarding QoS and subscription management can be addressed through an accountability framework for technical and service standards compliance by DPOs.

It is imperative to create explicit obligations that (i) prohibits the provision and deployment of non-compliant system / equipment to any DPO and (ii) makes it mandatory for DPOs to report instances of tampering (including any attempts to tamper) to the TRAI, MIB, broadcasters, and broadcasting associations. Importantly, strict penal consequences (including penalties) ought to be prescribed in case of non-compliance of obligations by System / Equipment Providers. It is submitted that these issues have been raised with the TRAI earlier, and we request the regulator to provide us an opportunity to make separate detailed submissions on piracy related issues.

- (e) **Technology Innovation and Standardization.** The broadcasting sector is a complex and rapidly evolving ecosystem. It should be allowed to constantly adapt to new technologies, platforms, business models, and new threats that emerge all the time. As such, it is important for the content providers to

determine content security standards since, the same are more likely to be effective and efficient than any all stakeholder-led consensus-based or Government prescribed / mandated standards. Technological innovation is market-driven and it is imperative here for the government to create an enabling environment where private players can innovate. Government agencies should support the development, adoption and enforcement of such content security standards however, they should avoid intervening directly in the formation of standardization process. This will ensure that the standards are tailored to the specific needs, and responsive to changes, while at the same time promoting innovation.

- (f) **Convergence.** There is limited evidence that there is any kind of device convergence. Illustratively, a 2022 market study by the Competition Commission of India on the Film Distribution Market found that there is only a small subset of premium users within the bracket of households that use television for private viewing and streaming, as there are reportedly only 10 million smart television connections in the country. Many of these may be in the same household or in offices.

There is also not any concrete evidence of service convergence, and the market structure of broadcasting and digital services does not seem to suggest any widespread trend towards the same. Moreover, there is no evidence of market failure that suggests any need for a converged framework for broadcast and telecom carriage. Further, within the media and entertainment sector itself, each service / medium has different capabilities, challenges and cater to different needs.

India is different from other countries that have converged regulatory frameworks in that it has different ministries and regulators dealing with different aspects of governance – in line with their years of expertise and experience. The current allocation of business and frameworks for telecom, broadcasting, and information technology are adequate for the industries and areas of governance as assigned under their separate purviews.

Telecommunication services and broadcasting services are distinct. Mere bundling of different services (like TV, broadband and voice) into one offering does not imply that both the services have converged. Such offering only enables a service provider to provide multiple services as a bundled offering and each service within the said bundle remains distinct. Since telecommunication services and broadcasting services are distinct therefore the licensing frameworks must be kept separate and the administrative government units overseeing the licensing and statutory frameworks should also be kept separate, as is currently the practice in the country.

Telecommunication has a private nature of communication, and its markets are ruled by economic and technical issues, including network access. As a result, regulator's role, *inter-alia*, includes ensuring access. On the other hand, broadcasting is communication to the public and regulatory concerns in broadcasting are mainly to do with freedom of speech and expression.

Content regulation is very different from carriage regulation. Content regulation deals with freedom of speech and expression as guaranteed by Article 19(1)(a) of the Indian Constitution, subject to restrictions under Article 19(2). As illustrated by TRAI itself in pages 28-29 of the consultation paper dated 30.01.2023 on Regulating Converged Digital Technologies and Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication service<sup>9</sup>, where TRAI has recognized that the regulatory framework for content is different for each media platform and has evolved from judicial interpretation of Article 19(1)(a) of the Indian Constitution.

- (g) **Specific Regulatory Authority for Broadcasting.** The regulatory framework for content should be kept distinct and separate from regulatory framework of carriage as the principles for regulating carriage and content are different, and the skill sets required to implement and oversee regulation of each are also disparate. The TRAI is a carriage regulator and should oversee carriage and the MIB should oversee content. There is no need for a specific regulatory authority, but existing processes need to be streamlined. The government should limit its intervention in the sector to identifying the principles for governance, where required, prescribing only the essential guardrails, and trust industry with self-regulation. We believe that this can be achieved *inter-alia* by streamlining licensing and permission requirements, as well as reporting and compliance requirements, and endeavouring towards self-regulation.
- (h) **Robust Grievance Redressal Mechanism.** The present co-regulatory framework for broadcasting content works and there is no market or regulatory failure that necessitates a change in the existing framework. Consumer complaints regarding carriage follow extant regulation under the TRAI Quality of Service regulations. The government should prioritise enforcement of TRAI QoS regulations because the regulator does not have enforcement capacity at the last mile (state and local level).
- (i) **Role of broadcasting during disaster.** The use of broadcasting as rapid dissemination of early warning disaster notifications ought to be restricted to public broadcaster's remit and that no obligations should be imposed on the private sector in this regard.

---

<sup>9</sup> [https://www.trai.gov.in/sites/default/files/CP\\_30012023.pdf](https://www.trai.gov.in/sites/default/files/CP_30012023.pdf)

- (j) **Disaster Recovery**: The government must support broadcasters in their endeavour to ensure that their channels still are on-air throughout the year without disruption. Satellites or teleports used for channel uplinks may meet contingencies like transponder failure, satellite failure, technical problems with the satellite etc. Teleports may become non-functional due to natural calamities, fire, force majeure conditions, local law & order situations, antenna losing its line of sight etc. It is imperative to ensure that channels can remain on-air in these situations, and it is important to bring in enabling provisions that allow licensed broadcasters and permitted teleports to shift their operations immediately and apply for post-facto regulatory approvals.

It will help the service providers in such contingency situations to concentrate their efforts on continuance of services so that there is minimum downtime. Hence, if there is an untoward incident with satellite, the up-linking on contingency basis should be automatically permitted on other approved satellite or in case of any untoward incident to the approved teleport such that the teleport is unable to uplink the signal to satellite, the broadcaster should be allowed to uplink the same carrier from a different teleport within the footprint of the satellite.

The government can consider a mechanism where service providers intimate all the authorities by seeking post-facto approvals by following the necessary procedures. This provision, while giving the required flexibility to service providers in certain extraordinary situations will also ensure regulatory compliances. Channels may also be allowed to uplink from more than one teleport on more than one satellite in order to meet business requirements and to align with International practices.

- (k) **Audience Measurement**. The existing mechanism as recognised and registered under the MIB's guidelines and led by the industry through the Broadcast Audience Research Council (BARC) has been reviewed and works well, and there is no need for any policy or regulatory changes.
- (l) **Social Goals and Environmental Responsibility**. We believe that social goals and environmental responsibility ought to be restricted to public broadcaster's remit and that no additional obligations should be imposed on the private sector in this regard, as they are met under various other statutes/policies.
- (m) **Animation, Visual Effects, Comics, and Gaming segment**. It is imperative to bear in mind that Animation, Visual Effects, Comics, and Gaming segment falls outside the purview of broadcasting and the TRAI's jurisdiction.