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Dear Sir,

Re: Response to the Consultation Paper relating to the National Telecom Policy 2018

The Department of Telecommunications, through its letter dated 21.08.2017, requested Telecom Regulatory Authority of India (TRAI) to suggest its policy inputs for formulation of National Telecom Policy – 2018 (NTP-2018) which policy is to be in sync with the technological advancements in the said sector and customer aspirations for digital services. It further stated that such inputs are to be decided by holding preliminary discussions with various stakeholders including telecom service providers, telecom equipment manufacturers, industry associations, consulting firms, cloud service providers etc.;

In view of the above, TRAI has bought out the Consultation Paper on "Inputs for Formulation of National Telecom Policy- 2018" (the "said Consultation paper") seeking the views of all stakeholders in the matter.

1. Before dealing with the issues raised by the said Consultation paper it is important to touch upon the observations made by the TRAI in another Consultation paper circulated by it paper that is "Ease of doing Business in the Broadcasting Sector". This is necessary in order to completely and comprehensively understand the relevance of the issues/matters being discussed with in the said Consultation paper.

2. In the Consultation Paper dealing with "Ease of doing Business in the Broadcasting Sector" it has been stated by the TRAI that:

(i) the broadcasting sector in the country has seen exponential growth over the years and that both the Government and the TRAI has been constantly promoting

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plurality of broadcasting services and multiple distribution platforms for providing choices to consumers to access TV channel.

(ii) that due to these timely policy and regulatory interventions, the Indian broadcasting landscape now presents a very vibrant picture with presence of multiple distribution platforms such as cable TV, DTH, HTS, and IPTV in broadcasting sector.

(iii) that in a digital era conventional linear TV channels are also available to the consumers through streaming and on-demand services offered by other alternative platforms. Social media platforms such as Twitter, Facebook, Whatsapp etc. enabled the people to access information and share or express their views on variety of issues affecting their day to day life and

(iv) with the increased use of internet many traditional broadcasters and delivery platform operators have already started offering their services through alternate platforms to supplement their traditional business models as well as to meet the growing demand for non-linear access of services.

(v) regulation of the Industry was an important facet of government activity and regulation of the broadcasting sector in is undertaken by the several Ministries/ Departments/organizations :

(a) As per the Allocation of Business Rule, the Ministry of Information and Broadcasting (MIB) is the nodal Ministry for all broadcasting activities in the country. It acts as policy maker, licensor and content regulator.

The MIB grants registration/permission for following broadcasting services:

- (i) Satellite TV channels
- (ii) Teleports
- (iii) Direct-to-Home (DTH) service
- (iv) Private FM services
- (v) Headend-in-the-sky
- (vi) MSOs
- (vii) Community Radio Stations

(b) Telecom Regulatory Authority of India (TRAI) is the regulator for broadcasting and cable services in so far as it regulates tariff, interconnection and QoS for broadcasting services and cable services.;

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(c) Ministry of Communications & Information Technology (WPC and NOCC) is vested with the responsibility for regulating and operational coordination of broadcasting spectrum and grant of wireless operating license for broadcasting services;

(d) Department of Space (DoS) is the nodal agency for coordinating use of satellites and clearance for broadcasting activities.

3. While considering the above observations, it may be noted that the aim of the NTP-2018 as stated in the said Consultation Paper is:

(i) that NTP-2018 has twin goals viz. (i) facilitate development of communication infrastructure and services to achieve inclusive socio-economic growth in the country, and (ii) to propel India to become the front-runner in the Fourth Industrial Revolution.

(ii) that Convergence of the networks can ensure efficient utilization of the available resources. The convergence of information, communication, and broadcasting services are creating vast new capabilities that are benefiting individual, businesses and society as a whole.

4. After considering the statements/submissions made by TRAI in both the Consultation papers, it appears that by the said Consultation TRAI is seeking to:

- (a) restructure the legal, licensing and regulatory frameworks for reaping the benefits of convergence;
- (b) allow broadcast services using cellular mobile networks;
- (c) achieve an integrated regulation of ICT and broadcasting sector led by economic and social policy goals of the country;
- (d) restructure TRAI as converged regulator for ICT and Broadcasting sector;
- (e) enact net-neutrality laws;
- (f) declare data privacy, protection, and security laws;

5. On the above issues, the News Broadcasters Association (NBA)'s response is that essentially it is concerned with issues listed at 3 (b) to (f) aforementioned and the issues are addressed as under:

Issue:

(b) It is submitted that Telecom infrastructure companies should not be permitted to create their own content properties or their own Over the Top (OTT) portals as this would result in giving undue preference to their own product and enable them

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to promote their own content platform for free thus putting the content companies at a disadvantage.

(c) The Information and Technology Act, 2000 and all other related statutory legislations should be amended/ modified to be able to deal with the changed technological environment.

(d) In restructuring of TRAI as converged regulator for ICT and Broadcasting, the TRAI should continue to regulate tariff, interconnection and QoS for broadcasting services and cable services only as stated in the Telecom Regulatory Authority of India Act, 1997 while the MOIB should continue to act as policy maker, licensor and content regulator under the Cable Television and Networks Act, 1996 and the Cable Television and Networks Rules, 1994. In restructuring TRAI as a converged regulator for ICT and Broadcasting and in order to achieve an integrated regulation of ICT and broadcasting sector, the present jurisdiction of TRAI and MOIB must not be modified and must be retained as any amendment will affect the broadcasting sector adversely and it will have a huge impact on the freedom of speech and expression under Article 19 (1) (a) of the Constitution. The authority dealing with content issues must be different from the authority dealing with other issues in the broadcasting sector as mentioned above.

(e) Net Neutrality policy/laws should be stringent and enforced /implemented in order that no telecom operator is able to give preference to specific content provider.

(f) the “journalistic purpose “must be an exemption under the data privacy, protection, and security laws;

Though restructuring of the, legal, licensing and regulatory frameworks for reaping the benefits of convergence is desirable, the legislations and policies affecting the broadcasting sector should be carefully understood and considered so that it does not impact Article 19 (1) (a) of the constitution and any content issues thereby.

Though convergence is desirable, the legislations and policies affecting the broadcasting sector should be carefully understood and considered.

Annie Joseph
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Secretary General