

COMMENTS

ON

Consultation Paper on

**“Input for formulation of National Broadcasting
Policy - 2024”**

Dated 02.04.2024

BY

SITI NETWORKS LIMITED



Date : 26th April 2024

To, Shri Tejpal Singh,

Advisor (B&CS),

Telecom Regulatory Authority of India.

Subject: Comments on behalf of SITI Networks Limited (“SITI”) on Consultation Paper on “Inputs for Formulation of National Broadcasting Policy” dated 2.04.2024 (“CP”).

Dear Sir,

We would like to extend our thankfulness to the Authority for providing us with an opportunity to share our comments on the CP for the captioned subject.

Change is the law of nature, and if we do not change with the law then we are bound to become extinct. We extend our gratitude to the government and regulatory authority to acknowledge the need of amending the existing regulations and introduce a new policy which we expect would be balanced and for the equitable growth of the Cable and Broadcasting industry and its stakeholders and also to plug the loopholes in the existing laws.

Before giving our comments on the CP, we would like to mention various issues faced by DPOs, including us which are required to be considered, so that there is proper balance and equitable growth for all the stakeholders.

1. To start with Analogue Era, wherein it was observed that the consumers were not able to subscribe to the channels of their choice (and pay only for the channels they want to view), but channels were being forced upon them. Secondly the deals between the broadcasters and DPOs/LCOs used to be entered into on a fixed fee basis, irrespective of the subscriber base of MSO/LCO. This was causing a lot of disputes among the shareholders, whereupon the need of digitization was recognized by TRAI (after conducting an extensive survey) opined that consequent upon digitization, the consumers would be able to subscribe the channels of their choice (and pay only for the content they want to watch) and there will be transparency in the number of subscribers and hence the agreement would be entered between broadcasters and MSOs on the basis of subscriber base and hence the price of the channels would be reduced by more than 65%.

Keeping in mind the above stated objectives, TRAI thought is appropriate to enforce digitization and brought the regulations for implementation of digitization. The digitization was required to be completed in four phases. It is very well known in the industry and evident that MSOs were required to invest a huge amount for implementing in the process of digitization and accordingly MSOs played their role in the best interest of the Industry and invested crores of rupees to establish the digitization (such as conversion of their analogue network to digital network, investment in CAS & SMS, investment in Set Top Boxes etc.) while there was very minimal investment by other stakeholders. It is MSOs who were required not only to invest money but also put their hard work and resources into establishing the digital system.

It is important to reiterate that based upon the survey done by TRAI - the purpose of the digitization was two folds (i) Providing consumers with genuine autonomy and options (in true spirit) to select the channels of their choice that best fit their needs & (ii) reduction of price to the tune of 65-75%. A critical examination prompts us to question whether the goals set forth for digitization have indeed been met or not. Regrettably, our assessment leans towards the negative, as despite the diligent efforts of TRAI and numerous stakeholders, particularly MSOs, the envisioned objectives of digitization remain unattained and the outcome to be negative despite the sincere efforts of TRAI & many stakeholders especially MSOs due to following reasons.

“(i) Formation of Bouquet by the Broadcasters: We would like to place it on records that broadcasters, leveraging regulations and purported freedom in pricing channels, have introduced numerous bouquets in a manner that subtly compels customers to choose packages only instead of a-la-carte channel of their choice. Even Regulator has acknowledged (in its various report and papers) the same that most of the consumers have been subscribing the package and very less consumers are opting for a-la-carte channels.

(ii) Pricing of Channels: Besides forcing the bouquets, the price of the channels instead of reducing the price of the Channels, as anticipated, rather it has been increased exponentially, which is appraised to TRAI and also in the records of the Regulator.

It is to be noted that as per Preamble of TRAI Act - TRAI & TDSAT was established under the TRAI Act, to protect the interest of **ALL** the service providers (relevant part of which is reproduced as follows:

“to regulate the telecom services, to adjudicate disputes, disposals of appeals, and TO PROTECT the interests of the service providers and the consumers.

To promote and ensure the ORDERLY growth of telecommunication sector and matter connected therewith.

We sincerely appreciate TRAI for the efforts put in by it to regulate the cable and broadcasting industry and the steps taken with the intention of its growth, however, a prevalent observation indicates creation of loopholes in compliance of Regulation in its true spirit leading to create discrimination and disbalance of the environment for balanced growth and protection of the interest of ALL the stakeholders. A few instances to substantiate the same are mentioned below:

- The Broadcasters having unique content (and hence having monopoly in their content) and having complete freedom to fix the price of their channels led to increase in price of the Channels instead of reducing the price and compelling the consumers to opt for the bouquets (in the guise of prices of bouquets vis-à-vis a-la-carte price).
- On the other hand, MSOs having perfect competition as per economic laws, have been strictly regulated to their micro activities, are not free to form their own bouquets (As per consumer choice of any particular region) and fix up the price accordingly.
- There is a cap on carriage fee, and it becomes Zero after a certain threshold.
- MSOs are required to carry the channels (in certain conditions) despite expiry of the agreements, which is not only paradox of the Regulation but also against the fair business practices.
- There is a restriction on MSOs for sharing of platform services with other DPO while there are no such restrictions on broadcasters.

Above are a few examples (beside other instances which are not raised here for the sake of brevity, as the same have been apprised to the Authority from time to time) elucidating discrimination between broadcasters and DPOs, which require the attention of Authority.

2. We would also like to bring your attention to the eco system of the Broadcasting industry. There are three major stakeholders in the system. First are broadcasters, who make or bring the content in the form of Channel(s) and provide the same to the Distribution Platform owners (DPOs) which inter-alia includes MSOs, DTH Operators, HITS Operators etc. The DPOs receive the encrypted signals of the channel from broadcasters and de-crypt the same. After decryption DPOs/MSOs re-encrypt and provide signals to LCOs so that the encrypted signals are provided to the consumers as per their choice and for that the STBs are provided to the consumers to de-crypt the re-encrypted services of MSOs.

It is important to note that, as per the Up linking/down-linking policy/ and clause 11 (3) (f) of the License – the Broadcasters are required to distribute their signals/channels through MSOs/DTH Operators/HITS Operators or IPTV operators (hereinafter called the Distribution Platform Owners {DPOs}). They are not authorized to give their channels directly to the consumers. However, it is observed that they have started distributing the content directly to the consumers through their Apps.

We would like to draw the attention of the Authority to the fact that the DPOs are an important link of the distribution chain, and if this link gets weaker the whole ecosystem tends to collapse. It can be observed that avoidance or compliance of regulation in not true spirit by broadcasters is affecting the DPOs prejudicially and if the same system /regulations continue in the same manner, the MSOs will not be able to survive and have to wind up their business.

3. In addition, with **the introduction of new technologies**, the cable & broadcasting industry has undergone significant changes and transformations over recent years. Some of the key trends and developments in the industry include DTH, OTT, VOD, DD Free Dish, content distribution through internet etc. However, the new technological and Govt. Platform are not covered under the Regulations leading to :

- **Non-parity of various Platforms :**

- (i) **DD FREE DISH :**

- **Price discrimination:** It is to be noted that on the one hand CABLE industry is regulated completely and on the other hand, DD Free Dish being a DTH platform and Licensee by TDSAT is not being regulated. Due to which the broadcasters are making their PAY Channels available on DD Free Dish on FREE Basis (rather giving

carriage fee to DD Free dish for carrying the same channels on its platform. On the other hand, the broadcasters are charging the subscription fee from the MSOs for the same channels. Which is a clear discrimination.

- **Encryption:** The Authority is aware that the critical role of encryption in the digitization, and without encryption any platform would not be deemed as digital platform. In addition, any number of subscribers declared without encryption would neither be transparent nor be true and only guess work. In view of the same DD Free Dish (which is distributing its services in non-encrypted mode) is not in consonance with digitization and any such claim with respect to number of subscribers cannot not substantiated to be true. Hence DD Free Dish should be required to encrypt their signals.
- **OTT** is the other distribution platform which is not regulated and hence the content being shown on OTT Platform is not following the Programming code. Also, the content available on OTT is either on a free basis or at very minimal cost, while for the same content MSOs have to pay a hefty amount.

We would like to draw the attention of the Authority to the telecom sector, which was regulated since its inception, and hence the consumers have been benefitted because of the same, as mobile calls have become free for the consumers.

Accordingly, OTT is a new platform that should be regulated, as it is at its inception stage, which will yield an orderly regulated growth. Else we will have to face the consequences as faced by cable industry, which was free in the beginning and regulation started after two decades and due to which it is still struggling.

There is a mushroom growth in OTT Platforms, and if the same is not regulated at this stage, this will not only create chaos but also mar the cable industry.

- The Authority has itself acknowledged that presently, OTT platforms have established themselves as an alternative platform for distribution of content and there are approximately over 97 million OTT (paid) subscribers in India in 2023. (Source FICII 2023 Report)

4. Owing to above reasons the subscribers have started shifting to these platforms and cable industry/MSOs have been facing the issue of survival due to such shift in subscriber base.

The disparity in implementation of regulatory framework has led to a decline in the subscribers and the Authority in one of its Consultation Papers has itself acknowledged that the cable television industry has lost nearly 48 million customers since digitization from 110 million to 62 million, nearly 70,000 local cable operators (LCOs) have shut their businesses, around 900 MSOs have become non-operational, and 2.5 lakh people have lost their job.

- It is matter of concern that these platforms are not being regulated while DPOs are strictly regulated to their micro activities, due to which they are unduly advantaged.

We would like to suggest that there should be Fair pricing policy across all the platforms. It should be Platform Neutral Content Policy. As it is evident that at present there are some platforms (like OTT, Free Dish) which are not being regulated and on the other hand some other distribution platforms (MSOs) are strictly regulated. We therefore suggest that in the new Broadcast Policy, the ministry should introduce Platform Neutral Content Pricing Policy.

5. We would like to draw the attention of the Authority that every Broadcasters have been distributing a unique content in their channels and in eventually are in a monopoly position, and they have been given complete freedom and are under forbearance, on the other hand MSOs who are providing the similar services (which can be substituted by other MSO Service) and hence there is perfect competition as per economic principles, but they have been regulated in strict manners. This anomaly is to be taken care at this stage.
6. In addition, there has been mushrooming growth of smaller MSOs, and it has been observed that broadcasters and these MSOs enter into the agreement/ deal on fixed fee basis, due to which the MSOs are able to sell the services at much below price than the MSOs who have entered the deal on per subscriber basis as per regulations.
7. In the Pre-CP paper, even the Authority has recognized in para 2 that there has been Growth of subscribers in entertainment, while in para 5 it has noted that there has been considerably decline in number of cable subscribers.

Above are a few instances of concerns of cable & broadcasting industry, which require attention of the government and the authority.

8. Based upon above issues, we suggest a few steps to be taken by the Authority as follows:
 - a. Common non-discriminatory regulations should be made for all platforms such as same programming/advertising code for all digital platforms etc.
 - b. DPOs should also be given forbearance as there is proper competition among them.
 - c. There should be content parity and Liner channels are not allowed to be distributed through OTT Platforms.
 - d. Promotion of Local Content / Platform services to be viewed in a pragmatic manner and the restrictions like non-sharing of the same should be removed.
 - e. There should be strict laws related to piracy, under the Cable TV Regulation Act also.
 - f. There should be self-regulations which can be approved by the authority and if these regulations are not complied with then only the Authority should take action after following the due process as mentioned in the new broadcasting bill.
 - g. Separate specialized authority related to broadcasting (Broadcasting Authority of India – BRAI) to be established, which shall regulate and take care of all the content and distribution related issues among various platforms.
 - h. Rules should be in accordance with ease of doing business.
 - i. Audience Measurement system to be regulated.
 - j. STBs / IRDs providers put under regulations.

It is suggested that the Authority is requested to bring all the digital platforms delivering similar services under a common and equitable regulatory framework. A level-playing and equitable framework will lead to the furtherance of a more organized and structured growth across all segments.

This CP is a commendable attempt in the direction of covering various untouched issues (including mentioned hereinabove) so that there should be orderly and balanced growth of the sector and all the stakeholders. As rightly mentioned in CP that a broadcasting policy that can provide a channelized approach for the sector and provide appropriate impetus for development is a pressing priority, especially in the present scenario, wherein the broadcasting sector is undergoing unprecedented changes on account of evolving technologies.

It is expected that the new scenario will be more balanced to address the existing and future concerns and new developments across digital broadcasting infrastructure, which in turn will promote a sustainable broadcasting scenario.

We now are submitting our views and now proceed to submit our comments on the pointers specified in CP:

1. Preamble:

Keeping in mind the dynamic scenario of content distribution, and technological advancements, the New Broadcasting Policy should be a comprehensive policy for the new environment. The new policy needs to be designed in such a manner to cover up the intricacies of latest and evolving modes of content distribution and leveraging new technologies. The policy should acknowledge the importance of creating a level playing field for all stakeholders.

In view of above, we suggest the preamble as follows :

PREAMBLE

“This Broadcasting Policy is aimed to promote & elevate Indian culture to the global platform and establish India as a leading center for content, technology and mode of distribution in global market. It seeks to regulate these domains to ensure orderly and equitable growth for all stakeholders, while providing a quality content to the viewers and preserving their freedom to opt the content of their choice in true spirit. Additionally, the Policy endeavors to foster a self-regulatory environment and establish a dynamic regulatory authority and appellant tribunal to address efficiently the disputes among the stakeholders and for all matters connected and incidental thereto in prompt manner.

2. **Vision Statement:**

- “To elevate the Indian Broadcasting Industry to global leadership status by fostering its local content that celebrates and promote Indian culture and attract investment in this sector by creating and promoting effective distribution system which shall meet the viewer’s demand.
- To establish a conducive infrastructure that facilitates cable & Broadcasting business, fostering creativity and ensuring an orderly growth in the realm of infotainment by providing equal opportunities for all the stakeholders.
- To encourage more participation of regional content and enable its global reach by providing opportunity for such content to flourish on the international stage/market.

3. **Mission:** To develop a vivacious broadcasting eco-system so as to :

1. offer the viewers a diverse array of choices in real sense and ensuring cost-effective global accessibility.
2. Establish India as a global broadcasting leader by promoting innovative content, distribution system and eco-system, that empowers all stakeholders to unleash their creativity on global scale.
3. Create a stable and equitable environment conducive to the orderly growth of all stakeholders and facilitating ease of business operations.
4. Promotes the ambience of Self-Regulation, and level-playing field for operating the market forces optimally.
5. Encourage more participation of regional content and provide effective opportunities to have a presence in Global markets.

4. **Objectives:** We propose the following goals and strategies to achieve Vision and missions:

GOALS

- To harmonize and consolidate the legislation, rules, regulations and polices for ease of business by establishing Broadcasting Regulatory Authority of India (BRAI) as an expert body of the sector.
- To introduce crystal clear and common law, rules, regulations and policies for similar distribution platforms and bring equality among them.
- To provide an effective landscape for local content.

- To create a platform and link between content provider and distributors of content for taking initiatives, promoting and preserving the cultural of India.

Strategies:

- To Implement pricing parity across content distribution platforms by promulgating the new regulations to keep broadcasting services cost effective affordable and to implement the same in true letter and spirit.
- To make a common council for promoting local content to the global market and have only the registration requirement with Programming and advertisement code.
- To bring parity between Public and Private broadcasting and among all digital platforms by introducing new rules guidelines.
- To issue guidelines giving clarification and concessions for tax-related issues (such as AGR/GST etc.)
- To offer incentives and support for the creation of high-quality content within India.
- To have a system for mediation among stakeholders so that the thought process of each stakeholder could be understood by others and a mid-way benefiting all of them could be worked out. For this a meeting at regular intervals may be convened.
- To create a system by establishing local offices of BRAI to have strict compliance with regulations.
- To develop strategies for promoting Indian content globally.
- To facilitate collaborations and exports of content to for worldwide distribution.
- To encourage and assist the local players to develop state-of-the-art R&D infrastructure and innovation and add various value-added services and allocate resources and funding for the same.

In our view, the purpose of the New Broadcasting Policy should be equitable growth with customer choice in real sense which should also promote innovation and local content.

Q2. There exist data gaps in ascertaining contribution towards economy, revenue generation, employment generation, subscription figures etc. in the broadcasting sector which relies heavily on industry studies to carry out research and estimates. What should be the parameters, targets and institutional framework for measurement? Provide your comments with detailed justification. Also provide the indicative metrics used for calculating the targeted figures, if possible.

Our Reply :

We would like to differ by the opinion formed by the Regulator that there is a data gap in ascertaining the contribution towards economy, revenue generation, employment generation and subscription figure. As the requisite data is always available.

The financial/revenue data is always mentioned in the balance sheet of all the companies. So far as the subscriber report is concerned the same is sent on a monthly basis to Broadcasters by DPOs. In addition, the subscriber data is shared by DPOs and Broadcasters to TRAI on an annual basis. Besides this, a monthly return is also filed with the PF Authority which states the number of employees employed by the respective company.

Hence, the data can be taken from the above source. Or alternatively as a part of the annual return to TRAI three columns can be added in the said report providing the above information, but the same should be kept confidential.

Before submitting our views on the parameters, targets and institutional framework for measurement we would like to state that GDP of any country measures the monetary value of final goods and services generated in the country. GDP is usually calculated by the national statistical agency, which compiles information from a large number of sources. In making the calculations, however, most countries follow established international standards. The international standard for measuring GDP is contained in the *System of National Accounts*, 1993, compiled by the International Monetary Fund, the European Commission, the Organization for Economic Cooperation and Development, the United Nations, and the World Bank.

In broad terms, an increase in real GDP is interpreted as a sign that the economy is doing well. When real GDP is growing strongly, employment is likely to increase as companies hire more workers and people have more money in their pockets.

Developing a robust framework for measuring the contribution of the broadcasting sector to the economy requires a multi-faceted approach, incorporating various parameters and targets. We propose some of them as follows:

1. Economic Contribution Parameters:

- The *Production Approach* sums the “value-added” at each stage.
- The *Expenditure Approach* adds up the value of purchases made by final users.
- The *Income Approach* sums the incomes generated by production.

As per our opinion the Income Approach would be best suited for the Broadcasting Industry.

A few other parameters such as viewership ratings, audience demographics, viewing habits, and engagement levels, Content analysis, reach and effectiveness of Distribution platforms can be considered for Parameters. In addition, parameters related to emerging technologies, such as streaming quality, interactive features, and virtual/augmented and Market trend can also be considered.

2. TARGETS :

- a. **Benchmarking** : We need to set benchmarks based on historical data and international standards to measure the growth and performance of the broadcasting sector, which can be measured in terms of viewership ratings, market share, revenue growth, and cost efficiency.
- b. **Economic Growth Targets** : Targets for the contribution of the broadcasting sector to overall economic growth, taking into account factors such as GDP contribution and employment generation be established.
- c. **Market Penetration Goals**: we need to set targets for increasing market penetration, expanding audience reach, and diversifying revenue streams (e.g., increasing subscription revenue vs. advertising revenue).

We suggest to have a common body to set the targets which should be comprising of representatives of National Institute of Statistics, MIB, TRAI, and Industry Associations (such as IBDF, AIDCF etc.)

3. DATA Collection & Reporting Mechanisms:

- a. **Standardized Reporting**: Standardized reporting formats for broadcasting companies/ stakeholders to report key performance indicators related to economic contribution should be developed.
- b. **Regular Audits and Surveys**: Regular audits and surveys, if so required, to validate data reported and identify areas for improvement should be conducted.

Q3. Please suggest the strategies to be adopted by the Government and industry for propelling the growth of broadcasting sector w.r.t. the following:

- i. Provisioning of affordable television services in ‘TV Dark’ households;**
- ii. Augmenting R&D capabilities and promoting indigenous manufacturing of broadcasting equipment.**
- iii. Employment generation with emphasis on skill development;**
- iv. Promotion of innovation led Start-ups and SMEs;**
- v. Any other related area/strategy.**

Our Reply :

i. Provisioning affordable television services in ‘TV Dark’ households.

Reply : In our opinion there is no TV Dark household, because Mobile/OTT has reached at every home in rural and hill area, hence in reality we would like it to refer the same as “CABLE DARK Households”. In the remote areas people predominantly watch the content on their mobile and OTT, and hardly on cable TV. The primary reason for Cable Dark household is that DPOs are not having rights to form a bouquet as per geographical needs (including for these areas) which are relevant and affordable to them. Had DPOs been authorized to form bouquets, then various bouquets could be formed by them which are relevant and affordable to these subscribers. It is suggested that Broadcasters should offer better rates and discounts to DPOs who are distributing the services in these Rural / Hill areas and these rates/discounts should only be limited to these areas only and based upon which DPOs should be authorized to form their own bouquets (Rural/Hill Bouquets), which would be catering the needs of the subscribers of these areas.

Furthermore, once DD Free Dish and OTT come under the regulation regime then the subscribers would have proper option to watch the content of their choice on OTT/Free Dish/ Cable platforms at affordable rates. But at present the subscribers in these areas are forced to see the content only on OTT and in some areas on Free Dish, hence it is suggested to regulate OTT/DD Free Dish to facilitate a level playing field, enable the cable industry to expand its reach with equitable opportunities.

In order to support the expansion of cable services in these areas and to assist the MSOs/LCOs, Govt. should explore avenues such as tax subsidies and tax holidays, incentives etc. which would encourage cable infrastructure development and enhance service provision to subscribers living in these areas.

Further we propose the promotion of soft Set-Top Boxes (STBs) as a viable solution. Transitioning from traditional digital STBs to soft STBs would not only reduce distribution costs but also mitigate piracy and cable disconnections, thereby fostering a more sustainable and secure broadcasting ecosystem.

ii. Augmenting R&D capabilities and promoting indigenous manufacturing of broadcasting equipment.

Reply : We suggest that Govt. should offer incentives and tax holidays for the manufacturer of indigenous STBs and CAS contingent upon registration of them with the relevant authorities. This will help in manufacturing indigenous STBs and CAS.

Although there exist a significant market for STBs/CAS and other related equipment, but due to lack of awareness many SMEs are not able to enter into this market. Establishing manufacturing facilities would not only address this gap but also foster the development of ancillary industries, such as STB components and repair services.

All the STBs/CAS manufactured / developed in India should comply with BIS norms, to ensure the delivery of high-quality products and services to consumers.

We emphasize the promotion of soft STBs as a preferable alternative to digital STBs. This transition would not only lower distribution costs but also mitigate piracy and cable disconnections.

Investing in research and development grants for universities and private companies to drive innovation in broadcasting technology is paramount. Establishing technology parks or special economic zones focused on broadcasting technology along with creating incubators and accelerators for broadcasting-related startups, can further foster innovation. Additionally, implementing procurement policies that prioritize sourcing from startups and SMEs within the broadcasting sector would incentivize research and development efforts.

iii. Employment generation with emphasis on skill development.

Reply : The Media sector has always been alluring and glamorous since beginning, but due to non-awareness of this industry students become hesitant to enter into this industry despite having passion & interest.

To address this, we suggest that there should be concerted efforts for establishment of proper media institutes by Govt. and private sector, like Pune

Film Institute etc. Awareness programmes should be integrated into school level and proper in their curriculum and also comprehensive media courses be introduced at graduation level and a degree be granted in this field, like Hotel Management etc. Implementing vocational training programs tailored to the specific needs of the broadcasting industry, covering areas such as content creation, broadcasting technology, and media management would further support this initiative.

The field is quite extensive and various activities such as production, post-production, editing, copy writing etc. are an important part of the media industry, but people are not aware of the same. Schedule II of CP has properly enlisted them, but ordinary people are not aware of most of those activities.

The scope of the media industry is vast, encompassing activities such as production, post-production, editing, and copywriting and the activities as listed in Schedule II of CP. However, public awareness about these activities are very minimal. As noted by the Authority, there are currently 326 broadcasters and 887 MSOs in the industry. Assuming a significant portion of these broadcasters focus on GEC, music, and movie channels, that means for 24 hours content there is a constant demand for content creation. This presents ample employment opportunities, both within in-house production teams and through outsourcing arrangements. Assuming further if 8-10 episodes are being shown on daily basis then on monthly basis, they need at least 200 episodes which requires lots of employment opportunities. However, due to the lack of awareness about these opportunities, talented individuals often pursue alternative career paths, resulting in a loss of potential talent for the industry.

It is important to note that the Media Industry is an ever-growing industry and people have been looking for entertainment on a daily basis. This industry will grow with time and the development of technology.

Government and media houses should start some institutions which will not only help them to find out the talent of their choice but also help the nation to generate employment for the youth. In addition, in-house training should also be imparted to the interested and deserving persons, post which they could be absorbed in the same organization.

Collaborating with industry stakeholders to create apprenticeship and internship programs and offering incentives to broadcasting companies that prioritize hiring and training local talent will help to generate more employment opportunities in media sector.

It is therefore suggested that proper institutes be introduced and established, for imparting education in these areas which will help prospective talent and generate a good employment opportunity in the country.

(iv) Promotion of innovation led Start-ups and SMEs;

REPLY : Editing, post production and the activities as mentioned in Schedule II of CP are some of the activities that represent highly lucrative opportunities in today's market. However, due to lack of awareness, many Small and Medium Enterprises (SMEs) have yet to explore these areas. Despite the continuous demand for entertainment content, both in-house and outsourced agencies generate content on a daily basis. Post-production activities, in particular, offer substantial work opportunities and attractive consideration for SMEs, that require minimal initial investment.

In view of above, we suggest awareness programmes be started and MSME ministry should also start making people aware of these areas and introduce lucrative schemes for SMEs for these areas. Additionally, we suggest that the MSME ministry incorporate the activities outlined in Schedule II into their website, further enhancing public awareness and accessibility to these opportunities.

Q. 4 : What other policy and regulatory measures should be adopted in the policy for creation and expansion of quality Indian content to make India the 'Global Content Hub'? Further, suggest how to extend support to local talents and content developers in terms of training, infrastructure and incentives. Provide your comments with a detailed explanation.

OUR Reply : India has a rich culture and knowledge hub in various fields. It is rightly observed by the Authority that Indian regional/local content creation and its promotion is to be one of the key focus areas of National Broadcast Policy. It is the opportune time for the players of the broadcasting ecosystem of India to take the onus to create and carry Indian content to the world.

To achieve this objective, the focus should be on skills, creativity, technology, infrastructure and market dynamics. As a result, the GDP contribution of the sector in the overall economy is expected to be increased significantly.

It is indeed and prudent to learn from the countries like Brazil and South Korea and a few others and as a policy the broadcasters should be required to produce at least 20% of their content on Indian Culture and history. As we have lots of history and culture of various states and history which can be covered by local players on the Platform Services and the content on Platform Services should be 50 % of local content of their geography, culture and history. In addition, there should not be any reservations on sharing that content with any other Platform service and broadcasters, which will help in promoting the culture of the Country.

In addition, there should be a proper collaboration with the Govt. with these Platform Services for showing that content in other countries.

To bolster India's position as a 'Global Content Hub' and support local talents and content developers, a multifaceted approach is necessary. Here are several policy and regulatory measures along with support mechanisms:

1 Establishment of Content creation hubs and encouraging Skill development programmes:

- a. It is suggested to develop dedicated centers equipped with state-of-the-art infrastructure for content development. These hubs can provide access to equipment, studio space, post-production facilities, and mentorship programs, history and culture information to create local content, which will be unique to Indian heritage.
- b. Not only for the content, but also for distribution R&D hubs be also opened, which should be state of the art for the distribution in novel mode with less cost. And adding value added services to the cable industry.
- c. In addition, special training programs tailored to various aspects of content creation, scriptwriting, directing, cinematography, editing, animation, sound design, technical training for distribution. These programs should be accessible and affordable, catering to individuals from diverse socio-economic backgrounds.

- 2 Financial Incentives & Grants :** There should be some specialized institutes or Govt. should offer financial incentives/ grants, subsidies, and tax breaks to content creators especially to them who are encouraging Indian culture and history. These incentives can help offset production costs and encourage experimentation and innovation in storytelling.

In addition, they should also facilitate collaborations between Indian content creators and international partners through co-production ventures. These partnerships can enhance the global appeal of Indian content and facilitate knowledge exchange.

- 3 Protection of IPR:** The Govt. should strengthen IPR laws and enforcement mechanisms to safeguard the interests of content creators. This will encourage investment in original content creation and prevent unauthorized distribution and piracy.
- 4 Market Access & Distribution support:** Govt. Facilitate market access for Indian content through international film festivals, trade fairs, and digital platforms and encourage local content creators (Especially platform services holders) to participate therein and should also support for the distribution of Indian content globally, including dubbing and subtitling services.

- 5 **Promote cultural exchange programs** to foster collaboration and dialogue among content creators from different regions and backgrounds. This can lead to the creation of diverse and inclusive content that resonates with global audiences.

By implementing these policy and regulatory measures and extending support to local talents and content developers through training, infrastructure, and incentives, India can realize its vision of becoming a 'Global Content Hub' known for its diverse and high-quality content offerings.

Q 5. Suggest the measures to promote the uplinking of television channels owned by foreign companies from India, which is now permitted by the Government

OUR Reply :

Promoting the up linking of television channels owned by foreign companies from India can contribute to the growth of the media industry and revenue generation for Indian Economy. In our opinion, MIB may adopt the following measures in these directions:

1. **Simplified Regulatory Process:** Streamline the regulatory process for obtaining uplinking licenses for foreign-owned television channels. Clear guidelines and a transparent application process will attract foreign investors and facilitate timely approvals.
2. **Flexible Foreign Direct Investment (FDI) Policy:** Maintain a liberal FDI policy for the media and entertainment sector, allowing foreign companies to invest in uplinking television channels in India.
3. **Tax Incentives and Benefits:** Offer tax incentives and benefits to foreign-owned television channels uplinking from India. Tax breaks on revenue generated from advertising, subscription fees, and content syndication can make the Indian market more attractive for foreign broadcasters.
4. **Infrastructure Support:** Provide infrastructure support to foreign-owned television channels, including access to satellite facilities, broadcasting equipment, and studio spaces. Collaborations with domestic service providers can ensure seamless uplinking operations.

5. **Content Localization Assistance:** Encourage the broadcasters to include LOCAL Content and assist foreign-owned television channels in adapting their content to suit Indian audiences. This may involve dubbing or subtitling content in local languages, incorporating culturally relevant themes, and adhering to regulatory content standards.
6. **Market Access and Promotion:** Facilitate market access for foreign-owned television channels by promoting distribution partnerships with DPOs.
7. **Monitoring and Compliance Mechanisms:** Implement robust monitoring and compliance mechanisms to ensure that foreign-owned television channels adhere to regulatory guidelines, including content standards, advertising regulations, and licensing requirements. Regular audits and inspections can maintain transparency and accountability.
8. **Feedback Mechanisms:** Establish feedback mechanisms to solicit input from stakeholders, including viewers, advertisers, and industry experts, on the programming and performance of foreign-owned television channels. Continuous feedback can help channels adapt to evolving audience preferences and market dynamics.

By implementing these measures, the government can create a conducive environment for the uplinking of television channels owned by foreign companies from India, fostering economic growth, cultural exchange, and innovation in the media and entertainment sector.

Q6. What broad guiding principles, measures and strategies should be considered in the NBP to strengthen India's public service broadcaster (i.e. Prasar Bharati) to promote quality content creation, dissemination of DD and AIR channels and maximizing its global outreach? Also suggest, what support and measures should be provided for the proliferation of television and radio broadcasting services provided by the public service broadcaster in fulfilment of its mandate?

Our Response:

Public service broadcasting (PSB) has an important role to play in providing access to and participation in public life and can be instrumental in promoting access to education and culture, regional content, developing knowledge and fostering interactions among citizens. It can also be an important distinction platform for distributing FTA Channels, which gives lifeline to them.

In a country like ours where we are having cultural diversity, PSB has a crucial role for preserving and promoting regional content, cultural and linguistic diversity. It provides a platform for regional, local, and niche content that is otherwise overlooked.

Content Priority: We suggest that the PSBs need to emphasize on content which should promote tourism, regional & cultural activities, education, beside information and entertainment. This will help not only promoting our tourism and culture but also regional content and providing education to rural and far-fetched areas.

In addition to the priority the **new broadcasting policy should also incorporate the content parity**, the content needs to be available only in digital format, as other platforms are distributing and also the content should be made available on the same terms as other distribution platforms are receiving. It is evident that the Pay channels are available on free basis on DD Free Dish, for which other Platforms have to make payment. This practice not only creates disparity but is also affecting the other Distribution Platform prejudicially, as the subscribers are shifting to DD Free dish because the parity is not there. In addition, this practice also gives rise to piracy of channels, as the services are not digital. Hence in order to have a fair market mechanism new broadcasting policy must incorporate the regulation on content parity.

Mandatory Sharing of Television Programs: In our opinion, as PSB would be promoting the regional, educational and tourism content, hence in order to have them for wider coverage it should be mandated to share certain programs. This approach can promote the dissemination of relevant content, information and programs across all segments and widely distributed, which will achieve the main objective of public service broadcaster, which will also help in implementing Unity in Diversity. However mandatory sharing of channels needs to be reviewed as state specific or regional language channel should not become mandatory in other states.

Enhance Global Reach: In order to make our culture widely available across the globe, it is really required that the new broadcasting policy should encourage public service broadcasters to expand their global reach. This makes it more inevitable that the signals of the PSB should be made digital so that quality content could be made available in various countries and to have transparency.

For global reach, PSB can distribute directly or can join hand with Indian and foreign broadcasters also so as to make the content accessible to global audience. The new policy should ensure the promotion of digitization, transparency, and accountability on public service broadcasting. By this the image of PSB will be enhanced and it shall continue to promote culture of country beside information and entertainment by maintaining the higher standards of quality of content.

Technology upgradation: The time has come for PSB to upgrade itself technologically and to be competitive with other broadcasters and distribution platforms. Rather it should set an example for others that it can cater to all genres of society creatively, with upgraded technology and in cost effective manner. It should become a leader and set an example to have quality content for all strata, be it rural, urban and semi-urban and in many areas. However, the prime objective of PSB should be to provide infotainment to viewers of far-fetched areas, simultaneously it should be an effective platform for providing education, and promoting culture & regional content, tourism and other areas for the development of the country and also developing knowledge and fostering interactions among citizens.

Hence, while making new broadcasting policy, it is important to consider the development of PSB and upgrading the same to the updated marketing scenario (be it broadcasting or distribution).

The Ministry and Authority need to have a comprehensive review to assess the effectiveness of PSB in achieving its objectives such as content quality, audience reach, and public engagement rendered by the provisioning of services of PSB.

In addition, for have it competitive edge and to bring equality in the sector all the content distribution platforms and broadcasters, the signals of Prasar Bharti should be encrypted and only encrypted signals should be distributed by Free Dish, which will not only bring transparency but also enhance the quality of content for its viewers. This will otherwise create a whole in complete digitization of the cable and broadcasting industry. On the other one hand, the government is talking about complete digitization in cable & broadcasting industry and on the other hand it itself is making a hole in the system which is not only a paradox in the regulatory system but also affecting the other stakeholders adversely.

Also, it should also be covered by the applicable laws of the country which govern the broadcasters and distribution platforms owners (DPOs). Though TDSAT has declared it as Licensee, the regulations are still not applied to it, which shows the flouting of law of land by Government. If this is the message being given in the industry, then how can we assume the other players follow the law in its true letter and spirit. It is therefore suggested that all the applicable regulations should be applicable to the PSB also.

A forward-looking broadcasting policy should continuously assess the relevance of public service broadcasting in the digital age and should come out as a new and compliant Avatar so as to meet not only contemporary needs but also spread modernity.

For above, Govt. should invest in public broadcasting and distribution system and PSB should receive adequate funding and **support** to maintain high-quality programming and upgradation of technology.

Last but not least, PSB should be covered under TRAI Regulation and all clauses such as Must Provide and Must carry should be applicable on PSB also to have parity among the stakeholders. As it is evident that the broadcasters are providing free content to PSB and charging subscription fee from other platforms, rather PSB is inviting bids from broadcasters to carry the channels on their platform, while there is a cap on carriage fee to be charged by MSOs. It is suggested to have parity and non-discrimination in the regulation for all the platforms, either PSB should be regulated, OR MSOs should also be allowed to invite for the bids from the broadcasters without any cap. The discriminatory practices and regulations are hitting the MSOs commercially and even creating a big threat for their survival. The purpose of PSB was to provide infotainment widely and not commercially exploit the system and by this practice PSB is taking undue and unfair advantage of the loophole law and regulations.

Q7 What policy measures and regulatory aspects should be adopted in the NBP to nudge the growth of Indian regional content through OTT platforms?

Our Response:

It is quite evident that OTT is growing very fast in the country. The Authority has itself acknowledged that presently, OTT platforms have established themselves as an alternative platform for distribution of content and there are approximately over 97 million OTT (paid) subscribers in India in 2023. (Source FICII 2023 Report)

The Authority has itself acknowledged that presently, OTT platforms have established themselves as an alternative platform for distribution of content. In addition, distribution of content through the internet has also been tremendously increased and both of them are unregulated.

We would like to draw the attention of the Authority the difference of the growth between Cable and Mobile industry. In the beginning the cable industry started reaching to people without any regulations and growing faster, while the Mobile industry was regulated since beginning. We can see the difference between both of them, as Cable industry is bleeding and consumers are getting benefitted by the regulations and all calls are free for them.

Hence, the lesson to be learnt from both of these business is that if we regulate the platform since beginning it would grow in a planned manner, else it may also face challenges and lead to decline and could see downfall in near future with the advancement of technology and few other reasons.

OTT is a new platform that should be regulated from the beginning, which will yield an orderly regulated growth. Else we will have to face the same situation as of cable industry, which was free in the beginning and regulation started after two decades and due to which it is still struggling. There is a mushroom growth in OTT Platforms, and if the same is not regulated at this stage, this will not only create chaos but also mar the cable industry.

It is suggested beside being regulated by TRAI – Programing and Advertisement code must be applied on OTT Platform. This would help not only to promote Indian Culture but also help to prevent distribution of the content which is not acceptable in the society. It is so apparent that due to non-applicability of Programming code on OTT, the content being shown on this platform is not only beyond decency but also deteriorating our culture.

It is emphatically observed that OTT platforms are unduly advantaged due to non-applicability of regulatory framework and is creating disparity among various platforms. We would also like to suggest that there should be Fair pricing policy across all the platforms. It should be Platform Neutral Content Policy. As it is evident that at present the OTT Platform (being unregulated) are in advantageous position economically and commercially because there is no pricing policy on them, while on the other hand other distribution platforms (MSOs) are strictly regulated. We therefore suggest that in the new Broadcast Policy, the ministry should introduce Platform Neutral Content Pricing Policy.

Due to the above reasons the subscribers have started shifting to these platforms and cable industry/MSOs have been facing the issue of survival due to such shift in subscriber base. The disparity in implementation of regulatory framework has led to a decline in the subscribers and the Authority in one of its Consultation Papers has itself acknowledged that the cable television industry has lost nearly 40 million customers in last 4 years i.e., from 110 million to 70 million, nearly 70,000 local cable operators (LCOs) have shut their businesses, around 900 MSOs have become non-operational, and 2.5 lakh people have lost their job.

In view of the above, it becomes imperative that OTT Platform should be regulated as other digital platforms. We also suggest that Liner channels should not be allowed to be distributed through OTT Platforms or it should be under all the applicable regulations.

In addition, it is also proposed that at least 33% of the content to be shown on OTT platform should be local content, so that the same be nudged through this platform.

Q.8: What new strategies and measures should be envisaged in the policy for the film industry to enhance audience engagement, infrastructure development, upskilling artists, reduce piracy, increase foreign direct investment or any other aspect? What steps are required to make India a preferred filming destination? Provide your comments with detailed justification.

Q.9: Online gaming being a rising sector holds potential for contributing to economy, what policy and regulatory aspects should be adopted for the orderly growth of online gaming in India? Further, suggest measures to support local game developers to compete and grow. Also suggest safeguards to protect general public (especially while promoting healthy gaming).

Q. 10 : What further steps and initiatives should be adopted by the Central and State Governments and the industry for the growth of animation, VFX and post-production segment? Provide your comments with detailed reasoning and justification.

Q. 11: What strategies and measures should be included in the policy for the music segment to enhance infrastructure development, upskilling artists, financial certainty and to resolve other challenges being faced by artists? What steps should be taken to encourage the global promotion of Indian music and artists? Please provide your comments with detailed reasoning.

Q. 12 What measures and strategies should be included in the National Broadcasting Policy to encourage expansion and ensure orderly growth and sustainability of FM Radio Stations and Community Radio Stations in the various cities of country including hilly and border areas? In what ways the policy can facilitate the integration of digital radio technologies into the existing FM radio infrastructure to improve audio quality, functionality and spectrum efficiency?

Our Response :

They are not relevant to us and we refrain to give our comments upon same.

Q.13 With the continuous advancement of technologies and convergence of the telecom, information technology and broadcasting sectors, what policy and regulatory measures are required, beyond the existing ones, to facilitate the growth of the broadcasting sector with ease of compliance? Elaborate your comments with proper reasoning and justifications to the following issues:

- i To enable healthy and competitive environment amongst the existing and emerging services and ensuring parity among comparable distribution mediums, while being technology neutral.
- ii To allow and encourage infrastructure sharing among the players of broadcasting and that with the telecommunication sector.
- iii Any other suggestion for policy and regulatory framework.

OUR Reply :

IT, telecom and broadcasting are specialized streams though may be interconnected in some areas. Keeping in mind the specialized technology, systems and market segment, we suggest that it should not be converged and let these sectors grow in its arena separately. Convergence may rather complicate the issues, rather there should be coordination and clarity in the regulations regulating them and should not be any over-lapping among them. They should be complimentary to each other and not contrary.

We suggest that the Authority should ensure that all the platforms delivering similar and/or substitutable services adhere to a common and equitable regulatory framework. The Authority may then issue a fresh consultation for formulating administrative policies towards building synergies across various dimensions, segments and ministries. So that the common areas be synchronized, and separate individuality and characteristics can also be maintained.

Q.14: What additional measures should be adopted to combat piracy and ensure content security through copyright protection in the broadcasting sector? How can the technology driven solutions be developed and deployed to prevent unauthorized distribution and detection of the source of original content. Provide your comments with detailed explanations.

Our Response :

Piracy & Content Security is an integral need to protect creativity, but piracy is creating a loophole in content security. As our cable & broadcasting industry is evolving, it also started facing the persistent challenge of piracy and content security. Combating piracy and ensuring content security in the broadcasting sector requires a multi-faceted approach that combines legal measures, technological solutions, and industry collaboration. The new broadcasting policy must address these issues comprehensively so as to safeguard the intellectual property rights of content creators and also ensure fair revenue to Distribution Platforms. A few suggestions from our side in this subject are as follows:

1. **Legal Framework:** At the outset we suggest there should be strict legal framework (i.e. introduction of strict IPR Laws and its implementation should be there).
 - a. **Strong IPRs Laws:** Governments should enact and enforce strong copyright laws that protect the rights of content creators and broadcasters. This includes implementing penalties for those found guilty of piracy and unauthorized distribution of copyrighted material.
 - b. **Training to implementing officials :** It is observed that the officials who have to implement are not fully aware of the IPR and hence the implementation of the laws become difficult. Hence a proper training program for them should be organized from time to time from an expert.
 - c. The Policy may also consider the WIPO treaty for incorporating the piracy protection clauses.
 - d. **Education and Awareness Campaign:** Educating consumers about the negative impacts of piracy can help reduce the demand for pirated content. Awareness campaigns can also highlight legal alternatives for accessing content.
 - e. **Collaboration** between content creators, broadcasters, technology companies, DPOs and law enforcement agencies is essential for combating piracy effectively.
 - f. **Industry loopholes to be plugged :** We would like to bring the attention of Authority, DD Free Dish be required to distribute the channels only in encrypted mode, failing of which some of the LCOs or smaller MSOs subscribe the DD Free dish and distribute the unencrypted format, which is a clear case of piracy. In addition, this is creating an uneven and unfair environment - if any channels are shown in non-encrypted format by DD Free-Dish, the same are not treated as Piracy while if the channels are shown in non-encrypted format by MSOs, they are booked under Copy Right Act. NBP should consider to curb this kind of duality of law which is hitting only one kind of stakeholder and others are taking undue advantage of the same. Hence DD Free Dish should distribute only encrypted channels.

2. **Technological Driven Solutions:**

- a. **DRM:** The new policy should ensure that strict Digital Rights Management (DRM) standards be enacted that would help prevent unauthorized copying and distribution of content.
- b. **CAS & SMS :** In addition, technologies that are engaged in content distribution should also be mandated to an encrypted & addressable system and implementation of anti-piracy technologies such as watermarking, fingerprinting, CAS & SMS to be due adherence with the standard parameters.
- c. **Geo-Blocking and IP Blocking:** With Geo and IP blocking technology, access to content based on users' location or IP address can be restricted.
- d. **Content Monitoring and Detection:** Deploying technologies to monitor and detect instances of piracy in real-time can help content owners identify unauthorized distribution channels quickly. This may involve using automated systems to scan websites, streaming platforms, and peer-to-peer networks for infringing content.
- e. **Research and Development:** Continued investment in research and development of anti-piracy technologies is crucial to stay ahead of evolving piracy methods. This includes developing advanced encryption techniques, content recognition algorithms, and anti-circumvention measures.
- f. Training and education in the concerned departments of government who are there to protect piracy, failing of which the policy would not be implemented in effective manner and lose its objectives. Also, there should be an inter-department coordination for protection of piracy.

Q. 15: What policy and regulatory provisions would be required in the policy to enable and facilitate growth of digital terrestrial broadcasting in India. Stakeholders are requested to provide strategies for spectrum utilization, standards for terrestrial broadcasting, support required from the Government, timelines for implementation, changes to be brought in the current ecosystem and the international best practices. Please provide your comments with detailed justification and proper reasoning.

Our Response :

Doordarshan is the only broadcaster which has been distributing the channels in Terrestrial mode. It is to be noted that analogue era has been at last stage and Digital transmission has been in vogue since 2015 and has been promoted and rather promulgated by the authorities.

In 2017, TRAI had recommended the Privatization of Digital Terrestrial Transmission (DTT) stated that - introduction of DTT services throughout the country in a time bound manner, which will be important to expedite the digitization of terrestrial TV broadcasting in the country to ensure that all delivery platforms are digitized and modernized to synergize the broadcasting ecosystem.

However, the said suggestions were not implemented by MIB and Terrestrial Broadcasting system started diminishing especially after the stoppage of Analog Transmission. Consequent upon which Prasar Bharti initiated Free Dish service, which was the substitute rather an alternative to Terrestrial Broadcasting, but that also not closed DTT and Prasar Bharti kept the terrestrial broadcast spectrum virtually dormant as there are no users for this service.

As the country is achieving the complete digitization in cable and broadcasting industry, hence terrestrial may be a deterrent to digitization and hence the New Broadcast Policy should impose a condition that either there should be complete digitization of DTT, or it should be stopped.

Q. 16 : How the strategies with respect to audience measurement and rating system in National Broadcasting Policy can ensure, address and encourage:

- (i)** Establishment of a transparent, credible, and technologically equipped television audience measurement system that accurately reflects viewer preferences and behaviour.
- (ii)** Expansion of the sample size to adequately represent the diverse landscape of television viewership, considering the anticipated growth in TV households,
- (iii)** Integration of data from non-linear sources from digital media to cover cross-platform content consumption habits.
- (iv)** Establishing a policy framework for conducting radio audience measurement in India.
- (v)** Encouraging multiple agencies to ensure healthy competition and enhancing service quality of measurement and methodologies.
- (vi)** Adoption and utilization of modern technologies.

Our Response:

To have a reliable and transparent audience measurement system is essential to understand viewer preferences and provide valuable insights to broadcasters, advertisers and to the Distribution platform operators to the extent of forming their own bouquets. It helps in understanding the audience's preferences and viewing pattern.

The new broadcasting policy should emphasize the independence and neutrality of the rating framework which should be free from undue influence. There should be more than one agency for the measurement, which should be registered with MIB.

First of all, there should be more than one agency for audience measurement and rating system. And in case of any conflict the other party may use another agency to have its own report and in case of dispute between both the parties, there should be an apex body (such as national institute of statistics) to decide the same, like there is a provision for audit in the interconnection regulations.

In addition to the technological survey there should be an online survey also to substantiate the same, which will authenticate the report.

Also, the minimum sample size should be fixed by the Ministry which should have demographic diversity and regional representation into the sample selection process to ensure that all segments of the population are adequately represented. Return Path Data (RPD) enabled STBs to quickly scale up the sample size for audience viewership measurement and neutralize the effects of sample tampering.

Besides that, there should be regular review and update the sample size to reflect the changing landscape of television viewership.

Integration of data from non-linear sources: MIB should develop mechanisms for integrating data from non-linear sources, such as digital streaming platforms, mobile apps, and social media, into the audience measurement system and collaborate with digital media companies to access and analyze data on cross-platform content consumption habit. Also, it should implement advanced data analytics techniques to correlate linear and non-linear viewing patterns and provide a holistic view of audience behavior.

The policy should draft rules for a correct and unbiased sample of viewing pattern to ensure accurate data collection and correct presentation of the same. The process may be defined to be followed by these agencies to achieve the purpose in true spirit and it may also have a provision of audit of their report. The mechanism may be automated for drawing the report without minimal human intervention. MIB should develop specific guidelines and standards for

conducting radio audience measurement, including sample size, data collection methodologies, and reporting formats.

The adoption of modern technologies, such as big data analytics, machine learning, and artificial intelligence, for audience measurement and data analysis should be encouraged. There should be adequate investment in research and development to explore innovative measurement techniques and tools that can capture evolving viewing habits and preferences.

Q.17 What other strategies should be adopted in the policy document for ensuring a robust grievance redressal mechanism to address and resolve complaints with respect to content as well as services effectively? Provide your comments with proper explanation.

OUR RESPONSE:

A robust grievance redressal mechanism is crucial for addressing and resolving complaints related to content and services effectively. The said mechanism should be applied to all the stakeholders in parity. Like, at present there are Program Code and Advertisement Code but the same is not applied to all the content providers. The code should be applicable to all the content creator and all distribution platforms (irrespective of technologies) without any exception or concession. All the platforms should be obligated to adhere to these codes.

The Framework of redressal mechanism should be :

- A web-based complaint redressal system may also be initiated so that any of the stakeholders or the viewers can file complaints regarding content violations.
- The Authority should take action and ensure compliance of the same within 7 -10 days of receipt of the complaint for resolution.
- A report needs to be sent to the Regulatory/Enforcing Authority for their inspection and to ensure compliance.

The said mechanism should be :

1. Transparent and Accessible and be easily accessible to the users, there should be clear guidelines & Procedures on the basis of above framework.
2. Timely response and resolution is the key to all the Grievance redressal mechanism.
3. There should be multiple channels for complainant submissions such as online forms, email, phone, and postal mail.
4. The personnel appointed to handle the complaints should be adequately trained and well qualified.

5. There should be a mechanism for regular reporting and review of grievance redressal activities and also periodic audits and evaluations should be there for improvement and ensure that the process remains effective over time.
6. Users should have the option to escalate their grievances to higher levels of authority or seek redressal through legal channels if necessary.
7. There should be a mechanism to obtain feedback from users about their experiences with the grievance redressal process.
8. An independent body or authority should be responsible for overseeing the grievance redressal process. This body should have the authority to review complaints impartially and ensure that appropriate actions are taken by service providers.
9. Mediation services be provided to facilitate dialogue between parties.

Q. 18: What role the broadcasting sector should play to fulfil social and environmental responsibilities? Provide in detail the key focus areas and the strategies the sector should consider. Also provide strategies on the following specific issues:

- i To empower Person with Disabilities (PwDs) to access the information and entertainment programmes
- ii To encourage gender equality w.r.t. the participation and safety of the women workforce
- iii To raise awareness about the issues of marginalized tribal communities, minorities and LGBTs
- iv To adopt green broadcasting practices

Q. 19 : Keeping in mind the immense role of broadcasting during disasters, how can the latest technologies be effectively utilized to provide disaster alerts and timely updates on television/mobile/radio during disasters? Elaborate with proper justifications.

OUR REPLY :

Since above two questions are purely related to broadcasting, we refrain giving any reply on this.

Q. 20 : Stakeholders may provide their comments with full details (measures/ strategies) and justification on any other subject matter which

may be considered to be incorporated as the inputs for the National Broadcasting Policy.

OUR RESPONSE:

(i) Promotion of Local Content

Local content can play an important role in the cable and broadcasting sector, and it may be an effective tool to promote regional and cultural activities of the country. The importance of local content cannot be ignored, the way it is impacting social media which has been flooded with local content. It not only provides entertainment but also has become the means of enhancing our knowledge and also spreading the culture of the local areas besides creating lots of employment/entrepreneurial opportunities.

Broadcasting the Local Content through television, radio, and digital platforms, can assist it to cover wider area and have extensive reach. It brings local content to a broad and diverse audience, exposing them to the richness of their own culture and heritage, which will also be helpful for cultural preservation. It will also give opportunities to local artists and talent to express and show their creativity.

The New Broadcasting Policy needs to have one section related to Local Content and ensure that traditions of the country and regions are not lost in the wave of globalization. It should incentivize Local Content Production through Broadcasting by providing subsidies, special time slots, training and creating a platform where they can show their talent.

Side by side, it should be touched by light regulation. Like it should be broadcasted in accordance with programming code, keeping the decency and culture of our country. They should obtain a certificate from a specialized authority to be broadcasted in social and any other media.

(ii) Technology innovation & Standardization:

Our Cable & broadcasting industry is evolving with the advent of digital era, it is therefore becoming imperative that the new broadcasting policy should promote technological innovations and advancements but keeping in mind the interest of all the stakeholders. The stakeholders be allowed to add value added services in the realm of the regulation. In the beginning, we may have light regulations for the evolvement of that technology and then it should come under forbearance. The Policy should be non-discriminatory for all the stakeholders. By embracing emerging technologies with the existing system, we can drive growth, and make our position better in the global market.

(iii) Separate Regulatory Authority for Broadcasting:

At present broadcasting sector is regulated by the Telecom Regulatory Authority of India (TRAI), but cable and broadcasting is a dynamic sector and is constantly evolving with new technological advancements and changing consumer behavior. We can see that the content is available on various platforms and each platform has its own uniqueness, which therefore requires an expert agency which is expert in all the platforms and understanding the technological and market needs for all the platforms. It should address the unique requirements of each platform. It is therefore essential to establish an independent regulator, solely dedicated to cable & broadcasting services.

The cable & broadcasting sector has various facets, and the mode of distribution is increasing, earlier it was only cable and now there are various means of distribution of content such as internet, social media, mobile etc. hence this section has become multifaceted, which encompass various mediums of content distribution. This requires a specialized regulator with a deep understanding of each area of the distribution and micro complexities of content and its distribution, and the intricacies involved therein.

An expert and independent regulator can provide focused attention to the micro and broad concerns of each stakeholder which will bring clarity and harmony in regulatory regime and to ensure that the regulations are issued and made to meet the unique requirements and challenges of each stakeholder. We, therefore, suggest to have an independent authority “Broadcasting Regulatory Authority of India (BRAI) in the same line of TRAI, which shall take care of licensing, content regulation, distribution, consumer protection, and industry development.

BRAI should ensure and bring a more efficient, specialized, and non-discriminatory regulatory framework and to address the distinctive needs of each stakeholder/platform which will keep the environment cordial and help in equitable growth of the sector due to which the customer would also be benefitted.

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