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Dear Sir,

**Re: NBDA's Comments on TRAI Consultation Paper dated 02.04.2024
on Inputs for Formulation of National Broadcasting Policy – 2024**

Attached please find comments of NBDA on TRAI Consultation Paper dated 02.04.2024 on Inputs for Formulation of National Broadcasting Policy – 2024.

Thanking you,

Yours faithfully,



Annie Joseph
Secretary General

Encl: As Above

CC: Mr. Avinash Pandey, President, NBDA

NBDA’s Comments on TRAI Consultation Paper dated 02.04.2024 on Inputs for Formulation of National Broadcasting Policy - 2024

News Broadcasters and Digital Association (“**NBDA**”) is an association of 24x7 television broadcasters and digital media entities/platforms who broadcast and/or publish news and current affairs programmes and content. NBDA represents several important and leading national and regional private news and current affairs broadcasters who run news channels and digital platforms in Hindi, English and Regional languages.

NBDA appreciates the opportunity given to it by Telecom Regulatory Authority of India (“**TRAI**”) for providing comments on the Consultation Paper dated 2nd April 2024 relating to ‘Inputs for Formulation of National Broadcasting Policy – 2024’ (“**CP**”) on the issues concerning broadcasting in India.

NBDA also welcomes the effort of the TRAI to provide a forward-looking vision document and a roadmap stipulating the vision, mission, strategies and action points for fostering the development and growth of the broadcasting sector of India and would like to take this opportunity to present its inputs and comments in response to the CP for due consideration by the TRAI in the hope that these comments and concerns can assist, in some way, the TRAI in framing the National Broadcasting Policy (“**NBP**”) for the country.

Given the above, before providing comments to the specific questions raised in the CP, NBDA would like to draw the attention of the TRAI to certain concerns arising from the issues raised in the CP:

1. Ongoing Consultations

The initiation of CP on inputs for formulation of the NBP is a commendable step in shaping a future ready broadcasting landscape in India.

NBDA has dedicated substantial time and resources to provide comprehensive feedback and have actively participated in several of the previous consultation processes¹ initiated by the TRAI on various aspects, issues and concerns pertaining to the broadcast industry, however, the consultation processes have not resulted in any recommendations. It would be pertinent that the intellectual capital invested to respond to the aforesaid consultations must also be taken into account and factored in while formulating / recommending upon the NBP. In the absence thereof, the same would remain a shallow exercise and which has been done and conducted

¹ Consultation Paper on “Regulating Converged Digital Technologies & Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication Services”; “Consultation Paper on Regulatory Mechanism for OTT Communication Services and Selective Banning of OTT Services.”; “Consultation Paper on Review of Regulatory Framework for Broadcasting and Cable Services”; “Draft Broadcast Services (Regulation) Bill; “Consultation Paper on Issues relating to Media Ownership”

without taking into account several important concerns and aspects which have already been touched upon in the previous exercise.

In light of this, NBDA requests TRAI to consider submissions made during prior consultations as integral inputs to the current consultation process. This would also be important to ensure continuity of dialogue and policy coherence and an added advantage by enhancing the efficiency of the consultation process by building upon the existing foundation of knowledge and avoiding duplication of efforts.

2. **Nature of the NBP** – The NBP should be a carriage/signal-based policy aligned with TRAI’s statutory remit and should not encompass content-related issues unless the same is tied to the carriage of the content on different broadcasting mediums.
3. **The NBP should, as its name suggests, cover only the Broadcasting Sector**– The NBP should not cover aspects that apply generally to the media and entertainment sector. Accordingly, issues about the film and music industry, online gaming, growth of animation, VFX and post-production are not within TRAI’s remit. These sectors do not comprise the broadcasting sector and for this reason, are not and should not be regulated under extant broadcasting regulations. Accordingly, these segments should not be included in the NBP.
4. **OTT Services**- OTT services cannot be classified as broadcasting services and accordingly should be kept out of the scope of the NBP. The classification of essentially distinct services such as OTT services as “broadcasting” is a legislative prerogative, given that other laws, including the Copyright Act, of 1957 and India’s Treaty obligations will also be potentially (adversely) impacted.

Further, OTT services are already regulated by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and further regulation only increases the scope of conflict.

5. **Convergence** – The broadcasting and telecommunication sectors are inherently different services and should not be converged. The NBP must recognise that the convergence that has taken place till now is only a technological construct and does not call for the convergence of laws and regulations of these two sectors.
6. **Self-regulation** – Forbearance should be the bedrock of the NBP in order to provide a level-playing field to all stakeholders irrespective of the medium. This would encourage fair competition.

7. While formulating NBP care should be taken to ensure that issues like encryption, carriage and regulations should be uniform across platforms including for the Public Service Broadcaster's own platform.

NBDA's Comments on the TRAI Consultation Paper on Inputs for Formulation of National Broadcasting Policy - 2024 are as follows:

Q1. Stakeholders are requested to provide their inputs in framing the Preamble, Vision, Mission and Broad Objectives for the formulation of the National Broadcasting Policy (NBP).

NBDA Comments:

1. That predictability, certainty and sustainability form the foundation of any policy. The broadcasting sector is evolving at a fast pace owing to the ever-changing consumer content consumption habits, growing dissemination of media and in light of emerging technologies.
2. That this calls for streamlining the regulatory framework governing the broadcasting sector which currently is dispersed, over-complicated and requires simplification and to be better structured. This can only be achieved through a broadcasting sector-specific policy that provides a framework for the broadcasting industry and also acts as a vision document setting out goals and objectives that the broadcasting industry and the Government can strive to jointly achieve.
3. That supporting TRAI's attempt to formulate an NBP, NBDA submits the following inputs for framing the preamble, vision and mission statements and the broad objectives for the NBP:
 - a. **Preamble –**
 - i. The broadcasting and cable sector has played a key role in shaping India's social and economic development by disseminating social and cultural programming, entertainment, news and information. With the unprecedented growth it has seen, the industry has played a key role in generating direct and indirect employment opportunities in India.
 - ii. With the changing consumer behavioural patterns, the broadcasting industry must keep up with changing content delivery models, distribution technologies, demand for new and innovative content, and changing consumer behaviour and preferences. The broadcast sector needs to be able to present a viable alternative to new digital

technologies and not subsume or be subsumed into such new digital technologies/platforms from a regulatory perspective.

- iii. The NBP must underscore the importance of sustained adoption of technology to offer viable options and create a conducive policy framework to address the issues prevailing in this sector that have been elaborated upon in the comments below.
- iv. To help propel the growth of this sector, the NBP should endeavour to attract additional investments in the broadcasting sector since the broadcasting industry is capital and technology-intensive and requires a constant infusion of funds for creating quality content, inducting talent, introducing new technologies and encouraging innovation.
- v. Most critically, the time has come to unshackle broadcasting. Market forces should be allowed to govern linear broadcasting and the policy of forbearance is the need of the hour to ensure steady progress in the broadcasting sector without compromising on the right to freedom of speech and expression. Any restriction imposed on the freedom of speech and expression should follow and align with the reasonable restrictions provided in Article 19(2) of the Indian Constitution.
- vi. The role of public and private broadcasters must be more closely appreciated and delineated (particularly where the public service broadcaster departs from its mandated role) and further, the NBP should promote cooperation between the two types of broadcasters without calling for the imposition of onerous obligations on the private broadcasters.
- vii. Lastly, the NBP should not converge broadcasting, telecommunication and IT sectors and should be formulated in a manner that solely caters to the broadcasting sector.

b. Vision –

- i. To make and promote India as a broadcasting and uplinking hub by creating a regulatory environment that fosters innovation, creativity and ease of doing business.
- ii. To provide a roadmap to the existing stakeholders for clearly laying down the process for allocating natural resources and making the industry robust, resilient, accessible and affordable to ensure stability.

c. Mission & Broad Objectives – In furtherance of the vision noted above, the NBP should have the following:

- i. Facilitate and promote the growth of the broadcasting industry by creating a conducive broadcasting ecosystem that supports all stakeholders.
- ii. Grant “Infrastructure Status” to the broadcasting industry.
- iii. Adopt light touch regulation with emphasis on self-regulation, particularly in grievance redressal, and forbearance in tariff and advertisements.
- iv. Follow the principle of ease of doing business by undertaking a comprehensive review of regulatory processes, policies, practices, and procedures in the broadcasting industry.
- v. Establish a policy that is grounded in the predictability, certainty, and sustainability of the broadcasting industry.
- vi. Promote ‘Make In India’ by providing incentives for domestically manufacturing broadcasting equipment such as set-top boxes and forming an inter-ministerial task force to draw a roadmap for introducing the incentives.
- vii. Enable seamless uplinking of global content from India and foster ease of doing business by minimizing the compliance framework.
- viii. Promote and adopt sustainable and environmentally friendly practices.
- ix. Provide content security and protect the intellectual property rights of the stakeholders.
- x. Streamline and provide a fair allocation of natural resources.
- xi. Promote fair competition amongst broadcasters and ensure that no single entity can perpetuate any monopolistic practices.

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.

NBDA Comments:

1. That the NBP should strengthen and promote self-regulatory mechanisms and must ensure that any framework is supportive and strengthens self-regulation. This is particularly important since the broadcasting sector is evolving at an unprecedented rate. Further, economy, revenue, employment etc. are also dependant on the circumstances. The broadcasting sector, like every other sector, was severely affected by the extraordinary circumstances of COVID-19. The circumstances and the ground reality of operations can only be realised, assessed, and addressed quickly by the market forces.

2. That further, although TRAI has addressed some of the issues regarding the cost of production and revenue, however for a niche genre like news & current affairs broadcasting, the cost of production becomes an essential determinant since news broadcasters are constrained to offer channels at low prices. This issue is enhanced due to the dependency of news channels on advertisement revenue and the declining share of the subscription revenue given the shift of the subscription base to OTT platforms.
3. That accordingly, the market forces and the stakeholders should be able to decide the parameters, targets, and institutional framework for the measurement of contribution towards the economy, revenue generation, employment generation, subscription figures etc. Further, the “forbearance model” must be adopted vis-à-vis pricing and packaging of channels and a framework for the same should be provided through this NBP to ensure that all broadcasters can remain competitive and continue to provide a wide array of options to consumers.
4. That as regards audience measurement mechanisms, the NBDA has provided its comments regarding strengthening the current mechanisms and has proposed the adoption of new mechanisms for measuring audience behavioural patterns and trends of consumer content consumption in response to Question 16 below.

- Q3. Please suggest the strategies to be adopted by the Government and industry for propelling the growth of the 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 an emphasis on skill development;**
 - iv. Promotion of innovation led Start-ups and SMEs;**
 - v. Any other related area/strategy.**

NBDA Comments:

1. That to achieve the goals mentioned above, the TRAI and the Ministry of Information and Broadcasting (“MIB”) must endeavour to empower the broadcasting industry.
2. That this empowerment can be achieved by granting one of the long-lasting demands of the broadcasting industry of granting it the “Infrastructure Status”. Grant of the infrastructure status would confer the following benefits:

- a. Tax benefits under Section 80-IA (tax holiday) and Section 72A (carry-forward of losses) of the Income Tax Act, 1961 will help classify the broadcasting sector as a priority sector by the Reserve Bank of India;
 - b. Enable the broadcasting industry to raise finance from Non-Banking Financial Companies, Insurance Companies, Pension Funds and India Infrastructure Financing Company Limited (IIFCL);
 - c. Avail easier loans/credit facilities on a long-term basis at reasonable rates;
 - d. Help in setting up production facilities for broadcasters as various state governments offer concessions and incentives for setting up infrastructure industries;
 - e. Assist in reducing the cost of service of the broadcasting industry allowing it to compete with emerging technologies, apart from enhancing the adaptability of new technology, especially in the global digital world;
 - f. Enhance savings in terms of foreign exchange as it would encourage entrepreneurs to set up businesses for the production of equipment/services that are being imported at present.
3. That revenue generated through some of the above-noted measures can be helpful for SMEs and start-ups in their operations and allow them to invest more in innovation.
 4. That, similarly, in furtherance of the 'Make in India' initiative of the Government, Indian set-top boxes ("STBs") can be manufactured and can be deployed in rural areas. Domestically manufactured STBs may be incentivised by policy changes in terms of differential duties, levies and rationalising taxes to make them more competitive yet affordable for the Indian population, particularly in rural areas. Moreover, private operators must be incentivised to buy domestic broadcast products. The Government should give preferential treatment to domestic products and services with domestically owned IPR while procuring equipment for government agencies. Availability of IPR in a fair, reasonable and non-discriminatory (FRAND) manner required for promoting local manufacturing must be ensured.
 5. That further, incentives must also be provided to global manufacturers to set up their manufacturing units in India to boost competition. This would further generate employment opportunities in the Indian broadcasting sector.
 6. That Domestic Research and Development (R&D) by leveraging indigenous R&D capabilities should be encouraged to promote design-led manufacturing in India.
- Q4. What other policy and regulatory measures should be adopted in the policy for the creation and expansion of quality Indian content to make India the 'Global Content Hub'? Further, suggests how to extend**

support to local talents and content developers in terms of training, infrastructure and incentives. Provide your comments with a detailed explanation.

NBDA Comments:

1. That the NBP should limit its purview to the broadcast regulatory environment. Fostering of a quality content generation ecosystem would not and shouldn't be conflated with a broadcasting policy document or vision, since broadcasting is only a medium/ format for the exploitation of content. The NBP should be a carriage-based policy and should not be content-driven.

Q5. Suggest the measures to promote the uplinking of television channels owned by foreign companies from India, which is now permitted by the Government to make India an 'Uplinking Hub'.

NBDA Comments:

1. That deregulation is key to promoting India as an uplinking hub and for promoting ease of doing business. Growth cannot be sustained in an over-regulated ecosystem. To ensure sustained growth and promote India as an uplinking hub, the regulatory framework pertaining to broadcasting must be eased and streamlined. The MIB realised that the deregulation of provisions concerning uplinking would help broadcasters in other countries to uplink from India and accordingly revised the Policy Guidelines for Uplinking of Television Channels from India, 2011 and notified the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 ("*Uplinking Guidelines*").
2. That similar attempts to do away with other onerous requirements, that are imposed on the broadcasting industry, should be made to facilitate ease of doing business. In furtherance of this, the NBP should endeavour to encourage simplification of the processes of inter alia filing applications and requisite documentation for seeking grants of approvals/permissions, processing of the applications and documentation in a time-bound manner and adopting a light touch model, to the extent possible, for regulating pricing and use of ad inventory to facilitate the initiative of making India a hub for uplinking purposes.
3. That it must be borne in mind that the regulation of content – such as the source of news and current affairs – has no discernible relation with the regulation of Uplinking and Downlinking of channels, which is concerned with the allocation of resources such as spectrum and transponder space on

the satellites. Hence, the NBP must stray clear of regulating and dealing with content.

4. That further, incentives such as liberal limits/caps on FDI for uplinking of news and current affairs TV channels and uploading/streaming of news and current affairs for uplinking from India should also be considered to promote India as an uplinking hub.

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?

NBDA Comments:

1. That the consideration for the private players and a public service broadcaster such as Prasar Bharati would be very different from each other. However, India's public service broadcaster, Prasar Bharti must keep up with technological innovations and leverage different platforms to make its presence felt.
2. That further, Prasar Bharti must also continue to invest in quality content and delivery of the same for engaging with their audiences. This can be achieved by standardising the processes and responding to the prevailing market needs. This may further involve moving away from a merely broadcasting model to an engagement model by understanding the needs of the consumers and competing, to the extent possible and permitted, with the private broadcasters.
3. That as far as the public service broadcaster is concerned the expectation is that the public service broadcaster must stay true to its mandated objective of serving the public interest, however where the public service broadcaster acts akin to a private broadcaster in terms of commercial or business objectives, it must be treated no differently (in terms of regulations/restrictions etc.) in respect of those businesses as would a private broadcaster. This will encourage the public service broadcaster to focus on its original mandate and objective.
4. That one of the concerns of NBDA is that the Public Service Broadcaster, Prasar Bharti's approach of prioritising "revenue maximisation" through a less than transparent auction process relating to DD Free Dish. Considering the opaque practices observed in auction processes, it is critical for TRAI to advocate for transparency and accountability to prevent the creation of artificial

scarcity. The non-disclosure of slot numbers during auctions, leads to market distortions and hinder fair competition. TRAI's intervention is crucial to establish that promotes openness and ensures a level playing field for all stakeholders.

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

NBDA Comments:

1. That for the NBP, OTT platforms/services should not be included in the NBP as these cannot *per se* be classified as broadcasting services. This is because broadcasting services work on a “one-to-many” transmission principle without providing control to the viewers of the content they are viewing. On the other hand, OTT services are usually unicast and work on a “one-to-one” transmission principle. Treating OTT services akin to traditional broadcasting services would amount to treating dissimilar/unequal services in a similar manner/equally.
2. Moreover, NBP cannot seek to regulate OTT platform as they do not fall within the definition of “licensees” under Section 4 of the Indian Telegraph Act, 1885, and consequently, TRAI does not have the authority to regulate them under its constituting Act, the Telecom Regulatory Authority Act, 1997. Further, under Entry 22A and 22B of the recently amended Allocation of Business Rules, 1961, only the Ministry of Information and Broadcasting has jurisdiction to regulate issues concerning (i) films and audio-visual programs made available by online content providers and (ii) News and current affairs content on online platforms. Thus, MIB and Ministry of Electronics and Information Technology (MEITY). govern and regulates OTT services and service providers through the Information Technology Act, 2000 and the rules notified thereunder. Additionally, OTT providers are also subject to the extant law of the land such as, inter alia, the Competition Act, 2002, Consumer Protection Act, 2019, and the Copyright Act of 1957.

Q8. 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.

That NBDA does not have any submissions concerning this question.

Q9. 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 underage players) from negative and psychological side effects, while promoting healthy gaming.

NBDA Comments:

1. That as per the Government of India (Allocation of Business) Rules, 1961² (“*Allocation of Business Rules*”), matters related to online gaming come under the purview of the Ministry of Electronics and Information Technology and not under the TRAI or the MIB and are regulated under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and therefore should not be part of the NBP.
2. That further, it is also submitted that the sector of online gaming is wholly unrelated to broadcasting and does not affect the carriage of broadcasting and cable services and accordingly should not be included in the NBP. Including such subject matters under the NBP will result in the NBP losing focus on the subject of broadcasting.

Q10. 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.

NBDA Comments:

1. That while it is pertinent to discuss the growth of animation, VFX and postproduction segments, these developments are more relevant from the perspective of content creation and engagement and not the carriage of content or a signal-based policy vision document. Accordingly, the TRAI must refrain from including this segment in the NBP.

Q11. What strategies and measures should be included in the policy for the music segment to enhance infrastructure development, upskilling artists, financial certainty and 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.

² Available at https://cabsec.gov.in/writereaddata/allocationbusinessrule/completeaobrules/english/1_Upload_3861.pdf

NBDA Comments:

1. That NBDA does not have any submissions concerning this question as issues and policy relating to music segment are wholly unrelated to broadcasting and does not affect the carriage of broadcasting and cable services and should not be included in the NBP.

Q12. 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?

That NBDA does not have any submissions concerning this question.

Q13. 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.**

NBDA Comments:

1. At the outset, it is imperative to note that the telecom and broadcasting services are two distinct services that perform different functions.
2. That the NBP must recognise that convergence is merely a technology construct that has happened to some extent due to technological development. However, given the very nature of these services, the telecom, information technology and broadcasting sectors or their underlying services cannot be merged. Since these services are not similarly placed, comparing, or converging these services through a converged legal framework would not be correct.
3. That currently, as per the Allocation of Business Rules, the MIB is the nodal ministry for regulating broadcasting and cable services as well as digital and online media-related content services and is responsible for issuing related licenses/permissions/registrations to broadcasters and distribution platforms.

The MIB's responsibility extends to news and current affairs content on online platforms as well as the Press. On the other hand, the Department of Telecommunications (“**DoT**”) under the Ministry of Communications is the nodal authority for issuance of various licenses/permissions/registrations/approvals to telecom service providers.

4. That the Indian Telegraph Act, 1885 is the primary legislation governing the regulation of telegraphs which provides the power to the Government to grant a license to any person for establishing, maintaining, or using a telegraph. In 2013, the Government introduced the regime of Unified License (“**UL**”) for providing licenses to telecom service providers. While the Access Service Authorization and Internet Service Authorization under the UL include the licensee to provide IPTV service, which is a broadcasting service, other broadcasting services such as satellite-based DTH and Cable TV Services are not included in the scope of authorizations under the UL.
5. That in the Consultation Paper on “Regulating Converged Digital Technologies and Services - Enabling Convergence of Carriage of Broadcasting and Telecommunication services”³ that was published in January 2023, TRAI noted MIB's response to the DoT reference dated 20th January 2021 on Convergence of Broadcasting Services and Telecommunication Services. In this response, the MIB was of the view that the TRAI along with the MIB has successfully handled all the legal, policy and regulatory requirements governing the broadcasting sector. Further, the MIB itself recognised that “*regulation of content requires separate skill sets of creative and artistic persons than that of technocrats or economists who can factor the impact of content on sensibilities, morals, and the value system of the society*”. Accordingly, the carriage policy and regulations for broadcasting should continue with MIB. The MIB was also of the view that the issues related to the allocation of broadcasting spectrum and its realignment should be dealt with by the MIB at national and international levels as the MIB is well versed with the policy and plans of the utilisation of spectrum bands for various services that have been standardized by international bodies like ITU.
6. That if a converged policy comes into existence, there is (a) the risk of “false equivalence” being drawn between the sectors; and (b) the risk of regulation of certain sectors by people who are not competent, specialized, or focused enough to deal with sector-specific issues.⁴ Convergence is a technological construct and as such, it must not be misconstrued to converge the policy framework.

³ Available at https://www.trai.gov.in/sites/default/files/CP_30012023.pdf

⁴ *The Implications of Convergence for Regulation of Electronic Communications*, OECD
<https://www.oecdilibrary.org/docserver/232632377163.pdf?expires=1696850740&id=id&accname=guest&checksum=C5976F56C80683A01F8D036AEEBA7A9A>

7. That since the convergence would have to be dealt with at the statute level, the need for the hour is not to bring in further disturbance in the broadcasting network by conflating other issues but only to re-design business processes in the broadcasting industry.
 8. That pertinently, the “lack” of a converged legal framework has not hindered the growth of technology or resulted in the underdevelopment of these sectors. Accordingly, it would be imperative to identify the issues that the TRAI seeks to resolve by proposing a converged framework for these services.
 9. That given the above, NBDA submits that there is no requirement for establishing a converged legal, administrative, regulatory, and licensing framework. Having said that, the NBP must focus on promoting ease of doing business in the broadcasting sector by streamlining the process of seeking permissions and timelines instead of converging two sectors and services that are entirely different from each other.
 10. That one of the ways to promote ease of doing business is granting ‘infrastructure status’ which would confer various benefits to this sector in terms of tax, finance, foreign exchange, providing facilities for production and reducing the costs of providing the services as explained above in our response to Question 3.
- ii. To allow and encourage infrastructure sharing among the players of broadcasting and that with the telecommunication sector.**

NBDA Comments:

1. That as noted above, the broadcasting, information technology and telecom services are inherently different and should not be converged. The NBP must recognise that convergence is merely a technological construct that has happened due to the evolution of alternate technology.
2. That the services are substantially different since broadcasting pertains to communication to the public and telecommunication involves communication between two or more persons. The possibility of delivering telecommunication, broadcasting and data services at the same time cannot be considered as convergence and should not be the only reason for the convergence of these three sectors.
3. That TRAI must also consider the number of organisations and players that are involved in each sector and must recognise that the telecommunication sector is currently concentrated in the hands of a few players. Accordingly, any attempt to converge the telecommunication, information technology and

broadcasting sectors could potentially result in the concentration of power in the hands of the existing few players thereby increasing the dependence of the users/consumers on these service providers. Such concentration may lead to a monopolistic market and also allow such a limited number of players to manipulate the pricing and policies in a manner that affects the right to freedom of speech and expression of journalists.

4. That moreover, TRAI has noted in the CP, the importance of contemplating the grant “Infrastructure Status” to the broadcasting sector. The NBDA respectfully submits that, at this stage, the broadcasting sector would benefit more from getting the Infrastructure Status which would open the gates for the existing players to seek the benefits and concessions that are granted with this status and would also encourage new players to enter this market.
5. That accordingly, while drafting the NBP, the TRAI should be conscious of the fact that the mere possibility of offering telecommunication using a broadcast infrastructure or vice versa cannot be a cause and/or reason to converge the regulating authorities and the legislation and should recommend granting the Infrastructure Status to the broadcasting industry instead.

iii. Any other suggestion for policy and regulatory framework.

NBDA’s Comments:

1. That, while not being oblivious to the development of existing and future different technologies, the NBP must adopt the policy of forbearance for all the stakeholders irrespective of the medium and allow the market forces to govern the broadcasting industry, particularly the linear broadcasting industry. This is particularly important since the broadcasting industry is already overregulated and would get stifled if the policy of forbearance is not adopted at this stage. The focus should be on sectoral development, plurality, QoS, and accelerating adoption of new technologies while also establishing a level playing field.

Q14. 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 unauthorised distribution and detection of the source of original content. Provide your comments with detailed explanations.

NBDA Comments:

1. That while issues concerning piracy and content security through copyright protection in the broadcasting sector are important, however the same cannot be

brought within the remit of NBP and have to be dealt with by the specific law legislated for this purpose i.e., the Copyright Act, 1957.

Q15. 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.

NBDA Comments:

1. That as noted in the CP, terrestrial broadcasting has remained in the exclusive domain of Prasar Bharati. Realizing the limits of the terrestrial television platforms, the public service broadcaster opted for and migrated to the digital terrestrial transmission system (“DTT”).⁵
2. That there has been a global transition from analogue broadcasting, which is now becoming obsolete, to digital terrestrial broadcasting and the time is ripe for India to take advantage of this transition and to meet the demand for good quality services. In light of the proliferation of digital media and digital distribution platforms, the use of DTT can help reach larger audiences and provide a better viewing experience to consumers/subscribers.
3. That the NBP should endeavour for a phased implementation of the DTT providing a clear date for switching off the analogue transmission and migrating to DTT. Different dates may be provided for different regions/states depending on the market, consumer preference, and viewership structure of these areas. This would also allow the stakeholders to understand the perception of the consumers towards DTT. Further, as recommended by TRAI in its Recommendations on Issues related to Digital Terrestrial Broadcasting in India⁶, the Transmission Network Model may be adopted for implementing DTT service in India.
4. That having said that, the implementation of DTT must not remain under the exclusive domain of Prasar Bharati and must involve participation from private players as this step would substantially contribute to the growth and development of the broadcasting sector. This could also be achieved through a collaboration between the private players and the Government in the initial phases.

⁵ See <https://prasarbharati.gov.in/digital-terrestrial-tv/>

⁶ Available at https://www.trai.gov.in/sites/default/files/Recommendation_DTT_31Jan2017.pdf

5. That the involvement of private players will boost investment and funding which would be required for developing and maintaining the infrastructure required for the DTT network. Further, private participation would also contribute to improving content creation and broadcast on DTT platforms. Adoption of DTT will allow service providers to expand their geographical reach to access areas with poor cable and satellite penetration.
6. That the DTT platforms should be built on robust technology that allows for encryption and tracking viewership patterns to understand the evolving needs of consumers and make suitable adjustments to provide better services.
7. That as far as spectrum utilisation is concerned, both Multi Frequency Networks (“MFN”) and Single Frequency Networks (“SFN”) are viable options. However, since MFNs are simpler to implement, MFN architecture may be deployed for DTT networks.

Q16. 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**

NBDA Comments:

1. That the CP rightly points out the requirement for a transparent and credible audience measurement system for quantitatively assessing the nature of the content that is being viewed, the medium and channel on which the content is being viewed etc. and is particularly helpful from a resource allocation perspective.
2. That TRAI has rightly identified the issues with the audience measurement system set up by the Broadcast Audience Research Council (“**BARC**”). The NBDA submits that the relaunch of the BARC ratings in 2022 and the 4-week rolling data reporting requirement is marred with issues and is not feasible for the news broadcasting genre, as they fail to evaluate and measure genre-wise content. Further, some of the data cannot be relied upon to conduct performance management of content creation which results in the inability of news channels to decide on the stories/content that is of interest to the viewers and promotion of insignificant content. These issues are further intensified by the inadequate sample size and tampering of meters as explained below.

3. That accordingly, developing transparent and accurate television audience measurement and ratings is the need of the hour.
4. That the NBP should encourage audience measurement mechanisms that are independent, reliable, transparent, and robust and also provide genre-specific data for meaningful evaluation. This can be achieved in the following manner:
 - a. **Anonymisation of data** – the data should be anonymised in a manner that masks the details of how that data has been captured. This must be done without compromising the privacy of the individual and their personal data, maintaining and transferring data in an anonymised or pseudonymised manner, rotation of panel homes and establishing mock panel homes.
 - b. **Avoiding data smoothening** – practices that provide data at the granular level, especially for news channels and do not result in smoothening the data anomalies should be adopted. The availability of data at the granular level allows for early and proper detection of the anomalies. Further, samples should be increased for niche channels to represent their true viewership. Both raw and additional data should be provided when the same is sought by broadcasters. Further, an independent global advisor must also be engaged who can advise on best practices and technologies that audience measurement systems can adopt to further strengthen the systems and processes and to ensure the credibility of the source of TV audience measurement.
 - c. **Return Path Data (“RPD”) mechanism** – The audience measurement mechanism has seen a gradual shift from noting these measurements through entries in diaries to peoples meters being installed at the customers’/subscribers’ premises by rating agencies. Now audience measurement can also be gathered through return-path. RPD is viewership data of a customer that is returned by customers’/subscribers’ premises equipment either to the rating agency directly or to the distribution platforms operators who in turn share it with the rating agency for statistical analysis. This mechanism can also be used to gain insight into content viewership patterns and details provided that the customers’/subscribers’ consent has been sought to use their equipment to gather such data and such data is transferred electronically and in an anonymised manner.
 - d. **Providing Transparent Outlier policy** – a transparent outlier policy should be provided for audience measurement systems such that the policy keeps in check the statistical outliers arising due to technical issues. Further, the outlier policy should also check for panel tampering if the viewing habits do not correspond with the profile and if the same is also established by way of internal investigation and raw data analysis. To ensure the

credibility of such a policy, the application of the policy should be based on an algorithm without any manual intervention.

- e. **Structural changes at the BARC** – BARC must address anomalies in rating certain types of channels and must make the process of selection of the members of the Technical Committee more transparent. Further, independent directors could also be introduced and change of management at regular intervals may also result in making the current system more transparent and credible.
 - f. **Other measures** – equal participation of all stakeholders should be ensured, real-time data measurement and analysis should be provided, and the rating agencies must be subjected to independent audits.
- ii. **Expansion of the sample size to adequately represent the diverse landscape of television viewership, considering the anticipated growth in TV households.**

NBDA Comments:

1. That increasing the sample size for measuring viewership details and understanding the patterns is the need of the hour. To increase the sample size, additional BAR-o-Meters must be deployed, particularly for genres that have low viewership such as news. Moreover, a larger sample size would address the problem of panel tampering.
 2. That while BARC aims to increase the meter count to 65,000⁷, this number is insufficient and does not reflect the viewership patterns of over 200 million TV households in the country. BARC should endeavour to and should be mandated to increase the sample size to at least 1,00,000 BAR-o-Meters to enhance the accuracy of the data. Further, the time in which these meters are installed must also be improved.
 3. That in addition to deploying the additional BAR-o-meters, the RPD mechanism would also prove to be effective in collecting data from a larger sample size and would provide an accurate insight into viewership behaviour.
- iii. **Integration of data from non-linear sources from digital media to cover cross-platform content consumption habits.**

NBDA Comments:

1. That as noted above, the NBDA is of the view that TV audience measurement data should not be fused with digital audience measurements at this stage.

⁷ See <https://www.exchange4media.com/media-tv-news/barc-to-increase-meter-count-to-65k-will-this-be-enough-for-indias-200m-tv-homes-131788.html>

There are multiple issues with the current TV audience measurement systems that need to be rectified and streamlined to understand consumer viewership habits in terms of linear broadcasting.

iv. Establishing a policy framework for conducting radio audience measurement in India

That NBDA has no comments on this question.

v. Encouraging multiple agencies to ensure healthy competition and enhancing service quality of measurement and methodologies:

NBDA Comments:

1. That NBDA has emphasized in its various submissions, that the current rating system has several shortcomings that are required to be rectified. The news genre receives a disproportionately small percentage of viewership under its methodology, adding to the perceived unfairness.
2. Despite the earlier expert recommendations from TRAI and the proposals from subsequent committees, the issues and concerns remain largely unaddressed and have not been fully implemented. Therefore, in addition to BARC, it is time to establish a new, reliable standard for media ratings to bridge the gaps created by relying solely on the existing system.
3. The need for multiple rating agencies is justified to foster competition and innovation. It is widely recognized that relying on a single system can lead to stagnation, and BARC's current methodologies—like the use of installed meters—are not fully utilized. Additionally, global precedents from countries like the United States, the United Kingdom, Malaysia, Australia, and the Philippines demonstrate the benefits of having at least two concurrent rating systems.

vi. Adoption and utilization of modern technologies.

NBDA Comments:

1. That today, technology is omnipresent. This technology can be leveraged to develop new audience measurement mechanisms that are more effective than traditional systems and provide insights at the granular level.
2. That any measure that is adopted and/or developed will have to be commensurate with the pace of the audience as well as the technology. This would be imperative in understanding the global trends around content and

evolving consumer behaviour which would provide real-time insights, and impression-based analytics while complying with the privacy norms and regulations.

3. That as noted above, one of the ways of ensuring the above is by utilising the return path mechanism. Further, in addition to the RPD, other mechanisms can be developed using newer technologies such as artificial intelligence. Predictive audience modelling is one such mechanism that can be used for cross-analysing existing behavioural data with third-party audiences to generate customised audience segments based on such data.

Q17. 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.

NBDA Comments:

1. That TRAI, in the CP, has mentioned various mechanisms for grievance redressal that are currently in place including the grievance redressal mechanism set up by self-regulatory bodies as well as those provided for in various legislations including the Cable Television Networks (Amendment) Rules, 2021 (“**CTN Amendment Rules**”) and the Information Technology (Intermediary Guidelines & Digital Media Code) Rules, 2021 (“**IT Rules**”). The TRAI has further taken into consideration the proposed three-tier grievance redressal mechanism that has been proposed under the draft Broadcasting Services (Regulation) Bill, 2023.
2. That NBDA submits that for developing the NBP for India, the TRAI must recognise the self-regulation mechanism established by the industry as an ideal grievance redressal mechanism for redressing any media broadcasting-related complaints. This would conform with the judgment of the Hon’ble Supreme Court in *Destruction of Public and Private Properties v. State of Andhra Pradesh and Ors.*, wherein the Committee headed by Mr Fali Nariman endorsed the institutional arrangements of self-regulation, emphasising the need to not drift from the self-regulatory structure to a statutory structure which may lead to potential legislative claims. The Committee further approved of the NBA model as a process and observed that it can be built upon both at the broadcasting service provider level as well as the industry level and recommended that the same be incorporated as guidelines issued by the Hon’ble Supreme Court under Article 142 of the Constitution of India as was done in the case of *Vishaka & Ors. v. State of Rajasthan (1997) 6 SCC 241*.⁸

⁸ *Destruction of Public and Private Properties v. State of Andhra Pradesh and Ors.*, (2009)5 SCC 212

3. To this effect, the NBDA has also represented to the MIB to notify the Codes of Ethics & Broadcasting Standards (Code of Ethics) of the NBDA under Rule 6 of the CTN Rules to give them more teeth to the independent self-regulatory body set up by the NBDA i.e. the News Broadcasters & Digital Standards Authority and place it at par with the Code of Self-Regulation of the Advertising Standards Council of India which have been recognised in the CTN Rules.
4. That decisions made by the independent self-regulating authorities are borne out of the expertise of the experts in the field as well as the judicial prudence of the retired Supreme Court or High Court judges. Therefore, an attempt to regulate industry led self-regulatory bodies by the Executive will result in the curbing of the independence of the self-regulatory bodies, which are indispensable to the development and growth of an independent broadcasting industry and will violate freedom of speech and expression of the media under Article 19(1)(a)
5. That it may be noted that the three-tier grievance redressal mechanism established under the CTN Amendment Rules, and the IT Rules are sub judice. The three-tier regulatory structure under the IT Rules i.e., Rule 9(1) and 9(3) has been stayed by the High Courts of Bombay⁹ and Madras¹⁰. Further, the Kerala¹¹ and Madras¹² High Courts have directed the MIB to not undertake any coercive action via the Three Tier Complaint Redressal Structure under the CTN Amendment Rules as well. The appeals arising from the decision of the respective High Courts in respect of the IT Rules are currently sub-judice in light of the Supreme Court's order to transfer the matter to the Delhi High Court.¹³ However, despite the transfer of these matters to the Delhi High Court, the interim orders granted by the High Courts have not been stayed/vacated. Because various High Courts have passed orders restraining the Government from acting against entities under a Complaint Redressal Structure and the same being sub-judice, it is submitted that TRAI should not rely on the grievance redressal mechanisms under the above-mentioned current regulations or the proposed legislation.
6. That further, the NBP must be framed in a manner that allows India to improve its position under the World Press Freedom Index (“**PFI**”), which is a globally recognised annual ranking for comparing the level of press freedom enjoyed by journalists and media in 180 countries and territories compiled and published by Reporters Without Borders.¹⁴ One of the ways to ensure the improvement in India's position in the PFI would be by allowing the

⁹ *Aggi Promotion of Nineteenona Media Pvt. Ltd. and Ors. v. Union of India and Ors.* [2021 (6) ABR 339]

¹⁰ *T.M. Krishna v. Union of India and Digital News Publishers Association and Amr. v. Union of India and Ors.* [W.P.Nos.13055 and 12515 of 2021]

¹¹ *News Broadcasters Association v Ministry of Information and Broadcasting* [WP(C) 14239 OF 2021]

¹² *Indian Broadcasting and Digital Foundation & Ors. v Ministry of Electronics and Information Technology and Ors.* [W.P.Nos.25619 and 25896 of 2021]

¹³ See <https://indianexpress.com/article/india/supreme-court-transfers-pleas-it-rules-2021-delhi-hc-9229077/>

¹⁴ See <https://rsf.org/en/index>

stakeholders to engage in self-regulation with minimum Government intervention. Formal recognition of the self-regulatory grievance redressal mechanism in the NBP would strengthen the existing grievance redressal mechanisms set up by various self-regulatory bodies and make the mechanism more effective.

Q18. 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 Persons with Disabilities (PwDs) to access the information and entertainment programmes

NBDA Comments:

1. The NBDA submits that while the intention of making information and entertainment programmes accessible is vested in the interest of the PwDs, there are already legislations and regulations in place that provide for accessibility standards/measures (as also noted in the CP) to cater to the special needs of the PwDs. Since the law already provides for such accessibility measures, there is no need to specifically provide for additional accessibility measures through the NBP to empower the PwDs to access information and entertainment programmes. While preparing the NBP, the TRAI must consider the financial and operational constraints on the broadcasters and OEMs in making arrangements for making the content accessible.
2. The NBP may recognise these standards and guidelines in principle with special emphasis on “voluntary compliance” to strike a balance between the needs of the PwDs as well as the needs and duties of the stakeholders in the broadcasting industry.
3. Voluntary compliance would allow broadcasters to assess the limits of their operations while deploying some of these measures. For instance, the nature of news content, which is mostly news shown in real time, may not provide sufficient time for broadcasters to add subtitles and sign language interpretation. Moreover, most news screens provide different types of information simultaneously on the same screen in the form of scrolls, headlines, etc., running on the screen which does not leave enough room to add subtitles and sign language interpretation. Further, mandating accessibility measures, particularly for news broadcasters in real-time, may affect the accuracy of subtitles, sign language etc. Moreover, translating news into sign language or providing dubbing and subtitle facilities would require financial investment thereby increasing the financial and operational burden on

broadcasters, particularly small-scale broadcasters, regional broadcasters, and broadcasters on digital media. Accordingly, the NBP should be framed in a manner that makes provision for financial support, in the form of incentives, deductions or sources of funding, for the effective implementation of the accessibility measures by the stakeholders.

4. In light of the above, the TRAI must not pass on this obligation to private broadcasters. Accordingly, through the NBP, making the content accessible for PwDs should be made voluntary for private broadcasters with emphasis on the Government allocating resources or providing financial support for increasing the accessibility of content.
- ii. **To encourage gender equality w.r.t. the participation and safety of the women workforce**

NBDA Comments:

1. That, in addition to the solutions suggested by the TRAI in the CP such as work-life balance, equal opportunities through recruitment and awareness regarding their rights under the prevailing legislations, the NBP must encourage stakeholders to foster female engagement in the workforce by providing equal opportunities to women in terms of promotions and training. Further, the workplace/organisations must be encouraged to ensure that everyone understands the relevance of gender equality by challenging the prevailing biases, especially those related to women's ability to accomplish a task, emphasising cerebral equality between men and women. Further, workplaces/organisations may also focus on training and providing mentorship opportunities to women who are being hired by the organisation. In addition to the above, organisations must monitor salaries being offered to the workforce and adopt transparent practices to fill in the gaps if any.
2. That another way to promote gender equality can be by way of inclusion of policies under NBP to ensure higher level of equality and diversity in the broadcasting sector. For instance, in many developed countries, both men and women can avail the option of taking parental leave. In this regard, the NBP can also include formation of equality policy and structure for employment of both genders at a balanced rate. Further, usage of gender inclusive language can help bridge the gap between the genders.
3. Further, the State and its instrumentalities must be encouraged to lead by example by adopting practices that ensure gender equality within the Government and the public offices in addition to various policies adopted by the Government over time.

4. As far as the representation of women in broadcast content is concerned, news and current affairs channels and broadcasters report the information they receive and do not discriminate based on gender.
- iii. To raise awareness about the issues of marginalized tribal communities, minorities and LGBTs**

NBDA Comments:

1. That the news and current affairs broadcasters who are Members of NBDA realise their responsibility towards marginalized tribal communities, minorities and LGBTQIA+ and regularly report issues concerning these communities in a sensitive manner.
 2. The self-regulating body, News Broadcasting & Digital Standards Authority (NBDSA) has issued '*Specific Guidelines for Reportage on Issues Concerning the LGBTQIA+ Community*' and other guidelines.
- iv. To adopt green broadcasting practices.**

NBDA Comments:

1. The NBP must be formulated in a manner that is environment friendly and seeks to set some goals such as making the broadcasting industry carbon neutral for sustainable broadcasting endeavouring to provide clear-cut timelines for the same.
2. The NBP should encourage dialogue and discussion with industry leaders, experts, and stakeholders in achieving these goals. Further, the NBP should also align with international practices and goals in adopting green broadcasting practices, for instance, the BBC's Greener Broadcasting initiative which is aimed at making a positive environmental impact.¹⁵

Q19. 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.

NBDA Comments:

1. The broadcasting sector, particularly the news broadcasting sector plays a pivotal role in providing information about and during disasters and

¹⁵ Available at https://downloads.bbc.co.uk/outreach/Greener_Broadcasting_2018_ENG-FINAL.pdf

emergencies. Further, news about accidents and disasters, which form a substantial part of news are broadcast live or are deferred live.

2. The news channels also report emergency phone numbers and contact details that are created to allow family members to seek information about those affected by such emergencies and disasters.
3. To provide better services and fulfil its role at such crucial times, the NPB should endeavour for mandatory carriage of news channels on the network of the distributors without any additional cost whether in terms of carriage or otherwise being imposed upon the news broadcasters/news channels.

Q20. 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.

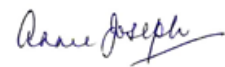
NBDA Comments:

1. In addition to the comments made above, NBDA requests the TRAI to consider incorporating the following aspects in the NBP:
 - a. **Follow the principle of forbearance** – The NBP must provide a level-playing field and adopt the policy of forbearance for all participants and stakeholders irrespective of the medium. This is particularly important to provide a fair share of revenue to broadcasters for their content and to provide some relief to the broadcasting industry which is subject to overregulation at this time. Forbearance is the best recourse and adoption of the same would permit market forces to determine various issues that require a timely solution.
 - b. **Rules and Regulations relating to duration of advertisement broadcast on news channels**- In the era of dynamically evolving media landscape, the consumers are endowed with an unprecedented array of choices concerning content consumption. The proliferation of digital platforms and various multiple options including increasing accessibility of variety of broadcasting services have bestowed upon the viewer the agency to select, judge and switch content at their will basis individual preferences, choice and taste. Given the state of consumer empowerment, NBDA firmly believes that there should be forbearance in respect of the Rules and Regulations relating to duration of advertisements that are telecast by the news broadcasters (including live broadcast), as these Rules and Regulations do not align with the principles of a free and competitive marketplace. Such restrictions inadvertently hamper the operational flexibility and revenue

streams necessary for sustenance and growth of news channels, which are often the primary source of information and are also in the nature of ‘essential services’ [as so prescribed during the pandemic phase]. It is proposed that the Rules and Regulations relating to duration of advertisements telecast on news channels should be governed by tenets of forbearance.

- c. **Protection of journalistic freedom** - The NBP should make provisions in a manner that does not stifle the rights and freedom of journalists. Journalists should have complete freedom to investigate and report on matters of public interest without undue influence or threat.
- d. **Non-convergence** – The broadcast sector should not be mixed with the Telecom sector. These sectors should be required to comply with distinct licensing norms given the inherent difference between these sectors.
- e. **Deepfakes-** The NBP must take into account the threat posed by the malevolent use of new technology to perpetuate deepfakes across the broadcast medium which have the potential to create discord in society. While NBDA does not encourage the conflation of the NBP with content related issues, the proliferation of deep fakes and misuse of Artificial Intelligence to perpetuate misinformation should be addressed from a regulatory perspective.

These submissions have been made on behalf of the Members of News Broadcaster & Digital Association for the news genre. NBDA hopes that its comments regarding the CP are taken into consideration by TRAI and it remains available for any further discussion/information at the TRAI’s request.



Annie Joseph
Secretary General

April 30, 2024