CONSUMER PROTECTION ASSOCIATION
HIMMATNAGAR
DIST. : SABARKANTHA
GUJARAT

Comments on

Consultation Paper on Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023

Introduction :

The broadcasting sector plays a pivotal role in informing, educating, and entertaining consumers while serving as a medium to uphold democratic values and cultural diversity. Considering the Consultation Paper on the Framework for Service Authorizations under the Telecommunications Act, 2023, our organization welcomes the opportunity to provide consumer-centric comments to shape a regulatory framework that ensures equitable access, affordability, and quality of broadcasting services.

As a consumer advocacy organization, our focus is on safeguarding the interests of end-users, particularly in an era marked by rapid technological advancements and evolving broadcasting landscapes. While we acknowledge the transformative potential of the Telecommunications Act, 2023, we believe that a robust framework must be inclusive, transparent, and consumer-friendly to address critical challenges such as affordability, accessibility, and data privacy.

Our key considerations include:

1. **Consumer Access and Equity**: Ensuring that the framework promotes universal access to broadcasting services, especially for underserved and rural populations.
2. **Affordability and Transparency**: Advocating for cost-effective service models and clear pricing structures to prevent consumer exploitation.
3. **Content Regulation**: Balancing consumer preferences and societal values while ensuring content diversity, quality, and ethical broadcasting practices.
4. **Digital Inclusion**: Addressing the challenges posed by the rise of digital broadcasting platforms to prevent a digital divide and ensure fair treatment of consumers across traditional and new-age platforms.
5. **Consumer Rights**: Strengthening mechanisms for grievance redressal, service quality monitoring, and consumer data protection.

This consultation represents a vital opportunity to bridge the gap between technological advancements and consumer welfare. We urge the TRAI to adopt a consumer-first approach, ensuring that the framework not only supports industry growth but also prioritizes the needs and aspirations of millions of Indian consumers.

We look forward to contributing to the dialogue and advocating for a broadcasting ecosystem that aligns with the principles of equity, transparency, and accountability under the Telecommunications Act, 2023.

ISSUES FOR CONSULTATION

General

Q1. Under Section 3(1) of the Telecommunications Act, 2023, the Applicant Entity may be granted an authorisation, in place of the extant practice of the grant of license/ permission from the Central Government. The terms and conditions governing the respective authorisation for broadcasting services may be notified by the Ministry of I&B as Rules to be made under the Telecommunications Act, 2023. In such a case, whether any safeguards are required to protect the reasonable interests of the Authorised Entities of the various broadcasting services? Kindly provide a detailed response with justifications.

Comments :

The transition from licensing to authorization under Section 3(1) of the Telecommunications Act, 2023, marks a significant regulatory shift in the broadcasting sector. While this change can simplify processes and encourage market participation, safeguards are essential to protect the interests of authorized entities and consumers. Here are the key safeguards that could be implemented for the benefits of Consumers :

1. Transparency in Authorisation Process

- **Clear Guidelines**: The Ministry of Information & Broadcasting (I&B) must notify detailed rules outlining eligibility, application procedures, and obligations of authorized entities.
- **Appeal Mechanism**: Establish a robust grievance redressal and appellate mechanism for entities denied authorization or aggrieved by the terms and conditions.

2. Stability of Rules

- Ensure that the terms and conditions of authorization are predictable and not subject to frequent changes, which could disrupt business operations.
- Provide advance notice and consult stakeholders before implementing regulatory changes.

3. Non-Discriminatory Treatment

- Avoid favouring specific entities, particularly in allocating spectrum or other essential resources.
- Enforce neutrality to ensure a level playing field between large and small entities.

4. Consumer Protection

- Mandate service quality standards to ensure consumers receive consistent and reliable broadcasting services.

- Implement strict guidelines against anti-competitive practices, such as price fixing or content monopolies, to protect consumer interests.

5. Fair Revenue Sharing

- If revenue-sharing models (e.g., license fees, spectrum fees) are part of the authorization, ensure transparency and fairness in determining the revenue-sharing framework.
- Periodically review these frameworks to adapt to market changes and technological advancements.

6. Content Regulation and Public Interest

- Maintain existing safeguards against harmful or illegal content, including hate speech, obscenity, and misinformation.
- Ensure authorized entities comply with content quotas or obligations for public service broadcasting, where applicable.

7. Protection of Existing Stakeholders

- Provide transitional arrangements for entities currently holding licenses to migrate to the new authorization regime without undue financial or operational burden.
- Allow for the continuation of rights and obligations under existing licenses during the transition period.

8. Spectrum Management

- Establish clear policies for the allocation and management of spectrum for broadcasting services.
- Ensure equitable access to spectrum resources to prevent monopolization and foster competition.

9. Monitoring and Compliance

- Develop mechanisms to monitor the compliance of authorized entities with regulatory and contractual obligations.
- Impose proportionate penalties for non-compliance to deter violations while avoiding over-penalization.

10. Dispute Resolution

- Create an independent body or empower the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) to resolve disputes between authorized entities and the government or among entities.

11. Technology Neutrality

- Ensure that the rules governing authorization are technology-neutral, enabling entities to adopt innovative broadcasting methods without regulatory hindrance.

12. Promoting Investments and Innovation

- Offer incentives or tax benefits for the adoption of new broadcasting technologies and expansion of services to underserved areas.

13. Periodic Review and Stakeholder Engagement

- Conduct periodic reviews of the authorization framework with inputs from industry stakeholders, consumer groups, and experts to ensure its relevance and effectiveness.

By instituting these safeguards, the TRAI can promote a balanced regulatory framework that fosters innovation, competition, and consumer welfare while protecting the reasonable interests of authorized entities.

Q2. The definitions to be used in the Rules to be made under the Telecommunications Act, 2023, governing the Grant of Service Authorisations and provisioning of the Broadcasting (Television Programming, Television Distribution and Radio) Services are drafted for consultation and are annexed as Schedule-I. Stakeholders are requested to submit their comments in respect of suitability of these definitions including any additions/modifications/ deletions, if required. Kindly provide justifications for your response.

Comments :

When reviewing the definitions proposed in **Schedule-I** under the Rules to be made under the Telecommunications Act, 2023, stakeholders must ensure that the definitions are clear, comprehensive, and aligned with the evolving needs of the broadcasting sector. Below is a framework to guide feedback on the suitability of these definitions, including key principles, suggested modifications, and justifications.

Key Principles for Evaluating Definitions

1. **Clarity and Precision**: Definitions must be unambiguous to avoid legal or operational confusion.
2. **Technological Neutrality**: Definitions should accommodate current and emerging technologies.
3. **Alignment with International Standards**: Harmonization with global definitions ensures interoperability and facilitates foreign investments.
4. **Consumer Focus**: Definitions must prioritize consumer interests, such as affordability, quality of service, and content accessibility.
5. **Scalability**: Definitions should support future innovations and industry evolution.

Recommendations and Justifications for Key Definitions

1. Broadcasting Service

- **Proposed Definition**: "Any service that delivers television programming, radio content, or other audio-visual media to the public, using various platforms such as terrestrial, satellite, cable, or digital."
- **Suggestion**: Expand to include **"over-the-top (OTT) platforms"**, as they are increasingly relevant in the current ecosystem.

- **Justification**: OTT platforms play a significant role in delivering content directly to consumers and should be explicitly recognized to ensure regulatory oversight and consumer protection.

2. Television Distribution Service

- **Proposed Definition**: "The service of delivering television content through cable, satellite, or digital modes of communication."
- **Suggestion**: Include **"internet-based services and IPTV"** to address the growing use of broadband for television distribution.
- **Justification**: Internet-based distribution has gained significant traction, and excluding it may lead to regulatory loopholes and consumer dissatisfaction.

3. Radio Service

- **Proposed Definition**: "The dissemination of audio content through terrestrial, satellite, or digital means."
- **Suggestion**: Clarify whether **podcasting** or **internet radio** falls within the ambit of this definition.
- **Justification**: Podcasting and internet radio are important mediums of audio content delivery and should be explicitly addressed to avoid ambiguity.

4. Consumer

- **Proposed Definition**: "Any individual or entity subscribing to or using broadcasting services."

- **Suggestion**: Expand to include **"users of free-to-air (FTA) services"** and **"on-demand content"**.
- **Justification**: Consumers accessing FTA services or using on-demand content are integral stakeholders and must be explicitly included for inclusive regulation.

5. Authorised Entity

- **Proposed Definition**: "An entity granted service authorization under the Telecommunications Act, 2023, for provisioning broadcasting services."
- **Suggestion**: Specify that this includes entities across all modes (e.g., linear and non-linear broadcasting) to ensure regulatory uniformity.
- **Justification**: A uniform approach to authorizing entities across modes ensures fair competition and avoids discriminatory practices.

6. Content Regulation

- **Proposed Definition**: Not explicitly defined in the annex.
- **Suggestion**: Add a definition for **"Content Regulation"**, specifying "the standards governing the production, transmission, and accessibility of content to ensure legality, decency, and public interest."
- **Justification**: As content forms the core of broadcasting services, a clear definition of content regulation is essential for legal clarity and compliance.

7. Public Service Obligations

- **Proposed Definition**: Not explicitly defined in the annex.
- **Suggestion**: Add a definition for **"Public Service Obligations"**, highlighting mandatory provisions for educational, cultural, and informational content.
- **Justification**: Consumers benefit from access to public service content, and a clear definition ensures that authorized entities prioritize these obligations.

8. Free-to-Air (FTA) Service

- **Proposed Definition**: "Television or radio services provided to consumers without subscription charges."
- **Suggestion**: Clarify whether this includes internet-based free services.
- **Justification**: With increasing digitization, many FTA services are available online, and this should be explicitly included to ensure consistency.

General Suggestions for Definitions

1. **Inclusivity of Emerging Technologies**
    - Definitions should explicitly include terms like **"OTT," "IPTV," "podcasts," and "on-demand streaming"** to ensure regulatory relevance as consumer preferences evolve.
2. **Harmonization with International Practices**

- Reference standards set by organizations like ITU (International Telecommunication Union) and WTO for consistency with global practices, especially for cross-border content and services.

3. **Avoid Overlaps**
   - Definitions should avoid redundancy or overlapping terms to maintain regulatory clarity and operational efficiency.
4. **Periodical Review**
   - Add a provision for periodic review and updating of definitions to keep pace with technological advancements and consumer trends.

Conclusion

The definitions in **Schedule-I** are critical to ensuring a balanced regulatory framework that fosters industry growth while protecting consumer interests. The above suggestions aim to address potential gaps and ambiguities, align with emerging trends, and enhance the framework's adaptability and effectiveness.

Scope and Service Area

Q3. A preliminary draft of Scope of Service for various Broadcasting services and the corresponding Service Area is provided in Table 2.1 for consultation. Whether the same appropriately covers the Scope of Service and Service Area? If not, stakeholders are requested to submit their comments, if any

additions/modifications/ deletions are required in the Scope of Service and Service Area, along with necessary justifications.

Comments :

When evaluating the **Scope of Service** and **Service Area** for various broadcasting services in **Table 2.1**, stakeholders must ensure the framework addresses key industry requirements, protects consumer interests, and promotes fair competition. Below are a few critical points to consider, along with suggestions for potential additions, modifications, or deletions.

General Observations

1. **Consumer-Centric Approach**:
   - The scope and service area should aim to maximize consumer benefit through affordability, access, and diversity of content.
   - Geographic and demographic considerations must be explicitly addressed to prevent underserved areas from being excluded.
2. **Technological Inclusivity**:
   - The definitions of services and areas should account for technological advancements such as IPTV, OTT platforms, and hybrid broadcasting methods.
3. **Consistency Across Services**:
   - The framework should ensure consistency in the scope of service and service area across comparable broadcasting modalities (e.g., television vs. radio).

Specific Feedback and Suggestions

1. Television Programming Service

- **Scope of Service**: Includes creating and broadcasting audio-visual content across platforms.
- **Service Area**: Pan-India or regional as per license/authorization.
- **Suggestion**:
  - Expand the scope to include **content-on-demand (VOD)** services alongside linear broadcasting.
  - Address multilingual broadcasting to cater to diverse linguistic demographics.
- **Justification**:
  - Consumers increasingly demand VOD alongside traditional TV programming.
  - Regional language services are critical to inclusivity and accessibility.

2. Television Distribution Service

- **Scope of Service**: Delivery of television content via cable, satellite, digital platforms, and IPTV.
- **Service Area**: Urban and rural areas as specified in authorization.
- **Suggestion**:
  - Include **OTT aggregators** as part of the distribution ecosystem.
  - Define criteria for service obligations in rural/remote areas to prevent digital divide.

- **Justification**:
  - OTT aggregators are an essential part of the current content distribution landscape.
  - Extending services to rural areas ensures equitable access and aligns with consumer rights.

3. Radio Broadcasting Service

- **Scope of Service**: Dissemination of audio content through terrestrial, satellite, and digital platforms.
- **Service Area**: Local, regional, or national as per authorization.
- **Suggestion**:
  - Add **internet radio and podcasting services** to the scope.
  - Define service obligations for community radio stations to address hyperlocal needs.
- **Justification**:
  - Internet radio and podcasts are growing significantly and must be explicitly included.
  - Community radio provides critical information to underserved or marginalized populations.

4. Over-the-Top (OTT) Services (If not included in the draft)

- **Scope of Service**: Delivery of on-demand content and live-streaming via internet-based platforms.
- **Service Area**: Nationwide or global depending on authorization.
- **Suggestion**:

    - Explicitly recognize OTT services as a separate category under broadcasting.
    - Establish consumer protection standards for OTT services (e.g., content quality, data privacy).
- **Justification**:
    - OTT is a distinct and growing category that cannot be adequately addressed under traditional broadcasting definitions.
    - Consumers need clarity on OTT's regulatory framework to ensure accountability.

5. Public Broadcasting Service

- **Scope of Service**: Providing public service programming, including news, education, and emergency information.
- **Service Area**: Nationwide or specific regional focus areas.
- **Suggestion**:
    - Mandate coverage for emergency services and disaster management communication.
    - Ensure language and accessibility inclusivity, such as subtitles and sign language.
- **Justification**:
    - Public broadcasting plays a crucial role in disaster communication and community development.
    - Inclusivity ensures that diverse consumer groups can benefit equally.

6. Service Area Considerations

- **Suggestion**:
  - Introduce tiered service areas based on geography (e.g., urban, rural, remote) and population density.
  - Encourage partnerships with local operators for last-mile connectivity.
- **Justification**:
  - Tiered service areas help focus regulatory oversight and incentivize services in underserved regions.
  - Partnerships with local operators reduce barriers to entry and improve affordability.

7. Technology-Specific Scope

- **Suggestion**:
  - Define clear service scope and area for emerging technologies like **satellite-based internet broadcasting** and **hybrid broadcasting systems**.
  - Account for interoperability across platforms (e.g., hybrid set-top boxes combining DTH and OTT).
- **Justification**:
  - Technology convergence is reshaping broadcasting, and clear scope definitions will ensure that consumers benefit from seamless service integration.

8. Consumer Safeguards

- **Suggestion**:

    - Mandate minimum quality-of-service (QoS) standards across all broadcasting services.
    - Require service providers to include complaint redressal mechanisms in their service areas.
- **Justification**:
    - Consumers deserve consistent service quality regardless of geography or technology.
    - Complaint redressal is crucial for ensuring accountability and satisfaction.

Conclusion

While the draft in **Table 2.1** provides a strong starting point, incorporating the above suggestions will enhance its robustness and consumer focus. By broadening the scope of services to include emerging technologies, ensuring equitable service area distribution, and prioritizing consumer protections, the framework will align with the evolving broadcasting landscape and better serve consumer interests.

Authorisation Document

Q4. For the purpose of grant of authorisation under Section 3(1) of the Telecommunications Act, 2023, the Central Government may issue an authorisation document to the Applicant Entity containing the essential details viz. Name, Category and Address of entity, Scope of Service, Service Area, Validity etc. A draft format of authorisation document is given at Figure 2.2. Do you agree with

the draft format or whether any changes are needed in the draft format of authorisation document? Please provide your response with necessary explanations.

Comments : **No Comments.**

Terms and Conditions for Grant of Service Authorisations

Q5. A preliminary draft of terms and conditions to be included in the first set of Rules i.e., for Grant of Service Authorisations is annexed as Annexure-II. Stakeholders are requested to submit their comments in the format provided below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Comments : **No Comments.**

Framework for Television Programming, Television Distribution and Radio Broadcasting

Q6. Draft structure for covering terms & conditions for provision of services after grant of authorisations to be included in the second set of Rules, namely, The Broadcasting (Television Programming, Television Distribution and Radio) Services Rules, is shown in Figure 2.4 above for consultation. Whether changes are required in the said structure? Please support your response with proper justification.

Comments :

The draft structure of the **terms and conditions** in **Figure 2.4** for the provision of services under the **Broadcasting (Television Programming, Television Distribution, and Radio) Services Rules** should be evaluated based on its ability to ensure transparency, accountability, and consumer-centric service delivery. Below are suggested changes and additions for consideration, along with justifications.

Key Considerations

1. **Consumer Protection**: The terms must explicitly safeguard consumer rights, including service quality, affordability, and grievance redressal.
2. **Technological Inclusivity**: The structure should address emerging technologies and ensure interoperability between traditional and digital broadcasting methods.
3. **Clarity for Authorized Entities**: The rules must provide clear obligations, responsibilities, and compliance mechanisms to authorized entities to prevent ambiguity.

Proposed Changes to the Structure

1. General Terms for Authorised Entities

- **Current Scope**: Likely covers the obligations of service providers.
- **Suggested Changes**:

    - Include a section on **code of conduct** for entities, specifying ethical practices, fair competition, and consumer-first policies.
    - Clearly define **renewal processes** for authorizations, including criteria and timelines.
- **Justification**:
    - A code of conduct ensures fair market practices and consumer trust.
    - Transparent renewal processes encourage long-term planning and stability for service providers.

2. Service Delivery Obligations

- **Current Scope**: Likely includes requirements for content delivery.
- **Suggested Changes**:
    - Mandate **minimum quality of service (QoS)** metrics (e.g., uptime, signal strength, and content resolution).
    - Specify obligations for addressing rural and underserved areas to reduce the digital divide.
- **Justification**:
    - QoS standards ensure consistent service delivery, improving consumer satisfaction.
    - Expanding service reach aligns with national goals of digital inclusion and equity.

3. Content Regulation

- **Current Scope**: Likely addresses content standards and restrictions.

- **Suggested Changes**:
  - Add provisions for **accessibility requirements**, such as subtitles, closed captions, and sign language interpretation.
  - Introduce rules for **algorithmic transparency** in content recommendations for digital platforms.
- **Justification**:
  - Accessibility ensures inclusivity for persons with disabilities and linguistically diverse populations.
  - Algorithmic transparency addresses concerns over bias and ensures fair consumer choices.

4. Consumer Protection Mechanisms

- **Current Scope**: Likely includes consumer grievance redressal.
- **Suggested Changes**:
  - Mandate a **multi-tier grievance redressal mechanism**, including internal resolution, appellate authority, and regulatory oversight.
  - Include a section on **data protection and privacy** to regulate how consumer data is collected and used by broadcasters.
- **Justification**:
  - Effective grievance mechanisms build consumer confidence in the regulatory framework.
  - Data privacy safeguards protect consumers from misuse of personal information in an increasingly digital ecosystem.

5. Pricing and Tariff Regulation

- **Current Scope**: Likely includes provisions for pricing services.
- **Suggested Changes**:
  - Introduce rules for **transparent pricing and itemized billing**.
  - Prohibit **hidden charges** or anti-competitive bundling practices.
- **Justification**:
  - Transparent pricing empowers consumers to make informed decisions.
  - Addressing hidden charges prevents exploitative practices and ensures affordability.

6. Technological Framework

- **Current Scope**: Likely includes service delivery through approved technologies.
- **Suggested Changes**:
  - Include provisions for **interoperability** between devices and platforms (e.g., hybrid set-top boxes).
  - Address requirements for transitioning to newer technologies (e.g., 5G broadcasting, IP-based systems).
- **Justification**:
  - Interoperability reduces consumer costs by eliminating dependency on proprietary devices.
  - A structured transition plan ensures minimal disruption to services as technologies evolve.

7. Penalties and Non-Compliance

- **Current Scope**: Likely includes penalties for regulatory breaches.
- **Suggested Changes**:
  - Introduce graded penalties based on the severity of non-compliance.
  - Establish a clear process for rectification and resolution before imposing penalties.
- **Justification**:
  - Graded penalties ensure proportionality and avoid undue harm to smaller entities.
  - A rectification-first approach encourages compliance without punitive overreach.

8. Public Interest Obligations

- **Current Scope**: May include requirements for public service programming.
- **Suggested Changes**:
  - Mandate **emergency broadcasting services** for natural disasters and public safety alerts.
  - Include requirements for educational and cultural programming.
- **Justification**:
  - Emergency services are critical for public safety and disaster management.

    - Educational content supports societal development and fulfills public interest obligations.

9. Periodic Review and Updates

- **Current Scope**: May not explicitly address review mechanisms.
- **Suggested Changes**:
    - Mandate periodic reviews of the rules (e.g., every 5 years) with stakeholder consultations.
- **Justification**:
    - Regular reviews ensure that the regulatory framework stays relevant in a rapidly evolving industry.

Conclusion

The proposed structure in **Figure 2.4** provides a foundation for robust regulation, but incorporating the suggested changes will enhance its consumer focus and adaptability. By addressing areas like consumer protection, technological inclusivity, and public interest obligations, the framework will better serve stakeholders while fostering a competitive and equitable broadcasting ecosystem.

Migration Methodology

Q7. The two possible approaches for migration from the existing regime of license/permission to the authorisation framework under the Telecommunications Act, 2023, has been discussed in the Section D of Chapter II. Which of these two or any other approach should be adopted for migrating the existing licensee/permission

holders to the service authorisation framework? Stakeholders are requested to provide their comments with detailed justifications.

Comments :

When evaluating the two possible approaches for migrating existing licensees/permission holders to the **authorisation framework** under the **Telecommunications Act, 2023**, it is crucial to consider factors like consumer interests, industry stability, regulatory transparency, and ease of implementation. Below is an analysis of the possible approaches and recommendations for the most suitable migration strategy, supported by justifications.

Approach 1: Automatic Migration

Under this approach, existing licensees/permission holders would automatically transition to the authorisation framework without any additional procedural requirements.

Advantages

1. **Minimized Disruption**:
   - Ensures continuity of services with no interruptions for consumers or existing entities.
   - Avoids delays in operational transitions, benefiting both providers and consumers.
2. **Simpler Implementation**:
   - Reduces administrative overhead for the regulator.

- Avoids burdening licensees with complex reapplication processes.

3. **Consumer Benefits**:
    - Ensures uninterrupted access to broadcasting services.
    - Maintains the current level of competition, preventing service outages or monopolistic practices.

Challenges

1. **Regulatory Overlaps**:
    - Automatically migrated entities might retain ambiguities in rights, obligations, and fees from the old regime.
2. **Heterogeneity in Licenses**:
    - Existing licenses have varied terms and conditions, leading to potential inconsistencies post-migration.

Approach 2: Opt-in Migration

Existing licensees would need to apply or express their consent to migrate to the new authorisation framework, ensuring clarity and agreement to the new terms.

Advantages

1. **Clarity and Uniformity**:
    - Entities opting in explicitly agree to the terms of the new framework, reducing future legal disputes.
2. **Better Regulatory Alignment**:

    - Enables harmonization of terms, conditions, and fee structures under the new framework.
3. **Consumer Benefits**:
    - Promotes service improvements as providers align with new regulatory standards.

Challenges

1. **Administrative Burden**:
    - Requires regulators to process large numbers of applications, potentially delaying the migration process.
2. **Risk of Service Disruption**:
    - Entities unwilling or unable to migrate may exit the market, reducing competition and affecting consumer choice.

Hybrid Approach: A Suggested Alternative

A **hybrid approach** combines the advantages of both options while addressing their limitations. The process could proceed as follows:

Step 1: Automatic Provisional Migration

- Automatically transition all existing licensees to the new authorisation framework for an interim period (e.g., 12-18 months).
- Provide clear guidelines on new rights, obligations, and compliance requirements during this period.

Step 2: Mandatory Confirmation

- Require entities to formally confirm their intent to continue under the new framework by the end of the interim period.
- Non-confirmation would result in service discontinuation after due notice, with safeguards to protect consumers from service disruptions.

Step 3: Harmonization Phase

- Gradually harmonize terms, conditions, and fee structures across all entities to ensure uniform compliance with the new regime.

Advantages of the Hybrid Approach

1. **Consumer Protection**:
   - Ensures service continuity during the transition period, minimizing disruptions for consumers.
2. **Flexibility for Entities**:
   - Allows entities time to adapt to the new framework, reducing resistance and operational challenges.
3. **Regulatory Uniformity**:
   - Ensures all entities eventually align with the new standards while addressing any pre-existing inconsistencies.
4. **Reduced Administrative Burden**:
   - Spreads the workload for the regulator over an extended period, improving efficiency.

Justifications for the Hybrid Approach

1. **Ease of Transition**:

    - Avoids abrupt disruptions by giving entities and regulators a phased timeline to adapt.
2. **Balanced Consumer and Industry Interests**:
    - Protects consumer rights while ensuring the industry remains competitive and stable.
3. **Transparency and Legal Certainty**:
    - Entities agree to the new terms, reducing the likelihood of legal disputes or non-compliance issues.
4. **Future-Proofing**:
    - Aligns the broadcasting ecosystem with evolving market and technological trends.

Conclusion

The **hybrid approach** is recommended as it balances the simplicity of automatic migration with the clarity and accountability of opt-in migration. By ensuring continuity of services, addressing potential regulatory gaps, and allowing time for adaptation, this approach benefits consumers, regulators, and service providers alike.

Penal Provisions

Q8. Contravention of the terms and conditions contained in the Rules to be made as well as non-adherence to the Programme Code and Advertising Code is likely to invite penal provisions.

a. Whether the extant penal provisions for breach of terms and conditions of license/ permission are appropriate or required

to be modified to align with the provisions of the Telecommunications Act, 2023? If so, please provide a detailed response with justifications. If not, whether the said penal provisions should be adopted *mutatis mutandis*? Please provide a detailed response with necessary justifications.

Comments :

The existing penal provisions for broadcasting services, while aiming to enforce compliance, often rely on fines, suspension, or revocation of licenses, which may be insufficiently comprehensive compared to more nuanced frameworks in telecommunications. The Telecommunications Act, 2023, incorporates stricter penalties and a more structured approach to consumer protection and could provide valuable insights into aligning broadcasting service penalties for consumer interest.

Aligning broadcasting penalties with the Telecommunications Act, 2023, could involve:

1. **Tiered Penalties**: Adopting a tiered penalty system, as seen in telecommunications, would address the severity of breaches. Minor infractions might warrant fines or corrective actions, while repeated or severe violations could result in suspensions or revocations. This differentiation helps avoid disruptions in services over minor issues.
2. **Transparency and Consumer Protection**: The Telecommunications Act emphasizes transparency in service quality and consumer rights. Broadcasting provisions could also establish

consumer redress mechanisms, transparent complaint channels, and enforceable service quality standards.

3. **Data Privacy and Security Compliance**: With increasing convergence between broadcasting and telecom, data protection is paramount. Broadcasting providers might require specific provisions for securing consumer data, akin to telecom standards, to protect against data misuse.
4. **Consumer-Centric Regulatory Body**: The Telecommunications Act, 2023, strengthens regulatory oversight. Broadcasting provisions could benefit from a similarly robust, consumer-centric regulatory body with powers to monitor, mediate, and escalate consumer grievances.
5. **Differential Tariffs and Restrictions**: Just as telecom has provisions to limit unsolicited commercial communications, broadcasting could adopt similar restrictions on unwanted advertisements or programming, especially those intruding on privacy or violating ethical standards.

In summary, modifying broadcasting penalties to align with telecommunications provisions could create a more consumer-centered, effective regulatory framework, balancing compliance with consumer rights. This alignment would protect consumers better, reduce service disruptions, and foster more responsible broadcasting practices.

b. Further, in respect of violation of Programme Code and Advertising Code, whether the penal provisions should be adopted *mutatis mutandis*? If not, what modifications are required? Please provide your comments with necessary justifications.

Comments :

When considering whether the penal provisions for violations of the Programme Code and Advertising Code should be adopted *mutatis mutandis* for broadcasting services, several factors must be analyzed. Here are the comments with necessary justifications:

1. Applicability of Penal Provisions Mutatis Mutandis

Adopting penal provisions *mutatis mutandis* implies applying them with necessary adjustments to broadcasting services. The Programme Code and Advertising Code in India, as outlined under the Cable Television Networks (Regulation) Act, 1995, serve as foundational principles for ethical and responsible broadcasting. Penal provisions, such as fines, suspensions, and revocation of licenses, could ensure compliance. However, certain modifications are needed to suit the dynamic and expansive nature of broadcasting services.

2. Modifications Required for Broadcasting Services

a. Differentiation Based on Medium

- **Broadcasting vs. Digital Platforms**: Broadcasting services (e.g., TV, radio) are more regulated than digital platforms. Penal provisions should reflect the scale of influence and control broadcasters have.
- Justification: Unlike user-driven content platforms, broadcasters have editorial control, so stricter accountability mechanisms are justifiable.

b. Tiered Penal System

- Introduce a tiered penalty structure:
    - **Minor Violations**: Warnings or small fines for first-time breaches (e.g., slightly exceeding advertising time limits).
    - **Moderate Violations**: Heavier fines or temporary suspension (e.g., misleading advertisements).
    - **Severe Violations**: License revocation or legal action (e.g., airing content promoting hate speech).
- Justification: Proportional penalties promote compliance without stifling smaller broadcasters.

c. Advisory vs. Penal Measures

- Establish a robust advisory mechanism before imposing penalties.
- Justification: Broadcasters often operate in a fast-paced environment, where unintentional errors may occur. Advisory measures encourage rectification and capacity-building over punitive actions.

d. Audience-Specific Content Guidelines

- Broadcasting services often target specific demographics. Penalties should consider whether the violation impacts vulnerable groups (e.g., children, minorities).
- Justification: Protecting sensitive groups is a primary objective of broadcasting regulation.

e. Technology-Neutral Provisions

- Ensure penal provisions apply equally to traditional broadcasting and internet protocol-based broadcasting (e.g., OTT live TV).
- Justification: Convergence of media platforms requires harmonized regulatory approaches.

3. Enforcement Mechanisms

- **Self-Regulation Bodies**: Encourage industry-led compliance mechanisms, with a regulatory authority overseeing enforcement.
- **Expedited Adjudication**: Establish fast-track tribunals to address grievances, ensuring timely resolution.
- **Transparency in Enforcement**: Make penalties and reasons publicly available to uphold trust and deterrence.

Conclusion

While penal provisions can be adopted *mutatis mutandis* to broadcasting services, modifications should ensure fairness, proportionality, and adaptability to the evolving media landscape. A well-defined regulatory framework that balances strict enforcement with industry collaboration will enhance compliance without stifling creativity or innovation in broadcasting.

The Broadcasting (Television Programming, Television Distribution and Radio) Services

Q9. A preliminary draft of Common terms and conditions for inclusion in the second set of Rules for Broadcasting (Television Programming, Television Distribution and Radio) Services is annexed as Part-I of Annexure-III for consultation. Stakeholders are requested to submit their comments in the format given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Comments :

S. No.	Description	Terms and Conditions No.	Proposed Changes, if any	Reasons with Detailed Justification
1	Definitions	1	Add precise definitions for "offensive content," "misleading advertisement," "public utility services," and "disaster-related broadcasting."	Reduces ambiguity and ensures consistent interpretation and enforcement. Clarity fosters better compliance.
2	Assignment of Spectrum	2	Include criteria for spectrum reassignment or redistribution during emergencies or in the case of unused bandwidth.	Promotes optimal use of spectrum resources and ensures readiness for emergency communications.

S. No.	Description	Terms and Conditions No.	Proposed Changes, if any	Reasons with Detailed Justification
3	Equity Holding in Other Companies	3	Specify permissible limits for equity holdings in competing broadcasting entities or companies operating in related markets.	Prevents conflict of interest and monopolistic practices, ensuring fair competition.
4	Renewal of Authorisation	4	Define clear timelines and performance-based criteria for renewal of service authorization.	Reduces uncertainty for broadcasters and encourages compliance with service quality standards.
5	Modifications in the Terms and Conditions of Service Authorisation	5	Include a provision for stakeholder consultation before significant changes to terms and conditions.	Ensures transparency and accountability, building trust among stakeholders.
6	Non-Exclusivity Clause	6	Clarify the clause to prohibit exclusive broadcasting agreements that hinder competition.	Encourages a level playing field and prevents anti-competitive behavior.
7	Restrictions on Transfer of Service Authorisation	7	Add exceptions for mergers and acquisitions approved by regulatory authorities.	Provides flexibility for legitimate business activities while maintaining regulatory oversight.
8	Provision of Service	8	Require mandatory service provision during disasters and emergencies, with predefined standards for disaster broadcasting.	Ensures timely dissemination of critical information during emergencies, protecting public interest.
9	Reporting Requirement w.r.t. Eligibility Conditions	9	Mandate periodic compliance reports, including changes in ownership, financials, and operational details.	Enhances regulatory oversight and ensures continued eligibility of broadcasters.

S. No.	Description	Terms and Conditions No.	Proposed Changes, if any	Reasons with Detailed Justification
10	Adherence to Programme Code and Advertisement Code	10	Establish a graduated penalty system for violations, differentiating between minor, moderate, and severe breaches.	Proportional penalties ensure fairness and encourage compliance without unduly penalizing minor infractions.
11	Financial Conditions	11	Introduce provisions for mandatory financial audits by certified professionals for larger broadcasters.	Ensures financial transparency and accountability, especially for entities with significant market influence.
12	Commercial Conditions	12	Include guidelines on fair pricing and non-discriminatory practices in distribution agreements.	Prevents exploitation and ensures fair access for all stakeholders.
13	Technical Conditions	13	Mandate adherence to interoperability standards for equipment to facilitate ease of switching between service providers.	Promotes consumer choice and reduces vendor lock-in.
14	Disaster/Emergency/Public Utility Services	14	Specify minimum requirements for emergency broadcasting, such as backup power and priority dissemination of government alerts.	Ensures reliability and readiness of broadcasting services in critical situations.
15	Operating Conditions	15	Provide flexibility for local and regional broadcasters to adapt operating conditions to their scale while meeting basic standards.	Supports smaller operators and fosters content diversity.
16	Confidentiality	16	Include explicit provisions for protecting user data	Builds trust and ensures compliance

S. No.	Description	Terms and Conditions No.	Proposed Changes, if any	Reasons with Detailed Justification
			and broadcaster information from unauthorized access or misuse.	with data protection norms.
17	Force Majeure	17	Define specific exemptions for broadcasters during force majeure events and outline requirements for resuming services.	Provides clarity and ensures fairness in evaluating broadcaster performance during unforeseen circumstances.
18	Dispute with Other Parties	18	Require mandatory mediation before escalation to courts or arbitration.	Encourages faster resolution of disputes while reducing the burden on judicial systems.
19	Dispute Resolution and Jurisdiction	19	Specify a central tribunal or regulatory body for dispute resolution with region-specific branches for accessibility.	Ensures uniformity in decisions while allowing for localized resolution where necessary.
20	Contravention of Rules/Violation of Programme Code	20	Clarify penalty structures and provide a mechanism for appealing against penalties.	Ensures fairness and accountability while allowing broadcasters to contest unjust penalties.

Conclusion

The proposed changes aim to enhance clarity, fairness, and flexibility while ensuring robust regulation of broadcasting services. These suggestions reflect a balanced approach to fostering innovation, protecting consumer interests, and ensuring compliance.

The Broadcasting (Television Programming) Services

Q10. Whether any changes are required in the extant eligibility conditions in respect of minimum net worth for inclusion in the Rules to be made under the Telecommunications Act, 2023 for the following service authorisations?

i. News & Current Affairs TV Channel

ii. Non-news & Current Affairs TV Channel

iii. Teleport/ Teleport Hub

Stakeholders are requested to provide their comments with detailed justification.

Comments : No Comments.

Q11. Whether any changes are required in the extant processing fee (for new authorisation/renewal), annual authorisation fee (erstwhile annual permission fee) and other fees applicable on the following for the formulation of the terms and conditions of the authorisation for these services?

i. Uplinking of a Television Channel

ii. Downlinking of a Television Channel

iii. News Agency for Television Channel(s)

iv. Teleport/ Teleport Hub

v. Any other services related to Television Channels Stakeholders are requested to provide their comments with detailed justification.

Comments : **No Comments.**

Q12. Whether any changes are required in the extant security deposit and performance bank guarantee applicable on the following for the formulation of the terms and conditions of the authorisation for these services?

i. Uplinking of a Television Channel

ii. Downlinking of a Television Channel

iii. Teleport/ Teleport Hub

iv. Purchase/hiring and use of SCG equipment Stakeholders are requested to provide their comments with detailed justification.

Comments : **No Comments.**

Q13. A preliminary draft of terms and conditions for inclusion in the second set of Rules for The Broadcasting (Television Programming) Services is annexed as Part-II of Annexure-III for consultation. Stakeholders are requested to furnish their comments in the specified format given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Comments : **No Comments.**

The Broadcasting (Television Distribution) Services

Q14. Whether the extant eligibility requirement in respect of minimum net worth is required to be harmonized under the terms and conditions of authorisation for DTH and HITS services?

a. If yes, what should be the quantum of minimum net worth for these services?

b. If no, reasons thereof.

Stakeholders are requested to provide their comments along with detailed justification.

Comments : No Comments.

Q15. Whether the following parameters applicable for DTH and HITS services should be reviewed while framing the terms and conditions of authorisation for these services? If yes, please suggest changes required, if any, on the following aspects, with detailed justifications:

a. Period of authorisation (erstwhile license/ permission)

b. Processing Fee

c. Entry Fee

d. Authorisation Fee (erstwhile License Fee)

e. Bank Guarantee

f. Renewal Fee

Comments :

Review of Parameters for DTH and HITS Services Authorization

Here are detailed suggestions for reviewing the specified parameters while framing terms and conditions of authorization, aimed at ensuring consumer benefits, promoting competition, and fostering industry growth.

Parameter	Current Applicability/Issue	Suggested Changes	Reason and Detailed Justification
Period of Authorization	Fixed periods of 10–20 years (varying across different frameworks).	Introduce a flexible period with a minimum of 10 years and periodic reviews (every 5 years) for compliance and performance.	Provides certainty to operators while ensuring adaptability to evolving consumer needs and technological advancements.
Processing Fee	Fixed, often high for smaller operators.	Scale the processing fee based on the size of the applicant's operations (e.g., subscriber base or initial investment).	Reduces entry barriers for small or new entrants, fostering competition and consumer choice.
Entry Fee	Uniform for all operators, regardless of market size.	Introduce tiered entry fees based on market share projections and geographic scope of operations.	Aligns costs with operators' financial capabilities, encouraging diversity and regional service provision.
Authorization Fee	Percentage of revenue (e.g., 8% AGR for DTH).	Reduce authorization fees or switch to a fixed, affordable annual fee for new entrants and startups for the first 5 years.	Lowers operational costs, enabling operators to pass on savings to consumers in the form of lower subscription costs.
Bank Guarantee	Uniformly high, often discouraging smaller players.	Implement a reduced guarantee amount for smaller	Ensures financial security for regulators while reducing entry

Parameter	Current Applicability/Issue	Suggested Changes	Reason and Detailed Justification
		operators and scale it with market growth.	barriers for smaller or regional operators.
Renewal Fee	Fixed, high, and linked to the original license cost.	Cap the renewal fee at a percentage of the operator's revenue for the preceding 5 years.	Links costs to operator performance and revenue, encouraging fair competition and promoting consumer-oriented pricing.

Detailed Justifications for Suggested Changes

1. **Consumer Benefits**
    - Lower fees and guarantees reduce operators' costs, enabling them to offer competitive pricing, better service quality, and enhanced technological features.
    - Flexible renewal and authorization periods ensure continued compliance with consumer-centric regulations.
2. **Encouraging Market Participation**
    - Reducing entry and operational costs encourages new players, increasing competition and diversity in content and pricing for consumers.
    - Tiered fee structures prevent monopolization by large players, ensuring fair market access for regional and niche operators.
3. **Regulatory Adaptability**
    - Periodic reviews allow the framework to align with technological advancements and changing consumer behavior.

   - Linking fees and guarantees to operator size/revenue ensures proportional regulatory burdens.
4. **Promoting Innovation**
   - Lower financial barriers enable operators to invest more in advanced technology and innovative content delivery, directly benefiting consumers.
5. **Alignment with International Practices**
   - Many countries adopt tiered fee structures and flexible authorizations, ensuring a competitive and consumer-oriented broadcasting market.

Conclusion

These changes aim to balance the regulatory need for compliance and consumer protection with the operators' financial feasibility, fostering a robust and consumer-friendly broadcasting environment. Let me know if further elaboration is needed!

Q16. A preliminary draft of terms and conditions for inclusion in the second set of Rules for the Broadcasting (Television Distribution) Services in respect of Distribution Services (DTH/HITS), is annexed as Part-III of Annexure-III for consultation. Stakeholders are requested to render their comments in the format specified in the table given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Comments :

Stakeholder Submission on Preliminary Draft of Terms and Conditions for Distribution Services (DTH/HITS)

DTH Services

S. No.	Description	Terms and Conditions No.	Proposed Changes, if any	Reasons with Detailed Justification
1	Authorization Fee	X.1	Reduce authorization fee for small operators or new entrants based on their market size and revenue potential.	Encourages market participation and competition, which benefits consumers by increasing choices and reducing costs.
2	Bank Guarantee	X.2	Implement a scaled-down bank guarantee for regional or small-scale operators.	Lowers financial entry barriers, fostering competition and diversity in broadcasting services.
3	Vertically Integrated Entity: Reserving of operational channel carrying capacity	X.3	Mandate a minimum percentage of channel capacity to be reserved for independent content providers.	Prevents monopolistic practices and promotes diversity in content, benefiting consumers.
4	Non-Transferable	X.4	Allow transfer of authorization under regulatory oversight for mergers, acquisitions, or legitimate business reasons.	Supports industry consolidation while maintaining regulatory safeguards to protect consumers and market stability.
5	Platform Service Channels	X.5	Cap the number of platform service channels to prevent operators from competing unfairly with licensed broadcasters.	Ensures a level playing field between DTH operators and broadcasters, protecting licensed players' investments.

S. No.	Description	Terms and Conditions No.	Proposed Changes, if any	Reasons with Detailed Justification
6	Sharing of Infrastructure by DTH Operators	X.6	Encourage sharing of infrastructure through incentivized regulatory policies, such as reduced authorization fees.	Reduces operational costs, enabling operators to offer more affordable services to consumers.
7	Prohibition of Certain Activities	X.7	Clarify the scope of prohibited activities, including specifics on anti-competitive practices and consumer exploitation.	Enhances regulatory clarity, protecting consumers and ensuring fair competition.
8	Technical Standards and Other Obligations	X.8	Mandate interoperability of set-top boxes (STBs) across all operators.	Reduces vendor lock-in and promotes consumer freedom to switch operators without incurring additional costs.
9	Mandatory Sharing/Carrying of Broadcast Signals with Prasar Bharati	X.9	Define a fixed bandwidth allocation percentage for Prasar Bharati signals to avoid overloading DTH infrastructure.	Ensures efficient use of bandwidth while complying with public broadcasting obligations.
10	Value-Added Services (VAS)	X.10	Require clear disclosure of VAS pricing and ensure VAS is optional, with opt-in mechanisms.	Protects consumers from hidden charges and promotes transparency in service offerings.
11	Miscellaneous	X.11	Include a clause requiring compliance with environmental regulations for e-waste management of STBs.	Promotes sustainable practices and environmental responsibility in the broadcasting sector.

HITS Services

S. No.	Description	Terms and Conditions No.	Proposed Changes, if any	Reasons with Detailed Justification
1	Mandatory Sharing/Carrying of Broadcast Signals with Prasar Bharati	Y.1	Introduce minimum and maximum limits for bandwidth allocation to prevent disproportionate utilization.	Balances public broadcasting obligations with efficient use of HITS operators' bandwidth.
2	Technical Standards and Other Obligations	Y.2	Include interoperability requirements for receiving devices and compatibility with emerging technologies like 4K.	Future-proofs the service and enhances consumer satisfaction by offering superior quality and flexibility.
3	Sharing of Infrastructure by HITS Operators	Y.3	Incentivize infrastructure sharing through reduced operational fees or tax benefits.	Lowers costs for operators, allowing them to pass on savings to consumers in the form of lower subscription charges.
4	Value-Added Services (VAS)	Y.4	Ensure VAS offerings are priced transparently and clearly distinguish core services from add-on features.	Protects consumers from unnecessary charges and promotes informed decision-making.
5	Prohibition of Certain Activities	Y.5	Clearly specify prohibited activities, including exclusive agreements that limit content access for competitors.	Promotes fair competition and protects consumer interests by ensuring access to diverse content.
6	Miscellaneous	Y.6	Include a clause for regular review of HITS regulations to adapt to technological advancements and market dynamics.	Keeps regulations relevant and effective, ensuring they align with industry growth and consumer needs.

Conclusion

These proposed changes aim to strike a balance between regulatory oversight, industry growth, and consumer welfare. They focus on fostering competition, promoting transparency, and ensuring service affordability while addressing technological and environmental considerations. Let me know if you require further elaboration or additional suggestions!

Q17. The extant IPTV guidelines dated 08.09.2008 may be required to be amended to align with the provisions of the Telecommunications Act, 2023. A preliminary draft of terms and conditions for providing IPTV Services is annexed as Part- III of Annexure-III for consultation. Stakeholders are requested to provide their comments including addition/ modification/deletion required, if any, with detailed justification.

Comments :

Below are the proposed modifications, additions, and deletions for the preliminary draft of terms and conditions for IPTV services, aligned with the **Telecommunications Act, 2023**, to ensure consumer welfare, market growth, and regulatory consistency.

S. No.	Clause/Provision	Proposed Addition/Modification/Deletion	Detailed Justification
1	**Licensing Framework**	Modify the licensing framework to introduce a unified license covering IPTV under the Telecommunications Act.	Simplifies compliance for service providers, ensures alignment with other telecom services, and promotes innovation.
2	**Technology-Neutral Approach**	Add provisions to ensure IPTV services are regulated in a technology-neutral manner.	Promotes fair competition among traditional broadcasting, OTT, and IPTV services, ensuring consumer choice and affordability.
3	**Interoperability**	Mandate interoperability for IPTV-enabled devices to allow consumers to switch providers without additional hardware.	Prevents vendor lock-in, reduces e-waste, and enhances consumer flexibility.
4	**Quality of Service (QoS)**	Introduce specific QoS standards for IPTV services, including minimum buffering times and service availability of 99%.	Ensures high-quality viewing experiences and prevents service disruptions.
5	**Consumer Grievance Mechanism**	Require IPTV providers to establish a 24/7 grievance redressal mechanism with time-bound resolution policies.	Enhances consumer protection by ensuring timely and efficient resolution of complaints.
6	**Content Regulation**	Align content regulation with the Programme Code and Advertising Code applicable to traditional broadcasting.	Ensures a level playing field among content providers and protects consumers from harmful or misleading content.
7	**Bundling and Pricing Transparency**	Mandate clear disclosure of pricing, terms, and conditions for bundled services (e.g., IPTV with internet/telephony).	Protects consumers from hidden charges and promotes informed decision-making.

S. No.	Clause/Provision	Proposed Addition/Modification/Deletion	Detailed Justification
8	**Bandwidth Allocation**	Specify minimum bandwidth allocation for IPTV services to ensure seamless delivery, especially during peak hours.	Prevents service degradation due to bandwidth contention with other internet services.
9	**Emergency Broadcasting**	Add a requirement for IPTV providers to support mandatory public safety and disaster-related alerts.	Ensures critical information reaches consumers during emergencies, safeguarding public interest.
10	**Privacy and Data Protection**	Include explicit provisions to protect consumer data from unauthorized access or misuse.	Builds consumer trust and aligns with data protection regulations under the Telecommunications Act, 2023.
11	**Revenue Reporting**	Require quarterly revenue reporting to ensure transparency and proper assessment of licensing/authorization fees.	Enhances regulatory oversight and compliance.
12	**Content Accessibility**	Mandate accessibility features like subtitles, audio descriptions, and multilingual support for IPTV content.	Promotes inclusivity for viewers with disabilities or language barriers.
13	**Advertising Standards**	Restrict intrusive ads (e.g., unskippable ads) and ensure compliance with user consent for personalized advertising.	Enhances consumer satisfaction and aligns with global advertising norms.
14	**E-Waste Management**	Require IPTV providers to have e-waste management policies for set-top boxes and other hardware.	Encourages environmentally responsible practices and reduces electronic waste.
15	**Periodic Review Mechanism**	Add a clause for periodic review of IPTV regulations (every 3–5 years) to address technological and market changes.	Keeps the regulatory framework updated and relevant to industry and consumer needs.

General Observations

1. **Alignment with Telecommunications Act, 2023**: The revised guidelines should align IPTV services with the broader regulatory framework of the Telecommunications Act to reduce redundancies and promote consistency across communication services.
2. **Consumer-Centric Approach**: Regulations must prioritize consumer welfare by ensuring affordability, quality, and access to diverse content without compromising privacy or data security.
3. **Encouraging Innovation**: A light-touch regulatory approach for startups and small players in IPTV can foster innovation while maintaining consumer protection.
4. **Global Best Practices**: Incorporating global best practices in IPTV regulation will enhance India's competitiveness in the global digital broadcasting market.

Conclusion

The suggested changes aim to modernize the IPTV regulatory framework while protecting consumer interests, fostering competition, and encouraging innovation. These revisions will ensure that IPTV services thrive in a rapidly evolving technological and market landscape. Let me know if further details or specific clauses need refinement!

Q18. Is there a need to review the minimum net worth requirement of Rs. 100 crore for ISPs to provide IPTV services, while framing the terms and conditions for provision of IPTV services in the new authorisation regime and whether it should be aligned with the terms and conditions of authorisation of Internet Services by Department of Telecommunications? Please provide your comments with detailed justification.

Comments :

The current minimum net worth requirement of ₹100 crore for Internet Service Providers (ISPs) to offer IPTV services warrants reconsideration under the new authorization regime. Aligning this criterion with the Department of Telecommunications' (DoT) terms and conditions for internet services could yield several benefits:

1. **Encouraging Market Entry and Competition**: A high net worth threshold limits market participation to financially robust entities, potentially stifling competition. Lowering this requirement would enable smaller ISPs to enter the IPTV market, fostering a competitive environment that can lead to improved services and pricing for consumers.
2. **Promoting Innovation and Regional Content**: Smaller ISPs often cater to niche markets and regional audiences. Reducing the net worth requirement would empower these providers to deliver localized and diverse content, enhancing cultural representation and consumer choice.

3. **Consistency in Regulatory Framework**: Aligning the net worth criteria for IPTV services with existing DoT regulations for internet services ensures a cohesive regulatory approach. This alignment simplifies compliance processes for ISPs and reduces administrative burdens, facilitating smoother operations.
4. **Adapting to Technological Advancements**: The convergence of technologies has blurred the lines between traditional broadcasting and internet services. Modern IPTV services can be delivered over existing internet infrastructure without substantial additional investment. Therefore, a high net worth requirement may no longer be justified, and a revised threshold would reflect the current technological landscape.
5. **International Best Practices**: Globally, many countries have adopted more flexible financial requirements for IPTV services to stimulate market growth and innovation. Revising India's net worth criteria in line with international standards could enhance the country's competitiveness in the global digital economy.

Recommendation: It is advisable to lower the minimum net worth requirement for ISPs to provide IPTV services, aligning it with the DoT's authorization terms for internet services. This adjustment would democratize market access, encourage innovation, and better serve consumer interests by offering a wider array of content and service options.

The Broadcasting (Radio) Services

Q19. In order to unbundle the authorisation from the spectrum allocation, the authorisation for providing FM Radio services is required to be obtained first, and thereafter an authorised entity is allowed to participate in the e-auction process for allocation of spectrum in a particular city. In such a scenario, stakeholders are requested to provide their comments with detailed justification on the following:

a. Whether the scope of service for the FM radio service be made Pan-India instead of City to allow an authorised entity to participate in e-auction process of any City in India?

b. What should be the prescribed entry fee, processing fee requirement for obtaining such FM Radio broadcasting service authorisation?

c. What should be the minimum net-worth requirement for obtaining service authorisation for FM Radio broadcasting services?

Comments : No Comments.

Q20. A preliminary draft of terms and conditions for inclusion in the second set of Rules for the Broadcasting (Radio) Services is annexed as Part-IV of Annexure-III for consultation. Stakeholders are requested to furnish their comments in the specified format given below, against the terms and conditions and indicate the

corresponding changes, if any, with necessary reason and detailed justification thereof.

Comments : **No Comments.**

Any Other Issue

Q21. Stakeholders may provide other comments, if any, relevant to the issues related to terms and conditions, including regulatory fees for the broadcasting services authorisations with justifications thereof.

Comments :

Here are additional comments relevant to the terms and conditions, including regulatory fees, with justifications focused on benefiting consumers:

General Comments on Terms and Conditions

1. **Transparency in Regulatory Fees**
   - **Comment**: Establish clear, predictable, and consistent fee structures for broadcasting authorizations. Regulatory fees should be tiered based on factors such as population reach, revenue generation, and geographic area.
   - **Justification**: Transparent and predictable fees help broadcasters plan long-term investments, ensure fair competition, and avoid passing unpredictable costs to

consumers. Tiered fees enable smaller operators to compete, leading to more diverse content options for consumers.

2. **Incentives for Local and Regional Content**
   - **Comment**: Introduce fee discounts or rebates for broadcasters that allocate a significant portion of their programming to local or regional content, especially in underserved areas.
   - **Justification**: Encouraging local content enriches cultural representation, promotes regional languages, and enhances consumer connection with the programming. Fee incentives can motivate operators to prioritize this content type.
3. **Consumer-Centric Quality Standards**
   - **Comment**: Set minimum quality standards for sound clarity, signal stability, and consistent service delivery, with penalties for substandard services.
   - **Justification**: High-quality broadcasting ensures a better listening experience for consumers, fostering trust and satisfaction with radio services. Regulatory oversight ensures these standards are uniformly applied.
4. **Flexibility for Emerging Formats**
   - **Comment**: Update regulations to accommodate innovations such as digital radio, podcast integration, and hybrid broadcasting models. Adjust fees proportionately for services leveraging new formats.

- **Justification**: Staying relevant to technological advancements enhances consumer choice and modernizes the industry, ensuring broadcasters meet changing audience expectations.

5. **Affordability of Services**
   - **Comment**: Caps or ceilings on regulatory fees should be implemented to prevent cost inflation, indirectly benefiting consumers by keeping radio services affordable.
   - **Justification**: An affordable regulatory framework enables broadcasters to allocate more resources to programming quality and innovation, which directly benefits the end users.

Recommendations for Enhancing Consumer Benefits

1. **Mandatory Public Interest Programming**
   - **Comment**: Mandate that a portion of programming hours be allocated to public service content (e.g., education, health, and awareness campaigns) without increasing regulatory fees.
   - **Justification**: This ensures consumers receive valuable, non-commercial content that benefits society at large.
2. **Regulations for Advertisements**
   - **Comment**: Set limits on advertisement durations to ensure a balanced programming experience and regulate content of ads to avoid misleading consumers.
   - **Justification**: Excessive advertisements detract from the listening experience, and misleading content erodes consumer

trust. Reasonable ad limits create a healthier content-consumer dynamic.

3. **Consumer Feedback Mechanisms**
   - **Comment**: Require broadcasters to establish accessible channels for consumer feedback and grievance redressal mechanisms, with periodic reporting to the regulator.
   - **Justification**: Direct consumer involvement enhances accountability and helps broadcasters align content and services with consumer needs.

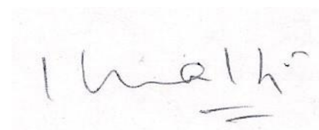
Additional Suggestions on Regulatory Frameworks

1. **Periodic Review of Fees**
   - Conduct regular reviews of regulatory fees to align with market conditions, inflation, and technological advancements to ensure fairness for both broadcasters and consumers.
2. **Encouragement of Community Radio**
   - Provide reduced fees and relaxed regulatory frameworks for community radio stations, focusing on grassroots-level development and local empowerment.
3. **Collaboration with Consumer Advocacy Groups**
   - Engage consumer advocacy groups during policy formulation to ensure regulatory decisions align with consumer interests and needs.

These comments are designed to balance regulatory goals, industry sustainability, and consumer benefits, fostering a vibrant and equitable broadcasting ecosystem.

Thanks.

Yours sincerely,



(Dr. Kashyapnath)
President