

Comments on Consultation paper Regulatory framework Ground-based Broadcasters

General Observations

1. **Need for Technological Neutrality:** The regulatory framework should integrate emerging technologies (fibre, broadband, cloud) while ensuring consistency across all broadcasters. This promotes adaptability and modernization, fostering fair competition.
2. **Alignment with Global Practices:** Leveraging international frameworks, such as the US Federal Communications Commission (FCC) rules and the European Union's AVMS (Audiovisual Media Services) Directive, ensures that India adopts best practices. These include technological neutrality and accountability for content distribution.

Q1: Definitions of Broadcaster, Programme, SBB, and GBB

- **Comment:** The draft definitions provide a foundation but require refinement for clarity and alignment with technological advancements.
- **Rationale:** Differentiating broadcasters by transmission medium ensures that regulations cater to their unique operational scopes. The International Telecommunication Union (ITU) offers relevant guidelines for uniformity.
- **Suggestion:**
 1. Define "Ground-Based Broadcasting" as transmission via terrestrial communication media (e.g., fibre, broadband, cloud), explicitly excluding satellite use.
 2. Emphasize content accountability, irrespective of the broadcasting medium.
 3. Align all definitions with ITU standards to ensure consistency.

Q2: Distinction Between GBBs and SBBs

- **Comment:** A distinction based on transmission medium and compliance requirements is essential.
- **Rationale:** Differentiation reduces duplication of compliance burdens and ensures that regulations are tailored to the specific needs of GBBs and SBBs. For example, the FCC handles terrestrial and satellite broadcasters through distinct frameworks.
- **Suggestion:**
 1. Differentiate based on licensing (uplinking/downlinking for SBBs vs. terrestrial permissions for GBBs).
 2. Specify content delivery accountability in regulatory guidelines.

Q3: Permitting All Terrestrial Transmission Media

- **Comment:** All terrestrial transmission media should be allowed but must meet regulatory and quality benchmarks.
- **Rationale:** Encouraging diverse technologies, as seen in FCC and EU frameworks, promotes innovation and enhances broadcasting quality.
- **Suggestion:**

1. Permit technologies like fibre, broadband, and cloud, subject to data security and network integrity compliance.
2. Mandate minimum technical standards for broadcast quality, similar to EU directives.

Q4: Categorization into State and National Level GBBs

- **Comment:** Agree with categorization but propose nuanced obligations for State-level GBBs.
- **Rationale:** Regional GBBs cater to linguistic and cultural diversity, while national broadcasters address broader audiences.
- **Suggestion:**
 1. Allow State-level GBBs to operate across multiple states via a unified framework.
 2. Implement dynamic pro rata obligations for fees and guarantees based on viewership or subscriber base instead of a flat percentage.

Q5: Annual Fees for GBBs

- **Comment:** The fee structure for GBBs should reflect their reduced infrastructure requirements compared to SBBs.
- **Rationale:** A flat fee discourages smaller regional players, contrary to international practices like those of Australia's ACMA.
- **Suggestion:**
 1. Introduce a tiered fee structure: ₹3 lakhs for small-scale, ₹5 lakhs for medium, and ₹7 lakhs for national-level broadcasters.
 2. Adjust fees based on market size and reach.

Q6: Provisions for GBB Hubs/Gateways

- **Comment:** GBBs should establish secure hubs or gateways for content aggregation and quality assurance.
- **Rationale:** Gateways ensure operational efficiency while maintaining content integrity, aligning with global cybersecurity and broadcasting standards.
- **Suggestion:** Develop guidelines for secure, cloud-based hubs with robust encryption to meet cybersecurity requirements.

Q8: Application of Extant Tariff Orders and QoS Regulations

- **Comment:** Extant regulations should apply with flexibility to accommodate the unique nature of GBB operations.
- **Rationale:** Mandating "Must Provide" and "Must Carry" provisions without exemptions could disproportionately burden smaller GBBs.
- **Suggestion:**
 1. Exempt GBBs with limited geographies from "Must Provide" obligations.
 2. Introduce cost-sharing mechanisms for "Must Carry" provisions to ensure fairness, similar to the UK framework.

Q10-12: Switching Between Transmission Mediums

- **Comment:** Broadcasters should be allowed to switch or operate on both mediums, subject to appropriate permissions and compliance.
- **Rationale:** The dual-operation model (e.g., BBC) maximizes operational flexibility while maintaining accountability.
- **Suggestion:**
 1. Require broadcasters to notify TRAI/MIB 30 days before switching mediums.
 2. Introduce a nominal additional fee for dual operations based on operational scale.