THE REGULATORY OVERVIEW

The regulatory hurdles and road blocks dissected threadbare.

TELEVISION AND BROADCASTING

INDIAN TELECOMMUNICATION BILL 2022

The Indian Telecommunication Bill 2022 ("Telecommunication Bill") was released for public comments on September 21, 2022. It is a consolidation and amendment of all laws pertaining to the operation and expansion of telecommunication services, networks, and relevant infrastructure. Owing to considerable technological advancement, three current legislations, namely, the Indian Telegraph Act 1885, the Indian Wireless Telegraphy Act 1933 and the Telegraph Wires (Unlawful) Possession Act 1950, will be repealed by the enactment of this Telecommunication Bill. Some of the aspects are discussed below:

- Expansion of definition of "telecommunication services":
  'Telecommunication services' has been defined broadly to include e-mail, broadcasting services, voice mail and Over-The-Top (“OTT”) communication services under its purview. The Telecommunication Bill consolidates the Central Government's powers to provide licenses/authorizations/permissions to entities seeking to provide telecom services (which includes broadcasting services), operate telecom networks, and/or provide telecom infrastructure.

The expansion of the scope of ‘telecommunication services’ to include ‘broadcasting services’ could lead to overlapping remits for the Department of Telecommunications (“DoT”) and the MIB which deals with all aspects related to broadcasting as per the Government of India (Allocation of Business) Rules, 1961. Broadcasters are in any case required to register Television and Broadcasting

भारतीय दूरसंचार विधेयक 2022

भारतीय दूरसंचार विधेयक 2022 (दूरसंचार विधेयक 2021) 21 सितंबर, 2022 को सार्वजनिक टिपिकलियों के लिए जारी किया गया था। यह दूरसंचार सेवाओं, नेटवर्क और पारमिटेड दूरसंचार सेवाओं के संचालन और वितरण से संबंधित सभी कानूनों का संयोजन और संशोधन है। उल्लेखनीय है कि नतीजी प्राप्ति के कारण, इस दूरसंचार विधेयक के अधिनियम में तीन भौगोलिक कानून अर्थात् भारतीय टेलिग्राफ अधिनियम 1885, भारतीय वायुमंडल टेलिग्राफ अधिनियम 1933 और टेलिग्राफ वायर (गिरफ्तारी) पोशाक एक्ट 1950 निरस्त हो जाएंगे। कुछ पहलुओं पर नीचे चर्चा की गयी है:

- 'दूरसंचार सेवाओं' की परिभाषा का विस्तार:
  दूरसंचार सेवाओं को इसके दावे में ई-मेल, प्रसारण सेवाओं, वोइस मेल और ऑवर-थे-टॉप (ओटटी) संचार सेवाओं को आमल करने के लिए व्यापक रूप में परिभाषित किया गया है। दूरसंचार विधेयक दूरसंचार सेवाओं पदन करने (जिसमें प्रसारण सेवाओं आमल है), दूरसंचार नेटवर्क संचालित करने और/या दूरसंचार अवसर पदन करने की मांग करने वाली संस्थाओं को लाइसेंस/पासवर्ड/अनुमति पदन करने के लिए केंद्र सरकार की अधिकारीयों को संक्रमित करता है। प्रसारण सेवाओं को आमल करने के लिए 'दूरसंचार सेवाओं' के दावे के विस्तार से दूरसंचार विभाग (डीओटी) और प्राइवेट के लिए ओवरलेटिंग में हो सकता है जो भारत सरकार (व्यापार का आवंटन) निवड 1961 के अनुसार प्रसारण से संबंधित सभी पहलुओं में संवैधिक है। प्रसारकों की किसी भी समस्या में अपने टेलीविजन चैनलों के संचालन के लिए प्यास की तरह पंजीकरण और समन्वय करने की आवश्यकता होती है। इसके अतिरिक्त
with and be verified by the MIB for operating their television channels. Additionally, inclusion of intermediary applications such as OTT communication services will result in an overlap with the Ministry of Electronics and Information Technology (“MeitY”).

- There are some additional compliances prescribed under the Telecommunication Bill, such as requiring licensed entities to identify persons to whom it provides services (through a verifiable mode of identification), and notifying the Central Government for any licensee/registered entity undertaking a merger, demerger, acquisition or any other form of restructuring.

- There is also a provision to allow Central or State Governments to take temporary possession of telecommunication services in case of a public emergency or in the interest of public safety.

**GUIDELINES FOR UPLINKING AND DOWNLINKING OF SATELLITE TELEVISION CHANNELS IN INDIA, 2022**

The MIB issued the Guidelines for Uplinking and Downlinking of Television Channels in India (“Television Channel Guidelines”) via a notification on 9 November 2022. Previous guidelines from 2011, i.e., the Policy Guidelines for Uplinking of Television Channels from India, 2011 and the Policy Guidelines for Downlinking of Television Channels, 2011 (“2011 Guidelines”) have been replaced by these Television Channel Guidelines. The goal of the revised Television Channel Guidelines is to ease compliances and simplify processes:

- **Inclusion of LLPs:** In addition to companies, now Limited Liability Partnerships (“LLPs”) can also seek permission for uplinking/downlinking under the guidelines. One of the conditions provided eligibility for companies/LLPs is that FDI in the company/LLP must be as per the FDI policy of the government. In this regard, the Foreign Exchange Management (Non-debt Instruments) Rules, 2019 provide that FDI into LLPs is only allowed:
  (i) in sectors where foreign investment up to 100% is permitted under automatic route; and
  (ii) if there are no “FDI linked performance conditions”. Currently, FDI in the broadcasting sector may not be possible.
INDUSTRY POLICY

- **Teleport, uplinking and downlinking**: Subject to the minimum net worth and Foreign Direct Investment ("FDI") compliance, a company/ LLP may apply online on the Broadcast Seva on payment of processing fees for setting up a Teleport/ Teleport Hub, uplinking a news or non-news TV channel from a teleport and satellite, or for downlinking a TV channel if it meets the net worth criteria, it has a commercial presence in India and it owns the channel or owns relevant rights related to the same. Permissions will be granted for 10 years. Thereafter, application for renewal of ten years may be filed three months prior to the last month of permission granted.

- **News agencies**: For setting up a news agency, a company/ LLP may apply online on the Broadcast Seva, subject to it being controlled and managed by Indians, employing working accredited journalists and complying with FDI requirements. Permission granted in this case is only for five years and can thereafter be renewed for five more years. Additionally, the Television Channel Guidelines stipulate requirements for the application and process of purchase and hiring of Digital Satellite News Gathering and Satellite News Gathering equipment.

- **Foreign channels**: A foreign channel/ entity may be granted permission up to 12 months for live uplinking through a pre-designated teleport. The applicant is required to have a binding agreement with a permitted teleport, pay a processing fee of INR100 thousand per day of live telecast and should uplink only for usage abroad and not in India (if in India, downlinking permission and registration of the channel is required).

- **Operational status**: During the period of permission granted, a TV channel must remain operational and in case it fails to do so for more than 60 days, the company/ LLP must inform the MIB of such status along with reasons for the same. If the MIB is not informed, violation may lead to penal action.

- **Public service broadcasting**: Companies/ LLP may undertake public service broadcasting for a minimum period of 30 minutes a day on themes of national importance and of social relevance inter alia education, agriculture, health, science, welfare of women, welfare of weaker sections of society, protection of environment and national integration. The advisory on Obligation of Public Service Broadcasting released in January 2023 requires all private satellite TV channels to undertake public service broadcasting from March 2023 onwards.

- **टेलीपोर्ट, अपलिंकिंग और डाउनलिंकिंग**: न्यूनतम निवल मूल और प्रविष्ट विदेशी वित्त (एफडीआई) अनुमयन के अनुसार, एक कंपनी/एकल्पियी टेलीपोर्ट/टेलीपोर्ट हवा की ध्वनि, अपलिंकिंग के लिए पोर्मिंग गुणक के मूलान पर प्रशासन पर आवेदन कर सकती है। एक टेलीपोर्ट और मेटेलायड में एक समाधान या पर समाधान टीवी चैनल को अपलिंकिंग करने के लिए आवेदन या एक टीवी चैनल को डाउनलिंकिंग करने के लिए अगर यह निवल मूल गुणकों को पूरा करता है तो भारत में इसकी व्यवस्थापिक उपस्थिति है और यह चैनल का मालिक है या इससे संबंधित उपस्थिति अंकों का मालिक है।

- **समाचार एजेंसियां**: एक समाचार एजेंसी की ध्वनि के लिए एक कंपनी/एकल्पियी ब्लॉकडाक्ट बाबा पर आवेदन कर सकती है, वास्तव में भारतीयों द्वारा नियोजित और पर्यवेक्षित किया जाये, कार्य रत भारतीय राज्य के नियुक्त किया जाये और एफडीआई आवेदकताओं का अनुमयन किया जाता है।

- **विदेशी चैनल**: एक विदेशी चैनल/संस्था को पूर्व निर्देश टेलीपोर्ट के माध्यम से लाभ अपलिंकिंग के लिए 12 महीने तक की अनुमति दी जा सकती है। आवेदक को अनुमूर्त प्राप्त टेलीपोर्ट के साथ एक व्यावसायिक समझौता करना आवश्यक है।

- **सेवारत्न की स्थिति**: ती की अनुमति की अवधि के दौरान एक टीवी चैनल चालू रहना चाहिए और यदि वे 60 दिनों में अधिक समय तक ऐसे करने में विफल रहते हैं तो कंपनी/एकल्पियी को ऐसी स्थिति के बारे में एफडीआई को इसके कारणों के साथ सूचित करना चाहिए।

- **लोक सेवा प्रशासन**: कंपनियां/एकल्पियी राष्ट्रीय महत्व के विषयों का समाज मानक वाक्यांकित की सामाजिक-रास्ता विश्वास, कृप्ति, मानवता, समाज में विवादों के कल्याण, समाज के समाजजीवन वर्ग के कल्याण, समाज, अर्थव्यवस्था की गुरुत्व और राष्ट्रीय एकता के विषयों पर कम से कम 30 मिनट की अवधि के लिए वित्तीय/सामाजिक सेवा प्रशासन कर सकती है। जनवरी 2023 में जारी सामाजिक
A comparison of key aspects of the 2011 Guidelines with the 2022 guidelines is below:

<table>
<thead>
<tr>
<th>SNo.</th>
<th>Provision</th>
<th>2011 Guidelines</th>
<th>2022 Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Applicability Criteria</td>
<td>Application is only open to Companies registered under the Companies Act, 1956.</td>
<td>Applicants can be companies registered under the Companies Act, 2013, as well as Limited Liability Partnerships registered under the Limited Liability Partnership Act, 2008.</td>
</tr>
<tr>
<td>2</td>
<td>Application process</td>
<td>No provision for online filings</td>
<td>An applicant may apply online on Broadcast Seva Portal with processing fees and other documents as specified in the Guidelines. The Broadcast Seva Portal has been launched by the MIB in 2022 to make application process for various registrations, permissions and licenses for broadcast related activities easier</td>
</tr>
<tr>
<td>3</td>
<td>Prior permission for telecast of Live Events</td>
<td>Prior Permission to be taken for usage of facilities for live news or footage collection and transmission.</td>
<td>No prior permission to be taken for telecast of live event, provided that such live event has been registered for telecast.</td>
</tr>
<tr>
<td>4</td>
<td>Live events by foreign channels</td>
<td>Not permitted</td>
<td>A foreign channel entity may be granted permission up to 12 months at a time for live uplink of an event from time to time through a pre-designated permitted teleport, subject to the fulfillment of the conditions provided in the Guidelines.</td>
</tr>
<tr>
<td>5</td>
<td>Permission duration for news agency</td>
<td>1 year</td>
<td>5 years</td>
</tr>
<tr>
<td>6</td>
<td>Uplinking of foreign channels</td>
<td>Not permitted</td>
<td>Company or LLP would be allowed to uplink foreign channels from Indian teleports.</td>
</tr>
<tr>
<td>7</td>
<td>Change in language and mode of transmission from standard definition to high definition</td>
<td>Prior permission needed</td>
<td>Only prior intimation needed</td>
</tr>
<tr>
<td>8</td>
<td>Payment of security deposit</td>
<td>NA</td>
<td>Permission will be granted upon the entity furnishing a performance bank guarantee and a security deposit as mentioned in Appendix IV to the Guidelines</td>
</tr>
<tr>
<td>9</td>
<td>Signal encryption</td>
<td>No mandatory encryption of signals in any frequency band.</td>
<td>TV channels uplinking in any frequency band other than C-band must encrypt their signals.</td>
</tr>
<tr>
<td>10</td>
<td>Change in CEO or Board of Directors</td>
<td>No changes to the CEO or Board of Directors could be made without the MIB’s prior approval.</td>
<td>A new CEO (by whatever name called), director, or designated partner cannot be appointed without MIB’s prior approval. If a company only has two directors or LLP only has two designated partners, the new director an or designated partner may be appointed and notification sent to the MIB, along with all details required for security clearance by the MIB of Home Affairs (MHA).</td>
</tr>
<tr>
<td>11</td>
<td>Penalties for violation</td>
<td>Different penalties for first violation and subsequent violations</td>
<td>Different penal actions identified for different violations. The actions differ in severity based on the type of violation. For instance, for delay in intimation regarding change in shareholding pattern, the penal action is a warning. On the other hand, for transfer of a channel without permission of the MIB, the action is suspension/cancellation of permission</td>
</tr>
</tbody>
</table>
**INDUSTRY POLICY**

**TARIFF ORDER 2022 & INTERCONNECTION (ADDRESSABLE SYSTEMS) REGULATIONS 2022**

TRAI issued an order titled ‘The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Third Amendment) Order, 2022’ (“Tariff Order”) to amend the Tariff Order of 2017. The order is applicable throughout India and is enforceable from 01 February 2023 (except for clauses 4 and 5, which will be applicable from 22 November 2022). The Tariff Order states that for a broadcaster offering pay channels in the form of bouquets, no pay channel should be included if its MRP is more than INR19/month. The previous rate was INR12/month. Additionally, it states that the MRP per month of such bouquet shall not be less than 50% of the sum of MRP per month of à la carte pay channels forming part of that bouquet.

TRAI also issued the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Fourth Amendment) Regulations, 2022 to further amend the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017. The amendment allows broadcasters to offer discounts on the MRP of pay channels or a bouquet of pay channels, to distributors of television channels. However, this should not exceed 15% of the MRP. The sum of distribution fee declared by a broadcaster and discounts offered should not exceed 35% of the MRP of a pay channel or bouquet.

**KERALA HIGH COURT DISMISSES CHALLENGE TO TARIFF ORDER**

The Kerala High Court, in All India Digital Cable Federation & Anr. v. Telecom Regulatory Authority of India & Anr., dismissed the petition filed by the All Indian Digital Cable Federation (“AIDCF”) challenging TRAI’s new Tariff Order, under which broadcasters were allowed to increase channel prices for inclusion in bouquets of channels from INR12 to INR19. The Kerala High Court held that AIDCF has failed to establish any arbitrariness or illegality or any other legal infirmities on the part of TRAI in passing the new Tariff Order. AIDCF’s challenge was primarily based on the ground that pursuant to the Tariff Order, the broadcasters have priced channels in such a way that consumers prefer to opt for a bouquet instead of opting for a high priced popular channel on a-la-carte basis, thereby rendering a-la-carte choice of consumer meaningless.

**NEW TARIFF ORDER (NTO)**

![New Tariff Order (NTO)](image-url)

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SUPREME COURT SETS ASIDE ORDER REVOKING UPLINKING/DOWNLINKING PERMISSION TO MEDIA ONE

The Supreme Court (“SC”), in Madhyamam Broadcasting Ltd (“MBL”) v. Union of India and Ors., allowed appeals filed by the petitioner challenging the orders of the MIB denying renewal of permission previously granted to MBL to uplink and downlink the news channel MediaOne under the Policy Guidelines for Uplinking of Television Channels from India, 2011 and the Policy Guidelines for Downlinking of Television Channels, 2011. MIB had denied renewal on the ground that under Clause 9.2 of the Uplinking Guidelines, security clearance is a pre-condition for the grant of permission and the Ministry of Home Affairs has refused to grant security clearance to MBL. MBL approached the Kerala High Court challenging the order of refusal. The government filed a response before the Kerala High Court stating that MHA cannot disclose reasons for the denial “as a matter of policy and in the interest of national security” based on information submitted in a sealed cover. The Single Bench and Division Bench of the Kerala High Court upheld MIB’s decision. However, the SC set aside the orders passed by the Single Bench and Division Bench of the Kerala High Court. The SC held that as per the principles of natural justice, the relevant material must be disclosed to the affected party so that it can exercise its right to appeal. The SC also stated that the presence of national security concerns in an entity’s functioning should not prevent the State from acting fairly, and the State cannot use this as a tool to deny citizens of the appropriate remedies available to them. Additionally, the SC emphasized on the freedom of press under Article 19(1)(a), stating that the critical views on policies of the government expressed through MediaOne cannot be termed as anti-establishment; and that MIB’s action produces a chilling effect on free speech and freedom of press.

TRAI CONSULTATION PAPER — LEVERAGING ARTIFICIAL INTELLIGENCE AND BIG DATA IN TELECOMMUNICATION SECTOR

The Telecom Regulatory Authority of India (“TRAI”), in August 2022, released a Consultation Paper titled ‘Leveraging Artificial Intelligence and Big Data in Telecommunication Sector’. The paper presented use cases of Artificial Intelligence (“AI”) and Big Data (“BD”) in matters of Quality of Service (“QoS”), Spectrum
Management and Network Security. The paper briefly discusses the opportunities AI brings in for the M&E industry, such as metadata tagging, content personalization and automated subtitle generation. Various risks associated with AI and BD are also discussed, namely, data and algorithm bias, unethical use, privacy, model instability, non-compliance, and legal regulations.

**TRAI CONSULTATION PAPER ON ISSUES RELATED TO COMMUNITY RADIO STATIONS (“CRS”)**

The paper explores issues and concerns being faced in relation to CRS. The paper then poses questions in relation to these issues, including whether Section 8 companies (not-for-profit) should be allowed to establish CRS, term of license, permitted duration of advertisements, factors for slow growth of CRS in India, etc. The paper also summarizes key provisions globally with respect to CRS.

**TRAI RECOMMENDATIONS ON “MARKET STRUCTURE/ COMPETITION IN CABLE TV SERVICES”**

- In September 2022, TRAI published recommendations on Market Structure/ Competition in Cable TV services. The recommendations are largely based on the themes of
  (a) market structure;
  (b) infrastructure sharing at the local cable operator (“LCO”) level; and
  (c) mergers and acquisitions (“M&A”) and horizontal and vertical integrations.

- In this regard, TRAI noted that the level of competition in the cable TV services market has increased considerably in recent years in terms of both, number of players and the number of platforms. In light of this, TRAI recommended that there is no need to introduce any additional regulations or take any corrective measures to enhance the level of competition in the cable TV distribution sector. TRAI will monitor developments in this space closely and decide to intervene when needed.

- With respect to LCOs, TRAI stated that sharing of infrastructure at the cable operator level will facilitate broadband service in remote areas where it may be difficult even for major Internet Service Providers to develop their own infrastructure for effective broadband service. Hence, it is important to facilitate

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- With respect to LCOs, TRAI stated that sharing of infrastructure at the cable operator level will facilitate broadband service in remote areas where it may be difficult even for major Internet Service Providers to develop their own infrastructure for effective broadband service. Hence, it is important to facilitate
and promote sharing of cable infrastructure by LCOs with Telecom Service Providers to enable a last mile for provision of broadband services and TRAI recommended that the Government should issue necessary amendments to existing rules/guidelines to enable this.

- TRAI also re-emphasized the need to establish requisite safeguards for dissemination of unbiased and impartial information and promote pluralism and diversity, but noted that issues pertaining to vertical integration, horizontal integration and M&A are being dealt through a separate consultation process on media ownership.

- Lastly, TRAI reiterated its recommendation that the registration of LCO and its renewal should be carried out through an online portal. However, this recommendation is yet to be implemented by the MIB. TRAI stated that these recommendations should be implemented by MIB at the earliest.

**TRAI CONSULTATION PAPER ON ISSUES RELATING TO MEDIA OWNERSHIP**

TRAI, in April 2022, released a consultation paper titled “Issues relating to Media Ownership”. In the consultation paper, TRAI raised a total of 28 questions for stakeholder comments, which inter alia relate to:

(i) the need for monitoring cross media ownership and control (in light of expansion of media industry to various digital media);

(ii) need for common regulatory mechanism/self-regulation to monitor ownership and acquisitions of print, television, radio, or other internet-based news media;

(iii) criteria for measuring ownership, control, market concentration, levels of consumption;

(iv) criteria for determining relevant geographic market (urbanization, locality, languages, etc.);

(v) viewpoint neutrality;

(vi) restraints, if any, on entities from entering media sector in public interest;

(vii) requirement of restrictions on cross ownership in various media segments, if any, and whether this should be based on thresholds of ownership/control in one segment and market concentration; and

(viii) permissibility of vertical integration, i.e., whether entities should be permitted to own an interest in both broadcasting and distribution companies/entities.

- Recognition of multi-TV homes, i.e., a household having multiple connections under a single ID for which a single bill is generated. There is a change in the network’s capacity fee (“NCF”) for multi-TV homes and increased flexibility has been granted.

- Provision for a long-term subscription (over six months), on which a distribution platform operator (“DPO”) may offer a discount on the NCF. This was a new introduction.

- A cap of INR400 thousand per month has been prescribed on the carriage fee payable by a broadcaster to a platform operator per month for carrying a channel in the country. There was no such cap earlier.

TRAI REFLECTED ON THE ISSUES IN THE CHANGES BASED ON THE NEW REGULATORY FRAMEWORK 2020 AND RELEASED THE BROADCASTING CONSULTATION PAPER IN MAY 2022 TO SUGGEST METHODS FOR SMOOTH IMPLEMENTATION OF THE NEW REGULATORY FRAMEWORK 2020. IN ORDER TO BALANCE THE INTERESTS OF SUBSCRIBERS, BROADCASTERS AND PLATFORM OPERATORS, TRAI INVITED DISCUSSIONS ON THREE MAIN POINTS:

- The ceiling on Maximum Retail Price (“MRP”) of channels provided as a part of a bouquet (INR12).

- The ceiling on the discount structure of bouquet pricing: the 2017 Tariff Order provided a flat discount of 15% on the sum of all MRPs in the pay channel of the bouquet, while the 2020 Tariff Order (including amendments) created a relation
between the sum of à la carte prices and bouquet prices

As per the 2017 regulatory framework, a broadcaster was permitted to offer a discount of maximum of 15% on the MRP of a pay channel or a bouquet of pay channels to DPOs, in addition to distribution fee. Often, the broadcaster utilizes this discount as an incentive only on subscription of certain minimum subscription of bouquets of pay channels to DPOs, thus again pushing the offering of bouquets to the subscribers and hindering their free choice.

The New Regulatory Framework is meant to benefit consumers, as they will have access to increased channel offerings, revised NFCs, particularly for multi-TV homes, as well as reduction in the number of bouquets offered to them to ensure freedom of choice. Post the Broadcasting Consultation Paper, the Tariff Orders described in point (c) above came into force from 3 February 2023 onwards, popularly known as the New Tariff Order 3.0.

CONSULTATION PAPER ON REGULATORY FRAMEWORK FOR PROMOTING DATA ECONOMY THROUGH ESTABLISHMENT OF DATA CENTERS, CONTENT DELIVERY NETWORKS, AND INTERNET EXCHANGES IN INDIA

TRAI released this consultation paper in 2021. In May 2022, TRAI conducted an open house discussion on the promotion of data economy and published its recommendations in November 2022. The recommendations include online registration of content delivery networks with the DoT, with a one-time registration fee, incentivizing establishment of data centers and data center parks, authorizing BIS to develop India-specific standards for data centers, promoting green data centers and facilitating connectivity for coastal states to cable landing stations. The M&E sector could stand to benefit from such incentives provided to data centers, as it would help with quicker storage and distribution of multimedia, increased uptime of content online, and more cost-effective options due to the fiscal incentives provided for the set-up of the data centers.

◆ 2017 के नियामक धाराओं के अनुसार एक प्रमाणक को वितरण गुणक के अलावा डीपीओ को पे चैनल या पे चैनलों के बुक के पे चैनल पर अधिकतम 15% का छूट देने की अनुमति थी। अक्सर, प्रमाणक का उपयोग केवल डीपीओ को पे चैनलों के बुक के कुछ नृत्यांकन संग्रहालय के नृत्यांकन प्रोसेस के रूप में करता है, इस प्रकार फिर नृत्यांकन को बुक की पेशकश को आंग बढ़ाता है और उनकी मुक्त पारंपरियता में बाधा डालता है।

नया नियामक धारा उपभोक्ताओं को लाभान्वित करने के लिए क्योंकि उनके पास बढी हुई चैनल पेयाएलों, संरचित एसपीएफ तक पहुंच होगी, विविध स्थान में मल्टी टीवी घरों के लिए, साथ ही पारंपरियता को मुनिविजय करने के लिए उन्हें दिखाए जाने वाले बुक की संख्या में कम होगी। व्हाइटकॉर्ट हैंडलांस पेपर पॉर्ट को, टैक्स आईटी प्लाइट में वितरण पर यह भी। उपर्युक्त 3 फरवरी 2023 से लागू हुआ, जिसे न्यू टैक्स आईटी 3.0.28 के नाम से जाना जाता है।

भारत में डेटा कंड्यों, कंडेंट वितरण नेटवर्क और इंटरनेट एक्सचेंजों की स्थापना के नाथ से डेटा अर्थव्यवस्था को बढ़ावा देने के लिए नियामक धाराओं पर परामर्श पत्र

भारत में इस परामर्श पत्र 2021 में जारी किया गया। मई 2022 में, अमंग ने डेटा अर्थव्यवस्था के प्रदाय पर एक आयोजन हार्ड चर्चा का आयोजन किया और नवंबर 2022 में एक परामर्श पत्र प्रकाशित किया। निर्देशिकाओं में डेटा कंडों के माध्यम से वितरण नेटवर्क का एक बार का ऑप्लाड पंजीकरण शामिल है। पंजीकरण गुण, डेटा कंडों और डेटा में टर्न पारंपरियता की स्थापना को प्रोसेस करने के लिए वीआईए को अधिकृत करना, इंटरनेट डेटा कंडों को स्थापित करना और केंवल लेडिंग टेंशनों के लिए नूतन गतिविधियों के लिए कनीकिंगर्स की सुविधा प्रदान करना। एम एंड ई क्षेत्र डेटा कंडों को प्रदान किये गए ऐसे प्रोसेसों से लाभान्वित हो सकता है, क्योंकि वह मल्टीमीडिया के लाभी संकेतों और वितरण, ऑप्लाड पंजीयन के बड़ते समय और डेटा कंडों की वितरण के लिए प्रदान किये गए मूलीय परामर्शों के कारण अधिक लागत प्रभावी विकल्प भी होगा।
MIB’S ADVISORY DATED 20 JANUARY 2023 TO CARRY SIGN LANGUAGE INTERPRETATION

In order to facilitate accessibility to people with hearing impairments, the public broadcaster Doordarshan indicated that it will carry sign language interpretation along with English and Hindi closed captions for

(i) the President’s speech to the nation on 25 January 2023; and

(ii) live commentary of the Republic Day celebrations and parade.

The MIB notified that this telecast would be made available free of cost, and all TV channels interested in broadcasting the President’s speech and live commentary may carry the signals of DD Bharti/DD News containing the sign language interpretation along with English and Hindi closed captions for ensuring accessibility to differently abled people. This advisory was specific to the public broadcaster Doordarshan. The MIB has previously issued advisories to private satellite TV channels to carry sign language interpretation for Independence Day ceremonies.

DELHI HIGH COURT HELD BROADCASTER MUST BEAR IN MIND PRECAUTIONS WHILE AIRING CONTENT

The Delhi High Court held that cable TV broadcasters have an obligation to blur or obscure disturbing images that may be harmful to children, as under Rule 7(7) of the Cable Television Networks Rules, 1994, and upheld the penalty of warning issued by the MIB. The court stated that such images have a negative impact on the mental and psychological well-being of children and may lead to serious consequences. The court further directed the MIB to ensure that cable TV broadcasters adhere to the Cable TV Programme Code and take necessary measures to protect children from harmful content. Cable TV broadcasters will, therefore, need to ensure that all content aired on TV channels complies with this obligation to blur or obscure disturbing images, and any other measures to ensure children are protected from harmful content.

NEWS VIEWERSHIP

BARC was directed by the MIB to release news viewership ratings in the beginning of 2022. In March 2022, a new system of four-week rolling average data was introduced for calculation of ratings and channel rankings introduced for calculation of ratings and channel rankings...
for the news and niche genres, instead of the weekly audience estimates.

Separately, the Delhi High Court has sought the Central Government’s response to a PIL seeking government takeover of BARC. The matter is due for its next hearing in April 2023.

**FM RADIO**

**FM RADIO BROADCASTING POLICY RELAXES RECASTING AND OWNERSHIP NORMS**

In October 2022, certain provisions contained in the Policy Guidelines on Expansion of FM Radio Broadcasting Services through Private Agencies (Phase-III) (Private FM Phase-III Policy Guidelines) (“FM Radio Guidelines”) were amended. The FM Radio Guidelines lay down the eligibility criteria, permission requirements, and procedure for obtaining permission for FM radio channels. There are three key amendments:

◆ The government has removed the three-year window for restructuring of FM radio permissions within the same management group during the license period of 15 years. As per the earlier guidelines, any such restructuring of FM radio permissions between different holding companies/subsidiaries/interconnected undertakings/companies with same management was allowed only during the time between the submission of the last bids till a period of three years from the date on which all the channels allotted to any company holding permission stood operationalized.

◆ Earlier, no entity was allowed to hold ownership of more than 15% of the total number of channels allotted in the country. However, these amendments have removed the 15% national cap on channel holding.

◆ An applicant company can now participate in bidding for ‘C’ and ‘D’ category cities with a net worth of INR10 million in place of INR15 million earlier.

These amendments are likely to ensure further expansion of FM radio to Tier-III cities in the country. This will culminate into creation of new employment opportunities and enable music and entertainment in smaller cities as well.
ADVISORY FOR FM RADIO CHANNELS TO ADHERE TO RULES FOR APPROPRIATE CONTENT

In November 2022, the MIB directed private FM channels to not play songs “glorifying” alcohol, drugs, weapons and “gangster/gun culture”, warning of penal action, including suspension of permissions.

SOCIAL AND DIGITAL MEDIA

INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) AMENDMENT RULES, 2022

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules”) have been modified by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022 (“Amendment Rules”). Pertinent changes are as discussed below:

- The IT Rules now require intermediaries to prominently inform users of the privacy policy, user agreement, and rules and regulations in English or any other language listed in the Eighth Schedule of the Constitution.
- Intermediaries are now required to use reasonable efforts to cause users of their computer resource to publish, etc., certain categories of information. There is ambiguity around the exact scope of obligation, and the press note accompanying the Amendment Rules indicates that intermediaries are required to simply enforce their terms and conditions, i.e., take down content which has violated their user terms.
- In the types of prohibited content, the following changes have been made: the terms “defamatory” and “libelous” are deleted and new restrictions on “promoting enmity between different groups on the grounds of religion or caste with the intent to incite violence” and misinformation have been added.
- Intermediaries are required to ensure accessibility of their services to users, along with a reasonable
expectation of due diligence, privacy and transparency.

- Intermediaries are required to respect all rights accorded to citizens under the Constitution of India, including under Article 14, 19 and 21.

- The Amendment Rules also require the Grievance Officer of the intermediary to act upon any requests for the removal of information or communication link relating to legal issues including privacy, obscenity, misinformation, impersonations, etc. expeditiously within 72 hours of such reporting by the user and any other complaints within 15 days.

- The inclusion of the Grievance Appellate Committee (“GAC”) is the most significant amendment to the IT Rules. Any person aggrieved by a grievance officer’s decision may submit an appeal to the GAC within 30 days of receipt of communication from the grievance officer. The GAC is required to endeavor to resolve the appeal within 30 days of receipt of the appeal. The intermediary must follow the GAC’s orders and submit a report on its website. The GAC is required to comprise a chairperson and two whole-time members. As of January 2023, three GACs have been constituted with three members each for a period of three years. Further, the process to be adopted by the GAC for disposal of the appeal has not been specified.

The impact of the Amendment Rules is most notably the constitution of the GAC. Now, the decisions taken by intermediaries on user grievances will be subject to review by GAC. In case the user is not happy with the decision of the GAC, the user may then file a writ petition.

SELF-REGULATORY BODIES UNDER THE IT RULES

The IT Rules, under the Code of Ethics applicable to publishers of news and current affairs content, and online curated content, required the formation of self-regulatory bodies as the second level of a three-tier grievance redressal mechanism.

A total of ten self-regulatory bodies (“SRB”) have received approval from the MIB since the IT Rules came into effect in 2021. Nine SRBs are for news publishers (Journalist and Media Association Grievances Council, Print and Digital Media Association, Digital Media Publishers & News Portal Grievance Council of India, Working Journalist Media Council, DIGIPUB News India Foundation, Media9 Digital Media Foundation, Confederation of Online Media (India) - Indian Digital Publishers Content Grievance

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Council, Web Journalists Standards Authority, and Professional News Broadcasting Standards Authority) and one SRB (the IAMAI - Digital Publisher Content Grievances Council) is for OTT platforms. It was reported in 2021 that the Indian Broadcasting and Digital Foundation would form an SRB named Digital Media Content Regulatory Council (“DMCRC”) for OTT platforms. However, the DMCRC does not appear to be registered as an SRB yet.

**AMENDMENT TO THE IT RULES FOR FAKE/ FALSE NEWS**

On April 6, 2023, the MeitY notified the 2023 Amendments to the IT Rules.

The IT Rules, as amended by the 2023 Amendments, require intermediaries to ‘make reasonable efforts’ to cause by itself, and to cause users of its computer resource not to publish certain specified information.

The 2023 Amendments introduces “any information “in respect of any business of the Central Government” that is identified as fake or false or misleading by a fact-check unit of the Central Government appointed by the MeitY, within such specified categories of information.

Intermediaries are also required to take down such information upon being notified by courts or Government / government agencies.

This amendment has been challenged as unconstitutional before the High Court of Bombay and the challenge is currently pending.