



BROADCASTING SERVICES (REGULATION) BILL, 2023 - GS II & III MAINS

Q. The Broadcasting Services Regulation Bill 2023 seeks to modernise and consolidate the regulatory landscape of broadcasting in India. Critically analyse (15 marks, 250 words)

News: *Broadcasting regulation bill and its impact on content world*

What's in the news?

- The Broadcasting Services Regulation Bill 2023, which has been put up for public consultation by the ministry of information and broadcasting (MIB), has major ramifications for the broadcasting sector since the government is looking to bring diverse platforms and technologies under a single regulatory framework.

Key takeaways:

- With the government aiming to **make India a global content production hub**, experts point out that the proposed law could impact the content creation process as OTT platforms, like TV channels, will be bound by a programme code.
- Till now, OTT platforms had the freedom to create the kind of content that they wanted.

Key Provisions of the Bill:

1. Unified Regulatory Framework for Broadcasting:

- The bill aims to replace the Cable Television Networks Act of 1995.
- It also extends the regulatory purview to cover broadcasting of the over-the-top (OTT) content and digital news and current affairs, currently regulated through IT Act, 2000.

2. Contemporary Definitions and Future-Ready Provisions:

- The bill introduces comprehensive definitions for contemporary broadcasting terms.
- It incorporates provisions for emerging broadcasting technologies, to keep pace with the evolving technologies and services.

3. Strengthens self-regulation mechanism:

- The Bill establishes 'Content Evaluation Committees' for self-regulation.
- The Bill Introduces a 'Broadcast Advisory Council' to advise the central government on violations of program and advertisement codes.

4. Differentiates Programme Code and Advertisement Code:

- The Bill allows for a differentiated approach to Programme and Advertisement Codes across various services.

5. Accessibility for Persons with Disabilities:

- The Bill promotes the use of subtitles, audio descriptors, and sign language for persons with disabilities.



- The Bill provides for the appointment of a Disability Grievance Officer.

6. Penalties:

- Prescribes penalties such as advisory, warning, censure, or monetary penalties for operators and broadcasters.
- Reserves imprisonment and/or fines for severe offences, like obtaining registration with a false affidavit.

7. Equitable Penalties:

- The Bill links monetary penalties and fines to the financial capacity of the entity.
- It takes into consideration the entities turnover and investment for fairness and equity.

8. Infrastructure sharing provisions:

- The Bill introduces provisions for infrastructure sharing among broadcasting network operators.

9. Dispute resolution:

- The Bill establishes a structured dispute resolution mechanism.

10. Inclusion of Private Players:

- The provision to permit private actors in terrestrial broadcasting will encourage competition with Doordarshan, the state broadcaster, as is in many G-20 countries.

10. Transparency:

- **Data and Audit** - As broadcasting network operators and broadcasters would need to maintain records of subscriber data, and subject this to periodic external audits.
- **Audience Measurement** - The Broadcasting Services Regulation Bill 2023 seeks to stipulate a methodology for audience measurement, and the sale of ratings data.

Significance of the Bill:

1. Pivotal Legislation:

- The Information & Broadcasting Minister describes the bill as a “pivotal legislation” that aims to modernize the regulatory framework, adapting to the dynamic world of OTT, digital media, DTH, IPTV, and emerging technologies.

2. Accessibility Guidelines:

- The bill also provides comprehensive accessibility guidelines for the Divyangjan community.

3. Empowerment of Broadcasters:

- The bill introduces provisions to empower broadcasters with self-regulation mechanisms, aiming to strike a balance between regulatory oversight and industry autonomy.

4. Differentiated Approach to Codes:

- The draft Bill allows for a differentiated approach to Programme and Advertisement Codes across various services, enabling regulations to be tailored to suit the nature of linear and on-demand content.



5. Fairness Measures:

- The bill links monetary penalties to the investment and turnover of the entity, ensuring fairness. Penalties are proportionally determined based on the entity's financial standing, meaning larger corporations may face higher fines.

6. Stakeholder Involvement:

- The bill involves stakeholders through public consultation. The industry welcomes this initiative for a unified law, anticipating it to streamline compliance and enforcement processes.

Concerns of the Bill:

1. Environment of Threat:

- The broadcasting services regulation bill 2023 threatens individual journalists and creators by requiring them to register and follow broadcasting rules when commenting on news.

2. Dominance of Government:

- The broadcasting advisory council is dominated by government bureaucrats rather than independent voices.

3. High Censorship:

- It expands censorship and control from TV channels to all online broadcasting and streaming platforms. For example, it requires online platforms to classify their content.

4. Preventing Diversity:

- There are no provisions for measuring the extent of cross-media and vertical ownership, which prevents the diversity of suppliers and viewpoints.

5. Redressal of Grievances:

- The Broadcasting Services Regulation Bill 2023 plans a "Broadcast Advisory Council" to examine viewers' grievances and violations of the Programme Code and Advertisement Code, which raises concern about the capacity of the Council to track and address grievances.

WAY FORWARD:

1. Adaptability to Technology:

- Regulations should be designed to be adaptable to technological advancements. Given the rapidly evolving nature of the media landscape, it's crucial to ensure that regulations remain relevant and effective over time.

2. Content Classification and Ratings:

- A robust content classification and rating system should be implemented to provide clear guidelines for audiences. This ensures that viewers can make informed choices and helps in regulating content based on appropriateness.

3. Independent Regulatory Body:

- An independent regulatory body should be established with the authority to enforce and monitor compliance. This ensures transparency, impartiality, and accountability in regulatory decisions.



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4. Differentiated Approach for Platforms:

- The diversity of broadcasting platforms, including traditional TV, OTT, and digital media, should be recognized.
- A differentiated approach in regulation should be adopted, acknowledging the unique characteristics and challenges of each platform.

The Broadcasting Services Regulation Bill 2023 seeks to modernise and consolidate the regulatory landscape of broadcasting in India, it must carefully address concerns related to press freedom, diversity, and individual rights to ensure a balanced and effective regulatory framework

