

Dear Mr Sen

I, on behalf of Mahakoshal Operators Association having 56 MSO under our banner forward our remarks on the Consultatin paper issued by TRAI on Platfrom Services.

The MSO are in Central Part of MP, spanning cities of Jabalpur, Katni, Satna, Mandla, Dindori, Damoh, Balaghat, Seoni, Chindwara and other Tehsil towns of these districts. It would be pertinent to mention that as of now DAS is only in city of jabalpur.

Our Association strongly objects to the content restriction on programming proposed by the Paper.

1. It would place Cable TV services at par with DTH and IPTV and remove our USP.
2. It would kill small ventures and enterprises and the National companies with huge funds at thier disposal would wipe out the local MSO.
3. Local channels, or the PS, offer the local Network a unique identity. It provides an oppportunity to the viewers to keep abreast of administrative, political, cultural, civic and other environment of his city. It offers a platform to the local viewers for thier grievances, complaints and protests.
4. Restricting local channels would kill local talent, creativity, production and budding stars and talent.
5. It would be a big blow to the employment generation.
6. In these days of freedom and liberalisation the very idea of restricting channels is going two steps backwards.
7. WE do not deny the need to regulate, the need to monitor. But the definition on contents is high objectionable and non acceptable.
8. Even a small newspaper can carry away with political news, analysis and current affairs. The local channels are being denied this right when FM radio channels are now also being permitted to news broadcast.

Our opinion in detail are given in the paper.

We look forward to meeting and conveying our view in person.

Yours truly

shekhar agrawal

Convenor: TRAI and legal affairs.

Jabalpur

OPINION OF MAHAKOSHAL MSO ASSOCIATION ON FRAMEWORK FOR PLATFORM SERVICES

1. DEFINITION OF PLATFORM SERVICES

The definition offered is acceptable. No further clarification or change is recommended by this Body.

- a) The treatment of the subject is however objectionable. In para 1.4 it is mentioned that the channels transmitted by DPO trespass into domain of regular TV channels. In days where more than 400 plus channels are available to viewer how can the local channels (now termed as PS) trespass the Satellite Channels. Channels whether received through Satellite, through Internet or produced locally are all part of the bouquet which is offered by the DPO. In fact presence of local channels give the subscribers more options with their viewing. **The use of Trespassing word is misleading and fallacious.**
- b) Today there is severe competition in Channels of all Genres. Like Satellite Channels even PS channels are prying for viewer eyeball. In most of the News, Religious channels the Broadcasters have got vested interests and people behind them who tend to gain personally. It would be pertinent to mention that most of these Broadcasters do not have profits their motive it is their vested interests which have made them put the channels. On the other hand, PS Channels of DPO offer a base for earning Advertisement revenues amongst other purposes.
- c) The use of word Trespassing has not been understood by our Association. We are unable to understand how does Local channels trespass the domain of Satellite Channels.
- d) Trespassing also cannot mean the differentiation licensing procedures wherein the Satellite Channels have to go through a licensing ritual through MIB whereas the Local Channels do not have any such rules. Local Channels have existed on Cable TV for last 20 years and have formed the mainstream of their entertainment package. They have since decades served as the informative and news channels for all local events. The fact was very well understood and included in even the very first Act of Cable Television Network Act 1995.
- e) A prominent difference in both PS and Satellite channels is that PS channels have a very limited geographical footprint limited to a city and are carried through Cable. The Satellite Channels use airspace and are also susceptible to many ills or misuse.
- f) The contents of para 1.5 are acceptable, since the local channels are more responsive to a subscriber choices and pulse. The only limitation they face is the geographical territory which they cover. Or even more specifically the no. of houses covered by the DPO through the Set Top Boxes.

2. PROGRAM PERMITTED FOR PS CHANNELS

Our Association is in total disagreement to Para 2 and strongly opposes it. The very genesis of this theme is debatable.

- a) First of all comparing the PS with FM Radio and the rules is erroneous. They can be totally differentiated. The FM radios were given licence for music and other related programs and it was very clear that they would not be in a position to broadcast news etc. The Local Channels have been in existence for many years and they had a legal sanctity from the Cable TV Network Regulation Act.
- b) The PS channels were developed by MSO over last 20 years. There were no regulations that time. The very fact that his paper has been brought up shows the niche which these Local Channels have developed over the years and become extremely important to the townships.
- c) If the contents of the Platform Services is limited as proposed, then there would be no difference between DTH and Cable services. The Unique advantage which the Cable had in each city would die down. The field would be exploited by Large scale Operators having FDI and other great resources. The small scale ventures and enterprises would be killed. Competition would give way to monopoly and subscribers would not have much choice.
- d) There was no licence provisions for these PS channels apart from those mentioned in the Cable Act. We agree that it should be developed now, but limiting their content would be depriving the local public of their "Right to Information" and other fundamental Rights.
- e) The PS channels can only be watched by the subscribers under the MSO and not any one else. If in a city there as six MSO, then all are not in a position to watch the Local Channels which is a strong differentiation between the Satellite Channels and the PS Channels.
- f) Due to this restriction and shortcoming of PS Channels, their control is also easier and can be done by the District Authorities.

- g) The PS channels are in form of both audio and visual as compared to the FM channels which cater to only Voice. Over the years, viewers of a city have become accustomed and habituated to watch the PS channels and in fact they have become a part and parcel of their daily life.
- h) The analogy with FM is totally irrelevant and application of similar provisions is moving in the wrong direction. The nearest analogy which can be drawn is with a small local daily newspaper which carry the contents in written and pictorial form. Today even a small newspaper with a meagre circulation of 200-300 can carry out news and other articles. There are newspaper which are weekly and they have the permission to carry news and current affairs. But by the condition cited by Section 2 of the TRAI paper, the same news cannot be carried in audio visual form by the DPO in his PS. The restriction is frivolous and meaningless.
- i) At time when even FM channels are being considered eligible for news broadcast, then thinking of barring PS from news broadcast appears ironical.
- j) The Consultation paper links PS to FM Radio policies. They should have been linked to the Newspaper policies for small newspaper and they should be made eligible for Government grants. PS serve as a watchdog for the common public.
- k) When the nation is talking of de regulation and self discipline, TRAI is talking of regulation. What regulation do the Satellite Channels which have mushroomed in every State have apart from obtaining licence from the MIB. The only regulation is the Broadcasting Complaint Council of India. It is known that these channels have vested interests and mostly work on extortion or feeding by politicians. No such conditions exist with the PS provided by the DPO.
- l) On one hand the Nation has awakened to power of Social sites, where in Videos & Audios and pictures, comments, sarcasm, wit, farce, opinions are available in plenty. No aspect of a life is now hidden and this has led to a new kind of awakening in the Nation. Subjects are being debated all through the Country. IN this environment curbing the PS to offer news and current affairs is moving backwards and an orthodox and Jurassic viewpoint.
- m) Banning/ Curbing of content on PS will tantamount to strangulation of Local Media and freedom of press. It would be suppressing freedom of speech, expression and other fundamental rights.
- n) Today even a small newspaper which does not even have a circulation of 300-400 can take liberty and print news, analysis and other opinions. While the Cable TV channel which reaches thousands of houses in the city is being restrained from all these activities.
- o) A satellite news channel which is not even watched in 10 cities can go away giving news with only self regulation. ON the other hand the local news channel which enjoys a high preference amongst local viewers would not be allowed to telecast news.
- p) PS channels today offer more content and local information, news and knowledge of current affairs than any State based channel can offer.
- q) The rule if brought into force would strangle employment of thousands of persons working as computer graphic designers, operators, editors, reporters, cameramen, copy writers etc. The movement will make many jobless.
- r) Further more the act would inhibit growth of Intellectual ability and creativity. The local news channel are breeding and learning ground for news anchor, program anchors, reporters, editors, copy writers, cameramen, video editors and computer graphic designers.
- s) The local channels also promote talents in singing, dancing and many other performing arts.
- t) We foresee a time where these PS channels would promote entrepreneurship and nurture local and regional talent. There would be parties who would make their own short movies, serials, organise games and events, organise discussion on social economic and political issues. There would be advertisers who would buy one full month on PS channels to display, demonstrate and give customer feedback to the local viewers.
- u) The PS channels open a large opportunity for entrepreneurship, creativity, talent, events. The PS channels open up an opportunity for the Local viewers to air their views, opinion, questions, debates and also keep a check on the malpractices usually associated with Politicians and Bureaucrats. Such things are beyond the reach of any Satellite Channels. The response time, the costing and many such drawbacks exist with Satellite Channels.
- v) It is not possible for any Satellite new channels to cover the local events as broadly as being covered by the local channels.
- w) The local channels serve as a watch dog for the local administration including revenue, law and order, politicians, municipal corporations and other avenues. They are a medium for public voice and their sentiments.
- x) Local channels provide an effective medium to curb corruption, complacency, lethargy, negligence on one hand and also promote good work of the Administration and Government on the other hand.

- y) Local channels are an excellent medium for the Public Representatives to report their progress card to the Public or announce the public schemes etc.
- z) It is also our submission that with DAS gradually setting its foot and after it gets deeply embedded, there would be many entrepreneurs who would come up with their own PS and require the DPO to carry them. Why should such opportunities be limited or curbed.

The concern of the Ministry can only be to control these channels and bring them on to some proper Regulation with more specific guidelines and defining the Complaints Authority. They should not violate copyrights, they should not promote a single political party or agenda or become battleground for personal vendetta or objectives. The Nodal officer of every District is very much in a position to control this phenomena on receipt of complaints.

Our Association is in full favour of allowing DPS all programs, subject to violation of IPR and Copyrights. They create employment, are excellent training grounds and promote talent, art, creativity, expression, speakers & personalities and leaders of tomorrow.

With above submissions we strongly object to the stipulations of Para 2, more specifically points 2.1.1 to 2.1.4, of the Consultation paper.

The PS should be allowed to

- i. Broadcast news and current affairs programs.
- ii. Cover political events of any nature.
- iii. Retransmit any program of DD channels or TV channels with permission.

The other contents of Point 2 of Consultation from 2.2.1 to 2.2.6 are acceptable to our Body.

3. PERIODICITY OF REVIEW

The review period should be only for licensing facilities and the District Authorities can monitor the Complaints and feed it to the concerned Ministry for information. Putting any condition like frequent review would only increase the burden of the Department and introduce malpractices. Self Regulation and warnings and cancellation on repeated defaults should only be monitored. There are going to be more than 2000 PS channels in India. Borht Urban and Rural. Any review would be redundant and would fail to serve any purpose.

4. REGISTRATION OF PS

- a) It should be mandatory for all DPO to be registered as Companies but only for cities wherein Population exceeds 50 lacs. In smaller cities Partnership firms, Proprietorship should also be allowed.
- b) Firms registered under Firms and Societies should also be allowed to function.
- c) The need to have uniform status is ill conceived. Today there are lacs of Companies, lacs of Proprietorship firms, partnership firms, Firms and Societies, Trusts which are functional and yet no Department has any restriction on it.

The suggestion is preposterous and meaningless. The Company should have a legal entity in Indian Laws.

5. FDI

There should be restriction of not more than 25% FDI in the channels offered by DPO. The channels cannot be led to be taken by agencies who have plenty of funds available to lure the MSO to run their channels.

6. NET WORTH OF DPO

- a) We have maintained from very beginning that the Platform Services offered by MSO have developed over many years and they have now become a lifeline of a city. The local population watches these Channels for any local information, development, activity and also for airing their views and grievances. The need to fix the Networth to such DPO who are in thousands and spread over villages to villages would tantamount to killing these DPO and their alignment with large scale Operators.
- b) The Union Government has not prescribed any norms towards net worth for a newspaper. A person can start a newspaper from his residence by just obtaining a licence from Registrar News Paper, New Delhi. Now with this Paper, TRAI wants to strangulate this freedom of Local Channels which have been developed gradually and painstakingly by the MSO.

- c) The PS channels thus need not have a Net Worth requirement. In these days of competitiveness, the content itself would drive the worth of the PS. No PS would survive if there are no advertisements, viewers or participants. The Criteria of defining a Net Worth is thus redundant and disposable.
- c) The criteria of Rs. 500 lacs for a Satellite Channels has a meaning, since the costs involved are heavy. Towards set up for an office, downlinking, software and many other issues. Thus the Company has to be financially sound. For a PS there is very little investment in hardware and other equipments. Even the Software preparation is done on extremely economical means.
- c) Making any norms for Net Worth, would once again be unfair to small players and would curb creativity, expression, talent and art. The only medium a small player gets is through PS services of a DPO. Whether it was his documentary film, his mimicry talent, his daily analysis of news, his stand up comedy etc.

Looking at the nature of PS and the financial worth of the DPO who operate in several cities of India, fixing any Net Worth criteria would be hampering their business. However to put forward a suggestion, we suggest that the Net Worth criteria should be linked to the number of STB installed in DAS cities and being serviced by the DPO. Otherwise the local and small DPO would be killed.

7. NEED TO SUBJECT TO SECURITY CLEARANCE/ CONDITIONS

- a) If by Security Clearance the meaning is for the National Security, then the Government is free of frame guidelines to upkeep the National Interest.
- b) Once again there is no comparison with the Satellite Channels which require uplinks and downlinks and can use the facility against National Interest. The local DPO is far removed from such incidences.

8. ONLINE REGISTRATION WITH MIB

- a) The Registration should be done on line, since this is what the future is leading to.
- b) The renewal should be done every two years.
- c) The fees should be based on the number of STB deployed by the MSO.

9. RENEWAL OF PERMISSION

- a) We propose that the Permission should be renewed every two years. This time period is long enough and yet short enough to implement changes or for revision in rules and policies.

10. GEOGRAPHICAL AREA LIMIT

- a) This is very necessary that all PS channels should only be limited to a single city or at the most its district. Allowing multiple districts would ruin the feasibility and economic viability of Small MSO and ultimately the Big Fish would eat the Small Fish.
- b) The restriction should be done to protect small MSO and introduce competition. If the Big MSO are allowed in the field then they would ultimately form alliances and on sheer might of financial power throw out the small MSO.
- c) Thus this restriction is important that the PS services offered by DPO should not exceed the Geographical boundary of a District.

11. LIMIT ON NUMBER OF PS CHANNELS

- a) With Digitalisation the one advantage a subscriber gets is that his choice would go to 1000 channels in near future.
 - b) Our Association feels that a time would come when many talents, producers would come into the play. We have mentioned earlier that PS would ultimately promote local talents at city and regional levels. We hope to see a time when local movies, local serials, local games and events would be organised and there entrepreneurs would buy time on PS channels and go public with their programs.
 - c) We also feel that advertisers may come to the DPO and request to devote one full month to their products to properly display, demonstrate and announce customer feedbacks.
 - d) Thus there is no need to limit. The economic feasibility of these PS services would itself regulate the quantity.
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- c) Considering that each city has 3-4 MSO or DPO and that each one of them offers 5-6 channels establishing a body for security clearances would be impractical. Even today it can be seen that banned channels like Q TV, Madni etc are being shown in many cities.
 - d) It is also our observation that out of hundreds of news channel what is the Security Clea

- b) The fear about Security Clearances is easier to understand where the ownership or big share lies with a FDI or a vested interest body abroad. We are against any FDI in the PS Channels.
- c) IN these PS the Security Clearance would usually relate to news and programs transmitted leading to communal unrest or violence or hurting of sentiments. The need for Security Clearance is also felt during Programs which do not adhere to the Programming Code.
- d) The responsibility should rest with the Nodal Officer of the District. All districts have Police Stations, Sub Stations and citizen Forums. Upon receipt of any complaint the Nodal Officer can investigate and initiate action.

- e) The citizens of any city are now so learned that they are quickly adapting themselves to online services of various Government and Private Institutions. Thus an online system can be devised which would lead the Nodal Officer to monitor Complaints.

12. OBLIGATIONS AND RESTRICTIONS ON DPOs.

- a) Point 12.1 is acceptable to our Association under the condition that if it involves complete sale of their Network and Operations and this does not involve change in name. If a change in name of the Channel is required it should be eligible for new permission and licence. Thus non transferability in limited definition is acceptable.
- b) Point 12.2. When we are talking of free trade and liberalisation on one hand, then putting too many prohibitions is not desirable. The DPO can share the PS of another DPO under conditions of non violation of IPR, express agreement and whether it is on courtesy or charge basis. However the sharing content must mention this fact and the local branding should continue.
- c) If a DPO would like to fully transmit content of another DPO on regular basis then obviously since it would be a new channel then that DPO would require permission to transmit this additional channel from the Ministry. We do not advocate prohibition. It opens up avenues of earning more.
- d) Once again we maintain that the number of PS in the days of DAS, where the channels would go beyond 600 numbers very shortly, catching of eyeballs would become important. No channels would work if they do not make revenue. And such things about number of channels, sharing of content, transmitting PS of one DPO to other should be left to market forces.
- e) Point 12.3. The point is acceptable.

13. OBLIGATIONS AND RESTRICTIONS ON DPO

By this point if the intention is that of the contents of PS channels and its restriction and obligations, then the same need to be defined further. There is already a Programming Code already defined in the Act. The PS channels are to be encouraged and nurtured. They should be given opportunity to thrive since it is good for economy and more or less for every one. The only persons who would have objections would be the politicians who normally vehemently oppose anything said against them and take advantage of their political and muscle power to stop such channels. The channels should not be allowed to become a single party mouthpiece. The channel should be responsible for what it depicts, and of course under the guidelines of Programming Code. There are existing laws of defamation and Forum for complaints.

14. PERMISSION TO TRANSMIT FM RADIO CHANNELS.

Our Association sees no problem in allowing the DPO to retransmit the FM channels.

15. This point has already been covered in point 13 above. We advocate that Press Council of India or Broadcasting Content Council of India should take care of this. They should have regional bodies to reduce the workload and for taking prompt action.

16. The Penal provisions as imposed on Broadcasters cannot be imposed on PS. The simple reason is that the PS have a local standing and very limited geographical reach. Even in the same city they are subject to be seen only by viewers having their STB. And here also the visibility of the content is subject to great probabilities. The provisions should be made keeping in the mind the Small scale DPO who operate, their resources and their reach.