RELIANCE’S RESPONSE TO CONSULTATION PAPER ON ISSUES RELATING TO MEDIA OWNERSHIP

1. It is noted from the Ministry of I&B’s reference and TRAI’s Consultation Paper on ‘Issues Relating to Media Ownership’ that policy objective of the cross holding restriction in the media sector is **Diversity and plurality of views.** The government is examining whether by imposing cross media ownership restrictions on newspaper-television-radio, any public interest would be served or not and what would be the impact on viewpoint plurality.

2. **Reliance agrees that a media supporting presentation of diverse and robust views is the foundation of any democratic society**. People are to be provided information so that they play a role as citizens in democratic societies. It should be the endeavour of the democratic society that media provides widest possible dissemination of information from diverse and even antagonistic sources to the citizens. Consequently, it is no doubt that view point plurality should be the basic tenet of the proposed cross media ownership restriction policy. It is a matter of great pride that Indian Media is probably one of the most impactful and diverse in the world and has over the years been recognized by the world for enjoying freedom and space for the required growth and success. Indian Media has formed its roots on the fundamental right of “Freedom of Speech and Expression” granted to us under the Indian Constitution.

3. **It is being perceived that cross holding restrictions is proxy for viewpoint plurality, however, there are very few empirical studies to support this perception.** We have not found out any concrete study carried out to establish this theory that cross holding restrictions actually promotes plurality in viewpoints. **On the contrary the media plurality can be best served by creating an economic and regulatory environment that encourages investment and innovation in the media sector,** such that plurality continues to increase through the entry and development of new media enterprises and services.

4. Today's extraordinarily vast and exceptionally diverse media provides more than enough competition to ensure that the Government's policy objective of viewpoint plurality is met. The competition has flourished in absence of any major restriction on cross media ownership rules. **The Indian media marketplace is so ferociously competitive and extra-ordinarily diverse that the objective of promoting viewpoint plurality is being automatically satisfied and hence restrictions if any may damage the equilibrium of growth and diversity that the industry has been successfully maintaining.**

5. The Indian media market is characterized by abundance. Consumers have access to a far more delivery platforms then those that were available even a few years ago. The public is better informed, better connected and better entertained and has the required freedom of choice. Traditional mode of media like newspaper has greatly evolved and new modes of media via cable, DTH, FM radios, internet, mobile phones are easily available for the consumers.

6. **In light of today's great diversity of media, we believe no legitimate public interest would be served by imposing any cross media ownership restrictions in the media sector. To the contrary, it is felt, the guidelines would prevent entities from realizing the efficiencies of cross-ownership and from providing enhanced radio, television and newspaper services that would ultimately result in greater, diversity and plurality of news, information and entertainment.**

Current Media Scenario

7. The current scenario and capabilities of these media markets are discussed below.

TV Channels

7.1. Digital Cable and DTH have created dynamic new ways to use television, together providing plentiful of Channels. Around 650 TV channels are available for viewing in India. Of these channels around 300 TV channels are for News and Current Affairs.

7.2. Cable and DTH together are surging growth of television services and a profound impact on the viewing option available with the subscribers. News and Current Affairs channels have biggest impact on viewpoint plurality. Today round the clock news and current affai channels such as NDTV, , Times Now, CNN-IBN, Headlines Today, Aaj Tak, Star News, 9X, BBC, CNN etc provide national and international news to the viewers. Additional news channels like NDTV profit, CNBC, Zee Business, Bloomberg TV India etc provide new ranging business and financial sector news. News and views reach consumers not only in Hindi and English but also through innumerable regional channels in number of regional languages.

7.3. The capacity to provide hundreds of TV channels on digital cable and DTH networks offer consumers with impressive array of specialized programmes to cater every taste and interest. Government's decision to digitize cable will improve excess to more News and Current Affairs TV channels. At present around 62 crore Indians watch TV programmes..

Print Media:

7.4. The print media has evolved dramatically in the last few years. The daily news papers circulation and number of dailies are increasing every year. The print media recorded a growth of 7.2% with an estimated turnover of Rs 19,000 crores in 2011. There are 1514 dailies in English, Hindi and in other major Indian Languages with combined circulation of 11.15 crore copies.

7.5. Number of weekly newspapers and magazines serve to supplement and enhance the news coverage provided by daily newspapers throughout the country. Today there are large number of national dailies like Times of India, Hindu, Indian Express, Hindustan, Telegraph, Statesman, DNA and large number of Hindi and other vernacular language dailies which offer low cost, timely access to news and information.

7.6. India is one of few markets in the world where print media is growing. with circulation of Many English dailies have started publishing in regional languages. Thus the current print media sector is vibrant and competitive.

Radio

7.7. Radio is one of the most cost effective source of information and entertainment in India. The radio sector has now been liberalized and opened for private sector. All India radio has network of 237 stations which provides coverage to almost 100% population. In addition there are 242 private Radio in operation in 86 cities of the country.

7.8. After Phase III of FM Radio Service expansion plan, the number of FM Radio stations are expected to increase to 839 with coverage and reach in 294 cities.

Internet:

7.9. Whereas other forms of media allow for only few forms of viewpoints, the internet provide the forum for unlimited number of voices, independently administered through blogs, websites, comments etc. Content on the web is multimedia, it can be read, viewed and heard. As of September 2012, Internet subscribers have risen to 2.4 Crore. In addition millions of subscribers are accessing news and information on their smart phones.

7.10. Online news sites include not only traditional news organisation websites (broadcasters and newspaper publishers) but also websites of news agencies which are now able to reach consumers directly and news aggregator sites

7.11. Due to the growing popularity of internet the print media is rapidly embracing internet by launching e-versions of their print newspapers, magazines etc. Besides this, TV channels also provide live streaming of their channel feed over internet.

7.12. Now, virtually every major media company print, television or radio has a corresponding web site. Information on internet are available like never been available before to the public. Information is being disseminated and views are being exchanged over the social media. The website like Google news provides news instantly from thousands of independent sources.

<u>Level of Competition in media marketplace doesnot justify cross media ownership restrictions</u>

8. With such varied ownership and competitive landscape in the Indian print and broadcasting sectors with abundant choice availability with consumers one can easily come to the conclusion that the danger of subversion of plurality is not possible. Thus, Cross- Media Ownership restrictions at this stage represents an unnecessary and counterproductive throwback to an era when consumers had far fewer choices for news and information than they have today. We are of the believe that the cross-media ownership would not promote diversity but rather subvert the competition in the market. The Authority should consider and focus at the economies of scale those can be shared by owning multiple media platforms which has positive bearing on the plurality of viewpoints.

9. **The competitive media market place <u>does not</u> justify any new regulation on cross media ownership and accumulation restrictions to protect and advance the government's policy goals of diversity and plurality of viewpoints.** The cross media ownership restrictions would not promote plurality rather these may prove to be counterproductive as it would restrict number of players in the market and restrict choice for consumers..

<u>With the Growth of Competition International Laws on Crossholding restriction are being Relaxed</u>

10. **It may be noted that the international laws especially in USA and Canada had specific reasons for specifying cross media ownership restriction.** In those countries the audio and video media was opened for private participation quite early. For example in USA the first commercial radio license was issued on 2nd November, 1920 and first commercial television station license in 1941. Since there were few radio and TV stations and media power concentration with only such operators, there were reasons to support viewpoint plurality by imposing cross media ownership restrictions. In India the position is different and there was no genuine concerns relating to viewpoint plurality as Terrestrial TV and short wave/medium wave radio were always monopoly of state-owned Doordarshan and All India radio.

11. W**ith the emergence of competition from cable and DTH service such restrictions have been removed in the USA in 2003. <u>The case clearly indicate that if markets are competitive the ownership restriction do not serve any useful purpose and any public interest.</u>**

Cross Media Restriction Adversely Affect Viewpoint Diversity

12. The tight accumulation restrictions affect the programming diversity and therefore may not be consistent with the viewpoint plurality objective. The FM radio is one sector where accumulation restrictions have been specified. In this sector we have reached an extreme stage of zero programme diversity i.e. there is duplication of programming on virtually all channels. This is an inefficient use of the scarce radio spectrum and a lost opportunity to use that precious spectrum to serve a community and offer plurality of viewpoints. Further, the government has not allowed news or current affairs on private FM radio stations though the information through private sources is allowed in all other mediums including television, newspaper and internet. **Further restrictions have been put on the sports and live commentary which acts as a further deterrent in the growth and diversity of content on the radio platform. To encourage viewpoint diversity such restriction should be immediately recommended for removal.**

Application of Competition Laws is Sufficient to ensure the Government's Policy of Viewpoint Plurality

13. The policy goal in competitive market will be automatically satisfied as a matter of course through the operation of market forces and competition laws. The Authority has already notified regulations to check the anti-competitive behaviour and abuse

of dominance which also help meet plurality objectives. The Authority has notified Interconnection Regulation which requires broadcasters to share their feed on non-discriminatory basis with all distributors of TV channels. The same Regulation further requires broadcasters to publish Reference Interconnect Offer for all DTH operators. All these regulation check anti-competitive behaviour. Such regulations have been cornerstone in promoting competition and orderly growth of broadcasting sector. There has been much progress to make the competition laws abreast with the international laws and practices, which has already addressed many of the concerns regarding restrictive and anti competition practices. Therefore, accumulation restrictions like cross holding restrictions are not required.

No Crossholding restriction on News and Current Affairs Genre

14. The unrestricted dissemination of information, views, analysis, opinion, investigation about the day's news and events has the greatest potential to inform citizens and ensure an effective democratic process. News and current affairs rank highest in providing consumers with information and analysis and therefore in the development of public opinion. We have already submitted that News and Current Affairs market is competitive and does not require any crossholding restrictions.

Conclusion

14.1. The Indian market place is competitive and no intervention is needed for cross media ownership restrictions. There is no possibility of subverting viewpoint plurality.

14.2. **Cross Holding restrictions is not proxy for viewpoint plurality** especially in competitive media marketplace and such intervention would fail to foster the intended policy goal of promoting viewpoint plurality

14.3. **Crossholding restriction** would be detrimental on efficiency and cost effective delivery of programmes and news to consumers.

14.4. Markets are competitive and no **Cross holding restrictions** are **felt necessary including News and Current Affairs Genre**.

Comments on specific issues raised in the consultation paper

General Disqualifications

Q1: In your opinion, are there other entities, apart from entities such as political parties, religious bodies, Government or government aided bodies which have already been recommended by TRAI to be disqualified from entry into the broadcasting and distribution sectors, which should also be disqualified from entry into the media sector? Please elaborate your response with justifications.

Comments

(i) We do not have specific comments on entities to be disqualified from broadcasting and distribution sector.

(ii) However, we feel that disqualification on the basis of the cross media ownership restrictions would fail to foster the intended policy goal of promoting viewpoint plurality. The restrictions will undermine competition and limit free platform of market forces which shall prove to be counterproductive. The interventions like cross media ownership restriction will also have a detrimental effect on efficiency and growth of the industry at large.

(iii) The government should promote investment in the broadcasting and distribution sector and provide competitive environment for the growth of media sector which would inturn ensure viewpoint plurality..

Q2: Should the licensor, either *suomotu* or based on the recommendations of the regulator, be empowered to disqualify any entity from entering the media sector in public interest? For instance, should the licensor or the regulator be empowered to disqualify (or recommend for disqualification) a person who is subject to undue influence by a disqualified person.

Comments

(i) Any disqualification on entry into the media sector should be based on well laid down guidelines, rules and regulations only.

Media Ownership/ Control

Q3: Should ownership/ control of an entity over a media outlet be measured in terms of equity holding? If so, would a restriction on equity holding of 20% (as recommended by TRAI in its recommendations on Media Ownership dated 25th

Feb 2009) be an appropriate threshold? Else, please suggest any other threshold value, with justification?

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Q4: In case your response to Q3 is in the negative, what other measure(s) of ownership/ control should be used? Please support your view with a detailed methodology to measure ownership/ control over a media outlet.

Comments

(i) **Ownership/ control of an entity over a media outlet can be measured in terms of equity holding.**

(ii) However, **we do not support TRAI's** earlier **recommendations** that "any entity which has been permitted/ licensed for television broadcasting or has more than 20% equity in a broadcasting company, shall not have more than 20% equity in any Distributor (MSO/Cable operator, DTH operator, HITS operator,) and vice-versa." **These recommendations will prevent entities from realizing the efficiencies of cross-ownership in different markets.**

(iii) The policy goal of viewpoint plurality in competitive market can be automatically met as a matter of course through the operation of market forces. In addition competition laws can be put in place in case market does not function well and operators are able to abuse market power with anti-competitive behavior like vertical price squeeze. The Authority has sufficient powers to put in place proper regulations to check the anti-competitive behavior and abuse of dominance. If the objective of this restriction is to ensure plurality and prevention of abuse of dominance position, the same can be achieved through anti competition laws rather than putting restrictions on the ownership/control of the entity. The percentage of equity will not give the appropriate / correct idea of dominance/ positioning of a certain player in the market.

(iv) The Authority has already notified competition laws like interconnection regulation which requires broadcasters to share their feed on non-discriminatory basis with all distributors of TV channels. The same regulation further requires broadcasters to publish Reference Interconnect Offer for all DTH operators. All these regulation check anti-competitive behavior like vertical price squeeze. Broadcasters, DTH operators, MSOs and LCOs are also required to register their agreements with the Authority. **Therefore, accumulation restrictions are not required and competition laws are**

sufficient to in promoting competition and orderly growth of broadcasting and TV channel distribution sector.

(v) **Ownership rules will bring inefficiencies in the system and restrict competition in the market. Thus ownership restrictions will be inefficient and thus it will not be in the overall interest of consumers.**

(vi) **In view of the above we suggest that there should not be any cross holding restriction in the media sector.**

Media Ownership rules

Q5: Should only news and current affairs genre or all genres be considered while devising ways and means to ensure viewpoint plurality? Please elaborate your response with justifications.

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Q6: Which media amongst the following would be relevant for devising ways and means of ensuring viewpoint plurality?

(i) Print media viz. Newspaper & magazine
(ii) Television
(iii) Radio
(iv) Online media
(v) All or some of the above

Comments

(i) The unrestricted diss**emination of information, views, analysis, opinion, investigation about the day's news** and events has the greatest potential to inform citizens and ensure an effective democratic process. News and current affairs rank highest in providing consumers with information and analysis and therefore in the development of public opinion.

(ii) All media platforms are independent and not substitute to each other. News and current affairs on all form of media viz, newspapers, television, radio and online media are relevant for viewpoint plurality.

Q7: Should the relevant markets be distinguished on the basis of languages spoken in them for evaluating concentration in media ownership? If your response is in the affirmative, which languages should be included in the present exercise?

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Q8: If your response to Q7 is in the negative, what should be the alternative basis for distinguishing between various relevant markets?

Comments

(i) No single language can encompasses the whole of the Indian spectrum. For the most part, each state has a majority language which takes precedence over the many others which also exist in the region. However, now Hindi and English channels also have big viewership in every region and these channels are beamed over DTH networks across the country. The idea of distinguishing based on the languages get further redundant due to the high internal migration and the imbalance in population density.

(ii) **Thus relevant market should not be distinguished on the basis of language.**

(iii) There should be only three markets Television, Radio and Newspapers. The Television market can further be distinguished as Non news and News and further classified basis the respective Genre to give an idea of the relevant market.

Q9: Which of the following metrics should be used to measure the level of consumption of media outlets in a relevant market?

(i) Volume of consumption

(ii) Reach

(iii) Revenue

(iv) Any other

Please elaborate your response with justifications.

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Q10 In case your response to Q9 is „Any other‟ metric, you may support your view with a fully developed methodology to measure the level of consumption of various media outlets using this metric.

Comments

(i) **All of above mentioned parameters especially Share of revenue:, Share of news and current affairs consumption are important to judge concentration. However, these parameters are <u>not</u> sufficient to prove any organization's potential to influence the opinion.**

(ii) Audience share and reach, volume of consumption etc cannot be taken as being synonymous with 'ability to influence'. Such parameters are, at best, only capable of providing 'useful insight' and should not be relied upon to provide absolute measures of media enterprise'' ability to influence and inform opinion.

(iii) We strongly endorse the view that view point plurality shall be curbed in case artificial restrictions like cross holding restrictions on news and current affairs or other medium is imposed. There should not be any accumulation restrictions rules to Distribution services like DTH, TV and Radio channels etc.

Q11: Which of the following methods should be used for measuring concentration in any media segment of a relevant market?

(i) C3

(ii) HHI

(iii) Any other

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Q12: If your response to Q11 is „Any other‟ method, you may support your view with a fully developed methodology for measuring concentration in any media segment of a relevant market using this method.

<u>Comments</u>

(i) There are several possible metrics like share of revenue, share of volume of consumption which can be used to **capture the extent of concentration in the market using the Herfindahl-Hirschman index, C3 index or any other measure of dispersion**. However, **studies on dispersion <u>cannot</u> throw any light on the extent of ability of any media on influence opinion.**

Q13: Would Diversity Index be an appropriate measure for overall concentration (including within media and cross media) in a relevant market?

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Q14: In case your response to Q13 is in the affirmative, how should the weights be assigned to the different media segments in a relevant market in order to calculate the Diversity Index Score of the relevant market?

Comments

(i) The concept of "diversity index" measures the concentration in any particular market. The diversity index, is the weighted average HHI indexes calculated for various platforms like TV, radio and press. Thus even diversity index only measures concentration in the market but cannot be used to determine potential of any organization to influence opinion.

(ii) As TRAI has also noted in the consultation paper that there are certain critics about the methodology relating to weights to be given to different media platforms. By changing weights, the final outcome can be changed significantly. As there is no scientific basis of assigning weights to various media platforms, the use of the diversity index has also been challenged extensively in the US courts.

(iii) In view of the above we believe 'diversity index' alone cannot be sufficient to estimate overall concentration in the media market.

Q 15: Would it be appropriate to have a "1 out of 3 rule" i.e. to restrict any entity having ownership/control in an outlet of a media segment of a relevant market from acquiring or retaining ownership/control over outlets belonging to any other media segment? Please elaborate your response with justifications.

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Q16: Alternatively, would it be appropriate to have a "2 out of 3 rule" or a "1 out of 2 rule"? In case you support the "1 out of 2 rule", which media segments should be considered for imposition of restriction? Please elaborate your response with justifications.

Comments

(i) The " 1 out of 3 rule" or "2 out of 3 rule" will have serious detrimental effect on efficiency and therefore we do not support these rules..

(ii) The cross media ownership of newspapers and radio and television broadcast creates efficiencies and synergies that enhance the quality and viability of these Medias. Synergies between various platforms also enhance the flow of programmes, information and entertainment across platforms. The co-ownership increases diversity and plurality.

(iii) India has a vibrant and competitive media sector. There are hundreds of news and information channels, private public broadcast stations and mostly private owned newspapers and magazines. In the prevalent fiercely competitive media market, it is highly unlikely that that ownership may influence the viewpoint. The record or any empirical study does not support that co-ownership influence the viewpoint in a fiercely competitive media market like India.

(iv) The co-ownership restrictions will only undermine competition.

(v) The issue confronting media companies today is not whether they will be able to dominate the distribution of information in any market and influence the view point but whether they will be able to be heard at all among the large number of voices vying for the attention of consumers.

(vi) **In view of the above we suggest that the policy should account for the competitive media and further promote it, rather than inhibiting the ability of media to grow by specifying cross media ownership restrictions. Therefore, " 1 out of 3 rule" or "2 out of 3 rule" should <u>not</u> be considered.**

Q17: Would it be appropriate to restrict any entity having ownership/ control in a media segment of a relevant market with a market share of more than a threshold level (say 20%) in that media segment from acquiring or retaining ownership/ control in the other media segments of the relevant market? Please elaborate your response with justifications.

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Q18: In case your response to Q17 is in the affirmative, what should be such threshold level of market share? Please elaborate your response with justifications.

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Q19. Would it be appropriate to lay down restrictions on cross media ownership only in those relevant markets where at least two media segments are highly concentrated using HHI as a tool to measure concentration? Please elaborate your response with justifications.

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Q20: In case your response to Q19 is in the affirmative, please comment on the suitability of the following rules for cross media ownership:

Comments

(i) It **would not be appropriate to restrict any entity** having ownership/ control in a media segment of a relevant market with a market share of more than a threshold level in that media segment from acquiring or retaining ownership/ control in the other media segments of the relevant market.

(ii) HHI index should not be used in isolation to impose cross media restrictions. TRAI's Regulation like the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation 2004 which mandates the principle of non discriminatory access, publication of Reference Interconnection Offer etc are sufficient to address competition issues concerning highly concentrated market.

(iii) The anticipatory intervention by restricting the vertical integration by imposing 20%(say) equity restrictions to prevent anti-competitive actions or outcomes in markets would not be in the public interest as there are large number benefits in consolidation across all segments. These benefits are in consumer interest as these address affordability as well as viewpoint plurality concerns of the TRAI.

(iv) **In view of the above we suggest that no restrictions be laid down on cross media ownership based on HHI index.**

Q21: Would it be appropriate to lay down the restrictions on cross media ownership only in highly concentrated relevant markets using Diversity Index Score as a tool to measure concentration? Please elaborate your response with justifications.

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Q22: In case your response to Q21 is in the affirmative, please comment on the suitability of the following rules for cross media ownership in such relevant markets:

Comments

(i) No, it would not be appropriate to lay down restrictions on cross media ownership in concentrated relevant market based on the Diversity Index Score.

(ii) As already submitted above TRAI's anti-competition laws like the Telecommunication (Broadcasting and Cable Services) Interconnection

Regulation 2004, publication of Reference Interconnection Offer etc are sufficient to address competition issues concerning highly concentrated market.

(iii) The market concentration is also not a **proxy for viewpoint plurality. There is no data to support the view that concentrated media market necessarily subverts viewpoint plurality. Any kind of cross holding restrictions will limit free play of the market forces and likely to instill inefficiency in the system.**

(iv) Instead of imposing cross holding restriction, the TRAI may suggest creating an economic and regulatory environment that encourages more investment and more players in the media sector which would not only dilute concentration , but also increase plurality of opinions and viewpoints.

Q23: You may also suggest any other method for devising cross media ownership rules along with a detailed methodology.

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Q24: In case cross media ownership rules are laid down in the country, what should be the periodicity of review of such rules?

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Q25: In case media ownership rules are laid down in the country, how much time should be given for complying with the prescribed rules to existing entities in the media sector, which are in breach of the rules? Please elaborate your response with justifications.

(i) We reiterate that cross holding restrictions are not required in India.

<u>Mergers and Acquisitions</u>

Q26: In your opinion, should additional restrictions be applied for M&A in media sector? Please elaborate your response with justifications.

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Q27: In case your response to Q26 is in the affirmative, should such restrictions be in terms of minimum number of independent entities in the relevant market or maximum Diversity Index Score or any other method. Please elaborate your response with justifications

<u>Comments</u>

(i) The media market is fragmented and competitive. In this regard please consider current media scenario:

- Around 650 TV channels are available for viewing in India. Of these channels around 300 TV channels are for News and Current Affairs.

- There are 1514 dailies in English, Hindi and in other major Indian Languages with combined circulation of 11.15 crore copies.

- All India radio has network of 237 stations which provides coverage to almost 100% population. In addition there are 242 private Radio in operation in 86 cities of the country.

- Media industry is at the very prime and delicate stage of growth, and such restrictions will have an adverse affect on the industry growth and will not only act as a deterrent to any prospective investors but also would curtail the economic growth of our Country.

(ii) As the media market is fragmented and competitive, there should not be any restrictions at this stage on M&A.

Vertical Integration

Q28: Should any entity be allowed to have interest in both broadcasting and distribution companies/entities?

If „Yes", how would the issues that arise out of vertical integration be addressed? If „No", whether a restriction on equity holding of 20% would be an adequate measure to determine „control" of an entity i.e. any entity which has been permitted/ licensed for television broadcasting or has more than 20% equity in a broadcasting company shall not have more than 20% equity in any Distributor (MSO/Cable operator, DTH operator, HITS operator, Mobile TV service provider) and vice-versa?

You are welcome to suggest any other measures to determine „control" and the limits thereof between the broadcasting and distribution entities.

(i) Yes, entities should be allowed to have interest in both broadcasting and distribution companies/entities.

(ii) The vertical integration in itself does not motivate anti-competitive behaviour. The vertically integrated company has number of benefits like creation of content to the taste of its subscribers. The vertically integrated company is better poised to cater to the needs of the consumer. The economies of scale and scope available for vertically integrated entity ultimately benefits the consumer.

(iii) The vertical integration does not directly relate to the promotion of viewpoint diversity but only to deal with promotion of competition which is understood to be proxy to achieve the objective of viewpoint diversity. The suggested ex-ante approach does not serve the public interest as there are number of efficiency benefits in vertical Integration. The integrated company itself is not motivated to take the anti-competitive behaviour.

(iv) The Authority has notified the Telecommunication (Broadcasting and cable Services) Interconnection Regulation 2004 .The most important feature of this regulation is the principle of non discriminatory access to content to all the distributors of television channels. The Authority has also notified the Telecommunication (Broadcasting and Cable Services) Interconnection (Fourth Amendment) Regulation, 2007 which interalia provide that every broadcaster is to publish a Reference Interconnection Offer for DTH operators to transparently provide the rate of channels on a-la-carte basis, rates of bouquet of channels, details of discounts etc. These anti-competition laws are sufficient to address anti-competitive concerns arising out of accumulated interests.

(v) The anticipatory intervention by restricting the vertical integration to prevent anti-competitive actions or outcomes in markets would not be in the public interest as vertical integration does not necessarily result in anti-competitive behaviour. Given the need to balance the competing aims of encouraging efficiency, flexibility, and check the anti-competitive behavior, we suggest entities should be allowed to have interest in both broadcasting and distribution companies/entities.

Mandatory Disclosures

Q29: What additional parameters, other than those listed in para 7.10 (i), could be relevant with respect to mandatory disclosures for effective monitoring and compliance of media ownership rules?

Q30: What should be the periodicity of such disclosures?

Q31: Should the disclosures made by the media entities be made available in the public domain?

(i) The List of disclosures are sufficient. These disclosures can be made every year.

(ii) We suggest disclosures should not be put in the public domain

Other Issues

Stakeholders may also provide their comments on any other issue relevant to the present consultation.