

To

Mr. Wasi Ahmad, Advisor (B&CS),
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
New Delhi - 110002,

Dear Sir,

Sub: Comments of Odisha Television on Issues relating to Media Ownership

We are of the view that there is no requirement of any restriction on the media ownership in any format since a large number of players are already in place and the media pluralism is also achieved. Any such restriction will be against the growth of the industry and also not beneficial to the economy as a whole.

Our specific comments on the applicable points are enclosed at Annexure 1 to this letter for your kind perusal.

With Regards,

Manoranjan Sarangi
Company Secretary,
Odisha Television Limited.

Annexure 1

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.

Government while formulating licensing policy should incorporate suitable conditions as to eligibility. There should not be class exclusion.

Q2: Should the licensor, either *suo motu* 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.

There should not be entry barrier to media sector. However the licensor should have authority to cancel permission in public interest with opportunity to be heard.

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?

Yes ownership/control should be measured in terms of equity holding only. However in view of large number of players operating in relevant market place there should not be any cross media ownership restriction either in vertical or horizontal.

The concern raised that, if entities having cross media holdings occupy dominant positions in different media sectors and it may restrict media pluralism may not hold good today. We have number of players and the media pluralism is already in place. By putting cross media restriction, the serious players having business expertise and economic advantages will be deprived off growth and thus affect the economic as a whole. By allowing cross media restriction gives an temptation to non serious players enter to the media and the scarce resources gets blocked also.

We should have policies for all to enter into media in compliance to the licensing guidelines and may have strong monitoring policies to achieve the media pluralism. In

fact there is no media monopoly since the viewer/readers are free to opt for their own choice and various media options are also available.

It is difficult in practice to control cross holdings. There can be a number of innovations to avoid cross holding in books. Any objective Government intended to achieve is through fair policy only and not imposing unjustified restriction on business which have series of impact on economy..

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.

NA

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.

Yes only news and current affairs genre has the impact towards the concerned raised here for viewpoint plurality.

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

Viewpoint plurality is applicable for all media. But in India its not a concern at all.

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?

Considering the number of prints and electronic media availability in the country, the relevant market is well addressed both geographically and product wise.

Q15: 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.

No requirement of any restriction.

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.

No requirement of any restriction.

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.

No requirement of any restriction.

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?

Yes, it should be allowed since it is in the interest of economy as a whole. Even with interest in both there can not be any media monopoly or concern for viewpoint plurality. The survival of any industry is totally dependant on its consumer. Considering the media industry where the recipient are matured enough to select the service provider and the service provider wants loyal customer, there will be absolute no concern for media pluralism. If we consider electronic media where digitalization already in place and regulation are made to prevent monopolies and take care the consumer interest, there is absolute no concern for cross media holdings.

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.