TRAI

भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(पुराना मिन्टो रोड), नई दिल्ली-110002
(Old Minto Road), New Delhi - 110 002
फैक्स/Fax : +91-11-23213294

सत्यमेव जयते

Sudhir Gupta
Secretary (I/c)

DO No.23-5/2012-B&CS

28th December, 2012

Dear Sh. Varma,

Please refer to your D.O. No.9/29/2007-BP&L dated 30th November 2012 seeking recommendations of TRAI as to whether Central Government Ministries, Central/State Government Departments, Central/State Government owned companies, Central/State Government undertakings, joint venture of the Central/State Governments and the private sector and Central/State Government funded entities may be allowed to enter in to the business of broadcasting and/or distribution of TV channels.

2. As you would recall, in December 2007, the Ministry of Information & Broadcasting (MIB) had sought recommendations of TRAI on the issue whether the State Governments, urban and local bodies, 3-Tier Panchayati Raj bodies, publicly funded bodies and political bodies should be permitted to enter into broadcasting activities which may include starting of a broadcast channel or entering into distribution platform like cable services. Following an exhaustive consultation process, the Authority forwarded its recommendations on the issues raised by MIB on 12th November 2008. In the consultation process the Authority had comprehensively examined the issue in the broader context of both Central and State Governments as well as their respective organs. The Authority's recommendations of November 2008 specifically address the pointed issues posed for consideration, namely, the entry of State Governments into broadcasting activities, the entry of urban and local bodies, religious bodies and political bodies into broadcasting activities, the entry of State Governments and the said bodies into distribution platforms, public service broadcasting, and legislative and other measures.

Page 1 of 20

3. The recommendations now being provided are also under Section 11(1)(a) of the TRAI Act, and are in continuation of the recommendations provided on 12th November 2008. The Authority recommends that the Central Government Ministries, Central/State Government Departments, Central/State Government owned companies, Central /State Government undertakings, joint venture of the Central/State Governments and the private sector and Central/State Government funded entities should **not** be allowed to enter in to the business of broadcasting and or distribution of TV channels.

The detailed recommendations are enclosed. The Authority expects that these recommendations will assist the Government in evolving a suitable policy framework in this matter.

With Regards

Yours sincerely,

(Sudhir Gupta)

Encl: As above

To:
Shri Uday Kumar Varma,
Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan, New Delhi.

Page 2 of 20

Enclosure to D.O. letter No. F.No. 23-5/2012-B&CS dated 28.12.2012

The Ministry of Information and Broadcasting through its letter dated 30th November, 2012, has sought the recommendations of TRAI on the issues of permitting entry to (i) Central Government Ministries and Departments / Central Government owned companies / Central Government undertakings / Joint venture of the Central Government and the private sector / Central Government funded entities (ii) State Government Departments / State Government owned companies / State Government Undertakings / Joint venture of the State Government and the private sector / State Government funded entities, into the business of broadcasting and or distribution of TV channels. Recommendations/suggestions have also been sought on whether any change is required to be carried out in any of the extant Rules, Regulations, and Guidelines to address the said matters.

2. It may be recalled that in December 2007 the Ministry of Information and Broadcasting (MIB) had sought the recommendations of TRAI under the provisions of section 11 (1) (a) of the TRAI Act, 1997, interalia, on the following issues:

" (i) Whether State Governments, urban and local bodies, 3-Tier Panchayati Raj bodies, publicly funded bodies and political bodies should be permitted to enter into broadcasting activities which may include starting of a broadcast channel or entering into distribution platform like cable services.

(a) If 'Yes', what are the kind of broadcasting activities which should be permitted to such organization and to what extent? What are the safeguards

required to prevent monopoly or misuse? Whether any amendments are required in the extant Acts/Rules/Guidelines to provide for the same.

(b) If 'No', whether disqualifications proposed in Section 12 of the Broadcasting Bill, 1997 and Part I of the Schedule thereto should be considered as it is or with some modifications for incorporation in the existing Cable Act and Rules relating thereto and in the proposed Broadcasting Services Regulation Bill, 2007, and policy guidelines with respect to broadcast sector issued by Ministry of Information and Broadcasting. If so, what are the amendments/provisions required to be made in them? "

3. After receiving the reference from MIB, the Authority initiated the process of seeking comments of stakeholders. A consultation paper on various issues which arose out of the above said reference was issued on 25th February 2008. Amongst others, the consultation paper, raised the following issues.

" (i) Whether, having regard to entry 31 in List I (Union List) of the Seventh Schedule to the Constitution of India [Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication], it would be in the interest of broadcasting sector and in the interest of the public at large, to permit the Union Government and its organs, State Governments and their organs, urban and rural local bodies, publicly funded bodies and political bodies to enter into broadcasting activities such as –

(a) starting of a television broadcast channel;

(b) starting of a radio broadcast channel (including an FM channel)?

(ii) Whether, having regard to entry 31 in List I (Union List) of the Seventh Schedule to the Constitution of India [Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication], it would be in the interest of broadcasting sector and in the interest of the public at large, to permit Union Government and its organs, State Governments and their organs, urban and rural local bodies, publicly funded bodies, political bodies to enter into distribution activities such as cable, DTH, HITS, etc. "

4. Following an exhaustive consultation, the Authority forwarded its recommendations on the issues raised by MIB on 12.11.2008.

5. The Authority's recommendations of 12.11.2008 cited the views of the Sarkaria Commission on Centre-State relations which had examined suggestions for constitutional amendments to transfer 'Broadcasting' from the Union to State or Concurrent List in the Seventh Schedule of the Constitution. (Please see paras 3.8, 3.8.1, 3.8.2 and 3.8.3 of the Authority's recommendation).

Some of the important observations of the Commission were:

"..In this country where, as we have emphasised elsewhere, parochialism, chauvinism, casteism and communalism are pervasive and are actively made use of by powerful groups, if uncontrolled use of these media is allowed, it may promote centrifugal tendencies endangering the unity and integrity of the nation. In the context of the demand of some States to have their own broadcasting stations, it will be pertinent to quote the views of the Verghese Committee:

"The propagation of a national approach to India's problems, creating in every citizen an interest in the affairs, achievements and culture of other regions and helping

them to develop a national consensus on issues which concern the country as a whole, is of such supreme importance that any structure which inhibits this cannot be accepted."

".. Nevertheless, it cannot be forgotten that it is a political party which controls the Union Executive. Lest there be a temptation to use these powerful media wrongly in the party interest and not necessarily in the national interest, 'Ground Rules' of behaviour have to be established and observed meticulously. The need for a watch-dog for both the Union and the States becomes obvious .We shall deal with these aspects in the next section..."

" For all these reasons and particularly the need to control centrifugal tendencies, we cannot support the demand for either a concurrent or an exclusive power to the States with respect to broadcasting."

The Sarkaria Commission recommended against allowing State Governments to have their own broadcasting stations or broadcasting corporations.

6. In its recommendations of 12.11.2008 the Authority had also relied on the judgement of the Hon'ble Supreme Court in the case of Cricket Association of Bengal (1995 AIR(SC) 1236 :: 1995 (2) SCC 161) in which the Court had observed that *"the broadcasting media should be under the control of the public as distinct from Government. This is the command implicit in Article 19(1) (a). It should be operated by a public statutory corporation or corporations, as the case may be, whose constitution and composition must be such as to ensure its/their impartiality in political, economic and social matters and on all other public issues. It/they must be required by law to present news, views and opinions in a balanced way*

ensuring pluralism and diversity of opinions and views. It/ they must provide equal access to all the citizens and groups to avail of the medium."

In the said judgment it has also been observed that *"Government control, which in effect means the control of the political party or parties in power for the time being. Such control is bound to colour and in some cases, may even distort the news, views and opinions expressed through the media. It is not conducive to free expression of contending viewpoints and opinions which is essential for the growth of a healthy democracy."*

7. In the cited judgement the Hon'ble Supreme Court also observed: "The right to use the airwaves and the content of the programmes, therefore, needs regulation for balancing it and as well as to prevent monopoly of information and views relayed, which is a potential danger flowing from the concentration of the right to broadcast/telecast in the hands either of a central agency or of few private affluent broadcasters. That is why the need to have a central agency representative of all sections of the society free from control …… of the Government ……". This was also one of the reasons leading the Supreme Court come to the conclusion that "for ensuring plurality of views, opinions and also to ensure a fair and balanced presentation of news and public issues, the broadcast media should be placed under the control of public, i.e., in the hands of statutory corporation or corporations, as the case may be".

8. The Authority took the view that the Sarkaria Commission's recommendations and the Hon'ble Supreme Court's judgement continue to be fully relevant and concluded that one of the key principles contained in these recommendations and observations was:

" The public service broadcasting should be in the hands of a statutory corporation or corporations set up under a statute such as the Prasar Bharati established under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990." (Para 3.10.5 of the Authority's Recommendations of 12.11.2008)

9. The Authority also cited international experience in support of its recommendations. It is worthwhile recalling an extract from the Authority's recommendations of 12.11.2008:

"In almost all the developed democratic countries, the Governments are explicitly debarred under the relevant laws from holding broadcasting licence or do not do so by tradition or conviction. Broadcasting system controlled or managed by the State is found to be inconsistent with the basic principles of democracy. Not only does it affect adversely the citizen's right to free speech but also acts against the principle of level playing fields among the political parties."

10. Prasar Bharati is an autonomous body created by an Act of Parliament, namely, the Prasar Bharati (Broadcasting Corporation of India) Act, 1990. Prasar Bharti is a public service broadcaster and its primary duty is to organise and provide public broadcasting services to inform, educate and entertain the public and to ensure balanced development of broadcasting on radio and television. It has been further mandated with the objective of safeguarding the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and presenting a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own. Prasar Bharati caters to the needs of the Central and State Governments to inform and educate the public about Government policies, etc. through the broadcast route. It has separate satellite TV channels in almost all the national languages. These channels are being

uplinked from the State capitals. Thus, Prasar Bharati has a national outreach and is ensuring access as envisaged in the Hon'ble Supreme Court's judgement. It may be noted that the relevant provisions of the Prasar Bharati Act enshrine the principles laid down by the Apex Court in its Judgement in the case of Cricket Association of Bengal (1995 AIR(SC) 1236 :: 1995 (2) SCC 161).

11. As is evident from the issues posed for consultation, (please see para 3 above) the consultation process explicitly covered both the Central and the State Governments and their entities/organs. The comments received and the discussions thereon embraced both the Central and State Governments and their organs. The stakeholders participating in the consultation almost unanimously opined **against** the entry of the 'State' in broadcasting and distribution activities. The Indian Broadcasting Foundation (IBF), a representative body for Broadcasters in India, have stated that *State-owned media, broadcast stations and distribution control should not be allowed as it would not be in overall public interest.*

12. Keeping in view the opinions voiced by stakeholders, the international experience and practices observed in other democracies, and taking into account the recommendations of the Sarkaria Commission and the ruling of the Hon'ble Supreme Court, the Authority recognised that, as far as the broadcasting sector requirements (broadcasting or distribution) of Central and State Governments were concerned, these were to be met through Prasar Bharati. The following was recommended to MIB in the Authority's recommendation of 12.11.2008 (Para 3.12.1 of the recommendations) :-

> "……Thus, Prasar Bharati is playing an important role in meeting the requirements of Central and State Governments with regard to informing and educating the public about Government policies, etc. In view of this, the Authority recommends that------

(a) the aspirations of the State Governments, as regards broadcasting, can be, within the existing policy framework, adequately met by Prasar Bharati. The Prasar Bharati should, ----

(i) continue to strengthen its existing regional framework for this purpose by creating adequate facilities at the regional level;

(ii) suitably augment regional language capacities for providing increased airtime for its regional services,----

(iii) continue to ensure, at the same time, that there are no political overtones in such regional broadcast services and that there is no compromise with the basic tenets of national integration, secularism and the basic unity and integrity of the nation.

(b) The Central Government (Ministry of Information and Broadcasting) may take necessary steps for ensuring that the Prasar Bharati Corporation, through its regional kendras, continues to give all support and assistance to the State Governments in taking their policies and programmes to the inhabitants of the respective States without any political bias…."

13. Though the MIB reference of December 2007 had sought recommendations with respect to State Governments, urban and local bodies etc., the consultation undertaken by the Authority brought within its ambit both the Central and State Governments and their respective organs/entities. Thus, the Authority had, through its consultation process, comprehensively examined the issue in the broader context of the Central and State Governments as well as their respective organs. The Authority's recommendations of November 2008 specifically address the pointed issues posed for consideration, namely the entry of State Governments into broadcasting activities, the entry of urban and local bodies,

religious bodies, and political bodies into broadcasting activities, entry into distribution platforms, public service broadcasting, and legislative and other measures.

14. This time around, the MIB has specifically sought the Authority's views not merely with respect to Central and State Governments but has extended it to cover companies and undertakings owned by such Governments, joint ventures between the Government and the private sector, and Government funded entities.

15. The Authority's recommendations of 12th November, 2008 interalia cover both the Central and State Governments. Most of the recommendations pertaining to the Central Government concern its role in the context of public service broadcasting and the Prasar Bharti Corporation. The Authority's recommendations expressly addressed the question of the entry of State Governments into broadcasting activities and, as a matter of policy, the Authority advised **against** the grant of such permission. The Authority's recommendations vis-à-vis entry of State Governments into distribution platforms were equally clear-cut. The Authority was of the view that "it would not be in the fitness of things for the State Governments to enter into the cable distribution area as a competitive service provider". Further, the Authority noted:

> "in the interest of fair competition and level playing field in the cable sector and the need to ensure plurality of views over this important distribution platform and also considering the need to ensure that there is proper enforcement mechanism applicable to all the players in the field, **the State Governments and their organs** should stay away from distribution activities." (emphasis added)

16. Since the Authority's consultation process had explicitly covered Central and State Governments and their organs (please see para 3 above relating to the issues raised in the Authority's consultation paper), it is abundantly clear that the spirit of the Authority's recommendations clearly extended to cover both the Governments and their organs. What is more, the words "Central and State Governments" clearly encompass all the Ministries/Departments of the Central and State Governments and, by extension, clearly connote and include public sector undertakings of such Governments, companies owned by such Governments as well as joint ventures. There should be little doubt therefore that the spirit of the recommendations of November, 2008 extends to all such organs and entities of the Central and State Governments.

17. To add further weight to the above arguments, and for the sake of completeness, it is useful to directly consider the case of such organs of the Government and demonstrate the continuing validity of the recommendations. For instance, consider the case of a fully owned State Government company. Do the recommendations made in respect of State Governments need to undergo any material change merely because it is not the State Government but a company owned by the State Government which enters the field of broadcasting or distribution? One can clearly see that no material change is warranted. Let us see why. The reasons cited by the Hon'ble Supreme Court to preclude the entry of the State Governments into broadcasting or distribution apply just as well in the context of the State Government owned company. The critical point is that the Hon'ble Supreme Court ruling referred to "Government control" and stated that "such control is bound to colour …… and may even distort…… news, views and opinions" If Government control is the acid test, then clearly it covers State Government owned companies, undertakings, joint ventures and funded entities. This is straightforward because in all such cases the possibility of Government control being

exercised over the organs is real, distinct and likely; it would be utopian to believe that such control would never be exercised.

18. Furthermore, the Sarkaria Commission had observed that a political party controls the executive and there could be "a temptation to use the media wrongly in party interest and not necessarily in national interest." The observations were made in the context of the Union Executive. However, it is clear that exactly the same logic applies to a State Government. Once again, the spirit of the observation pertains to the exercise of power and control wielded by the Government in question. If the intention was to proscribe the entry of the State Government into broadcasting and distribution because the media could be misused, the same argument carries over in the context of State Government owned undertakings, companies, joint ventures and Government funded entities, where the State Governments would be in a position to exercise authority and influence over such subordinate entities.

19. The spirit of the Sarkaria Commission's recommendations and the Hon'ble Supreme Court's judgement quoted above was that the Central Government (the Union Executive) could not be construed to be an apolitical body and that, therefore, there could be the possibility of misuse if the Central Government were to exercise control over Central Government owned or sponsored broadcasting activies. The Hon'ble Supreme Court specifically warned against preventing of "monopoly of information and views relayed" and provided the rationale for making the public broadcasting service sponsored by the Central Government to be free of control from that of Government. (Please see para 7 above). This was the basis of Authority's earlier recommendations relating to the Central Government's role in broadcasting and, in particular in the context of public service broadcasting. If anything, the need of the hour is to strengthen the arms length relationship between Prasar Bharti and the Government to ensure that the letter and spirit of the Sarkaria Commission's

recommendations and the Hon'ble Supreme Court's observations are honoured. The Authority would strongly recommend all measures to ensure the functional independence and autonomy of Prasar Bharti.

20. Further, the reasoning advanced in the preceding paragraphs pertaining to companies, public sector undertakings and joint ventures of the State Government, naturally carries over with equal force to the Central Government. That is to say, the proscription from entering into broadcasting activies should extend to Central Government entities such as Central Government owned companies, Central Government undertakings, Central Government funded entities and Central Government joint ventures with the private sector.

21. If the recommendations made by the Authority are accepted, one must be alive to the possibility that there may be an attempt to by-pass the recommendations. And, it is essential to have suitable safeguards in this context. For instance, a political party which is currently in office in a State Government may wish to participate in broadcasting activity. The acceptance of these recommendations would impose an embargo on the State Government and its various organs and entities from entering such activities. This may prompt the political party in question to devise alternative means to enter the field. Now, the Authority had made categorical recommendations in 2008 that political bodies should <u>not</u> be allowed to enter into broadcasting activities. The Authority had further recommended necessary disqualifications to be incorporated in the proposed legislation on broadcasting. It is worthwhile recalling those disqualifications:

> "Disqualification of political bodies. (a) A body whose objects are wholly or mainly of a political nature;
>
> (b) A body affiliated to a body, referred to in clause (a);

(c) An individual who is an officer of a body, referred to in clause (a) or (b);

(d) A body corporate, which is an associate of a body corporate referred to in clause (a) or (b);

(e) A body corporate, in which a body referred to in any of clauses (a) and (b) is a participant with more than a five per cent interest;

(f) A body which is controlled by a person referred to in any of clauses (a) to (d) or by two or more persons, taken together;

(g) A body corporate, in which a body referred to in clause (f), other than one which is controlled by a person, referred to in clause (c) or by two or more such persons, taken together, is a participant with more than a five percent interest."

The Authority would recommend that, pending enactment of any new legislation on broadcasting, the disqualifications stated above should be implemented through executive decision by incorporating the disqualifications into Rules, Regulations and Guidelines as necessary.

22. Similarly, on the issue of allowing Central Government or State Government Departments or entities in the business of distribution of TV channels, in paragraph 3.64 of the recommendations dated 12.11.2008 it has been mentioned that "… it is perhaps best that the distribution of channels through the cable medium should be left to the market forces (based on demand and supply) and there should be fair competition amongst various players...". These observations, amongst others, culminate in the Authority's recommendations, in paragraph 3.67.1, which states that ".... State Governments and their organs should stay away from distribution activities...". The words "State Governments and their organs" in themselves contain and encompass all the organs and instrumentalities of the

State Government such as their Departments, public sector undertakings of such Governments, companies owned by such Governments, joint ventures of any kind with private sector or any other entity funded by such Governments. As explained earlier, even though the consultation process and discussions thereon, covered both Central and State Governments, the Authority's recommendations specifically referred to State Governments and its entities as the MIB reference dated 27th December 2007, sought recommendations in respect of State Governments. In other words, the intent of the recommendations applies equally to the Central Government and its various organs/entities.

23. At the time of making the recommendations in 2008, the Authority recognised that the Central Government had already accorded permission to certain State Government owned entities to enter into the cable distribution platform. In this context, the Authority recommended that the Central Government should provide an appropriate exit route for such existing entities. Clearly, this recommendation also carries over to cover State Government owned companies, State Government undertakings and joint ventures of the State Government and the private sector as well as State Government funded entities.

24. On the issue of suggestions on whether any changes are required to be carried out in any of the extant Rules, Regulations and Guidelines to address the issues arising out of entry or otherwise of Central and State Governments in the business of broadcasting services and distribution of TV channels, it is useful to recall paragraph 3.75 of the Authority's recommendations of 12.11.2008 where it has been clearly recommended that

> "….. Having regard to this, and the recommendations made by the Authority as regards the entry of these respective entities into

broadcasting activities as contained in Parts (B) to (E) of this Chapter, the Authority recommends that suitable provisions may be incorporated in the proposed new legislation on broadcasting, -----

(a) laying down clear conditions as to disqualification of State Governments, publicly funded bodies, political bodies and religious bodies as regards entry into broadcasting activities on the lines recommended in Parts (B) to (E) of this Chapter; and

(b) providing for appropriate exit route for such entities which have been already granted permission by the Government but are likely to be hit by the proposed disqualifications.

Pending enactment of the proposed new legislation, appropriate amendments may be considered in the uplinking and downlinking guidelines issued by the Government of India and instruments of approval or permission or registration, as the case may be…..".

25. In addition, paragraph 3.70 of the Authority's recommendations, observed that "…… For the reasons discussed above, the Authority further recommends that the definition of "person" as contained in sub-clauses (ii) and (iii) of clause (e) of section 2 of the Cable Television Networks (Regulation) Act, 1995 be suitably amended so as to clarify that---

(a) entities such as State Governments and their instrumentalities, urban and local bodies, 3-tier Panchayati Raj bodies, publicly funded bodies, political parties and religious bodies do not fall within the definition of "person" as

contained in sub-clauses (ii) and (iii) of clause (e) of section 2 of the Cable Television Networks (Regulation) Act, 1995 ;

(b) the expression "citizen " shall have the meaning assigned to it in the Citizenship Act, 1955….".

26. As explained earlier, the consultation undertaken in 2008 included issues related to both Central and State Governments and their entities in broadcasting activities. However, since the MIB reference dated 27th December, 2007 had not sought recommendation in respect of Central Government, there was no explicit reference to the Central Government in the recommendations of 12th November 2008. The MIB has now sought specific recommendations on permitting Central and State Government Ministries, Government owned companies, Government undertakings, joint ventures or Government funded entities into broadcasting. The recommendations as contained in paras 3.70 and 3.75 (as extracted above) continue to remain valid for reasons explained earlier in this report. The intent of the recommendations applies equally to Central Government and its entities for this reason. Necessary amendments in Rules, Regulations and legal terms should be extended to cover and explicitly include Government owned companies, Government undertakings, joint ventures of the Government and the private sector, and Government funded entities, irrespective of whether it is a Central or State Government concerned. That is to say, if a Rule, Regulation or legal term is being amended so as to exclude the Central or State Government from participation in broadcasting and distribution, the amendments should be extended to also cover Government-owned companies, undertakings, joint ventures and publicly funded entities.

27. Summary of Recommendations

1) **The Authority recommends that the Central Government Ministries and Departments, Central Government owned companies, Central Government. undertakings, Joint ventures of the Central Government and the private sector and Central Government funded entities should <u>not</u> be allowed to enter into the business of broadcasting and/or distribution of TV channels.**

2) **The Authority recommends that State Government Departments, State Government owned companies, State Government undertakings, Joint ventures of the State Government and the private sector, and State Government funded entities should <u>not</u> be allowed to enter into the business of broadcasting and/or distribution of TV channels.**

3) **The Authority recommends that the arm's length relationship between Prasar Bharti and the Government be further strengthened. The Authority also recommends that such measures should ensure functional independence and autonomy of Prasar Bharti.**

4) **The Authority recommends that, pending enactment of any new legislation on broadcasting, the disqualifications stated below for political bodies to enter into broadcasting and/or distribution activities should be implemented through executive decision by incorporating the disqualifications into Rules, Regulations and Guidelines as necessary.**

"Disqualification of political bodies. (a) A body whose objects are wholly or mainly of a political nature;

(b) A body affiliated to a body, referred to in clause (a);

(c) An individual who is an officer of a body, referred to in clause (a) or (b);

(d) A body corporate, which is an associate of a body corporate referred to in clause (a) or (b);

(e) A body corporate, in which a body referred to in any of clauses (a) and (b) is a participant with more than a five per cent interest;

(f) A body which is controlled by a person referred to in any of clauses (a) to (d) or by two or more persons, taken together;

(g) A body corporate, in which a body referred to in clause (f), other than one which is controlled by a person, referred to in clause (c) or by two or more such persons, taken together, is a participant with more than a five percent interest."

5) The Authority recommends that in case the Central Government has already accorded permission to any State Government/State Government owned companies/State Government undertakings/Joint venture of the State Government and the private sector/State Government funded entities to enter into the cable distribution platform, then the Central Government should provide an appropriate exit route.

****