



Er. Sarbajit Roy

National Convenor

India Against Corruption *jan andolan*

To:

Dr. Rahul Khullar

Hon'ble Chairman

Telecom Regulatory Authority of India ("TRAI")

www.trai.gov.in

Date: 24-May-2013

BY EMAIL:

Sub: Additional submissions on the Authority's Consultation paper dt. 15/02/2103 on issues pertaining to Media Ownership

Respected Sir

The undersigned on behalf of the India Against Corruption people's movement ("IAC"), and also the Pirate Movement of India, thanks the Authority for graciously allowing time till 25/05/2013 for the participants in the OHD to lodge additional submissions post the Open House discussion convened by your good self on 18/05/2013 at New Delhi. We appreciate that the occasion allowed a wide discussions involving several stakeholders.

As indicated by the Authority to the House, the IAC is submitting its brief point wise responses to the queries posed in the consultation paper. These are submitted without prejudice to the IAC's position, stated during the OHD, that whereas the professed objective of the consultation paper is very necessary and welcome, the methodology being followed

by the Ministry of I&B and the TRAI appears partial and biased to arrive at a pre-determined outcome, and to allow existing media houses enough time to consolidate their monopolies in the meantime.

The IAC stresses that in its considered opinion and experience (as detailed in its annexed replies), the media in India is highly cartelized with both vertical and horizontal monopolies, and its mode of functioning throttles the Freedom of Speech and Expression and access to information of citizens. There is therefore an urgent need for the media in India to be tightly regulated under a new paradigm created for India's unique environment instead of blindly copying / transplanting systems and methods from foreign countries. The IAC is sanguine that the TRAI is up to this technically challenging task.

With hope and best wishes
for "India Against Corruption" *a jan andolan*

(Er. Sarbajit Roy)

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Annexures:

- 1)** Additional reply to the Summary of Consultation Issues
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- 2)** IAC's original reply dated 17.05.2013
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- 3)** Preamble to Manifesto of the India Against Corruption
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Additional reply to the Summary of Consultation Issues

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.

- a)** The IAC is of the view that **ideally** there should be no bar or prohibitions or disqualifications from allowing wholly Indian entities into the broadcasting and distribution sectors.
- b)** The IAC is firmly of the view that there should be no foreign entities in the information and media space in India whatsoever or in even the smallest degree/shareholding or as junior partners etc. It is the IAC's prime objective since 1924 (*as contained in IAC's attached manifesto*) that there should be no foreign imperialism in India and foreign agencies should be driven out from India's shores.
- c)** The IAC is of the view that political and religious bodies should be allowed unfettered access into the entire media space and should not be singled out for prohibition. The IAC is of the view that rather than having the fig-leaf of banning political / religious speech by various devices it is far better to have such entities being allowed to propagate their views openly rather than misleadingly through their proxies and surrogates.
- d)** The IAC welcomes the entry of Govt. and Govt. funded bodies into the media space, and does not oppose their entry.
- e)** The IAC also calls for abolishing of all licencing or other discretionary powers with State to control access of citizens to airwaves, media and other forms of content creation and distribution, and which is nothing but a form of STATE CENSORSHIP in favour of vested interests with deep pockets and expert liasoning skills.

- f) As per the IAC the problem is not the entry of entities into the media space but how they function after that.
- g) As per the IAC regulating entry into media space is a form of censorship and leads to formation of powerful vested interests and media cartels which are easily controlled by the ruling party to censor and blacklist dissenting voices like the IAC's.
- h) The reply to this query is given without prejudice to the IAC's position on the larger regulatory issues of monopolies, oligarchies, undue influence and control, market dominance, and content issues such as Censorship, blacklisting and paid news etc.

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.

- a) The short answer is NO.
- b) The IAC is of the view that public interest requires that all Indian citizens must have the right to FREE access to content creation and distribution over all media formats.
- c) The IAC views this question of regulating "entry" into media space as a device devised to perpetuate the monopoly of the existing players who are presently all actors under control of existing political oligarchies.
- d) IAC firmly opposes any powers being given to bureaucrats or authorities to prohibit or disqualify Indian citizens from exercising Free Speech and Expression or being properly informed (and informing the nation) with a plurality of views.
- e) The IAC submits that the market is completely skewed at present due to the "licence quota raj" system whereby a few select entities / houses have cornered the market and are controlling all free speech and thought in the country. The Niraa Radia episode being a case in point.

- f)** The IAC is appalled that the India media space is being rapidly being bought out by foreign players with deep pockets at absurd prices and valuations, and the sectoral regulators including TRAI have all been kept “happy” to allow the nation’s assets to be transferred overseas.
- g)** The IAC is a victim of these monopolies and has been blacklisted by all of them. The IAC states that many of these monopolies / oligarchies are actually fronts for religious and political persons and this obnoxious system should be broken. The IAC reiterates that the only way to break up cartels is to allow unfettered access into the media space for every Indian citizen. This must be done simultaneously with compulsory divestment of foreign stakes in media followed by **nationalisation** of all media entities which refuse to become verifiably 100% Indian owned in short order.
- h)** The IAC firmly is of the view that conferring discretionary power on State to prohibit entry of Indians into media space is **not** in the public interest.

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?

- a)** The IAC is of the view that these are all arbitrary figures. The IAC feels that media outlets can be, and in fact are already being, controlled by persons who very often have no equity share whatsoever in the entities.
- b)** The IAC feels that the 2009 TRAI report was inadequately prepared for purely political reasons. As far as the IAC is concerned all figures between 0% to 100% are equally meaningless / arbitrary in “measuring” **actual** ownership/control. There are several judgments of Delhi High Court in context of ownership / control of RTI Act which make it clear that there can be no hard and fast rule / measure for determining such things.
- c)** If 20% has to be retained, the IAC has no additional objection since there appears to have been some

consensus in 2009 on that figure and there is no good reason to change it and it is as good as any other since it is not limited to "entry" conditions but is a continuing condition. Any other figure shall have to be properly justified.

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.

- a)** The IAC is of the view that there can be no hard and fast measure(s) for "measuring" **actual** or **true** ownership / control These will be as per the unique facts, evidences and circumstances of each case as these cannot be "measured".
- b)** The IAC is of the view that this entire exercise by TRAI is to put in place some arbitrary figures which will be easily complied with by the vested interests to perpetuate and expand their existing monopolies.
- c)** The IAC reiterates its stated position that the entire purpose of TRAI's present exercise is a sham and hollow formality to
 - i) Allow the Government to hold a Damocles sword over the vested interests,
 - ii) Perpetuate the present media monopolies and oligarchies,
 - iii) Block access of ordinary citizens and dissenting voices to media outlets,
 - iv) Prevent citizens from starting new media outlets.
 - v) Allow certain Political-religious vested interests to derive massive financial benefits by continuing the present system.
- d)** The IAC reiterates its stated position that the real issues are content related and access related, with a need to ensure uniform access of Indian citizens to media outlets

without discrimination and without having the same corrupt set of "talking heads" on all the media outlets.

- e) The IAC is disappointed that the Authority is evading fundamental issues due to its own status as a rather "toothless regulator" kept on a rather tight leash/muzzle by the Govt. and the Appellate Body

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.

a) The IAC is of the view that plurality of views should be assured across all media genres, markets and distribution formats especially advertising programs. For instance many TV "soaps" on General Entertainment / mixed channels such as those by Balaji Telefilms are blatantly promoting superstitions and retrograde forms of a particular religion (and also a particular political party). There is a blatant anti-minority and anti-poor bias in most media which, catering to the lowest common denominator, refuses to go beyond tokenism or else generally ignores them. There is no regulation on foreign TV evangelists heavily promoting alien religions on all channels to alienate Indians from their roots and affections, but if an Indian citizen wants to disseminate "political" views he is prevented by so many devices erected against him.

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**

a) ALL of the above

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?

- a) NO. Language is only 1 such differentiator to measure concentration.
- b) IAC opposes the very concept of "relevant market". For instance if "language" is a relevant market differentiator and "viewer age" is another, this will be just a regulatory device to allow say Star TV to have Star Teens (English), Star Teens(Swahili), Star Kids (Hindi) and Star Kids(Urdu) and Star Kids)(Tulu) ad infinitum and create multiple extensions to their "brand". IAC forcefully opposes "brands" in media.

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

- a) There are other important differentiators such as religion, region, caste, sex, age, income-profiles, sexual orientation etc.
- b) IAC fundamentally opposes the notion of "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.

- a) These are all equally important. For instance Revenue (if properly audited and authentic) could be an important indicator among others if the micro-detailing (claimed to be commercially sensitive) is made available in the public domain, but would distort the measurement if a dominant player with deep pockets undersells or gives away "free" content, perhaps as a cross-subsidy.

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.

- a) Not applicable

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

- a) C3 is too simplistic a method / index to be used
- b) HHI is a SCREENING indicator used in some jurisdictions. Being a sum of squares indicator it is skewed towards large entities and has several well known shortcomings especially if the data integrity is not ensured – ie. Garbage In Garbage Out phenomenon.
- c) These are not ABSOLUTE indicators and should be used with caution.
- d) These indices do not “measure” anything conclusively enough to the standards of evidence, but only indicate it.

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.

- a) IAC is opposed to any quantitative / statistical methods being used ABSOLUTELY. These are only to be used as screening indicators as they can be faked / manipulated.
- b) These indices do not “measure” anything conclusively enough to the standards of evidence, but only indicate it.

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

- a) IAC feels that the Simpson Diversity Index is almost equivalent to HHI. Other DI’s are computationally complex – the Shannon Diversity Index may also be considered (being based on Geometric Means instead of sum of squares) to occasionally throw out different readings from HHI.

- b) IAC maintains that the quality and integrity of data is more important than the actual computation metrics/methods.

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?

a) Nobody is paying IAC to reply in detail to such highly technical queries. The IAC is constrained to point out that whereas all the other stakeholders are richly rewarded and have dedicated teams and legal batteries in place to reply to such detailed questionnaires (as their revenue streams and livelihoods depend upon it), the ordinary consumers are the victims whose blood is being sucked, having to respond in very adverse circumstances from their own very limited resources.

b) As a working hypothesis the initial weights can be the weighted geometric means of the "reach" of each media segment. The IAC opposes "relevant market" concept.

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.

- a) IAC feels that there should be no such rule(s). Let a 1000 flowers bloom.
- b) IAC feels that such a rule/s cannot be enforced in practice for reasons which are very well known and need not be elaborated here.

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.

- a) IAC's view is that such barriers /rules are easily circumvented and shall only increase costs to consumers.
- b) IAC's view is that the real issues are ensuring wide PLURALITY of content, breaking up the cartels,

giving access to even the poorest citizen to create and distribute rich content across all media formats.

- c) The TRAI or DoT or MIB must justify to the people why (with the current state of technology which permits it) each and every citizen of India cannot at least have freedom to broadcast himself 24x7 to be accessed on a TV screen or 3G tablet or a PC screen anywhere in the country.
- d) The TRAI should justify to the citizens why only rich temples like Tirupati and Shirdi etc have 24x7 *darshans* across all TV distributors and triple play outlets, whereas IAC's members are shut out from uplinking themselves or their views.

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.

- a) IAC is firmly of the view that media companies which cannot survive economically due to monopolies and distortions in the market should be nationalized and/or financially supported by the State to ensure plurality of views.
- b) IAC opposes any and all private M&A activity in the media space. So in that regard IAC specifies a threshold level of "zero" if at all any M&A activity is allowed.
- c) Insofar as retention is concerned, IAC says that if any media outlet has achieved a 20% market share in a relevant market then it is a matter of very serious concern which needs regulation to break up.

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.

- a) ZERO (0%) for M&A. 1% for Retention Please see previous reply for elaboration.

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.

- a) The IAC opposes these kinds of presumptuous and self serving questions to reach a predetermined conclusion. There ought not to be any highly concentrated markets in the first place if the regulatory and enforcement systems had been / are in place. Locking the stable door after the horse is bolted is not the solution.
- b) HHI is not a sufficiently accurate control tool for the purpose. It is at best a screening indicator with well known weaknesses / limitations.
- c) There is a blatant attempt here to substitute simplistic mechanistic methods for the human brain's analytical powers.

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

(i) No restriction on cross media ownership is applied on any entity having ownership/ control in the media segments of such a relevant market in case its contribution to the HHI of not more than one concentrated media segment is above 1000. (For methodology of calculation please refer para 5.42)

(ii) In case an entity having ownership/ control in the media segments of such a relevant market contributes 1000 or more in the HHI of two or more concentrated media segments separately, the entity shall have to dilute its equity in its media outlet(s) in such a manner that its contribution in the HHI of not more than one concentrated media segment of that relevant market remains above 1000 within three years.

- a) Same as Reply to Q.19. All the scores and weightages for HHI being used in foreign nations / foreign regulators like DoJ are admittedly arbitrary.
- b) These tools will not address the actual problems IAC is regularly enduring and complaining about - cartelisation, paid news, secret blacklists, secret control of government, direct and indirect censorship, abuse of judicial process to bring about a mini-

information Emergency in India etc. (eg. Justice P.B Sawant's Rs. 100 cr defamation judgment on Times Now, and the SLAPP defamation suit on IAC's National Convenor in 2004 for sub-standard Set Top Boxes filed by a MSO M/s Hathaway then a JV between STAR TV, a magazine group and a well known builder)

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.

a) IAC finds no practical difference between HJI and DI scores and in the interest of brevity the IAC's reply for HHI may also be used here.

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:

(i) No restriction on cross media ownership is applied on the entities contributing less than 1000 in the Diversity Index Score in such a relevant market.

(ii) In case any entity contributes 1000 or more in the Diversity Index Score of such a relevant market, the entity shall have to dilute its equity in the media outlets in such a manner that the contribution of the entity in the Diversity Index Score of the relevant market reduces below 1000 within three years.

a) Same reply as for Q. 20.

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

a) In IAC's view there must be a regulatory requirement to record / store / preserve and give citizens immediate access over internet to all content (including advertisements) disseminated or broadcast by every media entity.

b) IAC is clear that what the MIB wants from TRAI vide its letter is not simplistic recommendations for the finance / pricing / tariff aspects on vertical and horizontal integration, but recommendations ensuring the CONTROL, CONTENT and PLURALITY of views aspects so that corrupt distortions like the Living Media merger example do not occur.

- c) IAC suggests that there must be rules and regulations put in place to ensure Plurality of CONTENT. The rules must address the aspects of POSITIVE AFFIRMATIVE ACTION and "Media inclusion" by TRAI questioning, formally enquiring into (and creating tangible evidence that the problem exists and is not hypothetical) :-.
- i) How / why minority views are being shut out by mainstream media.
 - ii) How why anti-poor views are being shut out by mainstream media
 - iii) How dissenting voices like IAC's new management team have been openly black-listed by all press, media and TV channels (including State owned media outlets like Doordarshan) after 26 October 2012, which can be easily verified by measuring the "Content" of these channels pre and post the said date (please refer to IAC's initial reply of 17.05.2013 for details).
 - iv) How all the big media houses either have in-house PR agencies or are associated with PR agencies so that all media space is "sold" / "priced" directly or indirectly (please refer to IAC's initial reply of 17.05.2013 for details).
 - v) How the big media houses go to incredible lengths to "manufacture" news (please refer to IAC's initial reply of 17.05.2013 for details).
- d) IAC submits that the best data for detecting these cartels is "content". The TRAI simply cannot ignore or wish away "content" as a dataset. The challenge for TRAI (as a regulator) is how to capture, measure and analyse "content" in a methodical manner on fit complaint by an aggrieved person.
- e) IAC submits that a working rule ought to include that ONE person should be allowed only ONE media outlet

per media format, and that proxies and dummies should be obliterated / prohibited.

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

a) Monthly or forthwith on fit complaint

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.

a) Between 90 to 120 days. This was the time period mandated to all government agencies and instrumentalities of state to streamline themselves under the RTI Act 2005.

Mergers and Acquisitions

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

a) IAC is firmly of the view that media companies which cannot survive economically due to monopolies and distortions in the market should be nationalized and/or financially supported by the State to ensure contained plurality of views. **If M&As have to be carried out these should be done by the State only after nationalization.** Otherwise plurality of views and information cannot be enforced.

b) Today there is the absurd situation that all media channels are catering to the lowest common denominator because of a combination of advertiser demands and monopolistic licensing of channel space / bandwidth and uplink / downlink "guidelines". IAC demands that bandwidth/ spectrum should be returned to the people who should be allowed to freely use it themselves.

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.

a) IAC does not understand how this question will address the **actual** problems. It would be appropriate if the TRAI focused on the actual problems and is innovative instead of advocating bookish approaches which have failed everywhere else.

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.

- a) NO. IAC is opposed to all vertical monopolies and all forms of vertical integration.
- b) “0%” as the threshold. Water-tight isolations between content creation and content distribution.
- c) IAC denounces the new trend of “content aggregators” which are fronts for broadcast houses and their cartels to get around even the rudimentary fig leaf barriers erected for broadcasters. **These sectors should be regulated urgently and content aggregators and “bonded” MSOs should be prohibited outright.** It is very well known that the “**must provide**” and “**must carry**” obligations are a legal fiction devised by a toothless regulator which can never be enforced in actual practice by open abuse of the legal process by those with deep pockets. The controlled supply of IRDs through bonded MSOs and content aggregators is a **national scandal**.
- d) Things like “control” cannot be “measured” in the Indian context. It is either “deep” and “pervasive” control achieved through “terror” and “abuse of executive or judicial powers”, Or through secret commercial deals, secret agreements, cartels, persons acting in concert, overseas holdings, etc. etc. which IAC does not have to teach the Hon’ble Commission about.

- e) That piercing the corporate veil is a *sine-qua-non*. That it must be mandated that no corporate group can own more than 1 TV channel and 1 newspaper and 1 magazine etc. The entire concept of "relevant market" (based on concepts like "language") must be abandoned. The definition of "corporate group" must be wide enough to detect and disqualify companies having common directors, common streams of finance, common employees, common places of business, common distribution platforms, common marketing and promotional activities, common branding etc. from having multiple media outlets This will go some way in ensuring that no cross-subsidization or creation of monopolies / cartels takes place. takes place
- f) The first step to address the problem is through total and complete transparency and disclosure accompanied with all records being prescribed and maintained. Everything else follows from this. The IAC recalls that on or about 02.May.2004 the TRAI issued a curious letter to IAC's National Convenor that several mobile phone companies were operating and inter-connected to each other without any interconnection agreements between them – this shows the extent that the TRAI had been corrupted then (or was toothless even then as a regulator) by the cartels.

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?

- a) The TRAI (as the sector regulator) knows very well what these are. Para 7.10 is grossly inadequate to bring out common ownership, common control, common directors, common finance, common employees, common places of business, common distribution platforms, common marketing and promotional activities, common branding etc. Citizens (being victims whose blood is being sucked) are always kept in the dark and are the last to know what is known to regulators for a long time and which is usually swept under the carpet till the shit hits the fan.
- b) The IAC submits that all commercially disseminated / broadcast content must be archived and be accessible on

demand, since it is only through accessible archived content that cartels and monopolies can be nailed.

- c) Regulated entities must not be allowed to hide behind veil(s) of corporate secrecy or commercial confidence. Each and every document submitted to the Regulator or the Licensor should be available to citizens on demand irrespective of what is contained in RTI Act 2005. It is very well settled that Article 19 of the Constitution places the rights of "citizens" over those of "persons".

Q30: What should be the periodicity of such disclosures?

- a) MONTHLY

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

- a) YES, YES, ABSOLUTELY and UNQUALIFIEDLY YES.

Other Issues

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

- a) The IAC is of the view that the media in India is not at all free or independent as is it made out to be.
- b) The IAC is a victim of media cartelization and paid news, being blacklisted by all media outlets since 26th Oct 2012 for both political and commercial reasons. This can be easily verified by summoning records from the leading press and TV channels. This is detailed sufficiently in IAC's email dated 17.05.2013 which is reattached.
- c) The IAC entreats the TRAI to ensure a free & vibrant media in India for the small voices of IAC's members.

- d) The IAC especially entreats TRAI to focus on a free and affordable broadband or WI-FI INTERNET access as a socialist measure. Internet access in India is pathetic by world standards for a democracy. It is also grossly overpriced. At least Unlimited minimum 512 kbps public wi-fi access should be made available on demand from Telcos **free of cost** so that citizens can access basic news and views and interact with their government. Even dictatorships like Singapore give free wifi access to citizens. The 3G scam has shown us how Indian citizens are being ripped off by foreign telcos stealing their bandwidth / spectrum while the regulators and licensors were kept quiet and for extraneous considerations.
- e) **It is obvious that there is an effort by a certain national political party, fearing the 2014 elections, to put in place defensive measures to protect itself.**



Er. Sarbajit Roy

National Convenor

India Against Corruption *jan andolan*

TO:

Shri Wasi Ahmed

Adviser, BACS/TRAI

Date: 17-May-2013

BY EMAIL

Sir,

Sub : Open House Discussion on Media Ownership on 18/05/2013

I am given to understand that the cited OHD has been restricted to only 150 pre-registered persons on the advice of the local police after the Hyderabad incidents. The said notice is not, however, on the TRAI's website.

As we had come to learn of this new requirement of pre-registration only today morning the members of my movement have not been able to register themselves since all the "seats" are booked. We also apprehend that there shall again be trouble at the venue and the meeting shall be disrupted.

Accordingly we are setting down a few points in case we are prevented from attending.

- 1) That TRAI has no power u/s 11 of the TRAI Act to indulge in this futile exercise, which now falls in domain of Competition Commission of India, if at all.
- 2) That this exercise initiated by the 16 May 2012 letter from Secretary MIB to Chairman TRAI is a purely political exercise for a corrupt Central Government to threaten media houses on the eve of elections, and that TRAI is a spineless caged parrot ('tota') in this corrupt exercise.
- 3) That the entire media is already vertically integrated in the hands of a few powerful political dynasties and religious groups operating through veils of corporate secrecy which have to be pierced and exposed to daylight.
- 4) That the independent citizens are being black-listed by these media cartels controlled by these hidden dynasties and oligarchies.
- 5) That in the case of my own movement the "India Against Corruption" we have been blacklisted by each and every television news channel after the IAC, post 26.Oct.2012, refused to compromise on its ethics and toe the "political" line demanded by their political-religious masters.

- 6) The Hon'ble TRAI may kindly enquire under its statutory powers how many media channels have reported the proceedings of the "India Against Corruption" prior to 26.Oct.2012 and post 26.Oct.2012 especially the actions of the undersigned and the other Executive Committee members.

- 7) That the leading News TV channels have formed a cartel described as the News Broadcasters Association (NBA) whose members have strong cross-media links/ownerships. Immediately after the new management of India Against Corruption took over from 26.Oct.2012 we were approached by PR (Public Relations) agencies affiliated to these news channels and newspapers to sign secret contracts with them whereby we would be guaranteed a certain amount of media air time and column coverage across their media holdings. We were shown many purported examples of such secret agreements entered into by the IAC's predecessor management and assured that the same or better secret commissions / profit-sharing terms would be given to us also.

- 8) That since we are ethical persons, we refused to conclude any such agreements with these cartels, and hence we have been blacklisted by each and every media channel/group.

- 9) That it is an open secret that highly integrated media houses such as Times of India, Hindustan Times, Star TV, NDTV, CNN etc not to speak of all the Hindi and regional houses are selling their editorial content/space and “manufacturing news” and all the regulators are in their pocket to the extent that their lobbies even have private in-house regulators to fool the public by employing pliable retired judges such as Justice J.S Verma and Justice A.P. Shah.

- 10) That the TV news channels are openly rigged to black-out authentic or dissenting views. I shall cite but one example. The whole nation today is following the “COALGATE” scandal which PIL was first instituted in the Supreme Court by one Advocate Mr. M.L. Sharma or suchlike. A few months later another advocate Mr. Prashant Bhushan (who was earlier an activist of India Against Corruption till he resigned over some questionable financial transactions involving donations made for the IAC but which were diverted to his trusts) filed a copycat petition evidently at the instance of some Coal Block allottees and energy majors such as Jindals and Lanco who his immediate family regularly represent before various Courts and Tribunals) to dilute the scandal. On each and every date of the Supreme Court the orders are being passed in Mr. M.L.Sharma’s PIL (which is the lead PIL) but Advocate M.L. Sharma who brought the CAG report to the Supreme Court has been blacklisted (like

IAC) by the TV news channel cartels who are under direct instructions from the Minister I&B to only take "bytes" outside the Supreme Court from Advocate Prashant Bhushan for COALGATE. By such means the airwaves which are the wealth of the nation (Cricket Association of Bengal v. Secy. MIB) and the means of manufacturing news have been allowed to get concentrated in the hands of a few persons in gross violation of the Directive Principles of State Policy and to deny the fundamental right of citizens to independent news and views which is a part of Articles 19 and 21 of the Constitution.

- 11) That the TRAI may also enquire into how many TV news channels have reported that Advocate Prashant Bhushan's trust called PCRf (Public Cause Research Foundation) received a Rs. 25 lakh donation on or about 5.April.2011 from the uncle of one of the major beneficiaries of the COALGATE scandal causing him to eventually file his copycat COALGATE PIL in the name of another NGO (Common Cause) he is an Executive Committee member of. Since the said donation of Rs. 25 lakhs was purportedly given for activities of India Against Corruption as was widely reported in the print media on 14th and 15th April 2011 and PCRf refused to account for its use, IAC disassociates itself from any such kind of fund raising activities involving profit sharing with the media houses and filing of fake PILs and fake hunger strikes ('anshans') to rake in

donations, but no TV news channel will report our honest stand.

- 12) That a further fraud has been played on the citizens of India to ensure that only slanted and biased news is disseminated. I am referring to CAS and DAS. Poor people who cannot afford Set Top Boxes have had to give up their TV cable connections by the millions. Instead they are now being given "free STBs" (all dangerously sub-standard and made in China) by political parties which only transmit a select "boquet" of news/religious and General Entertainment channels of that groupings persuasion. Goondas are employed at local level to see that only proprietary STBs of a particular party / media cartel can be fitted in a neighbourhood / locality. How can Parliamentary democracy for which a plurality of views is essential be ensured under these circumstances ? **Please enquire into this !**
- 13) That the media houses are so powerful that even TRAI's own advertisements and public notices do not get widely disseminated in the villages and small towns. How else does TRAI explain that only 2 or 3 individuals have responded to this Consultation paper?
- 14) That IAC accuses TRAI of deliberately and malafidely preparing such a complex consultation paper (and that too only in English language) at the behest of the

media cartels which no ordinary person can understand it or respond to it effectively. By such means TRAI has completely ignored its mandate to protect the consumer from depredations of telecom and broadcasting cartels.

IAC supports any process which shall regulate media houses, control their monopolies and oligarchies, and cause them to operate transparently and cheaply for the people of India.

That these are only a few of the points we shall make at the OHD tomorrow if we are allowed inside. Please take the same on record in advance and disseminate the same for any counter-comments.

Yours faithfully

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INDIA AGAINST CORRUPTION a **MANIFESTO** for every patriotic citizen

This manifesto is being promulgated by India Against Corruption (“IAC”), a conservative Republican movement on behalf of the patriots of Hindustan, so that every honest Indian should read the whole of it and circulate it among his friends so that it may be read out to others.

1.1 Whereas, the Constitution of India had established a democratic Republic and thereby assured to IAC’s adherents (in exchange for their lives) certain promises, which the Union of India is now hereby called upon to specifically deliver unto them. These unfulfilled and undelivered promises, which IAC shall pursue relentlessly with revolutionary zeal to honor its martyrs, national heroes and the glorious struggle culminating in India’s Republic, include for :-

- (a) Inclusive minimal non-intrusive governance, free of foreign rule and charity, and premised upon the rule of law to ensure the primacy of the individual over the State.
- (b) Life, liberty, security, good health and justice for every Indian without discrimination.
- (c) A secular, socialist, Republic of India, constitutionally rooted in the scientific principles of procedural equality, merit and the ownership of private property with the right to defend it.
- (d) Integrity, Accountability and Transparency in every aspect of the Republic’s functioning.
- (e) A fast, fair and free Judicial system and the freedom to express the Truth, without which the Republic cannot exist.

1.2 And whereas, it would be relevant to recall at the outset the sacrifices of the martyrs of the **Hindustan Republican Association** (“HRA”), the revolutionary precursor of IAC, whose own Manifesto and Constitution of 1924 listed some goals of the movement as under :-

- (a) To denounce and drive out foreign rulers from India along with their imperialist lackeys. As foreigners have no right to rule over Hindustanis, their empires, agencies and dynasties must be expelled by all means so that the Law of *Swaraj* is established in the Republic.
- (b) To forge and establish a federal Republic of United States of India by well organized militias of armed patriots.



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- (c) A well regulated militia being necessary to the security of a free and United Republic, the basic right of the people of Hindustan to keep and bear arms shall not be infringed. A national duty shall be cast on every citizen of the coming Republic to be trained in the use of the most powerful weapons available, especially the indigenously designed and manufactured weapons, so that all such arms and training obtained at great cost to the nation shall be kept and used to efficiently preserve or defend the Republic.
- (d) The basic principle of the Republic will be “**abolition of all systems which make the exploitation of man by man possible**”. The final Constitution of the Republic shall be framed and declared at a time when India is actually free of exploitation.
- (e) To foster the spirit of cooperation for economic and social welfare on as large a scale as possible. The railways and other means of transportation and communication, the banks, hospitals, schools, mines and other kinds of very great industries such as the manufacture of power, steel & ships all these shall be ‘nationalised’.
- (f) In the Republic each citizen shall have the “right to recall” his representative, if so desired, in a fast and practical manner otherwise democracy shall become a mockery.
- (g) For the Republic, following in the tolerant footsteps of great Indian Emperors and *Rishis* of the glorious past, to grant whatever rights the different communities may demand, provided they do not clash with the interests of other communities and they lead ultimately to hearty and organic union in different communities in the near future.
- (h) In the spiritual realm, to establish the truth, and preach it, that the world is not ‘*Maya*’, an illusion to be ignored and despised at, but that it is the manifestation of the one individual soul, the supreme source of all power, all knowledge and all beauty.

1.3 And whereas, in consonance with the HRA’s mandate and especially the HRA’s prime mandate against foreign imperialism, the IAC is of the firm view that conditions once again dictate that all of Hindustan’s patriots must come forward as one to defend the Republic of India with their oft demonstrated revolutionary zeal, so that the Republic may be preserved for themselves - and for the future generations.

1.4 And whereas, In the face of the deep social inequities and pervasive corruption which now rots every fiber of the national fabric, the IAC firmly rejects



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and denounces dishonest palliative cosmetic measures, such as overarching ‘Lokpals’, being proposed for India’s acceptance through some former, now expelled, members of the IAC movement - who the public at large are cautioned against.

1.5 And whereas, the IAC looks forward to attracting millions of open minded liberal and empowered citizens to join the patriotic reform movement against corruption, decaying governance and lost morals.

1.6 And whereas, reaffirming from the HRA’s manifesto that ‘Chaos is necessary to the birth of a new star’, the IAC firmly believes the current political, economic and socio-religious orders are completely vitiated by excessive love for foreigners and instead apathy, corruption, and contempt for the common people. IAC requires these orders to be uprooted and turned around for all Hindustan’s most ancient moral values, religious precepts and structures to be reestablished so the people’s primacy in the Republic is restored along with their love for this proud, powerful and renewed nation.

1.7 And whereas, though the IAC is apolitical the movement has political implications as IAC ever observes each political order in power, the IAC achieves its basic objectives by the following ancient true and tested clinical approaches

- “Homeopathic” representations by statutory, legal and Constitutional means,
- “Allopathic” agitations to amend poor laws, administrative systems or social institutions when peaceful representations go unattended,
- “Surgical” interventions to remove gangrenes and cancers whenever the national body is too sick to diagnose and heal itself.

The IAC reaffirms its strict adherence to those secular, socialist and liberal values such as are enshrined in the Constitution of India. The IAC while rejecting ‘non-violence’, ‘Gandhigiri’ and ‘satyagraha’ as the hypocrisy of Corruption’s minions, however, abjures (as being ‘Swaraj’ and the humility of the strong) the use of violence and force of arms in the first instance.

Now, therefore, it is expedient and necessary for the IAC to provide a honest Republic to those citizens who desire to have it.

(Let us all now stand as one to sing the beloved National Anthem,
Tagore’s “Jana Gana Mana” before we proceed to compose ourselves for action.)