

COMMENTS AND SUGGESTIONS OF END-CONSUMERS OF TELEVISION SERVICES (THE PUBLIC AT LARGE) AND THEIR RESPECTIVE DISTRIBUTION PLATFORM OPERATORS (DPO)s i.e. (distributor of television channels” or “distributor” means any DTH operator, multi-system operator, HITS operator or an IPTV operator;) on the proposed amendment of THE SPORTS BROADCASTING SIGNALS (MANDATORY SHARING WITH PRASAR BHARTI) ACT, 2007.

The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007 has been enacted with the objective to provide free access of events of national importance to 100 + crore citizens as reflected in the Parliamentary debate to the bill. The Government of India has power under Sec. 2(1) (s) of this 2007 Act, to declare any sporting event as event of national importance, which can be accessed on a free to air basis by citizen to protect citizens' cultural right to have unhindered access to such events. Since, every citizen cannot be physically present in the stadium to watch sports events or can afford the payment of exorbitant subscription fee being charged on a monthly basis, towards the Pay TV Channel(s) subscription telecasting these events of national importance.

The union parliament, passed this law in 2007 to provide free to air basis access to them. The 2007 act, has been made in the line of 'Listed events' of UK and 'anti- siphoning list' of Australia, whereby these events are protected for free to air access to the citizens. In UK and Australia, these are protected events as part of cultural rights of the citizens and recognized in European Union also. Objective is to curb commercial monopoly and exploitation, and to facilitate and protect the cultural rights of citizens.

The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007 is nothing but the adoption of well-established global regulation and practices adopted by all civilized nations, to protect the interest of its citizen's with respect to, cultural rights, sporting events, etc. of national or international importance and use of airwaves in public good.

Since August 2017 Indian citizens have been deprived from watching sports events of national and international importance on Prasar Bharti DD channels , such as , Commonwealth Games , French Open, ODI World Cup of Women, South East Asian Games, Australia Open, Winter Olympics , FIFA World Cup, Wimbledon, Asian Games, Summer Youth Olympics, US Open, Women Hockey World Cup, Indian Premiere League Cricket etc. The top 10 popular sports in India are :- Cricket including IPL, Football, Kabaddi , Badminton, Hockey, Tennis, Wrestling, Boxing, Motorsports and Basketball.

Whereas Prasar Bharati Doordarshan services are being operated on Indian tax payers' contribution made to the public exchequer where the government provides a budgetary support to Prasar Bharati. Since there is tax payers' money flowing into this Prasar Bharati Corporation, the government is equally answerable to the Parliament and as well to the citizens of this country especially the tax payers and the underprivileged.

The analogue terrestrial network and mode of transmission have become completely obsolete and redundant during the past one decade, that have been adequately replaced by the mandatory Digitalization of Television services. Whereas there aren't any manufacturers

or suppliers of the aluminum rod element based terrestrial Yagi Antenna that is necessarily required for tuning in towards terrestrial television transmission towers and thereafter receiving the analogue terrestrial transmissions signals of Prasar Bharati DD Channel (s)

Moreover if the consumers of TV services, have to compulsorily also get a DD FreeDish (DTH) installed for only watching the events of national and international importance in free-to-air mode, then why do they also have to pay a basic service charge of Rs. 130 plus GST each month to a Cable TV service provider or DTH service provider or an IPTV service provider, under the new TRAI notified tariff regulation of 2017 where the DPO (Distribution Platform Operator) is also compulsorily carrying all the Prasar Bharti- DD channels under the mandated must carry provisions and notifications made by the Ministry of Information & Broadcasting, Government of India from time to time.

Whereas enumerated below are the few salient features of “The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007 (Act 11 of 2007) and rules made there under :

.....5. Responsibility of a television or radio channel broadcasting the sporting event—If the television or radio broadcasting service provider is different from the content rights owner or holder, it shall be its duty to ensure that adequate arrangements for compliance with the provisions of the Act and the rules are made at the time of acquisition of the rights from the content rights owner or holder.

6. Manner of declaration of sporting events of national importance— (1) The list of sporting events of national importance shall be determined and notified by the Ministry of Information and Broadcasting in consultation with the Ministry of Youth Affairs and Sports and the Prasar Bharti.

(2) An event of national importance once included in the list shall remain a sporting event as such for a period of four years from the date of its inclusion unless deleted or withdrawn earlier.

(3) The Ministry of Information and Broadcasting may, review the list of sporting events of national importance at any time and at least once in the month of February of each calendar year as per sub-rule (1), and consider new proposals for inclusion or deletion and notify amendments, if any”

However It becomes imperative to also state here, that the notifications made by the Ministry of Information and Broadcasting in consultation with the Ministry of Youth Affairs and Sports and the Prasar Bharti. “In exercise of the powers conferred under clause (s) of sub-section (1) of section 2 of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 (11 of 2007) read with sub-rule (1) of rule 6 of the Sports Broadcast Signals (Mandatory Sharing with Prasar Bharati) Rules 2007 have been being issued in the most arbitrary manner without considering relevant aspects and in complete apathy to common citizens of this country and their interest in sporting events.

Where by, an individual or a few decision makers in the Government cannot decide on behalf of 125 + crore citizens of this country w.r.t what event(s) is/ are of national and international importance. This undemocratic practice in past have led to manipulations / corruption, that was easily susceptible to mal practices with a compelling reason for not doing so in order to

protect some private pay TV broadcasters' commercial interests, monopoly and exploitation of these sports broadcasting rights and they have therefore failed to exercise its powers in a fair, just and transparent manner and such notifications run contrary to the Rights Guaranteed to the Citizens of India under Part III of the Constitution in addition to it being sans objective rules, International best practices or adequate mechanism to adequately address the interest of Millions of Viewers in the country.

As now, upon finally realizing its shortcomings of past few years, the Ministry of Information and Broadcasting, Government of India, have invited comments and suggestion from the Stakeholders, industry and the public at large on its proposal to make the required amendments, due for a long time in The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007 . Wherein the DPOs and the end consumers of the television services (Public at large) makes the following suggestions and recommendations in the 2007 Act: w.r.t inserting the relevant amendments.

- a) 3. Mandatory sharing of certain sports broadcasting signals.–(1) No content rights owner or holder and no television or radio broadcasting service provider shall carry a live television broadcast on any cable or Direct-to-Home network or radio commentary broadcast in India of sporting events of national / **international** importance, unless it simultaneously shares the live broadcasting signal, without its advertisements, with the Prasar Bharati to enable them to re-transmit the same on its terrestrial networks ~~and~~ Direct-to-Home networks **and also on the Prasar Bharati Channel (s) that are being mandated for carrying compulsorily by (a) “distribution platform” means distribution network of a DTH operator, multi-system operator, HITS operator or IPTV operator;** in such manner and on such terms and conditions as may be specified. (2) The terms and conditions under sub-section (1) shall also provide that the advertisement revenue sharing between the content rights owner or holder and the Prasar Bharati shall be in the ratio of not less than ~~75:25~~ **(Insert and replace to 50:50)** in case of television coverage and ~~50:50~~ **(Insert and replace to 35 :65)** in case of radio coverage.
- b) 6. Manner of declaration of sporting events of national importance— (1) The list of sporting events of national / **international** importance shall be determined and notified by the Ministry of Information and Broadcasting in consultation with the Ministry of Youth Affairs and Sports ~~and~~ the Prasar Bharti **and the committee constituted of eminent citizens, sportspersons, Hon’ble Retd. Judges and members of civil society who only in consultation with each other decide on what event(s) is / are of national and international importance and the same shall be notified for mandatory sharing with – Prasar Bharati.**