

From: **CABLE & BROADBAND OPERATORS' WELFARE ASSOCIATION**
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24th. September, 2012

To: Wasi Ahmad, Advisor (B&CS),
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, New Delhi-110 002.
Tel.: 011-23237922. Fax: 011-23220442

Dear Sir,

Sub: comments on draft regulation "Standards of Quality of Service
(Duration of Advertisements in Television Channels)
(Amendment) Regulation, 2012.

We, on behalf of the cable operators of West Bengal, like to put forward our response in regard to the subject matter as the last date for receipt of comments has been extended to 24th September, 2012..

We firmly believe that the programming of all the satellite broadcasts should be brought into the ambit of the "Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulation, 2012 under the D.A.S. regime.

Broadcasters, being the most interested party, must not be allowed to exploit the consumers through excessive, irritating and disturbing advertisements. Regulations are made to look after the public interest and TRAI, instead of looking after the commercial interest of broadcasters, should care for what is best for the consumers. It is not the responsibility of TRAI to ensure if broadcasters make lot of money from the content but it is definitely their responsibility to see that consumers are not made to suffer because of greed of the broadcasters. Please find our representation herewith for your notice and record.

Thanking you.

Sincerely yours,
For Cable & Broadband operators' Welfare Association

s/d. Swapan chowdhury
Swapan Chowdhury
General Secretary
9836080592

Encl: as stated above.

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Comments on draft regulation “Standards of Quality of Service (Duration of Advertisements in Television Channels) (Amendment) Regulation, 2012.

1. Clause wise comments are given below:-
 - a) **Clause 3- Duration of Advts in TV Channels.**
 7. 12 minutes limit on ad duration in one hr should be only for FTA channels.
 - ii) Since digital addressable system is mandatory and there will be transparency in the subscriber accounts, broadcasters will be recovering all their cost from Subscribers who, in the absence of any MRP limits laid down by TRAI for DAS systems, would pay heavily for a-la-carte channels, much more than the cost of pay channels in CAS areas or FTA channels. **Hence pay channels must not be allowed any advertisements.**
 - iii) **All pay per view, HD and premium channels should not be allowed to carry any ads.**
 - b) We agree that no shortfall of advertisements should be carried over.
 - c) Advertisements in the clock hour should include all types of ads including channel promotion ads, bugs, tickers, aston bands shown in a programme.
 4. **Clause 3 (3).** There should be no ads in a sports channel as they already charge the highest amount amongst all pay channels.
 5. **Clause 3 (4)** **Time Gap between advertisements:** It should not be deleted. Time gap between advertisement slots must be regulated. Continuous ads for a long duration cause too much of irritation to consumers. Hence TRAI must fix the duration of gaps in between the ads. **A 15 minutes gap in TV serials and 30 mnts gap in movies is the barest minimum.**
 6. There should be no part screen ads or tickers and aston ads.
 7. All type of **‘In programme advertising’** must be regulated. How will non-FCT (Fixed Commercial Time) ads like ‘in programme product placement’, AFP (Advertiser Funded Programming) etc. Be regulated? TRAI must find a way for this. Channels make lot of money from such ads.
 7. **Teleshopping: Contextual advt** (Ads in paid slots) like long duration teleshopping ads of ‘Maha yantras’, magical remedies etc are neither censored nor regulated for their duration. How will that be regulated? TRAI must regulate these ads too as they cause lot of inconvenience to the consumer.

8. **Audio levels** of ads are too high and inspite of existing regulations on the subject, no broadcaster follows them. Audio levels of ads should not be more than the audio of the programme and TRAI should find ways and means to implement it strictly.

9. **Chapter III- Reporting to TRAI**

Channels must report to TRAI regarding ads inserted in programmes and their duration. Reporting is a part of all regulatory processes and hence should not be dispensed with for TV channels. It is there for MSOs and cable operators too.

We also wish to make some additional comments that we have been doing many times earlier too, in the interest of the industry.

- a) As these regulations affect millions of subscribers and cable operators operating in far off areas of the country, much wider circulation of the consultation in Hindi and other languages is required so that realistic feedback is received from all corners. Also, TRAI should take help of state governments in circulating them on their websites and local news papers. Even the broadcasters should be asked to carryout debates on their channels to inform the viewers and get their feedback.
- b) There should be a proper **grievance redressal system** against violations by the broadcasters of these quality of service norms and strict action must be taken as a deterrent.
- c) Once Regulations are finalized, they should be informed to the public through Doordarshan and other broadcasters as well as the print and state level media.

Yours Faithfully,

s/d. Swapan chowdhury.

(Swapan Chowdhury)
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