

Network Association of Faridabad,

Address: 7/154, Talab Wali Gali, Shekh Wara, Old Faridabad-121002 (Haryana).

Ref:-

Dated:-26.08.2013

To

Mr. Wasi Ahmed, Advisor,
(B&Cs) Telcom Regulatory Authority of India Mahanagar Door Darshan
Bhawan, Jawahar Lal Nehru Marg, New Delhi-110002. Tel No.011-
23237922.

Subject:- Information Note to the Press(Press Release No. 58/2013)---
Views and comments on behalf of the stake holders i.e. Local Cable
Operators.

Respected Sir,

With due respect first of all I would like to thank the competent Authority of TRAI for considering the problems of Stake holders-Local cable operators / franchisee of MSO(Multi-system Operators) and inviting the views & comments as regards their problems being faced by them during the course of their business of cable operating for the last 25 years.

Secondly I would like to highlight how we cable operators have developed this cable system from its roots/earth to the height as on today, but the fruit /advantage of all these efforts, field work and research made we cable operators is being taken away by the Multi-system Operators and Broadcasters ,by force, by hook and crook and illegally, throwing aside the LCOs who invented, initiated and developed this cable system and brought it at the present heights and are thus the deserving persons to get the fruits and benefits of this system.

1. It is worth to point out that total investment in the system of network has been solely made by we cable operators and Nothing has been invested by the MSO or Broad-casters.

2. All kind of risk and loss & injuries in this field/ system are being Borne by we Local cable operators alone in addition to the physical hurdles , tortures and injuries to the person of LCO and its employees at the hands of local bad elements of the society and not by the MSO/Broadcaster concern.

3. Theft of cable of network and amplifiers and others apparatus installed by the LCO are borne by the LCO only and not by these MSO/B.Cs .

But On the other hand , it is very surprising, astonishing and shocking and beyond the imagination & understanding of a man of ordinary prudence , why the Act framed by the law framer is in favour of the MSO/Broadcasters alone, ignoring the interest of the actual and deserving person i.e. LCO?. And this is not justified, not based on the principals of natural justice and equality of law and equal before law, as provided in the Constitution of India. In this regard your kind attention is invited towards Para 2 of my legal notice dated 25-06-2013 (a copy of which is enclosed for ready reference and your kind perusal). The contents and submissions made in above said notice may aLCO be read and treated as part and parcels of this representation /means parts of our view & comments.

Further, I would like to explain the system of receiving signals. T.V. Channel signals from the MSO to the Local cable operators carries these signal to its subscribers through its control room and then to cable network. All the loss and theft of cable, other instruments and amplifier etc. are Borne and maintained by us (LCO) through our linemen and other employees are appointed for collecting the monthly cable charges from the subscribers by going door to doors and then we pay fixed amount of franchisee fee to the MSO in their office at one place in one city, who has nothing to do with the subscribers and bad elements and nothing is invested in network of cable etc and no loss is Borne by them. All kind of risk, loss, hazard, & hurdles are being faced by us (LCO). MSO share only profits but no loss.

Before the installation of set top box, this system of supplying signal was known as Analogue system. After installation of set -top-box this system is known as DIGITAL whereas it is still Analogue system because the signal are being provided the subscribers through the cable wire provided by the Local cable operators and not by any MSO. The wear and tear of the same is also being borne by the local cable operators. This so called digitalised system is only beneficial to the broad-casters MSOs and the people who brought the idea and concept of set-top-box in market. Before digitalisation & Analogue method a few, not more than 100 to 104 channel could not be brought before the subscribers/ viewers but after the digitalisation, at present there are about 500 to 600 channel available in the market so, due to this facilities MSO has become more and more rich then ever making the LCO their slave/ work man, forcing them to work for MSO's interest only. Now MSO is charging carriage charges from broadcasters @ Rs. 2 to 3/-per channel , per set-top-box which is their additional income adding to their richness, but nothing is given to the

LCO out of this input though the set-top-boxes are got installed through us(LCO). Thus this is un-justified and against the natural justice.

Beside this MSO is also getting commission on account of advertisement on these channels. Moreover the MSO has also own a one channel of his own , through which he also earn /charges advertisement charges directly from local advertisement.

There are so many disadvantage of digitalisation through set-top-box, imported from china worth of million /billion of Rupees. These Boxes have fundamental manufacturing defects. About 20% Boxes shut down for repair and these are to be repaired from MSO only and as per TRAI Rules, these boxes should be repaired within 24 hours and replaced immediately. But the MSO return these boxes after a week or so. There is a penalty provision for MSO for repairing these box late, but very sorry to point out that this burden of penalty is also roped on local cable operators, because for fear of losing the subscriber/customer, we cable operator have to provides new set-top-box to subscribers which cost Rs.1000/- per box and 20 to 30 boxes are being replaced by one cable operator every month and are forced to bear the loss, which should have been borne by MSO only who are to repair the boxes in time and pay penalty if the repair & replacement of box is late. Moreover, it is not out place to mention here that the set-top-box was given to the subscriber, after charging its price by MSO as a sole property of the subscribers, but very surprising , now, they say that it is the property of MSO and not of the subscribers. This is nothing but Unfair and mal - Trade practice by MSOs.The TRAI while framing any law relating to the network system should have the following point in view ;-

1-In order to know the opinion of the general public, TRAI should held conference inviting therein the leaned and experienced person in the field of network system, considering their views given by them and including the media person aLCO and their views on this point.

2. Stake Holders/ Concerned persons from the urban as well as from the Rural areas should also be invited and obtain their views on this points,

3. If the Network system is to be spread and provided in the poor and slum Bastis and remote areas of the country then there should be provision of providing these set-top-Boxes on cheaper rates as compared to the general public in the urban area because when any law is passed the welfare of the general public should always be kept in mind but this Act lack this provision of Public Interest. Any law which does not watch and protect the interest of the general poor public and is in the interest of one section of the society is bad in

the eye of law and ultra-vires and against the provisions of the constitution of India. The Govt of India has already initiated so many programme for the welfare and uplift-ment of the below Poverty line general public living in these slums and remote areas like Adi -Wasi area of the country.

Thus, from explanation and submissions given above it is very clear that the LCO are suffering an irreparable financial loss at the hand of the MSO and the Act enacted by TRAI is also completely against the LCOs and is in favour of the MSO.

It is therefore , hoped and requested that these views / comments of our association will help your good self in considering this representation of LCOs sympathetically , take necessary action in this matter, give justice to us LCO and save our ROZI - ROTI (This small & petty business) and help us to maintain our family.

President
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