

**MARY PAUL**

**Secretary General**

e-mail : sg@ins.org.in



**THE INDIAN NEWSPAPER SOCIETY**

**Mohit Jain**

President

**K. Raja Prasad Reddy**

Deputy President

**Rakesh Sharma**

Vice President

**Tanmay Maheshwari**

Honorary Treasurer

**Date:** 12<sup>th</sup> July, 2022

Shri Anil Kumar Bhardwaj,  
Advisor (B&CS),  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhawan  
Jawaharlal Nehru Marg  
New Delhi- 110002.

**Sub: Counter Comments on Consultation Paper on "Issues Relating to Media Ownership"**

**Ref: 1. Consultation Paper No. 04/2022 on issues relating to Media Ownership dtd 12.04.2022**

**2. Press Release No. 31/2022 dated 10.05.2022**

**3. Press Release No. 36/2022 dated 07.06.2022**

Respected Sir,

Greetings from the Indian Newspaper Society!!

The Indian Newspaper Society having more than 750 newspaper establishments as its members represents all significant cross sections of small/medium/large newspaper establishments (including magazines and periodicals). The Society is the central organization of Print media in India.

We have already submitted our comments vide our letter no. TRAI/123 dtd 28.06.22 and the same has been uploaded at your site.

We wish to thank Telecom Authority of India (TRAI) for providing an opportunity to share our counter comments to the comments received by the TRAI (as uploaded at your site) from a wide cross-section of stakeholders including industry bodies, associations, policy groups and individuals on the said "Consultation Paper No. 04/2022 on issues relating to Media Ownership"

We have gone through all the 28 comments received by TRAI (excl ours).

We are enclosing as Annexure 'A' our detailed counter comments.

**We wish to again re-emphasise our stated position, communicated to you earlier too, that the Print Media is not to be included within the scope and ambit of the Telecom Regulatory Authorities of India Act, 1997.** Consequently, the TRAI would not, in our considered opinion, have any jurisdiction or authority to even issue the Consultation Paper in respect of cross media and ownership restrictions concerning the Print Media.

Thanking you,

Yours sincerely,

Mary Paul

Secretary General

## I. BACKGROUND

1. The Constitution of India under Article 19(1)(a) states '*All citizens shall have the right... to freedom of speech and expression...*'

It has been stated on record by Dr. B. R. Ambedkar, Architect of the Indian constitution, that "Freedom of Press" is included in the guarantee of freedom of speech and expression and it was hardly necessary to provide for it specifically. This statement has been corroborated in a series of decisions from 1950 onwards and Hon'ble Supreme Court of India has clarified in its stated position that freedom of Press is implicit in the guarantee of freedom of speech and expression as guaranteed under Article 19(1)(a), thereby making freedom of Press a fundamental right. The Hon'ble Supreme Court of India has also stated that "Freedom of speech" is the Ark of the Covenant of Democracy.

Freedom of press can be restricted only under Article 19(2) as inserted / amended by Constitution (First Amendment) Act, 1951, Constitution (Sixteenth Amendment) Act, 1963, s. 2 and it cannot be restricted through any executive order or through administrative instruction. If any law is made to restrict freedom of Press, it must fall squarely within one or more heads of permissible restrictions under Article 19(2) viz. (a) sovereignty and integrity of India, (b) security of the State, (c) friendly relations with foreign States, (d) public order, (e) decency or morality, (f) contempt of court, (g) defamation or (h) incitement to an offence. Through multiple judgements of the Supreme Court, it is a settled position of law that the State cannot curtail freedom of Press for promoting the general welfare of a section or a group of people unless its action can be justified by a law strictly falling under Article 19(2). Freedom of the Press cannot be curtailed on such grounds as in the interest of the general public, as in the case of other freedoms under Article 19. The restriction must be reasonable and specific and cannot be excessive or disproportionate. The manner of imposition of any restriction also must be just, fair and reasonable. In the event any law does not pass this test, it may be invalidated, which has happened in the past as well.

We are of the considered opinion that any proposed restrictions on horizontal cross-media ownership holdings would work towards artificially limiting the business structure of media entities, thereby restricting their opportunities of circulation / reach and also limit their options to seek advertisements to sustain their media operations. Any such proposed restrictions under a subordinate legislation would not be possible under Article 19(2), and hence would be *ultra vires* the Constitution of India.

2. TRAI had itself stated in the Consultation Paper, 'The consequences of rapid technological development for informational diversity and media pluralism are mixed. An increasingly digital media environment gives internet users access to information from more and more sources, increasing the opportunities for people to use diverse sources and encounter different perspectives. With the emergence of social media



platforms and Apps which depend on user generated content, the news and facts do not depend on any media organization for its conveyance to the public.”

The above statement reiterates the following facts about the Media and Entertainment (M&E) sectors which underlie our counter comments detailed hereafter:

- With convergence and digitisation, concept of “geographical markets” is redundant. Hence any argument sought to be made for monitoring/controlling “concentration”, “market share”, etc, with focus on imposition of horizontal cross media curbs is totally superfluous;
- India today has over 750 million smartphones, much more than the readership of newspapers or consumption of TV or FM radio;
- Traditional or legacy media business are miniscule in comparison to Big Tech/Social Media/aggregators/UGC which are being consumed by audiences many, many times larger;
- News & Current Affairs is a drop in the ocean of Media & Entertainment (M&E);
- Latest data confirms the trend of the last few years that interest in news is declining sharply.

The above is buttressed by the recent survey of Reuters Institute Digital News Report, 2022, and we quote:

- Consumption of traditional media, such as TV and print, declined further in the last year in almost all markets, with online and social consumption not making up the gap.
- While the majority remain very engaged, others are turning away from the news media and in some cases disconnecting from news altogether. There is a “news” fatigue amongst the consumers. Proportion of news consumers who say they avoid news, often or sometimes, has sharply increased globally.
- Within the subset of news, which is a miniscule segment, Facebook remains the most-used social network for news but users are more likely to say they see too much news in their feed compared with other networks.
- Legacy/traditional media has declined and digital consumption of news reiterates that the concept of geographical markets, basis of this CP, is a misnomer under the current reality. The smartphone has become the dominant way in which most people first access news in the morning, though we find different patterns across countries. India is a strongly mobile-focused market, with 72% accessing news through smartphones and just 35% via computers. News aggregator platforms and apps such as Google News (53%), Daily Hunt (25%), InShorts (19%), and NewsPoint (17%) have become an important gateway to access news.
- Popularity of Social media in India has soared, with a significant number in the surveyed audience using YouTube (53%) and WhatsApp (51%) for accessing news.

The popularity of social media is a growing concern for policy-makers as these platforms are also rife with misinformation, as well as incessant trolling and abuse. Facebook came under intense scrutiny after media investigations revealed the



platform had pushed polarising content and misinformation in the form of advertisements during the elections in 2019 and 2020. Meanwhile, the Competition Commission of India (CCI), has launched an investigation into complaints that Google has allegedly abused its dominant position in the online news market. As in other countries, Indian publishers claim they are not being compensated fairly for the content accessed via third-party digital platforms.

With all of the above, it is but obvious that TRAI's CP on cross media ownership is not only redundant but also not at pace technologically.

## **II. UNANIMOUS / COMMON VIEWS**

The common views across all the comments to TRAI Consultation Paper on cross-media ownership consultation paper (CP) pertinent to the newspaper industry are:

1. Limiting State intervention over the media is vital to protecting democratic interests and that additional regulations can have disastrous consequences not just for plurality and diverse viewpoints, but also the health and indeed survival of the sector. The legacy media sector is already overregulated on the content side and has in fact, ensured the success of self-regulation.
2. There is no link between horizontal media concentration and lack of viewpoint plurality or how diversified ownership can guarantee plurality. Ensuring media pluralism cannot be directly co-related to imposing horizontal cross-media restrictions. There are also no reasons or evidence cited for any change in the current horizontal cross-media ownership structure.
3. The rationale for the above seems to be based on the vague idea that the consumer of media content, who uses multiple devices/media products, selects his preference on the basis of who owns the media entity. However, given that there is obviously no such possibility, the entire edifice of this CP has been built on a wrong hypothesis.
4. It is clear from the comments that India has the most pluralistic, diverse and competitive media industry in the world where there is absolutely no evidence of dominance or monopoly as far as horizontal media ownership is concerned. Specifically, private sector Indian news and current affairs has a vast array of every imaginable viewpoint thanks to lakhs of newspapers, thousands of websites/digital entities and hundreds of TV channels –all of which are available in dozens of languages.
5. There is no denying, the fact, that the numbers and variety of media owners have increased massively in the last several decades, and especially since the 2008 and 2013 TRAI consultation papers on cross media ownership.
6. Plurality, diversity and competition has flourished in the absence of any horizontal cross-media ownership restrictions, and any new curbs would only have the disastrous consequence of reducing plurality.
7. Even the most basic question - what is this vague/undefined “desired” level of plurality on, basis of TRAI CP, remains un-answered, aptly quoted by one entity, academicians Suzanne Rab and Alison Sprague asking in their 2014 paper – "the question is how many viewpoints make a sufficient plurality? There are no answers and it would be a mockery of facts proceeding on the basis of vague notions.



8. The geometric growth rates of digital media and in this age of convergence, wherein news is consumed in a border-less and boundary-less cyberspace, the concept of a “geographical market” for news media ceased to be relevant decades back, but in India we are still toying with pre-historic idea. Digital media by virtue of its inherent boundary-less distribution is available in all geographies. Even media that’s run from outside the country could theoretically have a large user base in the country. In addition, the leaders in digital media consumption in India are international platforms and BigTech through their various news, search, video and content feed products. In such a context, creating any cross media ownership guidelines for traditional media is not just totally unnecessary and illogical –but also absolutely unfair to single out only rapidly declining legacy brands.
9. No one has been able to identify even one single “market” where there is horizontal dominance/monopoly/concentration simply because of the above fact, and also because none exists. With the advent of multiple technologies for information dissemination and consumption by consumers, there remains no virtual demarcation of a single medium. Hence, with convergence and new tech, it is also not possible to any longer even use the phraseology that any single entity “dominates” any given “market” based on “market share” in a given “geography” within a media segment. Hence, the entire basis for any effort to justify any restrictions on horizontal cross media ownership simply falls apart.
10. The only entity having a total monopoly –and that too because it is the sole player in several segments-- is the government-controlled Prasar Bharati, which:
  - Only entity and hence holds an absolute monopoly in terrestrial TV, with its 43 channels, which also have to be mandatorily carried even on private cable;
  - Has unrestricted vertical integration via DTH Freedish with 45 million subscribers;
  - Is the only entity and hence holds an absolute monopoly in AM radio broadcasting as well as original content in news and current affairs on FM radio.

No private players are allowed in any of these segments and there cannot be a more blatant example of a media monopoly anywhere in the world like Prasar Bharati.

11. There is no example cited of any country in the world which is even discussing imposing curbs on horizontal cross media ownership. Infact, the few countries which did have these restrictions owing to the very few media outlets present there wanting to enter terrestrial TV over 60 years ago, have been rolling them back owing to many factors including convergence and the need to ensure cross-media ownership to keep their traditional media entities alive. India, has absolutely different circumstances, with the most diverse and competitive media market in the world, even as terrestrial TV, trigger for cross media curbs in a few countries 60 years ago, is wholly in government-controlled Prasar Bharati’s hands and private sector is barred from it.

Even TRAI acknowledges that due to increased decentralisation of news sources, countries are moving away from cross-media ownership restrictions. Eg, in USA, restrictions on cross-ownership rules for Newspaper / broadcast and radio/television



have been removed in 2017. Similarly, in UK, Media Ownership (Radio and Cross media) Order 2011 removed all local cross-media ownership restrictions.

### III. COUNTER COMMENTS

1. Lack of jurisdiction and legislative mandate of TRAI:

Anything apart from telecommunications, broadcasting and cable is outside TRAI's jurisdiction, and hence any inputs provided by TRAI on Print and Digital are outside its statutory mandate.

In any case market concentration and media plurality ie content is totally outside TRAI's remit. The present exercise (where statutory recommendations have been sought and are contemplated to be provided by TRAI) ought to have been restricted only to those aspects and segments of M&E sector as envisaged in proviso to Section 2(1)(k) read with Section 11(1)(a) of the Telecom Regulatory Authority of India Act 1997 (as amended).

Drawing parallels with FCC is not warranted as unlike FCC, TRAI does not have rule-making powers vis-a-vis M&As in the media and broadcasting space; ex ante review of combinations in the media and broadcasting space is already within the remit of Competition Commission of India under Sections 5 and 6 of the Competition Act, 2002.

2. No link between market concentration and plurality:

We would like to counter a few submissions wherein academic studies of some countries have been cited much less diverse and competitive markets as compared to India. We would like to specify:

- There is no data to establish a causal linkage between market concentration and media plurality and media ownership and media plurality.
- More importantly, India is a unique media market, with an array of media products in over 15 languages. There is not a single argument that outlines what is the desired level of media plurality, how is media ownership connected to it and what at all can curbs on media ownership do for this media plurality.

3. No examples/evidence have been cited for the hypothesis current state of media ownership is adversely affecting media plurality in India in any manner:

It is clear that there is no concentration of ownership in the media and that in any case, concentration does not impact media plurality. Because different media products in the same entity are structured under different companies, have separate editorial/content and management teams and have totally differentiated content strategies designed to address different target audiences. Hence, common ownership actually builds up plurality as there is a conscious effort to have differentiated products with entirely differing viewpoints.



Without establishing an objective relationship between media concentration and plurality, the CP proposes in paragraph 1.5 to analyse the “anomalies caused by media concentration” through cross-media ownership and vertical integration. Attempting to use tools such as regulation or restriction of cross-media ownership, without proving *how* they influence the theoretical “desired level” of media plurality is a futile exercise.

4. Curbs, if any, must be restricted to only news and current affairs (N&CA):

**Government’s NFHS study:** Indians are reducing consumption of news and entertainment when delivered through traditional mass media like newspapers, magazines, radio, and TV. Data released in May 2022 by the Government’s National Family Health Survey (NFHS)-5, conducted between 2019 and 2021, shows that there has been a double-digit percentage decline since the 2015-16 NFHS-4 in the share of people who read newspapers or magazines, watch TV, and listen to the radio at least once a week, which is the study’s benchmark for regular consumption of mass media.

<https://theprint.in/india/nfhs-shows-double-digit-drop-in-indians-reading-papers-watching-tv-listening-to-radio/969314/>

Instead, it is Big Tech that rules the roost now in India. India is Meta’s largest market, and it has over 400 million users in India and even Twitter has 24 million subscribers. In contrast, the entire “**Total**” combined readership of the hundreds of English newspapers in India is only 31 million as per IRS 2019.

5. Representation by Big Tech/Social Media/UGC to curb ownership in news and keep them outside the ambit of processes:

- i. **Chain of Command**

The formal process of news collection through journalists and the chain of editorial command in a traditional process-driven media newsroom ensures multiple levels of checks before any content gets the clearance to be printed. It is this very reason that social media / international platforms and aggregators who run their businesses through algorithms and not human editors need to be under the ambit of processes, if any process framework is proposed.

In Social media/Aggregators/UGC:

- News Collection is not through a formal process of trained reporters and journalists but anyone (even those with malicious intent) can upload content and get a distribution to millions of news consumers at one go.
- There is no chain of command and editorial processes and any content with virality (usually that drives strong emotions and force people to take sides) can find distribution on such platforms risking the very



fabric of the Indian society which is built on shared values and respect for each other's culture, tradition and viewpoints

**ii. Viewpoint Plurality and Editorial Policies:**

Every story in traditional media goes through a review process for accuracy and importance by a chain of editorial processes before it reaches readers. Traditional Media delivers one set of news to the entire nation and is not personalized for each user. The newspaper cannot show different news stories and different text to different users through the same edition. Traditional Media newsrooms do not have algorithmic functions to solve for success parameters viz click through rates or engagement time that an algorithm driven platform / aggregator product uses.

In Social media/Aggregators/UGC:

- Large platforms/aggregators on the other hand are built through machine learning and artificial intelligence where the algorithm is working to maximize only one output - which is usually click through rates of stories or time spent or virality. It is this singular optimization that allows unverified fake news to propagate through their systems and the algorithmic rewards are met not by showing what's right to everyone but by showing what each user wants to see. It is for this reason that it becomes impossible to track the real damage of and by such algorithms to society.

**iii. Level of checks for accuracy, importance, awareness etc drive the selection of news stories:**

Control will not impact the nature of UGC:

Platform monopoly hurts society and businesses. The algorithmic driven monopoly on content is monetized through the ads businesses of such large platforms and aggregators leading to unfair trade practices. One of the BigTech platforms is currently being probed on antitrust across multiple geographies in the world.

<https://www.livemint.com/technology/tech-news/us-says-google-breakup-may-be-needed-to-end-violations-of-antitrust-law-11603240644171.html>

<https://www.cnbc.com/2022/05/19/new-bipartisan-bill-would-force-google-to-break-up-its-ad-business.html>

<https://www.forbes.com/sites/iainmartin/2021/11/10/google-loses-court-challenge-over-eu-28-billion-antitrust-fine/?sh=b28092879048>

<https://www.pymnts.com/google/2022/google-offers-to-break-up-209-billion-ad-tech-unit-to-appease-regulators/>

6. No examples/evidence that current state of media ownership is adversely affecting media plurality in India in any manner:



It is clear that there is no concentration of ownership in the media and that in any case, concentration does not impact media plurality. This is because different media products in the same entity are structured under different companies, have separate editorial/content and management teams and have totally differentiated content strategies designed to address different target audiences. Hence, common ownership actually builds up plurality as there is a conscious effort to have differentiated products with entirely differing viewpoints. Without establishing an objective relationship between media concentration and plurality, the CP proposes in paragraph 1.5 to analyse the “anomalies caused by media concentration” through cross-media ownership and vertical integration. Attempting to use tools such as regulation or restriction of vertical integration or cross-media ownership, without showing *how* they influence the theoretical “desired level” of media plurality is an exercise in futility.

#### **IV. SPECIFIC COUNTER COMMENTS (Stake-holder wise)**

Further to the above submissions, we would now like to give our specific counter comments on some of the comments of the stakeholders:-

##### **1. All India Digital Cable Federation (AIDCF)/GTPL Hathway Ltd**

- i. Many entities have already commented that with convergence and the internet, there is absolutely no question of geographical markets and that in any case, India is the most pluralistic and competitive media market in the world, with the numbers of newspapers running into lakhs, and TV and radio channels in the hundreds – all in several dozen languages. Hence there is absolutely no question of monopolies hence no question of “abuse” in the private sector as there is already dissemination of every possible diversified view and opinion on every conceivable topic in Indian media. Therefore, there is also no possibility that any rules curbing horizontal media ownership can ever “strike a balance between warranting a degree of plurality on one hand and ensuring that the entities are rendered with optimum opportunities of expansion, innovation and ease of doing business”. The only entity that AIDCF comment is true for, is government controlled Prasar Bharati --which holds an absolute monopoly in not just terrestrial TV and AM radio –but also original news and current affairs on the entire radio sector.
- ii. We have already given many reasons as to why horizontal content holdings do not have any adverse implication, but are, on the contrary, necessary because they ensure that the same media house can outline different content strategies for each of them aimed at different target groups and audiences –all by separate editorial and management teams. Furthermore, with the rapid decline of traditional media, every media entity needs to have a variety of media outlets so as to ensure that these can be cross-subsidised and can survive. Any attempt at imposing rules that does not allow this to happen, will be construed as an effort to restrict the business of media, which has Legal and Constitutional repercussions –apart from a blatant effort to kill the media sector.



- iii. Given the above, read in conjunction with multiple other arguments, AIDCF/GTPL Hathway's suggestion of tool/ a formula that can be used for measuring market share of any entity across all media segments in a relevant market or of limiting ownership to maximum of 2 segment types in so-called "user based" and "consumer based" interfaces or of setting up a media advisory committee to examine entities wanting to enter into media has no logic, basis or justification; infact the advisory body suggestion is illegal and goes against Constitutional and legal strictures. Interestingly, AIDCF contradicts itself later by conceding that in the "present era of convergence, it is significantly difficult to ascertain the individual market shares of each entity" even as it says that the "relevant geographic and relevant product market should be determined by virtue of the framework as enshrined under the Competition Act, 2002. In terms of the same, it is stated that language should be one of the criteria for analysing market dominance".
- iv. In India, the M&E industry is highly competitive with 1,43,423 registered publications (including 14,508 newspapers), 901 permitted TV channels and 385 private FM radio stations. In the present scenario, the risk of individual entity owning two or more media outlets and being able to significantly influence public opinion at this stage of growth is unthinkable. Accordingly, introducing restrictions on cross media ownership/horizontal integration will only stifle the growth of the industry. Every country which had imposed horizontal cross media curbs, has scrapped them or is in the process of doing so.
- v. Moreover, AIDCF/GTPL Hathway seems to be totally unaware of the working of the media sector. Websites/applications are owned and/or operated by content-owners, broadcasters, newspaper owners, etc, and are not part of the same media value chain as they are run under different companies, having entirely different journalists/content teams and hence are totally different from their physical siblings.
- vi. In fact, in their entire set of comments, it is the monopoly by Prasar Bharati's AIR—which operates as many as 479 stations in 23 languages, reaching 92% of the country's area and covering as many as 99% of India's population, which has been emphasised. AIR also has an absolute monopoly over AM broadcasting as well as news and current affairs. In stark contrast, the entire private sector combined has only 385 FM radio stations, all won through open and transparent bidding, while AIR gets free spectrum, and these are present in only a fraction of India's land area, as they cover only 50 square km of the 112 cities they are present in. Moreover, NO original news and current affairs is allowed on private FM radio stations, and the only news they can carry, are AIR bulletins rebroadcast in original or translation.
- vii. We would also like to flag a non-serious claim by AIDCF/GTPL Hathway wrt newsprint: *"A convergence/ significant exercise of control between the newsprint agency and a newspaper owner is likely to stand advantageous for the concerned newspaper owner as the latter might be incentivized by the newsprint agency, thereby providing an avenue to the newspaper owner to get its content printed and disseminated at a competitive advantage as against the others"*.
- viii. It is surprising, as to why raw material of a product is being brought into discussion on ownership? It is like saying is there a nexus between manufacturers of copper



and aluminium raw materials used in cable hardware and that it will impact news plurality! This is ridiculous and we are surprised that an entity in the media sector is not aware that newspapers buy newsprint from many external foreign and domestic companies and have, in fact, been lobbying government to remove the customs duty on newsprint so as to bring down their usuriously high rates. Hence there is absolutely no question of a convergence between the newsprint agency and the newspaper owner in aforementioned line in AIDCF/GTPL Hathway comment which is incomprehensible and utterly ridiculous.

- ix. AIDCF/GTPL Hathway's suggestion to set up a Media Advisory Body to work with CCI is not tenable and if such a body is set up, then it puts to question the entire structure, constitution and functioning of an expert body like CCI which is competent enough to look any anti-trust issues. Further, even the need for having such body is not given nor any examples of market failures have been quoted.

## **2. Broadband India Forum (BIF)**

- i. Logic or basis is not understood for the suggestion that there should be a self-regulatory or other body to oversee media ownership as there is no problem that necessitates such a move; in any case, it is not possible to have a self-regulatory entity governing investment and media ownership. Otherwise, self-regulation is working well for content, but that is outside the ambit of this CP. Moreover, no methods are needed for measuring market concentration.
- ii. Contrary to BIF claims, UGC/SM content is far more dangerous than recognised media entities which have a trained manpower curating content as per the prevailing laws, rules and regulations and in India alone, follow more than 5 layers of rules –while algorithmic-led entities follow no rules. Moreover, Big Tech like Google is facing a split in many jurisdictions. Hence the argument to curb ownership in news and keep UGC and entertainment including OTT out of the ambit of controls is farcical. A detailed outline of our points is made under Part III (4) as above.
- iii. In fact, we strongly object to the view that UGC is unlikely to hold significant amount of influence over public opinion and that there should be a conscious effort to avoid any restrictions in relation thereto. In our opinion, UGC has a greater impact on the consumers/viewers given the vast platforms that showcase them (like FB's 400 million users in India) as compared to the far smaller "recognised" media entities. Even among the well-educated people, there is a very small percentage of people who put in the effort of identifying the authenticity of the source of such information or check on veracity of such information before sharing/distributing such content, which effectively has much larger impact and becomes far more dangerous as the source, distributors or consumers are not easily traceable - as compared to the content made available to the consumers/viewers by Broadcasters which is sourced by highly trained journalists/professionals, who follow the many layers of registrations and regulation and consumed only by the registered subscribers. Notwithstanding anything contained herein before, any issues relating to content is beyond TRAI's



jurisdiction and all such issues should be kept outside the scope, ambit and purview of this CP.

- iv. Contrary to claims, the non-news media has greater influence on viewers for many reasons including having far, far greater reach on hot button trends and topics, many of which can have overt or covert socio-political themes or undercurrents that can become massive trends that can impact the body politic in many ways. In fact, this can be proven by the much higher numbers of take-down notices sent by the government to Big Tech/SM platforms as compared to those sent to news media.
- v. Moreover, general entertainment channels have a greater impact on viewers than news channels. Even a small opinion conveyed through general entertainment channels have huge impact on viewer's viewpoint. It is, therefore, general entertainment channels are often used as effective genre to carry social messaging, for promotion by celebrities of various causes and by few political personalities being regularly featured on it to promote their sponsored social causes, in effect, their own political agendas.
- vi. In comparison, the news and current affairs genre is driven by content in the form of reporting on current incidents and developments and primarily broadcasting of views of people involved in a story, comments and reviews of experts, analysts, and reactions from concerned groups, individuals and affected factions. Moreover, the self-regulatory guidelines imposed on news channels effectively ensure that the news entities portray neutral views and are objective in their reporting.

### **3. Internet Freedom Foundation (IFF)**

- i. We totally oppose the baseless suggestion by IFF implying that cross-media ownership rules may be considered for the news and current affairs and reiterate our counter comments made to the comments made by Broadband India Forum and our iterations under Part III (4) as above.
- ii. We do not agree that common ownership of different content media reduces pluralism, in fact we are clear that it increases it due to many reasons including the basic requirement to have different content entities with different content strategies with vastly differing viewpoints/focus so as to tap different target groups/audiences. It also follows that we are also clear that restricting ownership will not lead to more viewpoint plurality and will only diminish/reduce it.
- iii. Moreover, there is no dominance, and hence there is no question of lack of market plurality in content. In fact, we are clear that creating a mechanism for monitoring ownership will not lead to diversity and pluralism.
- iv. Big Tech and social media are today far more influential than traditional news media.
- v. We are very clear that no segment needs to be singled out for monitoring ownership/viewpoint.



**4. Alam Srinivas, Vibodh Parthasarathi and Others**

- i. There is no data to establish a linkage between market concentration and media plurality and media ownership and media plurality.
- ii. More importantly, India is an absolutely unique media market in the world, with an unimaginable array of media products in dozens of languages. These are both multiple AND diverse/pluralistic.
- iii. There also is not a single argument that outlines what is the desired level of media plurality, how is media ownership connected to it and what at all can curbs on media ownership do for this media plurality.
- iv. Western academic studies cited by the authors are not relevant to the unique Indian market which is indeed diverse and has a vast array of multiple and pluralistic viewpoints. This is more than evident by the lakhs of options in both traditional and new media whether news or non-news.
- v. Similarly, methods and tools cited are outdated and have no relevance in the digital age.
- vi. We reiterate that common ownership of horizontal cross media is not just no threat to plurality, but is necessary for it, as it is these entities which seek to capture diverse markets through differing media products with differentiated content. In any case, these differentiated media products are put together by entirely different editorial teams, usually part of entirely different companies.

**5. Manas Kumar Chaudhary, Tanu Banerjee, Ishan Johri (Khaitan)**

- i. We disagree that any entity should be allowed entry into media and reiterate the point that certain categories of media like those owned by political and state/Central government entities must not be allowed as these would not be independent and impartial entities and their only motive would be to sway public opinion towards only one point of view.
- ii. The view that that restrictions on cross-media should not be made applicable – but if they are, then these should be limited to news and current affairs. We strongly object to this point of view; infact even the authors contradict themselves in the same para by stating that the thousands of newspapers and hundreds of TV channels “evidences a healthy competition in the media sector of different mediums and existence of viewpoint plurality”. It is denied that news and current affairs is the most relevant genre and also oppose any attempt to cite curbs for legacy news media, especially when it is Big Tech/SM/UGC which are the new giants before which traditional media and their digital arms are absolute pygmies. We wish to reiterate our counter comments made to the comments made by Broadband India Forum and our iterations under Part III (4) as above.
- iii. Moreover, we disagree totally on the contradictory assumption by these individuals that there can be the possibility of a “geographic market” in the digital age. Details have been mentioned elsewhere in this Note. Hence their suggestion of how to measure “market share” or “reach” or “volume of consumption” of any legacy/traditional media while keeping digital entities (including their own digital arms) out of the picture is illogical and unjustified. We have already commented

in detail how individuals access content through a variety of platforms and devices in any given day, and in any corner of the country in what is today a boundary-less world.

**6. Discovery Communications India / SUN TV Network Ltd**

- i. Regarding the comment that news media has influence and the non-news media has no or little influence on viewers, we wish to reiterate that this is not based on a correct premise. As outlined above in reference to our counter comments on BIF (Part IV 6.), the non-news media has greater influence on viewers for many reasons including having far greater reach on hot button trends and topics, many of which can have overt or covert socio-political themes or undercurrents that can become massive trends that can impact the body politic in many ways. This is also proven by the much greater numbers of take-down notices sent by government to Big Tech/SM platforms as compared to news media.

**V. CONCLUSION**

1. There is no requirement or justification for any cross-media restrictions on horizontal cross-media ownership. In fact, each of these content sectors would benefit from active de-regulation so as to reduce entry barriers.
2. There does, however, exist a need to extend the 20% vertical integration ownership rule present in broadcasting, to telcos owning content and vice versa, as well as to telcos owning any part of the media distribution value chain.
3. There is no basis to consider that the news media has more influence than other media.