

The COMMENTS of Master SwayamJit Roy to TRAI consultation paper on DAS on LCO/MSO agreement.dt. 9.12.2015

To:  
Chairperson TRAI

Respected Sir / Madam,

**My best wishes for New Year of 2016.**

I have read your circulated draft consultation paper and so wish to object that the MSOs are too dominant and exert undue advantage over the smalltime/weak LCO operators who are having to put up with the customer grievances in absence of fair agreements between these 2 parties.

I would like to recount that due to lack of agreements our LCO M/s MULTIVISION had to change MSOs 4 times under CAS/DAS starting with Sahara, then DEN then Incable and is now on HATHAWAY. In all cases the DAS equipment installed by them were cheap Chinese Set Top Boxes which do not fully comply with either the Cable TV Regulation Act or the BIS standards.

Whereas the scheme of the Cable TV Act required that MSOs install a decryption equipment inside the subscriber premises which simultaneously decrypts ALL (ie. each and every) channel which the consumer has selected in his package, instead the rascal MSOs are providing only an inferior STB which decrypts only 1 channel at a time and does not bypass the FTA channels (like DD News, Rajya Sabha News, Lok Sabha News) in analogue mode as envisaged. The clear intention / spirit of the Cable TV Act for CAS was that rampant piracy by LCOs would be eliminated by encrypting channels to be decoded at subscriber end.

The rascal MSOs are allowed to get away with this practice because the utterly corrupt TRAI senior officers have been manipulated to pass a series of orders over time to whittle away the safeguards in the Cable TV Act through TRAI's corrupt regulations and TTOs.

Another device the MSOs have adopted to cheat the subscribers is to force subscribers to use very poor and shoddy proprietary remote controls which are compatible with their STBs. On each occasion we have been compelled to pay (without bills/receipts) for a new remote whenever the LCO switched

to another MSO. These remotes are as expensive as the subscribed packages and barely last for 2 or 3 months needing very frequent replacement. I am divining that a portion of the cost of replacing the remote finds its way back to TRAI illegally. Similar situation also exists to replace defective STBs or power stepdown SMPS adaptor.

In the case of HATHAWAY their remote sold (without bill) to us was clearly a second hand piece which now consumes a pair of EVERREADY batteries in 20 minutes. We have registered 2 complaints with HATHAWAY for our connection no. 0000-8755-9993 since 26.Dec.2015 but it is 1 week now and the MSO and the LCO are quarreling over who will bear the cost of replacing my STB's remote and if any warranty exists on the remotes in the first place. As a result my entire family is forced to watch HATHAWAY's channel no 000 which is a telemarketing channel selling fake / reconditioned Chinese counterfeits at fantastic prices (just like their remotes). WHY should we subscribers face unethical TV BLACKOUT at the hands of the MSO mafias and such extortionate tactics for replacements of THEIR shoddy equipments ? Is it not curious that foreign players like CONAX, NDS etc had benefited in billions by the bizarre regulations / TTOs made by your immediate predecessor in office to promote these shoddy Chinese imported devices being promoted by MSOs ?

It is also not clear to us if it is the MSO or the LCO who is to maintain a tollfree customer care number. It is very strange that whereas HATHAWAY has a tollfree number on their website, but when we call it we are told it is only for Mumbai subscribers. Their local Delhi call centre number is a priced call for us. Our LCO is too small time to have tollfree number.

We are also come to know that certain criminal mafias associated with a particular political party in Delhi have ensured that there is no MSO competition in LCO operations and that certain TV news channels are given special slots, This is a direct restriction of citizens fundamental rights to free speech and expression and right to be well informed to write examinations etc and to develop General Knowledge.of current affairs. The role of the TRAI is highly suspect. I recall that I had personally approached the Hon'ble Supreme Court of India by way of a Writ Petition in 2004 or thereabouts (WPC-377/2004 "Master Swayamjit Roy (minor) & Anr. v. Uoi and Ors." ) against the shoddy CAS Set top boxes, restrictions on my right to information under CAS and TRAI's arbitrariness, and the Hon'ble Court had granted me leave to re-approach their Lordships if similar situation/s revived in cable TV sector.

I am also worried that the good TV channels in English language are not being provided at affordable rates or in enough variety in free packages. This is severely curtailing my intellectual and overall development. Kindly make an order that no paid TV channel can charge more than Rs. 2 per channel and that a minimum of 20 high quality English language TV channels and 10 FM channels in English language are compulsorily available on Free to Air for Nation Building and National Unity throughout India. With better technology coming every day perhaps this can be increased regularly to benefit children / youth of India.

Another thing that worries me is the sly ways in which TRAI raises prices of cable TV channels and is constantly promoting bundling of channels known as "boquets". I recall that around March 2014 suddenly the TV channel prices were raised by 25-30% near about the election time. Even a child can divine that there was some quid-pro-quo involved and the role of the then Chairman is very curious, especially when it comes to DAS promotion to replace CAS. TRAI had not been operating as an independent regulator but rather as an agent for broadcasters and MSOs to remove analog TV channels in cable TV which kept prices affordable for consumers and ensured knowledge empowerment. It is very curious that DAS was first implemented through the ordinance route in select cities in a way to give huge profits to certain pay TV broadcasters with dominance under DAS. You must kindly make sure that youngsters can get benefit of all Govt TV channels in analog mode via LCOs on CABLE TV and free of charge if any LCO wants to give it with STB. If you are an honest regulator, unlike your predecessor, you will surely allow every LCO to give at least 1 analog private or pay channel for every Govt TV channel they transmit in analog mode.

In these circumstances of very high DAS prices /tariffs, the poor people will encouraged to move to "FREE" internet over FACEBOOK and GOOGLE to get their news and views and be corrupted to US / American way of life which is full of unclean images and thoughts Is it a coincidence that TRAI has given 2 papers on same date on these subject ? Who benefits I wonder ?

Accordingly I hope and pray that TRAI will ensure that fair agreements which fully protect consumer interest exists between all stakeholders in CAS / DAS regimes and so as to maintain Q-O-S norms under all circumstances and greatly reduce the back-breaking cable TV prices under DAS regime..

**NB:** I reserve the right to comment on the specific clauses of the SIA in my

counter-comments to the other stakeholders submissions.

sincerely

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