

On **Wed, 24/4/13, Sarbajit Roy** <sroy.mb@gmail.com> wrote:

From: Sarbajit Roy <sroy.mb@gmail.com>

Subject: Re: Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013

To: advbcs@traigov.in, traicable@yahoo.co.in, "indiaresists"

<indiaresists@lists.riseup.net>

Date: Wednesday, 24 April, 2013, 12:42 PM

To

Shri Wasi Ahmed,

Advisor BCS/TRAI

www.traigov.in

Date: 24-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Thank you for enabling the link to the concerned file which I had reported to Mr. Sharma Dy.Advisor.

After going through the same I am caused to further object as follows (in addition to the points of my email of 23.04.2013 which I am also pressing/urging) :-

1) The tariff order is seemingly based on the powers of TRAI listed under the TRAI Act as r/w the Cable TV Rules. The draft tariff order completely evades directly addressing the specific provisions of the Cable TV Act as amended by Act 21 of 2011. I find some misunderstanding and dichotomy between the parent cable TV Act and the present draft Tariff Order insofar as **TECHNICAL** aspects of Set Top Box and other DAS SPEs are concerned. As per me this does not fall within TRAI's domain and ought to be resolved / clarified by the Ministry(s) concerned along with the Bureau of Indian Standards **before** any Tariff order for SPEs is issued. Specifically, I urge that the tariff order for SPEs has to be issued **strictly** in terms of the specific provisions of the Cable TV Regulation Act (as amended and in force) since this is the special law to regulate Cable TV industry unlike the TRAI Act which is a general law for telecom industry. The supreme will and desire of Parliament as contained in the Act must be implemented and not that of the Executive given under half baked and evasive Rules.

2) It requires to be clarified **HOW** and **IF** the "set top box" as defined in clause 2(f) will allow the subscriber to receive the "subscribed channels". I stress on the word "channels" as in the PLURAL form. For eg., is there some output in these boxes which will allow the subscriber to **SIMULTANEOUSLY** view **ALL** the subscribed channels he is paying for or

to record the same for his personal viewing later ?

3) It requires to be clarified if the word "signals" in clause 2(h) also means signals of **MULTIPLE** subscribed channels as in the **PLURAL** form. This and my previous objection are special cases of the General Clauses Act provision concerning the singular form including the plural also.

4) It requires to be clarified **if** this tariff order solely restricts the DAS equipment of clause 2(d) to the set top box of clause 2(f) insofar as the subscriber is concerned and **if** TRAI has any power to so restrict or only order tariffs for.

5) It requires to be clarified if it is the Cable TV Rule(s) which solely restricts the DAS equipment of clause 2(d) to the set top box of clause 2(f) insofar as the subscriber is concerned and the basis, if any, for the same in the parent Cable TV Act and if the Central Govt has any power to do so.

6) It needs to be explicitly clarified (with basis) in the Tariff Order which of the stakeholders is/are obliged in law to own/ install the "device or devices within the subscriber premises" mentioned at clause 2(d), who is to pay for the same, and if it is at all technically feasible for the ordinary or average *Aam Aadmi* subscriber / content consumer to do so especially since the subscriber has no say in the supply and costing of the devices which are proprietary and sourced without reference to him.

7) I object that the basis of calculation for the rentals / hire charges of STB as contained in the Schedules to the Tariff Order is not known/disclosed and is otherwise grossly excessive and arbitrary. As an expert on these things, it seems to me that the hardware cost of these devices (set top box) ought not to exceed Rs.500 or Rs.600 per unit and the boxes should be bundled FREE by the BSP or subsidised by the State which derives HUGE revenue and taxes from their installation.

8) The said tariff order is a **SCANDAL** and **SCAM** to **fleece the public** of India and deprive them from **Fundamental Right to be Informed** and cast their valuable votes by receiving news and views other than that of the ruling party given through Doordarshan which has been made mandatory. Set Top Box has been made compulsory just to keep the citizens uninformed for electoral purposes and to prevent him to see / hear with his own eyes/ears the daily scandals emerging against the ruling party. Hence also STBs must be made available "Free of Cost" to preserve Democracy and the Republic of India.

9) It may also be clarified if there are any IPR or patent charges contained in the costing of the set top boxes as I feel that these are used for HAWALA to benefit the vested interests who are promoting DAS so

heavily.

10) All the points/objections of paras 1 through 5 of my email of 23.04.2013 appended inline below which are not reproduced herein in interests of brevity .

Accordingly, my **SUGGESTION** is that the draft Tariff order I have impugned be recalled till such time as all my points are considered and a reasoned order addressing my grounds of objection are not issued.

Since I regrettably find myself placed in an adversarial position vis-a-vis TRAI which is failing to protect the consumer interests, I would be obliged if detailed comments are served to me well in advance before I am invited to the Open House for this paper.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

www.indiaagainstcorruption.net.in
www.indiaresists.org
<https://lists.riseup.net/www/indiaresists>

On Tue, Apr 23, 2013 at 12:30 PM, Sarbajit Roy <sroy.mb@gmail.com> wrote:
To Shri Wasi Ahmed,
Advisor BCS/TRAI
www.trai.gov.in

Date: 23-April-2013

Sir

Sub: Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013

I am very interested in responding to the said Consultation paper. However, for past 1 year TRAI website has been very inaccessible and functioning erratically especially on weekends or after office hours, rendering it difficult to access your papers. Many other persons are facing the same problem. I am on Airtel Broadband one of the largest broadband operators of India and we are facing persistent DNS related problems with the TRAI

website and the consensus was that NIC is manipulating things to safeguard against Chinese Hackers who strike on weekends or when offices are closed. I could therefore not respond to the previous paper on DAS tariffs and pay channel dynamic pricing.

I spoke to Mr. Amit Sharma / DyAdv.BCS today and got confirmed the above said paper is not downloadable today from the website - all the other consultation papers were accessible..

Therefore kindly email me a copy so that I can respond to it.

As a consumer / subscriber my grievance is as follows which I would like to address fully on receiving your consultation paper..

- 1) That the scheme for addressability originally introduced for CAS envisaged that cable TV operators would transmit encrypted pay TV signals and the FTA channels would be sent in unencrypted analog format.
- 2) That later due to constraint in bandwidth to transmit FTA analog channels @7 MHZ per FTA analog channel the number of FTA channels in Basic tier was limited at around 30 to 40 of a genre mix so that more pay channels could be .transmitted
- 3) That when the CAS scheme was implemented in South Delhi in 2003-2004 my son Swayamjit Roy, then age 3 years old was affected because no cartons / movies and certainly not English Cartoon or Movie or GEC channel was available in FTA package. He therefore filed a Writ Petition in the Supreme Court which was registered at No. WP(C) 377/2004 where TRAI was the Respondent also along with Ministry of Information and Broadcasting on various grounds. However, by the time the Petition came up for hearing the Ministry had withdrawn the CAS scheme on its own and all the defective / sub-standard Set Top Boxes we were aggrieved by were sent back to Korea by the MSO. The Hon'ble Court noted that our submission that the cause of action was no longer present but permitted us to reapproach if our cause of action got revived.
- 4) That due to ever increasing number of channels, both pay and FTA and disputes over carriage and placement fees, the I&B Ministry notified the DAS scheme by amending the Cable TV Act 1995 by Act 21 of 2011 in Dec 2011. By this scheme the addressable equipment definitions were amended from those of CAS. The relevant amended sections for the purposes of this consultation paper are as follows - section 4A, 8, 9 and 11 of the parent Act.
- 5) Accordingly, it may be clarified in terms of the Parent Act as follows:-
 - i) Why the subscriber has to purchase or hire any decoding equipment

when the obligation to install it devolves on remaining stakeholders ?
In terms of the Act the obligation of the subscriber is only to a) use DAS SPE b) allow DAS SPE to be attached to subscriber's receiver provided it conforms to the BIS standards.

ii) Why the Set Top Box is the only DAS SPE device being promulgated and proposed. It is not clear how a STB is decoding all subscribed channels SIMULTANEOUSLY which consumer is paying for. STBs may be adequate for a single room household with a single TV receiver, but that is hardly the case nowadays in metros. Is the Tariff for pay channels merely for a "right to receive" or to "actually receive" it.

iii) Why no DAS SPE is being offered by remaining stakeholders which decodes/ decrypts each and every subscribed channel so that the subscriber may attach the DAS SPE's output to as many of his receivers as he wishes without retransmitting it. Also why the stakeholders are not providing DAS SPEs with 75 ohm analog outputs any more.

iv) Why a subscriber with, say, 5 rooms / living areas in his premises is being forced to purchase / hire 5 STBs and pay 5 times the channel rates when he wants to view his subscribed channel(s) at the location of his choice at his own convenience within his own house - and without redistributing the channels to any other person.

v) Why the remaining stakeholders are getting money for pay channels which cannot be viewed due to inadequate / inappropriate technology which only decrypts 1 channel at a time.

vi) Why a subscriber like myself who watches news channels for breaking news cannot watch say 6 News channels simultaneously which he has subscribed to over a single connection like he used to in pre-addressability days. Surely it was never the intention of Parliament to charge for DAS on basis of number of TV receivers within the subscriber premises, since same is not clearly mentioned in Act or statement of objects & reasons which I can readily locate. As per me the intention of DAS is to enable transmission of higher number of channels, with better picture quality, and eliminate "leakage", "piracy" and loss of revenue to State and ensure better accountability for all stake-holders so that prices may be reduced. Instead after DAS my tariffs has doubled overnight and my information reduced by 70%.

vii) Why the STBs being offered do not bypass all the FTA channels in analogue form as mentioned in the relevant BIS standard for digital STBs.

Therefore I oppose all the proposals and payments for DAS SPEs proposed which I say devolves on the other stakeholders in terms of the Act. Subscribers should not have to pay anything for it. They are already overburdened by the DAS and runaway inflation as it is.

I therefore look forward to receiving your comments on my grievances as a subscriber / consumer and also getting a copy of the consultation paper so that I can respond to it properly. My present MSO is INCABLE. I look forward to receiving an invitation to the open house so I may attend it and better understand the issues.

with best wishes

Sarbajit Roy
National Convenor
"India Against Corruption"

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

--- On **Thu, 25/4/13**, **rajiva gupta** <rajivag@hotmail.com> wrote:

From: rajiva gupta <rajivag@hotmail.com>
Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013
To: "Sarbajit Roy " <sroy.mb@gmail.com>, "advbcs@traigov.in " <advbcs@traigov.in>, "traicable@yahoo.co.in " <traicable@yahoo.co.in>
Date: Thursday, 25 April, 2013, 8:00 PM

Pl delete my address
Sent from BlackBerry® on Airtel

-----Original Message-----

From: Sarbajit Roy <sroy.mb@gmail.com>
Date: Thu, 25 Apr 2013 14:20:04
To: <advbcs@traigov.in>; <traicable@yahoo.co.in>
Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013

To
Shri Wasi Ahmed,
Advisor BCS/TRAI
www.traigov.in <<http://www.traigov.in>>

Date: 25-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Further to my 2 emails appended below, my membership is additionally concerned and further objects, through me, to the obnoxious proposals of the subject paper as follows:

1) That STBs and STB pricing and security deposits are used as a MONOPOLISTIC tool by Local Cable Operator to prevent subscriber churn. India Against Corruption demands that subscribers must be free to easily switch cable operators / MSOs and it must be made mandatory for every MSO to provide a feed to any subscriber who applies for it within 48 hours with no installation or activation charges. The present situation is that the MSOs are functioning as cartels and have divided the territories amongst themselves to prevent choice. IAC demands that STB supply and pricing should not be a tool for this purpose of anti-competition. No MSO should be able to refuse to connect a subscriber or charge perverse rates.

2) Apparently the Cable TV Act / law provides that the DAS / CAS decryption device may be in-built into the television receiver and that the subscriber cannot be compelled to purchase any particular type of TV receiver for DAS/CAS. The clear meaning of this is that only INTER-OPERABLE and NON-PROPRIETARY DAS/CAS technology is to be promoted in the MSOs. How is it then we have competing encryption standards which are not-interoperable? Under these circumstances why should subscribers suffer if the STB is to be returned.

3) It seems that an STB draws between 10 to 15 watts of power. In a day it consumes 300 VAHr or 9 units of electricity in a month. At Rs. 6 per unit this means the subscriber pays Rs. 50 electricity charges per month just for an STB for 1 TV leaving aside the battery cost for the additional remote control unit. IAC fails to see why the subscribers should be asked to pay these costs when the broadcasters and State are the real beneficiaries of DAS ? Hence also IAC demands that not even 1 paise of cost burden for DAS SPE should fall on the consumer. As it is huge electricity power cuts have started in summer wherever CAS/DAS has started and the DISCOMS are openly blaming it partly on CAS/DAS before the DERC.

Please appreciate IAC's membership is very concerned and agitated on the way they are being fleeced and coerced over DAS and the politics of this proposal which we shall respond to in our own way when squeezed by tyranny.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" jan andolan

B-801, Paarijat Apts
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New Delhi 110078
Tel : 09311448069

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www.indiaresists.org <<http://www.indiaresists.org>>
<https://lists.riseup.net/www/indiaresists>

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Advisor BCS/TRAI
www.trai.gov.in <<http://www.trai.gov.in>>

Date: 24-April-2013

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10) All the points/objections of paras 1 through 5 of my email of 23.04.2013 appended inline below which are not reproduced herein in interests of brevity .

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With best wishes
yours faithfully

Sarbajit Roy
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On Tue, Apr 23, 2013 at 12:30 PM, Sarbajit Roy <sroy.mb@gmail.com> > wrote:

To Shri Wasi Ahmed,
Advisor BCS/TRAI
www.traigov.in <<http://www.traigov.in>>

--- On Fri, 26/4/13, Mahesh Khera <mkkhera@yahoo.com> wrote:

From: Mahesh Khera <mkkhera@yahoo.com>

Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013

To: indiaresists@lists.riseup.net, advbcs@traigov.in, traicable@yahoo.co.in,
"Joyprakash Chhetry" <take_off_team@yahoo.com>

Cc: hrrarmy@lists.riseup.net

Date: Friday, 26 April, 2013, 9:17 AM

I m so happy that IAC has started raising issues pertaining to TV albeit only on pricing. This is great start. There are much bigger issues around the on-going world's largest CATV digitisation happening in our country. The whole developed world has gone in for digital, converged, next generation, ubiquitous broadcast networks which carry all types of content like music, songs, news, movies and TV directly under the charge of I&B and all types of non TV centric content of voice, data, video and last mile mobility under the charge of big MICT at least cost. How long will the nation suffer from the most unintelligent charter of allowing I&B to continue to manage the new age broadcast networks with zero competence and MICT with best competence to stay away from it and not implementing the obvious synergy due to this turf war. Take a hard decision of ordering a structural separation of all carriage (networks) with MICT and all types of content with I&B immediately and see a new resurgent India by streamlining the national management of Telecom, Media and Technology infrastructure and services which is the master key to growth and governance of

India.
Warm regards,
Mahesh Khera
Sent from my mobile

-----Original Message-----

From: Sarbajit Roy <sroy.mb@gmail.com>
Sender: indiaresists-request@lists.riseup.net
Date: Thu, 25 Apr 2013 23:37:40
To: <advbcs@traf.gov.in>; <traicable@yahoo.co.in>; Joyprakash Chhetry<take_off_team@yahoo.com>
Reply-To: indiaresists@lists.riseup.net
Cc: indiaresists@lists.riseup.net<indiaresists@lists.riseup.net>; <hrrarmy@lists.riseup.net>
Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013

Post: "indiaresists@lists.riseup.net"
Exit: "indiaresists-unsubscribe@lists.riseup.net"
Quit: "<https://lists.riseup.net/www/signoff/indiaresists>"
Help: <https://help.riseup.net/en/list-user>
WWW : <http://indiaagainstcorruption.net.in>
--- On **Fri, 26/4/13**, Sarbajit Roy <sroy.mb@gmail.com> wrote:

From: Sarbajit Roy <sroy.mb@gmail.com>

Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013
To: advbcs@traf.gov.in, traicable@yahoo.co.in
Cc: "indiaresists@lists.riseup.net" <indiaresists@lists.riseup.net>, hrrarmy@lists.riseup.net
Date: Friday, 26 April, 2013, 10:59 AM

To
Shri Wasi Ahmed,
Advisor BCS/TRAI
<http://www.traf.gov.in/>

Date: 26-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Further to my 6 emails appended below, I wish and desire to further object to TRAI's consultation paper as follows :

That some alert members of India Against Corruption have noted that in the Annexure to the Consultation Paper the **Explanatory Memorandum** contains the following sentence

"2. In Digital Addressable Cable TV systems, subscribers need a Set Top Box (STB) to be connected to the TV set for reception of the TV programs as the signal transmission is in digital and encrypted form"

IAC submits / objects that this sentence is FALSE, DECEITFUL and MISCHIEVOUS to CHEAT the subscribers.

IAC suggests that this may be reworded on the following lines:-

"2. In Digital Addressable Cable TV systems, the cable operator needs to install such device or devices as part of his network to be used by the subscriber, within the subscriber's premises, as is needed to decrypt the signal transmission, which is in digital and encrypted approved Conditional Access Scheme, as per the choice and selection of the subscriber. The said device or devices shall be embedded within or connected to the TV sets of the subscribers and shall always be the property of the cable operator, but the subscriber shall allow access to the device/s at normal times if so required."

The India Against Corruption andolan also submits and PRAYS that all our objections / suggestions made by me so far for the DAS STB/SPE/CPEs etc. also be applied to the parallel consultation paper of same date for DTH CPEs.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

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On Fri, Apr 26, 2013 at 10:07 AM, Sarbajit Roy <sroy.mb@gmail.com> wrote:

To

Shri Wasi Ahmed,
Advisor BCS/TRAI

<http://www.trai.gov.in/>

Date: 26-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Further to my 5 emails appended below, wish and desire to further object to TRAI's consultation paper as follows :

1) That the MSOs appear to have worked out an ingenious SCAM concerning these Set Top Boxes which is as follows:-.

(i) That the STBs are meant to be INDELIBLY marked with a unique serial number which is permanently embedded into the device. Instead the MSOs have procured STBs which can be reprogrammed or "reflashed" to put in any number they want and they are instead merely sticking on paper or foil stickers with the laser/inkjet printed numbers on the boxes.

(ii) That the Modus Operandi used is similar to the IMEI number scam where cheap CHINESE handsets had caused a National Security disaster which had to be partially rectified

(ii) That by these devices of FAKE STB serial numbers, there is tremendous scope for HAWALA, Massive generation of Black Money, Under-Billing, and Breach of National Security.

(iv) That the names and KYCs of the subscribers, if recorded, are being used for such anti-national activity by the MSOs, and they are being cheated because they are paying for Taxes and Channels and STB rentals and Hire Charges etc. which are not being deposited or properly accounted for due to the multiple STB serial number problem.

2) That the STBs are specified to have the "bi-directional capability" as per the BIS standard. This is a very useful feature which should be made compulsory so long as it is secure and cannot be misused for invasion of subscriber's privacy such as by installing microphones and cameras into the STB like "Big Brother". The EPG channel selection facility apparently depends on this feature. Therefore it must be mandated that all STBs seeded / installed for DAS must have such a feature

3) That all STBs distributed must contain the list of CM/L numbers (with dates) evidencing the relevant BIS/IS standards it is compliant to in their Operation Manual.

Accordingly, the India Against Corruption urges that the TRAI enquires into the matter under its powers and refers it also to the Dept. Of Telecom so that suitable action can be taken in national interest as well as consumer interest.

NB: Kindly be informed that all my communications to TRAI are in public domain and archived at multiple places for wide dissemination and followup, and these are collective objections filed on behalf of the affected persons India Against Corruption family of people's movement.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

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On Thu, Apr 25, 2013 at 11:37 PM, Sarbajit Roy <sroy.mb@gmail.com> wrote:

To

Shri Wasi Ahmed,
Advisor BCS/TRAI

<http://www.trai.gov.in/>

Date: 25-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Further to my 4 emails appended below, it has been brought to my notice to seek clarification from TRAI as follows :

1) That there are seemingly no HINDI versions of these consultations papers for DAS which have been uploaded to the TRAI website and in Ahmedabad it is therefore being said everything is being done surreptitiously by TRAI in Delhi without care for the wishes of the affected people since everything is being dictated by dons from Dubai, Malaysia, Tihar jail and Pakistan.

2) There is a increasing feeling in India Against Corruption's primary membership that the TRAI, like every other regulator of India, is now a

mere rubber stamp for the POLITICAL and MAFIA agenda to EXPONENTIALLY RAISE cable TV tariffs year after year by 600% compared to 2004 (see TDSAT's order) without care for TRAI's mandate to protect consumer interest.

3) If it is true that no Hindi version of Consultation papers from BCS Division under you are being uploaded I would kindly request you to freeze the process till they are made available to our members so we can properly intervene and oppose this SCAM. We presently have over 80,000 members connected to each other on EMAIL over the internet (over 7 mailing lists) in addition to millions of followers in the cities, town and villages so it is likely to take some time as communication is very slow in the villages where India really resides.

4) The concerned Consultation papers are Nos. "18 of 2012 dt. 20.12.2012" and "dt. 11.04.2013 for STB/SPE for DAS" whose copies are required in Hindi and also all the regional languages immediately.

5) India Against Corruption is shocked to learn from our sources within Government as under :-

That pursuant to order dr. 19.10.2012 of Hon'ble TDSAT in batch of appeals mentioned as No. 5(C) /2012 etc the TDSAT was pleased to examine and not disturb the "Twin Condition" scheme put in place by TRAI to prevent perverse pricing of ala carte / pay channels contained in the April 2012 Tariff order and to prevent monopolistic pricing between Broadcasters and MSOs.

i) Please note para 30 of the said order TDSAT

"30. For one reason or the other, the Central Government did not consider the question of expanding the CAS system in other parts of India."

India Against Corruption openly says that the ONLY REASON the CAS was not expanded to other parts of India was because the 2 million set top boxes imported were sub-standard and a HUGE SCAM which was exposed by us, and which CAS scheme was hastily withdrawn within 10 days of TRAI and/or the I&B Ministry coming to know the undersigned had exposed your dud boxes by filing a detailed PIL in the Supreme Court. As part of that scam, the defective boxes had been certified as BIS compliant by BECIL (which even the manufacturer was not prepared to do) a PSU under the Ministry without any approvals to certify the same.

ii) Please note the TDSAT order has clearly gone into the aspect of the MINIMUM number of FTA channels to be provided through the STB as Regulated by the TRA . By these the MSO will have to OFFER a MINIMUM

of 105 FTA (ie. min. 5 channels each in the 7 notified genres x 3 languages) PLUS the mandatory Doordarshan channels. Keeping the price point in mind it seems the TRAI has rounded off that in Basic Tier Package a subscriber can select upto 100 of these FTA channels for Rs.100 plus taxes. UNFORTUNATELY the STBs which have been sold / seeded in first phase of DAS wef 01.11.2012 are again SUB-STANDARD, do not support this choice of 100 FTA channels and subscribers have been left high and dry at the mercy of the MSOs when it comes to choosing FTAs in BTP. Let the MSOs deny this !!!

iii) To get around the above said problem where bulk of MSO's "white" revenue comes from FTA channels (the balance presumably being all "black"), it seems that TRAI was "Persuaded" to revise the a-la-carte price "Twin Conditions" scheme of 1.5 times and 3 times some base values to instead propose an "ASCRIBED VALUE" calculation so arcane so that the TRUE A-LA-CARTE pricing can never be known to or be disclosed to the subscribers since these are decided between MSOs and Broadcasters and TRAI will "forbear" and wash its hands while the loot takes place. By this PONZI scheme of "ascribed value" the TRAI is CORRUPTLY proposing to permit Cable TV rates to be HIKED at 100% per year till the 600% mark is achieved. IAC calls for ASCRIBED VALUE to be SCRAPPED.

6) India Against Corruption was kept in the dark since these papers were not published in Hindi on the TRAI's website, which website was also SUSPICIOUSLY not properly functional when all this chicanery was going on. That the entire process was rigged by that even the so-called consumers who responded are dummies is evident from no "counter comments" being filed.,

7) A fresh problem being reported by IAC members is that in DAS, like in DTH, subscribers are being forced to subscribe to certain "base" packages to avail "boquets" and that there is deliberate confusion being created between packages and boquets. It is clear that the MAFIA and TRPs will not allow genuine and true A-LA-CARTE pricing / selection to take place where every consumer is issued a monthly bill setting out his per channel payment so that the naked shall be exposed.

Please go into these aspects also and protect the subscriber interest as per the TRAI's mandate. Subscribers are the weakest of all stakeholders before the Law, and as unequals cannot be treated equally as the MSOs and Broadcasters when it comes to representing before your goodself.

With best wishes
yours faithfully

Sarbajit Roy

National Convenor
"India Against Corruption" *jan andolan*

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

<http://www.indiaagainstcorruption.net.in/>
<http://www.indiaresists.org/>
<https://lists.riseup.net/www/indiaresists>

On Thu, Apr 25, 2013 at 9:13 PM, Joyprakash Chhetry
<take_off_team@yahoo.com> wrote:

This needs to be addressed fast. India is no more an ignorant mass of human beings. If corruption is the only way to make your Dal-Roti then the electorate will know how to deal with you in 2014 !

Joy.

From: Sarbajit Roy <sroy.mb@gmail.com>
To: advbcs@traigov.in; traicable@yahoo.co.in
Sent: Thursday, 25 April 2013 7:38 AM

Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013

To

Shri Wasi Ahmed,
Advisor BCS/TRAI
<http://www.traigov.in/>

Date: 25-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Further to my 3 emails appended below, the membership of the Hindustan Republican Army (a 90 year old patriotic revolutionary movement associated with India Against Corruption) is also greatly agitated and of course additionally concerned to further object, through me, to the obnoxious proposals of the subject paper as follows:

1) That the STB/SPEs for DAS/CAS are to have a feature known as EPG (Electronic Programme Guide) from which the pay channels and FTA channels (forming around 60--75% of all permitted channels) can be

easily selected by the consumer himself to be billed accordingly.

2) That the members complain that these STBs with EPG enabled displaying the tariff price for each channel (a-la-carte) are not being provided / activated and instead the large MSOs are giving sub-standard / cheap STBs which only have 3 or 4 pre-set packages and no ala-carte options. There is also widespread abuse of monopoly power through these STBs so that the choice to be given to consumers under the law is an illusionary one.

Please go into these aspects also.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

<http://www.indiaagainstcorruption.net.in/>
<http://www.indiaresists.org/>
<https://lists.riseup.net/www/indiaresists>

On Thu, Apr 25, 2013 at 7:50 PM, Sarbajit Roy <sroy.mb@gmail.com> wrote:
To
Shri Wasi Ahmed,
Advisor BCS/TRAI
<http://www.trai.gov.in/>

Date: 25-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Further to my 2 emails appended below, my membership is additionally concerned and further objects, through me, to the obnoxious proposals of the subject paper as follows:

1) That STBs and STB pricing and security deposits are used as a MONOPOLISTIC tool by Local Cable Operator to prevent subscriber churn. India Against Corruption demands that subscribers must be free to easily switch cable operators / MSOs and it must be made mandatory for every MSO to provide a feed to any subscriber who applies for it within 48 hours with no installation or activation charges. The present situation is that the MSOs are functioning as cartels and have divided the territories amongst themselves to prevent choice. IAC demands that STB supply and pricing should not be a tool for this purpose of anti-competition. No MSO should be able to refuse to connect a subscriber or charge perverse rates.

2) Apparently the Cable TV Act / law provides that the DAS / CAS decryption device may be in-built into the television receiver and that the subscriber cannot be compelled to purchase any particular type of TV receiver for DAS/CAS. The clear meaning of this is that only INTER-OPERABLE and NON-PROPRIETARY DAS/CAS technology is to be promoted in the MSOs. How is it then we have competing encryption standards which are not-interoperable? Under these circumstances why should subscribers suffer if the STB is to be returned.

3) It seems that an STB draws between 10 to 15 watts of power. In a day it consumes 300 VAHr or 9 units of electricity in a month. At Rs. 6 per unit this means the subscriber pays Rs. 50 electricity charges per month just for an STB for 1 TV leaving aside the battery cost for the additional remote control unit. IAC fails to see why the subscribers should be asked to pay these costs when the broadcasters and State are the real beneficiaries of DAS ? Hence also IAC demands that not even 1 paise of cost burden for DAS SPE should fall on the consumer. As it is huge electricity power cuts have started in summer wherever CAS/DAS has started and the DISCOMS are openly blaming it partly on CAS/DAS before the DERC.

Please appreciate IAC's membership is very concerned and agitated on the way they are being fleeced and coerced over DAS and the politics of this proposal which we shall respond to in our own way when squeezed by tyranny.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka

New Delhi 110078
Tel : 09311448069

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<https://lists.riseup.net/www/indiaresists>

On Wed, Apr 24, 2013 at 12:42 PM, Sarbajit Roy <sroy.mb@gmail.com> wrote:

To

Shri Wasi Ahmed,
Advisor BCS/TRAI

<http://www.traigov.in/>

Date: 24-April-2013

Sir

Sub: Consultation paper on Tariff for SPE for DAS dt. 11.04.2013

Thank you for enabling the link to the concerned file which I had reported to Mr. Sharma Dy.Advisor.

After going through the same I am caused to further object as follows (in addition to the points of my email of 23.04.2013 which I am also pressing/urging) :-

1) The tariff order is seemingly based on the powers of TRAI listed under the TRAI Act as r/w the Cable TV Rules. The draft tariff order completely evades directly addressing the specific provisions of the Cable TV Act as amended by Act 21 of 2011. I find some misunderstanding and dichotomy between the parent cable TV Act and the present draft Tariff Order insofar as **TECHNICAL** aspects of Set Top Box and other DAS SPEs are concerned. As per me this does not fall within TRAI's domain and ought to be resolved / clarified by the Ministry(s) concerned along with the Bureau of Indian Standards **before** any Tariff order for SPEs is issued. Specifically, I urge that the tariff order for SPEs has to be issued **strictly** in terms of the specific provisions of the Cable TV Regulation Act (as amended and in force) since this is the special law to regulate Cable TV industry unlike the TRAI Act which is a general law for telecom industry. The supreme will and desire of Parliament as contained in the Act must be implemented and not that of the Executive given under half baked and evasive Rules.

2) It requires to be clarified **HOW** and **IF** the "set top box" as defined in clause 2(f) will allow the subscriber to receive the "subscribed channels". I stress on the word "channels" as in the PLURAL form. For eg., is there some output in these boxes which will allow the subscriber to **SIMULTANEOUSLY** view **ALL** the subscribed channels he is paying for or

to record the same for his personal viewing later ?

3) It requires to be clarified if the word "signals" in clause 2(h) also means signals of **MULTIPLE** subscribed channels as in the **PLURAL** form. This and my previous objection are special cases of the General Clauses Act provision concerning the singular form including the plural also.

4) It requires to be clarified **if** this tariff order solely restricts the DAS equipment of clause 2(d) to the set top box of clause 2(f) insofar as the subscriber is concerned and **if** TRAI has any power to so restrict or only order tariffs for.

5) It requires to be clarified if it is the Cable TV Rule(s) which solely restricts the DAS equipment of clause 2(d) to the set top box of clause 2(f) insofar as the subscriber is concerned and the basis, if any, for the same in the parent Cable TV Act and if the Central Govt has any power to do so.

6) It needs to be explicitly clarified (with basis) in the Tariff Order which of the stakeholders is/are obliged in law to own/ install the "device or devices within the subscriber premises" mentioned at clause 2(d), who is to pay for the same, and if it is at all technically feasible for the ordinary or average *Aam Aadmi* subscriber / content consumer to do so especially since the subscriber has no say in the supply and costing of the devices which are proprietary and sourced without reference to him.

7) I object that the basis of calculation for the rentals / hire charges of STB as contained in the Schedules to the Tariff Order is not known/disclosed and is otherwise grossly excessive and arbitrary. As an expert on these things, it seems to me that the hardware cost of these devices (set top box) ought not to exceed Rs.500 or Rs.600 per unit and the boxes should be bundled FREE by the BSP or subsidised by the State which derives HUGE revenue and taxes from their installation.

8) The said tariff order is a **SCANDAL** and **SCAM** to **fleece the public** of India and deprive them from **Fundamental Right to be Informed** and cast their valuable votes by receiving news and views other than that of the ruling party given through Doordarshan which has been made mandatory. Set Top Box has been made compulsory just to keep the citizens uninformed for electoral purposes and to prevent him to see / hear with his own eyes/ears the daily scandals emerging against the ruling party. Hence also STBs must be made available "Free of Cost" to preserve Democracy and the Republic of India.

9) It may also be clarified if there are any IPR or patent charges contained in the costing of the set top boxes as I feel that these are used for HAWALA to benefit the vested interests who are promoting DAS so

heavily.

10) All the points/objections of paras 1 through 5 of my email of 23.04.2013 appended inline below which are not reproduced herein in interests of brevity .

Accordingly, my **SUGGESTION** is that the draft Tariff order I have impugned be recalled till such time as all my points are considered and a reasoned order addressing my grounds of objection are not issued.

Since I regrettably find myself placed in an adversarial position vis-a-vis TRAI which is failing to protect the consumer interests, I would be obliged if detailed comments are served to me well in advance before I am invited to the Open House for this paper.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

<http://www.indiaagainstcorruption.net.in/>
<http://www.indiaresists.org/>
<https://lists.riseup.net/www/indiaresists>

On Tue, Apr 23, 2013 at 12:30 PM, Sarbajit Roy <sroy.mb@gmail.com> wrote:

To Shri Wasi Ahmed,
Advisor BCS/TRAI
<http://www.trai.gov.in/>

Date: 23-April-2013

Sir

Sub: Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013

I am very interested in responding to the said Consultation paper. However, for past 1 year TRAI website has been very inaccessible and functioning erratically especially on weekends or after office hours, rendering it difficult to access your papers. Many other persons are facing the same problem. I am on Airtel Broadband one of the largest

broadband operators of India and we are facing persistent DNS related problems with the TRAI website and the consensus was that NIC is manipulating things to safeguard against Chinese Hackers who strike on weekends or when offices are closed. I could therefore not respond to the previous paper on DAS tariffs and pay channel dynamic pricing.

I spoke to Mr. Amit Sharma / DyAdv.BCS today and got confirmed the above said paper is not downloadable today from the website - all the other consultation papers were accessible..

Therefore kindly email me a copy so that I can respond to it.

As a consumer / subscribe my grievance is as follows which I would like to address fully on receiving your consultation paper..

- 1) That the scheme for addressability originally introduced for CAS envisaged that cable TV operators would transmit encrypted pay TV signals and the FTA channels would be sent in unencrypted analog format.
- 2) That later due to constraint in bandwidth to transmit FTA analog channels @7 MHZ per FTA analog channel the number of FTA channels in Basic tier was limited at around 30 to 40 of a genre mix so that more pay channels could be .transmitted
- 3) That when the CAS scheme was implemented in South Delhi in 2003-2004 my son Swayamjit Roy, then age 3 years old was affected because no cartons / movies and certainly not English Cartoon or Movie or GEC channel was available in FTA package. He therefore filed a Writ Petition in the Supreme Court which was registered at No. WP(C) 377/2004 where TRAI was the Respondent also along with Ministry of Information and Broadcasting on various grounds. However, by the time the Petition came up for hearing the Ministry had withdrawn the CAS scheme on its own and all the defective / sub-standard Set Top Boxes we were aggrieved by were sent back to Korea by the MSO. The Hon'ble Court noted that our submission that the cause of action was no longer present but permitted us to reapproach if our cause of action got revived.
- 4) That due to ever increasing number of channels, both pay and FTA and disputes over carriage and placement fees, the I&B Ministry notified the DAS scheme by amending the Cable TV Act 1995 by Act 21 of 2011 in Dec 2011. By this scheme the addressable equipment definitions were amended from those of CAS. The relevant amended sections for the purposes of this consultation paper are as follows - section 4A, 8, 9 and 11 of the parent Act.
- 5) Accordingly, it may be clarified in terms of the Parent Act as follows:-

i) Why the subscriber has to purchase or hire any decoding equipment when the obligation to install it devolves on remaining stakeholders ? In terms of the Act the obligation of the subscriber is only to a) use DAS SPE b) allow DAS SPE to be attached to subscriber's receiver provided it conforms to the BIS standards.

ii) Why the Set Top Box is the only DAS SPE device being promulgated and proposed. It is not clear how a STB is decoding all subscribed channels SIMULTANEOUSLY which consumer is paying for. STBs may be adequate for a single room household with a single TV receiver, but that is hardly the case nowadays in metros. Is the Tariff for pay channels merely for a "right to receive" or to "actually receive" it.

iii) Why no DAS SPE is being offered by remaining stakeholders which decodes/ decrypts each and every subscribed channel so that the subscriber may attach the DAS SPE's output to as many of his receivers as he wishes without retransmitting it. Also why the stakeholders are not providing DAS SPEs with 75 ohm analog outputs any more.

iv) Why a subscriber with, say, 5 rooms / living areas in his premises is being forced to purchase / hire 5 STBs and pay 5 times the channel rates when he wants to view his subscribed channel(s) at the location of his choice at his own convenience within his own house - and without redistributing the channels to any other person.

v) Why the remaining stakeholders are getting money for pay channels which cannot be viewed due to inadequate / inappropriate technology which only decrypts 1 channel at a time.

vi) Why a subscriber like myself who watches news channels for breaking news cannot watch say 6 News channels simultaneously which he has subscribed to over a single connection like he used to in pre-addressability days. Surely it was never the intention of Parliament to charge for DAS on basis of number of TV receivers within the subscriber premises, since same is not clearly mentioned in Act or statement of objects & reasons which I can readily locate. As per me the intention of DAS is to enable transmission of higher number of channels, with better picture quality, and eliminate "leakage", "piracy" and loss of revenue to State and ensure better accountability for all stake-holders so that prices may be reduced. Instead after DAS my tariffs has doubled overnight and my information reduced by 70%.

vii) Why the STBs being offered do not bypass all the FTA channels in analogue form as mentioned in the relevant BIS standard for digital STBs.

Therefore I oppose all the proposals and payments for DAS SPEs proposed which I say devolves on the other stakeholders in terms of the Act. Subscribers should not have to pay anything for it. They are

already overburdened by the DAS and runaway inflation as it is.

I therefore look forward to receiving your comments on my grievances as a subscriber / consumer and also getting a copy of the consultation paper so that I can respond to it properly. My present MSO is INCABLE. I look forward to receiving an invitation to the open house so I may attend it and better understand the issues.

with best wishes

Sarbajit Roy
National Convenor
"India Against Corruption"

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

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Help: <https://help.riseup.net/en/list-user>
WWW : <http://indiaagainstcorruption.net.in>
--- On **Fri, 26/4/13**, Sarbajit Roy <sroy.mb@gmail.com> wrote:

From: Sarbajit Roy <sroy.mb@gmail.com>
Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013
To: advbcs@traf.gov.in, traicable@yahoo.co.in
Cc: "indiaresists@lists.riseup.net" <indiaresists@lists.riseup.net>, hrrmy@lists.riseup.net
Date: Friday, 26 April, 2013, 2:06 PM

To
Shri Wasi Ahmed,
Advisor BCS/TRAI
<http://www.traf.gov.in/>

Date: 26-April-2013

Sir

**Sub: Consultation papers on Tariff Orders for SPE for DAS and DTH
dt. 11.04.2013**

Further to my 7 emails appended below, I wish and desire to further object to TRAI's cited consultation papers as follows :

1) That I object to all, ie. each and every one of, the definitions contained in para 2 of the impugned draft tariff orders. I feel that these are not strictly in accordance with the expressed Will of Parliament contained in the Cable TV Regulation Act. Accordingly, we suggest that these should be reviewed in light of our earlier suggestions and objections. I am always ready to meet the officers of your Authority if it is so required or for any clarifications on what we are trying to convey.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

<http://www.indiaagainstcorruption.net.in/>
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<https://lists.riseup.net/www/indiaresists>

--- On Fri, 26/4/13, Sarbajit Roy <sroy.mb@gmail.com> wrote:

From: Sarbajit Roy <sroy.mb@gmail.com>
Subject: Re: [IAC#RG] Consultation paper on Tariiff for SPE for DAS dt. 11.04.2013
To: advbcs@traigov.in, traicable@yahoo.co.in
Cc: "indiaresists@lists.riseup.net" <indiaresists@lists.riseup.net>, hrrarmy@lists.riseup.net
Date: Friday, 26 April, 2013, 2:30 PM

To
Shri Wasi Ahmed,
Advisor BCS/TRAI
<http://www.traigov.in/>

Date: 26-April-2013

Sir

**Sub: Consultation papers on Tariff Orders for SPE for DAS and DTH
dt. 11.04.2013**

Further to my 8 previous emails appended below, I wish and desire to further comment to TRAI's cited consultation papers as follows:

That my MSO is M/s IN CABLE, and my STB number is **227121811341554** as per the sticker affixed to its underside. This STB has been with me for the whole of 2013 of DAS.

Accordingly, to ease and facilitate any counter comments from other stakeholders, I am attaching for your ready reference the latest relevant PDF documents (5 in no.) which my MSO is disseminating on their websites to subscribers. I shall rely on the same if necessary or if so required.

With best wishes
yours faithfully

Sarbajit Roy
National Convenor
"India Against Corruption" *jan andolan*

B-801, Paarijat Apts
Plot 28 Sector 4 Dwarka
New Delhi 110078
Tel : 09311448069

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<http://www.indiaresists.org/>
<https://lists.riseup.net/www/indiaresists>

--- On Fri, 26/4/13, Sarbajit Roy <sroy.mb@gmail.com> wrote:

From: Sarbajit Roy <sroy.mb@gmail.com>
Subject: TRAI Consultation papers in both Hindi and English (at least)
To: govil_amit@hotmail.com, advbcs@traigov.in, traicable@yahoo.co.in, ap@traigov.in
Cc: "indiaresists" <indiaresists@lists.riseup.net>, hrrarmy@lists.riseup.net
Date: Friday, 26 April, 2013, 12:18 PM

To:

1) Shri Amit Mohan Govil
Pr. Advisor (A) / TRAI
Telecom Regulatory Authority of India

with copy for information to:

2) Shri Wasi Ahmed,
Advisor BCS/TRAI

BY EMAIL

26.04.2013

Respected Sir,

I am given to understand that you have charge for Hindi Language usage and promotion within TRAI as well as the legal and admin functions. You are also TRANSPARENCY OFFICER of the TRAI under RTI Act 2005. Hence this email.

The followers of India Against Corruption people movement, of which I am presently the Honorary National Convenor, are concerned that their Fundamental Right to Information so as to participate in framing of public policy is being deliberately deprived by TRAI by the following device :-

"That Consultation Papers of the TRAI, such as the BCS division, are not being made available / disseminated in Hindi over the TRAI website to the affected persons and the policy and tariff decisions are being taken by "hi-fi" English speaking persons like advocates discussing with TRAI over tea and cakes in 5 star hotels so that TV rates can be hiked 6 times to make it unaffordable for poor people to watch anything on TV other than Doordarshan by putting up terrestrial antennas."

The India Against Corruption is greatly agitated by this, and we hope you will look into it as expeditiously as possible to enable India Against Corruption to participate in all Consultation Papers of BCS division in past 1 year on TV and Cable matters such as pricing and QoS etc.

For your ready reference and comparison I am attaching 2 PDFs of the Consultation paper status of TRAI on English and Hindi versions of the website downloaded by me today, which are self-explanatory and shows how much TRAI cares for the ordinary people.

with best wishes

yours faithfully

Er. Sarbajit Roy
National Convenor
India Against Corruption, jan andolan

2nd Floor
B-59 Defence Colony
New Delhi 110024

Tel : 011-24334262