

## 2 CMET (2015) 29

### **Cross-Media Ownership - A Hazard to the Efficient Functioning of Media**

by  
**Prerana Agarwal\***

*Abstract — With the advent of media, a world of nearly limitless possibilities has opened up. Media has been a boon to the society, endeavoring to unearth and focus on crimes with a desire to present the truth before the public. The existence of media in India has been uninterrupted since a long time. Though the benefits of the media cannot be overlooked but the fact that media has now become a commercial venture with the main aim of profit making is unavoidable. The paper seeks to focus on the incidents of cross-media ownership in the country. The author highlights the various dimensions of the issue of cross-media ownership, such as ownership and control, market dominance, government and political parties owned media units, and vertical integration. Furthermore the author attempts to highlight the issue of encroachment of personal right to privacy through media reporting. The relevant market for the operation of media has been discussed in the paper with the aim to clarify the scope of relevant geographic market and the relevant product market with regard to media in the country. The Competition Act, 2002 has also been referred to clarify the position of media laws in India. Further, the negative impacts of cross-media ownership have also been emphasized for the better understanding of the concept of cross-media ownership.*

*Not only this, the Telecom Regulatory Authority of India ("TRAI") recommendations on the subject of cross-media ownership has been dealt with thoroughly and lastly, an attempt has been made by the author to provide recommendations at this point of time.*

*Several aids like statutes, judgments of the Apex Court, Law Commission Reports and various scholarly articles have been relied upon in compilation of this paper.*

**Keywords:** *Cross-media ownership, market dominance, relevant geographical market, relevant product market, ownership and control.*



### **THE ADVENT OF MEDIA LAW IN INDIA**

Media is a powerful social instrument, which has the potential to mold the perception of the society. Media comprises of the social component that puts it into demand of the people. Also, it helps in the efficient functioning of democracy<sup>1</sup>. It serves the purpose of informing people of what is happening in the world around them. Not only this, it is an excellent source of new ideas and provides a broad spectrum of facts, views and opinions from people from all over the world. It functions as a watch dog for public interest of society and is also considered as the fourth estate of the democracy. It is considered to be the repository of public trust which makes it important for the media units to be more diligent about the functions they perform. A

balance between the freedom and rights of the media and the individuals needs to be attained so as to ensure the proper functioning of the democracy.

Media and India have been synonymous for a long time now. The elements of laws governing media is present in India since time immemorial and can be traced through three different events governing the working of media. From the Bengal Gazette (news journal started in 1780), The Indian Press Act, 1910 to the Cable TV Networks (Regulation) Act, 1995, the growth and development of the press has been incredible.

The freedom of press has not been provided in the Constitution specifically, but the same is meant to be determined from the freedom of speech and expression<sup>2</sup>, provided under Article 19 of the Indian Constitution. The Supreme Court even said the freedom of the press is the "*ark of the covenant of democracy*".<sup>3</sup> In the Constituent Assembly Debates, the freedom of speech and expression has been recognised as "the very life of civil liberty".<sup>4</sup>

"*The survival and flowering of Indian democracy owes a great deal to the freedom and vigor of our press*".<sup>5</sup> Though it has grown into an important pillar of democracy in this modern and constantly growing world, giving a lot of powers and rights to the media sector of any democracy, but a closer look at this status of media can show its involvement in many undemocratic as well as socially unethical practices. Cases of paid news, media trials, infringement of the privacy of people, especially the high profile society, among other things, come up on a regular basis. Amongst these,



one of the major mischiefs of media can be termed as "Cross media ownership" on which focus is imperative.

### **CROSS MEDIA OWNERSHIP**

Cross-ownership of media occurs when a person or company owns outlets in more than one medium (newspapers, radio, and television) in the same geographical market.<sup>6</sup> This may develop into a situation when a large portion of the market share may be held by a single media entity in a particular geography, further resulting into consolidation of power as well as monopoly. Cross ownership is aimed at achieving economies of scope across multiple media units. The ultimate motivating factor for a media company to have its presence in different media segments i.e. to have cross media holding is to maximize its reach to the consumers in different demographics with varying media consumption patterns.<sup>7</sup>


Plurality of news depends upon the number of entities actually controlling these media units. That is why it is required to determine the true figure of the independent voices in the market so as to determine the extent of plurality and the same shall be controlled by an appropriate authority. Though media needs to be shielded from the clutches of the political parties and the government, but at the same time its regulation is also necessary considering the fact that it is an influential tool to guide a majority of the public.

The right of individuals to receive information and opinions from a diversity of sources has been recognised by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the American Convention on Human Rights, and the European Convention on Human Rights.<sup>8</sup> That is why they promote media pluralism and impose the same on the government.

Currently, there are no strict restrictions on cross media ownership across print, television and radio in the country. However, there are certain restrictions which tend to operate on the media sector. Restrictions on vertical integration in the form of

guidelines to obtain Direct-to-Home platforms are available. Also, restrictions are put on the number of licenses to be provided to the FM radio operators in a particular area. Apart from the

---

 Page: 32

applicability of these specific laws to media, the competition laws in India also apply to the same for its effective application.

### **NEGATIVE IMPACT OF MEDIA MONOPOLY**

The freedom of media gets severely impacted when consolidation of media ownership takes place. The effectiveness of any source of media depends upon the diversity it maintains. Market dominance by such media entities can lead to biased flow of information and different faces of the information cannot be shown properly. This in turn disrupts the public policy system in any society.

Though laws in this respect need to be implemented, but it cannot be overlooked that any unwarranted state control in this respect is not healthy for the proper functioning of the media sector as it might infringe the freedom of speech and expression provided to the media under Article 19 of the Indian Constitution. Any regulation on vertical integration, which connotes ownership of both broadcast and distribution, and on horizontal integration, that takes the shape of cross-media holdings, must balance these two competing considerations.<sup>9</sup>


As Lord Leveson says, "*With these rights (of the press) come responsibilities to the public interest: to respect the truth, to obey the law and to uphold the rights and liberties of individuals*".<sup>10</sup>

Since there is no specific law governing the issue of cross media ownership in India, the same has been dealt with, by the TRAI, the Ministry of Information and Broadcasting and the Parliamentary Standing Committee on Information Technology, time and again.

### **OWNERSHIP AND CONTROL OF MEDIA UNITS**

Ownership implies a pure economic interest in the form of equity or shareholding in a company.<sup>11</sup> Control implies the ability to influence decision-making process in the company. The control factor is of great significance in the media context, as those who exercise control over management and operations of the company could also control content.<sup>12</sup> The ownership clause is considered to be a subset of the control clause as, when ownership in any entity crosses a substantial threshold level, it automatically contributes to the influence and control of that unit. Similarly, capital ownership in a media company can result into the control of that media company.

---

 Page: 33

In the 1<sup>st</sup> Report (2007-08) of the Select Committee on Communication (House of Lords) UK<sup>13</sup>, it was clearly shown as to how control over media units can impact the quality of news. It has identified four methods by which ownership can have an impact on the quality of news circulated:

- (i) Direct intervention by an owner;
- (ii) Indirect influence of an owner through the appointment of an editor who shares his view;

- (iii) The influence of the business approaches that an owner can take; and
- (iv) Different approaches to journalism.

There are certain provisions under The Competition Act, 2002 and The Companies Act, 2013, which deals with the definition of ownership and control of corporate entities for different purposes such as investments, mergers and acquisitions, market dominance, etc. In general shareholding, equity ownership, loan agreements and appointment of directors, act as the parameters to exercise control over any entity. But these terms are not sufficient to define control over a media unit as the ability to control the content generated by these entities needs to be taken into consideration while determining the concentration of control of any media unit. Also, because enhancing the plurality of opinions in media is the main objective, other parameters need to be adopted while determining the concentration of control over any media unit. Not only this, indirect control over media houses by extending loans, needs to be addressed as well.

### **DEFINING MARKET DOMINANCE OF THE MEDIA UNITS**

The issue of plurality of opinions in the marketplace is a huge concern of all times. But how is plurality of opinions in the marketplace measured? This may be measured either in terms of the number of voices or in terms of the impact, these media entities enjoy in the marketplace of opinions and viewpoints.<sup>14</sup> Different countries tend to have different regimes to deal with this issue. The number of independently owned media houses in the market is the decisive factor of imposing cross-media ownership restrictions in United States of America. Influence plays an important role in imposing restrictions in United Kingdom, which in turn prevents a person from having the ownership of different types of media over specified levels of market share. Restrictions in the form of a blanket rule, to prevent entry into two or more media segments are also applied on countries such as Australia and Canada.



But when it comes to India, the fact that the population composition of India is so diverse, the operation of a large number of media units throughout the country, makes it difficult for the formulation of any blanket rule governing the market dominance of the media sector in the country. A few major players manage to influence this large linguistic diversity of the country. Therefore, so as to comply with the need of media pluralism, reasonable restrictions need to be imposed on the ownership in the media sector.

To determine the media concentration in the market, the determination of the relevant market needs to be done. This also helps in assessing the independent behavior of any media unit despite of the presence of other media units in the market. Any relevant market is usually divided into two dimensions: the relevant product market and the relevant geographical market. "Relevant geographic market"<sup>15</sup> means a market comprising the area in which the conditions of competition for supply of goods or provision of services or demand of goods or services are distinctly homogenous and can be distinguished from the conditions prevailing in the neighboring areas; "Relevant product market"<sup>16</sup> means a market comprising all those products or services which are regarded as interchangeable or substitutable by the consumer, by reason of characteristics of the products or services, their prices and intended use. In terms of media, the relevant geographic market can further be divided into: national and regional level. On national level, media in English language

and on regional level, media in vernacular language comes into play. The relevant product market for media comprises of two parameters: genres, such as news, entertainment (Hindi), entertainment (English) and segments, such as newspaper, television, print or radio.

Media ownership rules need to be designed in order to maintain a balance between safeguarding a degree of plurality of media sources and content, and a level playing field for companies operating in the media sector on the one hand and providing freedom to companies to expand, innovate and invest on the other.<sup>17</sup>

### **GOVERNMENT OWNERSHIP OF MEDIA UNITS**

Media houses are supposed to be an independent unit, exercising its freedom of speech and expression provided under Article 19 of the Indian Constitution. Its major function of disseminating news, information and opinions of people is what makes it so important to the society. Its existence can go into vain if government bodies are permitted extensive control over these units. This is so because the unrestricted presence of the



Page: 35

governmental bodies in the media can influence the process of molding public perceptions, which can have potentially deleterious effects on the democracy of India. As much has also been asserted by the Supreme Court of India, "*The broadcasting media should be under the control of the public as distinct from Government. This is the command implicit in Article 19(1)(a). It should be operated by a public statutory corporation or corporations, as the case may be, whose constitution and composition must be such as to ensure its/their impartiality in political, economic and social matters and on all other public issues. It/they must be required by law to present news, views and opinions in a balanced way ensuring plurality and diversity of opinions and views. It/they must provide equal access to all the citizens and groups to avail of the medium*".<sup>18</sup>

Government-owned media is not only a channel to pass on developmental initiatives to the common man but it can also be used as an independent filter for shaping the perception of the common man in relation to the governmental policies and their implementation.<sup>19</sup> Its authenticity can be questioned if it fails to evaluate these governmental policies on both, the positive as well as the negative aspects.

The relationship of Prasar Bharti, which is a statutory autonomous body established under the Prasar Bharati Act, with the government, was dealt with by the TRAI in its recommendations<sup>20</sup> with regard to the functional independence and autonomy of Prasar Bharti from governmental control.

### **POLITICAL OWNERSHIP OF MEDIA UNITS**

The effect of the invasion of political parties or politicians in media houses can have devastating effect on the flow of information in the society. These newspapers or channels are seen to be promoting the associated political parties or the politicians or publicize the political agendas of these parties or politicians. They can directly own these media units, such as the Communist Party of India (Marxist)'s newspapers *Deshabhimani* in Malayalam and *Theekkathir* in Tamil; or own it through their relatives, such as the Sun Group owned by the grand-nephews of DMK leader M Karunanidhi; or through front companies like *Mavis Satcom Limited* that owns *Jaya* television channels in Tamil Nadu.<sup>21</sup>

---

Though political ownership has the benefit of greater political awareness in the society but at the same time, the fact that it is used as a propaganda tool to highlight political issues and interests of the owners cannot be ignored. The unbiased flow of information in the society is put on stake by these politically influential people for their own benefit. Also, media can be used by these politicians as a medium to unfairly undermine the political initiatives of the opponent parties, especially at the time of elections.

### **PRIVACY CONCERNS IN MEDIA**

The attempt of the media to sensationalise news and make profit out of it is highly disturbing. At times, this leads to privacy violations, as there is no explicit provision in the Indian Constitution guaranteeing the right to privacy, but it has been recognised by the Supreme Court of India under the right to freedom of speech and expression, under Article 19(1)(a) of the Constitution, as well as, under the right to life and personal liberty under Article 21 of the Constitution.<sup>22</sup> The Supreme Court of India has determined the implicit presence of the right of privacy in right to life.<sup>23</sup> In *R. Rajagopal v. State of T.N.*<sup>24</sup>, the Supreme Court laid down certain propositions defining the right to privacy. These propositions are:

*"The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by article 21. It is a "right to be let alone". A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child bearing and education among other matters.*

*None can publish anything concerning the above matters without his consent - whether truthful or otherwise whether laudatory or critical and. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy."*

These rights are not absolute in its nature, and reasonable restrictions can be put on their exercise by the government. In *Express Newspaper (P) Ltd. v. Union of India*<sup>25</sup>, it was stated by the Supreme Court of India that *"the freedom of the press can suffer with some restrictions"*.

Article 19(2) provides for the restrictions to be put on the right to freedom of speech and expression. In the interest of sovereignty and integrity of the State, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence, restrictions can be put on the right to speech under Article 19(2) of the Constitution. There are exceptions to the right to privacy as well, such as overriding public interest, safety and security of the State. On several occasions, sting operations have been conducted as a medium to extract hidden information or to carry out retribution or with the purpose of exposing information within the realm of an individual's private domain having no association with public interest at all.<sup>26</sup>


### **VERTICAL INTEGRATION**

In the media sector, vertical integration is sought to be achieved, when the ownership and control of two important entities, that is the broadcaster and the distributor, comes to a single media unit. A broadcaster is the one who provides broadcasting or content services and the distributor provides access to these said contents to the consumers. This field of media broadcasting and distributing is becoming a hybrid body focusing more and more on consumer satisfaction.<sup>27</sup> These days, many broadcasting companies and TV distribution platforms venture into the domain of one another, for example: broadcasting companies owning Cable, DTH, HITS and IPTV etc. and distribution platforms venturing into broadcasting sector.<sup>28</sup> By and large, the main factor for motivation of indulging into vertical integration is the desire to reduce costs, instead of increasing the prices of parties' products.<sup>29</sup>

Under the Competition Act, 2002, an anti-competitive agreement likely to cause an adverse effect on the competition scenario within India, be it vertical or horizontal, is prohibited. Vertical arrangements, such as exclusive distribution or supply agreements, are specifically prohibited under Section 3(4) of the Act.<sup>30</sup>

Different stakeholders have conflicting views with regard to the concept of vertical integration in the society.<sup>31</sup> Few stakeholders are of the view that

---

 Page: 38

it provides the incentive to invest and innovate, which is why they favor it. Others consider the non-level playing field, monopolies and foreclosures. There is yet another set of stakeholders that favors vertical integration when coupled with certain rules and regulation checks.

### **TRAI RECOMMENDATIONS FOR CROSS-MEDIA OWNERSHIP**

An independent broadcasting media authority along the lines of TRAI was first suggested by the Supreme Court in *Ministry of Information & Broadcasting, Govt. of India v. Cricket Assn. of Bengal*<sup>32</sup>. Thereafter, the Ministry of Information & Broadcasting has made various attempts, the latest in 2007, to draft a Broadcasting Services Regulation Bill in order to set up a Broadcasting Regulatory Authority of India ("**BRAI**").


The TRAI has come up with a series of recommendations to curb the problem of cross-media ownership in India. According to it, the Current Affairs and News genre, together with financial news, business and information holds the utmost importance and is directly relevant to the plurality and diversity of viewpoints. Therefore, for the purpose of formulating relevant genres in the cross-media ownership rules, the above mentioned genres should be considered with due importance. Also, on the issue of relevant segments in the product market, television and print was suggested by the TRAI for devising rules for cross-media ownership. The relevant geographic market has been divided into twelve segments covering the entire India.

From an anti-trust perspective, the authority recommends that Herfindahl Hirschman Index (HHI) should be adopted to ascertain the concentration of media within some specified states, so as to ensure that an adequate compensation is provided and at the same time, two year time period is also provided to the media companies to diversify themselves.<sup>33</sup> The authority is also of the opinion that mergers and acquisitions can be allowed in the media sector, only when it does not breach the HHI index as prescribed by the authority itself. It was also recommended by the authority that, once the cross-media rules are announced by the licensor, the same shall be reviewed every three years thereafter and the entities which are found to be breaching the rules, should be given a maximum period of one year to comply with the

same.

Also, rules with regard to mandatory disclosures have been given by the authority. These rules relate to the transparency disclosure that needs to be

---

 Page: 39

put in public domain, with respect to change in shareholding pattern, foreign direct investment pattern of the entity, etc. Also, some confidential reports needs to be submitted to the licensor and the regulator, in relation to advertising rate, subscription etc. The authority also recommends setting up a commission, headed by a retired Supreme Court Judge, to comprehensively examine the various issues pertaining to media, which also includes the role and performance of various existing institutions for the functioning of the media units in the country.

### **WHAT NEEDS TO BE DONE?**


The better functioning of the media in the society requires a proper regulatory set up in the country. The TRAI has come up with recommendations to supplement the regime of media in the country.

Therefore, the TRAI's recommendations must be implemented as soon as possible to deal with the issue of cross-media ownership and to curb its growing practice. The TRAI recommendations have covered a large variety of dimensions of the problem of cross-media ownership after taking the opinion of the stakeholders. Also, self-regulation of media is imperative. Long-standing and systematic monitoring for both internal and external pluralism needs to be carried out so as to ensure maximum compliance of cross media ownership regulations. This pluralism may be reinforced by positive and negative means, as reinforcement in any form helps enhancing the performance in a better manner. Positive measures in the form of indirect subsidies and direct financial support system helps to stimulate the external plurality in the media sector.

In *Indraprastha People v. Union of India*<sup>34</sup>, the Delhi High Court recommended that an independent statutory body be set up under the Cable Television Networks (Regulation) Act, "consisting of men and women of eminence". Further they said, "Security of tenure of a kind should be provided for the Members of the Board so that they are free from Government interference." Till this comes into force, the BCCC, according to the Court should be recognised by the Government of India as competent to decide complaints on violation of the law by broadcasters. Its decisions shall be treated by the Union of India as the foundation to take appropriate action against the offender.

Recently, the Supreme Court of India, in Writ Petition (Civil) No. 1024/2013, agreed to hear a public interest litigation praying for an independent regulatory authority to govern broadcast media alleging that the Information & Broadcasting Ministry had failed to constitute sufficient infrastructure to ensure quick decision-making against offending channels

---

 Page: 40

and in not imposing deterrent penalties as provided by law. The Court tagged the case with another pending matter, Writ Petition (Civil) No. 963/2013, seeking guidelines to regulate the content of television channels.



## CONCLUSION

The media forms the most crucial part of a democracy. The need to set up a good media atmosphere in the society that ensures that the broadcast and distribution sector is free and is able to provide a wide range of factual news and information to the consumers. The media has an ethical duty to serve the nation and the society by providing useful information from time to time and by putting forward opinion and views of people. But now with the growth of trade and commerce, the media is also growing into a commercial venture with the main aim of profit making. This aim of profit making can sway the media units from its original aim. The cross-media ownership issue has been dealt with in this paper.

The problem of cross-media ownership is a threat to the unbiased flow of information in the society because when one person owns different modes of media, then different and imperative perceptions of news or information fail to reach the people. The difference between ownership and control has been highlighted because in media, control plays more importance than ownership. The one who controls the content to be distributed through media units has the ultimate control over that particular media channel. Also, the relevant market with regard to media has been discussed. The relevant geographic market and the relevant product market of the media units have also been highlighted. The government owned media units and the political parties owned media units has its own ill effects on the society. A government owned media unit follows the chances of being under the pressure and control of the government, whereby it might just come up with news showcasing the achievements of the governments. At the same time, a political party owned media unit also suffers from a similar line of defects, such as propagating political issues and ideologies. Privacy concerns in media are also of paramount importance. The recent TRAI recommendations with regard to the regulation of media units in the country have been laid down, so as to understand the need of the hour in relation to media in the country. Lastly, some recommendations have been given by the author so as to make the functioning of the media units better in the country.

Proper regulations for the efficient working of media should be implemented so as to ensure the proper functioning of the media units in the society. But at the same time, it should be noted that these regulations do not hinder the freedom of press provided under the freedom of speech and expression under Article 19 of the Indian Constitution. A healthy media can definitely lead to a healthy nation.

---

\* Gujarat National Law University, Gandhinagar.

<sup>1</sup> Law Commission, Law Commission Consultation Paper on Media Law (May 2014).

<sup>2</sup> *Brij Bhushan v. State of Delhi*, AIR 1950 SC 129; *Sakal Papers (P) Ltd. v. Union of India*, AIR 1962 SC 305.

<sup>3</sup> *Bennett Coleman & Co. v. Union of India*, (1972) 2 SCC 788 : AIR 1973 SC 106.

<sup>4</sup> Constituent Assembly Debates: Official Report, (Delhi, 1946-1950), VII, 18.

<sup>5</sup> Amartya Sen, 'The glory and the blemishes of the Indian news media' *The Hindu*, (7 January 2012) <<http://www.thehindu.com/opinion/op-ed/the-glory-and-the-blemishes-of-the-indian-news-media/article2781128.ece>> accessed 6 October 2015.

<sup>6</sup> Marc Edge, 'Cross-Ownership', Sam Houston State University, <<http://www.marcedge.com/cross-ownership.pdf>> accessed 6 October 2015.

<sup>7</sup> 'Recommendations on Issues Relating to Media Ownership', <<http://www.trai.gov.in/WriteReadData/Recommendation/Documents/Recommendations%20on%20Media%20Ownership.pdf>> accessed 6 October 2015.

<sup>8</sup> 'Cross Ownership in Media' <[http://www.cuts-ccier.org/pdf/Cross\\_Ownership\\_in\\_Media.pdf](http://www.cuts-ccier.org/pdf/Cross_Ownership_in_Media.pdf)> accessed 6 October 2015.

<sup>9</sup> *ibid* (n 96).

<sup>10</sup> Lord Justice Leveson, *An Inquiry into the Culture, Practices and Ethics of the Press* (Department for Culture, Media & Sport, 2012).

<sup>11</sup> *ibid* (n 102).

<sup>12</sup> *ibid*.

<sup>13</sup> Select Committee on Communications, *The Ownership of the News* (HL 2007-08, 122-I).

<sup>14</sup> *ibid* (n 102).

<sup>15</sup> The Competition Act, 2002, s 2(s).

<sup>16</sup> The Competition Act, 2002, s 2(t).

<sup>17</sup> Consultation Paper on Issues relating to Media Ownership, <[http://www.trai.gov.in/WriteReadData/ConsultationPaper/Document/CP\\_on\\_Cross\\_media\\_%2015-02-2013.pdf](http://www.trai.gov.in/WriteReadData/ConsultationPaper/Document/CP_on_Cross_media_%2015-02-2013.pdf).> accessed 6 October 2015.

<sup>18</sup> *Ministry of Information & Broadcasting, Govt. of India v. Cricket Assn. of Bengal*, (1995) 2 SCC 161 : AIR 1995 SC 1236.

<sup>19</sup> *ibid* (n 96).

<sup>20</sup> Press Information Bureau Government Of India, 'TRAI's "Recommendations on Issues relating to entry of certain entities into Broadcasting and Distribution activities"'(Ministry Of Communications And Information Technology, 28 December 2012) <<http://pib.nic.in/newsite/mbErel.aspx?relid=91230>> accessed 6 October 2015.

<sup>21</sup> *ibid* (n 102).

<sup>22</sup> Privacy In India - Country Report - October 2011, <<http://cis-india.org/internet-governance/country-report.pdf>.> accessed 6 October 2015.

<sup>23</sup> Privacy and Media Law, <<http://cis-india.org/internet-governance/blog/privacy/privacy-media-law>.> accessed 6 October 2015.

<sup>24</sup> (1994) 6 SCC 632.

<sup>25</sup> AIR 1958 SC 578.

<sup>26</sup> *ibid* (n 96).

<sup>27</sup> Aakshita Bansal, 'Vertical Integration In Tv Broadcasting And Distribution Sector In India: A Competition Audit' (2013) Internship Project Report, <[http://www.cci.gov.in/images/media/ResearchReports/Vertical%20Integration%20in%20TV%20Broadcasting%20and%20Distribution%20Sector%20in%20India\\_A%20Competition%20Audit.pdf](http://www.cci.gov.in/images/media/ResearchReports/Vertical%20Integration%20in%20TV%20Broadcasting%20and%20Distribution%20Sector%20in%20India_A%20Competition%20Audit.pdf)> accessed 6 October 2015.

<sup>28</sup> *ibid*.

<sup>29</sup> Federation of Indian Chambers of Commerce and Industry, *Comments on Telecom Regulatory Authority of India's Consultation Paper on Issues relating to Media Ownership* (25 April, 2013) 20.

<sup>30</sup> *Star India Private limited, TRAI'S Consultation Paper On Issues Relating To Media Ownership - 01/2013* (2013).

<sup>31</sup> *ibid* (n 102).

<sup>32</sup> (1995) 2 SCC 161 : AIR 1995 SC 1236.

<sup>33</sup> Shashank Atreya, 'Cross media ownership in India: cause for concern?'(Tech Law Forum @ NALSAR, 22 September 2014) <<https://techlawforum.wordpress.com/2014/09/22/cross-media-ownership-in-india-cause-for-concern-2/>> accessed 14 June, 2015.

<sup>34</sup> 2013 SCC OnLine Del 1380.

