DOCUMENT RESUME

ED 363 261 IR 016 165

AUTHOR Jayakar, Krishna P.
TITLE National Responses to International Satellite Television.
PUB DATE Apr 93
NOTE 20p.; Paper presented at the Annual Convention of the Broadcast Education Association (Las Vegas, NV, April 16-18, 1993).
PUB TYPE Reports - Descriptive (141) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Advertising; Audience Response; *Broadcast Television; Business; Cable Television; Case Studies; *Communications Satellites; Foreign Countries; *Government Role; *International Law; Legislation; Problems
IDENTIFIERS *Asia; Government Regulation; India; *International Broadcasting

ABSTRACT

Star TV, the first international satellite broadcast system in Asia, has had a profound effect on national broadcasting systems, most of which are rigidly controlled, state owned monopoly organizations. The purpose of this paper was to study the response of national governments, media industries, and the general public to this multichannel direct broadcast service. India is used as a case study because it is generally representative of Asian national broadcast environments and has been specially targeted as a potential market for Star TV's services. Public response to the service has been enthusiastic. Industry has mainly viewed it as a short-term, money-making opportunity. Governments, however, perceive Star TV as a commercial/economic enterprise, and their policy responses have also been governed by this perception. Efforts made by governments so far have been either to strengthen domestic broadcast systems, or to control cable systems that function as carriers for satellite signals. No attempt has been made to apply the provisions of international law which guarantee nations the right of prior consultation and consent to satellite broadcasting or to evolve supranational regional regulatory frameworks. (Contains 25 references.) (Author/KRN)

NATIONAL RESPONSES TO INTERNATIONAL SATELLITE TELEVISION

by

KRISHNA P. JAYAKAR

DEPARTMENT OF TELECOMMUNICATIONS

INDIANA UNIVERSITY

RADIO-TV BUILDING

BLOOMINGTON, IN 47405

812-335-0419

ABSTRACT

NATIONAL RESPONSES TO INTERNATIONAL SATELLITE TELEVISION

Star TV, the first international satellite broadcast system in Asia, has had a profound effect on national broadcasting systems, most of which are rigidly controlled, state owned monopoly organizations. This paper aims to study the response of national governments, media industries and the general public to this multichannel direct broadcast service. India is used as a case study because it is generally representative of Asian national broadcast environments and has been specially targeted as a potential market for Star TV's services. Public response to the service has been enthusiastic. Industry has mainly viewed it as a short term money making opportunity. However, governments mostly perceive Star TV as a commercial/economic enterprise, and their policy responses have also been governed by this perception. Efforts made by governments so far have been either to strengthen domestic broadcast systems, or to control cable systems which function as carriers for satellite signals. No attempt has been made to apply the provisions of international law which guarantee nations the right of prior consultation and consent to satellite broadcasting or to evolve supranational regional regulatory frameworks.

NATIONAL RESPONSES TO INTERNATIONAL SATELLITE TELEVISION

In August 1991, the Hong Kong based Star TV network began broadcasting to a potential viewership of 2.7 billion people in 38 different countries in Asia. Star TV's five channels of programming reach this huge land area from Egypt to the Philippines, from Mongolia to Indonesia, located the northern and southern 'footprints' of the AsiaSat I geostationary satellite [1].

The Star TV phenomenon has special interest because it is what Scott (1990) calls "the world's first satellite system designed to be supranational" (p. 34), in the sense that it seeks to place itself beyond national control mechanisms. It is also significant because it caters to an area which is largely under-served by broadcasting. Three channels are accessible to most viewers in Asia, compared to 25 channels via satellite, cable and terrestrial services available to TV audiences in Europe and the U. S. (Westlake, 1991). In many Asian countries, broadcasting services are government owned and controlled and offer only limited hours of programming a day. Star TV's five 24-hour channels are likely to turn the broadcasting scenario in these countries upside down. Another significant factor is that Star TV obtains most of its programming from Western sources, the content of which may be objectionable in the more conservative and diverse societies of Asia.

National opposition to international broadcasting is not new and is well documented. In the 1930s, Great Britain had fruitlessly petitioned the International Broadcasting Union against Radio Luxembourg's commercial advertising (Price, 1975). More recently, Canada has protested the 'spill-over' of American programming into the areas near the international border where most Canadians live. Canada imposed quotas and content regulations on foreign program imports, and also actively encouraged the substitution of domestic programming on its cable system (Webster, 1984). More pertinent to Star TV is the pan-European opposition to Rupert Murdoch's Sky TV beaming down its programming across the continent from the Luxembourg owned Astra satellite. Taishoff (1987) describes the steps taken by the Dutch Ministry of Culture to restrict Sky TV. She reports that the plan to simply forbid Sky TV broadcasts was a clear failure because of domestic

opposition. Finally, the Government banned only the Dutch subtitling of foreign programs.

Star TV too has evoked varied responses from many Asian governments. Singapore and Malaysia tried to regulate satellite dish ownership. The Ministry of Posts and Telecommunications of Japan proposed drawing up regulations to control the reception, recording and broadcasting of overseas satellite TV programming. At the same time, the semi-government NHK television network is trying to beef up its international appeal in competition with Star TV (Jones, 1992).

An analysis of the Star TV phenomenon has to concentrate on the responses of the industry, the public and the government, and the provisions of international law. The following questions are of interest:

(1) How are advances in satellite television reception technology used by media industries to make international broadcasting content accessible to the public?

(2) What is the nature of public response to satellite broadcasting?

(3) What are the principal areas of objections raised by national governments to international broadcasting? What policy options have they used to further their perceived interests?

(4) What is the position of international law on transborder satellite broadcasting?

Tuen-yu Lau (1992) investigated government policy responses to satellite television through a case study of the Hong Kong Administration's negotiations with the holding company of Star TV, HutchVision, over the granting of uplink facilities to the broadcaster from the colony. He detailed the steps taken by the Administration to safeguard local cablecasting and advertising interests by imposing restrictions on the operations of Star TV. However, this study is inapplicable to other nations in the satellite footprint, who have to contend with satellite broadcast material over which they have no effective control. The case of the Netherlands and Sky TV is not representative of the current situation, because Europe had a regulatory framework, the European Broadcasting Union, within which the Netherlands could negotiate its response. Asia has no such organization so far. A separate study is needed to reveal how nations with no effective control over international broadcasters deal with such programming, which is what the this article sets out to do.

Methods

A case study of Star TV's reception in India serves as a useful example of satellite broadcasting in Asia. India's broadcasting system, a state-owned monopoly television network providing limited hours of programming over one or two channels, is typical of the region as a whole. Not only are the income levels and availability of technology comparable to those of other nations in the region, implying that the same pattern of hardware use will probably prevail, but India has been the explicit target of aggressive marketing efforts by Star TV itself [2]. As a result of these marketing efforts, growth figures have been higher in India, with the number of 'Star TV households' increasing by more than 200 percent between just January and June 1992 (Wallace, 1992). Although this aggressive promotion and eager response are exceptional, it only makes India's case a more valuable indicator of the likely future of Star TV in Asia.

Lau (1992) had identified three key players in broadcast regulation -- the government, the media industries and the public. The available literature on Star TV's proliferation reveals a triangular interaction between the three. Several media experts (Sondhi, 1992; Sarkar, 1992; Dua, 1992) and academics (Dyal, 1992) have written on Star TV in India, but these accounts remain partial and incomplete, because they do not bring out the full nature of this triangular interaction. This article seeks to present a comprehensive account of the Star TV phenomenon in India, and abstract the trends generalizable to satellite TV reception in Asia, using Lau's triangular format.

A constraint in analyzing the growth of Star TV in India is that the cable systems, through which the satellite signal is made accessible to the public, are wholly in the unorganized sector[3]. Because of this, audience ratings and statistics on the number of cable operators are available only from market research agencies, and the available figures from different sources vary. This is a limitation of a study of cable and satellite TV in India, as well as in most other Asian countries.

Satellite Television Technology and Industry Response

Traditionally, broadcast television has used satellites in point-to-point fashion, only as a link between large and costly terrestrial stations. In the early 1980s, improvements in dish antenna

technology permitted direct reception of satellite signals by small and relatively inexpensive satellite dishes. Star TV is made possible by an additional technical innovation. The AsiaSat I geostationary satellite is a refurbished communication satellite with a payload of 24 C-band transponders, intended for communication purposes like telephone, telegraph, and data transmission (World Radio & TV Handbook, 1992). These transponders are much weaker than those in a regular broadcast satellite, but their signals are available over a much larger area. Similarly, the Astra satellite, used to beam down Sky TV over Europe was also a renovated communication satellite. Improvements in dish technology enable receivers to access the weaker signal from communication satellites; this, accompanied by reduction in dish costs make regional television services like Sky and Star possible.

The most important part of a satellite TV reception system is a receiving antenna. In India, the New Delhi based CatVision was the pioneer in receiving antenna manufacture. In 1986, their huge C-band dish antennas, used primarily to access CNN, were priced at Rs. 175,000 (about $8000 at the 1986 exchange rate). The great popularity of the live coverage of the Gulf War gave a boost to the receiving antenna industry and attracted a number of manufacturers to the sector. Small manufacturing concerns imported specimen antennas from Singapore and Hong Kong, reverse engineered [4] new versions and marketed them, consequently bringing down prices and ultimately improving quality. For example, competition between the three large manufacturers of receiving antennas in India - Shyam Antenna Electronics, CatVision, and MC Engineering - has lowered the cost of receiving antennas which was Rs. 175,000 in 1986, to Rs. 125,000 (about $5000) in 1990, and to around Rs. 40,000 (about $1200) in 1991 (Nadkarni, 1991).

In spite of low prices, receiving antennas are still inaccessibly costly for most Indians. Small cable operations have come up in most Indian cities, which instal receiving antennas and provide access to satellite programming for the payment of an initial deposit and a small monthly fee. The fee ranges between $3 to $5 depending upon the number of channels provided and the quality of reception. Cable was launched in India as late as 1984. Two years later, around 125

cable systems were operating in the country. During the Gulf War, the number increased dramatically. A market research firm, Operations Research Group (ORG) estimated the number of cable systems in India in 1991 to be around 10,000 (quoted in Nadkarni, 1991).

Studies conducted in 1991 by a number of market research groups - Encore Cable Associates, ADMAR (the market research group of TSA-McCann Erickscn) and ORG Surveys - and compiled by Koppikar (1991) show that about 10.6 percent of the TV owning households in the country were hooked to cable systems, with a total audience of nearly 16 million for both cable and satellite transmissions. Cable penetration was about 23 percent in Bombay and 7 percent in the capital, New Delhi. The growth rate of the cable market was about 200 percent per annum. The entire industry was reckoned to be worth about Rs. 80-100 million (about $2.4 - 3 million).

An entire industry has grown up around the Star TV phenomenon, attracted by the enormous profits to be made in the booming market for services. The mentality of the cablecaster or hardware manufacturer seems to be to recoup investment, gain profits and quit before the government moves in with regulation. There are no long term interests to be protected. Competition is intense, but the risks are minimal in the growing market, and the profits enormous.

Public Response

The tremendous growth of the cable industry in India is partially due to the popularity of Star TV programs. A major draw is the additional programming that cablecasters provide over the network. In addition to the satellite feed, one or more channels of service are devoted to videotaped versions of films and other programming.

A study conducted by the Indian Institute of Mass Communication (Dyal, 1992) of 300 randomly selected respondents from households with access to foreign broadcast material reveals that cable TV has been used principally to watch the Hindi films that cablecasters provide. Fully 88 percent of the viewers watched Hindi movies on cable, and 77 percent watched English films. Other favorites were programs of film music (71%), devotional programs (57%), and children's films and cartoons (53%). Among the foreign programs provided by satellite, the BBC World

Service was the most popular with three-fourths of the respondents having watched it some time, and 22 percent being regular viewers. Fifty three percent of the respondents said that the BBC service has a wide, in depth and topical coverage. However, a minority of viewers felt that only sensational issues/items pertaining to India were covered by the BBC and that the service has little relevance to Indian viewers. A very high percentage of viewers (80%) felt that Star TV serials were more imaginative and creative than local productions. But there were voices of criticism too. A third of the respondents said that foreign serials were not relevant to India's culture, history, religion, and society. Many said that Star TV serials tend to glorify Western society and culture. Respondents also expressed worries about the possible effects of cable TV on children. Dyal (1992) does not say whether the negative effects were attributed to foreign programming specifically, or to cable TV in general.

Though Star TV programs are undoubtedly popular, these statistics indicate that not all viewers are attracted to cable by Star TV alone. Indigenous programming in terms of films and music programs are more popular than Star TV. But unquestionably, there is an ascending spiral of supply and demand driving the market for cable services. The net effect of the cable/Star TV phenomenon has been to reduce the viewership of the domestic broadcaster, Doordarshan.

Governmental Response

Governmental objections to Star TV in receiving nations are mainly related to economic reasons. Star TV is seen as a threat to domestic broadcast systems (Lau, 1992) and as a publicity instrument for foreign (and unwanted) commercial/manufacturing interests (Sondhi, 1992; Sarkar, 1992). Fears of the cultural effects of international broadcasting have not been a concrete element of the critique so far, probably because such effects manifest themselves only over a period of time. It is pertinent to point out that programming for the five channels of Star TV are obtained predominantly from Western sources, except for the Mandarin language channel. The other channels are Prime Sports from the Denver based Prime Network, the BBC's World Service News, Music TV from the United States, and an entertainment channel screening soap operas and

variety shows taken from Australian and American networks. (Taylor, 1992).

The government of India's public responses to Star TV, centered on commercial/economic objections, have been two-pronged: (1) To strengthen the domestic broadcasting network, Doordarshan, and make it competitive with Star TV, and (2) To regulate the cable systems which are seen as the principal vehicles for the dissemination of satellite television.

To improve the commercial performance of Doordarshan. Doordarshan, India's state owned monopoly broadcaster was begun as a UNESCO sponsored project in 1959. Till the 1982 Asian Games in New Delhi, Doordarshan had a very slow rate of growth, but in that year, began a process of phenomenal expansion, which made the signals accessible to about 90 percent of the population. But critics increasingly alleged that Doordarshan had become a heavily bureaucratized organization, which often functioned as a publicity arm of the federal government. Partially in response to this criticism, Parliament passed the Prasar Bharati Act in 1990, conferring autonomy on the broadcaster, under an independent Broadcasting Council. The Act is yet to be implemented. This situation forms the background to the following discussion on satellite broadcasting.

After the threat to Doordarshan from satellite broadcasting became apparent, the Indian government constituted a Committee of Enquiry on reform of Doordarshan, under K. A. Varadan, an official in the Ministry of Information and Broadcasting. The Committee submitted its report in October 1991. It recommended leasing out radio and television channels to private producers and setting up regional channels based in provincial cities (Sethi, 1992). Subsequently, a Metro channel available in the larger cities was being set up alongside the National channel. Sehgal (1992) quotes the Indian Minister for Information and Broadcasting, Ajit Panja saying that the Metro channel will have "plenty of entertainment programs, including talk shows, breakfast serials, sports, films and musical shows" (p. 8). Thus Doordarshan's Metro channel will seek to counter Star TV's encroachments on its territory, by providing a similar entertainment fare, with the added appeal that it is produced by domestic producers with domestic audiences in mind.

The Indian government has consistently tried to preserve news and current affairs over

television as its monopoly. During the debate on the constitution of Doordarshan's Metro channels, the Ministry of Information and Broadcasting maintained that private producers do not have sufficient expertise to handle news programs. The Ministry's Varadan Committee had also recommended that cross-media curbs [5] be applied in news-related programs on television, to prevent a monopoly in the area of news and the possible spread of misinformation. Sehgal (1992) quotes the Union Minister Ajit Panja justifying the cross-media curbs saying, "Just because the government wants to give up the monopoly does not mean that we allow another group or person to gain the monopoly in the print and electronic media" (p. 8). When CNN and the BBC started their direct broadcasts to India, the government's monopoly on news programs effectively collapsed. In October 1992, Doordarshan lifted cross-media curbs earlier in operation, thereby allowing newspapers and other publishing groups to compete for time on Doordarshan's proposed Metro channel for broadcast news programs (Tanna, 1992).

Regulation of cable television. A lot of attention has been devoted by the government to the regulation of the cable systems. Since the cable industry is of relatively recent origin, is in the unorganized sector and had not posed a threat to the state broadcasting monopoly until the advent of DBS, there was remarkably little legislation pertaining directly to it. Cablecasting falls under the provisions of the venerable Indian Telegraph Act, 1885 (Dua, 1992). Part I of the act defines a telegraph as "an electric, galvanic or magnetic telegraph, and includes appliances and apparatuses for making, transmitting or receiving telegraphic, telephonic or other communications by means of electricity, galvanism or magnetism," which definition includes receiving antenna and cable systems distributing satellite signals. Section 4 of the Indian Telegraph Act enables the government to "grant a license to any person, under any such conditions and in consideration of such payments as it thinks fit, to establish, operate or maintain a telegraph within any part of India" (Gaur, 1988, p. 35). Penalties for offenses under the act, which include establishing, operating or maintaining an unauthorized telegraph, include a fine of Rs. 50 (about $1.50) or up to three years' imprisonment. In this instance, mere possession of communication equipment by an unauthorized

agency does not constitute an offense; it has to be proved that the equipment was established, operated, or maintained (Gaur, 1988). The paltry nature of the penalties and difficulties in implementation encourage violations of the law. Rule 472 of the Indian Telegraph Rules, 1951 also states that if the cable TV network is confined to private premises and does not cross a public road, then it will not be deemed a telegraph and will not have to obtain a license from the Union Ministry of Communications or the local municipal corporation (Dua, 1992). This provision has been used by cable operators to evade licensing requirements, by confining their networks to high-rise apartment buildings without crossing public thoroughfares [6]. Enterprising cablecasters also connect cable systems via antennas through the air, eliminating the need for cables over streets (Barbhaya, 1991).

The Indian Telegraph Act (1885) does not make it illegal to manufacture and sell receiving antennas. However, the dishes can be legally used only to receive Doordarshan programs, and not foreign signals. Currently, receiving antennas can be installed for a payment of Rs. 10 per year (about 30 cents), soon to be increased to Rs. 200 per year, to the Union Ministry of Communications, with the rider that they are used only to receive Doordarshan signals from the Indian satellite, INSAT. This is the reason all licensees give in their applications for permission to instal receiving antennas, but is clearly not the exclusive use, given the size of Star TV viewership.

In June 1989, an Interdepartmental Committee of the Government of India on cable TV systems and dish antennas was set up headed by M. Damodaran of the Ministry of Information and Broadcasting. The Committee submitted its report in February 1991 ("Guidelines mooted for cable television"). It drew a clear distinction between cable TV systems with receiving antennas and those without it and submitted separate sets of recommendations to regulate the workings of both. The recommendations for cable systems without antennas were more lenient; they could be permitted to operate freely after the government had devised a regulatory mechanism to cover their operations. The regulations envisioned in both sets of recommendations aim to:

- prevent the spread of disinformation through the new communication medium

- to protect the existing and planned communication systems

- to ensure that the programs distributed through cable networks do not offend national sensitivity or violate generally accepted standards and values

The major recommendations of the Interdepartmental Committee were:

- Only those programs which have been declared fit for public exhibition by the Central Board of Film Certification should be aired. This rules out the distribution of all live programs; the Committee recommends exceptions only in the case of educational or special interest broadcasts.

- All signals available in an area, especially Doordarshan's, should also be carried.

- A National Cable Authority should be set up for the regulation of cable TV networks, to ensure that there is uniformity in the enforcement of standards. The Committee also noted that regulation of systems is not a federal subject [7], so licensing should be left to the state governments.

One of the recommendations of the Interdepartmental Committee was that licenses for receiving antennas should be given out only on condition that the programs received are not redistributed by cable systems. This recommendation is surprising because most of the receiving antennas currently in operation are connected up to cable networks for distribution of satellite signals. The cost of satellite dishes is still high enough to ensure that individual ownership is a rarity. The debate on the legislation is still going on. Meanwhile, the southern state of Tamil Nadu moved to impose restrictions on cablecasters on the basis of another legal instrument, the Copyright Act for films ("Cable TV operators' plea fails, but court gives them respite," 1991).

To sum up, the pace of government response to Star TV has been slow because the policy establishment does not yet recognize it as a major threat to its perceived interests. An audience of 16 million which Star TV claims is still minuscule in a country of 850 million. Advertisers have also stuck by Doordarshan so far, whose revenues have remained largely constant. Another factor is that the cable industry, in spite of high growth rates, still represents only a minor source of potential tax revenue for the government. Cablecasters do not claim institutional finance, and they represent no monopoly interests. Finally, there has been no public opposition to foreign

broadcasting nor are there any complaints against the technical quality of the services offered by cablecasters. The media have in fact been largely supportive of a freer broadcast environment. Thus there have been no inducements for the government to take quick action on the issue.

International Law

It has been pointed out in the previous section that governmental response has been largely domestic, in which the provisions of international law are rarely evoked. Only a brief overview is given here of the legal debate on satellite broadcasting, which bring out the essential terms and the viewpoints in the debate. The attempt is only to show that national opposition can be articulated in terms of international law, even if it has not been done so far.

Fisher (1991) makes a comprehensive case for full freedom of Direct Broadcast Satellite (DBS) activity, on the basis of two principles, freedom of broadcasting and freedom of information. Freedom of broadcasting dates to the advent of terrestrial radio. It was argued that electromagnetic waves have no material content, and hence the transmission of broadcast signals over a foreign state's territory does not constitute violation of sovereignty. The freedom of information principle limits the grounds under which a government can object to foreign broadcasts to a minimal list including the maintenance of morality, public welfare and general order. Fisher admits that the principle of freedom of information is not universally accepted, but argues that the freedom of broadcasting will still limit the range of excluded information and program content to the minimum. He advocates the joint proposal put forward by Canada and Sweden at the United Nations Committee on the Peaceful Use of Outer Space (COPUOS), whereby receiving states grant permission to entire DBS systems and not individual programs.

Taishoff (1987) enumerates the three areas in which a state can legitimately claim that its sovereign rights have been harmed through foreign broadcasts -- the political, economic and cultural. She says that the UN Secretariat and the International Law Commission have both decided that states have to consult all affected states before embarking on DBS activity, even when such activity is not illegal, but only suspected to have harmful consequences. "(I)f a state initiates, or

approves an activity which causes harm, be it material or moral, to another state without first having consulted with that state, the acting state could be held responsible for the non-observance of an international obligation" (Taishoff, 1987, p. 93). In order for a state to claim injury under this system, it is enough to establish that the acting state had failed to consult with it. Taishoff also states, quoting the Convention on International Liability for Damage Caused by Space Objects (1972), that governments remain responsible for all activities in outer space, be they governmental or non-governmental. The state is thus responsible for all activity carried out or controlled from the territory of the state, even by private parties.

There is considerable agreement that broadcast satellites should try to confine their footprints within national boundaries and "spill-over" be avoided as much as possible. For example, the World Broadcasting Satellite Administrative Radio Conference (1977) stated that, "there should be national coverage for each spot-beam based on a polygonal footprint, the vertices of which must lie within the national frontier; where there was a deliberate crossing of national frontiers, the agreement of countries so 'spilled-over' should be required" (Lyall, 1989, p. 384). However, as already pointed out, AsiaSat I used by Star TV is not a broadcast satellite, but a communication satellite designed to cover large land areas in its footprints, to which the ITU regulations on spill-over do not apply. This is a loophole in the law which Star TV has exploited.

The principle of international responsibility discussed by Fisher (1991) and Taishoff (1987) dictate that the Hong Kong government should have held prior consultations with national governments in the AsiaSat footprint before giving permission to the broadcaster. That there were no such consultations is a violation of the states' right to prior consultation and consent. However there exists no framework in the Asian context wherein nations can air grievances and seek the redressal of wrongs. The International Telecommunications Union covers Asia as well, it is a technical body, which cannot look into disputes on programming. There are precedents for supranational regulatory frameworks[8] covering both program content and technical aspects. It is in the interests of all Asian nations to form such a regulatory agency at the earliest.

Summary

Asia has finally and conclusively arrived in the era of international satellite broadcasting. All trends indicate that technology will only get simpler and cheaper, and increase access to satellite television signals. The governments, the media industries and the public have all responded differently to Star TV, motivated by different factors. Their triangular interaction has resulted in an open field for Star TV proliferation.

(1). Satellite receiving antennas connected to cable systems seem to be the most common means of making satellite signals available to the public. Industry has responded by providing both hardware and services. An entire hardware industry dealing in receiving antennas and cable equipment has come up in the wake of Star TV. Cable system services is another lucrative option for the small entrepreneur. Star TV is a money making opportunity for these businessmen.

(2). Public response to satellite broadcasting has been encouraging to broadcasters. The diversity of programming that Star TV has introduced into Asia has been welcomed. Governments in the more democratic Asian nations will find it difficult to move openly against Star TV, as the example of the Netherlands has shown. The audiences attracted to Star TV are predominantly middle class, affluent, and articulate enough to demand their freedom of information rights. There have been some voices of criticism against foreign broadcast content, but this has not affected the popularity of Star TV programs.

(3). Governments view Star TV primarily as a commercial/economic threat to domestic broadcasting systems and as a publicity tool for multinational corporations, rather than as a propaganda agent or socio-cultural influence. The policy responses of nations have been domestic, limited in India to regulation of the cable operations and reform of the domestic broadcaster to make it more competitive. Since Star TV has not yet diverted a major share of audience or advertising revenue from doordarshan, the Indian government has not given priority to its regulation. Also the media and the public have been largely supportive of greater diversity in broadcasting.

(4). No attempt has been made to gain the rights of prior consultation and consent guaranteed by international law. It is recommended that Asian nations should move towards a regional broadcast regulation agency like the EBU, in order to develop guidelines and rules for broadcasters. Also, Asian nations interested in regulation of Star TV broadcasts can lobby the International Telecommunication Union to extend the same conditions of prior consent and consultation in case of spill-over, applicable to broadcast satellites, to communication satellites too. This will eliminate one of the loopholes in the law used by agencies Star and Sky to establish supranational broadcast satellite systems.

References

Barbhaya, M. (1991, July 28). Hooked on. Sunday, pp. 76-79.

Cable TV operators' plea fails, but the court grants them respite. (1991, March 8). The Hindu, p. 3.

Dua, V. (1992, February). A case for cable. Seminar, pp. 33-35.

Dyal, R. (1992, March 21). Public response to cable TV. Mainstream, pp. 29-30.

Gaur, K.D. (1988). Law of international telecommunications in India. Baden-Baden, Germany: Nomos Verlagsgesellschaft.

Guidelines mooted for cable TV. (1991, February 22). The Hindustan Times, p. 10.

Jones, C. (1992, October 2). Satellite TV rattles Asian leaders. Christian Science Monitor, p. 1.

Koppikar, S. (1991, November 30). The great invasion. The Illustrated Weekly of India, pp. 16.

Lau, T. (1992). From cable television to direct broadcast satellite: Emerging policy issues in the Asia-Pacific region. Telecommunication Policy, 16, 576-590.

Lyall, F. (1989). Law and space telecommunications. Brookfield, VT: Dartmouth.

Nadkarni, S. (1991, September 8). Move over DD, cab TV's here. The Week, pp. 50-53.

Price, M.E. (1975). First amendment constraints and the direct broadcast satellite controversy. In A. Chayes, & P. Laskin (Eds.), Direct broadcasting from satellites: Policies and problems. Washington D.C.: American Society of International Law.

Sardesai, R. (1992, September 6). Wait and zee. The Times of India, p. 11.

Sarkar, C. (1992, October 17). Challenge before television in India. Mainstream, pp. 26-28.

Scott, M. (1990, June 14). Dishing the rules. Far Eastern Economic Review, pp. 34-39.

Sehgal, R. (1992, August 23). No news is good news. The Illustrated Weekly of India, pp. 8.

Sethi, S. (1992, February). The problem. Mainstream, pp. 12-14.

Sondhi, K. L. (1992, August 8). Winning the big battle in the sky. The Illustrated Weekly of India, pp. 6-8.

Taishoff, M. N. (1987). State responsibility and the direct broadcast satellite. New York: Frances Pinter.

Tanna, K.N. (1992, October 25). A change of image. Sunday, pp. 44-46.

Taylor, M. (1992 March 5). Celestial vision. Far Eastern Economic Review, pp. 59-60.

Wallace, C.P. (1992, October 20). Tuning in the global village. Los Angeles Times, p. 10.

Webster, D. (1984). Direct broadcast satellites: Proximity, sovereignty, and national identity. Foreign Affairs, 62, 1161-1174.

Westlake, M. (1991, May 30). Reach for the stars. Far Eastern Economic Review, pp. 60-61.

World Radio & TV Hand book. (1992). Amsterdam, Netherlands: Billboard AG.

Endnotes

1. The AsiaSat I communication satellite was launched by a Chinese Long March III rocket in April 1990, and positioned in a geostationary orbit at 105.5 ^{0}E, roughly over Singapore. Originally called Westar 6, and launched by the U. S. space shuttle in 1984, it failed to lift off into geostationary orbit and was retrieved by another space shuttle mission in 1985. It was afterwards sold to the AsiaSat Consortium, a joint venture of Hutchison Whampoa of Hong Kong, the China International Trust and Investment Corporation and Cable & Wireless plc of Britain. The satellite has 24 C-band transponders, of which 15 have been leased to Hong Kong, Myanmar, Pakistan and Mongolia. The rest are operated by Star TV, Hong Kong (World Radio & TV Handbook, 1992; Scott, 1990).

2. This was evident from the inauguration of a sixth network channel in Hindi in October 1992 (Sardesai, 1992).

3. In India, the unorganized sector refers to small scale businesses, self-employed entrepreneurship, etc., which are not financed institutionally. The thousands of local cable operators servicing apartment blocks and city localities are placed in the unorganized sector.

4. Reverse Engineering is the process by which a manufacturer acquires a finished product, breaks it down to component parts, and uses the design information thus gained to manufacture the same product. This violates patent protection, but is difficult to prove.

5. The cross-media curbs visualized by the Indian Ministry of Information and Broadcasting were on the lines of similar legislation in the U. S., which prevents a print media agency in single news paper towns from operating the local broadcast station too. The Indian Ministry had made it clear that the restrictions will not apply to newspapers with small circulations. Because these newspapers do not have the financial capability to bid for television news, the cross-media curbs in effect amounted to a blanket ban on newspaper interests.

6. This is similar to the Satellite Master Antenna Television (SMATV) systems in the U. S., also called private cable.

7. The Constitution of India divides all state activity into three lists, the Federal list, the State list and the Concurrent list. Legislation on the first and the second are the exclusive responsibility of the federal and provincial governments respectively, while the subjects in the Concurrent list can be legislated on by both. The regulation of cable systems falls in the State list.

8. Taishoff (1987) discusses the European Broadcasting Union (EBU) as an example of a regional association which "trie(s) to identify a common denominator of standards and considers its attempts to have been successful" (p. 40). As an example, she points out the Declaration of Principles regarding commercial Television Advertising Broadcast by DBS, passed unanimously by the EBU General Assembly in July 1983.