

No. 8/7/2020-BP&L
Government of India
Ministry of Information & Broadcasting

Shastri Bhawan, New Delhi
Dated, the 16th September, 2022

ORDER

Subject: Operational Guidelines for Direct-To-Home (DTH) Broadcasting Services in India – regarding.

The Government of India had notified the Guidelines for obtaining License for providing Direct-To-Home (DTH) Broadcasting Services in India vide order No.8/1/99-PBC.(Vol.II) dated 15.03.2001 and certain amendments therein have been notified vide Order No.8/3/2004-BP&L dated.01.06.2005, Order No.8/3/2004-BP&L dated 11.05.2006, Order No.8/12/2006-BP&L dated 31.07.2006, Order No.8/12/2006-BP&L dated 29.05.2007, Order No.8/12/2006-BP&L dated 10.09.2007, Order No.8/12/2006-BP&L dated 06.11.2007 and Order No. 8/7/2020-BP&L dated 30.12.2020.

2. It has been decided to issue operational guidelines in respect of License fee, Platform Service Channels and Sharing of Infrastructure by DTH operators. These provisions along with those contained in the said amendment vide Order No. 8/7/2020-BP&L dated 30.12.2020 will supersede the guidelines issued on 15.03.2001 and amended upto 06.11.2007 to the extent these change the relevant provisions of those guidelines and additions proposed hereinafter shall be read accordingly.

Encl: As above.


(Sanjiv Shankar)

Joint Secretary to the Government of India
Tele:011-23384453

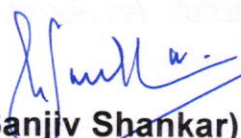
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Copy to:-

1. Cabinet Secretary, Cabinet Secretariat.
2. Secretary, Ministry of Home Affairs.
3. Secretary, Department of Telecommunications.
4. Secretary, Department of Expenditure.
5. Secretary, Department of Economic Affairs.
6. Secretary, Department of Revenue.
7. Secretary, Department of Space.
8. Secretary, Department of Commerce.
9. Secretary, Department of Promotion of Industry and Industrial Trade (DPIIT).
10. Secretary, Ministry of Corporate Affairs.
11. Secretary, Ministry of Electronics and Information Technology (MeitY)
12. Secretary, Department of Legal Affairs.
13. Secretary, Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College), Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110 002.
14. CEO, Prasar Bharati.
15. Wireless Advisor, Wireless Planning Coordination, Department of Telecommunication, Ministry of Communication, 20 Ashoka Road, New Delhi.
16. Dy. Director General, Network Operational & Control Centre, Department of Telecommunication, Room No.212-214, Eastern Court, Janpath, New Delhi.
17. All DTH Operators.

Copy for information to:

1. PS to HMIB
2. PPS to Secretary (I&B)
3. Sr. PPS to AS & FA, M/o I & B
4. Sr. PPS to AS (I&B)
5. PPS to JS(P&A), M/o I & B
6. PPS to JS(B-II), M/o I & B
7. PPS to JS(Films), M/o I & B
8. PS to Sr. Economic Advisor, M/o I & B


(Sanjiv Shankar)

Joint Secretary to the Government of India
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MINISTRY OF INFORMATION & BROADCASTING
OPERATIONAL GUIDELINES IN RESPECT OF LICENSE FEE, PLATFORM
SERVICE CHANNELS AND SHARING OF INFRASTRUCTURE BY DIRECT TO
HOME SERVICE PROVIDERS IN INDIA

(Enclosed with Order No.8/7/2020-BP&L dated 16th September, 2022)

1. PAYMENT OF LICENSE FEE

- (i) The Licensee shall pay an annual fee equivalent to 8% of its Adjusted Gross Revenue, calculated by excluding GST from Gross Revenue (GR) as reflected in the audited accounts of the Company for that particular financial year.
- (ii) The minimum annual license fee shall be subject to 10% of the Entry Fee.
- (iii) The license fee is to be paid on a quarterly basis, the quantum thereof to be equal to the actual License Fee payable for the preceding quarter. The first payment of license fee for the previous quarter shall be made on the basis of provisional account for the quarter within one month of the end of a particular quarter. The annual settlement of the License Fee shall be done at the end of the financial year.
- (iv) The payment of license fee for the 4th quarter shall be made after adjustments and settlements of accounts for the whole year and on the basis of the finalised audited statement of the entity and latest by 30th September succeeding the financial year.
- (v) The licensor will have the right to modify the license fee as a fixed percentage of AGR during the validity of license period.

2. PLATFORM SERVICE CHANNELS

- (i) The Platform Services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India.

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- (ii) The programme transmitted by the DTH operator as a platform service shall be exclusive and the same shall not be permitted to be shared directly or indirectly with any other Distribution Platform Operator (DPO).
- (iii) In case the same programme is found available on the PS of any other DPO, MIB may issue direction to immediately stop the transmission of such programme. MIB also reserves the right for cancellation of registration of such PS of the DTH operator.
- (iv) Total number of permitted PS for a DTH operator shall be capped to 5% of the total channel carrying capacity of the DTH operator platform.
- (v) A one-time non-refundable registration fee of ₹10,000 per PS channel shall be charged from a DTH operator.
- (vi) The DTH operators shall provide an option of activation/deactivation of platform services as prescribed in the orders/directions/regulations issued by TRAI from time-to-time.
- (vii) The platform services channels shall be categorised under the genre 'Platform Services' in the Electronic Programmable Guide (EPG) subject to orders/directions/regulations issued by TRAI from time-to-time.
- (viii) The respective maximum retail price (MRP) of the platform service shall be displayed in the EPG against each platform service subject to orders/directions/regulations issued by TRAI from time-to-time.
- (ix) A provision for putting a caption as 'Platform Services' shall be required to distinguish the platform services from the linear channels.
- (x) A DTH operator, who wants to operate Platform Service Channel, is required to furnish an application for the same in the prescribed proforma as per 'FORM-E'.

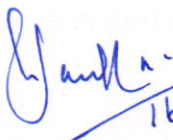
3. SHARING OF INFRASTRUCTURE BY DTH OPERATOR

- (i) General Sharing of the infrastructure – Wherever technically feasible, the DTH operator may share the DTH Platform infrastructure on voluntary basis. The infrastructure sharing of DTH Platform will be allowed for DTH services

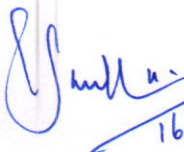
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only and not for other distribution platform operators like MSOs or HITS operators.

- (ii) For infrastructure sharing the new applicant and existing licensee will jointly submit a detailed proposal for infrastructure sharing giving details of the infrastructure proposed to be shared and in the manner infrastructure is proposed to be shared as well as roles and responsibilities of each to Min of I&B with a copy to WPC and NOCC, DoT. The proposal should contain:
 - (a) Acceptance from all concerned stakeholders for sharing the infrastructure.
 - (b) Copies of the Agreements between the parties sharing the infrastructure with conditions stipulated in the guidelines.
 - (c) An undertaking by both the parties proposing to share the infrastructure that under the sharing arrangement proposed, there will not be any violation of the underlying terms and conditions of the licence granted.
- (iii) No Objection / Permission for sharing of infrastructure will be subject to security clearance by Ministry of Home Affairs; Clearance of satellite use and transponder sharing from Department of Space; Wireless Operating License issued by Wireless Planning and Coordination Wing; and National Operational Control Centre (NOCC-DOT) certification.
- (iv) The sharing of the Satellite resources and Up-linking infrastructure (on voluntary basis) will be allowed with the written permission of MIB, DOS, WPC and NOCC, DoT.
- (v) For a new DTH operator to use existing DTH platform and infrastructure, the condition in the existing guidelines relating to hiring of satellite capacity and setting up of the Earth station, will stand modified accordingly to the extent as per these amended guidelines.
- (vi) However, the DTH operator providing DTH service using the shared infrastructure with another operator can establish, maintain and operate its own DTH platform at a later stage within the license validity period, following due procedures.

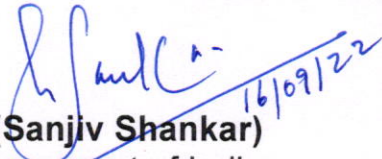

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- (vii) To ensure continuity of service to subscribers in the event of any disaster, the operator should have arrangement of sharing disaster recovery system in hot-standby mode.
- (viii) The applicant/ new DTH operator proposing to share the transport stream of TV channels should have valid written inter-connection agreements with the concerned broadcasters for distribution of pay TV Channels to the subscribers.
- (ix) For CAS & SMS, sharing parties may use common hardware. Details of such arrangement should be intimated to MIB and broadcasters, 30 days in advance. However, the respective operator will be accountable for integrity and security of CAS and SMS data pertaining to the respective operator. Maintenance of historical logs of data of CAS and SMS for two years will be the responsibility of respective operator individually.
- (x) Allowing access to CAS & SMS for audit purpose and also to the authorised officers of Govt. and their representatives will also be the responsibility of the respective operator individually.
- (xi) For transport stream sharing each distributor shall be individually responsible for setting up the system and processes which ensure that the broadcasters can exercise right for disconnection in case of default of payment or due to any other reason in terms of inter connection agreements between the broadcaster and the distributor and the relevant regulations in place.
- (xii) The permission will be granted subject to following conditions:
- (a) The adherence and compliance to all the provisions of the rules and guidelines issued by MIB and WPC & NOCC, DoT for grant of licence to the DTH operator will be the responsibility of the existing operator and the new applicant proposing to share the infrastructure to the extent as may be required/ applicable individually.
- (b) Each distributor in sharing environment should undertake to ensure the encryption of signals and addressability to all the subscribers in all circumstances and provide requisite access for Audit or for authorized officers of Government wherever demanded.


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- (c) Accountability of operators is ensured with reference to the SMS, their respective subscribers and to the respective state Governments and local administration as well as to the Central Government on all relevant aspects of Tax collection.
- (d) Compliance to TRAI regulation pertaining to CAS/SMS, Finger printing, STB as per Schedule III of the regulation will be the responsibility of the respective operator individually to ensure proper reporting of subscriber's base, checking unauthorised distribution and piracy.

Note: Please note that all permissions & approvals and final up linking permissions in all cases will continue to be taken from NOCC as per existing guidelines, norms and practice.


(Sanjiv Shankar)
Joint Secretary to the Government of India
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Form-E

Application for Platform Service channel

1. Name of Applicant Company:
2. Address of the Applicant Company
 - I. Head Office :
 - II. Regional Office :
3. Corporate Identification Number (CIN) allocated by Registrar of Companies (RoC) :
4. Identity of its beneficial owners:
5. Total channel carriage capacity:
6. Area of Operation:
7. Details of Platform Services channels:

I. Existing Platform Services channels offered:

S.No.	Name of Channel	Logical Channel No.	Nature / genre of content	Satellite used

II. New Platform Services channels to be offered:

S. No.	Name of Channel	Logical Channel No.	Nature / genre of content	Satellite used

Declaration:

It is hereby declared that the programme/content transmitted on the above-said platform channels is exclusive to the platform of M/s..... and shall not be shared directly or indirectly with any other distribution platforms.

Jamal K.
16/09/22

Signature

(Name of the Authorized signatory)

Tele No:

Email Id: