

संचार सहायिदिना (संचार एवं प्रशासन)
DDG (2005-06) 224-4
दिनांक/Date: 23/2/09

Government of India
Ministry of Communications and IT
Department of Telecommunications
(AS-II Cell)

Sanchar Bhawan, 20, Ashok Road, New Delhi-110117

No.842-725/2005-VAS(Vol.II)/34

Dated: 19th Feb, 2009

To

All Cellular Mobile Telephone Service Licensee(s) in Metro Service Areas to whom CMTS Licences issued prior to 2001

Subject: Amendment to the Cellular Mobile Telephone Service Licence Agreement for Metro Service Areas issued prior to 2001.

In exercise of the power vested in the Licensor under clause 13 (ii) of Cellular Mobile Telephone Service (CMTS) Licence Agreement, inter-alia, reserving the right to modify at any time the terms and conditions of the LICENCE, in public interest, security of the nation or proper conduct of the SERVICE, the Licensor hereby inserts, with immediate effect, the following clause(s) of the said Licence, namely:-

- 12.7(a) The licensee before providing IPTV will give a self-certified declaration in the specified format to the Licensor, M/o I&B and TRAI giving details of licence no. and service area under which IPTV service is proposed to be provided / started, the start date, the areas being covered, details of network infrastructure etc.
- 12.8(a) Telecom licensee while providing TV channels through IPTV shall transmit only such broadcast satellite television channels in exactly same form (unaltered) which are registered with or are otherwise permitted by the Ministry of Information and Broadcasting. In such cases, the responsibility to ensure that content is in accordance with the extant laws, rules, regulations etc. shall be that of the broadcaster and telecom licensee will not be held responsible. The IPTV service provider shall not carry any broadcast satellite television channels prohibited either permanently or temporarily or not registered with the Ministry of Information & Broadcasting.
- 12.8(b) The Telecom Licensee while providing TV services can obtain content from the Multi System Operator or the Cable Operator for providing IPTV services.
- 12.8(c) Telecom Licensee providing IPTV will show only those News and Current Affairs television channels which have been registered with Ministry of Information and Broadcasting. They will not produce or provide any other broadcast or non-broadcast channel having any element of News and Current Affairs.

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निदेशक (आड. टी.) / Director (IT)
डा. सं./Dy No. 108
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- 12.8 (d) The provisions of Programme code and Advertisement code as provided in Cable Television Network (Regulation) Act 1995 and Rules thereunder shall be applicable even in the case of contents other than TV channels from broadcast provided by the Telecom IPTV service provider. Since it is the telecom licensee who will be providing this content, therefore, he shall be responsible for ensuring compliance to the codes with respect to such content. In addition to this, such licensees will also be bound by various Acts, instructions, directions, guidelines issued by the Central Government from time to time to regulate the contents.
- 12.8(e) If the contents are being sourced from content providers other than Licensee, then it will be the responsibility of Licensee to ensure that their agreements with such content providers for the IPTV service contain appropriate clauses to ensure prior compliance with the Programme and Advertisement Codes and other relevant Indian laws, civil and criminal, regarding content.
- 12.8(f) The Central Government in the Ministry of Information and Broadcasting shall have the right to notify the number and names of channels of Prasar Bharati or any other channel for compulsory carriage by the IPTV service provider in his service and the manner of reception and retransmission of such channels.
- 12.8(g) Telecom licensee while providing IPTV services should provide commercial interoperability so that if the subscribers decide to switch over to any other service provider or platform, they should be able to do so at least cost. Commercial interoperability here would mean that in addition to offering the receiver set on an outright purchase basis, a subscriber should also have the option to purchase it on a hire-purchase basis or on rental basis with a provision to return the receiver set on such terms and conditions as may be laid down by regulations issued by TRAI.
- 12.9(a) The Government in the Ministry of Information and Broadcasting may direct the Licensee providing IPTV service to ensure preservation and retention for a period of 90 days unless specified otherwise, of different kinds of content made available to their subscribers and requires it to ensure its security and also that it is not tampered with during such period. The Licensee providing IPTV service may be required to produce the same to the Government or its authorized representative, as and when required and the Licensee providing IPTV service will be required to ensure compliance to all such directions.
- 12.9(b) The Licensee providing IPTV service shall provide the necessary facility for continuous monitoring of the IPTV network at its own cost and maintain the recordings of programmes and advertisements carried on the network for a period of 90 days unless specified otherwise, from the date of broadcast and produce the same to the Government or its authorized representative, as and when required. The monitoring system must provide Set of Box subscriber information as well as contents to the law enforcement agency in plain readable, audible and viewable format as the case may be.

Provided that in case of any dispute, the records of broadcast of programmes and advertisements shall be maintained till final disposal of the dispute.

Provided further that the IPTV service provider shall provide access to the Government or its authorized representative to all its facilities, including equipments, records, system etc. for purposes of inspection.

- 12.9(c) On demand by the Government in the Ministry of Information and Broadcasting or its authorized representative, Licensee providing IPTV service shall provide the necessary equipment, services and facilities at designated place(s) for continuous monitoring of the IPTV service by or under supervision of the Government or its authorized representative.
- 12.9(d) The Licensee providing IPTV service shall submit such information with respect to its service as may be required by the Government in the Ministry of Information and Broadcasting or its authorized representative from time to time.
- 12.9(e) The Licensee providing IPTV service shall furnish any such information at periodic intervals as may be required by the Government in the Ministry of Information and Broadcasting or its authorized representative concerning Programme Content and Quality, Technical parameters etc. relating to the service in the format as may be required by the Government or its authorized representative from time to time.
- 12.9(f) The Licensee providing IPTV service shall furnish the complete details such as name, technical details and license etc. of the value added service being provided through IPTV network.

Provided that in case any new value added service is added to the network, the Licensee providing IPTV service shall obtain prior approval of the Government or licensing authority. The Government or the licensing authority may from time to time, prescribe or prohibit certain value added services.

- 12.9(g) Any breach of the provisions of Act / License / Registration / Permission by Licensee / cable operator/ Broadcasters shall be dealt with by designated agencies which are responsible for administering such Acts / License / Registration / Permissions.
- 12.9(h) The Government shall have the right to modify at any time the provisions of these guidelines and / or the terms and conditions of permission / registration, if in the opinion of the Government, it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.
- 12.9(i) The decision of the Ministry of Information & Broadcasting to any violation of prevailing Acts/Rules/Guidelines pertaining to their administrative

jurisdiction in respect of content carried on IPTV service shall be final. The quantum of penalties for such a violation will be decided by licensor in consultation with respective Ministries/Department.

- 8.1A(i) The LICENSOR or its authorized representative or Ministry of Information & Broadcasting (for IPTV Service) or its authorized representative shall have right to inspect the sites used for extending the Service and in particular but not limited to, have the right to have access to leased lines, junction, terminating interfaces, hardware/software, memories of semiconductor, magnetic and optical varieties, wired or wireless option, distribution frames, and conduct the performance test including to enter into dialogue with the system through input/output devices or terminals. The LICENSEE will provide the necessary facilities for continuous monitoring of the system, as required by the LICENSOR or its authorized representative(s). The inspection will ordinarily be carried out after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.
- 8.1A(ii) Wherever considered appropriate LICENSOR or the Ministry of Information & Broadcasting (for IPTV Service) may conduct any inquiry either suo-moto or on complaint to determine whether there has been any breach in compliance of terms & conditions of the LICENCE by the LICENSEE and upon such inquiry the LICENSEE shall extend all reasonable facilities without any hindrance.

Part I of Schedule C

1.(h)(1)

“An **IPTV(Internet Protocol Television)** service (or technology) is the new convergence service (or technology) of the telecommunications and broadcasting through QoS controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of a considerable number of multimedia contents such as Video, Audio , data and applications processed by platform to a customer via Television, PDA, Cellular, and Mobile TV terminal with STB module or similar device.”

20/11/09
(B.L. Panwar)
ADG(VAS-II)

Copy to:

1. Secretary, TRAI, New Delhi
2. Wireless Advisor, WPC Wing, New Delhi
3. Sr.DDG(WPF), DoT, New Delhi
4. DDG(Security), DoT, New Delhi
5. DDG(AS-I), DoT, New Delhi
6. DDG(LF), DoT, New Delhi
7. DDG(C&A), DoT for posting on the DoT website