

No. N-36012/5/2020-BP&L
Government of India
Ministry of Information & Broadcasting

Shastri Bhawan, New Delhi
Dated, the 06th November, 2020

ORDER

In pursuance of the powers conferred under para 19.3 of the “Headend-in-the-Sky (HITS) Guidelines for Broadcasting Service in India” dated 26.11.2009, the Government of India hereby decides that the following shall be added after para 15 of the existing HITS Guidelines as paras 16 and 17 as under:

Para 16 : Sharing of Infrastructure by HITS operator:

16.1 General Sharing of the infrastructure – Wherever technically feasible, the HITS operator may share the platform infrastructure on voluntary basis, in flexible ways, for distribution of TV channels provided that the signals of the HITS platform are distributed to subscribers through Cable operator only and the encryption of signals, addressability and liabilities are not compromised.

16.2 Sharing of its transport stream transmitted by HITS platforms, between HITS operators and MSOs will be permitted.

16.3 The HITS platform will not be allowed to be used as teleport for up linking of TV channels.

16.4 HITS operator willing to share its transport stream with an MSO, should ensure that MSO has valid written interconnection agreement with the concerned broadcasters for distribution of Pay TV channels to the subscribers.

16.5 For sharing of infrastructure by HITS operator with MSO, the operator will be allowed sharing only on Indian controlled satellites. A written permission from Department of Space (DOS) would be required in this regard.

16.6 For infrastructure sharing, the new applicant(s) and existing licensee(s) will jointly submit a detailed proposal for infrastructure sharing giving details of infrastructure proposed to be shared and in the manner infrastructure is proposed to be shared as well as roles and responsibilities of each party to Ministry of Information and Broadcasting with a copy each to NOCC and WPC, DoT.

The proposal should contain:

- (i) Acceptance from all concerned stakeholders for sharing the infrastructure in writing.
- (ii) No Objection / Permission for sharing of infrastructure will be subject to:
 - a. Security clearance by Ministry of Home Affairs,

- b. Clearance of satellite use and transponder sharing from Department of Space,
- c. Wireless Operating License issued by Wireless Planning and Coordination Wing,
- d. National Operational Control Centre (NOCC-DOT) certification

(iii) Copies of the Agreements between the parties sharing the infrastructure with conditions stipulated in the guidelines.

(iv) An undertaking by both the parties proposing to share the infrastructure that there will not be any violation of the underlying terms and conditions of the licence granted or to be granted.

16.7 The sharing of the Satellite resources and Up-linking infrastructure (on voluntary basis) will be allowed with the written permission of MIB and WPC and NOCC, DoT.

16.8 To enable sharing of HITS infrastructure and Transport stream, 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.

16.9 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.

16.10 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 HITS operator, MSO/cable operator will be accountable for integrity and security of CAS and SMS data pertaining to the respective operator.

16.11 Maintenance of historical logs of data of CAS and SMS for two years will be the responsibility of respective operators individually.

16.12 The 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.

16.13 For transport stream sharing each operator 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 operator as well as the relevant regulations in place.

Para 17: The permission will be granted subject to following conditions:

17.1 The adherence and compliance to all the provisions of the rules and guidelines issued by MIB and NOCC and WPC, DoT for grant of licence to the HITS operator will be the responsibility of the both, the existing operator and the new applicant proposing to share the infrastructure, respectively to the extent as required / applicable individually.

17.2 Each operator 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.

17.3 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.

17.4 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.

2. The Paras 16,17,18 and 19 and their sub-Paras in the existing HITS Guidelines are renumbered as Paras 18,19,20 and 21 and their sub-Paras respectively.


(Neerja Sekhar)

Joint Secretary to the Government of India

Copy to:-

1. Cabinet Secretary, Cabinet Secretariat.
2. Secretary, Ministry of Home Affairs.
3. Secretary, Department of Telecommunications
4. Secretary, Department of Economic Affairs.
5. Secretary, Department of Revenue
6. Secretary, Department of Space.
7. Secretary, Ministry of Commerce and Industry
8. Secretary, Ministry of Corporate Affairs
9. Secretary, Department of Promotion of Industry and Industrial Trade (DPIIT)
10. CEO, Prasar Bharati

11. Secretary, Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College), Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110 002
12. M/s IndusInd Media & Communication Ltd. IN Centre, 49/50, MIDC, 12th Road, Andheri (East), Mumbai-400012