

No. 8/ 3/ 2004-BP&L  
Government of India  
Ministry of Information & Broadcasting

New Delhi, dated the 1<sup>st</sup> June, 2005.

**ORDER**

**The Government of India hereby decides that the following shall be added as Clauses 1.7, 5.2, 6.5 and 6.6 to the " Schedule to the License Agreement" for DTH Services**

"1.7: Any change in the equity structure of the Licensee Company as well as amendment to shareholders agreement, wherever applicable, shall only be carried out in consultation and with prior approval of Licensor."

"5.2: The Licensee shall invariably ensure that the subscribers of the service do not have access to any pornographic channel or to secret/ anti-national messaging and the like. If the Licensee fails to do so , the License shall stand cancelled."

"6.5: The Licensee shall not carry the signals of a broadcaster against whom any regulatory body, tribunal or court have found the following

- (i) refused access on a non-discriminatory basis to another DTH operator contrary to the Regulations of TRAI
- (ii) violated the provisions of any law relating to competition including the Competition Act."

"6.6: The Licensee shall not enter into any exclusive contract for distribution of TV Channels."

" [ **Explanation:** It shall be the sole responsibility of the licensee to ascertain before carrying its signals on its platform whether any broadcaster(s) has been found to be in violation of the above conditions or not . In respect of TV Channels already being carried on the platform, the licensee shall ascertain from every source including the licensor, TRAI, Tribunal or a court, whether concerned broadcasters or the channels is in violation of the above conditions. If any violation so comes to its notice, the licensee shall forthwith discontinue to carry the channels of the said broadcaster]"

The above provisions would come into effect immediately and would also be applicable in respect of license agreements already executed.

**(R. Parasuram)**

**Joint Secretary to the Government of India**

**Copy to: -**

1. Cabinet Secretary, Cabinet Secretariat.
2. Secretary, Department of Telecommunications.
3. Secretary, Ministry of Home Affairs.
4. Secretary, Ministry of Finance.
5. Secretary, Department of Revenue.
6. Secretary, Department of Space.
7. Secretary, Department of Information Technology.
8. CEO, Prasar Bharati.
9. Secretary, TRAI.