भारत का राजपत्र

The Gazette of India

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 479]  
No. 479]

भारत देश, न्यु डिल्ली, सध्या 31, 2007/ कार्तिक 9, 1929
NEW DELHI, WEDNESDAY, OCTOBER 31, 2007/KARTIK 9, 1929

नूबना और प्रसारण पदाताम
अधिनियमना

नई दिल्ली, 31 अक्टूबर, 2007

सं. 479]  
No. 479]

नई दिल्ली, न्यु डिल्ली, सध्या 31, 2007/ कार्तिक 9, 1929
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1. संक्षिप्त नाम और प्रारंभ—(1) इन नियमों का संक्षिप्त नाम खेट प्रसारण नियमांक (प्रसार भारती से सम्बन्धित अधिनियम) नियम, 2007 है।

2. संदर्भ—(2) इन नियमों के बच तब संदर्भ से अनुच्छे न है,—

(क) "अधिनियम" से खेट प्रसारण नियमांक (प्रसार भारती से सम्बन्धित अधिनियम) अधिनियम, 2007 (का 11) का अधिनियम है;

(ख) "अवलोकन अधिकार स्थानीय या धारक" से ऐसे कोई धारक आर्थिक है जो तालिम भारतीय राज्यों के भीतर राजस्थानी महान देशों में खेत आयोजन के संबंध में प्रसारण अधिकार रखता है या धारण करता है;

(ग) उन घटनाओं और पदों के जो इन नियमों में परिभाषित नहीं हैं तबत अधिनियम में परिभाषित नहीं हैं जबकि अधिनियम में परिभाषित है वहाँ अर्थ ही हो जो प्रारम्भ: अधिनियम में है है।

3. प्रसार भारती से सम्बन्धित प्रसारण सिद्धांतों की इस्तेमाली—(1) प्रस्ताव अवलोकन अधिकार का स्थानीय या धारक

और किसी भी तेलों आयोजन या उत्पादन प्रसारण सेवा प्रसारण जो किसी जेल तेलों आयोजन ने द्वारकाम न बीमा ने वर्तमान पर राजस्थान महान देशों में खेत आयोजनों का लिए प्रसारण करने का अधिकार रखता है तो वह इस्तेमाल द्वारकाम या प्रसारण का प्रसारण तत्त्वेत्तिः के अनुसार संबंध से कार्य से काम पूर्व तय व सारे अन्य कार्य को सुरक्षित करेगा और सारे इस्तेमालों की उप रथी से और ऐसे इस्तेमालों से संबंधित पर जो नित्य विशेषका हैं, इस्तेमालों की प्रसारण करेगा।

(2) अवलोकन अधिकार का स्थानीय या धारक और किसी भी तेलों आयोजन या उत्पादन प्रसारण सेवा प्रसारण, प्रसार भारती का उपस्थिति, दुर्घटना के मार्ग नियमित का या अन्य कार्य अन्य नियमित का स्वर्ण के सारे पर दृष्टि किए सिद्धांत उपस्थित करेगा।

(3) अवलोकन अधिकार का स्थानीय या धारक द्वारकाम से प्रसारण जो बाले सिद्धांत स्वतंत्र या इस्तेमालों से सुन्दर वाणिज्यिक विकास से सुन्दर सम्बन्धित रूप से पोषित किए जाते हैं जैसे कि भारत में प्रसारण से प्रसारण द्वारकाम उपस्थित करेगा।

(4) उपनिमन (2) और उपनिमन (3) में निर्दिष्ट सिद्धांतों में उपस्थि सिद्धांत और पहल सिद्धांत से सिद्धांत सम्बन्धित होगा।

(5) प्रसार भारती की भारत में उपलब्ध किसी बैल्क ने प्रायौं के विविध का लगाने की बाध्यता नहीं होगी।

(6) प्रसार भारती को समन उपस्थिति करने, पूर्ब को, बाद को, और वर्तमान प्रसारण के अधिकार करेगा।

(7) प्रसार भारती को प्रकट अवलोकन के एक और एकम बैल्क सहीत अन्य दर्जन और द्वारकाम द्वारकाम को सिद्धांत पुनः परीक्षित करने का अधिकार है।

4. प्रसारण राजस्थान और वाणिज्यिक समर्थ विपणन की इस्तेमाली—(1) प्रसार भारती नियम 3 के उपनिमन (1) के
G.S.R. 687(E).—In exercise of the powers conferred by Section 7 of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 (Act 11 of 2007), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Sports Broadcast Signals (Mandatory Sharing with Prasar Bharati) Rules, 2007.
2. Definitions.—In these rules, unless the context otherwise requires—

(a) ‘Act’ shall mean the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 (Act 11 of 2007);

(b) ‘content rights owner or holder’ shall mean a person for the time being having or holding the broadcasting rights in respect of a sporting event of national importance within the territory of India;

(c) words and expressions not defined in these rules but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

3. Sharing of Sports Broadcasting Signals with Prasar Bharati.—(1) Every content rights owner or holder and television or radio broadcasting service provider intending to carry a live television broadcast on any cable television network or Direct-to-Home network or intending to make a radio commentary broadcast in India, of a sporting event of national importance shall at least forty five days prior to the proposed date of telecast or broadcast, inform the Prasar Bharati about the same and offer to share the live signals in the manner and on such terms and conditions as are hereunder specified.

(2) The content rights owner or holder and television or radio broadcasting service provider shall provide the live signals to the Prasar Bharati at the Master Control Room of Doordarshan or as the case may be, the Master Control Room of All India Radio, at its own cost.

(3) The signals to be shared with the Prasar Bharati by the content rights owner or holder, shall be the best feed with all features as that of provided to a broadcast service provider in India, free from commercial advertisements.

(4) The signals referred to in sub-rules (2) and (3) shall include signals of the pre live event and the post live event coverage.

(5) The Prasar Bharati shall not be under any obligation to carry the logo of any channel available in India.

(6) The Prasar Bharati shall have all the rights to generate, pre, post and intermission programming.

(7) The Prasar Bharati shall have the right to retransmit the signals on its terrestrial and Direct-to-Home networks including the AM and FM channels of the All India Radio.

4. Sharing of advertisement revenue and Marketing of commercial time.—(1) The Prasar Bharati shall on being informed in terms of sub-rule (1) of rule 3 or otherwise, take steps to determine who out of the two, that is the content rights owner or holder or the Prasar Bharati, shall undertake the marketing of commercial time generated by the retransmission on the Prasar Bharati’s Channel and either of the party, which offers to maximize the revenue, shall get the marketing rights.

(2) For the purposes of sub-rule (1), a sealed bid procedure shall be adopted and such bids shall be opened in presence of representatives of both the parties and the party bidding higher shall get the marketing rights.

(3) The final amount so determined shall be the guaranteed net revenue after payment of taxes and duties, offered by the party getting the marketing rights and the revenue to be shared between the parties shall be the higher of the guaranteed revenue or actual revenue realised.

(4) The party getting the marketing right shall give a bank guarantee to the other party for an amount equal to the other party’s share of guaranteed revenue which shall be valid for a period of six months from the first day of the month in which the guaranteed revenue comes to an end.

(5) The party having the marketing rights shall be entitled to obtain all release orders and payments in its name and all payments shall be received by it only by way of account payee cheques, which shall be deposited in a designated escrow account from which the parties shall be at liberty to make withdrawals after discharging the tax liability.

(6) The party having the marketing rights shall submit to the other party complete accounts of revenue earnings, duly audited by a chartered accountant and along with all the release orders; and shall pay the entire guaranteed amount as well as any other amount to which the other party is entitled as per the revenue sharing formula under the Act and sub-rule (3) of rule 4, within seven days from the first day of the month succeeding the month in which the sporting event comes to an end.

5. Responsibility of a television or radio channel broadcasting the sporting event.—If the television or radio broadcasting service provider is different from the content rights owner or holder, it shall be its duty to ensure that adequate arrangements for compliance with the provisions of the Act and the rules are made, at the time of acquisition of the rights from the content rights owner or holder.

6. Manner of declaration of sporting events of national importance.—(1) The list of sporting events of national importance shall be determined and notified by the Ministry of Information and Broadcasting in consultation with the Ministry of Youth Affairs and Sports and the Prasar Bharati.

(2) An event of national importance once included in the list shall remain a sporting event as such for a period of four years from the date of its inclusion unless deleted or withdrawn earlier.
(3) The Ministry of Information and Broadcasting may, review the list of sporting events of national importance at any time and at least once in the month of February of each calendar year as per sub-rule (1), and consider new proposals for inclusion or deletion and notify amendments, if any.

7. Liability of television or radio broadcasting service provider or content rights owner or holder in certain cases of violations.—(1) Subject to the provisions of the Act, the Central Government may, in the event of any violation of a term or condition specified under Section 3 of the Act or these rules, impose a penalty for each day till the violation continues.

(2) The penalty in case of television or radio broadcast service provider under sub-rule (1) shall be without prejudice to any action that the Central Government may take against them by way of suspension or revocation of licence or permission or registration.

(3) No penalty under sub-rule (1) or (2) shall be imposed unless a reasonable opportunity of being heard is given to the television or radio broadcasting service provider or the content rights owner or holder.

8. Partial supersession of guidelines.—These rules partially supersede the Guidelines for Uplinking from India, dated 2nd December, 2005 and the Policy Guidelines for Downlinking of Television Channels, dated 11th November, 2005 issued by the Government of India in the Ministry of Information and Broadcasting, insofar as they relate to sharing of sports broadcasting signals with the Prasar Bharati in case of sporting events of national importance and the terms and conditions relating thereto.

ZOHRA CHATTERJI, Jt. Secy.