

MINISTRY OF COMMUNICATIONS

(WPC Wing)

NOTIFICATION

New Delhi, the 16th July, 1997

G.S.R. 393 (E) – In exercise of the powers conferred by section 4 and 7 of the Indian Telegraph Act, 1885, (13 of 1885) and section 4 and 10 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), and in suppression of the Radio, Television and video Cassette Recorder Sets (Exemption from Licensing Requirements) Rules, 1985 the Central Government hereby makes the following rules, namely : --

- Short title and commencement
1. (1) These rules may be called the Radio, Television and Video Cassette Recorder Sets (Exemption from Licensing Requirements) Rules, 1997.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- Definition.
2. In these rules “Broadcasting Satellite Service” and “Fixed Satellite Services” shall have the meanings respectively assigned to them in the Radio Regulations annexed to the Constitution and the Convention of the International Telecommunication Union, for the time being in force.
- License not required for certain broadcasting apparatus
3. Notwithstanding any thing contained in the Licensing of Wireless Receiving Apparatus Rules, 1965, the Indian Wireless Telegraphy (Possession) Rules, 1965 or the Commercial broadcast Receiver Licensing (Dealers) rules, 1965, no licence shall be required by any person to establish, maintain, work, possess or deal in –
- (i) radio, television and video cassette recorder sets;
- (ii) special antenna, including dish antenna, satellite decoder and associated front-end converter, used or capable of being used for reception of transient images of fixed and moving objects direct from satellites operating in Broadcasting Satellite Service or Fixed Satellite Service in frequency bands below 4800 MHz:
- “ Provided that the exemption referred to in clause (ii) shall not be available for persons in the States of Arunachal Pradesh, Assam, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, and in the Union territories of Andaman and Nicobar islands and Lakshdweep and Minicoy Islands”.
- Prohibition for use of apparatus in certain bands.
4. Notwithstanding anything contained in rule 3 and the Licensing of Wireless Receiving Apparatus Rules, 1965, the Indian Wireless Telegraphy (Possession) Rules 1965 or the Commercial Broadcast Receiver Licensing (Dealers) Rules, 1965, no person shall establish, maintain, work, posses or deal in special antenna, including dish antenna, satellite decoders and associated front-end converter used or capable of being used for reception of transient images of fixed and moving objects direct from satellites operating in Broadcasting Satellite Service or Fixed Satellite Service in frequency bands 4800 MHz and above.

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Explanatory Memorandum—A new technology in satellite broadcasting, not yet introduced in India, which enables a satellite broadcaster to use digital compression and KU band transponders, transmitting signals in frequency band above 4800 MHz, (commonly called Direct To Home (DTH) broadcasting service) is on the threshold of entry into India. Presently a satellite broadcaster, under the existing technology based on use of a ‘C’ band transponder and frequencies in bands below 4800 MHz, normally distributes his programme only through a cable operator and through such cable operators, regulations of any undesirable and objectionable programme is feasible but under the new technology a satellite broadcaster can beam his programme directly from the satellite into Indian homes which can be received with the help of a very small sized dish antenna, which even defies detection if and when required and without the involvement of any intermediary like cable operator, thus establishing a direct link with households without any possibility of regulation by an intermediary or any Regulatory Authority. In a nutshell, the new technology would enable any broadcaster within or outside India to telecast or beam any programme of his choice directly to the houses and bedrooms of general public. It is apprehended that any broadcaster who decides to start the DTH service for reception in India could include a foreign entity unlinking his signals from outside the India soil without any control over either the nature or content of the programme.

Therefore, it has become necessary to ensure that no person should be allowed to start such a DTH service in India by establishing, maintaining, working, possessing or dealing in any equipment that enables reception and dissemination of programmes from a DTH service in India.