

**BHUTAN INFOCOMM AND MEDIA AUTHORITY
ROYAL GOVERNMENT OF BHUTAN
THIMPHU, BHUTAN**



**Terms and Conditions
FOR THE RURAL TELEVISION NETWORKING PERMIT**

Rural Television Networking Permit Terms and Conditions

1. Background

With the Royal Government of Bhutan (Government) promoting the development of media, the television service is growing rapidly. Most of the urban and semi-urban areas of the country are connected with the Cable Television Service.

However, a large section of the Bhutanese rural population remains un-reached by the mainstream media (Television service). Presently, Bhutan Broadcasting Service (BBS) is the only television media in the country. As the BBS signal can be down-linked with C-band dish, this opportunity may be availed by the Cable Television Service deprived rural communities.

It is therefore critical to establish a level playing field for the provision of this Rural Television Networking Service with the main objective to provide the rural community an access to media and information.

2. Legal Basis

The Rural TV Networking Permit terms and conditions (Term) is issued by the Authority in accordance with the Section 38 and section 82 (1) and (2) of the Bhutan Information, Communications and Media Act 2006.

3. Scope of Application

This Term shall be in conjunction with all other existing Rules and Regulations established by the relevant Government agencies and shall apply to all the Rural Television Networking Permit holders and the individuals who use the service.

4. Amendments

This Term is subject to the amendment and changes when required. Such amendment and changes shall be made in accordance with the needs and changes in technical requirements, national priorities, Government policies and industry trends. Amendments of this Term by way of addition, variation or repeal may be effected by the Authority.

5. Definitions

Cable Television Service means the transmission by cables of programmes including retransmission by cables of any broadcast television signals;

C-band Dish means the signal reception dish (not the DTH dish) which is used to receive the television signal.

Authority means Bhutan InfoComm and Media Authority.

Act means Bhutan Information, Communications and Media Act 2006

6. General Conditions

- a) No individual or entity shall provide the Rural Television Networking service without a valid permit issued by the Authority. Non compliance of this section shall be held liable for an offence as defined under the section 37(1) of the Act.
- b) The permit granted shall be non-commercial and intended for rural media connectivity.
- c) The permit shall come into force on the effective date and shall be granted for a period of one year.
- d) Any permit that is granted shall be subject to the conditions stipulated in this Permit.
- e) The permit granted is non-exclusive.
- f) The permit is non-transferable and cannot be transferred to any person or organization without the prior approval of the Authority.
- g) If the permit holder wishes to renew the permit at the expiry of the initial or any renewal term, it shall submit to the Authority a written request for renewal at least one month prior to the expiry of the current term.
- h) Upon expiry of the term, the Authority reserves the right to renew or to suspend or deny the extension of Permit.
- i) In the event of request for renewal or extension of Permit is denied the Authority shall communicate its decision to the permit holder with valid reasons.
- j) The Permit is subject to the terms and conditions contained herein and to the Act, and subsequent Rules and Regulations.
- k) The Authority may revise or update the Terms from time to time as required, to ensure relevance and concurrency. Notice of any intention to amend this Term shall be given to the permit holder by the Authority.

7. Fees and Pricing

- a) The permit holder shall pay to the Authority a permit fee of Nu.500 annually. The payment of the permit fee shall be made on or before the granting of the permit.
- b) The individual who intends to set up his own C-Band dish for personal use also shall pay the permit fee as above.
- c) The permit fee may be revised by the Authority as and when needed.
- d) The permit holder shall charge the customers only the following fees;
 - i) The cost of equipment as same amount from the source.
 - ii) Transportation costs.
 - iii) Tax if incurred during the declaration.

The total of above amount of fees to be charged to the customers shall be divided by the total number of households connected. The costing should be transparent and shall be subject to inspection and verification by the Authority on its own or if a request to this effect is received.

- e) The installation charge shall not exceed Nu.20000.00 for households more than 10 households in a cluster. The installation charge can be negotiated to a lesser amount than 20000.00 between the permit holder and customers when the household is less than 10 households.
- f) The households in a cluster shall be within a radius of 1.5Km of which the centre is the signal distribution point. The household not falling within the allocated distance shall pay the charge for extra cable length.
- g) There shall not be any practice of collection of annual/monthly rental charge in any form by any party and permit holder from the service user.
- h) The repair and maintenance cost of the network shall be determined and fixed by the community users.

8. Requirements

- a) The permit holder shall inform Bhutan InfoComm and Media Authority of the every installation requests it receives from the public.
- b) The permit holder shall ensure efficient provision of services received from Cable Television deprived regions.

- c) The permit holder shall specify the total number of households to BICMA upon each installation requests it receives and also after the completion of the installation.
- d) This permit applies to the radio communications apparatus(C-band) set-up within Bhutan and shall be subject to the technical and operational conditions specified in the National Radio Rules.
- e) The permit holder shall seek the technical clearance from the Authority during the import of radiocommunication equipments (C-band dish and other radio-equipments) for the declaration to Revenue and Customs officials in the concerned check posts.

9. Services

- a) This permit authorizes the permit holder to only provide and distribute Bhutan Broadcasting Services (BBS) or such other local broadcasting services when introduced in the rural villages of Bhutan where no Cable Television service is available.
- b) The permit holder shall ensure that only such equipments are installed in the network to receive Bhutan Broadcasting Services or other local broadcasting services when introduced. No equipments shall be installed to down-link foreign (free to air) channels into the network.
- c) The permit holder shall only be allowed to operate in rural villages of Bhutan where there are no commercial television services.
- d) The permit holder shall not provide any service or install, maintain or operate any facility that is not authorized in this license, except pursuant to separate license or other proper authorization from the Authority.
- e) In the event, a commercial Cable Television operator is licensed by the Authority in an area where the Rural Television Network service is provided; the service users shall have the option to continue the service or switch to the cable service. The options shall be decided through the majority choice of the household in the locality.

10.Data Submission

- a) The permit holder shall submit the data details of service user in the following way;
 - i. The Dzongkhag/Dungkhag/Geog of installation.
 - ii. Number of clusters of installation
 - iii. Number of Households connected

- iv. Date and time of installation
 - v. Details of the customers installed
 - vi. Copy of any agreement or undertakings signed between the permit holder and customers.
- b) The service user details shall be submitted immediately after the installation.
 - c) The update of user details shall be submitted to the Authority after every three months (whether installations has occurred or not).
 - d) The service user details shall be correct in all respects.
 - e) The Authority shall maintain a separate data base of the service user for the Rural Television Networking Service.

11. Indemnification

- a) The permit holder shall indemnify, defend and hold harmless the Authority and its officials against any and all costs, damages, expenses and claims.

12. Installation

- a) The permit holder, shall at all times, employ qualified technician to conduct the installations and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public and the employees of the permit holder.
- b) The permit holder shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the National Electrical Code of the Kingdom of Bhutan and the Regulations established by Bhutan InfoComm and Media Authority and the Ministry of Information and Communication and other applicable code provisions, in such manner that they will not interfere with any installations.
- c) All lines, equipments, and connections in, over, under, and upon the streets and public ways and private property, wherever situated or located, shall at all times be kept and maintained in a safe and suitable condition, and in good order and repair. Special attention shall be paid to placing guy wires and anchors before the placement of cable.
- d) The permit holder shall ensure that all reception, control and transmission equipment used do not in any way cause interference to other services. The permit holder shall abide by all provisions of the National Radio Rules in this regard.

- e) The Rural Television networking system shall not under any circumstances endanger or interfere with the safety of persons or property in the designated area or other areas where the license may have equipment located. In the event of damage, the permit holder will bear all cost of repair or replacement.
- f) The permit holder shall at all times comply with the applicable rules and regulations now in effect or hereafter adopted.

13. Inspection

- a) The Authority shall have the right to inspect the installation site and the service user at any time the Authority decides.
- b) The records and any additional information, which may be required by Authority pursuant to the requirements of this permit, shall be furnished by the permit holder to the Authority upon request.

14. Permit Administration and enforcement

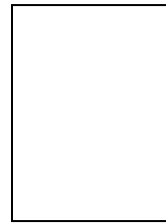
- a) In all matters of permit administration, the Authority shall have authority to determine the permit holder's compliance with the terms and conditions of this permit and in the event of non-compliance to exercise any or all the remedies included in this permit or the Bhutan Information, Communications and Media Act, 2006.
- b) If the Authority determines that the permit holder has violated any provisions of this permit or the provisions of Act, Rules or Regulations or any other orders of the Authority, the Authority may by order impose sanctions provided in the Act, Rules and Regulations issued there under.
- c) The permit shall be valid until it is suspended or revoked in accordance with Section 51 of the Bhutan Information, Communications and Media Act.
- d) The permit holder may request in writing an administrative hearing on an initial decision of the Authority on matters of permit administration within 10 (ten) days of the notification of non-compliance.
- e) Within 15 (fifteen) days of receipt of the request from the permit holder submitted pursuant to subsection (b), the permit holder shall be given an opportunity to be heard. Within 15 days after the conclusion of such hearing, the Authority shall issue a determination.

f) The decision of the Authority may be appealed to the Bhutan InfoComm and media Appellate Tribunal.

15. Agreement

The permit holder hereby agrees to abide by the terms and conditions set forth in this permit.

Agreed to and signed on this.....day ofmonth of year.....
between;



Director
Bhutan InfoComm and Media
Authority
Thimphu

Name;
CID No.....
Address;

Contact No.....
.....

Witness;

Name;
CID No.....
Address;

Contact No.....

APPLICATION FORM FOR RURAL TELEVISION NETWORKING PERMIT

Received reference No:

Guideline to complete the application form:

1. Complete all the information as required. If information cannot be given because it does not apply to you please complete it as "NA".
 2. Before initiating the application, the applicant should have also studied the relevant provisions of the Bhutan Information, Communications and Media Act 2006 and The Permit Terms and Conditions for Rural Television Networking.
 3. The applicant shall obtain and attach/furnish the following documents along with this application:
 - a) Copy of Citizenship Identity Card
 - b) One passport size photographs
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Applicant Details:

1. Name of the Applicant	
2. Citizenship Identity Card Number	
3. Village/Geog/Dzongkhag	
4. Address	
5. Telephone and Mobile No.	
6. Fax Number.	
7. Email id.	

Declaration:

I/We declare that

- i) The details above are correct and factual.
- ii) I shall not install the C-band equipment/station without a permit issued by the Authority.
- iii) I shall strictly abide by the Terms and Conditions of Rural Television Networking, National Radio Rules and Bhutan Information, Communications and Media Act 2006.

Date _____

Signature of Applicant