

Prasar Bharati
(India's Public Service Broadcaster)
Prasar Bharati House, Copernicus Marg,
New Delhi-110001

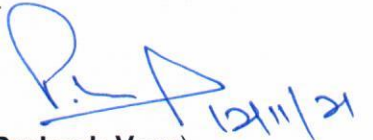
No:P-1/014(14)/2021-Ops.

Dated: 12.11.2021

Notification
(No.03/2021-Ops.)

Prasar Bharati, hereby, notifies the "Policy for Procurement of Feature Films for Prasar Bharati Platforms on Fixed License Fee - 2021" in consonance with the decision taken by the Prasar Bharati Board in its 167th meeting held on 17.06.2021. These guidelines are in supersession of all guidelines and their amendments issued earlier from time to time for procurement of Feature Films by Prasar Bharati or Directorate General of Doordarshan.

2. These guidelines envisage the process and provision for sourcing of Feature Films from Production Houses/Producers/Rights Holders on a fixed license fee basis.
3. These Policy Guidelines, as annexed, are being placed on Prasar Bharati website www.prasarbharati.gov.in for the information of all the stakeholders.
4. These guidelines will be in force from date of issue of this Notification.


(Prakash Veer)
DDG(Operations)

Annexure – As above

Copy to:

1. Staff Officer to CEO, Prasar Bharati
2. Director General, Doordarshan
3. Director General, All India Radio
4. Engineer-in-Chief (Broadcast Operation)
5. ADG(Tech),PBS
6. All Zonal Heads (Content Ops.)
7. DDG(Policy), Doordarshan
8. DDG(Content Sourcing),PBS
9. Head of Sales, PBS
10. DDG(Tech),PBS for placing this notification on the Prasar Bharati Website.

Annexure to Notification No. 03/2021-Ops. dated 12.11.2021

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New Delhi-110001

**Policy for Procurement of Feature Films for Prasar Bharati Platforms on
Fixed License Fee – 2021**

1. OBJECTIVES

- a. Prasar Bharati (TV/Radio/Digital) has been sourcing Feature Films from Production Houses/Producers/Rights-Holders by way of payment of Royalties and License Fees, and airing Hindi Films on its National Channels including DD National, DD Bharati, DD Urdu etc., and regional films on its Satellite/Terrestrial Channels with the purpose of providing wholesome entertainment to viewers.
- b. The mix of cinema procured on the basis of fixed royalties for telecast on its channels for linear rights, include box office hits and popular films catering to varied tastes including serious cinema, cinematic works of excellence, national award-winning films, evergreen hits, Special Films for Children and other niche category films fare. Feature Films have a high entertainment value and are an important source of revenue for PB.
- c. Prasar Bharati (PB) seeks to bring in a revised policy for acquiring Feature Films from Production Houses/ Producers/ Rights-Holders by Pay-out of a Fixed License Fee. Prasar Bharati shall ordinarily procure feature films on multiple telecast basis across the DD Network. The flat license fee would be paid for multiple telecasts across DD network. Prasar Bharati, at times, may also procure the feature films on single telecast on single channel or multiple channels basis to meet requirement of specific occasions.
- d. Prasar Bharati may optionally also acquire rights, subject to their availability, for
 - (i) radio broadcast of sound track of the films at the time of acquiring films for telecast on DD Network.
 - (ii) for screening the films in the other countries on the delivery platforms of their public broadcasters with whom PB has such MoU subject to the availability of the rights.

2. PROCESS

- a. Every year a Call for Proposals will be issued on the PB website and/or other media as required, detailing inter-alia the Genre, duration, language, number of film titles needed, technical specifications, rights, period of license etc. bids as per defined criteria.
- b. Call will be issued at the commencement of the second quarter of the previous financial year so as to enable a reasonable time to complete the acquisition process sufficiently in advance of the new financial year and adequate time for advance planning for sales and marketing to ensure return on investments.
- c. To meet specific requirements, PB at any point of time may also acquire Film titles directly from Rights Owners including Producers, Production Houses, Broadcasters, etc. wherever such proposals at variance with the terms seeking consideration higher than fixed for acquisition, the proposals with all requisite details may be placed before the Empowered Committee for approval, and before the Board for ratification.
- d. PB will, in accordance with its content requirements will invite production houses, producers and other rights holders of Feature films to get registered with it for supplying feature films. The registration will be announced by wide (Digital, Web, App, Advt.) publicity.
- e. The registration will be valid for a period to be notified. A registered applicant will also be free to give a proposal for film whose rights he has acquired subsequent to his registration, but within the validity period of his registration. He will, however, have to fulfill all the requirements stipulated in the policy.
- f. Proposals under this scheme are to be filed on-line and will be accepted only on submission with a non-refundable processing fee of Rs.10,000/- per film, to be remitted through RTGS/NEFT. It is reiterated that this amount is non-refundable even if the proposal is finally not accepted.
- g. Applicants who fail to get themselves registered within the prescribed time period in response to the announcements but wish to submit a proposal for broadcast of films in accordance with these guidelines will be allowed to do so with the proviso that their proposals will be accompanied by non-refundable processing fee of Rs. 15,000/- per film remitted online only.

3. Eligibility Criteria

- a. The rights owner may be an individual, proprietary firm or any legal entity

including partnership firm, limited liability partnership or company.

- b. The rights owner should possess legally valid, undisputed and unencumbered Satellite rights in the film being offered for licensing to Prasar Bharati and is not under any legal disability in relation to entering into agreement with Prasar Bharati for grant of license on the terms and conditions agreed between the parties.
- c. The rights owner should not owe any dues to Prasar Bharati in respect of its past business transactions. In case of any partnership firm or company, none of its partners, promoters, or directors, as the case may be, should either be a defaulter in his individual capacity or have had any past association with any defaulting partnership firm or company, as partner, promoter, or director, as applicable. A rights holder, who has any outstanding dues to Prasar Bharati, shall mandatorily disclose this aspect in his offer. Prasar Bharati may acquire the films from such rights owners with such terms and conditions as approved by an Empowered Committee defined in Exemption Clause of these guidelines.
- d. The rights owner should not be under any subsisting debarment from doing business with Prasar Bharati, or any Ministry or Department of the Central or any State Government, or any statutory autonomous body, or any public sector undertaking, on account of any corrupt, unethical, or coercive business practice. Rights holder who are charge sheeted in any criminal case are also not eligible to apply.
- e. A consortium in any form will not be eligible.
- f. Serving employees of Prasar Bharati and their dependents will not be eligible to submit any offer for acquisition.

4. LICENSE FEE

There shall be a Costing Committee to be constituted with approval of CEO, PB. The Costing Committee shall recommend appropriate fixed license fee based on criterion, modalities and parameters determined by it , to be payable to rights holder for acquisition of rights of different categories of films which includes National Award Winning Films. The Costing Committee shall also recommend the License Fee for premiering the films on Prasar Bharati Platforms and network of channels.

5. REQUIRED DOCUMENTATION/ INFORMATION

- i. Copy of Link Agreement(s), duly notarized on stamp paper, in order to establish that the applicant holds the rights of the film offered by him;
- ii. Notarized copy of CBFC Certificate;
- iii. Synopsis including story line, star cast, and details of director, music director etc., list of hit songs and year of release;
- iv. HDD or Cloud based copy of the film for preview purposes;
- v. A Bond indemnifying DD against any copyright violation(downloadable proforma to be filled and submitted with notarization);
- vi. PAN Card;
- vii. Registration Certificate in case of proprietary firms/ Partnership Deed along with registration certificate in respect of partnership firms/ Certificate of Incorporation in respect of companies;
- viii. IT Returns for the last three years;
- ix. Award Certificates/credible proof of the Jubilee performance, if any, duly notarized;
- x. Box Office figure as per trade journals enjoying reputation and credibility in the film industry or OTT platform data for the films not having theatric release (Exempted for National Award winning Films).
- xi. "A" certified films are not eligible for consideration. Proposals in respect of only such films which are having "U" or "V/U" or "UA" certificates from CBFC can be submitted. In case "V/U" or "UA" certificate has been obtained from the Central Board of Film Certification at a later stage, a copy of earlier certificates i.e. "U/A" or "A" issued by the Board must also be attached along with the proposal. "UA" certified films will be telecast with cautionary endorsement.
- xii. The applicant will furnish a duly notarized undertaking on stamp paper of Rs. 100/ that all the information/documents furnished by the applicant regarding the offer are true. If any information or document furnished by the applicant is found to be false at any stage, it will result in rejection of proposal and forfeiture of payments. Such an applicant is also liable for criminal prosecution.
- xiii. The Applicant will indemnify PB against any claims or demands which might be made against it by any person or any litigation that might arise on account of any libel, slander, infringement of copyright or patent, costs incurred, losses suffered etc. in connection with broadcast/proposed broadcast of the film.

- xiv. The applicant will furnish an undertaking that he will provide the best print of the film on HDD or Cloud or the format prescribed by Prasar Bharati from time to time. The film will be withdrawn if it does not meet the prescribed technical standards.
- xv. The applicant will furnish an undertaking for fulfillment of eligibility criterion.

5.1 Incomplete applications are liable to be summarily rejected. Prasar Bharati will not enter into any correspondence in respect of proposals once they are rejected and returned.

6. SCRUTINY/SELECTION

Proposals will be scrutinized by a Scrutiny Committee to be constituted by Prasar Bharati. The Committee will ensure that the proposals submitted by applicants are complete in all respects and rights of the concerned films clearly vest with the applicants. The Scrutiny Committee shall also recommend the acquisition of films to CEO, PB for approval.

7. PAYMENT

Prasar Bharati will endeavor to make payment of License Fees to the rights holder every quarter on proportionate basis during the term of the license. Payment for first quarter will be made after preview of the film.

8. GENERAL TERMS & CONDITIONS

- a. Before submission of proposals, the applicant must ensure that the films offered by him fulfill the eligibility criteria and that he/she agrees to the License Fee structure specified.
- b. Only those feature films which have been approved as per the prescribed procedure will be eligible for telecast/ broadcast. Mere submission of a proposal does not ensure its acceptance for broadcast.
- c. Prasar Bharati reserves the right to reject any film without assigning any reason.
- d. Prasar Bharati will have unfettered right to market the film for commercial exploitation in any manner that it deems fit, including but not limited to accepting Sponsorships; telecasting advertisements before, during and after the telecast of the film; organizing contests; and inviting responses of viewers through SMS.

- e. The rights owner/applicant will neither have any objection nor will be entitled to any share whatsoever out of the revenue earned by PB by way of such commercial exploitation unless Revenue sharing, Incentive Linked to Revenue, Sponsorship have been permitted in the specific case.
- f. Prasar Bharati reserves the right to either re-schedule or postpone or altogether cancel the telecast of a scheduled film in case of programme exigencies.
- g. If a Satellite DD Channel is also available on associated terrestrial network, the film shall be simultaneously telecast on terrestrial network also.
- h. All the films have to be subtitled in Hindi or English.

9. NATIONAL AWARD WINNING FILMS

To showcase the best of Indian Cinema Films on DD Network Doordarshan endeavors to procure such films for telecast. Only the films which fall in the following categories will be eligible for telecast;

- i. The films which have won Swarna Kamal National Award for Best Feature film of the year.
- ii. Swarna Kamal National Award conferred for Best Direction.
- iii. National Award Conferred for Best feature Film in Indian Language /Dialect (Including Hindi, Urdu and English).
- iv. Indira Gandhi National Award.
- v. Films which have been shown for India Panorama Section of International Film Festival of India (IFFI).

All the clauses of this Policy will be applicable to the procurement of national award winning films also.

10. EXEMPTIONS

Notwithstanding anything contained in these guidelines, Prasar Bharati may, with the prior approval of the Empowered Committee, comprising of CEO, DG(DD or AIR) and any one Part –time Member of Prasar Bharati Board, accept any proposal for broadcast of a film or a package of films on any particular theme or subject under this scheme in relaxation of any of the provisions of these guidelines.
