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**CIRCULAR**

The Ministry of Information and Broadcasting had issued Uplinking and Downlinking Policy Guidelines 2011 for Private Satellite TV Channels and Teleports. In order to address the challenges from fast evolving broadcasting technology, changes in the market scenarios and other operational developments in the broadcasting sector as well as to create a conducive environment in line with principle of ease of doing business on a sound regulatory framework, a need has been felt to review and amend the existing Policy Guidelines.

2. The Ministry of Information and Broadcasting after consulting the various stake holders has drafted new Policy guidelines for Uplinking and Downlinking of Television Channels (Copy enclosed). The comments and suggestions on the draft of the new Policy Guidelines for Uplinking and Downlinking of Television Channels from India are invited from all the stakeholders for consideration by this Ministry.

3. The stakeholders may submit their suggestions/ comments within 15 days to Under Secretary (TVI) "A Wing", Room No. 652A, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi-110001. E-mail: [usi.inb@nic.in](mailto:usi.inb@nic.in)

Encl: As above.



(Vijay Kaushik)

Under Secretary to the Government of India  
Tel. 23381699

To,

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2. President, News Broadcasters Association (NBA), Mantec House, C- 56/5, 2<sup>nd</sup> Floor, Sector 62, Noida 201301 (email: [nba@nbanewdelhi.com](mailto:nba@nbanewdelhi.com))
3. All Private TV Channels,
4. All Teleport Operators,
5. All News Agencies (Electronic Media)
6. All DTH Operators

} Through Website of this Ministry.

# POLICY GUIDELINES FOR UPLINKING AND DOWNLINKING OF TELEVISION CHANNELS

## PART I PRELIMINARY

**1 Short title, extent and commencement** – (1) These may be called the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2020 (hereinafter referred to as Guidelines).

(2) It extends to the whole of India.

(3) It shall come into effect from \_\_\_\_\_ 2020

**2. Definitions** – In these Guidelines, unless the context otherwise requires, -

- (a) ‘Broadcast Seva’ means the online portal of the Ministry for receiving, processing and transmitting applications and communication received therein under the Guidelines, for making communication with applicants, Government organizations and other persons, and capable of generating information with regard to various parameters relating to uplinking and downlinking of television channels and matters connected thereto.
- (b) ‘company’ means a company registered under the Companies Act, 2013
- (c) ‘DSNG’ means Digital Satellite News Gathering and refers to an electronic technology that allows news reporters to broadcast from remote locations outside of a TV studio.
- (d) ‘Director’ means Managing Director, Wholetime/ Executive Director, Additional Director but does not include Independent Director, Part-time Director, Nominee Director
- (e) ‘financial year’ in relation to any company or body corporate, means the one year period ending on the 31<sup>st</sup> day of March every year, and where it has been incorporated on or after the 1st day of January of a year, the period ending on the 31<sup>st</sup> day of March of the following year.
- (f) ‘LLP’ means a Limited Liability Partnership registered under the Limited Liability Partnership Act, 2008
- (g) ‘Ministry’ means the Ministry of Information & Broadcasting
- (h) ‘News channel’ means a private satellite TV channel which predominantly telecasts news and current affairs content programmes
- (i) ‘Non-news channel’ means a private satellite TV channel other than a news channel
- (j) ‘NOCC’ means Network Operations Control Centre, Department of Telecommunications
- (k) ‘Non-operational channel’ means a channel whose signal is not being uplinked and/ or downlinked in India for a continuous period of 30 days

- (l) 'key executives' means Chief Executive Officer (CEO), Chief Financial Officer (CFO), Company Secretary or such other official of a company as may be notified under the Companies Act, 2013 from time to time
- (m) 'SNG' means Satellite News Gathering and refers to an electronic technology that allows news reporters to broadcast from remote locations outside of a TV studio
- (n) 'Shareholding pattern' means the number of shares of a company held by different investors.
- (o) 'Teleport' means an earth station facility from where multiple TV channels carrying audio, video and content can be uplinked to geostationary satellite on permitted frequency band.
- (p) 'Teleport Hub' means set-up of teleports for uplinking of TV channels where multiple antennas are installed for different satellites, and for each antenna for each satellite, Wireless Operating License from WPC is required to be obtained
- (q) 'WPC' means Wireless Planning and Coordination, Department of Telecommunications

## PART II TELEPORT/TELEPORT HUB

**3. Furnishing of Application** – (1) A company or an LLP may apply online on Broadcast Seva on payment of processing fees specified in **Appendix I** for setting up a Teleport/teleport hub subject to fulfillment of the following conditions :

- (a) It has a minimum net worth of an amount specified in **Appendix II** as on the closing day of the financial year immediately preceding the year in which the application is made, as reflected in its Audited/unaudited Balance Sheet of that financial year;
- (b) Foreign Direct Investment in the company/LLP is in accordance with the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;

(2) The online application shall be processed from the view point of eligibility conditions, and shall be subjected to clearance and approval by the Department of Space and Ministry of Home Affairs (MHA).

(3) If considered necessary, for reasons to be recorded in writing, the Ministry may cause inspection of the physical premise/location, to ascertain the veracity of the claims made in the application.

**4. Grant of permission** – (1) On receiving clearance and approval of Ministry of Home Affairs and other authorities, and after satisfying itself that the applicant company/LLP is fit for grant of permission, the Ministry shall issue of Letter of Intent (LOI) requesting the company/LLP to pay the permission fees for the first year and furnish the Performance Bank Guarantee (**Appendix II**) within the stipulated period.

(2) After making the payment of the first year permission fee and furnishing the PBG, the Ministry shall grant permission by an order in writing, to the company/LLP for setting up the teleport for ten financial years.

(3) The Grant of permission to a company/LLP under sub-section (1) shall be subject to the following conditions:

- (a) It signs an agreement titled 'Grant of Permission Agreement' with the Ministry;
- (b) It pays the annual permission fees as stipulated in **Appendix II**, along with interest for late payment, for the time period for which permission is granted
- (c) It pays the applicable fees/ royalty to the WPC for use of spectrum and abide by all the terms and conditions laid down for the purpose by the Department of Space and WPC;
- (d) It uplinks from the permitted teleport only those TV channels which have been permitted/ approved by the Ministry, and stops uplinking a TV channel as soon as permission/ approval for such channel is withdrawn by the Ministry, or on specific order of the Ministry to stop such uplinking for such time period as may be specified in that order;
- (e) It follows the roll out obligation with regard to operationalization of the teleport as laid down in **Appendix III**.

(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.

Provided that every such refusal shall be communicated to the company/LLP along with reasons for refusal.

(5) The Company/LLP shall as soon as the teleport becomes operational, inform the Ministry regarding its operational status.

**5. Renewal of permission-** (1) A company/ LLP which is given permission under section 4 may apply, for renewal of permission at least six months prior to the end of the month in which the initial permission is due to expire, on the Broadcast Seva portal on payment of processing fees specified in **Appendix I**.

(2) The permission for renewal will be for a period of ten financial years and shall be subject to conditions similar to that required for a permission under sections 3 and 4.

### **PART III**

#### **UPLINKING OF TELEVISION CHANNEL**

**6. Furnishing of Application –** (1) A company or an LLP may apply online on Broadcast Seva on payment of processing fees specified in **Appendix I**, separately for uplinking a news



TV channel and uplinking a non-news TV channel, subject to fulfillment of the following conditions:

- (a) It has a minimum net worth of an amount specified in **Appendix II** as on the closing day of the financial year immediately preceding the year in which the application is made, as reflected in its Audited/ unaudited Balance Sheet of that financial year;
- (b) It furnishes, along with the application, the proposed name and logo of the channel along with the Trade Marks Registration certificate regarding the ownership of the name and logo.

Provided that if the proposed name and logo are not owned by the company, then a No Objection Certificate (NOC) duly signed by the owner of the name and logo shall be furnished by the company.

- (c) It fulfills all the terms and conditions laid down in the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;
- (d) It makes disclosure in its application of all its Shareholders, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into.
- (e) It intimates the names, address and details of a person, not being resident of India, who is proposed to be inducted in the Board of Directors of the company.
- (f) It discloses the name, address and details of any foreigner/ NRI to be employed/ engaged in the company either as a Consultant or by any other designation for more than 60 days in a year, or, as a regular employee.
- (g) At least 3/4th of the Directors on the Board of Directors of the company and all key Executives and Editorial staff are resident Indians.
- (h) The representation on the Board of Directors of the company is as far as possible proportionate to the shareholding.
- (i) The company/ LLP has complete management control, operational independence and control over its resources and assets and must have adequate financial strength for running a news and current affairs TV channel.
- (j) CEO of the applicant company, known by any designation, and/ or Head of the channel, shall be a resident Indian.

(2) The online application shall be processed from the standpoint of eligibility conditions, and shall be subject to clearance and approval by the Department of Space and Ministry of Home Affairs, and wherever considered necessary, by the Department of Revenue, Ministry of Finance.

(3) If considered necessary, for reasons to be recorded in writing, the Ministry may cause inspection of the physical premise/location, to ascertain the veracity of the claims made in the application.

**7. Grant of permission** – (1) On receiving clearance and approval of Ministry of Home Affairs and other authorities, and after satisfying itself that the applicant company/LLP is fit for grant of permission, the Ministry shall issue of Letter of Intent (LOI) requesting the company/LLP to pay the permission fees for the first year and furnish the Performance Bank Guarantee (**Appendix II**) within the stipulated period.

(2) After making the payment of the first year permission fee and furnishing the PBG, the Ministry shall grant permission by an order in writing, to the company/LLP for setting up the teleport for ten financial years from end of the month in which the teleport becomes operational.

(3) The Grant of permission to a company/LLP under sub-section (1) shall be subject to the following conditions :

- (a) It pays the annual permission fees as stipulated in **Appendix II**, along with interest for late payment, for the time period for which permission is granted;
- (b) It shall follow the roll out obligation with regard to operationalization of the TV channel as laid down in **Appendix III**.
- (c) Compliance to the special conditions laid down in section 8.

(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.

Provided that every such refusal shall be communicated to the company/ LLP along with reasons for refusal.

(4) The company/ LLP shall, on operationalisation of the TV channel, inform the Ministry regarding the operational status and provide all its technical parameters to the Ministry or its specified agency.

**8. Special conditions for uplinking a satellite TV channel** – (1) The company/LLP which is granted permission to uplink a TV channel under section 6 shall, in addition to the conditions laid down therein, shall also comply with the following:-

- (a) Uplinking to be done either in C Band (Indian or foreign satellite) or Ku Band (only on Indian Satellite), but not simultaneously in both.
- (b) Programme & Advertising Codes, as laid down in the Cable Television Networks (Regulation) Act, 1995 and the Rules framed there under.
- (c) Keep record of the content uplinked for a period of 90 days and produce the same before any agency of the Government, as and when required.
- (d) Furnish such information, as may be required by the Ministry of Information & Broadcasting, from time to time.

- (e) Provide the necessary monitoring facility, at its own cost, for monitoring of programmes or content by the representatives of the Ministry of Information & Broadcasting or any other Government agency as and when required.
- (f) The terms and conditions of Wireless Operating License to be issued by the WPC Wing, Ministry of Communications & IT.

(2) The Ministry may, for reasons to be recorded in writing, inspect the physical facilities of satellite TV channel, and verify its facilities and documents, and the company/LLP shall allow such inspection.

(3) The company/LLP shall provide for the necessary monitoring facility, at its own cost, for monitoring of programmes or content by the representatives of the Ministry or any other Government agency as and when required.

(4) The company/LLP shall comply with the terms and conditions of Wireless Operating License to be issued by the WPC Wing, Ministry of Communications & IT.

**9. Name and logo of a TV Channel** – (1) A company/LLP shall display on the permitted TV channel only that name and logo which has been approved by the Ministry.

Provided that display of name and logo which has not been permitted or display of dual logo would be treated as a violation of the Guidelines inviting penal action.

(2) A company/LLP may apply for change of name and logo to the Ministry online on the Broadcast Seva portal, along with the requisite documents.

(3) The Ministry shall grant permission for the change applied for after being satisfied that the application is in order in all respects.

**10. Operational Status of a permitted TV Channel** – (1) A TV channel is required to remain operational during the currency of the permission.

(2) Where a TV channel is unable to remain operational for a continuous period of more than 60 days, the company/LLP shall inform the Ministry of the status along with reasons for the channel remaining non-operational.

Provided that failure to inform the Ministry regarding non-operational status of a channel beyond a continuous period of 60 days will be deemed to be a violation under the Guidelines.

Provided further that the channel shall not remain non-operational for a continuous period exceeding 90 days.

**11. Renewal of permission** – (1) A company/ LLP which is given permission under section 7 may apply, for renewal of permission at least six months prior to the end of the month in which the initial permission is due to expire, online on the Broadcast Seva portal on payment of processing fees specified in **Appendix 1**.

(2) The permission for renewal will be for a period of ten financial years and shall be subject to conditions similar to that required for a permission under sections 6, 7,8 & 9.

#### **PART IV DOWNLINKING OF A SATELLITE TV CHANNEL**

**12. Furnishing of Application** – (1) A company or an LLP may apply online on the Broadcast Seva on payment of processing fees specified in **Appendix I** for downlinking a TV channel, subject to fulfillment of the following conditions :

- (i) It has a minimum net worth of an amount specified in **Appendix II** as on the closing day of the financial year immediately preceding the year in which the application is made, as reflected in its Audited/unaudited Balance Sheet of that financial year;
- (ii) It must either own the channel, or must enjoy, for the territory of India, exclusive marketing/ distribution rights for the same, inclusive of the rights to the advertising and subscription revenues for the channel and must submit proof at the time of application.

Provided that where the company/LLP has exclusive marketing / distribution rights, it should also have the authority to conclude contracts on behalf of the channel for advertisements, subscription and programme content.

- (iii) It fulfills all the terms and conditions laid down in the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;
- (iv) It provides names and details of all the Directors of the Company and its Key Executives;
- (v) It furnishes technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipments/ instruments to be used for downlinking and distribution, the Block schematic diagram of the downlinking and distribution system and also demonstrate the facilities for monitoring and storing record for 90 days.
- (vi) It has not been disqualified from holding such permission under these Guidelines;
- (vii) The downlinked channel must be licensed or permitted for being broadcast by the regulatory or licensing authority of the country of transmission, proof of which would have to be submitted at the time of application.



(2) The online application shall be processed from the standpoint of eligibility conditions, and shall be subject to clearance and approval by the Department of Space and Ministry of Home Affairs, and wherever considered necessary, by the Department of Revenue.

**13. Grant of permission** – (1) On receiving clearance and approval of Ministry of Home Affairs and other authorities, and after satisfying itself that the applicant company/LLP is fit for grant of permission, and after evaluating the suitability of the proposed channel for downlinking into India for public viewing, the Ministry shall grant permission, by an order in writing, to the company/LLP for downlinking a TV channel.

(2) Permission under this section for downlinking a channel, which is uplinked from other countries, shall be for ten financial years from end of the month in which the permission is issued.

Provided that in respect of a TV channel that has been uplinked from India, the permission for downlinking will be co-terminus with the permission for uplinking of the TV channel granted under section 7.

(3) The Grant of permission to a company/ LLP shall be subject to the following conditions:

- (a) It furnishes the Performance Bank Guarantee of an amount and within a time period as specified in **Appendix II**;
- (b) It pays the Annual permission fees, from the year in which the TV channel becomes operational, of an amount specified in **Appendix II**, including interest on late payment of the fees, as specified in **Appendix II**.
- (c) It shall follow the roll out obligation with regard to operationalization of the TV channel as laid down in **Appendix III**.
- (d) It shall comply with the Programme and Advertising Code prescribed under the Cable Television Networks (Regulation) Act, 1995.
- (e) It shall ensure compliance to the provisions of Sports Broadcasting Signals (Mandatory sharing with Prasar Bharati) Act 11 of 2007 and the Rules, Guidelines, Notifications issued there under;
- (f) It shall adhere to any other Code/ Standards, guidelines/ restrictions prescribed by the Ministry for regulation of content on TV channels from time to time.
- (g) It shall obtain prior approval of the Ministry before undertaking any up-gradation, expansion or any other changes in the downlinking and distribution system/network configuration.
- (h) It shall provide Satellite TV Channel signal reception decoders to MSOs/Cable Operators registered under the Cable Television Networks (Regulation) Act 1995 or to a DTH operator registered under the DTH guidelines issued by Government of India or to an Internet Protocol Television (IPTV) Service Provider duly permitted under their existing Telecom License or authorized by Department of Telecommunications or to a HITS operator duly permitted under the policy guidelines

for HITS operators issued by Ministry of Information and Broadcasting, Government of India to provide such service.

- (i) It shall ensure that any of its channels, which is unregistered or prohibited from being telecast or transmitted or re-transmitted in India, under the Cable Television Networks (Regulation) Act 1995 or the DTH guidelines or any other law for the time being in force, cannot be received in India through encryption or any other means.
- (j) It shall adhere to the norms, rules and regulations prescribed by any regulatory authority set up to regulate and monitor the broadcast services in the country.
- (k) It shall keep a record of programmes downlinked for a period of 90 days and produce the same before any agency of the Government as and when required.
- (l) The applicant company shall provide the necessary monitoring facility at its own cost for monitoring of programmes or content by the representative of the Ministry or any other Government agency, as and when required.
- (m) In the event of any war, calamity/national security concerns, the Government shall have the power to prohibit for a specified period the downlinking/ reception/ transmission and re-transmission of any or all channels.

(3) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.

Provided that every such refusal shall be communicated to the company/LLP along with reasons for refusal.

(4) The company/LLP shall, on operationalisation of the TV channel, inform the Ministry regarding the operational status and provide all its technical parameters to the Ministry or its specified agency.

**14. Renewal of permission** – (1) A company/ LLP which is granted permission under section 14 may apply for renewal of permission, at least six months prior to the end of the month in which the initial permission is expiring, online on the Broadcast Seva portal on payment of processing fees specified in **Appendix I**.

(2) The permission for renewal will be for a period of ten financial years and subject to conditions similar to that required for a permission under sections 13.

## **PART V NEWS AGENCY**

**15. Furnishing of Application** – (1) A company or an LLP may apply online on the Broadcast Seva on payment of processing fees specified in **Appendix I** for setting up a news agency for being uplinked to a TV channel subject to fulfillment of the following conditions:

- (a) The company/ LLP is accredited with the Press Information Bureau (PIB);

(b) Foreign Direct Investment in the company/LLP is in accordance with the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;

(2) The online application shall be processed from the standpoint of eligibility conditions.

**16. Grant of permission** – (1) After satisfying itself that the company/ LLP is fit for grant of permission, and on clearance/approval of the Ministry of Home Affairs, the Ministry shall grant permission, by an order in writing, to the company/ LLP for a news agency for uplinking news to a TV channel for five financial years from end of the month in which the permission is granted.

(2) The Grant of permission to a company/ LLP under sub-section (1) shall be subject to the following conditions:

(a) The company/ LLP shall use uplinking for news-gathering and its further distribution to other news agencies/broadcasters only.

(b) The company shall not uplink TV programmes/channels for direct reception by public.

(c) The Company/LLP continues to have accreditation of PIB during the period of permission,

Provided that if at any time the company/LLP ceases to have PIB accreditation, the permission to the news agency under these Guidelines shall stand cancelled forthwith.

(3) The permission granted to a news agency may be renewed for a period of five years, on application made by the company/ LLP on the Broadcast Seva portal on payment of the processing fees specified in Appendix I, subject to fulfilment of the usual conditions for grant of initial permission.

## **PART VI**

### **PURCHASE AND HIRING OF SNG/DSNG EQUIPMENTS IN C BAND AND KU BAND**

**17. Purchase and use of DSNG/SNG equipments** – (1) The following entities are eligible for purchase of SNG/ DSNG equipment under permission of the Ministry :

(i) Company/ LLP having permission of the Ministry for operating a teleport, for the period of such permission;

(ii) Company/ LLP having permission of the Ministry for uplinking a news channel, for the period of such permission;

(iii) Company/ LLP having permission by the Ministry of a news agency, for the period of such permission

(2) An entity referred to in sub-section (1) may, for the purpose of seeking permission for purchase of a SNG/ DSNG equipment, apply online on the Broadcast Seva portal along with documents specified therein.

(3) The Ministry shall, after satisfying itself that the application is in order and the proposal is otherwise fit for approval, grant permission to the entity for purchase of the equipment, subject to the following conditions :

- (a) The uplinking should be carried in encrypted mode, so as to be receivable only in closed user group. The signal should only be down linked at the permitted teleport of the licensee and uplinked for broadcasting through permitted satellite through that teleport only.
- (b) The company/ LLP shall follow the roll out obligations as specified in Appendix III.
- (c) The company/LLP would also give an undertaking that the feed collected through SNG/DSNG shall conform to Programme and Advertisement Codes.
- (d) The use of SNG/ DSNG would be permitted only in those areas/regions/states which are not specifically prohibited by Ministry of Home Affairs.
- (e) The company/ LLP would submit the purchase documents of SNG/ DSNG terminals and inform the Ministry about placement of these terminals at the various locations.
- (f) The company permitted to use SNG/ DSNG shall apply to WPC for frequency authorization of WPC.
- (g) The permitted company shall maintain a daily record of the location and the events which have been covered and uplinked by SNG/ DSNG terminals and down linked at their main satellite earth station and produce the same before the licensing authority or its authorized representative, which will include officers of Ministry of Home Affairs, as and when required.
- (h) The permitted company shall not enter defence installations.
- (i) The equipment should not be taken in the areas cordoned off from security point of view.
- (j) The company/channel desiring to use SNG/DSNG would give an undertaking that it would be used for live newsgathering and footage collection for captive use only.
- (k) Violations of any of the aforementioned terms and conditions would lead to revocation/ cancellation of the permission to use the SNG/ DSNG.
- (l) The permitting authority may modify the conditions laid down or incorporate new conditions, as and when considered necessary.

**18. Use of SNG/DSNG Equipment** – (1) The use of SNG/DSNG would be permitted to News and Current Affairs channels uplinked from India for live news/ footage collection and point-to-point transmission.



(2) PIB accredited news agencies having permission under section 16 can use SNG/ DSNG for collection/ transmission of news/ footage.

(3) A company/LLP having a permitted non-news channel which is uplinked from its own permitted teleport, can use SNG/DSNG equipment for their approved channels, for transfer of video feeds to the permitted teleport.

(4) No entity, which does not have permission from the Central Government to purchase/use a SNG/DSNG equipment, shall in whichever manner use such equipment for commercial purposes or for hiring to any other entity for the purpose of news gathering or uplinking of any event, and no permitted channel shall hire a SNG/DSNG equipment, for the purpose of news gathering or uplinking any event, from an entity which is not permitted by the Central Government.

Provided that any unauthorised usage/ hiring of SNG/DSNG, either by a non-permitted entity or by a permitted channel owner shall be deemed to be a violation under these Guidelines which may invite penal action, including suspension/cancellation of the permission.

## **PART VII**

### **LIVE UPLINKING OF EVENTS BY NEWS AND NON-NEWS CHANNELS**

**19. Live telecast of events** – (1) A news channel which is given permission under these Guidelines may uplink news and current affairs content by using the SNG/DSNG equipment permitted to it, or hiring such equipment owned by any other permitted news channel owner or a teleport operator, after registering such hiring by means of an application on Broadcast Seva portal.

(2) A non-news channel having permission under this Guideline may, for the purpose of broadcasting an event Live (other than an event which is in the nature of news and current affairs), irrespective of the technology used for uplinking the event, register itself online on Broadcast Seva, at least 5 days preceding the first date of a live event, furnishing such details and documents as may be specified in the application for registration, including the following :

- (a) Date, time, venue and name of the event;
- (b) the channel's/ teleport's willingness to broadcast/ uplink the proposed programme/ event;
- (c) due authorization of the event owner along with specific dates and timings of the proposed programme/ event.
- (d) A valid WPC license issued to the teleport operator, where a SNG/DSNG equipment or any such technology is used requiring WPC license.
- (e) Where an equipment or technology other than SNG/ DSNG is used, detailed specifications thereof.

Provided that if a non-news channel uplinks an event Live without registering itself on Broadcast Seva, it would be liable for penal action under the Guidelines, including suspension/ cancellation of the channel, in addition to a direction by the Central Government by an order in writing to stop the live broadcast of the event forthwith, and prohibiting the channel for any live broadcasting for a period upto six months.

Provided further that a non-news channel shall not be permitted to telecast any event Live which is in contavention of the programme Codes laid down in Rule 6 of the Cable Television Network Rules 1994.

(3) Registration on Broadcast Seva in terms of sub-section (2) will enable the company/LLP to broadcast the event live, and no specific permission will be granted by the Ministry.

(4) Only teleport operators/ channel owners permitted by the Ministry and Doordarshan may hire SNG/ DSNG equipment/ infrastructure to other broadcasters who are permitted to uplink from India.

(5) For the purpose of Live uplinking, a company may use :

- (a) SNG/DSNG equipment in accordance with the conditions laid down in this section; and/or
- (b) Television Network Equipment (bag pack) or such other device/equipment, on the condition that any such equipment/device is registered with the Ministry on the Broadcast Seva Portal.

(6) The decision as to whether the event being uplinked Live is of the nature of news and current affairs or not will be that of the Central Government and shall be binding on the channel owner.

(7) A Foreign news channel/agency may be granted permission up to one year at a time for Live uplinking from time to time through a pre-designated teleport, by way of an application made in this regard online on the Broadcast Sewa Portal, subject to the following conditions:

- a) The applicant is accredited by the Press Information Bureau, Government of India.
- b) The applicant undertakes to conform to the Programme and Advertisement Codes.
- c) The applicant has a binding agreement with the relevant teleport for the period of permission.
- d) The applicant pays a processing fee of Rs. one lakh per day of Live telecast.
- e) The news/footage so uplinked shall be primarily for the usage abroad by the foreign news agency/ channel and shall not be broadcast in India without downlinking permission and registration of the channel.

**PART VIII  
CHANGE OF SATELLITE/ TELEPORT**

**20. Application for change of satellite/ teleport:** (1) The company/LLP shall apply online for change of satellite/ teleport on the Broadcast Seva portal with a valid agreement with the satellite/ teleport service provider.

(2) The application shall be transmitted online on the portal to the Department of Space for its processing.

**21. Permission for change of satellite/teleport -** After receiving clearance to the proposed change from the Department of Space, the company/LLP shall be given permission for the proposed change by the Ministry.

**PART IX  
PENALTIES FOR VIOLATION**

**23. Consequences of violation and contravention of terms and conditions –** (1) Where a channel/teleport/SNG/DSNG is found to have been/ being used for transmitting/ uplinking any content, messages, or communication, inconsistent with the Programme and Advertising Code under the Cable Television Networks Regulation Act, 1995, it shall be liable for any one or more of the following penal action:

- i. Warning, to be communicated in writing to the entity;
- ii. An apology scroll, to be run on the channel;
- iii. A statement of apology to be read out by the Director/CEO on the channel;
- iv. Suspension/revocation of permission
- v. Disqualification from holding any permission under the Guidelines for a period upto five years.

(2) Where a permission holder is found to be violating any of the terms and conditions of the permission, or any other provisions of these guidelines, the Ministry shall have the right to take action, as under:

Sl. No.	Violation	Action for violation
(i)	Delay/ non-intimation to the Ministry about change in the shareholding pattern of the company	Warning and/or Prohibition of broadcast upto 30 days
(ii)	Appointment of a Director without prior permission of the Ministry	Warning and/or Prohibition of broadcast upto 30 days
(iii)	Non-removal of a Director who	Prohibition of broadcast upto 30 days;

	has been denied security clearance	Suspension/ cancellation of permission
(iv)	Showing dual logo/ logo or name not permitted by the Ministry	Warning and/or Prohibition of broadcast upto 30 days
(v)	Not maintaining the stipulated net worth at the end of two consecutive financial years	Warning and/or Prohibition of broadcast upto 10 days
(vi)	In respect of a channel, for being non-operational for more than 60 (but less than 90 days) continuously, without intimating the Ministry.	Warning
(vii)	In respect of a channel, for being non-operational for a continuous period exceeding 90 days	Suspension/ revocation of permission
(viii)	Non-payment of annual permission fees beyond a period of one year from the due date	Prohibition of broadcast upto 30 days/ Suspension of channel
(ix)	Non-registration for telecast of a Live event by a non-news and current affairs channel	Warning and/or Prohibition of broadcast upto 10 days, suspension/ cancellation, stoppage of live broadcast, prohibition of live broadcast for a period upto six months
(x)	Telecast of an event Live by a non-news channel, content of which is in contravention of the Programme Code	Stoppage of live broadcast, prohibition of live broadcast for a period upto six months
(xi)	Usage of non-permitted SNG/DSNG equipment	Prohibition of broadcast upto 30 days; Suspension/ cancellation of permission

(3) In the event of failure of the permission holder to comply with the penal action taken by the Ministry as specified under sub-section (1) and (2), the Ministry may revoke the permission and prohibit the channel's broadcast for the remaining period of the permission and disqualify the company/LLP to hold any fresh permission in future for a period upto five years.

(4) Notwithstanding the above, the Central Government shall have the right to :

- (a) suspend the permission of the company for a specified period in public interest or in the interest of national security to prevent its misuse; and
- (b) prohibit the operation of any programme or channel as laid down under section 20 of the Cable Television (Networks) Regulation Act, 1995



and the company/LLP shall immediately comply with any such directive/order issued.

(5) In the event of revocation of permission, the fees paid shall stand forfeited.

(6) No penal action shall be taken under this chapter, unless the company/LLP has been given an opportunity of being heard.

## **PART X MISCELLANEOUS**

**23. Security Clearance by Ministry of Home Affairs** – (1) A company/LLP making an application under the Guidelines shall be required to apply for security clearance in the format as prescribed by Ministry of Home Affairs (MHA) for the following purposes:

(i) At the time of initial application and during the currency of permission of a channel/teleport/newsagency –

(a) Where the application is for permission for a teleport, or for uplinking a channel or for downlinking a channel, or for a news agency –

I. for the company/LLP and shareholders/partners having an equity holding or share of more than 10 percent;

II. Director of the Company/LLP

III. By a company/LLP seeking permission for downlinking of a foreign news channel (not owned by an Indian company/LLP).

(b) Where there is a change proposed to be made in the Directors of the Company/LLP:

I. For the new Director to be appointed;

II. In case of a company/LLP seeking permission for downlinking of a foreign news channel (not owned by an Indian company/LLP), for the new Key Executive, by whatever name called, proposed to be appointed.

(c) Where the shareholding pattern changes to the extent that a new shareholder has more than 10 percent of the shareholding, in respect of such shareholder.

(ii) At the time of application for renewal of permission of a channel/teleport/newsagency, security clearance shall be required in respect of the company/LLP, and in respect of the shareholders/partners (where such shareholding/share exceeds 10 percent) and the Director/Key Executives (as the case may be);

(iii) At the time of application for transfer of a channel/teleport to another entity under section 29, where the transferee Company/LLP or any its Directors are not security cleared.

(iv) Before the transfer of a channel from one company/LLP to another company/LLP, where the company/LLP taking over the channel is not a permission holder under the Guidelines, or at the time of such transfer there is a change in the ownership/shareholding pattern and Board of Directors of such company.

(2) Once security clearance is granted to an entity by Ministry of Home Affairs, it will be valid for a period of ten years.

Provided that if at any time the Ministry of Home Affairs withdraws security clearance to a permission holder, the permission of the company/LLP shall be forthwith terminated, after giving an opportunity of being heard.

**24. Reference to Department of Revenue, Ministry of Finance** - (1) The Ministry may, for reasons to be recorded in writing, make a reference to the Department of Revenue, Ministry of Finance.

Provided that such reference shall be mandatorily made in respect of permission sought by a company/ LLP for downlinking a channel owned by a company/ LLP not incorporated or formed under the Indian laws.

(2) The Ministry may, on the basis of the comments received from the Department of Revenue, take appropriate decision with regard to grant of permission to the company/ LLP.

**25. Appointment of a new Director** – (1) A company/ LLP having permission under these Guidelines shall not appoint a new person as a Director, without prior approval of the Ministry.

(2) For the purpose of appointing a new person as a Director, the company/LLP shall furnish all relevant details to the Ministry for enabling it to seek security clearance from the Ministry of Home Affairs.

(3) On receiving security clearance from the Ministry of Home Affairs, the Ministry of Information and Broadcasting shall convey its permission to the company/LLP, and upon such conveyance, the person may be appointed as Director.

Provided that where the Ministry of Home Affairs denies security clearance, such person shall not be appointed as a Director.

Provided further that where the Ministry of Home Affairs withdraws security clearance of an existing Director of a company/LLP, the company/ LLP shall remove such person from the Board of Directors forthwith.

(4) Non-compliance to the decision of the Ministry shall be deemed to be a violation under these guidelines and may invite penal action.

**26. Intimation regarding change in shareholding pattern and Foreign Direct Investment**

– (1) A company/ LLP having permission under these Guidelines shall, within 30 days of change in its shareholding pattern or FDI pattern, intimate the same to the Ministry, along with details of the revised pattern and names/details of all the investors.

Explanation: Change in shareholding pattern shall include change involving 10% or more in the equity holding by any individual or an entity.

(2) Every change in the FDI pattern has to conform to the FDI Policy of the Government of India.

**27. Furnishing of information and documents** - The Ministry may, from time to time, call for such information and documents from the company/LLP, both at time of processing an application and during the currency of permission, as it may require for implementation of the Guidelines.

**28. Remittance of foreign exchange** – (1) Where a company/ LLP is required to remit foreign exchange under the RBI Instructions to a foreign entity for transaction relating to permission under these Guidelines, it may seek permission of the Ministry by applying online on Broadcast Seva.

(2) Every such application shall be processed by the Ministry in accordance with the extant Instructions of the Reserve Bank of India and permission granted accordingly.

**29. Transfer of Permission of a Television Channel or teleport** – (1) A TV Channel or a teleport can be transferred by a company/LLP, granted permission under these Guidelines, to another entity only with prior approval of the Ministry.

(2) Transfer under sub-section (1) shall be permitted under the following situations:

- (a) merger/demerger/ amalgamation duly approved by the Court/ Tribunal in accordance with the provisions of the Companies Act, 2013, and the company/ LLP files a copy of the order of the Court/ Tribunal sanctioning the said scheme;
- (b) transfer of business or undertaking in accordance with the provisions of applicable law, and the company/ LLP files a copy of the agreement/ arrangement executed between itself and the transferee company/LLP;

- (c) transfer within Group Company, and the company files an undertaking stating that the transfer is within the Group Companies.

*Explanation 1:* “Group Company” in relation to a company means a company, which is under the same management and/or has the same promoters as the other company or over which that other company exercises significant influence or control and shall also include an associate company, subsidiary company, holding company or a joint venture company.

*Explanation 2 :* For the purpose of this clause significant influence means control of at least 20% of the total paid up share capital or having the right to appoint at least one third of the Board of Directors by way of agreement or otherwise.

(3) The transfer of channel shall be subject to fulfillment of following conditions:

- (a) The new entity should be eligible as per the eligibility criteria under these Guidelines, including the net worth and the entity and its Directors are security cleared.
- (b) The new entity undertakes to comply with all the terms and conditions of permission so granted.

**30. Uplinking of television channels for viewing only in foreign Countries –** (1) TV channels operating in India and uplinked from India but meant only for foreign viewership are required to ensure compliance of the rules and regulations of the country for which content is being produced and uplinked.

Provided that the uplinked content should not contain anything which is against the sovereignty, integrity and national security of India as well as its friendly relations with other countries.

(2) A channel owned by a foreign company/ entity may be allowed to uplink its content to be viewed outside India by using the facility of a permitted teleport operator by way of an online application on Broadcast Seva furnished on its behalf by the concerned teleport operator.

Provided that permission for use of such facility shall be granted only after receiving clearance from Ministry of Home Affairs, Ministry of External Affairs and Department of Space.

**31. Residual Clause-** For any other permission/ matter related to uplinking and downlinking of private satellite TV channels not specifically mentioned in the guidelines, Secretary, Information & Broadcasting, would be the competent authority.



**I. Processing Fee**

Applicant company/LLP shall pay non-refundable processing fee as under:

Sr. No.	Type of Permission	Amount of fee (in Rs.)
1.	Teleport	Ten Thousand
2.	TV Channel	Ten Thousand
3.	News Agency	Ten Thousand

**II. Annual Permission Fee**

Permission holding companies shall pay Annual Permission Fee as prescribed below:

Sr. No.	Type of Permission	Annual Permission Fee (in Rs.)
1.	Teleport	Two lakh per Teleport
2.	Uplinking of TV Channel	Two Lakh per Channel
3.	Downlinking of TV Channel from India	Five Lakh per Channel
4.	Downlinking of a channel from outside India	Fifteen lakh per channel
4.	Uplinking of a foreign channel from Indian teleport	Five lakh per channel

**Schedule of Payment**

(1) After being held eligible, the Company/LLP shall pay the permission fee for the first year before the issuance of permission. The due date for the succeeding year's permission fee would be one year from the date of operationalization of the Teleport/ TV Channel and would have to be deposited 60 days before such fee becomes due.

(2) Annual fee paid after the due date shall attract late fee charges levied at simple interest rate of 2% per month. Incomplete month shall be considered as one month for the purpose of late fee calculation.

**Networth Requirement**

The applicant company/LLP should have minimum networth as under:

<b>Sr. No.</b>	<b>Item</b>	<b>Minimum Net Worth (In Rs crore)</b>
1.	For first Teleport	3.00
2.	For each additional Teleport	1.00
3.	For first Non-news & Current Affairs TV Channel	5.00
4.	For each additional Non-news & Current Affairs TV Channel	2.50
5.	For first News & Current Affairs TV Channel	20.00
6.	For each additional News & Current Affairs TV Channel	5.00

**Roll Out Obligations and Performance Bank Guarantee**

Sr. No.	Type of Permission	Roll Out Obligations
1.	Teleport	<ul style="list-style-type: none"> <li>• After being held eligible, the applicant company shall furnish a Performance Bank Guarantee (PBG) for Rs 25 lakh for each teleport before the issuance of permission in the format as specified by the Ministry for fulfilling the rollout obligation stipulated above, from any scheduled bank in favour of the Ministry of Information and Broadcasting.</li> <li>• The company shall operationalise the teleport within one year from the date of obtaining all necessary clearances from WPC and NOCC.</li> <li>• If the teleport is not operationalised within the stipulated period of one year then the permission would be liable to be cancelled and the PBG would be liable to be forfeited.</li> </ul>
2.	TV Channel	<ul style="list-style-type: none"> <li>• After being held eligible, the applicant company shall furnish a Performance Bank Guarantee (PBG) of Rs 1 crore (for Non-news &amp; Current Affairs channel)/ 2 crore (for News and Current Affairs Channel) from any scheduled bank for each Non-News and Current Affairs channel before the issuance of permission in the format as specified by the Ministry for fulfilling the rollout obligation.</li> <li>• The applicant company shall operationalize the permitted TV Channel within one year from the date of obtaining all necessary clearances from WPC and NOCC.</li> <li>• If the channel is not operationalized within one year from the date of permission, the permission will be liable to be cancelled and the PBG will be liable to be forfeited.</li> </ul>
3.	SNG/ DSNG	<ul style="list-style-type: none"> <li>• After being held eligible, the applicant company shall furnish a Performance Bank Guarantee (PBG) for Rs 10 lakhs from any scheduled bank for each SNG/ DSNG van before the issuance of permission in the format as specified by the Ministry for fulfilling the rollout obligation as stipulated above in favour of the Ministry of Information and Broadcasting.</li> <li>• The applicant company shall operationalise the SNG/ DSNG within six months from the date the permission is granted by the Ministry of Information and Broadcasting.</li> <li>• If the SNG/ DSNG van is not operationalised within six months, the permission would be liable to be cancelled and the PBG would be liable to be forfeited.</li> </ul>