



**Telecom Regulatory Authority of India**



**Consultation paper**  
**on**  
**Regulatory framework for**  
**Ground-based Broadcasters**

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Written comments on the consultation paper are invited from the stakeholders by 15.11.2024. Counter-comments, if any, may be submitted by 29.11.2024. The comments and counter-comments will be posted on TRAI's website [www.trai.gov.in](http://www.trai.gov.in).

The comments and counter-comments may be sent, preferably in electronic form to Shri Deepak Sharma, Advisor (B&CS), Telecom Regulatory Authority of India on [advbcs-2@traigov.in](mailto:advbcs-2@traigov.in) and [jtadv-bcs@traigov.in](mailto:jtadv-bcs@traigov.in) . For any clarification/information, please contact Shri Deepak Sharma, Advisor (B&CS) at Tel. No.: +91-11-20907774.

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# CHAPTER I

## INTRODUCTION AND BACKGROUND

### A. The Broadcasting sector in India

- 1.1 Over the past few decades, the television broadcasting sector has undergone a paradigm shift from a single terrestrial TV channel to multi-channel multi-platform television services. This sector is a sunrise sector having huge potential to contribute towards the growth of the Indian economy. The industry is a vibrant, dynamic, and fast evolving sector that showcases India's technological expertise and rich cultural diversity.
- 1.2 Various industry reports have been providing the projections of the Media and Entertainment (M&E) industry. Different reports present different estimates. As per an industry projection<sup>1</sup>, the M&E sector, constituting of varied segments like television, digital media, print, films, online gaming, animation and visual effects (VFX), live events, music, radio, and Out-of-Home media (OOH) grew by ₹173 billion from 2022 to reach ₹2.32 trillion in 2023. It is estimated that the sector is expected to reach ₹3.08 trillion by 2026 at a CAGR of around 10%. The media and entertainment sector in India accounts for about 0.9% of GDP, compared to 3 to 4% for many of the developed countries<sup>2</sup>.
- 1.3 The broadcasting sector consists of Television and Radio Services. The Television services are delivered through cable TV services, Direct-To-Home (DTH) Service, Headend in the Sky (HITS) services and Internet Protocol television (IPTV) services. As per an industry report<sup>3</sup>, the TV

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<sup>1</sup> [https://assets.ey.com/content/dam/ey-sites/ey-com/en\\_in/topics/media-andentertainment/2024/ey-in-india-s-media-entertainment-sector-is-innovating-for-the-future-03-2024-v1.pdf](https://assets.ey.com/content/dam/ey-sites/ey-com/en_in/topics/media-andentertainment/2024/ey-in-india-s-media-entertainment-sector-is-innovating-for-the-future-03-2024-v1.pdf)

<sup>2</sup> <https://www.ciiblog.in/indian-media-entertainmentindustry/#:~:text=The%20Media%20%26%20Entertainment%20sector%20remains,are%20much%20below%20global%20levels>

<sup>3</sup> FICCI EY Report (March 2024) titled “#Reinvent -India’s media & entertainment sector is innovating for the future”



universe consists of approximately 62 million cable TV households, 2 million HITS subscribers. In addition, as reported by the pay DTH operators to TRAI, there were 61.97 million<sup>4</sup> pay DTH total active subscribers as on 31.03.2024. Further, reported subscriber base by the IPTV operators was 0.5 million<sup>4</sup> as on 31.03.2024.

- 1.4 The TV broadcasting sector encompasses approximately 333 broadcasters providing 922 private satellite TV channels as on 31.03.2024<sup>5</sup>. These television channels include 258 SD pay TV channels and 103 HD Pay TV channels provided by 41 television broadcasters. Further, there were 880 Multi System Operators (MSOs)<sup>6</sup>, 1 HITS operator<sup>4</sup>, 4 pay DTH operators and 33 IPTV operators<sup>4</sup>. Further, as per the information provided by MIB, there were 81,706 cable operators registered in the country.
- 1.5 Prasar Bharati, is the Public Service Broadcaster in India which operates radio network- All India Radio (Akashvani) & Television Network (Doordarshan). Prasar Bharati also operates DD Free dish, the only Free-to-Air (FTA) DTH Service which is the largest distributed DTH platform in India. DD Free Dish reaches millions of people especially in rural, remote, inaccessible and border areas having low income and is used as a tool not only for entertainment but also for promoting education, health, and agriculture. As per industry estimates, there were around 45 million DD Free Dish households<sup>3</sup>.
- 1.6 The revenue of Indian television industry stands at Rs 69,600 crore<sup>3</sup> in the year 2023 as compared to Rs 70,900 crore<sup>3</sup> in the year 2022, thereby registering a decline of around 1.8%. Subscription revenue accounts for a major share of the overall industry revenue increased

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<sup>4</sup> As reported to TRAI

<sup>5</sup> <https://new.broadcastseva.gov.in/digigov-portal-web-app/>

<sup>6</sup> [https://www.mib.gov.in/all\\_broadcasting\\_documents](https://www.mib.gov.in/all_broadcasting_documents)

from Rs. 39,200 crore<sup>3</sup> in the year 2022 to Rs. 39,900 crore<sup>3</sup> in the year 2023. Further, advertisement revenue has decreased from Rs 31,800 crore<sup>3</sup> in the year 2022 to Rs. 29,700 crore<sup>3</sup> in the year 2023.

## **B. Reference from MIB**

- 1.7 The Telecom Regulatory Authority of India (TRAI) in its recommendations on 'Restructuring of cable TV Services' dated 25 July, 2008 had, inter alia, recommended that LCOs shall be permitted to transmit their ground based channels, which will be subjected to Programming code and Advertisement code as prescribed in the Cable Television Network (Regulation) Act, 1995 and any other instructions issued by MIB from time to time. As part of the recommendations, MIB was requested to issue detailed guidelines for provision of ground-based channels by LCOs.
- 1.8 Subsequently MIB vide their letter dated 17 January 2013, sought recommendations of TRAI under section 11 (1) (a) (ii), (iii) and (iv) of TRAI Act, 1997 (as amended) on the issues related to local ground-based channels of cable TV operators.
- 1.9 During the consultation process on the above-mentioned issue, it emerged that there are several channels carried on the cable TV networks that are not PS channels, satellite-based or Doordarshan channels. The Authority believed that the channel operators, who produce and own the rights to the programming content of these channels largely follow the same processes to create, assemble and distribute these channels, as the traditional satellite-based channels, and, therefore, they are *de facto* broadcasters. However, the main difference between their process and the traditional satellite-based broadcasters (The broadcaster using satellite-based communication medium is termed as SBB and that using terrestrial communication

medium is termed as GBB) was that they transmit the channel for retransmission at the headend of the DPO<sup>7</sup> terrestrially and there is no requirement of uplinking/downlinking of such channels to/from satellite.

- 1.10 The owners of these channels transmit the content terrestrially to the headend of the cable TV network, i.e., there is no uplinking or downlinking of the channel and the DPOs retransmit them on commercial terms to the subscribers. These channels may be distributed on one or more cable TV networks, simultaneously. They are also like traditional satellite-based channels in respect of the genres of program content, and the carrying of advertisements. The ad-revenue accrues to the channel owner. Consequently, these ground-based broadcasters have all the rights for the content carried and are responsible for the same. However, in the absence of a clear regulatory framework they cannot register their ground-based channel with the Ministry of Information and Broadcasting (MIB) and, therefore, they are not legally recognized as 'broadcasters' either.
- 1.11 The Authority was of the view that in regulatory terms, the framework for both - the traditional satellite and ground-based broadcasters - ought to be the same, except to the extent that some of the permissions and clearances, such as those for spectrum usage from Department of Space (DoS) and Wireless Planning & Coordination (WPC) Wing, may not be required.
- 1.12 Accordingly, the Authority had forwarded its recommendations on Regulatory Framework for Platform Services to MIB on 19<sup>th</sup> November 2014 which included recommendations related to 'Regulatory framework for Ground-based broadcasters'.

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<sup>7</sup> Multi System Operators (MSOs), Direct to Home (DTH), Headend in the Sky (HITS) and Internet Protocol Television (IPTV) operators

1.13 In this regard, vide its letter dated 22.5.2024 (**Annexure-I**), MIB has referred to TRAI recommendations on "Regulatory Framework for Platform Services" dated 19.11.2014 and Chapter III therein including recommendations on "Regulatory Framework for Ground Based Broadcasters". In its above referred letter MIB has, inter-alia stated that they have examined the recommendations in relation to regulation of platform services and issued the guidelines for the same with the approval of the Competent Authority on 30.11.2022. MIB has further mentioned that during the course of the examination of the recommendations of TRAI for the Ground Based Broadcasters (GBBs) in the Ministry, it was felt that the context in which the recommendations were made by TRAI may have changed since the year 2014 and there may be a need to look into the matter afresh due to the following reasons:

**i) Advent of High-Speed Wired/Wireless Internet in recent times and its potential impact on GBBs:** As TRAI recommendations on 'Regulatory Framework for Ground Based Broadcasters' were published way-back in the year of 2014, several dynamics have changed in the world of wired/wireless Internet in recent times. There has been a huge rise of digital television platforms and the shift towards the subscription-based revenue models in recent times. Further, the enhanced penetration of high-speed Internet in various parts of the country especially in rural areas may allow GBBs to employ Internet in their operations.

**ii) Issuance of Platform Services Guidelines in variation with TRAI recommendations:** TRAI recommendations on "Regulatory Framework for Platform Services" were published in the year of 2014, the guidelines for registration of PS channels were issued on 30.11.2022. These guidelines differed from the

recommendations from TRAI on certain matters like number of PS channels to be allowed on an MSOs' network. These variations may require certain amendments in the earlier recommendations from the TRAI on GBBs as the PS Channels and GB Channels are closely related and therefore recommendations and regulations for both need to be synchronised.

**iii) Updated Uplinking and Downlinking Guidelines, 2022:**

When TRAI recommendations on "Regulatory Framework for Platform Services" were published way back in the year of 2014, "Uplinking and Downlinking Guidelines" dated 05.11.2011 issued by the ministry were in force. While, updated "Uplinking and Downlinking Guidelines" 2022 have been issued by the Ministry of Information and Broadcasting, the regulatory and operational scope of traditional broadcasters might have altered to an extent. The recommendations from TRAI on the regulation of GBBs make substantial references to the Uplinking and Downlinking Guidelines, which has been updated since then.

**iv) Consultation with Ground Based Broadcasters:** TRAI while submitting its recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services" invited suggestions via public domain and held Open House Discussions (OHDs) with stakeholders involved. However, it is felt that GBBs did not participate in large numbers in the consultation process as the main focus was on PS Channels. As the recommendations seek to regulate GBBs, thorough consultations are necessary with them before enacting guidelines.

- 1.14 In view of the above, MIB has requested TRAI for fresh review and recommendations on "Regulatory Framework for Ground Based Broadcasters" under Section 11(1)(a) of TRAI Act, 1997.

- 1.15 Pursuant to the above-mentioned reference by MIB dated 22.05.2024, a pre-consultation meeting with few stakeholders was held at TRAI office on 01.08.2024, wherein the stakeholders put forth their views on the matter and a few of them have submitted written comments thereon.

### **C. Scope of this consultation paper**

- 1.16 The scope of this consultation paper is limited to regulatory framework for ground-based broadcasting services including communication technology options to be allowed and conditions/restrictions, if any, to be imposed for such broadcasters for providing their channels to the Distribution Platform Operators (DPOs).

### **D. Structure of this Consultation Paper**

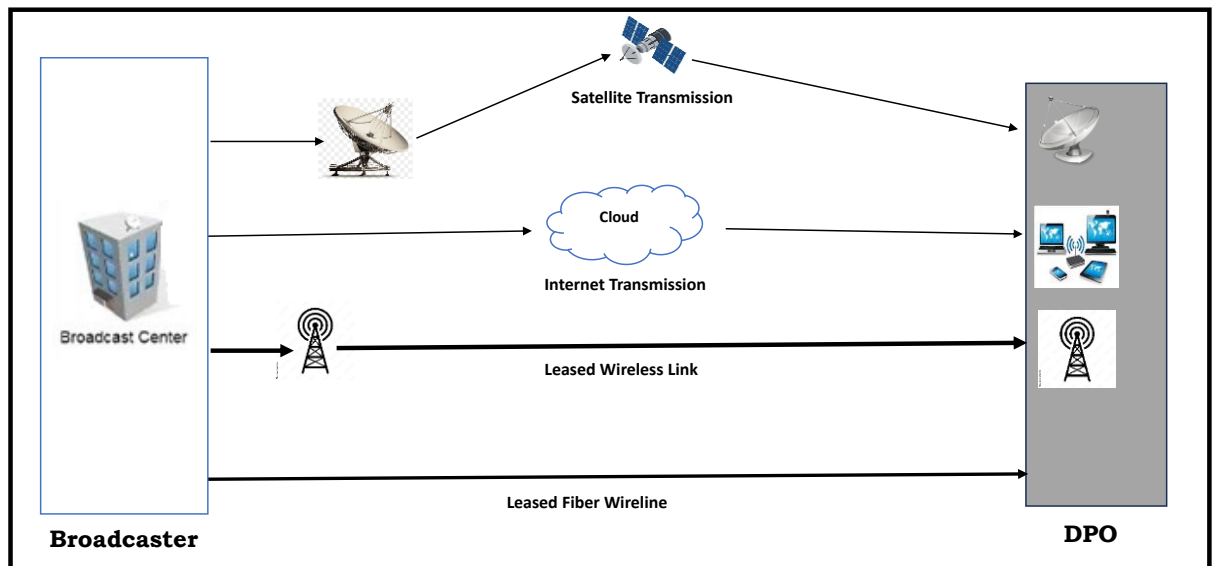
- 1.17 This consultation paper (CP) has been divided into three chapters. Chapter II discusses issues related to regulatory framework for ground-based broadcasters. Chapter III presents a summary of issues for consultation.

## **CHAPTER II**

### **REGULATORY FRAMEWORK FOR GROUND-BASED BROADCASTERS**

- 2.1 MIB issued Guidelines for Uplinking and Downlinking of Satellite Television channels from time to time containing terms and conditions for TV broadcasting services. The said guidelines provided for mandatorily use of satellite medium i.e. uplinking and downlinking of television channels through satellite and therefore, apparently restricts use of terrestrial communication medium. The latest Guidelines for Uplinking and Downlinking of Satellite Television channels was issued on 9 November 2022. For the ease of reference, these are reproduced under **Annexure II**.
- 2.2 The advancement of technology has enabled the broadcasters to transmit their television channels for retransmission at the headend of the DPO terrestrially also. There is no requirement for uplinking or downlinking of such channels. Like traditional TV channels, ground-based channels may also be carried on more than one DPO network simultaneously. The owners of these channels may transmit the content terrestrially to the head end of the DPO and the DPOs retransmit them on commercial terms to the subscribers. However, there is no clear regulatory framework for such ground-based broadcasters.
- 2.3 The broadcaster using satellite-based communication medium has been termed herein as SBB and that using terrestrial communication medium has been termed herein as GBB.
- 2.4 GBBs may utilize a variety of advanced technologies such as cloud-based platforms, broadband networks, fibre technology, etc., to transmit and distribute their content efficiently to the DPOs. These technologies include cloud-based platforms, which allow broadcasters

to store, manage, and deliver content seamlessly through the Internet, ensuring flexibility and scalability in content distribution. Broadband networks play a crucial role in enabling high-speed data transmission, making it possible for GBBs to deliver high-quality video streams, including live broadcasts, to DPOs via the Internet. Additionally, fibre technology continues to be an important medium, facilitating the delivery of television channels to DPOs through fibre-optic networks. Such technologies may enable GBBs to provide a wide range of consistent, high-quality content to DPOs. Some of the technologies that may be used in GBB ecosystem and that by satellite-based broadcasting ecosystem are shown in Figure 1.



**Figure 1: Satellite-based broadcasting and ground-based broadcasting**

- 2.5 However, reach may be an issue in case of some technologies that may be used for Ground-based broadcasting. Some ground-based broadcasters have a very limited reach i.e. they may provide their channels to DPOs of a few thousand viewers in a district/State while others may offer their channels to multiple national-level DPOs thereby achieving a viewership of more than a few million spanning several States in India.



2.6 In order to enable broadcasters to reap the benefits of technological developments, it is essential to establish a regulatory framework for ground-based broadcasters. The alternate technologies may potentially offer a comparable viewership to that of satellite-broadcast, sometimes at a significantly lower cost. If the regulatory framework for broadcasting does not permit terrestrial communication medium, then the broadcasters may not be able to reap the benefits of technological developments and use other communication medium options which may be comparatively advantageous. Therefore, a need is felt to remove any restrictions which may obstruct use of multiple communication technologies for delivery of content to DPOs by the broadcasters. The forthcoming paragraphs discuss the issues related to regulatory framework for ground-based broadcasters.

#### **A. Definition, Scope and Service Area**

2.7 The definition of ‘Broadcaster’ and ‘programme’/ ‘programming service’ as provided the Cable Television Networks (Regulation) Act, 1995<sup>8</sup> is reproduced as under:

*“(aii) “Broadcaster” means a person or a group of persons, or body corporate, or any organisation or body providing programming services and includes his or its authorised distribution agencies;”*

*(g) “programme” means any television broadcast and includes—  
(i) exhibition of films, features, dramas, advertisements and serials;  
(ii) any audio or visual or audio-visual live performance or presentation,  
and the expression “programming service” shall be construed accordingly;*

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<sup>8</sup> As defined in the Article 2(aii) and (g) of the Cable Television Networks (Regulation) Act, 1995, as amended, available at [https://www.indiacode.nic.in/bitstream/123456789/15345/1/the\\_cable\\_television\\_networks\\_%28regulation%29.pdf](https://www.indiacode.nic.in/bitstream/123456789/15345/1/the_cable_television_networks_%28regulation%29.pdf)

2.8 The Cable TV Networks Rules, 1994 defines the Broadcasters as follows:

*“Broadcaster” means any person including an individual, group of persons, public or body corporate, firm or any organization or body who/which is providing programming services and includes his/her authorized distribution agencies;”<sup>9</sup>*

2.9 The Prasar Bharati (Broadcasting Corporation of India) Act, 1990 Act<sup>10</sup> defines the “Broadcasting” as follows:

*“broadcasting” means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public either directly or indirectly through the medium of relay stations and all its grammatical variations and cognate expressions shall be construed; accordingly,”*

2.10 The draft “Broadcasting Services (Regulation) Bill 2023<sup>11</sup>, which was issued by MIB on 7.12.2023 for public consultation, defined the “Broadcasting” and “Broadcaster” as follows:

*““Broadcaster” means a person who provides programming services and has been provided a registration under Section 11 for uplinking or downlinking of programmes, and in relation to Radio, OTT and Terrestrial broadcasting network, means the operator of such service;*

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<sup>9</sup> As defined under Rule 2(aa) of the Cable TV Networks Rules, 1994, as amended, available at <https://traai.gov.in/sites/default/files/CableTelevisionNetworksRules1994.pdf>

<sup>10</sup> As provided under section 2(c) of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990, available at <https://prasarbharati.gov.in/prasar-bharati-act/>

<sup>11</sup> As provided under section 2 (1) (f) & 2 (1) (i) of the MIB’s draft “BROADCASTING SERVICES (REGULATION) BILL, 2023” available at [https://mib.gov.in/sites/default/files/Public%20Notice\\_07.12.2023.pdf](https://mib.gov.in/sites/default/files/Public%20Notice_07.12.2023.pdf)

*“Broadcasting” means one-to-many transmission of audio, visual or audio-visual programmes using a broadcasting network, intended to be received or made available for viewing, by the general public or by subscribers of the broadcasting network, as the case may be, and the expression “broadcasting services” shall be construed accordingly;*

NOTE: The draft “Broadcasting Services (Regulation) Bill 2023 was issued on 10<sup>th</sup> November 2023 by MIB<sup>12</sup> for comments/ feedback from Stakeholders with due date of 09<sup>th</sup> December 2023. Subsequently, the deadline for stakeholder’s comments/ feedback was extended till 15<sup>th</sup> January 2024<sup>13</sup>. MIB is holding a series of consultations with the stakeholders on the draft bill. Further additional time has been provided to stakeholders to submit comments/ suggestions till 15<sup>th</sup> October, 2024. A fresh draft will be published by MIB after detailed consultations.<sup>14</sup>

2.11 As per the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (as amended) (hereinafter called the Interconnection Regulation 2017)<sup>15</sup>, the definition of “Broadcaster” and “Broadcasting services” are as follows:

*“broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, downlinking permission for its channels, from the Central Government, is providing programming services;”*

*“Broadcasting services” means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves*

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<sup>12</sup> Public Notice issued by MIB dated 10<sup>th</sup> November 2023 (downloaded from MIB website on 09/10/2014)

<sup>13</sup> Public Notice issued by MIB dated 7<sup>th</sup> December 2023 (downloaded from MIB website on 09/10/2014)

<sup>14</sup> Source: [https://x.com/MIB\\_India/status/1823028351935672507](https://x.com/MIB_India/status/1823028351935672507)

<sup>15</sup> [https://www.trai.gov.in/sites/default/files/CR\\_18072024.pdf](https://www.trai.gov.in/sites/default/files/CR_18072024.pdf)

*through space or through cables intended to be received by the general public either directly or indirectly and all its grammatical variations and cognate expressions shall be construed; accordingly,”*

- 2.12 The abovementioned definitions of ‘broadcasting’ or ‘broadcasting services’ mentioned in the pre-paras does not specifically mention about the medium of broadcasting i.e. whether it is satellite-based or ground-based/terrestrial. However, the definition of ‘broadcaster’ at some places do mention about uplinking/downlinking, which relate to use of satellite.
- 2.13 Further, as mentioned in TRAI recommendations on "Regulatory Framework for Platform Services" dated 19.11.2014, the main difference between platform services (PS) and ground-based TV channels is that in the case of a PS channel the legal rights to broadcast the content, the responsibility thereof and the ad-revenue received therefrom belongs to the DPO on whose network the PS channel is being carried. Whereas for a ground-based channel even though it is retransmitted on the same DPO’s network, the rights for the content, responsibility thereof and the ad-revenues therefrom belong to the channel owner i.e. the ground-based broadcaster and not the DPO. Further, a PS channel can only be distributed to the DPO’s own subscribers. In contrast, the ground-based broadcaster, like a traditional satellite-based broadcaster, is not confined to any one TV distribution network. Its programs/channels may be simultaneously broadcast/transmitted to multiple DPOs for further retransmission.
- 2.14 Following the pre-consultation meeting, the Authority received comments from some stakeholders on the definition of ground-based broadcasters and Regulatory framework for GBBs. In this regard, one of the stakeholders opined that Ground based Broadcasters are terrestrial broadcasters and are an important part of the overall

business value chain of the Digital Cable TV industry and the definition of Ground Based Broadcaster can be as follows:

*“Ground Based Broadcasters are entities registered with MIB and provide programming services in the form of a channel to various Distribution Platform Operators and does not include any channels being transmitted as satellite channel as per the Policy Guidelines for Uplinking and Downlinking of Satellite Television Channels issued by the MIB, or Platform Services provided by DPO’s, or channels provided by Prasar Bharti, or any channel operated by or on behalf of Parliament of India”.*

2.15 Another stakeholder opined that the definition of Ground-based Broadcasters should be as follows:

*“Ground Based Broadcasters are broadcasters that provide programming content through channels to Distribution Platform Operators through terrestrial means and exclude satellite linear channels registered with the MIB. Regulatory framework for ground-based channels shall be the same as the framework contained in the Uplinking and Downlinking guidelines of MIB for satellite-based broadcasters.”*

2.16 Yet another stakeholder was of the view that ground-based broadcasters’ channels should not be included as PS; they are a class apart and the ground-based channel operators are, in effect, broadcasters. The definition of Ground based Broadcaster should be as follows:

*“Ground based Broadcasters means any person or a group of persons, or body corporate, or any organisation or body providing programming services in the form of a channel (except the channels transmitted as satellite channel as per the downlinking and*

*Uplinking guidelines of MIB or platform services provided by DPO's, or channels provided by Prasar Bharti, or any channel operated by or on behalf of Parliament of India) to various distribution platforms operators, and are registered with MIB for distributing such channels as Ground Based Broadcaster.*

*(Explanation: The rights and responsibility for the content, and the ad-revenues therefrom belong to the channel owner i.e. the ground-based broadcaster and not the DPO, however ground-based broadcaster may allow to share the advertisement revenue with DPO, if commercially agreed.)*

2.17 Another stakeholder was of the view that there should be only one category - Broadcasters. A broadcaster who is broadcasting to public through satellite, cable, social media, fibre, cloud, P2P, broadband or any other means should be called a Broadcaster because that entity is Broadcasting, that is communicating with public. The technology should not change the definition of the act being committed by the entity – Broadcasting. The stakeholder further mentioned that Indian's broadcasting sector is at a crucial stage where it needs to embrace new, better ways of transmitting. This is why the government should allow TV channels to broadcast via cloud, fibre or broadband. Transitioning to cloud, fibre, and broadband broadcasting is a forward-thinking approach that addresses the limitations of satellite space, reduces costs, and embraces technological advancements as well as greater control while providing better viewing option to the citizens. It offers improved quality, scalability, and flexibility, while also supporting regional diversity and environmental sustainability. For the future growth and modernization of India's television broadcast industry, it is imperative that the government facilitates this transition by removing the condition of “mandatory” satellite based uplinking and downlinking

and adding the option of using Fibre/Cloud/broadband for content delivery.

- 2.18 Another important issue for consideration is the service areas in which GBB may be permitted to operate. A well-delineated service area framework would help address issues related to content distribution, advertising markets, and consumer reach, fostering a competitive yet orderly broadcasting environment especially keeping in mind limited reach of some of the GBBs. Considering the smaller reach of some of the ground-based broadcasters, one may opine that GBBs may be permitted to operate at National level and State level and a GBB may be permitted to operate in multiple states. In such a situation another issue for consideration is that as to what should be the obligations/terms & conditions for permission/authorisation at National and State level and whether a State-level GBB may be permitted/authorised to provide services in more than one State after obtaining separate authorisation for each State.
- 2.19 In case a State-level broadcaster is allowed to provide services in more than one State, it will enable them to transmit content across various regions, potentially targeting different demographics and catering to diverse linguistic, cultural, and regional preferences. When a broadcaster is permitted to operate in multiple states, it allows for a wider audience base and the opportunity to establish a pan-regional or even national presence.
- 2.20 Therefore, it is imperative that an exhaustive definition of broadcaster, satellite-based broadcasting, ground-based broadcasting, scope of service and the service area for them be provided for under the Regulatory framework intending to govern the ground-based broadcaster. Further, it is important to consider whether any distinction is required to be made between the broadcasters using satellite medium and terrestrial medium for delivery of content to DPOs

in the regulatory framework. Also, whether the definition of broadcaster may be required to be broadened to make it independent of communication medium used for delivery of content to DPOs by broadcasters i.e. all communications mediums may be allowed.

### **Issues for consultation**

**Q1. For the purpose of regulatory framework for ground-based broadcasters, do you agree with the draft definition for broadcaster, programme, Satellite-based broadcasting and Ground-based broadcasting given below? If not, please suggest alternative definitions. Please elaborate your response with full justification.**

***“broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorization from the Central Government for its channels, is providing programming services;”***

***“programme” means any television broadcast and includes-***

- i) exhibition of films, features, dramas, advertisement and serials;***
- ii) News & current affairs, Non-news & current affairs, educational content***
- iii) any audio or visual or audio-visual live performance or presentation,***

***and the expression “programming service” shall be construed accordingly;”***

***“Satellite-based Broadcasting” means providing programming services using satellite-based communication medium for delivering channels to the distributors of television channels.”***



***“Ground-Based Broadcasting” means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels.”***

- Q2. Should there be any distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.**
- Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.**
- Q4. Whether GBBs should be permitted/authorised to provide services in two separate categories i.e. (i) at State level, and (ii) at National level? If State level category for GBB are considered, then should such State level GBB may be allowed to obtain separate permissions/ authorisations in more than one State or there may be some ceiling on number of State-wise permissions/authorisations beyond which national level permission/authorisation must be obtained?**

## **B. Regulatory Framework**

- 2.21 A regulatory framework for ground-based broadcasting in India is essential to ensure a fair, transparent, and orderly growth of the sector. Ground-based broadcasting may play an important role in disseminating information, entertainment, and education to a diverse population. Given its potential influence on public opinion and its ability to reach vast audiences, a well-defined regulatory framework is

necessary to maintain the integrity of content, protect consumer interests, and ensure level playing field and equitable access to broadcasting resources. Such a framework may help in preventing monopolistic practices, and promoting competition. Additionally, as technological advancements and digitalization transform the broadcasting landscape, a robust regulatory framework is needed to reap the benefits of technological developments and address emerging challenges, such as intellectual property rights, content regulation, etc. Thus, the establishment and continuous evolution of regulations in this sector are crucial for fostering a balanced and thriving media environment in India.

2.22 In respect of the ground-based broadcasters, there is a lack of clarity regarding the applicable regulatory framework. The key differences between traditional satellite and ground-based broadcasting lie primarily in the communication medium of content transmission and their reach. Like traditional satellite broadcasters, ground-based broadcasters are not restricted to a single satellite-based transmission network. Their programs or channels can be broadcast or transmitted to multiple Distribution Platform Operators (DPOs) using various/multiple terrestrial communication mediums, for further retransmission.

2.23 Pursuant to the pre-consultation meeting, stakeholders submitted their views with respect to the regulatory framework on GBB. One of the stakeholders opined that ground-based broadcasters are not operating using satellite technology; therefore, the Uplinking and Downlinking guidelines are not applicable to them. However, the other regulations like the Cable TV Act including its Amendments, Programming and Advertising Code prescribed by MIB and respective Interconnect, Tariff and QoS regulations prescribed by TRAI, should be applicable to GBB. Considering the size of GBB, the Tariff Regulations & Interconnect

Regulations may need to be relaxed. The key indices which need to be considered while framing regulatory framework for GBB shall be:

- i. The GBB shall not be bound by “Must Provide” and “Must Carry” regulations, as it is technically not feasible/viable for them to provide their content to each DPO across the country.
- ii. There should not be any condition related to provision of “Exclusive” content/programming services/channel to any DPO.
- iii. The Net Worth requirement for GBB should be relaxed so that it does not become an entry barrier and the entrepreneurs, who are creating content and working on small scale, can make their business viable.

2.24 Another stakeholder opined that the Regulatory framework for ground-based channels shall be the same as the framework contained in the Uplinking and Downlinking guidelines of MIB for satellite-based broadcasters.

2.25 Yet another stakeholder was of the view that all the Regulations applicable on traditional broadcasters be applicable on Ground-Based Broadcasters, such as:

- a. Signing of Interconnection Agreements: Signing of agreement would give clarity of the terms between the GBB & DPO and would demonstrate that the terms are non-discriminatory. Execution of the Agreement would reduce the disputes also and would bring transparency.
- b. Must Provide: In our opinion, must provide clause should be there as mentioned in the existing Interconnection Regulation due to following reasons:
  - i. Absence of Must Provide clause would lead to arbitrary denial of providing the GB channels to the seeker.
  - ii. In case any Ground Based channel is owned by one MSO and the same channel becomes very popular, then the owner MSO

may refuse or avoid providing the channel to its competing MSO. The consequence of which may shift of a few LCOs to the MSOs having those channels from the MSO not having channel.

- iii. This would create an imbalance on the ground. While sharing ground-based channel with all MSOs would create parity.
- iv. However, if it is not feasible for GBB to provide the channels in certain areas due to technical or other constraints, the same may be denied on the same terms as mentioned in the existing regulation.
- v. In the absence of “Must Provide” this would lead to Monopoly.
- vi. Denial of GB Channels would have the effect of Exclusivity, which is the basic difference between PS & GB Channels.
- vii. In view of above, we suggest that “Must Provide” clause should be there in the regulations.

c. Must Carry:

- i. Must Carry clause would give parity for the GBB on the platforms of MSOs,
- ii. This clause should be on the same lines of existing regulations, as giving right of refusal on the terms as mentioned in the regulations.

The stakeholder also mentioned that non applicability of Regulation on GBB would lead to creating a big loophole in the system, as those traditional broadcasters who do not want to follow or want to get out of regulations, will shift to GBB mode. This will create havoc and lots of confusion, as some of the broadcasters are under the regime of regulations and others are under forbearance, which means the channels which are under forbearance may have different pricing and the channels under regime would have different pricing, while the channel would be the same. In addition, GBB may enter into fix fee

deal for the similar channel, while broadcaster under regulatory regime would be charging the fee on the basis of subscriber base. Likewise, there would be many more issues would arise and would make the situation a total mess.

The stakeholder further mentioned that GBB being a new scenario should be regulated with light touch, and commercial terms may be put under forbearance. Further the Net worth requirement for Ground based broadcaster should be there, so that only serious players could enter into this business.

2.26 Another stakeholder was of the view that existing regulatory framework should be applicable to all broadcasters. While an entity broadcasting via satellite in a linear format of TV broadcasting requires security clearances and other norms of national security and programming code, the same is not applicable to an entity broadcasting on YouTube, cable, cloud or any other non-linear non-satellite mode. It is both unfair and unjustifiable. The net worth needed to start a news channel is Rs 20 cr. while no such requirement exists for a non-satellite broadcaster. This net worth clause should also be removed and a level playing field should be provided to all.

2.27 The existing Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, regulate satellite-based broadcasters across various aspects. These guidelines address important areas such as roll-out obligations, performance bank guarantees, security deposits, procedures and timelines for granting permissions or authorizations, compliance with content regulations, necessary approvals and clearances, validity of permissions, renewal and termination of licenses, withdrawal of authorization, disclosure norms, etc. One may opine that to ensure a level playing field, it is essential that these provisions may also be applied to ground-based

broadcasters (GBBs). This will help establish consistent standards across the broadcasting industry, promoting fairness and regulatory alignment.

2.28 With respect to the regulatory framework for Ground-Based Broadcasters (GBBs), several key aspects require consideration which include the fee structure (Processing fee, annual fee), eligibility requirements (Net worth, etc.), Obligations (PBG, Roll Out, etc.), requirements for GBB Hub (if any) for distribution, the requirement for transmission only through registered DPOs, the application of the extant TRAI regulations/tariff orders, etc. Additionally, the issues related to use of terrestrial transmission medium by SBB or use of satellite -based transmission medium by GBB and broadcast of a permitted channel by an existing satellite-based broadcaster/ground-based broadcaster using additional transmission medium(s) needs to be considered. These issues are discussed in the forthcoming paragraphs.

### **Annual fee**

2.29 The annual permission fee under the existing Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 for SBB is a recurring fee that broadcasters must pay to MIB to maintain their permissions for operating TV channels. This fee is a mandatory requirement for both uplinking (sending signals to satellites) and downlinking (receiving signals from satellites) and is a key part of the regulatory framework governing satellite-based broadcasting in India.

2.30 The existing Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 prescribes the following annual permission fees:

<b>Sr. No.</b>	<b>Type of Permission</b>	<b>Annual Permission Fee (in )</b>
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
5.	Uplinking of a foreign channel from Indian teleport	Two lakh per channel

2.31 The existing satellite-based broadcaster (SBB) pays a cumulative permission fee of Rs. 7 lakh per year for both the uplinking and downlinking a channel. The main issue for consideration is whether similar kind of annual fee may be levied on GBBs.

#### **Issue for consultation**

**Q5. An SBB pays a cumulative annual permission fee of Rs. 7 lakhs (Rs. 2 lakhs for uplinking + Rs. 5 lakhs for downlinking) per channel. Whether GBB should be mandated to pay the same amount of annual fee of Rs. 7 lakh per channel? If not, what should be the annual fee for GBBs? Please provide detailed justification for your response.**

#### **Teleport Hub**

2.32 The present Guidelines for Uplinking and downlinking of Satellite TV Channel in India, 2022 lays down the definition of “teleport” under clause 2(t), the same is reproduced hereunder:

*“(t) ‘Teleport’ means an earth station facility from where multiple TV channels carrying audio, video content can be uplinked to a*

*geostationary satellite on permitted frequency band, with due approval of WPC;”<sup>16</sup>*

2.33 The said Guidelines also defines teleport hub under clause 2(u), the same is reproduced hereunder:

*“(u) ‘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;”<sup>17</sup>*

2.34 In simpler terms, a teleport hub is a central station that helps broadcasters send their TV channels to satellites, from where they are further transmitted to distribution platforms. The existing guidelines for Uplinking and downlinking of Satellite TV Channel in India, 2022 in Part II prescribes requirements for teleport/teleport hub i.e. in the current regulatory framework for SBBs, the uplinking and downlinking guidelines of 2022 provide clear provisions for the establishment and operation of teleports or teleport hubs, which are essential for content distribution via satellite communication.

2.35 Though for GBB, uplinking of a channel is not required for which provision of teleport/ teleport hub have been made in the uplinking and downlinking guidelines, instead a GBB may use its computer/server to directly deliver content through terrestrial transmission medium to DPOs. Therefore, it is important to assess whether provisions are required for GBB for any hub or gateway that they may need to set up for the distribution of TV channels.

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<sup>16</sup> As provided under clause 2(t) of the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, available at <https://mib.gov.in/sites/default/files/Guidelines%20for%20Uplinking%20and%20Downhinking%20of%20Satellite%20Television%20Channels%20in%20India%2C%202022.pdf>

<sup>17</sup> As provided under clause 2(u) of the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, available at <https://mib.gov.in/sites/default/files/Guidelines%20for%20Uplinking%20and%20Downhinking%20of%20Satellite%20Television%20Channels%20in%20India%2C%202022.pdf>



## **Issue for consultation**

**Q6. Provisions for teleport/teleport hub exists in the uplinking/downlinking Guidelines 2022 for broadcaster using satellite communication. Whether similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of TV channels by GBBs? If so, what should be the corresponding provisions? Please elaborate with justification.**

## **Regulatory framework for GBB operating at State level**

2.36 If a GBB is permitted to operate at State level, then the next issue for consideration would be as to what should be the regulatory provisions for a GBB operating at State level.

2.37 In this regard, in its recommendations on "Regulatory Framework for Platform Services" dated November 19, 2014, TRAI had recommended the following:

*“15. The MIB may establish a regulatory framework for ground-based broadcasters. The framework shall be the same as the framework contained in the Uplinking/ Downlinking Guidelines of MIB for traditional satellite-based broadcasters, to the extent applicable to the ground-based broadcast model. Thus, clearances/ permissions for spectrum usage from the DoS and WPC shall not apply.*

*16. Considering the smaller reach of some of the ground-based broadcasters, the Authority recommends that a State should be taken as a unit and a reach in 15 or more States should be taken as a pan-India presence. The States that are members of the North Eastern Council (NEC) may be considered to be equivalent to one State, for this purpose. At the pan-India level, a ground-based broadcaster shall take on the same obligations as a traditional satellite-based broadcaster. A*

*smaller footprint shall entail a pro rata obligation equivalent to 7% of the traditional satellite-based broadcasters' obligation, for every State that the channel is distributed. The pro rata reduction shall be applicable to the net-worth requirement, permission and annual fee.*

2.38 One may opine that a Nationwide GBB has a pan-India presence and, therefore, their regulatory obligations should be a maxima and the smaller reach of GBBs operating at State level needs to be factored in by calibrating their obligations, such as on fees and net worth and other applicable requirements, on a pro rata basis. The question then is how to choose an appropriate metric to calibrate the obligations inter se, between a GBB operating at National level and a GBB operating at State level. Given the regional, social and linguistic diversity of India coupled with practical difficulties in getting accurate and reliable data on reach and viewership, a clear linear relationship may not exist.

2.39 One opinion could be that in line with TRAI's earlier recommendations for State level - fee structure (Processing fee, annual fee), Minimum Networth requirement and Performance Bank Guarantee (PBG), may be fixed on a pro rata basis at 7% of that applicable to Nationwide GBB.

2.40 Another way could be that instead of a uniform 7% of that applicable to Nationwide GBB as mentioned in preceding para, the percentage for each State may be different based on criteria such as TV subscriber base in the State, population of the state, State GDP etc.

#### **Issue for consultation**

**Q7. If a GBB is permitted to operate at State level, then what should the regulatory provisions for a GBB operating at State level which include:**

- a) Processing Fee**
- b) Annual Fee**

- c) Net worth Requirement**
- d) Performance Bank Guarantee (PBG)**
- e) Other regulatory provisions**

### **Application of extant Regulations/Tariff Orders of TRAI**

- 2.41 To enable the television broadcasting sector to realize the gains of digitization, Telecom Regulatory Authority of India (TRAI), after a due consultation process, brought a comprehensive regulatory framework for Digital Addressable Systems (DAS) on 3<sup>rd</sup> March 2017. This framework comprises of the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 [hereinafter called Interconnection Regulation], the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 [hereinafter called QoS Regulation] and the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 [hereinafter called Tariff Order] for providing broadcasting services. The sector has been functioning under this framework since January 2019. A few amendments have also been issued to the Interconnection Regulation, QoS Regulation and Tariff Order.
- 2.42 The above-mentioned existing framework also mandates "Must Carry" and "Must Provide" provisions. The "Must Carry" provision mandates Distribution Platform Operators (DPOs) to carry specific channels on fair terms, while the "Must Provide" provision obligates broadcasters to make their channels available to DPOs on fair terms. These provisions ensure a balanced, fair, and competitive broadcasting environment while promoting consumer access to diverse content. The main issue for consideration is whether "Must Carry" and "Must Provide" provisions, may be mandated on GBBs. In the case of GBBs, the main

issue that require consideration is related to additional cost including cost of the bandwidth i.e. in case "Must Carry" and "Must Provide" provisions, are mandated on GBBs then who should bear the bandwidth/ any other additional costs. Normally, the additional costs may be borne by the parties involved based on their mutual agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, one may opine that in case of "Must Carry," broadcasters should bear the cost of bandwidth/ any other additional cost involved as they are impressing their need on the DPO and similarly, in case of "Must Provide," the DPOs should bear the cost of bandwidth / any other additional cost as they want the broadcasters to provide their channels for distribution on their platform.

- 2.43 Therefore, the main issue for consideration is whether extant Tariff Order, Quality of Service Regulation and Interconnection Regulation be applied to GBB or some modifications are required in the same for GBBs.

#### **Issue for consultation**

**Q8. Whether the extant Tariff Order, Interconnection Regulation and Quality of Service Regulation may be applied *mutatis mutandis* to GBB? Please explicitly indicate, if any modifications are required in the said Tariff Order, Interconnection Regulation or Quality of service Regulation for GBBs.**

- Q9. (a) The extant interconnection regulation provides for "Must Carry" and "Must Provide" regime. In case of GBB, whether the same regime should be made applicable?**
- (b) Normally, the cost of bandwidth / any other additional cost involved should be borne by both the parties based on a mutual**

**agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, since the ‘Must carry’ provision is exercised by the broadcaster, therefore they should bear the cost of bandwidth between broadcasters and DPOs/ any additional cost and similarly, since the ‘Must provide’ provision is exercised by DPO, therefore DPO should bear bandwidth cost/ any additional cost involved. Do you agree with the above approach? If not, who should bear the cost in both the cases? Please provide detailed justification for your response.**

### **Miscellaneous issues**

2.44 If an existing broadcaster having obtained permission under the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 wishes to switch to terrestrial communication medium to distribute the channels to DPOs, the main issue for consideration is what should be the regulatory provisions in such cases. One may opine that as an existing SBB is already permitted to operate nationwide, therefore, no additional obligations/fees may be imposed on such SBBs, however, such SBBs may only be mandated to intimate MIB/TRAI at least 15 days in advance prior to use of any terrestrial communication medium(s) for providing programming services.

2.45 Similarly, it is imperative to consider in case a ground-based broadcaster for a channel wishes to switch to satellite-based broadcasting, would it mandatory for them to obtain separate permission/authorization and what should be the regulatory provisions for such migration. In this regard, one may opine that a GBB may be mandated to intimate MIB and seek necessary clearances/permissions as applicable to SBB. Further, in case a GBB operating at State level wishes to operate at National level, one may argue that various fees

already paid by such GBB may be adjusted against the fees that it would be required to pay to operate at national level.

2.46 Further, with the entry of GBB in the landscape of broadcasting, there could be a scenario where a broadcaster (GBB/SBB) wishes to use both satellite and terrestrial transmission technology(ies) to provide their channels to the DPOs. In this regard, the main issue for consideration is as to what should be regulatory framework in such a scenario. One may opine that in such a case Broadcasters may be permitted to operate both as SBB and GBB simultaneously, provided they obtain the necessary permission/authorization for both satellite-based broadcasting and ground-based broadcasting. Broadcasters must ensure that they meet all obligations/conditions for each transmission medium independently.

2.47 A fair assessment of these issues is essential to ensure a smooth process while maintaining regulatory integrity and fairness across the broadcasting sector. Therefore, the issue for consideration is what should be the regulatory requirements for broadcasters wishing to use an additional medium of transmission in addition to the existing transmission medium.

#### **Issue for consultation**

**Q10. In case a SBB wishes to switch to terrestrial-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?**

**Q11. In case a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?**

**Q12. In case a broadcaster (SBB/GBB) wishes to use both satellite and terrestrial transmission technology to provide their channels to the DPOs, what should be the regulatory provisions for such broadcaster(s)? Should they require separate permissions and pay additional annual permission fees, processing fees, etc. for the above scenarios? Please provide detailed justification for your response.**

**Other issues related to Regulatory Framework for Ground-Based Broadcasters: Alignment with Existing Uplinking and Downlinking Guidelines**

2.48 The existing Guidelines for uplinking and downlinking of Satellite TV Channel in India, 2022 provide a comprehensive regulatory structure for satellite-based broadcasters, covering aspects such as eligibility conditions, licensing procedures, fee structure, roll-out obligations, performance bank guarantees, content regulation, and compliance with Foreign Direct Investment (FDI) policies, etc.

2.49 However, with the emergence of GBBs, which utilize technologies such as cloud platforms, broadband, and cable/fibre for content distribution, it is essential to evaluate as to what amendments are required in the existing Guidelines for uplinking and downlinking of Satellite TV Channel in India, 2022 to accommodate GBB's unique operational model. GBBs, which utilize terrestrial communication technologies like cloud, broadband, optical fibre and cable for content distribution, may not align perfectly with the satellite-based broadcasting requirements specified in the current guidelines.

2.50 In its recommendations on the "Regulatory Framework for Platform Services" dated November 19, 2014, TRAI proposed a foundational

framework for regulating Ground-Based Broadcasters (GBBs) in India. The recommendations emphasized that the regulatory framework for GBBs should be aligned with the existing Uplinking and Downlinking Guidelines applicable to satellite-based broadcasters, with necessary adjustments for the ground-based broadcast model. The said recommendation has been reproduced hereunder:

*“15. The MIB may establish a regulatory framework for ground-based broadcasters. The framework shall be the same as the framework contained in the Uplinking/ Downlinking Guidelines of MIB for traditional satellite-based broadcasters, to the extent applicable to the ground-based broadcast model. Thus, clearances/ permissions for spectrum usage from the DoS and WPC shall not apply.*

*16. Considering the smaller reach of some of the ground-based broadcasters, the Authority recommends that a State should be taken as a unit and a reach in 15 or more States should be taken as a pan-India presence. The States that are members of the North Eastern Council (NEC) may be considered to be equivalent to one State, for this purpose. At the pan-India level, a ground-based broadcaster shall take on the same obligations as a traditional satellite-based broadcaster. A smaller footprint shall entail a pro rata obligation equivalent to 7% of the traditional satellite-based broadcasters’ obligation, for every State that the channel is distributed. The pro rata reduction shall be applicable to the net-worth requirement, permission and annual fee.*

*17. A ground-based broadcaster vertically integrated with a DPO, shall be subject to all the restrictions on vertically integrated entities recommended by the Authority in its ‘Recommendations on Issues related to New DTH Licenses’ issued on July 23, 2014.”*

2.51 In this regard, the main issue for consideration is as to what should be the regulatory framework for ground-based broadcasters? It needs to be



considered whether the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite communications such as allocation of spectrum and clearances/permissions from the DoS and WPC, be made applicable to ground-based broadcaster or do they need any modifications? Since GBBs may use different terrestrial technology(ies), it may also needs to be considered, as to whether any additional restrictions/conditions are required to be imposed on Ground based broadcasters?

#### **Issue for consultation**

**Q13. What should be the Regulatory Framework/Guidelines for Ground based broadcasters vis-à-vis ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’? Please provide detailed justification for your response.**

**Q14. Whether the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite communications, be made applicable to ground-based broadcaster or do they need any modifications? In case you are of the opinion that modifications are required in existing uplinking/downlinking guidelines 2022, then please provide your comments with reasons thereof on amendments [including any additional restriction(s)/condition(s)] required for Ground based broadcasters.**

**The stakeholders must provide their comments in the format specified in Table 1 explicitly indicating the existing clause, suggested amendment and/or additional condition/restriction and the reason/full justification for such amendment(s)/addition(s) for Ground based broadcasters.**

**Table 1: Format for stakeholders' response on amendments  
required in existing uplinking/downlinking guidelines for  
Ground based broadcasters.**

<b>S no</b>	<b>Clause number of the existing uplinking/ downlinking guidelines (1)</b>	<b>Provisions of the existing uplinking/ downlinking guidelines (2)</b>	<b>Amendment/ additional provision(s) (conditions and/or restrictions) suggested by the stakeholder (3)</b>	<b>Reasons/ full justification for the proposed amendment (4)</b>
<b>1</b>				
<b>2</b>				

**(Note: In case additional provision(s) (conditions/restrictions) is/are  
proposed column (1) and (2) may be left blank)**

**Q15. Stakeholders may also like to provide their comments on any other  
issue relevant to the present consultation along with justification.**

## **CHAPTER III**

### **SUMMARY OF ISSUES FOR CONSULTATION**

**Q1. For the purpose of regulatory framework for ground-based broadcasters, do you agree with the draft definition for broadcaster, programme, Satellite-based broadcasting and Ground-based broadcasting given below? If not, please suggest alternative definitions. Please elaborate your response with full justification.**

*“broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorization from the Central Government for its channels, is providing programming services;”*

*“programme” means any television broadcast and includes-*

- i) exhibition of films, features, dramas, advertisement and serials;*
- ii) News & current affairs, Non-news & current affairs, educational content*
- iii) any audio or visual or audio-visual live performance or presentation,*

*and the expression “programming service” shall be construed accordingly;”*

*“Satellite-based Broadcasting” means providing programming services using satellite-based communication medium for delivering channels to the distributors of television channels.”*

*“Ground-Based Broadcasting” means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels.”*

- Q2. Should there be any distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.**
- Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.**
- Q4. Whether GBBs should be permitted/authorised to provide services in two separate categories i.e. (i) at State level, and (ii) at National level? If State level category for GBB are considered, then should such State level GBB may be allowed to obtain separate permissions/ authorisations in more than one State or there may be some ceiling on number of State-wise permissions/authorisations beyond which national level permission/authorisation must be obtained?**
- Q5. An SBB pays a cumulative annual permission fee of Rs. 7 lakhs (Rs. 2 lakhs for uplinking + Rs. 5 lakhs for downlinking) per channel. Whether GBB should be mandated to pay the same amount of annual fee of Rs. 7 lakh per channel? If not, what should be the annual fee for GBBs? Please provide detailed justification for your response.**
- Q6. Provisions for teleport/teleport hub exists in the uplinking/downlinking Guidelines 2022 for broadcaster using satellite communication. Whether similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of TV channels by GBBs? If so, what should be the corresponding provisions? Please elaborate with justification.**

- Q7. If a GBB is permitted to operate at State level, then what should the regulatory provisions for a GBB operating at State level which include:**
- a) Processing Fee**
  - b) Annual Fee**
  - c) Net worth Requirement**
  - d) Performance Bank Guarantee (PBG)**
  - e) Other regulatory provisions**
- Q8. Whether the extant Tariff Order, Interconnection Regulation and Quality of Service Regulation may be applied *mutatis mutandis* to GBB? Please explicitly indicate, if any modifications are required in the said Tariff Order, Interconnection Regulation or Quality of service Regulation for GBBs.**
- Q9. (a) The extant interconnection regulation provides for “Must Carry” and “Must Provide” regime. In case of GBB, whether the same regime should be made applicable?**
- (b) Normally, the cost of bandwidth / any other additional cost involved should be borne by both the parties based on a mutual agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, since the ‘Must carry’ provision is exercised by the broadcaster, therefore they should bear the cost of bandwidth between broadcasters and DPOs/ any additional cost and similarly, since the ‘Must provide’ provision is exercised by DPO, therefore DPO should bear bandwidth cost/ any additional cost involved. Do you agree with the above approach? If not, who should bear the cost in both the cases? Please provide detailed justification for your response.**

- Q10. In case a SBB wishes to switch to terrestrial-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?**
- Q11. In case a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?**
- Q12. In case a broadcaster (SBB/GBB) wishes to use both satellite and terrestrial transmission technology to provide their channels to the DPOs, what should be the regulatory provisions for such broadcaster(s)? Should they require separate permissions and pay additional annual permission fees, processing fees, etc. for the above scenarios? Please provide detailed justification for your response.**
- Q13. What should be the Regulatory Framework/Guidelines for Ground based broadcasters vis-à-vis ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’? Please provide detailed justification for your response.**
- Q14. Whether the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite communications, be made applicable to ground-based broadcaster or do they need any modifications? In case you are of the opinion that modifications are required in existing uplinking/downlinking guidelines 2022, then please provide your comments with reasons thereof on amendments [including any additional restriction(s)/condition(s)] required for Ground based broadcasters.**

The stakeholders must provide their comments in the format specified in Table 1 explicitly indicating the existing clause, suggested amendment and/or additional condition/restriction and the reason/full justification for such amendment(s)/addition(s) for Ground based broadcasters.

**Table 1: Format for stakeholders' response on amendments required in existing uplinking/downlinking guidelines for Ground based broadcasters.**

<b>S no</b>	<b>Clause number of the existing uplinking/downlinking guidelines (1)</b>	<b>Provisions of the existing uplinking/downlinking guidelines (2)</b>	<b>Amendment/ additional provision(s) (conditions and/or restrictions) suggested by the stakeholder (3)</b>	<b>Reasons/ full justification for the proposed amendment (4)</b>
<b>1</b>				
<b>2</b>				

(Note: In case additional provision(s) (conditions/restrictions) is/are proposed column (1) and (2) may be left blank)

**Q15. Stakeholders may also like to provide their comments on any other issue relevant to the present consultation along with justification.**

## List of Acronyms

Abbreviations	Description
CAS	Conditional Access System
CEO	Chief Executive Officer
DAS	Digital Addressable System
DPO	Distribution Platform Operators
DSNG	Digital Satellite News Gathering
DTH	Direct-To-Home
DoS	Department of space
FDI	Foreign Direct Investment
FTA	Free-To-Air
GBB	Ground-based broadcasters
ITU	International Telecommunication Union
LLP	Limited Liability Partnerships
MIB	Ministry of Information and Broadcasting
MSO	Multi system Operator
OHD	Open House Discussion
PS	Platform Service
SNG	Satellite News Gathering
TRAI	Telecom Regulatory Authority of India
WPC	Wireless Planning Commission



## Annexure I

No. N-45001/1/2018-DAS  
Government of India  
Ministry of Information and Broadcasting

Room No. 131, 'A' Wing  
Shastri Bhawan, New Delhi 110001  
Dated: 22 May, 2024

To,

Secretary  
Telecom Regulatory Authority of India  
Mahanagar Doorsanchar Bhawan  
(near to Dr. Zakir Hussain College)  
Jawaharlal Nehru Marg (Old Minto Road)  
New Delhi 110002  
Email: secretary@trai.gov.in

Subject: Reference under Section 11(1)(a) of TRAI Act, 1997- Seeking recommendations on "Regulatory Framework for Ground Based Broadcasters"-reg.

Sir,

I am directed to refer to TRAI recommendations on "Regulatory Framework for Platform Services" dated 19.11.2014 and Chapter III therein including recommendations on "Regulatory Framework for Ground Based Broadcasters". This Ministry has examined the recommendations in relation to regulation of Platform services and issued the guidelines for the same with the approval of the Competent Authority on 30.11.2022.

2. During the course of the examination of the recommendations of TRAI for the Ground Based Broadcasters in the Ministry, it was felt that the context in which the recommendations were made by TRAI may have changed since the year 2014 and there may be a need to look into the matter afresh due to the following reasons:-

- i) **Advent of High Speed Wired/Wireless Internet in recent times and its potential impact on GBBs:** As TRAI recommendations on "Regulatory Framework for Ground Based Broadcasters" were published way-back in the year of 2014, several dynamics have changed in the world of wired/wireless internet in recent times. There has been a huge rise of digital television platforms and the shift towards the subscription-based revenue models in recent times. Further, the enhanced penetration of high-speed internet in various parts of the country especially in rural areas may allow GBBs to employ internet in their operations.
- ii) **Issuance of Platform Services Guidelines in variation with TRAI recommendations:** TRAI recommendations on "Regulatory Framework for Platform Services" were published in the year of 2014, the guidelines for registration of PS channels were issued on 30.11.2022. These guidelines differed from the

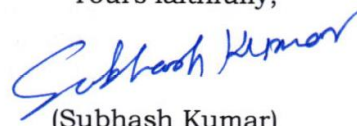
recommendations from TRAI on certain matters like number of PS channels to be allowed on an MSOs' network. These variations may require certain amendments in the earlier recommendations from the TRAI on GBBs as the PS Channels and GB Channels are closely related and therefore recommendations and regulations for both need to be synchronised.

- iii) **Updated Uplinking and Downlinking Guidelines, 2022:** When TRAI recommendations on "Regulatory Framework for Platform Services" were published way back in the year of 2014, "Uplinking and Downlinking Guidelines" dated 05.11.2011 issued by the ministry were in force. While, updated "Uplinking and Downlinking Guidelines" 2022 have been issued by the Ministry of Information and Broadcasting, the regulatory and operational socpe of traditional broadcasters might have altered to an extent. The recommendations from TRAI on the regulation of GBBs make substantial references to the Uplinking and Downlinking Guidelines, which has been updated since then.
- iv) **Consultation with Ground Based Broadcasters:** TRAI while submitting its recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services" invited suggestions via public domain and held Open House Discussions (OHDs) with stakeholders involved. However, it is felt that GBBs did not participate in large numbers in the consultation process as the main focus was on PS Channels. As the recommendations seek to regulate GBBs, thorough consultations are necessary with them before enacting guidelines.

3. In view of the above, TRAI is requested for fresh review and recommendations on "Regulatory Framework for Ground Based Broadcasters".

4. This letter may be considered as Reference under Section 11(1)(a) of TRAI Act, 1997 and has the approval of the Hon'ble Minister for Information & Broadcasting, Govt. Of India.

Yours faithfully,



(Subhash Kumar)

Deputy Secretary to the Govt. of India



23384896

Government of India  
Ministry of Information and Broadcasting  
'A' Wing, Shastri Bhawan, New Delhi- 110001

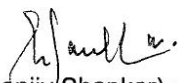
No. 1503/21/2017-TV(I)

Dated: 9<sup>th</sup> November, 2022

**ORDER**

In pursuance of the Cabinet decision taken on 28<sup>th</sup> September, 2022 regarding amendments in the Policy Guidelines for Uplinking and Downlinking of Television Channels, the "Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022" is enclosed herewith.

Encl: As above.

  
(Sanjiv Shankar)  
Joint Secretary to the Government of India  
Tel: 23384453

Copy to:

1. Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi
2. Prime Minister's Office, South Block, New Delhi
3. Secretary, Department of Economic Affairs, Ministry of Finance, North Block, New Delhi
4. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi
5. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi
6. Secretary, Ministry of Home Affairs, North Block, New Delhi
7. Secretary, Department of Legal Affairs, Shastri Bhawan, New Delhi
8. Secretary, Department of Telecommunications, Sanchar Bhawan, New Delhi
9. Secretary, Ministry of External Affairs, New Delhi
10. Secretary, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi
11. Secretary, Department of Space, Antariksh Bhawan, New BEL Road, Bengaluru - 560231
12. Secretary, Telecom Regulatory Authority of India (TRAI), New Delhi
13. Niti Aayog, New Delhi
14. All Broadcasters through the Broadcast Seva Portal.

No.1503/21/2017-TV(I)  
Government of India  
Ministry of Information and Broadcasting  
Broadcasting Wing

New Delhi, dated the 9<sup>th</sup> November, 2022

**POLICY GUIDELINES FOR UPLINKING AND DOWNLINKING OF  
TELEVISION CHANNELS**

**PART I**

**PRELIMINARY**

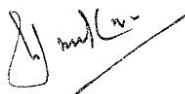
**1 Short title, extent and commencement** – (1) These may be called the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 (hereinafter referred to as Guidelines).

(2) It extends to the whole of India.

(3) It shall come into effect from 9<sup>th</sup> November, 2022.

**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, for making communication with applicants, Government organizations and other persons;
- (b) 'company' means a company as defined under the Companies Act, 2013 (18 of 2013);
- (c) 'designated partner' means a person as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008 (6 of 2009);
- (d) 'devotional channel' means a TV channel, which predominantly broadcasts devotional/spiritual/yoga content, as identified by the Ministry;
- (e) 'Director' of a company means a Managing Director, Wholetime/ Executive Director but does not include an Independent Director, as mentioned in Chapter XI of the Companies Act, 2013 (18 of 2013);



- (f) 'DSNG/SNG' means Digital Satellite News Gathering and refers to a satellite based electronic technology/equipment that allows a TV channel/Teleport/Teleport hub to broadcast from remote locations outside of a TV studio;
- (g) 'ENG' services means Electronic News Gathering and refers to electronic technologies that allows a TV Channel/Teleport/Teleport Hub/news reporter to broadcast from remote locations outside the TV studio using cellular network/internet/leased line or any other medium/equipment (including bag pack), other than by DSNG/SNG;
- (h) 'financial year' in relation to any company or body corporate, means the 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 31st day of March of the following year, in respect whereof financial statement of the company or body corporate is made up;
- (i) 'key managerial personnel' means a person defined under sub-section (51) of section 2 of the Companies Act, 2013;
- (j) 'LLP' means a Limited Liability Partnership registered under the Limited Liability Partnership Act, 2008 (6 of 2009)
- (k) 'Ministry' means the Ministry of Information & Broadcasting, Government of India;
- (l) 'national channel' means a TV channel other than a regional channel or a devotional channel;
- (m) 'News channel' means a private satellite TV channel which predominantly telecasts news and current affairs content programmes;
- (n) 'Non-news channel' means a private satellite TV channel other than a news channel;
- (o) 'NOCC' means Network Operations Control Centre, Department of Telecommunications;
- (p) 'Non-operational channel' means a channel whose signal is not being uplinked and/ or downlinked in India for a continuous period of sixty days, other than for reasons of suspension by the Ministry;
- (q) 'programme code' means the Programme Code laid down under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder;





- (r) 'regional channel' means a TV channel, not being a devotional channel, which is broadcast in an Indian language, other than English or Hindi language;
- (s) 'Shareholding pattern' means the number of equity shares of a company held by different investors;
- (t) 'Teleport' means an earth station facility from where multiple TV channels carrying audio, video content can be uplinked to a geostationary satellite on permitted frequency band, with due approval of WPC;
- (u) '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;
- (v) 'WPC' means Wireless Planning and Coordination, Department of Telecommunications;
- (w) "Working journalist" shall have the same meaning as assigned to it under the Occupational Safety, Health and Working Conditions Code, 2020.

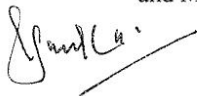
## PART II

### 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) The Ministry shall, preferably within 30 days of 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, issue a Letter of Intent (LOI) requesting the company/LLP to pay the permission fees for the first year, furnish the Performance Bank Guarantee (PBG) as mentioned in **Appendix III** and Security Deposit as mentioned in **Appendix IV** within the stipulated period.

(2) After making the payment of the first year permission fee and furnishing the PBG and Security Deposit, the Ministry shall, preferably within 15 days of receipt of such payment and furnishing of the PBG, grant permission for ten years by an order in writing, to the company/LLP for setting up the teleport.

(3) The Grant of permission to a company/LLP under sub-para (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 I**, 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 or suspended 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 para 4 may apply for renewal of permission at least three 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 years and shall be subject to conditions similar to that required for permission under paras 3 and 4.

### **PART III**

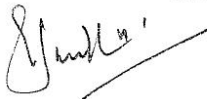
#### **UPLINKING OF TELEVISION CHANNEL**

**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 from a teleport (s) and satellite (s), as may be specified in the application, 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, or the application furnished for such certificate.

Provided that if the proposed name and logo are not owned or applied for by the company/LLP, then a No Objection Certificate (NOC) from the registered trademark owner, or from a person who has been using the trademark in any class for a continuous period of at least one year immediately prior to the date of NOC and has made an application for registration of the trademark in the relevant class for broadcast, shall be furnished by the company/LLP.

- (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.





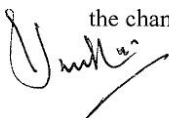
- (e) It intimates the names, address and details of a person, not being resident of India, who are proposed to be inducted in the Board of Directors of the company.
- (f) It discloses the name, address and details of any foreigner/ NRI to be employed/ engaged in the company/LLP either as a Consultant or by any other designation for more than 60 days in a year, or, as a regular employee.
- (g) Majority of the Directors on the Board of Directors of the company and key managerial personnel and editorial staff of the entity are resident Indians.
- (h) The company/ LLP has complete management control, operational independence and control over its resources and assets and must have adequate financial strength to operate the channel;
- (i) In respect of a news and current affairs channel, the management and control of the applicant company/LLP shall be in Indian hands and its Chief Executive Officer (CEO), and/ or Head of the channel known by any designation, 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 other authorities.

(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) The Ministry shall, preferably within 30 days of 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, issue a Letter of Intent (LOI), requesting the company/LLP to pay the permission fees for the first year, furnish the Performance Bank Guarantee (PBG) as specified in **Appendix III** and Security Deposit as mentioned in **Appendix IV** within the stipulated period.

(2) After making the payment of the first year permission fee and furnishing the PBG and Security Deposit, the Ministry shall, preferably within 15 days of receipt of such payment and furnishing of the PBG, grant permission by an order in writing, to the company/LLP for uplinking of the channel for ten years from end of the month in which the channel becomes operational.



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

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

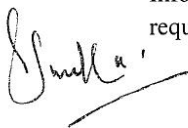
(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.

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

(5) 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 para 7 shall, in addition to the conditions laid down therein, also comply with the following:-

- (a) Uplinking may be done in the Frequency Band specified by the applicant, after due approval of the Ministry and other concerned authorities, subject to the further condition that uplinking in any band (other than C band) shall only be in encrypted mode;
- (b) Adherence to the Programme & Advertising Codes, as laid down in the Cable Television Networks (Regulation) Act, 1995 and the Rules framed there under.
- (c) Adherence to any other Code/ Standards, guidelines/ restrictions prescribed by the Ministry for regulation of content on TV channels from time to time.
- (d) 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.
- (e) Furnish such information, as may be required by the Ministry of Information & Broadcasting from time to time.
- (f) Provide necessary monitoring facility, at its own cost, for monitoring of programmes or their content by the representatives of the Ministry of Information & Broadcasting or any other Government agency as and when required.



- (g) The terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fees/royalty to WPC Wing for use of spectrum.

(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.

**9. Renewal of permission** – (1) A company/ LLP which is given permission under para 7 may apply, for renewal of permission at least three 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 years and shall be subject to conditions similar to that required for a permission under paras 6, 7 and 8 and to the further condition that the channel is not found guilty of violation of terms and conditions of permission, including the violation of Programme Code or Advertisement Code on five or more occasions during the period of permission.

#### **PART IV**

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

**10. 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 has a commercial presence in India with its principal place of business in India;
- (iii) 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 and habitually exercise in India, an authority to

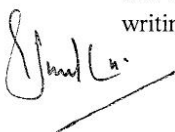


conclude contracts on behalf of the owner of the channel or habitually conclude contracts or habitually play the principal role leading to conclusion of contracts by the owner of the channel and contracts are –

- a) In the name of the owner of the channel; or
  - b) For the transfer of the ownership of, or for the granting of the right to use, property owned by the owner of the channel or that the owner of the channel has the right to use; or
  - c) For the provision of services by the owner of the channel.
- (iv) 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;
  - (v) It provides names and details of all the Directors of the Company and its Key managerial personnel;
  - (vi) 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 90days.
  - (vii) It has not been disqualified from holding such permission under these Guidelines, or the Guidelines of 2011 or of 2005 relating to downlinking of TV channels;
  - (viii) 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 Ministry of Home Affairs, and wherever considered necessary, of other authorities.

**11. Grant of permission** – (1) The Ministry shall, preferably within 30 days of receiving clearance and approval of Ministry of Home Affairs and other authorities, and after satisfying itself that the proposed channel is suitable for public viewing in India and the applicant company/LLP is fit for approval, grant permission by an order in writing, to the company/LLP for downlinking a TV channel.

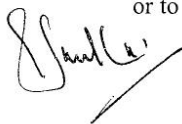


(2) Permission under this para for downlinking a channel, which is uplinked from other countries, shall be for ten years from end of the month in which the permission is issued.

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 para 7.

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

- (a) It pays the Annual permission fees from the year in which the TV channel becomes operational, of an amount specified in **Appendix I**, including interest on late payment of the fees, as specified in **Appendix I**, and operationalises the channel within one year of the permission. It shall also furnish Security Deposit as mentioned in **Appendix IV** within specified period.
- (b) The company/LLP seeking permission to downlink channels, uplinked from other countries, into India under these guidelines shall also pay a one time registration fee of an amount as specified in **Appendix I** at the time of grant of permission, and where such a channel is a news and current affairs channel, such channel (i) is not designed specifically for Indian audience; (ii) is a standard international channel; and (iii) is permitted to be telecast in the country of its uplinking by the regulatory authority of that country;
- (c) It shall comply with the Programme and Advertising Code prescribed under the Cable Television Networks (Regulation) Act, 1995.
- (d) It shall ensure compliance to the provisions of Sports Broadcasting Signals (Mandatory sharing with Prasar Bharati) Act, 2007 (11 of 2007) and the Rules, Guidelines, Notifications issued thereunder;
- (e) 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.
- (f) 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

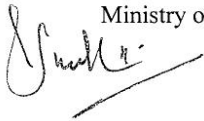


of India or to an Internet Protocol Television (IPTV) Service Provider duly permitted under their existing Telecom License or authorized by Department of Telecommunications or to a HITS operator duly permitted under the policy guidelines for HITS operators issued by the Ministry;

- (g) It shall obtain prior approval of the Ministry before undertaking any upgradation, expansion or other changes in the downlinking and distribution system/network configuration.
- (h) 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.
- (i) 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.
- (j) It shall keep a record of programmes downlinked for a period of 90 days and produce the same before any agency of the Central Government as and when required.
- (k) It shall provide the necessary monitoring facility at its own cost for monitoring of programmes or content by the representative of the Ministry or any Central Government agency, as and when required.
- (l) In the event of any war, calamity/national security concerns, the Central Government shall have the power to prohibit for a specified period the downlinking/ reception/ transmission and re-transmission of any or all channels.
- (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, on operationalization of the TV channel, inform the Ministry regarding the operational status and provide all its technical parameters to the Ministry or its specified agency.



**12. Renewal of permission** – (1) A company/ LLP which is granted permission under para 11 may apply for renewal of permission, at least three 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 shall be for a period of ten years and shall be subject to conditions similar to that required for a permission under para 11, and to the further condition that the channel is not found guilty of violation of terms and conditions of permission, including the violation of Programme Code or Advertisement Code on five or more occasions during the period of permission.

## **PART V**

### **NEWS AGENCY**

**13. 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 has working journalists employed by it who are accredited with the Press Information Bureau (PIB) on behalf of the company/LLP;
- (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;
- (c) The control and management of the company/LLP shall be in Indian hands.

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

**14. Grant of permission** – (1) The Ministry shall, preferably within one month of receiving clearance/approval of the Ministry of Home Affairs and after satisfying itself that the company/ LLP is fit for approval, grant permission, by an order in writing, to the company/ LLP for a news agency 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-para (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 shall abide by the terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fees/royalty to WPC Wing for use of spectrum.
- (d) 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 be cancelled forthwith.

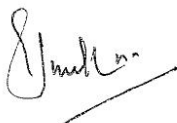
(3) The permission granted to a news agency may be renewed for a period of five years, on application made by the company/ LLP on the Broadcast Seva portal on payment of the processing fees specified in **Appendix I**, subject to fulfilment of the usual conditions for grant of initial permission.

## PART VI

### PURCHASE AND HIRING OF DSNG/SNG EQUIPMENT

**15. Purchase and use of DSNG/SNG equipment** – (1) The following entities are eligible for purchase of DSNG/ SNG equipment and its use after due permission of the Ministry:

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



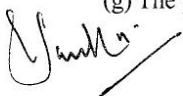


- (ii) Company/ LLP having permission of the Ministry for uplinking a news channel, for the period of such permission;
- (iii) Company/ LLP having permission by the Ministry of a news agency, for the period of such permission

(2) An entity referred to in sub-para (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 on payment of processing fee as specified in **Appendix I.**

(3) The Ministry shall, after satisfying itself that the application is in order and the proposal is otherwise fit for approval, preferably within 15 days of the receipt of the application, grant permission to the entity for purchase of the equipment, subject to the following conditions:

- (a) The DSNG/SNG signals should only be transmitted to the permitted teleport of the permission holder 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 use of DSNG/ SNG would be permitted only in those areas/regions/States which are not specifically prohibited by Ministry of Home Affairs.
- (d) The company/ LLP would submit the purchase documents of DSNG/SNG terminals and inform the Ministry about placement of these terminals at the various locations.
- (e) The company/LLP permitted to use DSNG/SNG shall apply to WPC for frequency authorization.
- (f) The permitted company/LLP shall maintain a daily record of the location and the events which have been covered and uplinked by DSNG/SNG 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.
- (g) The permitted company/LLP shall not enter defence installations.



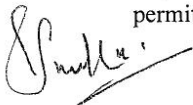
- (h) The equipment should not be taken in the areas cordoned off from security point of view.
- (i) The company/LLP/channel desiring to use DSNG/SNG would give an undertaking that it would be used for live newsgathering and footage collection for captive use only.
- (j) Violations of any of the aforementioned terms and conditions would lead to revocation/ cancellation of the permission to use the DSNG/SNG.
- (k) The permitting authority may modify the conditions laid down or incorporate new conditions, as and when considered necessary.
- (l) The permitted company/ LLP shall abide by the terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fees/royalty to WPC Wing for use of spectrum.
- (m) The permitted company/LLP will provide a suitable hardware and software solution to the agency specified by the Ministry to view live, the location of all permitted DSNG/ SNG/ ENG terminals.

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

(2) A News agency having permission under para 14 can use DSNG/SNG 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 DSNG/SNG equipment for their approved channels, for transfer of video feeds to the permitted teleport.

(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) The uplinking should be carried in encrypted mode, so as to be receivable only in closed user group. The signal should only be downlinked at the permitted teleport of the licensee and uplinked for broadcasting through permitted satellite through that teleport only.

(6) Any unauthorised usage/ hiring of DSNG/SNG, either by a non-permitted entity or by a permitted channel owner shall be deemed to be a violation under these Guidelines.

(7) A non-news or a foreign channel may use the services of a permitted DSNG/SNG equipment for the purposes mentioned in Part VII of the Guidelines.

## PART VII

### LIVE COVERAGE OF EVENTS

**17. Live telecast by a news and current affairs channel–** (1) A news channel which is given permission under these Guidelines may uplink content by using the SNG/DSNG equipment permitted to it, or by hiring such equipment from any other permitted entity, and shall register such hiring of the equipment with the Ministry on the Broadcast Seva.

(2) A News channel may also use an ENG service for uplinking content, and shall register such service with the Ministry on the Broadcast Seva.

**18. Live uplinking of an event by a non-news and current affairs channel:** (1) A permitted non-news and current affairs channel may, for the purpose of uplinking an event Live in/from India, register itself online on the Broadcast Seva on payment of such fees as specified in **Appendix I**, at least 15 days preceding the first date of a live event, and furnishing such details and documents as may be specified in the application, including the following :

(a) Date, time, venue and name of the event;



- (b) 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 DSNG/SNG equipment or any such technology is used requiring WPC license.
- (e) Where an ENG service is used, detailed specifications thereof.

Provided that if a non-news channel uplinks an event Live without registering itself, it would be liable for penal action under the Guidelines.

Provided further that a non-news channel shall not telecast any event Live which is in contravention of the Programme Code laid down in the Cable Television Network Rules, 1994.

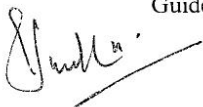
(2) Registration on Broadcast Seva under sub-para (1) will enable the company/LLP to seek approval/NOC of other concerned authorities for broadcasting the event live, and no separate permission need be granted by the Ministry.

(3) 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 Ministry and shall be binding on the entity.

(4) The company/ LLP shall abide by the terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fees/royalty to WPC Wing for use of spectrum.

**19. Uplinking of Live event by a Foreign channel:** (1) A Foreign channel/entity may be granted permission up to 12 months at a time for Live uplinking of an event from time to time through a pre-designated permitted teleport, by way of an application made in this behalf online on the Broadcast Seva Portal, subject to the following conditions:

- a) The applicant has a binding agreement with a teleport permitted under these Guidelines for the period of permission.



- b) The applicant pays a processing fee of ₹ one lakh per day of Live telecast.
- c) The news/footage so uplinked shall be primarily for the usage abroad by the foreign channel/news agency and shall not be broadcast in India without downlinking permission and registration of the channel.

(2) Permission under sub-para (1) shall be subject to approval by the Ministry of External Affairs and Ministry of Home Affairs.

### **PART VIII**

#### **CHANGE OF NAME & LOGO/SATELLITE/ TELEPORT/OPERATIONAL STATUS**

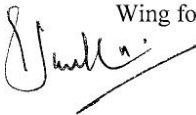
**20. Name and logo of a TV Channel** – (1) A company/ LLP shall display on the permitted TV channel only that name and logo which has been approved by the Ministry.

Provided that display of name/ logo other than that 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 by payment of processing fees specified in **Appendix I**, along with the requisite documents.

(3) The Ministry shall, preferably within 15 days of receipt of the application, grant permission for the change applied for, after being satisfied that the application is in order in all respects.

(4) The permitted company/ LLP shall pay the applicable amendment fees to WPC Wing for amending the Wireless Operating License.



**21. Change of satellite/ teleport:** (1) The company/ LLP having permission for uplinking a channel shall apply for change of satellite/ teleport on the Broadcast Seva portal by payment of processing fees specified in **Appendix I**, along 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.

(3) The Ministry shall, preferably within 15 days of receiving clearance to the proposed change from the Department of Space, grant permission to the company/LLP for the proposed change.

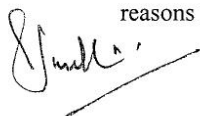
(4) In respect of change in satellite or teleport of the downlinked channel the company/LLP having permission for downlinking the channel may furnish an intimation of change on the Broadcast Seva portal.

**22 Intimation for change of language, mode of transmission, etc.** (1) A company/LLP having permission under the Guidelines for uplinking/downlinking a channel may furnish intimation on the Broadcast Seva to the Ministry for the following:

- (a) Change in language of transmission;
- (b) Change in mode of transmission;
- (c) Change in address and such other relevant particulars of the company/LLP
- (d) Resignation of a Director/Designated Partner/Chief Executive Officer

**23. 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.

## PART IX

### PENALTIES FOR VIOLATION

**24. Consequences of violation of Programme and Advertisement Codes –** (1) Where a channel is found to have broadcast a content which is in violation of the Programme Code and Advertising Code under the Cable Television Networks Regulation Act, 1995, it shall be liable for penal action, including one or more of the following:

- i. Advisory, to be communicated in writing to the entity;
- ii. Warning, to be communicated in writing to the entity;
- iii. An apology scroll, to be run on the channel;
- iv. A statement of apology to be read out by the Director/CEO of the entity on the channel;
- v. Directing the channel to be off-air for specified number of hours/days;
- vi. Suspension/revocation of permission

(2) For the purpose of sub-para (1), the Ministry shall take action under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.

**25. Consequences of violation of other terms and conditions :** (1) 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, other than violation referred to in para 24 (1), the Ministry shall have the right to take action, as under:

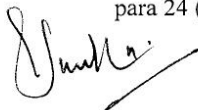
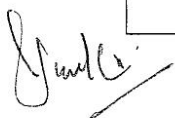


TABLE : ACTION FOR VIOLATION

Sl. No.	Violation	Penal Action for violation
(i)	Delay in intimation regarding change in shareholding pattern of the company	Warning
(ii)	Appointment of a Chief Executive Officer or Director/Designated Partner without prior permission of the Ministry	Warning, with the condition that the Chief Executive Officer or Director shall not function in that capacity till such time the appointment is approved by the Ministry.
(iii)	Non-removal of Chief Executive Officer or Director/Designated Partner who has been denied security clearance	Prohibition of broadcast up to 30 days; suspension of permission in case of continued default
(iv)	Showing dual logo/ logo or name not permitted by the Ministry	Order directing removal of the dual logo/unpermitted logo; Prohibition of broadcast for up to 30 days for non-compliance
(v)	Not maintaining the stipulated net worth for at least two consecutive financial years	Warning
(vi)	In respect of a channel, for being non-operational continuously for more than 60 (but less than 90) days, 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 for continued default
(viii)	Non-payment of annual permission fees beyond a period of one year from the due date	Prohibition of broadcast up to 30 days; Suspension of channel for continued default



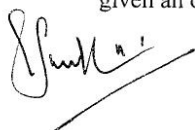


(ix)	Non-registration for telecast of a Live event by a non-news and current affairs channel	Warning and/or stoppage of live broadcast; Prohibition of broadcast upto 10 days, debarment from live broadcast for a period upto six months;
(x)	Telecast of an event Live by a non-news channel, content of which is in contravention of the Programme Code	Stoppage of live broadcast; prohibition of broadcast upto 10 days
(xi)	Usage of non-permitted SNG/DSNG equipment	Prohibition of broadcast upto 30 days; Suspension/cancellation of permission for continued default
(xii)	Transfer of a channel without permission of the Ministry	Suspension/cancellation of permission
(xiii)	Uplinking of a non-permitted / suspended / cancelled TV channel by a teleport Operator	Forfeiture of Security Deposit. The teleport would be required to furnish fresh Security Deposit as mentioned in Appendix IV within 15 days of forfeiture; Suspension/cancellation of permission for continued default

(2) In case of continued default of any one or more of the violations specified in the aforementioned table, the Ministry may impose a higher degree of penal action.

(3) Contravention of any of the terms and conditions of permission, other than those specified in sub-para (1), may invite one or more of the penal action mentioned in sub-para (1) having regard to the nature and gravity of contravention.

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



**26. Powers of the Central Government :** (1) In exercise of the powers conferred under section 20 of the Cable Television (Networks) Regulation Act, 1995, the Central Government may, by order, regulate or prohibit the operation of any programme or channel, and the company/LLP shall immediately comply with any such order.

(2) The Ministry shall have the right to suspend the permission of a channel for a specified period or cancel its permission in public interest or in the interest of national security to prevent its misuse, including where the company/LLP is found to have misused the permission by authorizing or enabling or contracting out to any other person the operations or other core functions/activities of the channel through any explicit or implicit agreement or arrangement, or there is a substantive change in ownership of the company/LLP leading to complete change in management and control over the company/LLP without prior permission of the Ministry, and the company or the LLP shall immediately comply with such directives.

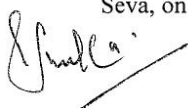
(3) Where a permitted channel or a teleport or a DSNG/SNG is found to be used for transmitting or uplinking any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security, or fails to comply with the directives referred to in this para, the permission granted shall be revoked and the company/LLP may be disqualified to hold any such permission for a period of five years, apart from the punishment under other applicable laws.

(4) The Central Government may, from time to time, issue general advisory for adherence to the Programme Code and Advertising Code and the various provisions of the Cable Television Network (Regulation) Act, 1995 and Rules made there under, and such other advisory in relation to the Guidelines, and the channel shall comply with such advisory.

## **PART X**

### **MISCELLANEOUS**

**27. Change of category of a channel -** (1) Where a permission holder intends to change the category of the channel, from non-news and current affairs to news and current affairs or *vice-versa*, it may apply for the same to the Ministry on the Broadcast Seva, on payment of the requisite fee as in **Appendix I**.



(2) The Ministry shall process the application from the viewpoint of eligibility and other conditions and grant permission for change of category, specifying the conditions of such permission, preferably within 30 days of the receipt of such application and receiving clearance or No Objection from the Ministry of Home Affairs, wherever required.

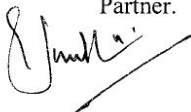
**28. Appointment of a new Chief Executive Officer/Director** – (1) A company/ LLP having permission under these Guidelines shall not appoint a new person as a Chief Executive Officer (by whatever name called), Director or Designated Partner, without prior approval of the Ministry.

Provided that in case of a company having only two Directors or of a LLP having only two Designated Partners, the new Director or Designated partner may be appointed, and intimation sent to the Ministry along with all details required for security clearance by the Ministry of Home Affairs (MHA) within 15 days of such appointment, under the condition that in the event that security clearance is denied by MHA, such person shall be removed forthwith from the post of Director or Designated partner, as the case may be, by the permission holder.

(2) For the purpose of appointing a person as a Chief Executive Officer or Director/Designated Partner, 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) The Ministry of Information and Broadcasting shall convey its permission to the company/LLP, preferably within 7 days of receiving clearance from the Ministry of Home Affairs, and upon such conveyance, the person may be appointed as Chief Executive Officer or, Director/Designated Partner.

Provided that where the Ministry of Home Affairs denies security clearance, such person shall not be appointed as a Chief Executive Officer or Director/Designated Partner.



**29. Intimation regarding change in shareholding pattern and Foreign Direct Investment** – (1) Subject to the provisions of para 26(2), a company/ LLP having permission under these Guidelines shall, within 30 days of change of its shareholding pattern or partnership pattern or FDI pattern, intimate the same to the Ministry, along with details of the revised pattern and names/details of all the investors/partners in requisite proforma on Broadcast Seva.

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

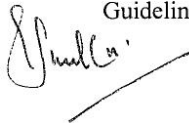
(2) Every change in the FDI pattern has to conform to the FDI Policy of the Government of India, including, wherever required, prior approval of the Central Government.

**30. Furnishing of information and documents** - The Ministry may, from time to time, call for such information and documents from the company/LLP as it may require for implementation of the Guidelines.

**31. 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.

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



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

- (a) merger/demerger/amalgamation is duly approved by the Court/Tribunal in accordance with the provisions of the Companies Act, 2013 or the Limited Liability Act, 2008, 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.

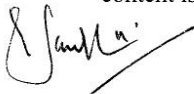
*Explanation 1:* "Group Company" in relation to a company means a company, which is under the same management and/or has the same promoters as the other company or over which that other company exercises significant influence or control and shall also include an associate company, subsidiary company, 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 is eligible as per the eligibility criteria under these Guidelines, including the net worth and the entity and its Directors/Designated Partners are security cleared.
- (b) The new entity undertakes to comply with all the terms and conditions of permission so granted.
- (c) There shall be lock-in period of one year from the date of operationalization of a channel, during which the channel cannot be transferred to another unrelated entity.

**33. Television channels for viewing only in foreign Countries –** (1) A TV channel operating in India and uplinked from India but meant only for foreign viewership is 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, and for monitoring purposes the channel shall preserve record of the content for a minimum period of 90 days.

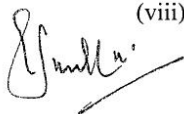
(2) A channel owned by a foreign company/ entity may be allowed to uplink its content for being downlinked and viewed outside India by using the facility of a permitted teleport operator by way of an online application on Broadcast Seva furnished on its behalf by the concerned teleport operator.

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

**34. Mandatory technical and operational requirements** – In respect of uplinking of satellite TV channels/ Teleports/ DSNG/ SNG, technical and operational requirements will be in accordance with the extant Indian Standards as published by Telecommunication Engineering Centre (TEC), Department of Telecommunications, Ministry of Communications and the permission holder may inform the Ministry regarding change in technical parameters such as satellite transponder, frequency bands, polarization, etc. during the permitted period of operation.

**35. Obligation of public service broadcasting** – (1) As airwaves/frequencies are public property and need to be used in the best interest of the society, a company/LLP having permission under these guidelines for uplinking a channel and its downlinking in India (other than foreign channels only downlinked in India) may undertake public service broadcasting for a minimum period of 30 minutes in a day on themes of national importance and of social relevance, including the following, namely –

- (i) education and spread of literacy;
- (ii) agriculture and rural development;
- (iii) health and family welfare;
- (iv) science and technology;
- (v) welfare of women;
- (vi) welfare of the weaker sections of the society;
- (vii) protection of environment and of cultural heritage; and
- (viii) national integration

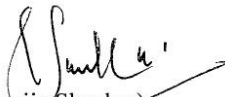


(2) The channels may, for the purpose, appropriately modulate their content to fulfil the obligation referred to in sub-para (1), except where it may not be feasible, such as in the case of sports channels, etc.

(3) The Central Government may, from time to time, issue general advisory to the channels for telecast of content in national interest, and the channel shall comply with the same.

**36. Applicability of the Guideline on existing permissions** - The various terms and conditions laid down in this Guideline shall automatically apply to all permissions and approvals granted by this Ministry under the 'Policy Guidelines for Uplinking of Television Channels' and 'Policy Guidelines for Downlinking of Television Channels' dated 5<sup>th</sup> December, 2011, and the Guidelines of 2005, and all new permissions/renewals will be governed by this Guideline.

**37. Residual Clause** - For any other permission/ matter related to uplinking and downlinking of satellite TV channels, news agencies, DSNGs/SNGs and teleports not specifically mentioned in the guidelines, or for removal of any difficulty in implementing these Guidelines, Secretary, Ministry of Information & Broadcasting, shall be the competent authority.

  
(Sanjiv Shankar)

Joint Secretary to the Government of India  
Tele # 23387823#

## Appendix I to Guidelines

### I. Processing Fee

Applicant company/LLP shall pay processing fee as under:

Sr. No.	Type of Permission	Amount of fee (in ₹)
1.	Teleport	Ten Thousand
2.	TV Channel	Ten Thousand
3.	News Agency	Ten Thousand
4.	Change of category of a channel	Ten Thousand
5.	Change of satellite/teleport	Ten Thousand
6.	Purchase of DSNG/SNG equipment	Ten Thousand
7.	Renewal of permission of channel/teleport/news agency	Ten Thousand
8.	Change of name/logo	One lakh

### II. Annual Permission Fee

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

Sr. No.	Type of Permission	Annual Permission Fee (in ₹)
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
5.	Uplinking of a foreign channel from Indian teleport	Two lakh per channel

**III Registration fee for downlinking TV Channels uplinked from other countries:**

One time Registration Fee – ₹ 10 Lakh.

**IV Schedule of Payment:**

(1) After being held eligible, the Company/LLP shall pay the permission fee for the first year before after the issuance of the Letter of Intent (LOI), only after which permission letter would be issued. 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 1% per month. Incomplete month shall be considered as one month for the purpose of late fee calculation.

**V Fees for Live telecast of an event by a non-news channel :**

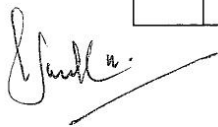
- (i) National channel : Rs 1 lakh per channel per day;
- (ii) Regional Channel : Rs 50,000 per channel per day
- (iii) Devotional channel : No fees for a devotional/spiritual/yoga content



Appendix II to Guidelines

Minimum Networth Requirement

Sr. No.	Item	Minimum Net Worth (In ₹ crore)
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



**Appendix-III to Guidelines**

**Roll Out Obligations and Performance Bank Guarantee**

Sl. No	Type of Permission	Roll Out Obligations
1.	Teleport	<ul style="list-style-type: none"> <li>After being held eligible, the applicant company/LLP shall furnish a Performance Bank Guarantee (PBG) for ₹ 25 lakh for each teleport, before issuance of permission letter, 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/LLP 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 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/LLP shall furnish a Performance Bank Guarantee (PBG) of ₹ 1 crore (for Non-news &amp; Current Affairs channel)/ ₹ 2 crore (for News and Current Affairs Channel) from any scheduled bank for each News/ Non-News and Current Affairs channel, before issuance of permission letter, in the format as specified by the Ministry for fulfilling the rollout obligation.</li> <li>The applicant company/LLP 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 the stipulated period, 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/LLP shall furnish a Performance Bank Guarantee (PBG) for ₹ 10 lakhs from any scheduled bank for each SNG/ DSNG van, before issuance of permission letter, 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> </ul>



		<ul style="list-style-type: none"> <li>• The applicant company/LLP 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>
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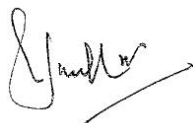
#### **Appendix IV to Guidelines**

#### **Security Deposit**

After being held eligible, the applicant company/LLP shall furnish the security deposit as prescribed below:

<b>Sr. No.</b>	<b>Type of Permission</b>	<b>Security Deposit (in ₹)</b>
1.	Teleport	Four lakhs per Teleport
2.	Uplinking of TV Channel	Four Lakhs per Channel
3.	Downlinking of TV Channel from India	Ten Lakhs per Channel
4.	Downlinking of a channel from outside India	Thirty lakhs per channel
5.	Uplinking of a foreign channel from Indian teleport	Four lakhs per channel

The Security Deposit will be refunded to the applicant due to expiration, withdrawal, cancellation or termination of permission after adjustment of outstanding dues, if any.



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