



Telecom Regulatory Authority of India



Recommendations

on

Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023

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PREFACE

The Telecommunications Act, 2023, aiming to amend and consolidate the law relating to development, expansion and operation of telecommunication services and telecommunication networks; assignment of spectrum; and for matters connected therewith or incidental thereto was notified in the official Gazette of India on 24th December 2023. The Act has provisions to repeal the Indian Telegraph Act, 1885, and the Indian Wireless Telegraphy Act, 1933. While various sections related to definitions, technology neutral and optimal utilization of spectrum, monitoring and enforcement mechanism, right of way, standards, public safety, national security, offences etc. have been appointed, the appointed date for sections related to service authorisation is yet to be notified. As the provisions of the Act are also applicable to broadcasting services, the Ministry of Information and Broadcasting (MIB), through a letter dated 25th July 2024 (**Annexure-IA**), referred the matter to TRAI seeking recommendation on authorisation framework for broadcasting services aligned to the provisions of the Telecommunications Act, 2023.

MIB reference mentioned that Section 3(1)(a) of The Telecommunications Act, 2023, mandates a 'person' intending to provide telecommunication services to obtain authorisation from the Central Government, subject to specified terms and conditions including fees or charges. For broadcasting services *per se*, it has been highlighted that various platform using radio waves and spectrum such as DTH, HITS, IPTV, uplinking/downlinking of channels (including teleports), SNG, DSNG, Community Radio and FM Radio currently operate under licenses, permissions or registrations issued by MIB under Section 4 of the Indian Telegraph Act, 1885. Section 4 of the Indian Telegraph Act, 1885 confers exclusive authority upon the Central Government to issue such licenses. In respect of broadcasting services, this power is exercised by MIB. Once the appointed date of Section 3 of the Telecommunications Act, 2023 is notified, authorisation for these broadcasting services shall be governed by the Telecommunications Act, 2023

and the Rules made thereunder. In telecom sector, service authorisations have been recommended under Section 3(1)(a) and network authorisations under Section 3(1)(b) of the Act. The interpretation taken by the Authority is that, if an entity intends to provide telecommunication services to end consumers by using its telecommunication network, it will require a service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023. A corollary to this statement is that under the authorisation to establish, operate, maintain, or expand the telecommunication network, obtained under Section 3(1)(b) of the Telecommunications Act 2023, an entity cannot provide telecommunication services to end consumers; it can only provide the telecommunication-network as-a-service to eligible entities, which are authorised under Section 3(1)(a) of the Telecommunications Act, 2023. However, MIB reference mentioned that the authorisation of broadcasting services would be required to be granted under Section 3(1)(a) of the Telecommunications Act, 2023, hence TRAI is providing its recommendations for all broadcasting services under Section 3(1)(a) of the Act.

The broadcasting sector, in contrast to the telecom sector, presently does not have a unified licensing framework. Currently, the broadcasting services are governed by service specific guidelines.

Upon receiving reference from MIB, the extant provisions of various policy guidelines for broadcasting services have been examined, collated and restructured, to design a simple unified authorisation framework. The thorough exercise resulted in the identification and compilation of **terms and conditions** to be notified as two distinct set of Rules, which may be termed as:

- **The Broadcasting (Grant of Service Authorisations) Rules**
- **The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules**

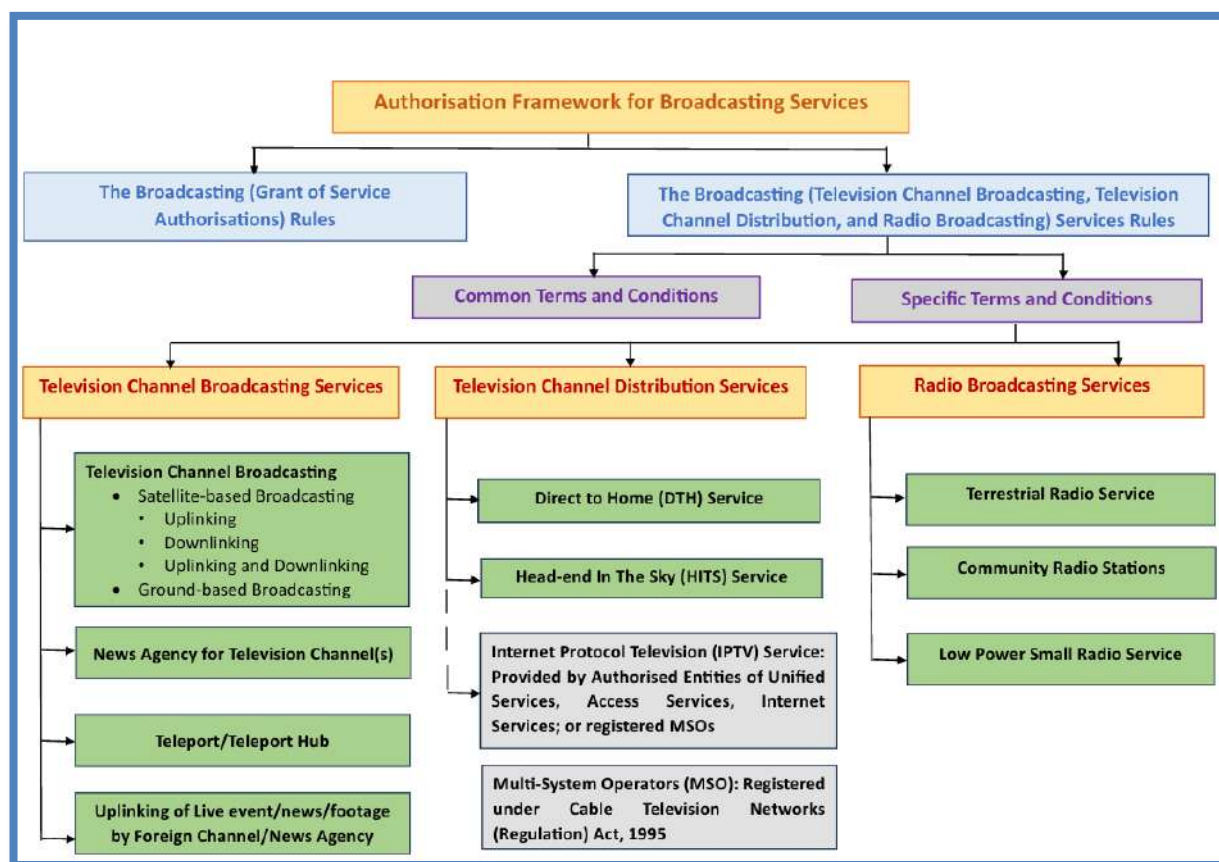
These terms and conditions have dovetailed and harmonised the existing provisions of various policy guidelines, including fees and charges, and

aligned them with the relevant sections of the Telecommunications Act, 2023. The recommended terms and conditions would set a process driven approach to a two-tier authorisation regime.

‘The Broadcasting (Grant of Service Authorisations) Rules’ for grant of service authorisations contain the eligibility conditions, application process, associated fees and terms and conditions to be adhered to by an applicant entity for obtaining service authorisations. It also provides reference to various other terms and conditions, which an applicant may like to know before applying for a service authorisation. Additionally, these terms and conditions incorporate a migration methodology for existing service providers for migration to the authorisation regime.

‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’ are structured in two parts. Part-I encompasses ‘*Common Terms and Conditions*’ that apply universally across all broadcasting services, while Part-II delineates ‘*Specific Terms and Conditions*’. The broadcasting services have been classified into three primary categories namely, **‘Television Channel Broadcasting Services’**, **‘Television Channel Distribution Services’** and **‘Radio Broadcasting Services’**. The terminology of these service categories has been explicitly defined and carefully crafted within the authorisation framework to facilitate a clear understanding of the service details.

The illustration of the recommended authorisation regime for broadcasting services is as under:



The approach is similar to the recommendations on the 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' for the telecom sector, submitted by TRAI.

The service authorisation would be a single document, having the details of various services an entity is authorised to provide. This document can be further updated to add/remove authorised services in future, as and when required. The existing process of signing a service license/permission agreement between the Government and the licensee/permission holder has been done away with. The authorised entity would be required to comply with the terms and conditions prescribed in 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules'.

Apropos, TRAI is submitting its recommendations on the 'Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023'. To safeguard the interest of the service providers, the Authority has recommended that for any changes in the terms and conditions of the service authorisations, the Central Government shall seek recommendations of TRAI, except when it pertains to the security interests of the State.

CHAPTER I

INTRODUCTION AND BACKGROUND

A. MIB Reference dated 25th July 2024

1.1 Telecom Regulatory Authority of India (hereinafter, also referred to as “TRAI”, or “the Authority”) received a reference from the Ministry of Information and Broadcasting (MIB) on 25th July 2024 (**Annexure-IA**), to provide its recommendations, under Section 11(1)(a) of the TRAI Act, 1997, on the terms and conditions, including fees or charges; for obtaining authorisation from the Central Government to provide broadcasting services with the objective of aligning it to the Telecommunications Act, 2023 and harmonizing the terms and conditions across various service providers.

1.2 An extract of the reference dated 25th July 2024 is reproduced below:

“As you are aware, the Telecommunications Act, 2023 has been published in the Official Gazette of India. This Act replaces the existing legislation governing telecommunications in India, namely the Indian Telegraph Act, 1885 and the Wireless Telegraphy Act, 1933. Further, sections 1,2,6 to 8, 10 to 30, 42 to 44,46,47,48, 50 to 58, 59 (b), 61,62, of the said Act have been appointed vide DoT's Gazette Notification dated 21.06.2024 and 04.07.2024 and appointment date for some sections is yet to be notified. The Section 3(1)(a) of the Telecommunication Act, which is yet to be notified, provides for obtaining an authorisation by any entity/person intending to provide telecommunication services, subject to such terms and conditions, including fees or charges; as may be prescribed.

2. In respect of the broadcasting services, it is to apprise that many broadcasting platforms (which employ radiowaves and spectrum for offering services) viz. DTH, HITS' IPTV, Uplinking/Downlinking of channels (including teleports), SNG, DSNG, Community Radio, FM Radio etc. are issued license/permission/registration by MIB under Section 4 of the Indian Telegraph Act, 1885. The said Section 4 grants the Central Government exclusive privilege to issue licenses and MIB draws these powers for issuing license/permission/registration. A brief background note on the different license/permission/registration/guidelines issued by MIB under Indian Telegraph Act, 1885 and other relevant issues vis-a-vis the Telecommunication Act, 2023 is enclosed herewith.

3. Now, the authorization of such broadcasting services would be required to be granted under Section 3(1)(a) of the Telecommunication Act, 2023 once the appointed date for this section is notified. Therefore, it is essential that the existing policy guidelines in respect to the Broadcasting services as mentioned above, administered by MIB, may be aligned to the Telecommunication Act, 2023 so that the terms and conditions for the authorization to these broadcasting services may be notified as Rules under the Telecommunication Act, 2023.

4. In this context, TRAI is requested to provide its recommendations, under Section 11(1)(a) of the TRAI Act, 1997, on terms and conditions, including fees or charges; for authorisation to provide the above Broadcasting services with the objective of aligning it to Telecommunications Act, 2023 and harmonizing the terms and conditions across various service providers as given in the enclosed background note.”

1.3 The Background Note annexed with the MIB's reference is reproduced below:

“1. Section 4 of the Indian Telegraph Act, 1885 gives exclusive privilege to Central Government to issue license to establish, maintain or work a telegraph within any part of India. The Ministry of Information and Broadcasting uses this privilege to grant licenses/permissions/registrations to various broadcasting services, viz. DTH, HITS, IPTV, Uplinking/Downlinking of channels (including teleports), SNG, DSNG, Community Radio, FM Radio etc. that employs radio-waves and spectrum for offering the services.

2. Further, with the approval of Union Cabinet, the Ministry has issued detailed comprehensive regulations in the form of various Policy guidelines which prescribe regulatory framework and detailed procedure and terms and conditions for obtaining licenses/permissions/registrations for providing above broadcasting services. The details of various licenses/permissions/registrations issued by MIB and the respective Policy guidelines are as under:

- (i) License to provide Direct to Home (DTH) Services are given as per the 'Guidelines for obtaining license for providing Direct to Home (DTH) Broadcasting services in India'.*
- (ii) Permission to provide Headend in the Sky (HITS) services are given as per the 'Guidelines for providing Headend in the Sky (HITS) Broadcasting services in India'.*
- (iii) Registration to provide Internet Protocol Television (IPTV) services to ISPs and MSOS are given as per the 'Guidelines for provisioning Internet Protocol Television (IPTV) services'.*
- (iv) Permission to provide Teleport Services-Uplinking/Downlinking/SNG/DSNG are given as per the*

'Policy Guidelines for Uplinking and Downlinking of Television Channels'.

- (v) Licenses for setting up of Community Radio Stations are given as per the 'Policy Guidelines for setting up Community Radio Stations in India'.*
- (vi) Permission for FM Radio channels given as per the 'Policy guidelines for Phase-III expansion of FM Radio broadcasting through private agencies'.*

3. The Section 3 of the Telecommunication Act, 2023 provides that:

3. (1) Any person intending to

(a) provide telecommunication services;

(b) establish, operate, maintain or expand telecommunication network; or

(c) possess radio equipment,

shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

4. The Section 3(2) of the Telecommunication Act, 2023 provides that 'The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.

5. Section 3(6) of the Telecommunications Act, 2023 provides that a license, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885, in respect of provision of telecommunication services shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such license or registration or

permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

6. Section 61 of the Telecommunications Act, 2023 provides that ‘All rules, orders, made or purported to have been made under the Indian Telegraph Act, 1885 or under the Indian Wireless Telegraphy Act, 1933, shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules, orders were made, and shall continue in force unless and until they are superseded by any rules made under this Act.

7. Many other Sections of the Telecommunications Act, 2023 may have either direct or indirect linkages with the terms and conditions of the authorisation for providing broadcasting services. Many terms and conditions of the extant Policy guidelines may relate to different Sections of the Telecommunications Act 2023. Further some of the terms and conditions will be required to be amended/incorporated in light of certain new provisions in this Act. The Authority may deliberate in this regard.

8. The related issues of harmonization of the terms and conditions for different licenses/permissions/registrations in the broadcasting sector, difference in regulatory fees viz. License Fee, Entry fee, Bank Guarantee among service providers providing similar set of service, may also be examined. For instance, the ISPs providing IPTV services are required to pay a License Fee @8% on the revenue accrued from the IPTV services whereas no such fee or levy is required to be paid by the MSOs providing IPTV thereby creating a regulatory disparity between two set of providers providing similar services. The Authority may examine with a view to ensure level playing field in this regard.”

B. The Telecommunications Act, 2023

1.4 The Telecommunications Act, 2023 (**Annexure-IV**), was published in the official Gazette of India, on 24th December 2023¹. The Telecommunications Act, 2023 amends and consolidates the law relating to development, expansion, operation of telecommunication services, telecommunication networks, assignment of spectrum and for matters connected therewith or incidental thereto. It also repeals the existing enactments, namely, ‘The Indian Telegraph Act, 1885’² and ‘The Indian Wireless Telegraphy Act, 1933’³.

1.5 Section 3 of the Telecommunications Act, 2023 imparts power to the Central Government to grant authorisation for providing telecommunication services; establishing, operating and maintaining telecommunications networks; and possessing radio equipment to the eligible applicant entities. The said Section is reproduced below:

“3. (1) *Any person intending to —*

(a) provide telecommunication services;

(b) establish, operate, maintain or expand telecommunication network; or

(c) possess radio equipment,

shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

(2) The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation

¹ <https://egazette.gov.in/WriteReadData/2023/250880.pdf>

² https://www.indiacode.nic.in/bitstream/123456789/13115/1/indiantelegraphact_1885.pdf

³ https://www.indiacode.nic.in/bitstream/123456789/15410/1/the_indian_wireless_telegraphy_act%2C_1933.pdf

for different types of telecommunication services, telecommunication network or radio equipment.

(3) The Central Government, if it determines that it is necessary in the public interest so to do, may provide exemption from the requirement of authorisation under sub-section (1), in such manner as may be prescribed.

(4) Any exemption granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933 shall continue under this Act, unless otherwise notified by the Central Government.

(5) Any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.

(6) A licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933, in respect of provision of telecommunication services or telecommunication network—

(a) where a definite validity period is given, shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed; or

(b) where a definite validity period is not given, shall be entitled to continue to operate on the terms and conditions of such licence or registration or permission for a period of five years from the

appointed day, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

(7) Any authorised entity which provides such telecommunication services as may be notified by the Central Government, shall identify the person to whom it provides telecommunication services through use of any verifiable biometric based identification as may be prescribed.

(8) The Central Government may, subject to such terms and conditions, including fees or charges as may be prescribed, allot telecommunication identifiers for use by authorised entities.

(9) The Central Government may allow use of telecommunication identifiers allotted by international bodies which are recognised by the Central Government from time to time.”

However, the appointed date for some sections of the Telecommunications Act, 2023 including Section 3 (related to service authorisation) and Section 4 (related to spectrum assignment) is yet to be notified.

C. Broadcasting Services and Cable Services as Telecommunication Service

- 1.6 TRAI was established on 20th February 1997 under Section 3 of the TRAI Act, 1997⁴ to regulate telecom services and tariffs in India. The Government in the year 2000 amended the TRAI Act, 1997 and included a proviso to section 2(1)(k) that enabled the Central Government to notify other service to be telecommunication service including broadcasting services.

⁴ https://trai.gov.in/sites/default/files/2024-10/The_TRAI_Act_1997.pdf

1.7 The Central Government (Ministry of Communication and Information Technology) notified the broadcasting services and cable services to be telecommunication service vide Gazette Notification No. S.O. 44 (E) on 9th January 2004, thereby bringing the regulation related to carriage of broadcasting services and cable services under the ambit of TRAI.

1.8 TRAI Act, 1997 defines ‘service provider’ and ‘licensee’ as follows:

“‘service provider’ means the Government as a service provider and includes a licensee;

‘licensee’ means any person licensed under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 for providing specific public telecommunication services;”

1.9 The Indian Telegraph Act, 1885 has defined ‘message’ and ‘telegraph’ as:

“3(3) ‘message’ means any communication sent by telegraph, or given to a telegraph officer to be sent by telegraph or to be delivered;

3(1AA) ‘telegraph’ means any appliance, instrument, material, or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means;

Explanation.—‘Radio waves’ or ‘Hertzian waves’ means electro-magnetic waves of frequencies lower than 3,000 giga-cycles per second propagated in space without artificial guide;”

1.10 The Telecommunications Act, 2023 provides the definitions for ‘message’, ‘telecommunication’, ‘telecommunication equipment’,

‘telecommunication network’ and ‘telecommunication service’ vide Sections 2(g), 2(p), 2(q), 2(s) and 2(t) respectively:

2(g) “message” means any sign, signal, writing, text, image, sound, video, data stream, intelligence or information sent through telecommunication;

2(p) “telecommunication” means transmission, emission or reception of any messages, by wire, radio, optical or other electromagnetic systems, whether or not such messages have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;

2(q) “telecommunication equipment” means any equipment, appliance, instrument, device, radio station, radio equipment, material, apparatus, or user equipment, that may be or is being used for telecommunication, including software and intelligence integral to such telecommunication equipment; and excludes such equipment as may be notified by the Central Government;

2(s) “telecommunication network” means a system or series of systems of telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government;

2(t) “telecommunication service” means any service for telecommunication;’

- 1.11 Further, Sections 59(a)(i)(A), 59(a)(i)(B), 59(a)(i)(C) and 59(a)(i)(D) of the Telecommunications Act, 2023 provides for amendment in Section 2(1) the TRAI Act, 1997 for the definitions of “licensee”,

“licensor”, “telecommunication” and “telecommunication services” in the following manner:

‘(e) “licensee” means an authorised entity providing telecommunication services under the Telecommunications Act, 2023, or registered for providing cable television network under the Cable Television Networks (Regulation) Act, 1995 or any other Act for the time being in force;

(ea) “licensor” means the Central Government which grants an authorisation for telecommunication services under the Telecommunications Act, 2023, or registration under the Cable Television Networks (Regulation) Act, 1995 or any other Act for the time being in force;

(ja) “telecommunication” shall have the meaning as assigned to it in the Telecommunications Act, 2023;

(k) “telecommunication services” means any service for telecommunication;’

1.12 Hence, it is evident that the definitions of “message”, “telecommunication” and “telecommunication service” under Sections 2(g), 2(p) and 2(t) of the Telecommunications Act, 2023; and the definitions of “telecommunication” and “telecommunication services” under Sections 59(a)(i)(C) and 59(a)(i)(D) of the Telecommunications Act, 2023, cover broadcasting and broadcasting services. Similarly, it may be inferred that the definitions for “telecommunication equipment” and “telecommunication network” under Section 2(q) and 2(s) cover broadcasting equipment and broadcasting network.

1.13 Section 60 of the Telecommunications Act, 2023, repeals the existing enactments namely, the Indian Telegraph Act, 1885, and

the Indian Wireless Telegraphy Act, 1933. However, the appointed date for this section is yet to be notified.

- 1.14 It is pertinent to mention here that the Telecommunications Act, 2023, does not repeal ‘The Cable Television Networks (Regulation) Act, 1995’ [hereinafter referred to as ‘CTN Act’]. ‘CTN Act’ regulates the operation of cable television networks in India and for matters connected therewith or incidental thereto. The Cable Television Network operators (viz., Multi-System Operator and Local Cable Operator) are governed by ‘CTN Act’ and the Rules made thereunder.

D. Indian Broadcasting Ecosystem

- 1.15 The subsequent sections discuss the various definitions for broadcasting, evolution of radio and television broadcasting in India, the existing policy guidelines governing these broadcasting services and an overview of the sector, including statistics on revenue, the number of service providers, subscriber base etc.

D1. Definitions

- 1.16 The concept of broadcasting and broadcasting services has evolved over time and has been defined in various acts, international standards and regulatory frameworks. The definitions formulated reflects the technological, societal and legal contexts therein.
- 1.17 The Prasar Bharati (Broadcasting Corporation of India) Act, 1990 Act⁵ defines ‘Broadcasting’ as:

“broadcasting” means the dissemination of any form of communication like signs, signals, writing, pictures, images and

⁵ <https://prasarbharati.gov.in/prasar-bharati-act/>

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,

- 1.18 The Recommendation V.662-2⁶ of International Telecommunication Union-Radiocommunication (ITU-R) provides the definitions for ‘broadcasting’ and ‘broadcasting (service)’, as follows:

broadcasting;

A form of unidirectional telecommunication intended for a large number of users having appropriate receiving facilities, and carried out by means of radio or by cable networks.

broadcasting (service);

Radiocommunication in which transmissions are intended for direct reception by the general public; these may include sound transmissions, television transmissions and other types of transmission.

- 1.19 The Regulatory Framework⁷ of the year 2017 (comprising of the Regulations and the Tariff Order) issued by TRAI for the broadcasting sector has defined ‘broadcasting services’ as under:

“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 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.

⁶ https://www.itu.int/dms_pubrec/itu-r/rec/v/R-REC-V.662-2-199304-S!!PDF-E.pdf

⁷ <https://trai.gov.in/release-publication/consolidated-regulations/broadcasting>

1.20 From the above definitions, broadcasting can be understood as dissemination of information in the form of audio, video, graphics, text etc., to a geographically dispersed audience via various distribution mediums. In a vast and culturally diverse country like India, the broadcasting services, as a soft power, serve a crucial role in sculpting the public discourse and empowering the consumers through information, education and entertainment. Conventionally, broadcasting services are broadly classified into two categories:

- a. Radio broadcasting
- b. Television broadcasting

Evolution of these two categories of broadcasting services in India is discussed in following sections.

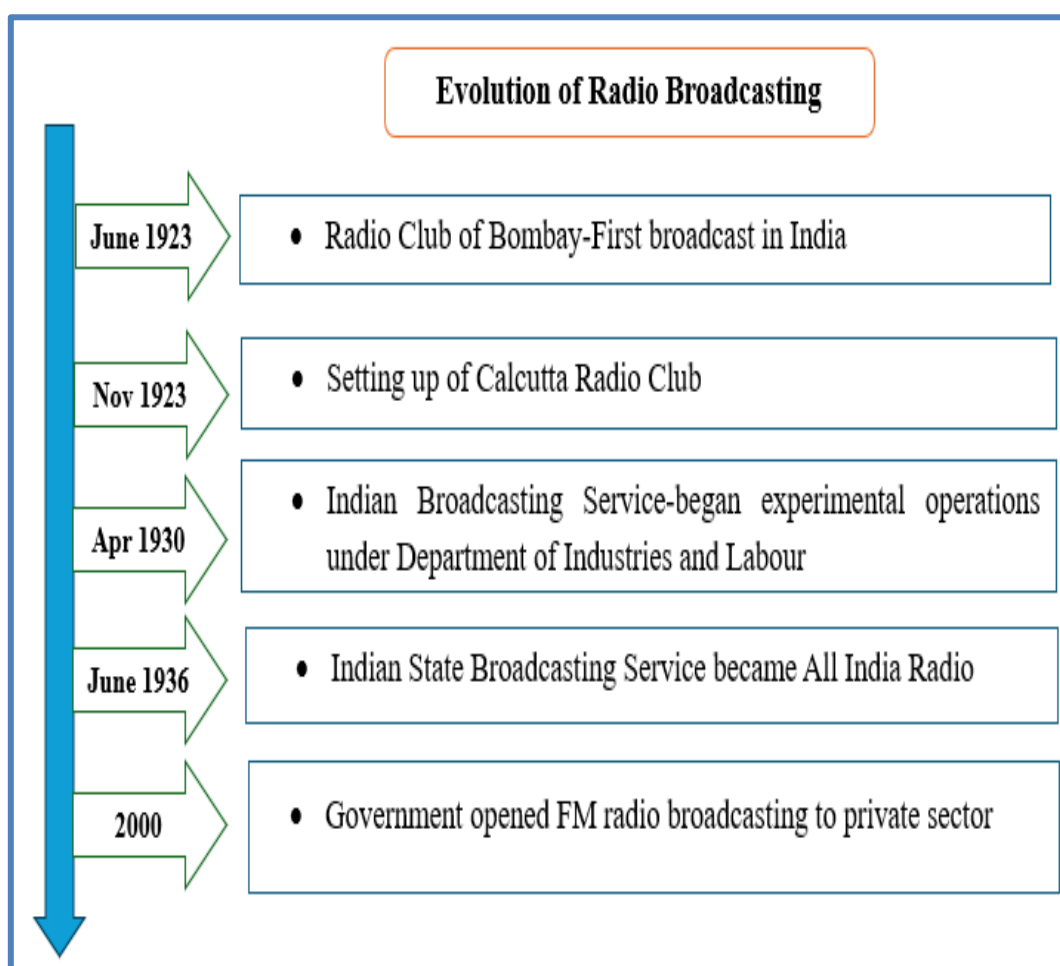
D2. Evolution and current status of Radio Broadcasting Sector in India

1.21 The Radio Club of Bombay made the first ever broadcast in the country in June 1923⁸. This was followed by setting up of the Calcutta Radio Club five months later. Subsequently, in April 1930, the Indian Broadcasting Service, under the Department of Industries and Labour, commenced its operations on an experimental basis. On 8th June 1936, the Indian State Broadcasting Service became All India Radio (AIR) and the radio broadcast was taken over by the Government. Until the year 2000, AIR was the sole radio broadcaster transmitting programs in Amplitude Modulation (AM) and Frequency Modulation (FM) bands.

⁸ <https://prasarbharati.gov.in/growth-development-air/#:~:text=Broadcasting%20in%20India%20actually%20began,Radio%20Club%20five%20months%20later>

- 1.22 With the changing market dynamics, the Government in the year 2000, allowed FM radio broadcasting service to the private sector in a phased manner. The evolution of radio broadcasting in India is illustrated in **Figure 1.1**.
- 1.23 Beginning with Phase-I, 108 FM radio channels in 40 cities were auctioned, by the Government. 21 FM radio channels became operational by the end of Phase-I.

Figure 1.1: Evolution of radio broadcasting



- 1.24 Phase-II of FM Radio auction began in 2005 wherein, a total of 337 channels were put to bid across 91 cities having population equal to or more than 3 lakhs, leading to 222 operational channels by end of

the phase. The 21 FM radio channels of Phase-I also migrated to Phase-II. Therefore, at the end of Phase-II, a total of 243 FM radio channels were operational in 86 cities.

1.25 Phase-III expansion of FM radio was announced in the year 2011, in which, 966 FM radio channels are to be made available in 333 cities. In the first batch of Phase-III, 135 private FM radio channels in 69 existing cities were put to auction in 2015. Out of these, 96 FM radio channels in 55 cities have been successfully auctioned. In the second batch of Phase-III, 266 private FM radio channels in 92 cities were put to auction in 2016. Out of these, 66 FM radio channels in 48 cities have been successfully auctioned. In the third batch of Phase-III, 730 private FM radio channels in 234 new cities have been approved for auction.

1.26 In addition to AIR and private FM radio broadcasting, Community Radio Stations⁹ are integral to radio broadcasting, aiming to serve the needs of local community. Community Radio Stations are low power radio stations, set-up and operated by the local communities serving as a powerful platform to voice their concerns. The journey of Community Radio started in the year 2002, when the Government of India approved a policy for the grant of licenses for setting up of Community Radio Stations to well established educational institutions including IITs/IIMs. Subsequently, the Government decided to broaden the policy on Community Radio Stations by including non-profit organizations such as civil society and voluntary organizations. This aims to encourage greater participation from civil society in addressing development and social change issues.

⁹<https://pib.gov.in/PressReleasePage.aspx?PRID=2005299#:~:text=The%20journey%2C%20of%20Community%20Radio,educational%20institutions%20including%20IITs%20IIMs.>

D2.1 Existing Policy Guidelines for the Radio Broadcasting Sector

- 1.27 **Policy Guidelines for FM Radio Broadcasting:** The policy guidelines for FM radio broadcasting have been designed to govern the establishment and operation of FM radio stations by private entities. Phase-I of FM radio broadcasting was launched by MIB in 1999. Building on the experience from Phase I, the Government announced the policy for Phase-II on 13th July 2005, with certain modifications. Phase-III was initiated in 2011, which aimed at establishing private FM radio channels in all cities with a population exceeding 1 lakh. The 'Policy guidelines for expansion of FM radio broadcasting services through private agencies (Phase-III)¹⁰' were issued on 25th July 2011. The said guidelines have been amended multiple times on 21st January 2015, 21st September 2016, 4th October 2022 and 10th September 2024.
- 1.28 **Policy Guidelines for Community Radio Stations (CRS):** The Government announced its policy for the grant of permission for setting up of CRS in December 2002. The guidelines were subsequently amended in the year 2006, 2017, 2018 and 2022. To instil financial sustainability and growth, the Government brought further amendments and issued a comprehensive revised policy guidelines on 13th February 2024.

D2.2 Current status of the Radio Broadcasting Sector

- 1.29 In India, presently radio coverage is available in the Short wave (SW) and Medium wave (MW) bands in Amplitude Modulation (AM) and Frequency Modulation (FM) mode. As per an industry report¹¹, the

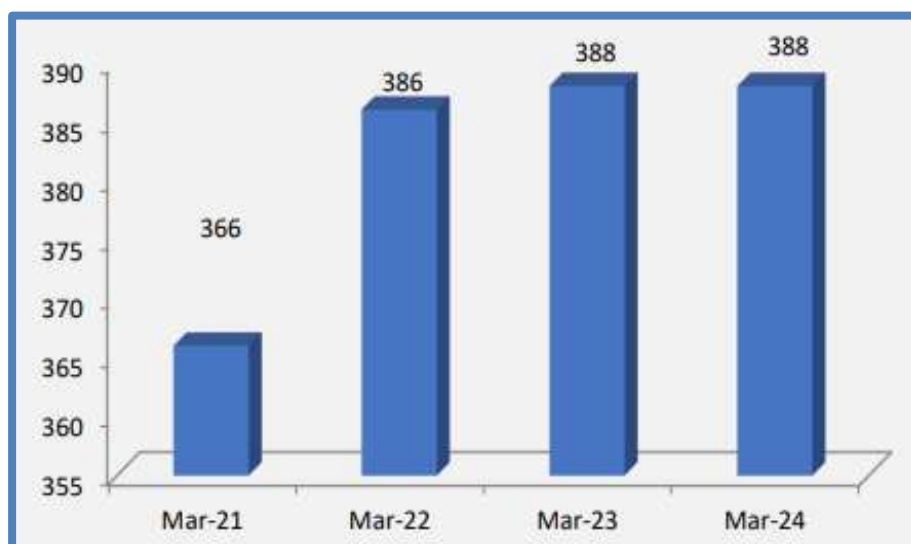
¹⁰ https://mib.gov.in/sites/default/files/2024-12/fmpolicy_consolidated_0.pdf

¹¹ <https://www.ey.com/content/dam/ey-unified-site/ey-com/en-in/newsroom/2024/03/documents/ey-in-india-s-media-entertainment-sector-is-innovating-for-the-future-03-2024-v3.pdf>

radio broadcasting sector generated a revenue of Rs. 23 billion in the year 2023 and is expected to reach Rs. 27 billion by 2026 at a Compound Annual Growth Rate (CAGR) of 6.6%.

- 1.30 The public broadcaster, AIR¹², has 591 stations that cover almost 90% of the country by area and 98% of the country's population. Apart from the radio stations operated by the AIR, there are 388 private FM radio stations operating in 113 cities, managed by 36 private FM radio broadcasters as on 31st March 2024¹³. The trend of number of operational FM radio stations in India during the last four years is illustrated in **Figure 1.2**.

Figure 1.2: Number of operational FM radio stations



- 1.31 As far as Community Radio Stations (CRS) are concerned, 494 CRS are operational in India as on 31st March 2024. The yearly growth of the number of operational CRS is illustrated in **Figure 1.3**.

¹² <https://prasarbharati.gov.in/homepage-air/>

¹³ https://www.trai.gov.in/sites/default/files/2024-09/Report_14082024.pdf

Figure 1.3: Number of operational CRS



D3. Evolution and current status of Television Channel Broadcasting Sector in India

- 1.32 Before 1991, during the pre-liberalization era, the television channel broadcasting service in India was predominantly controlled by the Government. Doordarshan, the state-owned broadcaster, was the sole broadcaster. The Prasar Bharati Act¹⁴ was enacted in 1990, leading to the establishment of the Prasar Bharati.
- 1.33 In the post-liberalization era, after 1991, private operators were allowed to enter the television channel broadcasting and distribution service market. CTN Act and Rules were introduced to regulate the operation of cable television networks in the country. It addressed issues related to quality of service, content regulation and licensing of cable operators.

¹⁴ <https://prasarbharati.gov.in/prasar-bharati-act/>

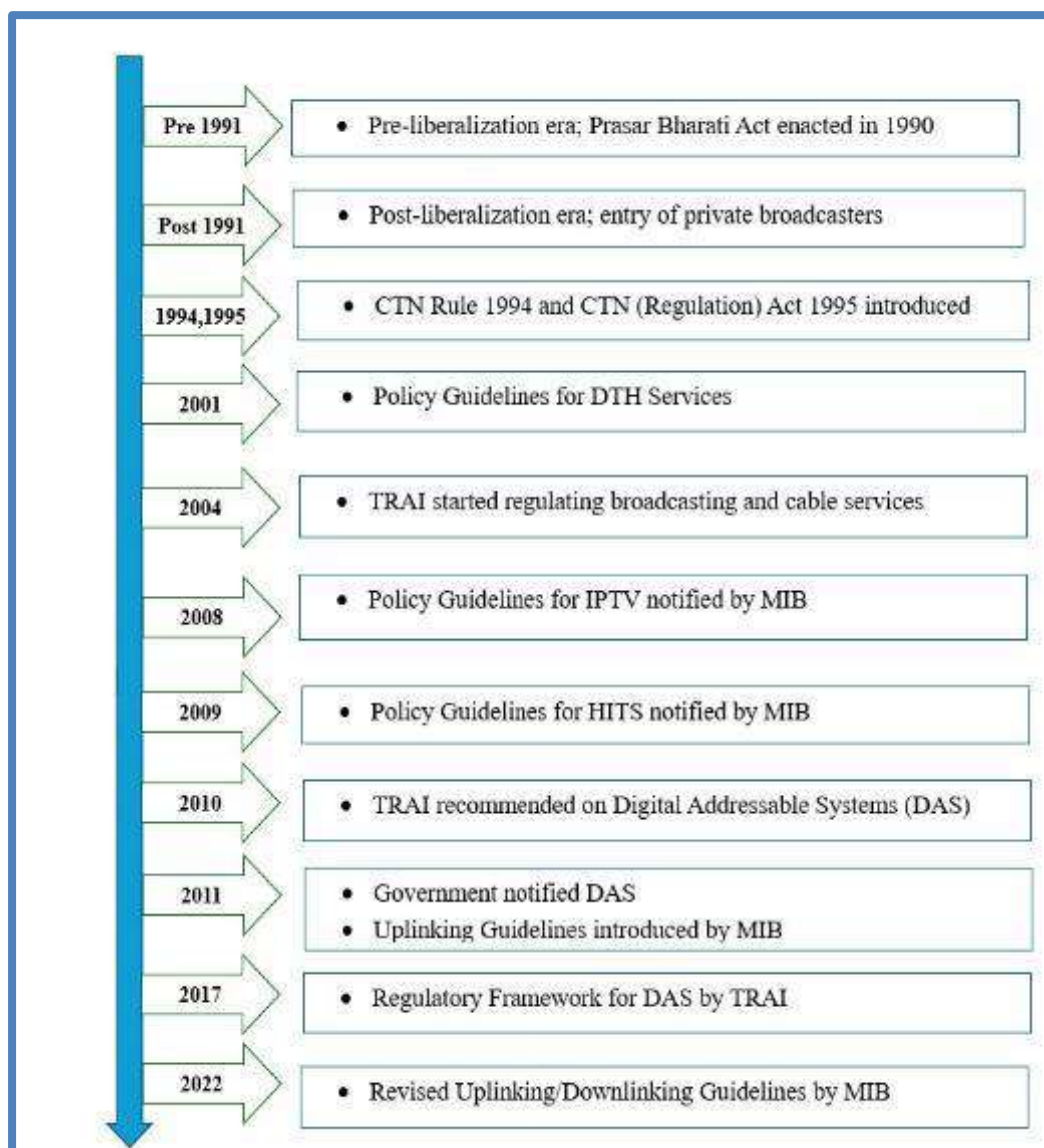
- 1.34 Further, in the year 2000, the Government brought in a policy framework for satellite television channels. The policy guidelines for uplinking/downlinking of television channels encompassed the provisions related to various permissions, spectrum allocation, content regulation and other aspects. In the distribution segment, guidelines for Direct-to-Home (DTH) platform were issued in the year 2001, leading to operationalisation of first DTH platform in the year 2003.
- 1.35 In the year 2004, regulation related to carriage and distribution of broadcasting services and cable services was entrusted to TRAI. Thereafter, TRAI has consistently provided an enabling regulatory framework for carriage and distribution of the broadcasting services through Tariff Orders, Interconnection Regulations and Quality of Service and Consumer Protection Regulations. In addition, TRAI has been providing its recommendations on licensing and other matters related to broadcasting services from time to time.
- 1.36 The Government notified the guidelines for Internet Protocol Television (IPTV) services in 2008 and Head-end-in-the-Sky (HITS) services in 2009, after seeking recommendations of TRAI for these two distribution technologies.
- 1.37 Based on TRAI's recommendations on 'Implementation of Digital Addressable Cable TV Systems in India' dated 5th August 2010¹⁵, the Government issued notification which laid down the roadmap for implementation of digitalization in cable television sector in 2011. Completion of the process of digitalization in 2017 necessitated a new set of regulations. TRAI, therefore, notified a comprehensive regulatory framework in March 2017. The key objectives of the regulatory framework are to ensure level-playing

¹⁵ <https://www.trai.gov.in/sites/default/files/2024-09/finalreom5agust.pdf>

field, transparency, non-discrimination and non-exclusivity for all stakeholders in the value chain; and providing adequate and real choices to subscribers.

- 1.38 The policy guidelines for uplinking and downlinking of television channels have been amended from time to time. The uplinking and downlinking guidelines have been consolidated and revised in 2022 with an objective to facilitate ease of doing business for the companies/Limited Liability Partnerships (LLPs) registered in India seeking various permissions for Uplinking and Downlinking of TV Channels, setting up of Teleports/Teleport Hubs, use of Digital Satellite News Gathering (DSNG)/Satellite News Gathering (SNG)/Electronic News Gathering (ENG) systems, uplinking by Indian news agencies etc. The evolution of television broadcasting in India is illustrated in **Figure 1.4**.

Figure 1.4: Evolution of television broadcasting in India



D3.1 Existing Policy Guidelines for Television Broadcasting Sector

1.39 **Policy Guidelines for Uplinking and Downlinking of satellite television channels:** On 9th November 2022¹⁶, MIB notified the consolidated 'Policy guidelines for uplinking and downlinking of satellite television channels in India, 2022'. The guidelines eased

¹⁶ <https://mib.gov.in/sites/default/files/2024-05/uplinking-and-downlinking-guidelines-2022-english.pdf>

and streamlined the issue of permissions to the companies/LLPs registered in India for uplinking and downlinking of television channels, setting up of teleport/teleport hub, use of DSNG/SNG/ENG, uplinking by news agencies and uplinking of a Live event. These revised guidelines replaced and superseded the 'Policy Guidelines for Uplinking of Television Channels' and 'Policy Guidelines for Downlinking of Television Channels' dated 11th December 2011.

- 1.40 **Policy Guidelines for Direct-to-Home (DTH) Service:** The policy guidelines for obtaining license for providing DTH broadcasting service were issued by MIB on 15th March 2001. The said guidelines were amended from time to time, latest amendments being made in 2007¹⁷ and 2020¹⁸. Subsequently, the 'Operational DTH Guidelines' were issued by MIB on 16th September 2022¹⁹ with respect to license fee, platform service channels and sharing of infrastructure by DTH operators.
- 1.41 **Policy Guidelines for Head-end In The Sky (HITS) Service:** MIB issued the policy guidelines on 26th November 2009²⁰ for granting permission to the eligible entities to establish, maintain and operate HITS broadcasting service in India. Further, in the year 2020, MIB issued an amendment in the HITS guidelines dated 6th November 2020²¹, permitting sharing of infrastructure.

¹⁷ [https://new.broadcastseva.gov.in/digigov-portal-web-app/jsp/mib/common/PDFContent/DTH_PDF/DTH%206.11.2007%20\(1\).pdf](https://new.broadcastseva.gov.in/digigov-portal-web-app/jsp/mib/common/PDFContent/DTH_PDF/DTH%206.11.2007%20(1).pdf)

¹⁸ <https://mib.gov.in/sites/default/files/2024-12/amendment-in-guidelines-for-obtaining-license-for-providing-dth-broadcasting-services-in-india.pdf>

¹⁹ <https://mib.gov.in/sites/default/files/2024-12/-english-version-operational-guidelines-for-direct-to-home-dth-broadcasting-service-in-india-dated-16.09.2022.pdf>

²⁰ https://mib.gov.in/sites/default/files/2024-12/headend_repaired.pdf

²¹ <https://mib.gov.in/sites/default/files/2024-12/amendment-in-hits-guidelines-compressed.pdf>

1.42 **Policy Guidelines for Internet Protocol Television (IPTV)**

Service: In October 2006, India witnessed launch of first IPTV service by Mahanagar Telephone Nigam Limited (MTNL). Subsequently, TRAI submitted its recommendations on 'Provision of IPTV Services' dated 4th January 2008²². Based on the said recommendations, MIB issued detailed policy guidelines for IPTV operations on 8th September 2008²³. The guidelines were designed to establish clear principles for various IPTV platforms and to stimulate stakeholder participation in the Indian IPTV market.

D3.2 Current status of the Television Broadcasting Sector

1.43 Private broadcasters provide television channels, available either as Pay TV or Free-to-Air (FTA) TV, which is delivered to the consumers through cable TV services, DTH services, HITS services and IPTV services. Besides, Prasar Bharati, the public service broadcaster, provides broadcasting services under the brand name 'Doordarshan', and DTH services under the brand name 'DD Free Dish'. As per an industry estimate²⁴, the television broadcasting sector generated a revenue of Rs. 696 billion in 2023 and is expected to reach Rs. 766 billion by 2026 at a CAGR of 3.2%.

1.44 As per TRAI report titled 'The Indian Telecom Services Yearly Performance Indicators 2023-2024'²⁵, a total of 922 private satellite television channels have been permitted by MIB, for uplinking only/downlinking only/both uplinking and downlinking as on March 2024. The total number of satellite television channels during last four years is illustrated in **Figure 1.5**.

²² <https://traai.gov.in/sites/default/files/2024-09/recom4jan08.pdf>

²³ https://mib.gov.in/sites/default/files/2024-12/ilovepdf_merged_1.pdf

²⁴ <https://www.ey.com/content/dam/ey-unified-site/ey-com/en-in/newsroom/2024/03/documents/ey-in-india-s-media-entertainment-sector-is-innovating-for-the-future-03-2024-v3.pdf>

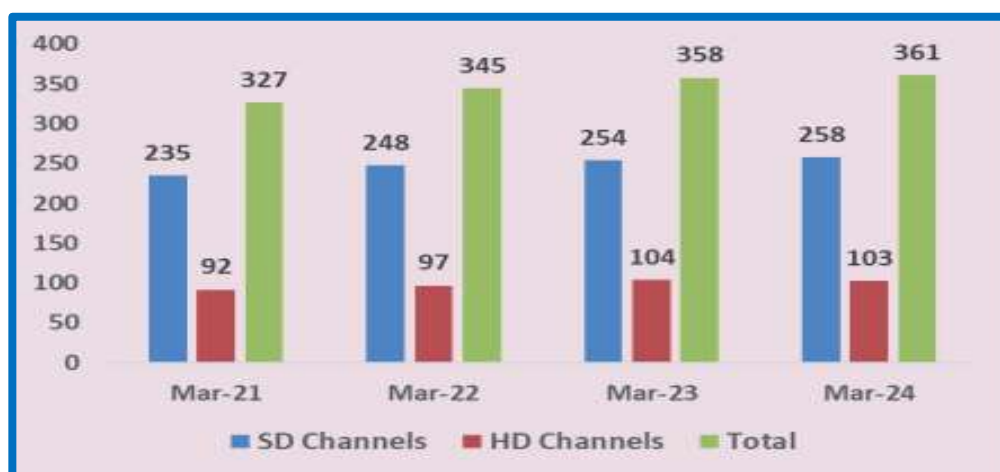
²⁵ https://traai.gov.in/sites/default/files/2024-09/Report_14082024.pdf

Figure 1.5: Number of satellite television channels during last four years



1.45 Further, there are 361 satellite pay television channels, of which 258 are Standard Definition (SD) and 103 are High Definition (HD). The trend of SD and HD satellite pay television channels during the last four years is illustrated in **Figure 1.6**.

Figure 1.6: Number of SD and HD pay television channels



- 1.46 The television channel distribution ecosystem comprises of 844 registered Multi-System Operators (MSOs), 1 HITS operator, 4 pay DTH operators and 52 registered IPTV operators as on 31st December 2024. Moreover, there are 81,706 cable operators registered in the country, as on 1st January 2022 as communicated to MIB by Department of Posts.
- 1.47 As per an industry report²⁶, the television ecosystem in India consists of approximately 62 million cable television households and 2 million HITS subscribers. Further, as per these estimates there are around 45 million DD Free Dish households. In addition, as per TRAI's Annual Report for the FY 2023-2024²⁵, there were 61.97 million pay DTH total active subscribers and 5,76,521 total active IPTV subscribers on 31st March 2024. The yearly trend of number of total active subscribers of pay DTH service during last four years is illustrated in **Figure 1.7**.

Figure 1.7: Total active subscribers (in million) of pay DTH service



²⁶ <https://www.ey.com/content/dam/ey-unified-site/ey-com/en-in/newsroom/2024/03/documents/ey-in-india-s-media-entertainment-sector-is-innovating-for-the-future-03-2024-v3.pdf>

E. TRAI's Consultation Paper dated 30th October 2024

- 1.48 Based on the MIB reference dated 25th July 2024, TRAI, on 30th October 2024, issued a Consultation Paper²⁷ on 'Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023'. The written comments were initially invited from the stakeholders by 20th November 2024 and counter-comments by 27th November 2024. The last date of receiving comments and counter-comments was later extended to 27th November 2024 and 4th December 2024 respectively. TRAI received 13 comments and 3 counter-comments from various associations, consulting companies, service providers and consumer advocacy groups.
- 1.49 An Open House Discussion (OHD) was held on 18th December 2024. The written comments, counter-comments and OHD submissions have been analysed and considered while framing these recommendations.

F. The Present Recommendations

- 1.50 Based on the written comments and counter-comments received, inputs gathered from the stakeholders during the OHD and its own analysis, the Authority has finalized these recommendations, divided into four chapters. These chapters provide a detailed description of the issues, brief of stakeholders' comments, and the Authority's view, analysis and the recommendations thereupon.

Chapter I provides the details of the reference received, discusses the relevant sections of the Telecommunications Act, 2023, gives an

²⁷ https://www.trai.gov.in/sites/default/files/2024-11/CP_30102024_0.pdf

overview of the broadcasting sector and details of the Consultation process.

Chapter II examines and recommends the structure of the authorisation framework for broadcasting services. The chapter also contains various definitions used in the authorisation framework and terms and conditions for 'Grant of service authorisations', to be notified as first set of Rules. These terms and conditions *inter alia* include eligibility conditions, process of application, authorisation document format, migration methodology and other relevant terms and conditions for various broadcasting services.

Chapter III examines, collates, harmonises and dovetails the various existing policy guidelines into a comprehensive authorisation framework. This chapter recommends the various terms and conditions for 'Provision of broadcasting services' by an authorised entity (which has obtained the service authorisation). These terms and conditions have been aligned with the respective sections of the Telecommunications Act, 2023 and recommended to be notified as second set of Rules.

Chapter IV provides the summary of recommendations.

CHAPTER II

GRANT OF SERVICE AUTHORISATIONS

2.1 MIB issues licenses, permissions and registrations for provisioning of broadcasting services viz., DTH, HITS, IPTV, Uplinking and Downlinking of television channels, setting up Teleport/Teleport hub, purchase and use of DSNG/SNG equipment, FM Radio, setting up Community Radio Stations under Section 4 of the Indian Telegraph Act, 1885²⁸. Whereas the registration for cable television services (which includes MSOs and LCOs) is done under the CTN Act²⁹ and the rules made thereunder.

2.2 The Telecommunications Act, 2023, provides for repealing the Indian Telegraph Act, 1885. Accordingly, the 'license', which was granted under the Indian Telegraph Act, 1885 will get replaced with 'authorisation'. Section 2(d) of the Telecommunications Act, 2023 defines 'authorisation' as under:

"authorisation" means a permission, by whatever name called, granted under this Act for—

- (i) providing telecommunication services;*
- (ii) establishing, operating, maintaining or expanding telecommunication networks; or*
- (iii) possessing radio equipment;*

²⁸ **4. Exclusive privilege in respect of telegraphs, and power to grant licenses.—(1)** Within India the Central Government shall have the exclusive privilege of establishing, maintaining and working telegraphs:

Provided that the Central Government may grant a license, on such conditions and in consideration of such payments as it thinks fit, to any person to establish, maintain or work a telegraph within any part of India:
...

²⁹ <https://www.indiacode.nic.in/bitstream/123456789/1928/4/aa1995-07.pdf>

2.3 Further, Section 2(e) of the Telecommunications Act, 2023, defines ‘authorised entity’ as:

"authorised entity" means a person holding an authorisation under section 3;

2.4 After notification of appointed date for Section 3 of the Telecommunications Act, 2023, the license/permission/registration hitherto granted under Section 4 of the Indian Telegraph Act, 1885 will require to be obtained as authorisation under the Telecommunications Act, 2023; and a migration path needs to be defined for existing licensees/permission holders/registered entities to migrate to the new authorisation framework.

2.5 As per the Government of India (Allocation of Business) Rules, 1961³⁰, the subject matters relating to radio and television broadcasting within the Union have been allocated to the Ministry of Information and Broadcasting (MIB).

2.6 The extant policy guidelines governing the broadcasting services, administered by MIB, will also require to be aligned with the provisions of the Telecommunications Act, 2023. Accordingly, terms and conditions for grant of service authorisations for various broadcasting services shall be required to be notified as Rules under the Telecommunications Act, 2023.

2.7 The Consultation Paper (CP) dated 30th October 2024 on ‘Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023’, solicited views of stakeholders on the following broad issues:

³⁰ <https://cabsec.gov.in/allocationofbusinessrules/completeaobrules/>

- a. Service authorisations to be granted under the Telecommunications Act, 2023.
- b. Definitions to be included in the Rules.
- c. Scope and Service Area of various (new/existing) broadcasting services.
- d. Format of the grant of service authorisation.
- e. Terms and Conditions for 'Grant of Service Authorisations'.
- f. Approach for migration from existing regime to the Authorisation framework.
- g. Framework for the terms and conditions of the Broadcasting (Television Programming, Television Distribution and Radio) Services.
- h. Harmonising of terms and conditions, including fees or charges among various broadcasting services.
- i. Common terms and conditions of the broadcasting service authorisations
- j. Specific terms and conditions for provisioning of Television Programming Services, Television Distribution Services and - the Radio Services.
- k. Civil penalties for breach of terms and conditions to be notified as Rules of the authorisations.
- l. Unbundling of grant of authorisation from the spectrum allocation for FM Radio.
- m. Net worth requirement for ISPs for provisioning of IPTV service.
- n. Any other related issues.

2.8 Comments and counter-comments received from the stakeholders as well as inputs gathered during OHD on the aforementioned issues have been examined and analysed in detail. This chapter deliberates on the first seven issues (a to g) raised in the CP, while the remaining issues are discussed in the Chapter III.

A. Service Authorisation under the Telecommunications Act, 2023

2.9 This section discusses the requirement for authorisation in place of existing practice of grant of license/permission/registration provided under Section 4 of the Indian Telegraph Act, 1885.

A1. Existing practice of grant of license/permission/registration

2.10 In the broadcasting sector, the Government has issued policy guidelines to obtain license/permission/registration for providing various broadcasting services, such as:

- i. Permission for uplinking and downlinking of television channel and uplinking of Live events by a foreign channel
- ii. Permission for setting up Teleport/Teleport Hub
- iii. Permission to set up News Agency for news gathering and its further distribution to other news agency/broadcaster
- iv. License to provide DTH Services
- v. Permission to provide HITS Services
- vi. Registration to provide IPTV Services
- vii. Permission for FM Radio channel
- viii. Permission for setting up Community Radio Stations

The structure of each license, permission, registration of these broadcasting services is discussed in the subsequent paragraphs.

I. Permission for uplinking and downlinking television channel(s)

2.11 MIB grants permission for two categories of television channel(s) viz., 'News and Current Affairs' and 'Non-news and Current Affairs'. The permissions are granted for uplinking, downlinking, uplinking and

downlinking of television channel, and uplinking of Live events by a foreign channel.

2.12 Permission to uplink/downlink a television channel is granted in the form of a permission letter under the 'Policy guidelines for uplinking and downlinking of satellite television channels, 2022'. The permission is subject to security clearance from the Ministry of Home Affairs (MHA) and contains following details:

- a. Registration Number
- b. Category of the TV Channel
- c. Language of the TV Channel
- d. Logo of the TV Channel
- e. Mode of Transmission of TV Channel
- f. Name of the Teleport and Satellite
- g. List of Board of Directors/Partners
- h. Period of Permission

2.13 The permission letter specifies the terms and conditions for uplink/downlink of a satellite television channel required to be adhered to by the permission holder. Further, the applicant is required to obtain approval for satellite use from Department of Space and all necessary clearances from Wireless Planning and Coordination (WPC) and SATCOM Monitoring Center [earlier named as Network Operations and Control Centre (NOCC)], Department of Telecommunications (DoT), Ministry of Communications and operationalize the channel in the stipulated time as per roll out obligations, failing which, the permission is liable to be cancelled and the Performance Bank Guarantee is liable to be forfeited.

II. Permission for setting up Teleport/Teleport Hub

2.14 Permission for setting up teleport/teleport hub is also granted in the form of a permission letter under the 'Policy guidelines for Uplinking and Downlinking of Television Channels, 2022'. The permission is subject to clearance and approval from the Department of Space and MHA and contains the following details:

- a. Location of the teleport
- b. Name of the Satellite
- c. Frequency Band
- d. List of Board of Directors/Partners
- e. Period of Permission

2.15 The permission letter also specifies the terms and conditions for setting up Teleport/Teleport Hub along with adherence to the conditions related to security clearance. Further, on obtaining permission, the applicant is required to approach WPC for obtaining operational license/frequency for the teleport.

III. Permission to set up News Agency for news gathering and its further distribution to other news agency/broadcaster

2.16 Permission to set up News Agency for news gathering and its further distribution to other news agencies/broadcasters is granted in the form of a permission letter under the 'Policy guidelines for Uplinking and Downlinking of Television Channels, 2022'. The letter provides the following details:

- a. Permission for use of DSNG
- b. Permission to use teleport services from a teleport operator
- c. Requirement to obtain security clearance from WPC/SACFA
- d. Period of Permission and Renewal

In addition to aforementioned points, the permission letter also includes other additional conditions.

IV. Grant of License to provide DTH services

2.17 On compliance with the eligibility conditions for license; clearance of the company, Board of Directors and key executives of the applicant company by MHA and clearance of satellite use by Department of Space, the applicant company on payment of applicable entry fees, is issued a Letter of Intent (LoI). Post issue of LoI, the entity is required to get SACFA clearance and submit Bank Guarantee (BG), which entitles the entity to sign a license agreement with MIB for providing DTH services in India.

2.18 The license agreement for DTH services contains the following:

- a. The name of the parties to the agreement viz., the Licensor (the Government of India) and the Licensee.
- b. A clause that the Licensor has agreed to grant License for the provision of DTH service(s) under Section 4 of the Indian Telegraph Act, 1885 and Indian Wireless Telegraphy Act, 1933, on the terms and conditions described in the Schedule to establish, maintain and operate DTH platform.
- c. The *ibid* Schedule including the terms and conditions prescribed by MIB and the terms and conditions of Wireless Operating Licence (WOL) issued by WPC is annexed with the license agreement.
- d. The signatures of the parties to the agreement and witnesses with date.

2.19 The Schedule of the License Agreement contains the terms and conditions for providing DTH services. The terms and conditions are

provided in 21 Articles titled as eligibility conditions, term of license, license fee, bank guarantee, compliance with programme and advertising codes, prohibition of certain activities, technical standards and other obligations, monitoring and inspection, national security and other conditions, value added services, preference to Indian satellites and intersystem co-ordination, WPC wing's license, commissioning of DTH platform, requirement of furnishing information to the licensor, termination of license, force majeure, dispute with other parties, dispute resolution and jurisdiction, confidentiality, penalty and miscellaneous.

V. Grant of Permission Agreement to provide HITS services

2.20 To establish, maintain and operate HITS broadcasting services, MIB signs Grant of Permission Agreement (GOPA) with the eligible applicant. The GOPA contains the following components:

- a. Permission Agreement
- b. Terms and Conditions

2.21 The permission agreement *inter-alia* contains the following elements:

- a. The name of the parties of the agreement viz. the Grantor (MIB) and the permission holder.
- b. Date of signing the agreement.
- c. A clause that the permission Agreement depends on the fulfillment of the eligibility conditions; and inability of the Permission Holder to meet any eligibility conditions may results in cancellation of the GOPA.

2.22 The terms and conditions provided in the GOPA include term of permission, payment of fees to the Government, bank guarantee, basic conditions and obligations, mandatory sharing of certain broadcast signals with Prasar Bharati, technical standards and other

obligations, monitoring and public complaints, inspection, national security and other conditions, value added services, termination of permission, WPC Wing's permission, sharing of infrastructure by HITS operator, force majeure, dispute with other parties, dispute resolution and jurisdiction and miscellaneous.

VI. Self-declaration for provisioning of IPTV services

2.23 The extant guidelines for provisioning of IPTV services stipulate that:

'All telecom licensees/ Cable operators before providing IPTV will give a self certified declaration to I&B ministry, DoT and TRAI giving details such as license/ registration under which IPTV service is proposed, the start date, the area being covered, and details of the network infrastructure etc.'

2.24 Therefore, as per the existing guidelines, an entity, having telecom license or MSO registration and intending to provide IPTV services, is required to submit the following documents along with a self-declaration form.

- a. Copy of MSO-DAS Registration/Telecom License
- b. Channels List
- c. Certificate of Incorporation
- d. Memorandum and Article of Associations
- e. List of Board of Directors
- f. List of Key Executives
- g. Authorized Share Capital
- h. Paid-up Share Capital
- i. Shareholding pattern of the Company

VII. Grant of Permission Agreement for operating FM Radio broadcasting services (Phase-III)

2.25 To establish, maintain and operate FM radio broadcasting, MIB signs Grant of Permission Agreement (GOPA) with the successful bidder in the auction of spectrum. The GOPA contains the following:

- a. Permission Agreement
- b. Terms and Conditions

2.26 The Permission Agreement *inter-alia* contains the following:

- a. The name of the parties of the agreement viz. the Grantor (the Government of India) and the Permission holder.
- b. Date of signing the agreement.
- c. A clause that permission has been granted on a non-exclusive basis for a period of 15 years.

2.27 The terms and conditions provided in the GOPA include Non-refundable One time Entry Fee (NOTEF), annual fee and schedule for payments, period of permission, co-location and requirement to provide FM broadcasting, time schedule for operationalization, prohibition of certain activities, foreign investment, national security and other conditions.

2.28 Other conditions include those pertaining to change in shareholding, cross media ownership, programme content, news and current affairs programme, technical parameters and standards, provisions relating to data broadcasting services in FM sub-carriers, mandatory sharing of certain broadcast signals with Prasar Bharati, networking, WPC Wing's license, monitoring and requirement to furnish information to the Grantor, inspection, preparation of accounts, dispute with other parties, dispute resolution and jurisdiction, confidentiality, adherence to eligibility conditions, penalties, surrender of permission, waiver, force majeure and miscellaneous.

VIII. Grant of Permission Agreement for setting up CRS

2.29 To establish, maintain and operate Community Radio Stations, MIB signs GOPA with the eligible applicant entity. The GOPA contains the following:

- a. Permission Agreement
- b. Terms and Conditions

2.30 The Permission Agreement *inter-alia* contains the following:

- a. The name of the parties of the agreement viz. the Grantor (the Government of India) and the Permission holder.
- b. Date of signing the agreement.
- c. A clause that the permission had been granted on a non-exclusive basis for a period of 5 years.
- d. A clause that the permission agreement depends on fulfillment of eligibility conditions; and inability of the permission holder to meet any eligibility conditions may results into cancellation of the GOPA.

2.31 The terms and conditions provided in the GOPA include terms of permission, general terms and conditions of the agreement, content regulation and monitoring, transmitter power and range, funding and sustenance, monitoring and public complaints, inspection, force majeure, national security and other conditions, power to modify the terms and conditions, application of the Indian Telegraph Act and other laws, termination of permission, dispute with other parties, dispute resolution and jurisdiction, WPC wing's permission, and miscellaneous.

A2. Grant of Service Authorisations under Section 3(1)(a) of the Telecommunications Act, 2023

2.32 While Section 3 of the Telecommunications Act, 2023 provisions for authorisations of telecommunication services, Section 60(1) calls for repealing of the two erstwhile laws:

‘Subject to the other provisions of this section, the enactments namely, the Indian Telegraph Act, 1885, and the Indian Wireless Telegraphy Act, 1933, are hereby repealed’.

However, the appointed date for Section 3 and Section 60 of the Telecommunications Act, 2023, is yet to be notified.

2.33 As discussed in para 2.4 above, an applicant entity will henceforth be required to obtain/migrate to a service authorisation from the Central Government for provisioning of broadcasting services under the Telecommunications Act, 2023.

2.34 In this regard, for the purpose of grant of telecommunication service authorisations under the Telecommunications Act, 2023, TRAI had given its recommendations titled ‘Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023’ to DoT on 18th September 2024³¹. These recommendations for broadcasting services are structured on similar lines with provision for two sets of Rules.

2.35 Based on MIB reference and with this background, a Consultation Paper on ‘Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023’ was issued by TRAI on 30th October 2024. The paper raised 21 questions on various aspects of the service authorisations for

³¹ https://traigov.in/sites/default/files/2024-11/Recommendation_18092024.pdf

broadcasting services, including terms and conditions, migration requirements etc. Inputs on these questions were received from the stakeholders in response to the Consultation Paper as well as during OHD conducted on 18th December 2024. Summary of these comments along with TRAI's analysis and recommendations on individual issues is deliberated in subsequent paragraphs.

2.36 The first question raised in the Consultation Paper reads as under:

Q1. Under Section 3(1) of the Telecommunications Act, 2023, the Applicant Entity may be granted an authorisation, in place of the extant practice of the grant of license/ permission from the Central Government. The terms and conditions governing the respective authorisation for broadcasting services may be notified by the Ministry of I&B as Rules to be made under the Telecommunications Act, 2023. In such a case, whether any safeguards are required to protect the reasonable interests of the Authorised Entities of the various broadcasting services? Kindly provide a detailed response with justifications.

Broad Summary of Comments of the stakeholders on Q1

2.37 Some stakeholders agreed with the concept of grant of service authorisation in the form of an authorisation document by the Central Government provided the proposed mechanism of authorisation framework ensures a level playing field for all similarly situated service providers.

2.38 The summary of the comments of the stakeholders favouring the concept of grant of service authorisation in the form of an authorisation document by the Central Government, is given below:

- i. The proposed change should be in nomenclature only and should not affect the scope or applicability of the terms, as the term 'license' has a broader connotation compared to the term 'authorisation'.
- ii. The current system of checks and balances should be maintained.
- iii. The terms and conditions of any rules determining authorisation should only be issued after considering TRAI's recommendations and any changes to these rules should undergo a consultative process of TRAI.
- iv. To safeguard and protect the reasonable interest of the service providers, the draft rules finalized by the Central Government, should be shared with service providers for review and suggestions, before being accepted and notified.
- v. Transition from licensing to authorisation regime under Section 3(1) of the Telecommunications Act, 2023, marks a significant regulatory shift for broadcasting sector thereby simplifying the processes and encouraging market participation.
- vi. Certain safeguards as below have been suggested as essential so as to protect the interests of authorised entities and consumers:
 - a. **Transparency in Authorisation Process:** Clear guidelines and appeal mechanisms to be contained in the framework of authorisation.
 - b. **Regulatory Stability:** Ensure predictability and stability of the terms and conditions of the Rules.
 - c. **Non-Discriminatory Treatment:** Ensure neutrality and non-discriminatory treatment especially with respect to fair

allocation of spectrum and resources, thereby ensuring level playing field.

- d. **Consumer Protection:** Mandate service quality standards and implement strict guidelines against anti-competitive guidelines to protect consumer interests.
- e. **Fair Revenue Sharing:** Transparent revenue-sharing models to be instituted along with provisions of periodic review.
- f. **Content Regulation and Public Interest:** Safeguards against harmful/illicit content from broadcasting and also ensuring that authorised entity comply with the obligations for public service broadcasting, wherever applicable.
- g. **Protection of existing stakeholder:** Smooth transition for existing license/permission holders without undue financial burden with provision of continuance of service during the migration.
- h. **Spectrum Management:** Clear and streamlined policies for allocation and management of spectrum ensuring equitable access to spectrum resources.
- i. **Monitoring & Compliance:** the authorisation framework should institute mechanism for compliance of obligations and proportionate penalties for non-compliance.
- j. **Dispute Resolution:** Create an independent body or empower the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) to resolve disputes between authorized entities and the government or among entities.
- k. **Technology Neutrality:** Ensure that the rules governing authorization are technology-neutral, enabling entities to

adopt innovative broadcasting methods without regulatory hindrance. Investment Incentives: Encouraging new broadcasting technologies.

1. **Periodic Review and Stakeholder Engagement:**

Stakeholder engagement for continuous improvement.

2.39 On the other hand, the stakeholders favouring for continuance of the existing practice of issuing licenses submitted the following comments:

- i. Licenses instil regulatory certainty and predictability, ensuring transparency and fair play in line with constitutional mandates. The contractual nature of the authorisation/license should be preserved under the new regime.
- ii. The existing regime of granting of licenses has proven effective and there is no need to make major changes. However, if any changes have to be introduced, the rights of broadcasting service providers under the existing licenses should be safeguarded.
- iii. The modifications should focus on addressing specific gaps, improving clarity and ensuring seamless integration, while retaining provisions that support investment and operational planning.
- iv. The proven practices built over years of regulatory experience and stakeholder consultation have provided stability and clarity, and disrupting these established practices based on an exaggerated distinction could lead to unnecessary regulatory uncertainty, potentially undermining industry stability and growth.

2.40 Some of the stakeholder associations contented that broadcasting and telecommunications are inherently distinct services and submitted following comments:

- i. Broadcasting services focus on content creation and dissemination, whereas telecommunications facilitate voice and data transmission. Including the broadcasting services within telecommunications ambit would impose additional licensing requirements, further complicating the already heavily regulated sector.
- ii. TRAI's proposal exceeds its statutory mandate under the TRAI Act, 1997, which restricts its role to technical and carriage-related aspects. This raises potential constitutional concerns regarding freedom of speech under Article 19(1)(a) of the Constitution.
- iii. The proposed framework for service authorisations for broadcasting services under the Telecommunications Act, 2023 undermines previous legislative efforts to separate telecommunication from broadcasting.
- iv. As of today, Sections 3 and 4 of the Telecommunications Act, 2023 can at best be applied to DTH and IPTV, whereas the broadcasting services are more in the nature of exercise of freedom of speech and expression under the Constitution and cannot be construed as an act which requires licensing from Government.
- v. The Central Government should endeavour to develop broadcasting-specific legislations that addresses the unique needs of the broadcasting sector without unnecessary licensing conditions.
- vi. The content regulation of the broadcasting industry falls within the remit of the MIB while carriage-related aspects are managed

by TRAI. However, the proposed authorisation framework exceeds TRAI's jurisdiction by attempting to regulate content through licensing conditions.

Analysis of the issues and views of the Authority on Q1

Requirement of Service Authorisation

2.41 Section 4 of the Indian Telegraph Act 1885 provides the Central Government an exclusive privilege for establishing, maintaining and working telegraphs within India. The relevant extract is reproduced below:

'4. Exclusive privilege in respect of telegraphs, and power to grant licenses – (1) Within India, the Central Government shall have the exclusive privilege of establishing, maintaining and working telegraphs:

Provided that the Central Government may grant a license, on such conditions and in consideration of such payments as it thinks fit, to any person to establish, maintain or work a telegraph within any part of India.'

2.42 Further, authorisation has been defined in the Telecommunications Act, 2023 as given below:

“authorisation” means a permission, by whatever name called, granted under this Act for -

- (i) providing telecommunication services;*
- (ii) establishing, operating, maintaining or expanding telecommunication networks; or*
- (iii) possessing radio equipment; ’*

- 2.43 As can be seen from the above, the term ‘authorisation’ has been defined as permission. Further, the meaning of the word ‘*authorisation*’ in Cambridge dictionary is ‘*official permission for something to happen, or the act of giving someone official permission to do something*’. The legislative³² meaning of the word ‘authorise’ is ‘to empower; to give right or authority to act’.
- 2.44 As deliberated in para 1.10, 1.11 and 1.12 of Chapter I, it is evident that the definition of ‘telecommunication services’ covers ‘broadcasting services’ and that of ‘telecommunication equipment’ covers ‘broadcasting equipment’.
- 2.45 Apropos, the Authority is of the view that there is no case for continuing with the present practice of the Central Government entering into an agreement with the service providers after notification of appointed date for Section 3 of the Telecommunications Act, 2023. Instead, it would be appropriate that service authorisations are granted to eligible person³³ for providing telecommunication services by the Central Government under Section 3(1)(a) of the Telecommunications Act, 2023.
- 2.46 Further, in light of the provision regarding obtaining authorisations for providing telecommunication services subject to the prescribed terms and conditions in the Telecommunications Act, 2023, it is essential to discontinue the current practice of signing license agreement that incorporate the terms and conditions within the license document, policy guidelines or permission letters.

³² <https://legislative.gov.in/legal-glossary/>

³³ As per the definition in the Telecommunications Act, 2023, “*person*” shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;

2.47 Apropos, stated facts and discussions, the Authority is of the view that like telecommunication services, the broadcasting services should also be granted service authorisations under Section 3(1)(a) of the Telecommunications Act, 2023.

2.48 Accordingly, instead of existing practice of incorporating the terms and conditions within the license document/permission letter, a concise authorisation document may be issued by the Central Government to the applicant entity. This document would contain essential details such as service area, scope of the service, validity period, information specific to the authorised entity, etc. These terms and conditions governing the service authorisation may be notified as Rules under the Telecommunications Act, 2023.

Protecting the interests of the stakeholders

2.49 Furthermore, concerning the protection of reasonable interests of authorised entities, where the primary concern of stakeholders revolves around regulatory stability, predictability and protection against arbitrary modifications to the terms and conditions of their licenses/permissions/registrations, it is important to note that existing guidelines also contain provisions allowing the Central Government to modify terms and conditions of the license/permission/registration.

2.50 For example, the extant IPTV guidelines provide the following:

‘The Government shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission/registration, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.’

A similar provision in the DTH guidelines provide:

‘This license is subject to requirements and provisions of any law which may be enacted in future for regulating and guiding broadcasting in India.’

On similar lines, a provision in the extant HITS guidelines reads as:

‘The Government, Ministry of Information and Broadcasting shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.’

The extant guidelines for FM radio broadcasting also contain similar provisions, which reads as:

‘The Government shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.’

2.51 Therefore, the concern of the stakeholders that the Government may make arbitrary amendments to the terms and conditions of an authorisation unilaterally, is unfounded and does not appear to lead to regulatory uncertainty.

2.52 To allay these concerns of stakeholders, the Authority is of the view that the Central Government should be required to seek recommendations of TRAI before making any amendments in the

terms and conditions of the authorisations. This is also in line with Section 11(1)(a) of the TRAI Act, 1997. Hence, for any change(s) in the terms and conditions of the authorisation, except for the reason of the interest of the security of the State, the Central Government should seek TRAI's recommendations under Section 11(1)(a) of the TRAI Act, 1997.

- 2.53 Besides, Section 56 of the Telecommunications Act, 2023 provides powers to the Central Government to make Rules. Section 56(1) of the Telecommunications Act, 2023 stipulates:

'56. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Act, to carry out the purposes of this Act.'

- 2.54 Therefore, the Authority holds the view that the terms and conditions for broadcasting service authorisations should be notified as Rules under Section 56 of the Telecommunications Act, 2023, and the authorised entity should abide by such Rules.

- 2.55 Also, for any operational requirements, the Authority is of the opinion that the Central Government may issue instructions/directions/orders/advisories in accordance with the Rules notified under the Telecommunications Act, 2023.

- 2.56 Furthermore, as per Section 11(1)(b)(i) of the TRAI Act, 1997, the Authority while discharging its functions also ensures compliance of terms and conditions of license by the licensees. Hence, the authorised entity shall be bound by the regulations/orders/directions issued by TRAI towards compliance of terms and conditions of authorisation under the provisions of TRAI Act.

2.57 Any violation of TRAI's regulations/orders/directions by the authorised entity shall render the entity liable to pay the applicable Financial Disincentives (FD) as imposed by TRAI. In case, the authorised entity defaults on the payment of FD imposed on it, and if TRAI advises so, the Central Government shall recover such amount from the Bank Guarantee/Security Deposit furnished by it under its respective service authorisation(s) to the Central Government. The decision of the TRAI regarding the imposition of FD and amount thereof shall be final, subject to the appeal as per the provisions of TRAI Act, 1997.

2.58 Apropos, **the Authority recommends that:**

(1) The Central Government (MIB) should grant service authorisation for broadcasting services under Section 3(1)(a) of the Telecommunications Act, 2023, in place of extant practice of grant of license/permission under Section 4 of the Indian Telegraph Act, 1885.

(2) The terms and conditions for such broadcasting service authorisations should be notified as Rules under Section 56 of the Telecommunications Act, 2023, and the authorised entity shall be required to abide by such Rules.

(3) The Central Government (MIB) may issue Orders/ Directions/Advisories/Instructions as per the said Rules notified under the Telecommunications Act, 2023.

2.59 To safeguard the interests of service providers, and while ensuring compliance of the regulatory framework of TRAI, **the Authority recommends that:**

- (1) For any change(s) in the terms and conditions of the service authorisations, except for the reason of the interest of the security of the State, the Central Government (MIB) should seek recommendations of TRAI under Section 11(1)(a) of the TRAI Act, 1997.**
- (2) The authorised entity should be required to comply with the Regulations/Orders/Directions issued by TRAI under the provisions of TRAI Act, 1997 as amended from time to time.**
- (3) The authorised entity shall be liable to pay the Financial Disincentives (FD) imposed by TRAI for violation of the provisions of regulations/orders/directions issued by TRAI. In case, the authorised entity defaults on the payment of FD imposed on it by TRAI, and if TRAI advises so, the Central Government (MIB) shall recover such amount from the Bank Guarantee/Security Deposit furnished under its respective service authorisation(s) to the Central Government (MIB). The decision of the TRAI regarding the imposition of FD and amount thereof shall be final, subject to the appeal as per the provisions of TRAI Act, 1997.**

A3. Format of the authorisation document

2.60 Regarding the format of the authorisation document, the Authority has raised the following question in the Consultation Paper:

Q4. For the purpose of grant of authorisation under Section 3(1) of the Telecommunications Act, 2023, the Central Government may issue an authorisation document to the Applicant Entity containing the essential details viz. Name, Category and Address of entity, Scope of Service, Service Area, Validity etc. A draft format of authorisation document is given at Figure 2.2. Do you

agree with the draft format or whether any changes are needed in the draft format of authorisation document? Please provide your response with necessary explanations.

Broad Summary of Comments of the stakeholders on Q4

2.61 The stakeholders had varied views. The stakeholders in favour of the format of the Authorisation document provided in the Consultation Paper, suggested that:

- i. 'Name of the Channel' and the 'Category of the Channel' should be specified under the second set of rules and should not be in grant of authorisation rules.
- ii. The draft format for grant of service authorisation is relevant for uplinking and downlinking of television channel under Television Programming Services, but not in the case of Teleport Service. The service authorisation format for Teleport should mention 'Satellite' in place of 'Name of Channel'.

2.62 Stakeholders favouring the contractual nature of the authorisation/license mentioned that:

- i. To preserve the contractual nature of authorisation, it is integral that the authorisation document includes the terms and conditions that were previously part of the license issued to the service provider.
- ii. The detailed terms and conditions that are proposed to be included under the Broadcasting (Grant of Service Authorisations) Rules should continue to be a part of the contract between the Government and the service provider, regardless of whether it is referred to as a license or an authorization.

- iii. By removing these terms from the license and incorporating them under the Broadcasting (Grant of Service Authorisations) Rules, the service provider's ability to challenge the terms that are part of a statutory instrument would be significantly limited as opposed to a license/contract. This would leave the service provider with no option but to challenge the law itself, thereby curtailing their rights under the Contract Act.
- iv. The contractual framework offers service providers a level of security by protecting them against arbitrary modifications to the terms and conditions of their licenses. Discarding these established mechanisms without any demonstrated need would create unnecessary regulatory uncertainty and disrupt the confidence of stakeholders.
- v. The definitions of 'licensee' and 'licensor' provided under Section 59 of the Telecommunications Act, 2023 (which provides for amendment to the TRAI Act, 1997) implies that the Act does not intend to make any distinction between the license and authorisation as the licensee and licensor have been respectively defined as the authorised entities and the Central Government, which grants authorisation.

Analysis of the issues and views of the Authority on Q4

- 2.63 It is essential to establish a clear, well-structured process for granting service authorisations to an entity intending to provide broadcasting services. Thus, the Authority is of the considered view that the format of service authorisation(s) to be granted to the entity seeking authorisation for provisioning of broadcasting services should be a well-crafted single concise document. The suggestions of stakeholders as in para 2.62 have been considered to the extent

appropriate in drafting the format of the authorisation document. Further, the concerns regarding preserving contractual nature of document or making the terms and conditions a part of authorisation document have been addressed in previous section numbered A2. Also, the terms ‘licensor’ and ‘licensee’ have been redefined in the TRAI Act vide section 59 of the Telecommunications Act, 2023 in order to align these definitions with the provisions of the Telecommunications Act, 2023.

2.64 The Authority is of the view that service authorisation may be granted by the Central Government under Section 3(1)(a) of the Telecommunications Act, 2023 in the form of an authorisation document.

2.65 The Authority after reviewing the comments of the stakeholders acknowledge that the details like name and category of channels should be specified separately in the authorisation document. Therefore, the Authority is of the view that the authorisation document should be divided in two parts. The first part (Front page) of the document shall contain all the essential elements of service authorisation like Unique Service Authorisation Number (USAN)³⁴, Validity period, Name, Category and Address of entity, Company Identification Number (CIN)/LLP Identification Number (LLPIN)/Registration Number, Date of Incorporation/ Registration, Name of Service and Service Area. Whereas other details such as name and category of channels, frequency band, satellite and teleport details, etc. specific to the service authorisation should be contained in the second part (Overleaf) as additional information.

³⁴ USAN is a unique alpha numeric service number allotted to an entity during grant of authorisation.

2.66 The Authority is also of the view that all types of service authorisation(s) granted to an entity should be linked to the USAN allotted to the respective entity. Further, in case an authorised entity, already holding a broadcasting service authorisation under the Telecommunications Act, 2023, decides to obtain another service authorisation, then such service authorisation(s) granted to the entity shall be linked to the USAN already allotted to it. Format of service authorisation document is provided in **Figure 2.1**

Figure 2.1: Format for Grant of Service Authorisation (Front Page)

GOVERNMENT OF INDIA	
MINISTRY OF INFORMATION AND BROADCASTING	
AUTHORISATION TO PROVIDE BROADCASTING SERVICES	
[under Section 3(1)(a) of the Telecommunications Act, 2023 and	
subject to	
<i>The Broadcasting (Grant of Service Authorisations) Rules and</i>	
<i>The Broadcasting (Television Channel Broadcasting, Television</i>	
<i>Channel Distribution, and Radio Broadcasting) Services Rules]</i>	
Unique Service Authorisation Number (USAN) _____	
Issue Date: [DD/MM/YYYY]	Valid Up to: [DD/MM/YYYY]
Details of Authorised Entity:	
Entity Category*: _____	
Name of Entity: _____	
CIN/LLPIN/Registration Number: _____	
Date of Incorporation/Registration: _____	
Address: _____	
Name of the Service: _____	
Service Area: _____	
[Service specific Additional Information Overleaf]	
Date: _____	
Signature of the Officer of the Central Government: _____	
(On behalf of the President of India)	

*Entity Category may include: Company/LLP/Autonomous bodies/State Agricultural Universities (SAU)/Indian Council of Agricultural Research (ICAR) institutions/Krishi Vigyan Kendras/Civil Society Organisations/Voluntary Organisations/Not for profit organisations set up by self-help groups (SHGs)

and Farmer Producer Organisations/Non-Government
Organisation/Government Organisation/Educational Institute/Public
Charitable Trust/Registered Society/Resident Welfare Association

Further, the service specific information may be annexed as under:

1. Television Channel Broadcasting

- a. Name of the TV Channel(s)
- b. Category of the TV Channel(s)
- c. Language and Genre of the TV Channel(s)³⁵
 - i. Primary Language
 - ii. Sub-genre for non-news channel(s)
- d. Logo of the TV Channel(s)
- e. Mode of Transmission of TV Channel(s)
- f. Name of Teleport and Satellite [Satellite-based Broadcasting]
- g. Terrestrial Medium used [Ground-based Broadcasting]
- h. List of Board of Directors/Partners

Any other essential details as deemed necessary by the Central Government

2. News Agency for Television Channel(s)

- a. Name of the Teleport
- b. Name of the Satellite
- c. List of Board of Directors/Partners

Any other essential detail as deemed necessary by the Central Government

³⁵ As per TRAI recommendations dated 8th July on ‘Listing of television channels in Electronic Programme Guide and Upgradation of DD Free Dish platform to an Addressable System’

‘The Authority recommends that Ministry of Information and Broadcasting (MIB) should seek information from broadcasters about primary language of their television channel and sub-genre of every non-news channel (as per Regulation 18(1) of Interconnection Regulation 2017 (as amended) notified by the Authority) while giving permission to each channel. The Authority also recommends that the information so obtained may be displayed on Broadcast Seva portal of MIB so as to enable the distributors to arrange each channel in EPG accordingly.’

3. Teleport/Teleport Hub

- a. Location of the Teleport
- b. Name of the Satellite
- c. Frequency Band
- d. List of Board of Directors/Partners

Any other essential details as deemed necessary by the Central Government

4. Uplinking of Live event/news/footage by Foreign Channel/News Agency

- a. Name and Location of the Teleport
- b. Name of the Satellite
- c. Frequency Band

Any other essential details as deemed necessary by the Central Government

5. Direct-to-Home (DTH) Service and Headend In The Sky (HITS) Service

- a. Headend Location(s)
- b. List of Board of Directors/Partners

Any other essential details as deemed necessary by the Central Government

6. Terrestrial Radio Service

- a. Name(s) of the Channel
- b. List of Board of Directors/Partners

Any other essential details as deemed necessary by the Central Government

7. Community Radio Stations

- a. Name(s) of the Channel
- b. Broadcast Frequency
- c. Location of station/transmitter
- d. List of Key Managerial Personnel

Any other essential details as deemed necessary by the Central Government

8. Low Power Small Range Radio Service

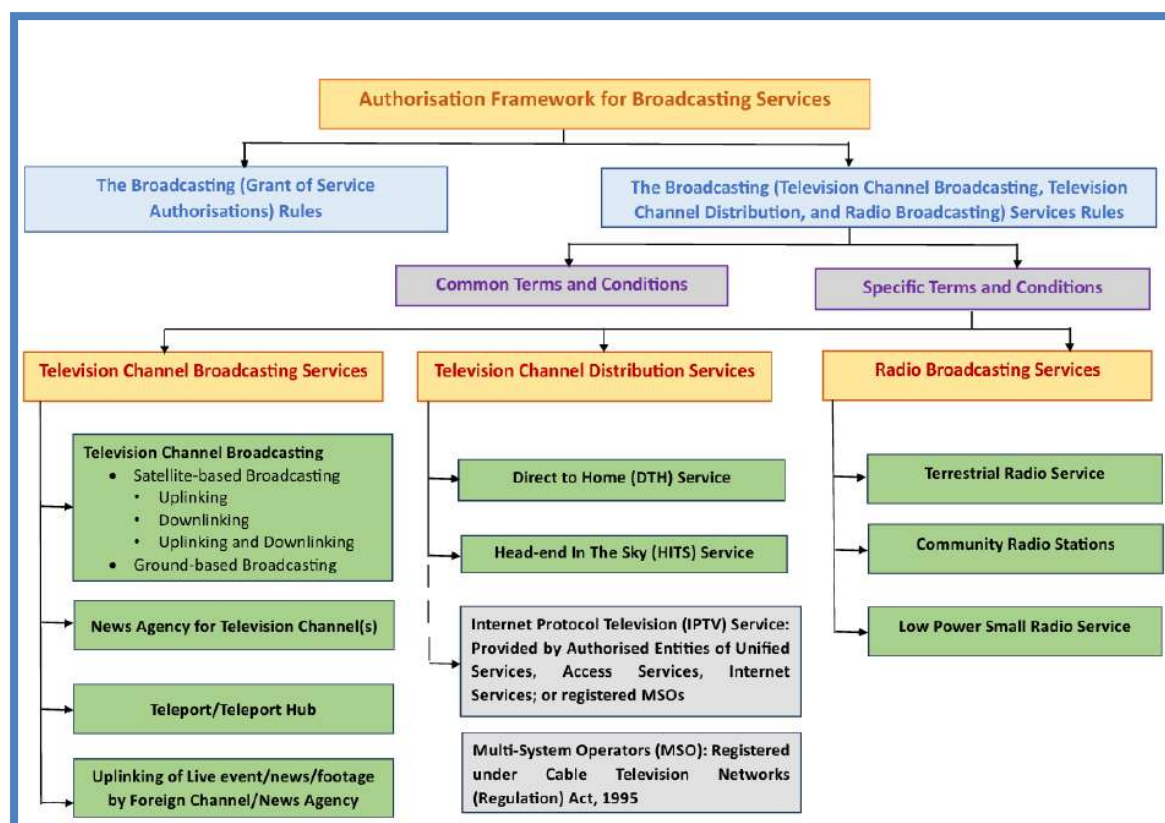
- a. Approved frequency of operation
- b. Approved cities/Location for operation
- c. List of Key Managerial Personnel

Any other essential details as deemed necessary by the Central Government

- 2.67 Further, the terms and conditions for the respective authorisation should be prescribed as Rules under the Telecommunications Act, 2023. Accordingly, the Authority is of the view that two set of Rules are required to be drafted.
- 2.68 The first set of Rules, termed as **‘The Broadcasting (Grant of Service Authorisations) Rules’**, shall provide the broad contours of various service authorisation. These rules shall provide the necessary information including applicable fee structure, eligibility conditions, process of application, migration process to the applicant entity before applying for its desired service authorisation.
- 2.69 The second set of Rules viz., **‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’** shall provide the detailed terms and conditions applicable to the authorised entity i.e., after grant of service authorisation. The second set of Rules shall provide terms and conditions for the three categories of authorisations viz., Television Channel Broadcasting Services, Television Channel Distribution Services, and Radio Broadcasting Services which has been deliberated upon in Chapter III of this document.

2.70 Broadly, the authorisation framework would be as illustrated in **Figure 2.2**.

Figure 2.2: Framework for broadcasting service authorisation



2.71 In view of the above, **the Authority recommends that the Rules for Broadcasting Services to be notified by the Central Government under Section 56 of the Telecommunications Act, 2023 should be organized in the manner given below:**

- a) **The Broadcasting (Grant of Service Authorisations) Rules;**
- and**
- b) **The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules.**

Note:

- i. The first set of Rules namely ‘The Broadcasting (Grant of Service Authorisations) Rules’ should contain the terms and conditions for grant of various broadcasting service authorisations under Section 3(1)(a) of the Telecommunications Act, 2023.*
- ii. The second set of Rules namely ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’ should cover the terms and conditions for providing services under each category of Service Authorisation viz., Television Channel Broadcasting Services, Television Channel Distribution Services, and Radio Broadcasting Services.*

2.72 **The Authority recommends that service authorisation granted by the Central Government under Section 3(1)(a) of the Telecommunications Act, 2023 should be in the form of an authorisation document, containing the essential details of the service authorisation, the recommended format of which is available at Schedule-V of Annexure-II.**

B. Framework of The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services

2.73 The authorised entity upon obtaining authorisation under Section 3(1)(a) of the Telecommunications Act, 2023, for providing services, would be required to comply with the terms and conditions to be notified as Rules for the respective service. Based on the type of services and their characteristics, such broadcasting services may be broadly categorised as the Television Channel Broadcasting Services and the Television Channel Distribution Services (were termed as Television Programming Services and Television Distribution Services respectively in the Consultation Paper) and the Radio Broadcasting Services.

2.74 Accordingly, the Consultation Paper dated 30th October 2024 vide para 2.59, raised the following question with respect to the framework for 'The Broadcasting (Television Programming, Television Distribution and Radio) Services Rules' for comments of the stakeholders.

Q6. Draft structure for covering terms & conditions for provision of services after grant of authorisations to be included in the second set of Rules, namely, The Broadcasting (Television Programming, Television Distribution and Radio) Services Rules, is shown in Figure 2.4 above for consultation. Whether changes are required in the said structure? Please support your response with proper justification.

Broad Summary of comments of the stakeholders on Q6

- 2.75 Most of the stakeholders submitted comments in favour of the structure presented for covering various terms and conditions to be included in the second set of Rules after the grant of service authorisation.
- 2.76 A summary of comments of the stakeholders who are in favour of the draft structure of terms and conditions for provision of broadcasting services, is given below:
- i. The draft structure of terms and conditions as provided in the Consultation Paper for provisioning of broadcasting services is a step ahead in ensuring transparency, accountability, and consumer-centric service delivery.
 - ii. The draft structure of terms and conditions has been constructed aptly which will positively address areas like consumer protection, technological inclusivity, and public interest obligations. Thus, the framework will better serve stakeholders, while fostering a competitive and equitable broadcasting ecosystem.
 - iii. Transition from licensing to authorisation regime under Section 3(1) of the Telecommunications Act, 2023, marks a significant regulatory shift for broadcasting.
- 2.77 A summary of comments of the stakeholders who are not in favour of the draft structure of terms and conditions for providing broadcasting services, is given below:
- i. Adopting common terms for all the services, irrespective of the nature of service, or in other words, adopting a one size fits all concept for all common terms and conditions, whether it's a

television channel broadcast or television channel distribution or radio service, would be a stringent step. The most effective approach would be to maintain separate terms and conditions for each service rather than combining them.

- ii. Bifurcating 'The Broadcasting (Television Programming, Television Distribution and Radio) Services' into two additional categories [for making rules] would complicate the terms and conditions. The stakeholder suggested to keep the terms and conditions specific to each service authorisation separate.
- iii. OTT platforms and Prasar Bharati should also be brought under the umbrella of Broadcasting Distribution Platforms to ensure a level playing field. Currently, these platforms do not fall under the ambit of any regulatory framework even though they are distributing same/similar content to the users.

Analysis of the issue and views of the Authority

- 2.78 As discussed above, the first step for any applicant entity is to obtain Authorisation from the Central Government in accordance with the terms and conditions outlined in the first category of Rules, namely 'The Broadcasting (Grant of Service Authorisations) Rules'. Once an authorisation is granted for a specific service or a set of services, the authorised entity shall be governed by the terms and conditions contained in 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules', for providing respective authorised service(s).
- 2.79 The Authority observes that while the services offered by the broadcasting entities are becoming more diverse, the regulatory framework governing these services should remain equitable for all

the service providers. However, the terms and conditions should be customized according to the specific authorisations.

- 2.80 In this context, Section 3(2) of the Telecommunications Act, 2023 also provides for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment. Section 3(2) of the Telecommunications Act, 2023 is reproduced below:

‘(2) The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.’

- 2.81 Currently, various television broadcasting, distribution and radio broadcasting services operate under separate policy guidelines. To simplify the process of authorisation, the Authority is of the view that essential common provisions in these guidelines should be consolidated to define terms and conditions for ‘Grant of Service Authorisation’, which should be notified as the first category of Rules, namely, ‘The Broadcasting (Grant of Service Authorisations) Rules’. These Rules will contain provisions related to eligibility conditions, fee structure, process of application, authorisation document format etc. and would provide a simple understanding of requirements to the entities interested in obtaining authorisation for providing broadcasting services. The Rules will also provision migration process for the existing permission/license holders to the authorisation regime.

- 2.82 The Authority further views that terms and conditions to be notified as second set of Rules, namely, the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services should be divided into two parts.

- 2.83 Part-I of these Rules should contain '**Common Terms and Conditions**', applicable to all broadcasting services. Part-II should contain '**Specific Terms and Conditions**' applicable to respective broadcasting services. This systematic approach will provide a simple understanding of applicable terms and conditions for each broadcasting service to its service providers.
- 2.84 The first category of services i.e., Television Channel Broadcasting Services will cover four types of authorisations, namely, **Television Channel Broadcasting, News Agency for Television Channel(s), Teleport/Teleport Hub and Uplinking of Live event/news/footage by Foreign Channel/News Agency** and any other service as notified by the Central Government from time to time.
- 2.85 The existing guidelines for uplinking and downlinking of television channels provision for providing television channels through satellite medium only. The recent recommendation of TRAI on 'Regulatory Framework for Ground-based Broadcasters' issued on 15th January 2025³⁶ make provision for a new service, that is, 'Ground-based Broadcasting'. Considering these recommendations, authorisation for 'Television Channel Broadcasting' can be obtained either for satellite-based medium or ground-based medium or both. Broadcasting of television channel signals through satellite-based medium will include authorisations for uplinking of a television channel, downlinking of a television channel or both uplinking and downlinking of a television channel. Whereas, authorisation for ground-based broadcasting of a television channel enables television channel to be transmitted to the distributors, through one or more terrestrial communication mediums, viz., wireline (e.g. cable/fibre, etc.) or wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud.

³⁶ https://www.trai.gov.in/sites/default/files/2025-01/Recommendation_15012025.pdf

- 2.86 In the recommended authorisation framework, an applicant entity will be able to apply for one or more service authorisations at the same time. The applicant entity will be required to submit an application on the online portal. On meeting the eligibility conditions and also fulfilling other terms and conditions of service authorisation(s), the applicant entity will be granted service authorisation(s) in the form of an authorisation document by the Central Government as discussed in earlier paragraphs.
- 2.87 In addition to various authorisations, there could be several approvals/intimations required by an entity, during the course of authorisation(s). These approvals/intimations will be issued by the Central Government on making an application on the portal along with payment of applicable fees and fulfilling prescribed conditions, if any. The approvals/intimations have been discussed in detail in Chapter-III.
- 2.88 The second category of services, namely, Television Channel Distribution Services' will contain two types of authorisations, viz., **'DTH Service'** and **'HITS Service'** and any other service as notified by the Central Government from time to time.
- 2.89 MIB's reference calls for aligning the IPTV guidelines of the Ministry with the Telecommunications Act, 2023. The extant guidelines of MIB on IPTV enables MSOs; Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service Licensees) having license to provide triple play service, having a minimum net worth of Rs 100 crore and having permission to provide IPTV services under their license; or any other telecom service provider duly authorised by DoT to provide IPTV services without requiring any further registration. All such operators before providing IPTV services are required to give a self-

certified declaration to MIB, DoT and TRAI giving details such as license/registration under which IPTV services are proposed, the start date, the area being covered, and details of the network infrastructure etc.

- 2.90 In this regard, TRAI recommendations³⁷ on 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023', issued on 18th September 2024 may be referred. In the said recommendations, the scope of Unified Service Authorisation, Access Service Authorisation and Internet Service Authorisation included IPTV service in alignment to the extant licensing conditions.
- 2.91 Therefore, there may not be a need to grant a separate authorisation for IPTV services, as the enablement is already covered in parent authorisations/registration. However, the terms and conditions for provisioning of IPTV services should be contained in the Rules to be notified under the Telecommunications Act, 2023. The authorisation would be granted for **DTH Service** and **HITS Service** only and IPTV Services can be provided under Unified Service Authorisation, Access Service Authorisation, Internet Service Authorisation and MSO registration.
- 2.92 Further, the definition of Distribution Service Provider also includes Multi System Operators (MSOs). However, MSOs are not included in the authorisation framework as they are registered under the CTN Act, which continues to be in force. It is felt that the registration of MSOs (including LCOs) under CTN Act can be brought under the authorisation framework of the Telecommunications Act, 2023. To ensure uniformity in regulation of Television Channel Distribution Services, the provisions related to registration of MSOs (including

³⁷ https://www.trai.gov.in/sites/default/files/2024-11/Recommendation_18092024.pdf

Local Cable Operators or LCOs) in the CTN Act may be repealed. This would unify authorisation of all the distribution platforms under the same law. It is noted that the regulatory aspects related to tariff, interconnection and quality of service for all the distributors of television channels are already governed by TRAI under the TRAI Act, 1997.

- 2.93 The Radio Broadcasting Services shall cover three distinct authorisations, viz. **Terrestrial Radio Service, Community Radio Stations** and **Low Power Small Range Radio Service** and any other service as notified by the Central Government from time to time.
- 2.94 Further, the apprehensions of some of the stakeholders about content regulation through the authorisation framework are unfounded. The Authority examined these concerns and is of the view that the recommendations on terms and conditions of authorisation framework to be notified as Rules, under the Telecommunications Act, 2023, are limited only to the carriage and technical aspects of various broadcasting services and does not bring content regulation under its purview.
- 2.95 Several stakeholders commented on the need and urgency of bringing OTT services under the authorisation regime. They argued that OTT services are impacting the business of existing DPOs, due to lack of regulatory oversight on tariffs, carriage and content, while DPOs based on their respective license/permission/registration are required to comply with various regulatory obligations.
- 2.96 During the consultation process on ‘Regulatory framework for Ground-based Broadcasters’³⁸, some stakeholders highlighted that

³⁸ https://traai.gov.in/sites/default/files/2024-10/CP_18102024_0.pdf

the biggest regulatory challenge the industry is facing is the anomaly governing the OTT aggregators and the OTT application developers. Majority of the linear channels, which are presently regulated by downlinking guidelines and the TRAI's regulatory framework are made available on the OTT aggregator application, sometimes in the guise of slightly changing the programme mix and that by doing so, OTT players are clearly circumventing the present regulatory framework.

2.97 With growth in broadband penetration, a wide variety of OTT services have become available to consumers. Some of the existing definitions of OTT are as follows:

a. ITU-T Recommendation D.262 (05/2019)³⁹ defines OTT as:

“over-the-top (OTT): *An application accessed and delivered over the public Internet that may be a direct technical/functional substitute for traditional international telecommunication services.*

NOTE – The definition of OTT is a matter of national sovereignty and may vary among Member States.”

b. The DoT Committee Report on Net Neutrality (May 2015)⁴⁰ classified OTT services into two groups as below:

“(i) OTT communications services – These services (e.g. VoIP) provide real-time person to person telecommunication services. These services are similar to the telecommunication services provided by the licensed telecom service providers (TSPs) but are provided to the users as applications carried over the internet using the network infrastructure of TSPs. Essentially

³⁹ Source: <https://www.itu.int/rec/T-REC-D.262-201905-I/en>

⁴⁰ [https://dotws.cdor.in/sites/default/files/Net Neutrality Committee report%20%281%29 0.pdf](https://dotws.cdor.in/sites/default/files/Net%20Neutrality%20Committee%20report%20%281%29%200.pdf)

OTT communications services compete with the services provided by TSPs riding on the infrastructure created by TSPs.

(ii) OTT application services – All other OTT services such as media services (broadcasting, gaming), trade and commerce services (e-commerce, radio taxi, financial services), cloud services (data hosting & data management platforms/applications), social media (Internet based intermediary applications like Facebook, YouTube) offer services to end-users using the network infrastructure created by TSPs but do not directly compete with the service offerings for which the TSPs have obtained a licence under the applicable law i.e. the Indian Telegraph Act, 1885.”

- c. The draft “Broadcasting Services (Regulation) Bill 2023, which was issued by MIB on 10.11.2023 for public consultation, defined the “Over-the-top broadcasting service” or “OTT broadcasting service” as follows:

“(y) “Over-the-top broadcasting service” or “OTT broadcasting service” means a broadcasting service

- (i) made available on-demand or live to subscribers or users in India, and*
- (ii) where a curated catalogue of programmes owned by, licensed to, or contracted to be transmitted, over the internet or a computer resource, not being a closed network; and*
- (iii) where additional hardware or software or combination thereof including a set-top-box, or dongle and software keys may be required to access content on non-smart televisions or viewing devices,*

Provided that OTT broadcasting services shall not include a social media intermediary, or a user of such intermediary, as defined in rules under the Information Technology Act, 2000

(21 of 2000) or such other entities as may be notified by the Central Government; Explanation: In case of OTT broadcasting services, the person responsible for ensuring compliance with all requirements under this Act shall be the operator who makes available the programme or content and not the network operator or the internet service provider.;"

- 2.98 The Authority observed that OTT is an overarching term encompassing OTT communication and OTT application services including OTT media services. The Authority notes that the issue of regulation of OTT services requires a wider examination and has limited these recommendations to the reference received from the Ministry. Any recommendation on OTT services and its related aspects, if needed, may be addressed through a separate consultation process.
- 2.99 These stakeholders also raised concerns regarding rapid and unregulated proliferation of Free Ad-supported Streaming Television (FAST) channels in India. The stakeholders mentioned that the unregulated growth of FAST channels is leading to regulatory disparity with respect to the regulated content distribution ecosystem. Hence, it is posing a significant business challenge to the DPOs. These stakeholders suggested introducing a comprehensive regulatory framework to cover FAST channels comparable to traditional broadcasters.
- 2.100 FAST channels are new introduction and yet to be defined in the regulatory framework. Common industry parlance refers FAST to a form of streaming that delivers programming similar to cable, satellite or traditional TV.⁴¹ FAST channel is also referred to as a

⁴¹ <https://www.cnet.com/tech/services-and-software/fast-tv-what-it-is-and-why-it-should-matter-to-you/>

grouping of programme that is shown on a set timetable. FAST can be provided by broadcasters, equipment providers and entertainment companies.⁴² FAST is not limited to live TV channels but also include free on-demand content. One can view FAST content on virtually any device at no subscription fee. The providers of FAST channels achieve this by either developing their own apps or signing agreements with equipment manufacturers to have their service. However, programme distribution of TV channels on FAST seems analogous to broadcast of TV channels by regulated Distribution Platform Operators.

2.101 Stakeholders during the consultation for ground-based broadcasters further mentioned that “... services such as Yupp TV, Samsung TV Plus, Vodafone Play, Tata Play, Distro TV, Patchwall+ (Xiaomi), and LG WebOS (upcoming) are offering live channels to consumers, which, in many cases, appears to be outside the scope of existing Uplinking/Downlinking guidelines dated 9th November 2022. These services, unlike traditional DPOs do not seem to be subject to the same regulatory scrutiny, potentially distorting level playing field for pay television operators. Moreover, they are practically operating as a Ground Based Broadcasters (GBB). We, therefore, believe that the current regulatory framework and the forthcoming regulatory framework for GBB, should necessarily bring clear guidelines for live channel distribution via such OTT platforms, which are circumventing the regulations ...”

2.102 The Authority also noted that FAST channel services, to the extent they are streaming television channels, including those authorised by the MIB, they are performing function similar to that of a

⁴² ACMA report on ‘Trends and developments in viewing and listening 2023–24’, December 2024. <https://www.acma.gov.au/sites/default/files/2024-12/Trends%20and%20developments%20in%20viewing%20and%20listening%202023%E2%80%9324.pdf>

Distribution Service Provider, without any regulatory oversight. The concerns raised by the stakeholders regarding rapid and unregulated proliferation of FAST channels in India leading to regulatory disparity, thereby affecting level playing field with respect to the regulated traditional broadcasting ecosystem, is a genuine one. Such a regulatory arbitrage is likely to topple the competitive balance in the industry towards such free of cost service providers. The Authority is of the view that such an anomaly cannot be overlooked and it is necessary to intervene in the matter at this stage to ensure fair and balanced competitive environment in the sector.

2.103 The Preamble of the Telecom Regulatory Authority of India (TRAI) Act, 1997 states:

*"An Act to provide for the establishment of the Telecom Regulatory Authority of India and the Telecom Disputes Settlement and Appellate Tribunal **to regulate the telecommunication services**, adjudicate disputes, dispose of appeals, and **to protect the interests of service providers and consumers** of the telecom sector, to promote and ensure orderly growth of the telecom sector, and for matters connected therewith or incidental thereto."*

2.104 In view of the above mandate to regulate the telecommunication services and to protect the interests of service providers, the Authority is of the opinion that the FAST service providers be brought within the authorisation framework. It is therefore, recommended that a separate authorisation for FAST channels may be considered under Television Channel Distribution Services. MIB may make a reference to the Authority to provide detailed conditions for service authorisation.

2.105 The Authority is of the view that the framework for broadcasting services to be notified under the second set of Rules, i.e., ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’ may be as illustrated in **Figure 2.3** below:

Figure 2.3: Framework for Television Channel Broadcasting,
Television Channel Distribution, and Radio Broadcasting
Services

Description
Part-I: Common Terms and Conditions for the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services
Part-II: Specific Terms and Conditions for provisioning various Broadcasting Services
TELEVISION CHANNEL BROADCASTING SERVICES <ul style="list-style-type: none"> • Television Channel Broadcasting <ul style="list-style-type: none"> ○ Satellite-based Broadcasting of a Television Channel <ul style="list-style-type: none"> ▪ Uplinking of a Television Channel ▪ Downlinking of a Television Channel ▪ Uplinking & Downlinking of a Television Channel ○ Ground-based Broadcasting of a Television Channel • News Agency for Television Channel(s) • Teleport/Teleport Hub • Uplinking of Live event/news/footage by Foreign Channel/News Agency • Other related Approvals/Intimations
TELEVISION CHANNEL DISTRIBUTION SERVICES <ul style="list-style-type: none"> • Direct to Home (DTH) Service • Headend in the Sky (HITS) Service • Internet Protocol Television (IPTV) Service

RADIO BROADCASTING SERVICES

- Terrestrial Radio Service
- Community Radio Stations
- Low Power Small Range Radio Service

2.106 The services as presented in the authorisation framework in Figure 2.3 vis-à-vis the extant permissions/licenses in the existing policy guidelines of the Ministry have been mapped as presented in **Table 2.1**.

Table 2.1: Mapping of licenses/permissions under existing policy guidelines of MIB with service authorisations under the Telecommunications Act, 2023

Existing Broadcasting Licenses/ Permissions	Existing Policy Guidelines	Service Authorisation under Telecommunications Act, 2023
Television Channel Broadcasting Services		
<ul style="list-style-type: none"> • Uplinking of a Television Channel • Downlinking of a Television Channel • Uplinking and Downlinking of a Television Channel 	Guidelines for Uplinking and Downlinking of Satellite Television Channels in India	Television Channel Broadcasting <ul style="list-style-type: none"> • Satellite-based Broadcasting of a Television Channel <ul style="list-style-type: none"> ○ Uplinking of a Television Channel ○ Downlinking of a Television Channel ○ Uplinking and Downlinking of a Television Channel

-	-	Ground-based Broadcasting of a Television Channel ⁴³
News Agency	Guidelines for Uplinking and Downlinking of Satellite Television Channels in India	News Agency for TV Channel(s)
Teleport/Teleport Hub	Guidelines for Uplinking and Downlinking of Satellite Television Channels in India	Teleport/Teleport Hub
Uplinking of Live event by a Foreign Channel	Guidelines for Uplinking and Downlinking of Satellite Television Channels in India	Uplinking of Live event/news/footage by Foreign Channel/News Agency
Television Channel Distribution Services		
Direct to Home Service	Guidelines for obtaining license for providing DTH Broadcasting Service in India	Direct-to-Home Service
Head-end In The Sky Service	Guidelines for providing HITS Broadcasting Service in India	Head-end In The Sky Service
Radio Broadcasting Services		
FM Radio	Policy Guidelines for Phase-III expansion of FM Radio Stations in India	Terrestrial Radio Service
Community Radio Stations	Guidelines for setting up CRS in India	Community Radio Stations
-	-	Low Power Small Range Radio Service ⁴⁴

⁴³ TRAI's recommendations on 'Regulatory framework for Ground-based Broadcasters' issued on 15th January 2025.

⁴⁴ TRAI's recommendations on 'Issues related to Low Power Small Range FM Radio Broadcasting' issued on 21st September 2023.

2.107 The mapping of authorisation framework for broadcasting services with the Telecommunications Act, 2023 is annexed at **Annexure-IB**.

2.108 Further, the terms and conditions for providing respective broadcasting services to be notified as Rules for 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules' have been mapped with the existing policy guidelines of MIB and aligned appropriately with the relevant sections of the Telecommunications Act, 2023.

2.109 In this background, **the Authority recommends that the terms and conditions for provision of the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services to be notified as Rules under the Telecommunications Act, 2023, should be organized in the following manner:**

(1) Common Terms and Conditions

(2) Specific Terms and Conditions for:

a. Television Channel Broadcasting Services

- i. Television Channel Broadcasting**
- ii. News Agency for Television Channel(s)**
- iii. Teleport/Teleport Hub**
- iv. Uplinking of Live event/news/footage by Foreign Channel/News Agency**
- v. Other related Approvals/Intimations**

b. Television Channel Distribution Services

- i. Direct-to-Home (DTH) Service**
- ii. Headend in the Sky (HITS) Service**
- iii. Internet Protocol Television (IPTV) Service***

c. Radio Broadcasting Services

- i. Terrestrial Radio Service**

- ii. **Community Radio Station**
- iii. **Low Power Small Range Radio Service**

** For IPTV service, only the terms and conditions for provision of IPTV service should be included in the Rules. Separate authorisation for providing IPTV service is not required under these Rules, as it is already covered in the scope of authorisations for Unified Services, Access Services and Internet Services. In addition, MSOs registered under the Cable Television Networks (Regulation) Act, 1995 can also provide IPTV service, on submission of self-declaration to the Central Government (MIB).*

- 2.110 **The Authority recommends that Central Government (MIB) may consider bringing registration of MSOs (and LCOs) under the purview of Telecommunications Act, 2023 and thereafter, the provisions related to registration and operations of MSOs (and LCOs) governed by the Cable Television Networks (Regulation) Act, 1995 may be repealed. However, the provisions related to content regulation of broadcasting services may continue to remain under the purview of Cable Television Networks (Regulation) Act, 1995.**
- 2.111 **The Authority recommends that a separate authorisation for FAST channels distribution may be considered under Television Channel Distribution Services. MIB may make a reference to the Authority to provide detailed terms and conditions for the service authorisation for ‘FAST channels distribution service’.**
- 2.112 **The Authority recommends that the Central Government (MIB) should take an early decision on the TRAI’s Recommendations on ‘Ease of Doing Business in Telecom and Broadcasting Sector’ issued on 2nd May 2023.**

C. Terms and Conditions for Grant of Service Authorisations

2.113 This section discusses the terms and conditions for obtaining service authorisation by the applicant as per Section 3(1)(a) of the Telecommunications Act, 2023.

C1. Definitions

2.114 The Consultation Paper included various definitions for stakeholder consultation. These definitions were taken from the various existing Acts, policy guidelines and TRAI regulations. In this regard, the Authority sought comments of the stakeholders on the question given below:

Q2. The definitions to be used in the Rules to be made under the Telecommunications Act, 2023, governing the Grant of Service Authorisations and provisioning of the Broadcasting (Television Programming, Television Distribution and Radio) Services are drafted for consultation and are annexed as Schedule-I. Stakeholders are requested to submit their comments in respect of suitability of these definitions including any additions/ modifications/ deletions, if required. Kindly provide justifications for your response.

Broad Summary of Comments of the stakeholders on Q2

2.115 Some stakeholders proposed changes in the definitions provided in the Consultation Paper, as presented in the table below.

Draft Definitions	Changes proposed
<p><i>“Ground-Based Broadcasting” means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels”;</i></p>	<p><i>“Ground-Based Broadcasting” means providing programming services using terrestrial communication medium like Fibre, broadband or cloud for delivering channels to the distributors of television channels.</i></p>
	<p><i>“Ground-Based Broadcasting” means delivery of programme /providing programming services in the form of channels excluding satellite-based broadcasting only to the licensed distribution platform operators, and the expression ‘Ground-based Broadcaster’ shall be construed accordingly.</i></p>
<p><i>“Cable Television Service” means the transmission of programmes including re-transmission of signals of television channels through cables;</i></p>	<p><i>“Cable Television Service” means the transmission of programmes including re-transmission of encrypted signals of television channels through cables;</i></p>
<p><i>“Platform Services” are programme transmitted by the Distribution Service Provider(s) exclusively to their own</i></p>	<p><i>“Platform Service” means Programme, including advertisements transmitted by DPOs, to their own subscribers and</i></p>

subscribers and shall not include Doordarshan channels or any other permitted television channels;	does not include Doordarshan channels, registered television channels, ground-based channels, Parliament channels or foreign television channels that are not registered in India
<p>“Programme” means any Radio/Television broadcast and includes-</p> <p>(i) exhibition of films, features, dramas, advertisements and serials;</p> <p>(ii) any audio or visual or audio-visual live performance or presentation; and the expression “programming service” shall be construed accordingly;</p>	<p>“Programme” means any television broadcast and includes</p> <p>i) exhibition of films, features, dramas, documentaries, advertisement and serials;</p> <p>ii) News & current affairs, Non-news & current affairs, educational content</p> <p>iii) any audio or visual or audio-visual live performance or presentation, and the expression “programming service” shall be construed accordingly;”</p>
“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;	‘broadcaster’ means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, permission /authorization from the Central Government for its channels, is broadcasting to the general public/masses through any technology.

<p>“IPTV” (Internet Protocol Television) service (or technology) is a convergence service (or technology) of the telecommunications and broadcasting through QoS controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of a considerable number of multimedia contents such as Video, Audio, data and applications processed by platform to a user via Television, PDA, Cellular, and Mobile television terminal with STB module or similar device;</p>	<p>“IPTV” (Internet Protocol Television) service (or technology) is a convergence service (or technology) of the telecommunications and broadcasting through QoS controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of <i>multichannel television programmes in addressable mode</i> a considerable number of multimedia contents such as Video, Audio, data and applications processed by platform to a user <i>via Television, PDA, Cellular, and Mobile television terminal with STB module or similar device;</i></p> <p>OR “internet protocol television service” or “IPTV service” means delivery of multichannel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;”</p>
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2.116 In addition, few stakeholders proposed adding definitions for terms such as ‘Ground-based channels’, ‘Linear broadcasting services,’ and ‘Local Cable Operators.’ The definitions suggested by the stakeholder are outlined below:

“Ground-based channels” means channels transmitted on LCO, MSO, DTH, HITS & IPTV but excluding satellite channels, Platform services, any channel of Prasar Bharati or any channel operated by or on behalf of Parliament of India.

“Linear broadcasting services” means any broadcasting service where the channels or programmes provided by broadcasters are offered to subscribers by broadcasting network operators in a linear manner, only through cable broadcasting networks, satellite broadcasting networks and IPTV.

“Local Cable Operator” or “LCO” means a person who receives the programme signals from MSO or HITS operator or IPTV and provides broadcasting services through a cable broadcasting network to subscribers, or otherwise controls or is responsible for the management and operation of a cable broadcasting network and fulfils the prescribed eligibility criteria and conditions.

2.117 Further, some stakeholders also mentioned that existing definitions under relevant legislation and policy guidelines should be replicated as it is to avoid ambiguity and ensure consistency throughout the broadcasting sector. Moreover, new definitions related to programming and/or content services should not be introduced in the terms and conditions of service authorisations.

2.118 Some of the stakeholders commented that OTT broadcasting service including OTT platform launched by Prasar Bharati should also be defined and suggested including those definitions from draft Broadcasting Services (Regulation) Bill, 2023. Whereas another stakeholder has suggested to add the definition for ‘current affairs’, which is undefined for a long time.

2.119 Few stakeholders raised concerns on few definitions provided in the Consultation Paper viz., ‘Digital Satellite News Gathering’ has been defined as ‘Digital Satellite Content Gathering’. However, they submitted that the word ‘content’ in relation to broadcasting is not clearly defined either in the Consultation Paper or in any other legislation, thereby suggesting that such changes could lead to ambiguity and confusion.

2.120 Some stakeholders mentioned that the definitions contained in Schedule-I of the Consultation Paper are critical to ensure a balanced regulatory framework, to foster industry growth and safeguard consumer interests. The stakeholders suggested following changes, with an aim to address potential gaps and ambiguities, align with emerging trends, and enhance the framework's adaptability and effectiveness:

- i. Expand the definition of Broadcasting Services to include "over-the-top (OTT) platforms", as they are increasingly relevant in the current ecosystem.
- ii. The definition of Television Distribution Service should include "internet-based services and IPTV" to address the growing use of broadband for television distribution.
- iii. Radio service should include podcasting and internet radio as they are important mediums of audio content delivery and should be explicitly addressed to avoid ambiguity.

2.121 Another set of stakeholders submitted that the definition of authorisation only includes Telecommunication Services. Broadcasting and its Distribution Services should be added to the definition to make it holistic and include all stakeholders of broadcasting services. However, few other stakeholders have countered this comment. Their submissions are provided as under:

- i. The term authorisation is already defined under Section 2 of the Telecommunications Act, 2023 and the rules framed thereunder should be consistent with the provisions therein.
- ii. The definitions of ‘telecommunication’ and ‘message’ provided in the Telecommunications Act, 2023 are sufficiently broad to encompass broadcasting within the definition of telecommunication. Further, even the Indian Telegraph Act, 1885 did not explicitly define the term ‘broadcasting’, yet the definition of ‘telegraph’ adequately covered the essential elements of what would have constituted the fundamentals of broadcasting technology.

Analysis of the issue and views of the Authority

- 2.122 The Authority analysed the comments of stakeholders. The Definitions have been examined, collated and extracted from various Acts, Guidelines, Regulations, etc.. Some of them have been adopted in original form, whereas others have been adopted *mutatis mutandis* to align them with the Telecommunications Act, 2023. Further some new definitions have been added to comprehensively cover various provisions of the terms and conditions. These Definitions are appropriately included in the respective **Definitions** clauses in ‘The Broadcasting (Grant of Service Authorisations) Rules’ and ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’.
- 2.123 Since authorisations for broadcasting services mainly includes Television Channel Broadcasting Services, Television Channel Distribution Services, and Radio Broadcasting Services, the following definitions should be used in the authorisation framework:

“Television Channel Broadcasting Services” means and includes ‘Television Channel Broadcasting’, ‘News Agency for Television Channel(s)’, ‘Teleport/Teleport Hub’, ‘Uplinking of Live event/news/footage by Foreign Channel/News Agency’ services or any other service as notified by the Central Government from time to time;

“Television Channel Distribution Services” means and includes ‘Direct-to-Home (DTH) Service’, ‘Head-end In The Sky (HITS) Service’ and ‘Internet Protocol Television (IPTV) Service’ or any other service as notified by the Central Government from time to time;

“Radio Broadcasting Services” means and includes ‘Terrestrial Radio Service’, ‘Community Radio Stations’ and ‘Low Power Small Range Radio Service’ or any other service as notified by the Central Government from time to time.

2.124 Further, the definition of ‘broadcaster’ has been modified to align with the Telecommunications Act, 2023 which is provided as under:

“Broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorisation from the Central Government for its channel(s), is providing programming services;

2.125 Conventionally, the distributors of television channels have been termed as Distribution Platform Operators (DPOs). However, to align it with the service authorisation terminology and to make provisions for any future services, DPOs may be called as ‘Distribution Service Provider’. The definition of ‘Distribution Service Provider’ is provided as under:

“Distribution Service Provider” or “DSP” shall mean ‘Distribution Platform Operator (DPO)’ and includes Direct-to-Home (DTH) service provider, Head-end In The Sky (HITS) service provider, Internet Protocol Television (IPTV) service provider, Multi-System Operator (MSO) and any other service provider engaged in distribution of programmes/television channels to the users;

2.126 Further, the Authority recommended introduction of Ground-based Broadcasting vide its recommendations on ‘Regulatory framework for Ground-based Broadcasters’ dated on 15th January 2025. Accordingly, the definitions of ‘Satellite-based Broadcasting’, ‘Ground-based Broadcasting’, ‘Ground infrastructure’ and ‘Terrestrial Communication Medium’ is provided as follows. The definitions addresses stakeholder comments related to ground-based broadcasting:

***“Satellite-based Broadcasting”** means providing programming service using satellite-based communication medium for delivery of channels to the distributors of television channels;*

***“Ground-based Broadcasting”** means providing programming services through terrestrial communication medium using ground infrastructure (other than satellite-based communication medium) for delivery of channels to the distributors of television channels;*

***“Ground infrastructure”** means the facilities and systems comprised of communication network nodes (e.g. switches, routers, servers and/or transmission systems, etc.) and the means to connect them (e.g., wireline (cable/fibre) including underground cable/fibre, etc.) or wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud, etc. for the purpose of communication between two points;*

“Terrestrial Communication Medium” means a communication medium using ground infrastructure, which includes but not limited to wireline (e.g. cable/fibre, etc.)/wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud or any other equipment/system other than satellite medium;

2.127 In addition, the definition of ‘Programme’ and ‘Broadcasting Services’ (as defined in TRAI regulations) have been revised and the definitions of ‘Channel, Conditional Access System (CAS) and Unique Service Authorisation Number (USAN)’ have been added, aligning them to the Telecommunications Act, 2023 as under:

“Programme” means any message which is transmitted using a terrestrial or satellite communication medium or a combination of both, intended to be received by the user, and includes but not limited to -

- (i) exhibition of films, features, dramas, documentaries, 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 or pre-recorded content;

and the expression “Programming service” shall be construed accordingly;

“Broadcasting Services” means the dissemination of any programme through terrestrial or satellite communication medium or a combination of both, intended to be received by the users either directly or indirectly and all its grammatical variations and cognate expressions shall be construed accordingly;

2.128 Further, the definitions of ‘Channel’, ‘Conditional Access System’, ‘Unique Service Authorisation Number’ has been added.

*“**Channel**” means a range of frequencies used to broadcast radio or television programmes and shall mean radio channel or television channel respectively;*

*“**Conditional Access System**” or “**CAS**” means a system used in digital satellite and terrestrial broadcasting to control access to broadcast content in a digital addressable system. CAS encrypts the content for secure delivery of channel(s) to restrict reception by user only;*

*“**Unique Service Authorisation Number**” or “**USAN**” means a unique alpha numeric service number allotted to an entity during grant of authorisation. One or more service authorisation(s) granted to an entity should be linked to the USAN allotted to such entity;*

2.129 Additionally, some of the existing definitions and terminologies, have been amended to align to technological developments and possibilities or with the service terminology adopted in the Telecommunications Act, 2023. Accordingly, ‘DSNG/SNG’ has been rechristened as ‘DSNG’ considering availability of digital devices. Accordingly, the definitions of existing ‘DSNG/SNG’ and ‘ENG’ has been modified.

2.130 Besides, the definitions of ‘News channel’ and ‘Non-news channel’ has also been amended to widen the scope of transmission of ‘News channel’ and ‘Non-news channel’ via terrestrial medium as well as satellite based medium of transmission. Further, the definition of ‘DTH Service’ has been revised to reflect the addition of platform services in their scope of service. The definition of ‘HITS Service’ has

been amended to reflect its enhanced scope as contained in the existing guidelines for HITS services. The existing and amended Definitions are provided in the **Table 2.2** below:

Table 2.2: Changes in the existing definitions

Definitions (Existing)	Definitions (Recommended)
<i>'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;</i>	<i>"Digital Satellite News Gathering (DSNG)" means and refers to electronic technology/equipment that enables an authorised entity to gather content for broadcasting from remote locations outside of a television studio using satellite communication medium;</i>
<i>'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;</i>	<i>"Electronic News Gathering (ENG)" refers to electronic technologies/equipment that enables an authorised entity to gather content for broadcasting from remote locations outside of a television studio using terrestrial communication medium;</i>

<i>‘News channel’ means a private satellite TV channel, which predominantly telecast news and current affairs content programmes;</i>	<i>“News Channel” means a television channel, which predominantly telecast ‘News and Current Affairs’ content programmes;</i>
<i>‘Non-news channel’ means a private satellite TV channel other than a news channel;</i>	<i>“Non-news Channel” means a television channel other than a news channel;</i>
<i>"direct to home service" or "DTH service" means re-transmission of signals of television channels, by using a satellite system, directly to subscriber's premises without passing through an intermediary such as local cable operator or any other distributor of television channels;</i>	<i>“Direct-to-Home Service (DTH Service)” means re-transmission of signals of television channels and transmission of ‘Platform Services’, by using a satellite system, directly to user without passing through an intermediary such as local cable operator or any other distributor of television channels;</i>
<i>“head end in the sky service” or “HITS service” means transmission of programmes including re-transmission of signals of television channels— (i) to intermediaries like local cable operators or multi-system operators by using a satellite system and not directly to subscribers; and</i>	<i>“Head-end In The Sky Service (HITS Service)” means transmission of programmes including re-transmission of signals of television channels by using satellite system either to intermediaries like Local Cable Operator(s) or Multi-System Operator(s) or to the user using its own cable networks; and/or to provide infrastructure facility to</i>

<i>(ii) to the subscribers by using satellite system and its own cable networks;</i>	<i>one or more MSO(s)/Cable Operator(s);</i>
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2.131 The stakeholders' comments have been considered in the revised definitions for Platform Services, Programme and IPTV service. The definition for LCO, as suggested by stakeholders has been added. However, it has been taken from TRAI regulations. The definitions of ground-based channels and linear broadcasting services are covered through ground-based broadcasting and broadcasting services. The OTT services have not been addressed in these recommendations as discussed in para 2.95. The suggestion to include internet radio in radio service has been addressed suitably. In addition, as suggested by the stakeholders the definitions that have been taken from TRAI regulations and Act have been suitably incorporated in the definition section in **Annexure-II** and **Annexure-III**, wherever required. The Authority is of the view that the changes brought in the definitions shall provide clarity on various terms used in the Rules.

2.132 In view of the above, **the Authority recommends that the key words, expressions and terminologies used in the terms and conditions should be defined in the following manner:**

(1) 'Definitions' contained in Annexure-II to be included in 'The Broadcasting (Grant of Service Authorisations) Rules'

(2) 'Definitions' contained in Annexure-III should be included in 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services' Rules.

C2. Scope of Service and Service Area of various service authorisations

2.133 There is a need to clearly define the scope of service and service area of various broadcasting service authorisations in the Rules to be framed under the Telecommunications Act, 2023.

2.134 In addition, technological advancements have significantly impacted the broadcasting landscape. As a result, broadcasting services have expanded beyond the conventional methods like satellite and cable TV or FM radio to adopt new/alternative ways to reach audiences more effectively. Hence, it is essential to redefine the scope and service areas for various service authorisations.

2.135 In this background, the Authority raised the following question to seek comments of the stakeholders.

Q3. A preliminary draft of Scope of Service for various Broadcasting services and the corresponding Service Area is provided in Table 2.1 for consultation. Whether the same appropriately covers the Scope of Service and Service Area? If not, stakeholders are requested to submit their comments, if any additions/modifications/ deletions are required in the Scope of Service and Service Area, along with necessary justifications.

Broad Summary of Comments of the stakeholders on Q3

2.136 Majority of the stakeholders agreed with the Scope of Service and Service Area as provided in the Consultation Paper.

2.137 The stakeholders submitted few suggestions to be incorporated in the recommendations. The suggested changes are as under:

- i. Broaden the scope of service to include emerging technologies, ensure equitable service area distribution, and prioritizing consumer protections. This way the framework will align with the evolving broadcasting landscape and better serve consumer interests.
- ii. Expand the scope to include content-on-demand services alongside linear broadcasting.
- iii. Include OTT aggregators as part of the distribution ecosystem. Define criteria for service obligations in rural/remote areas to prevent digital divide.
- iv. Add internet radio and podcasting services in the scope of Radio services.
- v. Introduce tiered service areas based on geography (e.g., urban, rural, remote) and population density.

2.138 Some stakeholders submitted their views with respect to service area of ground-based broadcasting:

- i. Ground-based broadcasters should be permitted to provide services in both categories, i.e., at the State level as well as the National level. However, where the coverage/reach of a ground-based broadcaster extends beyond 15 states, it should be considered as Pan-India presence. In such cases, these ground-based broadcasters should be subject to same regulatory obligations as that of a satellite-based broadcaster.
- ii. Addition of a region-based Service Area for ground-based broadcasters should be considered. It is suggested that ground-based broadcaster's role for distribution of regional content is specific to various group of States. The regional content may be

specific in terms of language/relevance and hence to promote ease of doing business and attract location specific advertisers.

2.139 Further few stakeholders suggested that uplinking and downlinking, operation of teleports, etc. should not be classified as ‘television programming’ services, as these services relate only to the carriage of the television channel and not the content carried by them.

2.140 Likewise, with respect to radio services, some of the stakeholders suggested that analog and digital transmission are two separate methodologies for FM radio broadcasting, and hence digital transmission cannot be delinked from the scope of service of FM radio broadcasting. Both analog and digital formats fall under the same broadcasting service category and should be treated as one to maintain regulatory consistency.

2.141 Another set of stakeholders suggested that internet radio and podcasting services should be added to the scope of radio service. The stakeholders submitted that podcasting and internet radio are rapidly growing mediums of audio content delivery.

2.142 Some of the stakeholders also suggested to include OTT platforms in the authorisation framework to bring in parity, as such platforms provide substitutable services to end consumers without any regulatory oversight to check and mandate compliance. In addition to OTT services, another stakeholder suggested for including Prasar Bharati’s DTH and OTT operations under the scope of authorisation. However, few stakeholders countered these comments with following justifications:

- i. OTT services does not fall within the purview of the Telecommunications Act, 2023 as they are not

‘telecommunication services’. OTT services are inherently different from broadcasting services, which operates on a pull model and OTT services are already being regulated under the IT Act and the rules thereunder.

- ii. OTTs differ from other DPOs such as Cable TV, IPTV, DTH etc., as the latter deliver broadcasting services through broadcasting networks established by them. Furthermore, the licensed DPOs transmit licensed television channels after acquiring these from broadcasters under the provisions of uplinking and downlinking guidelines.
- iii. Furthermore, Allocation of Business Rules grants authority to MIB for regulation of content made available by online content providers and there is no ground to bring OTT content services within the purview of authorisation under the Telecommunications Act, 2023.

Analysis of the issue and views of the Authority

- 2.143 ‘Scope of Service’ specifies the complete range of responsibilities and activities to be carried out by a service provider authorised to provide a specific broadcasting service. Whereas the ‘Service Area’ refers to the geographical region in which a service provider is permitted or authorised to provide its services.
- 2.144 The stakeholder’s comments have been analysed with regards to the scope of service and service area for various authorisations and addressed subsequently in succeeding paras placed appropriately in the respective authorisation discussion.
- 2.145 The comments of stakeholders related to expanding the scope of service to include emerging technologies, ensure equitable service

area distribution, prioritize customer protection, include content on demand services, include OTT aggregators, add digital radio and podcasting services are vital for expanding the range and scope of services. The Authority has considered these views in nutshell to recommend new service authorisations and enhance scope of existing service authorisations. Accordingly, the Authority has recommended two new service authorizations viz. Ground Based Broadcasting and Low Power Radio Small Range Radio Service and expand the scope of private FM Radio to include digital technologies and call it 'Terrestrial Radio Service' in the authorisation framework. Authority has also recommended to include radio streaming as a part of Terrestrial Radio Services. Also, the provisions under Uplinking, Downlinking guidelines for TV channel broadcasting have been enhanced to allow use of terrestrial medium for Ground based Broadcasting. The view of stakeholders that uplinking and downlinking, operations of teleports, etc., should not be classified as 'Television Programming Services', as these services relate only to the carriage of television channel and not the content carried by them has also been addressed by designating these services as 'Television Channel Broadcasting Services'

2.146 Regarding the existing permissions, which are to be translated to authorisation regime, the Authority is of the view that the service area and scope for various permissions/license in existing guidelines should be largely retained in the authorisation regime. This will enable simple and easy migration of existing licensees/permission holders to the authorisation regime.

2.147 The Authority has identified **nine** distinct service authorisations (refer **Figure 2.2**) for broadcasting services, which fall under three broad categories- Television Channel Broadcasting Services,

Television Channel Distribution Services, and Radio Broadcasting Services.

2.148 'Television Channel Broadcasting Services' contains four service authorisations which include Television Channel Broadcasting, News Agency for television channel(s), Teleport/Teleport Hub and Uplinking of Live event/news/footage by Foreign Channel/News Agency.

2.149 **Television Channel Broadcasting** covers 'satellite-based broadcasting' of a television channel and 'ground-based broadcasting' of a television channel. The service area and scope of services for satellite-based broadcasting have been drawn from uplinking and downlinking guidelines which have been recently amended in 2022:

a. Service area: The service area for the authorisation of Television Channel Broadcasting is recommended to be designated as '**National**'. This service authorisation includes uplinking of a television channel, downlinking of a television channel, uplinking and downlinking of a television channel and ground-based broadcasting. While the stakeholders have suggested to allow state based or region based ground based broadcasting, the service area for ground-based broadcasting is aligned with the TRAI recommendations on 'Regulatory Framework for Ground-based Broadcasters' issued on 15th January 2025.

b. Scope of Service: Scope of service for services under the authorisation of Television Channel Broadcasting is recommended as under:

- i. **Uplinking of a Television Channel:** To uplink programmes of a television channel from anywhere in India to satellite using specified Teleport/Teleport Hub.
- ii. **Downlinking of a Television Channel:** To 'Downlink only' programmes of a television channel within India for distribution by authorised/registered Distribution Service Provider only.
- iii. **Uplinking and Downlinking of a Television Channel:** To uplink programmes of a television channel from anywhere in India to satellite using specified Teleport/Teleport Hub; and also to downlink the same programmes within India for distribution by authorised/registered Distribution Service Providers only.
- iv. **Ground-based Broadcasting of a Television Channel:** To provide programmes of a television channel to authorised/registered Distribution Service Provider using terrestrial communication medium, for onward retransmission as recommended in TRAI recommendations on 'Regulatory Framework for Ground-based Broadcasters' issued on 15th January 2025.

2.150 Similarly, the scope of service and service area for other authorisations under Television Channel Broadcasting Services, as detailed below, are drawn from uplinking and downlinking guidelines which were recently amended in 2022:

- a. **'News Agency for Television Channel(s)'**: The scope of service is recommended to set up news agency for news gathering and its further distribution to other news agency/broadcaster using satellite/ground-based medium.

The service area is recommended to be designated as **‘National’**.

- b. **‘Teleport/Teleport Hub’**: The scope of service is recommended to set up, commission and manage teleport/teleport hub service for uplinking of satellite television channel(s) from anywhere in India. The service area is recommended to be designated as **‘National’**.
- c. **‘Uplinking of Live event/news/footage by Foreign Channel/News Agency’**: The scope of service is recommended to uplink Live events/news/footage by Foreign Channel/News Agency from anywhere in India, using specified Teleport/Teleport Hub, to broadcast outside India. In this case, the authorised entity may uplink coverage of live event/news/footage from anywhere in India, hence the service area is recommended to be designated as **‘Pan India’**. Additionally, if such a foreign entity wants to broadcast the same channel in India, it should obtain a separate authorisation under ‘Television Channel Broadcasting’ for ‘Downlinking of a Television Channel’.

2.151 The ‘Television Channel Distribution Services’ includes service authorisations for **‘DTH Service’** and **‘HITS Service’**. The Authority believes that the scope of service for these two authorisations should be to set up, commission and manage DTH/HITS platform. Further the authorised entity of HITS Service may also provide infrastructure facility to one or more MSO(s)/Cable Operator(s). Hence, the service area for ‘DTH Service’ authorisation and ‘HITS Service’ authorisation is recommended to be designated as **‘National’**, which is also aligned to their respective existing guidelines.

2.152 It is pertinent to mention that TRAI in its recommendations on ‘Licensing Framework for Establishing and Operating Satellite Earth Station Gateway (SESG)’ issued on 29th November 2022⁴⁵ has *inter alia* recommended the following:

(a) The mandate to compulsorily establish Land Earth Station Gateway/ Hub Station/ Uplink Earth Station in the relevant licenses/ permissions granted by DoT and MIB shall be removed.

(b) The telecommunication and broadcasting service licensees/permission holders, who are eligible to provide satellite-based communication services in India, shall be allowed to use the SESGs established by the SESG licensees by connecting their baseband equipment with the SESGs at the terms and conditions offered by the SESG licensees.

2.153 The authorisations for teleport/teleport hub, DTH service and HITS service, utilising satellite-based broadcasting services, are required to setup, commission and manage an earth station/uplinking facility. As per the said recommendations, the authorised entity of Teleport/Teleport Hub, DTH service and HITS service shall also be allowed to use the SESG established by any entity having SESG network authorisation in India. Accordingly, the provision to use SESG facility has also been included in the Roll out Obligations prescribed in **Schedule-III of Annexure-II**.

2.154 The ‘Radio Broadcasting Services’ contains three authorisations viz., ‘**Terrestrial Radio Service**’, ‘**Community Radio Stations**’ and ‘**Low Power Small Range Radio Service**’. It is pertinent to mention here that while the Radio Broadcasting Services was classified into four authorisations viz., FM Radio Broadcasting, Community Radio

⁴⁵ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_29112022.pdf

Stations, Low Power Small Range FM Radio Broadcasting and Digital Radio Broadcasting in the Consultation Paper. The Authority, after considering the comments of stakeholders and its own analysis, is of the view that authorisation for FM radio should be kept technology agnostic. This would enable the authorised entity to use either digital or analog FM technology depending on its business decision.

2.155 Stakeholders suggested to allow podcast and internet radio within the scope of radio services. However, there is no provision for FM radio broadcasters to stream their radio channels in the extant policy guidelines. In this regard, it is important to note that music streaming apps are gaining momentum and have become popular. Unlike television ecosystem, where broadcaster and distributor are generally distinct entities with or without intermediaries in the distribution chain, broadcasting and distribution are generally not distinct entities in radio ecosystem. Streaming radio broadcasting over internet is largely use of a different medium for distribution (akin to IPTV). Now as authorisation and acquisition of spectrum rights for radio broadcasting are proposed to be delinked, there is a case for including the medium of streaming over internet within the scope of radio broadcasting.

2.156 Hence, radio service operators have a strong case to allow internet streaming of their radio channels. In this context, it is pertinent to mention that TRAI in its Consultation Paper⁴⁶ on 'Formulating a Digital Radio Broadcast Policy for Private Radio Broadcasters' dated 30th September 2024 had put up the following question for the comments of the stakeholders:

⁴⁶ https://www.trai.gov.in/sites/default/files/2024-10/CP_30092024.pdf

‘Should private radio broadcasters be permitted to simulcast their live terrestrial channels on Internet? If yes, what should be the terms and conditions for such simulcast? Please provide your comments with detailed justification.’

2.157 The stakeholders advocating for simulcasting live terrestrial channels on internet, commented that this would reduce their operating costs, promote market entry for smaller stations, simplify licensing, enable global reach and encourage creative freedom for broadcasters. Hence, radio broadcasters may be permitted to feed the digital streams on internet too, so as to widen their reach. They further commented that broadcasters should be allowed to simulcast live terrestrial channels on the internet without additional music license fees, maintaining the existing statutory rates set by the Intellectual Property Appellate Board (IPAB) in December 2020.

2.158 Based on the inputs from stakeholders, the Authority is of the view that owing to delinking of obtaining authorisation and assignment of spectrum, streaming may be permitted for terrestrial radio service. The radio broadcasting sector has experienced a significant decline in revenues in recent years. Hence permitting the radio broadcasters to stream the same content (as broadcasted on the radio channel) will open a new revenue stream for them, thereby providing a chance for revival and sustenance of the radio industry in the long run. Streaming can also provide radio services in ‘radio dark’ areas. This includes remote regions yet to be covered by radio broadcasting, as well as areas with intermittent coverage like on highways. However, the service providers opting to stream their radio broadcast services shall be subject to all applicable laws including Copyright Act, 1957. Any mandate regarding commercial agreements between content creators and broadcasters over

different mediums is beyond the scope of authorisation framework being dealt in these recommendations.

- 2.159 Moreover, radio offers a rich repository of local content. Allowing the authorised entity to stream the same radio program as is being broadcast, shall promote dissemination of local content to a broader and diverse audience extending beyond the city, thereby enhancing the reach of local content globally. The inclusion of streaming of radio channel shall establish an intangible connection of the Indian populace located geographically across the globe with their native place, which has been inaccessible to them till date owing to the territorial restriction of radio broadcasting.
- 2.160 The unbundling of the service authorisation and frequency allocation has been recommended for Terrestrial Radio Service (analysis of unbundling of service authorisation and frequency assignment has been discussed in Chapter III) in the terms and conditions of Terrestrial Radio Service.
- 2.161 Accordingly, ‘**Terrestrial Radio Service**’ would cover both FM and Digital radio service. The scope of ‘Terrestrial Radio Services’ should be to set up, commission and manage a radio station for broadcasting programmes of a radio channel and streaming the same concurrently without user control (i.e., Features like download, playback, replay etc. should not be available to the user while streaming). Some stakeholders commented to introduce tiered service areas based on geography and population density. However, in view of the delinking of service authorisation and frequency assignment, the service area for grant of service authorisation for ‘Terrestrial Radio Service’ is recommended to be designated as ‘**Pan-India**’, instead of a specific city. This would enable the authorised entity to obtain frequency spectrum in any city(ies) of the country.

2.162 However, the authorised entity shall be allowed to operate and provide radio broadcast services only in the city(ies), in which it has been assigned frequency and streaming the same content through internet concurrently without any user control. Features like download, playback, replay etc. should not be available to the user on streaming of authorised radio channel. Furthermore, the territorial restriction of a city shall not be applicable to streaming of the same radio channel, because once the programme of radio channel is made available through steaming, then the reach of such a radio programme will become global.

2.163 The scope of service for '**Community Radio Stations**' is recommended to set up, commission and manage a community radio station for broadcasting programmes to serve the communities. Since Community Radio Stations are intended to serve the interest of local communities for a specific location, the service area for Community Radio Stations for broadcast purposes, is recommended to be designated as '**Location Specific**'. This is aligned with the existing guidelines for Community Radio Stations.

2.164 In line with TRAI recommendations on 'Issues related to Low Power Small Range FM Radio Broadcasting' issued on 21st September 2023⁴⁷, the scope of service for '**Low Power Small Range Radio Service**', is recommended to set up, commission and manage a low power small range radio transmitter for 'Captive use' or for provision of 'Infrastructure as a Service':

- a) 'Captive use' scenarios cover a wide range of facilities, such as drive-in theatres, shopping malls, and sports complexes, among others where the permission holder utilizes low power small range transmitter to broadcast their own content.

⁴⁷ https://www.trai.gov.in/sites/default/files/2024-09/Recommendations_21092023.pdf

- b) 'Low power small range radio Transmitter Infrastructure as a Service' shall enable provisioning of low power small range radio transmitting infrastructure to third parties, who intend to organise an event for a limited period, at a specific location, such as an event ground or concert hall etc.

2.165 Further, as per the said recommendations, the salient conditions for Low Power Small Range FM Radio Broadcasting are:

- a) Permissible transmission range to be 500 meters.
- b) The service area of frequency assignment to be location/event specific based on the precise geographical coordinates such as longitude and latitude of the intended service location (be it a building, stadium, convention centre, expo area etc.).

Accordingly, the service area for 'Low Power Small Range Radio Service' is recommended to be designated as '**Location/Event Specific**'.

2.166 In view of the above, **the Authority recommends that:**

- (1) The Central Government (MIB) should consider introduction of following new broadcasting services:**
 - a. 'Ground-based Broadcasting of a Television Channel' under Television Channel Broadcasting Services.**
 - b. 'Low Power Small Range Radio Service' under Radio Broadcasting Services.**
- (2) The scope of service and service area for various service authorisations (including the new services) are recommended under the head 'Scope of Service and Service Area' in the terms and conditions contained in Annexure-II.**

C3. Migration from existing regime to authorisation framework

2.167 MIB in its background note to the reference dated 25th July 2024 has conveyed, *inter alia*, that:

‘5. Section 3(6) of the Telecommunications Act, 2023 provides that a license, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885, in respect of provision of telecommunication services shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such license or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.’

2.168 Two approaches for migration of existing license/permission to the authorisation regime have been discussed in the Consultation Paper:

- i. Authorisation co-terminus with the existing validity period of the license/permission; and
- ii. Authorisation with prescribed validity period for that service.

2.169 In the first approach, a simple online application requesting for migration can be made, along with surrender/submission of the existing license/permission. This process may not incur any additional fees, such as processing or entry fees etc. In such a scenario, the remaining validity period of the existing service provider may be migrated to the authorisation framework. All terms and conditions for service provisioning may be governed by the Rules made under the Telecommunications Act, 2023.

2.170 In the second approach, authorisation may be valid for the prescribed validity period of the respective service authorisation from the Effective date of Authorisation, irrespective of the validity

period of the license/permission already held. In this methodology, the authorised entity on migration, may be liable to pay the differential Entry Fee, i.e., Entry Fee applicable for the service authorisation, if any, in which the authorised entity is getting migrated minus the Entry Fee (for balance validity period) already paid by the licensee/permission holder in the old regime for the service authorisation(s) getting migrated. However, no Entry Fee refund shall be made by the Central Government.

2.171 Consequently, the Authority posed the following question regarding the migration from the existing regime to the authorisation framework:

Q7. The two possible approaches for migration from the existing regime of license/ permission to the authorisation framework under the Telecommunications Act, 2023, has been discussed in the Section D of Chapter II. Which of these two or any other approach should be adopted for migrating the existing licensee/ permission holders to the service authorisation framework? Stakeholders are requested to provide their comments with detailed justifications.

Broad Summary of Comments of the stakeholders on Q7

2.172 Some of the stakeholders who favoured the first approach of migration, provided their rationale as under:

- i. It would create an open and clearer migration path with no additional fees being incurred by the entities. It would also allow the remaining validity period of the current license/permission to be migrated to the new authorisation.
- ii. In view of ease of doing business through submission of an online application and no additional charges to be paid, the First

Approach should be adopted for migrating an existing licensee to the new service authorisation regime.

- iii. First Approach should be adopted because it avoids repetition, administrative burden and allows staggered implementation.

2.173 Some stakeholders favoured the second approach of migration stating that existing licensees would need to apply or express their consent to migrate to the new authorisation framework, ensuring clarity and agreement to the new terms, thereby informally naming it as 'opt-in migration'.

2.174 In addition, some of the stakeholders opined that migration to the new regime should be voluntary and in line with the provisions of the Telecommunication Act, 2023. Migration to the new regime should not create any disparity between the licenses and the principles of fairness and equity should be maintained. Further, the terms and conditions should not create any disparity between the licensees who choose to migrate to the new authorization regime and the licensees who do not.

2.175 Few stakeholders favouring voluntary migration, expressed that DTH operators are currently operating on the basis of provisional licenses issued to them by MIB. It was further added that the migration requirement arises solely due to a change in statute and there should be no change in licensing requirements to ensure fairness and a level playing field for stakeholders.

2.176 Few stakeholders submitted a mixed view, thereby suggesting a hybrid approach with a rationale that this approach will balance the simplicity of automatic migration with the clarity and accountability of opt-in migration. By ensuring continuity of service, addressing potential regulatory gaps, and allowing time for adaptation, this

approach would benefit consumers, regulators, and service providers alike. The suggested methodology for implementing hybrid approach of migration by the stakeholders is as under:

- i. **Step 1: Automatic Provisional Migration:** Automatically transition all existing licensees to the new authorisation framework for an interim period (e.g., 12-18 months). Provide clear guidelines on new rights, obligations, and compliance requirements during this period.
- ii. **Step 2: Mandatory Confirmation:** Require an entity to formally confirm its intent to continue under the new framework by the end of the interim period. Non-confirmation would result in service discontinuation after due notice, with safeguards to protect consumers from service disruptions.
- iii. **Step 3: Harmonization Phase:** Gradually harmonize terms, conditions, and fee structures across all entities to ensure uniform compliance with the new regime.

2.177 Some stakeholders mentioned that allowing currently authorised entities to function under the extant regime until their licenses expire would lead to the existence of two parallel regimes. This arrangement would impose different terms and conditions on broadcasters operating in the same sector, thereby hampering the level playing field in the market, giving an unfair advantage to some broadcasters and creating administrative uncertainty and confusion.

Analysis of the issue and views of the Authority

2.178 The authorisation regime will take effect upon the notification of appointed date for Section 3 of the Telecommunications Act, 2023, creating opportunities for license/permission holders to migrate to

the authorisation framework as per the provisions of Section 3(6) of the Telecommunications Act, 2023, as reproduced below:

‘(6) A licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933, in respect of provision of telecommunication services or telecommunication network—

(a) where a definite validity period is given, shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed; or

(b) where a definite validity period is not given, shall be entitled to continue to operate on the terms and conditions of such licence or registration or permission for a period of five years from the appointed day, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.’

2.179 Therefore, in accordance with Section 3(6) of the Telecommunications Act, 2023, an entity holding a license, registration, permission, etc. granted under the Indian Telegraph Act, 1885, shall be entitled to continue to operate under the terms and conditions under such license or permission. Alternatively, the entity may migrate at its discretion to the corresponding service authorisation, upon fulfilment of the prescribed eligibility conditions.

2.180 The Authority is of the view that the active licenses/permissions under the extant regime, should be allowed to migrate to the respective service authorisation under the Telecommunications Act, 2023, as enumerated earlier in the **Table 2.1**. The process for

migration and its related terms and conditions should be clearly defined to ensure a seamless and smooth migration to the authorisation framework.

2.181 The Authority is of the view that the eligibility conditions, which have been recommended for the grant of service authorisation to new applicants, should also be made applicable to the existing entities who intend to migrate to the authorisation framework under the Telecommunications Act, 2023, to enable existing entities to migrate to authorisation regime and continue service.

2.182 The Authority is also of the view that while migration to the new authorisation regime is optional for the existing license/permission holders, the licenses/permissions will not be renewed in the old regime on expiry of their validity period. In case, a service provider continues in old regime till the expiry of its license/permission, it shall be required to apply for a fresh authorisation on expiry of its validity period for continuity of service. In such cases, the authorisation shall be granted as a new applicant and the conditions for a new authorisation shall be applicable.

2.183 Few stakeholders suggested hybrid approach of migration. The stakeholders have provided a three steps process for migration. It is mentioned that during the interim period, an entity is required to confirm its intent to continue under the new framework. Non-confirmation would result in service discontinuation.

2.184 After examining the comments of the stakeholders, the Authority is of the view that, migration to the authorisation regime should be voluntary and be left at the discretion of the service provider. However, on expiry of the existing license/permission, the service

provider shall be required to migrate to the authorisation regime anew.

- 2.185 The migration process for the existing service providers to the authorisation regime should be a simple application-based process through an online portal. However, till the period the migration module and the authorisation framework get fully implemented on the online portal, the Central Government may establish alternative mechanisms to facilitate seamless migration of existing licenses and permissions to the authorisation framework.
- 2.186 The Authority believes that since the existing service providers have already paid the application processing fee at the time of entry, and the migration in the new regime is due to change in statute, therefore, they should not be required to re-pay the application processing fee while migrating.
- 2.187 The entry fee for various service authorisations in the broadcasting sector has been adopted *mutatis mutandis*. Therefore, there is no change in the entry fee prescribed for new authorisation vis-à-vis the entry fee paid by the existing service provider for the same service license/permission. It is worthwhile to mention that the Authority in its Recommendations on ‘Rationalization of Entry Fees and Bank Guarantees’ dated 19th September 2023⁴⁸, stated that an entry fee is a fixed, one-time payment that prospective entrants must make to enter a market. These fees are typically non-refundable. It was also recommended that entry fees should be charged only at the time of entry and not at the time of license renewal. In light of this, the Authority is of the view that the same condition should apply to migration as well. Existing service providers should not be required to re-pay the full entry fee. If the

⁴⁸ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_19092023.pdf

entry fee for an authorisation exceeds the amount already paid by the service provider, only the balance amount should be levied. However, since there is no change in the entry fees for various broadcasting services, as brought out above, the difference in the entry fees becomes zero. Accordingly, the existing service providers may not be required to pay any entry fee for migration.

2.188 The existing service providers, however, upon migration shall be required to furnish the applicable Bank Guarantee, Security Deposit with respect to the service authorisation(s) as prescribed in the authorisation framework.

2.189 Further, it needs to be emphasised that the terms and conditions of the service authorisation granted under the Telecommunications Act, 2023 shall be applicable after migration. However, roll out obligations and any other relevant liabilities, including financial dues, treatment of violations for the pre-migration period and any penalties or financial disincentives associated with the existing licenses/permissions or spectrum, if applicable, shall remain enforceable even after migration to the respective service authorisation granted under the Telecommunications Act, 2023.

2.190 Upon migration, the prescribed validity period for the service authorisation(s), shall commence from the effective date of migration, regardless of the validity period in the existing license/permission. However, in case, an existing licensee/permission holder is assigned spectrum, the treatment of such assignment shall be governed by the provisions under Section 4(8) and 4(9) of the Telecommunications Act, 2023, as reproduced below:

‘(8) Any spectrum assigned through the administrative process prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned, for a period of five

years from the appointed day, or the date of expiry of such assignment, whichever is earlier.

(9) Any spectrum assigned through auction prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned.'

2.191 Irrespective of the two approaches for migration discussed in the Consultation Paper, a hybrid approach is being recommended as it balances the simplicity of automatic migration with the clarity and accountability of opt-in migration. By ensuring continuity of services, addressing potential regulatory gaps, and allowing time for adaptation, this approach would benefit the service providers intending to migrate in the authorisation regime. Further, this approach of migration also aligns with migration methodology recommended for the telecom services.

2.192 The detailed terms and conditions for migration to the respective service authorisation to be granted under the Telecommunications Act, 2023 have been provided under the heading 'Migration of existing service providers' in **Annexure-II**.

2.193 In view of the above, **the Authority recommends that the migration of broadcasting entities to the authorisation framework under Section 3(6) of the Telecommunications Act, 2023 should be in the following manner:**

- (1) The migration should be voluntary, till the expiry of the existing license/permission.**
- (2) A simple application-based process through the portal for migration should be established by the Central Government.**

- (3) The eligibility conditions recommended for the grant of service authorisation(s) to new applicant(s), should also be made applicable to the existing licensees/permission holders intending to migrate.
- (4) On migration, the validity period for the respective service authorisation(s) should be from the effective date of migration to the authorisation regime, irrespective of the validity period of the license/permission already held.
- (5) The existing licensee/permission holder, intending to migrate to authorisation regime should not be required to pay Processing Fee.
- (6) In case of migration to the new Service Authorisation, the differential Entry Fee i.e., the Entry Fee applicable to the Service Authorisation in which the Licensee/permission holder is getting migrated minus Entry Fee already paid in the old regime shall be levied. In cases where the Entry Fee already paid in the old regime exceeds the Entry Fee to be paid for migration to the authorisation framework, there shall be no refund of the Entry Fee.
- Note:** In case of broadcasting services, there is no change in the Entry Fee recommended in the authorisation framework vis-à-vis that in the old regime, therefore, the differential Entry Fee will be 'NIL' and the existing licensee/permission holder of broadcasting services shall not be required to pay any differential Entry Fee for migration.
- (7) The authorised entity should be required to furnish applicable Bank Guarantee, Security Deposit and other prescribed fees for respective service authorisations.

- (8) In case an existing licensee/permission holder has already been assigned spectrum, the treatment of such assignment should be governed by the provisions contained in Section 4(8) and Section 4(9) of the Telecommunications Act, 2023.**
- (9) The terms and conditions to be notified as Rules under the Telecommunications Act, 2023, should be applicable on migration to the new authorisation regime. However, roll out obligations and any other liabilities, including financial dues, treatment of violations for the pre-migration period and any penalties or financial disincentives associated with the existing license/ permission, as the case may be, should remain enforceable even after migration to the respective service authorisation under the Telecommunications Act, 2023.**
- (10) The detailed terms and conditions for migration to the Service Authorisation(s) under the Telecommunications Act, 2023, have been recommended under the head ‘Migration of existing service providers’ contained in Annexure-II.**

C4. Other terms and conditions for grant of service authorisation

2.194 The Consultation Paper mentioned that the grant of broadcasting service authorisations will be governed by the draft terms and conditions to be notified as ‘The Broadcasting (Grant of Service Authorisations) Rules’, as enclosed in Annexure-II. These draft terms and conditions will provide the broad framework for grant of service authorisation containing the details as under:

- (1) Definitions**

- (2) Broad scope of services and service area in each service authorisation
- (3) Non-exclusivity clause
- (4) Eligibility conditions
- (5) Provision of Broadcasting Services
- (6) Processing Fee, Entry Fee, Bank Guarantee and Security Deposit
- (7) Process of application to obtain the Service Authorisation
- (8) Grant of Service Authorisations
- (9) Validity Period
- (10) Assignment and use of Spectrum
- (11) Migration from existing regime to authorisation framework
- (12) Security conditions

2.195 In this background, the Authority raised the following question to seek comments from the stakeholders:

Q5. A preliminary draft of terms and conditions to be included in the first set of Rules i.e., for Grant of Service Authorisations is annexed as Annexure-II. Stakeholders are requested to submit their comments in the format provided below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

S. No.	Description	Terms and Conditions No.	Proposed changes, if any	Reasons with detailed justifications
1.	Definitions			
2.	Scope of Service and Service Area			
3.	Eligibility conditions			

4.	<i>Provision of Broadcasting Services</i> <ul style="list-style-type: none"> • <i>Television Programming Services</i> • <i>Television Distribution Services</i> • <i>Radio Broadcasting Services</i> 			
5.	<i>Processing Fee, Entry Fee, Bank Guarantee, Security Deposit and Renewal Fee</i>			
6.	<i>Process of Application to obtain the Service Authorisations</i>			
7.	<i>Grant of Service Authorisations</i>			
8.	<i>Validity Period</i>			
9.	<i>Non-exclusivity clause</i>			
10.	<i>Conditions for assignment and use of Spectrum</i>			
11.	<i>Migration of Existing service providers of old regime in the new Authorisation Framework</i>			
12.	<i>Security Conditions</i>			

Broad Summary of Comments of the stakeholders on Q5

2.196 In response to Q5, regarding the terms and conditions to be included in 'The Broadcasting (Grant of Service Authorisations) Rules', the comments received from the stakeholders on the terms and conditions for Eligibility Conditions, Provision of Broadcasting Services, Various Fee Structures, Process of Application to obtain Service Authorisation, Grant of Service Authorisation, Condition for Assignment and Use of Spectrum and Migration of existing service providers of old regime in the new Authorisation Framework have been summarized hereunder.

i. Eligibility conditions

- Some of the stakeholders have suggested deletion in clause 3(a)(3) provided in Annexure-II of the CP. The draft clause and the deletion proposed by stakeholders is provided in the table below:

Draft Terms and Conditions in the CP	Deletion proposed by the stakeholders
<i>The applicant company shall make full disclosure, at the time of application, of Shareholders Agreements, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into</i>	<i>The applicant company shall make full disclosure, at the time of application, of Shareholders Agreements, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into</i>

The stakeholders submitted that for DTH sector there has been no requirement to disclose Loan Agreements or similar agreements at the time of applying for a license so far. Introducing such a requirement would place the service providers in a more challenging position than they were

initially, which is not the intended outcome of the law. This change would unfairly create unnecessary complications, disrupting the established framework.

- Requirement for security clearance of company directors by the MHA should be reconsidered, as it is a time-consuming process. Instead, provision for intimating the Central Government within 15 days of the change taking effect could be considered.
- LLPs may also be added as eligible organizations for FM radio as in television, to ensure a level playing field and consistency across the two sectors.

ii. **Provision of Broadcasting Services**

With respect to the clause 4(1) of the Common Terms and Conditions provided in the CP, some stakeholders have proposed certain change. The draft clause and the change suggested by the stakeholders is provided in the table below:

Draft Terms and Conditions in the CP	Change proposed by the stakeholders
Television Programming Services: <i>The Authorised Entity, i.e. a Broadcaster, shall provide its channel to Distribution Service Providers for onward retransmission to the end consumer.</i>	Television Programming Services: <i>The Authorised Entity, i.e. a Broadcaster, shall provide its channel only to registered Distribution Service Providers for onward retransmission to the end consumer.</i>

iii. **Processing Fee, Entry Fee, Bank Guarantee, Security Deposit and Renewal Fee**

One Time Entry Fee should be taken as an intangible asset for calculation of net worth. When a license is taken for a long-term period by paying this amount, it is an asset as per International and Indian Accounting Standards and therefore valuing it zero for purpose of net worth is illogical.

iv. **Process of Application to obtain the Service Authorisations**

All Government clearances such as MIB, SACFA, SATCOM etc., there should be a single window grant of permission in place for ease of doing business.

v. **Grant of Service Authorisations**

- OTT platforms should be included in the authorisation framework and the OTT providers be mandatorily required to get authorisation and pay authorisation fee under the Telecommunications Act, 2023 for their operations in India.
- Digital terrestrial radio broadcast cannot be treated separately from FM Radio as it is merely a different technology used for the broadcast of FM radio. Both analog and digital forms of FM radio should be considered as part of the same broadcasting category to maintain consistency and avoid unnecessary regulatory distinctions.

vi. **Conditions for assignment and use of Spectrum**

- Present process of assignment of spectrum should continue.
- Spectrum assignment for broadcasting services should be done through auction. The assignment of spectrum at market determined prices would also ensure level playing field and protect National Exchequer's revenue.

vii. **Migration of existing service providers of old regime in the new Authorisation Framework**

- The following has been commented with respect to migration of teleport operators:
 - Existing permission should continue till the validity period and post that, renewal should be done in new authorization regime.
 - Assigned spectrum (administrative basis) should continue to be valid on the current terms and conditions on which it had been assigned, for a period of MIB permission.
- Broadcasters, who do not wish to migrate under the new regime should either be allowed to operate during their balance license period or the unexpired portion of One Time Entry Fees be refunded to such operators.

Analysis of the issue and views of the Authority

2.197 An applicant intending to provide broadcasting services would be required to obtain authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 from the Central Government. The process of grant of service authorisation is contingent upon the applicant meeting the terms and conditions to be notified as Rules under the Telecommunications Act, 2023.

2.198 The broad description of the terms and conditions of 'The Broadcasting (Grant of Service Authorisations) Rules' are as follows

1. **Definitions:** To provide the key words and expressions used in the terms and conditions to be notified as Rules for grant of service authorisations. Definitions have been adopted from various sources as detailed in **Annexure-IC**, wherein most of the

definitions have been adopted *as it is*, some adopted *mutatis mutandis*, while some being *newly added* reflecting the technological advancements in the sector, making it medium agnostic and aligning it to the Telecommunications Act, 2023. The Definitions so made have been discussed in para 2.122 to 2.132.

2. **Non-exclusivity:** Non-exclusivity clause specifies that service authorisations shall be granted without limiting the number of entrants to offer services in a given area.
3. **Framework of Authorisation for Broadcasting Services:** To form the backbone of authorisation regime, a framework of authorisation for broadcasting services has been recommended. The framework details the broad categories of services under which respective service authorisations have been grouped. The elements of authorisation framework have been drawn from the extant guidelines of various broadcasting services and aligned with the Telecommunications Act, 2023.
4. **Scope of Service and Service Area:** The scope of service outlines the aspects of provisioning of a specified service, which a service provider intends to provide and for which it intends to obtain a service authorisation. Further the service area details out the area in which the service provider shall provision its service, once it obtains authorisation of service. The rationale of defining the scope of service and stipulating the service area has been discussed in detail in para 2.143 to 2.166.
5. **Validity Period:** The validity period contained in the terms and conditions for various broadcasting services have been adopted *mutatis mutandis* from the respective extant policy guidelines of

broadcasting services, except for HITS Services, which has been aligned with that of DTH Services, the details of which are discussed in Chapter-III. The validity period so included shall be applicable to the entities either intending to obtain fresh service authorisation or intending to migrate to authorisation framework or applying for renewal of their service authorisation.

6. **Eligibility Conditions:** The eligibility conditions describe the requirements to be met by an entity intending to obtain a service authorisation. These eligibility conditions have been adopted *mutatis mutandis* from the respective extant policy guidelines of broadcasting services, except for the change in minimum net worth requirement⁴⁹ for DTH Service, HITS Service and Terrestrial Radio Service. The eligibility conditions have been carefully harmonised keeping in view that neither it acts as an entry barrier to the new entrants nor it hampers the existing licensee/permission holders from continuing their service once they intend to migrate to the authorisation framework. The eligibility conditions shall also be applicable to the entities who will apply for renewal of their authorisation.
7. **Financial Conditions:** An entity intending to provision a broadcasting service shall be required to obtain service authorisation for which it shall be obligated to pay certain fees, furnish bank guarantee and submit certain security deposits as applicable. The financial conditions detail various fees, bank guarantee and security deposit, that an entity shall be required to pay/furnish/deposit to obtain a service authorisation. The respective fees, bank guarantee and security deposits have been adopted *mutatis mutandis* from the extant policy guidelines for

⁴⁹ Rationale for changes are elaborated in Chapter-III.

the Television Channel Broadcasting Services. However, certain changes in fees and charges have been made in the Television Channel Distribution Services, and Radio Broadcasting Services to bring uniformity among similar services. The detailed discussions are provided in Chapter-III.

8. **Process of application to obtain Service Authorisation:** The extant policy guidelines for various broadcasting services had different procedures laid out to grant licenses/permissions to the eligible entities. In order to simplify, streamline, adopt and implement a single uniform procedure, the process of application has been re-engineered and accordingly a simple process has been recommended under the head 'Process of application to obtain the Service Authorisation'.
9. **Grant of Service Authorisations:** The head grant of service authorisation outlines the provision wherein an authorisation is granted in the form of an authorisation document allotting a Unique Service Authorisation Number (USAN). Further, obtaining a service authorisation shall not mean that the entity will be assigned frequency spectrum, which it will have to obtain separately as per the procedure laid out by the Central Government. In case the Central Government finds that the applicant does not meet the required eligibility conditions for authorisation and hence cannot be granted authorisation for the applied service, it can reject the application provided that the reasons for refusal is communicated in writing to such entity.
10. **Security Conditions:** This provision specifies the powers of the Central Government and respective necessary actions required to be taken in the event of national security and/or other similar circumstances. The provision further delves on the necessary actions that may be taken by the Central Government under

such circumstances and implications of such actions on the service authorisation conditions. The Security Conditions have been adopted *mutatis mutandis* from the extant policy guidelines of all the broadcasting services and have been aligned with the relevant provisions of the Telecommunications Act, 2023.

11. **Migration of existing service providers:** The provision of migration provides path for the existing service providers to migrate from existing licenses/permissions to the authorisation regime as per Section 3(6) of the Telecommunications Act, 2023. The rationale for adoption of this provision along with recommendations of Authority has been discussed comprehensively from para 2.178 to 2.192 and in para 2.193 respectively.

2.199 In response to the comments on eligibility conditions, some of the stakeholders have requested to remove the requirement on disclosure of loan agreements. The Authority is of the view that disclosure of loan agreements for fulfilment of eligibility conditions may be removed as a part of simplifying the process. Moreover, there exists a provision in the terms and conditions that whenever necessary, the Central Government may seek for such documents from the service providers.

2.200 Regarding the payment of one-time entry fee, one of the stakeholders has requested that one-time entry fee shall be considered an intangible asset for calculation of net worth. However, both these financial parameters serve different purpose at the time of application. Hence, such submission made by the stakeholder may not be considered.

2.201 The detailed terms and conditions to be included in 'The Broadcasting (Grant of Service Authorisations) Rules' are enclosed

in **Annexure-II**. These terms and conditions may be notified as Rules for the grant of service authorisations under Section 3(1)(a) of the Telecommunications Act, 2023.

2.202 In view of the above, **the Authority recommends the terms and conditions for ‘Grant of Service Authorisation’ contained in Annexure-II, should be notified as ‘The Broadcasting (Grant of Service Authorisations) Rules’, under the Telecommunications Act, 2023.**

CHAPTER III
PROVISION OF TELEVISION CHANNEL
BROADCASTING SERVICES, TELEVISION CHANNEL
DISTRIBUTION SERVICES, AND RADIO
BROADCASTING SERVICES

3.1 This chapter delves on issues related to Television Channel Broadcasting Services, Television Channel Distribution Services, and Radio Broadcasting Services as listed below:

- (1) Terms and conditions of authorisation for above three services presented as 'Common Terms and Conditions' for all service authorisations and 'Specific Terms and Conditions' for each service authorisation, if any.
- (2) Civil penalties for breach of terms and conditions of the authorisations and violations of Programme Code and Advertisement Code.
- (3) Harmonisation of terms and conditions, including fees or charges among the various broadcasting services.
- (4) Delinking of grant of service authorisation from spectrum assignment for 'Terrestrial Radio Service'.
- (5) Net worth requirement for Internet Service Providers to provide IPTV service.
- (6) Any other related issues.

A. The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services

- 3.2 Following the grant of service authorisation, the authorised entity shall be required to comply with the second set of Rules viz., **‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’** for provision of broadcasting services.
- 3.3 The terms and conditions to be notified as second set of Rules comprise of two parts. Part I contains the ‘Common Terms and Conditions’ and Part II contains the ‘Specific Terms and Conditions’. The ‘Common Terms and Conditions’ has been deliberated in the following section.

A1. Common Terms and Conditions

- 3.4 As discussed in previous chapter, broadcasting sector operates under several guidelines issued at different times. It is the need of the hour to streamline and consolidate the existing guidelines for simplifying and ensuring uniformity across the sector. This would make compliance easier for all the stakeholders involved.
- 3.5 Accordingly, common terms and conditions were identified, extracted from existing guidelines, integrated *mutatis mutandis* and placed in the draft Common Terms and Conditions in the Consultation Paper.
- 3.6 In this background, the Authority has raised the following question to seek the comments of the stakeholders:

Q9. A preliminary draft of Common terms and conditions for inclusion in the second set of Rules for Broadcasting (Television Programming, Television Distribution and Radio) Services is annexed as Part-I of Annexure-III for consultation. Stakeholders are requested to submit their comments in the format given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

S. No.	Description	Terms and Conditions No.	Proposed changes, if any	Reasons with detailed justification
1.	Definitions			
2.	Assignment of Spectrum			
3.	Equity Holding in Other companies			
4.	Renewal of Authorisation			
5.	Modifications in the Terms and Conditions of Service Authorisation			
6.	Non-Exclusivity clause			
7.	Restrictions on Transfer of Service Authorisation			
8.	Provision of Service			
9.	Reporting Requirement w.r.t. Eligibility Conditions			
10.	Adherence to Programme Code and Advertisement Code			
11.	Financial Conditions			
12.	Commercial Conditions			
13.	Technical Conditions			
14.	Disaster/ Emergency/ Public Utility Services			
15.	Operating Conditions			
16.	Confidentiality			
17.	Force Majeure			

18.	<i>Dispute with Other Parties</i>			
19.	<i>Dispute Resolution and Jurisdiction</i>			
20.	<i>Contravention of Rules/ Violation of Programme Code and Advertisement Code</i>			

Broad Summary of Comments of the stakeholders on Q9

3.7 Majority of stakeholders agreed to the common terms and conditions provided in the Consultation Paper (CP) for inclusion in second set of Rules.

3.8 Comments received from the stakeholders on the various provisions of the draft common terms and conditions are summarized as under:

i. Assignment of Spectrum

- a. Some stakeholders agreed to the terms and conditions with respect to assignment of spectrum. It has been further submitted that spectrum resources should be optimally utilized and reassigned during emergencies or in the case of unused bandwidth.
- b. Few stakeholders suggested certain changes in the draft terms and conditions proposed in CP as under:

Draft Terms and Conditions in CP	Change proposed by the stakeholders
<i>As per Section 4(4) of the Telecommunications Act, 2023, spectrum assignments for Broadcasting (Programming and</i>	<i>Assignment of spectrum for Broadcasting (Programming and Distribution) services shall be done as per Section</i>

<i>Distribution) services shall be done through administrative process.</i>	<i>4 of Telecommunications Act, 2023.</i>
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The stakeholders provided following justifications for the proposed change:

- Section 4(4) of the Telecommunications Act, 2023, specifies auction as the default method for spectrum assignment, with exceptions listed in the First Schedule.
- Section 57(1)(a) empowers the Central Government to amend the First Schedule to add or remove entries as needed.
- Rules should state that spectrum assignments shall align with Section 4 of the Telecommunications Act, 2023.

ii. **Equity Holding in Other companies**

- a. Some stakeholders agreed with the terms and conditions provided in CP, stating that specifying permissible limit of equity holdings in competing broadcasting entities will prevent conflict of interest and monopolistic practices, thereby ensuring fair competition.
- b. Few stakeholders further commented that existing restrictions on cross holding between broadcasters and DTH/HITS operators should be removed as this will impede growth and slow down investments in the sector.
- c. Another set of stakeholders suggested that time for submission for any change in the shareholding/partnership/FDI patterns should be made within 30 days instead of 15 days. Accordingly, the change suggested by the stakeholders is as under:

Draft Terms and Conditions in CP	Change proposed by stakeholders
<i>...Provided that an authorised entity having authorisation of a service, within 15 days of change of its shareholding pattern or partnership pattern or FDI pattern...</i>	<i>...Provided that an authorised entity having authorisation of a service, within 15 30 days of change of its shareholding pattern or partnership pattern or FDI pattern...</i>

iii. **Renewal of Authorisation**

Majority of stakeholders agreed with the draft terms and conditions provided in the CP. In addition, following comments have also been provided:

- a. Performance-based criteria for renewal will encourage compliance with respect to service quality standards.
- b. Renewal period for FM radio authorisation should be made as 15 years.

iv. **Provision of Service:**

- a. Some stakeholders agreed with the draft terms and conditions provided in the CP. The stakeholders submitted that there is a requirement of mandatory service provisioning during disasters and emergencies, with predefined standards for disaster broadcasting to ensure protection of public interest along with timely dissemination of critical information during emergencies.
- b. Some of the stakeholders opined for deletion of following clause provided in 'Common Terms and Conditions' of CP, which reads as under:

‘The Authorised Entity shall follow the measures notified by the Central Government under Section 21 of the Telecommunications Act, 2023 in respect of the procurement of equipment for provisioning of broadcasting services only from trusted sources.’

They submitted that insertion of such a clause would have large-scale impact on the sector. The equipment used by broadcaster or distributor varies due to differing services they offer, therefore, this clause should be deleted.

v. Adherence to Programme Code and Advertisement Code

- a. Majority of stakeholders agreed in principle with the draft terms and conditions provided in the CP. They emphasised on the need to establish a graded penalty system for violations, differentiating between minor, moderate and severe breaches.
- b. Stakeholders proposed the following specific deletion:

Draft Terms and Conditions in CP	Deletion proposed by the stakeholders
<i>The Authorised Entity shall ensure that the subscribers of the service do not have access to any pornographic channel or to secret/ anti-national messaging and the like through the Distribution Service platform. If the Authorised Entity fails to do so, the Service Authorisation shall be revoked and the entity shall be disqualified to hold</i>	<i>The Authorised Entity shall ensure that the subscribers of the service do not have access to any pornographic channel or to secret/ antinational messaging and the like through the Distribution Service Platform. If the Authorised Entity fails to do so, the Service Authorisation shall be revoked and the entity shall be disqualified to</i>

<i>any such authorisation in future for a period of five (5) years, apart from liability for punishment under other applicable laws.</i>	<i>hold any such authorisation in future for a period of five (5) years, apart from liability for punishment under other applicable laws.</i>
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It has been submitted that this clause extends liability by disqualifying the authorised entity from holding any such authorisation for next 5 years after revocation of authorisation, which is harsher provision and should be removed.

vi. Financial Conditions

- a. Majority stakeholders agreed with the terms and conditions in respect of financial conditions. Stakeholders further submitted that introduction of provisions for mandatory financial audits by certified professionals for larger broadcasters will ensure financial transparency and accountability, especially for entities with significant market influence.
- b. Stakeholders have submitted that financial conditions should be same for all similarly situated operators. Broadcasters should be liable to pay license fee on the revenue generated by DTH operators from subscription amount collected from subscribers on their behalf.

vii. Commercial and Operating Conditions

- a. Most of the stakeholders agreed to the draft terms and conditions provided in CP.
- b. Stakeholders submitted that commercial and operating conditions for Teleport Service should be governed by the teleport service provider only and not as per the Regulations/Tariff Orders/Directions issued by TRAI, as the

commercial and operating conditions for teleport services are based on multiple factors which are not similar like bandwidth cost, scale of operations etc.. Therefore, it is not feasible to charge tariff at a fixed rate to all.

viii. **Technical Conditions**

- a. Some stakeholders have agreed to the draft terms and conditions provided in CP. They submitted that the requirement mandating adherence to interoperability standards for equipment to facilitate ease of switching between service providers will promote consumer choice and reduce vendor lock-in.
- b. Some stakeholders proposed the following specific deletion:

Draft Terms and Conditions in CP	Deletion proposed by the stakeholders
<i>The Authorised Entity shall have the right to undertake the sale, hire, purchase, lease or rent of the Customer Premises Equipment (CPE). Users shall be given the option to obtain the user terminals from any source meeting the standards.</i>	<i>The Authorised Entity shall have the right to undertake the sale, hire, purchase, lease or rent of the Customer Premises Equipment (CPE). Users shall be given the option to obtain the user terminals from any source meeting the standards.</i>

The stakeholders justified that authorised entity should retain control over user terminals. Allowing third-party purchases may result in compatibility issues, poor service quality and increased consumer complaints, even when the terminals meet BIS standards. Pricing disparity could arise, as discounts from the authorised entity wouldn't apply to third-party buyers. The

entity could lose visibility over disposal of devices, like STBs, violating the E-Waste (Management) Rules, 2022.

Analysis of the issue and views of the Authority

- 3.9 Upon obtaining the service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023, an authorised entity providing broadcasting services shall be required to adhere to the terms and conditions to be notified as second set of Rules. As discussed in the preceding chapter, the terms and conditions for provisioning of broadcasting services are categorised into two parts. The first part i.e., ‘Common Terms and Conditions’ has been discussed here.
- 3.10 The Authority after examining the comments received from the stakeholders and its own analysis, is of the view that the following heads should be included in the ‘Common Terms and Conditions’ to be notified as Rules for provision of broadcasting services:
- (1) Definitions
 - (2) Assignment and use of Spectrum
 - (3) Equity Holding and Management Control
 - (4) Renewal of Authorisation
 - (5) Modifications in the terms and conditions of Service Authorisations
 - (6) Creation of Security Interest
 - (7) Restrictions on ‘Transfer of Service Authorisation’
 - (8) Provision of Service
 - (9) Monitoring & Inspection
 - (10) Reporting Requirements
 - (11) Adherence to Programme Code and Advertisement Code
 - (12) Sharing of Infrastructure
 - (13) Financial Conditions
 - (14) Commercial Conditions

- (15) Technical Conditions
- (16) Security Conditions
- (17) Operating Conditions
- (18) Confidentiality
- (19) Force Majeure
- (20) Dispute with Other Parties
- (21) Dispute Resolution and Jurisdiction
- (22) Surrender of Authorisation
- (23) Contravention of Rules/Regulations and Violations of Orders/Directions/Code
- (24) Offences
- (25) Termination of Service Authorisation
- (26) Obligations imposed on the Authorised Entity
- (27) Residual Clause

3.11 The rationale of the terms and conditions of each provision being recommended are elaborated in the subsequent paragraphs.

Definitions:

3.12 The key words, expressions and terminologies used in terms and conditions for second set of Rules are defined and provided under the head **Definitions** in **Annexure-III**. The detailed analysis of the recommended definitions for 'The Broadcasting (Grant of Service Authorisations) Rules' and 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules' have already been discussed in paras 2.123 to 2.132 of **Chapter II**. The source of each definition is provided in **Annexure-IC**.

Assignment and use of Spectrum:

- 3.13 The head **Assignment and use of Spectrum** contains the terms and conditions related to spectrum assignment for the broadcasting services. These terms and conditions have been analysed, extracted and collated from various extant guidelines of the broadcasting services, appropriately aligned with the relevant provisions of the Telecommunications Act, 2023 and adopted *mutatis mutandis*.
- 3.14 Section 4 of the Telecommunications Act, 2023 provides for assignment of spectrum. Further, Section 4(3) of the Telecommunications Act, 2023 provides terms and conditions for assignment of spectrum including frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure for the same. Section 4(4) provides that the Central Government shall assign spectrum through auction except for entries listed in the First Schedule of the Telecommunications Act, 2023 for which assignment shall be done by administrative process.
- 3.15 In the existing licensing regime, for frequency assignment, an applicant is required to obtain a Wireless Operational License (WOL) from WPC and accordingly pay the necessary spectrum-related charges to WPC. Additionally, the applicant service provider is also required to obtain SACFA clearance from WPC, and other necessary clearances/approvals for satellite use from Department of Space, as applicable.
- 3.16 The comments submitted by the stakeholders have been considered. Once the appointed date for Section 4 of the Telecommunications Act, 2023 is notified, the practice of issuing WOL would be discontinued, and the assignment of spectrum shall be governed by the provisions of Section 4 of the Telecommunications Act, 2023 and the Rules framed thereunder. It is pertinent to mention that the

Draft (Telecommunications Assignment of Spectrum through Auction) Rules, 2025⁵⁰ for public consultation have been published by the Central Government in the Gazette of India vide G.S.R. no. 94(E) dated 31st January 2025.

- 3.17 Further, according to the 'Norms, Guidelines and Procedures for Implementation of Indian Space Policy-2023 in respect of Authorization of Space Activities' released by Indian National Space Promotion and Authorization Centre (IN-SPACe)⁵¹ issued on May 2024⁵², it has been provided that:

'Fresh Authorization from IN-SPACe shall be required for authorizing the Non Indian Satellites which are already provisioning their capacity in India either through lease agreement involving NSIL/Antrix (DoS) or through direct lease of the C-Band capacity from the Non-Indian Satellite operators. However, provisioning of such capacity from these satellites shall be permitted till March 31, 2025. The existing lease agreements expiring during this period can be extended till March 31, 2025, if required, following the existing mechanism/process. However, any new Non-Indian Satellite or any additional capacity from the existing satellites in any of the frequency bands henceforth shall require IN-SPACe Authorization.

With effect from April 01, 2025, only IN-SPACe authorized Non-Indian satellites/constellations in any of the frequency bands shall be permitted to enable provisioning of their capacity in India.'

⁵⁰<https://dot.gov.in/sites/default/files/Draft%20Telecommunications%20Assignment%20of%20Spectrum%20through%20Auction%20Rules%2C%202025.pdf>

⁵¹ IN-SPACe, an autonomous single window nodal agency within Department of Space, was constituted in October 2021 with a mandate to authorize all Space Activities undertaken by the Government and Non-Government Entities (NGEs) in the country.

⁵² https://www.inspace.gov.in/inspace?id=inspace_publications

- 3.18 Thus, an entity providing broadcasting service shall utilise the satellite resources authorized by IN-SPACe as per the 'Norms, Guidelines and Procedures for Implementation of Indian Space Policy-2023'.
- 3.19 The detailed terms and conditions regarding assignment and use of spectrum is contained in **Part-I of Annexure-III**.

Equity Holding and Management Control

- 3.20 The terms and conditions for the submission of shareholding pattern, partnership pattern, FDI pattern, etc. are provided under the head **Equity Holding and Management Control**. These terms and conditions have been analysed, extracted and collated from various extant policy guidelines of the broadcasting services, appropriately aligned with the relevant provisions of the Telecommunications Act, 2023 and adopted *mutatis mutandis*.
- 3.21 Stakeholders in their comments have furnished that restriction on cross holding patterns should be removed. However, the Authority is of the view that removing such restrictions may create a monopolistic condition, thereby creating a disadvantaged situation for smaller players. Thus, the extant restrictions on cross-holding pattern needs to be retained.
- 3.22 As per the existing uplinking and downlinking guidelines 2022, the requirement of intimation to MIB regarding change in shareholding and FDI pattern is stipulated as 30 days. Whereas in the existing guidelines of HITS Service and FM Radio, such changes are required to be intimated within 15 days. The draft terms and conditions provided in CP mentions intimation within 15 days. However, stakeholders have submitted that the period of such intimation

should be revised to 30 days. Considering the comments of stakeholders, the Authority is of the view that for any change related to equity pattern, shareholding pattern, amendment in the shareholder agreement/capital contribution in the LLP agreement, FDI pattern, etc., the authorised entity shall be required to intimate the effect of such change to the Central Government within 30 days.

3.23 The existing guidelines contain restrictions with respect to crossholding of equity and shareholding pattern for DTH service and HITS service. These provisions have been adopted *mutatis-mutandis* for DTH service and HITS service. To bring in parity of cross-holding restrictions across the board, the same restrictions are being recommended to be included in the terms and conditions for IPTV service. The Authority is of the view that for regulatory parity between different types of DSPs, the same should be extended to MSOs also. Further, these provisions, though applicable on broadcasting entities, are not available in existing uplinking and downlinking guidelines, 2022. To correct this discrepancy and bring in consistency in line with the TRAI recommendations on 'Media Ownership' issued on 25th February 2009⁵³, similar provisions have been added in the terms and conditions for the authorised entities of 'Television Channel Broadcasting'.

3.24 The detailed terms and conditions on Equity holding and Management Control is contained in **Part-I of Annexure-III**.

⁵³ 'The Authority recommends that

i) The broadcaster should not have "control" in the distribution and vice-versa.

ii) Definition of Control: Any entity which has been permitted/licensed for television broadcasting or has more than 20% equity in a broadcasting company, shall not have more than 20% equity in any Distributor (MSO/Cable operator, DTH operator, HITS operator, Mobile TV service provider) and vice-versa'

Source: https://traigov.in/sites/default/files/2024-09/recom25feb09_media_0.pdf

3.25 In view of above, **the Authority recommends the following:**

- (1) Restrictions on cross-holding pattern as prescribed in the extant policy guidelines of DTH service and HITS service should also be prescribed for IPTV service.**
- (2) The Central Government may consider extension of restrictions on cross-holding pattern to be extended to MSOs or any other Distribution Service Provider notified by the Central Government.**
- (3) Restrictions on cross-holding pattern should also be prescribed in the terms and conditions for the authorised entities of ‘Television Channel Broadcasting’ for completeness.**

Renewal of Authorisation

3.26 The terms and conditions for renewal of service authorisation are provided under the head **Renewal of Authorisation**. These provisions on renewal and its associated terms and conditions existed in the various policy guidelines except for FM radio and HITS service. These provisions viz., applicability of eligibility conditions on renewal, period of renewal, renewal fee etc. have been analysed, extracted and collated from various extant guidelines of the broadcasting services and adopted *mutatis mutandis*.

3.27 The extant guidelines on FM radio do not contain any provisions for renewal of permission. Stakeholders commented that extension for FM radio should be made 15 years. The Authority acknowledges the submission of the stakeholders and is of the view that the provision for renewal should be incorporated for Terrestrial Radio Service, in line with other broadcasting services. The validity period of renewal

should be made 10 years, aligning with other broadcasting services. The renewal fee of Rs. 10,000 may be prescribed, which is equivalent to the processing fee for new applicants, aligning with other broadcasting services. Moreover, the renewal fee for CRS is not prescribed in the existing guidelines. In order to align with other broadcasting services, the Authority is of the view that a renewal fee of Rs. 2500 may be prescribed, which is equivalent to the processing fee for new applicants of CRS.

3.28 In distribution vertical, there is no provision of renewal in the HITS guidelines, however DTH guidelines prescribe renewal period as 10 years, therefore in order to harmonise these similarly placed services, the Authority is of the view that provision of renewal with renewal period of 10 years may be prescribed for HITS service. Further, for aligning the renewal fee with other broadcasting services, a renewal fee of Rs. 10,000 may be prescribed for both DTH service and HITS service.

3.29 The changes so introduced will ensure harmonisation of the renewal process across all the broadcasting services. The detailed terms and conditions on 'Renewal of Authorisation' is contained in **Part-I of Annexure-III**.

Modifications in the Terms and Conditions of Service Authorisation

3.30 This draft clause was included in Consultation Paper on the basis of similar provisions in the extant guidelines for various broadcasting services. The existing provisions in respect of right to the Central Government to modify provisions of various extant policy guidelines have already been analysed and discussed in para 2.50 to 2.52 and accordingly recommendations in this regard are

provided in para 2.58(a). The amendment in Rules is normally issued by the Central Government through notification of amended Rules under the relevant provisions of the Act, assigning power to make Rules.

3.31 Section 56(1) of the Telecommunications Act, 2023, stipulates:

‘56. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Act, to carry out the purposes of this Act.’

3.32 Therefore, the Central Government may amend the Rules under the above provision of the Act. Since the power of the Central Government to make amendments in the Rules is implicit through Section 56(1), therefore the Authority is of the view, that this explicit clause may not be required in the terms and conditions to be notified as Rules.

3.33 However, while making any such amendments, the Central Government should seek recommendations of TRAI, except for the reason of the interest of the security of the State. Accordingly, the recommendation is also made to the Government in para 2.58(a) and the same is included in terms and conditions on **‘Modifications in the Terms and Conditions of Service Authorisation’** contained in **Part-I of Annexure-III**.

Creation of Security Interest

3.34 The terms and conditions for security interest are provided under the head **Creation of Security Interest**. In the existing policy guidelines of broadcasting services, there is no provision related to security interest for the licensee/permission holder. Section 45 of

the Telecommunications Act, 2023, states that the Central Government may provide for such security interest which an authorised entity may provide to lenders financing such entity on such terms and conditions of such security interest as may be prescribed.

- 3.35 The terms and conditions on creation of security interest have been provided in the TRAI recommendations on 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' issued on 18th September 2024⁵⁴ for telecom services. Accordingly, the terms and conditions on security interest for broadcasting services has also been provided in line with the recommendations for telecom services.
- 3.36 The detailed terms and conditions on 'Creation of Security Interest' is contained in **Part-I of Annexure-III**.

Restrictions on 'Transfer of Service Authorisation'

- 3.37 The terms and conditions regarding restriction on transfer of service authorisation are provided under the head **Restrictions on 'Transfer of Service Authorisation'**. These terms and conditions have been analysed, extracted and collated from various extant policy guidelines and have been adopted *mutatis mutandis*, aligning with the relevant provisions of the Telecommunications Act, 2023, particularly Section 3(5) and Section 45 of the Act. The detailed terms and conditions on Restrictions on 'Transfer of Service Authorisation' is contained in **Part-I of Annexure-III**.

⁵⁴ https://traigov.in/sites/default/files/2024-11/Recommendation_18092024.pdf

Provision of Service

- 3.38 The terms and conditions related to provision of service are provided under the head **Provision of Service**. The existing terms and conditions have been analysed, extracted and collated from the various extant policy guidelines of the broadcasting services, and have been adopted *mutatis mutandis*, aligning with the relevant provisions of the Telecommunications Act, 2023.
- 3.39 The stakeholders in their comments have requested not to include any criteria for procurement of equipment from trusted sources. The comments have been considered, since procurement of broadcasting equipment and services only from the trusted sources is presently not applicable. The Authority is of the view that there should be an enabling provision for the Central Government to impose reasonable restriction in the interest of national security, friendly relations with foreign States, or in the event of war, as enshrined in Section 21 of the Telecommunications Act, 2023. The detailed terms and conditions regarding 'Provision of Service' is contained in **Part-I of Annexure-III**.

Monitoring & Inspection

- 3.40 The terms and conditions for monitoring and inspection of broadcasting facilities by the Central Government and TRAI are provided under the head **Monitoring & Inspection**. These terms and conditions have been analysed, extracted and collated from various extant policy guidelines of the broadcasting services and have been adopted *mutatis mutandis*. The detailed terms and conditions on 'Monitoring & Inspection' is contained in **Part-I of Annexure-III**.

Reporting Requirements

- 3.41 The terms and conditions regarding the various reporting requirements for the authorised entities to the Central Government and TRAI are provided under the head **Reporting Requirements**. These terms and conditions have been taken from various extant policy guidelines of the broadcasting services and have been adopted *mutatis mutandis*. The detailed terms and conditions on 'Reporting Requirements' is contained in **Part-I of Annexure-III**.

Adherence to Programme Code and Advertisement Code

- 3.42 The terms and conditions related to adherence of Programme Code and Advertisement Code are provided under the head **Adherence to Programme Code and Advertisement Code**. These terms and conditions have been taken from various extant policy guidelines of the broadcasting services and have been adopted *mutatis mutandis*.
- 3.43 In response to the Consultation Paper, stakeholders suggested that provision of disqualification to hold authorisation for a period of 5 years, should be removed, in cases subscribers of any DSP platform gain access to any pornographic channel or secret/anti-national messaging. Such barring creates harsher penalty. However, Authority is of the view that the provisions need to be softened to be addressed on case to case basis. Hence, the period of disqualification contained in the provision of disqualification may be revised to 'up to a period of 5 years', depending on the severity of violation.
- 3.44 The detailed terms and conditions on 'Adherence to Programme Code and Advertisement Code' is contained in **Part-I of Annexure-III**.

Sharing of Infrastructure

- 3.45 The provisions of Sharing of Infrastructure among the Distribution Service Providers is prescribed in extant policy guidelines. In view of the stakeholders' comments received on sharing of infrastructure and detailed analysis in para 3.185 to 3.190, the Authority is of the view that liberal policies may be adopted for infrastructure sharing.
- 3.46 Accordingly, the detailed terms and conditions on 'Sharing of Infrastructure' enabling such sharing among broadcasting service providers, telecom service providers, infrastructure providers or any other service providers wherever technically and commercially feasible, has been provided in **Part-I of Annexure-III**. These conditions shall be applicable to all the entities authorised under Section 3(1) of the Telecommunications Act, 2023.

Financial Conditions, Commercial Conditions, Security Conditions and Technical Conditions

- 3.47 The terms and conditions on various financial, commercial, security and technical aspects of broadcasting services are provided under the respective heads viz., **Financial Conditions, Commercial Conditions, Security Conditions** and **Technical Conditions**. These terms and conditions have been analysed, extracted and collated from various extant policy guidelines of the broadcasting services and adopted *mutatis mutandis*, aligning with the relevant provisions of the Telecommunications Act, 2023.
- 3.48 The comments of the stakeholders with respect to Financial Conditions have been noted. The analysis for harmonisation of fees and charges for all the broadcasting services have been deliberated

in detail in the succeeding part of this Chapter, aligning with the previous recommendations of TRAI, wherever applicable.

- 3.49 With regards to the stakeholders' comments for omitting the clause that users should be given the option to obtain the user terminals from any source meeting the standards. However, the Authority is of the view that the authorised entity should utilize equipment and products meeting the approved Indian/International standards.
- 3.50 The detailed terms and conditions on 'Financial Conditions', 'Commercial Conditions', 'Security Conditions' and 'Technical Conditions' are contained in **Part-I of Annexure-III**.

Confidentiality, Force Majeure, Disputes with Other Parties, Dispute Resolution and Jurisdiction, and Surrender of Authorisation

- 3.51 The terms and conditions for various aspects of provisioning of broadcasting service are provided under the respective heads viz., **Confidentiality, Force Majeure, Disputes with Other Parties, Dispute Resolution and Jurisdiction, and Surrender of Authorisation**. These terms and conditions have been analysed, extracted and collated from various extant policy guidelines and have been adopted *mutatis mutandis*, aligning with the relevant provisions of the Telecommunications Act, 2023, wherever applicable. The detailed terms and conditions on 'Confidentiality', 'Force Majeure', 'Disputes with Other Parties', 'Dispute Resolution and Jurisdiction' and 'Surrender of Authorisation' is contained in **Part-I of Annexure-III**.

Contravention of Rules/Regulations and Violation of Orders/Directions/Codes

- 3.52 The terms and conditions regarding contravention of Rules are provided under the head **Contravention of Rules/Regulations and Violation of Orders/Directions/Codes**. The Contravention of Rules shall be governed by the provisions contained in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunications Act, 2023 and the Rules made thereunder. The provisions in respect of violation of Programme Code and Advertisement Code have been adopted *mutatis mutandis*. The provisions of civil penalties for breach of terms and conditions of the authorisations are discussed in details in Section A2 (from paras 3.59 to 3.90).
- 3.53 The provision regarding of contravention of Regulations and violation of Orders/Directions issued by TRAI is also contained in the terms and conditions. The penalties for such violation include, but are not limited to, imposition of Financial Disincentives (FD) and its recovery through Bank Guarantee by the Central Government in case of non-payment of the same. The same has also been explicitly recommended to the Government in its first set of recommendations. The detailed terms and conditions regarding ‘Contravention of Rules/Regulations and Violation of Orders/Directions’ is contained in **Part-I of Annexure-III**.

Offences

- 3.54 The head **Offences** has been newly added to cover the punishments for those providing broadcasting services or network without obtaining service authorisation under Section 3(1) as per the provisions under Section 42 of the Telecommunications Act, 2023. The detailed terms and conditions on ‘Offences’ are contained in **Part-I of Annexure -III**.

Termination of Service Authorisation

- 3.55 The terms and conditions on termination of Authorisation has been provided under the head **Termination of Service Authorisation**. These terms and conditions have been analysed, extracted and collated from various extant policy guidelines and have been adopted *mutatis mutandis*, aligning with the relevant provisions of the Telecommunications Act, 2023.
- 3.56 The Authority is also of the view that the contravention of TRAI Regulations and violation of TRAI Orders/Directions should be considered by the Central Government as grounds to revoke/suspend/curtail/cancel/terminate the authorisation, on recommendations of TRAI. The detailed terms and conditions on 'Termination of Authorisation' is contained in **Part-I of Annexure-III**.

Obligations imposed on the Authorised Entity and Residual Clause

- 3.57 **Obligations imposed on the Authorised Entity** and **Residual Clause** are general clauses which should be made part of the Rules.
- 3.58 In view of the above, **the Authority recommends to adopt the 'Common Terms and Conditions' contained in Part-I of Annexure-III, for all broadcasting services, while framing 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules'**.

A2. Civil penalties for breach of terms and conditions of the authorisations and Violations of Programme Code and Advertisement Code

- 3.59 Chapter VIII of the Telecommunications Act, 2023, gives power to the Central Government to make Rules for governing adjudication and appeal, in case of any contravention or breach of the terms and conditions of the authorisation.
- 3.60 Additionally, CTN Act also contain penal provisions for violation the provisions of CTN Act, including the Programme Code and Advertisement Code for television broadcasting services. Further, service providers of FM radio broadcasting and CRS are also required to adhere to the Programme and Advertising Code prescribed by Prasar Bharati for All India Radio.
- 3.61 In this background, the Authority sought comments of the stakeholders on the question given below.

Q8. Contravention of the terms and conditions contained in the Rules to be made as well as non-adherence to the Programme Code and Advertising Code is likely to invite penal provisions.

- a. Whether the extant penal provisions for breach of terms and conditions of license/ permission are appropriate or required to be modified to align with the provisions of the Telecommunications Act, 2023? If so, please provide a detailed response with justifications. If not, whether the same should be adopted mutatis mutandis? Please provide a detailed response with necessary justifications.*
- b. Further, in respect of violation of Programme Code and Advertising Code, whether the penal provisions should be adopted mutatis mutandis? If not, what modifications are*

required? Please provide your comments with necessary justifications.

Broad Summary of Comments of the stakeholders on Q8

3.62 Summary of stakeholders comments regarding the contraventions of terms and conditions are as under:

- i. Extant penal provisions for breach of license/permission/terms and conditions should be modified to align with the Telecommunications Act, 2023.
- ii. Detailed guidelines should be issued as to how the application of the factors mentioned under Section 32(3) of the Telecommunications Act, 2023 would result in the classification of violations into different categories under the Second Schedule, along with examples. For instance, the following three violations should fall under 'Severe' category:
 - Violation resulting in threat to the security of nation
 - Violation resulting in heavy revenue losses to the Government
 - Wilful and illegal conduct of Licensee outside the framework of terms and conditions of license/authorisation
- iii. The penalties should only be imposed when wilful misconduct is conclusively established.
- iv. FM radio stations also operate in small towns with low revenue potential, therefore, existing penalties as per current GOPA are appropriate. Penal provisions under Sections 41-44 of the Telecommunications Act, 2023 should apply with understanding that the Government may issue warnings for first offenses.

3.63 With respect to the violation of Programme Code and Advertisement Code, stakeholders commented as under:

- i. Extant penal provisions for violation of Programme Code and Advertisement Code are appropriate and can be adopted *mutatis mutandis*.
- ii. For violations of Programme Code or Advertisement Code, the authorised entity should be governed by the provisions contained in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunications Act, 2023. There is no need to introduce any additional set of penalties for violations of Programme Code and Advertisement Code. The Telecommunications Act, 2023, provides sufficient flexibility through the Second Schedule to determine penalties based on the severity of violations under both the codes.
- iii. A distributor, for example a DTH operator, cannot be punished for breach of 'Programme Code' in respect of any channel since the channels are downlinked and then uplinked by DTH operators.
- iv. For violations of the Programme Code, warning should be given for first offence (except for violation of National Security) and thereafter for subsequent wilful offences and violations, the said penal provisions should apply. Further, media organizations should first address complaints through their self-regulation mechanisms for content correction.

3.64 Few stakeholders submitted a different perspective. According to the stakeholders, existing penal provisions for breach of terms and conditions of permission by the broadcasters are sufficient for regulating the sector and do not warrant any regime shift. Introducing a different penal regime would not be of any value

addition to the present system. On the contrary, it will only create confusion, adversely impacting the overall regulation of the broadcasting sector.

Analysis of the issue and views of the Authority

3.65 The Authority has examined the comments of the stakeholders. The penal provisions for breach of conditions contained in the extant guidelines are required to be aligned with the provisions of the Telecommunications Act, 2023, barring provisions related to violation of Programming Code and Advertisement Code which are dealt under CTN Act. Chapter VIII of the Telecommunications Act, 2023 titled as 'Adjudication of Certain Contraventions' contains provisions in respect of dealing with the violations of terms and conditions under the Telecommunications Act, 2023. It envisages a three stage adjudication process, namely-

- i. Adjudicating Officer
- ii. Designated Appeals Committee
- iii. Telecom Dispute Settlement and Appellate Tribunal

The sections under Chapter VIII also prescribe the manner in which the Adjudicating Officers and Designated Appeals Committee will carry out its functions.

3.66 The Second Schedule of the Telecommunications Act, 2023, provides for graded civil penalties depending on the category of the contravention, as provided in **Table 3.1** below:

Table 3.1: Civil Penalties for breach of terms and conditions under Sections 32 and 34

Categorisation	Civil Penalty
Severe	Up to Rs. 5 crore
Major	Up to Rs. 1 crore
Moderate	Up to Rs. 10 lakh
Minor	Up to Rs. 1 lakh
Non-severe	Written warning

3.67 The Third Schedule of the Telecommunications Act, 2023, prescribes civil penalties for certain contraventions as per Sections 33(1), 33(2), 34(1), 34(3), 34(5) and 34(8) as provided in **Table 3.2** below:

Table 3.2: Civil Penalties for certain Contraventions

Contravention under the Act	Civil Penalty
(a) Possessing radio equipment without an authorisation or an exemption, except for the offence under clauses (d) and (f) of sub-section (3) of section 42; (b) Use of subscriber identity modules in excess of number notified.	First Offence: Civil penalty up to fifty thousand rupees. Each subsequent offence: Civil penalty up to two lakh rupees for each such instance.
Use by any person or entity of a telecommunication service or telecommunication network knowing or having reason to believe that such	Civil penalty up to ten lakh rupees.

telecommunication service or telecommunication network does not have the required authorisation under this Act.	
Contravention of the provisions of section 28 (Measures for protection of users).	First Offence: Civil penalty up to fifty thousand rupees. Each subsequent offence: Civil penalty up to two lakh rupees for each such instance, or suspension of telecommunication service, or a combination thereof.
Contravention of any provision of this Act or Rules, or any terms or conditions of an assignment or authorisation in relation to any matter under this Act, for which no penalty or punishment is provided elsewhere in this Act.	First Offence: Civil penalty up to twenty-five thousand rupees. Second or subsequent offence: Further Civil penalty up to fifty thousand rupees for every day after the first during which the contravention continues.

3.68 In view of the above-mentioned provisions, the Authority believes that contravention of the Rules to be notified for broadcasting services should also be governed by the relevant provisions contained in Chapter VIII titled as ‘Adjudication of Certain Contraventions’ of the Telecommunications Act, 2023.

3.69 In this context, the Central Government has already issued draft Telecommunications (Adjudication and Appeal) Rules, 2024⁵⁵ for public consultation. On notification of these Rules, the Central

⁵⁵<https://dot.gov.in/sites/default/files/Draft%20Adjudication%20Rules%20Gazette%20Notification.pdf?download=1>

Government, through MIB, for broadcasting services, may appoint Adjudicating Officers under Section 35 of the Telecommunications Act, 2023, and Designated Appeals Committee under Section 36 of the Telecommunications Act, 2023.

- 3.70 In this background, for contravention of Rules for Service Authorisation, the **Authority recommends that Contravention of Rules to be notified for broadcasting services shall be governed by the relevant provisions contained in Chapter VIII titled ‘Adjudication of Certain Contraventions’ of the Telecommunications Act, 2023 and the Rules made thereunder.**

Content Regulation (Codes) for Television Channel Broadcasting and Distribution Services

- 3.71 In addition, programmes and advertisements broadcasted on television channels are regulated in accordance with the Programme Code and Advertisement Code prescribed under CTN Act and Rules made thereunder. The Programme Code and Advertisement Code contain a wide range of parameters to regulate programmes and advertisements on television channels. These codes serve as foundational principle for ethical and responsible television broadcasting.
- 3.72 Some stakeholders opined that violations of the Programme Code and Advertisement Code by authorised entities should also fall under the provisions of Chapter VIII of the Telecommunications Act, 2023. Since content regulation related provisions are defined in CTN Act and Rules framed thereunder, the Authority is of the view that violations related to Programme Code and Advertisement Code, should continue to be governed by CTN Act.

3.73 Moreover, the extant policy guidelines for various broadcasting services also contain provisions relating to penal actions for violation of Programme Code and Advertisement Code, as discussed in following paras.

3.74 Provision 24 of the 'Policy Guidelines for Uplinking and Downlinking of Satellite Television Channels, 2022', provide the following:

'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.'

3.75 In distribution segment, the extant guidelines on DTH, HITS and IPTV service; and the guidelines on platform channels of MSOs also stipulate provisions for adherence to Programme Code and Advertisement Code. The provisions contained in the said guidelines are reproduced below:

Clause 5.1 of the extant DTH guidelines reads as:

‘5.1 The Licensee shall ensure adherence to the Programme Code (PC) and Advertisement Code (AC), laid down by the Ministry of Information & Broadcasting from time to time.’

Clause 6.5 of the extant HITS guidelines provides:

‘6.5 The permission holder shall ensure that each of the channels carried by it follows the Programme Code and Advertisement Code as laid down under the Cable Television Networks (Regulation) Act, 1995 and the Rules framed thereunder or any other code made applicable.’

Clause no. (v) and (ix) of the extant IPTV guidelines states that:

- ‘(v) The Cable operators while providing IPTV services will continue to be governed by the provisions of the Cable Television Networks (Regulation) Act, 1995, The Telecom Regulatory Authority of India Act, 1997 and any other laws as applicable and as such shall be able to provide such content on their IPTV service which is permissible as per the Cable Act and which is in conformity with the Programme and Advertisements Codes prescribed thereunder.*
- (ix) The provisions of Programme code and Advertisement code as provided in Cable Television Network (Regulation) Act 1995 and Rules thereunder shall be applicable even in the case of contents other than TV Channels from broadcasters provided by the Telecom IPTV service provider. Since it is the telecom licensee who will be providing this content, therefore, he shall be responsible for ensuring compliance to the codes with respect to such content. In addition to this, such licensees will also be bound by various Acts, instructions, directions, guidelines issued*

by the Central Government from time to time to regulate the contents.'

Provision 6 of 'Guidelines for Platform Services offered by Multi System Operators' issued on 30th November 2022 mentions that:

'MSOs providing platform services shall make full disclosure on ownership status and comply to the Programme and Advertising codes prescribed under the Cable Television Network Rules, 1994.'

3.76 All such provisions in various guidelines relating to Programme Code and Advertisement Code for television channels, as reproduced above, indicate the obligations imposed on the service providers for adherence to these Codes.

3.77 Section 16(1) of CTN Act provides penalties for contraventions of its provisions. Section 16(1) reads as follows:

'16. Penalty for contravention of provisions of this Act.—(1)
Whoever of this Act shall be liable,—

(a) for the first contravention with advisory, or censure, or warning, or a penalty which may extend to twenty thousand rupees, or with both;

(b) for every subsequent contravention within a period of three years, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or with both, by such designated officer, as may be prescribed.'

3.78 Additionally, Section 19 of CTN Act reads as under:

'19. Power to prohibit transmission of certain programmes in public interest.—*Where any authorised officer, thinks it necessary or expedient so to do in the public interest, he may, by*

order, prohibit any cable operator from transmitting or re-transmitting any programme or channel if, it is not in conformity with the prescribed programme code referred to in section 5 and advertisement code referred to in section 6 or if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquillity.'

- 3.79 In addition, MIB from time to time, issues orders/advisories/instructions to all the service providers of television channels to adhere to the Programme Code and Advertisement Code, under CTN Act.
- 3.80 In view of the above, the Authority is of the view that the existing penal provisions for violation of Programme Code and Advertisement Code, as covered in CTN Act and the Rules made thereunder should be adopted *mutatis mutandis* for the broadcasters and distributors of the television channels.

Content Regulation (Codes) for Radio Broadcasting Services

- 3.81 Prasar Bharati, has notified the 'Programme Code of Prasar Bharati⁵⁶' and 'Advertising Code of Prasar Bharati⁵⁷' on 18th May 2022 for programmes and advertisements to be carried on its All India Radio, Doordarshan and Digital platforms, thereby rescinding all erstwhile codes and orders.

⁵⁶ https://prasarbharati.gov.in/wp-content/uploads/2022/05/Approved-Notification-01_2022-Ops-Programme-Code-of-Prasar-Bharati-18052022.pdf

⁵⁷ https://prasarbharati.gov.in/wp-content/uploads/2022/05/Approved-Notification-02_2022-Ops-Advertising-Code-of-Prasar-Bharati-18052022.pdf

3.82 The extant FM radio guidelines prescribe the following:

‘12.1 The permission holder shall follow the same Programme and Advertisement Code as followed by All India Radio as amended from time to time or any other applicable code, which the Central Government may prescribe from time to time.’

3.83 Regarding violation of the conditions of Codes, provision 24.1 of the extant FM radio guidelines for private operators is reproduced below:

*‘24.1 In case there is any violation of conditions cited in 11.1, 11.2 and 12.1, Government may suo motto or on basis of complaints take cognisance and place the matter before the **Inter-ministerial Committees on Programme and Advertising Codes**⁵⁸ for recommending appropriate penalties. On the recommendation of the Committee a decision to impose penalties shall be taken. However, before the imposition of a penalty the Permission Holder shall be given an opportunity to represent its case. The Ministry shall however be at liberty to specify any other mechanism to take action for such violations.’*

3.84 Further, Section 5(e) of the existing CRS guidelines provides the following:

‘The Permission Holder shall have to adhere to the provisions of the Programme and Advertising Code as prescribed by Prasar Bharati for Akashwani.’

⁵⁸ Sub-rule (ii) of rule 19 of the Cable Television Networks (Amendment) Rules, 2021 empowers the Central Government to establish an Inter-Departmental Committee (IDC) for hearing grievances or complaints. The Rules provide inter-alia that in order to ensure observance and adherence to Programme Code and Advertising Code by the broadcaster and to address the grievance or complaint, there shall be a three-level structure (complaint redressal structure). The IDC has been constituted through MIB Order 14th July 2021, detailing the periodicity of meeting, complaints to be addressed and recommendations to be made to the Central Government. The Committee shall also deal with violations of the Programme Code and Advertising Code on all other platforms as DTH and private FM radio channels.

[Source: <https://mib.gov.in/sites/default/files/2024-05/order-of-constitution-of-idc.pdf>]

3.85 Provisions 6(a) and 6(b) of the guidelines for setting up CRS provides penalty for violation of Codes as prescribed by Prasar Bharati for All India Radio. Provisions 6(a) and 6(b) are reproduced below:

‘a) In case there is any violation of conditions cited in 5(a) to 5(i), Government may suo-moto or on basis of complaints take cognisance and place the matter before the Inter-Ministerial Committees on Programme and Advertising Codes for recommending appropriate penalties. On the recommendation of the Committee a decision to impose penalties shall be taken. However, before the imposition of a penalty the Permission Holder shall be given an opportunity to represent its case.

b) The penalty shall comprise of:

- (i) Temporary suspension of Permission for operating the CRS for a period up to one month in the case of the first violation.*
- (ii) Temporary suspension of Permission for operating the CRS for a period up to three months in the case of the second violation depending on the gravity of violation.’*

3.86 In view of above, it is observed that the private FM radio broadcasters and CRS permission holders are required to adhere to the Programme Code and Advertising Code as laid down by Prasar Bharati for All India Radio.

3.87 In this regard, the Authority is of the view that it would be more prudent that a standard Programme Code and Advertisement Code for Radio services is laid down by the Central Government and All India radio, private FM operators and CRS are mandated to comply with the same. Accordingly, it is recommended that Central Government should also prescribe Programme Code and Advertisement Code for radio broadcasting, in line with the Programme Code and Advertisement Code prescribed under CTN

Rules for television broadcasting. The Programme Code and Advertisement Code so prescribed shall be made applicable to all radio broadcasters and CRS including All India Radio/Akashwani.

3.88 An illustrative Programme Code and Advertisement Code on the basis of extant Codes of Prasar Bharati is annexed as **Annexure-1E**. The Central Government should notify the Programme Code and Advertisement Code for Radio Broadcasting Services, which shall be applicable for private radio channels, CRS and AIR/Akashwani.

3.89 The detailed terms and conditions are provided under the head 'Contravention of Rules/Violation of Programme Code and Advertisement Code' in **Part-I of Annexure-III**.

3.90 For violation of Programme Code and Advertisement Code, the Authority recommends that:

- a) **The violation of Programme Code and Advertisement Code by the authorised entity of 'Television Channel Broadcasting Services' and 'Television Channel Distribution Services' shall be governed by the relevant provisions contained in the Cable Television Networks (Regulation) Act, 1995 and the Rules made thereunder.**
- b) **The Central Government should notify separate Programme Code and Advertisement Code for Radio Broadcasting Services. The said Programme Code and Advertisement Code should also be made applicable to All India Radio. The violation of Programme Code and Advertisement Code should be governed as per provisions in these Codes.**
- c) **The authorised entity of the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services shall also adhere to any other**

Orders/Directions/Advisories/Instructions issued by the Central Government from time to time.

B. Television Channel Broadcasting Services

B1. Harmonization of terms and conditions among Television Channel Broadcasting Services

- 3.91 MIB reference dated 25th July 2024 has sought recommendations on harmonisation of terms and conditions across various licenses/permissions/registrations in the broadcasting sector including difference in regulatory fees viz., license fee, entry fee, bank guarantee among service providers providing similar set of services.
- 3.92 The Consultation Paper dated 30th October 2024 highlighted the issue in respect of harmonisation of terms and conditions across various broadcasting services. The Consultation Paper presented period of permission, applicable fees, minimum net worth, security deposit etc. for uplinking and downlinking of television channels as provided in **Table 3.3** and **Table 3.4** below.

Table 3.3: Period of Permission of Television Channel Broadcasting/Teleport/News Agency (as per Uplinking Downlinking Guidelines of 2022)

Categories	Initial Period (in years)	Renewal Period (in years)	Renewal Fee (in Rs)
Television Channel Broadcasting	10	10	10,000

Categories	Initial Period (in years)	Renewal Period (in years)	Renewal Fee (in Rs)
Teleport	10	10	10,000
News Agency	5 FYs	5	10,000

Table 3.4: Applicable Fees, Net worth, PBG and Security Deposit for Television Channel Broadcasting/Teleport/News Agency (as per Uplinking Downlinking Guidelines of 2022)

Broadcaster/ Teleport	Processing Fee (in Rs.)	Minimum Net Worth (in Rs.)	PBG (in Rs.)	Processing fee for Renewal (in Rs.)	Annual Permission Fee (in Rs.)	Security Deposit (in Rs.)
Uplinking of News and Current Affairs Channel	10,000 per channel	1 st channel: 20 cr. Additional channel :5 cr.	2 cr./ channel	10,000 per channel	2 lakh/ channel	4 lakh/cha nnel
Uplinking of Non-News and Current Affairs Channel	10,000 per channel	1 st channel: 5 cr. Additional channel: 2.5 cr.	1 cr./ channel	10,000 per channel	2 lakh/ channel	4 lakh/per channel
Downlinking of News and Current Affairs Channel	10,000 per channel	1 st channel: 20 cr. Additional channel :5 cr.	Not Prescribed	10,000 per channel	From India-5 lakh/ channel	From India- 10 lakh/ channel
					From Outside India-15 lakh/ channel	From Outside India- 30 lakh/ channel
Downlinking of Non-News and Current Affairs Channel	10,000 per channel	1 st channel: 5 cr. Additional channel: 2.5 cr.	Not Prescribed	10,000 per channel	From India-5 lakh/ channel	From India- 10 lakh/ channel
					From Outside India-15 lakh/ channel	From Outside India- 30 lakh/ channel

Broadcaster/ Teleport	Processing Fee (in Rs.)	Minimum Net Worth (in Rs.)	PBG (in Rs.)	Processing fee for Renewal (in Rs.)	Annual Permission Fee (in Rs.)	Security Deposit (in Rs.)
Teleport	10,000 per teleport	1 st channel: 3 cr. Additional channel: 1 cr.	25 lakh/ teleport	10,000 per teleport	2 lakh/ teleport	4 lakh/ teleport
News Agency	10,000	Not Prescribed	Not Prescribed	10,000	Not Prescribed	Not Prescribed
DSNG/SNG	10,000	Not Prescribed	10 lakh/ van	Not Prescribed	Not Prescribed	Not Prescribed

3.93 In addition to the above, there are certain other fees specified in the extant uplinking/downlinking guidelines, 2022, as per the following:

- (1) Processing Fee for Change of Category/Satellite/Teleport for television channel: Rs 10,000
- (2) Processing Fee for Change of name/logo of television channel: Rs 1 lakh
- (3) One-time registration fee for downlinking television channels uplinked from other countries: Rs 10 lakh
- (4) Annual Permission Fee for uplinking of a foreign channel from Indian Teleport: Rs 2 lakh/channel
- (5) Security Deposit for uplinking of a foreign channel from Indian Teleport: Rs 4 lakh/channel
- (6) Fees for Live telecast of an event by a non-news channel
 - a. For National Channel: Rs. 1 lakh per channel per day
 - b. For Regional Channel: Rs. 50,000 per channel per day

3.94 To harmonise various financial conditions, viz. minimum net worth requirement, applicable fee structure, security deposit and performance bank guarantee for Television Channel Broadcasting Services (mentioned as Television Programming Services in the Consultation Paper), the Authority raised following questions for seeking comments of the stakeholders.

Q10. Whether any changes are required in the extant eligibility conditions in respect of minimum net worth for inclusion in the Rules to be made under the Telecommunications Act, 2023 for the following service authorisations?

- i. News & Current Affairs Television Channel*
- ii. Non-news & Current Affairs Television Channel*
- iii. Teleport/ Teleport Hub*

Stakeholders are requested to provide their comments with detailed justification.

Q11. Whether any changes are required in the extant processing fee (for new authorisation/renewal), annual authorisation fee (erstwhile annual permission fee) and other fees applicable on the following for the formulation of the terms and conditions of the authorisation for these services?

- i. Uplinking of a Television Channel*
- ii. Downlinking of a Television Channel*
- iii. News Agency for Television Channel(s)*
- iv. Teleport/ Teleport Hub*
- v. Any other services related to Television Channels*

Stakeholders are requested to provide their comments with detailed justification.

Q12. Whether any changes are required in the extant security deposit and performance bank guarantee applicable on the following for the formulation of the terms and conditions of the authorisation for these services?

- i. Uplinking of a Television Channel*
- ii. Downlinking of a Television Channel*
- iii. Teleport/ Teleport Hub*
- iv. Purchase/hiring and use of SCG equipment*

Stakeholders are requested to provide their comments with detailed justification.

Broad Summary of Comments of the stakeholders on Q10, Q11 and Q12

- 3.95 In response to Q10, most of the stakeholders agreed with the extant minimum net worth requirement prescribed in the Consultation Paper and submitted that the extant net worth prescribed in the policy guidelines should continue.
- 3.96 In contrast, another set of stakeholders commented against the continuance of extant net worth requirement, wherein they opined that:
- (1) High net worth is not required for service authorisations when other financial provisions like annual fees, performance bank guarantee, etc., exists.
 - (2) High net worth leads to complex regulatory processes that can delay approvals and operationalization of new teleports.
 - (3) High net worth requirements can exclude smaller players and startups from entering the market, which limits competition and innovation.
- 3.97 In response to Q11 and Q12 regarding extant fees, performance bank guarantee and security deposit, many stakeholders agreed with the financial conditions contained in the Consultation Paper.

The summary of rationale submitted by the stakeholders are as under:

- (1) The charges prescribed in extant policy guidelines should continue.
- (2) The processing fee prescribed in the extant policy guidelines is Rs. 10,000. Further, considering the fact that frequency of payment is not annual, no changes may be prescribed for processing fee.

3.98 Contrarily, some stakeholders submitted that there is a need to rationalize various fees, bank guarantee and security deposit to reduce financial burden on the sector. The summary of rationale submitted by the stakeholders are as under:

- (1) There should not be any need for payment of annual authorisation fees (annual permission fee) and it should be just charged one-time during the renewal of the permission in order to enable ease of doing business.
- (2) The requirement for a bank guarantee should be done away with as less onerous financial obligations would certainly help the industry grow. If such securities are released, it will free up the working capital flow for the service providers and remove the infructuous payment of charges and generate value for the Teleport operators.

3.99 Further, few stakeholders had a different view. They submitted that spectrum for all broadcasting services should be assigned through an auction process to promote transparency and prevent discrimination in spectrum allocation. The stakeholders also added that until spectrum assignments are conducted through auctions, the regulatory framework should mandate recovery of spectrum

prices benchmarked at market determined rates. Therefore, all such service providers, like teleport etc., must pay market price of spectrum to account for the cost of the spectrum they utilize in their services as, 1) Upfront payment benchmarked with market price, 2) License Fee/Authorisation Fee, 3) Spectrum Usage Charges (SUC), as aligned with the other licenses.

Analysis of the issues and views of the Authority

3.100 Television Channel Broadcasting Services are capital-intensive business. Substantial investment and operating expenses are required for production of programs, uplinking and downlinking of television channels, network establishment, marketing & distribution of television channels and other establishment charges. Further the cost structure for news and non-news channels vary significantly. It also requires continuous technological upgradation and capability to face competition from within and outside India.

3.101 **Net worth:** For sustainable growth of this sector, it is necessary that only companies having sound financial standing are permitted to enter in the broadcasting services business. In this context, net worth of the applicant entity is an important parameter for gauging the financial capabilities of the entity. Although there is no cap on the number of channels that can be permitted, it is necessary that the players have a sound financial standing to continue and sustain in the business. Also, non-serious players should be discouraged from entering the business to ensure that the required resources are available to the genuine players. Additionally, broadcasting deals with dissemination of information to people, which should not fall in the hands of non-serious players.

- 3.102 The current limits of net worth have been recently revised by MIB in 2022. The minimum net worth for News & Current Affairs Television Channel is fixed at Rs. 20 crore whereas for Non-News & Current Affairs Television Channel, it is fixed at Rs. 5 crore. Similarly, for teleport service, Rs. 3 crore net worth threshold is aligned with the capital-intensive nature of teleport infrastructure.
- 3.103 The Authority has noted the submissions of the stakeholders that very high net worth requirement would limit entry of players. However, the Authority is of the view that these financial thresholds serve as a robust filter to ensure that only financially sound and stable entities are allowed to enter the broadcasting ecosystem. Further, on the issue of minimum net worth requirement, the Authority is of the opinion that the current thresholds prescribed for News and Current Affairs Television Channels, Non-News and Current Affairs Television Channels and Teleport/Teleport Hub have been recently revised by MIB and should be continued. Apropos, it is recommended that the extant minimum net worth requirement should be adopted in the authorisation regime.
- 3.104 **Processing Fee:** As per existing policy guidelines for uplinking and downlinking of television channels, a non-refundable processing fee of Rs. 10,000 is required to be paid by the applicant entity along with the application for permission of a television channel/teleport. As discussed in TRAI's recommendations on 'Issues relating to Uplinking and Downlinking of Television Channels in India' dated 25th June 2018, the processing fee is charged to cover costs involved in processing the application including checking of eligibility criteria, verification of documents and basic administrative costs.
- 3.105 Therefore, the Authority is of the view that the amount of processing fee of Rs. 10,000 charged from the applicant entity as prescribed in

the existing uplinking and downlinking guidelines is appropriate and should be continued. Additionally, the processing fee for change of name/logo of a television channel currently prescribed as Rs. 1 lakh may also be continued in the authorisation framework.

- 3.106 **Annual Authorisation Fee:** The clause 33(2) of the extant policy guidelines related to uplinking of television channels from India are reproduced below:

‘33. Television channels for viewing only in foreign Countries —

...

(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.’

- 3.107 The existing permission fee for uplinking and teleport have been kept lower as compared to the downlinking of television channels. This is likely to encourage the broadcasters to use Indian resources (both the transponders and the uplinking facilities). TRAI in its recommendations on ‘Inputs for formulation of National Broadcasting Policy-2024⁵⁹’ had emphasized that the abovementioned clause aims to ease out restrictions of uplinking with an objective to make India an uplinking hub for television channels. Therefore, the Authority is of view that the annual permission fees (to be renamed as annual authorisation fee) should

⁵⁹ https://traigov.in/sites/default/files/2024-09/Recommendations_20062024.pdf

be continued at the same level in the authorisation framework as prescribed in the existing guidelines of 2022.

3.108 **Security Deposit and Performance Bank Guarantee:** With respect to the extant provisions for Security Deposit and Performance Bank Guarantee (PBG), the Authority is of the view that the prescribed amounts provide a functional mechanism to protect regulatory interests while maintaining financial feasibility for broadcasters. Apropos, the Authority recommends continuing the quantum of security deposit and Performance Bank Guarantee in the authorisation regime as prescribed in the extant policy guidelines.

3.109 Further, the financial parameters for ‘Ground-based Broadcasting of a Television Channel’ have been adopted from the recommendations on ‘Regulatory framework for Ground-based Broadcasters’ issued on 15th January 2025. The financial parameters for ‘Ground-based Broadcasting of a Television Channel’ are provided in **Table 3.5** below.

Table 3.5: Financial parameters for Ground-based Broadcasting of a Television Channel

Category	Processing Fee (in Rs.)	Minimum Net Worth (in Rs.)	PGB (in Rs.)	Renewal Fees (in Rs.)	Annual Authorisation Fee (in Rs.)	Security Deposit (in Rs.)
News and Current Affairs	10,000 per channel	1 st Channel: 20 cr. Additional Channel: 5 cr.	2 cr. per channel	10,000 per channel	7 lakh per channel	14 lakh
Non-News and Current Affairs		1 st Channel: 5 cr. Additional Channel: 2.5 cr.	2 cr. per channel			

3.110 Accordingly, **the Authority recommends that:**

- (1) The financial conditions covering Processing Fee, minimum Net worth requirement, Authorisation Fee (erstwhile annual permission fee), Security Deposit, Performance Bank Guarantee and other applicable fees to be adopted in the following manner:**
 - a. The applicable fees and guarantees for ‘Uplinking of a Television Channel’, ‘Downlinking of a Television Channel’ and ‘Uplinking and Downlinking of a Television Channel’ under the authorisation of ‘Television Channel Broadcasting’ should be continued at the same level as prescribed in the extant Uplinking and Downlinking guidelines of television channels, 2022.**
 - b. The applicable fees and guarantees for ‘Ground-based Broadcasting of a Television Channel’ under the authorisation of ‘Television Channel Broadcasting’ should be as recommended in the recommendations on ‘Regulatory framework for Ground-based Broadcasters’ issued on 15th January 2025.**
 - c. The applicable fees and guarantees for the authorisations of ‘News Agency for Television Channel(s)’, ‘Teleport/Teleport Hub’ and ‘Uplinking of Live event/news/footage by Foreign Channel/ News Agency’, should be continued at the same level as prescribed in the extant Uplinking and Downlinking Guidelines of Television Channels, 2022.**
- (2) The detailed provisions for Validity period, Processing Fee, Authorisation Fee, Performance Bank Guarantee and Security Deposit for the authorisations under ‘Television**

Channel Broadcasting Services, as applicable, are tabulated in Schedule-II of Annexure-II and should be notified as Rules for ‘The Broadcasting (Grant of Service Authorisations)’.

- (3) The provisions for renewal of authorisation as provided in Part-I of Annexure-III should be included in the terms and conditions to be notified as Rules for ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services’.**

B2. Specific Terms and Conditions for ‘Television Channel Broadcasting Services’

3.111 The Consultation Paper provided the draft specific terms and conditions for services like uplinking of a television channel, downlinking of a television channel, news agency for television channel(s), teleport/teleport hub, etc. Accordingly, the following question was raised to seek comments of the stakeholders:

Q13. A preliminary draft of terms and conditions for inclusion in the second set of Rules for The Broadcasting (Television Programming) Services is annexed as Part-II of Annexure-III for consultation. Stakeholders are requested to furnish their comments in the specified format given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

S. No.	Description	Terms and Conditions No.	Proposed changes, if any	Reasons with detailed justification
Satellite-based Broadcasting of a Television Channel				
i.	Uplinking of a Television Channel			
1.	Operational Status			
2.	Special conditions for uplinking a satellite television channel			
3.	Transfer of authorisation of a TV channel			
4.	Renewal of Authorisations			
5.	Purchase/ hiring and use of SCG equipment			
6.	Live Telecast			
ii.	Downlinking of a Television Channel			
1.	Operational Status			
2.	Special conditions for downlinking a TV channel			
3.	Renewal of Authorisation			
4.	Transfer of authorisation of a TV channel			
iii.	Uplinking and Downlinking of a Television Channel			
All the terms and conditions of uplinking of TV channel and downlinking of a Television Channel shall be applicable here				
Ground-based Broadcasting of a Television Channel				
To be framed, once a policy decision is taken by the Government, in this regard.				
News Agency for television channel(s)				
1.	Special conditions for News Agency for Television Channel			
2.	Renewal of Authorisation			
Teleport/Teleport Hub				
1.	Operational Status			
2.	Special Conditions			
3.	Renewal of Authorisation			

4.	<i>Transfer of authorisation of a Teleport/ Teleport Hub</i>			
5.	<i>Purchase/ hiring and use of SCG equipment</i>			
Coverage of Live Event by Foreign Channel				
1.	<i>Terms and Conditions</i>			
Other services related to Broadcasting (Television Programming) Services				
1.	<i>Purchase/ hiring and use of SCG equipment</i>			
2.	<i>Live telecast by a news and current affairs channel</i>			
3.	<i>Live telecast of an event by a non-news and current affairs channel</i>			
4.	<i>Change of name and logo of a TV channel</i>			
5.	<i>Change of satellite/ teleport</i>			
6.	<i>Intimation of change of language/mode of transmission, etc.</i>			
7.	<i>Change of category of a TV channel</i>			
8.	<i>Change in operational status</i>			

Broad Summary of Comments of the stakeholders on Q13

3.112 Majority of the stakeholders have agreed to the terms and conditions provided in the Consultation Paper.

3.113 The summary of comments of stakeholders regarding draft specific terms and conditions for services is as under:

- (1) All the conditions forming part of extant 'Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022' should be adequately covered in the authorisation framework.
- (2) Ease of doing business should be enabled.

- (3) All processes should be integrated into an online single-window system with time-bound clearances;
- (4) Remove the need for prior approvals for key appointments and equity changes;
- (5) Permit infrastructure sharing among DTH, teleport and telecom operators;
- (6) NOCC approvals should be required only for carriers, not individual channels.

Analysis of the issue and views of the Authority

3.114 The specific terms and conditions applicable to ‘Television Channel Broadcasting Services’ have been adopted *mutatis mutandis* from the extant guidelines for uplinking and downlinking of television channels in India, 2022 and TRAI recommendations on ‘Regulatory framework for Ground-based Broadcasters’ issued on 15th January 2025.

3.115 The authorisation for **Television Channel Broadcasting** provides the right to broadcast a television channel either through satellite-based medium or ground-based medium⁶⁰ or both.

3.116 TRAI issued its Recommendations on ‘Regulatory framework for Ground-based Broadcasters’ issued on 15th January 2025, and recommended the following:

‘In line with the Authority’s recommendation on ‘Regulatory Framework for Platform Services’ dated 19th November 2014 the

⁶⁰ The recommendations related to Ground-based Broadcasting contained in TRAI’s recommendations for ‘Regulatory framework for Ground-based Broadcasters’ dated 15th January 2025 are reiterated in this recommendation.

Authority reiterates that a regulatory framework for Ground-based Broadcasters (GBBs) should be established. The framework for Ground-based Broadcasters shall be similar to the framework contained in the ‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022’ for traditional satellite-based broadcasters, to the extent applicable to the ground-based broadcast model, duly excluding the provisions related to satellite communication medium. Thus,

- Authorization from IN-SPACe and frequency assignment from WPC wing of Department of Telecommunications, Ministry of Communication shall not apply for Ground-based Broadcasters.*
- However, Ground-based Broadcasters shall be subject to all other clearances and approvals such as clearance by the Ministry of Home Affairs, and wherever considered necessary, by other authorities.’*

3.117 In line with the TRAI’s above mentioned recommendations, the Authority is of the view that ‘Ground-based Broadcasting’ should be included as a new service under the authorisation of ‘Television Channel Broadcasting’.

3.118 As stated above, Terms and Conditions of ‘Ground-based Broadcasting of a Television Channel’ have been adopted *mutatis mutandis* from the TRAI’s recommendations on ‘Regulatory framework for Ground-based Broadcasters’ and suitably amalgamated in terms and conditions for both set of Rules, i.e., ‘The Broadcasting (Grant of Service Authorisations)’ and ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services’.

3.119 The specific terms and conditions under the service authorisation for **‘Television Channel Broadcasting’** for the services of

‘Uplinking of a Television Channel’, ‘Downlinking of a television channel’ and **‘Uplinking and downlinking of a television Channel’** have been presented under the common head of **‘satellite-based broadcasting’**. The specific terms and conditions prescribe the service specific provisions required for provisioning of such services. These terms and conditions have been adopted *mutatis mutandis* from the extant policy guidelines. Further, the specific terms and conditions under the service authorisation for **‘Television Channel Broadcasting’** for **‘Ground-based broadcasting of a television channel’** prescribe the service specific provisions required for provisioning of such service. The specific terms and conditions for the various services under the authorisation of **‘Television Channel Broadcasting’** are given in **Section 1 of Part-II of Annexure-III**.

3.120 The specific terms and conditions for the service authorisations of **‘News Agency for Television Channel(s)’, Teleport/Teleport Hub’ and ‘Uplinking of Live event/new/footage by Foreign Channel/ News Agency’** are given in **Section 1 of Part-II of Annexure-III**. The specific terms and conditions prescribe the authorisation specific provisions required for provisioning of such services. These terms and conditions have been adopted *mutatis mutandis* from the extant policy guidelines.

3.121 Moreover, there are certain other **Approvals/Intimations** which may be required by an authorised entity while providing Television Channel Broadcasting Services both for satellite-based broadcasting and ground-based broadcasting services. These approvals/intimations include the following:

- (1) Approval for purchase/hiring and use of DSNG equipment
- (2) Approval for change of name and logo of a television channel
- (3) Approval for change of satellite/teleport

- (4) Approval for change of category of a Television channel
- (5) Intimation for live telecast by a satellite-based/ground-based ‘news and current affairs channel’
- (6) Intimation for live uplinking of an event by a ‘non-news and current affairs channel’
- (7) Intimation for change of language/mode of transmission etc.
- (8) Intimation for change in operational status

3.122 Relevant provisions regarding the above-mentioned approvals/intimations have been adopted *mutatis mutandis* and duly incorporated in the terms and conditions of such approvals/intimations and given in **Section 1.5: Other related Approvals/Intimations** in **Part-II** of **Annexure-III**.

3.123 Accordingly, **the Authority recommends that the ‘Specific Terms and Conditions’ contained in Section 1 of Part-II of Annexure-III, applicable to respective service authorisations under ‘Television Channel Broadcasting Services’ should be adopted while framing ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’.**

C. Television Channel Distribution Services

C1. Harmonization of terms and conditions among Television Channel Distribution Services

3.124 As mentioned earlier, MIB reference dated 25th July 2024 has sought recommendations on harmonisation of terms and conditions across various licenses/permissions/registrations in the broadcasting sector including difference in regulatory fees viz., license fee, entry fee, bank guarantee among service providers providing similar set of services.

3.125 Accordingly, the Consultation Paper discussed the requirements for harmonisation of regulatory fee structure across DTH and HITS services. The existing fee structure for various television channel distribution services, including IPTV service and cable television service is provided in **Table 3.6** below.

Table 3.6: Comparison of extant fees and validity period among distributors of television channel

Parameters	DTH	HITS	IPTV	MSO	Cable/ LCO
Processing Fee	Not prescribed	1 lakh	Not prescribed	1 lakh	Rs. 5000 ⁶¹ as registration fee
Renewal Fee	Not prescribed	Not prescribed	As per their respective authorisation/registration	1 lakh	Rs. 5000
Entry Fee	10 cr.	10 cr.		Not prescribed	Not prescribed
Net worth	Not prescribed	10 cr.		Not prescribed	Not prescribed
License Fee	8% of AGR ⁶²	Not prescribed		NIL	NIL
Bank Guarantee	5 cr. Initial, thereafter LF of 2 qtrs	40 cr. valid for 3 years		Not prescribed	Not prescribed

⁶¹ https://mib.gov.in/sites/default/files/2025-01/notification-s.o-65-e-dated-17.01.2025_1.pdf

⁶² Adjusted Gross Revenue (AGR) = Gross Revenue (GR) excluding GST

Parameters	DTH	HITS	IPTV	MSO	Cable/ LCO
Validity Period (in years)	20	10	As per their respective	10	5
Renewal Period (in years)	10	Not specified	authorisation/registration	10	5

3.126 To harmonise the fee structure of television channel distribution services, the Authority sought comments of the stakeholders. For harmonization of net worth requirement for DTH and HITS service, the following question was put forward in the Consultation Paper:

Q14. Whether the extant eligibility requirement in respect of minimum net worth is required to be harmonized under the terms and conditions of authorisation for DTH and HITS services?

a. If yes, what should be the quantum of minimum net worth for these services?

b. If no, reasons thereof.

Stakeholders are requested to provide their comments along with detailed justification.

Broad Summary of Comments of the stakeholders on Q14

3.127 The stakeholders had a varied opinion. Majority of the stakeholders agreed with the proposal of harmonization of net worth requirement, others commented against the idea.

3.128 The summary of stakeholders in agreement with the provisions of Consultation Paper regarding harmonisation of minimum net worth requirement are as under:

- (1) The minimum net worth requirement should be harmonized for DTH and HITS service. The required net worth for HITS service should be reduced to Rs. 5 crore and the same should be prescribed for DTH service promoting new entrants.
- (2) The minimum net worth requirement for DTH and HITS services should be removed as both DTH and HITS require significant capital investments. DTH service providers are demonstrating sufficient financial stability through mechanisms such as annual license fees, bank guarantees and entry fees.

3.129 Conversely, another set of stakeholders submitted that HITS operator do not have the ongoing financial obligation of paying an annual license or furnishing yearly bank guarantee. Net worth requirement of Rs. 10 crore for HITS operators guarantees they have the financial resources to support the infrastructure and operational demands of their business. Given these considerations, the stakeholders proposed that harmonization of net worth requirement for DTH and HITS operators is not required. Whereas there is a clear need to harmonize the license fee for both types of distributors ensuring level playing field.

3.130 Further, few stakeholders, from a completely different perspective, suggested that the minimum net worth requirement for DTH service providers should be Rs. 100 crore to maintain integrity and reliability of the DTH service. This will ensure that only financially capable entities enter the market, thereby reducing the risk of service disruptions caused by undercapitalized operators. Some stakeholders suggested for introducing a minimum net worth of Rs. 10 crore for DTH service to harmonize with the existing standards for HITS operators. This would ensure a more balanced and

equitable regulatory environment while safeguarding service reliability and consumer interests.

- 3.131 Regarding harmonization of other conditions i.e., validity period and financial parameters such as processing fee, entry fee, authorisation fee, bank guarantee and renewal fee, the Authority raised the following question for seeking comments of the stakeholders.

Q15. Whether the following parameters applicable for DTH and HITS services should be reviewed while framing the terms and conditions of authorisation for these services? If yes, please suggest changes required, if any, on the following aspects, with detailed justifications:

- a. Period of authorisation (erstwhile license/ permission)*
- b. Processing Fee*
- c. Entry Fee*
- d. Authorisation Fee (erstwhile License Fee)*
- e. Bank Guarantee*
- f. Renewal Fee*

Broad Summary of Comments of the stakeholders on Q15

- 3.132 The stakeholders submitted varied response. Some stakeholders proposed the following:

- (1) Validity Period: 20 years
- (2) Renewal Period: 10 years
- (3) Renewal Fee: No Renewal Fee
- (4) Processing Fee: Rs. 15,000
- (5) Entry Fee: Rs. 1 Crore
- (6) Bank Guarantee: Rs. 1 Crore
- (7) Authorisation Fee: Lower for DTH service to 1% of AGR for the next three years and then reduce to zero thereafter

3.133 Some other stakeholders with respect to Validity Period, License Fee/Authorisation Fee, Bank Guarantee and Renewal Fee for DTH service submitted the following:

- (1) The validity for DTH authorisation should be 20 years.
- (2) The annual bank guarantee requirement should be brought down and fixed at 5 crore per year.
- (3) No renewal fee should be imposed for renewing DTH License/Authorisation.

3.134 Additionally, some stakeholders further added that the provision of license fee should be done away with for DTH players or should be uniformly imposed on MSOs, LCOs, Prasar Bharti and OTT platforms.

3.135 A summary of the comments given by some stakeholders opposing reduction and eventual elimination of license fee (or authorisation fee) for DTH service is given below:

- (1) DTH service providers enjoy significant advantage by utilizing administratively assigned spectrum, bypassing substantial capital investments and operational challenges faced by other service providers like Cable TV, IPTV and those delivering content over fixed-line or mobile networks.
- (2) DTH operators currently pay a nominal fee for spectrum usage compared to its actual market value. In contrast, providers offering IPTV or content over mobile and fixed networks incur significant costs to acquire spectrum through auction and invest in terrestrial infrastructure. Proposing a license fee waiver for DTH, despite their reliance on free spectrum, would deepen the disparity in spectrum cost recovery and undermine the principle of 'Equality before Law' enshrined in Article 14 of the Constitution.

- (3) DTH service relies on Fixed Satellite Service spectrum in Ku band, a valuable resource with immense commercial potential. Reducing or waiving license fee would result in revenue loss, removing even this partial compensation for use of scarce national resource, undermining Government's ability to recover costs associated with spectrum.

3.136 Few stakeholders limited their views on DTH service and accordingly provided following comments:

- (1) Validity Period: No need to review or change the 20 year authorisation period as it provides long-term stability for DTH operators, which is crucial in an industry with high upfront costs and need for continuous technology upgrades.
- (2) Processing Fee: No change
- (3) Entry Fee: Should be continued to discourage non-serious participants.
- (4) Authorisation Fee: License fee for DTH services should be done away in its entirety. Firstly, by reducing DTH license fee from 8% to 3% immediately and then to zero by FY 2026-27. GR, ApGR and AGR for DTH licensees to be defined on the same lines as prescribed by Cabinet for telecom sector.
- (5) Bank Guarantee: BG should be done away with.
- (6) Renewal Fee: No requirement of renewal fee.
- (7) The clause for simple interest @ 1% per month on the difference for the period of delay as provided in the DTH guidelines should be removed as DTH industry is already under heavy financial burden due to License Fee payment.

3.137 Another set of stakeholders emphasised the need to rationalise levies and bank guarantee for DTH sector, highlighting the following reasons:

- (1) No license fee is being paid by cable and HITS operators, despite providing same set of services to the same market. To bring in parity with the cable distribution services, the DTH services may also be exempted from paying of license fee.
- (2) The imposition of license fee on DTH operators for part of the revenue earned by the broadcasters (being in the nature of pass-through) is not correct and needs immediate correction.
- (3) There is an urgent need to review definition of revenue for DTH service, rationalization of levies and the bank guarantees, in order to reduce the financial burden on the sector.

3.138 Countering above submission, few stakeholders submitted the following:

- (1) DTH operators are not only ones liable to pay license fee; IPTV services, fixed and mobile service providers also pay license fee.
- (2) Mobile service providers pay market-determined prices for spectrum and spectrum usage charges, whereas DTH operators are assigned spectrum administratively. Meanwhile, terrestrial service providers like cable, IPTV and mobile networks invest heavily in network infrastructure.
- (3) DTH license fee reduces regulatory arbitrage arising from the free spectrum assigned to DTH. Waiving or reducing this fee would lead to significant revenue losses for the Government, given the commercial potential of the Ku-band spectrum.

- (4) Financial obligations, such as license fees, should be determined by the underlying infrastructure used, whether terrestrial wireline networks or spectrum allocated by the Government. Consequently, wireline and wireless services should not be directly compared, nor should DTH be compared with OTT services, as DTH benefits from spectrum assignment.
- (5) Broadcasters receiving revenue from DTH service providers are not liable to pay license fee. Therefore, there is no instance of a double levy on consumer revenue, rendering the concept of pass-through inapplicable in the case of DTH.
- (6) Channel charges are DTH revenues and broadcasters cannot be made to pay license fee.

Analysis of the issues and views of the Authority

3.139 The Authority after examining the comments of the stakeholders is of the view that uniform and equitable financial conditions such as application processing fee, entry fee, bank guarantee, license fee etc., play a pivotal role in shaping the competitive environment.

3.140 It has been observed that most of the terms and conditions of DTH and HITS service are similar. However, there are variations in the financial parameters such as minimum net worth requirement, processing fee, entry fee, bank guarantee, annual/license fee, etc. The Authority is of the view that harmonization of these financial parameters is necessary. Therefore, careful consideration and analysis are required to set these conditions at same levels to promote healthy competition, incentivize long-term investments and ensure financial stability of the sector.

3.141 **Processing Fee:** Presently, processing fee is not prescribed for DTH service, while for HITS service, it is Rs. 1 lakh. As brought out in earlier discussions, the processing fee is charged to cover costs involved in processing the application including checking the eligibility criteria, verification of documents and basic administrative costs. The Authority is of the view that standardizing the processing fee for both DTH and HITS services at Rs. 10,000 in line with Television Channel Broadcasting Services would be appropriate and justifiable.

3.142 **Entry Fee:** The entry fee prescribed for both DTH service and HITS service in the extant guidelines is Rs. 10 crore. The Authority is of the view that Rs. 10 crore entry fee is a substantial amount that demonstrates an applicant's financial capability and seriousness to enter a business. Apropos, the Authority is of the view that the same entry fee should be continued in the authorisation framework.

3.143 **Authorisation Fee (erstwhile License/Annual Fee):**

(1) DTH Service: DTH operational guidelines dated 16th September 2022 states the following in respect of license fee:

'(i) The Licensee shall pay an annual fee equivalent to 8% of its Adjusted Gross Revenue, calculated by excluding GST from Gross Revenue (GR) as reflected in the audited accounts of the Company for that particular financial year.

(ii) The minimum annual license fee shall be subject to 10% of the Entry Fee'

(2) HITS Service: HITS guidelines mentioned no annual fee for HITS service as provided under:

'4.2 No annual fee will be required to be paid.'

3.144 It is evident from the above-mentioned provisions that disparity exists in the license/annual fee for DTH service and HITS service.

3.145 Some of the stakeholders submitted their comments in disagreement with the harmonization of authorisation fee (erstwhile license fee) and bank guarantee of DTH service and HITS service. However, it is pertinent to recall that the Authority deliberated these issues in its recommendations on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023, on the review of license fee for DTH service. The said recommendations are under consideration of the Government.

3.146 For DTH Service, the Authority reiterates its recommendations on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023 for authorisation fee and bank guarantee for adoption in the authorisation regime under the Telecommunications Act, 2023. For HITS Service, the Authority is of the view that the extant provision in respect of annual fee should be continued in the authorisation framework. Therefore, 'NIL' annual authorisation fee, as at present, is being adopted.

3.147 Some stakeholders submitted the simple interest @ 1% per month on the difference for the period of delay for payment of License Fee for DTH service should be removed. However, this submission of the stakeholders is irrational and accordingly cannot be acceded to. Hence, the Authority is of the view that the interest provision should be retained *mutatis mutandis*.

3.148 **Bank Guarantee (BG):**

(1) DTH Service: As per the extant DTH policy guidelines, an applicant is required to furnish a BG from a Scheduled Bank to

MIB. Initially, the BG of an amount equal to Rs. 5 crore and subsequently, an amount equivalent to the estimated license fee for two quarters or Rs 5 crore whichever is higher is required to be submitted.

(2) HITS Service: As per the extant HITS policy guidelines, an applicant is required to furnish a BG of Rs. 40 crore, valid for a period of three years, within one month of the issuance of SACFA clearance by WPC to MIB. The BG is returned after three years.

3.149 The recommendations of Authority on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023, provides for rationalisation of the bank guarantee for DTH service.

3.150 Bank Guarantee is a useful instrument to safeguard the interests of the Central Government. Therefore, for any kind of violation of terms and conditions of authorisation, the Government may consider to recover such dues from the bank guarantee furnished by the service providers.

3.151 The bank guarantee furnished by service providers of DTH service and HITS service also serves as a security in the situation when an entity fails to operationalise its service in the time period stipulated by the Central Government in its roll out obligations. It is pertinent to mention here that the bank guarantee prescribed herein serves as both performance bank guarantee and financial bank guarantee.

3.152 The roll out obligations for DTH service as prescribed in the extant guidelines stipulate that the DTH licensee shall have to establish and complete the installation of the uplink earth station in India including the monitoring facility etc., and commission the DTH platform within twelve months from the date of issue of the SACFA

clearance by WPC after obtaining WOL and would have to submit a report to the Licensor in this regard.

3.153 Further the roll out obligation for HITS service as prescribed in the extant guidelines stipulate that the permission holder shall have to establish and complete the installation of the uplink earth station in India including the monitoring facility etc., and commission the HITS platform and would have to submit a report to the Central Government, similar to the DTH service. However, the treatment of Bank Guarantee and the timelines for the roll-out is different.

3.154 As a part of roll out obligations, the HITS permission holder is required to commence uplinking/downlinking operations within one year from the date of issuance of SACFA clearance after obtaining WOL.

(1) If the HITS operator does not start the service within two years from the date of issuance of SACFA clearance, the entire Bank Guarantee is forfeited, and action for revocation of the permission is considered.

(2) If the roll out obligations are fulfilled within one year of SACFA clearance, the full Bank Guarantee is refunded.

(3) However, if the roll-out obligation is met after one year but within two years, half of the Bank Guarantee is refunded.

3.155 The Authority is of the view that the bank guarantee for HITS service is very high and the roll out obligations are complex. Considering the similarity in technical setup of DTH and HITS platform, it is appropriate that the roll out obligations and associated bank guarantees of the two services are harmonised.

3.156 Further, the Telecommunications Act, 2023 introduces a system of graded civil penalties, specifying that for breaches categorized as 'severe', a civil penalty of up to Rs. 5 crore may be imposed on the authorised entity. Hence, based on the above discussions, the Authority is of the view that the bank guarantee and roll out obligation for DTH service and HITS service should be harmonized and prescribed as under:

- (1) Bank Guarantee for DTH Service: Rs. 5 crore or 20% of (the Authorisation Fee for two quarters and other dues not otherwise securitized), whichever is higher.
- (2) Bank Guarantee for HITS Service: Rs. 5 crore for entire duration of authorisation.
- (3) Roll out obligation to be one year for both DTH service and HITS service.

3.157 **Net worth:** Another financial parameter that the Authority considers to be harmonized is minimum net worth requirement for DTH service and HITS service. Since DTH and HITS services are capital intensive businesses, the upfront net worth requirement is essential to ensure entry of financially capable players who can meet roll out obligations and ensure continuity of quality services.

3.158 As per extant policy guidelines, a net worth requirement of Rs. 10 crore is prescribed for an entity to provide HITS service, whereas there is no such net worth requirement for DTH service. Considering the capital-intensive nature of DTH service, the Authority is of the view that an entity to provide DTH service, should meet a minimum net worth requirement of Rs. 10 crore, in line with the HITS service.

3.159 **Validity period and Renewal period:** The validity period for DTH service is 20 years, with renewal of 10 years at a time. In contrast, HITS service is granted permission for 10 years, with no provision of renewal. To address this inconsistency, the Authority is of the view that the validity period for HITS service should also be made 20 years with a provision of renewal for 10 years at a time, to harmonise it with DTH service. Further, renewal fee may be prescribed as Rs. 10,000, equivalent to the processing fee for both the services.

3.160 **Table 3.8** below summarizes the existing financial parameters and validity period and recommended parameters for DTH service and HITS service authorisations.

Table 3.8: Financial parameters and validity period in respect of DTH service and HITS service

Parameters	As per extant guidelines	Recommended for authorisation framework	Remarks
Processing Fee (in Rs.)	DTH: Not prescribed	10,000	Harmonized
	HITS: 1 lakh		
Entry Fee (in Rs.)	DTH: 10 crore	10 crore	Retained
	HITS: 10 crore		
Net worth (in Rs.)	DTH: Not prescribed	10 crore	Harmonized
	HITS: 10 cr.		
Authorisation Fee	DTH: 8% of AGR	DTH: 3% of AGR; to be brought down to zero after the end of FY 2026-2027	Would be harmonised if accepted by the Government
	HITS: NIL	HITS: NIL	

Bank Guarantee (in Rs.)	DTH: 5 cr. Initial, thereafter License Fee of 2 quarter.	5 crore or (20% of Authorisation Fee for two quarters), whichever is higher.	Harmonized
	HITS: 40 crore, valid for 3 years	5 crore for the validity of authorisation	
Validity Period (in years)	DTH: 20	20	Harmonized
	HITS: 10		
Renewal Period (in years)	DTH: 10	10	Harmonized
	HITS: Not prescribed		
Renewal Fee (in Rs.)	DTH: Not prescribed	10,000	Harmonized
	HITS: Not prescribed		

3.161 In this background, **the Authority recommends that the fees and charges for DTH service and HITS service should be harmonised and prescribed in the following manner.**

- (1) **Validity Period and Renewal Period:** The authorisation for DTH service and HITS service should be valid for a period of 20 years from the effective date of authorisation and may be renewed by 10 years at a time.
- (2) **Processing Fee and Renewal Fee:** The processing fee and renewal fee for DTH service and HITS service should be Rs. 10,000.
- (3) **Minimum Net worth requirement:** The minimum Net worth requirement for DTH service and HITS service should be Rs. 10 crore.

- (4) **Entry Fee:** A one-time non-refundable Entry Fee for DTH service and HITS service should be Rs. 10 crore.
- (5) **Authorisation Fee:** The quantum and manner of payment of 'Authorisation Fee (erstwhile License Fee)' for DTH service should be adopted as recommended in TRAI Recommendations on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023. For HITS Service, it should be continued as 'NIL'.
- (6) **Bank Guarantee:**
- a. For DTH Service, the quantum and manner of furnishing Bank Guarantee should be adopted as recommended in TRAI Recommendations on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023.
 - b. For HITS service, a Bank Guarantee of Rs. 5 crore, valid for the entire validity of the authorisation should be prescribed.
- (7) **Roll out Obligations:** The Roll out Obligations should be made uniform for DTH and HITS services and the authorised entity shall be required to commission its respective services within one year from the date of issue of SACFA clearance as prescribed in Schedule-III of Annexure-III. In case the Roll out Obligations is not met within one year, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.

C2. Specific Terms and Conditions for ‘Television Channel Distribution Services’

3.162 The Consultation Paper has raised Q16 and Q17 with respect to the specific terms and conditions for the authorisation of DTH service and HITS service and the terms and conditions of IPTV service respectively.

Q16. A preliminary draft of terms and conditions for inclusion in the second set of Rules for the Broadcasting (Television Distribution) Services in respect of Distribution Services (DTH/ HITS), is annexed as Part-III of Annexure-III for consultation. Stakeholders are requested to render their comments in the format specified in the table given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

S.No.	Description	Terms and Conditions No.	Proposed changes, if any	Reasons with detailed justification
DTH Services				
1.	Authorisation Fee			
2.	Bank Guarantee			
3.	Vertically Integrated Entity: Reserving of operational channel carrying capacity			
4.	Non Transferable			
5.	Platform Service Channels			
6.	Sharing of Infrastructure by DTH operators			
7.	Prohibition of certain activities			

8.	<i>Technical Standards and Other Obligations</i>			
9.	<i>Mandatory sharing/ carrying of broadcast certain signals with Prasar Bharati</i>			
10.	<i>Value Added Services (VAS)</i>			
11.	<i>Miscellaneous</i>			
HITS Services				
1.	<i>Mandatory sharing/ carrying of broadcast certain signals with Prasar Bharati</i>			
2.	<i>Technical Standards and Other Obligations</i>			
3.	<i>Sharing of Infrastructure by HITS operator</i>			
4.	<i>Value Added Services (VAS)</i>			
5.	<i>Prohibition of Certain Activities</i>			
6.	<i>Miscellaneous</i>			

Q17. The extant IPTV guidelines dated 08.09.2008 may be required to be amended to align with the provisions of the Telecommunications Act, 2023. A preliminary draft of terms and conditions for providing IPTV Services is annexed as Part-III of Annexure-III for consultation. Stakeholders are requested to provide their comments including addition/ modification/ deletion required, if any, with detailed justification.

Broad Summary of Comments of the stakeholders on Q16 and Q17

3.163 In response to Q16, most of the stakeholders agreed with the draft terms and conditions provided in the Consultation Paper (CP).

3.164 Many stakeholders have provided their comments specific to DTH service. The summary of comments of the stakeholders are as follows:

- (1) **Platform Service (PS) Channels:** A cap of 5% on PS channels should be removed. Stakeholders submitted that DPOs should have discretion over PS channel content, as they understand their subscriber preferences.
- (2) **Sharing of Infrastructure by DTH operators:** Infrastructure sharing should extend beyond cable and broadband services. Stakeholders submitted that cross-industry infrastructure sharing, such as between IPTV and DTH platforms, presents the opportunity to maximize resource utilization and drive efficiencies across sectors and hence should be allowed.
- (3) **Prohibition of certain activities:** Certain change in the explanation as proposed by stakeholders is provided below:

Draft Terms and Conditions in CP	Changes proposed by the stakeholders
Explanation: <i>It shall be the sole responsibility of the authorised entity to ascertain before carrying the signals on its platform whether any broadcaster(s) has been found</i>	Explanation: <i>It shall be the sole responsibility of The authorised entity shall make all reasonable efforts to ascertain before carrying the signals on its platform whether any</i>

<i>to be in violation of the above conditions or not.</i>	<i>broadcaster(s) has been found to be in violation of the above conditions or not.</i>
...	...

The stakeholders also submitted that distributors depend on the content/information provided by broadcasters and should not be held liable for actions beyond their control. While distributors may be required to make reasonable efforts to verify compliance, placing the entire responsibility on them could result in undue liability and operational difficulties.

- (4) **Technical Standards and Others:** Mandating interoperability of set top boxes (STBs) across all operators. Reduces vendor locking and promotes consumer freedom to switch operators without incurring additional costs.

3.165 Few stakeholders have provided their comments specific to HITS service. The summary of comments of the stakeholders are as follows:

- (1) **Sharing of Infrastructure by HITS operators:** Incentivize infrastructure sharing through reduced operational fees or tax benefits. This will lower the costs for operators, thereby facilitating them to pass on the savings to consumers in the form of lower subscription charges.
- (2) **Prohibition of certain activities:** Clearly specify prohibited activities, including exclusive agreements that limit content access for competitors.
- (3) **Technical Standards and Others:** Include interoperability requirements for receiving devices and compatibility with emerging technologies like 4K.

3.166 In response to Q17, majority of stakeholders agreed with the terms and conditions of IPTV services provided in the CP.

3.167 The summary of the comments submitted by the stakeholders are as under:

- (1) Modify the licensing framework to introduce a unified license covering IPTV under the Telecommunications Act. Simplifies compliance for service providers, ensures alignment with other telecom services, and promotes innovation.
- (2) Add provisions to ensure IPTV services are regulated in a technology-neutral manner. Promotes fair competition among traditional broadcasting, OTT, and IPTV services, ensuring consumer choice and affordability.
- (3) TRAI's recommendation for a license fee waiver on fixed-line services, including broadband internet and IPTV services, should be considered by the Government.
- (4) Mandate interoperability for IPTV enabled devices to allow consumers to switch providers without additional hardware. This will prevent vendor locking, enhance consumer flexibility and reduce e-waste.
- (5) Align content regulation with the Programme Code and Advertising Code applicable to traditional broadcasting. This will ensure a level playing field among content providers and will protect the exposure of consumers from harmful or misleading content.
- (6) The revised guidelines should align IPTV services with the broader regulatory framework of the Telecommunications Act to reduce redundancies and promote consistency across communication services.

Analysis of the issues and views of the Authority

3.168 The specific terms and conditions for Television Channel Distribution Services is divided into two parts:

- (1) Specific terms and conditions for DTH service and HITS service authorisation.
- (2) Terms and conditions for provisioning of IPTV service.

i. **Specific terms and conditions for DTH Service and HITS Service Authorisation**

3.169 The specific terms and conditions for the authorisations of DTH Service and HITS Service under Television Channel Distribution Services to be contained in the second set of Rules. These terms and conditions specify the various provisions required to be adhered to by the authorised entities of DTH service and HITS service to provide services to the users.

3.170 The specific terms and conditions are covered under following heads:

- (1) Prohibition of certain activities
- (2) Value Added Services
- (3) Vertically Integrated Entity
- (4) Platform Service Channels for DTH Service
- (5) Sharing of Infrastructure
- (6) Mandatory sharing of Sports Broadcasting Signals with Prasar Bharati
- (7) Compulsory transmission of certain channels
- (8) Interoperability of Set Top Box
- (9) Miscellaneous

Prohibition of certain activities

3.171 The extant guidelines of DTH service and HITS service restricts a licensee/permission holder from carrying out certain activities prohibited by the Central Government. These provisions have been adopted *mutatis mutandis* in the authorisation framework. The detailed terms and conditions on '**Prohibition of certain activities**' is contained in **Section 2.1 of Part-II of Annexure-III**.

Value Added Services

3.172 The existing policy guidelines for DTH service and HITS service contained the provisions for providing value added services. The terms and conditions for value added services for DTH Service and HITS Service have been added *mutatis mutandis*. The detailed terms and conditions on '**Value Added Services**' is contained in **Section 2.1 of Part-II of Annexure-III**.

Vertically Integrated Entity: Reserving of Operational Channel Capacity:

3.173 Amendment to the DTH guidelines in year 2020, provided the following with respect to vertical integration:

'A vertically integrated entity will not reserve more than 15% of the operational channel capacity for its vertically integrated operator. The rest of the capacity is to be offered to the other broadcasters on a non-discriminatory basis.'

3.174 This provision was based on the TRAI's recommendations on 'Issues related to New DTH Licenses' issued on 23rd July 2014⁶³, wherein

⁶³ https://www.trai.gov.in/sites/default/files/2024-09/DTH-Reco%28New-Licensing-Regime%29-uploaded_0.pdf

the Authority was of the view that allowing the vertical integration of a broadcaster with a DPO is to develop and expand the digital distribution network for television channels was one of the main objectives. In order to ensure that a sizable portion of the channel carrying capacity of the distribution network remains available for distribution of television channels of competing broadcasters, it is necessary to restrict the self-utilization of the available capacity by a vertically integrated broadcaster(s). It can be either in terms of absolute number of channels or a percentage of the total channel carrying capacity of the distribution network. The Authority was of the view that the second option is better suited as the broadcaster needs to expand the capacity of the distribution network if it intends to expand its own operations. Accordingly, the following was recommended restrictions on vertically integrated entities:

‘A vertically integrated DPO will have to declare the channel carrying capacity of its distribution network. And, at any given point in time, it shall not reserve more than 15% of this capacity for its vertically integrated broadcaster(s). The rest of the capacity is to be offered to the other broadcasters on a non-discriminatory basis.’

3.175 And vertical integration has been defined as *‘Vertical integration means a common entity, which can be a Broadcaster itself or a stakeholder having “control” over the Broadcaster, “controls” a DPO in the same relevant market and vice versa.’*

3.176 However, it may be noted that restrictions on vertical integrations are not prescribed in the extant policy guidelines of HITS service and IPTV service. Further, it is not prescribed for MSOs in CTN Act and the Rules made thereunder. Hence, for parity among the distribution service providers, the Authority is of the view that the reservation on the channel carrying capacity of a DSP for its vertically integrated broadcaster(s) should be extended to HITS

service, IPTV service and MSOs as well or any other any distribution service provider notified by the Central Government.

3.177 In addition, it may also be noted that the cap of 15% as the restriction on vertical integration were recommended way back in the year 2014 by TRAI. Considering the prevailing business environment and the lapse of 10+ years since then, there may be a need to review this 15% cap. Therefore, MIB may examine and consider reviewing the 15% cap or seek TRAI recommendations, if considered necessary.

3.178 Accordingly, this provision is adopted *mutatis-mutandis* for DTH service as well as for HITS service and IPTV service. In line with this approach, the terms and conditions on '**Vertically Integrated Entity: Reserving of Operational Channel Capacity**' is contained in **Section 2.1 of Part-II of Annexure-III**.

3.179 In view of above, **the Authority recommends the following:**

- (1) The restriction on reserving 15% of the channel carrying capacity for its vertical integrated broadcaster(s) currently applicable on DTH service should be extended to HITS service and IPTV service.**
- (2) The Central Government may consider extension of the said restriction on vertical integration to be extended to MSO(s) and any other distribution service provider appropriately.**
- (3) The Central Government may review and revise the cap of 15% restriction on channel carrying capacity, in view of prevailing market conditions, or may seek TRAI recommendations, if considered necessary.**

Platform Service Channels for DTH Service

- 3.180 The operational guidelines for DTH services, 2022, *inter alia* stipulated for the provisioning of platform service channels, based on TRAI recommendations on 'Platform Services offered by DTH Operators⁶⁴' issued on 13th November 2019. The Authority is of the view that various provisions on platform service channels as contained in extant guidelines are sufficient and do not require any modifications. Hence these provisions have been adopted *mutatis-mutandis* in the terms and conditions.
- 3.181 Further, few stakeholders commented to remove the cap of 5 % on PS channels for DTH service. However, the Authority is of the view that the cap on PS not more than 5% of total channel carrying capacity of the DTH service provider should not be removed and continued in the authorisation framework so as to limit the broadcasting activities of the distribution players without holding authorisation for 'Television Channel Broadcasting'.
- 3.182 Additionally, platform services offered on DTH platform must comply with the Programme Code and Advertisement Code as provided in CTN Act and rules made thereunder. The detailed terms and conditions on '**Platform Service Channels for DTH Service**' is contained in **Section 2.1 of Part-II of Annexure-III**.

Sharing of Infrastructure

- 3.183 Sharing of Infrastructure enhances availability and optimizes the utilization of resources. It involves joint use of resources by multiple users, leading to savings in Capital Expenditure (CAPEX) and Operational Expenditure (OPEX) among the service providers, which

⁶⁴ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_13112019.pdf

in turn brings down the price of the services to the subscribers. In addition, it also lowers the entry barriers for new service providers.

3.184 Based on TRAI's recommendations on 'Sharing of Infrastructure in Television Broadcasting Distribution Sector' issued on 29th March 2017⁶⁵, MIB has amended the following guidelines, through which infrastructure sharing has been allowed:

- (1) Sharing of infrastructure by HITS operator with other HITS operators and MSOs have been allowed through MIB Order dated 6th November 2020⁶⁶ amending the 'HITS Guidelines for Broadcasting Service in India dated 26.11.2009'.
- (2) Sharing of infrastructure among DTH operators has been allowed vide MIB Order dated 30th December 2020⁶⁷ amending the 'Guidelines for obtaining License for providing DTH Broadcasting Services in India.
- (3) Sharing of infrastructure by MSO with another MSO has been allowed vide MIB Order dated 29th December 2021⁶⁸ on the subject 'Guidelines for sharing of infrastructure by Multi System Operators'.

3.185 Further, TRAI in its recommendations on 'Telecommunication Infrastructure Sharing, Spectrum Sharing and Spectrum Leasing' issued on 24th April 2024⁶⁹, has *inter alia* recommended infrastructure sharing with all types of telecommunication services. The said recommendation is reproduced as under:

⁶⁵ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_broadcasting_29_03_2017_0.pdf

⁶⁶ <https://mib.gov.in/sites/default/files/2024-12/amendment-in-hits-guidelines-compressed.pdf>

⁶⁷ <https://mib.gov.in/sites/default/files/2024-12/amendment-in-guidelines-for-obtaining-license-for-providing-dth-broadcasting-services-in-india.pdf>

⁶⁸ <https://mib.gov.in/sites/default/files/2024-02/Guidelines%20for%20sharing%20of%20infrastructure%20by%20Multi%20System%20Operators.pdf>

⁶⁹ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_24042024_0.pdf

‘The Authority recommends that-

(a) Telecommunication service licensees should be allowed to share the passive infrastructure such as building, tower, electrical equipment including battery and power plant, dark fiber, duct space, Right of Way, etc. owned, established, and operated by them under the respective licenses with all types of telecommunication service licensees.

(b) Telecommunication service licensees should be allowed to share all types of active infrastructure elements owned, established, and operated by them under respective licenses with all types of telecommunication service licensees as per the scope of their services.

...’

3.186 In view of the abovementioned recommendations, the enabling provision of infrastructure sharing for the telecom industry presents a precedence to draw parallels, wherein the infrastructure-sharing has been instrumental in realising economies of scale for the telecom sector. Liberal policies for infrastructure-sharing will reduce the capital and operational expenses for entities thereby enhancing their viability.

3.187 Further, TRAI in its recommendations on ‘Inputs for formulation of National Broadcasting Policy-2024’ issued on 20th June 2024⁷⁰, the Authority recommended the following strategy in achieving the goal ‘Simplifying and digitizing permission process and adoption of growth-oriented rules and regulatory practices’:

‘Enabling infrastructure sharing of broadcasting equipment and transport streams among the service providers of the broadcasting

⁷⁰ https://www.trai.gov.in/sites/default/files/2024-09/Recommendations_20062024.pdf

and cable television sector and also leveraging the infrastructure of telecom service providers for provision of broadcasting services.'

3.188 Also, MIB has introduced amendments to the Cable Television Network Rules, 1994 on 28th September 2023⁷¹, which included a provision facilitating sharing of infrastructure between cable operators and broadband service providers, to realise the twin benefits of enhanced internet penetration and efficient utilisation of resources.

3.189 Apropos, the Authority is of the view that liberal policies may be adopted for infrastructure sharing. Accordingly, an enabling provision on infrastructure sharing, on voluntary basis among the service providers of various broadcasting services may be prescribed in the Rules, such that wherever, technically and commercially feasible, infrastructure sharing between broadcasting service providers and telecom service providers/infrastructure providers/any other service provider, may also be permitted. In line with this approach, the terms and conditions on '**Sharing of Infrastructure**' is provided in '**Common Terms and Conditions**' in **Part-I of Annexure-III**.

3.190 In view of above, **the Authority recommends that sharing of infrastructure, on voluntary basis among broadcasting service providers, telecom service providers, infrastructure providers or any other service providers wherever technically and commercially feasible, should be allowed.**

⁷¹ <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1961604>

Mandatory sharing of Sports Broadcasting Signals with Prasar Bharati and Compulsory transmission of certain channels

3.191 Section 3(1) of the ‘Sports Broadcasting Signals (Mandatory sharing with Prasar Bharati) Act, 2007’⁷² provides:

‘3. Mandatory sharing of certain sports broadcasting signals.—(1) No content rights owner or holder and no television or radio broadcasting service provider shall carry a live television broadcast on any cable or Direct-to-Home network or radio commentary broadcast in India of sporting events of national importance, unless it simultaneously shares the live broadcasting signal, without its advertisements, with the Prasar Bharati to enable them to re-transmit the same on its terrestrial networks and Direct-to-Home networks in such manner and on such terms and conditions as may be specified.’

3.192 The contention of few stakeholders regarding removal of the requirement of mandatory sharing of sports broadcasting signals with Prasar Bharati cannot be acceded to, as it is a part of law. Therefore, the Authority is of the opinion that the authorised entities shall be required to continue compliance with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 in the authorisation regime.

3.193 Additionally, CTN Act provides that:

‘Compulsory transmission of certain channels.— (1) The Central Government may, by notification in the Official Gazette, specify the names of Doordarshan channels or the channels operated by or on behalf of Parliament, to be mandatorily carried by the cable operators

⁷² <https://www.indiacode.nic.in/bitstream/123456789/2076/1/A2007-11.pdf>

in their cable service and the manner of reception and re-transmission of such channels:
...’

- 3.194 The provisions of mandatory sharing of sports broadcasting signals with Prasar Bharati and compulsory transmission of channels has been adopted *mutatis mutandis* for DTH service and HITS service. The detailed terms and conditions on ‘**Mandatory sharing of Sports Broadcasting Signals with Prasar Bharati**’ and ‘**Compulsory transmission of certain channels**’ are contained in **Section 2.1 of Part-II of Annexure-III**.

Interoperability of Set Top Boxes (STB)

- 3.195 Interoperability of STBs allows consumers to switch between different service providers without the need to purchase new STB. Non-interoperability restricts consumer choice. Consumers who intend to change the service provider will require to pay for the new STB. This additional cost deters consumers from opting for any change. Such obligation of additional cost often leaves consumers to continue with their current service provider, infringing upon their freedom of choice.
- 3.196 Further, due to non-interoperability, many STBs are deactivated. These deactivated STBs cannot be used to receive services from other operators, and they lead to generation of humungous e-waste. According to the Global E-waste Monitor 2024⁷³, India generated about 4100 billion kg of e-waste in 2022 and ranked second among the Asian countries after China in e-waste generation.

⁷³ https://ewastemonitor.info/wp-content/uploads/2024/03/GEM_2024_18-03_web_page_per_page_web.pdf

3.197 The Authority vide its recommendations on 'Interoperability of Set-Top Box' issued on 10th April 2020⁷⁴ has recommended:

'All the Set-Top-Boxes in India must support technical interoperability in principle, i.e. every STB provided to a consumer must be interoperable.'

3.198 Further, in TRAI's recommendations on 'Listing of television channels in Electronic Programme Guide and Upgradation of DD Free Dish platform to an Addressable System' issued on 8th July 2024⁷⁵, the Authority while recommending Prasar Bharati to go for encrypted signal transmission, has also recommended Prasar Bharati as well as other Distribution Platform Operators to adopt interoperable STBs. The said recommendation is reproduced below:

'The Authority recommends that Prasar Bharati should adopt interoperable STBs for 'DD Free Dish' for transitioning the entire ecosystem from operator-based STBs to interoperable STBs to empower consumers' choice. MIB may also direct private Distribution Platform Operator (DPOs) to adopt and implement interoperable STBs.'

3.199 The Authority is of the view that the distributors of television channels while ensuring commercial interoperability, should endeavour to adopt technically interoperable STBs within their respective segment. Furthermore, interoperable STBs shall be required to comply with Indian/International Standards, or any other standards as and when established by the Standard Setting Organisations (SSO) and adopted by the Central Government. In this regard, the Central Government should designate Telecommunication Engineering Centre (TEC) to prepare and notify

⁷⁴ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_11042020.pdf

⁷⁵ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_08072024.pdf

standards for interoperable STBs as well as for television sets which facilitate interoperability with inbuilt STB functionality. The detailed terms and conditions on '**Interoperability of Set Top Boxes (STB)**' is contained in **Section 2.1 of Part-II of Annexure-III**.

- 3.200 In view of above, **the Authority recommends that authorised entities of 'Television Channel Distribution Services' should endeavour to adopt interoperable STBs to enhance consumer choice. The Central Government should designate TEC to prepare and notify standards for interoperable STBs, as well as for television sets facilitating interoperability with inbuilt STB functionality.**

Miscellaneous

- 3.201 **Preference to Indian Satellites:** As per the extant DTH guidelines, a licensee can use both Indian and foreign satellite, however Indian satellites will be given preference. The Authority is of the view that since HITS service also utilize satellite/space resource, therefore this provision should be extended to HITS service also. Further, as brought out in para 3.18, accordingly, authorised entities for DTH service and HITS service shall utilise satellite resources authorized by IN-SPACE, with preference given to Indian satellites. The detailed terms and conditions on '**Preference to Indian Satellites**' is contained under the head '**Miscellaneous**' in **Section 2.1 of Part-II of Annexure-III**.

ii. **Terms and conditions for provisioning of IPTV service**

3.202 The existing IPTV guidelines were issued by MIB in the year 2008, based on TRAI Recommendations on 'Provision of IPTV Services' issued on 28th November 2007. Given the technological advancements over the years, it is an opportune time to review the terms and conditions for providing IPTV service. As IPTV service can only be offered by entities already authorised/registered, hence only terms and conditions is being recommended for provisioning of IPTV service.

3.203 The extant IPTV guidelines contain various terms and conditions for providing IPTV service. These terms and conditions need to be revised for inclusion in '**The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules**' to be notified under the Telecommunications Act, 2023. The extant policy guidelines for IPTV service has been examined, reviewed and possible gaps are identified. Accordingly, the terms and conditions have been drafted addressing key issues highlighted by the stakeholders in their comments.

3.204 The terms and conditions to be included in the authorisation framework for provision of IPTV service contain the following:

- (1) Entities permitted to provision IPTV service
- (2) Applicable Regulatory Framework
- (3) Authorisation Fee
- (4) Provision of IPTV service
- (5) Cross-holding pattern
- (6) Vertical Integration
- (7) Sharing of Infrastructure

- (8) Mandatory sharing of Sports Broadcasting Signals with Prasar Bharati
- (9) Compulsory transmission of certain channels
- (10) Technical Conditions
- (11) Monitoring & Inspection
- (12) Supply Information to the Central Government/TRAI
- (13) Provisions for Public Emergency or Public Safety
- (14) Contraventions of Terms and Conditions of Act/Rules

Entities permitted to provision IPTV service

3.205 According to the extant IPTV guidelines, the following entities have been eligible to provide IPTV service:

- (1) Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service Licensees) having license to provide triple play services;
- (2) Internet Service Providers with net worth more than Rs. 100 crores and having permission to provide IPTV service;
- (3) Any other telecom service provider authorized by DoT, without requiring any further registration; and
- (4) Cable TV operators registered under CTN Act, 1995, without requiring any further registration.

3.206 Based on TRAI recommendations on 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' issued on 18th September 2024, the scope of service for Unified Services, Access Services and Internet Services have been recommended to provide IPTV service. Further, MSOs registered under CTN Act shall continue to provision IPTV service. The

Authority is of the view that the authorised entities as per the said recommendations and registered MSOs should continue to be permitted to provide IPTV service.

3.207 Further, the telecom licensees/cable operators, as per the extant guidelines are required to submit a self-certified declaration to MIB, DoT and TRAI before providing IPTV service. Since IPTV service is a broadcasting service, the Authority opines that authorised entities having Unified Services, Access Services or Internet Services authorisation/registered MSOs intending to provide IPTV service shall submit a self-declaration to MIB. MIB may after scrutinising the completeness of the self-declaration take the name of the entity on its records and share the details to DoT and TRAI for their records.

3.208 The Authority is also of the opinion that net worth requirement of Rs. 100 crore for Internet Services to provide IPTV service should be removed. The detailed analysis and recommendations for the same has been provided in para 3.223 to para 3.231.

Cross-holding Pattern

3.209 The extant policy guidelines of IPTV service did not contain provisions for cross-holding pattern. However, such provisions are in place for DTH service and HITS service. Further, as per TRAI recommendations on 'Issues related to New DTH Licenses' issued on 23rd July 2014:

'There should be uniformity in the policy on cross-holding/ "control" between broadcasters and Distribution Platform operators (DPOs), and amongst DPOs, in the broadcasting and distribution sectors'.

3.210 Further, no provisions exist on cross holding pattern in the extant policy guidelines of IPTV service. On one end, there are no restrictions on the cable operators/IPTV service providers while at the other extreme, there are cross-holding restrictions on the HITS service and DTH service. Therefore, there is a need to bring in policy uniformity on cross-holding/‘control’ restrictions across the broadcasters and the DSPs. This is essential to ensure orderly growth of the broadcasting and distribution sectors.

3.211 Hence, the Authority is of the view that cross holding restrictions for all services should have similar provisions. Apropos, it is recommended that terms and conditions prescribing cross-holding restrictions should be included in the terms and conditions for IPTV service.

Vertical Integration

3.212 The extant policy guidelines of IPTV service did not contain provisions on restrictions on reserving channel capacity for vertically integrated broadcaster. However, such provisions are in place for DTH service provider. Based on the discussion in para 3.177 and 3.178, the Authority is of the view that restrictions on reserving channel capacity for vertically integrated broadcaster should be made applicable for IPTV service.

Sharing of Infrastructure

3.213 The extant policy guidelines of IPTV service did not contain provisions for sharing of infrastructure. However, such provisions are in place for DTH service and HITS service. Based on the discussions vide para 3.185 to 3.190, the Authority is of the view that infrastructure sharing should be allowed in IPTV segment also. The relevant provisions for sharing of infrastructure with

telecommunication service providers, broadcasting service providers, infrastructure providers or any other service providers may be included in the terms and conditions for IPTV service.

Mandatory sharing of Sports Broadcasting Signals with Prasar Bharati

3.214 The extant policy guidelines of IPTV service did not contain provisions for mandatory sharing of sports broadcasting signals with Prasar Bharati. However, such provisions are in place for DTH service and HITS service. The Authority is of the view that all similarly placed services should have uniform provisions. Hence, it is recommended to include provision of mandatory sharing of sports broadcasting signals with Prasar Bharati in the terms and conditions of IPTV service.

3.215 The other recommended terms and conditions viz., Applicable Regulatory Framework, Authorisation Fee, Provision of IPTV service, Compulsory transmission of certain channels, Technical Conditions, Monitoring & Inspection, Supply of Information to the Central Government/TRAI, Provisions for Public Emergency or Public Safety and Contraventions of Terms and Conditions of Act/Rules have been adopted *mutatis mutandis* from the extant policy guidelines.

3.216 Further, MIB in the Background Note of its reference has made a mention for examining the disparity between license fee levied on ISPs vis-à-vis MSOs providing IPTV services. In this regard TRAI in its recent recommendations on 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023', issued on 18th September 2024⁷⁶

⁷⁶ https://www.trai.gov.in/sites/default/files/2024-11/Recommendation_18092024.pdf

The Authority reiterated the recommendations of Roadmap to Promote Broadband Connectivity and Enhanced Broadband Speed' issued on 31st August 2021⁷⁷ as under:

'In IP (Internet Protocol) world, Broadband, Voice, Video and Value-added services move together on fixed line connections. And, in the considered view of the Authority, in the prevailing market conditions, segregation of revenue earned from fixed-line connections into Broadband, Voice, Video and Value-added services categories indisputably is not feasible. Further, the growth of fixed-line broadband services in the country is directly linked to increase in availability of fixed-line connections. Therefore, the proposed incentives should be linked to the revenue earned from fixed-line connections provided to subscribers. It would pose fewer interpretation challenges.'

These recommendations are under consideration of Government.

3.217 In this regard, it is pertinent to mention here that the Authority in its recommendations⁷⁸ on 'Roadmap to Promote Broadband Connectivity and Enhanced Broadband Speed' issued on 31st August 2021, has *inter alia* recommended for exemption in license fee to increase fixed-line proliferation. This recommendation is under consideration of the Government and if approved will address the disparity.

3.218 In view of above, the Authority is of the view that the existing license fee on IPTV service being paid by Telecom/Internet Service providers may be continued without any change in the authorisation framework at this stage. The detailed terms and conditions for provision of IPTV is provided in **Section 2.2 of Part-II of Annexure-III.**

⁷⁷ https://www.trai.gov.in/sites/default/files/2024-09/Recommendations_31082021.pdf

⁷⁸ https://tra.gov.in/sites/default/files/2024-09/Recommendations_31082021.pdf

C3. Net worth requirement for Internet Services to provide IPTV service

3.219 The guidelines for provisioning of IPTV services issued by MIB dated 8th September 2008 provides that Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service Licensees) having license to provide triple play services and ISPs with net worth more than Rs. 100 crore and having permission from the licensor to provide IPTV or any other telecom service provider duly authorized by the Department of Telecom will be able to provide IPTV service under their licenses without requiring any further registration. Similarly, cable TV operators registered under Cable Television Network (Regulation) Act 1995 can provide IPTV services without requiring any further permission.

3.220 Since, the requirement for the net worth of Rs. 100 crore for ISPs is not prescribed in the latest Unified License (including ISP authorization) issued by DoT, the Authority raised the following question to seek comments of the stakeholders.

Q18. Is there a need to review the minimum net worth requirement of Rs. 100 crore for ISPs to provide IPTV services, while framing the terms and conditions for provision of IPTV services in the new authorisation regime and whether it should be aligned with the terms and conditions of authorisation of Internet Services by Department of Telecommunications? Please provide your comments with detailed justification.

Broad Summary of Comments of the stakeholders on Q18

3.221 In response to Q18, many stakeholders agreed for the removal of net worth requirement of Rs. 100 crore for ISPs to provide IPTV service. A summary of their arguments in support of their comments is placed below:

- (1) The requirement for the net worth of Rs. 100 crore for ISPs is no longer applicable in the Unified License of DoT, and ISPs are allowed to provide IPTV as per their scope, the same needs to be adopted by the MIB.
- (2) High net worth conditions create unnecessary entry barriers, hampers market competition and undermines the overall objective of promoting a dynamic, diverse and innovation-driven telecommunications sector.
- (3) The minimum net worth criterion, as currently specified, functions as a financial threshold that disproportionately affects smaller and emerging service providers. Such a gatekeeping mechanism stifles new entrants who may bring innovative solutions, diverse service offerings and price competition that ultimately benefit consumers.
- (4) Applying a net worth requirement to ISPs but not to cable operators creates an uneven competitive environment, placing ISPs at a distinct disadvantage.
- (5) The convergence of technologies has blurred the lines between traditional broadcasting and internet services. Modern IPTV services can be delivered over existing internet infrastructure without substantial additional investment. Therefore, a high net worth requirement may no longer be justified, and a

revised threshold would reflect the current technological landscape.

- (6) Lowering the minimum net worth requirement for ISPs to provide IPTV services, by aligning it with the DoT's authorization terms for internet services would democratize market access, encourage innovation, and better serve consumer interests by offering a wider array of content and service options.

3.222 On the other hand, few stakeholders commented against the removal of Rs. 100 crore net worth for ISPs to provide IPTV services. A summary of their arguments in support of their comments is placed below:

- (1) IPTV is a capital-intensive service that requires substantial investment in technology and network infrastructure. The net worth requirement serves as a filter to ensure that only those with sufficient financial capability to meet these demands should be allowed to provide services at the required standard.
- (2) Any entity providing IPTV services, regardless of its manner of provision, should be subject to same obligations - financial, commercial or otherwise. This will help maintain consistency in the regulatory framework and ensure a level playing field, preventing any entity in direct competition within the IPTV sector from being given an undue advantage.
- (3) Lowering the net worth requirement could reduce entry barriers, allowing less financially capable companies into the market, potentially leading to lower service quality, financial instability and disruption to the IPTV ecosystem.

- (4) By maintaining a higher threshold, it can be ensured that only well-capitalized, serious operators enter IPTV market, which is vital for ensuring service quality and protecting consumers. Therefore, the net worth requirement should be reviewed but not reduced, as it is crucial for the integrity and long-term sustainability of the IPTV sector.

Analysis of the issue and views of the Authority

3.223 The guidelines for provisioning of IPTV service issued by MIB on 8th September 2008⁷⁹ provided the following eligibility criteria:

‘Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service Licensees) having license to provide triple play services and ISPs with net worth more than Rs. 100 Crores and having permission from the licensor to provide IPTV or any other telecom service provider duly authorized by the Department of Telecom will be able to provide IPTV service under their licenses without requiring any further registration. Similarly cable TV operators registered under Cable Television Network (Regulation) Act 1995 (referred as Cable Act hereafter) can provide IPTV services without requiring any further permission.’

3.224 At that time, similar condition existed in the scope of licence for ‘Internet Service’ under the ‘Licence Agreement for Provision of Internet Services’⁸⁰ with DoT, which is reproduced as under:

‘Internet Access: Internet access means use of any device/technology/methodology to provide access to internet including IPTV and all content available without access restriction

⁷⁹ https://mib.gov.in/sites/default/files/2024-12/ilovepdf_merged_1.pdf

⁸⁰ <https://www.saras.gov.in/main/License%20Agreement/ISP.pdf>

on Internet including web hosting, webcolocation but it does not include service provider's configured Closed User Group Services (VPN). The content for IPTV shall be regulated as per law in force from time to time. Permission to provide IPTV services shall be granted on application by licensee provided the licensee has networth of Rs. 100 crore or more.'

3.225 The minimum net worth requirement of Rs. 100 crore contained in the 'IPTV Service Guidelines' issued by MIB on 8th September 2008 reflected the license conditions for Internet Services existing at that point of time.

3.226 However, the requirement of minimum net worth for Internet Service to provide IPTV services was not included in the subsequent License Agreement for Unified License⁸¹, notified in 2013. However, the scope of 'Internet Service' in the 'License Agreement for Unified License' continued to include providing IPTV along with internet access without provision for 100 cr net worth requirement.

3.227 Further, TRAI in its recommendations dated 18th September 2024⁸² on 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' has recommended the following scope for Internet Service authorisation:

'The Authorised Entity may provide Internet access service and Internet Protocol Television (IPTV)...'

3.228 TRAI in the same recommendations has also recommended:

'The Authority recommends that the Minimum equity and Minimum networth requirements for Internet Category A, B & C Service

⁸¹ <https://www.saras.gov.in/main/License%20Agreement/Unified%20Licence.pdf>

⁸² https://tra.gov.in/sites/default/files/2024-11/Recommendation_18092024.pdf

Authorisation and Internet (VNO) Category A, B & C Service Authorisation should remain unchanged at Nil.

3.229 In accordance with the existing license conditions and ibid TRAI recommendations, the Authority is of the view that no Net worth requirement should be prescribed for Internet Services providers to be eligible to provide IPTV service. This would not only create consistency with the Unified Service, Access Service, but also align with the existing provisions for cable television operators (or MSOs) registered under CTN Act, providing IPTV service.

3.230 Accordingly, the terms and conditions for IPTV Service should be modified as under:

*‘The entity either holding an authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for provision of Unified Services, Access Services and Internet Services, whose scope of service authorisation includes provisioning of IPTV service; or any other telecom service provider duly authorized by the Department of Telecom; or Cable Television operators registered under ‘The Cable Television Networks (Regulation) Act 1995 (referred as ‘CTN Act’ hereafter); can provide IPTV services. However, such entity shall be required to submit a self-declaration to the Central Government giving details of authorisation/registration under which IPTV service is proposed to be provided, the start date, the area being covered, and details of the network infrastructure etc., in the format prescribed in **Schedule-V** prior to commencement of IPTV services. The Central Government after verifying the credentials and completeness of submissions may take on record, such an applicant as an ‘IPTV service provider’ and intimate TRAI the credentials of verified ‘IPTV service provider’ taken on record accordingly.’*

3.231 In this background, the **Authority recommends that the minimum net worth requirement of Rs. 100 crore for the provision of Internet Protocol Television (IPTV) Service by an authorised entity of Internet Service (commonly referred to as Internet Service Provider) prescribed in the extant IPTV guidelines dated 8th September 2008 should be removed and aligned with the provisions contained in the authorisation for Internet Services. Accordingly, the terms and conditions prescribing the net worth requirement for IPTV Service should be modified as under:**

Excerpt of IPTV Guidelines dated 8th September 2008	Scope of Internet Service in the License Agreement for Unified License 2013⁸³	Excerpt of the terms and conditions recommended for provisioning of IPTV Service in Section 2.2 of Part-II of Annexure-III
<i>‘Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service Licensees) having license to provide triple play services and ISPs with net worth more than Rs. 100 Crores and having permission from the licensor to provide IPTV or any other telecom service provider duly authorized by the Department of Telecom will be able to provide</i>	<i>‘2. Scope of Internet Service: Scope of this Authorization covers the following: 2.1 (i) The Licensee may provide Internet access including IPTV...’</i>	<i>The entity either holding an authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for provision of Unified Services, Access Services and Internet Services, whose scope of service authorisation includes provisioning of IPTV service; or any other telecom service provider duly authorized by the Department of Telecom; or Cable Television operators registered under ‘The</i>

⁸³ TRAI in its recommendations on ‘the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023’ issued on 18th September 2024, recommended the following: *‘The Authority recommends that the Minimum equity and Minimum networth requirements for Internet Category A, B & C Service Authorisation and Internet (VNO) Category A, B & C Service Authorisation should remain unchanged at Nil.’*

[Source: https://www.trai.gov.in/sites/default/files/2024-11/Recommendation_18092024.pdf]

<p><i>IPTV service under their licenses without requiring any further registration. Similarly cable TV operators registered under Cable Television Network (Regulation) Act 1995 (referred as Cable Act hereafter) can provide IPTV services without requiring any further permission.'</i></p>		<p><i>Cable Television Networks (Regulation) Act 1995' (referred as 'CTN Act' hereafter); can provide IPTV services. However, such entity shall be required to submit a self-declaration to the Central Government giving details of authorisation/registration under which IPTV service is proposed to be provided, the start date, the area being covered, and details of the network infrastructure etc., in the format prescribed in Schedule-V prior to commencement of IPTV services. The Central Government after verifying the credentials and completeness of submissions may take on record, such an applicant as an 'IPTV service provider' and intimate TRAI the credentials of verified 'IPTV service provider' taken on record accordingly'.</i></p>
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3.232 With respect to the terms and conditions for Television Channel Distribution Service, **the Authority recommends that the 'Specific Terms and Conditions' contained in Section 2 of Part-II of Annexure-III, applicable to 'Television Channel Distribution Services' should be adopted while framing 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules'.**

D. Radio Broadcasting Services

D1. Delinking of frequency assignment and grant of service authorisation for Terrestrial Radio Service

- 3.233 At present MIB conducts auctions for FM radio channels in specified cities. Successful bidders are required to pay the auction determined price for operating FM radio channels for a period of 15 years and seek allocation of spectrum from WPC Wing of DoT. Subsequently, MIB signs a Grant of Permission Agreement (GOPA) with the successful bidder for operating FM radio channel for a validity of 15 years.
- 3.234 As per the extant 'Policy Guidelines on Expansion of FM Radio Broadcasting Services through Private Agencies (Phase-III)', an eligible applicant is required to meet specific eligibility conditions for participating in the e-auction of frequency assignment. These conditions include fulfilment of minimum net worth requirement for the class of city in which auction is scheduled, payment of processing fee, submission of Earnest Money Deposit (EMD), and other conditions.
- 3.235 Once the e-auction process is complete, the successful bidder is required to pay 25% of the successful bid amount as Bid Deposit within 5 calendar days and the remaining balance within 15 days of auction closure. Thereafter, the MIB issues a Letter of Intent (LoI) enabling the entity to obtain frequency allocation, SACFA clearance, enter into agreements with Prasar Bharati or any other provider of Land and Tower Infrastructure (LTI), and system integrator for creation of Common Transmission Infrastructure (CTI) wherever required. Subsequently the Ministry signs the Grant of Permission Agreement (GOPA) with the successful bidder, enabling the

permission holder to install radio station, obtain Wireless Operating License (WOL) and operationalize the channel within the prescribed period.

3.236 Once the successful bidder has been granted permission, the permission holder is also subject to financial obligations, including the payment of an annual fee to the Government and an annual royalty charge to the WPC wing for the spectrum allocated to it.

3.237 Thus, the GOPA (permission) and spectrum allocation are bundled in case of FM radio broadcasting, whereas in telecom service ecosystem, the license/authorisation is delinked with spectrum allocation, and these are dealt with separately.

3.238 At present MIB conducts auctions for FM radio channels in specified cities. Successful bidders are required to pay the auction determined price for operating FM radio channels for a period of 15 years and seek allocation of spectrum from WPC Wing of DoT. Subsequently, MIB grants permission agreement to successful bidder for operating FM radio channel for 15 years. For this permission, a FM radio broadcaster pays applicable annual fee to the Government. In addition, a FM radio broadcaster is required to pay an annual royalty charges of Rs 3,37,500 to WPC for the spectrum allocated to it. In a way, a FM radio broadcaster pays following charges for the spectrum allocated to it – (a) upfront auction determined price to MIB for grant of permission agreement, and (b) an annual royalty charge of Rs. 3,37,500 to WPC for the spectrum allocated to it. The levy of spectrum charges (including royalty charges for spectrum and license fee for radio equipment) from the users to whom radio frequency assignment is made through administrative process is governed by the Order dated 11th

December 2023⁸⁴ notified by WPC. Further, DoT vide its Order dated 21st June 2022⁸⁵ has done away with the Spectrum Usage Charges (SUC) for spectrum acquired through auctions held after 15.09.2021 in different access spectrum bands. However, SUC is continued to be levied for the spectrum allocated through auctions held earlier.

3.239 In this background, the following question was raised for the comments of the stakeholders.

Q19. In order to unbundle the authorisation from the spectrum allocation, the authorisation for providing FM Radio services is required to be obtained first, and thereafter an authorised entity is allowed to participate in the e-auction process for allocation of spectrum in a particular city. In such a scenario, stakeholders are requested to provide their comments with detailed justification on the following:

- a. Whether the scope of service for the FM radio service be made Pan-India instead of City to allow an authorised entity to participate in e-auction process of any City in India?*
- b. What should be the prescribed entry fee, processing fee requirement for obtaining such FM Radio broadcasting service authorisation?*
- c. What should be the minimum net-worth requirement for obtaining service authorisation for FM Radio broadcasting services?*

⁸⁴ <https://dot.gov.in/sites/default/files/Spectrum%20usage%20charges.pdf?download=1>

⁸⁵ https://dot.gov.in/sites/default/files/SUC%20Order_0.pdf?download=1

Broad Summary of Comments of the stakeholders on Q19

3.240 Most of the stakeholders agreed with the provisions contained in the Consultation Paper regarding unbundling the permission and spectrum allocation.

3.241 A summary of comments submitted by the stakeholders are as under:

- (1) The permission to provide radio service should be granted independently, allowing permission holder to later participate in the e-auction for spectrum allocation.
- (2) Unbundling the permission and spectrum allocation would be in line with the process followed in the telecom sector, where spectrum allocation was delinked from the grant of Unified License agreement, providing flexibility to the operators to bid for spectrum separately.

3.242 Few stakeholders submitted that there should be no additional fee levied, once the auction is done and a One Time Entry Fee is determined, which should be all inclusive. Annual WPC fee should be prescribed in advance for the period of authorisation, so that auction participants are aware of these costs and the auction process is kept transparent.

Analysis of the issue and views of the Authority

3.243 After analysing the comments of the stakeholders and merits of practice followed in telecom sector, the Authority is of the opinion that 'frequency (spectrum) assignment' should be unbundled from the 'grant of authorisation for terrestrial radio service' in the authorisation framework.

3.244 The unbundling of frequency assignment process from the grant of service authorisation would imply that an entity shall have an option of either first obtain the service authorisation and then participate in the process of frequency assignment or apply for the service authorisation within prescribed timeline after being a successful bidder, in accordance with the 'Draft Telecommunications (Assignment of Spectrum through Auction) Rules, 2025' issued on 31st January 2025⁸⁶. Further, to obtain the service authorisation, an entity shall be required to apply on the portal separately along with the payment of applicable processing fee.

3.245 According to the draft rules, the process of assignment of spectrum through auction is reproduced below:

'3. Process for auction of spectrum

- (1) The Central Government may, from time to time, identify the frequency bands that it intends to offer by means of auction.*
- (2) The auction shall be conducted in accordance with the provisions of the NIA published by the Central Government.*
- (3) The Central Government may conduct the auction by itself or appoint one or more agencies, on terms and conditions as may be determined by it from time to time, for conducting the auction.*
- (4) The reserve price for each auction shall be determined by the Central Government, based on consideration of relevant factors, including the recommendations of the Telecom Regulatory Authority of India.'*

3.246 An entity intending to provide Terrestrial Radio Service shall be entitled to participate in the process of frequency assignment for any

⁸⁶<https://dot.gov.in/sites/default/files/Draft%20Telecommunications%20Assignment%20of%20Spectrum%20through%20Auction%20Rules%2C%202025.pdf>

city where it intends to provide radio service. According to the above-mentioned draft rules, the assignment of spectrum through auction shall be in accordance with the provisions of the Notice Inviting Application (NIA) published by the Central Government. Further, a person seeking assignment of spectrum through auction shall be required to fulfil the eligibility criteria as specified in the NIA/Information Memorandum (IM) or any other guidelines/instructions.

3.247 The terms and conditions for assignment of frequency may contain process of frequency assignment, city wise minimum net worth requirement, Earnest Money Deposit, Reserve Price, Payment Methodology, roll out and other obligations, Blacklisting and Forfeitures etc. and any other relevant aspects (erstwhile part of Process of granting permission and Grant of Permission Agreement (GOPA) of the extant Policy guidelines of Phase-III FM Radio).

3.248 Further, Rule 4(3) and Rule 4(5) of the draft Rules provides the following:

‘...

(3) Each successful bidder shall:

(a) make the payment of spectrum charges as specified in the demand letter within the time period specified in such letter;

(b) in cases where such bidder does not hold an authorisation under section 3 of the Act, apply for such authorisation within seven days of receipt of the demand letter; and

...

(5) In the event a successful bidder does not apply for authorisation as specified under clause (b) of sub-rule (3), it shall forfeit the earnest money deposit made for its participation in the auction.

...’

3.249 The draft rules stipulates that an entity may participate in the auction process for assignment of spectrum even without holding an authorisation. However, in the event an entity succeeds in the auction process, it needs to apply for obtaining authorisation within seven days.

3.250 The draft rules once finalized by the Central Government shall also be applicable on Terrestrial Radio Service. Therefore, the submission of stakeholders to delink service authorisation from frequency assignment shall be addressed with the finalization of the rules for assignment of spectrum through auction.

Grant of Service Authorisations for Terrestrial Radio Service

3.251 To obtain the service authorisation, an entity shall be required to fulfil the stipulated eligibility conditions for grant of service authorisation including fulfilling the minimum net worth requirement and accordingly the entity is required to apply on the portal as specified by the Central Government along with the payment of applicable processing fee.

3.252 **Processing Fee:** In line of the above discussion, the Authority is of the view that the applicable processing fee for Terrestrial Radio Service should be harmonized with that for Television Channel Broadcasting Services and Television Channel Distribution Services at Rs. 10,000.

Minimum Net worth

3.253 As per the discussions regarding removing any entry barrier, the Authority is also of the view that the financial obligation in terms of minimum net worth requirement to obtain a service authorisation should not act as an entry barrier. Therefore, the net worth

requirement should be kept at a minimum, facilitating entry of new applicants to obtain service authorisation for terrestrial radio broadcasting. However, a balanced minimum net worth requirement needs to be prescribed such that only serious players enter the market, while at the same time it is not very high for the new applicants.

3.254 The Authority is also of the opinion that existing city-specific net worth requirements prescribed for the entities intending to participate in the process of frequency assignment through auction as per existing guidelines should continue. This will ensure that only the entities meeting the minimum net worth criteria for a particular city are eligible to participate in the process of frequency assignment through auction for that city. The net worth requirements for A, B, C, D and cities with population upto 1 lakh is currently prescribed in existing 'Policy Guidelines on Expansion of FM Radio Broadcasting Services through Private Agencies (Phase-III) - 2011', the same should be made part of NIA/IM or any other guidelines/instructions for spectrum auction. As such, these requirements are not being included in the terms and conditions being recommended.

3.255 In the line of the above discussion, the Authority is of the view that minimum net worth requirement to obtain the 'Grant of Service Authorisation for Terrestrial Radio Service' should be set at Rs. 30 lakh, which is even lesser than the net worth required to participate in e-auction of category 'D and cities with population upto 1 lakh'. The minimum net worth requirement for grant of service authorisation has been prescribed to reduce the entry barriers.

3.256 Further, as discussed in Chapter II, the service area for Terrestrial Radio Service should be Pan-India. This will enable an entity to participate in process of frequency assignment in any city across

India. However, each entity would only be able to operate in the specific city(ies) where it has been assigned frequency.

3.257 Additionally, the scope of service has been expanded beyond the existing guidelines, allowing an authorised entity to stream the same radio channel. This will enable the operators to have an additional revenue stream.

3.258 **The Authority recommends that:**

- (1) The authorisation for Terrestrial Radio Service should be delinked from frequency assignment.**
- (2) An entity shall have an option of either obtaining the service authorisation prior to participating in the process of frequency assignment or apply for the service authorisation within stipulated timeframe after being a successful bidder.**
- (3) The following financial parameters should be prescribed for grant of service authorisation for Terrestrial Radio Service:**
 - a) Entry Fee: NIL**
 - b) Application Processing Fee: Rs. 10,000**
 - c) Minimum Net worth: Rs. 30 lakh**
- (4) The terms and conditions of frequency assignment shall be laid down by the Central Government in the form of Notice Inviting Application/Information Memorandum or any other guidelines/instructions from time to time.**
- (5) The Notice Inviting Application/Information Memorandum or any other guidelines/instructions shall contain terms and conditions for assignment of frequency including but not limited to the process of frequency assignment, city wise minimum net worth requirement, Earnest Money**

Deposit, Reserve Price, Payment Methodology, Roll out and other obligations, Blacklisting and Forfeitures etc. and any other relevant aspects (erstwhile part of Process of granting permission and Grant of Permission Agreement (GOPA) of the extant Policy guidelines of Phase-III FM Radio).

D2. Specific Terms and Conditions for ‘Radio Broadcasting Services’

3.259 The Consultation Paper dated 30th October 2024 raised the following question with respect to the specific terms and conditions for the authorised entities of FM Radio Broadcasting, Community Radio Stations, Low Power Small Range FM Radio and Digital Radio Broadcasting.

Q20. A preliminary draft of terms and conditions for inclusion in the second set of Rules for the Broadcasting (Radio) Services is annexed as Part-IV of Annexure-III for consultation. Stakeholders are requested to furnish their comments in the specified format given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

S. No.	Description	Terms and Conditions No.	Proposed changes, if any	Reasons with detailed justification
FM Radio Broadcasting				
1.	Restructuring of Entity			
2.	Restrictions on operation of Multiple channels in a city			
3.	Cross Media Ownership			

4.	<i>Annual Authorisation Fee</i>			
5.	<i>News and current affairs programmes</i>			
6.	<i>Programme Content</i>			
7.	<i>Prohibition of Certain Activities</i>			
8.	<i>Penalty for Non operationalisation of services</i>			
9.	<i>Networking</i>			
10.	<i>Technical Parameters and Standards</i>			
11.	<i>Number of Frequencies</i>			
12.	<i>Co-location</i>			
13.	<i>Frequency allocation and SACFA clearance</i>			
14.	<i>Mandatory sharing of certain broadcast signals with Prasar Bharati</i>			
15.	<i>Monitoring and requirement to furnish information</i>			
16.	<i>Inspection</i>			
17.	<i>Surrender of Authorisation</i>			
18.	<i>Provisions relating to data broadcasting services in FM/ Digital sub carriers</i>			
19.	<i>Miscellaneous</i>			
Community Radio Stations				
1.	<i>Content regulation & monitoring</i>			
2.	<i>Imposition of penalty/ revocation of Authorisation</i>			
3.	<i>Transmitter Power and Range</i>			

4.	<i>Funding & Sustenance</i>			
5.	<i>Other Terms and Conditions</i>			
Low Power Small Range FM Radio				
1.	<i>Provision of Low Power Small Range FM Radio Broadcasting</i>			
2.	<i>Low Power Small Range FM Radio Broadcasting Service Obligations</i>			
Digital Radio Broadcasting				
	<i>To be decided based on the outcome of the Consultation process of Digital Radio Broadcast policy, which is under progress separately. However, there may be a possibility of adoption of the terms and conditions applicable for FM radio mutatis-mutandis for Digital Radio Broadcasting.</i>			

Broad Summary of Comments of the stakeholders on Q20

3.260 Many stakeholders agreed with the provisions contained in the Consultation Paper for Radio Broadcasting Services.

3.261 The comments submitted by the stakeholders mainly addressed the specific terms and conditions for FM Radio Broadcasting. The summary of the comments submitted by the stakeholders are as under:

- (1) **News and current affairs programmes:** In addition to direct repeat of AIR programs, right to source and broadcast News and Current Affairs from authorized news providers including

televisions, news agencies etc.. Further, live coverage and broadcast of national sports events should also be included.

(2) **Programme Content:** The term Public Interest Announcement for free broadcast should be defined as under:

i. *‘Public Interest Announcement means an announcement on a national or local issue that directly affects the health and safety of citizens in the area. It excludes announcements of political nature as well as dissemination of welfare schemes of various governments from time to time.’*

(3) **Technical Parameters and Standards:** FM channels should cover district level so that rural and semi urban areas get the benefit of this media.

(4) **Co-location:** Co-location with Government infrastructure should not be made mandatory.

Analysis of the issue and views of the Authority

3.262 The specific terms and conditions to be notified as Rules for ‘Radio Broadcasting Services’ are categorised as under:

- (1) Specific Terms and Conditions for Terrestrial Radio Service
- (2) Specific Terms and Conditions for Community Radio Stations
- (3) Specific Terms and Conditions for Low Power Small Range Radio Service

Specific Terms and Conditions for Terrestrial Radio Service

3.263 The specific terms and conditions for provisioning of Terrestrial Radio Service shall include following:

- (1) Eligibility conditions to obtain frequency assignment
- (2) Restrictions on operation of multiple channels in a city
- (3) Cross media ownership
- (4) Broadcast of news and current affairs programs
- (5) Programme content
- (6) Prohibition of certain activities
- (7) Penalty for non-operationalisation of service(s)
- (8) Networking,
- (9) Technical standards for terrestrial radio service
- (10) Number of frequencies
- (11) Co-location
- (12) Mandatory sharing of certain broadcast signals with Prasar Bharati
- (13) Surrender of authorisation
- (14) Provisions relating to data in terrestrial radio service sub-carriers.

Eligibility Conditions to obtain Frequency Assignment:

3.264 In the extant policy guidelines, the conditions for frequency assignment for FM radio mandates an entity to first obtain frequency assignment for the city in which it intends to provide FM Radio service, through the laid down process of auction. Once an entity becomes a successful bidder, only then it signs a Grant of Permission Agreement (GOPA) with the Central Government for providing FM radio service in that city.

3.265 As discussed in preceding section, the frequency assignment is required to be delinked from the service authorisation for Terrestrial Radio Service. Accordingly, the terms and conditions for frequency assignment shall be specified in a document such as NIA/IM or any other such guidelines/instructions, as prescribed by the Central Government, as and when required. The same has been termed as the **Eligibility Conditions to obtain Frequency Assignment** in the terms and conditions to be notified as Rules.

Restrictions on operation of Multiple channels in a city

3.266 As per the existing guidelines, the permission holders are not allowed to run more than 40% of total channels in a city, subject to a minimum of three different operators in the city. The corresponding terms and conditions are provided under the head **Restrictions on operation of Multiple channels in a city** and have been adopted *mutatis mutandis* from the extant guidelines.

Cross Media Ownership

3.267 As per the existing guidelines, whenever a government policy on cross media ownership is announced, the permission holder is required to comply to such guidelines within a period of six months of such notification, failing which is treated as non-compliant of GOPA. The terms and conditions on **Cross Media Ownership** have been adopted *mutatis mutandis* from the extant guidelines.

News and Current Affairs Programs

3.268 TRAI in its recommendations on 'Issues related to FM Radio Broadcasting' issued on 5th September 2023⁸⁷ has recommended the following:

'Private FM Radio Operators should be allowed to broadcast news and current affairs programs, limited to 10 minutes in each clock hour.'

The said recommendation is being included in the terms and conditions.

3.269 As per the existing policy guidelines on FM Radio, the permission holder is allowed to broadcast information pertaining to sporting events excluding live coverage. However live commentaries of sporting events of local nature are permissible. The stakeholders in their comments have submitted that live coverage and broadcast of national sports events should be allowed. Considering the comments of the stakeholders, the Authority is of the view that broadcast of live coverage of sports should be allowed for the authorised entities of Terrestrial Radio Service subject to possession of applicable rights of such broadcast and accordingly the terms and conditions should include broadcast of live coverage of sports by terrestrial radio service.

3.270 The other provisions contained in the extant guidelines have been adopted *mutatis mutandis* under head **News and Current Affairs Programs**.

⁸⁷ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_05092023.pdf

Programme Content

3.271 Radio broadcasting has been an important media for dissemination of informational, educational, entertainment and such contents for the benefit of the populace. In doing so an authorised entity shall be required to comply with the prescribed Programme Code and Advertisement Code notified by the Central Government from time to time. The terms and conditions governing program content are given under the head **Programme Content** and have been adopted *mutatis mutandis* from the extant guidelines.

3.272 Further, the stakeholders in their comments submitted to define ‘Public Interest Announcements’. The Authority considered the comments of stakeholders and is of the view that it should be specified for radio also in line with that of the public service broadcasting obligation for television channels and the duration of broadcast mandated may be reduced from one hour to 30 minutes. Accordingly, the same has been adopted *mutatis mutandis* from television channel broadcasting.

Prohibition of Certain Activities

3.273 The extant guidelines restrict a permission holder from certain activities prohibited by the Central Government. These provisions have been adopted *mutatis mutandis* under the head **Prohibition of Certain Activities**.

Penalty for Non-Operationalisation of Service(s), Networking, Technical Standards for Terrestrial Radio Service & Number of Frequencies

3.274 The terms and conditions on **Penalty for Non-Operationalisation of Service(s), Networking, Technical Standards for Terrestrial Radio Service** and **Number of Frequencies** have been adopted *mutatis mutandis* from extant guidelines.

3.275 Few stakeholders have mentioned that the FM channels should cover district level so that rural and semi urban areas get the benefit of this media. The technical parameters need to be changed so that coverage covers district.

3.276 In this regard, TRAI in its recommendations on ‘3rd Phase of Private FM Radio Broadcasting’ issued on 22nd February 2008⁸⁸ recommended the following:

‘1.9.1 Need for Augmentation of Private FM Broadcasting

The Authority recommends:

- *The geographical basis for Private FM Radio bidding in future may be changed from City to District.*
- *The districts existing as on 01.01.2008 shall be identified and will form the basis of further permission. Any new district formed after 01.01.2008 shall continue to be served from the district(s) from where it has been carved out.*
- *In the districts, when no city is having any FM Radio permission, the new permission shall be given on district basis only.*

⁸⁸ <https://traigov.in/sites/default/files/2024-09/recom28nov08%5B1%5D.pdf>

- *The bidding process will remain the same as envisaged in policy on expansion of FM Radio broadcasting service through private agencies (Phase-II) dated 13th July 2005.*
- *The channels available in a district shall be auctioned to the eligible bidders and shall be allocated to successful bidders in descending order of the bid price.*
- *In case the Private FM Radio broadcast is functional in any part of the district, such operator/ licensee may be given the option to enlarge the area of operation for the same channel to provide coverage to full district after paying difference in maximum bid price determined through the auction for the district or similar district (category of the district) in the state and One Time Entry Fee (OTEF) already paid for city. If highest bid is less than the original bid price for city basis, the migration shall be allowed without any additional payment. However, no refund shall be given.*
- *The reserve One Time Entry Fee (OTEF) shall be re-fixed based on the maximum bidding price through the auction for the district or similar district in the state. Annual fee for the district will now be determined considering revised reserve OTEF.*
- *A private FM Radio broadcaster functioning in a city of the district shall be given option to migrate to district level within three months from the date of finalization of bid for that district. In case where the auction for a district is technically not feasible, then the existing FM Radio permission holder, if any, in the city of that district will be given an option to migrate based on the bid amount for a similar district (based on categorization of district). If it does not opt for enlarging its area of operation to district level, such an operator shall continue to operate in the city only till the validity of existing permission with no prospects for renewal.*
- *The bidding for all vacant slots shall be done based on the district level.*

- *The bidding for remaining 97 channels of Phase-II scheduled on city as operational area be rescheduled considering district as operational area to avoid complication of subsequent migration from city to district level.'*

3.277 In response to the recommendations dated 22nd February 2008, MIB in its back reference⁸⁹ dated 28th November 2008 had mentioned the following:

'While the issue of viability of FM Radio broadcast channel in Category 'D' cities is an important issue for consideration, however, there are other operational problems due to which such change of approach from city to district may not be possible.

(i) While there is considerable clarity on the categorization of city there is lack of clarity on how a district will be categorized, whether on the basis of area or population or number of cities having population above a certain figure.

(ii) There is a wide variation in the area, size and shape of the district. High Power Transmitters and higher antennas will be required for covering the entire district. If the city is located in a corner then the signals will interfere with the signals of the neighbouring district.

(iii) Even with the present city based model only 10-12 frequencies are available for allocation in a city. In case of district based licenses to avoid interference one will also need to leave frequencies being used in the adjacent/neighbouring districts thus effectively reducing the number of available channels in a district. It will not be possible to repeat the frequencies being used in one district in any of the neighbouring districts. The frequency planning will not only require a major physical exercise but also may be extremely difficult to conduct.

⁸⁹ <https://traf.gov.in/sites/default/files/2024-09/recom28nov08%5B1%5D.pdf>

(iv) The availability of frequencies gets further reduced in the presence of high power transmitters of All India Radio or otherwise, as low power transmitter signals will get suppressed and may need a much larger frequency separation.

(v) If existing city based licensees don't migrate to district model then finding available frequencies will become still more complicated and extremely difficult. In the districts where some licenses have already been granted for a city shifting of the location of the transmitter will involve wasteful expenditure and may not be possible.

(vi) Even if we do not allow higher power transmitter and high antenna and allow terrestrial repeaters the problems of spectrum planning interference of signals and availability of only a few channels will continue to remain. Technically, the use of the same frequency with small ERPs within the district will create pockets of disturbance at frequent intervals. Going for synchronized transmitters, working on same frequency have its own problems. Thus, allowing multiple transmitters in a district is also not a feasible solution.

(vii) To locate the tower centrally within a district itself involve a number of issues. Firstly, even with the present fixed tower locations difficulties have been faced in building a consensus amongst the LOI holders for selection of equipment and other issues for installation of CTI. Adding another critical variable, i.e., the location of tower will further complicate matter. The land and buildings will need to be purchased/hired thus increasing the fixed costs required for operationalisation and may be time consuming.

(viii) The issue of viability of channels gets taken care of by the very fact that the prospective licensees will put their bids according to the possibility of revenue generation. We have already moved to a revenue sharing regime from a fixed license fee regime.

(ix) With the successful implementation of Phase I and Phase II a number of operators have already gained experience of the radio business and the economics and commerce of business operations is already well established. There does not seem to be any dearth of interest in bringing investments into the radio sector.

(x) District level licensees will act as a deterrent to the entry of small players.

(xi) Radio coverage by area is the role of public broadcaster. The very objective of private broadcasting is different than that of public broadcasting.

(xii) By giving district-wise licenses, the Government will be committing itself fully at this stage itself with no option to plan in future.

For the above reasons, Ministry is of the view that the approach followed in FM Phase II for granting city specific licenses may be continued and the district based approach as suggested by TRAI may not be followed for the difficulty and reasons stated above.'

3.278 In response, TRAI vide its letter dated 28th November 2008, conveyed its acceptance to continuation of city level licensing for private FM radio.

3.279 The Authority has noted that significant time has elapsed since its recommendations dated 22nd February 2008. At that point of time, the private FM radio industry was at a nascent stage. Considering the experience gained in respect of FM radio services, its proliferation and maturity of the industry, a need is felt to review the existing provisions related to geographical basis for frequency allocation for private FM Radio services. Further, broadcasting technologies in VHF II band have evolved making it possible to cover larger areas with single frequency. Hence the issue of change in

geographical area of private FM radio service termed as Terrestrial Radio Service from city to district may require a relook.

- 3.280 Accordingly, **the Authority recommends that considering the experience gained in respect of FM radio services, its proliferation, maturity of the industry and technological developments, the issue of city-wise allocation of frequencies vis-à-vis district-wise allocation for private FM radio broadcasting services termed as Terrestrial Radio Service in the authorisation framework may be re-examined by MIB.**

Co-location

- 3.281 The Authority has made a note of the comments wherein stakeholders have submitted that co-location with Government infrastructure should not be made mandatory, as it gives rights to Prasar Bharati and other Government agencies to overcharge for infrastructure. Para 18.1 and 18.2 of the 'Policy Guidelines on Expansion of FM Radio Broadcasting Services (Phase-III)' provides the following:

'18.1 It will be mandatory for all Phase-III operators to co-locate transmission facilities in all the cities, irrespective of the fact as to whether the infrastructure of Prasar Bharati is available or not.

18.2 In cities where it is a vacant channel of Phase-II or an additional channel is proposed and CTI has been created by BECIL, Co-location at the site already chosen and utilization of CTI already created by BECIL will be mandatory.'

3.282 Whereas para 18.3 and 18.4 enables the entities to set up separate LTI/CTI as below:

‘ ...

18.3 In other cities where Prasar Bharati Infrastructure is available , co-location shall be on such existing facilities of Prasar Bharati on terms and conditions to be prescribed separately, on the existing PB towers . The successful bidders will have a choice to form a consortium and set up required CTI for that city. They will mutually decide infrastructure sharing methodology, commercial revenue sharing mode, service level agreement and methodology for upkeep of such infrastructure.

18.4 If suitable infrastructure of Prasar Bharati is not available, successful bidders will have a choice to form a consortium and set up required land & tower infrastructure (LTI) and (CTI) for co-location of all transmitters identified for that city. They will mutually decide infrastructure sharing methodology, commercial revenue sharing mode, service level agreement and methodology for upkeep of such infrastructure.

...’

3.283 After examining the comments of the stakeholders and its own analysis, the Authority believes that it should not be mandatory to use Prasar Bharati infrastructure or CTI. Rather, the entities should be allowed to share infrastructure with other entities including those of the telecommunication sector.

3.284 This is aligned to the principle on infrastructure sharing contained as one of the strategies for achieving the Goal: *Simplifying and digitizing permission process and adoption of growth-oriented rules and regulatory practices*, in TRAI’s recommendations on ‘Inputs for formulation of National Broadcasting Policy-2024’ issued on 20th June 2024. The recommendations mentioned that the possibilities

of infrastructure sharing among radio broadcasting and telecommunication need to be explored and effectively implemented. For instance, sharing telecom towers allows multiple service providers to use the same infrastructure, reducing the need for redundant towers.

3.285 The Authority is of the view that mandatory co-location for terrestrial radio service should be removed. The authorised entities should be allowed to share infrastructure, on voluntary basis with the entities of telecom and broadcasting services, infrastructure providers and any other service providers as per technical feasibility. Accordingly, the terms and conditions on co-location has been removed. Whereas terms and conditions enabling infrastructure sharing is provisioned.

3.286 In view of above, **the Authority recommends that mandatory co-location of transmission infrastructure should be removed, and the authorised entities of Terrestrial Radio Service should be allowed to share infrastructure, on voluntary basis with the entities of broadcasting services, telecom services, infrastructure providers etc. as per technical and commercial feasibility.**

Mandatory sharing of certain broadcast signals with Prasar Bharati

3.287 An authorised entity shall comply with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 and Rules, guidelines and notifications issued thereunder, thereby, complying with the terms and conditions given under the head **Mandatory sharing of certain broadcast signals with Prasar**

Bharati and have been adopted *mutatis mutandis* from the extant guidelines.

Monitoring and requirement to furnish information, Inspection, Surrender of Authorisation and Provisions relating to data in Terrestrial Radio Service Sub-Carriers

- 3.288 The terms and conditions stipulated under the head Monitoring and requirement to furnish information on **Monitoring and requirement to furnish information, Inspection, Surrender of Authorisation and Provisions relating to data in Terrestrial Radio Service Sub-Carriers** have been adopted *mutatis mutandis* from the extant guidelines.

Authorisation Fee and Bank Guarantee for Terrestrial Radio Service

- 3.289 In terms of the financial parameters for Terrestrial Radio Service, the entry fee at the time of frequency assignment shall be determined through auction.
- 3.290 As per the extant FM policy guidelines for Phase-III dated 25th July 2011, the permission holder needs to pay an Annual Fee to the Government, calculated as 4% of Gross Revenue (GR) or 2.5% of NOTEF for the concerned city, whichever is higher. Permission holders in Northeast states, Jammu & Kashmir, and island territories will pay 2% of GR or 1.25% of NOTEF, whichever is higher, for three years.
- 3.291 Clause 6.2 of the extant FM Radio Policy Guidelines 2011 defines 'Gross Revenue' as:

‘Gross Revenue for this purpose would be the gross inflow of cash, receivables or other consideration arising in the course of ordinary activities of the FM Radio Broadcasting enterprise from rendering of services and from the use by others of the enterprise resources yielding rent, interest, dividend, royalties, commissions etc. Gross Revenue shall, therefore, be calculated, without deduction of taxes and agency commission, on the basis of billing rates, net of discounts to advertisers. Barter advertising contracts shall also be included in the gross revenues on the basis of relevant billing rates. In the case of a permission holder providing or receiving goods and services from other companies that are owned or controlled by the owners of the permission holder, all such transactions shall be valued at normal commercial rates and included in the profit and loss account of the permission holder to calculate its gross revenue.’

3.292 TRAI in its Recommendations on ‘Issues related to FM Radio Broadcasting’ issued on 5th September 2023⁹⁰ discussed that linking annual fee to NOTEF has resulted in significantly higher license/annual fees in some cities. Moreover, the definition of GR prescribed in extant FM policy guidelines included taxes. Therefore, the Authority *inter alia*, recommended the revision of the license fee as under:

‘The Authority recommends that the annual license fee of a FM radio channel should be de-linked from Non-Refundable One Time Entry Fee (NOTEF). The license fee should be calculated as 4% of the Gross Revenue (GR) of the FM radio channel during the respective financial year. GST should be excluded from Gross Revenue (GR).’

⁹⁰ https://www.trai.gov.in/sites/default/files/2024-09/Recommendation_05092023.pdf

3.293 Considering the recommendations, MIB vide its Order dated 10th September 2024⁹¹, amended the FM phase-III policy guidelines dated 25th July 2011, providing the following amendments for Annual Fee:

Add a para 6.1 (aa) after Para 6.1 (a) as under:

‘6.1(aa). Notwithstanding the provision in Clause 6.1 (a) and subject to provision contained in 6.1 (ba); the Permission holder in uncovered new cities under Batch-III FM Phase-III auction shall be liable to pay an Annual Fee to the Government of India every year charged @ 4% of Gross Revenue of its FM radio channel for the financial year for the concerned city excluding Goods and Service Tax. Other Clauses of these policy guidelines in so far, they relate to the permission holder in uncovered new cities under Batch III FM Phase III, shall be read accordingly.’

Add a para 6.1 (ba) after Para 6.1 (b) as under:

“6.1(ba). The Permission holder in the uncovered new cities in the States of North of East i.e., Manipur, Meghalaya, Mizoram, Nagaland and Tripura; Union Territories Jammu & Kashmir; and island territories (i.e, Andaman and Nicobar islands and Lakshadweep)under Batch-III FM Phase-III auction will be required to pay an Annual Fee to the Government of India charged @ 2% of Gross Revenue excluding Goods and Service tax for each year for an initial period of three years from the date from which the annual license fee becomes payable and the permission period of 15 years begins. Other Clauses of these policy guidelines for such permission holders shall be read accordingly.”

3.294 Accordingly, the uncovered 234 new cities under Batch-III FM Phase-III auction, the permission holders shall be required to pay

⁹¹ https://mib.gov.in/sites/default/files/2024-12/fmpolicy_consolidated_1.pdf

an Annual Fee of 4% of GR (excluding GST). Permission holders in uncovered new cities in Northeast states, Jammu & Kashmir and island territories shall pay an Annual Fee of 2% of GR (excluding GST) for initial 3 years. However, the amendment had not mentioned any change of annual fee for the existing permission holders.

3.295 Now, since streaming of the radio channel has also been recommended to be added in the scope of Terrestrial Radio Service, accordingly the revenue generated from streaming shall also be included, while computing the Gross Revenue (GR). Accordingly, the quantum of annual Authorisation Fee shall be 4% of AGR for all the cities except Northeast states, Jammu & Kashmir and island territories, wherein annual Authorisation Fee shall be 2% of AGR for initial three years. The format of Statement of Revenue and Authorisation Fee for the authorised entity of Terrestrial Radio Services is prescribed in **Schedule-II of Annexure-III**. The submission of the Statement of Revenue and Authorisation Fee to the Central Government shall be made end-to-end online with facility to upload all the related documents in digital mode via single window system.

3.296 Since it is recommended to unbundle the service authorisation from spectrum assignment for Terrestrial Radio Service, hence the Earnest Money Deposit in the form of Bank Guarantee to be furnished by the authorised entity shall be specified by the Central Government as the conditions of frequency assignment in the NIA/IM or any other guidelines/instructions. The auction determined price shall be governed by the conditions of frequency assignment, under Section 4 of the Telecommunications Act, 2023, as notified by the Central Government from time to time.

Specific Terms and Conditions for Community Radio Stations

3.297 In addition to Terrestrial Radio Service, Community Radio Stations is another important Radio Broadcasting Service. Community Radio Stations is provisioned through low power radio stations, which are set-up and operated by local communities. The Community Radio provides a platform to air voices among the local community on issues concerning Health, Nutrition, Education, Agriculture etc. Moreover, the Community Radio is a powerful medium for the society to voice their concerns. Furthermore, since the broadcast is in local languages and dialects, people relate to it instantly.

3.298 The extant policy guidelines for CRS were revised in 2024. The provisions of the revised guidelines cover every aspect of setting up and operating a Community Radio Stations. The Authority finds these adequate and appropriate. Therefore, the terms and conditions for the authorisation of Community Radio Stations should be adopted *mutatis mutandis*. The terms and conditions to be included in the second set of Rules for Community radio stations service provisioning are as under:

- (1) Content regulation & monitoring
- (2) Imposition of penalty/revocation of Authorisation
- (3) Transmitter Power and Range
- (4) Funding & Sustenance
- (5) Other Terms & Conditions

3.299 The financial parameters with respect to Community Radio Stations include a Processing Fee of Rs. 2500 which is same as in the extant guidelines and a Renewal Fee of Rs. 2500. Further, the existing Bank Guarantee of Rs. 25,000 for 10 years has been continued.

Specific Terms and Conditions for Low Power Small Range Radio Service

3.300 Low Power Small Range Radio Service has been newly added for obtaining authorisation. The terms and conditions related to this service have been framed on the basis of TRAI recommendations on 'Issues related to Low Power Small Range FM Radio Broadcasting' issued 21st September 2023⁹². The salient recommendations that may be required for provisioning of services are as follows:

Fee Structure:

- i. *'No application/entry fee should be levied.'*
- ii. *Fee of Rs. 1000/- for a permission up to thirty days*
- iii. *Fee of Rs. 10,000/- per annum for a permission up to five years.'*

Maximum Range:

'The maximum permissible transmission range of 'Low Power Small Range Radio Broadcasting' should be 500 meters.'

Transmission Power:

'Maximum permissible transmission power of 1 watt for low power small range FM broadcasting.'

3.301 The processing fee has not been given in the said recommendation. The authorisation fee for low power small range service is Rs. 1000 for an authorisation up to 30 days and Rs. 10,000 for an authorisation up to 5 years. Since, the authorisation is granted for a limited period, therefore the Authority is of the view that a processing fee of minimum amount, say Rs. 1000 may be charged.

3.302 The detailed Specific Terms and Conditions for the Radio Broadcasting Services are provided in Section 3 of Part-II of **Annexure-III**, applicable to respective service authorisations.

⁹² https://traigov.in/sites/default/files/2024-09/Recommendations_21092023.pdf

3.303 In this background, **the Authority recommends that the ‘Specific Terms and Conditions’ contained in Section 3 of Part-II of Annexure-III, applicable to respective service authorisations of ‘Radio Broadcasting Services’ should be adopted while framing ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’.**

E. Any other related issues

3.304 The Authority asked the following question, relevant to the subject for comments of the stakeholders.

Q21. Stakeholders may provide other comments, if any, relevant to the issues related to terms and conditions, including regulatory fees for the broadcasting services authorisations with justifications thereof.

Brief Summary Comments of the stakeholders on Q21

3.305 A brief of the miscellaneous comments received from the stakeholders are as follows:

- i. Encryption of Private Channels on DD Free Dish.
- ii. Regulatory Parity for DD Free Dish as a DTH Service Provider.
- iii. Any platform which offers similar content as offered by the regulated distribution platform, should equally be brought under a similar regulatory regime irrespective of technology, as per the principle of ‘Same Service – Same Rules’.
- iv. Prasar Bharti should be brought within the authorisation/licensing framework and Rules should extend to Prasar Bharti’s DTH operations as well as their OTT Platform Service.

- v. DoT should be assigned as the single department for all licensing requirements across access cum carriage platforms (Mobile, Broadband, Cable and DTH) while the MIB should be retained as an umbrella body for all content regulation.

Analysis of the issue and views of the Authority

- 3.306 The stakeholders were further asked to provide any other comments relevant to the subject matter. Stakeholder submission emphasized the need for encrypting Prasar Bharati's DD Free Dish Platform and ensuring regulatory parity between DD Free Dish and private DSPs/DPOs. In this regard, TRAI has already recommended to MIB on 'Listing of television channels in Electronic Programme Guide and Upgradation of DD Free Dish platform to an Addressable System' dated 8th July 2024⁹³. However, the said recommendations are currently under consideration by the Ministry.
- 3.307 Further, stakeholders have also iterated their comments to regulate and extend the authorisation framework to the OTT services. As discussed earlier, the subject matter on OTT, requires examination of wider issues whereas the present consultation is limited to issues referred by MIB. Hence this issue will require a separate consultation process.

⁹³ https://traigov.in/sites/default/files/2024-09/Recommendation_08072024.pdf

CHAPTER IV

SUMMARY OF RECOMMENDATIONS

Authorisation for Broadcasting Services

4.1 The Authority recommends that:

- (1) The Central Government (MIB) should grant service authorisation for broadcasting services under Section 3(1)(a) of the Telecommunications Act, 2023, in place of extant practice of grant of license/permission under Section 4 of the Indian Telegraph Act, 1885.**
- (2) The terms and conditions for such broadcasting service authorisations should be notified as Rules under Section 56 of the Telecommunications Act, 2023, and the authorised entity shall be required to abide by such Rules.**
- (3) The Central Government (MIB) may issue Orders/ Directions/Advisories/Instructions as per the said Rules notified under the Telecommunications Act, 2023.**

[Para 2.58]

4.2 The Authority recommends that:

- (1) For any change(s) in the terms and conditions of the service authorisations, except for the reason of the interest of the security of the State, the Central Government (MIB) should seek recommendations of TRAI under Section 11(1)(a) of the TRAI Act, 1997.**
- (2) The authorised entity should be required to comply with the Regulations/Orders/Directions issued by TRAI under the provisions of TRAI Act, 1997 as amended from time to time.**

- (3) The authorised entity shall be liable to pay the Financial Disincentives (FD) imposed by TRAI for violation of the provisions of regulations/orders/directions issued by TRAI. In case, the authorised entity defaults on the payment of FD imposed on it by TRAI, and if TRAI advises so, the Central Government (MIB) shall recover such amount from the Bank Guarantee/Security Deposit furnished under its respective service authorisation(s) to the Central Government (MIB). The decision of the TRAI regarding the imposition of FD and amount thereof shall be final, subject to the appeal as per the provisions of TRAI Act, 1997.

[Para 2.59]

Rules for Broadcasting Service Authorisation

- 4.3 The Authority recommends that the Rules for Broadcasting Services to be notified by the Central Government under Section 56 of the Telecommunications Act, 2023 should be organized in the manner given below:

- (1) The Broadcasting (Grant of Service Authorisations) Rules; and
- (2) The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules.

Note:

- i. The first set of Rules namely ‘The Broadcasting (Grant of Service Authorisations) Rules’ should contain the terms and conditions for grant of various broadcasting service authorisations under Section 3(1)(a) of the Telecommunications Act, 2023.*

ii. The second set of Rules namely ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’ should cover the terms and conditions for providing services under each category of Service Authorisation viz., Television Channel Broadcasting Services, Television Channel Distribution Services, and Radio Broadcasting Services.

[Para 2.71]

Format of Authorisation Document

4.4 The Authority recommends that service authorisation granted by the Central Government under Section 3(1)(a) of the Telecommunications Act, 2023 should be in the form of an authorisation document, containing the essential details of the service authorisation, the recommended format of which is available at Schedule-V of Annexure-II.

[Para 2.72]

Structure of the Broadcasting (Television Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services

4.5 The Authority recommends that the terms and conditions for provision of the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services to be notified as Rules under the Telecommunications Act, 2023, should be organized in the following manner:

- (1) Common Terms and Conditions**
- (2) Specific Terms and Conditions for:**
 - a. Television Channel Broadcasting Services**
 - i. Television Channel Broadcasting**

- ii. News Agency for Television Channel(s)
 - iii. Teleport/Teleport Hub
 - iv. Uplinking of Live event/news/footage by Foreign Channel/News Agency
 - v. Other related Approvals/Intimations
- b. Television Channel Distribution Services**
- i. Direct-to-Home (DTH) Service
 - ii. Headend in the Sky (HITS) Service
 - iii. Internet Protocol Television (IPTV) Service*
- c. Radio Broadcasting Services**
- i. Terrestrial Radio Service
 - ii. Community Radio Station
 - iii. Low Power Small Range Radio Service

**For IPTV service, only the terms and conditions for provision of IPTV service should be included in the Rules. Separate authorisation for providing IPTV service is not required under these Rules, as it is already covered in the scope of authorisations for Unified Services, Access Services and Internet Services. In addition, MSOs registered under the Cable Television Networks (Regulation) Act, 1995 can also provide IPTV service, on submission of self-declaration to the Central Government (MIB).*

[Para 2.109]

- 4.6** The Authority recommends that Central Government (MIB) may consider bringing registration of MSOs (and LCOs) under the purview of Telecommunications Act, 2023 and thereafter, the provisions related to registration and operations of MSOs (and LCOs) governed by the Cable Television Networks (Regulation) Act, 1995 may be repealed. However, the provisions related to content regulation of broadcasting services may continue to

remain under the purview of Cable Television Networks (Regulation) Act, 1995.

[Para 2.110]

- 4.7 The Authority recommends that a separate authorisation for FAST channels distribution may be considered under Television Channel Distribution Services. MIB may make a reference to the Authority to provide detailed terms and conditions for the service authorisation for 'FAST channels distribution service'.

[Para 2.111]

- 4.8 The Authority recommends that the Central Government (MIB) should take an early decision on the TRAI's Recommendations on 'Ease of Doing Business in Telecom and Broadcasting Sector' issued on 2nd May 2023.

[Para 2.112]

Definitions

- 4.9 The Authority recommends that the key words, expressions and terminologies used in the terms and conditions should be defined in the following manner:

- (1) 'Definitions' contained in Annexure-II should be included in 'The Broadcasting (Grant of Service Authorisations) Rules'
- (2) 'Definitions' contained in Annexure-III should be included in 'The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services' Rules.

[Para 2.132]

Scope of Service and Service Area

4.10 The Authority recommends that:

- (1) The Central Government (MIB) should consider introduction of following new broadcasting services:**
 - a. ‘Ground-based Broadcasting of a Television Channel’ under Television Channel Broadcasting Services.**
 - b. ‘Low Power Small Range Radio Service’ under Radio Broadcasting Services.**
- (2) The scope of service and service area for various service authorisations (including the new services) are recommended under the head ‘Scope of Service and Service Area’ in the terms and conditions contained in Annexure-II.**

[Para 2.166]

Migration of Existing Service Providers

4.11 The Authority recommends that the migration of broadcasting entities to the authorisation framework under Section 3(6) of the Telecommunications Act, 2023 should be in the following manner:

- (1) The migration should be voluntary, till the expiry of the existing license/permission.**
- (2) A simple application-based process through the portal for migration should be established by the Central Government.**
- (3) The eligibility conditions recommended for the grant of service authorisation(s) to new applicant(s), should also be**

made applicable to the existing licensees/permission holders intending to migrate.

- (4) On migration, the validity period for the respective service authorisation(s) should be from the effective date of migration to the authorisation regime, irrespective of the validity period of the license/permission already held.**
- (5) The existing licensee/permission holder, intending to migrate to authorisation regime should not be required to pay Processing Fee.**
- (6) In case of migration to the new Service Authorisation, the differential Entry Fee i.e., the Entry Fee applicable to the Service Authorisation in which the Licensee/permission holder is getting migrated minus Entry Fee already paid in the old regime shall be levied. In cases where the Entry Fee already paid in the old regime exceeds the Entry Fee to be paid for migration to the authorisation framework, there shall be no refund of the Entry Fee.**

Note: In case of broadcasting services, there is no change in the Entry Fee recommended in the authorisation framework vis-à-vis that in the old regime, therefore, the differential Entry Fee will be 'NIL' and the existing licensee/permission holder of broadcasting services shall not be required to pay any differential Entry Fee for migration.
- (7) The authorised entity should be required to furnish applicable Bank Guarantee, Security Deposit and other prescribed fees for respective service authorisations.**
- (8) In case an existing licensee/permission holder has already been assigned spectrum, the treatment of such assignment**

should be governed by the provisions contained in Section 4(8) and Section 4(9) of the Telecommunications Act, 2023.

(9) The terms and conditions to be notified as Rules under the Telecommunications Act, 2023, should be applicable on migration to the new authorisation regime. However, roll out obligations and any other liabilities, including financial dues, treatment of violations for the pre-migration period and any penalties or financial disincentives associated with the existing license/ permission, as the case may be, should remain enforceable even after migration to the respective service authorisation under the Telecommunications Act, 2023.

(10) The detailed terms and conditions for migration to the Service Authorisation(s) under the Telecommunications Act, 2023, have been recommended under the head ‘Migration of existing service providers’ contained in Annexure-II.

[Para 2.193]

Terms and Conditions for Grant of Service Authorisations

4.12 The Authority recommends the terms and conditions for ‘Grant of Service Authorisation’ contained in Annexure-II, should be notified as ‘The Broadcasting (Grant of Service Authorisations) Rules’, under the Telecommunications Act, 2023.

[Para 2.202]

Equity Holding and Management Control

4.13 The Authority recommends the following:

- (1) Restrictions on cross-holding pattern as prescribed in the extant policy guidelines of DTH service and HITS service should also be prescribed for IPTV service.**
- (2) The Central Government may consider extension of restrictions on cross-holding pattern to be extended to MSOs or any other Distribution Service Provider notified by the Central Government.**
- (3) Restrictions on cross-holding pattern should also be prescribed in the terms and conditions for the authorised entities of ‘Television Channel Broadcasting’ for completeness.**

[Para 3.25]

Common Terms and Conditions for Television Channel Broadcasting Services, Television Channel Distribution Services, and Radio Broadcasting Services

4.14 The Authority recommends to adopt the ‘Common Terms and Conditions’ contained in Part-I of Annexure-III, for all broadcasting services, while framing ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’.

[Para 3.58]

Contravention of Rules

4.15 The Authority recommends that Contravention of Rules to be notified for broadcasting services shall be governed by the relevant provisions contained in Chapter VIII titled

‘Adjudication of Certain Contraventions’ of the Telecommunications Act, 2023 and the Rules made thereunder.
[Para 3.70]

Violations of Programme and Advertisement Codes

4.16 The Authority recommends that:

- a) The violation of Programme Code and Advertisement Code by the authorised entity of ‘Television Channel Broadcasting Services’ and ‘Television Channel Distribution Services’ shall be governed by the relevant provisions contained in the Cable Television Networks (Regulation) Act, 1995 and the Rules made thereunder.**
- b) The Central Government should notify separate Programme Code and Advertisement Code for Radio Broadcasting Services. The said Programme Code and Advertisement Code should also be made applicable to All India Radio. The violation of Programme Code and Advertisement Code should be governed as per provisions in these Codes.**
- c) The authorised entity of the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services shall also adhere to any other Orders/Directions/Advisories/Instructions issued by the Central Government from time to time.**

[Para 3.90]

Harmonisation of Television Channel Broadcasting Services

4.17 The Authority recommends that:

- (1) The financial conditions covering Processing Fee, minimum Net worth requirement, Authorisation Fee (erstwhile annual permission fee), Security Deposit,**

Performance Bank Guarantee and other applicable fees to be adopted in the following manner:

- a. The applicable fees and guarantees for ‘Uplinking of a Television Channel’, ‘Downlinking of a Television Channel’ and ‘Uplinking and Downlinking of a Television Channel’ under the authorisation of ‘Television Channel Broadcasting’ should be continued at the same level as prescribed in the extant Uplinking and Downlinking guidelines of television channels, 2022.**
 - b. The applicable fees and guarantees for ‘Ground-based Broadcasting of a Television Channel’ under the authorisation of ‘Television Channel Broadcasting’ should be as recommended in the recommendations on ‘Regulatory framework for Ground-based Broadcasters’ dated 15th January 2025.**
 - c. The applicable fees and guarantees for the authorisations of ‘News Agency for Television Channel(s)’, ‘Teleport/Teleport Hub’ and ‘Uplinking of Live event/news/footage by Foreign Channel/ News Agency’, should be continued at the same level as prescribed in the extant Uplinking and Downlinking Guidelines of Television Channels, 2022.**
- (2) The detailed provisions for Validity period, Processing Fee, Authorisation Fee, Performance Bank Guarantee and Security Deposit for the authorisations under ‘Television Channel Broadcasting Services, as applicable, are tabulated in Schedule-II of Annexure-II and should be notified as Rules for ‘The Broadcasting (Grant of Service Authorisations)’.**

- (3) The provisions for renewal of authorisation as provided in Part-I of Annexure-III should be included in the terms and conditions to be notified as Rules for ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services’.

[Para 3.110]

Specific Terms and Conditions for Television Channel Broadcasting Services

- 4.18 The Authority recommends that that the ‘Specific Terms and Conditions’ contained in Section 1 of Part-II of Annexure-III, applicable to respective service authorisations under ‘Television Channel Broadcasting Services’ should be adopted while framing ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’.

[Para 3.123]

Harmonisation among Television Channel Distribution Services

- 4.19 The Authority recommends that the fees and charges for DTH service and HITS service should be harmonised and prescribed in the following manner.

- (1) **Validity Period and Renewal Period:** The authorisation for DTH service and HITS service should be valid for a period of 20 years from the effective date of authorisation and may be renewed by 10 years at a time.
- (2) **Processing Fee and Renewal Fee:** The processing fee and renewal fee for DTH service and HITS service should be Rs. 10,000.

- (3) **Minimum Net worth requirement:** The minimum Net worth requirement for DTH service and HITS service should be Rs. 10 crore.
- (4) **Entry Fee:** A one-time non-refundable Entry Fee for DTH service and HITS service should be Rs. 10 crore.
- (5) **Authorisation Fee:** The quantum and manner of payment of 'Authorisation Fee (erstwhile License Fee)' for DTH service should be adopted as recommended in TRAI Recommendations on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023. For HITS Service, it should be continued as 'NIL'.
- (6) **Bank Guarantee:**
- a. For DTH Service, the quantum and manner of furnishing Bank Guarantee should be adopted as recommended in TRAI Recommendations on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023.
 - b. For HITS service, a Bank Guarantee of Rs. 5 crore, valid for the entire validity of the authorisation should be prescribed.
- (7) **Roll out Obligations:** The Roll out Obligations should be made uniform for DTH and HITS services and the authorised entity shall be required to commission its respective services within one year from the date of issue of SACFA clearance as prescribed in Schedule-III of Annexure-III. In case the Roll out Obligations is not met within one year, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.

[Para 3.161]

Vertically Integrated Entity: Reserving of Operational Channel Capacity

4.20 The Authority recommends the following :

- (1) The restriction on reserving 15% of the channel carrying capacity for its vertical integrated broadcaster(s) currently applicable on DTH service should be extended to HITS service and IPTV service.**
- (2) The Central Government may consider extension of the said restriction on vertical integration to be extended to MSO(s) and any other distribution service provider appropriately.**
- (3) The Central Government may review and revise the cap of 15% restriction on channel carrying capacity, in view of prevailing market conditions, or may seek TRAI recommendations, if considered necessary.**

[Para 3.179]

Sharing of Infrastructure

4.21 The Authority recommends that sharing of infrastructure on voluntary basis among broadcasting service providers, telecom service providers, infrastructure providers or any other service providers wherever technically and commercially feasible, should be allowed.

[Para 3.190]

Interoperability of Set Top Boxes (STB)

4.22 The Authority recommends that authorised entities of ‘Television Channel Distribution Services’ should endeavour to adopt interoperable STBs to enhance consumer choice. The

Central Government should designate TEC to prepare and notify standards for interoperable STBs, as well as for television sets facilitating interoperability with inbuilt STB functionality.

[Para 3.200]

Removal of net worth requirements for Internet Services to provide IPTV Service

4.23 The Authority recommends that the minimum net worth requirement of Rs. 100 crore for the provision of Internet Protocol Television (IPTV) Service by an authorised entity of Internet Service (commonly referred to as Internet Service Provider) prescribed in the extant IPTV guidelines dated 8th September 2008 should be removed and aligned with the provisions contained in the authorisation for Internet Services. Accordingly, the terms and conditions prescribing the net worth requirement for IPTV Service should be modified as under:

Excerpt of IPTV Guidelines dated 8th September 2008	Scope of Internet Service in the License Agreement for Unified License 2013⁹⁴	Excerpt of the terms and conditions recommended for provisioning of IPTV Service in Section 2.2 of Part-II of Annexure-III
<i>‘Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service</i>	<i>‘2. Scope of Internet Service: Scope of this Authorization covers the following:</i>	<i>The entity either holding an authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for provision of Unified</i>

⁹⁴ TRAI in its recommendations on ‘ the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023’ issued on 18th September 2024, recommended the following: *‘The Authority recommends that the Minimum equity and Minimum networth requirements for Internet Category A, B & C Service Authorisation and Internet (VNO) Category A, B & C Service Authorisation should remain unchanged at Nil.’*

[Source: https://www.trai.gov.in/sites/default/files/2024-11/Recommendation_18092024.pdf]

<p><i>Licensees) having license to provide triple play services and ISPs with net worth more than Rs. 100 Crores and having permission from the licensor to provide IPTV or any other telecom service provider duly authorized by the Department of Telecom will be able to provide IPTV service under their licenses without requiring any further registration. Similarly cable TV operators registered under Cable Television Network (Regulation) Act 1995 (referred as Cable Act hereafter) can provide IPTV services without requiring any further permission.'</i></p>	<p><i>2.1 (i) The Licensee may provide Internet access including IPTV...'</i></p>	<p><i>Services, Access Services and Internet Services, whose scope of service authorisation includes provisioning of IPTV service; or any other telecom service provider duly authorized by the Department of Telecom; or Cable Television operators registered under 'The Cable Television Networks (Regulation) Act 1995' (referred as 'CTN Act' hereafter); can provide IPTV services. However, such entity shall be required to submit a self-declaration to the Central Government giving details of authorisation/registration under which IPTV service is proposed to be provided, the start date, the area being covered, and details of the network infrastructure etc., in the format prescribed in Schedule-V prior to commencement of IPTV services. The Central Government after verifying the credentials and completeness of submissions may take on record, such an applicant as an 'IPTV service provider' and intimate TRAI the credentials of verified 'IPTV service provider' taken on record accordingly'.</i></p>
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[Para 3.231]

Specific Terms and Conditions for Television Channel Distribution Services

- 4.24 The Authority recommends that the ‘Specific Terms and Conditions’ contained in Section 2 of Part-II of Annexure-III, applicable to ‘Television Channel Distribution Services’ should be adopted while framing ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’.

[Para 3.232]

Delinking of authorisation with frequency assignment and grant of authorisation for Terrestrial Radio Service

- 4.25 The Authority recommends that :

- (1) The authorisation for Terrestrial Radio Service should be delinked from frequency assignment.
- (2) An entity shall have an option of either obtaining the service authorisation prior to participating in the process of frequency assignment or apply for the service authorisation within stipulated timeframe after being a successful bidder.
- (3) The following financial parameters should be prescribed for grant of service authorisation for Terrestrial Radio Service:
 - a) Entry Fee: NIL
 - b) Application Processing Fee: Rs. 10,000
 - c) Minimum Net worth: Rs. 30 lakh
- (4) The terms and conditions of frequency assignment shall be laid down by the Central Government in the form of Notice

Inviting Application/Information Memorandum or any other guidelines/instructions from time to time.

- (5) The Notice Inviting Application/Information Memorandum or any other guidelines/instructions shall contain terms and conditions for assignment of frequency including but not limited to the process of frequency assignment, city wise minimum net worth requirement, Earnest Money Deposit, Reserve Price, Payment Methodology, Roll out and other obligations, Blacklisting and Forfeitures etc. and any other relevant aspects (erstwhile part of Process of granting permission and Grant of Permission Agreement (GOPA) of the extant Policy guidelines of Phase-III FM Radio).**

[Para 3.258]

Re-examination of service area for frequency assignment for Terrestrial Radio Service

- 4.26 The Authority recommends that considering the experience gained in respect of FM radio services, its proliferation, maturity of the industry and technological developments, the issue of city-wise allocation of frequencies vis-à-vis district-wise allocation for private FM radio broadcasting services termed as Terrestrial Radio Service in the authorisation framework may be re-examined by MIB.**

[Para 3.280]

Sharing of Infrastructure for Terrestrial Radio Service

- 4.27 The Authority recommends that mandatory co-location of transmission infrastructure should be removed, and the authorised entities of Terrestrial Radio Service should be allowed to share infrastructure, on voluntary basis with the**

entities of broadcasting services, telecom services, infrastructure providers etc. as per technical and commercial feasibility.

[Para 3.286]

Specific Terms and Conditions for Radio Broadcasting Services

- 4.28 The Authority recommends that the ‘Specific Terms and Conditions’ contained in Section 3 of Part-II of Annexure-III, applicable to respective service authorisations of ‘Radio Broadcasting Services’ should be adopted while framing ‘The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules’.

[Para 3.303]

Acronyms

Abbreviations	Descriptions
AIR	All India Radio
AM	Amplitude Modulation
AGR	Adjusted Gross Revenue
ApGR	Applicable Gross Revenue
BECIL	Broadcast Engineering Consultants India Limited
BIS	Bureau of Indian Standards
CAGR	Compound Annual Growth Rate
CAPEX	Capital Expenditure
CAS	Conditional Access System
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CRS	Community Radio Stations
CTI	Common Transmission Infrastructure
DD	Doordarshan
DoT	Department of Telecommunications
DPIIT	Department for Promotion of Industry and Internal Trade
DPO	Distribution Platform Operator
DSNG	Digital Satellite News Gathering
DTH	Direct-to-Home
EMD	Earnest Money Deposit
ENG	Electronic News Gathering
EPG	Electronic Programme Guide
ERP	Effective Radiated Power

FAST	Free Ad-supported Streaming Television
FD	Financial Disincentives
FDI	Foreign Direct Investment
FM	Frequency Modulation
FPO	Farmer Producer Organizations
FTA	Free-to-Air
GBB	Ground-based Broadcaster
GOPA	Grant of Permission Agreement
GR	Gross Revenue
GST	Goods and Service Tax
HD	High Definition
HITS	Headend in the Sky
HUF	Hindu Undivided Family
ICAR	Indian Council of Agricultural Research
IIM	Indian Institutes of Management
IIT	Indian Institutes of Technology
IMC	Inter-Ministerial Committee
INSAT	Indian National Satellite System
IN-SPACE	Indian National Space Promotion and Authorization Centre
IPTV	Internet Protocol Television
ISP	Internet Service Provider
ITU-R	International Telecommunication Union- Radiocommunication
LCO	Local Cable Operator
LLP	Limited Liability Partnership
LoI	Letter of Intent

LTI	Leased Transmission Infrastructure
MHA	Ministry of Home Affairs
MIB	Ministry of Information and Broadcasting
MRP	Maximum Retail Price
MSO	Multi-System Operator
MTNL	Mahanagar Telephone Nigam Limited
MW	Mediumwave
NGE4	Non-Government Entities
NGO	Non-Governmental Organization
NIA	Notice Inviting Application
NOC	No Objection Certificate
NOCC	Network Operation and Control Centre
NOTEF	Non-Refundable One Time Entry Fee
OHD	Open House Discussion
OPEX	Operational Expenditure
PBG	Performance Bank Guarantee
PC	Programme Code
PIB	Press Information Bureau
PS	Platform Service
QoS	Quality of Service
SACFA	Standing Advisory Committee for Frequency Allocation
SAU	State Agriculture University
SCG	Satellite Content Gathering
SD	Standard Definition
SESG	Satellite Earth Station Gateway
SHG	Self Help Group

SMC	SATCOM Monitoring Centre
SMS	Subscriber Management System
SNG	Satellite News Gathering
STB	Set Top Box
SUC	Spectrum Usage Charge
SW	Shortwave
TEC	Telecommunication Engineering Centre
TRAI	Telecom Regulatory Authority of India
TSP	Telecom Service Provider
USAN	Unique Service Authorisation Number
VAS	Value Added Service
WOL	Wireless Operational License
WPC	Wireless Planning and Coordination

Annexure-IA: MIB Reference

संजीव शंकर, (भा.रा.से.)
संयुक्त सचिव (प्रसारण)
SANJIV SHANKAR, IRS
Joint Secretary (Broadcasting)



भारत सरकार
सूचना एवं प्रसारण मंत्रालय
शास्त्री भवन, नई दिल्ली - 110115
GOVERNMENT OF INDIA
MINISTRY OF
INFORMATION & BROADCASTING
SHASTRI BHAWAN, NEW DELHI - 110115

D.O. No. 2/8/2021-BP&L

Dated: the 25th July, 2024

Dear Shri Chaudhary,

As you are aware, the Telecommunications Act, 2023 has been published in the Official Gazette of India. This Act replaces the existing legislation governing telecommunications in India, namely the Indian Telegraph Act, 1885 and the Wireless Telegraphy Act, 1933. Further, sections 1, 2, 6 to 8, 10 to 30, 42 to 44, 46, 47, 48, 50 to 58, 59 (b), 61, 62, of the said Act have been appointed vide DoT's Gazette Notification dated 21.06.2024 and 04.07.2024 and appointment date for some sections is yet to be notified. The Section 3(1)(a) of the Telecommunication Act, which is yet to be notified, provides for obtaining an authorisation by any entity/person intending to provide telecommunication services, subject to such terms and conditions, including fees or charges; as may be prescribed.

2. In respect of the broadcasting services, it is to apprise that many broadcasting platforms (which employ radiowaves and spectrum for offering services) viz. DTH, HITS, IPTV, Uplinking/Downlinking of channels (including teleports), SNG, DSNG, Community Radio, FM Radio etc. are issued license/permission/registration by MIB under Section 4 of the Indian Telegraph Act, 1885. The said Section 4 grants the Central Government exclusive privilege to issue licenses and MIB draws these powers for issuing license/permission/registration. A brief background note on the different license/permission/registration/guidelines issued by MIB under Indian Telegraph Act, 1885 and other relevant issues vis-à-vis the Telecommunication Act, 2023 is **enclosed** herewith.

3. Now, the authorization of such broadcasting services would be required to be granted under Section 3(1)(a) of the Telecommunication Act, 2023 once the appointed date for this section is notified. Therefore, it is essential that the existing policy guidelines in respect to the Broadcasting services as mentioned above, administered by MIB, may be aligned to the Telecommunication Act, 2023 so that the terms and conditions for the authorization to these broadcasting services may be notified as Rules under the Telecommunication Act, 2023.

4. In this context, TRAI is requested to provide its recommendations, under Section 11(1)(a) of the TRAI Act, 1997, on terms and conditions, including fees or charges; for

Contd..2..



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- 2 -

authorisation to provide the above Broadcasting services with the objective of aligning it to Telecommunications Act, 2023 and harmonizing the terms and conditions across various service providers as given in the enclosed background note.

Best Regards,

Encl: As Above.

Yours sincerely,


(Sanjiv Shankar)

Shri Atul Kumar Chaudhary

Secretary,

Telecom Regulatory Authority of India (TRAI),

7th Floor NBCC World Trade Centre,

Nauroji Nagar Market,

New Delhi – 110 0029

Background Note

1. Section 4 of the Indian Telegraph Act, 1885 gives exclusive privilege to Central Government to issue license to establish, maintain or work a telegraph within any part of India. The Ministry of Information and Broadcasting uses this privilege to grant licenses/permissions/registrations to various broadcasting services, viz. DTH, HITS, IPTV, Uplinking/Downlinking of channels (including teleports), SNG, DSNG, Community Radio, FM Radio etc. that employs radio-waves and spectrum for offering the services.

2. Further, with the approval of Union Cabinet, the Ministry has issued detailed comprehensive regulations in the form of various Policy guidelines which prescribe regulatory framework and detailed procedure and terms and conditions for obtaining licenses/permissions/registrations for providing above broadcasting services. The details of various licenses/permissions/registrations issued by MIB and the respective Policy guidelines are as under:

- (i) License to provide Direct to Home(DTH) Services are given as per the '*Guidelines for obtaining license for providing Direct to Home(DTH) Broadcasting services in India*'.
- (ii) Permission to provide Headend in the Sky (HITS) services are given as per the '*Guidelines for providing Headend in the Sky (HITS) Broadcasting services in India*'.
- (iii) Registration to provide Internet Protocol Television (IPTV) services to ISPs and MSOs are given as per the '*Guidelines for provisioning Internet Protocol Television (IPTV) services*'.
- (iv) Permission to provide Teleport Services- Uplinking/Downlinking/SNG/DSNG are given as per the '*Policy Guidelines for Uplinking and Downlinking of Television Channels*'.
- (v) Licenses for setting up of Community Radio Stations are given as per the '*Policy Guidelines for setting up Community Radio Stations in India*'.
- (vi) Permission for FM Radio channels given as per the '*Policy guidelines for Phase-III expansion of FM Radio broadcasting through private agencies*'.

3. The Section 3 of the Telecommunication Act, 2023 provides that:

3. (1) Any person intending to—
- (a) provide telecommunication services;
 - (b) establish, operate, maintain or expand telecommunication network; or
 - (c) possess radio equipment,

shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

4. The Section 3(2) of the Telecommunication Act, 2023 provides that '*The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.*'

5. Section 3(6) of the Telecommunications Act, 2023 provides that a license, registration, permission, by whatever name called, granted prior to the appointed day under the Indian

Telegraph Act, 1885, in respect of provision of telecommunication services shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such license or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

6. Section 61 of the Telecommunications Act, 2023 provides that *'All rules, orders, made or purported to have been made under the Indian Telegraph Act, 1885 or under the Indian Wireless Telegraphy Act, 1933, shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules, orders were made, and shall continue in force unless and until they are superseded by any rules made under this Act.'*

7. Many other Sections of the Telecommunications Act, 2023 may have either direct or indirect linkages with the terms and conditions of the authorisation for providing broadcasting services. Many terms and conditions of the extant Policy guidelines may relate to different Sections of the Telecommunications Act 2023. Further some of the terms and conditions will be required to be amended/ incorporated in light of certain new provisions in this Act. The Authority may deliberate in this regard.

8. The related issues of harmonization of the terms and conditions for different licenses/permissions/registrations in the broadcasting sector; difference in regulatory fees viz. License Fee, Entry fee, Bank Guarantee among service providers providing similar set of service, may also be examined. For instance, the ISPs providing IPTV services are required to pay a License Fee @8% on the revenue accrued from the IPTV services whereas no such fee or levy is required to be paid by the MSOs providing IPTV thereby creating a regulatory disparity between two set of providers providing similar services. The Authority may examine with a view to ensure level playing field in this regard.

**Annexure-IB: Mapping of authorisation Framework for Broadcasting
Services with the Telecommunications Act, 2023**

S.No.	Authorisation Framework Subhead	Section of The Telecommunications Act, 2023	Sub head of The Telecommunications Act, 2023
Grant of Service Authorisation			
1.	Definitions	Section 2	Definitions
2.	Grant of Service Authorisation	Section 3(1)(a)	Authorisation
3.	Assignment and use of Spectrum	Section 4	Assignment of Spectrum
4.	Migration of existing service providers	Section 4(8)	Administrative Assignment of Spectrum
		Section 4(9)	Auction of Spectrum
The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services			
5.	Assignment and use of Spectrum	Section 4	Assignment of Spectrum
6.	Technical Conditions	Section 19	Power to notify standards
7.	Creation of Security Interest	Section 45	Creation of Security Interest
8.	Restrictions on 'Transfer of Service Authorisation'	Section 3(5)	Merger, demerger or acquisition
		Section 45	Creation of security interests
9.	Provision of Service	Section 20	Provisions for public emergency or public safety
		Section 21	Measures for national security, etc.
		Section 22	Protection of telecommunication network and telecommunication services
10.	Security Conditions	Section 21	Measures for national security, etc.
11.	Obligations imposed on the Authorised Entity	Section 20(2)	Provisions for public emergency or public safety

S.No.	Authorisation Framework Subhead	Section of The Telecommunications Act, 2023	Sub head of The Telecommunications Act, 2023
12.	Dispute Resolution and Jurisdiction	Section 41	Jurisdiction of civil court barred
13.	Contravention of Rules/Regulations and Violation of Orders/Directions/Guidelines/ Code	CHAPTER VIII (ADJUDICATION OF CERTAIN CONTRAVENTIONS) to include:	
		Section (31)	Definitions of terms used in this Chapter
		Section (32)	Breach of terms and conditions of authorisation or assignment
		Section (33)	Contraventions of Act
		Section (34)	Voluntary undertaking for contraventions
		Section (35)	Adjudicating Officer
		Section (36)	Designated Appeals Committee
		Section (37)	Process to be followed by Adjudicating Officer and Designated Appeals Committee
		Section (38)	Enforcement
		Section (39)	Appeals on matters relating to section 32
		Section (40)	Appeals on matters relating to section 33
		Section (41)	Jurisdiction of civil court barred
14.	Live uplinking of an event by a 'Non-news and Current Affairs Channel'	Section 4	Assignment of Spectrum

Annexure-IC: Source of Definitions

S. No.	Definition	Source
Definitions used as it is		
1.	Addressable System	TRAI Regulations, 2017
2.	Authorisation	The Telecommunications Act, 2023
3.	Authorisation Fee	Recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 dated 18.09.2024
4.	Authorised Entity	The Telecommunications Act, 2023
5.	Company	Uplinking and Downlinking Guidelines, 2022
6.	Designated Partner	Uplinking and Downlinking Guidelines, 2022
7.	Devotional Channel	Uplinking and Downlinking Guidelines, 2022
8.	Director	Uplinking and Downlinking Guidelines, 2022
9.	Effective Date of Authorisation	Recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023
10.	Effective Radiated Power	FM Radio Guidelines, 2011
11.	Entry Fee	Recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023
12.	Ground Infrastructure	Recommendations on Regulatory framework for Ground-based Broadcasters dated 15.01.2025
13.	Internet Protocol Television (IPTV) Service	TRAI Regulations, 2017

S. No.	Definition	Source
14.	Key Managerial Personnel	Uplinking and Downlinking Guidelines, 2022
15.	Local Cable Operator (LCO)	TRAI Regulations, 2017
16.	Limited Liability Partnership (LLP)	Uplinking and Downlinking Guidelines, 2022
17.	Multi-System Operator (MSO)	TRAI Regulations, 2017
18.	Message	The Telecommunications Act, 2023
19.	National Channel	Uplinking and Downlinking Guidelines, 2022
20.	Platform Services (PS)	DTH Operational Guidelines 2022
21.	Person	The Telecommunications Act, 2023
22.	Radio Equipment	The Telecommunications Act, 2023
23.	Radio Waves	The Telecommunications Act, 2023
24.	Regional Channel	Uplinking and Downlinking Guidelines, 2022
25.	SACFA	Recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023
26.	SATCOM Monitoring Centre	Recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023
27.	Set Top Box (STB)	TRAI Regulations, 2017
28.	Shareholding Pattern	Uplinking and Downlinking Guidelines, 2022
29.	Spectrum	The Telecommunications Act, 2023
30.	Subscriber Management System (SMS)	TRAI Regulations, 2017
31.	Teleport Hub	Uplinking and Downlinking Guidelines, 2022

S. No.	Definition	Source
32.	Terrestrial Communication Medium	Recommendations on Regulatory framework for Ground-based Broadcasters
33.	User	The Telecommunications Act, 2023
34.	Working journalist	Uplinking and Downlinking Guidelines, 2022
Definitions used <i>mutatis mutandis</i>		
35.	Broadcaster	TRAI Regulations, 2017
36.	Broadcasting Services	TRAI Regulations, 2017
37.	Digital Satellite News Gathering (DSNG)	Uplinking and Downlinking Guidelines, 2022
38.	Direct-to-Home (DTH) Service	TRAI Regulations, 2017
39.	Electronic News Gathering (ENG)	Uplinking and Downlinking Guidelines, 2022
40.	Financial Year	Uplinking and Downlinking Guidelines, 2022
41.	Ground-based Broadcasting	Recommendations on Regulatory framework for Ground-based Broadcasters dated 15.01.2025
42.	Head-end In The Sky (HITS) Service	TRAI Regulations, 2017
43.	News Channel	Uplinking and Downlinking Guidelines, 2022
44.	Non-news Channel	Uplinking and Downlinking Guidelines, 2022
45.	Non-operational Channel	Uplinking and Downlinking Guidelines, 2022
46.	Satellite-based Broadcasting	Recommendations on Regulatory framework for Ground-based Broadcasters dated 15.01.2025
47.	Teleport	Uplinking and Downlinking Guidelines, 2022

S. No.	Definition	Source
48.	Television Channel	TRAI Regulations, 2017
Definitions Modified		
49.	Broadcasting Services	TRAI Regulations, 2017
50.	Programme	TRAI Regulations, 2017
Definitions newly added		
51.	Capital Contribution	
52.	Conditional Access System (CAS)	
53.	Distribution Service Provider (DSP)	
54.	Radio Broadcasting Services	
55.	Radio Channel	
56.	Television Channel Broadcasting Services	
57.	Television Channel Distribution Services	
58.	Unique Service Authorisation Number (USAN)	

Annexure-ID: Programme Code and Advertisement Code for Radio Broadcasting Services

Programme Code for Radio Broadcasting Services

The Authorised Entity shall not broadcast anything that:

1. offends good taste or decency or is defamatory in nature;
2. contains criticism of friendly countries;
3. contains attack on religions or communities or visuals or words contemptuous of religious groups or which promote communal attitudes;
4. encourages or incites violence, or is likely to be prejudicial to public order;
5. which promotes anti-national attitude;
6. contains anything affecting the sovereignty and integrity of India and the security of the State;
7. amounts to contempt of Court;
8. casts aspersions on the integrity of the President, Governors and the Judiciary,
9. misuses or wrongly or improperly depicts or presents the National Flag, National Emblem, National Anthem and Map of India;
10. may cause disharmony in Centre-State relations;
11. contains undue and out of context publicity or glorification of individuals and institutions/organizations;
12. is in contravention of general directives issued by the Central Government for regulating content under relevant statutory provisions;
13. is likely to incite an offence or contravenes prevailing laws including provisions of the Copyright Act, 1957;
14. maligns or defames any individual in person or certain groups, and affects the social, public and moral life of the country;

15. encourages superstition, dogma or blind belief and hinders development of scientific temper and spirit of inquiry;
16. aggravates social inequities and evils like caste, child marriage, dowry, alcohol and substance abuse;
17. contains visual or words which reflect a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups;
18. denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
19. explicitly portrays violence against children, women and senior citizens including physical and emotional maltreatment without concern for their health and safety, privacy and dignity; and
20. encourages ecological spoliation or has been produced by causing cruelty to animals and destruction of the environment.

Advertisement Code for Radio Broadcasting Services

A. While broadcasting advertisements, the Authorised Entity shall adhere to the following norms:

1. Advertisements carried in the radio broadcasting shall conform to the laws of the country, and shall not offend morality, decency and religious susceptibilities of the people.
2. No advertisement shall be permitted, which
 - (i) derides any race, caste, colour, creed and nationality;
 - (ii) is against any provision of the Constitution of India;
 - (iii) ends to incite people to crime, cause disorder or violence, or breach of law or glorifies violence or obscenity in any way;
 - (iv) presents criminality as desirable;
 - (v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;
 - (vi) in its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasizes passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The Authorised Entity of Radio Broadcasting Services shall ensure that the portrayal of the female form, in the programmes carried, is tasteful and aesthetic, and is within the well-established norms of good taste and decency;
 - (vii) exploits social evils like dowry, child marriage;
 - (viii) promotes directly or indirectly production, sale or consumption of-
 - (A) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants:

Provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor, or other intoxicants, may be advertised on radio subject to the following conditions that

- (i) the story board or visual of the advertisement must depict only the product being advertised and not the prohibited products in any form or manner;
- (ii) the advertisement must not make any direct or indirect reference to prohibited products;
- (iii) the advertisement must not contain any nuances or phrases promoting prohibited products;
- (iv) the advertisement must not use particular colours and layout or presentations associated with prohibited products; and
- (v) the advertisement must not use situations typical for promotion of prohibited products when advertising the other products;

Provided further that-

- (i) the advertiser shall submit an application with a copy of the proposed advertisement along with a certificate by a registered Chartered Accountant that the product carrying the same name as cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants is distributed in reasonable quantity and is available in a substantial number of outlets where other products of the same category are available and the proposed expenditure on such advertising thereon shall not be disproportionate to the actual sales turnover of the product;
- (ii) all such advertisements found to be genuine brand extensions by the Central Government shall be

previewed and certified by the Central Board of Film Certification as suitable for unrestricted public exhibition and are in accordance with the provisions contained in sub-clause (i) to (v) of the first proviso, prior to their broadcast on radio; and

(B) infant milk substitutes, feeding bottle or infant food; and

(ix) depicts cruelty or violence towards animals in any form or promotes unscientific belief that causes harm to animals.

3. No advertisement shall contain references, which hurt religious sentiments.
4. The goods or services advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act, 2019.
5. No advertisement shall contain references, which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.
6. The picture and the audible matter of the advertisement shall not be excessively "loud".
7. No advertisement, which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall be carried in the radio service.
8. Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements.
9. No advertisement, which violates the Code for self-regulation in advertising, as adopted by the Advertising Standards Council of India (ASCI), Mumbai for public exhibition in India, from time to time, shall be carried in the radio service.
10. All advertisement should be clearly distinguishable from the programme and should not in any manner interfere with the

programme viz., use of lower part of screen to carry captions, static or moving alongside the programme.

11. No programme shall carry advertisements exceeding 12 minutes per hour, which may include up to 10 minutes per hour of commercial advertisements, and up to 2 minutes per hour of a channel's self-promotional programmes.

B. Further, all the creative/advertisements inserted by the Authorised Entity of Terrestrial Radio Service on its streaming platform shall be consistent with the above norms.

Annexure-II: Terms & Conditions for Broadcasting (Grant of Service Authorisations)

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TERMS AND CONDITIONS TO BE INCLUDED IN THE BROADCASTING (GRANT OF SERVICE AUTHORISATIONS) RULES

1. **Definitions:** In these Rules, unless the context otherwise requires, the different terms and expression used shall have the meaning assigned to them in the following paragraphs. Further, the words and expressions not defined in the Rules but defined in the Cable Television Networks (Regulation) Act, 1995, the Telecom Regulatory Authority of India Act, 1997, the Telecommunications Act, 2023, and Rules and Regulations made thereunder, shall have the meanings respectively assigned to them in the said Acts:
 - (1) “**Authorisation**” means a permission, by whatever name called, granted under the Telecommunications Act, 2023 for:
 - (i) providing telecommunication services;
 - (ii) establishing, operating, maintaining or expanding telecommunication networks; or
 - (iii) possessing radio equipment;
 - (2) “**Authorisation Fee**” means a fee payable by Authorised Entity at prescribed intervals and rates for the period of authorisation;
 - (3) “**Authorised Entity**” means a person holding an authorisation under Section 3 of the Telecommunications Act, 2023;
 - (4) “**Broadcaster**” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorisation from the Central Government, is providing programming services;
 - (5) “**Broadcasting Services**” means the dissemination of any programme(s) through terrestrial or satellite communication medium or a combination of both, intended to be received by the users either directly or indirectly and all its grammatical

variations and cognate expressions shall be construed accordingly;

- (6) “**Capital Contribution**” of a partner means and may consists of tangible, movable or immovable or intangible property or other benefit to the Limited Liability Partnership, including money, promissory notes, other agreements to contribute cash or property, and contracts for services performed or to be performed;
- (7) “**Company**” means a company defined under the Companies Act, 2013;
- (8) “**Designated Partner**” means a person as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008;
- (9) “**Digital Satellite News Gathering (DSNG)**” means and refers to electronic technology/equipment that enables an authorised entity to gather content for broadcasting from remote locations outside of a television studio using satellite communication medium;
- (10) “**Director**” of a company means a Managing Director, Whole time or Executive Director but does not include an Independent Director, as per the Companies Act, 2013;
- (11) “**Distribution Service Provider (DSP)**” shall mean ‘Distribution Platform Operator (DPO)’ and includes Direct-to-Home (DTH) service provider, Head-end In The Sky (HITS) service provider, Internet Protocol Television (IPTV) service provider, Multi-System Operator (MSO) or any other service provider engaged in distribution of programmes/television channels to the users;
- (12) “**Direct-to-Home Service (DTH Service)**” means re-transmission of signals of television channels and transmission of ‘Platform Services’, by using a satellite system, directly to user without

passing through an intermediary such as local cable operator or any other distributor of television channels;

- (13) “**Effective date of Authorisation**” means the date which is so specified in the Authorisation document;
- (14) “**Electronic News Gathering (ENG)**” means and refers to electronic technology/equipment that enables an authorised entity to gather content for broadcasting from remote locations outside of a television studio using communication medium other than satellite;
- (15) “**Entry Fee**” means a non-refundable fee required to be paid by the applicant entity to the Central Government for grant of service authorisation;
- (16) “**Financial year**” means the period starting from 1st day of April of a year and ending on the 31st day of March of succeeding year;
- (17) “**Ground-based Broadcasting**” means providing programming services through terrestrial communication medium using ground infrastructure (other than satellite-based communication medium) for delivery of programme(s)/television channels to the distributors of television channels;
- (18) “**Ground infrastructure**” means the facilities and systems comprised of communication network nodes (e.g. switches, routers, servers and/or transmission systems, etc.) and the means to connect them (e.g., wireline (cable/fibre) including underground cable/fibre, etc.) or wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud, etc. for the purpose of communication between two points;
- (19) “**Head-end In The Sky Service (HITS Service)**” means transmission of programmes including re-transmission of signals of television channels by using satellite system either to

intermediaries like Local Cable Operator(s) or Multi-System Operator(s) or to the user using its own cable networks; and/or to provide infrastructure facility to one or more MSO(s)/Cable Operator(s);

- (20) “**Internet Protocol Television Service (IPTV Service)**” means delivery of multi-channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;
- (21) “**Key Managerial Personnel**” means a person defined under sub-section (51) of Section 2 of the Companies Act, 2013;
- (22) “**Local Cable Operator (LCO)**” means a person registered under Rule 5 of the Cable Television Networks Rules, 1994;
- (23) “**Limited Liability Partnership (LLP)**” means a Limited Liability Partnership registered under the Limited Liability Partnership Act, 2008;
- (24) “**Message**” means any sign, signal, writing, text, image, sound, video, data stream, intelligence or information sent through telecommunication;
- (25) “**Multi-System Operator (MSO)**” means a cable operator who has been granted registration under Rule 11 of the Cable Television Networks Rules, 1994 and who receives a programming service from a broadcaster and re-transmits the same or transmits his own Platform Services for simultaneous reception either by multiple subscribers directly or through one or more local cable operators;
- (26) “**News Channel**” means a television channel, which predominantly telecast ‘News and Current Affairs’ content programmes;

- (27) “**Non-news Channel**” means a television channel other than a news channel;
- (28) “**Person**” shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;
- (29) “**Platform Services (PS)**” are programmes transmitted by the Distribution Service Provider(s) exclusively to their own subscribers and shall not include Doordarshan channels or any other television channels authorised by the Central Government. PS shall not include foreign television channels that are not registered in India;
- (30) “**Portal**” means the portal which may be notified by the Central Government for the digital implementation of these Rules in accordance of Section 53 of the Telecommunications Act, 2023;
- (31) “**Programme**” means any message which is transmitted using a terrestrial or satellite communication medium or a combination of both, intended to be received by the user, and includes but not limited to-
- (i) exhibition of films, features, dramas, documentaries, 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 or pre-recorded content;
- and the expression “Programming Services” shall be construed accordingly;
- (32) “**Radio Broadcasting Services**” means and includes ‘Terrestrial Radio Service’, ‘Community Radio Stations’ and ‘Low Power Small

Range Radio Service’ or any other service as notified by the Central Government from time to time;

- (33) “**Radio Equipment**” means telecommunication equipment used or capable of use for telecommunication by means of Hertzian or radio waves;
- (34) “**Radio Waves**” means electromagnetic waves of frequencies propagated in space without any artificial guide;
- (35) “**SACFA**” shall mean “Standing Advisory Committee for Frequency Allocation”;
- (36) “**SATCOM Monitoring Centre (SMC)**” refers to the Division created under Central Government for operational control and monitoring of satellite communication services in accordance with the decision of INSAT Coordination Committee. SATCOM means Satellite telecommunications;
- (37) “**Satellite-based Broadcasting**” means providing Programming Services using satellite-based communication medium for delivery of programme(s)/television channel(s) to the distributors of television channels;
- (38) “**Shareholding Pattern**” means the number of equity shares of a company held by various shareholders;
- (39) “**Spectrum**” means the range of frequencies of Hertzian or radio waves;
- (40) “**Teleport**” means an earth station facility from where multiple television channels carrying audio, video content can be uplinked to a satellite on permitted frequency band as per the provisions of Section 4 of the Telecommunications Act, 2023;

- (41) “**Teleport Hub**” means set-up of teleports for uplinking of television channels, where multiple antennas are installed for two or more satellites;
- (42) “**Television Channel Broadcasting Services**” means and includes ‘Television Channel Broadcasting’, ‘News Agency for Television Channel(s)’, ‘Teleport/Teleport Hub’, ‘Uplinking of Live event/news/footage by Foreign Channel/News Agency’ services or any other service as notified by the Central Government from time to time;
- (43) “**Television Channel**” means a channel, which has been granted authorisation for broadcasting services by the Central Government;
- (44) “**Television Channel Distribution Services**” means and includes ‘Direct-to-Home Service’, ‘Head-end In The Sky Service’ and ‘Internet Protocol Television Service’ or any other service as notified by the Central Government from time to time;
- (45) “**Terrestrial Communication Medium**” means a communication medium using ground infrastructure, which includes but is not limited to wireline (e.g. cable/fibre, etc.)/wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud or any other equipment/system other than satellite medium;
- (46) “**TRAI**” means ‘Telecom Regulatory Authority of India’ constituted under the Telecom Regulatory Authority of India Act, 1997 as amended from time to time;
- (47) “**Unique Service Authorisation Number (USAN)**” means a unique alpha numeric service number allotted to an entity during grant of authorisation. One or more service authorisation(s) granted to an entity shall be linked to the USAN allotted to such entity;

(48) “**Working journalist**” shall have the same meaning as assigned to it under the Occupational Safety, Health and Working Conditions Code, 2020.

(49) “**WPC**” means ‘Wireless Planning and Coordination’, Department of Telecommunications.

2. **Non-exclusivity:** The service authorisations for various broadcasting services under Section 3(1)(a) of the Telecommunications Act, 2023 shall be granted by the Central Government on a non-exclusive basis i.e., without any restriction on the number of entrants for provisioning of broadcasting services in the respective Service Area, as applicable.

3. **Framework of Authorisations for Broadcasting Services:** The framework of service authorisations for broadcasting services shall encompass three main categories viz., Television Channel Broadcasting Services, Television Channel Distribution Services and Radio Broadcasting Services. These categories further include specific sub-categories of services as detailed below:

(1) **Television Channel Broadcasting Services:** In respect of Television Channel Broadcasting Services, following authorisations may be obtained:

(a) **Television Channel Broadcasting:** The authorisation for Television Channel Broadcasting in India shall enable the entity to broadcast programmes of a television channel through satellite or ground-based medium. The signal reception decoder(s) for such television channel shall be provided only to the authorised/registered Distribution Service Provider (DSP).

i) **Satellite-based Broadcasting of a Television Channel:** For provisioning of service through satellite medium, the applicant

entity shall seek approval for 'Uplinking' or 'Downlinking' or both 'Uplinking and Downlinking' of a television channel, as required.

- ii) **Ground-based Broadcasting of a Television Channel:** For provisioning of service through ground-based medium, the applicant entity shall seek approval for ground-based broadcasting of a television channel.
- (b) **News Agency for Television Channel(s):** The authorisation for News Agency for Television Channel(s) shall enable the entity to set up a news agency for gathering of news and its further distribution to other news agencies/broadcasters using satellite/ground based medium within India. Such an entity using satellite medium for its services shall not uplink television programmes/channels for direct reception by user.
- (c) **Teleport/Teleport Hub:** The authorisation for Teleport/Teleport Hub shall enable the entity to set up, commission and manage earth station(s) from where multiple television channels can be uplinked to geostationary satellite(s) on assigned frequency band(s). In case of Teleport Hub, where multiple antennas are installed for different satellites, assignment of frequency/spectrum for each antenna shall be required.
- (d) **Uplinking of Live event/news/footage by a Foreign Channel/News Agency:** The authorisation for Uplinking of a Live event/news/footage by a Foreign Channel/News Agency shall enable the entity to uplink a Live event/news/footage being held in India from time to time. Such uplink shall be done through a pre-designated authorised teleport with whom, the entity has a binding agreement. The Live event/news/footage so uplinked by the entity shall be primarily for the usage abroad by foreign channel/news agency. The entity shall not broadcast in India without a separate

service authorisation of 'Television Channel Broadcasting' for 'Downlinking of a Television Channel'.

(2) **Television Channel Distribution Services:** In respect of authorisation for distribution of television channel(s), following authorisations may be obtained:

(a) **Direct-to-Home (DTH) Service:** The authorisation for DTH Service shall enable the entity to set up, commission and manage DTH platform for distribution of television channel(s) directly to the user.

(b) **Head-end In The Sky (HITS) Service:** The authorisation for HITS Service shall enable the entity to set up, commission and manage HITS platform.

(3) **Radio Broadcasting Services:** In respect of Radio Broadcasting Services, the following authorisations, may be obtained:

(a) **Terrestrial Radio Service:** The authorisation for Terrestrial Radio Service shall enable the entity to set up, commission and manage a Radio Station for broadcasting programmes of a radio channel and streaming the same concurrently without user control.

(b) **Community Radio Stations:** The authorisation for Community Radio Stations shall enable the entity to set up, commission and manage a Community Radio Station for broadcasting programmes to serve the community(ies) in its coverage area.

(c) **Low Power Small Range Radio Service:** The authorisation for Low Power Small Range Radio Service shall enable the entity to set up, commission and manage a Low Power Small Range Radio Transmitter for 'Captive use' or for provisioning of 'Infrastructure as a Service'.

4. **Scope of Service and Service Area:** The scope of service and respective service area for the authorisation of various broadcasting services are listed in **Table 4.1**.

Table 4.1: Scope of Service and Service Area for Broadcasting Services

S.No.	Service Authorisation	Scope of Service	Service Area
Television Channel Broadcasting Services			
1.	Television Channel Broadcasting		
i.	Satellite-based Broadcasting of a Television Channel		
a.	Uplinking of a Television Channel	To uplink programmes of a television channel from anywhere in India to satellite using specified Teleport/Teleport Hub.	National
b.	Downlinking of a Television Channel	To 'Downlink only' programmes of a television channel within India for distribution by authorised/registered Distribution Service Provider only.	National
c.	Uplinking and Downlinking of a Television Channel	To uplink programmes of a television channel from anywhere in India to satellite using specified Teleport/Teleport Hub; and also to Downlink same programmes of the television channel within India for distribution by authorised/registered Distribution Service Provider only.	National
ii.	Ground-based Broadcasting of a Television Channel	To provide television channel(s) to authorised/registered Distribution Service Provider (DSP) using terrestrial communication medium, for onward retransmission.	National
2.	News Agency for Television Channel(s)	To set up news agency for news gathering and its further distribution to other news agency/broadcaster using satellite/ground-based medium.	National

3.	Teleport/Teleport Hub	To set up, commission and manage teleport/teleport hub service for uplinking of satellite television channel(s) from anywhere in India.	National
4.	Uplinking of Live event/news/footage by Foreign Channel/News Agency	To uplink Live events/news/footage by Foreign Channel/News Agency from anywhere in India, using specified Teleport/Teleport Hub, to broadcast outside India. ⁹⁵	Pan-India ⁹⁶
Television Channel Distribution Services			
5.	Direct-to-Home (DTH) Service	To set up, commission and manage DTH platform for distribution of television channel(s) in India.	National
6.	Head-end In The Sky (HITS) Service	To set up, commission and manage HITS platform for distribution of television channel(s) either to intermediaries like Local Cable Operator(s) or Multi-System Operator(s) or to the user using its own cable networks in India; and/or to provide infrastructure facility to one or more MSO(s)/Cable Operator(s).	National
Radio Broadcasting Services			
7.	Terrestrial Radio Service	To set up, commission and manage a radio station for broadcasting programmes of a radio channel and streaming the same concurrently without user control.	Pan-India ⁹⁷

⁹⁵ For broadcasting in India, a separate authorisation for the 'downlinking of a television channel' shall be required.

⁹⁶ However, the Authorised Entity shall be allowed to gather and uplink the Live event/news/footage in the specific area for a specified duration for which entity has been authorised.

⁹⁷ While the authorisation is Pan-India, the Authorised Entity may be allowed to operate and provide services only in the city(ies), for which it has been assigned frequency to broadcast radio channel. The territorial restriction shall not apply to streaming of the same radio channel due to technology feature.

8.	Community Radio Stations	To set up, commission and manage a Community Radio Station for broadcasting programmes to serve the communities.	Location Specific
9.	Low Power Small Range Radio Service	<p>To set up, commission and manage a Low Power Small Range Radio Transmitter for 'Captive use' or for provision of 'Infrastructure as a Service':</p> <p>a) 'Captive use' scenarios cover a wide range of facilities, such as drive-in theatres, shopping malls, and sports complexes, among others where the permission holder utilizes low power small range transmitter to broadcast their own content.</p> <p>b) 'Low Power Small Range Radio Transmitter Infrastructure as a Service' shall enable provisioning of infrastructure to third parties, who intend to organise an event for a limited period, at a specific location, such as an event ground or concert hall etc.</p>	Location/ Event Specific ⁹⁸

5. **Validity Period:** The validity period of the service authorisation shall be for a period given below in **Table 5.1** from the Effective date of Authorisation unless revoked earlier for reasons as specified:

Table 5.1: Validity Period for Broadcasting Service Authorisations

S.No.	Authorised Service	Validity Period applicable from the effective date of authorisation
Television Channel Broadcasting Services		
1.	Television Channel Broadcasting*	10 years

⁹⁸ The maximum permissible transmission power and range shall be 1 watt and 500 meters respectively. The service area of frequency assignment shall be location-specific based on the precise geographical coordinates such as longitude and latitude of the intended service location.

i.	Satellite-based Broadcasting of a Television Channel (a) Uplinking of a Television Channel (b) Downlinking of a Television Channel ⁹⁹ (c) Uplinking and Downlinking of a Television Channel	
ii.	Ground-based Broadcasting of a Television Channel	
2.	News Agency for Television Channel(s)	5 years
3.	Teleport/Teleport Hub	10 years
4.	Uplinking of Live event/news/footage by Foreign Channel/News Agency	1 year
Television Channel Distribution Services		
5.	Direct-to-Home (DTH) Service	20 years
6.	Head-end In The Sky (HITS) Service	20 years
Radio Broadcasting Services		
7.	Terrestrial Radio Service	15 years
8.	Community Radio Stations	10 years
9.	Low Power Small Range Radio Service	Up to 30 days/5 years

***Note:** The Authorised Entity holding an authorisation of 'Television Channel Broadcasting' for providing satellite-based broadcasting of a television channel shall be allowed to either additionally use/completely shift to ground-based broadcasting for that television channel; and *vice-versa*. The validity period of the authorised entity shall continue for the remaining period in both the cases. For illustration, an Entity having authorisation for 'Uplinking and Downlinking of a television channel' with a remaining validity period of 6 years can apply for 'Ground-based Broadcasting' for that particular channel. The validity period in this case shall be 6 years.

6. Eligibility Conditions for the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services: A list of eligibility conditions for various authorisations is provided in this section. The applicable eligibility

⁹⁹ Authorisation for downlinking of a television channel which is uplinked from other countries shall be for 10 years.

Provided that in respect of a television channel that has been uplinked from India, the authorisation for downlinking shall be co-terminus with the authorisation for uplinking of the television channel.

conditions for various Broadcasting Services are listed in **Table 6.1** below:

Table 6.1: Applicable Clauses of Eligibility Conditions for various Service Authorisations

S.No.	Name of Service	Applicable eligibility condition(s) from the list
Television Channel Broadcasting Services		
1.	Television Channel Broadcasting	
(i)	Satellite-based Broadcasting of a Television Channel	
(a)	Uplinking of a Television Channel	(1) to (10) and (11)
(b)	Downlinking of a Television Channel	(1) to (10) and (12)
(c)	Uplinking and Downlinking of a Television Channel	(1) to (10), (11) and (12)
(ii)	Ground-based Broadcasting of a Television Channel	(1) to (10) and (13)
2.	News Agency for Television Channel(s)	(1) (2), (5), (6) (7) and (14)
3.	Teleport/Teleport Hub	(1) to (10)
4.	Uplinking of Live event/news/footage by Foreign Channel/News Agency	(15)
Television Channel Distribution Services		
5.	Direct-to-Home (DTH) Service	(1) to (10)
6.	Head-end In The Sky (HITS) Service	(1) to (10)
Radio Broadcasting Services		
7.	Terrestrial Radio Service	(1) to (10) and (16)
8.	Community Radio Stations	(17)
9.	Low Power Small Range Radio Service	(1) to (10) and (18)

List of eligibility conditions

- (1) The applicant entity shall be an Indian Company or a Limited Liability Partnership (LLP):

Provided that no Ministry/Department of the Central Government and State/UT Governments and entities related to them shall be allowed to obtain service authorisation.

- (2) The applicant entity shall fulfil all the terms and conditions laid down in the Foreign Direct Investment (FDI) policy of the Government of India, as notified by the Department of Promotion of Industry and Internal Trade (DPIIT) from time to time, as applicable.

For this purpose, the applicant entity shall intimate the Central Government regarding FDI position at the time of application as well as whenever any change in the FDI in the company takes place, within 30 days of effect of such change. 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.

- (3) The applicant company/LLP shall make full disclosure of Shareholders Agreements/Capital Contribution, at the time of application, as applicable.
- (4) The applicant entity shall have a minimum Net worth of an amount specified in the **Table 6.2**, as applicable, at the time of application:

Provided that Net worth of only the applicant entity shall be considered to determine the eligibility and the Net worth of holding companies or subsidiaries or group companies or interconnected undertakings shall not be taken into account;

Provided further that the amount of Entry Fee paid shall not be taken as a tangible asset either in full or in part for the purposes of calculation of Net worth;

Provided also that the applicant entity shall submit Net worth Certificate as per the proforma given in **Schedule-I** duly

certified by the Statutory Auditor/Chartered Accountant and supported by certified accounts;

Provided also that the stipulated minimum Net worth shall be required to be maintained throughout the validity of authorisation.

Table 6.2: Net worth requirements for Grant of Service Authorisations

S. No.	Applicant Entity		Net worth (in Rs.)
Television Channel Broadcasting Services			
1.	Television Channel Broadcasting*	News & Current Affairs Television Channel	1 st Television Channel: 20 cr. Additional Channel: 5 cr.
		Non-news & Current Affairs Television Channel	1 st Television Channel: 5 cr. Additional Channel: 2.5 cr.
	i. Satellite-based Broadcasting of a Television Channel a. Uplinking of a Television Channel b. Downlinking of a Television Channel c. Uplinking and Downlinking of a Television Channel ¹⁰⁰ ii. Ground-based Broadcasting of a Television Channel		
2.	Teleport/Teleport Hub		1 st Teleport: 3 cr. Additional Teleport: 1 cr.
Television Channel Distribution Services			
3.	Direct-to-Home (DTH) Service		10 cr.
4.	Head-end In The Sky (HITS) Service		10 cr.
Radio Broadcasting Services			
5.	Terrestrial Radio Service		30 Lakh

***Note:** The Authorised Entity holding an authorisation of 'Television Channel Broadcasting' for providing satellite-based broadcasting of a television channel shall be

¹⁰⁰ The entity obtaining authorisation for 'Television Channel Broadcasting' and intending to provide both 'Uplinking and Downlinking of a Television Channel' shall have to maintain the minimum net worth requirement equivalent to the arithmetic sum of both 'Uplinking of a Television Channel' and 'Downlinking of a Television Channel' for both 'News & Current Affairs Television Channel' and 'Non-News and Current Affairs Television Channel'

allowed to either additionally use/completely shift to ground-based broadcasting for that television channel; and *vice-versa*. The minimum net worth requirement of the authorised entity shall remain the same.

- (5) The applicant entity shall always have an Indian management control with majority representatives on the Board/Partnership, as well as key managerial personnel, Editorial staff, the Chief Executive/Head of channel, known by any designation of the company being resident Indian citizens:

Provided that the applicant entity shall intimate the names, address and details of a person, not being resident of India, who are in the Board of Directors/Partners or proposed to be included in the Board of Directors/Partners.

- (6) The entity as well as the Directors on the Board/Partners, Managing Director, Chief Executive Officer (CEO), Chief Financial Officer (CFO), Key Managerial Personnel, known by any designation of the company or partner of a partnership firm shall be required to be security cleared from the Ministry of Home Affairs (MHA).
- (7) The applicant entity shall disclose the name, address and details of every 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.
- (8) The applicant entity shall intimate the Central Government regarding the details of directorship, key executives at the time of application as well as on occurrence of any change in the directorship, key executives, within 15 days of effect of such change, 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 the designated partner, as the case may be, by the Authorised Entity.

- (9) At the time of application, the applicant entity shall not have been disqualified from holding such permission/authorisation in the past.
- (10) Where a company/LLP is required to remit foreign exchange under Reserve Bank of India (RBI) Instructions to a foreign entity for transaction relatable to authorisation under these Rules, it may seek permission of the Central Government. Every such application shall be processed by the Central Government in accordance with the extant instructions of RBI.
- (11) **Additional Eligibility Conditions specific to Uplinking of a Television Channel**
- (a) The applicant company shall furnish, along with the application, the proposed name and logo of the channel along with the Trademark 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.
- (b) The company/LLP shall have complete management control, operational independence and control over its resources and assets and shall have adequate financial strength to operate the channel.

(12) Additional Eligibility Conditions specific to Downlinking of a Television Channel

- (a) The applicant entity shall have a commercial presence in India with its principal place of business in India.
- (b) The applicant entity shall either own the channel, or shall enjoy, for the territory of India, exclusive marketing/distribution rights for the same, inclusive of the rights to the advertisement and subscription revenues for the channel and shall submit documentary proof at the time of the application:

Provided that where the applicant entity shall have exclusive marketing/distribution rights, it shall 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 contract by the owner of the channel and contracts are:

- (i) In the name of the owner of the channel; or
 - (ii) 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
 - (iii) for the provision of service by the owner of the channel.
- (c) It furnishes technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipment/instruments to be used for downlinking and distribution, the Block schematic diagram of the downlinking and distribution system and also demonstrate the facilities for monitoring and storing record for 90 days.

- (d) The downlinked channel shall have authorisation for broadcast by the competent authority of the country of transmission, documentary proof of which, shall be submitted at the time of application.

(13) Additional Eligibility Conditions specific to Ground-based Broadcasting of a Television Channel

- (a) The applicant company shall furnish, along with the application, the proposed name and logo of the channel along with the Trademark 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.

- (b) The company/LLP shall have complete management control, operational independence and control over its resources and assets and shall have adequate financial strength to operate the channel.
- (c) The applicant entity shall either own the channel, or shall enjoy, for the territory of India, exclusive marketing/distribution rights for the same, inclusive of the rights to the advertisement and subscription revenues for the channel and shall submit documentary proof at the time of the application:

Provided that where the applicant entity shall have exclusive marketing/distribution rights, it shall 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 contract by the owner of the channel and contracts are:

- (i) In the name of the owner of the channel; or
 - (ii) 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
 - (iii) for provision of service by the owner of the channel.
- (d) For delivery of channels to the distributors of television channels, a Ground-based Broadcaster may use any terrestrial communication medium(s) including but not limited to wireline (e.g. cable/fibre, etc.)/wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud or any other equipment/system other than satellite medium. There shall be no restriction on the use of terrestrial communication technologies/systems and the entity may use more than one such systems, as per its business decision.

Provided that the permission holder/authorised entity shall furnish technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipment/instruments to be used for transmission and distribution, the Block schematic diagram of the transmission and distribution system.

(14) Additional Eligibility Conditions specific to News Agency for Television Channel(s)

- (a) The company/LLP shall have working journalists employed by it who are accredited with the Press Information Bureau (PIB) on behalf of the company/LLP.
- (b) The entity shall continue to have accreditation of PIB during the period of permission:

Provided that if at any time the entity ceases to have PIB accreditation, the authorisation of the news agency shall be cancelled forthwith.

(15) Eligibility Conditions for Uplinking of Live event/news/footage by Foreign Channel/News Agency

- (a) The following shall be eligible to apply for grant of authorisation for Uplinking of Live event/news/footage by Foreign Channel/News Agency:
 - (i) Foreign Channel, i.e., an entity having requisite authorisation/permission to broadcast a television channel in the respective country outside India;
 - (ii) Foreign News Agency, i.e., an entity having requisite authorisation/permission to gather and/or distribute the news in the respective country outside India;
- (b) The applicant entity shall be required to submit requisite documentary proof in respect of their eligibility as mentioned above, along with the application:

Provided that the grant of service authorisation shall be subject to approval by Ministry of External Affairs and Ministry of Home Affairs.

- (c) The applicant entity shall have a binding agreement with a pre-designated authorised teleport.

(16) Additional Eligibility Conditions specific to Terrestrial Radio Service

- (a) The applicant entity shall neither be controlled by nor associated with any person or body or organisation, either directly or indirectly, and having interest in the following:
 - (i) A Trust, Society or Non-Profit Organisation;
 - (ii) A Religious body, wherein, a religious body, refers to a body whose objectives are wholly or mainly of religious nature or a body, which is controlled by a religious body or an associate of the religious body;
 - (iii) A Political body, wherein, a political body, refers to a body whose objectives are wholly or mainly of political nature, or a body affiliated to a political body, or a body corporate, which is an associate of a body corporate controlled, held by, operating in association or controlling a body of political nature as referred above; and
 - (iv) An Advertising agency, which shall mean an individual or a body corporate who carries on business as an advertising agent (whether alone or in partnership) or has control over any body corporate which carries on business as an advertising agent and any reference to an advertising agency includes a reference to an individual who-
 - (aa) Is a director or officer of any body corporate which carries on such a business, or
 - (ab) is employed by any person who carries on such a business:

Provided that the applicant entity shall not be eligible if either it is having same management or is a holding company or a subsidiary company of any company or has more than one interconnected undertakings, either operating the same service in the same city or an applicant for the same service in the same city:

Provided further that more than one Inter-Connected Undertakings either operating the same service in the same city or an applicant for the same service in the same city shall not be eligible;

Provided also that the applicant entity is not controlled by a person convicted of an offence involving moral turpitude or money laundering/drug trafficking, terrorist activities or declared as insolvent or applied for being declared insolvent.

- (b) Authorisation shall be granted only in cases where equity held by the largest Indian shareholder is at least 51% of the total equity, excluding the equity held by Scheduled Banks and Public Financial Institutions as defined in Section 2(77) of Companies Act 2013. The term largest Indian shareholder, used in this clause, shall include any or a combination of the following:
 - (i) In the case of an individual shareholder,
 - (aa) The individual shareholder.
 - (ab) A relative of the shareholder within the meaning of Section 2(77) of Companies Act 2013.

- (ac) A company/group of companies in which the individual shareholder/Hindu Undivided Family (HUF) to which he belongs has management and controlling interest.
- (ii) In the case of an Indian company,
 - (aa) The Indian company
 - (ab) A group of Indian companies under the same management and ownership control.
- (c) For this clause, “Indian company” shall be a company, which must have a resident Indian or a relative as defined under Section 2(77) of Companies Act 2013/Hindu Undivided Family (HUF), either singly or in combination holding at least 51% of the shares:

Provided that in case of a combination of all or any of the entities mentioned above, each of the parties shall have entered into a legally binding agreement to act as a single unit in managing the matters of the applicant company;

Provided further that the ‘largest Indian shareholder’ exercises management control over the entity.
- (d) The Authorised Entity may, with prior approval of the Central Government, be allowed to change the composition of the ‘largest Indian shareholder’ subject to the condition that the shareholding of the ‘largest Indian shareholder’ does not reduce below 51% till a period of three years from the date on which all the channels allotted to the company holding permission stand operationalised.
- (e) Any restructuring of the company/reorganization of entity holding the authorisation for terrestrial radio service between different holding companies/subsidiaries/interconnected

undertakings/companies with same management shall be done only with prior approval of the Central Government. The Central Government may consider granting such a permission only after all the channels allotted to any of the entity holding such authorisation stand operationalised undergoing restructuring. The entity so formed, shall have to conform to the prescribed eligibility criteria and shall also be subject to the fulfilment of the following conditions:-

- (i) The new company shall sign a fresh agreement with Government on identical terms and conditions (except for transferability of shares as provided herein) for the remaining period of licence of the original company.
- (ii) No new tax regime will be designed to provide any incentive to encourage creation of subsidiaries, merger/demerger, amalgamation of Terrestrial Radio Broadcasting entities.
- (iii) Any tax implication arising out of such mergers/demergers or amalgamation shall be governed by the provisions of the Income Tax Act, 1961 as applicable from time to time.
- (iv) The processes/action taken by the Authorised Entity including for formation of new companies/subsidiaries/mergers/amalgamations and/or disinvestment of undertakings, or part thereof, of existing companies etc., need to be compliant with the Companies Act, 2013. The applicant shall not dilute such requirement through its Articles of Association or any Agreement.

(17) Eligibility Conditions for Community Radio Stations (CRS)

- (a) The following type of applicant entity shall be eligible to apply for grant of authorisation for 'Community Radio Stations' in India:

- (i) Explicitly, a 'Not-for-Profit' Organisations, and a Community based Organisation viz.:
- (aa) State Agriculture Universities (SAUs);
 - (ab) Indian Council of Agricultural Research (ICAR) institutions;
 - (ac) Krishi Vigyan Kendras;
 - (ad) Autonomous Bodies;
 - (ae) Civil Society Organisations;
 - (af) Voluntary Organisations;
 - (ag) Registered Societies;
 - (ah) Public Charitable Trusts;
 - (ai) Not for Profit Organisations set up by Self Help Groups (SHGs);
 - (aj) Not for Profit Organisations set up by Farmer Producer Organizations (FPOs):

Provided that the organisation shall have a proven record of at least three years of service to the local community at the time of application. Further, the Community Radio Stations, to be operated by the entity, shall be designed to serve the local community in its coverage area. In addition, it shall have an ownership and management structure that is reflective of the community that the Community Radio Stations seeks to serve. Also, the organisation must be a legal entity i.e. it shall be registered under any such act relevant to the purpose. Registration, at the time of application, shall be at least three years old:

Provided further that Non-Government Organisations, registered societies and Public Charitable Trusts shall be registered on NITI Aayog's NGO Darpan portal, and the

applicant entity shall provide its Unique ID registration along with the application.

(ii) Educational institutions:

Provided that the following type of entity shall not be eligible for authorisation for setting up Community Radio Stations in India:

- (aa) Individuals;
- (ab) Political Parties and their affiliate organisations; [including students, women's, trade unions and such other wings affiliated to these parties];
- (ac) Organisations operating with a motive to earn profit;
- (ad) Organisations expressly banned by the Union and State Governments; and
- (ae) Religious bodies.

(b) The applicant entity shall always have Indian management control with majority representatives on the Board/Partners, as well as the Chief Executive or members of Governing Body of the entity being a resident Indian citizen.

(c) The entity as well as the Directors on the Board/Partners, Managing Director, Chief Executive Officer (CEO), Chief Financial Officer (CFO), Head of the radio station, members of Governing Body, known by any designation, shall be required to be security cleared from the Ministry of Home Affairs, in case of private institutions/organisations.

(18) Additional Eligibility Conditions specific to Low Power Small Range Radio Service

(a) The following shall be eligible for grant of service authorisation for 'Low Power Small Range Radio Service':

- (i) Individual(s) who are citizens of India and above eighteen years of age.
 - (ii) Company/LLP/Partnership firm(s).
- (b) The following shall not be eligible for grant of service authorisation for 'Low Power Small Range Radio Service'
- (i) A person with an unsound mind and stands so declared by a competent court;
 - (ii) A person who is an un-discharged insolvent;
 - (iii) A person convicted by a court of any offense, whether involving moral turpitude or otherwise;
 - (iv) Political Parties and their affiliate organizations; [including students, women's, trade unions and such other wings affiliated to these parties];
 - (v) A company controlled by or associated with a political body;
 - (vi) A company controlled by or associated with a religious body;
 - (vii) A company that has been convicted by a court of any offense, whether involving moral turpitude or otherwise.
- (c) Proof of Property where Low Power Small Range Radio Service is intended to be operated:
- (i) **For authorisation up to 30 days:** The applicant entity shall be required to provide proof of right to use the land or property for which the low-power small-range radio broadcasting permission is being sought at the time of submitting initial application.
 - (ii) **For authorisation up to 5 years:** The applicant entity shall provide proof of ownership of the property/premises. In case the property is not owned by the applicant, the authorisation of use of property shall be submitted on an annual basis.

7. **Financial Conditions**

- (1) The applicant entity shall be required to pay/furnish/deposit the following for obtaining service authorisation:
 - (a) A non-refundable **Processing Fee**.
 - (b) A one-time non-refundable **Entry Fee**, as applicable.
 - (c) Furnish a **Bank Guarantee/Performance Bank Guarantee**, as applicable.
 - (d) **Security Deposit**, as applicable.
 - (e) **Advance Authorisation Fee**, as applicable.
- (2) The applicant entity shall be required to pay **Authorisation Fee** during the validity of authorisation, as applicable.
- (3) The applicant entity shall be required to pay **Renewal Fee** at the time of renewal of service authorisation, as applicable.
- (4) The quantum of Processing Fee, Entry Fee, Bank Guarantee/Performance Bank Guarantee, Security Deposit and Authorisation Fee and Renewal Fee are listed in **Schedule-II**.
- (5) The fee payable by the applicant entity along with the application for grant of authorisation shall be paid via the mode of payment as prescribed by the Central Government.

8. **Process of Application to obtain Service Authorisation¹⁰¹**

- (1) An applicant entity shall submit application for 'Grant of Service Authorisations' through portal.
- (2) The applicant may apply for one or more service authorisations in the respective service area.

¹⁰¹ The Process of application to obtain the service authorisation for Community Radio Stations is detailed separately in para 8(10).

- (3) The online application shall be processed from the viewpoint of respective eligibility conditions of broadcasting service and shall be subject to clearance and approval by Ministry of Home Affairs (MHA), Ministry of External Affairs or any other agency, as applicable.
- (4) The applicant entity shall pay applicable non-refundable Processing Fee as prescribed in **Schedule-II** along with the application for grant of service authorisation(s).
- (5) The applicant entity shall ascertain their eligibility for the service authorisation(s) applied for, with utmost care and diligence.
- (6) The grant of authorisation(s) to the applicant entity shall be based on the claims, representations and submissions made by the applicant and duly certified by the authorised Official/Company Secretary/Statutory Auditor of the entity, as applicable.
- (7) If considered necessary for reasons to be recorded in writing the Central Government may cause inspection of the physical premise/location to ascertain the veracity, of the claims, made in the application.
- (8) The grant of authorisation(s) shall be subject to fulfilment of all eligibility conditions and other requirements. If deemed expedient, the Central Government may seek clarification before rejecting the application.
- (9) The Central Government shall prescribe the time period for payment of Entry Fee, furnishing of Bank Guarantee/Performance Bank Guarantee and Security Deposit for service authorisations, as applicable.

(10) **Process of application for Community Radio Stations**

- (a) An applicant entity shall submit application for grant of authorisation through online portal.
- (b) The online application shall be processed from the viewpoint of respective eligibility conditions of broadcasting service.
- (c) The applicant entity shall pay applicable non-refundable Processing Fee as prescribed in **Schedule-II** along with the application for grant of service authorisation(s).
- (d) The applicant entity shall ascertain their eligibility for the service authorisation(s) applied for, with utmost care and diligence.
- (e) The grant of authorisation to the applicant entity shall be based on the claims, representations and submissions made by the applicant and duly certified by the authorised Official/Company Secretary/Statutory Auditor of the entity, as applicable.
- (f) Based on the applications, the availability of frequency spot at the location proposed by the applicants in their respective application shall be assessed by the Central Government, who shall normally respond within a period of 3 months.
- (g) The geographical area (including the names of villages/institutions etc.) shall be clearly spelt out along with the location of the transmitter and antenna in the application form.
- (h) Before considering an application for grant of authorisation, in case of Private institutions/Organisations, requisite clearance from Ministries of Home Affairs, Defence shall be

sought, which should normally be given within a period of 3 months by the respective Ministries.

- (i) The application for grant of service authorisation for Community Radio Stations shall be processed as per the procedure prescribed by the Central Government.
- (j) After receipt of Bank Guarantee as mentioned in **Schedule-II**, the applicant entity shall be granted authorisation by the Central Government for providing the specified service.

9. **Grant of Service Authorisations¹⁰²:**

- (1) On successful completion of application process, the entity shall be granted authorisation for the broadcasting service(s) under Section 3(1)(a) of the Telecommunications Act, 2023, and issued 'Service Authorisation Document' as per format specified at **Schedule-V**.
- (2) While issuing 'Service Authorisation Document' to an entity for the first time, a Unique Service Authorisation Number (USAN) shall be allotted:

Provided that in case, the Entity applied for more than one service authorisation, all service authorisation(s) granted to the Entity shall be linked to the same USAN allotted to the Entity:

Provided further that in case an Authorised Entity, which already holds service authorisation(s) for broadcasting services under the Telecommunications Act, 2023, decides to obtain

¹⁰² For IPTV service, only the terms and conditions for provisioning of service should be included in the Rules. Separate authorisation for providing IPTV service is not required under these Rules, as, it is already covered in the scope of authorisations for Unified Services, Access Services and Internet Services. In addition, cable television operators registered under the Cable Television Networks (Regulation) Act, 1995 can also provide IPTV services within the scope of their registration, on submission of self-declaration to the Central Government.

another service authorisation, such service authorisation shall also be linked to the same USAN already allotted to the Entity.

- (3) Grant of Service Authorisation does not confer any right to assignment and use of spectrum for which separate specific frequency assignment shall be required from the Central Government¹⁰³.
- (4) Any person including an Authorised Entity intending to use spectrum shall require separate specific assignment of spectrum from the Central Government. Upon grant of service authorisation(s) for Teleports, TV channels DTH, HITS, DSNG, Community Radio, and Low Power FM Small Range Radio Service and any other service mentioned in Schedule I of the Telecommunications Act, 2023, the Authorised Entity shall be eligible to apply for frequency assignment under Section 4 of the Telecommunications Act, 2023.

Provided that in case of 'Terrestrial Radio Service', a person or an entity or an Authorised Entity shall be entitled to participate in the auction on fulfilling the eligibility criteria as specified in the Notice Inviting Applications issued by the Central Government:

Provided further that if such a person or an entity that has emerged as a successful bidder in spectrum auctions, does not hold authorisation under Section 3 of the Telecommunications Act, 2023, it shall have to apply for authorisation.

- (5) The Authorised Entity shall be required to comply with the Roll out Obligations for operationalization as specified in **Schedule-III**.
- (6) The Central Government may, for reasons to be recorded in writing, refuse to grant service authorisation:

¹⁰³ <https://dot.gov.in/circulars/draft-telecommunications-assignment-spectrum-through-auction-rules-2025>

Provided that every such refusal shall be communicated to the applicant entity along with reasons for refusal.

- (7) If, at any time, any averment made or information furnished for obtaining the authorisation is found incorrect, the application and/or the authorisation, if granted based on such application, may invite penalties and/or cancellation/withdrawal as maybe deemed fit by the Central Government. All the fees paid till such date shall stand forfeited. The security deposit shall be refunded, and the bank guarantee shall be returned after adjustment of outstanding dues, if any.

10. **Security Conditions**

The Central Government shall have the right to take over the service, equipment and network of the Authorised Entity or revoke/terminate/suspend the Authorisation either in part or in whole of the Service Area in the interest of National Security or in case of emergency or war or low intensity conflict or any other eventuality in public interest as declared by the Government of India. Any specific order or direction from the Central Government issued under such conditions shall be immediately applicable to the Authorised Entity without loss of time and shall be strictly complied with. The Central Government reserves the right to keep any area out of the operation zone of the service, if implications of security so require:

Provided that any taking over or suspension of authorisation, issuance of an order and exclusion of an area, as described above shall neither be a ground of extension of Authorisation validity period or expansion of area in different corner or reduction of payable fee. However, the Authorisation Fee payable to the Central Government shall not be required to be

paid for the period for which the operation of the authorisation remains suspended in whole.

11. **Migration of existing service providers:** The entity holding licenses/permissions etc. by whatever name called under the extant Indian Telegraph Act, 1885, who intend to migrate to the regime of service authorisation under the Telecommunications Act, 2023, shall be eligible to migrate to the respective service authorisation subject to the fulfilment of eligibility conditions. The procedure for migration of existing service providers is as follows:-

- (1) In case, the existing service provider intends to continue under the existing license/permission, the terms and conditions of existing license/permission issued earlier, shall continue to be applicable to them till the validity of license/permission or till it migrates to the authorisation framework, whichever is earlier.
- (2) Alternatively, if the existing service provider intends to migrate to the authorisation framework, in such a situation, the provisions contained in these Rules shall be applicable.
- (3) The entity intending to migrate shall submit an application on the portal.
- (4) The eligibility conditions specified for the grant of service authorisation(s) for the new applicant(s) shall be applicable to the entity intending to migrate.
- (5) Upon migration, the validity period shall be as prescribed under the authorisation regime for the respective service authorisation from the Effective date of Grant of Authorisation, irrespective of the validity period of the license/permission already held.
- (6) For migration to the service authorisation framework, the differential Entry Fee i.e., the Entry Fee applicable in which the Authorised

Entity is getting migrated minus Entry fee already paid by the Licensee/permission holder in the old regime shall be levied. In cases where the Entry Fee already paid by the Licensees/permission holders of the old regime exceeds the Entry Fee to be paid now for migration to new authorisation framework, there shall be no refund of the Entry Fee.

Note: In case of broadcasting services, there is no change in the Entry Fee in the authorisation framework vis-à-vis to that in the old regime, therefore, the differential Entry Fee shall be 'NIL' and the service providers shall not be required to pay any differential Entry Fee for migration.

- (7) The Authorised Entity shall not be liable to pay Processing Fee. The Authorised Entity shall be liable to ensure furnishing of the Bank Guarantee and Security Deposit, and other applicable fees as prescribed in **Schedule-II** for the validity of authorisation.
- (8) In case an existing licensee/permission holder is holding spectrum, the treatment of the spectrum held by it shall be governed by the provisions contained in Section 4(8) and 4(9) of the Telecommunications Act, 2023, as applicable.
- (9) Roll out Obligations and any other liabilities including financial dues and treatment of violations for the pre-migration period and any penalties or financial disincentives associated with the existing license/permission, if applicable, should remain enforceable even after migration to the respective service authorisation under the Telecommunications Act, 2023.

Schedule-I

Format for Certification of Net worth by Statutory

Auditor/Chartered Accountant

We have audited the Books of Accounts of M/s_____ for the financial year/period ended month-day-year _____ and certify that the “Net Worth” of M/s _____ the Applicant Entity as on _____ is Rupees _____ (rupees in words). We further certify that the Net Worth of the Entity is computed as follows:

S. No.	Particulars	Amount (in Rupees)
1.	Book Value of assets	
2.	Book Value of fictitious and intangible assets	
3.	Liabilities other than owner's funds	
4.	Net Worth {1-(2+3)}	

Place/Date

Signature

(Statutory Auditor/Chartered Accountant)

Note:

Net Worth: The excess of the book value of assets (other than fictitious and intangible assets of an enterprise over its liabilities. This is also referred to as Net assets or shareholder's funds.

Book Value of assets: The amount at which an item appears in the books of account or financial statement. It does not refer to any particular basis on which the amount is determined. e.g. cost, replacement value etc.

Fictitious assets: Items grouped under the assets in a balance sheet which have no real value (e.g. The debit balance of the profit and loss account).

Liabilities: The financial obligation of an enterprise other than owner's funds.

Schedule-II

Applicable Fees for Television Channel Broadcasting Services

Service		Processing Fee (in Rs.)	Performance Bank Guarantee (in Rs.)	Renewal Fee (in Rs.)	Annual Authorisation Fee* (in Rs.)	Security Deposit (in Rs.)
Uplinking of News and Current Affairs Channel		10,000 per channel	2 crore/channel	10,000 per channel	2 lakh/channel	4 lakh/channel
Uplinking of Non-News and Current Affairs Channel		10,000 per channel	1 crore/channel	10,000 per channel	2 lakh/channel	4 lakh/channel
Downlinking of News and Current Affairs Channel**		10,000 per channel	Not Applicable	10,000 per channel	Uplinked from India: 5 lakh/channel	Uplinked from India: 10 lakh/channel
					Uplinked from outside India: 15 lakh/channel	Uplinked from outside India: 30 lakh/channel
Downlinking of Non-News and Current Affairs Channel**		10,000 per channel	Not Applicable	10,000 per channel	Uplinked from India: 5 lakh/channel	Uplinked from India: 10 lakh/channel
					Uplinked from outside India: 15 lakh/channel	Uplinked from outside India: 30 lakh/channel
Ground-based Broadcasting of	News and Current Affairs	10,000 per channel	2 crore/channel	10,000 per channel	7 lakh/channel	14 lakh/channel

Service		Processing Fee (in Rs.)	Performance Bank Guarantee (in Rs.)	Renewal Fee (in Rs.)	Annual Authorisation Fee* (in Rs.)	Security Deposit (in Rs.)
a Television Channel***	Non-News and Current Affairs	10,000 per channel	1 crore/channel	10,000 per channel	7 lakh/channel	14 lakh/channel
Teleport/Teleport Hub		10,000 per Teleport	25 lakh/Teleport	10,000 per Teleport	2 lakh/Teleport	4 lakh/Teleport
Uplinking of Live event/news/footage by Foreign Channel/News Agency		1,00,000 per day for Live telecast	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Note:

* Annual Authorisation 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.

** One time Registration Fee for downlinking of a television channel uplinked from other country(ies): Rs. 10 lakh.

*** An entity holding an authorisation of 'Television Channel Broadcasting' for providing satellite-based broadcasting of a television channel (SBB) shall be allowed to switch to ground-based broadcasting service (GBB) for that television channel and *vice-versa*. In case, an existing GBB/SBB intends to use additional communication medium other than the permitted communication medium, i.e., a SBB intends to use terrestrial communication medium in addition to satellite medium or a GBB intends to use satellite medium in addition to terrestrial communication medium, the entity shall be required to seek permission by paying a processing fee of Rs. 10000 and liable to pay applicable Annual Authorisation Fee

**Applicable Fees for Other related Approvals/Intimations for
Television Channel Broadcasting Services**

Approvals/Intimations	Processing Fee (in Rs.)
Approval for Purchase/Hiring and Use of DSNG equipment*	10,000
Approval for Change of Satellite/Teleport	10,000
Approval for Change of Category of a Television Channel	10,000
Approval for Change of Name and Logo of a Television Channel	1 lakh
Intimation for Live uplinking of an event by a Non-News and Current Affairs Channel	National channel: Rs 1 lakh per channel per day Regional Channel: Rs 50,000 per channel per day Devotional channel: No fees for Devotional/Spiritual/Yoga content

Note: The intimations for (i) Live telecast by a News and Current Affairs Channel, (ii) Change of language/mode of transmission, and (iii) Change in operational status, does not require any processing fee.

Performance Bank Guarantee for approval for Purchase/Hiring and Use of DSNG equipment: Rs. 10 lakh/van

Annual Permission Fee for uplinking of a foreign channel from Indian Teleport: Rs 2 lakh/channel

Security Deposit for uplinking of a foreign channel from Indian Teleport: Rs 4 lakh/channel

Applicable Fees for Television Channel Distribution Services

Service	Processing Fee (in Rs.)	Entry Fee (in Rs.)	Bank Guarantee (BG)* (in Rs.)	Renewal Fee (in Rs.)	Authorisation Fee**
DTH	10,000	10 cr.	5 crore or 20% of the Authorisation Fee for two quarters and other dues not otherwise securitized, whichever is higher.	10,000	3% of AGR, to be reduced to 'zero'. No authorisation fee after the end of FY 2026-27
HITS	10,000	10 cr.	5 cr.	10,000	Nil

Note:

* The Bank Guarantee shall be required to be maintained during the entire duration of validity of Authorisation.

** The Authorisation Fee of DTH Service has been aligned with the TRAI recommendations on 'License Fee and Policy Matters of DTH Services' dated 21st August 2023. Authorised Entity shall be liable to pay Simple Interest @ 1% per month on the late payment of authorisation fee.

Applicable Fees for Radio Broadcasting Services

Service	Processing Fee (in Rs.)	Bank Guarantee (in Rs.)	Renewal Fee (in Rs.)	Authorisation Fee (in Rs.)
Terrestrial Radio Service*	10,000	Not Applicable*	10,000	<ul style="list-style-type: none"> • 4% of AGR** for all the cities; • For NE states, Jammu & Kashmir and island territories: 2% of AGR for initial period of three years, thereafter same as above
Community Radio Stations	2500	25,000	2500	Not Applicable
Low Power Small Range Radio Service	1000	Not Applicable	Not Applicable	<ul style="list-style-type: none"> • Rs. 1000 for authorisation up to 30 days. • Rs. 10,000 per annum for authorisation up to 5 years.

Note

* Bank Guarantee is not applicable for grant of service authorisation for Terrestrial Radio Service. However, the Bank Guarantee and the Entry Fee shall be governed by the conditions of frequency assignment.

** Based on TRAI Recommendations on 'Issues related to FM Radio Broadcasting' issued on 5th September 2023, wherein the Authority recommended to de-linked annual license fee from Non-Refundable One Time Entry Fee (NOTEF).

Schedule-III

Roll out Obligations for The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services

S. No.	Type of Service Authorisation	Roll Out Obligations
Television Channel Broadcasting Services		
1.	Television Channel Broadcasting	
i.	Satellite-based broadcasting of a Television Channel	<ul style="list-style-type: none"> The Authorised Entity shall operationalise the authorised Television Channel within one year from the date of obtaining all necessary clearances from WPC and SMC. In case the channel is not operationalised within the stipulated period, the authorisation shall be liable to be withdrawn and the PBG may be forfeited.
ii.	Ground-based broadcasting of a Television Channel	<ul style="list-style-type: none"> The Authorised Entity shall operationalise the authorised Television Channel within one year from the date of obtaining all necessary clearances. In case the channel is not operationalised within the stipulated period, the authorisation shall be liable to be cancelled and the PBG may be forfeited.
2.	Teleport/ Teleport Hub	<ul style="list-style-type: none"> The Authorised Entity shall set up and commission Teleport/Teleport Hub either by establishing an uplink earth station in India or by using the SESG established by any SESG network authorisation holder in India and shall submit a report to the Central Government. The Authorised Entity shall commission the teleport/teleport hub within one year from the date of obtaining all necessary clearances from WPC and SMC. In case above obligation is not met within the stipulated period, the authorisation shall be liable to be withdrawn and the PBG may be forfeited.

S. No.	Type of Service Authorisation	Roll Out Obligations
3.	Other Approval	
i.	DSNG	<ul style="list-style-type: none"> The Authorised Entity shall operationalise the DSNG within six months from the date the approval is granted by the Central Government. In case the DSNG van is not operationalised within six months, the approval shall be liable to be withdrawn and the PBG may be forfeited.
Television Channel Distribution Services		
4.	Direct-to-Home (DTH) Service	<ul style="list-style-type: none"> The Authorised Entity shall set up and commission its DTH platform either by establishing an uplink earth station in India or by using the SESG established by any SESG network authorisation holder in India and shall submit a report to the Central Government. In case the above obligations are not met within one year from the date of issue of the SACFA clearance by WPC, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.
5.	Head-end In The Sky (HITS) Service	<ul style="list-style-type: none"> The Authorised Entity shall set up and commission its HITS platform either by establishing an uplink earth station in India or by using the SESG established by any SESG network authorisation holder in India and shall submit a report to the Central Government. In case the above obligations are not met within one year from the date of issue of the SACFA clearance by WPC, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.
Radio Broadcasting Services		
6.	Terrestrial Radio Service	Roll Out Obligations shall be linked with assignment of frequency spectrum and the conditions specified in the NIA/IM for auction of spectrum or any other guidelines/instructions

S. No.	Type of Service Authorisation	Roll Out Obligations
		issued by Central Government from time to time shall be applicable.
7.	Community Radio Stations (CRS)	<ul style="list-style-type: none"> • The Authorised Entity shall set up and commission CRS within one year of issue of grant of service authorisation. • In case of failure to commission the CRS within the stipulated period, the entity may seek permission for extension of time for another 3 months stating the reasons thereof. The request for extension of time for commissioning of CRS may be considered on a case-to-case basis. • In case the above obligations are not met within the stipulated time, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.

Schedule-IV

Proforma for Performance Bank Guarantee

(To be furnished by the entity seeking authorisation under Television Channel
Broadcasting Services)

To

The President of India

In consideration of the President of India acting through the Competent Authority in the Ministry of Information and Broadcasting (hereinafter referred to as 'the Central Government' or 'the Authority') having agreed to grant a 'Service Authorisation' for provision of Service in the Service Area or an 'Approval' for purchase/ hiring and use of DSNG equipment to M/s _____ of _____ (hereinafter called 'the Applicant Entity' or 'the Authorised Entity' or 'the said Entity') to provide the authorized service(s) (hereinafter called 'the Service') in the _____ Service area or _____ as per Letter of Intent/ Unique Service Authorisation No. _____ dated _____ (hereinafter called 'the said authorisation'/ 'the said approval') in accordance with the Broadcasting (Grant of Service Authorisations) Rules, 2025, and the Broadcasting (Televisual Channel Broadcasting, Televisual Channel Distribution, and Radio Broadcasting) Services Rules, 2025, which, inter-alia, provides for production of a Bank Guarantee to the extent of Rs. _____ (in words _____) for the service authorisation/approval by way of security for the due observance and performance of obligations contained in the said Rules as well as compliance to the conditioned prescribed in the said Rules.

WHEREAS We _____ (indicate the name and address and other particulars of the Bank) (hereinafter referred to as ‘the Bank’) at the request of the Applicant/Authorised Entity hereby irrevocably and unconditionally guarantee to the Central Government that the said Entity shall render all necessary and efficient services, which may be required to be rendered by the said Entity in connection with and/or for the performance of obligations contained in the said Rules and compliance thereof and further guarantees that the service, which shall be provided by the said Entity under the said authorisation/approval, shall be actually performed in accordance with the said Rules to the satisfaction of the Authority.

2. NOW, THEREFORE, We, the Bank, hereby undertake to pay to the Central Government an amount not exceeding Rs..... (Rupees.....only) against first written demand of the Authority and without cavil, demur or argument by reason of any contravention or non-compliance of the said Rules by the said Entity including failure to extend the validity of this guarantee or to give a fresh guarantee in lieu of the existing one.

3. We, the Bank hereby, in pursuance of the terms of the said authorisation/approval, absolutely, irrevocably and unconditionally guarantee as primary obligor and not merely as surety the payment of an amount of Rs. _____ (Rupees _____ Only) to the Authority to secure due and faithful performance by the said Entity of all his/their obligations under the said authorisation/approval.

4. We, the Bank hereby also undertake to pay the amounts due and payable under this guarantee without any demur, merely on a demand from the Authority stating that the amount claimed is by reason of breach by the said Entity of any of the terms or conditions of the said authorisation/approval or by reason of the said Entity’s failure to perform any of it’s obligations under the said Rules, without needing the Authority to prove or to show grounds or reasons for demand for the sum specified herein.

5. We, the Bank, hereby agree that the decision of the Authority as to whether the said Entity has failed to or neglected to perform or discharge

his duties and obligations contained in the said Rules as aforesaid and/or whether the service is free from deficiencies and defects and is in accordance with or not of the said Rules and as to the amount payable to the Authority by the Bank hereunder shall be final and binding on the Bank.

6. WE, THE BANK, DO HEREBY DECLARE AND AGREE that:

- (a) the Guarantee herein contained shall remain in full force and effect for entire currency of the authorisation/approval from the date hereof and that it shall continue to be enforceable till all the dues of the Authority and by virtue of the said authorisation/approval have been fully paid and its claims satisfied or discharged or till Authority satisfies that the terms and conditions of the said authorisation/approval or the said Rules have been fully and properly carried out by the said Entity and accordingly discharged this guarantee.
- (b) the Authority shall have the fullest liberty without our consent and without affecting in any manner our obligations hereunder to vary any of the terms and conditions of the said authorisation/approval or to extend time of performance of any obligations by the said Entity from time to time or to postpone for any time or from time to time any of the powers exercisable by the Authority against the said Entity and to forbear or to enforce any of the terms and conditions relating to the said authorisation/approval and we shall not be relieved from our liability by reason of any variation or extension being granted to the said Entity or forbearance act or omission on the part of the Authority or any indulgence by the Authority to the said Entity or to give such matter or thing whatsoever which under the law relating to sureties would but for this provision, have effect of so relieving us.
- (c) any claim which we have against the said Entity shall be subject and subordinate to the prior payment and performance in full of all the obligations of us hereunder and we will not without prior written consent of the Authority exercise any legal right or remedy of any

kind in respect of any such payment or performance so long as the obligations of us hereunder remains owing and outstanding.

(d) this Guarantee shall be irrevocable and the obligations of us herein shall not be conditional of any prior notice by us or by the said Entity.

7. We the Bank undertake not to revoke this Guarantee during its currency except with the previous consent of the Authority in writing.

8. We, the Bank agree that this guarantee may be invoked on a number of occasions for part amounts, with the balance standing in favour of the Authority, but so that the total amount payable hereunder shall not exceed Rs..... In case where the Bank Guarantee issuing branch is not located at the station/city as required by the Authority any notice for invocation, sent by the Authority through electronic mail to the branch of the Bank issuing this Guarantee, with an ink signed copy to a local branch, namely (to be designated by the bank at station/city prescribed by the Authority) within the validity period shall be deemed to be a valid notice on the Bank for invocation of this Bank Guarantee.

9. Notwithstanding anything contained above, our liability, under the Guarantee shall be restricted to Rs..... and our Guarantee shall remain in force until..... (initial period of validity of the guarantee) from the date hereof.

10. In special cases, this guarantee shall be renewed, at least, one month prior to its expiry to ensure that it remains valid till the expiry of the validity period of authorisation/approval or until 28 days after the date of issue of the defect liability certificate by the Central Government, whichever is later.

for
(Name of the Bank)

Dated_____ day _____of _____ 20xx

Witnesses:

1.....	2.....
.....
.....
.....

Proforma for Bank Guarantee

(To be furnished by the entity seeking authorisation under Television Channel
Distribution Services/Radio Broadcasting Services)

To,
The President of India

In consideration of the President of India, acting through the Competent Authority in the Ministry of Information & Broadcasting (hereinafter referred to as the “Central Government”), having agreed to grant a service authorisation to [M/s _____] (hereinafter referred to as the “Authorised Entity”) for provisioning of the Television Channel Distribution Service/Radio Broadcasting Service, in accordance with the terms and conditions contained in the Broadcasting (Grant of Service Authorisations) Rules, 2025 and the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules, 2025.

2. AND WHEREAS the Authorised Entity has agreed to furnish to the Central Government a bank guarantee in the sum of ₹ [Amount in Figures_____] ([Amount in Words_____]) to secure the due performance and observance of all obligations, terms and conditions specified in the said Rules.

3. AND WHEREAS we, [Bank Name], a [scheduled bank] having its head office at [Bank Address] and a branch at [Branch Address], (hereinafter referred to as “the Bank”), at the request of the Authorised Entity, hereby provide this guarantee for the sum of ₹ [Amount in Figures] ([Amount in Words]) to the Central Government.

4. NOW, THEREFORE, we, [Bank Name], hereby irrevocably and unconditionally guarantee to the Central Government that the Authorised Entity shall observe and perform all of its obligations, duties, and responsibilities prescribed in the said Rules, for provisioning of the Broadcasting (Television Channel Distribution/Radio Broadcasting) Services, to the satisfaction of the Central Government.

5. We, the Bank, guarantee to pay the Central Government upon demand and without any objection, delay, or protest, any sum or sums not exceeding ₹ [Amount in Figures_____] (₹ [Amount in Words_____]) upon the first written demand by the Central Government. Such demand shall be conclusive and binding, and no further proof of default or failure to perform by the Authorised Entity shall be required.

6. This guarantee is absolute and unconditional. We are the primary obligor and shall be directly responsible for the obligations of the Authorised Entity. The Grantor may enforce this guarantee against us without having to proceed against the Authorised Entity first. We further waive any defence based on the absence of any failure of the Authorised Entity to perform or discharge its obligations prescribed in the said Rules.

7. Any change in the terms & conditions contained in the said Rules, including extensions of time for performance or any indulgence granted to the Authorised Entity, shall not affect our liability under this guarantee. This guarantee is not conditional on any prior notice or demand by the Central Government and shall remain in full force and effect despite any such changes or extensions.

8. This guarantee shall be irrevocable and shall remain valid for a period of [Specify Duration,_____] from the date of issue. The Bank's obligations shall continue to remain in effect until all the dues of the

Central Government under the said Rules have been fully discharged, or until the Central Government informs the Bank in writing that all the terms and conditions contained in the said Rules have been properly and fully fulfilled. Upon such notification, the Bank shall be released from its obligations under this guarantee.

9. The Bank agrees that the Central Government may, without the consent of the Bank, modify, extend, or vary the terms and conditions contained in the said Rules, and such modifications shall not release the Bank from its obligations under this guarantee. Any delay, forbearance, or indulgence granted by the Central Government to the Authorised Entity shall not discharge or affect the Bank's liability.

10. This guarantee shall not be discharged or affected by any change in the name, constitution, or address of the Bank or the Authorised Entity. The Bank's liability under this guarantee shall continue in full force until the expiration of the service authorisation or until the guarantee is formally discharged by the Central Government.

11. In the event that the Bank has any claims against the Authorised Entity, such claims shall be subordinate to the prior payment and performance of all obligations under this guarantee. The Bank will not, without the prior written consent of the Central Government, exercise any right or remedy against the Authorised Entity for such claims while the obligations under this guarantee remain outstanding.

12. This guarantee shall be governed by and construed in accordance with the laws of India, and the Bank agrees to submit to the jurisdiction of the courts of New Delhi for the enforcement of this guarantee.

IN WITNESS WHEREOF, we have executed this Bank Guarantee on this
[Day] of [Month], [Year].

For and on behalf of [Bank Name]:

Signature: _____

Name of Authorised Signatory: _____

Designation: _____

Branch: _____

Seal: _____

Witnesses:

1. Name: _____

2. Name: _____

Occupation:

Occupation:

Address: _____

Address: _____

Signature: _____

Signature: _____

Schedule-V

Format for Grant of Service Authorisation Document

<p><u>GOVERNMENT OF INDIA</u> <u>MINISTRY OF INFORMATION AND BROADCASTING</u> <u>AUTHORISATION TO PROVIDE BROADCASTING SERVICES</u> [under Section 3(1)(a) of the Telecommunications Act, 2023 and subject to <i>The Broadcasting (Grant of Service Authorisations) Rules and The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules</i>]</p> <p>Unique Service Authorisation Number (USAN): _____</p> <p>Issue Date: [DD/MM/YYYY] Valid Up to: [DD/MM/YYYY]</p> <p>Details of Authorised Entity:</p> <p>Entity Category*: _____</p> <p>Name of Entity: _____</p> <p>CIN/LLPIN/Registration Number: _____</p> <p>Date of Incorporation/Registration: _____</p> <p>Address: _____</p> <p>Name of the Service: _____</p> <p>Service Area: _____</p> <p>[Service specific Additional Information Overleaf]</p> <p>Date: _____</p> <p>Signature of the Officer of the Central Government:</p> <p>_____</p> <p>(On behalf of the President of India)</p>

*Entity Category may include: Company/LLP/Autonomous bodies/State Agricultural Universities (SAU)/Indian Council of Agricultural Research (ICAR) institutions/Krishi Vigyan Kendras/Civil Society Organisations/Voluntary Organisations/Not for profit organisations set up by self-help groups (SHGs) and Farmer Producer Organisations/Non-Government Organisation/Government Organisation/Educational Institute/Public Charitable Trust/Registered Society/Resident Welfare Association

Additional Information Overleaf

<p>1. Television Channel Broadcasting</p> <ul style="list-style-type: none"> a. Name of the TV Channel(s) b. Category of the TV Channel(s) c. Language and Genre of the TV Channel(s)¹⁰⁴ <ul style="list-style-type: none"> i. Primary Language ii. Sub-genre for non-news channel(s) d. Logo of the TV Channel(s) e. Mode of Transmission of TV Channel(s) f. Name of the Teleport and Satellite [Satellite-based Broadcasting] g. Terrestrial Medium used [Ground-based Broadcasting] h. List of Board of Directors/Partners <i>Any other essential details as deemed necessary by the Central Government</i> <p>2. News Agency for Television Channel(s)</p> <ul style="list-style-type: none"> a. Name of the Teleport b. Name of the Satellite c. List of Board of Directors/Partners <i>Any other essential details as deemed necessary by the Central Government</i> <p>3. Teleport/Teleport Hub</p> <ul style="list-style-type: none"> a. Location of the Teleport b. Name of the Satellite c. Frequency Band. d. List of Board of Directors/Partners <i>Any other essential details as deemed necessary by the Central Government</i> 	<p>4. Uplinking of Live event/news/footage by Foreign Channel/News Agency</p> <ul style="list-style-type: none"> a. Name and Location of the Teleport b. Name of the Satellite c. Frequency Band d. List of Board of Director/Partners <i>Any other essential details as deemed necessary by the Central Government</i> <p>5. Direct-to-Home (DTH)/Headend in the Sky (HITS) Service</p> <ul style="list-style-type: none"> a. Headend Location b. List of Board of Directors/Partners <i>Any other essential details as deemed necessary by the Central Government</i> <p>6. Terrestrial Radio Service</p> <ul style="list-style-type: none"> a. Name(s) of the Channel b. List of Board of Directors/Partners <i>Any other essential details as deemed necessary by the Central Government</i> <p>7. Community Radio Stations</p> <ul style="list-style-type: none"> a. Name(s) of the Channel b. Broadcast Frequency c. Location of station/transmitter d. List of Key Managerial Personnel <i>Any other essential details as deemed necessary by the Central Government</i> <p>8. Low Power Small Range Radio Service</p> <ul style="list-style-type: none"> a. Approved frequency of operation b. Approved cities/Location for operation c. List of Key Managerial Personnel <i>Any other essential details as deemed necessary by the Central Government</i>
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¹⁰⁴ As per TRAI Recommendations dated 8th July on 'Listing of television channels in Electronic Programme Guide and Upgradation of DD Free Dish platform to an Addressable System'

'The Authority recommends that Ministry of Information and Broadcasting (MIB) should seek information from broadcasters about primary language of their television channel and sub-genre of every non-news channel (as per Regulation 18(1) of Interconnection Regulation 2017 (as amended) notified by the Authority) while giving permission to each channel. The Authority also recommends that the information so obtained may be displayed on Broadcast Seva portal of MIB so as to enable the distributors to arrange each channel in EPG accordingly.'

Annexure-III

Terms and Conditions for The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services

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PART-I

SECTION 1: COMMON TERMS AND CONDITIONS FOR THE BROADCASTING (TELEVISION CHANNEL BROADCASTING, TELEVISION CHANNEL DISTRIBUTION, AND RADIO BROADCASTING) SERVICES

1. **Definitions**– In these Rules, unless the context otherwise requires, the different terms and expression used shall have the meaning assigned to them in the following paragraphs. Further, the words and expressions not defined in the Rules but defined in the Cable Television Networks (Regulation) Act, 1995, the Telecom Regulatory Authority of India Act, 1997, the Telecommunications Act, 2023, and Rules and Regulations made thereunder, shall have the meanings respectively assigned to them in the said Acts:
 - (1) “**Addressable System**” means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which transmission of programmes including re-transmission of signals of television channels can be done in encrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of the authorization made, on the choice and request of such subscriber, by the distributor of television channels;
 - (2) “**Authorisation**” means a permission, by whatever name called, granted under the Telecommunications Act, 2023 for:-
 - (i) providing telecommunication services;
 - (ii) establishing, operating, maintaining or expanding telecommunication networks; or
 - (iii) possessing radio equipment;
 - (3) “**Authorisation Fee**” means a fee payable by Authorised Entity at prescribed intervals and rates for the period of the authorisation;

- (4) “**Authorised Entity**” means a person holding an authorisation under Section 3 of the Telecommunications Act, 2023;
- (5) “**Broadcaster**” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorisation from the Central Government, is providing programming services;
- (6) “**Broadcasting Services**” means the dissemination of any programme(s) through terrestrial or satellite communication medium or a combination of both, intended to be received by the users, either directly or indirectly and all its grammatical variations and cognate expressions shall be construed accordingly;
- (7) “**Capital Contribution**” of a partner means and may consists of tangible, movable or immovable or intangible property or other benefit to the Limited Liability Partnership, including money, promissory notes, other agreements to contribute cash or property, and contracts for services performed or to be performed.
- (8) “**Company**” means a company defined under the Companies Act, 2013;
- (9) “**Conditional Access System (CAS)**” means a system used in digital satellite and terrestrial broadcasting to control access to broadcast content in a digital addressable system. CAS encrypts the content for secure delivery of channel(s) to restrict reception by authorised user only;
- (10) “**Designated Partner**” means a person as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008;
- (11) “**Devotional Channel**” means a television channel, which predominantly broadcasts devotional/spiritual/yoga content, as identified by the Central Government;

- (12) “**Digital Satellite News Gathering (DSNG)**” means and refers to electronic technology/equipment that enables an authorised entity to gather content for broadcasting from remote locations outside of a television studio using satellite communication medium;
- (13) “**Director**” of a company means a Managing Director, Whole time or Executive Director but does not include an Independent Director, as per the Companies Act, 2013;
- (14) “**Distribution Service Provider (DSP)**” shall mean ‘Distribution Platform Operator (DPO)’ and includes Direct-to-Home (DTH) service provider, Head-end In The Sky (HITS) service provider, Internet Protocol Television (IPTV) service provider, Multi-System Operator (MSO) or any other service provider engaged in distribution of programme(s)/television channel(s) to the users;
- (15) “**Digital Satellite News Gathering (DSNG)**” means and refers to a satellite based electronic technology/equipment that allows a Television Channel/Teleport/Teleport Hub to broadcast from remote location outside of a television studio;
- (16) “**Direct-to-Home Service (DTH Service)**” means re-transmission of signals of television channels and transmission of ‘Platform Services’, by using a satellite system, directly to user without passing through an intermediary such as local cable operator or any other distributor of television channels;
- (17) “**Effective date of Authorisation**” means the date which is so specified in the Authorisation document.
- (18) “**Electronic News Gathering (ENG)**” means and refers to electronic technology/equipment that allows a Television Channel/Teleport/Teleport Hub/news reporter to broadcast from remote locations outside of a television studio using terrestrial communication medium;

- (19) “**Entry Fee**” means a non-refundable fee required to be paid by the applicant entity to the Central Government for grant of service authorisation;
- (20) “**Financial year**” means the period starting from 1st day of April of a year and ending on the 31st day of March of succeeding year;
- (21) “**Ground-based Broadcasting**” means providing programming services through terrestrial communication medium using ground infrastructure (other than satellite-based communication medium) for delivery of programme(s)/television channel(s) to the distributors of television channels;
- (22) “**Ground infrastructure**” means the facilities and systems comprised of communication network nodes (e.g. switches, routers, servers and/or transmission systems, etc.) and the means to connect them (e.g., wireline (cable/fibre) including underground cable/fibre, etc.) or wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud, etc. for the purpose of communication between two points;
- (23) “**Head-end In The Sky Service (HITS Service)**” means transmission of programmes including re-transmission of signals of television channels by using satellite system either to intermediaries like Local Cable Operator(s) or Multi-System Operator(s) or to the user using its own cable networks; and/or to provide infrastructure facility to one or more MSO(s)/Cable Operator(s);
- (24) “**Internet Protocol Television Service (IPTV Service)**” means delivery of multi-channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;
- (25) “**Key Managerial Personnel**” means a person defined under sub-section (51) of Section 2 of the Companies Act, 2013;

- (26) “**Local Cable Operator (LCO)**” means a person registered under Rule 5 of the Cable Television Networks Rules, 1994;
- (27) “**Limited Liability Partnership (LLP)**” means a Limited Liability Partnership registered under the Limited Liability Partnership Act, 2008;
- (28) “**Message**” means any sign, signal, writing, text, image, sound, video, data stream, intelligence or information sent through telecommunication;
- (29) “**Multi-System Operator (MSO)**” means a cable operator who has been granted registration under Rule 11 of the Cable Television Networks Rules, 1994 and who receives a programming service from a broadcaster and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more local cable operators;
- (30) “**National Channel**” means a television channel other than a regional channel or a devotional channel;
- (31) “**News Channel**” means a television channel, which predominantly telecast ‘News and Current Affairs’ content programmes;
- (32) “**Non-news Channel**” means a television channel other than a news channel;
- (33) “**Non-operational Channel**” means a channel, whose signal is not being broadcast in India for a continuous period of sixty days, other than for reasons of suspension by the Central Government;
- (34) “**Person**” shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;

- (35) “**Platform Services (PS)**” are programmes transmitted by the Distribution Service Provider(s) exclusively to their own subscribers and shall not include Doordarshan channels or any other television channels authorised by the Central Government. PS shall not include foreign television channels that are not registered in India;
- (36) “**Portal**” refers to the portal which may be notified by the Central Government for digital implementation of these Rules in accordance with the Section 53 of the Telecommunications Act, 2023;
- (37) “**Programme**” means any message which is transmitted using a terrestrial or satellite communication medium or a combination of both, intended to be received by the user, and includes but not limited to-
- (i) exhibition of films, features, dramas, documentaries, 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 or pre-recorded content;
- and the expression “Programming Services” shall be construed accordingly;
- (38) “**Radio Broadcasting Services**” means and includes ‘Terrestrial Radio Service’, ‘Community Radio Stations’ and ‘Low Power Small Range Radio Service’ or any other service as notified by the Central Government from time to time;
- (39) “**Radio Channel**” refers to a channel, which has been granted authorisation for ‘Terrestrial Radio Service’ or ‘Community Radio Stations’ by the Central Government;

- (40) “**Radio Equipment**” means telecommunication equipment used or capable of use for telecommunication by means of Hertzian or radio waves;
- (41) “**Radio Waves**” means electromagnetic waves of frequencies propagated in space without any artificial guide;
- (42) “**Regional Channel**” means a television channel, not being a devotional channel, which is broadcast in an Indian language, other than English or Hindi language;
- (43) “**SACFA**” shall mean “Standing Advisory Committee for Frequency Allocation”;
- (44) “**SATCOM Monitoring Centre (SMC)**” refers to the Division created under Central Government for operational control and monitoring of satellite communication services in accordance with decision of INSAT Coordination Committee. SATCOM means Satellite telecommunications;
- (45) “**Satellite-based Broadcasting**” means providing programming service using satellite-based communication medium for delivery of channels to the distributors of television channels;
- (46) “**Shareholding Pattern**” means the number of equity shares of a company held by various shareholders;
- (47) “**Spectrum**” means the range of frequencies of Hertzian or radio waves;
- (48) “**Set Top Box (STB)**” means a device, which is connected to or is part of a television receiver and which enables a subscriber to view subscribed channels;
- (49) “**Shareholding Pattern**” means the number of equity shares of a company held by various shareholders;
- (50) “**Spectrum**” means the range of frequencies of Hertzian or radio waves;

- (51) “**Subscriber Management System (SMS)**” means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilized by the subscriber, channels or bouquets of channels subscribed by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber’s record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period;
- (52) “**TEC**” means ‘Telecommunication Engineering Centre’, Department of Telecommunications, Central Government;
- (53) “**Teleport**” means an earth station facility from where multiple television channels carrying audio, video content can be uplinked to a satellite on permitted frequency band as per the provisions of Section 4 of the Telecommunications Act, 2023;
- (54) “**Teleport Hub**” means set-up of teleports for uplinking of television channels, where multiple antennas are installed for two or more satellites;
- (55) “**Television Channel Broadcasting Services**” means and includes ‘Television Channel Broadcasting’, ‘News Agency for Television Channel(s)’, ‘Teleport/Teleport Hub’, ‘Uplinking of Live event/news/footage by Foreign Channel/News Agency’ services or any other service as notified by the Central Government from time to time;
- (56) “**Television Channel**” refers to a channel, which has been granted authorisation for ‘Television Channel Broadcasting’ by the Central Government;
- (57) “**Television Channel Distribution Services**” means and includes ‘Direct-to-Home Service’, ‘Head-end In The Sky Service’

and ‘Internet Protocol Television Service’ or any other service as notified by the Central Government from time to time;

- (58) “***Terrestrial Communication Medium***” means a communication medium using ground infrastructure, which includes but not limited to wireline (e.g. cable/fibre, etc.)/wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud or any other equipment/system other than satellite medium;
- (59) “***TRAI***” means ‘Telecom Regulatory Authority of India’ constituted under the Telecom Regulatory Authority of India Act, 1997 as amended from time to time;
- (60) “***User***” means a natural or legal person using or requesting a telecommunication service, but does not include person providing such telecommunication service or telecommunication network;
- (61) “***Unique Service Authorisation Number (USAN)***” means a unique alpha numeric service number allotted to an entity during grant of authorisation. One or more service authorisation(s) granted to an entity should be linked to the USAN allotted to such entity;
- (62) “***Vertical integration***” means a common entity, which can be a Broadcaster itself or a stakeholder having ‘control’ over the Broadcaster, “controls” a DSP in the same relevant market and vice versa. An entity (E1) is said to ‘Control’ another entity (E2) and the business decisions thereby taken, if E1, directly or indirectly through associate companies, subsidiaries and/or relatives:
- (a) Owns at least twenty per cent of total share capital of E2. In case of indirect shareholding by E1 in E2, the extent of ownership would be calculated using the multiplicative rule. For example, an entity who owns, say, 30% equity in Company A, which in turn owns 20% equity in Company B,

then the entity's indirect holding in Company B is calculated as 30% * 20%, which is 6%.; Or

(b) exercises de jure control by means of:

(i) having not less than fifty per cent of voting rights in E2; Or

(ii) appointing more than fifty per cent of the members of the board of directors in E2; Or

(iii) controlling the management or affairs through decision-making in strategic affairs of E2 and appointment of key managerial personnel; Or

(c) exercises de facto control by means of being a party to agreements, contracts and/or understandings, overtly or covertly drafted, whether legally binding or not, that enable the entity to control the business decisions taken in E2, in ways as mentioned in (b) (i) (ii) and (iii) above.

For this purpose:

The definitions of 'associate company', 'subsidiary' and 'relative' are as given in the Companies Act 2013.

An 'entity' means individuals, group of individuals, companies, firms, trusts, societies and undertakings.

- (63) “**Working journalist**” shall have the same meaning as assigned to it under the Occupational Safety, Health and Working Conditions Code, 2020;
- (64) “**WPC**” means ‘Wireless Planning and Coordination’, Department of Telecommunications, Central Government.

2. Assignment and use of Spectrum

- (1) Assignment of spectrum for Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services shall be in accordance with Section 4 of the Telecommunications Act, 2023.
- (2) Any person, including the Authorised Entity intending to use spectrum shall require an assignment from Central Government. On application by the person, the WPC, shall assign frequency as per Section 4 of the Telecommunications Act, 2023, subject to fulfilment of necessary terms and conditions.
- (3) The Authorised Entity shall be required to obtain SACFA clearance from WPC before use of spectrum assigned to it.
- (4) The Authorised Entity shall adhere to the terms and conditions laid down by the Ministry of Communications; and the Authorised Entity shall be required to make payment for spectrum-related charges to WPC, as applicable.
- (5) The Authorised Entity shall utilise satellite resources authorized by IN-SPACe¹⁰⁵, as applicable.

3. Equity Holding and Management Control

- (1) Any change in the equity structure, amendment in the shareholder agreement/capital contribution in the LLP agreement of the

¹⁰⁵ Fresh Authorization from IN-SPACe shall be required for authorizing the Non-Indian Satellites which are already provisioning their capacity in India either through lease agreement involving NSIL/Antrix (Department of Space) or through direct lease of the C-Band capacity from the Non-Indian Satellite operators. However, provisioning of such capacity from these satellites shall be permitted till March 31, 2025. The existing lease agreements expiring during this period can be extended till March 31, 2025, if required, following the existing mechanism/process. However, any new Non-Indian Satellite or any additional capacity from the existing satellites in any of the frequency bands henceforth shall require IN-SPACe Authorization. With effect from April 01, 2025, only IN-SPACe authorized Non-Indian satellites/constellations in any of the frequency bands shall be permitted to enable provisioning of their capacity in India.

Authorised Entity wherever applicable, shall only be carried out with prior approval of the Central Government:

Provided that while determining the shareholding/capital contribution of an entity as mentioned above, both its direct and indirect shareholding/capital contribution shall be included. The principle and methodology to determine the level of indirect holding shall be as prescribed by the Department for Promotion of Industry and Internal Trade (DPIIT) under the Ministry of Commerce and Industry from time to time.

- (2) Any restructuring of the Authorised entity/reorganization of the authorisation between different holding entities/subsidiaries/ -----s/entity with same management may be done only with prior approval of the Central Government:

Provided that an Authorised Entity, within 30 days of change of its shareholding pattern or partnership pattern or FDI pattern, submit the details of the revised pattern and/or names/details of all the investors/partners on the portal, in the prescribed format. Change in shareholding/partnership pattern shall include change involving 10% or more in the equity holding/partnership share by any individual or an entity:

Provided further that an entity holding the service authorisation(s) post such restructuring or reorganization shall continue to conform to the prescribed eligibility conditions.

- (3) The Central Government shall have the right to suspend the authorisation for a specified period or cancel its authorisation in public interest or in the interest of national security to prevent its misuse, including where the Authorised Entity is found to have misused the authorisation by passing on or enabling or contracting out to any other person the operations or any other core functions/activities through an explicit or implicit agreement or

arrangement, or there is a substantive change in ownership of the Authorised Entity leading to complete change in the management control of the Authorised Entity without prior approval of the Central Government, and the Authorised Entity shall be required to immediately comply with any directives of the Central Government:

- (4) If during the validity of authorisation, government policy on FDI/FII is modified, the Authorised Entity shall be obliged to conform to the applicable terms and conditions, as amended from time to time, within a period of six months from the date of such notification, failing which the entity shall be treated as non-compliant for the service authorisation.

(5) **Restrictions on cross-holding of equity shares/capital contribution among entities of Television Broadcasters and Distribution Service Providers:**

- i. An entity authorised/registered as Distribution Service Providers shall not hold or own more than 20% of the total paid up equity/capital contribution in an entity having authorisation for Television Channel Broadcasting Service as the case may be, at any time during the validity of authorisation.
- ii. An entity having authorisation for 'Television Channel Broadcasting' Service shall not hold or own more than 20% of total paid up equity/capital contribution in an entity authorised/registered as Distribution Service Provider, as the case may be, at any time during the validity of authorisation.
- iii. Further, an entity or a person, other than a financial institutional investor, holding more than 20% of total paid up equity/capital contribution in an entity having authorisation for 'Television Channel Broadcasting' Service shall not hold more than 20% total paid up equity/capital contribution in

an entity authorised/registered as Distribution Service Providers and *vice-versa*.

(6) Additional Provisions for Radio Broadcasting Services

Terrestrial Radio Service

- (a) An Authorised Entity, with or without foreign investment, shall not be permitted to change the ownership pattern through transfer of shares of the majority shareholders/promoters to any new shareholders without the written permission of the Central Government. The term majority shareholders/promoters shall be construed to mean the persons constituting the 'largest Indian shareholder' as specified under the Companies Act, 2013.
- (b) The Authorised Entity may, with prior approval of the Central Government, be allowed to change the composition of the 'largest Indian shareholder' subject to the condition that the shareholding of the 'largest Indian shareholder' does not reduce below 51% till a period of three years from the date on which all the channels allotted to the entity granted service authorisation stands operationalised.
- (c) The Authorised Entity may, with prior approval of the Central Government, dilute the total shareholding of the constituents of the 'largest Indian shareholder' of the company as it existed at the time of submission of bids to a level below 51% only after a period of three years from the date on which all the channels allotted to the entity granted service authorisation stands operationalised. This will be further subject to the condition that the revised ownership pattern has a 'largest Indian shareholder' with a legally binding agreement amongst its constituents in compliance of the prescribed eligibility conditions.

4. **Renewal of Authorisation**

- (1) The details of renewal period and applicable renewal fee for various authorisations are listed in **Table 4.1**.
- (2) The Authorised Entity shall apply for renewal of authorisation at least three months before expiry of authorisation, through the portal, on payment of applicable renewal fee.
- (3) The renewal of service authorisation shall be subject to the applicant fulfilling the eligibility conditions of respective service authorisation(s).
- (4) The Authorised Entity applying for renewal of authorisation shall not be found guilty of violation of these Rules, including the violation of Programme Code and Advertisement Code on five or more occasions during its validity of authorisation.

Table 4.1: Period (in years) and Renewal Fee (in Rs.) for Renewal of Service Authorisations

Sl. No.	Service Authorisation	Renewal Period (in years)	Renewal Fee (in Rs.)
Television Channel Broadcasting Services			
1.	Television Channel Broadcasting	10	10,000 per channel
i.	Satellite-based Broadcasting of a Television Channel <ol style="list-style-type: none">a. Uplinking of a Television Channelb. Downlinking of a Television channelc. Uplinking and Downlinking of a Television Channel		
ii.	Ground-based Broadcasting of a Television Channel		
2.	News Agency for Television Channel(s)	5	10,000

Sl. No.	Service Authorisation	Renewal Period (in years)	Renewal Fee (in Rs.)
3.	Teleport/Teleport Hub	10	10,000 per teleport
Television Channel Distribution Services			
4.	Direct-to-Home (DTH) Service	10	10,000
5.	Head-end In The Sky (HITS) Service	10	10,000
Radio Broadcasting Services			
6.	Terrestrial Radio Service	10	10,000
7.	Community Radio Stations	5	2500

5. **Modifications in the Terms and Conditions of Service**

Authorisation: For any amendment in Rules containing the terms and conditions of the Authorisation, except for the reason of the interest of the security of the State, shall be carried out by the Central Government only after considering the recommendations of TRAI.

6. **Creation of Security Interest:** The Central Government may provide for such security interest which an Authorised Entity may provide to lenders financing such entity on such terms and conditions of such security interest, which will be governed by the Rules notified by the Central Government under section 45 of the Telecommunications Act, 2023.

7. **Restrictions on ‘Transfer of Service Authorisation’**

(1) The Authorised Entity shall not, without the prior approval of the Central Government, either directly or indirectly, assign or transfer the Service Authorisation in any manner whatsoever to a third party or enter into any agreement to sub-authorise and/or partnership

relating to any subject matter of the Authorisation to any third party either in whole or in part i.e., no sub leasing/partnership/third party interest shall be created.

(2) Further, the Authorised Entity may transfer or assign the Service Authorisation with prior approval of the Central Government, in the following circumstances, and if otherwise, no compromise in competition occurs in the provision of Broadcasting Services:

(a) When transfer or assignment is required in accordance with the Rules on creation of Security Interest notified by the Central Government under Section 45 of the Telecommunications Act, 2023;

or

(b) Whenever amalgamation or restructuring i.e., merger or demerger is sanctioned and approved by the Tribunal as per the law in force; in accordance with the provisions of Companies Act, 2013 or LLP Act, 2008; provided that scheme of amalgamation or restructuring is formulated in such a manner that it shall be effective only after prior approval of the Central Government for transfer/merger of authorisations and in accordance with the Rules notified under Section 3(5) of the Telecommunications Act, 2023.

(3) The mergers, demergers or acquisitions, or other forms of restructuring shall be subject to the Rules notified under Section 3(5) of the Telecommunications Act, 2023:

Provided that any Authorised Entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and advance approval by the Central Government:

Provided further that any Authorised Entity that emerges pursuant to such process, shall comply with the terms and

conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.

- (4) The Authorised Entity of Television Channel Distribution Services may appoint or employ franchisee, agents, distributors and employees for provision of service:

Provided that the Central Government shall have the right to direct the Authorised Entity to warn, penalize or terminate the service of the franchisee or agent or distributor or employee (servant), after considering any report of conduct or antecedents detrimental to the security of the nation. The decision of the Central Government in this regard shall be final and binding and, in any case, the Authorised Entity shall bear all liabilities in the matter and keep the Central Government indemnified from all claims, cost, charges or damages in this respect.

8. Provision of Service

- (1) The Authorised Entity shall make its own arrangements or share existing infrastructure as permissible for providing the authorised service. It shall be responsible for installation, networking, operation and commissioning of necessary infrastructure, equipment and systems, to the extent applicable. It shall be solely responsible for treatment of user complaints, issue of bills to its users, collection of revenue, attending to claims and damages arising out of its operations etc.
- (2) The Authorised Entity shall follow the measures notified by the Central Government under Section 21 of the Telecommunications Act, 2023, in respect of procurement of equipment for provisioning of broadcasting services from trusted sources only.

- (3) The Authorised Entity shall participate in the online dispute resolution mechanism(s) for resolution of disputes between users and Authorised Entity, established by the Central Government as per provisions of Section 30 of the Telecommunications Act, 2023 and the rules made thereunder.
- (4) The Authorised Entity shall provide advance intimation on date of commencement to the Central Government before commencing broadcasting service in any Service Area. The intimation shall include details of network and necessary facilities for monitoring the service as deployed by the Authorised Entity.
- (5) The Authorised Entity shall provide intimation about commencement of Broadcasting (Television Channel Broadcasting and Television Channel Distribution) Services within 15 days of commencement to the Central Government and TRAI.
- (6) The Authorised entity shall demonstrate compliance with the scope of authorisation and requisite monitoring facilities, wherever applicable, within 90 days of commencement of service.
- (7) The entity shall broadcast only such television channels, which have been authorised by the Central Government, and stop broadcasting a television channel as soon as authorisation for such a channel is withdrawn or suspended by the Central Government, or on specific order of the Central Government to stop such broadcasting for such time period as may be specified in the order.

9. Monitoring & Inspection

- (1) The Authorised Entity shall provide all necessary facilities for continuous monitoring of its broadcasting services at its own cost and maintain the recordings of programmes and advertisements carried on the platform for a period of 90 days from the date of

broadcast and produce the same to the Central Government or its authorised representative, as and when required:

Provided that in case of any complaint/dispute/enquiry the records of broadcast of programmes and advertisements shall be maintained till final disposal of the complaint/dispute/enquiry:

Provided further that the Central Government shall ordinarily carry out the inspection after reasonable notice except in circumstances, where giving such a notice shall defeat the very purpose of the inspection.

- (2) The Authorised Entity shall provide access to the Central Government or its duly authorised representative(s) to all its facilities including equipment, records, systems, etc.
- (3) The Authorised Entity shall provide access to the TRAI or its duly authorised representative(s) to all its facilities including equipment, records, systems, etc. for monitoring and inspection regarding compliance to TRAI Regulations/Orders/Directions.

10. Reporting Requirements

- (1) The Authorised Entity shall submit compliance reports in accordance with the applicable terms and conditions of the authorisation.
- (2) The Authorised Entity shall furnish, such information at periodic intervals or at such times as the Central Government may require, including, but not limited to, documents, reports, accounts, estimates, returns or other information such as change in Chief Executives, Board of Directors/Partners, equity holding pattern/capital contribution etc.
- (3) Any change in the name of Authorised Entity, as per the provisions of the Companies Act, 2013 or, the LLP Act, 2008 shall be

communicated to the Central Government in writing, accompanied by a certified copy of the name change certificate, within 30 days from the date of issuance of such certificate by the Registrar of Company/LLP. In case the Authorised Entity is not covered under the Companies Act, 2013/LLP Act, 2008, the change in name of the Authorised Entity shall be certified by the Chartered Accountant/Cost Accountant.

- (4) The Authorised Entity shall ensure compliance to the Regulations/Orders/Directions as notified/issued by TRAI.

11. **Adherence to Programme Code and Advertisement Code**

- (1) The Authorised Entity shall adhere to the Programme Code, Advertisement Code and any other Orders/Directions/Advisories/Instructions as issued by the Central Government for regulation of content.
- (2) The Authorised Entity shall ensure that its facility(ies) are not used for transmitting any objectionable or obscene content, or messages inconsistent with the laws of India.
- (3) The Distribution Service Providers shall ensure that the subscribers do not have access to any pornographic channel (including Platform Services) or to secret/anti-national messaging and the like through the platform. If the event of non-compliance by the Authorised Entity, the Service Authorisation shall be revoked and the entity may be disqualified from holding any such authorisation in the future 'up to a period of five (5) years', depending on the severity of violation, in addition to being liable for penalties/punishment under other applicable laws.

12. **Sharing of Infrastructure**

- (1) **General Sharing of Infrastructure:** Wherever technically and commercially feasible, the authorised entities shall be allowed to

share the platform infrastructure (including transport stream, CAS and SMS etc.) on a voluntary basis with the other entities authorised under Section 3 of the Telecommunications Act, 2023 or entities registered under Cable Television Networks (Regulation) Act, 1995, or any other service provider as notified by the Central Government.

(2) **Submission of Proposal for Infrastructure Sharing:** The entities intending to share its infrastructure, shall jointly submit a detailed proposal for infrastructure sharing giving details of the infrastructure proposed to be shared and the manner in which the infrastructure is proposed to be shared as well as roles and responsibilities of each entity to the Central Government with a copy to WPC and SMC, DoT. The proposal shall contain:

- (a) Acceptance from concerned stakeholders intending to share the infrastructure;
- (b) Copies of the Agreements between the parties sharing the infrastructure with conditions stipulated in these Rules;
- (c) An undertaking by both the parties proposing to share the infrastructure that under the sharing arrangement proposed, there shall not be any violation of the underlying Rules of the respective service authorisation/registration;
- (d) The sharing of the satellite resources and uplinking infrastructure (on voluntary basis) shall be allowed with permission of the Central Government, WPC, SMC, DoT.

(3) The copy of permission of infrastructure sharing granted to the Authorised Entity, shall be shared by the Central Government to TRAI.

13. **Financial Conditions:** The Authorised Entity shall pay applicable fee for each service authorisation including processing fee, entry fee, authorisation fee, bank guarantee, renewal fee, security deposit and other charges as specified in **Schedule-II**.
14. **Commercial Conditions**
- (1) The Authorised Entity shall charge tariffs for the service as per Orders/Regulations/Directions issued by TRAI.
 - (2) The Authorised Entity shall comply with requirements regarding publication of tariffs, notifications and the provision of information as directed by TRAI through its Regulations/Orders/Directions issued in accordance with the provisions of TRAI Act, 1997.
15. **Security Conditions**
- (1) On occurrence of any public emergency including disaster management, war or low intensity conflict or in the interest of public safety or similar type of situations, the Central Government or State Government or any officer specially authorised in this behalf by the Central Government or a State Government, if satisfied that it is necessary or expedient to do so, reserves the right to temporarily take over the entire service and networks of the Authorised Entity or revoke/cancel/suspend the authorisation.
 - (2) On the occurrence of any public emergency or public safety the Central Government or State Government or any officer specially authorised in this behalf by the Central Government or State Government reserves the right to direct the Authorised Entity to carry specific messages, content or television channels on its broadcasting network.

- (3) The Authorised Entity shall abide by the directions issued by the Central Government from time to time. The Authorised Entity shall not use any equipment, which is identified as unlawful and/or render the network security vulnerable.
- (4) All foreign personnel likely to be deployed by way of appointment, contract, consultancy, etc. by the Authorised entity for installation, maintenance and operation of their service shall be required to obtain security clearance from the Central Government prior to their deployment.
- (5) The Authorised Entity shall follow the measures notified by the Central Government from time to time under Section 20 in respect of public emergency and Section 21 of the Telecommunications Act, 2023 in respect of National Security.
- (6) The authorisation shall be subject to Authorised Entity remaining security cleared throughout the validity of authorisation. In case the security clearance is withdrawn the authorisation granted is liable to be terminated forthwith.
- (7) In the event that security clearance of any of the persons, including foreign personnel, associated with the Authorised Entity is denied or withdrawn for any reasons whatsoever, the Authorised Entity shall ensure that the person concerned resigns or their services are terminated immediately upon receiving such directives from the Central Government. Failure to comply with this directive shall result in revocation of the authorisation granted, and the entity shall be disqualified from holding any such authorisation in future for a period of five years.

16. **Technical Conditions**

- (1) The Authorised Entity shall provide the specified service using any technology that complies with prescribed standards in the service area, in accordance with the scope of service under the Authorisation(s). However, in case the Authorised Entity obtains frequency/spectrum, the use of technology shall be governed by the terms and conditions of the assignment and use of spectrum.
- (2) The Authorised Entity shall provide the details of the technology proposed to be deployed for operation of the service to the Central Government, as applicable.
- (3) For providing the Service, the Authorised Entity shall utilize any type of equipment and product that meets the approved Indian/International standards.
- (4) The Authorised Entity shall adhere to the measures notified by the Central Government from time to time under Section 19 of the Telecommunications Act, 2023, in respect of standards and conformity assessment measures for broadcasting equipment, network and service.

17. **Confidentiality**

- (1) Subject to terms and conditions of the authorisation, the Authorised Entity shall take all necessary steps to safeguard the privacy and confidentiality of any information concerning a third party and its business to whom it provides the service and from whom it has acquired such information by virtue of the service provided. The Authorised entity shall use its best endeavours to secure that:
 - (a) No person acting on behalf of the Authorised Entity, or the Authorised Entity divulges or uses any such information except as may be necessary while providing such service to the third party; and

- (b) No such person seeks such information other than is necessary for the purpose of providing service to the third party:

Provided the above para shall not apply where:

- (i) The information relates to a specific party and that party has consented in writing to such information being divulged or used, and such information is divulged or used in accordance with the terms of that consent; or
- (ii) The information is already open to the public and otherwise known;
- (iii) The Authorised Entity shall take necessary steps to ensure that the Authorised Entity and any person(s) acting on its behalf observe confidentiality of user's information;
- (iv) The Authorised Entity shall, prior to commencement of Service, confirm in writing to the Central Government that the Authorised Entity has taken all necessary steps to ensure that it and its employees shall observe confidentiality of user's information.

18. **Force Majeure**

- (1) If at any time, during the validity of authorisation, the performance of any obligation either in whole or in part by the Authorised Entity of any obligation under the Authorisation is prevented or delayed, by reason of war, hostility, acts of public enemy, civil commotion, sabotage, Act of State or direction from Statutory Authority, explosion, epidemic, quarantine restriction, strikes and lockouts (as are not limited to the establishments and facilities of the Authorised Entity), fire, floods, natural calamities or any Act of God (all or any of these hereinafter referred to as Event), provided notice of happening of any such Event is given by the Authorised Entity to

the Central Government within 21 Calendar days from the date of occurrence thereof, the Central Government will, by reason of such Event will neither revoke the authorisation, nor claim any damages against the Authorised Entity, in respect of such non-performance or delay in performance:

Provided that service under the specified service authorisation shall be resumed as soon as practicable, after such Event comes to an end or ceases to exist. The decision of the Central Government as to whether the service may be so resumed (and the time frame within which the service may be resumed) or not, shall be final and binding.

- (2) However, the event noted above shall not in any way cause extension in the validity of authorisation. While it shall normally not be as a ground for non-payment of authorisation fee and the Central Government shall not be obliged to grant any rebate/waiving off the authorisation fee, however the Central Government may at its discretion allow rebate/waiving off the authorisation fee in case the service cannot be continued, even after two months of occurrence of the Event.
- (3) The Authorised Entity shall not be entitled to claim any damage against the Central Government for non-performance or delay in performance of the Central Government's obligations by reason of the Event.

19. Disputes with Other Parties

In the event of any dispute between the Authorised Entity and any party other than the Central Government (including in relation to the authorisation and/or Broadcasting services, etc.) due to any reason whatsoever, it shall be the sole liability of the Authorised Entity to resolve such dispute amicably or otherwise with the other party and the Central Government shall have no liability whatsoever

in this regard. Further, the Authorised Entity shall undertake to fully indemnify and keep the Central Government harmless in respect of any action, claim, suit, proceeding, damage or notice to/against the Government for any act of omission or commission on part of the Authorised Entity, its agents, employees, representatives or servants:

Provided that if any such third-party dispute arises on account of no observance or breach of any Rules or regulations by the Authorised Entity as applicable, the Government shall also have the right to take any action against the Authorised Entity as provided herein.

20. Dispute Resolution and Jurisdiction

- (1) Dispute resolution shall be as per the provisions of the Telecommunications Act, 2023 and Telecom Regulatory Authority of India Act, 1997 as amended from time to time or such other laws applicable to resolution of such dispute.
- (2) Subject to section 41 of the Telecommunications Act, 2023 the Court at New Delhi shall have the jurisdiction over all disputes.

21. Surrender of Authorisation

- (1) The Authorised Entity may surrender the authorisation by giving an advance notice of 60 calendar days to the Central Government as well as to all concerned/affected parties including the consumers of the service to this effect. The authorised entity shall pay all fees payable by it till the date on which the surrender of the authorisation becomes effective. The effective date of such surrender shall be 61st calendar day counted from the date of receipt of such notice by the Central Government, if it is not rejected by the Central Government within 30 days of date of receipt of the notice.

- (2) The Bank Guarantee shall be returned, and security deposit shall be refunded subject to adjustment of outstanding dues, if any. The Authorised Entity shall, however, continue to observe compliance to these Rules including the criteria for the quality of broadcast service during the notice period and any failure to do so shall be regarded as contravention to these Rules.

22. Contravention of Rules/Regulations and Violation of Orders/Directions/Codes

- (1) Contravention of these Rules shall be governed by the provisions contained in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunications Act, 2023 and the Rules made thereunder.
- (2) Contravention of TRAI Regulations and violation of TRAI Orders/Directions shall be governed by the provisions of respective Regulations/Orders/Directions issued by TRAI.
- (3) The Authorised Entity shall be liable to pay the Financial Disincentives (FD) imposed by TRAI for contravention of TRAI's Regulations and/or violation of TRAI's Orders/Directions. In case, the Authorised Entity fails to pay the FD amount to TRAI and if TRAI advises so, the Central Government shall recover the amount from the Bank Guarantee furnished by the Authorised Entity to the Central Government under any Authorisation. The decision of the TRAI regarding the imposition of FD and amount thereof shall be final and subject to appeal as per the provisions of TRAI Act, 1997.
- (4) In case of non-payment of dues, if any, the Central Government shall recover such dues from the BG/Security Deposit furnished/deposited by the Authorised Entity.
- (5) For the violation of the Programme Code or Advertisement Code, an Authorised Entity shall be governed by the Cable Television

Networks (Regulation) Act, 1995 and the Rules made thereunder, or any other Orders/Directions/Advisories/Instructions issued by Central Government.

23. **Offences:** Any person who provides Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services or establishes broadcasting network without authorisation under Section 3(1) of the Telecommunications Act, 2023 or causes damage to critical telecommunications infrastructure shall be subject to punishment or fine as per provisions of Section 42 of the Telecommunications Act, 2023.

Any officer authorised by the Central Government in this behalf, may search any building, vehicle, vessel, aircraft or place, where they have reason to believe that any unauthorised broadcasting network or equipment or radio equipment in respect of which an offence punishable under Section 42 of the Telecommunications Act, 2023 has been committed, is kept or concealed and take possession thereof.

24. **Termination of Authorisation**

- (1) Notwithstanding any other recourse under these Rules or any other law, the Central Government shall have the power, after recording the reasons in writing, to revoke/suspend/curtail/cancel/terminate the authorisation in the event of breach of these Rules. However, before taking such action the Central Government shall give the Authorised Entity an opportunity of being heard. The decision of the Central Government shall be final and binding:

Provided, as contained in Section 9 of the Telecommunications Act, 2023, the entity shall not be entitled to a refund of any fees or charges paid in respect of or under an authorisation or assignment granted:

Provided further, that the contravention of TRAI Regulations and violation of TRAI Orders/Directions shall be considered by the Central Government as grounds to revoke/suspend/curtail/cancel/terminate the service authorisation, on the recommendations of TRAI.

(2) The Central Government may, at any time during the validity of authorisation, terminate the authorisation, if it comes to the notice of the Central Government that the Authorised Entity does not fulfil the eligibility criteria of the service authorisation.

(3) The Central Government may, at any time, suspend/terminate the Authorisation without compensation to the Authorised Entity in case the said entity becomes bankrupt or otherwise insolvent or applies for being adjudicated as insolvent/bankrupt, provided such suspension/termination shall not prejudice or affect any right of action which has accrued or shall accrue thereafter to the Central Government.

25. **Obligations imposed on the Authorised Entity:** The provisions of the Telecommunications Act, 2023, shall be applicable to the Authorised Entity.

26. **Residual Clause:** For any other Authorisation/permission matter related to broadcasting services not specifically mentioned in these Rules, or for removal of any difficulty in implementing these Rules, the Central Government shall be the competent authority.

Part-II: Specific Terms and Conditions for provision of Broadcasting Services

Section 1: Television Channel Broadcasting Services

Section 1.1: Television Channel Broadcasting

Sub-section 1.1a: Satellite-based Broadcasting of a Television Channel

A. Uplinking of a Television Channel

1. **Operational Status:** The Authorised Entity shall, upon operationalisation of a television channel, inform the Central Government or its specified agency of the operational status along with all its technical parameters.

2. Change in Communication Medium

- (1) An entity authorised to provide 'Satellite-based Broadcasting of a Television Channel', that intends to use terrestrial communication medium for the same channel, either in replacement or in addition to satellite-based communication medium, shall be allowed to do so:

Provided that the Authorised Entity shall approach the Central Government by applying through the online portal, to replace/add 'Ground-based Broadcasting of a Television Channel' under the same authorisation of 'Television Channel Broadcasting' and pay the applicable fee as specified in **Schedule-II:**

Provided further that in such case, the validity period of existing authorisation shall remain unchanged.

- (2) In such cases, the Authorised Entity shall submit an undertaking that it shall ensure continuity of services to the DSPs with whom it has valid interconnection agreements.

3. **Special conditions for uplinking of a television channel**

(1) Uplinking shall be done in the frequency band specified by the Authorised Entity, after due approval of the Central Government, subject to the condition that uplinking in any band, other than the C band, shall be done only in encrypted mode.

(2) **Television channels for viewing outside Indian Territory:**

(a) A television 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.

(b) A foreign company/entity owning a channel may be allowed to uplink its content for being downlinked and viewed outside India by using the facility of an authorised teleport operator by way of an online application furnished on its behalf by the concerned teleport operator on the portal:

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

4. **Roll out Obligations:** The Authorised Entity shall adhere to the roll out obligations as prescribed in **Schedule-III** of these Rules.

5. Obligation of public service broadcasting

- (1) The Authorised Entity shall 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:
 - (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 above, 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.

6. Additional Conditions for ‘Transfer of Authorisation’ of a Television Channel

- (1) Transfer of authorisation of a television channel from the authorised entity to another company/LLP shall be permitted only with prior approval of the Central government. Transfer shall be permitted only under the following situations:
 - (a) Merger/demerger/amalgamation is duly approved by the Court/Tribunal/Commission/Authority in accordance with the provisions of the Companies Act, 2013 or the Limited Liability Partnership 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 shall be conducted in accordance with the provisions of applicable law, and the Company/LLP shall file a copy of the agreement/arrangement executed between itself and the transferee Company/LLP;
- (c) Transfer is within Group Company, and the authorised Company/LLP 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/Partners by way of agreement or otherwise.

- (2) The transfer of television channel shall be subject to fulfilment of following conditions:
 - (i) The new entity is eligible as per the eligibility criteria, including the net worth requirement and the entity and its Directors/Designated Partners are security cleared.
 - (ii) The new entity undertakes to comply with all the terms and conditions of the service authorisation.
 - (iii) There shall be a lock-in period of one year from the date of operationalization of a television channel, during which the television channel cannot be transferred to another entity.

7. **Purchase/Hiring and use of DSNG Equipment:** The Authorised Entity for 'Television Channel Broadcasting' providing Uplinking of a Television Channel service shall be permitted to purchase/hiring and use the DSNG equipment, subject to obtaining separate approval for the same under these Rules, as applicable.
8. **Live telecast:** The Authorised Entity of 'Television Channel Broadcasting' providing Uplinking of a Television Channel Service shall be permitted to carry out Live telecast of event(s) (News and Current affairs/Non-news and Current Affairs) using either DSNG equipment or ENG service, subject to obtaining separate approval for the same under these Rules, as applicable.

B. Downlinking of a Television Channel

1. **Operational Status:** The Authorised Entity shall, upon operationalisation of a television channel, inform the Central Government or its specified agency of the operational status along with all its technical parameters.
2. **Special Conditions for Downlinking of a Television Channel**
 - (1) The Authorised Entity 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.
 - (2) The Authorised Entity shall provide Satellite television Channel signal reception decoders to DSPs only.
 - (3) The Authorised Entity shall obtain prior approval of the Central Government before undertaking any major upgradation, expansion or significant changes in the downlinking and distribution system/network configuration.

(4) The Authorised Entity shall ensure that any of its channels, which is not authorised or prohibited from being telecasted or transmitted or re-transmitted in India, under these Rules or any other law for the time being in force, cannot be received in India through encryption or any other means.

3. **Roll out Obligations:** The Authorised Entity shall adhere to the roll out obligations as prescribed in **Schedule-III** of these Rules.

4. **Obligation of public service broadcasting**

(1) The Authorised Entity 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:

- (a) Education and spread of literacy;
- (b) Agriculture and rural development;
- (c) Health and Family welfare;
- (d) Science and Technology;
- (e) Welfare of Women;
- (f) Welfare of the Weaker Sections of the Society;
- (g) Protection of Environment and of Cultural Heritage; and
- (h) National Integration.

(2) The channels may, for the purpose, appropriately modulate their content to fulfil the obligation referred above, 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.

5. **Additional Condition for ‘Transfer of Authorisation’ of a Television Channel**

(1) Transfer of authorisation of a television channel shall be permitted only under the following situations:

- (a) Merger/demerger/amalgamation is duly approved by the Court/Tribunal/Commission/Authority 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 entity;
- (c) Transfer is within the Group Company, and the Company/LLP 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/Partners by way of agreement or otherwise.

(2) The transfer of television channel shall be subject to fulfilment of following conditions:

- (i) The new entity is eligible as per the eligibility criteria, including the net worth requirement and the entity and its Directors/Designated Partners are security cleared.
- (ii) The new entity undertakes to comply with all the terms and conditions of the service authorisation.
- (iii) There shall be a lock-in period of one year from the date of operationalization of a television channel, during which the television channel cannot be transferred to another entity.

C. Uplinking and Downlinking of a Television Channel

All the terms and conditions of uplinking of a television channel and downlinking of a television channel shall be applicable for grant of authorisation/validity of authorisation/renewal of authorisation.

Sub-section 1.1B: Ground-based Broadcasting of a Television Channel

1. **Operational Status:** The Authorised Entity shall, upon on operationalisation of a television channel, inform the Central Government or its specified agency of the operational status along with all its technical parameters.
2. **Change in Communication Medium:**
 - (1) An entity authorised to provide 'Ground-based Broadcasting of a Television Channel', that intends to use satellite-based communication medium for the same channel, either in replacement or in addition to terrestrial communication medium, the entity shall be allowed to do so:

Provided that the Authorised Entity shall approach the Central Government by applying through the online portal, to replace/add 'Satellite-based Broadcasting of a Television Channel' under the same authorisation of 'Television Channel Broadcasting' and pay the applicable fee as specified in **Schedule-II:**

Provided further that in such case, the validity period of existing authorisation shall remain unchanged:

Provided also that the capacity of only IN-SPACE authorised satellites shall be used and permissions and clearances for spectrum usage from WPC wing of Department of Telecommunications, Ministry of Communications shall be obtained by the authorised entity along with payment of applicable fees.
 - (2) In such cases, the Authorised Entity shall submit an undertaking that it shall ensure continuity of services to the DPOs with whom it has valid interconnection agreements.

3. **Special Conditions for Ground-based Broadcasting of a Television Channel**

- (1) The Authorised Entity shall ensure compliance to the provisions of Sports Broadcasting Signals (Mandatory sharing with Prasar Bharati) Act, 2007 and the Rules, Guidelines, Notifications issued thereunder.
- (2) The Authorised Entity shall provide television channel signal reception decoders to DSPs only.
- (3) The Authorised Entity shall obtain prior approval of the Central Government before undertaking any major upgradation, expansion or significant changes in the distribution system/network configuration.
- (4) The Authorised Entity shall ensure that any of its channels, which is not authorised or prohibited from being telecasted or transmitted or re-transmitted in India, under these Rules or any other law for the time being in force, cannot be received in India through encryption or any other means.

4. **Roll out Obligations:** The Authorised Entity shall adhere to the roll out obligations as prescribed in **Schedule-III** of these Rules.

5. **Obligation of public service broadcasting**

- (1) The Authorised Entity 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:
 - (a) Education and spread of literacy;
 - (b) Agriculture and rural development;
 - (c) Health and Family welfare;
 - (d) Science and Technology;
 - (e) Welfare of Women;
 - (f) Welfare of the Weaker Sections of the Society;
 - (g) Protection of Environment and of Cultural Heritage; and
 - (h) National Integration.

- (2) The channels may, for the purpose, appropriately modulate their content to fulfil the obligation referred above, 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.

6. Additional Conditions for 'Transfer of Authorisation' of a Television Channel

- (1) Transfer of authorisation of a for Ground-based Broadcasting of a Television Channel shall be permitted only under the following situations:
 - (a) Merger/demerger/amalgamation is duly approved by the Court/Tribunal/Commission/Authority 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 shall be conducted 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 is within the Group Company, and the Company/LLP 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/Partners by way of agreement or otherwise.

(2) The transfer of television channel shall be subject to fulfilment of following conditions:

- (i) The new entity is eligible as per the eligibility criteria, including the net worth requirement and the entity and its Directors/Designated Partners are security cleared.
- (ii) The new entity undertakes to comply with all the terms and conditions of the service authorisation.
- (iii) There shall be lock-in period of one year from the date of operationalization of a television channel, during which the television channel cannot be transferred to another unrelated entity.

7. **Hiring and use of DSNG Equipment:** The Authorised Entity providing Ground-based Broadcasting of a Television Channel, shall be permitted to hire and use the DSNG equipment, subject to obtaining separate permission for the same under these Rules, as applicable.

8. **Live telecast:** The Authorised Entity providing Ground-based Broadcasting of a Television Channel shall be permitted to carry out Live telecast of event(s) (News and Current affairs/Non-news and Current Affairs) using either DSNG equipment or ENG service within the scope of their authorisation, subject to obtaining separate permission/registration for the same under these Rules, as applicable.

Section 1.2: News Agency for Television Channel(s)

1. **Purchase/Hiring and use of DSNG Equipment:** The entity authorised for News Agency for Television Channel(s) shall be permitted to purchase/hire and use the DSNG equipment, subject to obtaining separate approval for the same under these Rules, as applicable.
2. **Live telecast:** The entity authorised for News Agency for Television Channel(s) shall be permitted to carry out Live telecast of event(s) using either DSNG equipment or ENG service, subject to obtaining separate approval for the same under these Rules, as applicable.

Section 1.3: Teleport/Teleport Hub

1. **Operational Status:** The Authorised Entity shall as soon as the Teleport becomes operational, inform the Central Government or its specified agencies of its operational status, along with all its technical parameters.
2. **Special Condition for Teleport/Teleport Hub:** The Authorised Entity shall uplink only those television channels which have been authorised by the Central Government, and stops uplinking a television channel as soon as authorisation for such television channel is withdrawn or suspended by the Central Government, or on specific order of the Central Government to stop such uplinking for such time period as may be specified in the order.
3. **Additional Conditions of ‘Transfer of Authorisation’ of a Teleport/Teleport Hub**
 - (1) Transfer of authorisation of a Teleport/Teleport hub shall be permitted only under the following situations:
 - (a) Merger/demerger/amalgamation is duly approved by the Court/Tribunal/Commission/Authority 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/Partners by way of agreement or otherwise.

(2) The transfer of Teleport/Teleport hub shall be subject to fulfilment of following conditions:

- (i) The new entity is eligible as per the eligibility criteria, including the net worth requirement and the entity and its Directors/Designated Partners are security cleared.
- (ii) The new entity undertakes to comply with all the terms and conditions of the service authorisation.
- (iii) There shall be a lock-in period of one year from the date of operationalization of a television channel, during which the television channel cannot be transferred to another unrelated entity.

4. **Purchase/Hiring and use of DSNG Equipment:** The entity authorised for Teleport/Teleport Hub shall be permitted to purchase/hire and use DSNG equipment, subject to obtaining separate approval for the same under these Rules, as applicable.

Section 1.4: Uplinking of Live Event/News/Footage by Foreign Channel/News Agency

1. **Specific Terms and Conditions:** The authorisation for uplinking of Live event/news/footage by a Foreign channel/News Agency shall be granted to a foreign channel/news agency for a period up to 12 months at a time. This authorisation shall permit live uplinking of an event/news/footage from time to time, through a pre-designated authorised teleport. The application for such authorisation shall be made by way of an application on the portal and is subject to approval by the MHA and the Ministry of External Affairs and following conditions:

- (1) The Authorised Entity has a binding agreement with an authorised Teleport/Teleport Hub for the duration of the authorisation.
- (2) The Authorised Entity pays a processing fee of one lakh rupees (Rs 1,00,000) per day for Live telecast.
- (3) The event/news/footage so uplinked shall be primarily for the usage abroad by the foreign channel/news agency and shall not be broadcasted in India without obtaining separate authorisation of 'Television Channel Broadcasting' for Downlinking of a Television Channel.

Section 1.5: Other related Approvals/Intimations
Sub-section 1.5A: Approval for Purchase/Hiring and use of DSNG Equipment

1. Purchase and use of DSNG Equipment

(1) The following type of authorised entity shall be eligible for purchase of DSNG equipment and its use during the validity period of such authorisations:

- a) Entity having authorisation of 'Television Channel Broadcasting' for 'Uplinking of a Television Channel';
- b) Entity having authorisation of 'News Agency for Television Channel(s)';
- c) Entity having authorisation of 'Teleport/Teleport Hub'.

(2) The Authorised Entity(ies) referred to in sub-para (1) above, for the purpose of seeking approval to purchase and use DSNG equipment, apply online on the portal along with the documents specified therein and upon payment of processing fee as specified in **Schedule-II**.

(3) The Central Government 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 approval to the Authorised Entity for purchase and use of DSNG equipment.

(4) However, such approval shall be subject to the following conditions:

- a) The DSNG signals shall be transmitted solely to the teleport of the Authorised Entity and shall be uplinked for broadcasting through permitted satellite exclusively through that teleport.
- b) The entity shall follow the roll out obligations as specified in **Schedule-III**.

- c) The use of DSNG shall be permitted only in those areas/regions/States, which are not specifically prohibited by the MHA.
- d) The entity shall submit the purchase documents of DSNG terminals and inform the Central Government about placement of these terminals at various locations.
- e) The entity permitted to use DSNG shall apply to WPC for frequency assignment.
- f) The entity shall maintain a daily record of the location and the events, which have been covered and uplinked by DSNG terminals and downlinked at their main satellite earth station and produce the same before the designated authority or its authorised representative, which will include officers of Ministry of Home Affairs, as and when required.
- g) The Authorised Entity shall not enter defence installations.
- h) The DSNG equipment should not be taken in the areas cordoned off from security point of view.
- i) The Authorised Entity desiring to use DSNG shall submit an undertaking that the equipment shall be used for live news gathering, footage collection and other events as permitted under the respective authorisation for captive use only in the format prescribed by the Central Government.
- j) Violations of any of the aforementioned conditions may lead to revocation/cancellation of the permission to use the DSNG equipment.
- k) The entity shall abide by the terms and conditions of the authorization by WPC for use of spectrum including payment of applicable fees/royalty.

- 1) The entity shall provide a suitable hardware and software solution to the agency specified by the Central Government to view Live, the location of all permitted DSNG/ENG terminals.

2. Hire and Use of DSNG Equipment

- (1) The use of hired DSNG shall be permitted to News and Current Affairs channels uplinked from India for live news/footage collection and point-to-point transmission.
- (2) The use of hired DSNG shall be permitted to a Ground-based Broadcaster having service authorisation for News and Current Affairs channels for collection/transmission of news/footage up to the broadcaster.
- (3) The use of hired DSNG shall be permitted to a News agency having service authorisation for television channels for collection/transmission of news/footage.
- (4) An entity having an authorised non-news channel, which is uplinked from its own authorised teleport, shall be permitted to use hired DSNG equipment for their authorised channels, to transfer video feeds to the authorised teleport.
- (5) The use of hired DSNG shall be permitted to a Ground-based broadcaster having an authorisation for 'Non-news channel', for their authorised channels, to transfer video feeds up to the broadcaster.
- (6) Only teleport operators/channel owners authorised by the Central Government and Doordarshan may hire DSNG equipment/infrastructure from other broadcasters who are authorised to uplink from India.
- (7) The uplinking shall be carried in encrypted mode, so as to be receivable only in closed user group. The signal shall only be downlinked at the authorised teleport of the Authorised Entity and

uplinked for broadcasting through permitted satellite through that teleport only:

Provided that in case of Ground-based broadcasters the encrypted signal shall only be downlinked at the head-end of the broadcaster for broadcasting through ground-based medium.

- (8) Any unauthorised usage/hiring of DSNG, either by a non-authorised entity or an authorised entity shall be deemed to be a violation.
- (9) A non-news or a foreign channel may use the services of a permitted DSNG equipment for the purposes of Live coverage of an event(s).

**Sub-section 1.5B: Approval for Change of Name and Logo of a
Television Channel**

1. An Authorised Entity shall display on the television channel only that name and logo which has been approved by the Central Government:

Provided that display of name/logo other than that permitted or display of dual broadcaster logo shall be treated as a violation.

2. An Authorised Entity may apply for change of name and logo along with requisite documents on the online portal along with payment of processing fees specified in **Schedule-II**.
3. The Central Government 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 respect.
4. The Authorised Entity shall also be required to pay the applicable fees to WPC Wing for amending the relevant aspects in the document of frequency assignment.

Sub-section 1.5C: Approval for Change of Satellite/Teleport

1. The entity authorised for uplinking a television channel shall apply for change of satellite/teleport on the online portal on payment of processing fees specified in **Schedule-II**, along with a valid agreement with the satellite/teleport service provider.
2. The Central Government shall, preferably within 15 days of receiving the application give approval to the Authorised Entity for the proposed change.
3. In respect of change in satellite/teleport of the downlinked channel the entity authorised for downlinking the channel may furnish an intimation of change on the online portal.

Sub-section 1.5D: Approval for Change of Category of a Television Channel

1. Whenever an Authorised Entity intends to change the category of the channel, from 'Non-news and current affairs' to 'News and current affairs' or vice-versa (applicable to both satellite-based and ground-based broadcasters), the Entity may apply for the change on the portal, along with payment of the requisite fee as in **Schedule-II**.
2. Processing of such application shall be carried out from the viewpoint of eligibility and other conditions.
3. Approval for change of category, specifying the conditions of such approval may be granted preferably within 30 days of the receipt of such application and receiving clearance or No Objection from the Ministry of Home Affairs, wherever required.

Sub-section 1.5E: Intimation for Live Telecast by a Satellite-based/Ground-based ‘News and Current Affairs Channel’

1. A ‘News and Current Affairs Channel’ authorised by the Central Government may uplink content using the DSNG equipment permitted to it, or by hiring such equipment from any other Authorised Entity, and shall register such hiring of the equipment on the online portal.
2. A ‘News and Current Affairs Channel’ authorised by the Central Government may also use an ENG service for uplinking content and shall register such service on the online portal.

Sub-Section 1.5F: Intimation for Live Uplinking of an Event by a ‘Non-News and Current Affairs Channel’

1. A Satellite-based ‘Non-news and Current Affairs Channel’ authorised by the Central Government may, for the purpose of uplinking an event, Live in/from India, register itself on the online portal. The entity shall make payment of requisite fees as specified in **Schedule-II**, at least 15 days prior to 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 authorisation of the event owner along with specific dates and timings of the proposed programme/event;
 - (d) Frequency assignment under Section 4 of the Telecommunications Act, 2023 by WPC wing to the teleport operator authorised by the Central Government, where a DSNG

equipment or any such technology requiring use of frequency spectrum is used; or

- (e) Where an ENG service is used, detailed specification thereof:

Provided that if a non-news channel uplinks an event Live without registering itself, it shall be liable for penal action as prescribed by the Central Government under the applicable Rules:

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 Networks (Regulation) Act, 1995 and the Rules made thereunder and other applicable Orders/Directions/Advisories/instructions.

2. A Ground-based 'Non-news and Current Affairs Channel' authorised by the Central Government may, for the purpose of coverage an event, Live in India, register itself on the online portal on payment of such fees as specified in **Schedule-II**, at least 15 days before 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) DSNG Equipment owner's willingness to hire/lease out the equipment during the proposed programme/event. Frequency assignment under Section 4 of the Telecommunications Act, 2023 by WPC wing for the DSNG equipment shall be the sole responsibility of the DSNG Equipment owner;
- (c) Due authorisation of the event owner along with specific dates and timings of the proposed programme/event;
- (d) Where an ENG service is used, detailed specification thereof:

Provided that if a Ground-based 'Non-news and Current Affairs Channel' covers an event Live without registering itself, it shall be liable for penal action as prescribed by the Central Government under the applicable Rules:

Provided further that, a Ground-based 'Non-news and Current Affairs Channel' shall not telecast any event Live which is in contravention of the Programme Code laid down in the Cable Television Networks (Regulation) Act, 1995 and the rules made thereunder and other applicable instructions/advisories/ orders/directions/guidelines.

3. Registration on the portal, shall enable the Authorised Entity to seek approval/NOC of the concerned authorities for broadcasting the event Live, and no separate permission need to be obtained.
4. Decision as to whether the event being uplinked Live is of the nature of news and current affairs or not will be that of the Central Government and shall be binding on the Authorised Entity.
5. The Authorised Entity shall abide by the terms and conditions of authorizations laid down by IN-SPACe and WPC including payment of applicable fees/spectrum related charges.

Sub-section 1.5G: Intimation for Change of Language/Mode of Transmission, etc.

An Authorised Entity having authorisation for Television Channel Broadcasting (applicable to both satellite-based and ground-based broadcasters) shall furnish intimation on the online portal for the following:

- (a) Change in language of transmission;
- (b) Change in mode of transmission (e.g. Standard Definition (SD), High Definition (HD), 4K, etc);
- (c) Change in address and such other relevant particulars of the Authorised Entity;
- (d) Resignation of a Director/Designated Partner/Chief Executive Officer.

Sub-section 1.5H: Intimation for Change in Operational Status

1. A television channel is required to remain operational during the validity of the authorisation.
2. If a television channel is unable to remain operational for a continuous period exceeding 60 days, the Authorised Entity shall inform the Central Government of the status and provide reasons for the channel's non-operational status:

Provided that failure to inform the Central Government regarding non-operational status of a channel beyond a continuous period of 60 days will be deemed to be a violation:

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

Part-II

Section 2: Television Channel Distribution Services

Section 2.1: Specific Terms and Conditions for Direct-To-Home (DTH) Service And Head-end In The Sky (HITS) Service

1. Prohibition of certain activities

- (1) The Authorised Entity shall not carry any channel(s) prohibited by the Central Government.
- (2) The Authorised Entity shall not carry the signals of a broadcaster against whom any regulatory body, tribunal or court have found the following:
 - (a) refused access on a non-discriminatory basis to another DTH/HITS operator contrary to the Regulations of TRAI;
 - (b) violated the provisions of any law relating to competition including the Competition Act, 2002.
- (3) The Authorised Entity shall not enter into any exclusive contract for distribution of Television Channels.

[Explanation: The Authorised Entity shall make all reasonable efforts to ascertain before carrying the signals on its platform whether any broadcaster(s) has been found to be in violation of the above conditions or not. In respect of Television Channel(s) already being carried on the platform, the Authorised Entity shall ascertain from every source including the Central Government, TRAI, Tribunal or a Court, whether concerned broadcaster(s) or the channel(s) is in violation of the above conditions. If any violation so comes to its notice, the Authorised Entity shall forthwith discontinue to carry the channel(s) of the said broadcaster]

(4) An Authorised Entity shall not carry or include in its DTH/HITS Service any programme or television channel which has not been permitted by the Central Government for being viewed within the territory of India:

Provided, notwithstanding any agreement entered into between the Authorised Entity and broadcaster(s)/television channel owner(s), the Authorised Entity shall stop from carrying/including in its DTH/HITS service, such television channel(s), whenever such registration/permission is withdrawn:

2. Value Added Services (VAS)

An Authorised Entity shall be permitted to provide such value-added services using its service and network, which otherwise doesn't require specific approval from the Central Government.

3. Vertically Integrated Entity: Reservation of Operational Channel Capacity

An Authorised Entity shall not reserve more than 15% of the operational channel capacity for its vertically integrated broadcaster(s). The rest of the capacity is to be offered to the other broadcasters on a non-discriminatory basis.

4. Platform Services (PS) for DTH Service

- (1) The programmes transmitted by the Authorised Entity as a PS shall be exclusive to its platform and the same shall not be shared directly or indirectly with any other Distribution Service Provider.
- (2) In case the same programme is found available on the PS of any other Distribution Service Provider, the Central Government may issue direction to immediately stop the transmission of such programme. The Central Government also reserves the right to cancel the registration of such PS channels of the Authorised Entity.
- (3) Total number of registered PS channels shall be capped to 5% of the total channel carrying capacity of the DTH Service platform.
- (4) A onetime non-refundable registration fee of Rs. 10,000 per PS channel shall be charged from the Authorised Entity.
- (5) The Authorised Entity shall provide options for activation/deactivation of PS as prescribed in the Regulations/Orders/Directions issued by TRAI.
- (6) The PS channels shall be categorised under the genre 'Platform Services' in the Electronic Programmable Guide (EPG) subject to Regulations/Orders/Directions issued by TRAI.
- (7) The respective Maximum Retail Price (MRP) of PS channel shall be displayed in the EPG against each platform service subject to Regulations/Orders/Directions issued by TRAI.
- (8) The authorized entity shall place caption of 'Platform Services' to distinguish the PS from the linear channels.
- (9) The Authorised Entity, desiring to operate PS, is required to furnish an application to the Central Government in the prescribed proforma as specified in **Schedule-IV**.

5. Mandatory sharing of Sports Broadcasting Signals with Prasar

Bharati: The Authorised Entity shall ensure that channels carried by and telecasting sporting events have ensured compliance with the provisions of The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007.

6. Compulsory transmission of certain channels

(1) The Central Government shall have the right to notify the number and names of television channel or channels of Prasar Bharati or any other television channel operated on behalf of Parliament, to be mandatorily carried by the DTH/HITS service provider in its service and the manner of reception and retransmission of such channels.

(2) The Authorised Entity shall carry other television channel(s) of Prasar Bharati on the most favourable financial terms offered to any other channel.

7. Interoperability of Set Top Box (STB): While ensuring commercial interoperability, the Authorised Entity of Television Channel Distribution Services shall endeavour to adopt interoperable Set Top Boxes (STBs) to support technical interoperability in principle, within the DTH or HITS segment.

8. **Miscellaneous**

- (1) **Preference to Indian Satellites:** The Authorised Entity may use only IN-SPACe authorized Indian or foreign satellites for providing distribution services, with preference given to Indian satellites.
- (2) The Authorised Entity shall obtain the necessary environmental clearances, wherever required. The Authorised Entity shall comply with relevant provisions of the laws of India. In the event of non-compliance of any of the aforesaid requirements, the Central Government shall have the right to revoke/withdraw the authorisation of the Authorised Entity.

Section 2.2: Internet Protocol Television (IPTV) Service

1. **Entity permitted to provision IPTV Service:** The entity either holding an authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for provision of Unified Services, Access Services and Internet Services, whose scope of service authorisation includes provisioning of IPTV service; or any other telecom service provider duly authorized by the Department of Telecom; or MSO registered under 'The Cable Television Networks (Regulation) Act 1995' (referred as 'CTN Act' hereafter); can provide IPTV services. However, such entity shall be required to submit a self-declaration to the Central Government giving details of authorisation/registration under which IPTV service is proposed to be provided, the start date, the area being covered, and details of the network infrastructure etc., in the format prescribed in **Schedule-V** prior to commencement of IPTV services. The Central Government after verifying the credentials and completeness of submissions may take on record, such an applicant as an 'IPTV service provider' and intimate TRAI the credentials of verified 'IPTV Service Provider' taken on record accordingly.

2. Applicable Regulatory Framework

- (1) The MSO while providing IPTV service shall be governed by the provisions of CTN Act, TRAI Act, 1997 and any other laws, as applicable.
 - (2) The entity authorised under the Telecommunications Act, 2023, while providing IPTV services shall be governed by the Telecommunications Act, 2023, TRAI Act, 1997 and any other laws, as applicable.
3. **Authorisation Fee:** The entity granted an authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 is required to pay an authorisation fee at applicable rates under its respective

authorisation to provide IPTV service. Therefore, the revenue from provisioning of IPTV service shall also be included with the revenues from other authorised service(s) for the purpose of calculation of authorisation fee:

Provided that in case an IPTV service provider authorised under Section 3(1)(a) of the Telecommunications Act, 2023 is also registered as MSO under the CTN Act, the provisions pertaining to authorisation fee under the Telecommunications Act, 2023 shall be applicable.

4. Provision of IPTV Service

- (1) The IPTV Service Provider shall provide such television channels which are authorised under the authorisation of 'Television Channel Broadcasting' by the Central Government:

Provided that the IPTV service provider shall not carry any television channels prohibited either permanently or temporarily, or not authorised by the Central Government:

Provided further that an IPTV service provider while providing television channels on IPTV service platform shall transmit the television channels in exactly the same form (unaltered) as authorised by the Central Government:

Provided also that the IPTV Service Provider shall furnish the complete details of the name and technical aspects of the value added service being provided through the IPTV service platform. In the event that any new value added service is added to the network, the IPTV Service Provider shall obtain prior approval from the Central Government. The Central Government may, from time to time, prescribe or prohibit certain value added services.

(2) The entity authorised under Section 3(1)(a) of the Telecommunications Act, 2023 for provision of IPTV service can also obtain television channels from MSO(s).

(3) The MSO providing IPTV service shall be allowed to carry PS as per the provisions of CTN Act and Rules made thereunder:

Provided that in such cases the responsibility to ensure that the content is in accordance with the Programme Code and Advertisement Code as prescribed in CTN Act, and any other Orders/Directions/Advisories/Instructions issued by the Central Government, for regulation of content on PS from time to time, shall be that of the MSO only.

(4) The entity authorised under Section 3(1)(a) of the Telecommunications Act, 2023 for provisioning of Unified Services, Access services and Internet Services, and providing IPTV service, can source content from broadcasters and content providers (other than broadcasters) and it shall adhere to the Programme Code and Advertisement Code as prescribed in CTN Act, and any other Orders/Directions/Advisories/Instructions issued by the Central Government, for regulation of content on television channels from time to time:

Provided that in such cases it shall be the responsibility of the IPTV Service Provider to ensure its agreements with broadcasters/content provider that contain appropriate clauses to ensure prior compliance with the Programme Code and Advertisement Code and other relevant Indian laws.

5. **Cross-holding Pattern:** Restrictions on cross-holding of equity shares/capital contribution among entities of Television Broadcaster(s) and IPTV Service Providers:

(1) An IPTV Service Provider shall not hold or own more than 20% of the total paid up equity/capital contribution in an entity having

authorisation for 'Television Channel Broadcasting' Service as the case may be, at any time during the validity of authorisation/registration.

(2) An entity having authorisation for 'Television Channel Broadcasting' Service shall not hold or own more than 20% of total paid up equity/capital contribution in an IPTV Service Provider, as the case may be, at any time during the validity of authorisation.

(3) Further, an entity or a person, other than a financial institutional investor, holding more than 20% of total paid up equity/capital contribution in an entity having authorisation for 'Television Channel Broadcasting' Services shall not hold more than 20% total paid up equity/capital contribution in an IPTV Service Providers and *vice-versa*.

6. Vertically Integrated Entity: Reservation of Operational Channel Capacity

An IPTV Service Provider shall not reserve more than 15% of the operational channel capacity for its vertically integrated broadcaster(s). The rest of the capacity is to be offered to the other broadcasters on a non-discriminatory basis.

7. Sharing of Infrastructure

(1) **General Sharing of Infrastructure:** Wherever technically and commercially feasible, the IPTV Service Provider shall be allowed to share the platform infrastructure (including transport stream, CAS and SMS etc.) on a voluntary basis with the other entities authorised under Section 3 of the Telecommunications Act, 2023 or entities registered under Cable Television Networks (Regulation) Act, 1995, or any other service provider as notified by the Central Government.

(2) **Submission of Proposal for Infrastructure Sharing:** The entities intending to share its infrastructure, shall jointly submit a detailed

proposal for infrastructure sharing giving details of the infrastructure proposed to be shared and the manner in which the infrastructure is proposed to be shared as well as roles and responsibilities of each entity to the Central Government with a copy to WPC and SMC, DoT. The proposal shall contain:

- (a) Acceptance from concerned stakeholders intending to share the infrastructure;
 - (b) Copies of the Agreements between the parties sharing the infrastructure with conditions stipulated in these Rules;
 - (c) An undertaking by both the parties proposing to share the infrastructure that under the sharing arrangement proposed, there shall not be any violation of the underlying Rules of the respective service authorisation/registration;
 - (d) The sharing of the satellite resources and uplinking infrastructure (on voluntary basis) shall be allowed with permission of the Central Government, WPC, SMC, DoT.
- (3) The Central Government shall share a copy of permission of sharing of infrastructure granted to the Authorised Entity to TRAI.

8. Mandatory sharing of Sports Broadcasting Signals with Prasar

Bharati: The IPTV Service Provider shall ensure that channels carried by and telecasting sporting events have ensured compliance with the provisions of The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007.

9. Compulsory transmission of certain channels: The IPTV Service Provider shall be required to compulsorily carry those channels of Prasar Bharati, or any other television channel(s) operated on behalf of Parliament, as notified by the Central Government under the provisions of CTN Act. Such notification may contain the numbers

and names of channels and the manner of reception and retransmission of such channels.

10. Technical Conditions: The IPTV Service Provider shall ensure commercial interoperability of STBs and endeavour to interoperate STBs to support technical interoperability within IPTV segment in principle. Such STBs shall conform to the applicable Indian/International Standards, or any other standards as and when formulated by the Standard Setting Organisations and adopted by the Central Government.

11. Monitoring and Inspection

(1) The IPTV Service Provider shall provide necessary facility for continuous monitoring of the IPTV network at its own cost . The IPTV Service Provider shall ensure preservation and retention of all content including, Platform Service, programmes and advertisements made available to their subscribers for a period of 90 days; ensure its security and that it is not tampered with during such period. The IPTV Service Provider shall be required to produce the same to the Government or its authorised representative, as and when required.

The monitoring system must provide STB, subscriber information as well as contents to the law enforcement agencies in plain readable, audible and viewable format, as the case may be:

Provided that in case of any complaint/dispute/enquiry the records of broadcast of programmes and advertisements shall be maintained till final disposal of the complaint/dispute/enquiry:

Provided further that the IPTV Service Provider shall provide access to the Government or its authorised representative to all its facilities including equipment, records, system etc. for purposes of inspection:

Provided further that the IPTV Service Provider shall provide access to the TRAI or its authorised representative to all its facilities including equipment, records, system etc. for monitoring and inspection regarding compliance to its Regulations/Orders/Directions.

- (2) The Central Government or its authorised representative may inspect the IPTV service facilities. Such inspection shall ordinarily be carried out after reasonable notice except in circumstances, where giving such a notice will defeat the very purpose of the inspection and in such cases, it may be carried out without prior intimation.

12. Supply of Information to the Central Government/TRAI

- (1) The IPTV Service Provider shall provide information with respect to its service, equipment, network, systems, technical parameters, and any other relevant details as required by the Central Government/TRAI or their authorised representative from time to time in the specified format.
- (2) The IPTV Service Provider shall provide any information required by the Central Government or its authorised representative regarding Programme Content and Quality, in the specified format.

13. Provisions for Public Emergency or Public Safety

- (1) On the occurrence of any public emergency including disaster management, war or low intensity conflict or in the interest of public safety or similar type of situations, the Central Government or State Government or any officer specially authorised in this behalf by the Central Government or a State Government, if satisfied that it is necessary or expedient to do so, reserves the

right to take over the entire service and networks of the IPTV Service Provider or revoke/cancel/suspend the authorisation/registration.

(2) On the occurrence of any public emergency or public safety the Central Government or State Government or any officer specially authorised in this behalf by the Central Government or State Government reserves the right to direct the IPTV Service Provider to carry specific messages, content or television channels on its IPTV service platform.

14. **Contravention of terms and conditions of Act/Rules:** Any contravention, of the provisions of the Telecommunications Act, 2023, The Cable Television Networks (Regulation) Act, 1995 and the TRAI Act, 1997 and the Rules made there under, by the Authorised Entity shall be dealt by the provisions contained in such Acts/Rules.

Part-II

Section 3: Radio Broadcast Service

Section 3.1: Terrestrial Radio Service

1. **Conditions to obtain Frequency Assignment:** The frequency assignment for 'Terrestrial Radio Service' shall be done in accordance with Section 4 of the Telecommunications Act, 2023. The terms and conditions for assignment of frequency shall be prescribed by the Central Government as a part of Notice Inviting Application (NIA)/Information Memorandum (IM) or any such guidelines/instructions.
2. **Restrictions on operation of Multiple channels in a city:** The Authorised Entity shall be allowed to run not more than 40% of the total channels in a city subject to a minimum of three different operators in the city. However, in case the 40% figure is a decimal, it will be rounded off to the nearest whole number.

Note (1): The channels allotted to the following categories of the companies would be reckoned together for the purpose of calculating the total channels allotted to an entity:

- (a) Subsidiary company of any applicant/allottee;
- (b) Holding company of any applicant/allottee;
- (c) Companies with the Same Management as that of applicant/allottee;
- (d) More than one Inter-Connected Undertaking with regard to the applicant/allottee.

Note (2): In respect of existing license/permission/LoI holders, the license(s)/permission(s)/LoI(s) already held by them shall also be taken into consideration for calculating the 40% limit.

3. Cross Media Ownership

- (1) If during the validity of authorisation, government policy on cross-media ownership is announced, the Authorised Entity shall be obliged to conform to the revised terms and conditions within a period of six months from the date of such notification, failing which it shall be treated as breach of terms and conditions of the service authorisation:

Provided, however, in case the Authorised Entity is not in a position to comply with cross media restrictions for bona fide reasons, to the satisfaction of the Central Government, the Authorised Entity shall be given the option to furnish one month's exit notice along with compensation calculated on a pro rata basis, in accordance with the conditions of spectrum allocation, for the remaining period of authorisation(s) held by the Authorised Entity.

4. News and Current Affairs Programs

- (1) The Authorised Entity shall be allowed to broadcast news and current affairs programs, limited to 10 minutes in each clock hour.
- (2) The Authorised Entity shall also be permitted to carry the news bulletins of All India Radio in exactly same format (unaltered) on such terms and conditions as may be mutually agreed with Prasar Bharati.
- (3) The broadcast pertaining to the following categories shall be treated as non-news and current affairs and shall therefore be permissible:
 - (a) Information pertaining to sporting events including broadcast of Live coverage;
 - (b) Information pertaining to Traffic and Weather;

- (c) Information pertaining to and coverage of cultural events, festivals;
- (d) Coverage of topics pertaining to examinations, results, admissions, career counselling;
- (e) Availability of employment opportunities;
- (f) Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration;
- (g) Such other categories not authorised at present, that may subsequently be specifically authorised by the Central Government from time to time.

5. Programme Content

- (1) The Authorised Entity shall follow the Programme and Advertising Code which the Central Government may notify from time to time.
- (2) The Authorised Entity shall undertake public service broadcasting for maximum period of 30 minutes per day as may be required by the Central Government/concerned State Government. Suitable or proportional time slots interspersed during the day shall be earmarked for this purpose. In case the total demand of Central Government and the State Government exceeds 30 minutes per day, the concerned State Government shall be eligible for the broadcasting period remaining after meeting the demand of the Central Government. Public service broadcasting shall contain themes of national importance and of social relevance, including the following:
 - (a) Education and spread of literacy;
 - (b) Agriculture and rural development;
 - (c) Health and Family welfare;
 - (d) Science and Technology;

- (e) Welfare of Women;
 - (f) Welfare of the Weaker Sections of the Society;
 - (g) Protection of Environment and of Cultural Heritage; and
 - (h) National Integration
- (3) The Authorised Entity shall ensure that at least fifty percent (50%) of the programmes broadcast by it are produced in India.
- (4) In case of multiple radio channels permitted to an entity/related entity(ies) in a city, the attempt shall be to distinguish programming on each channel based on era of music, language of music, genre of music etc. to the extent possible to ensure diversity of programming to the listeners.

6. Prohibition of Certain Activities

- (1) The service authorisation is non-transferable. The Authorised Entity shall not grant a sub-authorisation directly or indirectly:

Provided that no Authorised Entity, whether with or without foreign investment, shall be permitted to change the ownership pattern of the company through transfer of shares of the majority shareholders/promoters to any new shareholders without prior approval of the Central Government. The term majority shareholders/promoters shall be construed to mean the persons constituting the 'largest Indian shareholder' as specified in the Company Act, 2013.

- (2) The Authorised Entity may resort to outsourcing of content production and leasing of content development equipment, provided it does not impact Authorised Entity's rights as commercial broadcaster and it maintains complete control over the channel. However, the Authorised Entity shall be fully responsible for any violations/omissions regarding the provisions related to the programme content.

- (3) The Authorised Entity may hire or lease broadcasting equipment on long-term basis, provided it does not impact Authorised Entity's rights as terrestrial radio broadcaster, and it maintains complete control over the channel. However, the Authorised Entity shall be fully responsible for any violations of the technical parameters as specified.
- (4) The Authorised Entity shall not enter into any borrowing or lending arrangement with other Authorised Entity(ies) except recognized financial institutions and its related entity(ies) (to say, its subsidiary or holding company, a company with the same management and an inter-connected undertaking), which may restrict its management or creative discretion to procure or broadcast content or its marketing rights.
- (5) The Authorised Entity shall ensure that there is no linkage between a party from whom a programme is outsourced and an advertising agency.
- (6) The Authorised Entity shall ensure that no content, messages, advertisement or communication, transmitted in its Broadcast Channel is objectionable, obscene, unauthorised or inconsistent with the laws of India.
- (7) The Authorised Entity shall be allowed to operate and provide radio broadcast services only in the city(ies), in which it has been assigned frequency and streaming the same content through internet concurrently without any user control. Features like download, playback, replay etc. shall not be allowed to the user on streaming of authorised radio channel.
- (8) The Authorised Entity shall fix or modify the 'Channel Identity', which is the brand name of the terrestrial radio channel, only after prior approval of the Central Government.

7. Penalty for Non-Operationalisation of Service(s)

- (1) The Authorised Entity shall operationalize the channel and ensure completion of the activities preceding thereto within the time limits as prescribed in the conditions of frequency assignment in NIA/IM or any other guidelines/instructions issued by the Central Government.
- (2) The Central Government may also revoke/withdraw the authorisation, if the channel is closed down, either continuously or intermittently, for more than 180 days within any continuous period of 365 days, for any reason.

8. Networking

- (1) An entity shall be authorised to network its channels in its own network within the country. However, it is also to be ensured that at least 20% of the total broadcast in a day (reckoned from 0000 Hrs to 2400 Hrs), is in the local language of that city and promotes local content. This may include the Radio Jockey speaking in local language(s)/dialect(s) or programmes focused on local culture/tradition/folk music etc. or other permissible programmes/advertisements in the local language(s)/dialect(s).
- (2) No two entities shall be permitted to network any of their channels in any category of cities:

Provided that subsidiary company, holding company, companies with the same management, more than one inter-connected undertaking shall be considered as a single entity for the purpose of networking.

9. **Technical Standards for Terrestrial Radio Service:** The Authorised Entity shall comply with the audio and transmission standards for commercial sound broadcasting, data broadcasting on commercial

sub-carriers conforming to the Indian Standards/International Standards.

10. **Number of Frequencies:** Subject to availability of frequencies, the total number of channels for allocation to private broadcasters and method of allocation shall be notified in conditions to obtain frequency assignment by the Central Government from time to time.

11. **Mandatory sharing of certain broadcast signals with Prasar Bharati**
The Authorised Entity shall ensure compliance with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 and Rules, guidelines and notifications issued thereunder.

12. **Monitoring and requirement to furnish information**

- (1) The Authorised Entity, at its own cost, shall,
- (a) Preserve the recordings of content broadcasted by the Authorised Entity for a period of 90 days from the date of broadcast and produce the same to the Central Government or its authorised representative, as and when required;
 - (b) Provide the necessary equipment, service and facilities at designated place(s) as may be required and shall pay such charges as may be required for continuous monitoring of the broadcast content; and continuous measuring, recording and monitoring of the prescribed technical parameters of broadcast by the Central Government or its authorised agency.
- (2) The Authorised Entity shall be liable to furnish to the Central Government or TRAI or their authorised representatives, such reports, accounts, estimates, returns or other information, at such periodic intervals or at such times as may be required. An annual report shall also be required to be submitted by the Authorised

Entity that includes audited accounts, Profit & Loss Account, balance sheet, shareholding, details of Board of Directors/Partners and key executives of the entity.

- (3) The Authorised Entity shall submit all such information as may be required by the Central Government to dispose of complaints by public with respect to its broadcast.

13. Inspection

- (1) The Central Government or TRAI or their authorised representatives, shall have the right to inspect the broadcasting facilities. No prior permission/intimation shall be required to exercise the right of Central Government or TRAI or their authorised representatives to carry out the inspection. The Authorised Entity shall, if required by the Central Government or TRAI or their authorised representatives, provide necessary facilities for continuous monitoring of any particular aspect of the entity's activities and operations.
- (2) The inspection shall ordinarily be carried out after reasonable notice except in circumstances, where giving such a notice shall defeat the very purpose of the inspection.
- (3) The Central Government shall carry out periodic technical audit of the technical setup at the cost of the Authorised Entity through a designated agency.

14. Surrender of Authorisation

- (1) The Authorised Entity may surrender the authorisation by giving an advance notice of one month to the Central Government as well as to all concerned/affected parties including the listeners of the service to this effect. The Bank Guarantee shall be returned subject to adjustment of outstanding dues, if any. The Authorised Entity

shall however, continue to observe compliance to these Rules including the criteria for the quality of broadcast during the notice period and any failure to do so shall be regarded as contravention to these Rules.

- (2) In case of surrender of authorisation, the Central Government may (at its own discretion), in order to ensure the continuity of the Broadcast, take over the Terrestrial Radio Service of the Authorised Entity or issue authorisation to another eligible entity for running the service. The Authorised Entity shall be obligated to facilitate the transfer of authorisation to the new Authorised Entity or the Central Government, and of all assets as are essential and necessary for continuity of the service on payment of such compensation as may be mutually agreed.

15. Provisions relating to data in Terrestrial Radio Service Sub-Carriers

- (1) The service provided shall be free-to-air service and no charges shall be required to be paid by listeners of the Terrestrial Radio for such service.
- (2) None of the data service shall carry any audio/video/text/data falling within the purview of news and current affairs.
- (3) Any broadcast as part of data service shall also be required to adhere to monitoring and storage requirements as provided herein.
- (4) Any service specific to an individual listener/subscriber like radio paging shall not be authorised as such service require a separate authorisation.
- (5) Emergency Warning Service shall be provided as prescribed by the Central Government.

(6) Revenue earned by provisioning of such service, if any, shall form part of the overall Gross Revenue of the Authorised Entity for the purpose of determination of annual authorisation fee. The format for Statement of Gross Revenue is specified in **Schedule-VI**.

Part-II

Chapter 3.2: Community Radio Stations (CRS)

1. An eligible organization/institution that operates in multiple districts shall be allowed to set up **a maximum of 6 CRS in different districts of operation** provided it fulfils the following conditions:

- (1) Continuous operation of the previously commissioned CRS for at least one year at the time of applying for setting up subsequent CRS. The licenses for multiple CRS shall not be issued en masse but one at a time. Only one CRS per district shall be allowed to the organization.
- (2) The organisations setting up multiple CRS shall ensure participation of the local community and broadcast content relevant to the community served by the respective CRS.
- (3) The organization seeking to set up multiple CRS may be required to submit an undertaking, confirming that the programs shall be prepared locally.

2. Content regulation & monitoring

- (1) The programmes should be of immediate relevance to the community. The emphasis should be on developmental, agricultural, health, educational, environmental, social welfare, community development and cultural programmes. The programming shall reflect the special interests and needs of the local community.
- (2) The Authorised Entity shall set up an advisory and content committee comprising members from the local community which shall decide upon the content being broadcasted on Community Radio. At least half of the members of the Advisory and Content Committee shall be women.

- (3) At least 50% of content shall be generated with the participation of the local community, for which the service has been set up.
- (4) Programmes shall preferably be in the local language and dialect(s).
- (5) The Authorised Entity shall have to adhere to the provisions of the Programme and Advertisement Code as prescribed by the Central Government.
- (6) The Authorised Entity shall preserve all programmes broadcast by the Community Radio Stations for 90 days from the date of broadcast.
- (7) The Authorised Entity shall not broadcast any programme, which relate to 'News and Current Affairs' and are otherwise political in nature except 'News and Current Affairs' contents sourced exclusively from All India Radio (AIR) in its original form or translated into the local language/dialect. All India Radio (AIR) shall source its news to Community Radio Stations without any charges. It shall be the responsibility of the Authorised Entity to ensure that the news is not distorted or edited during translation.
- (8) The broadcast pertaining to the following categories shall be treated as non-news and current affairs broadcast and shall therefore be permitted:
 - (a) Information pertaining to sporting events including Live commentaries of sporting events of local nature;
 - (b) Information pertaining to Traffic and Weather;
 - (c) Information pertaining to and coverage of local cultural events, festivals;
 - (d) coverage of topics pertaining to examinations, results, admissions, career counselling;
 - (e) Availability of employment opportunities;

- (f) Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration,
 - (g) such other categories that may be specifically permitted by the Central Government from time to time.
- (9) The Authorised Entity shall ensure that nothing is included in the programmes broadcast, which:
- (a) Offends against good taste or decency;
 - (b) Contains criticism of friendly countries;
 - (c) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which either promote or result in promoting communal discontent or disharmony;
 - (d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendoes and half-truths;
 - (e) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote-anti-national attitudes;
 - (f) Contains anything amounting to contempt of court or anything affecting the integrity and sovereignty of the Nation;
 - (g) Contains aspersions against the dignity of the President/Vice President and the Judiciary;
 - (h) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
 - (i) Encourages superstition or blind belief;
 - (j) Denigrates women;
 - (k) Denigrates children;
 - (l) May present/depict/suggest as desirable the use of drugs including alcohol, narcotics and tobacco or may stereotype, incite, vilify or perpetuate hatred against or attempt to demean

any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age or physical or mental disability.

(10) The Authorised Entity shall ensure that due care is taken with respect to religious programmes with a view to avoid:

(a) Exploitation of religious susceptibilities; and

(b) Committing offence to the religious views and beliefs of those belonging to a particular religion or religious denomination.

3. **Imposition of penalty/revocation of Authorisation:** In case there is any contravention of these Rules, the Central Government may *suo motu* or on basis of complaints take cognisance and take action as per provisions of the Telecommunications Act, 2023.

4. **Transmitter Power and Range**

(1) Community Radio Stations shall be expected to cover a range of 5-10 km. For this, a transmitter having maximum Effective Radiated Power (ERP) of 100 W shall be adequate. However, in case of a proven need, where the Authorised Entity is able to establish that it needs to serve a larger area or the terrain so warrants, higher transmitter wattage with maximum ERP up to 250 Watts may be considered on a case-to-case basis, subject to availability of frequency and such other clearances, as necessary.

(2) The maximum height of antenna authorised above the ground for the Community Radio Stations shall not exceed 30 meters. However, minimum height of Antenna above ground shall be at least 15 meters to prevent possibility of biological hazards of Radio Frequency radiation.

(3) In cases of disaster, the District Magistrate's permission shall be sufficient to relocate Community Radio Stations for continuity of its

service. However, the Central Government shall be informed of the change of place by both the Community Radio Stations and the District Magistrate.

5. Funding & Sustenance

- (1) The Authorised Entity shall be eligible to seek funding from multilateral aid agencies. Applicants seeking foreign funds for setting up the Community Radio Stations shall have to obtain FCRA clearance under Foreign Contribution Regulation Act, 1976.
- (2) Transmission of sponsored programmes shall not be permitted except programmes sponsored by Central & State Governments and other organisations to broadcast public interest information. In addition, limited advertising and announcements relating to local events, local businesses and services and employment opportunities shall be allowed. The maximum duration of such limited advertising shall be restricted to 12 (twelve) minutes per hour of broadcast.
- (3) Revenue generated from advertisement and announcements shall be utilized only for the operational expenses and capital expenditure of the Community Radio Stations. After meeting the full financial needs of the Community Radio Stations, surplus, if any, may, with prior written permission of the Central Government, be ploughed into the primary activity of the organization i.e., for education in case of educational institutions and for furthering the primary objectives for which the NGO concerned was established.

6. Other Terms & Conditions

- (1) The basic objective of the Community Radio broadcasting shall be to serve the cause of the community in the concerned service area by involving members of the community in the broadcast of their programmes. For this purpose, community shall mean people living in the zone of coverage of the broadcasting service of the Authorised

Entity. The Authorised Entity shall provide the services on free-to-air basis.

- (2) The Authorised Entity shall provide such information to the Central Government on such intervals, as may be required. In this connection, the Authorised Entity is required to preserve recording of programmes broadcast during the previous 90 days failing which the authorisation is liable to be revoked/withdrawn.
- (4) The Central Government or its authorised representative shall have the right to inspect the broadcast facilities of the Authorised Entity and collect such information as considered necessary in public and community interest. The inspection shall ordinarily be carried out after reasonable notice except in circumstances, where giving such a notice shall defeat the very purpose of the inspection.
- (5) The Authorised entity shall provide access to the TRAI or its authorised representative(s) to all its facilities including equipment, records, systems etc for monitoring and inspection regarding compliance to TRAI Regulations/Orders/Directions.
- (3) The Authorised Entity shall be required to submit their audited annual accounts to the Central Government in respect of the organization/division running the specified service. The accounts shall clearly show the income and expenditure incurred and the Assets and Liabilities in respect of the Community Radio Stations.
- (4) The Government shall make special arrangements for monitoring and enforcement of the ceiling on advertisements, particularly in those areas where private terrestrial radio Service have been granted authorisation.
- (5) All foreign personnel likely to be deployed by way of appointment, contract, consultancy etc. by the Authorised Entity for installation, maintenance and operation of the Community Radio Stations shall require prior security clearance from the Government of India.

Part-III

Chapter 3.3: Low Power Small Range Radio Service

1. Provision of Low Power Small Range Radio Service

- (1) The Low Power Small Range Radio Service shall be allowed to operate after the grant of service authorisation by the Central Government.
- (2) The Authorised Entity of low power small range radio service shall be allowed to deploy any type of transmission technology (analogue/digital/any other).
- (3) The frequency assignment for low power small range radio service shall be done as per rules for 'Assignment of Spectrum through Auction'¹⁰⁶ made under Section 4 and 56 of the Telecommunications Act, 2023. The conditions for auction shall be prescribed by the Central Government as a part of Notice Inviting Application.

2. Low Power Small Range Radio Service Obligations

- (1) Maximum permissible transmission power of the transmitter for low power small range service shall be 1 watt.
- (2) The maximum permissible transmission range of 'Low Power Small Range Radio Service' shall be 500 meters.
- (3) The authorised service area of frequency assignment in case of low power small range shall be location-specific based on the precise geographical coordinates i.e., longitude and latitude of the intended service location (be it a building, stadium, convention centre, expo area etc).

¹⁰⁶<https://dot.gov.in/sites/default/files/Draft%20Telecommunications%20Assignment%20of%20Spectrum%20through%20Auction%20Rules%2C%202025.pdf>

Schedule-I

Format For Shareholding Pattern/Capital Contribution to be Furnished Along With Application

Table-1

(i) Shareholding pattern/capital contribution pattern of applicant/authorised company/LLP

(ii) M/s_____ as on_____

(iii) Face Value of the share in Rs. _____(applicable in case of a company)

S No.	Category of Stakeholders	Shareholding			
		Direct Investment		Portfolio Investment	
		No. of Shares/ Capital contributed	% of total paid up shares/ % of total capital contribution	No. of Shares/ Capital contributed	% of total paid up shares/% of total capital contribution
1.	Indian Individual				
2.	Indian Company/LLP*				
3.	Foreign Individual				
4.	Foreign Company/LLP				
5.	NRI				
6.	OCB				
7.	FII				
8.	PIO				
9.	Any Other				

Note:

* For Indian Company/LLP, information as per proforma in Table-2 also to be supplied.

TABLE-2

**DETAILS OF SHAREHOLDING PATTERN/CAPITAL
CONTRIBUTION PATTERN OF EACH INDIAN
COMPANY/LLP HOLDING SHARE/CONTRIBUTED CAPITAL
IN THE APPLICANT COMPANY/LLP AS IN SERIAL NO.2 IN
COLUMN (1) OF TABLE-1**

- (i) Name of the Company/LLP
- (ii) Information as on date
- (iii) No. and %age of shares held by the company in the applicant company/Capital contributed and %age of total capital contribution of the applicant LLP
- (iv) Face value of the share in Rs. _____ (applicable in case of company)
- (v) Shareholding pattern/capital contribution of the company/LLP

S No.	Category of Stakeholders	Shareholding			
		Direct Investment		Portfolio Investment	
		No. of Shares/ Capital contributed	% of total paid up shares/% of total capital contribution	No. of Shares/ Capital contributed	% of total paid up shares/% of total capital contribution
1.	Indian Individual				
2.	Indian Company/LLP				
3.	Foreign Individual				
4.	Foreign Company/LLP				
5.	NRI				
6.	OCB				
7.	FII				
8.	PIO				
9.	Any Other				

Note: Repeat same information about each Indian Company/LLP holding share/contributed capital in the applicant company/LLP

Schedule-II

Applicable Fees for Television Channel Broadcasting Services

Service		Processing Fee (in Rs.)	Performance Bank Guarantee (in Rs.)	Renewal Fee (in Rs.)	Annual Authorisation Fee* (in Rs.)	Security Deposit (in Rs.)
Uplinking of News and Current Affairs Channel		10,000 per channel	2 crore/channel	10,000 per channel	2 lakh/channel	4 lakh/channel
Uplinking of Non-News and Current Affairs Channel		10,000 per channel	1 crore/channel	10,000 per channel	2 lakh/channel	4 lakh/channel
Downlinking of News and Current Affairs Channel**		10,000 per channel	Not Applicable	10,000 per channel	Uplinked from India: 5 lakh/channel	Uplinked from India: 10 lakh/channel
					Uplinked from outside India: 15 lakh/channel	Uplinked from outside India: 30 lakh/channel
Downlinking of Non-News and Current Affairs Channel**		10,000 per channel	Not Applicable	10,000 per channel	Uplinked from India: 5 lakh/channel	Uplinked from India: 10 lakh/channel
					Uplinked from outside India: 15 lakh/channel	Uplinked from outside India: 30 lakh/channel
Ground-based Broadcasting of	News and Current Affairs	10,000 per channel	2 crore/channel	10,000 per channel	7 lakh/channel	14 lakh/channel

Service		Processing Fee (in Rs.)	Performance Bank Guarantee (in Rs.)	Renewal Fee (in Rs.)	Annual Authorisation Fee* (in Rs.)	Security Deposit (in Rs.)
a Television Channel***	Non-News and Current Affairs	10,000 per channel	1 crore/channel	10,000 per channel	7 lakh/channel	14 lakh/channel
Teleport/Teleport Hub		10,000 per Teleport	25 lakh/Teleport	10,000 per Teleport	2 lakh/Teleport	4 lakh/Teleport
Uplinking of Live event/news/footage by Foreign Channel/News Agency		1,00,000 per day for Live telecast	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Note:

* Annual Authorisation 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.

** One time Registration Fee for downlinking of a television channel uplinked from other country(ies): Rs. 10 lakh.

*** An entity holding an authorisation of 'Television Channel Broadcasting' for providing satellite-based broadcasting of a television channel (SBB) shall be allowed to switch to ground-based broadcasting service (GBB) for that television channel and *vice-versa*. In case, an existing GBB/SBB intends to use additional communication medium other than the permitted communication medium, i.e., a SBB intends to use terrestrial communication medium in addition to satellite medium or a GBB intends to use satellite medium in addition to terrestrial communication medium, the entity shall be required to seek permission by paying a processing fee of Rs. 10000 and liable to pay applicable Annual Authorisation Fee.

**Applicable Fees for Other related Approvals/Intimations for
Television Channel Broadcasting Services**

Approvals/Intimations	Processing Fee (in Rs.)
Approval for Purchase/Hiring and Use of DSNG equipment*	10,000
Approval for Change of Satellite/Teleport	10,000
Approval for Change of Category of a Television Channel	10,000
Approval for Change of Name and Logo of a Television Channel	1 lakh
Intimation for Live uplinking of an event by a Non-News and Current Affairs Channel	National channel: Rs 1 lakh per channel per day Regional Channel: Rs 50,000 per channel per day Devotional channel: No fees for Devotional/Spiritual/Yoga content

Note: The intimations for (i) Live telecast by a News and Current Affairs Channel, (ii) Change of language/mode of transmission, and (iii) Change in operational status, does not require any processing fee.

Performance Bank Guarantee for approval for Purchase/Hiring and Use of DSNG equipment: Rs. 10 lakh/van

Annual Permission Fee for uplinking of a foreign channel from Indian Teleport: Rs 2 lakh/channel

Security Deposit for uplinking of a foreign channel from Indian Teleport: Rs 4 lakh/channel

Applicable Fees for Television Channel Distribution Services

Service	Processing Fee (in Rs.)	Entry Fee (in Rs.)	Bank Guarantee (BG)* (in Rs.)	Renewal Fee (in Rs.)	Authorisation Fee**
DTH	10,000	10 cr.	5 crore or 20% of the Authorisation Fee for two quarters and other dues not otherwise securitized, whichever is higher.	10,000	3% of AGR, to be reduced to 'zero'. No authorisation fee after the end of FY 2026-27
HITS	10,000	10 cr.	5 cr.	10,000	Nil

Note:

* The Bank Guarantee shall be required to be maintained during the entire duration of validity of Authorisation.

** The Authorisation Fee of DTH Service has been aligned with the TRAI recommendations on 'License Fee and Policy Matters of DTH Services' dated 21st August 2023. Authorised Entity shall be liable to pay Simple Interest @ 1% per month on the late payment of authorisation fee.

Applicable Fees for Radio Broadcasting Services

Service	Processing Fee (in Rs.)	Bank Guarantee (in Rs.)	Renewal Fee (in Rs.)	Authorisation Fee (in Rs.)
Terrestrial Radio Service*	10,000	Not Applicable*	10,000	<ul style="list-style-type: none"> • 4% of AGR** for all the cities; • For NE states, Jammu & Kashmir and island territories: 2% of AGR for initial period of three years, thereafter same as above
Community Radio Stations	2500	25,000	2500	Not Applicable
Low Power Small Range Radio Service	1000	Not Applicable	Not Applicable	<ul style="list-style-type: none"> • Rs. 1000 for authorisation up to 30 days. • Rs. 10,000 per annum for authorisation up to 5 years.

Note

* Bank Guarantee is not applicable for grant of service authorisation for Terrestrial Radio Service. However, the Bank Guarantee and the Entry Fee shall be governed by the conditions of frequency assignment.

** Based on TRAI Recommendations on 'Issues related to FM Radio Broadcasting' issued on 5th September 2023, wherein the Authority recommended to de-linked annual license fee from Non-Refundable One Time Entry Fee (NOTEF).

Schedule-III

Roll out Obligations for The Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services

S. No.	Type of Service Authorisation	Roll Out Obligations
Television Channel Broadcasting Services		
1.	Television Channel Broadcasting	
i.	Satellite-based broadcasting of a Television Channel	<ul style="list-style-type: none"> The Authorised Entity shall operationalise the authorised Television Channel within one year from the date of obtaining all necessary clearances from WPC and SMC. In case the channel is not operationalised within the stipulated period, the authorisation shall be liable to be withdrawn and the PBG may be forfeited.
ii.	Ground-based broadcasting of a Television Channel	<ul style="list-style-type: none"> The Authorised Entity shall operationalise the authorised Television Channel within one year from the date of obtaining all necessary clearances. In case the channel is not operationalised within the stipulated period, the authorisation shall be liable to be cancelled and the PBG may be forfeited.
2.	Teleport/ Teleport Hub	<ul style="list-style-type: none"> The Authorised Entity shall set up and commission Teleport/Teleport Hub either by establishing an uplink earth station in India or by using the SESG established by any SESG network authorisation holder in India and shall submit a report to the Central Government. The Authorised Entity shall commission the teleport/teleport hub within one year from the date of obtaining all necessary clearances from WPC and SMC. In case above obligation is not met within the stipulated period, the authorisation shall be liable to be withdrawn and the PBG may be forfeited.

S. No.	Type of Service Authorisation	Roll Out Obligations
3.	Other Approval	
i.	DSNG	<ul style="list-style-type: none"> The Authorised Entity shall operationalise the DSNG within six months from the date the approval is granted by the Central Government. In case the DSNG van is not operationalised within six months, the approval shall be liable to be withdrawn and the PBG may be forfeited.
Television Channel Distribution Services		
4.	Direct-to-Home (DTH) Service	<ul style="list-style-type: none"> The Authorised Entity shall set up and commission its DTH platform either by establishing an uplink earth station in India or by using the SESG established by any SESG network authorisation holder in India and shall submit a report to the Central Government. In case the above obligations are not met within one year from the date of issue of the SACFA clearance by WPC, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.
5.	Head-end In The Sky (HITS) Service	<ul style="list-style-type: none"> The Authorised Entity shall set up and commission its HITS platform either by establishing an uplink earth station in India or by using the SESG established by any SESG network authorisation holder in India and shall submit a report to the Central Government. In case the above obligations are not met within one year from the date of issue of the SACFA clearance by WPC, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.
Radio Broadcasting Services		
6.	Terrestrial Radio Service	Roll Out Obligations shall be linked with assignment of frequency spectrum and the conditions specified in the NIA/IM for auction of spectrum or any other guidelines/instructions issued by Central Government from time to time shall be applicable.

S. No.	Type of Service Authorisation	Roll Out Obligations
7.	Community Radio Stations (CRS)	<ul style="list-style-type: none"> • The Authorised Entity shall set up and commission CRS within one year of issue of grant of service authorisation. • In case of failure to commission the CRS within the stipulated period, the entity may seek permission for extension of time for another 3 months stating the reasons thereof. The request for extension of time for commissioning of CRS may be considered on a case-to-case basis. • In case the above obligations are not met within the stipulated time, the authorisation shall be liable to be withdrawn, and the BG may be forfeited.

Schedule-IV

Application for Platform Service (PS) channel

1. Name of Applicant Company/LLP:
2. Address of the Applicant Company/LLP
 - a) Head Office:
 - b) Regional Office:
3. Corporate Identification Number (CIN)/LLP Identification Number (LLPIN):
4. Identity of its beneficial owners:
5. Total channel carriage capacity:
6. Area of Operation:
7. Details of Platform Services channels:

Platform Services channels to be offered:

S.No.	Name of Channel	Logical Channel No.	Nature/Genre of Content	Satellite Used

Declaration:

- ☐ It is hereby declared that the programme/content transmitted on the above-said platform channels is exclusive to the platform of and shall not be shared directly or indirectly with any other distribution platforms.

Signature

(Name of the Authorised signatory)

Tel. No: _____

Email Id: _____

Schedule-V

Format For Self-Declaration by IPTV Service Provider

1. (a) Name of the IPTV Service Provider
(Individual/firm/company/association of persons/body of individuals)
(b) Age/Date of establishment/Date of Incorporation
2. Details of Registration as an MSO (if applicable)
 - (a) Name
 - (b) Registration No./Validity up to
 - (c) Copy of the Registration Certificate (enclose)
3. Details of Telecom Authorisation (if applicable)
 - (a) Date of issuance of authorisation
 - (b) Validity up to
4. Complete Postal Address with Telephone/Fax No. E-mail ID
 - (a) Corporate Office/Head Office
 - (b) Registered Office
 - (c) Regional Offices
 - (d) Address for Correspondence
5. Name of authorised contact person, his designation and telephone/fax No./E-mail ID
6. *Registration detail under Companies Act, 2013: Incorporation No. and Date (Attach a copy of Certificate of Incorporation and Memorandum and Article of Associations)

7. *Board of Directors (Attach list of Directors along with biodata of each Director giving date of birth, parentage, nationality, permanent address, residential address, official address, passport number. (if any), qualification, experience, etc.
8. *Attach list of key executives including CEO/MD along with details as in 7 above
9. *(i) Authorised Share Capital,
(ii) Paid-up Share Capital
- 10(a). *Shareholding pattern of the applicant entity in the format prescribed by the Central Government.
- 10(b). *In case there is any foreign investment direct or indirect in the applicant company then whether it is complying with foreign investment norms/FIPB approval requirement, along with details of foreign investment
11. (i) Present Area of Operation (if in more than one city, city-wise details to be given).
(ii) Details of the area in which IPTV services are sought to be provided
(iii) Date from which IPTV services are proposed to be offered
(iv) Total no. of existing subscribers
(v) Subscribers proposed to be covered by IPTV service
12. (i) No. and details of television channels sought to be provided (own/broadcaster)
(ii) Source of television channels/programmes content (Broadcaster/MSO) with details

(iii) In case the content is obtained from MSO, if such a MSO possesses due rights from the content owner/broadcaster for the IPTV platform.

13. Other value-added services proposed to be provided (details along with how authorised/approvals obtained from competent authority/technical details)
14. How is the requirement of commercial interoperability of Set Top Box sought to be complied with?
15. Arrangements made/proposed to be made to comply with content storage/content monitoring requirements as contained in the Guidelines (Give full details)

I/We.....the applicant(s)*
(individual/firm/company/association of persons/body of individuals) do hereby declare that the above facts are correct in all respects.

I/We hereby undertake to abide by all the conditions contained in the terms and conditions for provisioning of IPTV service and any future amendments thereto/directions/orders/regulations that the Central Government or the TRAI may lay down/issue for the provisioning of IPTV services, or any other law as may be applicable.

Signature/Authorised Person
****(Individual/Firm/Company/Association
of Persons/Body of Individuals)**

Place.....
Date

Name:
Address:.....

* To be given in case applicant is a Company

** Score out the word or words which are not applicable.

Schedule-VI

STATEMENT OF GROSS REVENUE, ADJUSTED GROSS REVENUE FOR TERRESTRIAL RADIO SERVICE

Statement of Revenue and Authorisation Fee of M/s_____ (Name of the Authorised Entity) for the quarter _____ of the financial year_____

S.No	Income Heads	Tariff rate/rate card	Discounts		Agency Commission	Taxes	Net as per P & L account
			Trade	Others			
		(Amount Rupees in lacs)					
		A	B	C	D	E	F
1	Advertisement						
2	Promotional Events						
	2.1 Musical/Star Events						
	2.2 Sponsored Programmes						
3	Marketing Rights						
4	Commission						
5	Royalties						
6	Sale of recorded cassettes, CDs etc						
7	Rent –Premises						
8	Rent-Equipment						
9	Interest/Dividen d						
10	Related Party Transactions						
	10.1 Goods Sold						
	10.2 Services rendered						
	10.3 Production						
	10.4 Marketing						
	10.5						
	10.6						

Note:

- The income heads are only indicative and illustrative, and the Auditor may include all the relevant heads of the Terrestrial Radio Service authorisation.

2. The income from the Related Parties shall tally with the Related Parties schedule as per accounting standards no 18. Additional columns may be introduced, if required.
3. Column F is the total revenue as per profit and loss account.
4. Gross Revenue for this purpose would be the gross inflow of cash, receivables or other consideration arising in the course of ordinary activities of the Terrestrial Radio Service entity from rendering of services and from the use by others of the entity resources yielding rent, interest, dividend, royalties, commissions etc. Gross Revenue shall, therefore, be calculated, without deduction of taxes and agency commission, on the basis of billing rates, net of discounts to advertisers. Barter advertising contracts shall also be included in the gross revenues on the basis of relevant billing rates. In the case of an Authorised Entity providing or receiving goods and services from other entities that are owned or controlled by the owners of the Authorised Entity, all such transactions shall be valued at normal commercial rates and included in the profit and loss account of the Authorised Entity to calculate its gross revenue.
5. Gross Revenue (GR): $[A = B + C + D + E + F]$.
6. Adjusted Gross Revenue (AGR): $[AGR = (A) - (B+C+E)]$
7. Annual Authorisation Fee = 4% of AGR.

Schedule-VII

Definitions of Gross Revenue (GR), Applicable Gross Revenue (ApGR) and Adjusted Gross Revenue (AGR)¹⁰⁷

1. Gross Revenue shall comprise revenue accruing to the Authorised Entity by way of all operations/activities and inclusive of all other revenue/income on account of interest, dividend, rent, profit on sale of fixed assets, miscellaneous income etc. without any set-off for related items of expense.

[Explanation:

- (1) The Gross Revenue shall be inclusive of subscription fee, installation, activation, restoration, reactivation, relocation, visiting and other service charges, subscription and advertisement revenue from platform services channels, carriage fees, revenue from marketing and placement agreements, commissions received, revenue from sale, repair and maintenance of customer premises equipment, royalties, revenue from customer support service and any other revenue of the enterprise.
- (2) The Gross Revenue shall also include ancillary revenue accruing to the Authorised Entity due to the privileges connected with the DTH service authorisation, such as income from property rent, revenue from sharing of infrastructure, revenue from sale of immovable property, gains from foreign exchange rates fluctuations, insurance claims, bad debt recovered, excess provisions written back which has been established for

¹⁰⁷ As per the TRAI recommendations on 'License Fee and Policy Matters of DTH Services' issued on 21st August 2023

maintaining and working of DTH service or any other such miscellaneous revenue received by the Authorised Entity.

(3) In the case of Authorised Entity providing or receiving goods and service from other companies that are controlled* by the owners of the Authorised Entity, all such transactions shall be valued at normal commercial rates and included in the profit and loss accounts of the Authorised Entity to calculate its Gross Revenue.

[*Note: “Control” as defined in Section 2(27) of the Companies Act 2013.]

2. The DTH operators shall calculate Applicable Gross Revenue (ApGR) for arriving at the revenue calculations for authorisation fee. ApGR shall be equal to the total Gross Revenue (GR) of the Authorised Entity as reduced by the following items:
 - i. Revenue from activities under authorisation/permission issued by Department of Telecommunications;
 - ii. Reimbursement, if any, from the Government; and
 - iii. List of other income* to be excluded from GR to arrive at ApGR:
 - a. Income from Dividend;
 - b. Income from Interest;
 - c. Income from sale of fixed assets and securities;
 - d. Gains from Foreign Exchange rates fluctuations;
 - e. Income from property rent;
 - f. Insurance claims;
 - g. Bad Debts recovered;
 - h. Excess Provisions written back.
3. The Adjusted Gross Revenue (AGR) shall be calculated by excluding Goods and Services Tax (GST) paid to the Government from the

Applicable Gross Revenue (ApGR), if the ApGR had included as component of GST.

4. The format for submission of Statement of Revenue and Authorisation Fee for the Authorised Entity is prescribed in **Schedule-VIII**. The submission of the Statement of Revenue and Authorisation Fee shall be made end-to-end online with facility to upload all the related documents in digital mode via single window system.
5. The minimum annual authorisation fee shall be subject to 10% of the Entry Fee.
6. The authorisation fee is to be paid on a quarterly basis, the quantum thereof to be equal to the actual authorisation Fee payable for the preceding quarter. The first payment of authorisation fee for the previous quarter shall be made on the basis of provisional account for the quarter within one month of the end of a particular quarter. The annual settlement of the authorisation Fee shall be done at the end of the financial year. The final payment of authorisation fee for the 4th quarter shall be made after adjustments and settlements of accounts for the whole year and on the basis of the finalised audited statement of the entity and latest by 30th September succeeding the financial year.

Schedule-VIII

FORMAT OF STATEMENT OF REVENUE AND AUTHORISATION FEE FOR DTH SERVICE

Statement of Revenue and Authorisation Fee of

(i) M/s_____ (Name of the Authorised Entity)

(ii) for the quarter _____ of the financial year_____

(Amount in Rupees)

S. No.	Particulars	Actuals for the previous quarter	Actuals for the current quarter	Cumulative up to the current quarter
1.	Revenue from DTH Service			
i.	Subscription Revenue			
ii.	Revenue from subscription of Platform Service channels			
iii.	Advertisement Revenue generated from Platform Service channels			
iv.	Advertisement Revenue generated from any other means			
v.	Installation charges			
vi.	Activation charges			
vii.	Service Revenue (Visiting, Restoration, Reactivation, Relocation charges, Repair & Maintenance charges, etc.)			
viii.	Carriage Fee			
ix.	Marketing & Placement agreements			
x.	Sale, repair, and maintenance of Customer Premises Equipment (Antenna, Set Top Box, LNB, wiring etc.)			
xi.	Sale of toolkits and accessories			

xii.	Revenue from Customer Support Service			
xiii.	Commission			
xiv.	Royalties			
xv.	Promotional events			
xvi.	Musical/Star events			
xvii.	Sponsored Programmes			
xviii.	Related party transactions (please specify sub-heads) a. b. ...			
xix.	Goods and Service Tax (GST)			
xx.	Any other/miscellaneous income of the enterprise (please specify) a. b. ...			
2.	Revenue from sharing of infrastructure			
i.	Revenue from sharing earth station uplinking facility			
ii.	Revenue from sharing satellite resources (transponder capacity)			
iii.	Revenue from sharing of transport stream			
iv.	Revenue from sharing of CAS and SMS			
v.	Revenue from sharing of disaster recovery system in hot-standby mode			
vi.	Goods and Service Tax (GST)			
vii.	Any other Income (please specify): a. b. ...			
3.	Other Income			
i.	Income from Dividend			

ii.	Income from Interest			
iii.	Income from sale of fixed assets and securities			
iv.	Gains from Foreign Exchange rates fluctuations			
v.	Income from property rent			
vi.	Insurance claims			
vii.	Bad Debts recovered			
viii.	Excess Provisions written back			
4.	Revenue from activities under authorisation issued by Department of Telecommunications.			
5.	Reimbursement, if any, from the Government.			
AA.	GROSS REVENUE (GR) OF THE AUTHORISED ENTITY [Add 1-5]			
B.	LESS			
1.	Revenue from activities under a authorisation issued by Department of Telecommunications			
2.	Reimbursement, if any, from the Government			
3.	Other Income			
i.	Income from Dividend			
ii.	Income from Interest			
iii.	Income of sale of fixed assets and securities			
iv.	Gains from Foreign Exchange rates fluctuations			
v.	Income from property rent			
vi.	Insurance claims			
vii.	Bad Debts recovered			
viii.	Excess Provisions written back			
BB.	TOTAL (1+2+3)			

CC.	APPLICABLE GROSS REVENUE (ApGR) [CC = AA – BB]			
DD.	DEDUCT			
1.	Goods and Service Tax (GST) paid to the Government if the ApGR had included as component of GST.			
EE.	ADJUSTED GROSS REVENUE (AGR) [CC-DD]			
	AUTHORISATION FEE @ 3% OF ADJUSTED GROSS REVENUE (EE)			

Annexure-IV: The Telecommunications Act, 2023 and existing Policy Guidelines of MIB for Broadcasting Services

List of Documents

- 1) The Telecommunications Act, 2023**
- 2) Policy Guidelines for uplinking and downlinking of satellite television channels in India, 2022**
- 3) Policy Guidelines for Direct-to-Home (DTH) services, 2001 and as amended**
- 4) Policy Guidelines for Head end In The Sky (HITS) services, 2009 and as amended**
- 5) Policy Guidelines for Internet Protocol Television (IPTV) services, 2008 and as amended**
- 6) Policy Guidelines for Phase-III of FM Radio broadcasting 2011, and as amended**
- 7) Policy Guidelines for Community Radio Stations, 2024**



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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No. 52] NEW DELHI, SUNDAY, DECEMBER 24, 2023/PAUSHA 3, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th December, 2023/Pausha 3, 1945 (Saka)

The following Act of Parliament received the assent of the President on the 24th December, 2023 and is hereby published for general information:—

THE TELECOMMUNICATIONS ACT, 2023

No. 44 OF 2023

[24th December, 2023.]

An Act to amend and consolidate the law relating to development, expansion and operation of telecommunication services and telecommunication networks; assignment of spectrum; and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Telecommunications Act, 2023.

(2) It extends to,—

(i) the whole of India; and

(ii) to any offence committed or contravention made outside India by any person, as provided in this Act.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means such date as the Central Government may, by notification appoint under sub-section (3) of section 1;

(b) "assignment" of a radio frequency or radio frequency channel means the permission for a radio station to use a radio frequency or radio frequency channel under specified conditions;

(c) "assignee" means a person holding an assignment of a radio frequency or radio frequency channel under section 4;

(d) "authorisation" means a permission, by whatever name called, granted under this Act for—

(i) providing telecommunication services;

(ii) establishing, operating, maintaining or expanding telecommunication networks; or

(iii) possessing radio equipment;

(e) "authorised entity" means a person holding an authorisation under section 3;

(f) "critical telecommunication infrastructure" means telecommunication networks notified under sub-section (3) of section 22;

(g) "message" means any sign, signal, writing, text, image, sound, video, data stream, intelligence or information sent through telecommunication;

(h) "National Frequency Allocation Plan" means guidelines issued from time to time by the Central Government for the use of the spectrum;

(i) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

(j) "person" shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "radio equipment" means telecommunication equipment used or capable of use for telecommunication by means of Hertzian or radio waves;

(m) "radio waves" means electromagnetic waves of frequencies propagated in space without any artificial guide;

(n) "Schedule" means a schedule to this Act;

(o) "spectrum" means the range of frequencies of Hertzian or radio waves;

(p) "telecommunication" means transmission, emission or reception of any messages, by wire, radio, optical or other electro-magnetic systems, whether or not such messages have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;

(q) "telecommunication equipment" means any equipment, appliance, instrument, device, radio station, radio equipment, material, apparatus, or user equipment, that may be or is being used for telecommunication, including software and intelligence integral to such telecommunication equipment; and excludes such equipment as may be notified by the Central Government;

(r) "telecommunication identifier" means a series of digits, characters and symbols, or a combination thereof, used to identify uniquely a user, a

telecommunication service, a telecommunication network, elements of a telecommunication network, telecommunication equipment, or an authorised entity;

(s) "telecommunication network" means a system or series of systems of telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government;

(t) "telecommunication service" means any service for telecommunication;

(u) "user" means a natural or legal person using or requesting a telecommunication service, but does not include person providing such telecommunication service or telecommunication network.

CHAPTER II

POWERS OF AUTHORISATION AND ASSIGNMENT

3. (1) Any person intending to—

Authorisation.

(a) provide telecommunication services;

(b) establish, operate, maintain or expand telecommunication network; or

(c) possess radio equipment,

shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

(2) The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.

(3) The Central Government, if it determines that it is necessary in the public interest so to do, may provide exemption from the requirement of authorisation under sub-section (1), in such manner as may be prescribed.

13 of 1885.
17 of 1933. (4) Any exemption granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933 shall continue under this Act, unless otherwise notified by the Central Government.

(5) Any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.

13 of 1885.
17 of 1933. (6) A licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933, in respect of provision of telecommunication services or telecommunication network—

(a) where a definite validity period is given, shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed; or

(b) where a definite validity period is not given, shall be entitled to continue to operate on the terms and conditions of such licence or registration or permission for a period of five years from the appointed day, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

(7) Any authorised entity which provides such telecommunication services as may be notified by the Central Government, shall identify the person to whom it provides telecommunication services through use of any verifiable biometric based identification as may be prescribed.

(8) The Central Government may, subject to such terms and conditions, including fees or charges as may be prescribed, allot telecommunication identifiers for use by authorised entities.

(9) The Central Government may allow use of telecommunication identifiers allotted by international bodies which are recognised by the Central Government from time to time.

Assignment
of spectrum.

4. (1) The Central Government, being the owner of the spectrum on behalf of the people, shall assign the spectrum in accordance with this Act, and may notify a National Frequency Allocation Plan from time to time.

(2) Any person intending to use spectrum shall require an assignment from the Central Government.

(3) The Central Government may prescribe such terms and conditions as may be applicable, for such assignment of spectrum, including the frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure for the same.

(4) The Central Government shall assign spectrum for telecommunication through auction except for entries listed in the First Schedule for which assignment shall be done by administrative process.

Explanation.—For the purposes of this sub-section,—

(a) "administrative process" means assignment of spectrum without holding an auction;

(b) "auction" means a bid process for assignment of spectrum.

(5) (a) The Central Government may, by notification, amend the First Schedule for assignment of spectrum—

(i) in order to serve public interest; or

(ii) in order to perform government function; or

(iii) in cases where auction of spectrum is not the preferred mode of assignment due to technical or economic reasons.

(b) The notification referred to in clause (a) shall be laid before each House of Parliament.

(6) The Central Government, if it determines that it is necessary in the public interest so to do, may exempt,—

(a) from the requirement of assignment under sub-section (2), in such manner as may be prescribed; and

(b) by notification, specific usages within specified frequencies and parameters, from the requirements of sub-section (2).

(7) Any exemption with respect to use of spectrum granted under the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933 prior to the appointed day, shall continue under this Act, unless otherwise notified by the Central Government. 13 of 1885.
17 of 1933.

(8) Any spectrum assigned through the administrative process prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned, for a period of five years from the appointed day, or the date of expiry of such assignment, whichever is earlier.

(9) Any spectrum assigned through auction prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned.

5. The Central Government may, to enable more efficient use of spectrum, re-farm or harmonise any frequency range assigned under section 4, subject to such terms and conditions, as may be prescribed.

Re-farming
and
harmonisation.

Explanation.—For the purposes of this section,—

(a) "harmonisation" means rearrangement of a frequency range;

(b) "re-farming" means repurposing of a frequency range for a different use, other than that for which it is used by an existing assignee.

6. The Central Government may enable the utilisation of the spectrum in a flexible, liberalised and technologically neutral manner, subject to such terms and conditions, including applicable fees and charges, as may be prescribed.

Technologically
neutral use of
spectrum.

7. (1) The Central Government may, to promote optimal use of the available spectrum, assign a particular part of a spectrum that has already been assigned to an entity, known as the primary assignee, to one or more additional entities, known as the secondary assignees, where such secondary assignment does not cause harmful interference in the use of the relevant part of the spectrum by the primary assignee, subject to such terms and conditions as may be prescribed.

Optimal
utilisation of
spectrum.

(2) The Central Government may, notwithstanding anything contained in any other law for the time being in force, after providing a reasonable opportunity of being heard to the assignee concerned, determine that any assigned spectrum has remained unutilised for insufficient reasons for such period as may be prescribed, terminate such assignment, or a part of such assignment, or prescribe further terms and conditions relating to spectrum utilisation.

8. (1) The Central Government may establish by notification, such monitoring and enforcement mechanism as it may deem fit to ensure adherence to terms and conditions of spectrum utilisation and enable interference-free use of the assigned spectrum.

Establishment
of monitoring
and
enforcement
mechanism.

(2) The Central Government may permit the sharing, trading, leasing and surrender of assigned spectrum, subject to the terms and conditions, including applicable fees or charges, as may be prescribed.

9. No person shall be entitled to the refund of any fees or charges paid in respect of or under an authorisation or assignment granted under this Act, if such authorisation or assignment is suspended, curtailed, revoked or varied.

No refund of
fees.

CHAPTER III

RIGHT OF WAY FOR TELECOMMUNICATION NETWORK

10. For the purpose of this Chapter,—

Definition of
terms used in
this Chapter

(a) "facility provider" means the Central Government or any authorised entity, including any contractor or sub-contractor or agent working for the Central Government or authorised entity, and shall include their successor or assignee;

(b) "public entity" means,—

(i) the Central Government;

(ii) the State Government;

(iii) local authority;

(iv) any authority, body, company or institution incorporated or established by the Central Government or the State Government, or under any statute; or

(v) any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as may be notified by the Central Government;

(c) "public property" means any property, whether movable or immovable including any machinery, which is owned by, or in the possession of, or under the control or management of any public entity.

Right of way
for
telecommunication
network in
public property.

11. (1) Any facility provider may submit an application to a public entity under whose ownership, control or management, the public property is vested, to seek permissions for right of way for telecommunication network under, over, along, across, in or upon such public property.

(2) On receipt of an application from a facility provider under sub-section (1), the public entity shall, subject to the provisions of sub-section (4), grant permission for all or any of the following acts, namely:—

(a) survey such property for the purpose of assessing the feasibility for establishing telecommunication network; or

(b) enter the property from time to time to establish, operate, maintain, repair, replace, augment, remove or relocate any telecommunication network.

(3) The public entity shall grant permission under sub-section (2) in an expeditious manner and within such timelines as may be prescribed, and subject to such administrative expenses and compensation for right of way, which shall not exceed such amount as may be prescribed.

(4) Any rejection of an application under sub-section (1) shall be based on reasonable grounds to be recorded in writing.

(5) The facility provider shall do as little damage as possible to the public property, and ensure that the functionality and continuity of operations over such public property is not adversely affected, while undertaking any of the activities for which permission has been granted under sub-section (2).

(6) If any damage is caused to the property, the facility provider shall, at the option of the public entity, either,—

(a) restore such property to its state as existed prior to the undertaking of such activities; or

(b) pay compensation for such damage as may be mutually agreed.

(7) The provisions of this section shall be applicable to any public property vested for such projects or class of projects as notified by the Central Government, in respect of which, applications under sub-section (1) shall be made to the public entity granting the concession, contract or permission for such projects.

Right of way
for
telecommunication
network on
property not
covered under
section 11.

12. (1) Any facility provider may submit an application to the person under whose ownership, control or management of property not covered under section 11 is vested, to seek right of way for telecommunication network under, over, along, across, in or upon such property.

(2) On receipt of an application from a facility provider, the person receiving the application may enter into an agreement, specifying consideration as mutually agreed, for—

(a) undertaking surveys as may be required by the facility provider for the purpose of assessing the feasibility for establishing telecommunication network; or

(b) establishing, operating, maintaining, repairing, replacing, augmenting, removing or relocating any telecommunication network by the facility provider.

(3) The facility provider shall do as little damage as possible to the property when undertaking any of the activities for which permission has been granted under sub-section (2).

(4) In case of any damage to the property, the facility provider shall restore such property to its state as existed prior to the undertaking of such activities, failing which the person granting permission under sub-section (2), shall be entitled to compensation as may be mutually agreed, for any such damage.

(5) The Central Government may by rules provide for the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the telecommunication network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, and matters relating to the compensation payable for any damage.

(6) If the person under sub-section (2) fails to provide the right of way requested, and the Central Government determines that it is necessary so to do in the public interest, it may, either by itself or through any other authority designated by the Central Government for this purpose, determine that such facility provider shall be permitted the right of way to establish, operate, maintain such telecommunication network, subject to such terms and conditions, including charges for the right of way, and compensation for damage to the property, if any, to be payable to such person as may be prescribed.

13. Any person providing right of way under section 11 or section 12, shall ensure grant of right of way to the facility providers in a non-discriminatory manner and, as far as practicable, on a non-exclusive basis.

Non-discriminatory and non-exclusive grant of right of way.

14. (1) A facility provider shall not have any right, title or interest in the property on which telecommunication network is established, except the right to use the property as provided under section 11 or section 12.

Telecommunication network distinct from property on which it is installed.

(2) The telecommunication network installed on any property, shall not be subject to any claims, encumbrances, liquidation or the like, relating to such property.

(3) The telecommunication network installed on any property, shall not be considered as part of such property, including for the purposes of any transaction related to that property, or any property tax, levy, cess, fees or duties as may be applicable on that property.

(4) Notwithstanding anything contained in any other law for the time being in force, no public entity, except with the permission of an officer authorised by the Central Government for this purpose, shall have the authority to take any coercive action, such as sealing, preventing access, or forcible shutdown of the telecommunication network established by an authorised entity, except where such actions may be necessary to deal with any natural disaster or public emergency.

15. (1) The Central Government may notify infrastructure projects or class of infrastructure projects, whether being developed by a public entity by itself, through a public private partnership or by any other person, that may require establishment of common ducts or conduits or cable corridors, for installation of telecommunication network.

Power of Central Government to establish common ducts and cable corridors.

(2) The telecommunication network referred to in sub-section (1) shall be made available on open access basis to facility providers, subject to such terms and conditions, including fees and charges, as may be prescribed.

Removal,
relocation or
alteration of
telecommunication
network.

16. (1) Where, under section 11 or section 12, telecommunication network has been placed by the facility provider, under, over, along, across, in or upon any property, and any person entitled to do so desires to deal with that property in such a manner so as to render it necessary or convenient that the telecommunication network should be removed or relocated to another part thereof or to a higher or lower level or altered in form, he may require the facility provider to remove, relocate or alter the telecommunication network accordingly.

(2) If compensation has been paid under sub-section (6) of section 11, or sub-section (4) of section 12, such person shall, when making the requisition under sub-section (1), tender to the facility provider the amount requisite to defray the expense of the removal, relocation or alteration on such terms as may be mutually agreed.

(3) If any dispute arises under this Chapter, the matter shall be determined by the authority referred to in sub-section (2) of section 18.

(4) If the facility provider omits to comply with the requisition, the person making such requisition, may apply to the District Magistrate within whose jurisdiction the property is situated, to order the relocation or alteration.

(5) The District Magistrate receiving the application may, at its discretion and for reasons to be recorded in writing, approve or reject such relocation or alteration, subject to such conditions as it determines fit, including the relocation of the telecommunication network to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final.

Notice to
facility
provider.

17. (1) Any person desiring to exercise his right to deal with his property in such a manner as is likely to cause damage or to interrupt or interfere with the telecommunication network established under the provisions of this Act, or to interrupt or interfere with telecommunication services, shall give prior notice of such duration and in such manner, as may be prescribed, to the facility provider, the Central Government or to any authority that may be notified by the Central Government.

(2) The facility provider shall respond to such notice with details of such telecommunication network and precautionary measures to be undertaken, within such timelines as may be prescribed.

(3) Where a person referred to in sub-section (1) gives a notice of his exercise of the right relating to his property with the *bona fide* intention of averting imminent danger of personal injury to himself or any other person, such person shall be deemed to have complied with the provisions of the said sub-section.

(4) Any person who fails to comply with the provisions of sub-section (1), or deals with any property in such a manner as is likely to cause, or causes, damage to any telecommunication network, or is likely to interrupt or interfere, or interrupts or interferes with telecommunication services, a District Magistrate may, on the application of the facility provider, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the District Magistrate necessary to remedy or prevent such damage, interruption or interference during such period.

(5) If any dispute arises relating to damages, the matter shall be determined by the authority referred to under sub-section (2) of section 18.

Dispute
resolution
relating to this
Chapter.

18. (1) The District Magistrate, or any other authority as notified by the Central Government, within whose jurisdiction the property is situated, shall have the exclusive powers to resolve any disputes under this Chapter, except for disputes referred to under sub-section (2) of this section.

(2) If any dispute arises relating to compensation under sub-section (6) of section 11, sub-section (2) and sub-section (4) of section 12, and sub-section (5) of section 17, it shall, on an application made for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situated, be determined by him.

(3) Every determination of a dispute by a District Magistrate or District Judge under this section, shall be final.

(4) Nothing in sub-section (3) shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the facility provider, from the person who has received the same.

CHAPTER IV

STANDARDS, PUBLIC SAFETY, NATIONAL SECURITY AND PROTECTION OF TELECOMMUNICATION NETWORKS

19. The Central Government may notify standards and conformity assessment measures in respect of—

Power to notify standards.

(a) telecommunication equipment, telecommunication identifiers and telecommunication network;

(b) telecommunication services, in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time;

(c) manufacture, import, distribution and sale of telecommunication equipment;

(d) telecommunication security, including identification, analysis and prevention of intrusion in telecommunication services and telecommunication networks;

(e) cyber security for telecommunication services and telecommunication networks; and

(f) encryption and data processing in telecommunication.

20. (1) On the occurrence of any public emergency, including disaster management, or in the interest of public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government, if satisfied that it is necessary or expedient so to do, by notification—

Provisions for public emergency or public safety.

(a) take temporary possession of any telecommunication service or telecommunication network from an authorised entity; or

(b) provide for appropriate mechanism to ensure that messages of a user or group of users authorised for response and recovery during public emergency are routed on priority.

(2) On the occurrence of any public emergency or in the interest of public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government, may, if satisfied that it is necessary or expedient so to do, in the interest of the sovereignty and integrity of India, defence and security of the State, friendly relations with foreign States, public order, or for preventing incitement to the commission of any offence, subject to such procedure and safeguards as may be prescribed, and for reasons to be recorded in writing, by order—

(a) direct that any message or class of messages, to or from any person or class of persons, to or from any telecommunication equipment or class of telecommunication equipment, or relating to any particular subject, brought for

transmission by, or transmitted or received by any telecommunication service or telecommunication network, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed in intelligible format to the officer mentioned in such order; or

(b) direct that any telecommunication service or class of telecommunication services to or from any person or class of persons, to or from any telecommunication equipment or class of telecommunication equipment, or relating to any particular subject, transmitted or received by any telecommunication service or telecommunication network, shall be suspended.

(3) The press messages, intended to be published in India, of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under clause (a) of sub-section (2).

(4) The action specified under sub-section (1), sub-section (2) and sub-section (3) shall be for such duration and in such manner as may be prescribed.

Measures for
national
security, etc.

21. The Central Government may, if satisfied that it is necessary or expedient so to do, in the interest of national security, friendly relations with foreign States, or in the event of war, by notification take such measures as are necessary in the circumstances of the case, including issuing directions in respect of the following, namely:—

(a) use of telecommunication equipment, telecommunication services, telecommunication network and telecommunication identifiers;

(b) standards applicable to manufacture, import and distribution of telecommunication equipment;

(c) standards to be adopted by authorised entities or assignees;

(d) procurement of telecommunication equipment and telecommunication services only from trusted sources;

(e) suspension, removal or prohibition of the use of specified telecommunication equipment and telecommunication services from countries or person as may be notified; or

(f) taking over the control and management of, or suspending the operation of, or entrusting any authority of the Central Government to manage any or all of any telecommunication services, or any telecommunication network or part thereof, connected with such telecommunication services.

Protection of
telecommunication
network and
telecommunication
services.

22. (1) The Central Government may by rules provide for the measures to protect and ensure cyber security of telecommunication networks and telecommunication services.

(2) The measures may include collection, analysis and dissemination of traffic data that is generated, transmitted, received or stored in telecommunication networks.

Explanation.—For the purposes of this sub-section, the expression "traffic data" means any data generated, transmitted, received or stored in telecommunication networks including data relating to the type, routing, duration or time of a telecommunication.

(3) The Central Government may, by notification in the Official Gazette, declare any telecommunication network, or part thereof, as Critical Telecommunication Infrastructure, disruption of which shall have debilitating impact on national security, economy, public health or safety.

(4) The Central Government may by rules provide for the standards, security practices, upgradation requirements and procedures to be implemented for such Critical Telecommunication Infrastructure.

23. If it appears necessary or expedient so to do in the public interest, the Central Government may direct any authorised entity to transmit in its telecommunication services or telecommunication network, specific messages, in such manner as may be specified.

Power to give directions.

CHAPTER V

DIGITAL BHARAT NIDHI

13 of 1885.

24. (1) The Universal Service Obligation Fund created under the Indian Telegraph Act, 1885, shall, from the appointed day, be the "Digital Bharat Nidhi", under the control of the Central Government, and shall be used to discharge functions as set forth in this Act.

Establishment of Digital Bharat Nidhi.

(2) Any sums of money attributable to the Digital Bharat Nidhi that is paid pursuant to an authorisation under section 3, shall be credited to the Digital Bharat Nidhi.

(3) The balance to the credit of the Digital Bharat Nidhi shall not lapse at the end of the financial year.

(4) All amounts payable under licences granted prior to the appointed day towards the Universal Service Obligation, shall be deemed to be the amounts payable towards the Digital Bharat Nidhi.

25. The sums of money received towards the Digital Bharat Nidhi under section 24, shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Digital Bharat Nidhi from time to time for being utilised exclusively to meet any or all of the following objectives, namely:—

Crediting of sum to Consolidated Fund of India.

(a) support universal service through promoting access to and delivery of telecommunication services in underserved rural, remote and urban areas;

(b) support research and development of telecommunication services, technologies, and products;

(c) support pilot projects, consultancy assistance and advisory support towards provision of service under clause (a) of this section;

(d) support introduction of telecommunication services, technologies, and products.

26. The Digital Bharat Nidhi shall be administered in a manner, as may be prescribed.

Administration of Digital Bharat Nidhi.

CHAPTER VI

INNOVATION AND TECHNOLOGY DEVELOPMENT

27. The Central Government may, for the purposes of encouraging and facilitating innovation and technological development in telecommunication, create one or more regulatory sandboxes, in such manner, and for such duration, as may be prescribed.

Regulatory sandbox.

Explanation.—For the purposes of this section, the expression "regulatory sandbox" refers to a live testing environment where new products, services, processes and business models which may be deployed, on a limited set of users, for a specified period of time, with certain relaxations from the provisions of this Act.

CHAPTER VII

PROTECTION OF USERS

Measures for protection of users.

28. (1) For the purposes of this section, "specified message" means any message offering, advertising or promoting goods, services, interest in property, business opportunity, employment opportunity or investment opportunity, whether or not—

(a) the goods, services, interest, or opportunity are real; or

(b) it is lawful to acquire such goods, services, property, interest or take up the opportunity.

(2) The Central Government may by rules provide for measures for protection of users, in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time, including measures such as—

(a) the prior consent of users for receiving certain specified messages or class of specified messages;

(b) the preparation and maintenance of one or more registers, to be called as "Do Not Disturb" register, to ensure that users do not receive specified messages or class of specified messages without prior consent; or

(c) the mechanism to enable users to report any malware or specified messages received in contravention of this section.

(3) An authorised entity providing telecommunication services shall establish an online mechanism to enable users to register any grievance pertaining to the telecommunication service, and redressal of such grievances, in such manner as may be prescribed.

Duty of users.

29. No user shall—

(a) furnish any false particulars, suppress any material information, or impersonate another person, while establishing his identity for availing of telecommunication services; or

(b) fail to share information as required under this Act.

Dispute resolution mechanism to redress user grievances.

30. (1) The Central Government may establish or approve one or more online dispute resolution mechanisms for the resolution of disputes between users and authorised entities providing telecommunication services.

(2) Every authorised entity providing telecommunication services shall participate in the dispute resolution mechanism established under sub-section (1), and shall comply with such terms and conditions of participation in such mechanism as may be prescribed.

(3) This section shall not affect the rights of consumers under the Consumer Protection Act, 2019.

35 of 2019.

CHAPTER VIII

ADJUDICATION OF CERTAIN CONTRAVENTIONS

Definitions of terms used in this Chapter.

31. For the purposes of this Chapter,—

(a) "Adjudicating Officer" means an officer appointed under section 35; and

(b) "Designated Appeals Committee" means the committee appointed under section 36.

Breach of terms and conditions of authorisation or assignment.

32. (1) In case of breach of any of the terms and conditions of authorisation or assignment granted under this Act, the Adjudicating Officer shall, pursuant to an inquiry under the provisions of this Chapter—

(a) pass an order in writing in respect of one or both of the following, namely:—

(i) direct such authorised entity, or assignee to do or abstain from doing any act or thing to prevent such breach or for such compliance;

(ii) impose civil penalties as specified in the Second Schedule; and

(b) make recommendations for the consideration of the Central Government regarding suspension, revocation, or curtailment of the duration of the authorisation or assignment.

(2) The Central Government may, after due consideration of the recommendations of the Adjudicating Officer under clause (b) of sub-section (1), suspend, curtail or revoke the authorisation or assignment, as the case may be, which may be reversed if the substantial violation is remedied to the satisfaction of the Central Government.

(3) While imposing penalties specified in the Second Schedule under this section and section 33, the Adjudicating Officer shall have due regard to the following factors, namely:—

(a) nature, gravity and duration of the contravention, taking into account the scope of the contravention;

(b) number of persons affected by such contravention, and the level of harm suffered by them;

(c) intentional or negligent character of the contravention;

(d) repetitive nature of the contravention;

(e) action taken by the concerned person to mitigate the contravention, including by providing a voluntary undertaking under sub-section (1) or sub-section (2) of section 34;

(f) revenue loss caused to the Central Government;

(g) any aggravating factors relevant to the circumstances of the case, such as the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the contravention; and

(h) any mitigating factors relevant to the circumstances of the case, such as the timely rectification of the contravention, or steps taken for the avoidance of loss as a result of the contravention.

33. (1) The Adjudicating Officer shall, upon receipt of a complaint in such form, manner and accompanied by such fees as may be prescribed, relating to contravention of this Act as specified in the Third Schedule, or *suo motu*, conduct an inquiry under the provisions of this Chapter, pass an order in writing specifying the civil penalty up to an amount as specified in the Third Schedule, payable by the person committing such contravention.

Contraventions of Act.

(2) The provisions of the Third Schedule shall apply to the abetment of, or attempt to commit, or conspiracy to commit such contravention, as they apply to such contravention.

34. (1) Any authorised entity or assignee committing the contravention as provided under section 32 or under serial No. 4 of the Third Schedule may, prior to any notice or initiation of process of determination of such contravention, submit a voluntary undertaking to the Adjudicating Officer, disclosing such contravention and measures taken or to be taken to mitigate such contravention.

Voluntary undertaking for contraventions.

(2) The acceptance of voluntary undertaking given under sub-section (1), subject to the provisions of sub-section (6), shall constitute a bar on proceedings under this Chapter.

(3) Where the Adjudicating Officer has reasonable grounds to believe that a contravention as provided under section 32 or under serial No. 4 of the Third Schedule may have occurred, then it shall serve a notice to the authorised entity or assignee concerned under the relevant section.

(4) At any time during the process of hearing under sub-section (3), the authorised entity or assignee, may, submit a voluntary undertaking specifying the mitigation measures it proposes to take in respect of such contravention.

(5) The acceptance of the voluntary undertaking submitted under sub-section (4), subject to the provisions of sub-section (6), shall be construed as a mitigation measure and shall be duly considered for the purpose of determination of civil penalties under clause (a) of sub-section (1) of section 32, or under serial No. 4 of the Third Schedule.

(6) The voluntary undertaking under sub-section (1) or sub-section (4) of this section, may include an undertaking to take a specified action within a specified time; an undertaking to refrain from taking a specified action; and an undertaking to publicise the voluntary undertaking.

(7) The Adjudicating Officer may accept the voluntary undertaking under sub-section (1) or sub-section (4), or with the agreement of the authorised entity or assignee providing the voluntary undertaking, vary the terms included in such voluntary undertaking.

(8) When the authorised entity or assignee providing a voluntary undertaking fails to comply with any terms of such undertaking, the Adjudicating Officer may, after giving such authorised entity or assignee a reasonable opportunity of being heard, proceed with imposition of civil penalties specified under the Second Schedule or the Third Schedule, as applicable.

Adjudicating
Officer.

35. (1) For the purposes of this Chapter, the Central Government shall, by an order published in the Official Gazette, appoint any officer of the Central Government not below the rank of Joint Secretary as one or more Adjudicating Officers for holding an inquiry in such manner as may be prescribed.

(2) The Adjudicating Officer may, upon the holding of such inquiry, pass such order as he deems fit in accordance with the provisions of section 32 or section 33.

Designated
Appeals
Committee.

36. (1) The Central Government may, by an order published in the Official Gazette, appoint officers of the Central Government not below the rank of Additional Secretary, as members of one or more Designated Appeals Committee to which any person aggrieved by an order made by the Adjudicating Officer under sub-section (1) of section 32 or under section 33, may prefer an appeal.

(2) Every appeal under sub-section (1) shall be filed within a period of thirty days from the date on which the copy of the order made by the Adjudicating Officer is received by the aggrieved person, and shall be in such form, manner and be accompanied by such fees as may be prescribed.

Process to be
followed by
Adjudicating
Officer and
Designated
Appeals
Committee.

37. (1) The functioning of the Adjudicating Officer and the Designated Appeals Committee shall, as far as possible, be digital by design and they shall function as digital offices and deploy such techno-legal measures as may be prescribed, to enable online process for their functioning.

(2) The Adjudicating Officer and Designated Appeals Committee shall have the same powers as a civil court, and all proceedings before it shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

Enforcement.

38. Any order made by the Adjudicating Officer or the Designated Appeals Committee shall be executable in the same manner as if it were a decree of civil court, and such orders shall be deemed to be final decrees under this section on the expiry of the period allowed for preferring an appeal against such orders as provided in section 36 and section 39.

- 24 of 1997.
39. Any person aggrieved by an order of the Designated Appeals Committee under section 36, in so far as it pertains to matters under sub-section (1) of section 32, or an order of the Central Government under sub-section (2) of section 32, may prefer an appeal to the Telecom Disputes Settlement and Appellate Tribunal constituted under section 14 of the Telecom Regulatory Authority of India Act, 1997, within a period of thirty days from the date on which a copy of the order is received by such authorised entity or assignee. Appeals on matters relating to section 32.
40. Any person aggrieved by an order of the Designated Appeals Committee under section 36, in so far as it pertains to matters under section 33, may prefer an appeal to any civil court having jurisdiction over the matter. Appeals on matters relating to section 33.
41. No civil court shall have jurisdiction in respect of any matter which the Adjudicating Officer, the Designated Appeals Committee, the Central Government or the Telecom Disputes Settlement and Appellate Tribunal are empowered by or under this Chapter to determine. Jurisdiction of civil court barred.

CHAPTER IX

OFFENCES

42. (1) Whoever provides telecommunication services or establishes telecommunication network without authorisation under sub-section (1) of section 3, or causes damage to critical telecommunication infrastructure shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both. General provisions relating to offences.

(2) Whoever directly or indirectly or through personation—

(a) gains or attempts to gain unauthorised access to a telecommunication network or to data of an authorised entity or transfers data of an authorised entity; or

(b) intercepts a message unlawfully,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both.

Explanation.—For the purposes of this sub-section,—

45 of 1860. (i) the expression "personation" shall have the same meaning as assigned to it under section 416 of the Indian Penal Code;

(ii) data of an authorised entity includes call data records, internet protocol data records, traffic data, subscriber data records and the like.

(3) Whoever,—

(a) possesses or uses without an authorisation, any equipment that blocks telecommunication;

(b) uses telecommunication identifiers not allotted or permitted in accordance with sub-sections (8) and (9) of section 3;

(c) tampers with telecommunication identifiers;

(d) possesses radio equipment without an authorisation or an exemption that can accommodate more than specified number of subscriber identity modules;

(e) obtains subscriber identity modules or other telecommunication identifiers through fraud, cheating or personation;

(f) wilfully possesses radio equipment knowing that it uses unauthorised or tampered telecommunication identifiers,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to fifty lakh rupees, or with both.

(4) Whoever wilfully contravenes any measures specified in the notification on national security under section 21 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both and the Central Government may, if it deems fit, also suspend or terminate the telecommunication service of such person.

(5) Whoever causes damage to telecommunication network, other than critical telecommunication infrastructure shall be liable for compensation for the damage caused and fine which may extend up to fifty lakh rupees.

(6) Whoever abets any offence, or attempts to commit, or conspires to commit an offence under this Act, shall if the act abetted or conspired is committed in consequence of such abetment or conspiracy, be punished with the punishment provided for the offence.

(7) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences specified under this section shall be cognizable and non-bailable. 2 of 1974.

(8) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.

Power to search.

43. Any officer authorised by the Central Government in this behalf, may search any building, vehicle, vessel, aircraft or place in which he has reason to believe that any unauthorised telecommunication network or telecommunication equipment or radio equipment in respect of which an offence punishable under section 42 has been committed, is kept or concealed and take possession thereof.

Supply of information to authorised officers.

44. Notwithstanding anything contained in any law for the time being in force, where the Central Government is satisfied that any information, document or record in possession or control of any authorised entity or assignee relating to any telecommunication service, telecommunication network or use of spectrum, availed by any entity or consumer or subscriber is necessary to be furnished in relation to any pending or apprehended civil or criminal proceedings, an officer, specially authorised in writing by the Central Government in this behalf, shall direct such authorised entity or assignee to furnish such information, document or record to him and the authorised entity or assignee shall comply with the direction of such officer.

CHAPTER X

MISCELLANEOUS

Creation of security interests.

45. The Central Government may provide for such security interest which an authorised entity may provide to lenders financing such entities on such terms and conditions of such security interest as may be prescribed.

Certification of person for operation of radio equipment on a vessel or aircraft.

46. The Central Government may grant certification to any person to operate a radio equipment on such class of vessels registered under the Merchant Shipping Act, 1958, aircrafts registered under the Aircraft Act, 1934 and any other category of vessels or vehicles as may be notified by the Central Government, in accordance with such terms and conditions, including applicable fees and charges, as may be prescribed. 44 of 1958.
22 of 1934.

Certification for amateur station operator.

47. The Central Government may by rules provide for the manner of certification of person to install and operate an amateur station and such rules may specify the qualifications and terms and conditions subject to which, a certification for operating an amateur station may be granted, including through conduct of examinations for granting such certification, the fees and charges to be paid thereof, and other connected matters.

Explanation.—For the purposes of this section,—

(a) "amateur services" means radio communication services for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised person interested in radio technique solely with a personal aim and without any pecuniary interest;

(b) "amateur station" means a radio station operated by an amateur for amateur services.

48. No person shall possess or use any equipment that blocks telecommunication unless permitted by the Central Government, or any authority authorised for specific purpose by the Central Government.

Prohibition of use of equipment which blocks telecommunication.

49. (1) The penalties imposed pursuant to the provisions of Chapter VIII or Chapter IX, shall be in addition to, and not in derogation of, any liability in respect of payment of compensation or payment of any fees or charges due by an authorised entity or assignee.

Penalties not to affect other liabilities.

(2) The provisions of this Act are in addition to and without prejudice to any other liability which a person may have incurred under any other law for the time being in force.

50. This Act shall apply to any offence committed or contravention made outside India by any person if the act or conduct constituting such offence or contravention involves a telecommunication service provided in India, or telecommunication equipment or telecommunication network located in India.

Act to apply for offence or contravention committed outside India.

51. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, or any other authority under this Act or any person acting on their behalf, as the case may be, for anything which is done in good faith, or intended to be done in pursuance of this Act or any rule, regulation or order made thereunder.

Protection of action taken in good faith.

52. (1) The provisions of this Act shall be in addition to, and not be construed in derogation of the provisions of any other law, and shall be construed as consistent with such law, for the time being in force.

Consistency with other laws.

(2) If any conflict arises between a provision of this Act and a provision of any other law for the time being in force in the whole of India or restricted to the application within the territory of any State, the provision of this Act shall prevail to the extent of such conflict.

53. The implementation of the Act shall be digital by design and the Central Government shall take any such measures as necessary to enable the digital implementation of the Act.

Implementation of Act.

54. No employee of an authorised entity shall, in any legal proceeding to which such authorised entity is not a party, be compelled to appear as a witness to prove the information contained in any electronic records submitted under sub-section (4) of section 65B of the Indian Evidence Act, 1872, except as required by order of the Court or a Judge made for special cause.

1 of 1872.

Employee of authorised entity not to be compelled to appear as witness.

55. The privilege of the Central Government to grant authorisations or assignment under this Act in the Continental Shelf and the Exclusive Economic Zone of India and the rights of an authorised entity or assignee, as the case may be, shall be subject to the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, and applicable international laws as accepted and ratified by India.

80 of 1976.

Rights in Continental Shelf and Exclusive Economic Zone.

56. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Act, to carry out the purposes of this Act.

Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the terms and conditions, including fees or charges for obtaining authorisation under sub-section (1) of section 3;

(b) the manner of exemption for providing authorisation under sub-section (3) of section 3;

(c) the terms and conditions, including fees and charges, applicable to the original authorised entity that emerges pursuant to any merger, demerger, acquisition, or other forms of restructuring, under sub-section (5) of section 3;

(d) the terms and conditions for migration under sub-section (6) of section 3;

(e) the verifiable biometric based identification to be used by an authorised entity of telecommunication services under sub-section (7) of section 3;

(f) the terms and conditions, including fees or charges for allotment of telecommunication identifiers for use by authorised entities under sub-section (8) of section 3;

(g) the terms and conditions for the assignment of spectrum, including the frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure under sub-section (3) of section 4;

(h) the manner of exemptions for assignment of spectrum under sub-section (7) of section 4;

(i) the terms and conditions for re-farming and harmonisation under section 5;

(j) the terms and conditions, including applicable fees and charges, and any other relevant condition subject to which the utilisation of the spectrum in a flexible, liberalised and technologically neutral manner under section 6;

(k) the terms and conditions for optimal utilisation of spectrum under sub-section (1) of section 7;

(l) the period of unutilised spectrum for insufficient reasons and further terms and conditions relating to spectrum utilisation under sub-section (2) of section 7;

(m) the terms and conditions, including applicable fees or charges for sharing, trading, leasing and surrender of assigned spectrum, under sub-section (2) of section 8;

(n) the timeline for granting permission for right of way for telecommunication network in public property; and the amount for administrative expenses and compensation for right of way under sub-section (3) of section 11;

(o) the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the telecommunication network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, and matters relating to the compensation payable for any damage under sub-section (5) of section 12;

(p) the terms and conditions, including charges for right of way, and compensation for damage to the property, under sub-section (6) of section 12;

(q) the terms and conditions, including fees and charges subject to which the telecommunication network to be made available on open access basis to facility providers under sub-section (2) of section 15;

(r) the procedure and manner for giving prior notice under sub-section (1) of section 17;

(s) the timeline for responding the notice with details of telecommunication network and precautionary measures to be undertaken by the facility provider under sub-section (2) of section 17;

(t) the procedure and safeguards for public emergency or public safety under sub-section (2) of section 20;

(u) the duration and manner of taking action for public emergency or public safety under sub-section (4) of section 20;

(v) the measures to protect and ensure cyber security of, telecommunication networks and telecommunication services under sub-section (1) of section 22;

(w) the standards, security practices, upgradation requirements and procedures to be implemented for the Critical Telecommunication Infrastructure under sub-section (4) of section 22;

(x) the manner for administration of Digital *Bharat Nidhi* under section 26;

(y) the manner and duration for creating Regulatory Sandbox under section 27;

(z) the measures for protection of users under sub-section (2) of section 28;

(za) the manner for registration of any grievance and redressal of such grievances pertaining to the telecommunication service under sub-section (3) of section 28;

(zb) the terms and conditions for participating in the dispute resolution mechanism under sub-section (2) of section 30;

(zc) the form, manner and fees to be accompanied with the complaint under sub-section (1) of section 33;

(zd) the manner for holding inquiry by the Adjudicating Officer under sub-section (1) of section 35;

(ze) the form, manner and fees for filing an appeal before the Designated Appeals Committee under sub-section (2) of section 36;

(zf) the techno-legal measures for functioning of the Adjudicating Officer and the Designated Appeals Committee under sub-section (1) of section 37;

(zg) the terms and conditions of security interest under section 45;

(zh) the terms and conditions, including applicable fees and charges for granting certificates under section 46;

(zi) the manner of certification, qualification, and terms and conditions, including fees and charges for the examination for amateur station operator under section 47;

(zj) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(3) Every rule made under this Act and amendment to the Schedule made under section 57 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both

Houses agree in making any modification in the rule or amendment to the Schedule or both Houses agree that the rule or amendment to the Schedule should not be made, the rule or amendment to the Schedule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or amendment to the Schedule.

Power of
Central
Government
to amend
Schedules.

57. (1) Subject to the provisions of this section, the Central Government may, by notification,—

(a) amend the First Schedule;

(b) amend the Second Schedule or the Third Schedule:

Provided that penalty or civil penalty specified in such Schedules shall be not exceeding ten crore rupees.

(2) Any amendment made under sub-section (1) shall have effect as if enacted in this Act and shall come into force on the date of the notification, unless the notification otherwise directs.

Power to
remove
difficulties.

58. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may be necessary or expedient, for removing the difficulty;

Provided that no order shall be made under this section after the expiration of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Amendment
to Act 24 of
1997.

59. In the Telecom Regulatory Authority of India Act, 1997,—

(a) in section 2,—

(i) in sub-section (1),—

(A) for clause (e), the following clause shall be substituted, namely:—

'(e) "licensee" means an authorised entity providing telecommunication services under the Telecommunications Act, 2023, or registered for providing cable television network under the Cable Television Networks (Regulation) Act, 1995 or any other Act for the time being in force;'

7 of 1995.

(B) for clause (ea), the following clause shall be substituted, namely:—

'(ea) "licensor" means the Central Government which grants an authorisation for telecommunication services under the Telecommunications Act, 2023, or registration under the Cable Television Networks (Regulation) Act, 1995 or any other Act for the time being in force;'

7 of 1995.

(C) after clause (f), the following clause shall be inserted, namely:—

'(fa) "telecommunication" shall have the meaning as assigned to it in the Telecommunications Act, 2023;'

(D) for clause (k), the following clause shall be substituted, namely:—

'(k) "telecommunication services" means any service for telecommunication;'

13 of 1885.
17 of 1933.
7 of 1995.

(ii) in sub-section (2), for the words and figures "the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933", the words, figures and brackets "the Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995" shall be substituted;

(b) in section 4, for the proviso, the following provisos shall be substituted, namely:—

"Provided that a person who is, or has been, in the service of Government shall not be appointed—

(a) as a Chairperson unless such person has held the post of Secretary to the Government of India or any equivalent post in the Central Government or the State Government; or

(b) as a member unless such person has held the post of Additional Secretary to the Government of India or any equivalent post in the Central Government or the State Government;

Provided further that a person who is, or has been, in a service other than that of Government, shall be appointed—

(a) as a Chairperson if such person has at least thirty years of professional experience and has served as a member of the board of directors or a chief executive of a company in the areas as specified in this section; or

(b) as a Member if such person has at least twenty-five years of professional experience and has served as a member of the board of directors or chief executive of a company in the areas as specified in this section.";

(c) in section 11,—

(i) in sub-section (1),—

13 of 1885.
7 of 1995.

(A) for the words and figures "Indian Telegraph Act, 1885", the words, figures and brackets "Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995" shall be substituted;

(B) in the fifth proviso, for the portion beginning with the words "may, within fifteen days from the date of receipt" and ending with the words "take a final decision", the following shall be substituted, namely:—

"shall, within thirty days from the date of receipt of such reference communicate to the Central Government any further recommendations that it may have, after considering the reference made by the Central Government and after receipt of further recommendation if any, the Central Government shall take a final decision.";

(ii) in sub-section (2),—

13 of 1885.
7 of 1995.

(A) for the words and figures "Indian Telegraph Act, 1885", the words, figures and brackets "Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995" shall be substituted;

(B) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the Authority may direct an authorised entity or class of authorised entities providing telecommunication services, to abstain from predatory pricing that is harmful to competition, long term development and the overall health of the telecommunication sector.";

(d) in section 14, in clause (a),—

(i) sub-clause (i) shall be omitted;

(ii) for paragraph (C), the following shall be substituted, namely:—

"(C) any disputes to be adjudicated by the Adjudicating Officer or the Designated Appeals Committee under the Telecommunications Act, 2023;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(d) hear and dispose of appeals under section 39 of the Telecommunications Act, 2023.

Any action instituted under the Telecom Regulatory Authority of India Act, 1997 and pending immediately before the appointed day in the Telecom Disputes Settlement and Appellate Tribunal, shall continue to be heard and disposed of by the Telecom Disputes Settlement and Appellate Tribunal as if this Act had not been passed;"

24 of 1997.

(e) for section 38, the following section shall be substituted, namely:—

"38. The provisions of this Act shall be in addition to the provisions of the Telecommunications Act, 2023 and, in particular, nothing in this Act shall affect any jurisdiction, powers and functions required to be exercised or performed by the appropriate authority in relation to any area falling within the jurisdiction of such authority."

Application of
certain laws.

CHAPTER XI

REPEAL AND SAVINGS

Repeal of
certain Acts
and savings.

60. (1) Subject to the other provisions of this section, the enactments namely, the Indian Telegraph Act, 1885, and the Indian Wireless Telegraphy Act, 1933, are hereby repealed.

13 of 1885,
17 of 1933.

(2) Notwithstanding the repeal of the provisions aforesaid, anything done or any action taken including any grant of license, registration or assignment, any order, or proceeding, pending or ongoing, under the repealed provisions shall be deemed to have been done or taken under this Act, and the provisions of this Act shall have effect in relation thereto.

(3) The provisions of Part-III of the Indian Telegraph Act, 1885 shall continue to apply to all cases pertaining to laying down of transmission lines under section 164 of the Electricity Act, 2003 as if the Indian Telegraph Act, 1885 has not been repealed, and the provisions of Part-III of the Indian Telegraph Act, 1885 shall continue in force with reference to section 164 of the Electricity Act, 2003 till such time as section 164 of the Electricity Act, 2003 is amended.

13 of 1885,
36 of 2003.

13 of 1885. 17 of 1933.	<p>61. All rules, orders, made or purported to have been made under the Indian Telegraph Act, 1885 or under the Indian Wireless Telegraphy Act, 1933, shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules, orders were made, and shall continue in force unless and until they are superseded by any rules made under this Act.</p>	Existing rules to continue.
13 of 1885. 17 of 1933.	<p>62. All acts of executive actions done, decisions taken, actions done, proceedings taken and orders passed, prior to the appointed day, by the Central Government, by any officer of the Central Government, or by any other authority, with respect to assignment of spectrum or provision of telecommunication services, or telecommunication network or establishment of telecommunication infrastructure, in the belief or purported belief that the acts done, decisions taken, actions done, and proceedings taken, were being done, taken or passed under the Indian Telegraph Act, 1885, or the Indian Wireless Telegraphy Act, 1933, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other legal proceeding shall be maintained or continued against any person whatsoever, on the ground that any such acts, decisions, proceedings taken were not done or taken in accordance with law.</p>	Validation of certain acts and indemnity.

THE FIRST SCHEDULE

[See sections 4 (4), (5) and 57 (f)]

ASSIGNMENT OF SPECTRUM THROUGH ADMINISTRATIVE PROCESS

1. National security and defence.
2. Law enforcement and crime prevention.
3. Public broadcasting services.
4. Disaster management, safeguarding life and property.
5. Promoting scientific research, resource development, and exploration.
6. Safety and operation of roads, railways, metro, regional rail, inland waterways, airports, ports, pipelines, shipping, and other transport systems.
7. Conservation of natural resources and wildlife.
8. Meteorological department and weather forecasting.
9. Internationally recognised dedicated bands for amateur stations, navigation, telemetry, and other like usages.
10. Use by Central Government, State Governments, or their entities or other authorised entities for safety and operations of mines, ports and oil exploration and such other activities where the use of spectrum is primarily for supporting the safety and operations.
11. Public Mobile Radio Trunking Services.
12. Radio backhaul for telecommunication services.
Explanation.—The term "radio backhaul" shall mean the use of radio frequency only to interconnect telecommunication equipment, other than the customer equipment in telecommunication networks.
13. Community Radio Stations.
14. In-flight and maritime connectivity.
15. Space research and application, launch vehicle operations and ground station for satellite control.
16. Certain satellite-based services such as: Teleports, Television channels, Direct To Home, Headend In The Sky, Digital Satellite News Gathering, Very Small Aperture Terminal, Global Mobile Personal Communication by Satellites, National Long Distance, International Long Distance, Mobile Satellite Service in L and S bands.
17. Use by Central Government, State Governments or their authorised agencies for telecommunication services.
18. Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL).
19. Testing, trial, experimental, demonstration purposes for enabling implementation of new technologies, including for creation of one or more Regulatory Sandboxes.

THE SECOND SCHEDULE

[See sections 32(1) (a) and 34 (8)]

CIVIL PENALTIES FOR BREACH OF TERMS AND CONDITIONS UNDER SECTIONS 32 AND 34.

Categorisation	Civil Penalty
Severe	Up to Rs. 5 Crore
Major	Up to Rs. 1 Crore
Moderate	Up to Rs. 10 lakh
Minor	Up to Rs. 1 lakh
Non-severe	Written warning.

THE THIRD SCHEDULE

[See sections 33(1), (2), 34(1), (3), (5) and 34(8)]

CIVIL PENALTIES FOR CERTAIN CONTRAVENTIONS

Sl. No.	Contravention under the Act	Civil Penalty
1.	(a) Possessing radio equipment without an authorisation or an exemption, except for the offence under clauses (d) and (f) of sub-section (3) of section 42; (b) Use of subscriber identity modules in excess of number notified.	First Offence: Civil penalty up to fifty thousand rupees. Each subsequent offence: Civil penalty up to two lakh rupees for each such instance.
2.	Use by any person or entity of a telecommunication service or telecommunication network knowing or having reason to believe that such telecommunication service or telecommunication network does not have the required authorisation under this Act.	Civil penalty up to ten lakh rupees.
3.	Contravention of the provisions of section 28 (Measures for protection of users).	First Offence: Civil penalty up to fifty thousand rupees. Each subsequent offence: Civil penalty up to two lakh rupees for each such instance, or suspension of telecommunication service, or a combination thereof.
4.	Contravention of any provision of this Act or rules, or any terms or conditions of an assignment or authorisation in relation to any matter under this Act, for which no penalty or punishment is provided elsewhere in this Act.	First Offence: Civil penalty up to twenty-five thousand rupees. Second or subsequent offence: Further Civil penalty up to fifty thousand rupees for every day after the first during which the contravention continues.

S.K.G. RAHATE,
Secretary to the Govt. of India.

Uplinking/Downlinking Guidelines dated 09.11.2022

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

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

Dated: 9th November, 2022

ORDER

In pursuance of the Cabinet decision taken on 28th 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 9th November, 2022

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

PART I

PRELIMINARY

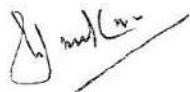
1 Short title, extent and commencement – (1) These may be called the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 (hereinafter referred to as Guidelines).

(2) It extends to the whole of India.

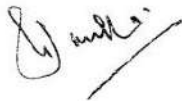
(3) It shall come into effect from 9th November, 2022.

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 31st 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.

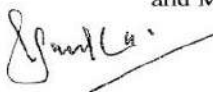
PART II

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

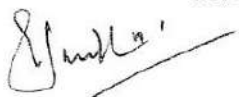
UPLINKING OF TELEVISION CHANNEL

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.



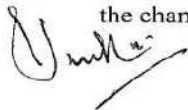
- (e) It intimates the names, address and details of a person, not being resident of India, who are proposed to be inducted in the Board of Directors of the company.
- (f) It discloses the name, address and details of any foreigner/ NRI to be employed/ engaged in the company/LLP either as a Consultant 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.

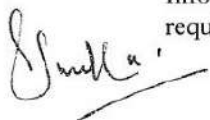
(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.

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

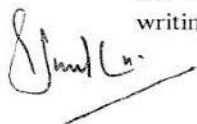


conclude contracts on behalf of the owner of the channel or habitually conclude contracts or habitually play the principal role leading to conclusion of contracts by the owner of the channel and contracts are –

- 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

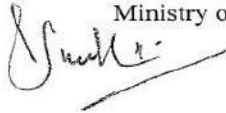


of India or to an Internet Protocol Television (IPTV) Service Provider duly permitted under their existing Telecom License or authorized by Department of Telecommunications or to a HITS operator duly permitted under the policy guidelines for HITS operators issued by the Ministry;

- (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;

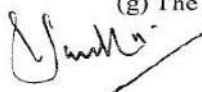


- (ii) Company/ LLP having permission of the Ministry for uplinking a news channel, for the period of such permission;
- (iii) Company/ LLP having permission by the Ministry of a news agency, for the period of such permission

(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.



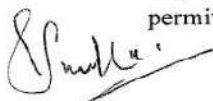
- (h) The equipment should not be taken in the areas cordoned off from security point of view.
- (i) The company/LLP/channel desiring to use DSNG/SNG would give an undertaking that it would be used for live newsgathering and footage collection for captive use only.
- (j) Violations of any of the aforementioned 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.

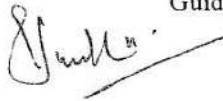
(2) Registration on Broadcast Seva under sub-para (1) will enable the company/LLP to seek approval/NOC of other concerned authorities for broadcasting the event live, and no separate permission need be granted by the Ministry.

(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.



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- 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

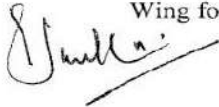
20. Name and logo of a TV Channel – (1) A company/ LLP shall display on the permitted TV channel only that name and logo which has been approved by the Ministry.

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.

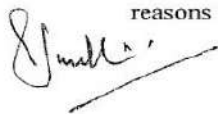
(4) In respect of change in satellite or teleport of the downlinked channel the company/LLP having permission for downlinking the channel may furnish an intimation of change on the Broadcast Seva portal.

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:

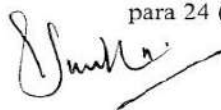
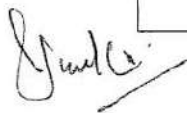


TABLE : ACTION FOR VIOLATION

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

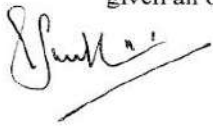


(ix)	Non-registration for telecast of a Live event by a non-news and current affairs channel	Warning and/or stoppage of live broadcast; Prohibition of broadcast upto 10 days, debarment from live broadcast for a period upto six months;
(x)	Telecast of an event Live by a non-news channel, content of which 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.

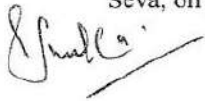
(3) Where a permitted channel or a teleport or a DSNG/SNG is found to be used for transmitting or uplinking any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security, or fails to comply with the directives referred to in this para, the permission 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.

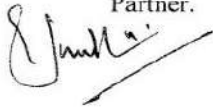
28. Appointment of a new Chief Executive Officer/Director – (1) A company/ LLP having permission under these Guidelines shall not appoint a new person as a Chief Executive Officer (by whatever name called), Director or Designated Partner, without prior approval of the Ministry.

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.

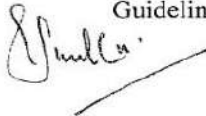
(2) Every change in the FDI pattern has to conform to the FDI Policy of the Government of India, including, wherever required, prior approval of the Central Government.

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 relatable 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.

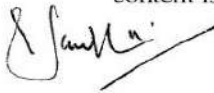
Explanation 1: "Group Company" in relation to a company means a company, which is under the same management and/or has the same promoters as the other company or over which that other company exercises significant influence or control and shall also include an associate company, subsidiary company, holding 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 5th 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

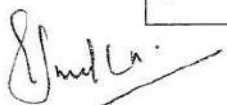
Applicant company/LLP shall pay processing fee as under:

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 :

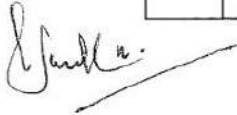
- (i) National channel : Rs 1 lakh per channel per day;
- (ii) Regional Channel : Rs 50,000 per channel per day
- (iii) Devotional channel : No fees for a devotional/spiritual/yoga content



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



Roll Out Obligations and Performance Bank Guarantee

Sl. No	Type of Permission	Roll Out Obligations
1.	Teleport	<ul style="list-style-type: none"> 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. The company/LLP shall operationalise the teleport within one year from the date of obtaining all necessary clearances from WPC and NOCC. 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.
2.	TV Channel	<ul style="list-style-type: none"> After being held eligible, the applicant company/LLP shall furnish a Performance Bank Guarantee (PBG) of ₹ 1 crore (for Non-news & 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. 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. 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.
3.	SNG/ DSNG	<ul style="list-style-type: none"> 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.



		<ul style="list-style-type: none"> • 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. • 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.
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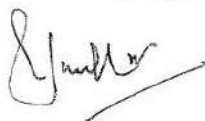
Appendix IV to Guidelines

Security Deposit

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

Sr. No.	Type of Permission	Security Deposit (in ₹)
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.



**GUIDELINES FOR OBTAINING LICENSE FOR PROVIDING
DIRECT-TO-HOME (DTH) BROADCASTING SERVICE IN
INDIA
(as amended upto 6.11.2007)**

The Union Government has decided to permit Direct-to-Home (DTH) TV service in Ku Band in India. The prohibition on the reception and distribution of television signal in Ku Band has been withdrawn by the Government vide notification No. GSR 18 (E) dated 9th January, 2001 of the Department of Telecommunications.

The salient features of eligibility criteria, basic conditions/obligations and procedure for obtaining the license to set up and operate DTH service are briefly described below. For further details, reference should be made to the Ministry of Information & Broadcasting.

Following are the eligibility criteria for applicants, conditions which will apply to DTH license and procedural details :

i) Eligibility Criteria:

- Applicant Company to be an Indian Company registered under Indian Company's Act, 1956.
- Total foreign equity holding including FDI/NRI/OCB/FII in the applicant company not to exceed 49%.
- Within the foreign equity, the FDI component not to exceed 20%.
- The quantum represented by that proportion of the paid up equity share capital to the total issued equity capital of the Indian promoter Company, held or controlled by the foreign investors through FDI/NRI/OCB investments, shall form part of the above said FDI limit of 20%.
- The applicant company must have Indian Management Control with majority representatives on the board as well as the Chief Executive of the company being a resident Indian.
- Broadcasting companies and/or cable network companies shall not be eligible to collectively own more than 20% of the total equity of applicant company at any time during the license period. Similarly, the applicant company not to have more than 20% equity share in a broadcasting and/or cable network company.
- The Licensee shall be required to submit the equity distribution of the Company in the prescribed Proforma (Table I and II of Annexure to Form-A) once within one month of start of every financial year.

ii) Number of Licensees:

1

- There will be no restrictions on the total number of DTH licenses and these will be issued to any person who fulfils the necessary terms and conditions and subject to the security and technical clearances by the appropriate authorities of the Govt.

iii) Period of license:

- License will be valid for a period of 10 years from the date of issue of wireless operational license by Wireless planning and Coordination Wing of Ministry of Communications. However, the license can be cancelled/suspended by the Licensor at any time in the interest of Union of India.

iv) Basic conditions/obligations:

- The license will be subject to terms and conditions contained in the agreement and its schedule (Form-B)

v) Procedure for application and grant of licenses:

- To apply to the Secretary, Ministry of I&B, in triplicate, in the prescribed proforma (Form-A)
- On the basis of information furnished in the application form, if the applicant is found eligible for setting up of DTH platform in India, the application will be subjected to security clearance of Board of Directors as well as key executives of the company such as CEO etc. in consultation with the Ministry of Home Affairs and for clearance of satellite use with the Department of Space.

(Amended vide order No. 8/12/2006-BP&L dated 31.7.2006)

- After these clearances are obtained, the applicant would be required to pay an initial non-refundable entry-fee of Rs.10 crores to the Ministry of Information and Broadcasting.
- After such payment of entry-fee, the applicant would be informed of intent of Min. of I & B to issue license and requested to approach WPC for SACFA clearance.
- After obtaining SACFA clearance, within one month of the same, the Licensee will have to submit a Bank guarantee (Form-C) from any Scheduled Bank to the Ministry of Information and Broadcasting for an amount of Rs.40 crores valid for the duration of the license.
- After submission of this Bank Guarantee, the applicant would be required to sign a licensing agreement with the Ministry of Information and Broadcasting as per prescribed proforma (Form-B).
- After signing of such licensing agreement with the Ministry of Information and Broadcasting, the applicant will have to apply to the

Wireless Planning & Coordination (WPC) Wing of the Ministry of Communications for seeking Wireless Operational License for establishment, maintenance and operation of DTH platform.

- The Licensee shall pay an annual fee equivalent to 10% of its gross revenue as reflected in the audited accounts of the Company for that particular financial year, in the manner detailed under Article -3 (License Fee) of the “Schedule to the License Agreement”
- The Licensee shall also, in addition, pay the license fee and royalty for the spectrum used as prescribed by Wireless Planning & Coordination Authority (WPC), under the Department of Telecommunications.

vi) Arbitration Clause:

Incase of any dispute, matter will be referred to the sole Arbitration of the Secretary, Department of Legal Affairs, Government of India or his nominee, for adjudication. The award of the Arbitrator shall be binding on the parties. The Arbitration proceedings will be governed by the law of Indian arbitration in force at the point of time. Venue of Arbitration shall be India.

FORM-A

Application form for obtaining license to set up DTH platform in Ku Band.

The Secretary
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan
New Delhi-110 001

1. i) Name of Applicant Company
- ii) Particulars of the Directors & the Chief Executive.

a) Chief Executive

Name	Date of Birth	Citizenship and Residence	Permanent Address	Present Address

b) Other Directors.

Sl.No.	Date of Birth	Citizenship & Residence	Permanent Address	Present Address

2. i) Address (Office)
 - (a) Head Office
 - (b) Regional Office
 - ii) Telephone Number (s)
 - iii) Registration details (enclose certificate of incorporation/registration)
3. Structure of Equity Capital
 - i) Authorized share capital

ii) Paid up share capital

4. Share-Holding pattern: (Enclose details as per Annexure)

i) Direct investment (as % of total paid up capital)

(a) Indian _____ %

(b) Foreign _____ %

Break-up of Foreign Direct Investment

Individual _____ %

Company _____ %

NRI _____ %

OCB _____ %

PIO _____ %

ii) Portfolio Investments

(a) Indian _____ %

(b) Foreign _____ %

Break-up of Foreign portfolio Investment

FII's

NRI's

OCB's

PIO's

5. Particulars of other business/activities.

6. Particulars of the other broadcasting companies and cable network companies holding share in the applicant company along with the quantum of share holdings

Sl.No.	Name of the company	Activity (Broadcasting or Cable Network)	%age of equity holding in the applicant company

7. Particulars of equity holding of the applicant company in other broadcasting companies and cable network companies

Sl.No.	Name of the company	Activity (Broadcasting or Cable Network)	%age of equity holding by the applicant company

8. Details of DTH Space Segment , uplink earth station and ground terminal:
 - A. Space Segment of DTH Platform
 1. Name of the satellite proposed to be used
 2. GSO Orbital location
 3. Type & number of transponders to be hired
 4. Frequency band of operation : 10.95 – 11.2 GHz / 11.45 – 11.7 GHz
(downlink)(circle appropriately): 12.2 – 12.5 GHz / 12.5 – 12.75 GHz
 5. Transponder Center frequencies:
 6. No. of TV channels in each transponder:
 7. Details of data rate, FEC, modulation, bandwidth and specific frequency range for each TV channel
 8. Satellite transmit Max. & Min. EIRP over India in dBW :
(enclose satellite transmit antenna/ eirp gain contours over India)
 - B. Details of Uplink Station
 - ☐ DTH uplink station location:
 - ☐ Uplink frequency band (circle appropriately): 13.75 – 14 GHz / 14.0 – 14.25GHz /
o 14.25 – 14.5 GHz
 - ☐ Uplink antenna size:
 - ☐ Uplink antenna gain:
 - ☐ Uplink EIRP (Max.):
(Min.):
 - C. Size of downlink (Max.)
antenna size (Min.)
Proposed no. of channels:
(Enclose Lease Agreement and footprint of the satellite on which the transponders are proposed to be hired)

I/We, _____ the applicant(s)
do hereby declare that the above facts are correct in all respects.

Place : (Signature of Applicant)

Date : Name

Office Address:

Enclosures:

ANNEXURE TO FORM - A

**FORMAT FOR SHAREHOLDING PATTERN TO BE FURNISHED
ALONG WITH APPLICATION**

TABLE-1

SHAREHOLDING PATTERN OF APPLICANT COMPANY

M/s _____ AS ON _____

FACE VALUE OF THE SHARE RS. _____

S.No.	Category of Shareholders.	Share Holding			
		Direct Investment		Portfolio Investment	
		No. of Shares	% of total paid up shares	No. of Shares	% of total paid up shares
1. 2.* 3. 4. 5. 6. 7. 8. 9.	Indian individual Indian company Foreign individual Foreign company NRI OCB FII PIO Any other				

* For Indian company, information as per proforma in Table-2 also to be supplied.

TABLE-2

DETAILS OF SHAREHOLDING PATTERN OF EACH INDIAN COMPANY HOLDING SHARE IN THE APPLICANT COMPANY AS IN SERIAL NO.2 IN COLUMN (1) OF TABLE-1

- i) Name of the company
- ii) Information as on date
- iii) No. and %age of shares held by the company in the applicant company
- iv) Face value of the share Rs. _____
- v) Shareholding pattern of the company

S.No.	Category of Shareholders.	Share Holding			
		Direct Investment		Portfolio investment	
		No. of Shares	% of total paid up shares	No. of Shares	% of total paid up shares
1.	Indian individual				
2.	Indian company				
3.	Foreign individual				
4.	Foreign company				
5.	NRI				
6.	OCB				
7.	FII				
8.	PIO				
9.	Any other				

Note: Repeat same information about each Indian company holding share in the applicant company

FORM-B

LICENSE AGREEMENT

This Agreement is made on this _____ day of _____, 2001 between the President of India acting through _____, Ministry of Information and Broadcasting, Government of India, Shastri Bhawan, New Delhi (hereinafter called the Licensor) of the One Part and M/s _____, a company registered under the Companies Act, 1956 and having its registered office at _____ (hereinafter called the Licensee which expression shall unless repugnant to the context include, its successors in business, administrators, liquidators and assignees or legal representatives) of the Other Part.

WHEREAS pursuant to the request of the Licensee, the Licensor has agreed to grant license to the Licensee under Section 4 of the Indian Telegraph Act 1885, and the Indian Wireless Telegraphy Act, 1933 on the terms and conditions appearing hereinafter to establish, maintain and operate DTH Platform and the Licensee has agreed to accept the same.

NOW THIS AGREEMENT WITNESSETH AS UNDER:

Unless otherwise mentioned in the subject or context appearing hereinafter, the Schedule annexed hereto including the terms and conditions prescribed by the Ministry of Information and Broadcasting and the terms and conditions of the Wireless Operational License to be issued by the Wireless Planning & Coordination Wing in the Ministry of Communications, Government of India shall form part and parcel of this License Agreement. Provided, however, in case of conflict or variance or an issue relating to the same, the terms set out in the main body of this Agreement read with all the Schedules annexed hereto shall prevail.

The Licensee will be subject to provisions of any legislation, which may be brought in future in regard to broadcasting.

IN WITNESSTH WHEREOF the parties hereto have caused this Agreement to be executed through their respective authorised representatives, the day, month and year as mentioned above.

Signed Executed and Delivered on behalf
of President of India
by _____

Signed Executed & Delivered on behalf
of _____ by its
holder of General Power of Attorney
dated _____ executed in accordance
with Board Resolution dated _____
by _____.

SCHEDULE TO FORM - B

TERMS AND CONDITIONS

ARTICLE-1

ELIGIBILITY CONDITIONS

- 1.1 The Licensee company shall be an Indian company, registered under the Indian Companies Act, 1956.
- 1.2 The total Foreign Investment, including FDI/NRI/OCB/FII in the paid up equity of the Licensee Company, shall not be more than 49%.
- 1.3 The FDI component of the foreign equity in the total paid up equity of the Licensee company shall not exceed 20%.
Explanation : The quantum represented by that proportion of the paid up equity share capital to the total issued equity capital of the Indian promoter Company, held or controlled by foreign investors through FDI/NRI/OCB investments, shall form part of the above said FDI limit of 20%.
- 1.4 The Licensee shall not allow Broadcasting Companies and/or Cable Network Companies to collectively hold or own more than 20% of the total paid up equity in its company at any time during the License period. The Licensee shall submit the equity distribution of the Company in the prescribed proforma (Table I and II of Form-A) once within one month of start of every financial year. The Government will also be able to call for details of equity holding of Licensee company at such times as considered necessary.
- 1.5 The Licensee company not to hold or own more than 20% equity share in a broadcasting and/or Cable Network Company. The Licensee shall submit the details of investment made by the Licensee company every year once within one month of start of that financial year. The Government will also be able to call for details of investment made by the Licensee company in the equity of other companies at such times as considered necessary.
- 1.6 The applicant company shall always have Indian management control with majority representatives on the Board, as well as the Chief Executive of the company being a resident Indian citizen.

- 1.7 Any change in the equity structure of the Licensee Company as well as amendment to shareholders agreement, wherever applicable, shall only be carried out in consultation and with prior approval of Licensor.

(Added by Order No. 8/ 3/2004-BP&L dated 1st June 2005)

ARTICLE-2

TERM OF LICENSE

- 2.1 The validity period of License shall be ten (10) years, on non-exclusive basis, and shall be reckoned from the date of issue of Wireless Operational License by the WPC, unless terminated earlier for default or for insolvency or for convenience or for transfer of the License.
- 2.2 The license shall not be transferred without prior approval of the Licensor.

ARTICLE 3

LICENSE FEE

- 3.1 The Licensee shall pay an initial non-refundable entry fee of Rs.10 crores before the issue of letter of intent to him by Licensor, and, after the issue of the Wireless Operational License by the Wireless Planning and Coordination (WPC) Wing of the Ministry of Communications, an annual fee equivalent to 10% of its gross revenue in that particular financial year in the manner detailed hereunder.
- 3.1.1 Gross Revenue for this purpose would be the gross inflow of cash, receivable or other consideration arising in the course of ordinary activities of the Direct to Home [DTH] enterprise from rendering of services and from the use by others of the enterprise resources yielding rent, interest, dividend, royalties, commissions etc. Gross revenue shall, therefore, be calculated, without deduction of taxes and agency commission, on the basis of billing rates, net of discounts to advertisers. Barter advertising contracts shall also be included in the gross revenues on the basis of relevant billing rates. In the case of licensee providing or receiving goods and service from other companies that are owned or controlled by the owners of the licensee, all such transactions shall be valued at normal commercial rates and included in the profit and loss accounts of the licensee to calculate its gross revenue.

- 3.1.2 Every licensee shall maintain separate financial accounts for the channel, which shall be audited by the Statutory Auditors. At the end of each financial year, the company shall provide the statement of gross revenue forming part of the final accounts of the licensee as per the format in Form D, duly certified by the Statutory Auditors. It may be noted that the income heads specified in Form D are only indicative and illustrative and the Auditor would include all the relevant heads qualifying for gross revenue whether or not specifically included in the said format. In addition, the income from the Related Parties shall have to tally with the Related Parties schedule as per Accounting Standards no. 18. Besides, the company shall disclose the following information at the end of each financial year, duly certified by the Statutory Auditor.

Total trade and other discounts.

Total agency commission.

Total Related party transaction.

- 3.1.3 So as to verify that the Gross Revenue is correctly disclosed to it, the Government of India shall have the right to get the accounts of any licensee audited by CAG or any other professional auditors at its discretion. In case of difference between the Gross Revenue determined by the Statutory Auditors and the Government appointed auditors, the views of the government appointed auditor, subject to opportunity of hearing to the licensee shall prevail and the expenses on such audit shall be borne by the licensee.

(Clauses 3.1.1 to 3.1.3 Added by Order No. 8/ 12/2006-BP&L dated 31st July 2006)

- 3.1A.1 The First payment of Annual license fee for the financial year (FY) shall be made on the basis of provisional accounts for the FY certified by the Statutory Auditors, within one month of the end of that FY.

- 3.1A.2 Annual License fee for the FY shall be finally determined on the basis of final annual accounts of the FY audited by the Statutory Auditors, which shall not be later than 30th September of the following FY. If the amount so determined is found to be higher than the amount already deposited as per clause 3.1A.1, the difference amount along with simple interest @ 1% per month on the difference for the period of delay calculated from 1st of May of the following FY upto and including the date of such payment shall be paid in one lumpsum within a period of 15 days from the date of finalization of

audited accounts, or 15th October of the following FY whichever is earlier.

3.1A.3 Where the total annual fee deposited as per clause 3.1A.1 is more than the amount determined on the basis of audited accounts of the FY, the difference may at the request of the licensee be adjustable against the annual licence fee due for the following FY.

3.1A.4 In case any amount is to be deposited by the licensee as per provisions of clause 3.1.3 it shall be deposited within 15 days of such determination along with simple interest at the rate of 1% per month for the period from 1st May following the FY for which such determination has been made, upto and including the date of payment.

(Clauses 3.1A.1 to 3.1A.4 Added by Order No. 8/ 12/2006-BP&L dated 6th November, 2007)

3.2 The Licensee shall also in addition pay the license fee and royalty for the spectrum used as prescribed by Wireless Planning & Coordination Authority (WPC), under the Department of Telecommunications.

ARTICLE-4

BANK GUARANTEE

- 4.1 The Licensee shall, within one month of issual of SACFA clearance by W.P.C., submit to the Ministry of I & B, a Bank Guarantee from any Scheduled Bank in Form-C for an amount of Rs.40 crores valid for the duration of the license.
- 4.2 The Licensor shall be at liberty to encash the Bank Guarantee in full or part in the event of non-payment of the license fee or violation of any of the license condition.

ARTICLE-5

COMPLIANCE WITH PROGRAMME AND ADVERTISING

CODES

- 5.1 The Licensee shall ensure adherence to the Programme Code (PC) and Advertisement Code (AC), laid down by the Ministry of Information & Broadcasting from time to time.
- 5.2 The Licensee shall invariably ensure that the subscribers of the service do not have access to any pornographic channel or to secret/ anti-national messaging and the like. If the Licensee fails to do so , the License shall stand cancelled.
- (Added by Order No. 8/ 3/2004-BP&L dated 1st June 2005)**

ARTICLE-6

PROHIBITION OF CERTAIN ACTIVITIES

- 6.1 The Licensee shall not carry any channels prohibited by the Ministry of Information & Broadcasting.
- 6.2 The Licensee shall ensure that its facilities are not used for transmitting any objectionable or obscene content, messages or communication inconsistent with the laws of India. The use of the facility or service for anti national activities would be construed as an offence punishable under the Indian Penal Code and applicable laws and will attract immediate termination of License.
- 6.3 The Licensor reserves the right to prohibit the transmission or reception of programmes in the interest of national security or in the event of emergency/war or similar type of situation. Notwithstanding any agreement between the Licensee and the content providers, the Licensee shall stop forthwith, transmission of TV channels or any content, as and when directed to do so by the Licensor or any other designated lawful authority.
- 6.4 Except with prior approval of Licensor, the Licensee shall not either directly or indirectly assign or transfer its right in any manner whatsoever under this Agreement to any other party or enter into any Agreement for sub-license and/ or partnership relating to any subject matter of the License to any third party either in whole or in part. Any violation of the terms shall be construed as breach of the License Agreement and License of the Licensee shall be terminated immediately.
- 6.5 The Licensee shall not carry the signals of a broadcaster against whom any regulatory body, tribunal or court have found the following
- (i) refused access on a non-discriminatory basis to another DTH operator contrary to the Regulations of TRAI
 - (ii) violated the provisions of any law relating to competition including the Competition Act.

(Added by Order No. 8/ 3/2004-BP&L dated 1st June 2005)

- 6.6 The Licensee shall not enter into any exclusive contract for distribution of TV Channels.

[Explanation: It shall be the sole responsibility of the licensee to ascertain before carrying its signals on its platform whether any broadcaster(s) has been found to be in violation of the above conditions or not . In respect of TV Channels already being carried on the platform, the licensee shall ascertain from every source including the licensor, TRAI, Tribunal or a court, whether concerned broadcasters or the channels is in violation of the above conditions. If any violation so comes to its notice, the licensee shall forthwith discontinue to carry the channels of the said broadcaster]

(Added by Order No. 8/ 3/2004-BP&L dated 1st June 2005)

- 6.7 No licensee shall carry or include in his DTH Service any television broadcast or channel which has not been registered by the Central Government for being viewed within the territory of India.

Provided that the licensee may continue to carry or include in his DTH Service any television broadcast or channel, which has made an application for registration to the Central Government on or before the date of issue of this Order, for a period of six months from the date of such Order or till such registration has been granted or refused, whichever is earlier.

Provided further that TV Channels uplinking from India, in accordance with permission for uplinking granted before 2nd December 2005, shall be treated as “registered” Television channels and can be carried or included in the DTH Service.

(Added by Order No. 8/ 3/2004-BP&L dated 11th May 2006)

ARTICLE-7

TECHNICAL STANDARDS AND OTHER OBLIGATIONS

- 7.1 The Open Architecture (non-proprietary) Set Top Box, which will ensure technical compatibility and effective interoperability among different DTH service providers, shall have such specifications as laid down by the Government from time to time.

- 7.2 The Licensee shall ensure subscriber's interests through a Conditional Access System (CAS), which is compatible with an open Architecture (non-proprietary) Set Top Box.
- 7.3 The Licensee shall ensure subscriber's interests through a Subscriber Management System (SMS) for an efficient, responsive and accurate billing and collection system.
- 7.4 The Licensee shall not use any equipment, which is identified as unlawful.
- 7.5 All content provided by the DTH platform to the subscribers, irrespective of its source, shall pass through the encryption and conditional access system, located within the Earth Station, situated on Indian soil.
- 7.6 The Licensee shall provide access to various content providers/channels on a non-discriminatory basis.
- 7.7 The Licensee shall adhere to any guidelines/regulations which may be laid down by the Licensor in the interest of consumer such as pricing of bouquet(s) or tier(s) of channels, etc.
- 7.8 The Licensee shall carry or include in his DTH service the TV channels which have been notified for mandatory and compulsory carriage as per provisions of section 8 of the Cable Television Networks (Regulation) Act, 1995 as amended, except for the regional TV channels, failing which the licensor shall be at liberty to take action as per clause 20.1 of this agreement
- Provided further that the licensee shall carry other channels of Prasar Bharati not covered under this clause, on most favourable financial terms offered to any other channel.

(Amended vide Order No. 8/12/2006-BP&L dated the 10th September, 2007.)

ARTICLE-8

MONITORING AND INSPECTION

- 8.1 The Licensee shall provide the necessary facility for continuous monitoring of the DTH broadcasting service at its own cost and maintain the recordings of programmes and advertisements carried on the platform for a period of 90 days from the date of broadcast and

produce the same to the Licensor or its authorised representative, as and when required.

- 8.2 The Licensee shall furnish any such information at periodic intervals as may be required by the Licensor concerning Channels or content being transmitted or provided under the service, technical parameters etc. in the format as may be prescribed by the Licensor from time to time.
- 8.3 Licensee shall provide access to the Licensing Authority or its duly authorised representative, to all its facilities including equipments, records, systems, etc.
- 8.4 The Licensee will, if required by the Licensor or its authorised representative, provide necessary facilities for continuous monitoring for any particular aspect of the Licensee's activities and operations.
- 8.5 The Licensor will ordinarily carry out the inspection after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.

ARTICLE-9

NATIONAL SECURITY AND OTHER CONDITIONS

- 9.1 The Licensor reserves the right to take over the entire services and networks of the Licensee or revoke / cancel / suspend the License in the interest of national security or in the event of an emergency / war or low intensity conflict or similar type of situations. Further, the Licensor reserves the right to direct the Licensee to close down the service if implications of security so requires. Any specific order or direction from the Government issued in this regard shall be strictly complied with by the Licensee.
- 9.2 The Licensee shall not use any equipment, which are identified as unlawful and/or render network security vulnerable.
- 9.3 All foreign personnel likely to be deployed by way of appointment, contract, consultancy, etc. by the Licensee for installation, maintenance and operation of the Licensee's services shall be required to obtain security clearance from the Government of India prior to their deployment.

ARTICLE-10

VALUE ADDED SERVICES

- 10.1 The DTH facility shall not be used for other modes of communication, including voice, fax, data, communication, Internet, etc. unless specific license for these value-added services has been obtained from the competent authority.

ARTICLE -11

PREFERENCE TO INDIAN SATELLITES AND INTERSYSTEM CO-ORDINATION

- 11.1 Though Licensee can use the bandwidth capacity for DTH service on both Indian as well as foreign satellites, proposals envisaging use of Indian satellites will be extended preferential treatment.
- 11.2 The Licensee shall ensure that its operation will conform to the provisions of inter-system co-ordination agreement between INSAT and the satellite being used by the Licensee.

ARTICLE 12

WPC WING'S LICENSE

- 12.1 A separate specific operational license shall be required from the WPC Wing of Ministry of Communications for establishment, maintenance & operation of the DTH platform/facility under usual terms and conditions of that license. Grant of WPC operational license will be governed by normal rules, procedures and guidelines and will be subject to completion of all formalities. As may be prescribed by the WPC Wing, the Ministry of Communication for this purpose, an application shall be made to the "Wireless Advisor to the Government of India, WPC Wing, Ministry of Communications, Dak Bhavan, Parliament Street, New Delhi-110001" in a prescribed application form available from WPC Wing within one month from the date of signing of this agreement.
- 12.2 The Licensee shall obtain clearances/approvals, as may be prescribed or required, from the Wireless Planning Coordination Wing or from the Department of Space.

- 12.3 The Wireless Planning & Coordination (WPC) Wing of the Department of Telecommunication, Ministry of Communication shall issue SACFA clearance to the Licensee as soon as possible after receiving the application the same and shall grant the final Wireless Operational License, after signing of this agreement, subject to fulfilment of the necessary terms and conditions including installation of equipment etc. as may be required by WPC.
- 12.4 The Wireless and Planning Coordination Wing shall have the right to inspect, from time to time, the installation with a view to ensuring conformity with the WPC's license
- 12.5 The Licensee shall not cause harmful interference to other authorised users of radio spectrum. WPC Wing will have the sole discretion to take practicable and necessary steps for elimination of harmful interference, if any, to other licensed users.
- 12.6 The Licensee shall furnish to the WPC Wing the full technical and operational details of TV channels and other channels proposed to be uplinked through his/her Hub/Teleport in the prescribed format.

ARTICLE-13

COMMISSIONING OF DTH PLATFORM

- 13.1 The Licensee shall establish and complete the installation of the uplink earth station in India including the monitoring facility etc. and commission the DTH Platform within twelve months from the date of issue of the SACFA clearance by the WPC after obtaining wireless operational license and would submit a report to the Licensor in this regard.

ARTICLE-14

REQUIREMENT TO FURNISH INFORMATION TO THE LICENSOR

- 14.1 The Licensee shall furnish to the Licensor, such information at periodic intervals or at such times as the Licensor may require, including, but, not limited to, documents, reports, accounts, estimates, returns or other information such as change in Chief Executive, Board of Directors, equity holding pattern etc.

ARTICLE-15

TERMINATION OF LICENSE

- 15.1 Notwithstanding any other recourse under the terms and conditions of the license or any other law, the Licensor shall have the power, after recording the reasons in writing, to revoke/suspend the license in the event of breach of any terms and conditions of the license. However, before taking such action the licensing authority will give the Licensee an opportunity of being heard. The decision of the licensing authority shall be final.
- 15.2 The Licensor may, at any time, terminate the License without compensation to the Licensee in case Licensee becomes bankrupt or otherwise insolvent or applies for being adjudicated as insolvent/bankrupt, provided such termination shall not prejudice or affect any right of action which has accrued or will accrue thereafter to the Licensor.

ARTICLE-16

FORCE MAJEURE

- 16.1 If at any time, during the continuance of this License, the performance of any obligation either in whole or in part by any party is prevented or delayed, by reason of war, hostility, acts of enemy, civil commotion, sabotage, fire, flood, act of state or centre, explosion, epidemic, quarantine restriction, strikes materially affecting the performance of any obligations of affected party, or act of God (all or any of these hereinafter referred to as Force Majeure Event), neither party shall, by reason of such Force Majeure Event be entitled to terminate this License, nor shall either party have any claim for damages against the other, in respect of such non-performance or delay in performance provided notice of happenings of any such Force Majeure Event is given by either party to the other, within 21 days from the date of occurrence thereof.

ARTICLE-17

DISPUTES WITH OTHER PARTIES

- 17.1 In the event of any dispute of the Licensee with any party other than Licensor due to any reason whatsoever, the dispute will be sorted out among themselves and Licensor will have no liability in any manner. The Licensee undertakes to indemnify Licensor in respect of any

action against Licensor for acts of commission or omission on the part of the Licensee , its agents and servants.

ARTICLE-18

DISPUTE RESOLUTION AND JURISDICTION

- 18.1 In the event of any question, dispute or difference arising under this License, or in connection thereof, except as to the matter, the decision of which is specifically provided under this License, the same shall be referred to the sole arbitration of the Secretary, Department of Legal Affairs, Government of India or his nominee.
- 18.2 There will be no objection to any such appointment on the ground that the Arbitrator is a Government servant. The award of the arbitrator shall be final and binding on the parties. In the event of such Arbitrator, to whom the matter is originally referred to, being transferred or vacating his office, or being unable to act for any reason whatsoever, Secretary, Department of Legal Affairs shall appoint another person to act as Arbitrator.
- 18.3 The Arbitration and Conciliation Act, 1996, the rules made thereunder and any modification thereof, for the time being in force, shall be deemed to apply to the arbitration proceedings as above. The venue of arbitration shall be New Delhi or such other place as the Arbitrator may decide. The arbitration proceedings shall be conducted in English language.
- 18.4 Upon any and every reference as aforesaid, the assessment of costs, interest and incidental expenses in the proceedings for the award shall be at the discretion of the Arbitrator.
- 18.5 The Courts at New Delhi shall have the jurisdiction over all disputes.

ARTICLE - 19

CONFIDENTIALITY

- 19.1 The Licensee shall keep all the secret and security related information exchanged between the Licensor and itself as confidential and shall not disclose such information to any third party or to the media.

ARTICLE-20

PENALTY

- 20.1 For violation of license conditions, in addition to any other action which may include revocation of license, a penalty upto Rs.50 crores can be imposed by the Licensor on the Licensee. However, before taking such action the licensing authority will give the Licensee an opportunity of being heard. The decision of the licensing authority shall be final.

ARTICLE-21

MISCELLANEOUS

- 21.1 Notwithstanding any clause anywhere else in the License, the License will be subject to the condition that as and when any regulatory authority to regulate and monitor the Broadcast Services in the country is constituted, the Licensee's will have to adhere to the norms, rules and regulations prescribed by such authority.
- 21.2 This license is subject to requirements and provisions of any law which may be enacted in future for regulating and guiding broadcasting in India.
- 21.3 The Licensee shall obtain the necessary environmental clearances, wherever required. The Licensee shall also comply with Copyright Act, the Electricity Act, Factories Act and other relevant laws of the land. In case of non-compliance of any of the aforesaid requirement, the Licensor shall have the right to revoke the License of the Licensee.

PROFORMA FOR BANK GUARANTEE
(FORM –C)

Bank Guarantee for Direct-to-Home (DTH) Broadcasting Service
at _____

To:
The President of India
Acting through _____
Shastri Bhavan
New Delhi - 110 001

In consideration of the President of India acting through _____
_____ (the Licenser) having agreed to grant a
License to _____ *[Name and address of
Licensee] (hereinafter called "the Licensee ") to establish, maintain
and operate DTH Broadcasting Service at _____
on the terms and conditions of the License agreement to be executed
between the Licenser and the Licensee. _____, (here in
after called the "License Agreement") wherein it has been stipulated
that the Licensee shall furnish to the Licenser with a Bank Guarantee
from a scheduled Bank for the sum specified therein as security for the
due observance and performance of the terms and conditions of the
said License.

WHEREAS we _____ Bank, (indicate the name, address
and other particulars of the Bank) which expression shall, unless
repugnant to the context or meaning thereof, include all its successors,
administrators and executors, a body corporate constituted under the
Banking Companies (Acquisition & Transfer of Undertaking) Act,
1970 (hereinafter referred to as 'the Bank') having its Head Office at
_____ and a branch office amongst other places at
_____ hereby irrevocably and unconditionally
guarantee to the Licenser that the Licensee which expression shall,
unless repugnant to the context or meaning thereof, include all its
successors, administrators, executors and assignees shall render all the

necessary services in accordance with the terms and conditions of the License and which may be required for and in connection with the said License and performance thereof to the satisfaction of the Licensor.

NOW THEREFORE we hereby affirm that we are the Guarantor and responsible to you, on behalf of the Licensee up to a total **Rs. 40 crore (Rupees Forty crores only) (Amount of Guarantee)** payable, and we undertake to pay you immediately, upon your first written demand and without cavil, demur, argument, reservations, recourse, contest or protest any sum or sums within the limits of **Rs. 40 crore (Rupees Forty crores only) (Amount of Guarantee)** as aforesaid without your needing to prove or to show grounds or reasons for your demand for the sum specified therein and /or without any reference to the licensee. Further, any such demand made by the Licensor on the bank shall be conclusive and binding notwithstanding any difference between the Licensor and the licensee or any dispute pending before any court arbitrator or any other matter whatsoever. This guarantee shall not be determined/discharged/affected by the liquidation, winding up, dissolution or insolvency of the licensee and will remain valid, binding and operative against the Bank”.

We, the Bank, do hereby agree that the decision of the of the Licensor as to whether the Licensee has failed to or neglected to perform or discharge his duties and obligations as aforesaid and/or whether the service is free from deficiencies and defects and is in accordance with or not of the terms and conditions of the said License and as to the amount payable to the Licensor by the Bank hereunder, shall be final and binding on the Bank.

We hereby waive the necessity of your demanding the said debt from the Licensee before presenting us with the demand and guarantee that we are the primary obligee and not just the surety of the Licensee and Licensor shall be entitled to enforce this guarantee against the Bank as a principal debtor, in the first instance, without proceeding against the licensee.

We further agree that no change or addition to or other modification of the terms of the License or of the works to be performed thereunder or of any of the License documents shall in any way release us from any liability under this guarantee, and we hereby waive notice of any such change, addition or modification. Etc.

We _____ Bank, do hereby declare and agree that:

- (a) The Guarantee herein contained shall remain in full force and effect till the expiry of the license period of Ten years. It shall also continue to be enforceable till all the dues of the Licensor under and by virtue of the said License have been fully paid and its claims satisfied or discharge or till Licensor informs that all the terms and conditions of the said License have been fully and properly carried out by the said Licensee and accordingly discharged this guarantee.
- (b) The Licensor shall have the fullest liberty without our consent and without discharging in any manner our obligations hereunder to vary any of the terms and conditions of the said License or to extend time of performance of any obligations by the said Licensee from time to time or to postpone for any time or from time to time any of the powers exercisable by the Licensor against the said Licensee and to forbear or to enforce any of the terms and conditions relating to the said License and we shall not be relieved from our liability by reason of any variation or extension being granted to the said Licensee or forbearance act or omission on the part of the Licensor or any indulgence by the Licensor to the said Licensee or to give such matter or thing whatsoever which under the law relating to sureties would but for this provision, have effect of so relieving us.
- (c) Any claim which we have against the Licensee shall be subject and subordinate to the prior payment and performance in full of all the obligations of us hereunder and we will not without prior written consent of the Licensor exercise any legal right or remedy of any kind in respect of any such payment or performance so long as the obligations of us hereunder remains owing and outstanding.
- (d) This guarantee shall be irrevocable and the obligations of us herein shall not be conditional of any prior notice by us or by the Licensee. We further agree that this guarantee shall not be affected by any change in our constitution, the constitution of the licensee or that of the Licensor.
- (e) The Bank will not revoke the guarantee during the currency except with the previous consent of the Licensor.

The bank under its constitution power gives this guarantee and Sh. _____, who has signed on behalf of the bank is duly authorised to execute this guarantee.

This guarantee shall not be discharged or affected due to any change in the name, constitution or address of the bank or the Licensee.

This guarantee shall be valid for a period of ten years from this date and until 28 days after the date of issue of the Defect Liability Certificate by the _____.

SIGNATURE AND SEAL OF THE GUARANTOR

NAME OF
BANK _____

ADDRESS _____

DATE _____

In the presence of:

1. _____

(Name and Occupation)

2. _____

(Name and Occupation)

The Licensee shall also provide these details as per annexed Table I & II, every year within one month of start of that financial year

± The Licensor shall also provide these details every year within one month of start of that financial year

New Delhi, dated the 1st June, 2005.

FORM –D

STATEMENT OF GROSS REVENUE FORMING PART OF THE FINAL ACCOUNTS OF M/S. -----.

SL. N.	Income Heads	Tariff rate/ rate card	Discounts trade	Others	Agency commis- sion	Taxes	Net as per P & L a/c
[Amount Rupees in lacs]							
1.	Advertisement						
2.	Promotional events						
2.1.	Musical/Star Events						
2.2.	Sponsored programmes						
3.	Marketing Rights						
4.	Commission						
5.	Royalties						
6.	Sale of antenna, set top boxes etc.						
7.	Rent –Premises						
8.	Rent-Equipment						
9.	Interest/Dividend						
10.	Related Party Transactions						
10.1	Goods sold						
10.2	Services tendered						
10.3	Production						
10.4	Marketing						
10.5	Others						

Note: 1. The income heads are only indicative and illustrative and the Auditor would include all the relevant Heads of the licensee.

2.The income from the Related Parties shall tally with the Related Parties as per accounting standards no. 18.

No. 8/7/2020-BP&L
Government of India
Ministry of Information & Broadcasting

Shastri Bhawan, New Delhi
Dated, the 30th December, 2020

ORDER

Subject: Guidelines for obtaining License for Providing Direct-To-Home (DTH) Broadcasting Services in India – regarding.


The Government of India had notified the Guidelines for obtaining License for providing Direct-To-Home (DTH) Broadcasting Services in India vide order No.8/1/99-PBC.(Vol.II) dated 15.03.2001 and certain amendments therein have been notified vide Order No.8/3/2004-BP&L dated 01.06.2005, Order No.8/3/2004-BP&L dated 11.05.2006, Order No.8/12/2006-BP&L dated 31.07.2006, Order No.8/12/2006-BP&L dated 29.05.2007, Order No.8/12/2006-BP&L dated 10.09.2007 and Order No.8/12/2006-BP&L dated 06.11.2007.

2. The Government of India has decided to further amend the DTH Guidelines which shall come into effect immediately. Accordingly, the amendments to the guidelines are notified herewith. The consolidated operational guidelines along with the amendments will be issued in due course. These shall be applicable to all licenses issued hereinafter.

3. The existing licensees are required to apply afresh to get License for providing DTH Services in India.

4. The issue of fresh license to the existing Licensees will be subject to their clearing all dues and fulfilling all obligations under the terms and conditions of existing license as well as those arising out of legal cases pending before various Courts of Law.

Encl: As above.


(Neeraj Sekhar)
Additional Secretary to the Government of India
Tele:011-23387558

.....2/-

Copy to:-

1. Cabinet Secretary, Cabinet Secretariat.
2. Secretary, Ministry of Home Affairs.
3. Secretary, Department of Telecommunications.
4. Secretary, Department of Expenditure.
5. Secretary, Department of Economic Affairs.
6. Secretary, Department of Revenue.
7. Secretary, Department of Space.
8. Secretary, Department of Commerce.
9. Secretary, Department of Promotion of Industry and Industrial Trade (DPIIT).
10. Secretary, Ministry of Corporate Affairs.
11. Secretary, Ministry of Electronics and Information Technology (MeitY)
12. Secretary, Department of Legal Affairs.
13. Secretary, Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College), Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110 002.
14. CEO, Prasar Bharati.
15. Wireless Advisor, Wireless Planning Coordination, Department of Telecommunication, Ministry of Communication, 20 Ashoka Road, New Delhi.
16. Dy. Director General, Network Operational & Control Centre, Department of Telecommunication, Room No.212-214, Eastern Court, Janpath, New Delhi.
17. All DTH Operators.

Copy for information to:

1. PS to HMIB
2. Sr. PPS to Secretary (I & B)
3. Sr. PPS to SS & FA, M/o I & B
4. Sr. PPS to AS (I & B)
5. PPS to JS(P&A), M/o I & B
6. PPS to JS(Films), M/o I & B
7. PS to Economic Advisor, M/o I & B


(Neeraj Sekhar)

Additional Secretary to the Government of India
Tele:011-23387558

MINISTRY OF INFORMATION & BROADCASTING
AMENDMENTS TO GUIDELINES FOR OBTAINING LICENSE FOR PROVIDING DIRECT
TO HOME SERVICES IN INDIA

(Enclosed with Order No.8/7/2020-BP&L dated 30.12.2020)

1. Eligibility Criteria:

- 1.1 Applicant Company shall be an Indian Company, registered under the Indian Companies Act, 1956 or 2013.
- 1.2 The FDI policy of Government of India shall be followed as notified from time to time.

2. Period of License:

License will be valid for a period of 20 years from the date of issue of wireless operational license by Wireless Planning and Coordination Wing of Ministry of Communications. License may be renewed by 10 years at a time. However, the license can be cancelled/suspended by the Licensor at any time in the interest of Union of India.

3. Vertically Integrated Entity: Reserving of Operational Channel Capacity:

A vertically integrated entity will not reserve more than 15% of the operational channel capacity for its vertically integrated operator. The rest of the capacity is to be offered to the other broadcasters on a non-discriminatory basis.

4. Entry Fee :

No entry fee will be charged from the DTH Operators holding license on the date of notification of these guidelines.

-1-

5. Bank Guarantee :

The Licensee will have to submit a Bank Guarantee from any Scheduled Bank to the Ministry of Information and Broadcasting for an amount of Rs.5 crores for the first two quarters, and, thereafter, for an amount equivalent to estimated sum payable, equivalent to License fee for two quarters and other dues not otherwise securitised. For existing DTH Operators, Bank Guarantee from any Scheduled Bank for an amount equivalent to the estimated sum payable, equivalent to License Fee for two quarters and other dues not otherwise securitized. Further, the Bank Guarantee shall be valid for a year which should be renewed on year-on-year basis in such a manner that the Bank Guarantee remains valid during the entire license period.

6. License Fee:

- 6.1 The Licensee shall pay an annual fee equivalent to 8% of its Adjusted Gross Revenue, calculated by excluding GST from Gross Revenue (GR) as reflected in the audited accounts of the Company for that particular financial year.
- 6.2 The minimum annual license fee shall be subject to 10% of the Entry Fee.
- 6.3 The license fee is to be paid on a quarterly basis, the quantum thereof to be equal to the actual License Fee payable for the preceding quarter. The annual settlement of the License Fee shall be done at the end of the financial year.
- 6.4 The licensor will have the right to modify the license fee as a fixed percentage of AGR during the validity of license period.

7. Platform Service:


- 7.1. The DTH operator would be permitted to operate Platform Services (PS) channels i.e. DTH operators' own channels exclusively available to its subscribers, to a maximum of 5% of its total channel carrying capacity.
- 7.2 A one-time non-refundable registration fee of ₹ 10,000 per PS channel shall be charged from the DTH operator.

8. Sharing of Infrastructure:

- 8.1 DTH operators willing to share DTH platform and transport stream of TV channels, on voluntary basis would be allowed to do so, wherever technically feasible.
- 8.2 The common hardware for their Subscriber Management System (SMS) and Conditional Access System (CAS) applications can also be voluntarily shared.

9. Set Top Box

Set Top Boxes offered by a DTH Service Provider shall have such specifications as laid down by the Bureau of Indian Standards (BIS) from time to time.


(Neerja Sekhar)
Additional Secretary to the Government of India
Tele:011-23387558

No. 8/7/2020-BP&L
Government of India
Ministry of Information & Broadcasting

Shastri Bhawan, New Delhi
Dated, the 16th September, 2022

ORDER

Subject: Operational Guidelines for Direct-To-Home (DTH) Broadcasting Services in India – regarding.

The Government of India had notified the Guidelines for obtaining License for providing Direct-To-Home (DTH) Broadcasting Services in India vide order No.8/1/99-PBC.(Vol.II) dated 15.03.2001 and certain amendments therein have been notified vide Order No.8/3/2004-BP&L dated 01.06.2005, Order No.8/3/2004-BP&L dated 11.05.2006, Order No.8/12/2006-BP&L dated 31.07.2006, Order No.8/12/2006-BP&L dated 29.05.2007, Order No.8/12/2006-BP&L dated 10.09.2007, Order No.8/12/2006-BP&L dated 06.11.2007 and Order No. 8/7/2020-BP&L dated 30.12.2020.

2. It has been decided to issue operational guidelines in respect of License fee, Platform Service Channels and Sharing of Infrastructure by DTH operators. These provisions along with those contained in the said amendment vide Order No. 8/7/2020-BP&L dated 30.12.2020 will supersede the guidelines issued on 15.03.2001 and amended upto 06.11.2007 to the extent these change the relevant provisions of those guidelines and additions proposed hereinafter shall be read accordingly.

Encl: As above.


(Sanjiv Shankar)
Joint Secretary to the Government of India
Tele: 011-23384453

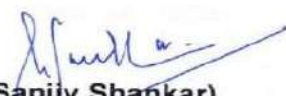
.....2/-

Copy to:-

1. Cabinet Secretary, Cabinet Secretariat.
2. Secretary, Ministry of Home Affairs.
3. Secretary, Department of Telecommunications.
4. Secretary, Department of Expenditure.
5. Secretary, Department of Economic Affairs.
6. Secretary, Department of Revenue.
7. Secretary, Department of Space.
8. Secretary, Department of Commerce.
9. Secretary, Department of Promotion of Industry and Industrial Trade (DPIIT).
10. Secretary, Ministry of Corporate Affairs.
11. Secretary, Ministry of Electronics and Information Technology (MeitY)
12. Secretary, Department of Legal Affairs.
13. Secretary, Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College), Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110 002.
14. CEO, Prasar Bharati.
15. Wireless Advisor, Wireless Planning Coordination, Department of Telecommunication, Ministry of Communication, 20 Ashoka Road, New Delhi.
16. Dy. Director General, Network Operational & Control Centre, Department of Telecommunication, Room No.212-214, Eastern Court, Janpath, New Delhi.
17. All DTH Operators.

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2. PPS to Secretary (I&B)
3. Sr. PPS to AS & FA, M/o I & B
4. Sr. PPS to AS (I&B)
5. PPS to JS(P&A), M/o I & B
6. PPS to JS(B-II), M/o I & B
7. PPS to JS(Films), M/o I & B
8. PS to Sr. Economic Advisor, M/o I & B


(Sanjiv Shankar)

Joint Secretary to the Government of India
Tele: 011-23384453

MINISTRY OF INFORMATION & BROADCASTING
OPERATIONAL GUIDELINES IN RESPECT OF LICENSE FEE, PLATFORM
SERVICE CHANNELS AND SHARING OF INFRASTRUCTURE BY DIRECT TO
HOME SERVICE PROVIDERS IN INDIA

(Enclosed with Order No.8/7/2020-BP&L dated 16th September, 2022)

1. PAYMENT OF LICENSE FEE

- (i) The Licensee shall pay an annual fee equivalent to 8% of its Adjusted Gross Revenue, calculated by excluding GST from Gross Revenue (GR) as reflected in the audited accounts of the Company for that particular financial year.
- (ii) The minimum annual license fee shall be subject to 10% of the Entry Fee.
- (iii) The license fee is to be paid on a quarterly basis, the quantum thereof to be equal to the actual License Fee payable for the preceding quarter. The first payment of license fee for the previous quarter shall be made on the basis of provisional account for the quarter within one month of the end of a particular quarter. The annual settlement of the License Fee shall be done at the end of the financial year.
- (iv) The payment of license fee for the 4th quarter shall be made after adjustments and settlements of accounts for the whole year and on the basis of the finalised audited statement of the entity and latest by 30th September succeeding the financial year.
- (v) The licensor will have the right to modify the license fee as a fixed percentage of AGR during the validity of license period.

2. PLATFORM SERVICE CHANNELS

- (i) The Platform Services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India.

Page 1 of 5

[Handwritten Signature]
16/09/22

- (ii) The programme transmitted by the DTH operator as a platform service shall be exclusive and the same shall not be permitted to be shared directly or indirectly with any other Distribution Platform Operator (DPO).
- (iii) In case the same programme is found available on the PS of any other DPO, MIB may issue direction to immediately stop the transmission of such programme. MIB also reserves the right for cancellation of registration of such PS of the DTH operator.
- (iv) Total number of permitted PS for a DTH operator shall be capped to 5% of the total channel carrying capacity of the DTH operator platform.
- (v) A one-time non-refundable registration fee of ₹10,000 per PS channel shall be charged from a DTH operator.
- (vi) The DTH operators shall provide an option of activation/deactivation of platform services as prescribed in the orders/directions/regulations issued by TRAI from time-to-time.
- (vii) The platform services channels shall be categorised under the genre 'Platform Services' in the Electronic Programmable Guide (EPG) subject to orders/directions/regulations issued by TRAI from time-to-time.
- (viii) The respective maximum retail price (MRP) of the platform service shall be displayed in the EPG against each platform service subject to orders/directions/regulations issued by TRAI from time-to-time.
- (ix) A provision for putting a caption as 'Platform Services' shall be required to distinguish the platform services from the linear channels.
- (x) A DTH operator, who wants to operate Platform Service Channel, is required to furnish an application for the same in the prescribed proforma as per 'FORM-E'.

3. SHARING OF INFRASTRUCTURE BY DTH OPERATOR

- (i) General Sharing of the infrastructure – Wherever technically feasible, the DTH operator may share the DTH Platform infrastructure on voluntary basis. The infrastructure sharing of DTH Platform will be allowed for DTH services

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16/09/22

only and not for other distribution platform operators like MSOs or HITS operators.

(ii) For infrastructure sharing the new applicant and existing licensee will jointly submit a detailed proposal for infrastructure sharing giving details of the infrastructure proposed to be shared and in the manner infrastructure is proposed to be shared as well as roles and responsibilities of each to Min of I&B with a copy to WPC and NOCC, DoT. The proposal should contain:

(a) Acceptance from all concerned stakeholders for sharing the infrastructure.

(b) Copies of the Agreements between the parties sharing the infrastructure with conditions stipulated in the guidelines.

(c) An undertaking by both the parties proposing to share the infrastructure that under the sharing arrangement proposed, there will not be any violation of the underlying terms and conditions of the licence granted.

(iii) No Objection / Permission for sharing of infrastructure will be subject to security clearance by Ministry of Home Affairs; Clearance of satellite use and transponder sharing from Department of Space; Wireless Operating License issued by Wireless Planning and Coordination Wing; and National Operational Control Centre (NOCC-DOT) certification.


(iv) The sharing of the Satellite resources and Up-linking infrastructure (on voluntary basis) will be allowed with the written permission of MIB, DOS, WPC and NOCC, DoT.

(v) For a new DTH operator to use existing DTH platform and infrastructure, the condition in the existing guidelines relating to hiring of satellite capacity and setting up of the Earth station, will stand modified accordingly to the extent as per these amended guidelines.

(vi) However, the DTH operator providing DTH service using the shared infrastructure with another operator can establish, maintain and operate its own DTH platform at a later stage within the license validity period, following due procedures.

Signature
16/09/22

- (vii) To ensure continuity of service to subscribers in the event of any disaster, the operator should have arrangement of sharing disaster recovery system in hot-standby mode.
- (viii) The applicant/ new DTH operator proposing to share the transport stream of TV channels should have valid written inter-connection agreements with the concerned broadcasters for distribution of pay TV Channels to the subscribers.
- (ix) For CAS & SMS, sharing parties may use common hardware. Details of such arrangement should be intimated to MIB and broadcasters, 30 days in advance. However, the respective operator will be accountable for integrity and security of CAS and SMS data pertaining to the respective operator. Maintenance of historical logs of data of CAS and SMS for two years will be the responsibility of respective operator individually.
- (x) Allowing access to CAS & SMS for audit purpose and also to the authorised officers of Govt. and their representatives will also be the responsibility of the respective operator individually.
- (xi) For transport stream sharing each distributor shall be individually responsible for setting up the system and processes which ensure that the broadcasters can exercise right for disconnection in case of default of payment or due to any other reason in terms of inter connection agreements between the broadcaster and the distributor and the relevant regulations in place.
- (xii) The permission will be granted subject to following conditions:
- (a) The adherence and compliance to all the provisions of the rules and guidelines issued by MIB and WPC & NOCC, DoT for grant of licence to the DTH operator will be the responsibility of the existing operator and the new applicant proposing to share the infrastructure to the extent as may be required/ applicable individually.
 - (b) Each distributor in sharing environment should undertake to ensure the encryption of signals and addressability to all the subscribers in all circumstances and provide requisite access for Audit or for authorized officers of Government wherever demanded.


16/09/22

- (c) Accountability of operators is ensured with reference to the SMS, their respective subscribers and to the respective state Governments and local administration as well as to the Central Government on all relevant aspects of Tax collection.
- (d) Compliance to TRAI regulation pertaining to CAS/SMS, Finger printing, STB as per Schedule III of the regulation will be the responsibility of the respective operator individually to ensure proper reporting of subscriber's base, checking unauthorised distribution and piracy.

Note: Please note that all permissions & approvals and final up linking permissions in all cases will continue to be taken from NOCC as per existing guidelines, norms and practice.


(Sanjiv Shankar)
Joint Secretary to the Government of India
Tele:011-23384453
16/09/22

Form-E

Application for Platform Service channel

1. Name of Applicant Company:
2. Address of the Applicant Company
 - I. Head Office :
 - II. Regional Office :
3. Corporate Identification Number (CIN) allocated by Registrar of Companies (RoC) :
4. Identity of its beneficial owners:
5. Total channel carriage capacity:
6. Area of Operation:
7. Details of Platform Services channels:

I. Existing Platform Services channels offered:

S.No.	Name of Channel	Logical Channel No.	Nature / genre of content	Satellite used

II. New Platform Services channels to be offered:

S. No.	Name of Channel	Logical Channel No.	Nature / genre of content	Satellite used

Declaration:

☒ It is hereby declared that the programme/content transmitted on the above-said platform channels is exclusive to the platform of M/s..... and shall not be shared directly or indirectly with any other distribution platforms.

Handwritten signature and date: 16/09/22

Signature

(Name of the Authorized signatory)

Tele No:

Email Id:

HITS Guidelines dated 26.11.2009

No.9/02/2005-BP&L Vol.III

**GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING
'A' WING, SHASTRI BHAWAN, NEW DELHI -110001.**

Dated, the 26th November 2009.

ORDER

In pursuance of the Union Cabinet decision on 12th November 2009, whereby Headend-in-the-Sky (HITS) Service has been permitted in India, the guidelines for operating HITS Services in India are being issued as annexure. These guidelines will come into force with immediate effect. A copy of the same is also posted on the website (www.mib.nic.in) of the Ministry for information of general public and stakeholders.


**(ARVIND KUMAR)
DIRECTOR (BP&L)
Tele:23381863.**

Encls: As above.

Copy to:

1. Cabinet Secretary, Cabinet Secretariat.
2. Secretary, Department of Telecommunications, Ministry of Communications and IT.
3. Home Secretary, Ministry of Home Affairs.
4. Secretary, Department of Space.
5. Secretary, Ministry of Finance (Department of Revenue).
6. Secretary, Department of Economic Affairs.
7. Secretary, Ministry of Communications and IT (Department of Information Technology).
8. Secretary, Ministry of Corporate Affairs
9. Secretary, Department of Industrial Policy and Promotions.
10. CEO, Prasar Bharati.
11. Secretary, TRAI.

Copy to : (i) Economic Advisor (SS) along with website update form for posting the order on the website of the Ministry.

(ii) NIC, M/o Information and Broadcasting for similar action.

(iii) Hindi Section with a request to provide a copy of the order in Hindi to this Section as well as NIC/EA(SS) and also mail the order at e-mail ID of NIC officers for uploading Hindi version of the order under the Heading "Codes & Guidelines" for main head "Broadcasting".

(iv) Copy to : PIB for publicity.


(Ashish Dutta)

Under Secretary (BP&L)
Tele: 23387774.

ANNEXURE

GUIDELINES FOR PROVIDING HEADEND-IN-THE-SKY (HITS) BROADCASTING SERVICE IN INDIA

INTRODUCTION:

The Ministry of Information and Broadcasting, Government of India has formulated the policy guidelines for grant of Permission to establish and operate "Headend in the Sky (HITS)" broadcasting service from India.

Companies desirous of establishing and operating Headend in the Sky (HITS) Service platform shall be required to obtain Permission from the Ministry of Information and Broadcasting in accordance with the terms and conditions prescribed under these guidelines.

Headend-in-the-Sky (HITS) Broadcasting Service, refers to the multichannel downlinking and distribution of television programme in **C-Band or Ku Band**, wherein all the pay channels are downlinked at a central facility (Hub/ Teleport) and again uplinked to a satellite after encryption of channels. At the cable headend these encrypted pay channels are downlinked using a single satellite antenna, transmodulated and sent to the subscribers by using a land based transmission system comprising of infrastructure of cable/optical fibres network.

After obtaining a HITS license from the Ministry of Information & Broadcasting, the HITS operator can himself contract with different broadcasters for buying the content, aggregating the same at an earth station and then uplinking with his own encryption to a satellite hired by him. The uplinked channels can then be downlinked by the cable operators using a dish antenna for onward distribution through last mile conventional cable network to the TV homes. In this model, the HITS operator works like a conventional MSO, except that virtually the head-end is in the sky, instead of being located on ground.

The HITS operator can also decide to merely provide passive infrastructure facilities like transponder space on satellite, earth station facilities and the provision for simulcrypting/multicrypting of channels aggregated by different MSOs with different encryption systems to one or more MSOs or to a consortium of cable operators /MSOs desirous of uplinking TV channels to his HITS satellite for downlinking and further transmission to the TV homes by the cable operators across the country. The HITS operator in this case need not contract with the broadcasters for content. He only enters into contracts with one or more MSOs or consortium of cable

operators desirous of uplinking their aggregated channels from HITS earth station(s) to the HITS satellite.

The HITS operator has the freedom to use his satellite's transponder capacity both for transmitting his own aggregated content, as well as to provide passive infrastructure to other MSOs for uplinking/downlinking their aggregated content.

The permission of the existing two permission holders who have been given permission to provide HITS services in the year 2003 will continue for the remaining period of permission and operationalisation of HITS services may be done by them as per terms and conditions laid down in these guidelines.

1. ELIGIBILITY CRITERIA

1.1 The applicant seeking permission for providing HITS services shall be a Company registered in India under the Companies Act, 1956.

1.2 The Company should have a minimum Net worth of Rs Ten crores. The Net Worth shall be calculated as per the proforma specified and shall be certified by the Statutory Auditor of the company.

1.3 The total direct and indirect foreign investment including portfolio and foreign direct investments into the company shall not exceed 74% at the time of application and during the currency of permission.. The methodology of calculation of the direct and indirect foreign investments would be as per the extant policy of the Government. The company will be required to disclose the status of such foreign holding and certify that the foreign investment is within the ceiling of 74% on yearly basis.

1.4 FDI upto 49 per cent will be on automatic route. The approval of the Foreign Investment Promotion Board (FIPB) shall be required for FDI in the company/Indian promoters/investment companies including their holding companies if it has a bearing on the overall ceiling of 74 per cent.

1.5 The company shall make full disclosure, at the time of application, of Shareholders Agreements, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into. Any subsequent changes in these would be disclosed to the Ministry of Information and Broadcasting, within 15 days of any changes, having a bearing on the foregoing Agreements.

1.6 Broadcasting Company(ies) and/or DTH licensee company(ies) will not be allowed to collectively hold or own more than 20% of the total paid up equity in the company at any time during the permission period. Simultaneously, the HITS permission holder should not hold or own more than 20% equity share in a broadcasting company and/or DTH licensee company. Further, any entity or person holding more than 20% equity in a HITS permission holder company shall not hold more than 20% equity in any other Broadcasting Company(ies) and/or DTH licensee

and vice-versa. This restriction, however, will not apply to financial institutional investors. However, there would not be any restriction on equity holdings between a HITS permission holder company and a MSO/cable operator company.

1.7 While determining the shareholding of a Company or entity or person as per para 1.6 above, both its direct and indirect shareholding will be taken into account. The principle and methodology to determine the level of indirect holding shall be the same as has been adopted in Press Note 2 of 2009 dated 13.2.09 of the Department of Industrial Policy and Promotion under the Ministry of Commerce and Industry for determination of indirect foreign investment.

2. NUMBER OF PERMISSIONS:

There will be no restrictions on the total number of HITS permissions and these will be issued to any company which fulfils the eligibility criteria & necessary terms and conditions and subject to the security and technical clearances by the appropriate authorities of the Government.

3. PERIOD OF PERMISSION

3.1 Permission for providing the HITS Service will be valid for a period of Ten years from the date of issue of wireless operational license (WOL) by the Wireless Planning and Coordination Wing of the Ministry of Communications and Information Technology.

3.2 The permission may be terminated earlier as provided in paras 10 and 13..

3.3 The permission granted to the company shall be non-transferable except with specific and prior approval of the Government.

4. NON REFUNDABLE ENTRY FEES AND OTHER FEES

4.1 The applicant will be required to pay a non-refundable entry fee of Rs.10 crores.

4.2 No annual fee will be required to be paid.

4.3 The company/permission holder shall also in addition pay the license fee and royalty for the spectrum used as prescribed by Wireless Planning & Coordination Authority (WPC), under the Department of Telecommunications.

5. BANK GUARANTEE

5.1 The applicant company shall, within one month of the issuance of SACFA clearance by WPC, submit to the Ministry of I & B, a Bank Guarantee from any

Scheduled Bank in the format notified, for an amount of Rs.40 crores valid for a period of three years.

5.2 The HITS permission holder should commence uplinking/downlinking operations within a period of one year from the date of issuance of SACFA clearance by the WPC after obtaining Wireless Operational License failing which half of the bank guarantee would be forfeited.

5.3 If the operator does not start the service within two years from the date of issuance of SACFA clearance by the WPC, the full performance bank guarantee will be forfeited and action for revocation of the permission will also be considered on completion of two years from the date of issuance of SACFA clearance by the WPC.

5.4 If the HITS permission holder fulfils the roll out obligation within one year of issuance of SACFA clearance by the WPC, then full amount of performance bank guarantee will be refunded. If the HITS permission holder meets the roll out obligation after one year but within two year of the issuance of SACFA clearance by the WPC, then half of performance bank guarantee will be refunded.

6. BASIC CONDITIONS AND OBLIGATIONS

6.1 The majority of Directors on the Board of the Company shall be Indian Citizens. The Company, Directors, Managing Director, Chief Executive Officer(CEO), and Chief Financial Officer (CFO) will be required to be security cleared from the Ministry of Home Affairs. The company shall give without fail intimation to Ministry of I & B regarding change in the directorship, key executives or foreign direct investment in the company, within 15 days of such a change taking place.

6.2 No permission holder shall carry or include in his HITS Service any television broadcast or channel which has not been registered by the Ministry of Information and Broadcasting for being viewed within the territory of India. Notwithstanding any agreement entered into between the permission holder and broadcaster(s)/ TV channel owner(s), the permission holder shall stop from carrying/ including in its HITS service, TV channels, whenever such registration/permission is withdrawn

6.3 The permission holder shall not carry any channels broadcast of which is prohibited by the Ministry of Information & Broadcasting.

6.4 The company shall not carry the channels of a broadcaster against whom the competent authority or any regulatory body, tribunal or court have found the following: -

- (i) It has refused access on a non-discriminatory basis to another broadcasting service provider contrary to the rules, regulations etc. governing the broadcasting services in India
- (ii) It has violated the provisions of any law relating to competition including the Competition Act.

[Explanation: It shall be the sole responsibility of the permission holder to ascertain before carrying any channels on its network whether any television channel broadcaster has been found to be in violation of the above conditions or not. In respect of TV channels already being carried on the platform, the permission holder shall ascertain from every source including the Government, TRAI, Tribunal or a Court whether concerned broadcaster or the channel is in violation of the above conditions. If any violation so comes to its notice, the permission holder shall forthwith discontinue carrying the television channels of such broadcaster.]

6.5 The permission holder shall ensure that each of the channels carried by it follows the Programme Code and Advertisement Code as laid down under the Cable Television Networks (Regulation) Act, 1995 and the Rules framed thereunder or any other code made applicable.

6.6 The permission holder shall invariably ensure that the subscribers of the service do not have access to any pornographic channel or to secret/ anti-national messaging and the like through the HITS platform. If the permission holder fails to do so, the permission granted shall be revoked and the company shall be disqualified to hold any such Permission in future for a period of five years, apart from liability for punishment under other applicable laws.

6.7 The permission holder shall ensure that its facilities are not used for transmitting any objectionable content, messages or communication inconsistent with the laws of India. If the permission holder fails to do so, the permission granted shall be revoked and the company shall be disqualified to hold any such Permission in future for a period of five years, apart from liability for punishment under other applicable laws.

6.8 The permission holder shall provide access to various content providers/channels on a non discriminatory basis.

6.9 The permission holder shall not enter into any exclusive contract for distribution of TV Channels.

6.10 The permission holder shall comply with the terms and conditions of Wireless Operational License to be issued by the WPC Wing, Ministry of Communications & IT.

6.11 The Company shall ensure its continued eligibility as applicable throughout the period of permission and adhere to all the terms and conditions of the permission, failing which the company shall be liable for penalty as specified in Para 14.2 below.

6.12 The government shall have the right to notify the number and names of television channel or channels of Prasar Bharati or any other television channel for

compulsory carriage by the HITS provider in his service and the manner of reception and retransmission of such channels.

6.13 The Permission Holder shall carry other television channels of Prasar Bharati on the most favorable financial terms offered to any other channel.

7. MANDATORY SHARING OF CERTAIN BROADCAST SIGNALS WITH PRASAR BHARATI

7.1 The permission holder shall ensure that channels carried by and telecasting sporting events have ensured compliance with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007.

8. TECHNICAL STANDARDS AND OTHER OBLIGATIONS

8.1 The applicant company shall furnish technical details such as Nomenclature, make, model, name and address of the manufacturers of the equipments/instruments to be used for broadcasting, distribution and reception system, the Block schematic diagram and also demonstrate the facilities for monitoring and storing record for 90 days.

8.2 The company can uplink in 'C' Band or 'Ku' Band only. Uplinking would be permitted both to Indian as well as foreign satellites. However, where the company does not have a satellite of its own or of its group company, proposals envisaging use of Indian satellites will be accorded preferential treatment. Satellite to be used should have been coordinated with INSAT System.

8.3 The HITS operator is required to provide signals directly from his satellite only to the registered MSOs/cable operators and under no circumstances should the HITS operator provide signals directly from his satellite to the consumer. However, he will not be barred from providing signals, through his own cable network if any, to consumers also after first downlinking the signals to his terrestrial receiving station. The signals are to be provided only through QAM set top box.

8.4 The company is required to provide commercial interoperability with respect to its set top boxes so that if the subscribers decide to switch over to any other service provider or platform they should be able to do so at least cost. Commercial interoperability here would mean that in addition to offering the receiver set on an outright purchase basis, a subscriber should also have the option to purchase it on a hire-purchase basis or rental basis with a provision to return the set top box on such terms and conditions as may be laid down by regulations issued by TRAI.

8.5 The addressability provided to every subscriber should be capable of blocking any unwanted channel or group of channels by the Permission Holder.

8.6 The company shall ensure subscriber's interests through a Subscriber Management System (SMS) for an efficient, responsive and accurate billing and collection system.

8.7 The company shall not use any equipment, which is identified as unlawful/or render network security vulnerable.

8.8 All content provided by the HITS service provider to the subscribers, irrespective of its source, shall pass through the encryption and digital addressable system located within the earth-station situated on Indian soil.

9. MONITORING AND PUBLIC COMPLAINTS

9.1 The company at its own cost shall,

(i) Preserve the recordings of broadcast material for a period of three months from the date of broadcast and produce the same to the Government or its authorized representative, as and when required and

(ii) On demand by the Government or its authorized representative, provide the necessary equipment, services and facilities at designated place(s) for continuous monitoring of the broadcasting service by or under supervision of the Government or its authorized representative.

9.2 The company shall submit such information with respect to its services as may be required by the Government or its authorized representative, in the format as may be required, from time to time.

10. INSPECTION

10.1 The Government of India, Ministry of Information & Broadcasting or its authorized representative shall have the right to inspect the broadcasting facilities. No prior permission/intimation shall be required to exercise the right of Government or its authorized representative to carry out the inspection. The company will, if required by the Government or its authorized representative, provide necessary facilities for continuous monitoring for any particular aspect of the companies activities and operations.

10.2 The Government of India, Ministry of Information & Broadcasting or its authorized representative will ordinarily carry out the inspection after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.

11. NATIONAL SECURITY AND OTHER CONDITIONS

11.1 The Government of India, Ministry of Information & Broadcasting shall have the right to take over the entire services and networks of the permission holder or

revoke/terminate/suspend the permission of the company or to prohibit broadcasting of any or all of the channels for a specified period in the interest of national security or in the interest of emergency or war or low intensity conflict without giving prior notice to the company. The company shall immediately comply with any directives issued in this regard failing which the permission granted shall be revoked and the company disqualified to hold any such Permission in future for a period of five years.

Provided that any taking over or suspension of licence, issuance of a directive as described above shall neither be a ground for extension of licence period nor any compensation.

11.2 The company shall not use any equipment, which is identified as unlawful and/or render network security vulnerable.

11.3 Permission holder shall be required to obtain security clearance of all foreign personnel likely to be deployed for more than 60 days in a year by way of appointment, contract, and consultancy or in any other capacity for installation, maintenance, operation or any other services prior to their deployment.

11.4 The permission shall be subject to permission holder remaining security cleared throughout the currency of permission. In case the security clearance is withdrawn the permission granted is liable to be terminated forthwith.

11.5 In the event of security clearance of any of the persons associated with the permission holder or foreign personnel is denied or withdrawn for any reasons whatsoever, the permission holder will ensure that the concerned person resigns or his services terminated forthwith after receiving such directives from the Government failing which the permission granted shall be revoked and the company shall be disqualified to hold any such Permission in future for a period of five years.

12. VALUE ADDED SERVICES

12.1 The permission holder shall be able to use his network for providing other value-added services which otherwise do not require any specific license or permission. Services which require a specific license or permission from the competent authority can only be provided after obtaining such permission. However the permission holder is required to give prior information of all value added services to be carried by it to the Ministry of Information and Broadcasting.

13. PROVISIONS WITH RESPECT TO EXISTING PERMISSION HOLDERS:

13.1 Notwithstanding anything contained in the terms and conditions of permission issued earlier, these Guidelines will also be applicable to the existing permission holders.

13.1.1 The existing permission holders will be allowed to operationalise their services only after they give an undertaking supported by its Board resolution to Ministry of Information and Broadcasting to ensure compliance with all the provisions contained in the Guidelines within a period of three months from the issuance of these Guidelines which period may, at the discretion of the Government, be extended to a maximum of six months.

13.1.2 Existing permission holder will within a period of one month of the issuance of these Guidelines also submit a detailed plan for ensuring compliance to the provisions contained in guidelines. The existing permission holder will also have to deposit the non-refundable entry fee of Rs. 10 crores and submit proof of such deposition.

13.1.3 If compliance to provisions of 13.1.1 and 13.1.2 is not ensured by the existing permission holder within the stipulated time period the permission given earlier shall stand withdrawn.

13.1.4 The period of permission shall be ten years from the date of issuance of permission by Government of India as per para 13.1.1 and 13.1.2.

14. TERMINATION OF PERMISSION

14.1 Consequences of violation of terms and conditions of the Permission

14.1.1 Subject to the provisions contained in paras 6.6, 6.7, 11.1, 11.4, 11.5 and 14.2 in the event of the company violating any of the terms and conditions of Permission, the Government shall have the right to impose the following penalties:

(a) In the event of first violation, suspension of the Permission and prohibition of broadcast up to a period of 30 days.

(b) In the event of second violation, suspension of the Permission and prohibition of broadcast up to a period of 90 days.

(c) In the event of third violation, revocation of the Permission and prohibition of broadcast up to the remaining period of the Permission.

(d) In the event of the failure of the Permission Holder to comply with the penalties imposed within the prescribed time, revocation of Permission and disqualification to hold any fresh Permission in future for a period of five years.

14.1.2 In the event of suspension/revocation of Permission, the Government shall not be responsible for any investment by the Permission Holder on the service or by any other party on the strength of his permission.

14.1.3 Any suspension/revocation mentioned under this para shall be imposed only after giving a written notice to the company identifying the violation, providing opportunity to rectify it, if its nature so permits or otherwise show cause, within a period of 15 days and non-satisfaction from such rectification and/or cause so shown shall render the company liable for the proposed suspension/revocation.

14.2 Termination for Non eligibility

14.2.1 The Government may, at any time, terminate this Agreement and the Permission, without compensation to the Permission Holder in case the company fails to meet the eligibility criteria as laid down in these Guidelines or its security clearance is withdrawn or liquidation proceedings are initiated or becomes bankrupt or otherwise insolvent or applies for being adjudicated insolvent / bankrupt, provided that such termination shall not prejudice or affect any right of action which has accrued or will accrue thereafter to the Government.

14.3 Termination for convenience

14.3.1 The company may surrender the Permission, by giving an advance notice of one month to the Government as well as to all concerned/affected parties. It is clarified that the Company will not be entitled to claim any refund of the non-refundable Entry Fee already paid to the Government.

15. WPC WING'S PERMISSION

15.1 As aforementioned, a separate specific license i.e. Wireless Operational License (WOL), shall be obtained by the applicant company from the WPC Wing of Ministry of Communications &IT, permitting utilization of appropriate frequencies/band for the establishment, maintenance and operation of the HITS platform/facility under usual terms and conditions of such license. The Grant of such License shall be governed by the rules, procedures and guidelines and shall be subject to compliance with all requirements of the WPC wing.

15.2 For this purpose, an application shall be made to the "Wireless Advisor to the Government of India, WPC Wing, Department of Telecommunications, Ministry of Communications &IT," in the prescribed application form.

15.3 License fee/royalty as prescribed by WPC from time to time, shall have to be paid by the company towards grant of License for usage of frequency spectrum.

15.4 The company shall not cause harmful interference to other authorized users of radio spectrum. WPC Wing will have the sole discretion to take practicable and necessary steps for elimination of harmful interference, if any, to other licensed users.

15.5 The Wireless Planning and Coordination Wing, Ministry of Communications & IT shall have the right to inspect from time to time the installation from technical angles to check conformity with Wireless Operational License conditions.

16. PROCEDURE FOR APPLICATION AND GRANT OF PERMISSION:

16.1 All applicant companies shall apply to the Secretary, Ministry of Information & Broadcasting, in triplicate, in the prescribed proforma alongwith a processing fee of Rupees One Lakh

16.2 On the basis of information furnished in the application form, if the applicant is found eligible for setting up of HITS service in India, the application will be subjected to security clearance of the company, Board of Directors, Managing Director, CEO and CFO in consultation with the Ministry of Home Affairs and for clearance of satellite use with the Department of Space.

16.3 After these clearances are obtained, the applicant would be required to pay a Non-Refundable Entry Fee of Rs.10 Crores to the Ministry of Information and Broadcasting.

16.4 After such payment of entry-fee, the applicant would be informed of intent of Min. of I & B to issue permission and requested to approach WPC for SACFA clearance.

16.5 After obtaining SACFA clearance, within one month of the same, the company will have to submit a Bank guarantee in desired format from any Scheduled Bank to the Ministry of Information and Broadcasting for an amount of Rs.40 crores valid for a period of three years.

16.6 After submission of this Bank Guarantee, the applicant would be required to sign a Grant of Permission Agreement with the Ministry of Information and Broadcasting as per prescribed proforma .

16.7 Thereafter the Ministry of Information and Broadcasting will issue permission to the applicant to provide HITS services in the country in accordance with the terms and conditions of the GOPA.

16.8 After signing of such agreement with the Ministry of Information and Broadcasting, the applicant will have to apply to the Wireless Planning & Coordination (WPC) Wing of the Ministry of Communications for seeking Wireless Operational License for establishment, maintenance and operation of HITS services.

16.9 All kinds of fees and other dues payable to the Government shall be deposited in the form of Demand Draft in favor of PAY & ACCOUNTS OFFICER, MINISTRY OF INFORMATION & BROADCASTING payable at New Delhi.

17. DISPUTES WITH OTHER PARTIES

17.1 In the event of any dispute between the company and any party other than the Government (including in relation to the Permission and/or Broadcasting services, etc) due to any reason whatsoever, it shall be the sole liability of the company to resolve such dispute amicably or otherwise with the other party and the Government shall have no liability whatsoever in this regard. Further, the company shall undertake to fully indemnify and keep the Government harmless in respect of any action, claim, suit, proceeding, damage or notice to/against the Government for any act of omission or commission on the part of the company, its agents, employees, representatives or servants.

Provided that if any such third party dispute arises on account of non-observance or breach of any rules or regulations or any other terms and conditions of permission by the company as provided, the Government shall also have the right to take any action against the company as provided herein.

18. DISPUTE RESOLUTION AND JURISDICTION

18.1 In the event of any question, dispute or differences arising between the Central Government and the company with respect to permissions issued under these Guidelines, the same shall be resolved before Telecom Disputes Settlement and Administrative Tribunal as per the provisions of Telecom Regulatory Authority of India Act, 1997.

18.2 The courts at New Delhi shall have the jurisdiction over all disputes.

19. MISCELLANEOUS

19.1 The grant of Permission/registration shall be subject to the condition that as and when any regulatory authority to regulate and monitor the Broadcast Services in the country is constituted, the company shall adhere to the norms, rules and regulations laid down by such authority.

19.2 The Permission/registration shall be governed by the provisions of the Telecom Regulatory Authority of India Act, 1997, Indian Telegraph Act, 1885 and Indian Wireless Telegraphy Act, 1933 as amended from time to time and any other law as applicable to broadcasting facilities/services which has or may come into force.

19.3 The Government, Ministry of Information and Broadcasting shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.

No. N-36012/5/2020-BP&L
Government of India
Ministry of Information & Broadcasting

Shastri Bhawan, New Delhi
Dated, the 06th November, 2020

ORDER

In pursuance of the powers conferred under para 19.3 of the "Headend-in-the-Sky (HITS) Guidelines for Broadcasting Service in India" dated 26.11.2009, the Government of India hereby decides that the following shall be added after para 15 of the existing HITS Guidelines as paras 16 and 17 as under:

Para 16 : Sharing of Infrastructure by HITS operator:

16.1 General Sharing of the infrastructure – Wherever technically feasible, the HITS operator may share the platform infrastructure on voluntary basis, in flexible ways, for distribution of TV channels provided that the signals of the HITS platform are distributed to subscribers through Cable operator only and the encryption of signals, addressability and liabilities are not compromised.

16.2 Sharing of its transport stream transmitted by HITS platforms, between HITS operators and MSOs will be permitted.

16.3 The HITS platform will not be allowed to be used as teleport for up linking of TV channels.

16.4 HITS operator willing to share its transport stream with an MSO, should ensure that MSO has valid written interconnection agreement with the concerned broadcasters for distribution of Pay TV channels to the subscribers.

16.5 For sharing of infrastructure by HITS operator with MSO, the operator will be allowed sharing only on Indian controlled satellites. A written permission from Department of Space (DOS) would be required in this regard.

16.6 For infrastructure sharing, the new applicant(s) and existing licensee(s) will jointly submit a detailed proposal for infrastructure sharing giving details of infrastructure proposed to be shared and in the manner infrastructure is proposed to be shared as well as roles and responsibilities of each party to Ministry of Information and Broadcasting with a copy each to NOCC and WPC, DoT.

The proposal should contain:

- (i) Acceptance from all concerned stakeholders for sharing the infrastructure in writing.
- (ii) No Objection / Permission for sharing of infrastructure will be subject to:
 - a. Security clearance by Ministry of Home Affairs,

- b. Clearance of satellite use and transponder sharing from Department of Space,
- c. Wireless Operating License issued by Wireless Planning and Coordination Wing,
- d. National Operational Control Centre (NOCC-DOT) certification

(iii) Copies of the Agreements between the parties sharing the infrastructure with conditions stipulated in the guidelines.

(iv) An undertaking by both the parties proposing to share the infrastructure that there will not be any violation of the under lying terms and conditions of the licence granted or to be granted.

16.7 The sharing of the Satellite resources and Up-linking infrastructure (on voluntary basis) will be allowed with the written permission of MIB and WPC and NOCC, DoT.

16.8 To enable sharing of HITS infrastructure and Transport stream, the condition in the existing guidelines relating to hiring of satellite capacity and setting up of the Earth station, will stand modified accordingly to the extent as per these amended guidelines.

16.9 To ensure continuity of service to subscribers in the event of any disaster, the operator should have arrangement of sharing disaster recovery system in hot-standby mode.

16.10 For CAS & SMS, sharing parties may use common hardware. Details of such arrangement should be intimated to MIB and broadcasters, 30 days in advance. However, the respective HITS operator, MSO/cable operator will be accountable for integrity and security of CAS and SMS data pertaining to the respective operator.

16.11 Maintenance of historical logs of data of CAS and SMS for two years will be the responsibility of respective operators individually.

16.12 The access to CAS & SMS for audit purpose and also to the authorised officers of Govt. and their representatives will also be the responsibility of the respective operator individually.

16.13 For transport stream sharing each operator shall be individually responsible for setting up the system and processes which ensure that the broadcasters can exercise right for disconnection in case of default of payment or due to any other reason in terms of inter connection agreements between the broadcaster and the operator as well as the relevant regulations in place.

Para 17: The permission will be granted subject to following conditions:

17.1 The adherence and compliance to all the provisions of the rules and guidelines issued by MIB and NOCC and WPC, DoT for grant of licence to the HITS operator will be the responsibility of the both, the existing operator and the new applicant proposing to share the infrastructure, respectively to the extent as required / applicable individually.

17.2 Each operator in sharing environment should undertake to ensure the encryption of signals and addressability to all the subscribers in all circumstances and provide requisite access for Audit or for authorized officers of Government wherever demanded.

17.3 Accountability of operators is ensured with reference to the SMS, their respective subscribers and to the respective state Governments and local administration as well as to the Central Government on all relevant aspects of Tax collection.

17.4 Compliance to TRAI regulation pertaining to CAS/SMS, Finger printing, STB as per Schedule III of the regulation will be the responsibility of the respective operator individually to ensure proper reporting of subscriber's base, checking unauthorised distribution and piracy.

Note: Please note that all permissions & approvals and final up-linking permissions in all cases will continue to be taken from NOCC as per existing guidelines, norms and practice.

2. The Paras 16,17,18 and 19 and their sub-Paras in the existing HITS Guidelines are renumbered as Paras 18,19,20 and 21 and their sub-Paras respectively.


(Neeraj Sekhar)

Joint Secretary to the Government of India

Copy to:-

1. Cabinet Secretary, Cabinet Secretariat.
2. Secretary, Ministry of Home Affairs.
3. Secretary, Department of Telecommunications
4. Secretary, Department of Economic Affairs.
5. Secretary, Department of Revenue
6. Secretary, Department of Space.
7. Secretary, Ministry of Commerce and Industry
8. Secretary, Ministry of Corporate Affairs
9. Secretary, Department of Promotion of Industry and Industrial Trade (DPIIT)
10. CEO, Prasar Bharati

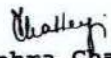
11. Secretary, Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College), Jawaharlal Nehru Marg (Old Minto Road), New Delhi-110 002
12. M/s IndusInd Media & Communication Ltd. IN Centre, 49/50, MIDC, 12th Road, Andheri (East), Mumbai-400012

No.16/03/2006-BP&L Vol. IV
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING

NEW DELHI,
DATED THE 08 SEPTEMBER 2008.

ORDER

In pursuance to the Cabinet decision on 21st August, 2008, whereby IPTV Services have been permitted in India, the details policy guidelines for operating IPTV Services in India are given in the annexure. These shall come into force with immediate effect. A copy of the same is also put on the website (www.mib.nic.in) of the Ministry for general information.


(Zohra Chatterji)
Joint Secretary to Government of India
Tele: 23382597.

Encls: As above.

Copy to:-

1. Cabinet Secretary, Cabinet Secretariat, New Delhi.
2. Secretary, Department of Telecommunications, Ministry of Communications and Information Technology, Sanchar Bhawan, New Delhi.
3. Secretary, Ministry of Home Affairs, North Block, New Delhi.
4. Secretary, Ministry of Finance, North Block, New Delhi.
5. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
6. Secretary, Department of Space, Lok Nayak Bhawan, Khan Market, New Delhi.
7. Secretary, Department of Information Technology, Ministry of Communications and Information Technology, Electronic Niketan, CGO Complex, New Delhi.
8. CEO: Prasar Bharati, Prasar Bharati Secretariat, PTI Building, New Delhi.
9. Secretary, Telecom Regulatory Authority of India (TRAI), Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg (Old Minto Road), New Delhi.

Guidelines For Provisioning of Internet Protocol Television (IPTV) Services

Background:

IPTV (Internet Protocol Television) is a system where a digital television service is delivered using the Internet Protocol over a network infrastructure, which may include delivery by a broadband connection. A simpler definition would be, television content that, instead of being delivered through traditional format and cabling, is received by the viewer through the technologies used for computer network. In case of IPTV, it requires either a computer and software media player or an IPTV set top box to decode the images in real time.

International Telecommunication Union has defined IPTV services as Follows:-

"An IPTV service (or technology) is the new convergence service (or technology) of the telecommunication and broadcasting through QoS controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of a considerable number of multimedia contents such as Video, Audio, data and applications processed by platform to a customer via Television, PDA, Cellular, and Mobile TV terminal with STB module or similar device."

These Guidelines are being issued with the objective of bringing clarity on various platforms capable of providing IPTV services, the regulatory provisions and licensing requirements and other issues to encourage stakeholders to launch IPTV services.

Guidelines :

- (i) Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service Licensees) having license to provide triple play services and ISPs with net worth more than Rs. 100 Crores and having permission from the licensor to provide IPTV or any other telecom service provider duly authorized by the Department of Telecom will be able to provide IPTV service under their licenses without requiring any further registration. Similarly cable TV operators registered under Cable Television Network (Regulation) Act 1995 (referred as Cable Act hereafter) can provide IPTV services without requiring any further permission.
- (ii) All telecom licensees/ Cable operators before providing IPTV will give a self certified declaration to I&B ministry, DoT and TRAI giving details such as license/ registration under which IPTV service is proposed, the start date, the area being covered, and details of the network infrastructure etc.
- (iii) Telecom service providers as mentioned above will be subjected to percentage of Adjusted Gross Revenue (AGR) as license fee as applicable from time to time which is presently 6%, 8%, and 10% for access service licensees in category "C", Category "B" and category "A" circles and 6% for ISPs. In case any telecom

service provider register itself as cable operator and provides IPTV using its telecom resources, it shall be considered as service under telecom license. Such a service provider shall have to pay the license fee on IPTV revenue also as applicable to its telecom license.

- (iv) The Ministry of Information and Broadcasting has already requested Bureau of Indian Standards to lay down the specifications for IPTV set top boxes for use in cable networks.. The cable operator providing IPTV service will be required to ensure within a period of six months from the date of publication of the Indian Standards by BIS that the IPTV set top boxes required to receive IPTV services conform to the BIS specifications.
- (v) The Cable operators while providing IPTV services will continue to be governed by the provisions of the Cable Television Networks (Regulation) Act, 1995, The Telecom Regulatory Authority of India Act, 1997 and any other laws as applicable and as such shall be able to provide such content on their IPTV service which is permissible as per the Cable Act and which is in conformity with the Programme and Advertisements Codes prescribed thereunder.
- (vi) Telecom licensees while providing TV channels through IPTV shall transmit only such broadcast satellite television channels in exactly same form (unaltered) which are registered with or are otherwise permitted by the Ministry of Information and Broadcasting. In such cases, the responsibility to ensure that content is in accordance with the extant laws, rules, regulations etc shall be that of the broadcaster and telecom licensee will not be held responsible. The IPTV service provider shall not carry any broadcast satellite television channels prohibited either permanently or temporarily or not registered with the Ministry of Information & Broadcasting.
- (vii) The telecom licensee can obtain content from the Multi System Operator or the Cable Operator for providing IPTV services.
- (viii) Telecom service providers providing IPTV will show only those News and Current Affairs television channels which have been registered with Ministry of Information and Broadcasting. They will not produce or provide any other broadcast or non-broadcast channel having any element of News and Current Affairs.
- (ix) The provisions of Programme code and Advertisement code as provided in Cable Television Network (Regulation) Act 1995 and Rules thereunder shall be applicable even in the case of contents other than TV Channels from broadcasters provided by the Telecom IPTV service provider. Since it is the telecom licensee who will be providing this content, therefore, he shall be responsible for ensuring compliance to the codes with respect to such content. In addition to this, such licensees will also be bound by various Acts, instructions, directions, guidelines issued by the Central Government from time to time to regulate the contents.
- (x) If the contents are being sourced from content providers other than telecom service provider, then it will be the responsibility of telecom service provider to ensure that their agreements with such content providers contain appropriate clauses to ensure prior compliance with the Programme and Advertisement Codes and other relevant Indian laws, civil and criminal, regarding content.
- (xi) The Central Government in the Ministry of Information and Broadcasting shall have the right to notify the number and names of channels of Prasar Bharati or

any other channel for compulsory carriage by the IPTV service provider in his service and the manner of reception and retransmission of such channels.

- (xii) The IPTV service provider either a telecom licensee or a cable operator should provide commercial interoperability so that if the subscribers decide to switch over to any other service provider or platform they should be able to do so at least cost. Commercial interoperability here would mean that in addition to offering the receiver set on an outright purchase basis, a subscriber should also have the option to purchase it on a hire-purchase basis or on rental basis with a provision to return the receiver set on such terms and conditions as may be laid down by regulations issued by TRAI.
- (xiii) The Government in the Ministry of Information and Broadcasting may direct the IPTV service providers to ensure preservation and retention for a period of 90 days unless specified otherwise, of different kinds of content made available to their subscribers and requires it to ensure its security and also that it is not tampered with during such period. The IPTV service provider may be required to produce the same to the Government or its authorized representative, as and when required and the IPTV service providers will be required to ensure compliance to all such directions.
- (xiv) The IPTV service provider shall provide the necessary facility for continuous monitoring of the IPTV network at its own cost and maintain the recordings of programmes and advertisements carried on the network for a period of 90 days unless specified otherwise, from the date of broadcast and produce the same to the Government or its authorized representative, as and when required. The monitoring system must provide Set Top Box subscriber information as well as contents to the law enforcement agencies in plain readable, audible and viewable format as the case may be.

Provided that in case of any dispute the records of broadcast of programmes and advertisements shall be maintained till final disposal of the dispute.

Provided further that the IPTV service provider shall provide access to the Government or its authorized representative to all its facilities including equipments, records, system etc. for purposes of inspection.
- (xv) On demand by the Government in the Ministry of Information and Broadcasting or its authorized representative, an IPTV service provider shall provide the necessary equipment, services and facilities at designated place(s) for continuous monitoring of the IPTV service by or under supervision of the Government or its authorized representative.
- (xvi) The IPTV service provider shall submit such information with respect to its service as may be required by the Government in the Ministry of Information and Broadcasting or its authorized representative from time to time.
- (xvii) The IPTV service provider shall furnish any such information at periodic intervals as may be required by the Government in the Ministry of Information and Broadcasting or its authorized representative concerning Programme Content and Quality, Technical Parameters etc. relating to the service in the format as may be required by the Government or its authorized representative from time to time.
- (xviii) The Government of India, Ministry of Information & Broadcasting or its authorized representative shall have the right to inspect the IPTV service

facilities. No prior permission/intimation shall be required to exercise the right of Government or its authorized representative to carry out the inspection. The IPTV service provider will, if required by the Government or its authorized representative, provide necessary facilities for continuous monitoring for any particular aspect of the companies activities and operations.

- (xix) The Government of India, Ministry of Information & Broadcasting or its authorized representative will ordinarily carry out the inspection after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.
- (xx) The IPTV service provider shall furnish the complete details such as name, technical details and license etc. of the value added service being provided through IPTV network.

Provided that in case any new value added service is added to the network, the IPTV Service provider shall obtain prior approval of the Government or licensing authority. The Government or the licensing authority may from time to time, prescribe or prohibit certain value added services.

- (xxi) Any violation of prevailing Acts/ Rules/ guidelines pertaining to the administrative jurisdiction of Department of Information Technology in the Ministry of Communication and Information Technology, and Ministry of Information and Broadcasting, relating to content by telecom service providers in provisioning of IPTV service shall be reported to DoT by respective Department/Ministry. The decision of the respective Department/Ministry regarding violation of the law/ direction/ guidelines in respect to content shall be final. DoT may seek the guidance of the respective ministries to ascertain the penalties for the breach to maintain uniformity and shall initiate suitable action for imposing penalties for violations in time bound manner.
- (xxii) Any breach of the provisions of Act/ License/ Registration/ Permission by telecom service provider/ cable operator/ Broadcasters shall be dealt with by designated agencies which are responsible for administering such Acts/ License/ Registration/ Permissions.
- (xxiii) The Government shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission/registration, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.

FORMAT FOR SELF-DECLARATION BY IPTV SERVICE PROVIDER

[See Para (ii) of the Policy Guidelines for provisioning of IPTV services]
[Separate copies to be forwarded by IPTV service provider to Secretary, I&B
Ministry, Department of Telecom and TRAI]

- 1.(a) Name of the IPTV service provider
(individual/firm/company/association of persons/body of individuals) **
- (b) Age/Date of establishment/Date of Incorporation
2. Details of Registration as a Cable Operator (if applicable)
 - (a) Name/Address of the Post Office with which registered
 - (b) Registration No./Validity up to
 - (c) Copy of the Registration Certificate (enclose)
3. Details of Telecom License (if applicable)
 - (a) Date of issuance of license
 - (b) Validity upto
 - (c) Copy of the license agreement
4. Complete Postal Address with Telephone/Fax No. / E-mail ID
 - (a) Corporate Office/Head Office
 - (b) Registered Office
 - (c) Regional Offices
 - (d) Address for Correspondence
5. Name of authorized contact person, his designation and telephone/fax No./E-mail ID
6. *Registration detail under Companies Act, 1956: Incorporation No. and Date (Attach a copy of Certificate of Incorporation and Memorandum and Article of Associations)
7. *Board of Directors (Attach list of Directors along with bio-data of each Director giving date of birth, place of birth, parentage, nationality, permanent address, residential address, official address, passport No. (if any), qualification, experience, etc.
8. *Attach list of key executives including CEO/MD along with details as in 7 above.
9. *(i) Authorized Share Capital, (ii) Paid-up Share Capital
- 10(a) *Shareholding pattern of the applicant company in the table 1 and 2 : (to be annexed as per format given)
- 10(b) *In case there is any foreign investment direct or indirect in the applicant company then whether complying with Foreign investment norms/ FIPB approval requirement (details)
11. (i) Present Area of Operation (if in more than one city, city-wise details to be given).
 - (ii) Details of the area in which IPTV services are sought to be provided
 - (iii) Date from which IPTV services are proposed to be offered
 - (iv) Total no. of existing subscribers
 - (v) Subscribers proposed to be covered by IPTV service
12. (i) No. and details of TV channels sought to be provided (own/broadcasters*)
 - (ii) Source of content (Broadcaster/MSO/Cable operator) with details

- (iii) In case the content is obtained from MSO/Local cable operator, whether such MSO/Cable operator possesses due rights from the content owner/broadcaster for the IPTV platform
13. Other value added services proposed to be provided (details along with how authorized/approvals obtained from competent authority/technical details). Arrangements made to ensure compliance of Programme and Advertisement Code (Details)
14. How is the requirement of commercial interoperability of Set Top Boxes sought to be complied with?
15. Arrangements made/proposed to be made to comply with content storage/content monitoring requirements as contained in the Guidelines (Give full details)

I/We the applicant(s) *(individual/firm/company/association of persons/body of individuals) do hereby declare that the above facts are correct in all respects.

I/We hereby undertake to abide by all the conditions contained in the Guidelines for provisioning of IPTV services and any future amendments thereto/directions/orders/regulations that the Central Government or the TRAI may lay down/issue for the provisioning of IPTV services or any other law as may be applicable.

Signature /Authorized person
 *(individual/firm/company/association
 of persons/body of individuals)

Place

Name

Date

Address

* To be given in case applicant is a Company

** Score out the word or words which are not applicable

FM Radio Guidelines dated 25.07.2011

File No. 104/2/2008-FM(Vol-III)
Government of India
Ministry of Information and Broadcasting
'A' Wing, Shastri Bhawan, New Delhi-110001

Dated, the 25th July, 2011

ORDER

In pursuance of the Union Cabinet decision dated 7th July, 2011, whereby expansion of FM Radio Broadcasting services through private agencies (Phase-III) has been approved, the policy guidelines for FM Radio (Phase-III) are being issued as annexure. A copy of these guidelines is also posted on the website (www.mib.nic.in) of the Ministry of Information and Broadcasting for information.

(Arvind Kumar)
Joint Secretary to the Government of India
Telefax: 2338 2597
E-mail: jsh@sb.nic.in

Encls: As above

Copy to:

1. Cabinet Secretary, Cabinet Secretariat
2. Secretary, Department of Telecommunications, Ministry of Communications and IT
3. Home Secretary, Ministry of Home Affairs
4. Secretary, Department of Revenue, Ministry of Finance
5. Secretary, Department of Economic Affairs, Ministry of Finance
6. Secretary, Department of Information Technology
7. Secretary, Ministry of Corporate Affairs
8. Secretary, Department of Industrial Policy and Promotions
9. Secretary, TRAI
10. Wireless Adviser to the Government of India, WPC

POLICY GUIDELINES ON EXPANSION OF FM RADIO BROADCASTING SERVICES THROUGH PRIVATE AGENCIES (PHASE-III)

1. FM Policy Phase-II has been well received by all stakeholders. It has resulted in huge growth in FM radio industry, opened up new areas for creating employment and has also created an unmet demand for FM radio in other cities. Many cities still remain uncovered by the private FM radio broadcasting largely because only the cities with a population of three lakh and above besides State Capitals were taken up for bidding during the first two phases of FM radio broadcasting. With a view to further expand the spread of these services to other cities particularly in J&K, NE States and island territories, and to address certain other issues which have been raised by the FM radio industry from time to time the Government has decided to amend the existing Phase-II policy issued on 13th July, 2005. Consolidated Policy Guidelines on expansion of FM Radio Broadcasting Services through Private Agencies for FM Phase-III are as follows:-

2. Eligibility Criteria:

2.1 Only Companies registered in India under the Companies Act, 1956 shall be eligible for bidding and obtaining permission for FM Radio channels as per the provisions of these Guidelines.

2.2 Disqualifications: The following types of companies shall not be eligible to apply:-

- (a) Companies not incorporated in India.
- (b) Any company controlled by a person convicted of an offence involving moral turpitude or money laundering/drug trafficking, terrorist activities or declared as insolvent or applied for being declared insolvent;
- (c) A company which is an associate of or controlled by a Trust, Society or Non Profit Organization;
- (d) A company controlled by or associated with a religious body;
- (e) A company controlled by or associated with a political body;
- (f) Any company which is functioning as an advertising agency or is an associate of an advertising agency or is controlled by an advertising agency or person associated with an advertising agency;
- (g) Subsidiary company of any applicant in the same City;
- (h) Holding company of any applicant in the same City;
- (i) Companies with the Same Management as that of an applicant in the same City;
- (j) More than one Inter-Connected Undertaking in the same City;

- (k) A company that has been debarred from taking part in the bidding process or its holding company or subsidiary or a company with the same management or an interconnected undertaking ;
- (l) The defaulters of conditions under Phase-I & Phase-II, who have contested the revocation of their Letters of Intent/License Agreements/ Bank Guarantees, thereby continue to be debarred from participating in any future bidding process.

Note 1: For the purpose of sub clause (d) above a religious body shall be:

- i. A body whose objectives are wholly or mainly of a religious nature;
- ii. A body, which is controlled by a religious body or an associate of religious body

Note 2: For the purpose of sub clause (e) above a political body shall be:

- i. A body whose objects are wholly or mainly of a political nature;
- ii. A body affiliated to a political body;
- iii. A body corporate, which is an associate of a body corporate controlled, held by, operating in association or controlling a body of political nature as referred above.

Note 3: For the purposes of clause (f) an “Advertising Agency” shall mean an individual or a body corporate who carries on business as an advertising agent (whether alone or in partnership) or has control over any body corporate which carries on business as an advertising agent and any reference to an advertising agency includes a reference to an individual who-

- (i) Is a director or officer of any body corporate which carries on such a business, or
- (ii) Is employed by any person who carries on such a business.

Note 4: The terms “Same Management”, ‘Subsidiary Company’ and ‘Holding Company’ shall have the same meaning as assigned to them under Section 4 of the Companies Act, 1956;

Note 5: The term “Inter Connected Undertakings” shall have the same meaning as assigned to it in the Monopolies and Restrictive Trade Practices Act, 1969;

Note 6: If the applicant and the subsidiary company/holding company/company with the same management/Inter-Connected Undertaking submit more than one bid for the same City, all such bids shall be rejected.

2.3 Financial Competence:

- 2.3.1 The financial eligibility of each applicant company shall be assessed on the basis of the following criteria:

Minimum Net Worth required as per City Category in each region:

D category Cities and cities	
with population upto 1 lakh:	Rs. 50 Lakhs.
C category Cities:	Rs. 1 Crore.
B category Cities:	Rs. 2 Crore.
A category Cities:	Rs. 3 Crore.
A+ category Cities	Rs. 3 Crore.
All categories of Cities in all regions:	Rs. 10 Crore.

Illustration: For two or more C category cities in the same region, Net Worth of Rs. 1 crore is required. If the two C category cities are in two different regions, Net Worth of Rs. 2 crore is required.

2.3.2 **Region** shall mean North or East or South or West region, comprising states/UT s as under:

North Region: J&K, Punjab, Himachal Pradesh, Haryana, Rajasthan, Delhi, Uttar Pradesh, Uttarakhand & Chandigarh.

East Region: Arunachal Pradesh, Assam, Bihar, Jharkhand, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, West Bengal, Andaman & Nicobar Islands.

South Region: Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, and Puducherry, Lakshadweep

West Region: Chhattisgarh, Goa, Gujarat, Madhya Pradesh, Maharashtra, Daman & Diu, Dadar and Nagar Haveli

2.3.3 Each applicant shall indicate the category or categories of cities and the region (s) it desires to bid for at the time of bidding and its eligibility shall be determined accordingly. In case the applicant does not wish to intimate these details and wishes to have the option to take part in any or all categories in all the regions, the applicant company must have the minimum net worth of Rs.10 Crore.

2.3.4 The cut off date for determination of network shall be as mentioned in the tender document.

2.3.5 Irrespective of any other definition provided anywhere else, the network shall be interpreted and calculated as per the proforma given at **Annexure-I** and should be certified by Statutory Auditors of the Company duly supported by certified accounts by the Statutory Auditors. It is further clarified that the network of only the applicant company will be considered to determine the eligibility and the network of holding companies or subsidiaries or group companies or interconnected undertakings will not be taken into account.

2.3.6 The existing FM permission holders will also be required to fulfill the network criteria.

2.3.7 It is clarified that the amount of One Time Entry Fee already paid to the Government cannot be taken as a tangible asset either in full or in part for the purposes of calculation of Network.

2.4 Managerial Competence:

2.4.1 The applicant company shall be required to furnish the following information:

- (i) Names of Directors with evidence of their commercial or managerial competence.
- (ii) Directorship or other executive positions held by the Directors in other companies/organizations with details of such companies/organizations with documentary evidence to support their claim
- (iii) Names of the key executives, i.e. Chief Executive Officer, and Heads of Finance, Marketing and Creative Departments, if any in position, with evidence of their professional qualifications and managerial competence.

2.5 Permission will be granted only in cases where equity held by the largest Indian shareholder is at least 51% of the total equity, excluding the equity held by Scheduled Banks and Public Financial Institutions as defined in Section 4A of the Companies Act, 1956. The term largest Indian shareholder, used in this clause, will include any or a combination of the following:

- (1) In the case of an individual shareholder,
 - (a) The individual shareholder.
 - (b) A relative of the shareholder within the meaning of Section 6 of the Companies Act, 1956.
 - (c) A company/ group of companies in which the individual shareholder/HUF to which he belongs has management and controlling interest.
- (2) In the case of an Indian company,
 - (a) The Indian company
 - (b) A group of Indian companies under the same management and ownership control.

For the purpose of this Clause, "Indian company" shall be a company, which must have a resident Indian or a relative as defined under Section 6 of the Companies Act, 1956/ HUF, either singly or in combination holding at least 51% of the shares.

Provided that in case of a combination of all or any of the entities mentioned in Sub-Clause (1) and (2) above, each of the parties shall have entered into a legally binding agreement to act as a single unit in managing the matters of the applicant company.

2.6 All Directors on the Board of Directors of the Company, all key executives, CEO known by any designation, Head of the channel shall be resident Indians.

2.7 The company as well as all Directors on the Board shall be security cleared. The company shall take prior permission of the Government before effecting any change in the Board of Directors.

2.8 The 'largest Indian shareholder' as defined in Para 2.5 exercises management control over the applicant entity.

2.9 The applicant company will have to conform to foreign investment and other related stipulations as prescribed in Para-9 below.

3. Period of Permission:

3.1 The Permission shall be valid for a period of **fifteen (15) years** from the effective date as defined below. There shall be no extension and the Permission, unless cancelled or revoked earlier, shall automatically lapse and expire at the end of the aforesaid fifteen years' period and the Permission Holder shall thereafter have no rights whatsoever to continue to operate the Channel after the date of expiry of the Permission. Government at the appropriate time shall determine procedure for issue of fresh permissions.

3.2 The effective date of the Permission Period shall be reckoned from the date of operationalisation of the Channel or the expiry of the time limit for operationalisation as specified in Para 5, whichever is earlier, unless the time limit for operationalisation has been extended by the Secretary, Ministry of Information & Broadcasting as per para 5 in which case the effective date of the Permission Period shall be the last date so fixed.

3.3 The permission shall be for free to air broadcasts on main carrier and data on sub-carriers.

4. Process of granting permission:

4.1 Permission for the channels shall be granted on the basis of Non-Refundable One-Time Entry Fees (NOTEF) i.e **Successful Bid Amount** arrived at through an ascending e-auction process, on the lines followed by Department of Telecommunications in the auction of 3G and BWA spectrum, *mutatis-mutandis*, as per the details to be notified separately. The e-auction for the channels to be taken up in Phase-III will be held in batches. Auction shall be conducted by an independent expert agency to be appointed by the Government of India. The Ministry of I&B would separately issue a detailed Information Memorandum, in due course, enabling the prospective bidders to participate, and also indicating the cities to be taken up in each batch and their respective reserve prices. The Ministry of I&B will also issue a Notice Inviting Applications (NIA) for participation in the Auction(s) (Notice). The provisions set out in the Notice (or any other applicable laws, regulations or other statutory provisions) are definitive and take precedence.

4.2 The ascending e-auction process for granting permission for channels in each batch under Phase III shall consist of four Stages. The Stage-I shall be invitation stage wherein prospective bidders submit their applications. Screening of applications, publication of ownership details and pre-qualification test will be done in Stage-II, called pre-qualification stage. Only applicants qualifying in accordance with prescribed eligibility criteria given in para 2 will be invited to the auction stage (Stage-III) for bidding for specific channels in different

cities. The Stage-IV will be grant stage wherein payment of winning bid amount and issuance of Letter of Intent (LOI) subject to fulfillment of relevant conditions. It is clarified that the existing permission holders will also have to satisfy the prescribed eligibility criteria to become eligible for participating in the auction.

4.3 The auction shall be undertaken city-wise and channel wise and the reserve price for each city to be taken up in each batch will be set out upfront. Every pre-qualified bidder may bid for channel(s) in each city within the prescribed limit on ownership of channels for that city for each channel.

4.4 **Earnest Money Deposit:**

Prospective bidders for a channel shall be required to deposit Earnest Money , along with the application for pre-qualification, in the form of a Bank Guarantee from a Scheduled Bank (as per the format specified by the Ministry) which shall be 25% of the reserve price of that city per channel. The requirement of EMD may vary depending on progress of bids. Final details with regard to requirement of EMD and the determination of eligibility of a bidder on its basis shall be specified in the Information Memorandum and NIA to be issued separately.

4.5 **Application Processing Fee:**

The applicant shall pay a non-refundable application processing fee of Rs. 25,000/- payable to Pay and Accounts, Ministry of Information and Broadcasting, New Delhi, through a demand draft.

4.6 **Reserve Price:**

The Reserve Price for new channels in existing FM Phase-II cities shall be the Highest bid price received for that city in Phase-II. In cities which are being taken up afresh, the reserve price shall be the Highest Bid price received during FM Phase-II for that category of cities in that region. In case the benchmark from Phase-II for a particular region is not available, then the lowest of the Highest bid received in other regions for that category of cities may be taken as the reserve price. For new cities in border areas with a population less than One lakh the reserve price shall be Rs five lakh.

4.7 **Payment Methodology :**

- (i) Successful Bidders shall deposit 25% of the Successful Bid Amount as Bid Deposit within 5 calendar days of the close of the Auction, failing which the Earnest Money Deposit shall stand forfeited.
- (ii) Successful Bidders shall deposit the balance amount (Successful Bid Amount less Bid Deposit) within 15 calendar days of the close of the Auction, failing which its Earnest Money Deposit and its Bid Deposit shall stand forfeited.

4.8 **Blacklisting and Forfeiture :**

Any successful bidder, who fails to deposit the bid amount for any channel within the prescribed period, as indicated in para 4.7, shall be disqualified from taking part in subsequent biddings for a period of five years. Further the Earnest Money deposited by the bidder shall also be forfeited.

4.9 **Letter of Intent :**

Upon receipt of the Successful Bid Amount within the stipulated time, and fulfillment of other conditions as may be specified, the successful bidder will be issued a Letter of Intent (LOI) to enable the company to obtain frequency allocation, SACFA clearance, achieve financial closure and appoint all key executives, enter into agreements with Prasar Bharati or any other provider of Land and Tower Infrastructure(henceforth referred as LTI), and system integrator for creation of Common Transmission Infrastructure(CTI) wherever required and deposit the requisite amounts towards land/tower lease rent, common transmission infrastructure etc. and comply with requisite conditions of eligibility for signing the “Grant of Permission Agreement” within the prescribed period as mentioned in para 5.

4.10 Successful Bidders shall obtain SACFA clearance and Frequency Allocation from the Wireless Planning and Coordination (WPC) Wing as per the prescribed procedure.

Note 1:“**Frequency Allocation**” shall mean the specific Radio Frequency (RF) carrier with associated technical parameters such as RF power, bandwidth etc to the particular FM channel as assigned by the Wireless Planning & Co-ordination wing of Department of Telecommunication, Ministry of Communications &IT, Government of India.

Note 2: “**SACFA**” shall mean the “Standing Advisory Committee on Radio Frequency Allocation” of the Wireless Planning & Co-ordination wing of Ministry of Communications &IT, Government of India.

4.11 In the event of the failure of any LOI holder to comply with the eligibility conditions for the Grant of Permission Agreement or failing to sign the Grant of Permission Agreement within the prescribed period as mentioned in para 5, the full deposit of the bid amount shall be forfeited without further notice, and Letter of Intent and the allocation of frequency, if any, shall stand cancelled.

4.12 **Grant of Permission Agreement (GOPA) :**

On complying with all the requisite conditions of eligibility, and furnishing a Performance Bank Guarantee (PBG), on the format specified by the Ministry for an amount equal to the annual fee as per para 6.1 (a) or (b) as the case may be, for complying with all the terms and conditions contained in GOPA including the timely payment of due annual fee, the LOI holder and the Ministry of Information & Broadcasting will sign the Grant of Permission Agreement in the prescribed format. Besides the Ministry of Information & Broadcasting would issue a permission after signing the agreement to enable the permission holder to install the radio station, obtain Wireless Operating License (WOL) and operationalize the channel within the prescribed period as mentioned in para 5.

5. **Requirement to adhere to Time Schedules:**

5.1 **Time Schedule for signing of GOPA:**

5.1.1 Following time limits will be required to be adhered to for cities of Phase-II where it is a vacant channel or additional channel(s) is (are) proposed and CTI has been created:

- (i) Agreement with PB and making payment for LTI lease : within 60 days of the issue of LOI
- (ii) Agreement with BECIL and making payment for CTI creation : within 90 days of the issue of LOI
- (iii) Signing of GOPA with Ministry of I&B : within six months of Grant of LOI

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5.1.2 For cities not covered in 5.1.1 and where PB infrastructure is available, following time lines will be required to be adhered to in such cities:

- (i) Agreement with PB and making payment for LTI lease : within 90 days of the issue of LOI
- (ii) Agreement with and making payment to mutually agreed upon system integrator, which could be BECIL or any other agency, by LOI holder for creation of CTI: within 90 days of the issue of LOI
- (iv) Signing of GOPA with Ministry of I&B : within six months of Grant of LOI

N.B. In case no system integrator could be mutually agreed upon, agreement entered into and payment made within a period of 90 days, then all the LOI holders for the city will be mandatorily required to sign agreement and make payment for creation of CTI within a further period of 30 days with BECIL, which automatically will take over as system integrator after 90 days of issue of LOI.

5.1.3 For cities not covered in 5.1.1 and 5.1.2 and where suitable PB infrastructure is not available, all the LOI holders in a city will be required to appoint an agency, enter into agreement and pay their respective share for creation of CTI to the agency within a period of 90 days of issue of LOI. This agency will be responsible for identification of suitable LTI and creation of CTI as per the following time schedules.

(i) In case the system integrator is able to locate a suitable and readily available LTI then all the LOI holders will be required to enter into an agreement with the LTI provider and make the necessary payments within a further period of 30 days, i.e. within a period of 120 days from the issue of LOI. GOPA will be required to be signed within a further period of five months, i.e. within a period of 9 months from the issue of LOI

(ii) In case no suitable LTI is readily available, it has to be created at the cost of LOI holders. The LOI holders will be required to enter into agreement with the agency for creation of LTI and make payment of their respective share within a further period of 30 days, i.e. within a period of 150 days from the issue of LOI. GOPA will be required to be signed within a further period of five months, i.e. within a period of 10 months from the issue of LOI

(iii) In case no system integrator could be mutually agreed upon, agreement entered into and payments made within a period of 90 days of issue of LOI for identification of suitable LTI and creation of CTI as provided above, then all the LOI holders will be mandatorily required to sign agreement with BECIL and make payments for the same within 120 days of issue of LOI. GOPA will be required to be signed within a further period of five months, i.e. within a period of 11 months from the issue of LOI

5.2 Time Schedule for operationalisation:

5.2.1 The permission holder shall be liable to install the radio station and take action to obtain WOL and operationalise the channel within the timeframe prescribed as follows :

- (i) *Where it is a vacant channel of Phase-II or additional channel in a city of Phase-II and CTI has been created* : within a period of Twelve months from issue of LOI
- (ii) *Where suitable LTI of PB or any other agency is readily available*: within a period of 18 months from the date of issue of LOI

- (iii) *Where suitable LTI is not readily available:* within a period of 24 months from the date of issue of LOI.

Note: A channel shall be taken as 'operationalised' from the date of launch of its commercial transmission (with or without advertisement) on a fixed/regular transmission schedule after the test transmission, if any, which shall not normally exceed 10 days, is over.

5.3 Time Schedule in totality :

The time schedules for various activities covered under 5.1 and 5.2 above are summarized as follows :

S.No.	Activity	Period of completion from issue of LOI				Remarks
		For cities where vacant channel of Ph-II or additional channel in city of Ph-II, where CTI had been created (Ref. Para 5.1.1)	For cities (other than those covered under Para 5.1.1) where P.B. LTI is available (Ref. Para 5.1.2)	For cities other than those covered under Para 5.1.1 & 5.1.2) where suitable LTI other than P.B. is available [Ref. Para 5.1.3(i)]	For cities where no suitable LTI is readily available [Ref. Para 5.1.3 (ii)]	
1.	Signing of agreement and making payment to LTI provider	60 days	90 days	120 days	150 days	
2.	Appointment of mutually agreed CTI creator, signing of agreement and making payment	90 days	90 days ^(x) (120 days) ⁽⁺⁾	90 days ^(x) (120 days) ⁽⁺⁾	90 days ^(x) (120 days) ⁽⁺⁾	(x) & (+) Please refer to N.B. below
3.	Signing of GOPA with M/o I & B	6 months	6 months	9 months	10 months	
4.	Creation of CTI	12 months	12 months	18 months	24 months	
5.	Operationalisation of FM Channel	12 months	18 months	18 months	24 months	
^(x) N.B. In case the LOI holders of a city do not mutually agree upon appointment of a CTI integrator, enter into agreement and make payment of their share of CTI to the integrator within a period of 90 days of issue of LOI, then BECIL will automatically be mandated to be their CTI integrator and periods as indicated vide ⁽⁺⁾ will be applicable for entering into agreement with BECIL and making necessary payments of the share of each LOI holder for creation of CTI to BECIL.						

5.4 In the event of default in operationalisation of a channel being attributable to delay beyond reasonable period by BECIL/system integrator/Prasar Bharati/Wireless Planning & Coordination Wing, of Ministry of Communications & IT, the prescribed time limit for operationalisation may, at the request of the Permission Holder, be extended by such period of delay by the Secretary, Ministry of Information & Broadcasting, whose decision shall be final and binding on both the parties. Such an extension shall however not be for a period exceeding one year beyond the time limit for operationalisation prescribed in para 5.2 and 5.3 above.

5.5 However, in exceptional cases and on a written request from the permission holder detailing the circumstances for the delay in operationalisation, the time limit can, at the discretion of the Secretary, Ministry of Information & Broadcasting, be further extended for a maximum period of one year subject to the following:-

- (i) The date from which such an extension is granted shall be reckoned as the date for the beginning of the permission period.
- (ii) The permission holder pays in one lump sum, in advance, the annual fee for such an extended period,

6. Annual Fee:

6.1 (a) Subject to the provisions contained in sub-para (b), the Permission Holder shall be liable to pay an Annual Fee to the Government of India every year charged @ 4% of Gross Revenue of its FM radio channel for the financial year or @ 2.5% of NOTEF for the concerned city, whichever is higher.

(b) The permission holders in the States of North East (i.e. Arunachal Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland, Sikkim and Tripura,) and Jammu & Kashmir (J&K) and island territories (i.e Andaman and Nicobar islands and Lakshadweep) will be required to pay an Annual Fee to the Government of India charged @ 2% of Gross Revenue for each year or 1.25% of NOTEF for the concerned city, whichever is higher, for an initial period of three years from the date from which the annual license fee becomes payable and the permission period of 15 years begins. The revised fee structure will also be applicable to existing operators in these States/UTs to enable them to effectively compete with the new operators. The three year period for the existing operators shall be reckoned from the first day of the commencement of the next quarter (refer para 6.3) subsequent to the date of issuance of these guidelines.

6.2 Gross Revenue for this purpose would be the gross inflow of cash, receivables or other consideration arising in the course of ordinary activities of the FM Radio Broadcasting enterprise from rendering of services and from the use by others of the enterprise resources yielding rent, interest, dividend, royalties, commissions etc. Gross Revenue shall, therefore, be calculated, without deduction of taxes and agency commission, on the basis of billing rates, net of discounts to advertisers. Barter advertising contracts shall also be included in the gross revenues on the basis of relevant billing rates. In the case of a permission holder providing or receiving goods and services from other companies that are owned or controlled by the owners of the permission holder, all such transactions shall be valued at normal commercial rates and included in the profit and loss account of the permission holder to calculate its gross revenue.

6.3 Annual Fee shall be paid in advance on quarterly basis in four equal instalments within the first fortnight of each quarter of a financial year. For this purpose, four quarters shall be tri-monthly periods beginning 1st April, 1st July, 1st October and 1st January respectively.

6.4 The first year's fee shall become payable with effect from the date of operationalisation of the channel or the expiry of the period prescribed in para 5, whichever is earlier. The permission holder shall be required to initially pay advance quarterly installments calculated on the basis of the minimum prescribed % of the NOTEF mentioned in para 6.1 (a) or (b) as applicable, till the end of the financial year and even beyond till the determination of the first year's gross revenues.. After the determination of first year's gross revenue, the quarterly installments will be determined on the basis of NOTEF or the gross revenue of the last year, for which gross revenue has been determined, whichever is higher.

6.5 Once the final fee for the financial year is determined on the basis of actual gross revenue as given in para 6.1, and is found to be higher than the prescribed percentage of the NOTEF the permission holder shall pay the balance in one lump sum within a period of one month from the date of such determination, and in any case not later than 30th September of the following year.

6.6 From the second year onwards, the permission holder shall pay advance annual fee on the basis of the last year for which the gross revenue has been determined, or minimum prescribed % of the NOTEF, whichever is higher, within the first fortnight of each quarter, and balance due of final annual fee, if any, by 30th September of the following financial year. Any delay on the part of the permission holder to pay the quarterly fee, or the balance due of the final annual fee, determined on the basis of the gross revenue figure, will attract simple interest @ 1% per month for the period of such delay.

6.7 Every permission holder shall furnish a performance bank guarantee as mentioned in para 4.12 for an amount equal to the annual fee calculated on the basis of NOTEF formula given in para 6.1(a) or (b) as applicable, and maintain its validity throughout the currency of the permission. Amount of bank guarantee shall be increased so as to be equal to the annual license fee paid by the licensee for the previous year if such annual license fee exceeded the bank guarantee already furnished by the licensee. The Permission Holder shall be liable to pay the Annual Fees within the prescribed time period, failing which the Government will have the right to invoke the Bank Guarantee furnished by the Permission Holder without any prior notice. Such right shall be without prejudice to any other action that may be taken by the Government under the terms and conditions of the Permission. In the event of invocation of the Performance Bank Guarantee, the Permission Holder shall furnish a fresh bank guarantee of the same amount within a period of three months from date of invocation of the Performance Bank Guarantee, in favour of the Government.

6.8 In the event of Permission Holder's failure/ inability to operationalise the Channel as required within the prescribed time period, the Government shall have the right to recover the Annual Fee for the first year and all the years of such failure/inability as a lump-sum payment, and in the event of default by the Permission Holder, by invocation of the Performance Bank Guarantee furnished by it. As aforesaid, in the event of invocation of the Performance Bank Guarantee, the Permission Holder shall furnish a fresh bank guarantee of the same amount within a period of three months from date of invocation of the Performance Bank Guarantee, in favour of the Government, for the succeeding year's Annual Fee.

6.9 Every Permission Holder shall maintain separate financial accounts for each Channel, which shall be audited by the Statutory Auditors. At the end of each financial year, the company shall provide the statement of gross revenue forming part of the final accounts of the Permission Holder as per the format (**Annexure-II**), duly certified by the Statutory Auditors and duly supported by the audited accounts for the financial year. It may be noted that the income heads specified in **Annexure-II** are only indicative and illustrative and the Auditor would include all the relevant heads qualifying for gross revenue whether or not specifically included in the said format. In addition, the income from the Related Parties shall have to tally with the Related Parties schedule as per Accounting Standards no. 18. Besides, the company shall disclose the following information at the end of each financial year, duly certified by the Statutory Auditor:

- (i) Total trade and other discounts.
- (ii) Total agency commission.
- (iii) Total Related Party Transactions.

6.10 So as to verify that the Gross Revenue is correctly disclosed to it, the Government shall have the right to get the accounts of any permission holder audited by CAG or any other professional auditors at their discretion. In case of difference between the Gross Revenue determined by the Statutory Auditor of the Company and the Government appointed auditors, the views of the government appointed auditor subject to opportunity of hearing to the permission holder shall prevail and the expenses of such audit shall be borne by the permission holder.

In case any amount is to be deposited by the licensee as per provisions of Para 6.8 it shall be deposited within 15 days of such determination along with interest calculated as already mentioned in para 6.5

7. Restrictions on Multiple permissions in a city and other conditions:

7.1 Every applicant shall be allowed to run not more than 40% of the total channels in a city subject to a minimum of three different operators in the city and further subject to the provisions contained in para 8. However in case the 40% figure is a decimal, it will be rounded off to the nearest whole number.

8. Total number of frequencies that an entity may hold:

8.1 No entity shall hold permission for more than 15% of all channels allotted in the country excluding channels located in Jammu and Kashmir, North Eastern States and island territories. Only citywise limits as mentioned in para 7 will apply to channels located in Jammu and Kashmir, North Eastern States and island territories.

[Note (1) : The channels allotted to the following categories of companies would be reckoned together for the purpose of calculating the total channels allocated to an entity:

- (a) Subsidiary company of any applicant/ allottee;

- (b) Holding company of any applicant / allottee;
- (c) Companies with the Same Management as that of applicant/ allottee;
- (d) More than one Inter-Connected Undertaking with regard to the applicant/ allottee.

Note (2) : In respect of existing license/permission/LOI holders, the license(s)/permission(s)/LOI(s) already held by them shall also be taken into consideration for calculating the 15% limit.

9. Foreign Investment and other conditions pertaining to changes in shareholding:

9.1 The total direct and indirect foreign investment including portfolio and foreign direct investments into the company shall not exceed 26% at the time of application and during the currency of license. The methodology of calculation of the direct and indirect foreign investments would be as per the extant policy of the Government. The company will be required to disclose the status of such foreign holding and certify that the foreign investment is within the ceiling of 26% on an yearly basis. Approval of Foreign Investment Promotion Board (FIPB) shall be required for any existing or proposed foreign investment in the company.

9.2 If during the currency of the permission period, government policy on FDI/FII is modified, the permission holders shall be obliged to conform to the revised guidelines within a period of six months from the date of such notification, failing which it shall be treated as non-compliant of Grant of Permission Agreement, and liable for punitive action.

9.3 The company shall make full disclosure, at the time of application, of Shareholders Agreements, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into. Any subsequent changes in these would be disclosed to the Ministry of Information and Broadcasting, within 15 days of any changes, having a bearing on the foregoing Agreements.

9.4 (a) No permission holder, whether with or without foreign investment, shall be permitted to change the ownership pattern of the company through transfer of shares of the majority shareholders/promoters to any new shareholders without the written permission of the Ministry of Information & Broadcasting. The term majority shareholders/promoters shall be construed to mean the persons constituting the 'largest Indian shareholder' referred to in para 2.5.

(b) The company holding permission may, with prior approval of the Ministry of Information and Broadcasting, be allowed to change the composition of the 'largest Indian shareholder' subject to the condition that the shareholding of the 'largest Indian shareholder' does not reduce below 51% till a period of three years from the date on which all the channels allotted to the company holding permission stand operationalised .

(c) The permission holder company may, with prior approval of the Ministry of Information and Broadcasting, dilute the total shareholding of the constituents of the 'largest Indian shareholder' of the company as it existed at the time of submission of bids to a level below 51% only after a period of three years from the date on which all the channels allotted to the company holding permission stand operationalised. This will be further subject to the condition that the revised ownership pattern has a 'largest indian shareholder' with a legally binding agreement amongst its constituents in compliance of the prescribed eligibility conditions as mentioned in para 2.5.

(d) Any restructuring of the company/reorganization of FM radio permissions between different holding companies/subsidiaries/interconnected undertakings/companies with same management may be done only with prior approval of the Ministry of Information and Broadcasting. The Ministry may consider granting such a permission only once after the submission of the last bids till a period of three years from the date on which all the channels allotted to any of the company holding permission stand operationalised undergoing restructuring, provided such a provision has not been availed of earlier. The new permission holding entities will have to conform to the prescribed eligibility criteria and will also be subject to the fulfillment of the following conditions :-

- i. The new company shall sign a fresh agreement with Government on identical terms and conditions (except for transferability of shares as provided herein) for the remaining period of licence of the original company.
- ii. No new tax regime will be designed to provide any incentive to encourage creation of subsidiaries, merger/demerger, amalgamation of FM Broadcasting companies.
- iii. Any tax implication arising out of such mergers/demergers or amalgamation would be governed by the provisions of the Income Tax Act, 1961 as applicable from time to time.
- iv. The processes/action taken by the licensee companies including for formation of new companies/subsidiaries/mergers/amalgamations and/or disinvestment of undertakings, or part thereof, of existing companies etc., need to be compliant with the Companies Act, 1956. The applicant shall not dilute such requirement through its Articles of Association or any Agreement.

10. Cross Media Ownership:

10.1 If during the currency of the permission period, government policy on cross-media ownership is announced, the permission holder shall be obliged to conform to the revised guidelines within a period of six months from the date of such notification, failing which it shall be treated as non-compliant of Grant of Permission Agreement, and liable for punitive action.

Provided, however, in case the permission holder is not in a position to comply with cross media restrictions for bona fide reasons to the satisfaction of the Ministry of Information & Broadcasting, the Permission Holder would be given an option of furnishing one month's exit notice alongwith a compensation calculated on a pro rata basis of the NOTEF amount(s) for the remaining period of permission(s) held by the company.

11. News and Current Affairs Programs:

11.1 The permission Holder will be permitted to carry the news bulletins of All India Radio in exactly same format (unaltered) on such terms and conditions as may be mutually agreed with Prasar Bharati. No other news and current affairs programs are permitted under the Policy (Phase-III).

11.2 The broadcast pertaining to the following categories will be treated as non-news and current affairs broadcast and will therefore be permissible:

- (a) Information pertaining to sporting events excluding live coverage . However live commentaries of sporting events of local nature may be permissible;
- (b) Information pertaining to Traffic and Weather;
- (c) Information pertaining to and coverage of cultural events, festivals;
- (d) Coverage of topics pertaining to examinations, results, admissions, career counseling;
- (e) Availability of employment opportunities;
- (f) Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration;
- (g) Such other categories not permitted at present, that may subsequently be specifically permitted by Ministry of Information and Broadcasting from time to time.

12. Programme Content:

12.1 The permission holder shall follow the same Programme and Advertisement Code as followed by All India Radio as amended from time to time or any other applicable code, which the Central Government may prescribe from time to time.

12.2 The Permission Holder shall also broadcast Public Interest Announcements as may be required by the Central Government/concerned State Government for maximum of one hour per day suitable/proportional time slots interspersed during that day shall be earmarked for this purpose. In case the total demand of Central Government and the State Government exceeds one hour per day, the concerned State Government shall be eligible for announcements covering only the period remaining after meeting the demand of the Central Government.

12.3 The Permission Holder shall ensure that at least fifty percent (50%) of the programmes broadcast by it are produced in India.

12.4 In case of multiple permissions to an entity/related entities in a city the attempt should be to distinguish programming on each channel based on era of music, language of music, genre of music etc to the extent possible to ensure diversity of programming to the listener.

13. Prohibition of Certain Activities :

13.1 Subject to the provisions contained in Para 9.4, the Permission is non-transferable. The Permission Holder shall not be competent to grant a sub-Permission directly or indirectly.

13.2 The permission holder may resort to outsourcing of content production as well as leasing of content development equipment as long as it does not impact permission holder's right as FM broadcaster and enjoys complete control over the channel. However the permission holder will be fully responsible for any violations/omissions of the provisions wrt content as contained in Paras 11 and 12 above in this regard.

13.3 Permission holders may hire or lease broadcasting equipments on long-term basis as long as it does not impact permission holder's right as FM Radio broadcaster and enjoys complete control over the channel. However the permission holder will be fully responsible for any violations of the technical parameters as stipulated in Para 16.

13.4 The Permission Holder shall not enter into any borrowing or lending arrangement with other Permission holders or entities except recognized financial institutions and its related entities (to say, its subsidiary or holding company, a company with the same management and an inter-connected undertaking), which may restrict its management or creative discretion to procure or broadcast content or its marketing rights.

13.5 The Permission Holder shall ensure that there is no linkage between a party from whom a programme is outsourced and an advertising agency.

13.6 The Permission Holder shall ensure that no content, messages, advertisement or communication, transmitted in its Broadcast Channel is objectionable, obscene, unauthorized or inconsistent with the laws of India .

13.7 The Permission Holder shall not either directly or indirectly assign or transfer its right in any manner whatsoever under this Agreement to any other party or enter into any Agreement for sub-Permission and/or partnership relating to any subject matter of the Permission to any third party either in whole or in part. Any violation of the terms shall be construed as breach of this Agreement.

13.8 The permission holder shall fix or modify the '**Channel Identity**', which is the brand name of the FM radio channel, only after prior approval of the Ministry.

14. Penalty for Non operationalisation of Awarded Licenses:

14.1 Each permission holder shall operationalize the channel and ensure completion of the activities preceding thereto within the time limits prescribed in para 5 and para 18, failing which the permission will be revoked, and permission holder shall be debarred from allotment of another channel in the same city for a period of five years from the date of such revocation. The frequency so released may be allotted to the next highest bidder from the waiting list if available and valid or through subsequent bidding. The permission holder shall be liable to pay one year's annual fee. The government shall be well within its right to recover the same from the Performance Bank Guarantee already submitted. No claim will be admissible against the Non-refundable OTEF paid to the Government.

14.2 The Ministry of Information & Broadcasting may also revoke the permission if the channel is closed down either continuously or intermittently for more than 180 days in any continuous period of 365 days for whatever reason.

15. Networking:

15.1 An entity will be permitted to network its channels in its own network within the country. However it is also to be ensured that at least 20% of the total broadcast in a day (reckoned from 0000 Hrs to 2400 Hrs), is in the local language of that city and promotes local content. This may include the Radio Jockey speaking in local language(s)/dialect(s) or programmes focused on local culture/tradition/folk music etc. or other permissible programmes/advertisements in the local language(s)/dialect(s).

15.2 No two entities shall be permitted to network any of their channels in any category of cities.

Note: The permission holder companies referred to in Note-1 below para 8.1 shall be treated as a single entity for the purposes of this Para.

16. Technical Parameters and Standards

16.1 The Permission Holder shall comply with the following technical parameters and standards both for transmission and audio quality of the service.

16.2 Technical Parameters

The transmission equipment including antenna are to conform to the following technical parameters:

(a) ERP and EHAAT

Category	Basis (one or more of the following)	Effective Radiated Power (ERP) (kW)		Antenna Height(EHAAT) (Meters.)	
		Min.	Max.	Min.	Max.
A ⁺	Métro cities	25	50		
	Delhi,			75	200
	Mumbai, Kolkata, Chennai			75	175
A	Population above 20 lakhs	10	30	75	150
B	Population above 10 lakhs and up to 20 Lakhs	5	15	50	100

Category	Basis (one or more of the following)	Effective Radiated Power (ERP) (kW)		Antenna Height(EHAAT) (Meters.)	
		Min.	Max.	Min.	Max.
C	Population above 3 lakhs and up to 10 Lakhs	3	10	30	75
D	Population above 1 lakh and up to 3 Lakhs	1	3	20	40
Others	Cities with a population upto 1 lakh	1	3	20	40

[Note:1 For the purposes of this para the terms ERP and EHAAT shall mean the following:-

- i) **“Height of Antenna above Average Terrain (HAAT)”** is the height of the center of radiation of the antenna above average elevation of the terrain between 3 and 15 Km from the antenna for each radial.
- ii) **“Effective Height of Antenna above Average Terrain (EHAAT)”** is the average of HAATs for 8 radials spaced every 45 degree of azimuth starting with true north.
- iii) **“Effective Radiated Power (ERP)”** is the product of the transmitter output power and Antenna Gain relative to half wave dipole.

Note 2: In cases where

- (i) it may not be possible to remain within the prescribed limits of EHAAT due to topographical constraints or non-availability of a suitable tower meeting the prescribed values of EHAAT or due to any security considerations that the Government may deem appropriate to factor in, or
- (ii) the EHAAT/ERP needs to be fixed to take care of signal interference or security concerns or concerns relating to safety of flights in the vicinity,

the Permission Holder shall have to adjust the ERP of their transmitters so as to lay RF signal not exceeding that due to combination of maximum ERP and maximum EHAAT, as may be prescribed.]

Note 3: In case of interim set up, the LOI/Permission Holder shall, as far as practicable, adhere to the technical parameters for the respective cities. In case it is not possible, it should ensure that the coverage from the interim set up is not less than 60% by area of the coverage of the permanent set up.

- (b) Antenna Polarization : Circular
- (c) Stereophonic Transmission System : Pilot-tone
- (d) Pre-emphasis in transmission system : 50 micro-sec

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- (e) Max Deviation in transmission system : +/-75 KHz
- (f) Harmonic/spurious : Should conform to the ITU Radio regulations and relevant ITU-R Recommendations
- (g) Frequency Stability : Should conform to the ITU Radio Regulations

Note 4: In case of border cities with a population less than one lakh, Ministry of I&B may make a special dispensation in consultation with, MOD, MHA, and WPC to ensure coverage including those in shadow areas keeping in view the geographical terrain and strategic requirements.

16.3 Technical Standards :

(a) The Permission Holder shall comply with the audio and transmission standards for FM sound broadcasting at each Center conforming to the ITU-R (International Telecommunication Union) Recommendations viz: 450-3, 467, 646 and 644-1;

(b) The Permission Holder shall also comply with the technical standards on data broadcasting on FM sub-carriers, whenever introduced, conforming to ITU-R Recommendations viz. 643-1 and BS-1194-2.

17. Number of Frequencies:

17.1 Subject to availability of frequencies the total number of channels for allocation to private broadcasters would be kept as follows for Phase III:-

	City Category	No. of Channels
(i)	Category A+ cities	9 to 11 Channels
(ii)	Category A cities	6 Channels
(iii)	Category B cities	4 Channels
(iv)	Category C cities	4 Channels
(v)	Category D cities and cities with population less than one lakh	3 Channels

17.2 A total of about 839 channels in about 294 cities across the country would be made available for bidding by Indian private companies, details of which are at Annexure-III. The list may undergo some modifications at the time of tendering and cities may be added or deleted based on availability of frequencies or otherwise. The list also indicates places where FM radio channels already exist.

18. Co-location:

18.1 It will be mandatory for all Phase-III operators to co-locate transmission facilities in all the cities, irrespective of the fact as to whether the infrastructure of Prasar Bharati is available or not.

18.2 In cities where it is a vacant channel of Phase-II or an additional channel is proposed and CTI has been created by BECIL, Co-location at the site already chosen and utilization of CTI already created by BECIL will be mandatory.

18.3 In other cities where Prasar Bharati Infrastructure is available , co-location shall be on such existing facilities of Prasar Bharati on terms and conditions to be prescribed separately, on the existing PB towers . The successful bidders will have a choice to form a consortium and set up required CTI for that city. They will mutually decide infrastructure sharing methodology, commercial revenue sharing mode, service level agreement and methodology for upkeep of such infrastructure.

18.4 If suitable infrastructure of Prasar Bharati is not available, successful bidders will have a choice to form a consortium and set up required land & tower infrastructure (LTI) and (CTI) for co-location of all transmitters identified for that city. They will mutually decide infrastructure sharing methodology, commercial revenue sharing mode, service level agreement and methodology for upkeep of such infrastructure.

18.5 In cases mentioned in paras 18.3 and 18.4 a maximum period of three months from the date of issuance of last LOI for that city will be allowed to the successful bidders to come up with an arrangement for setting up of collocation facility and CTI and furnish a copy of the agreement and payment details to the Government. If no intimation is received within the given time frame of 3 months from the successful bidders it will be presumed that the successful bidders have not been able to reach any agreement on different issues regarding Co-location and erection of tower, then all successful bidders will be mandated to have co-location with facilities to be developed by and CTI to be set up by Broadcast Engineering Consultants India Limited (BECIL). BECIL shall act as the system integrator for providing the collocation facility and common transmission infrastructure and will help the LOI holder/ permission holders to obtain SACFA clearance and frequency allocation on prescribed terms and conditions.

18.6 In cities where a suitable LTI of Prasar Bharati or any other agency is not available, LOI holders will be permitted to operationalize their channels on an interim basis pending creation of co-location facilities and CTI, on individual basis upto the time limit prescribed for operationalisation as per para 5, at the end of which they shall shift their operations to the collocation site. Permission to run its individual channel will be granted only after the Ministry is satisfied that all the successful bidders in that city have made necessary arrangements for setting up of the common transmission infrastructure and have entered into an agreement with BECIL/system integrator and made full payments towards its share in the common infrastructure.

18.7 The system integrator for providing the common transmission infrastructure will help the LOI holder/ permission holders to obtain SACFA clearance and frequency allocation on prescribed terms and conditions. After grant of permission, each permission holder shall obtain wireless operational licence as mentioned in para 4.12 and 23, for which WPC, DOT, M/o C&IT will be requested to grant priority clearance.

19. Mandatory sharing of certain Broadcast signals with Prasar Bharati :

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The company shall ensure compliance with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007 and rules, guidelines and notifications issued thereunder.

20. Monitoring And Requirement To Furnish Information :

- 20.1 The company at its own cost shall,
- (a) Preserve the recordings of content broadcast by the Permission Holder for a period of three months from the date of broadcast and produce the same to the Government or its authorized representative, as and when required and
 - (b) Provide the necessary equipment, services and facilities at designated place(s) as may be required and shall pay such charges as may be required for continuous monitoring of the broadcast content by or under supervision of the Government or its authorized representative.
 - (c) Provide the necessary equipment, services and facilities at designated place (s) for continuous measuring, recording and monitoring of prescribed technical parameters of broadcast as may be required and shall pay such charges as may be required for continuous monitoring of the broadcast service to BECIL.
- 20.2 The Permission Holder shall be liable to furnish to the Government of India or its authorized representative or TRAI or its authorized representative , such reports, accounts, estimates, returns or such other information and at such periodic intervals or at such times as may be required. An annual report shall also be required to be submitted by the Permission Holder that includes audited accounts, Profit & Loss Account, balance sheet, shareholding, Board of Directors and key executives of the company
- 20.3 The Permission Holder shall submit all such information as may be required by the Government to dispose of complaints by public with respect to its broadcast.
- 20.4 In case of non-payment of dues as per the provisions contained in para 20.1, the Government shall recover such dues from the PBG furnished by the permission holder.

21. Inspection :

- 21.1 The Government of India, Ministry of Information & Broadcasting or its authorized representative or TRAI or its authorized representatives, shall have the right to inspect the broadcasting facilities. No prior permission/intimation shall be required to exercise the right of Government or its authorized representative to carry out the inspection. The company will, if required by the Government or its authorized representative, provide necessary facilities for continuous monitoring for any particular aspect of the companies activities and operations.
- 21.2 The inspection will ordinarily be carried out after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.
- 21.3 The Ministry of I&B shall carry out periodic technical audit of the technical setup at the cost of the permission holder through a designated agency.

22. National Security and Other Conditions :

22.1 The Government of India, Ministry of Information & Broadcasting shall have the right to temporarily suspend the permission of the permission holder in public interest or for national security for such period or periods as it may direct. The company shall immediately comply with any directives issued in this regard failing which the permission issued shall be revoked and the company disqualified to hold any such permission in future for a period of five years.

22.2 The company shall not use any equipment, which are identified as unlawful and/or render network security vulnerable.

22.3 The permission holder shall be required to obtain security clearance of all foreign personnel likely to be deployed for more than 60 days in a year by way of appointment, contract, consultancy or in any other capacity for installation, maintenance, operation or any other services prior to their deployment.

22.4 The permission shall be subject to permission holder remaining security cleared throughout the currency of permission. In case the security clearance is withdrawn the permission granted is liable to be terminated forthwith.

22.5 In the event of security clearance of any of the persons associated with the permission holder or foreign personnel is denied or withdrawn for any reasons whatsoever, the permission holder will ensure that the concerned person resigns or his services terminated forthwith after receiving such directives from the Government failing which the permission granted shall be revoked and the company shall be disqualified to hold any such permission in future for a period of five years.

23. WPC Wing's License:

23.1 As aforementioned, before operating the service a separate specific license i.e. Wireless Operational License, shall be obtained by the company from the WPC Wing of Ministry of Communications & IT, permitting utilization of appropriate frequencies/band for the establishment and operation of concerned wireless component of FM radio Service under usual terms and conditions of such license. The Grant of such License shall be governed by the rules, procedures and guidelines and shall be subject to compliance with all requirements of the WPC wing.

23.2 For this purpose, an application shall be made to the "Wireless Advisor to the Government of India, WPC Wing, Department of Telecommunications, Ministry of Communications & IT" in the prescribed application form.

23.3 License fee/royalty as prescribed by WPC from time to time, shall have to be paid by the company towards grant of License for usage of frequency spectrum.

23.4 The company shall not cause harmful interference to other authorized users of radio spectrum. WPC Wing will have the sole discretion to take practicable and necessary steps for elimination of harmful interference, if any, to other licensed users.

23.5 The Wireless Planning and Coordination Wing, Ministry of Communications & IT shall have the right to inspect from time to time the installation from technical angles to check conformity with Wireless Operational License conditions.

24. Penalties:

24.1 In case there is any violation of conditions cited in 11.1, 11.2 and 12.1, Government may suo motto or on basis of complaints take cognisance and place the matter before the **Inter-ministerial Committees on Programme and Advertising Codes** for recommending appropriate penalties. On the recommendation of the Committee a decision to impose penalties shall be taken. However, before the imposition of a penalty the Permission Holder shall be given an opportunity to represent its case. The Ministry shall however be at liberty to specify any other mechanism to take action for such violations.

24.2 Except wherever provided otherwise, in the event of a permission holder violating any of the terms and conditions of permission, or any other provisions of the FM Radio policy, the Ministry of Information and Broadcasting shall have the right to impose the following penalties:

24.2.1 In the event of first violation, suspension of the permission and prohibition of broadcast up to a period of 30 days.

24.2.2 In the event of second violation, suspension of the permission and prohibition of broadcast up to a period of 90 days.

24.2.3 In the event of third violation, revocation of the permission and prohibition of broadcast up to the remaining period of the permission.

24.2.4 In the event of any violation as mentioned in Para 24.2 , the Ministry of Information and Broadcasting shall be well within its right to award a lesser penalty which may include issuance of an advisory or a warning or a direction to run an apology on the channel or in any other manner depending on the gravity of the violation.

24.2.5 In the event of the failure of the permission holder to comply with the penalties imposed within the prescribed time, revocation of permission and prohibition to broadcast for the remaining period of the permission and disqualification to hold any fresh permission in future for a period of five years.

24.3 In the event of suspension of permission the permission holder will continue to discharge its obligations under the terms and conditions of permission including the payment of fee.

24.4 In the event of revocation of permission, the Government shall not be responsible for any investment towards the operationalisation of the channel, not limited to capital and operating expenditure, in case of imposition of any penalty referred above.

24.5 The Performance Bank Guarantee deposited by the permission holder for the channel may also be forfeited for failure to comply with any of the terms and conditions of GOPA.

24.6 All the penalties mentioned above shall be imposed only after giving a written notice to the permission holder to rectify the violation within a period of 15 days, failing which he shall be liable for the proposed penalty.

25 Force Majeure during the permission period:

25.1 If at any time, during the period of permission, the performance of any obligation either in whole or in part by any party is prevented or delayed, by reason of war, hostility, acts of enemy, civil commotion, sabotage, fire, flood, act of state or center, explosion, epidemic, quarantine restriction, strikes materially affecting the performance of any obligations of affected party, or act of God (all or any of these hereinafter referred to as Force Majeure Event), neither party shall, by reason of such Force Majeure Event be entitled to terminate this permission, nor shall either party have any claim for damages against the other, in respect of such non-performance or delay in performance provided notice of such happenings of any such Force Majeure Event is given within 21 days from the date of occurrence thereof. Provided further that services under this permission shall be resumed as soon as practicable, after such Force Majeure event comes to an end or ceases to exist. The decision of the Government of India as to whether the services may be so resumed or not, shall be final and conclusive.

25.2 If the broadcast of the Permission Holder remains discontinued due to such Force Majeure event for more than two months, the parties shall meet together and discuss the future course of action.

25.3 The Government of India shall not be obliged to grant any rebate in Annual Fee on account of Force Majeure event referred to above, where the Permission Holder decides to continue the broadcast. Provided, however, the Government of India may at its discretion allow rebate in appropriate case in case the broadcast cannot be continued, even after two months of the occurrence of the event.

26. Surrender of Permission :

26.1 The Permission Holder may surrender the Permission by giving an advance notice of one month to the Government as well as to all concerned/affected parties including the listeners of the service to this effect. No claim will be admissible against the Non-refundable OTEF paid to the Government. The Permission Holder shall however, continue to observe all obligations, terms and conditions of permission including the criteria for the quality of broadcast during the notice period and any failure to do so shall be regarded as breach of Permission conditions.

26.2 In case of surrender of Permission, the Government may (at its own discretion), in order to ensure the continuity of the Broadcast, take over the FM Radio Broadcast Channel of the Permission Holder or issue Permission to another eligible company for running the service. The Permission Holder shall be obligated to facilitate the transfer of Permission to the new Permission Holder or the Government, and of all assets as are essential and necessary for continuity of the service on payment of such compensation as may be mutually agreed.

27. Disputes with other Parties:

27.1 In the event of any dispute between the company and any party other than the Government (including in relation to the permission and/or Broadcasting services, etc) due to any reason whatsoever, it shall be the sole liability of the company to resolve such dispute amicably or otherwise with the other party and the Government shall have no liability whatsoever in this regard. Further, the company shall undertake to fully indemnify and keep the Government harmless in respect of any action, claim, suit, proceeding, damage or notice

to/against the Government for any act of omission or commission on the part of the company, its agents, employees, representatives or servants.

Provided that if any such third party dispute arises on account of non-observance or breach of any rules or regulations or any other terms and conditions of license by the company as provided, the Government shall also have the right to take any action against the company as per the terms and conditions of permission.

28. Dispute Resolution and Jurisdiction:-

28.1 Dispute resolution shall be as per the provisions of Telecom Regulatory Authority of India Act, 1997 as amended from time to time or such other laws applicable to resolution of such dispute.

28.2 Subject to 28.1 the High Court at New Delhi shall have the jurisdiction over all disputes.

29. Provisions relating to data broadcasting services in FM sub-carriers

- (i) The services provided will be free-to-air services and no charges will be required to be paid by listeners to the FM broadcaster for such services.
- (ii) None of the data services will carry any audio/video/text/data falling within the purview of news and current affairs.
- (iii) Any broadcasts as part of data services will also be required to adhere to monitoring and storage requirements as provided herein.
- (iv) Any service specific to an individual listener/subscriber like radio paging will not be permissible as such services require a separate permission/license from DOT
- (v) Emergency Warning Services(EWS) if provided should only be used with the specific approval and guidance of the local District administration.
- (vi) Revenues, if any, earned by provisioning of such services shall form part of the overall Gross Revenue of the permission holder for the purposes of determination of annual fee.

30. Miscellaneous:-

30.1 The grant of Permission shall be subject to the condition that the permission holder shall comply with any regulations, orders and directions issued by TRAI from time to time under the TRAI Act 1997.

30.2 The Permission shall be governed by the provisions of the Telecom Regulatory Authority of India Act, 1997, Indian Telegraph Act, 1885 and Indian Wireless Telegraphy Act, 1933 as amended from time to time and any other law as applicable to broadcasting which has or may come into force.

30.3 The Government shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.

30.4 Prasar Bharati infrastructure should be made available at half the lease rentals for similar category cities in the cities of J&K, North Eastern States and island territories.

31. Migration to Phase-III

31.1 The provisions of these Guidelines will be applicable to the existing permission holders subject to the provisions contained herein and subject to payment of all outstanding dues pertaining to the Government, Prasar Bharati and BECIL in relation to existing FM radio permissions/operations. The existing permission holders will be required to sign a fresh grant of permission agreement on the prescribed format within a given time frame. In case any existing permission holder does not execute the fresh Agreement within the given time frame it shall be construed to mean that he does not want to migrate to the FM Phase III regime, and therefore shall continue to be governed by the FM Phase II policy provisions.

31.2 In the event of any existing permission holder of Phase II declining to opt for automatic migration, it shall continue to be governed by the terms and conditions of its original license under FM Phase II Policy regime, as modified from time to time.

31.3 The period of permission of existing FM Phase-II broadcasters/permission holders shall be governed by the provisions contained in FM Phase-II Policy.

31.4 Subject to the provisions of para 6.1 (b), annual fee payable by existing permission holders of Phase-II shall continue to be determined as 4% of Gross Revenue or 10% of Reserve OTEF for the city determined for the city during Phase-II bidding.

31.5 The date of issuance of these guidelines should be taken as the cut off date for automatic migration to Phase-III.

ANNEXURE-I

FORMAT FOR CERTIFICATION OF NET WORTH BY STATUTORY AUDITORS.

We have audited the Books of Accounts of _____ for the financial year/period ended month-day-year and certify that the "Net Worth" of M/s _____ the Applicant Company as on _____ is Rupees _____ lacs (rupees in words lacs). We further certify that the Net Worth of the Applicant Company is computed as follows:

Sl.No.	Particulars	Amount in Rupees-lacs
1.	Book Value of assets	
2.	Book Value of fictitious and intangible assets	
3.	Liabilities other than owner's funds	
4.	Net Worth {1-(2+3)}	

Place/Date

Statutory Auditors

Note:

NET WORTH

The excess of the book value of assets (other than fictitious and intangible assets of an enterprise over its liabilities. This is also referred to as Net assets or shareholder's funds

Book Value of assets

The amount at which an item appears in the books of account or financial statement. It does not refer to any particular basis on which the amount is determined. Eg. Cost, replacement value etc

Fictitious assets.

Items grouped under the assets in a balance sheet which has no real value (eg. The debit balance of the profit and loss account)

Liabilities

The financial obligation of an enterprise other than owner's funds.

ANNEXURE-II

Statement of Gross Revenue forming part of the Final Accounts of M/s the fm permission holder

	INCOME HEADS	Tariff rate/ rate card	Discounts		Agency commi- ssion	Taxes	Net as per P&L a/c
sl.no			trade	others			
		(Amount Rupees in lacs)					
		A	B	C	D	E	F
1	Advertisement						
2	Promotional Events						
2.1	Musical/Star Events						
2.2	<i>Sponsored Programmes</i>						
3	Marketing Rights						
4	Commission						
5	Royalties						
6	Sale of recorded cassettes, CDs etc						
7	Rent –Premises						
8	Rent-Equipment						
9	Interest/Dividend						
10	Related Party Transactions						
10.1	Goods Sold						
10.2	Services rendered						
10.3	Production						
10.4	Marketing						
10.5							
10.6							

Notes.

- The income heads are only indicative and illustrative and the Auditor would include all the relevant Heads of the FM Permission Holder.**

The income from the Related Parties shall tally with the Related Parties schedule as per accounting standards no 18.

Additional columns may be introduced in appendix D if required.

Column F is the total revenue as per profit and loss account. To arrive at the gross revenue as per column the taxes, agency commission as applicable are to be added.

Gross Revenue (A) = B + C + D + E + F

Gross Revenue for Annual Fee @ 4% = [A –(B + C)] x 4%

ANNEXURE-III

City-wise list of available Channels for Phase-III

S No	Name of City	State	Total Number of Channels proposed	Existing Channels	Channels available for Phase III
Category “A+”					
1	Chennai	Tamil Nadu	9	8	1
2	Delhi	Delhi	9	8	1
3	Kolkatta	West Bengal	9	9	0
4	Mumbai	Maharashtra	9	7	2
Category “A”					
5	Ahmedabad	Gujarat	6	5	1
6	Bangalore	Karnataka	8	7	1
7	Hyderabad	Andhra Pradesh	8	4	4
8	Jaipur	Rajasthan	6	5	1
9	Kanpur	Uttar Pradesh	6	3	3
10	Lucknow	Uttar Pradesh	6	3	3
11	Nagpur	Maharashtra	6	4	2
12	Pune	Maharashtra	6	4	2
13	Surat	Gujarat	6	4	2
Category “B”					
14	Amritsar *	Punjab	4	3	1
15	Agra *	Uttar Pradesh	4	2	2
16	Allahabad *	Uttar Pradesh	4	2	2

17	Asansol	West Bengal	4	2	2
18	Bhopal	Madhya Pradesh	4	4	0
19	Cochin	Kerala	4	3	1
20	Coimbatore	Tamil Nadu	4	4	0
21	Dhanbad	Jharkhand	4	0	4
22	Indore	Madhya Pradesh	4	4	0
23	Jabalpur	Madhya Pradesh	4	4	0
24	Jamshedpur	Jharkhand	4	3	1
25	Ludhiana	Punjab	4	0	4
26	Madurai	Tamil Nadu	4	3	1
27	Moradabad	Uttar Pradesh	4	0	4
28	Patna	Bihar	4	1	3
29	Rajkot	Gujarat	4	3	1
30	Vadodara	Gujarat	4	4	0
31	Varanasi *	Uttar Pradesh	4	3	1
32	Vijayawada	Andhra Pradesh	4	2	2
33	Visakhapatnam	Andhra Pradesh	4	4	0
Category “C”					
34	Ahmednagar*	Maharashtra	4	2	2
35	Ajmer *	Rajasthan	4	2	2
36	Akola*	Maharashtra	4	1	3
37	Alappuzha (Alleppey)	Kerala	4	0	4
38	Aligarh	Uttar Pradesh	4	1	3
39	Amravati	Maharashtra	4	0	4

40	Aurangabad	Maharashtra	4	2	2
41	Bareilly	Uttar Pradesh	4	2	2
42	Belgaum	Karnataka	4	0	4
43	Bellary	Karnataka	4	0	4
44	Bhagalpur	Bihar	4	0	4
45	Bhavnagar	Gujarat	4	0	4
46	Bhubaneswar	Orissa	4	3	1
47	Bikaner	Rajasthan	4	1	3
48	Bilaspur*	Chhatisgarh	4	1	3
49	Chandigarh	Chandigarh/UT	4	2	2
50	Dehradun	Uttarakhand	4	0	4
51	Devengeri	Karnataka	4	0	4
52	Dhule	Maharashtra	4	1	3
53	Erode	Tamil Nadu	4	0	4
54	Gaya	Bihar	4	0	4
55	Gorakhpur	Uttar Pradesh	4	1	3
56	Gulbarga *	Karnataka	4	1	3
57	Guwahati	Assam	4	4	0
58	Gwalior	Madhya Pradesh	4	4	0
59	Hubli-Dharwad	Karnataka	4	0	4
60	Jalandhar	Punjab	4	4	0
61	Jalgaon*	Maharashtra	4	2	2
62	Jammu	J&K	4	1	3
63	Jamnagar	Gujarat	4	0	4

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64	Jhansi	Uttar Pradesh	4	1	3
65	Jodhpur *	Rajasthan	4	3	1
66	Kakinada	Andhra Pradesh	4	0	4
67	Kannur	Kerala	4	4	0
68	Kolhapur	Maharashtra	4	2	2
69	Kota	Rajasthan	4	3	1
70	Kozhikod	Kerala	4	2	2
71	Kurnool	Andhra Pradesh	4	0	4
72	Malegaon	Maharashtra	4	0	4
73	Mangalor *	Karnataka	4	3	1
74	Muzaffarnagar	Uttar Pradesh	4	0	4
75	Muzzaffarpur	Bihar	4	1	3
76	Mysore	Karnataka	4	2	2
77	Nanded*	Maharashtra	4	1	3
78	Nasik	Maharashtra	4	2	2
79	Nellore	Andhra Pradesh	4	0	4
80	Patiala *	Punjab	4	3	1
81	Pondicherry	Pondicherry	4	3	1
82	Raipur	Chhatisgarh	4	4	0
83	Rajamundry*	Andhra Pradesh	4	1	3
84	Ranchi	Jharkhand	4	4	0
85	Rourkela	Orissa	4	2	2
86	Sagar	Madhya Pradesh	4	0	4
87	Saharanpur	Uttar Pradesh	4	0	4

88	Salem	Tamil Nadu	4	0	4
89	Sangli	Maharashtra	4	2	2
90	Shahjahanpur	Uttar Pradesh	4	0	4
91	Sholapur	Maharashtra	4	2	2
92	Siliguri	West Bengal	4	4	0
93	Srinagar	J&K	4	1	3
94	Tiruchy	Tamil Nadu	4	2	2
95	Tirunelveli*	Tamil Nadu	4	2	2
96	Tirupati	Andhra Pradesh	4	2	2
97	Tiruvananthapuram	Kerala	4	4	0
98	Trissur	Kerala	4	4	0
99	Tuticorin*	Tamil Nadu	4	2	2
100	Udaipur	Rajasthan	4	3	1
101	Ujjain	Madhya Pradesh	4	0	4
102	Vellore	Tamil nadu	4	0	4
103	Warangal*	Andhra Pradesh	4	1	3
Category "D"					
104	Abohar	Punjab	3	0	3
105	Achalpur	Maharashtra	3	0	3
106	Adilabad	Andhra Pradesh	3	0	3
107	Adoni	Andhra Pradesh	3	0	3
108	Agartala	Tripura	3	1	2
109	Aizwal	Mizoram	3	1	2
110	Alipurduar	West Bengal	3	0	3

111	Alwal	Andhra Pradesh	3	0	3
112	Alwar	Rajasthan	3	0	3
113	Ambala	Haryana	3	0	3
114	Anantpur	Andhra Pradesh	3	0	3
115	Arrah	Bihar	3	0	3
116	Azamgarh	Uttar Pradesh	3	0	3
117	Baharampur	West Bengal	3	0	3
118	Bahraich	Uttar Pradesh	3	0	3
119	Baleshwar	Orissa	3	0	3
120	Ballia	Uttar Pradesh	3	0	3
121	Balurghat	West Bengal	3	0	3
122	Bands	Uttar Pradesh	3	0	3
123	Bangaon	West Bengal	3	0	3
124	Bankura	West Bengal	3	0	3
125	Bardhaman	West Bengal	3	0	3
126	Baripada	Orissa	3	0	3
127	Barshi	Maharashtra	3	0	3
128	Basti	Uttar Pradesh	3	0	3
129	Beawar	Rajasthan	3	0	3
130	Begusarai	Bihar	3	0	3
131	Bettiah	Bihar	3	0	3
132	Bhadurgarh	Haryana	3	0	3
133	Bharatpur	Rajasthan	3	0	3
134	Bhanuch	Gujarat	3	0	3

135	Bhatinda	Punjab	3	0	3
136	Bheemavaram	Andhra Pradesh	3	0	3
137	Bhilwara	Rajasthan	3	0	3
138	Bhiwani	Haryana	3	0	3
139	Bidar	Karnataka	3	0	3
140	Bihar Shareef	Bihar	3	0	3
141	Bijapur	Karnataka	3	0	3
142	Bokaro Steel City	Jharkhand	3	0	3
143	Botad	Gujarat	3	0	3
144	Brahmapur	Orissa	3	0	3
145	Budaun	Uttar Pradesh	3	0	3
146	Burhanapur	Madhya Pradesh	3	0	3
147	Chapra	Bihar	3	0	3
148	Chhattarpur	Madhya Pradesh	3	0	3
149	Chhindwara	Madhya Pradesh	3	0	3
150	Chikmagalur	Karnataka	3	0	3
151	Chirala	Andhra Pradesh	3	0	3
152	Chitradurga	Karnataka	3	0	3
153	Chittoor	Andhra Pradesh	3	0	3
154	Churu	Rajasthan	3	0	3
155	Coonoor	Tamil Nadu	3	0	3
156	Cuddapah	Andhra Pradesh	3	0	3
157	Daman *	Daman & Diu	3	0	3
158	Damoh	Madhya Pradesh	3	0	3

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159	Darbhanga	Bihar	3	0	3
160	Darjiling	West Bengal	3	0	3
161	Deoghar	Jharkhand	3	0	3
162	Deoria	Uttar Pradesh	3	0	3
163	Dharamavaram	Andhra Pradesh	3	0	3
164	Dibrugarh	Assam	3	0	3
165	Dimapur	Nagaland	3	0	3
166	Dingdigul	Tamil Nadu	3	0	3
167	Dohad	Gujarat	3	0	3
168	Durg-Bhillainagar	Chhatisgarh	3	0	3
169	Eluru	Andhra Pradesh	3	0	3
170	English Bazar (Maldah)	West Bengal	3	0	3
171	Etah	Uttar Pradesh	3	0	3
172	Etawah	Uttar Pradesh	3	0	3
173	Faizabad/Ayodhya	Uttar Pradesh	3	0	3
174	Farrukhabad cum Fatehgarh	Uttar Pradesh	3	0	3
175	Fatehpur	Uttar Pradesh	3	0	3
176	Gadag Betigeri	Karnataka	3	0	3
177	Ganganagar	Rajasthan	3	0	3
178	Gangtok	Sikkim	3	3	0
179	Ghazipur	Uttar Pradesh	3	0	3
180	Giridih	Jharkhand	3	0	3
181	Godhra	Gujarat	3	0	3
182	Gonda	Uttar Pradesh	3	0	3

183	Gondiya	Maharashtra	3	0	3
184	Guna	Madhya Pradesh	3	0	3
185	Guntakal	Andhra Pradesh	3	0	3
186	Haldwani-cum Kathgodam	Uttaranchal	3	0	3
187	Hanumangarh	Rajasthan	3	0	3
188	Hardoi	Uttar Pradesh	3	0	3
189	Hardwar	Uttaranchal	3	0	3
190	Hassan	Karnataka	3	0	3
191	Hazaribag	Jharkhand	3	0	3
192	Hindupur	Andhra Pradesh	3	0	3
193	Hissar *	Haryana	4	3	1
194	Hoshiarpur	Punjab	3	0	3
195	Hospet	Karnataka	3	0	3
196	Imphal	Manipur	3	0	3
197	Itanagar	Arunchal Pradesh	3	1	2
198	Itarsi	Madhya Pradesh	3	0	3
199	Jagdalpur	Chhatisgarh	3	0	3
200	Jaunpur	Uttar Pradesh	3	0	3
201	Jetpur Navagadh	Gujarat	3	0	3
202	Jhunjhunun	Rajasthan	3	0	3
203	Jind	Haryana	3	0	3
204	Jorhat	Assam	3	0	3
205	Junagadh	Gujarat	3	0	3
206	Kaithai	Haryana	3	0	3

207	Kanhangad (Kasargod)	Kerala	3	0	3
208	Karaikkudi	Tamil Nadu	3	0	3
209	Karimnagar	Andhra Pradesh	3	0	3
210	Karnal	Haryana	3	2	1
211	Karur	Tamil Nadu	3	0	3
212	Kavaralli	Lakshadweep	3	0	3
213	Khammam	Andhra Pradesh	3	0	3
214	Khandwa	Madhya Pradesh	3	0	3
215	Kharagpur	West Bengal	3	0	3
216	Khargone	Madhya Pradesh	3	0	3
217	Kohima	Nagaland	3	0	3
218	Kolar	Karnataka	3	0	3
219	Korba	Chhatisgarh	3	0	3
220	Kothagudem	Andhra Pradesh	3	0	3
221	Krishnanagar	West Bengal	3	0	3
222	Lakhimpur	Uttar Pradesh	3	0	3
223	Lalitpur	Uttar Pradesh	3	0	3
224	Latur	Maharashtra	3	0	3
225	Machilpatnam	Andhra Pradesh	3	0	3
226	Madanapalle	Andhra Pradesh	3	0	3
227	Mahbubnagar	Andhra Pradesh	3	0	3
228	Mahesana	Gujarat	3	0	3
229	Mainpuri	Uttar Pradesh	3	0	3
230	Mancherial	Andhra Pradesh	3	0	3

231	Mandsaur	Madhya Pradesh	3	0	3
232	Mathura	Uttar Pradesh	3	0	3
233	Maunath Bhajan (Distt. Mau)	Uttar Pradesh	3	0	3
234	Mirzapur cum Vindhyachal	Uttar Pradesh	3	0	3
235	Moga	Punjab	3	0	3
236	Motihari	Bihar	3	0	3
237	Munger	Bihar	3	0	3
238	Murwara (Katni)	Madhya Pradesh	3	0	3
239	Nagaon (Nowgang)	Assam	3	0	3
240	Nagarcoil/Kanyakumari	Tamil Nadu	3	0	3
241	Nalgonda	Andhra Pradesh	3	0	3
242	Nandyal	Andhra Pradesh	3	0	3
243	Neemuch	Madhya Pradesh	3	0	3
244	Neyveli	Tamil Nadu	3	0	3
245	Nizamabad	Andhra Pradesh	3	0	3
246	Ongole	Andhra Pradesh	3	0	3
247	Orai	Uttar Pradesh	3	0	3
248	Palakkad	Kerala	3	0	3
249	Palanpur	Gujarat	3	0	3
250	Pali	Rajasthan	3	0	3
251	Panipat	Haryana	3	0	3
252	Pannaji	Goa	3	3	0
253	Patan	Gujarat	3	0	3
254	Pathankot	Punjab	3	0	3

255	Porbandar	Gujarat	3	0	3
256	Portblair	Andman & Nikobar	3	0	3
257	Proddatur	Andhra Pradesh	3	0	3
258	Pudukkottai	Tamil Nadu	3	0	3
259	Puri	Orissa	3	0	3
260	Purnia	Bihar	3	0	3
261	Puruliya	West Bengal	3	0	3
262	Rae Bareilly	Uttar Pradesh	3	0	3
263	Raichur	Karnataka	3	0	3
264	Rajapalayam	Tamil Nadu	3	0	3
265	Rajgarh	Chhatisgarh	3	0	3
266	Ramagundan	Andhra Pradesh	3	0	3
267	Raiganj	West Bengal	3	0	3
268	Ratlam	Madhya Pradesh	3	0	3
269	Rewa	Madhya Pradesh	3	0	3
270	Rewari	Haryana	3	0	3
271	Rohitak	Haryana	3	0	3
272	Saharsa	Bihar	3	0	3
273	Sambalpur	Orissa	3	0	3
274	Sasaram	Bihar	3	0	3
275	Satna	Madhya Pradesh	3	0	3
276	Sawai Madhopur	Rajasthan	3	0	3
277	Shilong	Meghalaya	3	2	1
278	Shimla	Himachal Pradesh	3	3	0

279	Shimoga	Karnataka	3	0	3
280	Shivpuri	Madhya Pradesh	3	0	3
281	Sikar	Rajasthan	3	0	3
282	Silchar	Assam	3	0	3
283	Singrauli	Madhya Pradesh	3	0	3
284	Sirsa	Haryana	3	0	3
285	Sitapur	Uttar Pradesh	3	0	3
286	Siwan	Bihar	3	0	3
287	Sultanpur	Uttar Pradesh	3	0	3
288	Surendranagar Dudhrej	Gujarat	3	0	3
289	Thanesar	Haryana	3	0	3
290	Thanjavur	Tamil Nadu	3	0	3
291	Tinsukia	Assam	3	0	3
292	Tiruvannamalai	Tamil Nadu	3	0	3
293	Tonk	Rajasthan	3	0	3
294	Tumkur	Karnataka	3	0	3
295	Udupi	Karnataka	3	0	3
296	Vaniyambadi	Tamil Nadu	3	0	3
297	Veraval	Gujarat	3	0	3
298	Vidisha	Madhya Pradesh	3	0	3
299	Vizianagaram	Andhra Pradesh	3	0	3
300	Wadhwan (Surendernagar)	Gujarat	3	0	3
301	Wardha	Maharashtra	3	0	3
302	Yavatmal	Maharashtra	3	0	3

TOTAL	1052	246	806
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*** Licence revoked in Phase-II**

(c) Cities in Border Areas of J&K and NE States					
1	Kargil	J&K	3	0	3
2	Leh	J&K	3	0	3
3	Katua	J&K	3	0	3
4	Poonch	J&K	3	0	3
5	Bhaderwah	J&K	3	0	3
6	Dubhari	Assam	3	0	3
7	Haflong	Assam	3	0	3
8	Jowai	Meghalaya	3	0	3
9	Lung-iei	Mizoram	3	0	3
10	Mokukchung	Nagaland	3	0	3
11	Belonia	Tripura	3	0	3

GOVERNMENT OF INDIA
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan, New Delhi-110 115

No. N- 38014/4/2014-FM

Dated: 21st January, 2015

ORDER

In pursuance of the Cabinet decision taken on 16th January, 2015 regarding modification of policy guidelines on 'expansion of FM Radio Broadcasting services through Private Agencies (Phase-III)', the existing Para 31(Migration to Phase-III) of the FM Phase-III Policy notified on 25.07.2011 has been amended as under:-

31. Migration to Phase-III

- 31.1 The provisions of these Guidelines will be applicable to the existing permission holders subject to the provisions contained herein and subject to payment of all outstanding dues pertaining to the Government, Prasar Bharati and BECIL in relation to existing FM radio permissions/operations. The existing permission holders will be required to sign a fresh grant of permission agreement (GOPA) on the prescribed format within a given time frame in order to automatically migrate to Phase-III regime. In case any existing permission holder does not execute the fresh Agreement within the given time frame it shall be construed to mean that he does not want to migrate to the FM Phase III regime, and therefore shall continue to be governed by the FM Phase II policy provisions.
- 31.2 In the event of any existing permission holder of Phase II declining to opt for automatic migration, it shall continue to be governed by the terms and conditions of its original license under FM Phase II Policy regime, as modified from time to time.
- 31.3 The cut-off date for automatic migration to Phase-III shall be taken as March 31, 2015.
- 31.4 Each existing permission holder of Phase-II, who is eligible for automatic migration to Phase-III, shall pay Non Refundable One Time Migration Fee (NOTMF) amount which shall be calculated as given in paragraph 31.4.1 below. For the purposes of calculation, the existing Phase-II cities have been classified into three groups, namely Group X having 17 cities, Group Y having 26 cities and Group Z having 43 cities. Each existing city of Phase-II has been shown in the Table below along with its Group, category and the region to which it belongs. The words 'target city' means the city in Group X or Y for which the NOTMF is being determined, while the words 'reference city' refer to the city in Group Z where auction results of FM Phase-III are considered for determining the NOTMF.
- 31.4.1 NOTMF for
- (a) Group X cities shall be
- Higher of –
- Phase-II average bid of the target Group X city multiplied by a factor of 1.5; or
 - Phase-II highest bid of the target Group X city increased by the average increase in auction prices in Group Z cities (vis-à-vis their reserve prices) in the same category in Phase-III.
- (b) Group Y cities shall be

Higher of-

- Phase-II average bid of the target Group Y city multiplied by a factor of 1.5; or
- Phase-II highest bid of the target Group Y city increased by the average increase in auction prices in Group Z cities (vis-à-vis their reserve prices) in the same category in Phase-III.

...but, the lower of

- The above; and
- Phase-III auction price obtained in the target Group Y city.

(c) Group Z cities shall be

- The actual auction price obtained in Phase-III.

Categories A+ and A are deemed to be alike and therefore, considered together.

In the above formulation, 'average bid' for a city shall mean the average of all successful bids in Phase-II in that city while 'highest bid' or 'reserve price' for a city shall mean the highest successful valid financial bid in Phase-II in that city.

Table

CATEGORY	REGION	GROUP X	GROUP Y	GROUP Z
	CITIES			
A+	E	KOLKATA		
	W		MUMBAI	
	N		DELHI	
	S		CHENNAI	
A	E			
	W		AHMEDABAD NAGPUR PUNE SURAT	
	N		JAIPUR	KANPUR LUCKNOW
	S		BANGALORE	HYDERABAD

CATEGORY	REGION	GROUP X	GROUP Y	GROUP Z
	CITIES			
B	E		JAMSHEDPUR	ASANSOL PATNA
	W	BARODA BHOPAL INDORE JABALPUR	RAJKOT	
	N		AMRITSAR VARANASI	AGRA ALLAHABAD
	S	COIMBATORE VISHAKHAPATNAM	KOCHI MADURAI	VIJAYAWADA
C	E	RANCHI	BHUBANESHWAR GUWAHATI SILIGURI	MUZAFFARPUR ROURKELA
	W	GWALIOR RAIPUR		AHMEDNAGAR AKOLA AURANGABAD BILASPUR DHULE JALAGAON KOLHAPUR NANDED NASIK SANGLI SHOLAPUR

C	N	JALANDHAR	JODHPUR KOTA PATIALA UDAIPUR	AJMER ALIGARH BAREILLY BIKANER CHANDIGARH GORAKHPUR JAMMU JHANSI SRINAGAR
	S	KANNUR TRICHUR TRIVANDRUM	MANGALORE PUDUCHERRY	GULBARGA KOZHIKODE MYSORE RAJAHMUNDRY TIRUCHI TIRUNELVELLI TIRUPATI TUTICORIN WARANGAL
D	E	GANGTOK		AIZWAL AGARTALA ITANAGAR SHILLONG
	W	PANAJI		
	N	SHIMLA	KARNAL HISSAR	
	S			
		17 cities	26 cities	43 cities

- 31.4.2 The existing Phase-II operators who successfully bid and win additional channel(s) in an existing city, where it already has an operational FM channel, through an ascending e-auction process, shall have to migrate its existing channel in that city also to Phase-III as per the NOTMF amount mentioned in paragraph 31.4.1 above.
- 31.4.3 In all cases, the residual value of the Phase-II permission, calculated on a pro rata basis, shall be deducted from the NOTMF amount mentioned in paragraph 31.4 above for migration purpose only.
- 31.4.4 For the Group Z cities, in case of failure of the auction in a particular city, the existing Phase-II operators of that city shall pay NOTMF amount equivalent to the reserve price set for fresh channels of that city or 1.5 times the average bid of Phase-II in that city, whichever is higher.
- 31.4.5 If the auction of channels in Group Z cities fails totally, then the Government reserves the right to auction all the existing channels in Group X, Y, and Z cities afresh and no concessional treatment would be afforded to the existing permission holders in the auction process and all participants in that auction would be treated alike.
- 31.5 Upon exercising its option to automatically migrate to Phase-III, and payment of the NOTMF within the prescribed period, each eligible permission holder of Phase-II shall be issued a fresh permission with the same terms and conditions as for successful bidders of Phase-III.
- 31.6 If any existing permission holder of Phase-II, who is eligible and opting for automatic migration to Phase-III, fails to deposit the NOTMF or sign the Grant of Permission Agreement within the prescribed period, it shall not be permitted to migrate to FM Phase-III and shall therefore be governed by the terms and conditions of its existing permission under FM Phase-II Policy regime, as modified from time to time, for remaining period of his Phase-II permission.

Puneet K
21/1/2015

(PUNEET KANSAL)

Joint Secretary to the Government of India
Tel # 2338 3857

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8. Secretary, Department of Telecommunications, Sanchar Bhawan, New Delhi
9. Secretary, Department of Information Technology, Electronics Niketan, CGO Complex, Lodhi Road, New Delhi.
10. Secretary, Department of Space, Antariksh Bhawan, New BEL Road, Bangalore-560231
11. Secretary, Department of North East Region, Vigyan Bhawan Annexe, New Delhi
12. Secretary, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi
13. Secretary, TRAI, New Delhi

FM Radio Amendment dated 21.07.2016

Government of India
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi-110 115

No. N-38013/1/2016-FM

Dated: 21st July, 2016

ORDER

In pursuance of Government of India decision as per communication No. DIPP File No. 5/8/2015-FC-I dated 24th November, 2015 (Press Note No. 12 [2015 series]) regarding review of Foreign Direct Investment (FDI) policy on Terrestrial Broadcasting FM (FM Radio) (para 6.2.7.2), the existing para 9.1 of the POLICY GUIDELINES ON EXPANSION OF FM RADIO BROADCASTING SERVICES THROUGH PRIVATE AGENCIES (PHASE-III) has been amended as under:-

"9.1 The total direct and indirect foreign investment including portfolio and foreign direct investments into the company shall not exceed 49% at the time of application and during the currency of license. The methodology of calculation of the direct and indirect foreign investments would be as per the extant policy of the Government. The company will be required to disclose the status of such foreign holding and certify that the foreign investment is within the ceiling of 49% on an yearly basis. Approval of Foreign Investment Promotion Board (FIPB) shall be required for any existing or proposed foreign investment in the company."

2. This issues with the approval of the competent authority.


(Anju Nigam)

Joint Secretary to the Government of India
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Copy to:

1. Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
2. Secretary, Ministry of Finance, Department of Economic Affairs, North Block, New Delhi.
3. Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
4. Secretary, Ministry of Home Affairs, North Block, New Delhi.
5. Secretary, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi.
6. Secretary, Ministry of Law & Justice, Department of Legal Affairs, Shastri Bhawan, New Delhi.

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FM Radio Amendment dated 04.10.2022

GOVERNMENT OF INDIA
Ministry of Information and Broadcasting
'A' Wing, Shastri Bhawan, New Delhi- 110 115

No. N-38032/51/2019-FM

Dated: 4th October, 2022

ORDER

In pursuance of the Cabinet decision taken on 28th September, 2022 regarding amendments in Policy Guidelines on 'expansion of FM Radio Broadcasting services through Private Agencies (Phase-III)' the existing Para 2.3.1, Para 7.1, Para 8, Para 9.4(d) and Para 15 of the FM Phase-III Policy notified on 25.07.2011 have been amended as under: -

2.3 Financial Competence:

2.3.1 Add a proviso [1] to Para 2.3.1 as under:

" [1]: Net worth requirement for two or more B category cities in one region will suffice the net worth requirement for a combination of two or more B category or lower category cities {i.e. cities in C, D and J&K/ Ladakh/ NE (border) categories} also in the same region. Similarly, for other categories."

7. Restrictions on Multiple permissions in a city and other conditions:

7.1 "Every applicant shall be allowed to run not more than 40% of the total channels in a city subject to a minimum of three different operators in the city. However, in case the 40% figure is a decimal, it will be rounded off to the nearest whole number."

Note(1) : The channels allotted to the following categories of companies would be reckoned together for the purpose of calculating the total channels allocated to an entity:

- (a) Subsidiary company of any applicant/ allottee;*
- (b) Holding company of any applicant / allottee;*
- (c) Companies with the Same Management as that of applicant/ allottee;*

(d) More than one Inter-Connected Undertaking with regard to the applicant/ allottee."

Note (2) : In respect of existing license/permission/LOI holders, the license(s)/permission(s)/LOI(s) already held by them shall also be taken into consideration for calculating the 40% limit.

8. Total number of frequencies that an entity may hold:

Para 8 stands DELETED.


9.4(d) *Any restructuring of the company / reorganization of FM radio permissions between different holding companies / subsidiaries / interconnected undertakings / companies with same management may be done anytime during the license period, only with prior approval of the Ministry of Information and Broadcasting. The Ministry may consider granting such a permission only after all the channels allotted to any of the company holding permission stand operationalised undergoing restructuring. The new permission holding entities will have to conform to the prescribed eligibility criteria and will also be subject to the fulfilment of the following conditions: -*

- i. The new company shall sign a fresh agreement with Government on identical terms and conditions (except for transferability of shares as provided herein) for the remaining period of license of the original company.*
- ii. No new tax regime will be designed to provide any incentive to encourage creation of subsidiaries, merger/ demerger, amalgamation of FM Broadcasting companies.*
- iii. Any tax implication arising out of such merger/ demergers or amalgamation would be governed by the provisions of the Income Tax Act, 1961 as applicable from time to time.*
- iv. The processes/ action taken by the licensee companies including for formation of new companies/subsidiaries/mergers/amalgamations and/or disinvestment of undertakings/ or part thereof, of existing companies etc., need to be compliant with the Companies Act, 2013. The applicant shall not dilute such requirement through its Articles of Associations or any Agreement."*

15. **Networking:**

Note in para 15 amended as under:

"Note: The Categories of companies referred to in Note (1) below para 7.1 shall be treated as a single entity for the purposes of this Para.


(Sanjiv Shankar)

Joint Secretary to the Government of India
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15. Secretary, TRAI, New Delhi

FM Radio Amendment dated 10.09.2024

GOVERNMENT OF INDIA
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan, New Delhi – 110001

No. N-38014/3/2023-FM /463 to 477

Dated: the 10th September, 2024

ORDER

In pursuance of Cabinet decision dated 28th August, 2024 regarding '**Auction for Private FM Radio with amendments to Private FM Radio Phase-III Policy Guidelines**' Para 4.6, Para 6.1 (a) & Para 6.1 (b) of the FM Phase-III Policy Guidelines dated 25.07.2011 are amended as under:-

4.6 Reserve Price:

Add a 'Note 1' below para 4.6 as under:

" Note 1. For FM channels to be taken up in uncovered new cities under Batch-III FM Phase-III, auction:

The reserve price shall be the reserve price recommended by TRAI in 2022."

6. Annual Fee:

Add a para 6.1 (aa) after Para 6.1 (a) as under:

"6.1(aa). Notwithstanding the provision in Clause 6.1 (a) and subject to provision contained in 6.1 (ba); the Permission holder in uncovered new cities under Batch-III FM Phase-III auction shall be liable to pay an Annual Fee to the Government of India every year charged @ 4% of Gross Revenue of its FM radio channel for the financial year for the concerned city excluding Goods and Service Tax. Other Clauses of these policy guidelines in so far, they relate to the permission holder in uncovered new cities under Batch III FM Phase III, shall be read accordingly."

Add a para 6.1 (ba) after Para 6.1 (b) as under:

"6.1(ba). The Permission holder in the uncovered new cities in the States of North East i.e., Manipur, Meghalaya, Mizoram, Nagaland and Tripura; Union Territories of Jammu & Kashmir; and island territories (i.e, Andaman and Nicobar islands and Lakshadweep) under Batch-III FM Phase-III auction will be required to pay an Annual Fee to the Government of India charged @ 2% of Gross Revenue excluding Goods and Service tax for each year for an initial period of three years

from the date from which the annual license fee becomes payable and the permission period of 15 years begins. Other Clauses of these policy guidelines for such permission holders shall be read accordingly."



(Sanjiv Shankar)

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15. Secretary, TRAI, New Delhi

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

Dated: 13th February 2024

Revised Policy Guidelines for setting up Community Radio Stations in India

Foreword

- (a) In December 2002, the Government of India approved a policy for the grant of licenses for setting up of Community Radio Stations to well established educational institutions including IITs/IIMs.
- (b) The matter was reconsidered in the year 2006 and the Government decided to broad base the policy by bringing 'Non-profit' organisations like civil society organisations and voluntary organisations etc, under its ambit in order to allow greater participation by the civil society on issues relating to development & social change. The revised Policy Guidelines were issued in the year 2006. The Policy Guidelines issued in the year 2006, were subsequently amended in the year 2017, 2018 and 2022.
- (c) To ensure financial sustainability of Community Radio Stations and to ensure growth of the Community Radio Sector, the Government has carried out further amendments in the Policy Guidelines. Now, the Revised Policy Guidelines are as under :-

1. Basic Principles

An organisation desirous of operating a Community Radio Station (CRS) must be able to satisfy and adhere to the following principles:

- a) It should be explicitly a 'not-for-profit' organisation and should have a proven record of at least three years of service to the local community;
- b) The CRS, to be operated by it, should be designed to serve the local community in its coverage area;
- c) It should have an ownership and management structure that is reflective of the community that the CRS seeks to serve;
- d) It must be a Legal Entity i.e. it should be registered under any such act relevant to the purpose and the registration, at the time of application, should be at least three years old;

- e) NGOs, registered societies and Public Charitable Trusts shall be registered on NITI Aayog's NGO Darpan portal and the applicant shall provide its Unique ID along with the application.

2. Eligibility Criteria

- a) The following types of organisations shall be eligible to apply for Community Radio licences:
 - (i) Community based organizations, which satisfy the basic principles listed in para 1 above, shall be considered eligible for making an application for grant of permission for setting up Community Radio Stations in India. These would include State Agriculture Universities (SAUs), Indian Council of Agricultural Research (ICAR) institutions, Krishi Vigyan Kendras, Autonomous Bodies, Civil Society Organisations, Voluntary Organisations, Registered Societies, Public Charitable Trusts, not-for-profit organizations set up by Self Help Groups (SHGs) and not-for-profit Farmer Producer Organizations (FPOs);
 - (ii) Educational Institutions.
- b) The following shall not be eligible to run a CRS:
 - (i) Individuals;
 - (ii) Political Parties and their affiliate organisations; [including students, women's, trade unions and such other wings affiliated to these parties.];
 - (iii) Organisations operating with a motive to earn profit;
 - (iv) Organisations expressly banned by the Union and State Governments; and
 - (v) Religious bodies.

3. Selection Process & Processing of the applications

- a) The applicants shall be required to apply online, on a portal specified by the Ministry of Information & Broadcasting (MIB), with a processing fee of Rs. 2500/- and the applications shall be processed in the following manner:
 - (i) An Inter-Ministerial Committee (IMC) shall be constituted under Chairmanship of Secretary (I&B) to consider applications from eligible organizations.
 - (ii) Applications received from Government institutions/ Organisations shall be placed before IMC. After approval by IMC, Letter of Intent (LOI) shall be issued, subject to availability of Frequency spot, provided by Ministry of Communication, at the location proposed by the applicant in its application.
 - (iii) Applications received from Private institutions/ Organisations shall be placed before IMC. After approval by IMC, Letter of Intent (LOI) shall be issued subject to receiving clearance from Ministries of Home Affairs, Defence and subject to

availability of Frequency spot provided by Ministry of Communication, at the location proposed by the applicant in its application.

- b) A time schedule for obtaining clearances shall be as follows:-
- (i) Within one month of receipt of the application, the MIB shall process the application and either communicate to the applicant deficiencies, if any, or will forward the application to the other Ministries for clearance as prescribed in para 3(a)(ii) and 3(a)(iii) above, as the case may be.
 - (ii) The Ministries concerned shall communicate their comments/ clearance within three months of receipt of the application. However, in the event of the failure of the concerned ministry to grant the comments/clearance within the stipulated period of three months, the case shall be referred to the IMC for a decision for issue of LOI.
 - (iii) The validity of LOI shall be one year from the date of its issue. The validity of LOI may be extended for another period of three months, on the request of the applicant giving reasons thereof, which may be considered on case to case basis.
 - (iv) The LOI holder shall be required to sign a Grant of Permission Agreement (GOPA) with the MIB and submit a bank guarantee for a sum of Rs. 25,000/- for a period of ten (10) years, which will enable the LOI Holder to seek Wireless Operating License (WOL) from the Ministry of Communication after deposit of requisite fees, as applicable. The Community Radio Station can be made operational only after the receipt of WOL from the Ministry of Communication.
 - (v) Within one year from the issue of LOI or within six months of the signing of GOPA, whichever is earlier, the Permission Holder shall operationalize the Community Radio Station and shall intimate the date of commissioning of the Community Radio Station to the MIB. In case the applicant fails to operationalize the CRS within the above stipulated period, it may seek permission for extension of time for another three months stating the reason. The request for extension of time for commissioning of CRS may be considered on case to case basis.
 - (vi) Failure to comply with time schedule prescribed above shall make the LOI/GOPA holder liable for cancellation of its LOI/GOPA and forfeiture of the Bank Guarantee.

4. Grant of Permission Agreement conditions

- a) The Initial period for "Grant of Permission Agreement (GOPA)" shall be for ten (10) years.
- b) Grant of Permission Agreement shall be extended for a period of five (5) years at a time. Extension shall be granted on the basis of an application and verification of adherence to the terms and conditions of the permission. The application for extension shall be submitted one year before the expiry of existing GOPA. The GOPA of existing CRS will remain valid as per the agreement signed with the licensee.

- c) A report on continuous operation of CRS may be sought by Ministry from local Akashvani Kendra or a person/officer deputed by the Ministry during the GOPA period.
- d) The Grant of Permission Agreement and the Permission letter shall be non-transferable.
- e) No permission fee shall be levied on the Permission Holder. However, the Permission Holder will be required to pay the spectrum usage fee to WPC wing of Ministry of Communication.
- f) In case the permission holder shuts down broadcasting activity for more than 3 months after commencement of operation, its permission is liable to be cancelled.
- g) An eligible organization/ institution that operates in multiple districts shall be allowed to set up a **maximum of six (6) CRS in different districts of operation**, provided it fulfils the following conditions
 - (i) Continuous operation of the previous commissioned CRS for at least one year at the time of applying for setting up subsequent CRS. The licenses for multiple CRSs would not be issued en masse but one at a time. Only one CRS per district will be allowed to the organisation.
 - (ii) The organizations setting up multiple CRS should ensure participation of the local community and broadcast content relevant to the community served by the respective CRS.
- h) The organization seeking to setup multiple CRS may be required to submit an undertaking, confirming that the programs shall be prepared locally.
- i) The Permission Holder shall be required to submit compliance report on the GOPA conditions as and when sought by the Ministry of Information and Broadcasting in the prescribed format.

5. Content regulation & monitoring

- a) The programmes should be of immediate relevance to the community. The emphasis should be on developmental, agricultural, health, educational, environmental, social welfare, community development and cultural programmes. The programming should reflect the special interests and needs of the local community.
- b) The Licensee shall setup an advisory and content committee comprising members from the local community which will decide upon the content being broadcasted on Community Radio. At least half of the members of Advisory and Content Committee should be women.

- c) At least 50% of content shall be generated with the participation of the local community, out of which at least half of the content should be focussed on women empowerment and the themes should go beyond nutrition, breastfeeding, pregnancy, recipes and beauty.
- d) Programmes should preferably be in the local language and dialect(s).
- e) The Permission Holder shall have to adhere to the provisions of the Programme and Advertising Code as prescribed by Prasar Bharati for Akashwani.
- f) The Permission Holder shall preserve all programmes broadcast by the CRS for three months from the date of broadcast.
- g) The Permission Holder shall not broadcast any programmes, which relate to 'news and current affairs' and are otherwise political in nature. However, CRS can broadcast news and current affairs contents sourced exclusively from Akashwani in its original form or translated into the local language/dialect. Akashwani shall source its news to CRS without any charges. It will be the responsibility of the CRS permission holder to ensure that the news is not distorted or edited during translation.

The broadcast pertaining to the following categories will be treated as non-'news and current affairs' broadcast and will therefore be permissible:

- (i) Information pertaining to sporting events excluding live coverage. However live commentaries of sporting events of local nature may be permissible;
 - (ii) Information pertaining to Traffic and Weather;
 - (iii) Information pertaining to and coverage of local cultural events, festivals;
 - (iv) coverage of topics pertaining to examinations, results, admissions, career counselling;
 - (v) Availability of employment opportunities;
 - (vi) Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration,
 - (vii) Such other categories not permitted at present that may subsequently be specifically permitted by Ministry of Information and Broadcasting from time to time.
- h) The Permission Holder shall ensure that nothing is included in the programmes broadcast which:
 - (i) Offends against good taste or decency;
 - (ii) Contains criticism of friendly countries;
 - (iii) Contains attack on religions or communities or visuals or words contemptuous of religious groups or which either promote or result in promoting communal discontent or disharmony;
 - (iv) Contains anything obscene, defamatory, deliberate, false and suggestive innuendoes and half-truths;
 - (v) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote-anti-national attitudes;

- (vi) Contains anything amounting to contempt of court or anything affecting the integrity of the Nation;
- (vii) Contains aspersions against the dignity of the President/Vice President and the Judiciary;
- (viii) Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
- (ix) Encourages superstition or blind belief;
- (x) Denigrates women;
- (xi) Denigrates children;
- (xii) May present/depict/suggest as desirable the use of drugs including alcohol, narcotics and tobacco or may stereotype, incite, vilify or perpetuate hatred against or attempt to demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age or physical or mental disability.
- i) The Permission Holder shall ensure that due care is taken with respect to religious programmes with a view to avoid:
 - (i) Exploitation of religious susceptibilities; and
 - (ii) Committing offence to the religious views and beliefs of those belonging to a particular religion or religious denomination.

6. Imposition of penalty/revocation of Permission Agreement

- a) In case there is any violation of conditions cited in 5(a) to 5(i), Government may *suo- moto* or on basis of complaints take cognisance and place the matter before the Inter-Ministerial Committees on Programme and Advertising Codes for recommending appropriate penalties. On the recommendation of the Committee a decision to impose penalties shall be taken. However, before the imposition of a penalty the Permission Holder shall be given an opportunity to represent its case.
- b) The penalty shall comprise of:
 - (i) Temporary suspension of Permission for operating the CRS for a period up to one month in the case of the first violation.
 - (ii) Temporary suspension of Permission for operating the CRS for a period up to three months in the case of the second violation depending on the gravity of violation.
- c) Revocation of the Permission for any subsequent violation.
- d) In case of revocation of Permission, the Permission Holder will not be eligible to apply directly or indirectly for a fresh permission in future for a period of five years. "Provided the penalty imposed as per above provision shall be without prejudice to any penal action under applicable laws including the Indian Telegraph Act 1885 and Indian Wireless Telegraphy Act 1933, as modified from time to time".

- e) In the event of suspension of permission as mentioned in para 6(b)(i) & 6(b)(ii), the permission holder will continue to discharge its obligations under the Grant of Permission Agreement during the suspension period also.

7. Transmitter Power and Range

- a) CRS shall be expected to cover a range of 5-10 km. For this, a transmitter having maximum Effective Radiated Power (ERP) of 100 W would be adequate. However, in case of a proven need where the applicant organisation is able to establish that it needs to serve a larger area or the terrain so warrants, higher transmitter wattage with maximum ERP up to 250 Watts can be considered on a case-to-case basis, subject to availability of frequency and such other clearances as necessary from the Ministry of Communication. Requests for higher transmitter power above 100 Watts and up to 250 Watts shall also be subject to approval by the IMC constituted under the Chairmanship of Secretary, Ministry of Information & Broadcasting.
- b) The maximum height of antenna permitted above the ground for the CRS shall not exceed 30 meters. However, minimum height of Antenna above ground should be at least 15 meters to prevent possibility of biological hazards of RF radiation.

8. Funding & Sustenance

- a) Applicants will be eligible to seek funding from multilateral aid agencies. Applicants seeking foreign funds for setting up the CRS will have to obtain FCRA clearance under Foreign Contribution Regulation Act, 1976.
- b) Transmission of sponsored programmes shall not be permitted except programmes sponsored by central & state Governments and other organisations to broadcast public interest information. In addition, limited advertising and announcements relating to local events, local businesses and services and employment opportunities shall be allowed. The maximum duration of such limited advertising will be restricted to 12 (twelve) minutes per hour of broadcast.
- c) Revenue generated from advertisement and announcements as per Para 8(b) shall be utilized only for the operational expenses and capital expenditure of the CRS. After meeting the full financial needs of the CRS, surplus may, with prior written permission of the Ministry of Information & Broadcasting, be ploughed into the primary activity of the organization i.e. for education in case of educational institutions and for furthering the primary objectives for which the NGO concerned was established.
- d) Government shall strive to build an ecosystem for continual growth of CRS and encourage sharing of content among the CR community.

9. Other Terms & Conditions

- a) The basic objective of the Community Radio broadcasting would be to serve the cause of the community in the service area of the Permission Holder by involving members of the community in the broadcast of their programmes. For this purpose, community shall mean people living in the zone of the coverage of the broadcasting service of the Permission Holder. Each applicant will have to specify the geographical community or the community of interest it wants to cover. The Permission Holder shall provide the services of his CRS on free-to-air basis.
- b) Though the Permission Holder will operate the service under these guidelines and as per the terms and conditions of the Grant of Permission Agreement signed, the permission shall be subject to the condition that as and when any regulatory authority to regulate and monitor the broadcast services in the country is constituted, the permission holder will adhere to the norms, rules and regulations prescribed by such authority from time to time.
- c) The Permission Holder shall provide such information to the Government on such intervals, as may be required. In this connection, the Permission Holder is required to preserve recording of programmes broadcast during the previous three months failing which Permission Agreement is liable to be revoked.
- d) The Government or its authorized representative shall have the right to inspect the broadcast facilities of the Permission Holder and collect such information as considered necessary in public and community interest.
- e) The Government reserves the right to take over the entire services and networks of the Permission Holder or revoke/terminate/suspend the Permission in the interest of national security or in the event of national emergency/ war or low intensity conflict or under similar type of situations.
- f) All foreign personnel likely to be deployed by way of appointment, contract, consultancy etc. by the Permission Holder for installation, maintenance and operation of the Permission Holder's services shall be required to obtain prior security clearance from Government of India.
- g) The Government reserves the right to modify, at any time, the terms and conditions if it is necessary to do so, in public interest or for the proper conduct of broadcasting or for security considerations.
- h) Notwithstanding anything contained anywhere else in the Grant of Permission Agreement, the Government shall have the power to direct the permission holder to broadcast any special message as may be considered desirable to meet any contingency arising out of natural emergency, or public interest or natural disaster and the like, and the Permission holder shall be obliged to comply with such directions.

- i) The permission holder shall be required to submit their audited annual accounts to the Government in respect of the organization/division running the CRS. The accounts shall clearly show the income and expenditure incurred and the Assets and Liabilities in respect of the CRS.
- j) A Permission Agreement will be subject to such other conditions as may be determined by the Government.
- k) The Government shall make special arrangements for monitoring and enforcement of the ceiling on advertisements, particularly in those areas where private FM radio stations have been granted licenses.
