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Government of India
Ministry of Information and Broadcasting
Broadcasting Wing
New Delhi.
Dated: 11th November, 2005

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POLICY GUIDELINES FOR DOWNLINKING OF TELEVISION CHANNELS

Ministry of Information and Broadcasting, Government of India, has formulated policy guidelines for downlinking all satellite television channels downlinked / received / transmitted and re-transmitted in India for public viewing. Consequently, no person/entity shall downlink a channel, which has not been registered by the Ministry of Information and Broadcasting under these guidelines. Henceforth, all persons/ entities providing Television Satellite Broadcasting Services (TV Channels) uplinked from other countries to viewers in India as well as any entity desirous of providing such a Television Satellite Broadcasting Service (TV Channel), receivable in India for public viewership, shall be required to obtain permission from Ministry of Information and Broadcasting, in accordance with the terms and conditions prescribed under these guidelines.

The guidelines are as given below:

1. ELIGIBILITY CRITERIA FOR APPLICANT COMPANIES

1.1 The entity applying for permission for downlinking a channel, uplinked from abroad, (i.e. Applicant Company), must be a company registered in India under the Indian Companies Act, 1956, irrespective of its equity structure, foreign ownership or management control.

1.2 The applicant company must have a commercial presence in India with its principal place of business in India.

1.3 The applicant company must either own the channel it wants downlinked for public viewing, 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 adequate proof at the time of application.

1.4 In case the applicant company has exclusive marketing / distribution rights, it should also have the authority to conclude contracts on behalf of the channel for advertisements, subscription and programme content.

1.5 The applicant company should have a minimum net worth as prescribed below:

<u>Item</u>	<u>Required net worth of the Co.</u>
1. For downlinking one Channel	Rs 1.50 Crores
2. Every Additional Channel	Rs.1.00 Crores

1.6 The applicant company must provide names and details of all the Directors of the Company and key executives such as CEO, CFO and Head of Marketing etc to get their national security clearance.

1.7 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 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.

1.8 The Applicant Company should not have been disqualified from holding such permission under these guidelines.

2. ELIGIBILITY CRITERIA FOR REGISTRATION OF CHANNELS FOR BEING DOWNLINKED

2.1 Only Companies permitted/eligible for permission to downlink, as per Clause 1 above, shall be eligible to apply for registration of channels.

2.2 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.

2.3 The channel being registered should not have been de registered under these guidelines at the time of application.

2.4 No News and Current Affairs channel shall be permitted to be downlinked if it does not meet the following additional conditions:

2.4.1 That it does not carry any advertisements aimed at Indian viewers;

2.4.2 That it is not designed specifically for Indian audiences;

2.4.3 That it is a standard international channel;

2.4.4 That it has been permitted to be telecast in the country of its uplinking by the regulatory authority of that country;

Provided that the Government may waive/modify the condition under clause 2.4.1 on a case-by-case basis.

2.5 For the purposes of these guidelines any channel, which has any element of news or current affairs in its programme content, will be deemed to be a news and current affairs channel.

2.6 Companies whose channels are being downlinked at present will be required to comply with all formalities of registration of these channels within 180 days from date of issue of these guidelines. In addition these companies will be required to obtain the necessary permission for downlinking their respective channels under these guidelines within 180 days from date of issue of these guidelines.

3. PERIOD OF REGISTRATION AND PERMISSION

The Ministry of Information and Broadcasting shall grant registration to each channel for an initial period of 5 years, which shall be extendable thereafter as per extant Rules. The applicant company will be granted permission for one or more years up to a maximum of five years, co-terminus with the registration of the channel.

4. REGISTRATION FEE AND PERMISSION FEE

4.1 The Applicant Company shall pay registration fee of Rs.5 Lakhs for each channel, which will be payable for the initial registration for a period of five years. Extension beyond five years shall be again for a period of five years at the above prescribed rate.

4.2 Every company permitted to downlink channels, uplinked from other countries, into India under these guidelines, shall pay Rs 5 Lakhs as the initial fee before the signing of the Grant of Permission Agreement. In addition, every company shall pay an amount of Rs. 1 lakh per channel per annum as the annual fee.

4.3 The company permitted to downlink channels into India under the uplinking guidelines, shall register every channel separately.

5. BASIC CONDITIONS/OBLIGATIONS

5.1 The Company permitted to downlink registered channels shall comply with the Programme and Advertising Code prescribed under the Cable Television Networks (Regulation) Act, 1995.

5.2. The sports channels/sports rights management companies having TV broadcasting rights shall with immediate effect share their feed with Prasar Bharati for national and international sporting events of national importance, held in India or abroad, for terrestrial transmission and DTH broadcasting (free-to-air) under the following conditions:

5.2.1 The events of national importance shall be determined by the Ministry of Information & Broadcasting in consultation with Ministry of Sports & Youth Affairs, Prasar Bharati and the concerned sports channels/sports rights management companies. In case of cricket events, these shall include all matches featuring India and the finals and semi-finals of international competitions.

5.2.2 The above conditions shall apply to all future events including those covered by existing contracts of broadcasting rights. However, in the case of cricket events whose broadcasting rights have been obtained by sports channels/rights management companies prior to the issue of the notification in the matter, the rights holders will be obliged to share the feed for all matches featuring India and finals of international competitions.

5.2.3 Prasar Bharati shall transmit the feed, free to air, on its terrestrial channel and carried through the terrestrial network and/or the satellite/DTH mode.

5.2.4 The marketing of the events' rights (terrestrial as well as satellite/DTH) will be decided through mutual negotiations between Prasar Bharati and the rights holder. The marketing rights should go to the party, which offers to maximize the revenue.

5.2.5 Revenue sharing formula of 75:25 in favour of rights holders without any minimum guarantee/opportunity cost should be applied.

In the event of any dispute, the matter shall be referred to an arbitrator to be appointed by Secretary, Ministry of Law & Justice out of the approved panel of arbitrators.

5.3 The applicant company shall adhere to any other Code/Standards guidelines/restrictions prescribed by Ministry of Information & Broadcasting, Government of India for regulation of content on TV channels from time to time.

5.4 The applicant company shall submit audited annual accounts of its commercial operations in India.

5.5 The applicant company shall obtain prior approval of the Ministry of I & B before undertaking any upgradation, expansion or any other changes in the downlinking and distribution system/network configuration.

5.6 The applicant company shall provide Satellite TV Channel signal reception decoders only 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.

5.7 The applicant company 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.

5.8 The Union Government shall have the right to suspend the permission of the company/registration of the channel for a specified period in public interest or in the interest of National security to prevent the misuse of the

channel. The company shall immediately comply with any directives issued in this regard.

5.9 The applicant company seeking permission to downlink a channel shall operationalise the channels within one year from the date of the permission being granted by the Ministry of I&B, failing which the permission will liable to be withdrawn without any notice in this regard. However, the company shall be afforded a reasonable opportunity of being heard before such a withdrawal.

5.10 The company/channel 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.

5.11 The applicant company shall give 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. It shall also obtain security clearance for such changes in its directors and key executives.-

5.12 The applicant company shall keep a record of programmes downlinked for a period of 90 days and to produce the same before any agency of the Government as and when required.

5.13 The applicant company shall furnish such information as may be required by the Ministry of I&B from time to time.

5.14 The applicant company shall provide the necessary monitoring facility at its own cost for monitoring of programmes or content by the representative of the Ministry of I&B or any other Government agency as and when required.

5.15 The applicant company shall comply with the obligations and conditions prescribed in the downlinking guidelines issued by the Ministry of I&B, and the specific downlinking permission agreement and registration of each channel.

5.16 In the event of any war, calamity/national security concerns, the Government shall have the power to prohibit for a specified period the downlinking/ reception/ transmission and re-transmission of any or all channels. The Company shall immediately comply with any such directions issued in this regard.

6.OFFENCES AND PENALTIES

6.1 In the event of a channel found to have been/being used for transmitting any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security or failing to comply with the directions as per Para 5.8 or Para 5.16, the permission granted shall be revoked and the company shall be disqualified to hold any such permission for a period of five years, apart from liability for punishment under other applicable laws. Further, the registration of the channel shall be revoked and the channel shall be disqualified from being considered for fresh registration for a period of five years.

6.2 Subject to the provisions contained in Para 6.1 of these guidelines, in the event of a permission holder and/ or channel violating any of the terms and conditions of permission, or any other provisions of the guidelines, the Ministry of Information and Broadcasting shall have the right to impose the following penalties: -

6.2.1 In the event of first violation, suspension of the permission of the company and/or registration of the channel and prohibition of broadcast up to a period of 30 days.

6.2.2 In the event of second violation, suspension of the permission of the company and/or registration of the channel and prohibition of broadcast up to a period of 90 days

6.2.3 In the event of third violation, revocation of the permission of the company and/or registration of the channel and prohibition of broadcast up to the remaining period of permission

6.2.4 In the event of failure of the permission holder to comply with the penalties imposed within the prescribed time, revocation of permission and /or registration and prohibition to broadcast for the remaining period of the permission and disqualification to hold any fresh permission and /or registration in future for a period of five years.

6.2.5 In the event of suspension of permission as mentioned in Para 5.8,5.16 or 6.2, the permission holder will continue to discharge its obligations under the Grant of Permission Agreement including the payment of fee.

6.2.6 In the event of revocation of permission and /or registration, the fees paid will be forfeited.

6.2.7 All the penalties mentioned above shall be imposed only after giving a written notice to the permission holder.-

7. DISPUTE RESOLUTION

7.1 In the event of any question, dispute or difference arising under the Grant of Permission Agreement or in connection thereof, except as to the matter, the decision of which is specifically provided under the Grant of Permission Agreement, the same shall be referred to the sole arbitration of the Secretary, Department of Legal Affairs or his nominee.

7.2 There will be no objection to any such appointment 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.

7.3 The Arbitration and Conciliation Act, 1996, the rules made there under 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.

7.4 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.

8. PROCEDURE FOR GRANT OF PERMISSION AND REGISTRATION OF CHANNELS

8.1 The applicant company shall apply to the Secretary, Ministry of Information and Broadcasting in the prescribed Performa along with full details and documentation relevant for evaluating its eligibility for grant of permission to downlink TV channels in India. Each application form shall be accompanied **by a demand draft of Rs. Ten Thousand towards non-refundable processing fee.**

8.2 The applicant company shall also submit full details of each channel being/proposed to be downlinked along with all other documents as prescribed in the guidelines.

8.3 After scrutiny of the application if the applicant company is found eligible, the same will be sent for security clearance to the Ministry of Home Affairs. In the meanwhile, the Ministry of Information and Broadcasting will evaluate the suitability of the proposed channel for downlinking into India for public viewing.

8.4 In the event of the applicant company and the proposed channel being found suitable, the Ministry of Information and Broadcasting will register the channel and the applicant company to enter into a grant of permission agreement with the Ministry of Information and Broadcasting, Government of India.

8.5 On receipt of the signed agreement, the Ministry of Information and Broadcasting will issue a registration certificate for the concerned channels and grant permission to the applicant company to downlink the relevant channels in India for the prescribed period.

8.6 On receipt of the permission and upon registration of the channel, the applicant company will be entitled to approach the MSOs/Cable head end operators/DTH Operators for receiving/downlinking its channel's signal, for further transmission/retransmission/ distribution.

Note:

No cable operator or DTH service provider shall, after the expiry of 180 days from the date of this notification, carry or include in his cable/DTH network any television channel that has not been registered under these guidelines. Amendments to this effect in the Cable Television Network Rules 1994 and DTH guidelines are being notified separately.

GUIDELINES FOR UPLINKING FROM INDIA

New Delhi

Dated: December 2, 2005.

PREAMBLE

Ministry of Information and Broadcasting, Government of India notified the "Guidelines for uplinking from India" in July 2000. This was followed by "Guidelines for Uplinking of News and Current Affairs TV Channels from India" in March 2003, which were amended in August 2003, "Guidelines for use of SNG/DSNGs" in May 2003 and addendum dated 1.4.2005 to the uplinking guidelines. The Government has, on 20th October 2005 further amended these guidelines. It has now been decided that all these guidelines should be consolidated into one set of guidelines and notified. Accordingly, in supercession of all previous guidelines, the Government hereby notifies the following consolidated uplinking guidelines. These shall come into effect from today the 2nd December 2005 and would be applicable to existing channels as well.

GENERAL

The applicant seeking permission to set up an uplinking hub/ teleport or uplink a TV Channel or uplink facility by a News Agency should be a company registered in India under the Companies Act, 1956.

1. PERMISSION FOR SETTING UP OF UPLINKING HUB/ TELEPORTS.

1.1 Eligibility Criteria.

1.1.1 In the applicant company, the foreign equity holding including NRI/OCB/PIO should not exceed 49%.

1.1.2 The Company should have a minimum Net Worth as prescribed below:

Item	Required Net Worth
Teleport for single channel capacity	Rs. 1.00 Crore
Teleport for 6 channel capacity	Rs. 1.50 Crore
Teleport for 10 channel capacity	Rs. 2.50 Crore
Teleport for 15 channel capacity	Rs. 3.00 Crore

1.2 Period of Permission.

1.2.1 Permission shall be granted for a period of 10 years.

1.3 Fee.

- 1.3.1 The applicant will pay an amount of Rs. Ten thousands as processing fee.
- 1.3.2 After being held eligible, the applicant company shall pay a permission fee at the rate of Rs. Five Lakhs per teleport.

1.4 Special Conditions/ Obligations.

- 1.4.1 The company shall uplink only those TV channels which are specifically approved or permitted by the Ministry of I&B for uplinking from India.
- 1.4.2 The company shall stop uplinking TV channels whenever permission/approval to such a channel is withdrawn by the Ministry of I&B.
- 1.4.3 The applicant company shall abide by the general terms and conditions laid down in Para 5 below.

2. PERMISSION FOR UPLINKING A NON-NEWS & CURRENT AFFAIRS TV CHANNEL.

[Note: For the purpose of these guidelines, a non-News & Current Affairs TV channel means a channel which does not have any element of news & current Affairs in its programme content.]

2.1 Eligibility Criteria.

- 2.1.1 The applicant company, irrespective of its ownership, equity structure or management control, would be eligible to seek permission.
- 2.1.2 The Company should have a minimum Net Worth as prescribed below:

Item	Required Net Worth
Single TV channel	Rs. 1.50 Crore
For each additional TV channel	Rs. 1.00 Crore

2.2 Period of Permission.

- 2.2.1 Permission shall be granted for a period of 10 years.

2.3 Fee.

- 2.3.1 The applicant will pay an amount of Rs. Ten thousands as processing fee.
- 2.3.2 After being held eligible, the applicant company shall pay a permission fee at the rate of Rs. Five Lakhs per channel.

2.4 Special Conditions/ Obligations.

- 2.4.1 The applicant company shall obtain registration for each channel, in accordance with the procedure laid down under the Downlinking Guidelines notified by the Ministry of Information & Broadcasting separately.
- 2.4.2 The applicant company permitted to uplink shall operationalize the channel within a period of one year from the date the permission is granted by the Ministry of I&B; failing which the permission is liable to be withdrawn, after affording an opportunity of being heard.
- 2.4.3 The sports channels/sports rights management companies having TV broadcasting rights shall with immediate effect share their feed with Prasar Bharati for national and international sporting events of national importance, held in India or aboard, for terrestrial transmission and DTH broadcasting (free-to-air) under the following conditions:
- i) The events of national importance shall be determined by the Ministry of Information & Broadcasting in consultation with Ministry of Sports & Youth Affairs, Prasar Bharati and the concerned sports channels/sports rights management companies. In case of cricket events, these shall include all matches featuring India and the semi-finals and finals of international competitions.
 - ii) The above conditions shall apply to all future events including those covered by existing contracts of broadcasting rights. However, in the case of cricket events whose broadcasting rights have been obtained by sports channels/right management companies prior to the issue of the notification in the matter the rights holders will be obliged to share the feed for all matches featuring India and finals of international competitions.
 - iii) Prasar Bharati shall transmit the feed, free to air, on its terrestrial channel and carried through the terrestrial network and/or the satellite/DTH mode.
 - iv) The marketing of the events' rights (terrestrial as well as satellite/DTH) will be decided through mutual negotiations between Prasar Bharati and the rights holder. The marketing rights should go to the party which offers to maximize the revenue.
 - v) Revenue sharing formula of 75:25 in favour of rights holders without any minimum guarantee/opportunity cost, should be applied.

In the event of any dispute, the matter shall be referred to an arbitrator to be appointed by Secretary, Ministry of Law and Justice out of the approved panel of arbitrators.

- 2.4.4 The applicant company shall abide by the general terms and conditions laid down in Para 5 below.

3. PERMISSION FOR UPLINKING A NEWS & CURRENT AFFAIRS TV CHANNEL.

[Note: For the purpose of these guidelines, a News & Current Affairs TV channel means a channel which has any element of news & current Affairs in its programme content.]

3.1 Eligibility Criteria.

3.1.1 Foreign Equity holding including FDI/FII/NRI investments should not exceed 26% of the Paid Up equity of the applicant company. However, the entity making portfolio investment in the form of FII/NRIs deposits shall not be “**persons acting in concert**” with FDI investors, as defined in Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 1997. The Company, permitted to uplink the channel shall certify the continued compliance of this requirement through its Company Secretary, at the end of each financial year.

3.1.2 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 Public Sector Banks and Public Financial Institutions as defined in Section 4A of the Companies Act, 1956, in the New Entity. 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.

- 3.1.3 While calculating foreign equity of the applicant company, the foreign holding component, if any, in the equity of the Indian shareholder companies of the applicant company will be duly reckoned on pro-rata basis, so as to arrive at the total foreign holding in the applicant company. However, the indirect FII equity in a company as on 31st March of the year would be taken for the purposes of pro-rata reckoning of foreign holdings.
- 3.1.4 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.
- 3.1.5 It will be obligatory on the part of the company to intimate the Ministry of Information & Broadcasting, the changes in Foreign Direct Investment in the company, within 15 days of such change. While effecting changes in the shareholding patterns, it shall ensure its continued compliance to Clause 3.1.1 and 3.1.2 above.
- 3.1.6 The applicant shall be required to intimate the names and details of all persons, not being resident Indians, who are proposed to be inducted in the Board of Directors of the company.
- 3.1.7 The company shall be liable to intimate the names and details of any foreigners/ NRIs to be employed/ engaged in the company either as Consultants (or in any other capacity) for more than 60 days in a year, or, as regular employees.
- 3.1.8 At least 3/4th of the Directors on the Board of Directors of the company and all key Executives and Editorial staff shall be resident Indians.
- 3.1.9 The representation on the Board of Directors of the company shall as far as possible be proportionate to the shareholding.
- 3.1.10 All appointments of key personnel (executive and editorial) shall be made by the applicant company without any reference on from any other company, Indian or foreign.
- 3.1.11 The applicant company must have complete management control, operational independence and control over its resources and assets and must have adequate financial strength for running a news and current affairs TV channel.
- 3.1.12 CEO of the applicant company, known by any designation, and/ or Head of the channel, shall be a resident Indian.

3.1.13 The Company should have a minimum Net Worth as prescribed below:

Item	Required Net Worth
Single TV channel	Rs. 3.00 Crore
For each additional TV channel	Rs. 2.00 Crore

3.2 Period of Permission.

3.2.1 Permission shall be granted for a period of 10 years.

3.3 Fee.

3.3.1 The applicant will pay an amount of Rs. Ten thousands as processing fee.

3.3.2 After being held eligible, the applicant company shall pay a permission fee at the rate of Rs. Five Lakhs per channel.

3.4 Special Conditions/ Obligations.

3.4.1 Permission for usage of facilities/infrastructure for live news/footage collection and transmission, irrespective of the technology used, will be given to only those channels which are uplinked from India. To ensure immediate compliance of this policy in respect of permissions/licences given/to be given for utilization of VSAT/RTTS/Satellite Video Phone and similar other infrastructure, which lends itself for use in uplinking/point to point transfer of content for broadcast purposes, separate guidelines will be issued by the Ministry of Communications & Information Technology.

3.4.2 The channel/company will ensure that its news and current affairs content provider(s), if any, are accredited with the Press Information Bureau. Such accredited content provider(s) only can use equipment/platform for collection/transmission of news/footage.

3.4.3 The company/channel should ensure that it uses equipment, which is duly authorized and permitted by the competent authority, or its content provider(s), if any, use equipment duly authorized by the competent authority,

3.4.4 It will be obligatory on the part of the company to intimate the Ministry of Information & Broadcasting, the changes in Foreign Direct Investment in the company, within 15 days of such change. While effecting changes in the shareholding patterns, it shall ensure its continued compliance to Clause 3.1.1 and 3.1.2 above.

3.4.5 The company/channel will be liable to intimate to the Ministry of Information & Broadcasting the details of any foreigners/NRIs employed/engaged by it for a period exceeding 60(sixty) days.

3.4.6 The applicant company shall abide by the general terms and conditions laid down in Para 5 below as well as Paras 2.4.1 to 2.4.3 above.

4. PERMISSION FOR UPLINKING BY INDIAN NEWS AGENCY.

4.1 Eligibility criteria.

4.1.1 The applicant company should be accredited by Press Information Bureau (PIB).

4.1.2 The applicant company should be 100% owned by Indian, with Indian Management Control.

4.2. Period of Permission.

4.2.1 Period of permission shall be as per WPC license.

4.3 Special Conditions/ Obligations.

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

4.3.2 The company shall not uplink TV programmes/channels for direct reception by public.

4.3.3 The applicant company shall abide by the general terms and conditions laid down in Para 5 below.

5. GENERAL TERMS & CONDITIONS.

5.1 The company can uplink either in C or Ku Band. Uplinking in C Band would be permitted both to Indian as well as foreign satellites. However, proposals envisaging use of Indian satellites will be accorded preferential treatment. On the other hand, uplinking in Ku Band would be permitted through Indian satellite only, subject to the condition that this permission is not used to run/ operate DTH service without proper license, to which separate guidelines apply. Satellite to be used should have been coordinated with Insat System.

5.2 The company shall comply with the Programme & Advertising Codes, as laid down in the Cable Television Networks (Regulation) Act, 1995 and the Rules framed there under.

5.3 The company shall 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.

- 5.4 The company shall furnish such information, as may be required by the Ministry of Information & Broadcasting, from time to time.
- 5.5 The company/channel shall provide for the necessary monitoring facility, at its own cost, for monitoring of programmes or content by the representatives of the Ministry of Information & Broadcasting or any other Government agency as and when so required.
- 5.6 The company shall permit the Government agencies to inspect the facilities as and when required.
- 5.7 The company shall comply with the terms and conditions of Wireless Operational Licence to be issued by the WPC Wing, Ministry of Communications & IT.
- 5.8 The Company shall ensure its continued eligibility as applicable through out 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 8 below.
- 5.9 The Government of India, Ministry of Information & Broadcasting shall have the right to suspend the permission of the company for a specified period in public interest or in the interest of national security to prevent its misuse. The company shall immediately comply with any directives issued in this regard.
- 5.10 It will be obligatory on the part of the company to take prior permission from the Ministry of Information & Broadcasting before effecting any change in the CEO/ Board of Directors.

6. PERMISSION FOR USE OF SNG/DSNG EQUIPMENTS IN C BAND AND KU BAND.

- 6.1 The use of SNG/DSNG would be permitted to News and Current Affairs channels uplinked from India for live news/footage collection and point-to-point transmission.
- 6.2 PIB accredited content provider(s) if any, to the permitted News and Current Affairs channel(s) can use SNG/DSNG for collection/transmission of news/footage.
- 6.3 Entertainment channels who are uplinking from their own teleport, can use SNG/DSNG for their approved channels, for transfer of video feeds to the permitted teleport.
- 6.4 All Foreign channels, permitted entertainment channels uplinked from India and companies/individuals not covered in 6.1, 6.2 and 6.3 as above will be required to seek temporary uplinking permission for using SNG/DSNG for any live coverage/footage collection and transmission on case to case basis.

- 6.5 Only permitted teleport operators and Doordarshan may offer/hire out SNG/DSNG equipments/infrastructures to other broadcasters who are permitted to uplink from India.
- 6.6 The uplinking should be carried in encrypted mode, so as to be receivable only in closed user group. The signal should only be down linked at the permitted teleport of the licensee and uplinked for broadcasting through permitted satellite through that teleport only.
- 6.7 Each company/channel desiring to use SNG/DSNG would have to apply to Ministry of I&B and get permission before doing the same.
- 6.8 Uplinking from SNG/DSNG should be in SCPC mode only (only single feed can be uplinked from the SNG/DSNG at a time).
- 6.9 The channel would also give an undertaking that the feed collected through SNG/DSNG shall conform to Programme and Advertisement Codes.
- 6.10 The use of SNG/DSNG would be permitted only in those areas/regions/states which are not specifically prohibited by MHA.
- 6.11 The company would submit the purchase documents of SNG/DSNG terminals and inform Ministry of I&B about placement of these terminals at the various locations.
- 6.12 Period of Permission:
- (a) For teleport owners – co-terminus with teleport licence.
 - (b) For permitted News and Current Affairs channels – for the period of the Channel permission.
 - (c) For content providers to permitted channels - for the period of the channel permission.
 - (d) For other broadcasters having temporary uplinking permission – for periods as specified in the temporary uplinking permission.
- 6.13 The company permitted to use SNG/DSNG shall apply to WPC for frequency authorization of WPC. It should be renewed yearly in time and a copy should be submitted to this Ministry by the company every year.
- 6.14 The permitted company shall maintain a daily record of the location and the events which have been covered and uplinked by SNG/DSNG terminals and down linked at their main satellite earth station and produce the same before the licensing authority or its authorized representative, which will include officers of Ministry of Home Affairs and Ministry of I&B, as and when required.
- 6.15 The permitted company shall not enter defence installations.

- 6.16 The equipment should not be taken in the areas cordoned off from security point of view.
- 6.17 The company/channel desiring to use SNG/DSNG would give an undertaking that it would be used for live newsgathering and footage collection for captive use only.
- 6.18 Violations of any of the aforementioned terms and conditions would lead to revocation/cancellation of the permission to use the SNG/DSNG.
- 6.19 The permitting authority may modify the conditions laid down or incorporate new conditions, as and when considered necessary.
- 6.20 SNG/DSNG in Ku Band will not be used for DTH operation, directly or indirectly. Any such use would lead to the termination of licence/permission.
- 6.21 Uplinking Dish used for SNG/DSNG operation in Ku Band shall not exceed 2 meters.

7. PERMISSION FOR TEMPORARY UPLINKING.

- 7.1 The use of all equipment/platforms for collection of footage/news by channels uplinked from outside for specific programme(s)/event(s) of temporary duration will be entertained on recommendation from the PIB and permitted on a case to case basis, in consultation with the Ministry of Home Affairs and other Ministries/Departments concerned.
- 7.2 Foreign news channels/ agencies may be granted permission up to one year at a time for temporary uplinking from time to time through a pre-designated teleport, subject to the following conditions:
- (a) The applicant is accredited with the Press Information Bureau, Government of India.
 - (b) The applicant undertakes to conform to the Programme and Advertisement Codes.
 - (c) The applicant has a binding agreement with the relevant teleport for the period of permission.
 - (d) The applicant pays a processing fee of Rs. 10,000/- and temporary permission fee of Rs. 50,000/- per year.

The news/footage so uplinked shall be primarily for the usage abroad by the foreign news agency/ channel and shall not be broadcast in India without downlinking permission and registration of the channel.

8. OFFENCES AND PENALTIES.

- 8.1 In the event of a channel/teleport/SNG/DSNG found to have been/ being used for transmitting/ uplinking any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security or failing to comply with the directions as per para 5.9 above, the permission granted shall be

- revoked and the company shall be disqualified to hold any such permission for a period of five years, apart from liability for punishment under other applicable laws.
- 8.2 Subject to the provisions contained in para 8.1 of these guidelines, in the event of a permission holder violating any of the terms and conditions of permission, or any other provisions of the guidelines, the Ministry of Information and Broadcasting shall have the right to impose the following penalties:
- 8.2.1 In the event of first violation, suspension of the permission of the company and prohibition of broadcast/ transmission up to a period of 30 days.
- 8.2.2 In the event of second violation, suspension of the permission of the company and prohibition of broadcast up to a period of 90 days.
- 8.2.3 In the event of third violation, revocation of the permission of the company and prohibition of broadcast up to the remaining period of permission.
- 8.2.4 In the event of failure of the permission holder to comply with the penalties imposed within the prescribed time, revocation of permission and prohibition of broadcast for the remaining period of the permission and disqualification to hold any fresh permission in future for a period of five years.
- 8.3 In the event of suspension of permission as mention in Para 5.9 or 8.2 above, the permission holder shall continue to discharge its obligations under the Grant of Permission Agreement including the payment of fee.
- 8.4 In the event of revocation of permission, the fees shall be forfeited.
- 8.5 All the penalties mentioned above shall be imposed only after giving a written notice to the permission holder.

9. PROCEDURE FOR OBTAINING PERMISSION.

- 9.1 The applicant company can apply to the Secretary, Ministry of Information & Broadcasting, in triplicate, in the prescribed format "**Form 1**" along with all requisite documents including a demand draft for an amount equal to processing fee wherever prescribed, payable at par at New Delhi, in favour of the Pay & Accounts Officer, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi.
- 9.2 On the basis of information furnished in the application form, if the applicant is found eligible, its application will be sent for security clearance to the Ministry of Home Affairs and for clearance of satellite use to the Department of Space (wherever required).
- 9.3 As soon as these clearances are received, the applicant would be asked to furnish a demand draft for an amount equal to the processing fee, wherever prescribed, payable

at New Delhi, in favour of Pay & Accounts Officer, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi. Further, the applicant company in respect of Para 1, 2 or 3 above would be required to sign an agreement titled as “Grant of Permission Agreement”, in the format “**Form 2**”, which is being prescribed separately..

- 9.4** Thereafter, the Company would be issued a formal permission to enable it to obtain requisite license/ clearances from the WPC Wing, Ministry of Communications & IT or approach a teleport service provider in case of TV channels/ uplinking by a Indian news agency.
- 9.5** The applicant will pay the licence fee and royalty, as prescribed by WPC Wing from time to time, annually, for the total amount of spectrum assigned to Hub/Teleport station, as per norms & rules of the WPC Wing. Besides, the Hub/Teleport station owner will inform WPC Wing the full technical and operations details of TV channels proposed to be uplinked through his/her Hub/Teleport in prescribed format. (This clause is applicable for teleports/ uplinking by a Indian News Agency.)