

File No. N-14017/1/2022- TV(I)
Government of India
MINISTRY OF INFORMATION & BROADCASTING
'A' wing, Shastri Bhawan, New Delhi- 110001

Date: 25.01.2023

OFFICE MEMORANDUM

Sub: Clarification on the definition of Director under the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India , 2022-reg.

This Ministry has received representations from the Broadcasters and their Association regarding the difficulties being faced by them due to the interpretation of the definition of "Director" in the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 and its implication on the eligibility conditions for a company seeking/holding permission(s) under the Guidelines. Broadcasters have also expressed difficulties in implementation of Para 6(g) of the guidelines, by the companies seeking or holding permissions for Non-News Channels, which requires majority of the Directors on the Board of Directors of the company and key managerial personnel and editorial staff of the entity, to be resident Indians.

2. The matter has been examined in the Ministry in the light of the provisions of the Companies Act, 2013 and the Consolidated FDI Policy, 2020. In order to remove the genuine difficulties being faced by the broadcasters in this regard, it is now decided to clarify as under:

(i) The definition of "Director" under Para 2 (e) of the Guidelines may be read as under:

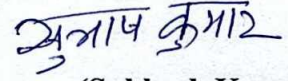
"Director" means a director as defined in the sub-section (34) of the Section 2 of the Companies Act, 2013.

(ii) All key managerial personnel and editorial staff of the entity, referred in Para 6(g), are to be resident Indian(s). The majority condition as existing in Para 6(g) is only to be read in reference to Directors in the Board of Directors.

(iii) Further, the Para 6 (g) of the Guidelines shall be applicable only for the entities seeking/holding permission(s) for News TV Channels.

3. Notwithstanding anything said in para 2 above, it is reiterated that the FDI Policy of Department for Promotion of Industry and Internal Trade, as amended from time to time, wherever applicable, shall apply.

4. This issues with the approval of the Competent Authority.



(Subhash Kumar)

Deputy Secretary to Government of India

To,
All Broadcasters