



Telecom Regulatory Authority of India



Consultation Paper

on

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

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Written comments on the consultation paper are invited from the stakeholders by 20/11/2024. Counter-comments, if any, may be submitted by 27/11/2024. Please support your comments with detailed reasons and justifications. Comments and counter-comments will be posted on TRAI's website: www.trai.gov.in. The comments and counter-comments may be sent, preferably in electronic form, to Shri Deepak Sharma, Advisor (B&CS), Telecom Regulatory Authority of India, on the email advbcs-2@traigov.in and jtadvisorbcs@traigov.in. For any clarification/ information, Shri Deepak Sharma, Advisor (B&CS) may be contacted at Tel. No.: +91-11-20907774.

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CHAPTER I

INTRODUCTION AND BACKGROUND

A. Overview of the Indian Broadcasting Sector

- 1.1 Broadcasting means distribution of audio and video signals to a widely dispersed audience. Broadcasting as a mass communication media is a powerful tool to inform and educate the masses in a vast country like India. Broadcasting services are broadly classified into two categories: Radio broadcasting and Television broadcasting.
- 1.2 In India, broadcasting started about 13 years before All India Radio (AIR) came into existence. In June 1923¹, the Radio Club of Bombay made the first ever broadcast in the country. This was followed by the setting up of the Calcutta Radio Club five months later. In April 1930, the Indian Broadcasting Service, under the Department of Industries and Labour, commenced its operations on an experimental basis. On June 8, 1936, the Indian State Broadcasting Service became AIR. Radio broadcast was taken over by the Government and AIR was established. Until 2000, AIR was the sole radio broadcaster transmitting programs in Amplitude Modulation (AM) and Frequency Modulation (FM) frequencies.
- 1.3 In 2000, FM broadcasting was opened to private players. As on quarter ending June 2024², 388 private FM radio stations across 113 major cities provide radio broadcasting services in addition to 29 FM channels of AIR. Also, AIR³ has 591 stations that cover almost 90% of the country by area and 98% of the country's population.

¹ <https://prasarbharati.gov.in/growth-development-air/#:~:text=Broadcasting%20in%20India%20actually%20began,Radio%20Club%20five%20months%20later>

² https://traigov.in/sites/default/files/QPIR_09102024_0.pdf

³ <https://prasarbharati.gov.in/homepage-air/>

- 1.4 Apart from AIR and private FM radio players, another significant contributor to the Indian radio broadcasting landscape are Community Radio Stations (CRS). In December 2002, the Government of India initially approved a policy granting licenses for the establishment of CRS to well-established educational institutions, including IITs/ IIMs. However, recognizing the importance of broader community participation, Government reconsidered the policy in 2006 and expanded it to include non-profit organizations such as civil society organizations and voluntary organizations. The policy guidelines issued in the year 2006, were subsequently amended in the year 2017, 2018 and 2022. To ensure financial sustainability of Community Radio Stations and to ensure growth of the Community Radio Sector, the Government notified the revised policy guidelines in February 2024. As on quarter ending June 2024, there are 499 operational CRS in India.
- 1.5 Akin to radio, growth story of the television (TV) broadcasting sector in India is also fascinating due to the content it delivers. The terrestrial broadcast of television service in Delhi commenced on 29th September 1959 by the state-owned Doordarshan (DD). During the 1982 Asian Games held in Delhi, terrestrial broadcasting saw major expansion with DD adding 20 new transmitters to the existing 211, to provide national coverage for the first time. Asian Games also introduced colour television broadcast in India.
- 1.6 Cable television commenced in 1989 with few cable TV operators distributing local video channels that transmitted movies and music content. Cable operators usually confined their operations within small areas, such as a housing complex.
- 1.7 During its inception, the cable TV distribution business was unregulated and fragmented, driven by thousands of small-scale

operators with a scattered client base. Lack of regulation resulted in increasing disputes over market control, royalty payments, copyright violations, etc. To bring order to the cable TV sector, the Government promulgated the Cable Television Networks (Regulation) Ordinance 1994 and the Rules thereunder viz. the Cable Television Networks Rules, 1994 on 29th September 1994⁴. The ordinance was later converted into the Cable Television Networks (Regulation) Act, 1995 on 25th March 1995⁵, wherein provisions for cable operator registration, their obligations, programme code, etc., have been specified.

- 1.8 The advent of satellite television in India was triggered by the broadcast of the Gulf War in the 1990s. The coverage was made by the American news channel, Cable News Network (CNN) which in turn, drove the use of satellite dishes by the Indian cable operators for procuring CNN's signals. The launch of Star TV and Zee TV in 1992 further stimulated the spread of cable TV.
- 1.9 According to a study conducted by the market research firm, from a mere 412,000 cable TV homes in January 1992, the number of cable homes went up to 1.2 million by November 1992. By the end of 1994, the firm estimated the numbers of cable and satellite homes at 11.8 million out of a total of 32.4 million TV-owning homes. The industry has since seen a double-digit growth with current estimates suggesting around 182 million⁶ television subscribers.
- 1.10 Further, in the year 1999, the Government brought in a standard policy/ regulatory framework for satellite broadcasters. The policy

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

⁵ [https://traigov.in/sites/default/files/Cable Television Network Regulation Act 1995.pdf](https://traigov.in/sites/default/files/Cable%20Television%20Network%20Regulation%20Act%201995.pdf)

⁶ https://assets.ey.com/content/dam/ey-sites/ey-com/en_in/topics/media-and-entertainment/2024/ey-in-india-s-media-entertainment-sector-is-innovating-for-the-future-03-2024-v1.pdf

for uplinking/ downlinking of TV channels encompasses the issues related to spectrum allocation, content regulation and other aspects. In the distribution sector, guidelines for Direct-to-Home (DTH) platform were issued in 2001 and DTH operations commenced in 2003. Subsequently, the Government notified the guidelines for Head-end-in-the-Sky (HITS) services and the Internet Protocol Television (IPTV).

1.11 As per the current scenario, TV broadcasting sector recognizes 329 broadcasters providing 912 private satellite TV channels as on quarter ending June 2024⁷. In the distribution vertical, there are 845⁸ registered Multi System Operators (MSOs) as on 30th September 2024, 1 HITS operator, 4 pay DTH operators and 33 IPTV operators registered with the Ministry of Information and Broadcasting (MIB). Moreover, there are 81,706 cable operators registered in the country, as on 01st January 2022 as communicated to MIB by Department of Posts. 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'.

1.12 The licenses/ permissions/ registrations for the broadcasting services namely DTH, HITS, teleports, uplinking/ downlinking of TV channels, FM radio broadcasting, CRS, IPTV are granted by the Central Government through MIB under Indian Telegraph Act, 1885. In this regard, Section 60(1) of the Telecommunications Act, 2023 states that:

'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'.

⁷ https://traai.gov.in/sites/default/files/QPIR_09102024_0.pdf

⁸ <https://mib.gov.in/sites/default/files/Registered%20MSOs%20as%20on%2030.09.2024.pdf>

- 1.13 However, the appointed date for implementation of Section 60 of the Telecommunications Act, 2023, is yet to be notified. On notification, the Indian Telegraph Act, 1885 shall stand repealed from the appointed date and the provisions contained in the Telecommunications Act, 2023, shall be applicable. Thereby, the licenses and permissions issued earlier may be required to be brought under the new service authorisations framework in accordance with the provisions of the Telecommunications Act, 2023.

B. MIB Reference dated 25.07.2024

- 1.14 MIB vide its letter dated 25th July 2024 (attached as [Annexure-IA](#)), has sent a reference to Telecom Regulatory Authority of India (TRAI) under Section 11(1)(a) of the TRAI Act, 1997. Through the said reference, MIB has requested TRAI to provide its recommendations 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 (attached as [Annexure-IB](#)) and harmonizing the terms and conditions across various service providers.
- 1.15 The reference mentioned that Section 3(1)(a) of the Telecommunications Act, 2023 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.
- 1.16 As per the reference, many broadcasting platforms (which employ radio waves and spectrum for offering services) viz. DTH, HITS, IPTV, Uplinking/ Downlinking of channels (including teleports), DSNG, SNG, Community Radio, FM Radio etc. are issued license/

permission/ registration by MIB under Section 4 of the Indian Telegraph Act, 1885⁹. This section grants the Central Government the exclusive privilege to issue licenses, and the MIB draws its power for issuing license/ permission/ registration.

- 1.17 Additionally, a brief background note on the various licenses, permissions and registrations, along with their respective policy guidelines issued by MIB under the Indian Telegraph Act, 1885, and other related issues concerning the Telecommunications Act, 2023, has been included as an annexure to the reference.
- 1.18 The following policy guidelines are required to be aligned in accordance with the provisions of the Telecommunications Act, 2023:
- 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 and Downlinking of television channels, Digital Satellite News Gathering (DSNG)/ Satellite News Gathering (SNG) are given as per the '*Policy Guidelines for Uplinking and Downlinking of Television Channels*'.

⁹ https://dot.gov.in/sites/default/files/the_indian_telegraph_act_1985_pdf.pdf

- v. Permission for FM Radio channels are given as per the '*Policy guidelines for Phase-III expansion of FM Radio broadcasting through private agencies*'.
 - vi. License for setting up of Community Radio Stations (CRS) are given as per the '*Policy Guidelines for setting up Community Radio Stations (CRS) in India*'.
- 1.19 The background note has quoted Section 3(1), 3(2), 3(6) and 61 of the Telecommunications Act, 2023, and further stated that many other sections of the Telecommunications Act, 2023, may have either direct or indirect linkages with the terms and conditions of the authorisations for providing broadcasting services.
- 1.20 The reference further stated that the authorisation for such broadcasting services would be required to be granted under Section 3(1)(a) of the Telecommunications Act, 2023, once the appointed date for this section is notified.
- 1.21 According to the reference, it is crucial to align the extant policy guidelines with the Telecommunications Act, 2023, so that the terms and conditions for the authorisation of these broadcasting services may be notified as Rules to be made under the Telecommunications Act, 2023.

C. Extant Guidelines for the Broadcasting Services

- 1.22 MIB grants licenses, permissions and registrations for various broadcasting services, such as uplinking and downlinking of satellite TV channels, teleports, DSNG/ SNG, DTH, HITS, IPTV, FM radio and CRS, under the respective policy guidelines established under Section 4 of the Indian Telegraph Act, 1885. These existing guidelines are discussed in the following paragraphs.

1.23 **Policy Guidelines for Uplinking/ Downlinking:** On 9th November 2022¹⁰ (annexed as [Annexure-IV](#)), MIB notified the consolidated guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, to ease and streamline issue of permissions to the companies/ LLPs registered in India for Uplinking and Downlinking of TV Channels, setting up of Teleports/ Teleport Hubs, use of DSNG/ SNG/ Electronic News Gathering (ENG) systems, uplinking by Indian News agencies and temporary uplinking of a live event. The revised guidelines replaced the 'Policy Guidelines for Uplinking of Television Channels' and 'Policy Guidelines for Downlinking of Television Channels' dated 11th December 2011. These guidelines provide for the terms and conditions for issuing permissions to the companies/ LLPs registered in India to the following:

- i. Teleport/ Teleport Hub
- ii. Uplinking of Television channel
- iii. Downlinking of a Satellite TV channel
- iv. News Agency
- v. Purchase and hiring of DSNG/ SNG Equipment
- vi. Live coverage of events
- vii. Other related permissions

1.24 **Policy Guidelines for Direct-to-Home (DTH) Services:** The policy guidelines for obtaining license for providing DTH broadcasting service were laid down by MIB on 15th March 2001 (amended up to 2007)¹¹ (annexed as [Annexure-VA](#)) and last amended up to

¹⁰<https://mib.gov.in/sites/default/files/Guidelines%20for%20Uplinking%20and%20Downhinking%20of%20Satellite%20Television%20Channels%20in%20India%2C%202022.pdf>

¹¹ [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)

2020¹²(annexed as [Annexure-VB](#)). Subsequently, the ‘Operational DTH Guidelines’ were issued by MIB on 16th September 2022¹³ (annexed as [Annexure-VC](#)) with respect to license fee, platform service channels and sharing of infrastructure by DTH operators.

1.25 **Policy Guidelines for Headend-in-the-Sky (HITS) Services:** MIB laid the policy guidelines on 26th November 2009¹⁴ (annexed as [Annexure-VIA](#)) 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 2020¹⁵ (annexed as [Annexure-VIB](#)), permitting sharing of infrastructure.

1.26 **Policy Guidelines for Internet Protocol Television (IPTV) Services:** In October 2006, India witnessed launch of first IPTV service by Mahanagar Telephone Nigam Limited (MTNL). Recognizing the sector's potential, the Union Cabinet approved guidelines on 21st August 2008, to facilitate broadcasters sharing content with IPTV providers, aiming to enhance consumer access to television over broadband. Consequently, MIB issued detailed policy guidelines for IPTV operations on 8th September 2008¹⁶ (annexed as [Annexure-VII](#)), accepting TRAI recommendations on ‘Provision of IPTV Services’ dated 4th January 2008¹⁷. The guidelines were designed to establish clear principles for various IPTV platforms and to stimulate stakeholder participation in the Indian IPTV market.

¹²<https://mib.gov.in/sites/default/files/Amendment%20in%20Guidelines%20for%20obtaining%20license%20for%20providing%20DTH%20Broadcasting%20Services%20in%20India.pdf>

¹³<https://mib.gov.in/sites/default/files/%28English%20Version%29%20Operational%20Guidelines%20for%20Direct-To-Home%20%28DTH%29%20Broadcasting%20service%20in%20India%20dated%2016.09.2022.pdf>

¹⁴ <https://mib.gov.in/sites/default/files/headend.pdf>

¹⁵ <https://mib.gov.in/sites/default/files/Amendment%20in%20HITS%20guidelines%20.pdf>

¹⁶ https://mib.gov.in/sites/default/files/ilovepdf_merged_1.pdf

¹⁷ <https://www.trai.gov.in/sites/default/files/recom4jan08.pdf>

- 1.27 **Policy Guidelines for FM Radio:** The policy guidelines for FM radio broadcasting have been designed to govern the establishment and operation of FM radio stations by private entities. FM radio broadcasting (Phase-I) was launched by MIB in 1999. Building on the experience from Phase I, the Government announced the policy for Phase-II on 13th July 2005¹⁸, with certain modifications. Phase III was initiated, aimed at establishing private FM radio channels in all cities with a population exceeding 1 lakh. Consequently, the Government issued the 'Policy Guidelines for Phase-III of FM Radio Broadcasting' on 25th July 2011¹⁹ (annexed as [Annexure-VIIIA](#)), which have been further amended on 21st January 2015, 4th October 2022²⁰ and 10th September 2024²¹ (annexed as [Annexure-VIIIB](#), [Annexure-VIIIC](#) and [Annexure-VIIID](#) respectively).
- 1.28 **Policy Guidelines for Community Radio Station (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 ensure financial sustainability of CRS and to ensure growth of the Community Radio Sector, the Government has carried out further amendments and issued the revised policy guidelines on 13th February 2024²² (annexed as [Annexure-IX](#)).

¹⁸ <https://mib.gov.in/sites/default/files/FM-PH-II-13072005.pdf>

¹⁹ https://mib.gov.in/sites/default/files/PolicyGuidelines_FMPhaseIII%20%281%29.pdf

²⁰ <https://mib.gov.in/sites/default/files/Order%20dated%2004-1002922.pdf>

²¹ <https://mib.gov.in/broadcasting/order-dated-10092024-regarding-amendments-pvt-fm-radio-phase-iii-policy-guidelines>

²² [https://mib.gov.in/sites/default/files/Amended%20Revised%20Policy%20Guidelines%20for%20setting%20up%20Community%20Radio%20Stations%20in%20India%20\(13.02.2024\).pdf](https://mib.gov.in/sites/default/files/Amended%20Revised%20Policy%20Guidelines%20for%20setting%20up%20Community%20Radio%20Stations%20in%20India%20(13.02.2024).pdf)

D. Enactment of the Telecommunications Act, 2023

- 1.29 The Telecommunications Act, 2023²³, represents a comprehensive overhaul of the framework governing telecommunications in the modern digital era. The Telecommunications Act, 2023, was passed by the Parliament in December 2023, received the assent of President of India on 24th December 2023, and was published in the official Gazette on the same day.
- 1.30 The Telecommunications Act, 2023 amends and consolidates 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. It also repeals existing legislative framework like Indian Telegraph Act 1885 and Indian Wireless Telegraphy Act 1933²⁴ owing to huge technical advancements in the telecommunication sector and technologies.

E. Broadcasting Services and Cable Services as Telecommunication Service

- 1.31 TRAI Act, 1997²⁵ 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;”*

²³ <https://egazette.gov.in/WriteReadData/2023/250880.pdf>

²⁴ https://dot.gov.in/sites/default/files/THE_INDIAN_WIRELESS_TELEGRAPHY_ACT_1933_1.pdf?download=1

²⁵ https://traigov.in/sites/default/files/The_TRAI_Act_1997.pdf

- 1.32 The Government in the year 2000 amended the TRAI Act, 1997 and included the proviso to section 2(1)(k) that enabled the Central Government to notify other service to be telecommunication service including broadcasting services.
- 1.33 In exercise of the powers conferred by the proviso to section 2(1)(k) of TRAI Act, 1997, 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 of Broadcasting and Cable Services under the ambit of TRAI.

F. Scope of the Consultation Paper

- 1.34 This consultation paper seeks comments/ feedback from stakeholders on the draft authorisation framework and the terms and conditions of broadcasting service authorisations to be included in the Rules to be made under the Telecommunications Act, 2023.

Chapter I provides an overview and background of the broadcasting sector, and the details of the reference received.

Chapter II outlines the structure and key issues related to the authorisation framework.

Chapter III discusses the draft terms and conditions of authorisations for various broadcasting services, which are likely to be included in the Rules to be made under the Telecommunications Act, 2023, including harmonization of regulatory fees/ charges for similar services and some other provisions.

Chapter IV summarizes the issues for consultation.

CHAPTER II

AUTHORISATION FRAMEWORK FOR BROADCASTING SERVICES

A. Requirement of the Authorisation Framework for broadcasting services

- 2.1 As discussed in the preceding chapter and based on the reference received from MIB, presently, broadcasting service providers that utilize radio waves and spectrum for provision of services viz. DTH, HITS, IPTV, Uplinking/ Downlinking of channels (including teleports), DSNG/ SNG, FM Radio, Community Radio etc. are granted license, permission or registration by MIB under Section 4 of the Indian Telegraph Act, 1885.
- 2.2 Prior to the enactment of the Telecommunications Act, 2023, the Central Government held the exclusive right to grant licenses and establish, maintain or operate telegraph within India under Section 4²⁶ of the Indian Telegraph Act, 1885. The nodal ministry for broadcasting services, the MIB have been issuing license, registration, permission to the various broadcasting services under Section 4 of the Indian Telegraph Act, 1885.
- 2.3 After enactment of the Telecommunications Act, 2023, it is crucial that the existing policy guidelines governing broadcasting services, administered by MIB are also required to be aligned with the provisions of the Telecommunications Act, 2023, so that the terms

²⁶ ‘ **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:
...’

and conditions for the authorisation to these broadcasting services may be notified as Rules under the Telecommunications Act, 2023.

2.4 It is important to note that among the abovementioned services, as per the extant IPTV guidelines, 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 can provide IPTV services without requiring any further permission. IPTV system deliver digital television service using Internet Protocol (IP) over various high-speed Internet access technologies.

2.5 Given that the scope of Unified Service Authorisation, Access Service Authorisation and Internet Service Authorisation (as recommended by TRAI on 18th September 2024²⁷ in the framework for service authorisation) already covers IPTV services; and registered MSOs (under Cable Television Networks (Regulation) Act, 1995) are also permitted to offer IPTV services, therefore, there may not be a need to introduce a separate authorisation for IPTV. However, it is essential to include, the terms and conditions contained in the existing guidelines issued by MIB for provisioning IPTV services in India, in the Rules being framed, to align it with the provisions of the Telecommunications Act, 2023.

²⁷ https://www.trai.gov.in/sites/default/files/Recommendation_18092024.pdf

2.6 The Indian Telegraph Act, 1885 did not provide any definition of the term 'license'. However, the Telecommunications Act, 2023 provides a definition of the term '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;*

2.7 As can be seen from the above, the term 'authorisation' has been defined as permission under the Telecommunications Act, 2023. Further, the Cambridge dictionary meaning of the word authorisation is '*official permission for something to happen, or the act of giving someone official permission to do something*'. Thus, it may be inferred that the term 'authorisation' under the Telecommunications Act, 2023 aligns with general dictionary meaning by clarifying the scope of permissions required for entities to provide telecommunication services, manage and expand networks or possess/ operate radio equipment.

2.8 Further, for providing broadcasting services under the Telecommunications Act, 2023, a person shall have to obtain an authorisation from the Central Government. At the level of nomenclature, this is in departure from the extant regime under the Indian Telegraph Act, 1885, under which the Central Government granted licenses for providing broadcasting services. Therefore, one of the effects of the enactment of the Telecommunications Act, 2023 would be that, henceforth, the entities desirous of providing broadcasting services in the country may need to obtain authorisations from the Central Government under the

Telecommunications Act, 2023, instead of licenses under the Indian Telegraph Act, 1885.

- 2.9 The relevant extract of Section 3(1) of the Telecommunications Act, 2023 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.’

- 2.10 Section 59 of the Telecommunications Act, 2023 provides for amendment to the TRAI Act, 1997 for the definitions of licensee, licensor, telecommunication and telecommunication services in the following manner:

*"**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;*

*"**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;*

*"**telecommunication**" shall have the meaning as assigned to it in the Telecommunications Act, 2023;*

"telecommunication services" means any service for telecommunication;

- 2.11 From the para above, it emerges that the registration for the cable services would continue to be governed by the Cable Television Networks (Regulation) Act, 1995. However, for other broadcasting services, the authorisations may have to be obtained under the Telecommunications Act, 2023.
- 2.12 In light of the provisions outlined in the Telecommunications Act, 2023, it may be necessary to discontinue the current practice of incorporating the terms and conditions of the license within the license document, policy guidelines, or permission letters. Instead, a concise Authorisation document may be issued by the Central Government to the Applicant Entity, encompassing essential details such as service area, scope of the service, validity period, information specific to the authorised entity, etc. and the terms and conditions governing the authorisation may be notified as Rules to be made under the Telecommunications Act, 2023.
- 2.13 In view of the above, stakeholders are requested to provide their comments on the question given below.

Issue for Consultation

- 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.**

B. Relevant sections of the Telecommunications Act, 2023

2.14 Since the terms and conditions of broadcasting services are to be aligned with the provisions of the Telecommunications Act, 2023, the relevant sections are being discussed in the paras to follow.

2.15 Section 3(2) of Telecommunications Act, 2023 is reproduced below:
‘3(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.’

2.16 Section 3(6) of Telecommunications Act, 2023 provides for migration to new terms and conditions from the existing ones:

‘3(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.'

- 2.17 Section 4, 5, 6 and 7 of the Telecommunications Act, 2023 contains the provisions for assignment, re-farming and harmonisation, technologically neutral use and optimal utilisation of spectrum. Relevant clauses for broadcasting services include:

'4. ...

(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.

...

(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.

...

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.'

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.

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.
...’

- 2.18 Section 8 of the Telecommunications Act, 2023 contains provisions on establishment of monitoring and enforcement mechanism of the spectrum:

‘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.

(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.’

- 2.19 Section 18 of the Telecommunications Act, 2023 mentions on dispute resolution:

‘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.'

2.20 Section 19 of the Telecommunications Act, 2023 provides power to the Central Government to notify standards:

'19. The Central Government may notify standards and conformity assessment measures in respect of—

(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.'

2.21 Section 21 of the Telecommunications Act, 2023 contains provisions on measures for national security:

‘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.’

2.22 Section 22(1) and 22(2) of the Telecommunications Act, 2023 provides the following:

‘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.
...'*

2.23 Section 23 of the Telecommunications Act, 2023 provides power to the Central Government to give directions in public interest:

'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.'

2.24 Section 32 of the Telecommunications Act, 2023 provides provisions for breach of terms and conditions for 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.’

2.25 Section 33 of the Telecommunications Act, 2023 provides provisions on contraventions of the Act:

‘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.

(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.'

2.26 Section 41 of the Telecommunications Act, 2023 provides provisions on bar on jurisdiction:

'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.'

2.27 Section 42 of the Telecommunications Act, 2023 provides general provisions relating to offence:

'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.

(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.

(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.

(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.'

- 2.28 Section 43 of the Telecommunications Act, 2023 provides provision for 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.'

- 2.29 Section 44 of the Telecommunications Act, 2023 provides provision for supply for 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.'

- 2.30 Section 48 of the Telecommunications Act, 2023 provides provisions on prohibition of equipment which blocks telecommunication:

'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.'

- 2.31 Section 52 of the Telecommunications Act, 2023 provides provisions on consistency with other laws:

'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.

(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.'

- 2.32 Further, Section 56 of the Telecommunications Act, 2023 *inter-alia* provides:

‘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) 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;

(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.’

2.33 Section 61 of the Telecommunications Act, 2023 provides the following:

‘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.'

- 2.34 The above-mentioned provisions and few others of the Telecommunications Act, 2023 have been referred and reflected in the draft terms and conditions of the authorisations as provided in the annexures, for aligning it with the Act.

C. Structure of the Authorisation Framework

- 2.35 To provide the authorisation for broadcasting services under the Telecommunications Act, 2023, two categories of rules may be required to be framed as elaborated in the subsequent paras.

- 2.36 First category of Rules may be titled **'The Broadcasting (Grant of Service Authorisations) Rules'**, may encompass the broad contours required for obtaining authorisations for broadcasting services. The terms and conditions may include the broad scope and service areas of various services, eligibility conditions, and applicable fees such as processing and entry fee, along with the requirements for an initial bank guarantee for the applicant entity. Additionally, the terms and conditions may detail out the application process, grant of service authorisation, validity period, and other related terms and conditions.

- 2.37 The second category of rules, which may be referred to as **'The Broadcasting (Television Programming, Television Distribution and Radio) Services Rules'** may require that, after obtaining authorisation for establishment, operation, and service provisioning, the authorised entity complies with the terms and conditions contained in these Rules while delivering the services for which authorisation is to be obtained from the Central Government.

The Common Terms and Conditions applicable for television programming, television distribution and Radio services may be identified, collated and produced under 'Common Terms and Conditions'.

2.38 As regards the rules for the second category, the detailed terms and conditions applicable to each broadcasting service, may be treated differently. In the television broadcasting sector, the content is created/ aggregated by the broadcasters and then arranged in the form of a television channel. These television channels are then distributed to Distribution Platform Operators (DPOs) for further retransmission to the consumers. The services involved in providing television channels to DPOs may be grouped together and collectively termed as The Broadcasting (Television Programming) Services.

2.39 Once a television channel is received by a distributor, it can be delivered to consumers through one of the four distribution methods: DTH, HITS, IPTV, or cable (via MSOs and its linked local cable operators) for distributing linear television services. Since MSOs and cable operators are registered under the Cable Television Networks (Regulation) Act, 1995, they may not be subject to the authorisation framework under the Telecommunications Act, 2023. Further, as recommended by TRAI, the scope of Unified Service Authorisation, Access Service Authorisation and Internet Service Authorisation covers authorisation to provide IPTV services too; and registered MSOs are also permitted to offer IPTV services, therefore, there may not be a need to introduce a separate authorisation for IPTV. However, only the terms and conditions for provisioning of IPTV services may be required to be drafted for inclusion in the Rules to be framed.

- 2.40 The terms and conditions for the distribution services (viz. DTH and HITS services) to be authorised under the Telecommunications Act, 2023 may be consolidated, along with terms and conditions of the IPTV services, based on their respective scope and other statutory obligations, may be referred to as the Broadcasting (Television Distribution) Services.
- 2.41 Similarly, the radio broadcasting may be further delineated in another part, namely the Broadcasting (Radio) Services. This may comprise terms and conditions for FM Radio broadcasting, Community Radio Stations, Low Power Small Range FM Radio Services and Digital Radio broadcasting. However, the terms and Conditions for the Digital Radio broadcasting may be provided, when notified by the Central Government.
- 2.42 In this context, Section 3(2) of the Telecommunications Act, 2023 also provides for different terms and conditions for different types of telecommunication services. The said Section 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.’*
- 2.43 Building on the discussions above, broadcasting services may be broadly classified into three categories for the purpose of establishing the terms and conditions for service provisioning, as outlined below:
- i. The Broadcasting (Television Programming) Services
 - ii. The Broadcasting (Television Distribution) Services
 - iii. The Broadcasting (Radio) Services

2.44 Accordingly, the draft framework for broadcasting services authorisation under The Telecommunications Act, 2023 is depicted in Fig 2.1 below.

Fig 2.1: Draft Authorisation Framework under the Telecommunications Act, 2023

- **The Broadcasting (Grant of Service Authorisations) Rules**
 - Terms and Conditions of Grant of Service Authorisations
- **The Broadcasting (Television Programming, Television Distribution and Radio) Services Rules**
 - Common Terms and Conditions applicable to television Programming and Distribution and Radio broadcasting services
 - **The Broadcasting (Television Programming) Services**
 - Terms and Conditions for Satellite based broadcasting
 - Terms and Conditions for Ground based broadcasting
 - Terms and Conditions for Other Related Services
 - **The Broadcasting (Television Distribution) Services**
 - Terms and Conditions for DTH Services
 - Terms and Conditions for HITS Services
 - Terms and Conditions for IPTV Services
 - **The Broadcasting (Radio) Services**
 - Terms and Conditions for FM Radio broadcasting
 - Terms and Conditions for Community Radio Stations
 - Terms and Conditions for Low Power Small Range FM broadcasting
 - Terms and Conditions for Digital Radio broadcasting

C1. Changes in the Definitions for service authorisation

2.45 The definitions and terminologies contained in various policy guidelines, regulations, acts governing and regulating the

broadcasting sector have been collated in Schedule-I, attached with this Consultation Paper. These definitions may be utilized in the draft terms and conditions of Grant of Service Authorisations and Television Programming, Television Distribution and Radio Broadcasting.

- 2.46 Further, in order to broaden the scope, it may be necessary to introduce new definitions and amend some existing ones to reflect the evolving landscape of the broadcasting sector, e.g.

‘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;

‘Ground-Based Broadcasting’ may be defined as under:

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

- 2.47 Additionally, the existing definitions and terminologies, may be amended as provided in the Table 2.1 below:

Table 2.1: Changes in the existing definitions

Existing Definition	Draft Definition (Amended)
<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</i>	<i>“SCG (Satellite Content Gathering)” refers to use of satellite based electronic technology/equipment that allows a reporter or a representative of TV Channel to gather and provide the content</i>

<i>to broadcast from remote locations outside of a TV studio;</i>	<i>to broadcaster from remote locations outside the TV studio;</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>ECG (Electronic Content Gathering) refers to use of electronic technologies that allows a reporter or a representative of TV Channel to gather and provide the content to broadcaster from remote locations outside the TV studio using terrestrial communication medium viz. cellular network/internet/leased line or any other medium/equipment, excluding SCG;</i>

2.48 Conventionally, the distributors of television channels have been termed as Distribution Platform Operators (DPOs). However, to align with it the authorisation terminology, the definitions of Distribution Services and Distribution Service Provider may be introduced as under:

'Distribution services' means distribution service within their respective scope of services provided by a DTH operator, HITS operator, IPTV operator or Multi-System Operator (MSO)'

'Distribution Service Provider' shall include DTH operator, HITS operator, IPTV operator or Multi-System Operator (MSO)'

2.49 As brought out above, the definitions and terminologies contained in various policy guidelines, regulations, acts governing and regulating the broadcasting sector have been collated and

enumerated in Schedule-I, to be included in the draft terms and conditions of Grant of Service Authorisations and Television Programming, Television Distribution and Radio Broadcasting. Stakeholders are requested to provide their comments on the definitions provided in Schedule-I.

Issue for Consultation

- 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.**

C2. Introduction of new authorisations

- 2.50 On a reference from MIB, a consultation paper on 'Regulatory Framework for Ground Based Broadcasters' is already issued on 18th October 2024. Once the recommendations are issued and accepted, the ground-based broadcasting would also emerge as an alternate method for distributing the television channels from broadcasters to distributors, in addition to the existing practice of satellite transmission. Thus, ground-based broadcasting, utilizing terrestrial transmission methods, could be recognized as part of broadcasting authorisation or as a new authorisation, which may encompass transmission through cloud services, wireline and wireless communication networks, among others.

2.51 Additionally, TRAI in its Recommendations on 'Issues related to Low Power Small Range FM Radio Broadcasting' dated 21st September 2023²⁸ has recommended for establishing low power small range FM radio broadcasting services to be commercially used for drive-in theatres applications, which is under consideration of the Government. For this purpose, the provision for the authorisation of low power small range FM radio broadcasting service may also be created in the radio part, for the consideration of the Government, in line with the pending recommendation from TRAI.

C3. Scope of Service and Service Area of various service authorisations

2.52 The scope of service covers the specific tasks, responsibilities, and activities that a service provider is authorized to perform, whereas, the service area refers to the geographic region or zone in which a service provider is permitted or authorised to offer its services.

2.53 The scope of service and service area of the existing broadcasting services are identified from the extant guidelines, and the same for the new services likely to be introduced are identified from consultation paper/ recommendations, which are listed in Table 2.1 below for consultation.

Table 2.1: Scope of Service and Service Area of various Broadcasting Services

S. No.	Service Authorisation	Scope of Service	Service Area
The Broadcasting (Television Programming) Services			

²⁸ https://www.trai.gov.in/sites/default/files/Recommendations_21092023.pdf

1.	Television Channel Broadcasting		
i.	Satellite-Based Broadcasting for a Television Channel		
a.	Uplinking of a Television Channel	To uplink a television channel signal from anywhere in India to Satellite using Teleport/ Teleport Hub.	National
b.	Downlinking of a Television Channel	To downlink a television channel signal within India for reception by the Distribution Service Providers.	National
c.	Uplinking and downlinking of a Television Channel	To uplink a television channel signal from anywhere in India to Satellite using Teleport/ Teleport Hub and also to downlink the TV channel signal within India for reception by the Distribution Service Providers.	National
ii.	Ground-Based Broadcasting of a Television Channel	To provide a television channel for reception within India to the Distribution Service Providers.	National/ State
2.	News Agency for television channel(s)	To gather News and distribution thereof to other news agencies and broadcasters in India.	National
3.	Teleport/Teleport Hub	To establish, maintain and operate teleport/teleport hub for uplinking of satellite TV channels.	National
4.	Live coverage of events by a Foreign channel	To gather content of live events (News and current affairs/ Non-news and current affairs) from anywhere in India for broadcasting on its channel outside India.	Pan- India
The Broadcasting (Television Distribution) Services			
5.	DTH	To establish, maintain and operate DTH platform for providing DTH broadcasting distribution services.	National

6.	HITS	To establish, maintain and operate HITS platform for providing HITS broadcasting distribution services.	National
The Broadcasting (Radio) Services			
7.	FM Radio Broadcasting	To establish, maintain and operate FM radio station to broadcast permitted services.	Pan-India ²⁹
8.	Community Radio Station	To establish, maintain and operate Community Radio Station to serve the needs and interest of local communities.	Location Specific
9.	Low Power Small Range FM Radio Broadcasting	To provide low power small range FM Radio service for captive use, wherein captive use scenarios covers a wide range of facilities, such as drive-in theatres, shopping malls, and sports complexes, among others where the permission holder utilizes low power FM to broadcast their own content and services. Also to extend the services to third parties who intend to organize an event for a limited period at a specific place, such as an event ground or concert hall.	Location/ Event Specific ³⁰
10.	Digital Radio Broadcasting	To establish, maintain and operate digital radio station to broadcast permitted services.	To be decided ³¹

²⁹ However, the authorised entity may be allowed to operate and provide Radio Broadcasting Services only in the city(ies), where it is allocated frequency spectrum through e-auction process.

³⁰ The maximum permissible transmission range shall be 500 meters; 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 (be it a building, stadium, convention centre, expo area etc.); and maximum permissible transmission power shall be 1 watt.

³¹ To be decided based on the outcome of the Consultation process on Digital Radio broadcast policy, which is under progress separately.

- 2.54 Apropos above, stakeholders may provide their feedback on the suggested scope of service and service area of the various service authorisations.

Issue for Consultation

- 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.**

C4. Grant of Service Authorisation

- 2.55 It is essential for any applicant entity seeking a specific broadcasting service to be well-informed about key parameters related to that service, including its scope, service area, eligibility criteria, validity period, etc. Furthermore, information regarding the applicable fees, such as processing fees, entry fees, bank guarantees, and security deposits, needs to be clearly specified. The procedural steps for obtaining service authorisation, along with other relevant conditions, may also be explicitly detailed in the rules governing the grant of service authorisations. The format of the draft authorisation document and its associated rules namely the Broadcasting (Grant of Service Authorisations) Rules are provided below in Fig 2.2 and Fig 2.3 respectively.

Fig 2.2: Draft format for Grant of Service Authorisation

GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING

AUTHORISATION TO PROVIDE BROADCASTING SERVICES

**[under Section 3 of the Telecommunications Act, 2023 and subject to
*The Broadcasting (Grant of Service Authorisations) Rules and
The Broadcasting (Television Programming, Television Distribution
and Radio) Services Rules]***

Authorisation No. _____

Issue Date: [DD/MM/YYYY] **Valid Up to:** [DD/MM/YYYY]

Details of Authorised Entity:

Entity Category*: _____

Name of Entity: _____

Corporate Identification/ Registration Number: _____

Date of Incorporation/ Registration: _____

Address: _____

Name of the Channel:** _____

Category of the Channel*:** News & Current Affairs/
Non-news & Current Affairs

Scope of Service: _____

Service Area: _____

Date: _____

**Applicable for both television programming and radio broadcasting
***Applicable only for television programming

Signature of the Officer the Central Government: _____

(On behalf of the President of India)

* Entity Category may include: Registered 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

Fig 2.3: Terms and conditions to be included in the draft
Broadcasting (Grant of Service Authorisations) Rules

Sl. No.	Description
1.	Definitions
2.	Scope and Service Area
3.	Eligibility Conditions
4.	Provision of Broadcasting Services <ul style="list-style-type: none"> • Television Programming Services • Television Distribution Services • Radio Broadcasting Services
5.	Processing Fee, Entry Fee, Bank Guarantee, Security Deposit and Renewal Fee
6.	Process of Application to obtain the Service Authorisation
7.	Grant of Service Authorisation
8.	Validity Period
9.	Non-Exclusivity Clause
10.	Assignment and Use of Spectrum
11.	Migration of the Licensees of the old regime in the new Authorisation Framework
12.	Security Conditions

2.56 Broadcasting services being a dynamic and technology intensive sector, the terms and conditions of the authorisations and the associated rules may be required to be amended from time-to-time to make it progressive and adaptive to the needs of time, for facilitating the growth and development of the sector.

2.57 A preliminary draft of Terms and Conditions for Grant of Service Authorisations are provided in Annexure-II. These may broadly

include Definitions, Scope and Service Area, Eligibility Conditions, Application Processing Fee, Entry Fee, Bank Guarantee, Process of Application to obtain the Service Authorisation and other related conditions, Grant of Service Authorisation, Validity Period and Other Conditions.

Issues for Consultation

- 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.**
- 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	Term s and Condi tions No.	Proposed changes, if any	Reasons with detailed justificati ons
1.	Definitions			
2.	Scope of Service and Service Area			
3.	Eligibility conditions			

4.	Provision of Broadcasting Services •Television Programming Services •Television Distribution Services •Radio Broadcasting Services			
5.	Processing Fee, Entry Fee, Bank Guarantee, Security Deposit and Renewal Fee			
6.	Process of Application to obtain the Service Authorisations			
7.	Grant of Service Authorisations			
8.	Validity Period			
9.	Non-exclusivity clause			
10.	Conditions for assignment and use of Spectrum			
11.	Migration of Existing service providers of old regime in the new Authorisation Framework			
12.	Security Conditions			

C5. The Broadcasting (Television Programming, Television Distribution and Radio) Services

- 2.58 Once an authorisation is granted by the Central Government to the authorised entity for a particular broadcasting service, the authorised entity may be governed by the terms and conditions prescribed in the Rules framed under the Telecommunications Act, 2023, which may be termed as Broadcasting (Television Programming, Television Distribution and Radio) Services Rules.
- 2.59 The Framework of the draft Broadcasting (Television Programming, Television Distribution and Radio) Services Rules, is depicted in Fig 2.4.

Fig 2.4: Framework of the draft Broadcasting (Television Programming, Television Distribution and Radio) Services Rules

Part	Description
Part-I	COMMON TERMS AND CONDITIONS
Specific Terms and Conditions for Authorisations	
Part-II	THE BROADCASTING (TELEVISION PROGRAMMING) 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 • Coverage of Live Event by Foreign Channel • Other services related to the Broadcasting (Television Programming) Services
Part-III	THE BROADCASTING (TELEVISION DISTRIBUTION) SERVICES <ul style="list-style-type: none"> • Direct to Home (DTH) • Headend in the Sky (HITS) • Terms and conditions for Internet Protocol Television (IPTV)*
Part-IV	THE BROADCASTING (RADIO) SERVICES <ul style="list-style-type: none"> • FM Radio Broadcasting • Community Radio Station • Low Power Small Range FM Radio Broadcasting • Digital Radio Broadcasting

***Note:** For the IPTV services only the terms and conditions to be included in the Rules to be made may be included. However, no separate authorisation

needs to be issued, since the same is already covered under the scope of authorisations for Unified Services, Access services, Internet Services issued under the Telecommunications Act, 2023; as well as MSOs registered under the Cable Television Networks (Regulation) Act, 1995.

Issue for Consultation

- 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.**

D. Migration from existing regime to authorisation framework

- 2.60 MIB, in its background note to the reference dated 25th July 2024, has *inter-alia* informed that, ‘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.’
- 2.61 It may be understood from Section 3(6) of the Telecommunications Act, 2023, that an entity holding a license/ permission granted under the Indian Telegraph Act, 1885 may be entitled to continue to operate under the terms and conditions under such license/ permission, till the expiry of its current validity period. Alternatively,

licensee/ permission holder, who intend to migrate to the regime of service authorisations granted under the Telecommunications Act, 2023, shall be entitled to migrate to the respective service authorisation. The renewal or extension of services may not be permissible in the extant framework, after notification of appointed date and the Rules. Therefore, for a licensee/ permission holder, whose existing validity of license/ permission is nearing expiration, and who wishes to continue its operation upon such expiration, may be required to either migrate to the new authorisation regime and get it renewed or apply for fresh authorisation well before expiry of the existing license/ permission.

2.62 In this context, it is desirable to prescribe specific terms and conditions outlining the procedure for migration of the existing licensee/ permission holder to the new authorisation regime under the Telecommunications Act, 2023.

2.63 There could be multiple approaches, however the following two approaches have been discussed here for migration to the new authorisation regime:

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

2.64 **First Approach**: An online application requesting for migration may be provided, 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.

2.65 **Second Approach:** Authorisation may be valid for the prescribed validity period for the respective service authorisations from the effective date of Authorisation, irrespective of the validity period of the license/ permission already held. In this methodology, on migration, the Authorised Entity 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.

2.66 **Validity period for Spectrum upon migration:** As per the Telecommunications Act, 2023, the relevant provisions related to validity of spectrum assigned are reproduced below.

‘4(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.

4(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.’

Therefore, upon migration to the new authorisation regime, the validity period for spectrum assignment may be governed as per above provisions.

2.67 In the above background, stakeholders are requested to provide their comments on the question given below.

Issue for Consultation

- 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.**

E. Civil Penalties for breach of terms and conditions of authorisation

- 2.68 Section 32 of the Telecommunications Act, 2023, prescribes the actions in case of breach of the terms of authorisation or assignment.

- 2.69 The Section 32 of the Telecommunications Act, 2023 is reproduced as:

‘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.'

2.70 Further, the relevant clauses of the Section 35, 36 and 37 regarding appointment of Adjudicating Officers, Designated Appeals Committee and their powers is reproduced below:

'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.

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.

37.(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.'

2.71 The Second Schedule of the Telecommunications Act, 2023 provides for graded civil penalties depending on the category of the contravention, as given in Table 2.2 below:

Table 2.2: Civil Penalties for breach of terms and conditions under Sections 32 and 34 of the Telecommunications Act, 2023

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

2.72 It is important to note that the existing Guidelines for various broadcasting services also contain provisions related to penalty for violation of the terms and conditions. The provisions for penalty laid in the various policy guidelines are discussed in detail in the subsequent paragraphs.

2.73 As per the extant DTH guidelines, for violation of license conditions, the Licensor may impose a penalty of up to Rs. 50 crores on the Licensee, in addition to other actions like revocation of the license. However, before taking such action, the Licensee would be given an opportunity to be heard, whereas the decision of the licensing authority shall be final.

2.74 The extant HITS guidelines contain provisions for termination of permission. In case of violation of terms and conditions of permission, the Government may impose penalties as follows:

- i. For first violation, the Permission may be suspended and broadcasting may be prohibited for up to 30 days.
- ii. For second violation, the Permission may be suspended and broadcasting may be prohibited for up to 90 days.

- iii. For third violation, the Permission may be revoked and broadcasting may be prohibited for the remaining period.
- iv. If the company fails to comply with the penalties within the prescribed time, the Permission may be revoked and the company may be disqualified from obtaining any fresh Permission for five years.

2.75 The Policy Guidelines for Uplinking and Downlinking of television channels comprises penalties for violation of programme and advertisement code and penalties for other terms and conditions. Clause 24 of the said policy guidelines is reproduced as under:

‘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.’

2.76 For violation of other terms and conditions, Clause 25 of the policy guidelines provide penal action for violation of other terms and conditions which is reproduced in Table 2.3:

Table 2.3: Action for violation of terms and conditions of permission

Sl. No.	Violation	Penal Action for violation
(i)	<i>Delay in intimation regarding change in shareholding pattern of the company</i>	<i>Warning</i>
(ii)	<i>Appointment of a Chief Executive Officer or Director/Designated Partner without prior permission of the Ministry</i>	<i>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.</i>
(iii)	<i>Non-removal of Chief Executive Officer or Director/Designated Partner who has been denied security clearance</i>	<i>Prohibition of broadcast up to 30 days; suspension of permission in case of continued default</i>
(iv)	<i>Showing dual logo/ logo or name not permitted by the Ministry</i>	<i>Order directing removal of the dual logo/unpermitted logo; Prohibition of broadcast for up to 30 days for non-compliance</i>
(v)	<i>Not maintaining the stipulated net worth for at least two consecutive financial years</i>	<i>Warning</i>
(vi)	<i>In respect of a channel, for being non-operational continuously for more than 60 (but less than 90) days, without intimating the Ministry.</i>	<i>Warning</i>

(vii)	<i>In respect of a channel, for being non-operational for a continuous period exceeding 90 days</i>	<i>Suspension; revocation of permission for continued default</i>
(viii)	<i>Non-payment of annual permission fees beyond a period of one year from the due date</i>	<i>Prohibition of broadcast up to 30 days; Suspension of channel for continued default</i>
(ix)	<i>Non-registration for telecast of a Live event by a non-news and current affairs channel</i>	<i>Warning and/or stoppage of live broadcast; Prohibition of broadcast upto 10 days, debarment from live broadcast for a period upto six months;</i>
(x)	<i>Telecast of an event Live by a non-news channel, content of which is in contravention of the Programme Code</i>	<i>Stoppage of live broadcast; prohibition of broadcast upto 10 days</i>
(xi)	<i>Usage of non-permitted SNG/DSNG equipment</i>	<i>Prohibition of broadcast upto 30 days; Suspension/cancellation of permission for continued default</i>
(xii)	<i>Transfer of a channel without permission of the Ministry</i>	<i>Suspension/cancellation of permission</i>
(xiii)	<i>Uplinking of a non-permitted/suspended/cancelled TV channel by a teleport Operator</i>	<i>Forfeiture of Security Deposit. The teleport would be required to furnish fresh Security Deposit within 15 days of forfeiture; Suspension/ cancellation of permission for continued default</i>

2.77 Additionally, it is mentioned that 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. However,

no penal action shall be taken unless the company/ LLP has been given an opportunity of being heard.

- 2.78 In the case of FM Radio, penalties have been provisioned for non-operationalisation of the channel by the licensee within the prescribed time. This results in revocation of the permission and the permission holder gets debarred from allotment of another channel in the same city for a period of five years from the date of such revocation. The released frequency may be given to the next highest bidder or through new bidding. The permission holder needs to pay one year's annual fee, which may be recovered from the Performance Bank Guarantee. Further, no claims are accepted against the Non-Refundable One Time Entry Fee (NOTEF) paid to the Government. Additionally, MIB may 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.
- 2.79 In the policy guidelines for setting up CRS in India, it has been mentioned that in cases of violation of the conditions of content regulation and monitoring, Government may take cognizance either suo-moto or based on complaints and refer the matter to the Inter-Ministerial Committee (IMC) on Programme and Advertising Codes to recommend appropriate penalties. Before imposing any penalty, the Permission Holder shall be given an opportunity to present their case.
- 2.80 Penalties may include temporary suspension of the permission for up to one month for the first violation and up to three months for the second violation, depending on the gravity of violation. For any subsequent violation, the permission may be revoked, and in such cases, the permission holder shall be ineligible to apply for fresh permission for a period of five years.

- 2.81 Based on the discussions regarding the various penal provisions prescribed in the extant policy guidelines, it may be necessary within the new authorisation framework that any Authorised Entity, whether a broadcaster or distributor, if found violating the Programme Code or Advertising Code as prescribed by the Central Government, may be subject to penal action in accordance with the rules established under the Cable Television Networks (Regulation) Act, 1995.
- 2.82 In addition, for the breach of terms and conditions of authorisation or assignment, the Authorised Entity may be governed by the penal provisions of the Telecommunications Act, 2023. Accordingly, the stakeholders are requested to provide their comments on the question below.

Issue for Consultation

- 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.**

CHAPTER III

ISSUES RELATED TO BROADCASTING SERVICES

Common Terms and Conditions for The Broadcasting (Television Programming, Television Distribution and Radio) Services

- 3.1 As discussed in the previous chapter, the broadcasting sector operates under a range of guidelines established at different times. It may be required to streamline and consolidate the existing guidelines for ensuring uniformity across the sector. Bringing all the terms and conditions under one umbrella and extracting the commonalties, is likely to bring consistency and streamline the terms and conditions and make compliance easier for all the stakeholders involved.
- 3.2 MIB reference mentioned about harmonisation of the terms and conditions including fees or charges. For the purpose of harmonisation, a holistic review of the extant policy guidelines for various broadcasting services is required in the new authorisation framework and may be included in the draft terms and conditions to be notified as rules under the Telecommunications Act, 2023.
- 3.3 To achieve harmonisation, the terms and conditions for grant of service authorisations which *inter-alia*, may include scope and service area, eligibility conditions, process of application, validity period, migration etc. needs to be identified as discussed already in Chapter II. Additionally, similar terms and conditions applicable to all Broadcasting (Television Programming, Television Distribution and Radio) Services are identified, extracted from the various guidelines, integrated *mutatis mutandis* and placed in the Common Terms and Conditions in the draft authorisation framework.

- 3.4 By consolidating the common elements from these various guidelines into a unified set of Common Terms and Conditions, may simplify the process. These terms and conditions may be applicable to all the broadcasting service authorisations. These Common Terms and Conditions may include Definitions, provisions related to Assignment of Spectrum, Equity Holding in Other companies, Renewal of Authorisation, Modifications in the Terms and Conditions of Service Authorisation, Non-Exclusivity clause, Restrictions on Transfer of Service Authorisation, Provision of Service, Reporting Requirement w.r.t. Eligibility Conditions, Adherence to Programme Code and Advertisement Code, Financial Conditions, Commercial Conditions, Technical Conditions, Disaster/ Emergency/ Public Utility Services, Operating Conditions, Confidentiality, Force Majeure, Dispute with Other Parties, Dispute Resolution and Jurisdiction, Contravention of Rules/ Violation of Programme Code and Advertisement Code etc.
- 3.5 This structured unified approach may simplify compliance for service providers, reduce ambiguity and promote smoother operations within the sector. A preliminary draft of Common Terms and Conditions for the Authorisation Framework of the broadcasting services has been annexed as Part-I of Annexure-III for consultation.

Issue for Consultation

- 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.	Dispute with Other Parties			
19.	Dispute Resolution and Jurisdiction			
20.	Contravention of Rules/ Violation of Programme			

	Code and Advertisement Code			
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A. The Broadcasting (Television Programming) Services

- 3.6 In pursuance of Union Cabinet decision, the ‘Guidelines for Uplinking and Downlinking of Television Channels in India, 2022’ was notified by MIB on 9th November 2022. The consolidated guidelines aim to ease out the permissions to the companies/ LLPs registered in India for Uplinking and Downlinking of TV Channel, setting up of Teleport/ Teleport Hub, purchase and use of DSNG/ SNG/ ENG systems, uplinking by Indian News agencies and temporary uplinking of a live event.

A1. Extant Policy Guidelines

- 3.7 The extant policy guidelines for uplinking and downlinking of television channels comprises of certain conditions, which are common for the companies/ LLPs applying for the afore-mentioned services. Further, the process of application for these services may be divided into 3 parts:
- i. **Furnishing of Application:** Outlines the eligibility criteria and the requirement of processing fee, minimum net worth etc., FDI and clearance from MHA and DOS.
 - ii. **Grant of Permission:** Fulfilling the application process and meeting the eligibility requirement, issuance of Letter of Intent (LoI) by MIB, with request to furnish the Performance Bank Guarantee (PBG) and Security Deposit.
 - iii. **Renewal of Permission:** The Company/ LLP may like to renew its permission for continuity of service before the validity period expires.

3.8 In terms of numbers, as on quarter ending June 2024³², approximately 912 private satellite TV channels have been permitted by MIB. The permission-wise number of permitted satellite TV channels is mentioned in the Table 3.1 below.

Table 3.1: Permitted satellite TV channels

Type of Permission	Number of channels
Uplinking only	10
Downlinking only	67
Both Uplinking & downlinking	835
Total	912

3.9 The above table denotes that there are three types of permissions in practice with respect to the television channels viz., uplinking only, downlinking only and both uplinking and downlinking, which may be defined as follows:

- i. **Uplinking only:** TV channel to be uplinked from India but downlinked abroad only.
- ii. **Downlinking only:** TV channel uplinked from abroad to be downlinked in India.
- iii. **Uplinking and downlinking:** TV channel to be uplinked as well as downlinked in India.

3.10 In the extant guidelines, a company/ LLP may apply for setting up a **News Agency** for being uplinked to a TV channel by following the application process mentioned above. Additionally, the company/ LLP is required to have working journalists employed by it who are accredited with the Press Information Bureau (PIB) on behalf of the

³² https://www.trai.gov.in/sites/default/files/QPIR_09102024_0.pdf

company/ LLP. Further, a news agency is required to use uplinking for news-gathering and its further distribution to other news agencies and broadcasters only. However, it is not permitted to uplink TV programmes/ channels for direct reception by public.

- 3.11 In addition to the above, an applicant entity for setting up a **Teleport/ Teleport Hub** is required to install, upkeep and operate necessary equipment and systems for uplinking of the television channels. The extant guidelines provide the following definition of Teleport and Teleport Hub:

‘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;

‘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;’

- 3.12 For domestic channels, provisions for live telecast by a news and current affairs channel and live uplinking of an event by a non-news and current affairs channel are provided in the extant guidelines. Further, another permission in the extant guidelines is **Uplinking of Live event by a Foreign channel**. A foreign channel/entity may be granted permission for live uplinking of an event for up to 12 months through a pre-designated permitted teleport.

Certain conditions specific to this permission include:

- i. A binding agreement with a permitted teleport.
- ii. Payment of a processing fee of ₹1 lakh per day of Live telecast.

- iii. The uplinked news/ footage primarily be used for abroad and shall not be broadcast in India without downlinking permission and registration of the channel.
- iv. Subject to approval by the Ministry of External Affairs and Ministry of Home Affairs.

A2. Authorisation Framework

- 3.13 With the enactment of the Telecommunications Act, 2023, it is important to note that the permission holders under the extant guidelines and the eligible entities shall be required to obtain authorisation from the Central Government as per Section 3(1) of the Telecommunications Act, 2023. Therefore, the eligible entity may be entitled to obtain ‘authorisation’ in place of ‘permission’ and thereafter be called as ‘Authorised Entity’.
- 3.14 Therefore, an Authorised Entity having obtained an authorisation to offer Broadcasting (Television Programming) Services may be required to adhere to the terms and conditions specified in the Broadcasting (Television Programming, Television Distribution and Radio) Services Rules. The Broadcasting (Television Programming) Services may cover the following four authorisations:

i. Television Channel Broadcasting

- a. Satellite-based Broadcasting of a Television Channel, which comprise of
 - Uplinking of a Television Channel
 - Downlinking of a Television Channel
 - Uplinking and Downlinking of a Television Channel
- b. Ground-based Broadcasting of a Television Channel

ii. News Agency for Television Channel(s)

iii. Teleport/ Teleport Hub

iv. Coverage of Live Event by Foreign Channel

3.15 Moreover, there are certain other permissions, which may be obtained from the Central Government during the currency of the validity period. These permissions may not require any separate authorisation, however such services may require permission under their respective service authorisations, as applicable, based on fulfilling certain conditions. These services may include the following:

- i. Purchase/ hiring and use of SCG³³ equipment: This permission may be granted to the authorised entities having authorisation for either uplinking of a television channel or uplinking and downlinking of a television channel or teleport or Ground-based Broadcasting of a television channel.
- ii. Live telecast (via. news and current affairs channel/ non-news and current affairs channel): may be granted to the authorised entities having authorisation for either uplinking of a television channel or uplinking and downlinking of a television channel or Ground-based Broadcasting of a television channel
- iii. Change of name and logo of a TV channel
- iv. Change of satellite/ teleport
- v. Intimation for change of language/ mode of transmission etc.
- vi. Change of category of a TV channel
- vii. Change in operational status

3.16 Permissions from (iii. to vii.) may be required by a television channel during its authorisation period, as per the technical/ commercial requirement.

³³ To further expand the scope of services, DSNG/ SNG may be renamed as Satellite Content Gathering (SCG). Therefore, scope of service may not only limit to transmit live coverage/ footage of news, further, it may extend to transmit various live events from remote location outside the TV studio.

A3. New service likely to be introduced

- 3.17 ‘Ground-based Broadcasting (GBB)’ of a television channel may also emerge as an alternative method for delivering content from broadcaster to the distribution service provider. In such a case, the broadcaster may use terrestrial communication medium in place of satellite medium for distribution of television channel to the Distribution Service Providers.
- 3.18 Based on the MIB reference dated 2nd May 2024 regarding regulatory framework for ground-based broadcasting, TRAI has already issued a Consultation Paper on ‘Regulatory framework for Ground-based Broadcasters’ dated 18th October 2024³⁴. Authorisation for Ground-based Broadcasting, either separately or as a part of television channel broadcasting may be considered by the Central Government upon receiving TRAI recommendations.

A4. Financial Conditions among Broadcasting (Television Programming) Services

- 3.19 The extant amount of various fees, period of permission, minimum net-worth, security deposit etc. are summarised below.

Table 3.2: Period of Permission of TV Broadcasters/
Teleport/News Agency

Categories	Initial Period (in years)	Renewal (in years)	Processing Fee for Renewal (in Rs)
Teleport/ TV channel	10	10	10 thousand
News Agency	5 FYs	5 FYs	10 thousand

³⁴ https://www.traigov.in/sites/default/files/CP_18102024_0.pdf

Table 3.3: Applicable Fees on Broadcasters/ Teleport Operators/
News Agency (as per Uplinking Downlinking Guidelines of 2022)

Broadcaster/ Teleport	Processing Fee (in Rs.)	Minimum Net Worth (in Rs.)	Performan ce Bank Guarantee (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
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
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
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	Outside India-15 lakh/ channel	Outside India- 30 lakh/ channel
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 lakh/ van	Not Prescribed		

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

- Processing Fee for Change of Category/ Satellite/ Teleport for TV Channel: Rs 10,000

- Processing Fee for Change of name/ logo of TV Channel: Rs 1 lakh
- One-time registration fee for downlinking TV Channels uplinked from other countries: Rs 10 lakh
- Fees Live telecast of an event by a non-news channel
 - For national channel: Rs. 1 lakh per channel per day
 - For regional channel: Rs. 50,000 per channel per day

3.21 In order to harmonise the various applicable fees structure of the aforementioned television programming services may be reviewed. The comments of stakeholders are solicited in this regard.

Issues for Consultation

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.

3.22 Based on the extant provisions, terms and conditions for service authorisation of television channels, News Agency for television channel(s), Coverage of Live Event by Foreign channel(s), Teleport have been identified, extracted from the policy guidelines, integrated *mutatis mutandis* and placed in the preliminary draft terms and conditions of the Broadcasting (Television Programming) Services, which is annexed as Part-II of Annexure-III for consultation.

Issue for Consultation

Q13. A preliminary draft of terms and conditions for inclusion in the second set of Rules for 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
Television Channel Broadcasting				
i. Satellite-Based Broadcasting of a Television Channel				
a.	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			
b.	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			
c.	Uplinking and Downlinking of a Television Channel			
All the terms and conditions of uplinking of television channel and downlinking of a television channel shall be applicable here				
ii.	Ground-Based Broadcasting of a Television Channel			
To be framed, once a policy decision is notified by the Central Government.				
News Agency for television channel(s)				
1.	Special Conditions for News Agency for television Channel(s)			

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

B. The Broadcasting (Television Distribution) Services

- 3.23 The television distribution services include DTH, HITS, IPTV and MSOs. However, as outlined in the previous chapter, MSOs are not included in the service authorisation framework under the Telecommunications Act, 2023, since MSOs and cable operators are registered under the Cable Television Networks (Regulation) Act, 1995. Further, provision of IPTV services are already covered within the scope of Unified Service Authorisation, Access Service Authorisation and Internet Service Authorisation (as recommended by TRAI on 18th September 2024³⁵ in the framework for service authorisation) and can also be provided by registered MSOs. Hence, IPTV services may not be treated as a separate authorisation. However, terms and conditions for providing IPTV services may be provided under the Broadcasting (Television Programming, Television Distribution and Radio) Services Rules.
- 3.24 Based on the discussion above, the remaining two distribution services viz. **DTH and HITS services** may qualify for requiring service authorisation for providing Broadcasting (Television Distribution) Services under the Broadcasting (Television Programming, Television Distribution and Radio) Services Rules. The extant policy guidelines for DTH and HITS services have been discussed briefly in the following paragraphs.
- 3.25 In March 2001, the guidelines for obtaining license to provide DTH broadcasting services in India was notified. Further, certain amendments have been made from time-to-time. The provisions and the amendments to guidelines for obtaining license for providing DTH services in India was issued on 30th December 2020, which superseded the relevant provisions of the guidelines issued on 15th

³⁵ https://www.trai.gov.in/sites/default/files/Recommendation_18092024.pdf

March 2001 and amended up to 6th November 2007. Additionally, the operational guidelines for DTH services were issued on 16th September 2022 w.r.t. license fees, platform service channels and infrastructure sharing.

- 3.26 Regarding HITS broadcasting services, MIB issued the policy guidelines on 26th November 2009 for granting permission to establish and operate HITS broadcasting services in India, based on the TRAI Recommendations dated 17th October 2007 on 'Recommendations on Headend-In-The-Sky (HITS)'. Additionally, MIB on 6th November 2020 allowed infrastructure sharing in the HITS broadcasting services following TRAI's Recommendations dated 29th March 2017 on 'Sharing of Infrastructure in Television Broadcasting Distribution Sector'.
- 3.27 The extant guidelines for establishing and operating DTH and HITS services *inter-alia* include provisions such as eligibility criteria, period of license/ permission, procedure for application and grant of licences/ permissions.
- 3.28 The Broadcasting (Television Distribution) Services under the Broadcasting (Television Programming, Television Distribution and Radio) Services Rules may replace the extant individual guidelines for DTH services, HITS services and IPTV services.
- 3.29 In the authorisation regime, the DTH licensee and HITS permission holder may be referred to as 'Authorised Entity'. The Authorised Entity would be required to obtain 'authorisation' under Section 3(1) of the Telecommunications Act, 2023, following the terms and conditions mentioned in the Broadcasting (Grant of Service Authorisations) Rules.

B1. Terms and Conditions: DTH and HITS Service Authorisation

- 3.30 It may be seen from the extant policy guidelines that several conditions for DTH and HITS service authorisations are similar. For instance, any applicant company intending to set up and operate DTH and HITS services need to be an Indian Company registered under the Companies Act, 1956 or 2013.
- 3.31 Secondly, the applicant company is required to fulfil the terms and conditions of 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. Notably, the FDI³⁶ is capped at 100% through automatic route for DTH and HITS services. Similarly, there are other conditions which are identified and incorporated *mutatis-mutandis*. All such similar terms and conditions may be included in the 'Common Terms and Conditions', as mentioned in para 3.1 to 3.3.
- 3.32 The extant guidelines for DTH and HITS services prescribe distinct validity periods, Processing Fee, Bank Guarantee, Net-worth, Authorisation Fee (erstwhile License/Annual Fee). To align with the nature of their services, which involve distributing television broadcasts, the harmonization of the said services may be considered. The subsequent paragraphs discuss issues related to harmonization among the Television Distribution Services.
- 3.33 Additionally, there are certain specific terms and conditions including provisions related to technical standards, sharing of infrastructure, value added services, platform service channels by DTH services, financial conditions and other aspects, which may be defined separately each for DTH and HITS service authorisations.

³⁶ https://dpiit.gov.in/sites/default/files/FDI-PolicyCircular-2020-29October2020_0.pdf

B2. Financial conditions for DTH Service Authorisations

- 3.34 The financial structure primarily includes parameters such as Entry Fee, Authorisation Fee and Bank Guarantee. The financial conditions for DTH service authorisations are discussed in the paras to follow.

I. Entry Fee

- 3.35 The extant DTH guidelines prescribe a non-refundable entry fee of Rs. 10 crores for providing DTH Services. Moreover, TRAI in its Recommendations dated 23rd July 2014³⁷ on 'Issues related to New DTH Licenses' have also recommended Rs. 10 crores as the entry fee for the DTH services.

II. Authorisation Fee

- 3.36 The extant 'License Fee' may be termed as 'Authorisation Fee' in the new Service Authorisation regime.
- 3.37 The existing DTH guidelines (via. 2020 amendment) prescribes annual license fee for DTH Services as 8% of Adjusted Gross Revenue (AGR), wherein AGR is calculated by excluding GST from Gross Revenue (GR). It is also mentioned that the minimum annual license fee shall be 10% of the entry fee and the authorisation fee is to be paid on a quarterly basis.
- 3.38 The definition of GR as provided in the extant guidelines is as follows:

'Gross Revenue for this purpose would 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

³⁷ <https://www.trai.gov.in/sites/default/files/DTH-Reco%28New-Licensing-Regime%29-uploaded.pdf>

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.'

- 3.39 Further, the licensees are required to maintain separate financial accounts, audited by Statutory Auditors. At the end of each financial year, the company need to provide a statement of GR as per the prescribed Form-D of the guidelines, certified by the auditors. This includes all relevant income heads and income from related parties as per Accounting Standards No. 18.
- 3.40 Consequently, on a reference from MIB, TRAI on 21st August 2023³⁸, issued its Recommendations on 'License Fee and Policy Matters of DTH Services', wherein the Authority have *inter-alia* recommended the definitions for Gross Revenue (GR), Applicable Gross Revenue (ApGR), Adjusted Gross Revenue (AGR), format of statement of revenue and license fee as revised Form-D, deduction verification process and the quantum of the license fee. These recommendations are discussed in the subsequent paragraphs.
- 3.41 The definitions of GR, ApGR and AGR recommended by TRAI in 21st August 2023 are reproduced as under:

³⁸ https://traigov.in/sites/default/files/Recommendation_21082023.pdf

Gross Revenue (GR)

‘The Gross Revenue shall comprise revenue accruing to the licenced 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 DTH licensee due to the privileges connected with the DTH licensee, such as income from property rent, revenue from sharing of infrastructure, revenue from sale of immoveable property, gains from foreign exchange rates fluctuations, insurance claims, bad debt recovered, excess provisions written back which has been established for maintaining and working of DTH service or any other such miscellaneous revenue received by the licensee.*
- 3. In the case of licensee providing or receiving goods and service from other companies that are 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.*

** “Control” as defined in Section 2(27) of the Companies Act 2013.’*

Applicable Gross Revenue (ApGR)

‘DTH operators should calculate Applicable Gross Revenue (ApGR) for arriving at the revenue calculations for license fee. ApGR should be

equal to the total Gross Revenue (GR) of the licensee as reduced by the following items:

- i. Revenue from activities under a license/ 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.*

** subject to conditions given in Annexure-III³⁹*

Adjusted Gross Revenue (AGR)

‘Adjusted Gross Revenue (AGR) is 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.’

3.42 TRAI based on the definitions of GR, ApGR and AGR recommended statement of revenue and license fee (Form-D) and establishment of a robust deduction verification process through single window portal.

3.43 The quantum of license fee was recommended to be 3% of AGR and to be brought down to zero in the next three years.

‘DTH Licensee should pay an annual license fee equivalent to 3% of AGR.

License Fee for DTH Licensees should be brought down to zero in next three years. DTH Licensees should not be charged any license fee after the end of the financial year 2026-2027.’

³⁹ Annexure-III of the TRAI Recommendations on ‘License Fee and Policy Matters of DTH Services’ dated 21st August 2023.

III. Bank Guarantee

- 3.44 As per the extant DTH guidelines the applicant company need to submit a Bank Guarantee from a Scheduled Bank to MIB. Initially, the Bank Guarantee for the first two quarters should be Rs. 5 crore and thereafter, an amount equivalent to the estimated license fee for two quarters. For the existing Licensees, the Bank Guarantee is an amount equivalent to the estimated License Fee for two quarters.
- 3.45 Although TRAI in its Recommendations dated 21st August 2023, recommended the following w.r.t. the Bank Guarantee:
- a. The Licensee should submit an Initial Bank Guarantee from any Scheduled Bank to the Ministry of Information and Broadcasting for an amount of Rs. 5 crore for the first two quarters.*
 - b. Thereafter, the Licensee should submit a Bank Guarantee (covering Financial and Performance Bank Guarantee) from any Scheduled Bank to the Ministry of Information and Broadcasting for an amount equivalent to the Initial Bank Guarantee (i.e., Rs. 5 crore) or 20% of the estimated sum payable, equivalent to License Fee for two quarters and other dues not otherwise securitized, whichever is higher.*
 - c. Once the license fee becomes zero, the Licensee should submit a Bank Guarantee (Performance Bank Guarantee) for a fixed amount equivalent to the initial Bank Guarantee (i.e., Rs. 5 crore) from any Scheduled Bank to the Ministry of Information and Broadcasting, which should be valid for a minimum of one year and renewed every year to ensure it remains valid for the entire currency of the license Agreement.*
 - d. The Licensor should be at the liberty to encash the Bank Guarantee in full or part in the event of violation of any of the license condition.*

e. *Electronic Bank Guarantee should be encouraged and permitted for ease of doing business.’*

3.46 However, TRAI recommendations dated 21st August 2023 are presently under consideration of the Government. Table 3.4 below depicts the summary of fee structure in the extant guidelines vis-a-vis recommendations made by TRAI for DTH Services:

Table 3.4: Applicable Fee Structure on the DTH Licensees

Fee Structure of DTH services	As per the extant guidelines	As per TRAI Recommendations dated 21.08.2023
License Fee	8% of AGR	To pay an annual LF equivalent to 3% of AGR; LF should be brought down to zero in next three years. No LF to be charged after the end of FY 2026-2027.
Bank Guarantee	Rs. 5 crore for the first two quarters, thereafter, 20% of the License Fee for two quarters.	Rs. 5 crore for the first two quarters. Thereafter, amount equivalent to Initial BG (i.e., 5 crore) or 20% of the License Fee for two quarters, whichever is higher.

B3. Financial conditions for HITS Service Authorisations

I. Entry Fee and Annual Fee

3.47 Based on TRAI Recommendations dated 17th October 2007⁴⁰ on ‘Recommendations on Headend-In-The-Sky (HITS)’, an applicant is

⁴⁰ <https://www.trai.gov.in/sites/default/files/rec17oct07.pdf>

required to pay a non-refundable entry fee of Rs. 10 crore. However, no annual fee prescribed for HITS services.

II. **Bank Guarantee**

- 3.48 In line with the TRAI recommendations, the amount of bank guarantee is as follows:

‘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.*
...’

- 3.49 Table 3.5 below depicts the summary of the existing charges for HITS services:

Table 3.5: Fee Structure of the HITS services

Fee structure	Amount (as per extant guidelines)
Entry Fee	Rs. 10 crore
Annual Fee	Nil
Bank Guarantee	Rs. 40 crore valid for a period of three years

B4. Harmonization among Distribution Services

- 3.50 In the evolving landscape of broadcasting, establishing robust financial conditions is crucial for the sustainable growth and development of the sector. Financial conditions such as application processing fees, entry fees and bank guarantees play a pivotal role in shaping the competitive environment, ensuring that only serious players enter and remain in the market. These conditions serve not

only as a safeguard against non-serious entities but also as a mechanism to foster innovation and investment, thereby driving the overall progress of the industry.

- 3.51 Optimally determining these financial conditions is essential to strike a balance between encouraging new entrants and maintaining a level playing field for existing service providers. An overly stringent financial requirement might stifle innovation and limit the entry of new players, while overly lenient conditions could lead to market saturation with non-viable entities. Therefore, careful consideration and analysis are necessary to set these conditions at levels that promote healthy competition, incentivize long-term investment, and ensure the financial stability of the sector.
- 3.52 It is noteworthy to mention here that MIB in its reference has highlighted the issues of the harmonization of the terms and conditions for different licenses/ permission in the broadcasting sector, difference in regulatory fees viz., License Fee, Entry Fee, Bank Guarantee among service providers providing similar set of services. The subsequent paragraphs provide the detailed comparison of the parameters such as net worth, permission period, processing fee, entry fee, bank guarantee, license fee, etc. among the service providers offering similar services.
- 3.53 It has been observed that the process of applications as well as various other terms and conditions are similar for both DTH and HITS services. However, it is seen that there are variations in certain parameters such as minimum net worth, period of permission, processing fee, entry fee, bank guarantee, annual/ license fee and period of permission/ license. Table 3.6 shows the comparison of various fees among the distribution services.

Table 3.6: Comparison of various fee structure among DPOs

Parameters	DTH	HITS	IPTV	MSO	Cable/ LCO
Processing Fee	Not prescribed	1 lakh	Not prescribed	1 lakh	Rs. 500 as registration fee
Entry Fee	10 cr.	10 cr.	As applicable for Unified Access/Access /Internet Service Providers	Not prescribed	
Net-worth	Not prescribed	10 cr.	ISP: 100 cr. ⁴¹	Not prescribed	
			Unified Access/Access Service Providers: NIL		
			MSO: NIL		
License Fee	8% of AGR	Not prescribed	Unified Access/Access /Internet Service Providers: 8% of AGR	Not prescribed	Rs. 500 as renewal fee
			MSO: NIL		
Bank Guarantee	5 cr. Initial, thereafter LF of 2 qtr.	40 cr. Valid for 3 years	Not prescribed	Not prescribed	Not prescribed
Validity Period (in years)	License Period: 20	Permission Period: 10	Not prescribed		
	Renewal: 10				

⁴¹ Earlier, ISP Licenses had a provision of net worth requirement of 100 crore for provision of IPTV services, however after introduction of the unified licensing regime in the year 2013, the said net-worth requirement of 100 crore for IPTV services was no longer applicable for the unified licensees, however the same, continued in the IPTV policy guidelines issued by MIB.

3.54 The broad observations from the Table 3.6 above are as follows:

- i. **Minimum Net Worth:** DTH and HITS being a pan India operation, requires larger investments for rolling out the service. Moreover, it is important that the service providers are able to withstand business fluctuations as they serve a very large number of consumers. One merit of net worth may be that it ensures the entry of genuinely serious and long-term players. It is pertinent to mention that the minimum net-worth requirement for HITS operators is Rs 10 crore, however, the same is not mentioned in the guidelines for obtaining license for providing DTH broadcasting services in India. Therefore, there may be a need to harmonise the requirement of the minimum net-worth for these services.
- ii. **Processing Fee:** Processing fee is typically used to cover the administrative costs of reviewing and processing the application for services. From the above table, it is seen that HITS operators are paying a processing fee of Rs. 1 lakh while processing fee for DTH operators have not been prescribed in the guidelines. Therefore, there may be a need to harmonise the processing fee for these services.
- iii. **Entry Fee:** Applicant for both DTH and HITS services are required to pay a non-refundable entry fee of Rs. 10 crore.
- iv. **Bank Guarantee:** DTH operators are required to provide an initial bank guarantee of Rs. 5 crore and thereafter continue with quarterly payments of the license fee. HITS, on the other hand, provide a bank guarantee of Rs. 40 crore, which is valid for 3 years. Therefore, there may be a need to harmonise the bank guarantee requirement for these services.

- v. **License Fee:** It is observed that DTH operators are required to pay a license fee at 8% of AGR, whereas HITS operators are not required to pay any license fee. Further, TRAI has recommended to lower the license fee for DTH services to 3% of AGR for the next three years and reduce zero thereafter, which is yet to be accepted by the Government. Therefore, there may be a need to harmonise the license fee for these services.
- vi. **Period of License/Permission:** DTH services are granted license for a period of 20 years with a renewal of 10 years. In HITS, the initial permission period is for 10 years with no provisions for renewal. Further, there are no renewal fees for both the services. Therefore, there may be a need to harmonise the period of permission for these services.

3.55 Apropos the above discussions regarding DTH and HITS services, the stakeholders are requested to provide their comments on the following questions:

Issues for Consultation

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.

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**

3.56 Based on the extant provisions, specific terms and conditions for service authorisation of DTH and HITS services have been identified, extracted from the policy guidelines, integrated *mutatis mutandis* and placed in the preliminary draft terms and conditions of the Broadcasting (Television Distribution) Services, which is annexed as Part-III of Annexure-III for consultation.

Issue for Consultation

Q16. A preliminary draft of terms and conditions for inclusion in the second set of Rules for 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.	Technical Standards and Other Obligations			
9.	Mandatory sharing/carrying of broadcast certain signals with Prasar Bharati			
10.	Value Added Services (VAS)			
11.	Miscellaneous			
HITS Services				
1.	Mandatory sharing/carrying of broadcast certain signals with Prasar Bharati			
2.	Technical Standards and Other Obligations			
3.	Sharing of Infrastructure by HITS operator			
4.	Value Added Services (VAS)			
5.	Prohibition of Certain Activities			
6.	Miscellaneous			

B5. Terms and Conditions for IPTV Services

3.57 MIB had issued guidelines for provisioning of IPTV Services on 08.09.2008 based on the TRAI's recommendations dated 04.01.2008.

- 3.58 However, it is pertinent to note that IPTV service providers are already licensed/ authorised or registered entities, either as unified access service providers, access service providers or internet service providers (normally referred to as TSPs/ISPs) under the Indian Telegraph Act, 1885 or the Telecommunications Act, 2023; or as MSOs registered under the Cable Television Networks (Regulation) Act, 1995. Therefore, IPTV providers may not be categorized under the authorisation regime of the Telecommunications Act, 2023.
- 3.59 However, it may be required to include in the Rules being framed, the terms and conditions contained in the existing guidelines issued by MIB for provisioning IPTV services in India, to align it with the provisions of the Telecommunications Act, 2023. Based on the extant provisions, terms and conditions for provisioning of IPTV services have been adopted *mutatis mutandis* and placed in the preliminary draft terms and conditions of the Broadcasting (Television Distribution) Services, which is annexed as Part-III of Annexure-III for consultation.

Issue for Consultation

- 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.**

Net worth requirement for Internet Services to provide IPTV Service

- 3.60 The guidelines for provisioning IPTV services issued by MIB on 8th September 2008⁴² provided the following for 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.’

- 3.61 Since, at that point of time, similar condition existed in the scope of licence for ‘Internet Service’ under the ‘Licence Agreement for Provision of Internet Services’⁴³ 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 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

⁴² https://mib.gov.in/sites/default/files/ilovepdf_merged_1.pdf

⁴³ <https://www.saras.gov.in/main/License%20Agreement/ISP.pdf>

granted on application by licensee provided the licensee has networth of Rs. 100 crore or more.'

- 3.62 However, under the License Agreement for Unified License⁴⁴, notified in 2013, the requirement of minimum net worth for Internet Service have not been prescribed. The scope of 'Internet Service' in the 'License Agreement for Unified License' is reproduced below:

'2. Scope of Internet Service: Scope of this Authorization covers the following:

2.1 (i) The Licensee may provide Internet access including IPTV...'

- 3.63 TRAI in Recommendations dated 18th September 2024⁴⁵ on 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' have recommended the following for the scope of Internet Service authorisation:

'Scope of service

(1) The Authorised Entity may provide Internet access service and Internet Protocol Television (IPTV)...'

- 3.64 Further, TRAI has also recommended:

'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.'

- 3.65 Since, the requirement for the net worth of Rs. 100 crore for ISPs is no longer applicable in the Unified License (including ISP authorization) issued by DoT, the same is yet to be adopted in the IPTV guidelines issued by MIB. Therefore, it needs to be examined

⁴⁴ <https://www.saras.gov.in/main/License%20Agreement/Unified%20Licence.pdf>

⁴⁵ https://traigov.in/sites/default/files/Recommendation_18092024.pdf

whether the net worth requirements for ISP authorisations to provide IPTV services may be removed.

- 3.66 In this background, the stakeholders are requested to provide their comments on the following question.

Issue for Consultation

- 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.**

C. The Broadcasting (Radio) Services

- 3.67 The next sections discuss the terms and conditions to be included in the service authorisation of radio broadcasting services. This includes FM Radio Broadcasting, Community Radio Stations, Low Power Small Range FM broadcasting and Digital Radio Broadcasting.

C1. FM Radio Broadcasting

- 3.68 MIB initiated the first phase of FM radio broadcasting in 1999. In Phase-I of FM Radio, the government auctioned 108 FM radio channels in 40 cities. Out of these, only 21 FM radio channels became operational and subsequently migrated to Phase-II in 2005. Phase-II of FM Radio commenced in 2005 when a total of 337 channels were put on bid across 91 cities having population equal to or more than 3 lakhs. Of 337 channels, 222 channels became operational. At the end of Phase-II, 243 FM Radio channels were operational in 86 cities.

- 3.69 In Phase-III expansion of FM radio, 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 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 auctioned⁵. At the end of September 2017, 322 FM radio stations have been made operational in 86 cities by 34 private FM Radio broadcasters.
- 3.70 Moreover, the Union Cabinet on 28th August 2024⁴⁶ approved the expansion of private FM radio channels in 234 new cities under Batch III of FM Phase III auction.
- 3.71 The provisions of the existing guidelines are to be replaced by the terms and conditions to be contained in the Rules to be framed under the Telecommunications Act, 2023. Therefore, the **FM Radio Broadcasting Service** may be a service authorisation under the Telecommunications Act, 2023. The existing permission holders may be given the option to either continue their services under the existing permission till its validity period or migrate to the new authorisation regime. It is to be noted that after notification of appointed date of Section 3 of the Telecommunications Act, 2023, there may not be possibility of renewal/ extension of existing permission.

Process followed as per the existing guidelines

- 3.72 The extant policy guidelines on FM radio broadcasting includes eligibility criteria, period of permission, financial conditions such as

⁴⁶<https://mib.gov.in/sites/default/files/List%20of%20234%20new%20cities%20approved%20by%20Union%20Cabinet%20on%2028.08.2024%20for%20expansion%20of%20Pvt%20FM%20Radio%20services.pdf>

annual fee, entry fee, processing fee, bank guarantee etc. Further there are provisions on reserve price and payment methodology and other terms and conditions.

- 3.73 As per the existing guidelines, an eligible applicant entity participates in the e-auction process after fulfilling the requirement of payment of Processing Fee, Earnest Money Deposit (EMD), etc. After the results of e-auction process is declared, the successful bidder is required to deposit 25% of the Successful Bid Amount as Bid Deposit within 5 calendar days of the close of the Auction and deposit the balance amount within 15 days of the close of the Auction.
- 3.74 Upon receipt of the Successful Bid Amount within the stipulated time, MIB issues the Letter of Intent (LOI) and thereafter signs the Grant of Permission Agreement (GOPA) with the successful bidder. A detailed time schedule for signing the GOPA, time schedule for operationalisation and time schedule in totality has been provided in the guidelines.
- 3.75 Further, the timelines provided included the provisions with respect to Agreement with Prasar Bharati and Leased Transmission Infrastructure (LTI) and Agreement with Broadcast Engineering Consultants India Limited (BECIL) and Common Transmission Infrastructure (CTI) creation etc., after the grant of LOI.
- 3.76 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.

3.77 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 2023⁴⁷ notified by WPC.

3.78 Further, DoT vide its Order dated 21st June 2022⁴⁸ 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.

Inputs of stakeholders

3.79 In the case of radio broadcasting services, spectrum is bundled with the permission to operate FM radio channel. Though the permission is granted based on e-auction, however, the spectrum allocation is treated as administrative allocation. During the Open House Discussion (OHD) held on 10th October 2024 on the Consultation Paper on ‘Reserve Prices for auction of FM Radio channels’, the radio operators have suggested to unbundle the permission and spectrum allocation. After unbundling, the authorised entities may take part in e-auction for allocation of spectrum for radio channels. It may be

⁴⁷ <https://dot.gov.in/sites/default/files/Spectrum%20usage%20charges.pdf?download=1>

⁴⁸ https://dot.gov.in/sites/default/files/SUC%20Order_0.pdf?download=1

recalled here that in the telecom regime, the Unified License has been delinked from the spectrum and licensed service providers are allowed to take part in e-auction for allocation of spectrum.

- 3.80 From the above discussion, it may be inferred that on unbundling of license and spectrum, the relevant DoT/WPC Orders are likely to become applicable to radio broadcasting services automatically.

Process to be followed in the Authorisation framework

- 3.81 In the new authorisation framework, obligations related to LTI lease and CTI creation etc. may be covered in the NIA and the Information Memorandum itself and may not appear in the terms and conditions to be included in the Rules. The rationale behind including the details in NIA/ Information Memorandum is that these obligations are subject to change from time to time as per the technology and or the scenario therein. The authorised entities shall be required to deposit Earnest Money, in the form of Bank Guarantee which is 25% of the reserve price of that city per channel. Successful bidders need to deposit a portion of the bid amount which is 25% of the successful bid amount within specified timeframes, and failure to do so may result in disqualification and forfeiture of EMD. All conditions related to e-auction i.e. EMD, payment methodology, roll out obligations etc. may be contained in NIA and associated Information Memorandum.
- 3.82 Further, GOPA may be replaced with the service authorisation to be granted by the Central Government to the Authorised Entity. Moreover, the process of allocating frequency spectrum for FM Radio Broadcasting through an e-auction process may be done only after the grant of service authorisation, unlike the extant situation wherein successful bidder is granted GOPA post the e-auction

process. In such a case, an applicant entity willing to provide radio services may be required to meet the following:

- i. Entry Fee: which may be kept minimal (say 'NIL')
- ii. Processing Fee: which may be kept same as that of Television Programming Services (i.e., say Rs. 10,000)
- iii. Minimum net-worth criteria: which may be \geq Rs. 50 lakhs as prescribed for D category cities and cities with population upto 1 lakh or Category 'E' as proposed in the Consultation Paper on 'Reserve Prices for auction of FM Radio channels' dated 1st August 2024⁴⁹.
- iv. Annual Authorisation Fee: 4% of GR, after the authorised entity have been successfully allocated frequency spectrum in the e-auction.

3.83 Further, the Service Area for radio services may be made Pan India, which would allow the authorised entity to participate in the e-auction process held in any city across India. However, only the authorised entity may be allowed to operate and provide radio broadcasting services only in the city(ies), where it is allocated frequency spectrum through e-auction process.

3.84 The net-worth requirements for city wise auctions may be continued as per existing guidelines, which may be required to be assessed at the time of participation in e-auction as being done presently.

3.85 In the authorisation framework, the e-auction process after grant of service authorisation may consists of four stages, which may be as under:

- i. Stage-I or the invitation stage where authorised entity willing to participate in auction process to submit their applications.

⁴⁹ https://www.trai.gov.in/sites/default/files/CP_01082024.pdf

- ii. Stage-II or the pre-qualification stage include the processes to check the eligibility conditions for the entities participating in the auction.
- iii. Stage-III or the auction stage where eligible entities participate in the auction process.
- iv. Stage-IV or the final stage where the final auction price is determined, the successful bidder is selected, and the auction is closed.

Financial Conditions in the extant guidelines for FM Radio

3.86 Further, the financial structure prescribed in the extant guidelines such as Processing Fee, Entry Fee and Authorisation Fee (erstwhile Annual Fee) for participation in e-auction are as follows:

- a. Application Processing Fee: The applicant shall pay a non-refundable application processing fee of Rs. 25,000/- payable to MIB.
- b. Non-Refundable One Time Entry Fee (NOTEF): Determined through auction
- c. Annual Fee: The permission holder needs to pay an Annual Fee to the Government each year, calculated as 4% of the FM channel's 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 (03) years.

However, TRAI has issued its recommendations on 'Issues related to FM Radio Broadcasting' on 5th September 2023⁵⁰, which *inter-alia* recommended the revision of the license fee.

⁵⁰ https://www.trai.gov.in/sites/default/files/Recommendation_05092023.pdf

Accepting the same, recently MIB released an amendment dated 10th September 2024⁵¹, the annual fee has been delinked from the NOTEF. In the uncovered 234 new cities under Batch-III FM Phase-III auction, the permission holder needs to pay 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 3 years. Table 3.8 below summaries the financial conditions for FM Radio channels:

Table 3.8: Financial Conditions

Parameters	Amount
Processing Fee	Rs. 25,000
Entry Fee	Determined through auction
Authorisation Fee (erstwhile Annual Fee)	For existing permission holders: 4% of GR or 2.5% of NOTEF, whichever is higher
	Northeast states, Jammu & Kashmir and island territories: 2% of GR or 1.25% of NOTEF, whichever is higher
	For 234 new cities where auction is to be conducted: 4% of GR (excluding GST)

3.87 In view of the above, stakeholders are requested to provide their comments on the following question:

Issue for Consultation

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

⁵¹ <https://mib.gov.in/broadcasting/order-dated-10092024-regarding-amendments-pvt-fm-radio-phase-iii-policy-guidelines>

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?**

C2. Community Radio Stations

- 3.88 In December 2002, the Government of India has approved policy for granting licenses to well-established educational institutions, including IITs and IIMs, to set up Community Radio Stations (CRS). In 2006, the policy was broadened to include 'Non-profit' organisations like civil society and voluntary organisations, allowing greater participation on issues of development and social change. The policy guidelines of 2006 were subsequently amended in 2017, 2018 and 2022. To ensure the financial sustainability and growth of the Community Radio Stations, further amendments have been carried out and the revised policy guidelines have been issued on 13th February 2024.
- 3.89 The extant guidelines consist of provisions on basic principles, eligibility criteria, selection process and processing of applications, GOPA and other conditions. Nonetheless, the provisions in the extant guidelines are required to be replaced with terms and

conditions to be notified under the Telecommunications Act, 2023. Accordingly, **Community Radio Stations** may be given the option to migrate to new authorisation regime.

- 3.90 While drafting the terms and conditions, the eligibility criteria and basic principles have been brought together as well as the selection process have been adopted *mutatis-mutandis*. Furthermore, GOPA may be replaced with the Authorisation document, as being done for FM radio broadcasting services.
- 3.91 According to the policy guidelines, organizations applying to operate a CRS need to adhere to certain basic principles. They need to be explicitly 'not-for-profit' organizations with at least three years of proven service record to the local community. CRS should be designed to serve the local community within their coverage area and have an ownership and management structure that reflects the community they serve. Additionally, organizations are required to be legal entities registered under a relevant act for at least three years at the time of application. Further, NGOs, registered societies, and Public Charitable Trusts need to be listed on the NITI Aayog's NGO Darpan portal and provide their Unique ID with the application.
- 3.92 The eligibility criteria, as per the guidelines for applying for CRS licenses include community-based organizations such as State Agriculture Universities (SAUs), ICAR institutions, Krishi Vigyan Kendras, autonomous bodies, civil society organizations, voluntary organizations, registered societies, public charitable trusts, not-for-profit organizations by Self Help Groups (SHGs) and Farmer Producer Organizations (FPOs) as well as educational institutions. However, individuals, political parties and their affiliates, profit-driven organizations, entities banned by the Union or State Governments, and religious bodies are not eligible to operate a CRS.

- 3.93 Under the existing guidelines, the selection process for CRS involves the formation of an Inter-Ministerial Committee (IMC) chaired by the Secretary, MIB. Applications are received from both government and private institutions/ organisations, where LOI is issued subject to availability of Frequency spot provided by Ministry of Communications. Additionally, private institutions are also required to secure clearances from the Ministries of Home Affairs and Defence. Additionally, the guidelines specify timelines for obtaining these clearances before signing the GOPA.

C3. Low Power Small Range FM Broadcasting

- 3.94 A low power FM transmission system commercially find its utility in Drive-in theatre application to transmit movie audio to the audience. In addition to drive-in theatres, several other use cases of low power small range FM radio broadcasting which may cater to specific locations and reception areas can be identified. Examples include hospital radio services, amusement parks, business premises, closed communities such as residential complexes, small habitations, commentary for local events such as air shows and sports events.
- 3.95 Based on a reference received from MIB, TRAI issued its Recommendations on 21st September 2023⁵² on 'Issues related to Low Power Small Range FM Radio Broadcasting'. The recommendations covered key areas, including the introduction of a new category of service providers for low power small range FM broadcasting, scope of services, process for obtaining permission, equipment standards, frequency allocation and the terms and conditions of the license. The terms and conditions contained

⁵² https://www.trai.gov.in/sites/default/files/Recommendations_21092023.pdf

eligibility criteria, license period, entry and license fees, area of operation, spectrum allocation and technical parameters.

- 3.96 Regarding introduction of new category of service providers for low power small range FM broadcasting, it has been mentioned that low power small range FM broadcasting need to be subject to a licensing, registration, or authorization requirement to ensure proper monitoring and regulation.

‘The Authority recommends that the low power small range FM radio broadcasting services should be allowed only after grant of a License/Registration/Authorization.

The Authority recommends that a new category of service provider for provision of low power small range FM Radio should be introduced, called ‘Low Power Small Range FM Radio Broadcasting.’

- 3.97 In the context of obtaining license/ registration/ authorisation for low power small range FM broadcasting services, it was recommended that an online application process may be followed. The recommendation reads as under:

‘The license/registration/authorization for the ‘Low Power Small Range FM Radio Broadcasting’ should be granted through a simple registration process via an online application portal.’

- 3.98 Further, the recommendations also covered terms and conditions such as eligibility criteria, license period, fee structure, frequency assignment, service area and transmission power. Accordingly, the recommendations for low power small range FM broadcasting are as under:

Eligibility Criteria:

'The Authority recommends that the following should be eligible to hold license/ registration/ authorization for 'Low Power Small Range FM Broadcasting':

a. Individuals who are citizens of India and above eighteen years of age. Following are not eligible to hold license/ registration/authorization for 'Low Power Small Range FM Broadcasting':

- 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.*

b. A company registered under the Companies Act 2013 including LLP and partnership firms. Following are not eligible to hold license/ registration/ authorization for 'Low Power Small Range FM Broadcasting':

- i. Political Parties and their affiliate organizations; [including students, women's, trade unions and such other wings affiliated to these parties]*
- ii. A company controlled by or associated with a political body;*
- iii. A company controlled by or associated with a religious body;*
- iv. A company that has been convicted by a court of any offense, whether involving moral turpitude or otherwise.'*

Validity Period:

Permission period for 'Low Power Small Range FM Radio Broadcasting' service:

- a. Up to thirty days*
- b. Up to five years.*

- a. *For permission up to thirty days, applicants should be required to provide proof of right to use the land or property for which the low-power small-range FM radio broadcasting permission is being sought at the time of submitting initial application.*
- b. *For permission up to five years the applicant should provide proof of ownership of the property/premises. In case the property is not owned by the applicant, the authorization of use of property should be submitted on an annual basis.'*

Fee Structure:

No application/entry fee should be levied.

- i. *Fee of Rs. 1000/- for a permission up to thirty days*
- ii. *Fee of Rs. 10,000/- per annum for a permission up to five years.*

Frequency Assignment:

- i. *WPC should conduct a thorough evaluation and reserve appropriate frequency spots for the specific needs of low-power, small-range FM broadcasting.*
- ii. *Frequency for low power small range FM broadcasting should be assigned administratively by WPC through online portal within two days of submitting the application.*
- iii. *License/Registration/Authorization holders for low power small range FM broadcasting should be allowed to deploy any type of transmission technologies (analog/digital/any other).'*

Service Area:

- i. *The maximum permissible transmission range of 'Low Power Small Range Radio Broadcasting' should be 500 meters.*
- ii. *The licensed area of frequency assignment in case of low power small range FM be defined as location-specific based on the precise geographical coordinates such as longitude and latitude of the of the intended service location ((be it a building, stadium, convention center, expo area etc.).'*

Transmission Power:

‘Maximum permissible transmission power of 1 watt for low power small range FM broadcasting.’

- 3.99 However, these recommendations are pending for consideration by the Government. Once, a decision will be taken on this issue, **Low Power Small Range FM** broadcasting may also be made as a separate authorisation.

C4. Digital Radio Broadcasting

- 3.100 At present, the policy for radio broadcasting provides for FM radio broadcasting by private companies is an analogue system. Given the advantages offered by digital radio, such as, improved audio quality, increased spectrum efficiency, more channels within the same bandwidth, it may be required to expand the scope of radio broadcasting services to include digital radio broadcasting. However, the terms and conditions may be decided based on the outcome of the Consultation process on 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.
- 3.101 Based on the discussions above, the terms and conditions for service authorisation of FM Radio broadcasting, Community Radio Stations, Low Power Small Range FM broadcasting and Digital Radio broadcasting have been identified and placed in the preliminary draft terms and conditions of the Broadcasting (Radio) Services, which is annexed as Part-IV of Annexure-III for consultation.

Issue for Consultation

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.	Annual Authorisation Fee			
5.	News and current affairs programmes			
6.	Programme Content			
7.	Prohibition of Certain Activities			
8.	Penalty for Non operationalisation of services			
9.	Networking			
10.	Technical Parameters and Standards			
11.	Number of Frequencies			

12.	Co-location			
13.	Frequency allocation and SACFA clearance			
14.	Mandatory sharing of certain broadcast signals with Prasar Bharati			
15.	Monitoring and requirement to furnish information			
16.	Inspection			
17.	Surrender of Authorisation			
18.	Provisions relating to data broadcasting services in FM/ Digital sub carriers			
19.	Miscellaneous			
Community Radio Stations				
1.	Content regulation & monitoring			
2.	Imposition of penalty/ revocation of Authorisation			
3.	Transmitter Power and Range			
4.	Funding & Sustenance			
5.	Other Terms and Conditions			
Low Power Small Range FM Radio				
1.	Provision of Low Power Small Range FM Radio Broadcasting			
2.	Low Power Small Range FM Radio Broadcasting Service Obligations			
Digital Radio Broadcasting				
	To be decided based on the outcome of the Consultation process on 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 <i>mutatis-mutandis</i> for Digital Radio Broadcasting.			
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Any other Issue

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.

CHAPTER IV

SUMMARY OF ISSUES FOR CONSULTATION

General

- 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.
- 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.

Scope and Service Area

- 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.

Authorisation Document

- 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.**

Terms and Conditions for Grant of Service Authorisations

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

Framework for Television Programming, Television Distribution and Radio Broadcasting

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.

Migration Methodology

- 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.

Penal Provisions

- 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 said penal provisions should be adopted *mutatis mutandis*? Please provide a detailed response with necessary justifications.
 - c.** 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.

The Broadcasting (Television Programming, Television Distribution and Radio) Services

- 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.	Dispute with Other Parties			
19.	Dispute Resolution and Jurisdiction			
20.	Contravention of Rules/ Violation of Programme Code and Advertisement Code			

The Broadcasting (Television Programming) Services

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 TV Channel**
- ii. Non-news & Current Affairs TV 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.

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

The Broadcasting (Television Distribution) Services

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.

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

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.	Technical Standards and Other Obligations			
9.	Mandatory sharing/carrying of broadcast certain signals with Prasar Bharati			
10.	Value Added Services (VAS)			
11.	Miscellaneous			
HITS Services				
1.	Mandatory sharing/carrying of broadcast certain signals with Prasar Bharati			
2.	Technical Standards and Other Obligations			
3.	Sharing of Infrastructure by HITS operator			
4.	Value Added Services (VAS)			
5.	Prohibition of Certain Activities			
6.	Miscellaneous			

- 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.**
- 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.**

The Broadcasting (Radio) Services

- 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?

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.	Annual Authorisation Fee			
5.	News and current affairs programmes			
6.	Programme Content			
7.	Prohibition of Certain Activities			
8.	Penalty for Non operationalisation of services			
9.	Networking			
10.	Technical Parameters and Standards			

11.	Number of Frequencies			
12.	Co-location			
13.	Frequency allocation and SACFA clearance			
14.	Mandatory sharing of certain broadcast signals with Prasar Bharati			
15.	Monitoring and requirement to furnish information			
16.	Inspection			
17.	Surrender of Authorisation			
18.	Provisions relating to data broadcasting services in FM/ Digital sub carriers			
19.	Miscellaneous			
Community Radio Stations				
1.	Content regulation & monitoring			
2.	Imposition of penalty/ revocation of Authorisation			
3.	Transmitter Power and Range			
4.	Funding & Sustenance			
5.	Other Terms and Conditions			
Low Power Small Range FM Radio				
1.	Provision of Low Power Small Range FM Radio Broadcasting			
2.	Low Power Small Range FM Radio Broadcasting Service Obligations			
Digital Radio Broadcasting				

	<p>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 <i>mutatis-mutandis</i> for Digital Radio Broadcasting.</p>			
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Any Other Issue

- 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.**

List of 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
BNS	Bharatiya Nyaya Sanhita
CAS	Conditional Access System
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CNN	Cable News Network
CPE	Customer Premise Equipment
CRS	Community Radio Station
CTI	Common Transmission Infrastructure
DD	Doordarshan
DOS	Department of Space
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
ECG	Electronic Content Gathering

EHAAT	Effective Height of Antenna above Average Terrain
EMD	Earnest Money Deposit
ENG	Electronic News Gathering
EPG	Electronic Programme Guide
ERP	Effective Radiated Power
FDI	Foreign Direct Investment
FM	Frequency Modulation
FPO	Farmer Producer Organizations
GBB	Ground-based Broadcasting
GOPA	Grant of Permission Agreement
GR	Gross Revenue
GST	Goods and Service Tax
HAAT	Height of Antenna above Average Terrain
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
IP	Internet Protocol
IPTV	Internet Protocol Television
ISP	Internet Service Provider
ITU	International Telecommunication Union
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
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
PIB	Press Information Bureau
PBG	Performance Bank Guarantee
QoS	Quality of Service
SACFA	Standing Advisory Committee on Radio Frequency Allocation
SAU	State Agriculture University
SCG	Satellite Content Gathering
SHG	Self Help Group
SMC	SATCOM Monitoring Centre
SMS	Subscriber Management System
SNG	Satellite News Gathering
STB	Set Top Box

SUC	Spectrum Usage Charge
TEC	Telecommunication Engineering Centre
TRAI	Telecom Regulatory Authority of India
TSP	Telecom Service Provider
VAS	Value Added Service
WOL	Wireless Operational License
WPC	Wireless Planning and Coordination

Annexure-IA: MIB Reference dated 25.07.2024

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: The Telecommunications Act, 2023

रजिस्ट्री सं० डी० एल०—(एन)०४/०००७/२००३—२३ REGISTERED NO., DL—(N)०४/०००७/२००३—२३



भारत का राजपत्र The Gazette of India

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CG-DL-E-24122023-250880

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रशिक्षण से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ५२] नई दिल्ली, रविवार, दिसम्बर २४, २०२३/पौष ३, १९४५ (सक)
No. 52] NEW DELHI, SUNDAY, DECEMBER 24, 2023/PAUSHA 3, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी गयी है जिससे कि यह 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;

(x) "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 1985.

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.

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.

45 of 1990.

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 1950. (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 persons 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.

1 of 1872.

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.

Employee of authorised entity not to be compelled to appear as witness.

10 of 1976.

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.

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 (5) 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.

87. (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 (f),—

(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 (j), the following clause shall be inserted, namely:—

‘(ja) “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.

(i) 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.

15 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.

26 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 internality.

THE FIRST SCHEDULE

[See sections 4 (4), (5) and 57(1)]

ASSESSMENT 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(f) (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(*i*), (*j*), 34(*i*), (*j*), (*k*) and 34(*h*)]

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 (<i>i</i>) and (<i>j</i>) 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.

Annexure-II: Draft Terms and Conditions to be included in the Broadcasting (Grant of Service Authorisations) Rules

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**DRAFT 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 words and expressions used are defined in **Schedule-I**. Further, the words and expressions not defined in Schedule-I but defined in the Telecommunications Act, 2023 shall have the meanings respectively assigned to them in the said Act.
2. **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 2.1**.

**Table 2.1: Scope of Service and Service Area for Broadcasting
Services**

S.No	Service Authorisation	Scope of Service	Service Area
The Broadcasting (Television Programming) Services			
1.	Television Channel Broadcasting		
i.	Satellite Based Broadcasting for a Television Channel		
a.	Uplinking of a Television Channel	To uplink a television channel signal from anywhere in India to Satellite using Teleport/ Teleport Hub.	National
b.	Downlinking of a Television Channel	To downlink a television channel signal within India for reception by the Distribution Service Providers.	National
c.	Uplinking and Downlinking of a	To uplink a television channel signal from anywhere in India to Satellite using Teleport/ Teleport Hub and also	National

	Television Channel	to downlink the television channel signal within India for reception by the Distribution Service Providers.	
ii.	Ground Based Broadcasting for a Television Channel	To provide a television Channel for reception within India to the Distribution Service Providers.	National/ State
2.	News Agency for Television Channel(s)	To gather News and distribution thereof to other news agencies and broadcasters in India.	National
3.	Teleport/Teleport Hub	To establish, maintain and operate teleport/teleport hub for uplinking of satellite television channels.	National
4.	Coverage of Live Event by Foreign Channel	To gather content of live events (News and current affairs/ Non-news and current affairs) from anywhere in India for broadcasting on its channel.	National
The Broadcasting (Television Distribution) Services			
5.	DTH	To establish, maintain and operate DTH platform for providing broadcasting distribution services.	National
6.	HITS	To establish, maintain and operate HITS platform for providing broadcasting distribution services.	National
The Broadcasting (Radio) Services			
7.	FM Radio Broadcasting	To establish, maintain and operate FM Radio Station to broadcast permitted services.	Pan-India*

8.	Community Radio Station	To establish, maintain and operate Community Radio Station to serve the needs and interest of local communities.	Location Specific
9.	Low Power small range FM Radio Broadcasting	To provide low power small range FM Radio service for captive use, wherein 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 FM to broadcast their own content and services. Also to extend the services to third parties who intend to organize an event for a limited period at a specific place, such as an event ground or concert hall.	Location/ Event Specific**
10.	Digital Radio Broadcasting	To establish, maintain and operate Digital Radio Station to broadcast permitted services.	To be decided***

***Note 1:** However, the authorised entity may be allowed to operate and provide Radio Broadcasting Services only in the city(ies), where it is allocated frequency spectrum through e-auction process.

****Note 2:**

- i. The maximum permissible transmission range of 'Low Power Small Range Radio Broadcasting' shall be 500 meters.
- ii. The service area of frequency assignment in case of low power small range FM shall be location-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.).

- iv. Maximum permissible transmission power shall be 1 watt for low power small range FM broadcasting.

***** Note 3:** To be decided based on outcome of consultation process on Digital Radio Broadcast Policy, which is under progress separately.

3. Eligibility Conditions:

(a) Conditions for Broadcasting (Television Programming, Television Distribution and Radio) Services:

- (1) The applicant entity shall be an Indian Company, registered under the Indian Companies Act, 1956 or 2013 or a Limited Liability Partnership (LLP) registered under the Limited Liability Partnership Act, 2008.
- (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.
For this purpose, the applicant entity shall intimate the Ministry of Information & Broadcasting regarding FDI at the time of application as well as whenever any change in the FDI in the company takes place, within 15 days of effect of such change.
- (3) 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.
- (4) The applicant entity shall have a minimum net worth of an amount specified in the **Table 3.1** 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.

Table 3.1: Net worth of an Applicant Entity

Sl. No.	Applicant Company	Net worth (In Rs.)
The Broadcasting (Television Programming) Services		
1.	Television Channel Broadcasting	
i.	Satellite Based Broadcasting for a Television Channel	
a.	Uplinking of a Television Channel	1st Television Channel - 20 cr. Additional Channel - 5 cr.
b.	Downlinking of a Television Channel	1st Television Channel - 20 cr. Additional Channel - 5 cr.
c.	Uplinking and Downlinking of a Television Channel	1st Television Channel - 40 cr. Additional Channel - 10 cr.
ii.	Ground Based Broadcasting for a Television Channel	To be provisioned when notified by the Central Government
2.	News Agency for Television Channel(s)	[Not Prescribed]
3.	Teleport/ Teleport Hub	1st Teleport - 3 cr. Additional Teleport- 1 cr.
4.	Coverage of Live event by foreign channel	[Not Prescribed]

The Broadcasting (Television Distribution) Services		
5.	DTH	[Not Prescribed]
6.	HITS	10 cr.
The Broadcasting (Radio) Services		
7.	FM Radio Broadcasting	<ul style="list-style-type: none"> • E category: To be provisioned when notified by the Central Government • D category Cities and cities with population up to 1 lakh: 50 Lakh • 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: 10 Crore
8.	Community Radio Station	[Not Prescribed]
9.	Low Power small range FM Radio Broadcasting	[Not Prescribed]
10.	Digital Radio Broadcasting	To be decided based on outcome of consultation process on Digital Radio Broadcast Policy, which is under progress separately.

(5) The applicant entity shall always have Indian management control with majority representatives on the Board, as well as Key

managerial personal, Editorial staff, the Chief Executive of the company being resident Indian citizens.

- (6) 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 of the company or proposed to be included in the Board of Directors of the company.
- (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 Company Directors, Managing Director, Chief Executive Officer (CEO) and Chief Financial Officer (CFO) shall be required to be security cleared from the Ministry of Home Affairs.
- (9) The applicant entity shall intimate the Central Government regarding change in the directorship, key executives, within 15 days of effect of such change.
- (10) The applicant entity shall have a commercial presence in India with its principal place of business in India.

(b) Eligibility Conditions specific to Uplinking of a Television Channel

- (1) The applicant company shall furnish, 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.

- (2) Majority of the Directors on the Board of Directors of the company and key managerial personnel and editorial staff of the entity shall be Indian residents.
- (3) 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.
- (4) 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.

(c) Eligibility Condition specific to Downlinking of a Television Channel

- (1) 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 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:

- (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 for the provision of services by the owner of the channel.

- (2) 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.
- (3) The downlinked channel shall have authorisation for broadcast by the regulatory or licensing authority of the country of transmission, proof of which, shall be submitted at the time of application.

(d) Eligibility Conditions specific to News Agency for Television

Channel(s): 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.

(e) Conditions for FM Radio Broadcasting

- 1) The applicant entity shall be an Indian Company, incorporated under the Companies Act, 1956 or 2013.

Provided that the applicant entity is neither controlled by nor associated with any person or body or organisation, either directly or indirectly, and having interest in the following:

- a) A Trust, Society or Non-Profit Organisation;
- b) A religious body wherein a religious body refers to a body whose objectives are wholly or mainly of a religious nature or a body, which is controlled by a religious body or an associate of the religious body;
- c) A Political body, wherein a political body refers to a body whose objectives are wholly or mainly of a 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

d) An Advertising agency.

Provided further 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 either operating the same services in the same city or an applicant for the same service in the same city;

Provided further that more than one Inter-Connected undertaking⁵³ either operating the same services 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 related to:

- a) 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;
- b) A company that has been debarred from taking part in any future bidding process.

2) The financial eligibility of the applicant entity shall be assessed based on the minimum net worth required as per the city category in each region as specified in **Table 3.1**. Region shall mean North or East or South or West region, comprising states/ union territories as under:

North Region: J&K, Ladakh, 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.

⁵³The term “Inter Connected Undertakings” shall have the same meaning as assigned to it in the Monopolies and Restrictive Trade Practices Act, 1969

South Region: Andhra Pradesh, Telangana, Karnataka, Kerala, Tamil Nadu, and Puducherry, Lakshadweep.

West Region: Chhattisgarh, Goa, Gujarat, Madhya Pradesh, Maharashtra, Daman & Diu and Dadar and Nagar Haveli.

Note:

Illustration-I: 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.

Illustration-II: 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, Net Worth requirement for other categories will be assessed.

- 3) The applicant entity shall indicate the category(ies) of city(ies) 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 entity must have the minimum net worth of Rs 10 Crore.
- 4) The cut-off date for determination of net worth shall be as mentioned in the Notice Inviting Applications (NIA).
- 5) The applicant entity shall submit the **Net worth Certificate** as per the proforma given at **Schedule-II** which should be certified by Statutory Auditors of the Company duly supported by certified accounts. It is further clarified that the net worth of only the applicant company 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.

- 6) The existing Authorised Entities shall also be required to fulfil the net worth criteria and submit the Net worth Certificate.
- 7) The amount of One Time Entry Fee already paid to the Government shall not be taken as a tangible asset either in full or in part for the purposes of calculation of net worth.
- 8) The applicant entity shall be required to furnish the following information:
 - (i) Names of Directors.
 - (ii) Directorship or other executive positions held by the Directors in other companies/organizations with details of such companies/organizations.
 - (iii) Names of the key executives, i.e. Chief Executive Officer, and Heads of Finance, Marketing and Creative Departments, if any in position.
- 9) 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.
- 10) 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.
- 11) 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 the Section 4A of the Companies Act, 1956 or 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,
 - (a) The individual shareholder.
 - (b) A relative of the shareholder within the meaning of Section 6 of the Companies Act, 1956 or Section 2(77) of Companies Act 2013.
 - (c) 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,
 - (a) The Indian company
 - (b) A group of Indian companies under the same management and ownership control.

For 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 or 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 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.

- 12) The ‘largest Indian shareholder’ as defined in Para 11 exercises management control over the entity.
- 13) The authorised entity 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.

(f) Eligibility Conditions for Community Radio Station (CRS)

(1) The following types of applicant entities shall be eligible for making an application for grant of authorisation for setting up Community Radio Stations in India:

(i) 'Not-for-Profit' Community Based Organisations, viz:

- a. State Agriculture Universities (SAUs);
- b. Indian Council of Agricultural Research (ICAR) institutions;
- c. Krishi Vigyan Kendras;
- d. Autonomous Bodies;
- e. Civil Society Organisations;
- f. Voluntary Organisations;
- g. Registered Societies;
- h. Public Charitable Trusts;
- i. Organizations set up by Self Help Groups (SHGs);
- j. 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 CRS, to be operated by it, should be designed to serve the local community in its coverage area. In addition, it should have an ownership and management structure that is reflective of the community that the CRS seeks to serve. Also, the organisation 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.

Provided also 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 along with the application.

(ii) Educational institutions.

Provided that the following types of entities shall not be eligible for authorisation for setting up Community Radio Stations in India:

- a. Individuals;
 - b. Political Parties and their affiliate organisations; [including students, women's, trade unions and such other wings affiliated to these parties;
 - c. Organisations operating with a motive to earn profit;
 - d. Organisations expressly banned by the Union and State Governments; and
 - e. Religious bodies.
- (2) The applicant entity shall always have Indian management control with majority representatives on the Board, as well as the Chief Executive of the entity being a resident Indian citizen.
- (3) The applicant entity shall obtain frequency assignment as per section 4 of the Telecommunications Act, 2023 and SACFA clearance, before commissioning the Community Radio Station.

(g) Eligibility Conditions for Low Power Small Range FM Radio Broadcasting

- (1) The following shall be eligible for grant of service authorization for 'Low Power Small Range FM Radio Broadcasting':
- i. Individuals who are citizens of India and above eighteen years of age.
 - ii. A company registered under the Companies Act 2013 including LLP and partnership firms.
- (2) The following shall not be eligible for grant of service authorization for 'Low Power Small Range FM Broadcasting':
- 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.
- (3) Proof of Property where Low Power Small Range FM 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 FM 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 authorization of use of property shall be submitted on an annual basis.
- (h) Conditions for Digital Radio Broadcasting:** To be decided based on outcome of consultation process on Digital Radio Broadcast Policy, which is under progress separately.

4. **Provision of Broadcasting Services**

- (1) **Television Programming Services:** The Authorised Entity, i.e. a Broadcaster, shall provide its channel to Distribution Service Providers for onward retransmission to the end consumer.
- In case of provision of services through the satellite media, the Authorised Entity shall obtain uplinking/ downlinking authorisation,

as required, and abide by the prevalent Government rules, orders, directions, guidelines or regulations on the subject as amended from time to time, including Indian space policy, etc. for use of space segment and setting up of the Earth Station etc. The Authorised Entity shall also obtain clearance from SATCOM Monitoring Centre (SMC), apart from obtaining SACFA clearance. The clearance from other authorities, as may be applicable, shall also be obtained by the Authorised Entity.

Use of other communication medium for provision of television channel to DSPs may be permitted as and when the policy for ground-based broadcasting (GBB) is notified by the Central Government.

- (2) **Television Distribution Services:** The Authorised Entity, i.e. a Distribution Service Provider (DTH/HITS), shall provide broadcasting distribution services using DTH/ HITS platform to the end consumer i.e. in case of DTH directly to end consumer and in case of HITS to end consumer either directly or via Local Cable Operator (LCO). Further, the Authorised Entity shall obtain required permissions for usage of satellite (including frequency spectrum) and abide by the prevalent Government rules, orders, directions, guidelines or regulations on the subject as amended from time to time, including Indian space policy, etc. for use of space segment and setting up of the Earth Station etc. The Authorised Entity shall also obtain clearance from SATCOM Monitoring Centre (SMC), apart from obtaining SACFA clearance. The clearance from other authorities, as may be applicable, shall also be obtained.
- (3) **Radio Broadcasting Services:** The Authorised entity i.e. the entity authorised to provide permitted services in respect of FM Radio Broadcasting, Community Radio Station, Low Power Small Range FM Broadcasting, Digital Radio Broadcasting shall carryout radio broadcasting in the allocated frequency band for provision of service to the end users. The authorised entity shall abide by the laid down

procedure for Frequency Allocation by the Central Government. Further, the authorised entity shall pay applicable fee/royalty charge as prescribed by Wireless Planning and Coordination (WPC). Also, The Authorised Entity shall obtain clearance from SATCOM Monitoring Centre (SMC), apart from obtaining SACFA clearance. The clearance from other authorities, as may be applicable, shall also be obtained.

5. **Processing Fee, Entry Fee, Bank Guarantee, Security Deposit and Renewal Fee:** The details of processing fee, entry fee, bank guarantee, security deposit and renewal fee for various broadcasting (programming and distribution) services is listed in **Schedule-III**.

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

(1) **The Broadcasting (Television Programming and Distribution) Services**

(a) The applicant entity shall submit the application through online portal as specified by Ministry of Information & Broadcasting.

(b) While submitting the application, the applicant entity may separately apply for each service authorisation in various service areas.

(c) The online application shall be processed from the viewpoint of eligibility conditions and shall be subjected to clearance and approval by the Department of Space and Ministry of Home Affairs (MHA), as applicable.

(d) The applicant entity shall pay applicable Non-Refundable Processing Fee as prescribed in **Schedule-III** along with the application for issue of authorisation on the prescribed online portal.

- (e) All kinds of fees and other dues payable to the Central Government shall be deposited in Bharat Kosh.
- (f) 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.
- (g) The applicant entity is advised to ascertain their eligibility for the authorisations applied for, with utmost care and diligence. In case the applicant is found to be ineligible for the grant of authorisation sought by the applicant, the applicant shall be informed accordingly, and processing fee shall be forfeited.
- (h) The grant of authorisation to the applicant entity shall be subject to security clearance of the Board of Directors and key executives of the entity by the Ministry of Home Affairs (MHA).
- (i) The applicant entity shall make disclosure in its application of all its Shareholders, Loan Agreements and such other Agreements that are finalized.
- (j) The grant of authorisation shall be subject to fulfilment of all eligibility conditions and other requirements as under:

The applicant entity pays the applicable authorisation fee for the first year as specified in **Schedule-III**.

In case of spectrum use, the applicant entity pays the applicable fees/ royalty to the WPC and abides by all the terms and conditions laid down for the purpose by the Department of Space and WPC.

In case of uplinking of a television channel, the applicant entity shall uplink only those television channels from the permitted teleport, which have been authorised by the

Central Government, and stops uplinking a television channel as soon as authorisation for such 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 that order;

In case of use of satellite medium, the online application shall be subject to approval by the Department of Space.

In case of use of Terrestrial Communication Medium (other than satellite), the entity shall broadcast only those television channels, which have been authorised by the Central Government, and stops broadcasting a television channel as soon as authorisation for such 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 that order;

The entity shall be required to comply with the roll out obligation for operationalisation as specified in **Schedule-IV**.

(k) The Central Government shall preferably, within 30 days of receiving clearance and approval of MHA and other authorities, and after satisfying itself that the applicant entity is fit for grant of authorisation, issue a Letter of Intent (LoI) requesting the entity to pay the applicable non-refundable entry fee and submit security deposit and requisite bank guarantee as mentioned in **Schedule-III** within the stipulated period.

(l) After receipt of applicable non-refundable entry-fee, security deposit and bank guarantee by the Central Government, the applicant entity shall be granted authorisation by the Central

Government for providing broadcasting (television programming) services.

(m) For the grant of service authorisation, a unique authorisation number shall be generated in the format highlighting the authorised service, scope of service and service area.

(n) On receipt of authorisation for providing broadcasting (programming and distribution) services, the authorised entity shall take appropriate steps to seek various clearances including SACFA clearance from WPC, as required before commencement of service.

(o) 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.

(2) The Broadcasting (Radio) Services

(a) FM Radio Broadcasting

- i. The applicant entity shall submit the application through online portal as specified by Ministry of Information & Broadcasting.
- ii. The applicant entity shall deposit a onetime non-refundable processing fee of Rs 10,000 through Bharatkosh.
- iii. After completion of the process of application and fulfilling the terms and conditions of grant of service authorisation, for FM Radio Broadcasting the applicant entity shall be granted service

authorisation under Section 3(1) of the Telecommunications Act, 2023.

- iv. Thereafter, the authorised entity shall be eligible to participate in the e-auction for a channel in a particular city.
- v. The successful bid amount arrived at through an ascending e-auction process, shall be treated as **Non-Refundable One-Time Entry Fees (NOTEF)**. The Ministry of Information & Broadcasting (MIB) shall separately issue a Notice Inviting Application (NIA) including detailed Information Memorandum for e-auction, in due course, enabling the prospective bidders to participate, and also indicating the cities to be taken up for auction along with their respective reserve prices, roll out obligations and any other obligations and respective timelines for operationalisation of the channel(s). The information memorandum may also include any fee to be paid by the prospective bidders for participation in the e-auction process. The provisions set out in the NIA (or any other applicable laws, rules, regulations or other statutory provisions) are definitive and take precedence.
- vi. The ascending e-auction process for granting authorisation for channels shall consist of four Stages.

Stage-I: Invitation stage, wherein prospective bidders submit their applications.

Stage-II: Pre-qualification stage to include, screening of applications, publication of ownership details and pre-qualification test. It is clarified that the existing permission holders/ authorised entities shall also be required to satisfy the prescribed eligibility conditions to become eligible for participating in the auction.

Stage-III: Auction stage, wherein only applicants qualifying in accordance with prescribed eligibility criteria will be allowed to

participate in the auction process (for bidding for specific channels in different cities).

Stage-IV: Final stage, where the final auction price shall be determined, successful bidder shall be declared, and the auction is closed.

vii. The auction shall be undertaken city-wise and channel wise and the reserve price for each city shall 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.

viii. **Earnest Money Deposit (EMD):** Prospective bidders for a channel shall be required to furnish EMD, along with the application for pre-qualification. The EMD, which shall be 25% of the reserve price of that city per channel, may be in the form of a Bank Guarantee from a Scheduled Bank (as per the format specified by the Ministry) or in the form of a demand draft in favour of the authorised officer of the Ministry and payable at New Delhi/ Delhi.

ix. **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.

x. **Blacklisting and Forfeiture:** Any successful bidder, who fails to deposit the bid amount for any channel within the prescribed period, shall be disqualified from taking part in subsequent

biddings for a period of five years. Further, the EMD shall also be forfeited.

- xi. Upon receipt of the Successful Bid Amount within the stipulated time, and fulfilment of other conditions as specified, the successful bidder shall be issued a Letter of Intent (LOI) to enable the entity to obtain frequency allocation, SACFA clearance, achieve financial closure and appoint all key executives, enter into agreements for successful operationalisation of the authorised channel(s). Successful Bidders shall obtain SACFA clearance and Frequency Allocation from the Wireless Planning and Coordination (WPC) as per the prescribed procedure.
- xii. 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, shall invite penalties and/ or cancelation/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.

(b) Community Radio Station (CRS)

- i. The applicant entity shall submit the application through online portal as specified by Ministry of Information & Broadcasting.
- ii. The applicant entity shall pay Non-Refundable Processing Fee of Rs. 2500 along with the application.
- iii. Based on the applications, the availability of frequency spot at the location proposed by the applicants in their respective applications shall be got assessed from WPC wing of Ministry of Communication, who should normally respond within a period of 3 months.

- iv. 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.
- v. Before considering their 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.
- vi. Thereafter, the applications for grant of authorisation for setting up Community Radio Station shall be placed before An Inter-Ministerial Committee (IMC) under the Chairmanship of Secretary, Ministry of Information & Broadcasting. The decision of IMC shall be final. Based on the decision of IMC, a Letter of Intent (LoI) may be issued to eligible applicants for grant of authorisation on submission of performance bank guarantee (PBG) of Rs 25000/- from a scheduled bank in the format prescribed in **Schedule-V**.
- vii. The LOI holder shall submit PBG within the period prescribed in the LOI for grant of authorisation. Thereafter, the authorisation for setting up Community Radio Station shall be granted. The validity of authorisation shall be for a period of 10 years. In case of non-submission of PBG within the stipulated time, the LoI shall stand cancelled.
- viii. The authorised entity shall operationalise the CRS within a period of 6 months from the date of grant of authorisation.

7. **Grant of Service Authorisations:**

(1) After completion of the process of application and fulfilling the terms and conditions of grant of service authorisation, the applicant entity shall be granted an under Section 3(1) of the

Telecommunications Act, 2023 in the format prescribed at **Schedule-VI**.

(2) The Central Government may, for reasons to be recorded in writing, refuse to grant service authorisation;

Provided that every such refusal shall be communicated to the applicant entity along with reasons for refusal.

(c) Low Power Small Range FM Radio Broadcasting

- i. The applicant entity shall submit the application through online portal as specified by Ministry of Information & Broadcasting.
- ii. The applicant entity shall deposit a onetime non-refundable processing fee of Rs 1000 for requirement of authorisation up to 30 days and Rs 10,000 per annum for requirement of authorisation up to 5 years through Bharatkosh.
- iii. After completion of the process of application and fulfilling the terms and conditions of grant of service authorisation, for FM radio broadcasting the applicant entity shall be granted service authorisation under Section 3(1) of the Telecommunications Act, 2023.

(d) Digital Radio Broadcasting: To be decided based on outcome of consultation process on Digital Radio Broadcast Policy, which is under progress separately.

8. Validity Period

(1) The validity period of various broadcasting services authorised by the Central Government are listed in Table 8.1 below:

Table 8.1: Validity Period for Authorised Entities

Sl. No.	Authorised Services	Validity Period (in years)	Remarks
Broadcasting (Television Programming) Services			

1.	Television Channel Broadcasting		
i.	Satellite Based Broadcasting for a Television Channel		
a.	Uplinking of a Television Channel*	10	Valid from the end of the month in which the channel becomes operational
b.	Downlinking of a Television Channel*	10	Valid from the end of the month in which the service authorisation is granted
c.	Uplinking and Downlinking of a Television Channel	10	
ii.	Ground Based Broadcasting for a Television Channel	To be provisioned when notified by the Central Government	
2.	News Agency for Television Channel(s)	5	For 5 financial years from end of the month in which the service authorisation is granted
3.	Teleport/ Teleport Hub	10	
4.	Coverage of Live Event by Foreign Channel	1	
Broadcasting (Television Distribution) Services			
5.	DTH	20	
6.	HITS	10	
Broadcasting (Radio) Services			

7.	FM Radio Broadcasting	15	Valid from the date of operationalisation of the channel
8.	Community Radio Station	10	
9.	Low Power small range FM Radio Broadcasting	<ul style="list-style-type: none"> • Up to 30 days • Up to 5 Years 	
10.	Digital Radio Broadcasting	To be provisioned when notified by the Central Government	

***Note:** Authorisation for downlinking a television channel, which is uplinked from other country, shall be ten years from the end of month in which the authorisation is issued.

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.

9. **Non-exclusivity clause:** The service authorisations will be granted on a non-exclusive basis i.e. without any restriction on the number of entrants for provision of any service in the respective Service Area as applicable.

10. **Conditions for assignment and use of Spectrum:**

- (1) Grant of service authorisation does not confer any right to assignment and use of spectrum for which separate specific Frequency Assignment shall be required.
- (2) The Wireless Planning & Coordination (WPC) Wing of the Department of Telecommunication, Ministry of Communication shall issue SACFA clearance to the Authorised Entity as soon as possible after receiving the application of the same and shall assign frequency as per Section 4 of the Telecommunications Act, 2023, subject to

fulfilment of the necessary terms and conditions as may be required by WPC.

- (3) The authorised entity shall pay the applicable fee/ royalty charges for use of frequency spectrum as prescribed by WPC.

11. **Migration of Existing service providers of old regime in the new Authorisation Framework:** The migration of existing service providers of old regime to the new Authorisation Framework shall be carried out as per Section 3(6) of the Telecommunications Act, 2023. The provisions with respect to existing authorised entity for migration in new authorisation framework are as under:

- (1) Notwithstanding anything contained in the terms and conditions of permission issued earlier, these terms and conditions will also be applicable to the existing permission holders.
- (2) A licensee/ permission holder, whose validity is nearing expiration shall need to mandatorily migrate to the new authorisation regime for continuity of its operations. The renewal of services may not be permitted in the extant framework, after notification of appointed date and the Rules.
- (3) Migration to new authorisation regime may be taken in following manner:
 - i. An online application requesting for migration may be provided, along with surrender/ submission of the existing license/ permission. This process shall 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 shall be migrated to the authorisation framework. All terms and conditions for service provisioning shall be governed by the rules made under the Telecommunications Act, 2023.

OR

- ii. Authorisation may be valid for the prescribed validity period for the respective service authorisations from the effective date of Authorisation, irrespective of the validity period of the License/permission already held. On migration, the Authorised Entity shall be liable to pay the differential Entry Fee i.e. Entry Fee applicable for the service authorisation 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.
- iii. Further, the Minimum Authorisation Fee, as applicable, for an old licensee/permission holder migrating to new regime shall be calculated based on the Entry Fee specified under the new regime. For migrating licensee, for authorisations with 'Nil' Entry Fee, the Minimum Authorisation Fee shall be as prescribed under the new service authorisation.
- iv. In case an existing permission holder, holding radio frequency/spectrum acquired through auction (e.g. FM radio operator) or for which market determined price has been paid, migrates to the service authorisation granted under the Telecommunications Act, 2023, such spectrum shall continue to be valid till its validity on the terms and conditions on which it had been assigned.
- v. In case an existing Licensee/permission holder, holding administratively assigned radio frequency/spectrum (e.g., teleport, television channel, DTH, HITS, CRS etc.) migrates to the service authorisation granted under the Telecommunications Act, 2023, such spectrum 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 of section 4(8) of the Telecommunications

Act, 2023, or the date of expiry of such spectrum, whichever is earlier.

[Note: To be finalised based on the outcome of the ongoing Consultation]

12. **Security Conditions:**

(1) All foreign personnel likely to be deployed by the Authorised Entity for installation, operation and maintenance of the Authorised Entity's network shall be security cleared by the Government of India prior to their deployment. The security clearance will be obtained from the Ministry of Home Affairs, Government of India, who will follow standard drill in the matter.

(2) The Central Government shall have the right to take over the Service, equipment and networks 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 orders or direction from the Government issued under such conditions shall be immediately applicable to the Authorised Entity without loss of time and shall be strictly complied with. Further, 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 duly payable fee. However, the Authorisation Fee payable to the Central Government will not be required to be paid for the period for which the operation of the authorisation remains suspended in whole.

**Annexure III: Draft Terms and Conditions to be included in the
Broadcasting (Television Programming, Television Distribution and
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****Note: For IPTV services, only the Terms and Conditions to be included in the Rules have been drafted.***

CHAPTER 1: COMMON TERMS AND CONDITIONS FOR THE BROADCASTING (TELEVISION PROGRAMMING, TELEVISION DISTRIBUTION AND RADIO) SERVICES

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CHAPTER 1: COMMON TERMS AND CONDITIONS

1. **Definitions**– In these rules, unless the context otherwise requires, the words and expressions used are defined in **Schedule-I**. Further, the words and expressions not defined in Schedule-I but defined in the Telecommunications Act, 2023 shall have the meanings respectively assigned to them in the said Act.
2. **Assignment of Spectrum:** As per Section 4(4) of the Telecommunications Act, 2023, spectrum assignments for Broadcasting (Programming and Distribution) services shall be done through administrative process. The Authorised Entity shall adhere to the terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fee/ royalty to WPC Wing for use of spectrum.
3. **Equity Holding in Other Companies**
 - (1) **The Broadcasting (Television Programming) Services**
 - (a) The Ministry shall have the right to suspend the authorisation of a channel 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 of the channel 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 permission of the Ministry, and the authorised entity shall be required to immediately comply with any directives of the Ministry.

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, submit the details of the revised pattern and/or names/details of all the investors/partners on the online portal as specified by the Ministry of Information and Broadcasting, in the prescribed format as prescribed under section 44 of the Telecommunications Act, 2023. 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) The Broadcasting (Television Distribution) Services

(a) For DTH service authorisation

- i. The Authorised Entity 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 authorisation period. The authorised entity shall submit the equity distribution in the prescribed proforma specified in **Schedule-VII**, once within one month of start of every financial year. The Government may call for details of equity holding of the authorised entity at such times as considered necessary.
- ii. The authorised entity shall not hold or own more than 20% equity share in a broadcasting and/or Cable Network Company. The authorised entity shall submit the details of investment, every year once, within one month of start of that financial year. The Government may call for details of investment made by the authorised entity in the equity of other companies at such times as considered necessary.

(b) For HITS service authorisation

- i. Broadcasting Company(ies) and/or company(ies) having authorisation for DTH services shall 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 authorisation period. Simultaneously, the authorised entity for HITS services shall not hold or own more than 20% equity share in a broadcasting company and/or company having authorisation for DTH service.
 - ii. Further, any entity or person holding more than 20% equity in a company having authorisation for HITS services shall not hold more than 20% equity in any other Broadcasting Company(ies) and/or DTH company and vice-versa. This restriction, however, shall not apply to financial institutional investors. However, there shall not be any restriction on equity holdings between a company having authorisation for HITS service and a MSO/cable operator company.
- (c) Any change in the equity structure of the authorised entity as well as amendment to shareholders agreement, wherever applicable, shall be intimated to the Central Government as prescribed under section 44 of the Telecommunications Act, 2023 and any such change shall only be carried out in consultation and with prior approval of the Central Government.
- (d) While determining the shareholding of an entity or person as mentioned above, both its direct and indirect shareholding 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.

(3) The Broadcasting (Radio) Services

FM Radio Broadcasting

(a) If during the currency of the authorisation period, government policy on FDI/FII is modified, the authorised entities 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 noncompliant for Service Authorisation, and shall be liable for punitive action.

(b) An authorised entity, whether 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 Ministry of Information & Broadcasting. The term majority shareholders/promoters shall be construed to mean the persons constituting the 'largest Indian shareholder' as specified under the Companies Act, 1956 or 2013.

(c) The authorised entity 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 entity granted service authorisation stands operationalised.

(d) The authorised entity 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 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.

(e) Any restructuring of the entity/reorganization of Radio Broadcasting (FM/Digital) authorisations between different holding entities/ subsidiaries/ interconnected undertakings/ entities with same management may be done only with prior approval of the Central Government.

Provided that the entities holding the service, authorisation shall continue to conform to the prescribed eligibility conditions.

4. Renewal of Authorisation

The Broadcasting (Programming and Distribution) Services

- (1) The details of renewal of service authorisations and its applicable fees for Broadcasting (Programming and Distribution) Services are listed in **Table 5.1**.
- (2) The basic terms and conditions for renewal of the authorisation are listed as under:
 - (i) The authorised entity shall apply for renewal of authorisation at least three months prior to the end of the month in which the previous authorisation is due to expire, through online portal as prescribed by Ministry of Information and Broadcasting along with the applicable renewal fees specified in **Table 5.1**.
 - (ii) The application for renewal of service authorisation shall be subject to the fulfilment of the prescribed eligibility conditions

as prescribed in the terms and conditions of service authorisation.

(iii) The authorised entity applying for renewal of authorisation shall not be found guilty of violation of terms and conditions of authorisation, including the violation of Programme Code of Advertisement Code on five or more occasions during the period of authorisation.

Table 5.1: Renewal Period (in years) and Fees (in ₹) for Renewal of Service Authorisations

Sl. No.	Authorised Entities	Renewal Period (in years)	Renewal Fee (in ₹)
Broadcasting (Television Programming) Services			
1.	Television Channel Broadcasting		
i.	Satellite Based Broadcasting for a Television Channel		
a.	Uplinking of a Television Channel	10	10,000 per channel
b.	Downlinking of a Television channel	10	10,000 per channel
c.	Uplinking and Downlinking of a Television Channel	10	20,000 per channel
ii.	Ground Based Broadcasting for a Television Channel	To be provisioned when notified by the Central Government	
2.	News Agency for Television Channel(s)	5	10 thousand

3.	Teleport/ Teleport Hub	10	10 thousand
4.	Coverage of Live event by foreign channel	[Not Prescribed]	
Broadcasting (Television Distribution) Services			
5.	DTH	10	[Not Prescribed]
6.	HITS	[Not Prescribed]	
Broadcasting (Radio) Services			
7.	FM Radio Broadcasting	[Not Prescribed]	
8.	Community Radio Station	5	[Not Prescribed]
9.	Low Power small range FM radio channel	[Not Prescribed]	
10.	Digital Radio Broadcasting	To be decided	

5. **Modifications in the Terms and Conditions of Service Authorisation**

The Central Government may, at any time, amend the rules containing the terms and conditions of the Service Authorisation, if in the opinion of the Central Government it is necessary or expedient to do so in public interest or in the interest of the security of the State or for proper conduct of the Broadcasting (Programming and Distribution) Services.

6. **Non-Exclusivity Clause**

The service authorisations shall be granted on a non-exclusive basis i.e. without any restriction on the number of entrants for provision of any service in the Service Area as applicable.

7. Restrictions on Transfer of Service Authorisation

- (1) The Authorised Entity shall not, without the prior written consent of the Central Government as described below, either directly or indirectly, assign or transfer the Service Authorisation in any manner whatsoever to a third party or enter into any agreement for 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) For provision of the service by the authorised entity, the authorised entity may appoint or employ franchisee, agents, distributors and employees.
- (3) The Central Government shall have the right to direct the authorised entity to warn, penalize or terminate the services 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 for all claims, cost, charges or damages in this respect.
- (4) 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.
- (5) Further, the Authorised Entity may transfer or assign the Service Authorisation with prior written approval of the Central Government, in the following circumstances, and if otherwise, no compromise in competition occurs in the provisions of Telecommunication 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;
- (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; more particularly Sections 230 to 233 of Companies Act, 2013; provided that scheme of amalgamation or restructuring is formulated in such a manner that it shall be effective only after the written approval of the Central Government for transfer/merger of Authorisations as per the Rules notified under section 3(5) of the Telecommunications Act, 2023.

8. Provision of Service

- (1) The Authorised Entity shall make its own arrangements for all infrastructure involved in providing the service and shall be solely responsible for the installation, networking, operation and commissioning of necessary infrastructure, equipment and systems, treatment of user complaints, issue of bills to its users, collection of revenue, attending to claims and damages arising out of its operations etc. However, the Authorised Entity may share the infrastructure as permitted under the operating conditions.
- (2) 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.
- (3) The Authorised Entity shall follow the measures prescribed by the Central Government under Section 22 of the Telecommunications Act, 2023 wherein the authorised entity shall not use any equipment, which are identified as unlawful and/ or render network security vulnerable. Also, the authorised entities of broadcasting

(programming and distribution) services shall adhere to TRAI Act, 1997 and its amendments issued from time to time and all related regulations/ directions/ laws / rules/ orders and guidelines on the subject.

(4) The Authorised Entity shall ensure compliance to the regulations on Quality of Service (QoS), as prescribed by the TRAI from time to time. The responsibility of ensuring end-to-end QoS shall be that of the Authorised Entity.

(5) The Authorised Entity shall intimate to the Central Government well in advance before the proposed date of commencement of any broadcasting service in any Service Area containing the details of network and required facilities for monitoring of the service installed by the Authorised Entity.

(6) The Authorised Entity shall intimate to the Central Government and Regulatory Bodies of the commencement of Broadcasting (Programming and Distribution) Service within 15 days of such commencement.

(7) Compliance to the scope of the authorisation and requisite monitoring facilities, wherever applicable, shall be demonstrated to the Central Government within 90 days from the date of commencement of service by the Authorised Entity.

9. Reporting Requirement with respect to Eligibility Conditions

(1) The Authorised Entity shall submit compliance report regarding compliance of FDI norms and security conditions as per the applicable terms and conditions specified from time to time by the Central Government.

(2) The Authorised Entity shall also ensure that any change in shareholding shall be subject to all applicable statutory permissions under Laws of India.

(3) Change in the name of Authorised Entity, as per the provisions of the Indian Companies Act, 1956 or 2013 shall have to be intimated to the Central Government in writing along with certified copy of the name change certificate within 30 days from the date of issue of such certificate by Registrar of Companies. In case the Authorised Entity is not covered under the Indian Companies Act, 1956 or 2013, the change in the name of the Authorised Entity shall be as certified by the Chartered Accountant/ Cost Accountant.

10. Adherence to Programme Code and Advertisement Code

(1) The Authorised Entity shall ensure adherence to 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.

(2) Adherence to any other Code/ Standards, Guidelines/ Restrictions prescribed by the Central Government for regulation of content on television channels from time to time.

(3) 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 any such authorisation in future for a period of five (5) years, apart from liability for punishment under other applicable laws.

11. Financial Conditions: The details of Processing Fee, Entry Fee, Authorisation Fee, Bank Guarantee, Security Deposit and other charges are specified in **Schedule-III**.

12. Commercial Conditions

The Authorised Entity shall charge the tariffs for the Service as per the Tariff orders/ regulations/ directions/ decisions issued by TRAI from time to time. The Authorised Entity shall also fulfil requirements regarding publication of tariffs, notifications and provision of information as directed by TRAI through its orders/ regulations/ directions issued from time to time as per the provisions of TRAI Act, 1997 as amended from time to time.

13. Technical Conditions

- (1) The Authorised Entity may provide the Broadcasting (Programming and Distribution) services using any technology as per prescribed standards in the service area as per scope of services 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 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.
- (3) For providing the Service, the Authorised Entity shall utilize any type of equipment and product that meet TEC standards, wherever made mandatory by the Central Government from time to time. In the absence of mandatory TEC standard, the Authorised Entity may utilize only those equipment and products which meet the Indian Standards/ International Standards.
- (4) The Authorised Entity shall be responsible to ensure that the Customer Premises Equipment (CPE) is operated in accordance with the terms and conditions of the Authorisation and the associated rules and relevant instructions/ directions/ orders issued by Central Government/ TRAI.

- (5) 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 prescribed in Clause 4 above.

14. Disaster/ Emergency/ Public Utility Services

The Authorised Entity shall follow the guidelines/ directions/ standard operating procedures as may be prescribed for the disaster management/ emergency response services or any other instruction issued by the Central Government in this regard from time to time.

15. Operating Conditions

(1) User Registration and Provision of Service

(a) The Authorised Entity shall register demand/ request for the Broadcasting (Programming and Distribution) service without any discrimination from any user, at any place in the service area for the service(s) authorised and provide the service, unless otherwise directed by the Central Government.

(b) The Authorised Entity shall not in any manner discriminate between users and provide services on the same commercial principle. The Authorised Entity shall clearly define the scope of Service to the user(s) at the time of entering into contract with such user(s). Before commencement of Service in an area, the Authorised Entity shall notify and publicise the address/ URL where any user can register demand/ request for Broadcasting (Programming and Distribution) Service. Any change of this address/ URL shall be duly notified by the Authorised Entity. Provided that nothing contained herein will affect or prejudice the rights of the Authorised Entity to carry out a check on credit worthiness of applicants for its services.

(2) Obligations imposed on the Authorised Entity

(a) The provisions of the Telecommunications Act, 2023, shall be applicable to the Authorised Entity.

(b) The Authorised Entity shall furnish all necessary means and facilities as required for the public emergency or public safety as prescribed in Section 20(2) of the Telecommunications Act, 2023 whenever occasion so demands. Nothing provided and contained anywhere in the Authorisation shall be deemed to affect adversely anything provided or laid under the provisions of the Telecommunications Act, 2023 or any other law on the subject in force.

(3) Right to Inspect

(a) 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 and the authorised entity shall allow such inspection.

(b) The Central Government or its authorized representative, shall have the right to assess and inspect sites and broadcasting equipment(s) used for extending the service. The Authorised Entity will provide the necessary facilities for monitoring of the system in the Authorised Service Area, as required by the Central Government or its authorized representative(s). The inspection will ordinarily be carried out after reasonable notice except in circumstances when giving such a notice will defeat the very purpose of the inspection.

16. 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 about 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 and 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.

17. Force Majeure

- (1) If at any time, during the currency of authorisation, 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 the service authorisation, 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.

Provided further that services under currency of authorisation 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.

- (a) If the broadcast of the authorised entity remains discontinued due to such Force Majeure event for more than two months, the parties shall meet and discuss the future course of action.
- (b) 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.

18. 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 the 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 provided, the Government shall also have the right to take any action against the authorised entity as provided herein.

19. 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.

20. Contravention of Rules/ Violation of Programme Code or Advertisement Code

- (1) The cases of contravention of these Rules shall be governed by the provisions contained in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunications Act, 2023.
- (2) 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.

**PART-II: DRAFT SPECIFIC TERMS AND CONDITIONS OF
THE BROADCASTING (TELEVISION PROGRAMMING) SERVICES**

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CHAPTER 2.1: TELEVISION CHANNEL BROADCASTING

UPLINKING OF A TELEVISION CHANNEL

1. **Operational Status:** The authorised entity shall, on operationalisation of a television channel, inform the Central Government or its specified agency regarding the operational status along with all its technical parameters.
2. **Special conditions for uplinking a satellite television channel**
 - (1) The authorised entity shall in addition to the above-mentioned conditions also comply with the following:
 - (a) Uplinking may be done in the Frequency Band specified by the authorised entity, after due approval of WPC wing, Ministry of Communication 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) The authorised entity shall keep record of the content uplinked for a period of 90 days and produce the same before any agency of the Central Government, as and when required.
 - (c) The authorised entity shall furnish such information, as may be required by the Central Government from time to time.
 - (d) The authorised entity shall 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 Central Government agency as and when required.
 - (e) The terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fee/ royalty to WPC Wing for use of spectrum.

3. **Transfer of authorisation of a Television Channel**

- (1) The authorisation of a television channel may be transferred by an authorised entity only with prior approval of the Central Government.
- (2) 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 in accordance with the provisions of the Companies Act, 1956 or 2013 or the Limited Liability Act, 2008, and the authorised entity 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 authorised entity files a copy of the agreement/ arrangement executed between itself and the transferee entity;
 - (c) Transfer within Group Company, and the entity 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.

- (d) The transfer of channel shall be subject to fulfilment of following conditions:

- (i) The new entity is eligible as per the eligibility conditions under the terms and conditions of Grant of Authorisation, including the net worth 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 Grant of Authorisation.
- (iii) 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.

4. Renewal of Authorisation

(1) The authorised entity may apply for renewal of authorisation, at least three months prior to the end of the month in which the initial authorisation is expiring, on the online portal specified by the Ministry of Information & Broadcasting along with fees specified in **Schedule-III**.

(2) The renewal of authorisation shall be for a period of ten years and shall be subject to conditions similar to that required for obtaining service authorisation;

Provided that the channel is not found guilty of violation of terms and conditions of authorisation, including the violation of Programme Code or Advertisement Code on five or more occasions during the currency of authorisation.

5. Purchase/Hiring and use of SCG Equipment: The authorised entity shall be permitted to purchase/ hiring and use the SCG equipment within the scope of their authorisation, subject to separate permission for the same as per the terms and conditions under these rules.

6. **Live telecast:** The entity authorised for uplinking of a Television Channel (News and Current affairs/ Non-news and Current Affairs) shall be permitted to carryout Live telecast of event(s) using either SCG equipment or ECG service within the scope of their authorisation, subject to separate permission/ registration for the same as per the terms and conditions under these rules.

DOWNLINKING OF A TELEVISION CHANNEL

1. **Operational Status:** The authorised entity shall, on operationalisation of a television channel, inform the Central Government or its specified agency regarding 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 MSOs/ Cable Operators registered under the Cable Television Networks (Regulation) Act 1995 or to a DTH operator authorised under the terms and conditions of the broadcasting (programming and distribution) services and rules notified therein 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 authorised under the terms and conditions of the broadcasting (programming and distribution) services and rules notified therein.

- (3) The authorised entity shall obtain prior approval of the Central Government before undertaking any upgradation, expansion or other 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 the Cable Television Networks (Regulation) Act 1995 or under the terms and conditions of the broadcasting (programming and distribution) services and rules notified therein or any other law for the time being in force, cannot be received in India through encryption or any other means.
- (5) The authorised entity 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.
- (6) The authorised entity 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.
- (7) The authorised entity 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.
- (8) 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.

3. Renewal of Authorisation

- (1) The authorised entity may apply for renewal of authorisation, at least three months prior to the end of the month in which the initial authorisation is expiring, on the online portal specified by the

Ministry of Information & Broadcasting along with fees specified in **Schedule-III.**

- (2) The renewal of authorisation shall be for a period of ten years and shall be subject to conditions similar to that required for obtaining service authorisation;

Provided that the channel is not found guilty of violation of terms and conditions of authorisation, including the violation of Programme Code or Advertisement Code on five or more occasions during the currency of authorisation.

4. Transfer of authorisation of a Television Channel

- (1) The authorisation of a television channel may be transferred by an authorised entity only with prior approval of the Central Government.

- (2) 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 in accordance with the provisions of the Companies Act, 1956 or 2013 or the Limited Liability Act, 2008, and the authorised entity 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 authorised entity files a copy of the agreement/ arrangement executed between itself and the transferee entity;

(c) transfer within Group Company, and the entity 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.

(d) The transfer of channel shall be subject to fulfilment of following conditions:

- (i) The new entity is eligible as per the eligibility conditions under the terms and conditions of Grant of Authorisation, including the net worth 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 Grant of Authorisation.
- (iii) 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.

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/ currency of authorisation/ renewal of authorisation.

GROUND BASED BROADCASTING (GBB)

The terms and conditions for authorisation of Ground Based Broadcasting (GBB) may be framed once the said service is notified by the Central Government.

CHAPTER 2.2: NEWS AGENCY FOR TELEVISION CHANNEL(S)

1. Special conditions for News Agency for Television Channel(s):

- (1) The Authorised Entity shall use uplinking for newsgathering and its further distribution to other news agencies/broadcasters only.
- (2) The Authorised Entity shall not uplink television programmes/channels for direct reception by public.
- (3) The Authorised Entity shall continue to have accreditation of PIB during the period of permission

Provided that if at any time the Authorised Entity ceases to have PIB accreditation, the authorisation of the news agency shall be cancelled forthwith.

- 2. Renewal of Authorisation:** The authorisation of News Agency for a Television Channel may be renewed for a period of five years, on application made by the applicant entity on the online portal specified by the Ministry of Information & Broadcasting along with the renewal fee as specified **Schedule-III**, subject to fulfilment of the terms and conditions of the grant of fresh authorisation.

CHAPTER 2.3: 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 regarding its operational status, along with all its technical parameters.
2. **Special Condition:** 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 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 that order.
3. **Renewal of Authorisation**
 - (1) An authorised entity may apply for renewal of authorisation at least three months prior to the end of the month in which the initial authorisation is due to expire, on the online portal as specified by the Ministry of Information and Broadcasting along with payment of renewal fee as specified in **Schedule-III**.
 - (2) The renewal of authorisation shall be for a period of ten years.
4. **Transfer of authorisation of a Teleport/ Teleport Hub**
 - (1) The authorisation of a Teleport/ Teleport hub may be transferred by an authorised entity only with prior approval of the Central Government.
 - (2) 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 in accordance with the provisions of the Companies Act, 1956 or 2013 or the Limited Liability Act, 2008,

- and the authorised entity 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 authorised entity files a copy of the agreement/ arrangement executed between itself and the transferee entity;
 - (c) transfer within Group Company, and the entity 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 Teleport/ Teleport hub shall be subject to fulfilment of following conditions:
 - (a) The new entity is eligible as per the eligibility conditions under the terms and conditions of Grant of Authorisation, 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 Grant of Authorisation.
 - (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.

5. **Purchase/Hiring and use of SCG Equipment:** The authorised entity shall be permitted to purchase/ hire and use the SCG equipment within the scope of their authorisation, subject to separate permission for the same as per the terms and conditions under these rules.

CHAPTER 2.4: COVERAGE OF LIVE EVENT BY A FOREIGN CHANNEL

1. **Terms and Conditions:** The authorisation for coverage of Live event by a foreign channel may be granted to a foreign channel/ entity up to 12 months at a time for live uplinking of an event from time to time through a predesignated authorised teleport, by way of an application made in his behalf on the online portal specified by the Ministry of Information and Broadcasting, subject to approval by the Ministry of External Affairs and the Ministry of Home Affairs and also the following conditions:
 - (1) The applicant entity has a binding agreement with an authorised teleport/ teleport hub for the currency of authorisation.
 - (2) The applicant entity pays a processing fee of one lakh rupees per day for Live telecast.
 - (3) The 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 authorisation of downlinking of the channel.

CHAPTER 2.5: OTHER SERVICES RELATED TO BROADCASTING (TELEVISION PROGRAMMING) SERVICES

SECTION-I: PURCHASE/HIRING AND USE OF SCG EQUIPMENT

1. Purchase/Hiring and use of SCG equipment

(1) The entities authorised by the Central Government for the following Broadcasting (Television Programming) Services are eligible for purchase of SCG equipment and its use:

- a) Company/ LLP having authorisation for operating a teleport, for the period of such authorisation;
- b) Company/ LLP having authorisation for uplinking a television channel, for the period of such authorisation;
- c) Company/ LLP having authorisation of a news agency for television channel(s), for the period of such authorisation.

(2) Authorised entity(ies) referred to in sub-para (1) above may, for the purpose of seeking permission for purchase and use of a SCG equipment, apply online on the portal prescribed by Central Government along with documents specified therein on payment of processing fee as specified in **Schedule-III**.

(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 authorisation to the entity for purchase and use of the equipment, subject to the following conditions:

- a) The SCG signals should only be transmitted to the teleport of the authorised entity and uplinked for broadcasting through permitted satellite through that teleport only.
- b) The company/ LLP shall follow the roll out obligations as specified in **Schedule-IV**.

- c) The use of SCG shall be permitted only in those areas/regions/States which are not specifically prohibited by Ministry of Home Affairs.
- d) The entity shall submit the purchase documents of SCG terminals and inform the Ministry of Information & Broadcasting about placement of these terminals at the various locations.
- e) The company/LLP permitted to use SCG shall apply to WPC for frequency assignment.
- f) The authorised entity shall maintain a daily record of the location and the events which have been covered and uplinked by SCG terminals and downlinked 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 authorised entity shall not enter defence installations.
- h) The SCG equipment should not be taken in the areas cordoned off from security point of view.
- i) The authorised entity(ies) desiring to use SCG shall submit an undertaking that the equipment shall be used for live news gathering and footage collection for captive use only in the format prescribed by the Ministry of Information & Broadcasting.
- j) Violations of any of the aforementioned terms and conditions may lead to revocation/ cancellation of the permission to use the SCG equipment.
- k) The Central Government may modify the conditions laid down or incorporate new conditions, as and when considered necessary.
- l) The authorised entity shall abide by the terms and conditions laid down by the Department of Space and WPC Wing, Ministry

of Communications including payment of applicable fees/ royalty to WPC Wing for use of spectrum.

- m) The authorised entity shall provide a suitable hardware and software solution to the agency specified by the Ministry of Information & Broadcasting to view Live, the location of all authorised SCG/ ECG terminals.

2. Use of SCG Equipment

- (1) The use of SCG shall 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 service authorisation may use SCG for collection/ transmission of news/ footage.
- (3) An entity having a permitted non-news channel which is uplinked from its own authorised teleport, may use SCG equipment for their authorised channels, for transfer of video feeds to the authorised teleport.
- (4) Only teleport operators/ channel owners authorised by the Central Government and Doordarshan may hire SCG equipment/ infrastructure from other broadcasters who are authorised to uplink from India.
- (5) 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.
- (6) Any unauthorised usage/ hiring of SCG, either by a non-authorised entity or by an authorised channel owner shall be deemed to be a violation.

- (7) A non-news or a foreign channel may use the services of an authorised SCG equipment for the purposes of Live coverage of an event(s).

SECTION-II: LIVE TELECAST BY A NEWS AND CURRENT AFFAIRS CHANNEL

1. Live telecast by a news and current affairs channel

- (1) An Indian news channel authorised by the Central Government may uplink content by using the SCG 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 as prescribed by the Ministry of Information & Broadcasting.
- (2) An Indian news channel authorised by the Central Government may also use an ECG service to provide content and shall register such service on the online portal as prescribed by the Ministry of Information& Broadcasting.

SECTION-III: LIVE TELECAST OF AN EVENT BY A NON-NEWS AND CURRENT AFFAIRS CHANNEL

1. Live Telecast of an event by a non-news and current affairs channel

- (1) An Indian non-news and current affairs channel authorised by the Central Government may, for the purpose of uplinking a Live event, from India, register itself on the online portal as prescribed by the Ministry of Information& Broadcasting on payment of such fees as specified in **Schedule-III**, 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 authorisation of the event owner along with specific dates and timings of the proposed programme/ event;
- (d) Frequency assigned under Section 4 of the Telecommunications Act, 2023 by WPC wing, Department of Telecommunication (DoT) to the teleport operator authorised by the Central Government, where a SCG equipment or any such technology is used requiring use of frequency; or
- (e) Where an ECG service is used, detailed specification thereof.

Provided that if a non-news channel uplinks an Live event without registering itself, it shall be liable for penal action as prescribed by the Central Government under the rules notified therein.

Provided further that, a non-news channel shall not telecast any Live event which is in contravention of the Programme and Advertising Code laid down in the Cable Television Network Rules, 1994 and other relevant Acts/ rules/ orders/ directions/ guidelines therein.

- (2) Registration on the online portal prescribed by the Ministry of Information & Broadcasting shall enable the authorised entity to seek approval/ NOC of other concerned authorities for broadcasting the Live event, and no separate authorisation need to be obtained.
- (3) Decision as to whether the Live event being uplinked 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.
- (4) The authorised entity 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.

SECTION-IV: CHANGE OF NAME AND LOGO OF A TELEVISION CHANNEL

1. Change of name and logo of a television channel

- (1) An authorised entity shall display on the authorised television channel only that name and logo which has been approved by the Ministry of Information & Broadcasting.

Provided that display of name/ logo other than that permitted or display of dual logo would be treated as a violation under the notified rules therein.

- (2) An authorised entity may apply for change of name and logo along with requisite documents on the online portal as prescribed by the Ministry of Information & Broadcasting on payment of processing fees specified in **Schedule-III**.
- (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 pay the applicable amendment fees to WPC Wing for amending the relevant aspects in the document of frequency assignment.

SECTION-V: CHANGE OF SATELLITE/ TELEPORT

1. Change of satellite/ teleport

- (1) The entity authorised for uplinking a television channel shall apply for change of satellite/ teleport on the online portal as prescribed by the Ministry of Information & Broadcasting on payment of processing fees specified in **Schedule-III**, along with a valid agreement with the satellite/ teleport service provider.

- (2) The application submitted on the online portal prescribed by the Ministry of Information & Broadcasting shall be forwarded online on the portal of the Department of Space for further processing.
- (3) The Ministry of Information & Broadcasting shall, preferably within 15 days of receiving clearance to the proposed change from the Department of Space, grant permission to the authorised entity for the proposed change.
- (4) 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 as prescribed by the Ministry of Information & Broadcasting.

**SECTION-VI: INTIMATION FOR CHANGE OF LANGUAGE/
MODE OF TRANSMISSION, ETC.**

1. Intimation for change of language/ mode of transmission etc.

- (1) An entity authorised by the Central Government under the Broadcasting (Grant of Service Authorisations) Rules for uplinking/downlinking a channel may furnish intimation on the online portal as prescribed by the Ministry of Information & Broadcasting 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;

SECTION-VII: CHANGE OF CATEGORY OF A TELEVISION CHANNEL

1. Change of category of a television channel

- (1) Where 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, the authorised entity may apply for the same on the portal specified by the Ministry of Information & Broadcasting, on payment of the requisite fee as in **Schedule-III**.
- (2) The Ministry of Information & Broadcasting 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.

SECTION-VIII: CHANGE IN OPERATIONAL STATUS

1. Change in operational status

- (1) A television channel is required to remain operational during the currency of the authorisation.
- (2) Where a television channel is unable to remain operational for a continuous period of more than 60 days, the authorised entity shall inform the Ministry of Information & broadcasting of the status along with reason for the channel remaining non-operational.

Provided that failure to inform the Ministry of Information & Broadcasting regarding non-operational status of a channel beyond a continuous period of 60 days will be deemed to be a violation under the rules notified therein.

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

**PART-III: DRAFT SPECIFIC TERMS AND CONDITIONS OF
THE BROADCASTING (TELEVISION DISTRIBUTION) SERVICES**

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CHAPTER 3.1: DIRECT TO HOME (DTH) SERVICES

1. Authorisation Fee

- (1) The authorised entity shall pay an annual authorisation fee equivalent to 3% of Adjusted Gross Revenue (AGR). The Authorisation Fee for the authorised entity shall be brought down to zero after the end of the financial year 2026-2027.
- (2) 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 DTH authorisation due to the privileges connected with the authorised entity, such as income from property rent, revenue from sharing of infrastructure, revenue from sale of immoveable property, gains from foreign exchange rates fluctuations, insurance claims, bad debt recovered, excess provisions written back which has been established for 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.]

- (3) 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.

* subject to conditions given in **Schedule-IX**.

- (4) 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.

- (5) The format for submission of Statement of Revenue and Authorisation Fee for the authorised entity is prescribed in **Schedule-IX**. 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.
- (6) The minimum annual authorisation fee shall be subject to 10% of the Entry Fee.
- (7) 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
- (8) The 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.
- (9) The Central Government shall have the right to modify the authorisation fee as a fixed percentage of AGR during the currency of authorisation.

2. Bank Guarantee

- (1) The authorised entity shall submit an Initial Bank Guarantee from any Scheduled Bank to the Central Government for an amount of Rs. 5 crore for the first two quarters.
- (2) Thereafter, the authorised entity shall submit a Bank Guarantee (covering Financial and Performance Bank Guarantee) from any Scheduled Bank to the Central Government for an amount

equivalent to the Initial Bank Guarantee (i.e., Rs. 5 crore) or 20% of the estimated sum payable, equivalent to Authorisation Fee for two quarters and other dues not otherwise securitized, whichever is higher.

- (3) Once the Authorisation Fee becomes zero, the authorised entity shall submit a Bank Guarantee (Performance Bank Guarantee) for a fixed amount equivalent to the initial Bank Guarantee (i.e., Rs. 5 crore) from any Scheduled Bank to the Central Government, which shall be valid for a minimum of one year and renewed every year to ensure it remains valid for the entire currency of the authorisation.
- (4) The Central Government shall be at the liberty to encash the Bank Guarantee in full or part in the event of violation of any of the terms and conditions of the service authorisations.
- (5) Electronic Bank Guarantee shall be encouraged and permitted for ease of doing business.

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. **Non-Transferable:** The authorisation shall not be transferred without the prior approval of the Central Government.

5. Platform Service Channels

- (1) The Platform Services (PS) are programs transmitted by Distribution Service Provider exclusively to their own subscribers and does not include Doordarshan channels and television channels authorised by the Central Government. PS shall not include foreign television channels that are not authorised in India.
- (2) 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 Service Provider.
- (3) 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 for cancellation of authorisation of such PS of the DTH operator.
- (4) Total number of authorised PS for a DTH operator shall be capped to 5% of the total channel carrying capacity of the DTH operator platform.
- (5) A onetime non-refundable registration fee of ₹10,000 per PS channel shall be charged from an authorised entity authorised to provide DTH services.
- (6) The DTH operator shall provide an option of activation/deactivation of platform services as prescribed in the orders/ directions/ regulations issued by TRAI from time-to-time
- (7) 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.

- (8) 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.
- (9) A provision for putting a caption as 'Platform Services' shall be required to distinguish the platform services from the linear channels.
- (10) A DTH operator, who wants to operate Platform Service Channel, is required to furnish an application with the Central Government in the prescribed proforma as specified in **Schedule-VIII**.

6. Sharing of Infrastructure by DTH operators

- (1) 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 only and not for other Distribution Service Providers like MSOs or HITS operators.
- (2) For infrastructure sharing the new entity and existing authorised entity shall 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 Ministry of Information & Broadcasting with a copy to WPC wing of Ministry of Communication and SATCOM Monitoring Centre (SMC), Department of Telecommunication (DoT). The proposal shall 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 all the parties proposing to share the infrastructure that under the sharing arrangement proposed, there shall not be any violation of any Rules.
- (3) No Objection/ Permission for sharing of infrastructure shall be subject to security clearance by Ministry of Home Affairs; Clearance of satellite use and transponder sharing from Department of Space; spectrum allocation issued by Wireless Planning and Coordination Wing; and SATCOM Monitoring Centre (SMC) certification.
- (4) The sharing of the Satellite resources and Up-linking infrastructure (on voluntary basis) shall be allowed with the written permission of Ministry of Information & Broadcasting, Department of Space, WPC wing and SATCOM Monitoring Centre (SMC), Department of Telecommunication (DoT).
- (5) For a new entity to use existing DTH platform and infrastructure, the condition in the terms and conditions relating to hiring of satellite capacity and setting up of the Earth station, shall stand modified accordingly to the extent as per these Rules.
- (6) However, the DTH operator providing DTH service using the shared infrastructure with another operator may establish, maintain and operate its own DTH platform at a later stage within the currency of authorisation, following due procedures.
- (7) To ensure continuity of service to subscribers in the event of any disaster, the operator shall have arrangement of sharing disaster recovery system in hot-standby mode.
- (8) The applicant for infrastructure sharing/ new authorised DTH operator proposing to share the transport stream of television channels shall have valid written inter-connection agreements with the concerned broadcasters for distribution of pay Television Channels to the subscribers.

- (9) For Conditional Access Systems (CAS) & Subscriber Management System (SMS), sharing parties may use common hardware. Details of such arrangement may be intimated to Ministry of Information & Broadcasting and broadcasters, 30 days in advance. However, the respective operator shall 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 shall be the responsibility of respective operator individually.
- (10) Allowing access to CAS & SMS for audit purpose and also to the authorised officers of the Central Government and their representatives shall be the responsibility of the respective operator individually.
- (11) For transport stream sharing each distributor shall be individually responsible for setting up the system and processes, which ensure that the broadcasters may be able to 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.
- (12) The sharing of infrastructure shall be subjected to following conditions:
- (a) The adherence and compliance to all the provisions of the terms and conditions on the rules to be issued by Ministry of Information & Broadcasting and WPC & SATCOM Monitoring Centre (SMC), Department of Telecommunication (DoT) for grant of authorisation to the DTH operator shall be the responsibility of the existing operator and the new entity proposing to share the infrastructure to the extent as may be required/ applicable individually.

- (b) Each distributor in sharing environment shall 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.
- (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 Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017' and as amended shall 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 uplinking permission in all cases shall continue to be taken from SATCOM Monitoring Centre (SMC) as per terms and conditions/ rules/ guidelines, norms and practice.

7. Prohibition of certain activities

- (1) The authorised entity shall not carry any channel(s) prohibited by the Ministry of Information & Broadcasting.
- (2) The authorised entity 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 shall be construed as an offence punishable under the Bharatiya Nyaya Sanhita (BNS),

2023 and applicable laws and shall attract immediate termination of service authorisation.

- (3) The Central Government 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 situation. Notwithstanding any agreement between the authorised entity and the content providers, the authorised entity shall stop forthwith, transmission of television channel(s) or any content, as and when directed to do so by the Central Government or any other designated lawful authority.
- (4) Except with prior approval of the Central Government, the authorised entity shall not either directly or indirectly assign or transfer its right in any manner whatsoever under this authorisation to any other party or enter into agreement for sub-authorisation and/ or partnership relating to any subject matter of the authorisation to any third party either in whole or in part. Any violation of the terms and conditions shall be construed as breach of the service authorisation shall be liable for withdrawal of authorisation.
- (5) 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 operator contrary to the Regulations of TRAI;
 - (b) violated the provisions of any law relating to competition including the Competition Act, 2002 and as amended.

[Explanation: 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 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]

The authorised entity shall not enter into any exclusive contract for distribution of Television Channels.

- (6) The authorised entity shall not carry or include in his DTH Service any television broadcast or channel which has not been granted authorisation by the Central Government for being viewed within the territory of India.

Provided that the authorised entity may continue to carry or include in his DTH Service any television broadcast or channel, which has made an application for authorisation to the Central Government on or before the date of notification/ order of these terms and conditions/ rules, for a period of six months from the date of such notification/ order or till such authorisation has been granted or refused, whichever is earlier.

8. Technical Standards and Other Obligations

- (1) Set Top Box (STB) offered by an authorised entity shall have such specifications as laid down by the Bureau of Indian Standards (BIS) / Telecommunication Engineering Centre (TEC) from time to time in accordance with Section 19 of the Telecommunications Act, 2023.
- (2) The Open Architecture (non-proprietary) Set Top Box, which shall ensure technical compatibility and effective interoperability among different DTH operator, shall have such specifications as laid down by the Government from time to time.

- (3) The authorised entity shall ensure subscriber's interests, through a Conditional Access System (CAS), which is compatible with an open Architecture (non-proprietary) Set Top Box.
- (4) The authorised entity shall ensure subscriber's interests through a Subscriber Management System (SMS) for an efficient, responsive and accurate billing and collection system.
- (5) The authorised entity shall not use any equipment, which is identified as unlawful.
- (6) 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 in Indian territory.
- (7) The authorised entity shall provide access to various content provider(s)/ channel(s) on a non-discriminatory basis.
- (8) The authorised entity shall adhere to any terms and conditions/ rules/ regulations/ guidelines/ directions which may be laid down by the Central Government in the interest of consumer such as pricing of bouquet(s) or tier(s) of channels, etc.
- (9) The authorised entity shall carry or include in his DTH service the television 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 television channels, failing which the Central Government shall be at liberty to take action in accordance with the Sections 32 and 33 of the Telecommunications Act, 2023.

Provided further that the authorised entity shall carry other channels of Prasar Bharati not covered under this clause, on most favourable financial terms offered to any other channel.

9. Mandatory sharing/ carrying of certain broadcast signals with Prasar Bharati

- (1) The authorised entity shall ensure that channels carried by and telecasting sporting events have ensured compliance with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007.
- (2) 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 for compulsory carriage by the HITS provider in his service and the manner of reception and retransmission of such channels.
- (3) The authorised entity shall carry other television channel(s) of Prasar Bharati on the most favourable financial terms offered to any other channel.

10. Value Added Services (VAS)

The DTH facility shall not be used for other modes of communication, including voice, fax, data, communication, Internet, etc. unless specific authorisation for these value-added services has been obtained from the competent authority. The authorised entity shall be able to use its network for providing other value-added services, which otherwise do not require any specific authorisation. Services, which require a specific authorisation from the competent authority may only be provided after obtaining such authorisation. However, the authorised entity is required to give prior information of all value-added services to be provided by it to the Central Government.

11. **Miscellaneous**

(1) Preference to Indian Satellites and Intersystem Co-ordination

(a) Though an authorised entity may use the bandwidth capacity for DTH service on both Indian as well as foreign satellites, proposals envisaging use of Indian satellites shall be extended preferential treatment.

(b) The authorised entity shall ensure that its operation shall conform to the provisions of inter-system co-ordination agreement between Indian National Satellite System (INSAT) and the satellite being used by the authorised entity.

(2) Notwithstanding any clause anywhere else in the service authorisation, the authorised entities shall have to adhere to the regulations, order, directions of the regulatory authority.

(3) 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 case of non-compliance of any of the aforesaid requirement, the Central Government shall have the right to revoke/ withdraw the authorisation of the authorised entity.

CHAPTER 3.2: HEADEND IN THE SKY (HITS) SERVICES

1. Mandatory sharing/ carrying of certain broadcast signals with Prasar Bharati

- (4) The authorised entity shall ensure that channels carried by and telecasting sporting events have ensured compliance with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007.
- (5) 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 for compulsory carriage by the HITS provider in his service and the manner of reception and retransmission of such channels.
- (6) The authorised entity shall carry other television channel(s) of Prasar Bharati on the most favourable financial terms offered to any other channel.

2. Technical Standards and Other Obligations

- (1) The 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 broadcasting, distribution and reception system, the Block schematic diagram and also demonstrate the facilities for monitoring and storing record for 90 days.
- (2) The entity may uplink in 'C' Band or 'Ku' Band only. Uplinking shall be permitted both to Indian as well as foreign satellites. However, where the entity does not have a satellite of its own or of its group entities, proposals envisaging use of Indian satellites shall be

accorded preferential treatment. Satellite to be used should have been coordinated with INSAT System.

- (3) The authorised entity shall be required to provide signals directly from his satellite only to the registered MSOs/ Cable operators and under no circumstances shall the authorised entity provide signals directly from his satellite to the consumer. However, the authorised entity shall 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 shall be provided only through Set Top Box (STB) conforming to National Standards in accordance with Section 19 of the Telecommunications Act, 2023.
- (4) The authorised entity shall be required to provide commercial interoperability with respect to its set top boxes so that if the subscribers decide to switch over to any other distribution service provider or platform, they may be able to do so at least cost. Commercial interoperability here shall mean that in addition to offering the receiver set on an outright purchase basis, a subscriber shall 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.
- (5) The addressability provided to every subscriber shall be capable of blocking any unwanted channel or group of channels by the authorised entity.
- (6) The authorised entity shall ensure subscriber's interests through a Subscriber Management System (SMS) for an efficient, responsive and accurate billing and collection system.

- (7) The authorised entity shall provide access to various content provider(s)/ channel(s) on a non-discriminatory basis.
- (8) The authorised entity shall not use any equipment, which is identified as unlawful/or render network security vulnerable.
- (9) All contents provided by the authorised entity to the subscribers, irrespective of its source, shall pass through the encryption and digital addressable system located within the earth-station situated in Indian territory.

3. Sharing of Infrastructure by HITS operator

- (1) General Sharing of the infrastructure - Wherever technically feasible, the authorised entity may share the platform infrastructure on voluntary basis, in flexible ways, for distribution of television 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.
- (2) Sharing of its transport stream transmitted by HITS platforms, between HITS operators and MSOs shall be permitted.
- (3) The HITS platform shall not be allowed to be used as teleport for up linking of television channels.
- (4) HITS operator willing to share its transport stream with an MSO, shall ensure that MSO has valid written interconnection agreement with the concerned broadcasters for distribution of Pay television channels to the subscribers.
- (5) For sharing of infrastructure by HITS operator with MSO, the operator shall be allowed sharing only on Indian controlled satellites. A written permission from Department of Space (DOS) shall be required in this regard.

- (6) For infrastructure sharing, the new entity(ies) and existing authorised entity(ies) shall 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 SATCOM Monitoring Centre (SMC) and WPC wing, Department of Telecommunication (DoT). The proposal shall contain:
- (i) Acceptance from all concerned stakeholders for sharing the infrastructure in writing.
 - (ii) No Objection / Permission for sharing of infrastructure shall be subject to:
 - a. Security clearance by Ministry of Home Affairs;
 - b. Clearance of satellite use and transponder sharing from Department of Space;
 - c. Spectrum allocation issued by Wireless Planning and Coordination Wing, Department of Telecommunication (DoT);
 - d. SATCOM Monitoring Centre (SMC) certification.
 - (iii) Copies of the Agreements between the parties sharing the infrastructure with conditions stipulated in the terms and conditions.
 - (iv) An undertaking by all the parties proposing to share the infrastructure that there shall not be any violation of these Rules.
- (7) The sharing of the Satellite resources and Up-linking infrastructure (on voluntary basis) shall be allowed with the written permission of Ministry of Information & Broadcasting, WPC wing and SATCOM Monitoring Centre (SMC), Department of Telecommunication.

- (8) To enable sharing of HITS infrastructure and Transport stream, the condition in the existing guidelines/ terms and conditions relating to hiring of satellite capacity and setting up of the Earth station, shall stand modified accordingly to the extent as per the provisions contained in the Rules relating to the Broadcasting (Grant of Service Authorisations) and the Broadcasting (Programming and Distribution) Services.
- (9) To ensure continuity of service to subscribers in the event of any disaster, the HITS operator shall have arrangement of sharing disaster recovery system in hot standby mode.
- (10) For Conditional Access System (CAS) & Subscriber Management System (SMS), sharing parties may use common hardware. Details of such arrangement shall be intimated to Ministry of Information & Broadcasting and broadcasters, 30 days in advance. However, the respective HITS operator, MSO/cable operator shall be accountable for integrity and security of CAS and SMS data pertaining to the respective operator.
- (11) Maintenance of historical logs of data of CAS and SMS for two years shall be the responsibility of respective operators individually.
- (12) The access to CAS & SMS for audit purpose and also to the authorised officers of Central Government and their representatives shall also be the responsibility of the respective operator individually.
- (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.

(14) The permission shall be granted subject to following conditions:

- (a) The adherence and compliance to all the provisions of the terms and conditions to be notified as rules to be made by the Ministry of Information & Broadcasting and WPC & SATCOM Monitoring Centre (SMC), Department of Telecommunication (DoT) for grant of authorisation to the HITS operator shall be the responsibility of the existing operator and the new entity proposing to share the infrastructure to the extent as may be required/ applicable individually.
- (b) Each distributor in sharing environment shall 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.
- (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 Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017' and as amended shall 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 uplinking permission in all cases shall continue to be taken from SATCOM Monitoring Centre (SMC) as per terms and conditions/ rules/ guidelines, norms and practice.

4. Value Added Services (VAS)

The authorised entity shall be able to use his network for providing other value-added services, which otherwise do not require any specific authorisation. Services, which require a specific authorisation from the competent authority may only be provided after obtaining such authorisation. However, the authorised entity is required to give prior information of all value-added services to be provided by it to the Central Government.

5. Prohibition of certain activities

- (1) The authorised entity shall not carry any channel(s) prohibited by the Central Government.
- (2) The authorised entity 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 authorised entity fails to do so, the authorisation granted shall be revoked and the entity shall be disqualified to hold any such authorisation in future for a period of five years, apart from liability for punishment under Bharatiya Nyaya Sanhita (BNS), 2023 and other applicable laws.
- (3) 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 HITS operator contrary to the Regulations of TRAI;
 - (b) violated the provisions of any law relating to competition including the Competition Act, 2002 and as amended.

[Explanation: 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 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) The authorised entity shall not enter into any exclusive contract for distribution of Television Channels.
- (5) An Authorised Entity shall not carry or include in his HITS Service any television broadcast or channel which has not been permitted by the Ministry of Information & Broadcasting for being viewed within the territory of India. 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 HITS service, television channel(s), whenever such registration/permission is withdrawn.

6. Miscellaneous

- (1) The authorised entity shall adhere to the regulations, order, direction of the regulatory authority (TRAI).
- (2) The authorisation shall be governed by the provisions of the Telecom Regulatory Authority of India Act, 1997, the Telecommunications Act, 2023 as amended from time to time and any other law as applicable to broadcasting facilities/services, which has or may come into force.

(3) The Central Government, Ministry of Information and Broadcasting shall have the right to modify at any time the provisions of these Rules, if in the opinion of the Central 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 Central Government shall be final and binding in this regard.

CHAPTER 3.3: DRAFT TERMS AND CONDITIONS FOR INTERNET PROTOCOL TELEVISION (IPTV) SERVICES

- (1) A person holding an authorisation under Section 3 of the Telecommunications Act, 2023 for provision of triple play services, IPTV service as well as Cable Television operators registered under Cable Television Network (Regulation) Act 1995 (referred as Cable Act hereafter) shall be required to submit a self-declaration to Central Government (viz. Ministry of Information & Broadcasting, Ministry of Communication) & Regulator (viz. TRAI) giving details of authorisation under which IPTV service is proposed, the start date, the area being covered, and details of the network infrastructure etc. in the format prescribed in **Schedule-XI** before provision of IPTV services.
- (2) While providing IPTV services, an Authorised Entity under section 3 of the Telecommunications Act, 2023 shall be required to pay authorisation fee at applicable rates under its authorisation to provide triple play service/ IPTV service wherein, the revenue from IPTV service shall also be included along with telecom revenues under its authorisation to provide telecom services.
- (3) The IPTV service provider shall ensure that the IPTV set top boxes required to receive IPTV services conform to the applicable Indian standards.
- (4) 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.

- (5) An Authorised Entity for provision of triple play and/ or IPTV services under the Telecommunications Act, 2023 while providing television channels through IPTV shall transmit only such broadcast television channels in exactly same form (unaltered) as authorised by the Ministry of Information & 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. The IPTV service provider shall not carry any broadcast television channels prohibited either permanently or temporarily, or not authorised by the Ministry of Information & Broadcasting.
- (6) An Authorised Entity for provision of triple play and/ or IPTV services under the Telecommunications Act, 2023 may obtain content from the Multi System Operator or the Cable Operator for providing IPTV services.
- (7) An Authorised Entity for provision of triple play and/ or IPTV services under the Telecommunications Act, 2023 providing IPTV service shall show only those News and Current Affairs television channels which have been registered with Ministry of Information and Broadcasting. An Authorised Entity for provision of triple play and/ or IPTV services under the Telecommunications Act, 2023 shall not produce or provide any other broadcast or non-broadcast channel having any element of News and Current Affairs.
- (8) The provisions of Programme Code and Advertisement Code as provided in Cable Television Network (Regulation) Act 1995 and Rules there under shall be applicable even in the case of content other than Television Channels from broadcasters provided by the Authorised Entity for provision of triple play and/ or IPTV services under the Telecommunications Act, 2023 for providing IPTV

services. Such entity shall be responsible for ensuring compliance with the Codes in respect of such content. In addition, such entities shall also be bound by Indian laws-civil and criminal; instructions/ directions/ guidelines issued by the Central Government from time to time to regulate the content, which is either produced by it or sourced from a third-party content provider other than the broadcasters.

- (9) The IPTV service provider shall be required to compulsorily carry those channels of Prasar Bharati, or any other channel as notified by the Central Government (Ministry of Information & Broadcasting). Such notification may contain the numbers and names of channels of Prasar Bharati or any other channel and the manner of reception and retransmission of such channels by the IPTV service provider.
- (10) The IPTV service provider shall 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 shall 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 the regulations.
- (11) The Central Government (Ministry of Information & Broadcasting) may direct the IPTV service provider 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.

- (12) 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 equipment, records, system etc. for purposes of inspection.

In addition, the IPTV service provider shall, 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.

- (13) On demand by the Central Government (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 authorised representative.

- (14) The IPTV service provider shall submit such information with respect to its service as may be required by the Central Government (Ministry of Information & Broadcasting) or its authorized representative from time to time.
- (15) The IPTV service provider shall furnish any such information at periodic intervals as may be required by the Central Government (Ministry of Information & 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 Central Government or its authorized representative from time to time.
- (16) The Central Government (Ministry of Information & Broadcasting) or its authorized 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.
- (17) The Central Government (Ministry of Information & Broadcasting) or its authorized 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.
- (18) Any breach of the provisions of Act/ Rules/ Authorisation by the authorised entity shall be dealt with by designated agencies which

are responsible for administering such Acts/ Rules/ Authorisations.

- (19) The Government may modify at any time the provisions of these rules, 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 and sovereignty of the State.

**PART-IV: DRAFT SPECIFIC TERMS AND CONDITIONS OF
THE BROADCASTING (RADIO) SERVICES**

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CHAPTER 4.1: FM RADIO BROADCASTING

1. Restructuring of Entity

Any restructuring of the company/ reorganization of FM radio authorisation between different holding companies/ subsidiaries/ interconnected undertakings/ companies with same management may be done anything during the currency of authorisation, only with prior approval of the Ministry of Information & broadcasting. The Central Government may consider granting such authorisation only after all the channels allotted to any of the company holding service authorisation stand operationalised undergoing restructuring. The new authorised entity shall have to conform to the prescribed eligibility conditions and shall also be subject to the fulfilment of the following conditions:-

- (a) The new company shall sign a fresh agreement with the Government on identical terms and condition (except for transferability of shares as provided herein) for the remaining period of license of the original company.
- (b) No new tax regime will be designed to provide any incentive to encourage creation of subsidiaries, merger/ demerger, amalgamation of FM Broadcasting companies.
- (c) 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.
- (d) The processes/ action taken by the license 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.

2. **Restrictions on operation of Multiple channels in a city**

Every 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 for the 40% limit.

3. **Cross Media Ownership**

- 1) If during the currency 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 non-compliant of service authorisation, and liable for punitive action and withdrawal of 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 Ministry of Information & Broadcasting, the authorised entity shall be given an option of furnishing one month's exit notice along with a compensation

calculated on a pro rata basis of the NOTEF amount(s) for the remaining period of authorisation(s) held by the authorised entity.

4. Annual Authorisation Fee

- 1) The authorised entity 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 4) subsequent to the date of issuance of these guidelines.
- 2) Subject to the provisions contained in above para (1), the authorised entity shall be liable to pay an Annual Authorisation Fee to the Central Government 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.
- 3) 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 an authorised entity providing or receiving goods and services from other companies 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.

- 4) 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.
- 5) The first year's authorisation fee shall become payable with effect from the date of operationalisation of the channel. The authorised entity shall be required to initially pay advance quarterly installments calculated on the basis of the minimum prescribed % of the NOTEF mentioned in para (1) or (2) 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) Once the final fee for the financial year is determined on the basis of actual gross revenue as given in para 2, 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.
- 7) From the second year onwards, the authorised entity shall pay advance annual authorisation 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

authorisation fee, if any, by 30th September of the following financial year. Any delay on the part of the authorised entity to pay the quarterly fee, or the balance due of the final annual authorisation fee, determined on the basis of the gross revenue figure, will attract simple interest @ 1% per month for the period of such delay.

- 8) Every authorised entity shall furnish a performance bank guarantee for an amount equal to the annual authorisation fee calculated on the basis of NOTEF formula as applicable and maintain its validity throughout the currency of the authorisation. Amount of bank guarantee shall be increased so as to be equal to the annual authorisation fee paid by the authorised entity for the previous year if such annual authorisation fee exceeded the bank guarantee already furnished by the authorised entity. The authorised entity shall be liable to pay the Annual Authorisation Fees within the prescribed time period, failing which the Central Government shall have the right to invoke the Bank Guarantee furnished by the authorised entity without any prior notice. Such right shall be without prejudice to any other action that may be taken by the Central Government under the terms and conditions of the authorisation. In the event of invocation of the Performance Bank Guarantee, the authorised entity 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 Central Government.
- 9) In the event of authorised entity's failure/ inability to operationalise the Channel as required within the prescribed time period, the Central Government shall have the right to recover the Annual Authorisation 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 authorised entity, by invocation of the Performance Bank

Guarantee furnished by it. As aforesaid, in the event of invocation of the Performance Bank Guarantee, the authorised entity 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 Central Government, for the succeeding year's Annual Authorisation Fee.

- 10) Every authorised entity shall maintain separate financial accounts for each Channel, which shall be audited by the Statutory Auditors. At the end of each financial year, the entity shall provide the statement of gross revenue forming part of the final accounts of the authorised entity as prescribed by Ministry of Information & Broadcasting duly certified by the Statutory Auditors and duly supported by the audited accounts for the financial year.
- 11) So as to verify that the Gross Revenue is correctly disclosed to it, the Central Government shall have the right to get the accounts of any authorised entity 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 Central Government appointed auditors, the views of the Government appointed Auditor subject to opportunity of hearing to the authorised entity shall prevail and the expenses of such audit shall be borne by the authorised entity.

In case any amount is deemed to be deposited by the authorised entity the same shall be deposited within 15 days of such determination along with interest calculated through Bharatkosh.

5. News and Current Affairs Programs

- 1) The authorised entity shall 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 authorised.

- 2) The broadcast pertaining to the following categories shall be treated as non-news and current affairs and shall therefore be authorised:
- a) Information pertaining to sporting events excluding Live coverage. However Live commentaries of sporting events of local nature may be authorised;
 - 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 Ministry of Information and Broadcasting from time to time.

6. Programme Content

- 1) The authorised entity 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.
- 2) The authorised entity 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.

- 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 authorisations 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 listener.

7. Prohibition of Certain Activities

- 1) The authorised entity shall not grant a sub-authorisation directly or indirectly. The service authorisation is non-transferable

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 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' as specified in the Company Act, 1956 or 2013.

- 2) The authorised entity may resort to outsourcing of content production as well as leasing of content development equipment as long as it does not impact authorised entity's rights as FM broadcaster and enjoys complete control over the channel. However, the authorised entity shall be fully responsible for any violations/omissions of the provisions with respect to the content of News and current affairs programs and program content.

- 3) The authorised entity may hire or lease broadcasting equipment on long-term basis as long as it does not impact authorised entity's rights as FM Radio broadcaster and it enjoys complete control over the channel. However, the authorised entity shall be fully responsible for any violations of the technical parameters as specified in these Rules.
- 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, unauthorized or inconsistent with the laws of India.
- 7) The authorised entity shall not either directly or indirectly assign or transfer its right in any manner whatsoever to any other party or enter into any Agreement for sub-authorisation and/or partnership relating to any subject matter of the authorisation to any third party either in whole or in part. Any violation of these Rules shall be liable for punitive action and withdrawal of authorisation.
- 8) The authorised entity shall fix or modify the 'Channel Identity', which is the brand name of the FM radio channel, only after prior approval of the Ministry of Information & Broadcasting.

8. Penalty for Non operationalisation of services

- 1) Each authorised entity shall operationalize the channel and ensure completion of the activities preceding thereto within the time limits as prescribed by the Central Government from time to time, failing which the authorisation shall be revoked/ withdrawn, and authorised entity shall be debarred from allotment of another channel in the same city for a period of five years from the date of such revocation/ withdrawal. 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 authorised entity shall be liable to pay one year's annual fee. The Central Government shall be well within its right to recover the same from the Performance Bank Guarantee (PBG) already submitted. No claim shall be admissible against the NOTEF paid to the Central Government.
- 2) The Ministry of Information & Broadcasting may also revoke/ withdraw the authorisation, 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.

9. 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 authorised to network any of their channels in any category of cities.

10. **Technical Parameters and Standards:** The authorised entity shall comply with the following technical parameters and standards both for transmission and audio quality of the service.

- 1) **Technical Parameters for FM radio:** The transmission equipment including antenna are to conform to the following technical parameters:

- (i) ERP and EHAAT

Category	Basis (One or more of the following)	Effective Radiated Power (ERP) (in kW)		Antenna Height (EHAAT) (in meters)	
		Min	Max	Min	Max
A+	Metro cities (Delhi, Mumbai, Kolkata, Chennai)	25	50	75	200
A	Population above 20 lakhs	10	30	75	150
B	Population above 10 lakhs and upto 20 lakhs	5	15	50	100
C	Population above 3 lakhs and upto 10 lakhs	3	10	30	75
D	Population above 1 lakhs and upto 3 lakhs	1	3	20	40
Others	Cities with a population upto 1 lakhs	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 centre 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 degrees 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 authorised entity 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 holder/authorised entity 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.

- i. Antenna Polarization: Circular

- ii. Stereophonic Transmission System: Pilot-tone
- iii. Pre-emphasis in transmission system: 50 micro-sec
- iv. Max Deviation in transmission system: ± 75 KHz
- v. Harmonic/spurious: Shall conform to the ITU Radio Regulations and relevant ITU-R Recommendations
- vi. Frequency Stability: Shall conform to the ITU Radio Regulations

NOTE 4: In case of border cities with a population less than one lakh, Ministry of Information & Broadcasting 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.

- 2) **Technical Standards for FM Radio:** The authorised entity shall comply with the audio and transmission standards for FM sound broadcasting at each centre conforming to the ITU-R (International Telecommunication Union) Recommendations viz: 450-3, 467, 646 and 644-1;
- a) The authorised entity 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. Technical Standards for Digital Radio: To be provisioned when notified by the Central Government

11. **Number of Frequencies**

Subject to availability of frequencies the total number of channels for allocation to private broadcasters shall be notified from time to time by Ministry of Information and Broadcasting in consultation with WPC.

12. **Co-location**

- 1) Co-location of transmission facilities by sharing of infrastructure is preferable and shall be encouraged. Ministry of Information and Broadcasting may issue from time-to-time suitable guidelines/ instructions/ orders in this regard and prescribe timelines for entering into mutual agreement for infrastructure sharing with either Prasar Bharati or Broadcast Engineering Consultants India Limited (BECIL), for cities, wherever their sharable infrastructure may be available.
- 2) The authorised entity shall endeavour to utilize the Prasar Bharati Infrastructure or Common Transmission Infrastructure (CTI) created by BECIL, wherever available, before trying to create their own transmission facilities. Further, the transmission facilities created by the authorised entity shall be offered for sharing with other entity, who are authorised for operation of FM Radio in the same city.
- 3) Sharing of infrastructure including sharing methodology, commercial revenue sharing mode, service level agreement and methodology for upkeep of such infrastructure shall be based on mutual agreement between the parties.

13. **Frequency allocation and SACFA clearance**

The authorised entity shall be required to obtain frequency allocation/ assignment from WPC wing of Department of Telecommunication (DoT) under the Ministry of Communication. The authorised entity shall also be required to obtain SACFA clearance from WPC wing of Department of Telecommunication (DoT) under the Ministry of Communication before start of operations and radiating the broadcast channel.

14. 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 Bharti) Act, 2007 and rules, guidelines and notifications issued thereunder.

15. 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 three months from the date of broadcast and produce the same to the Central 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 Central 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.
- 2) The authorised entity shall be liable to furnish to the Central Government 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 authorised entity that includes audited accounts,

Profit & Loss Account, balance sheet, shareholding, Board of Directors and key executives of the company.

- 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.
- 4) In case of non-payment of dues, if any, the Central Government shall recover such dues from the PBG/ Security Deposit furnished by the authorised entity.

16. Inspection

- 1) The Central Government, 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 Central Government or its authorized representative to carry out the inspection. The authorised entity shall, if required by the Central Government or its authorized representative, provide necessary facilities for continuous monitoring for any particular aspect of the company'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 Ministry of Information & Broadcasting shall carry out periodic technical audit of the technical setup at the cost of the authorised entity through a designated agency.

17. 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. No claim shall be admissible against the Non-refundable NOTEF paid to the Central Government. 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 and shall be liable for punitive action.

- 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 FM Radio Broadcast Channel 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.

18. **Provisions relating to data in FM broadcasting services sub-carriers**

- 1) The services provided shall be free-to-air services and no charges shall be required to be paid by listeners to the FM / Digital Radio broadcaster for such services.
- 2) None of the data services shall carry any audio/video/text/data falling within the purview of news and current affairs.
- 3) Any broadcasts as part of data services 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 services require a separate authorisation from Department of Telecommunication (DoT).

- 5) Emergency Warning Services (EWS), if provided shall only be used with the specific approval and guidance of the local District administration.
- 6) Revenues, if any, earned by provisioning of such services shall form part of the overall Gross Revenue of the authorised entity for the purposes of determination of annual authorisation fee.

19. **Miscellaneous**

- 1) The grant of authorisation shall be subject to the condition that the authorised entity shall comply with these Rules, the Telecommunications Act, 2023 and any regulations, orders and directions issued by TRAI from time to time under the TRAI Act 1997.
- 2) The authorisation shall be governed by the provisions of the Telecommunications Act, 2023, Telecom Regulatory Authority of India Act, 1997, as amended from time to time and any other law as applicable to broadcasting which has or may come into force.
- 3) The Central Government shall have the right to modify at any time the provisions of the terms and conditions of service authorisation, if in the opinion of the Central 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 Central Government shall be final and binding in this regard.

CHAPTER 4.2: COMMUNITY RADIO STATION (CRS)

1. 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) At least 50% of content shall be generated with the participation of the local community, for which the station has been set up.
- 3) Programmes shall preferably be in the local language and dialect(s).
- 4) The authorised entity shall have to adhere to the provisions of the Programme and Advertising Code as prescribed by Prasar Bharti for All India Radio (AIR).
- 5) The authorised entity shall preserve all programmes broadcast by the Community Radio Station for three months from the date of broadcast.
- 6) The authorised entity shall not broadcast any programme, which relate to news and current affairs and are otherwise political in nature. However, Community Radio Station may broadcast 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 Station without any charges. It shall be the responsibility of the authorised entity to ensure that the news is not distorted or edited during translation.

The broadcast pertaining to the following categories shall be treated as non-news and current affairs broadcast and shall therefore be authorised:

- a) Information pertaining to sporting events excluding Live coverage. However Live commentaries of sporting events of local nature may be authorised;
 - 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 not authorised at present that may subsequently be specifically permitted by Ministry of Information and Broadcasting from time to time.
- 7) 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 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.
- 8) 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.

2. 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 in these Rules or the Telecommunications Act, 2023.

3. Transmitter Power and Range

- 1) Community Radio Station 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 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 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 Committee constituted under the Chairmanship of Secretary, Ministry of Information & Broadcasting.
- 2) The maximum height of antenna authorised above the ground for the Community Radio Station 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 RF radiation.
- 3) In disaster situations the District Magistrate's authorisation shall be sufficient to relocate Community Radio Station. However, Ministry of Information and Broadcasting shall be informed of the change of place by both the Community Radio Station and the District Magistrate.

4. 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 Station 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 7 (seven) 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 Station. After meeting the full financial needs of the Community Radio Station, surplus, if any, may, with prior written authorisation 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.

5. 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 of his Community Radio Station on free-to-air basis.
- 2) The authorised entity shall operate the service under these Rules and shall adhere to there regulations, orders, directions of the regulatory authority (TRAI) issued from time to time.
- 3) 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 three months failing which authorisation is liable to be revoked/ withdrawn.

- 4) The Central Government or its authorized 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.
- 5) The Central Government reserves the right to take over the entire services and networks of the authorised entity or revoke/terminate/suspend/ withdraw the authorisation in the interest of national security or in the event of national emergency/ war or low intensity conflict or under similar type of situations.
- 6) 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 authorised entity's services shall be required to obtain prior security clearance from Ministry of Home Affairs, Government of India.
- 7) The Central Government reserves the right to modify, at any time, these Rules, if it is necessary to do so, in public interest or for the proper conduct of broadcasting or for security considerations.
- 8) Notwithstanding anything contained anywhere else in these Rules, the Central Government shall have the power to direct the authorised entity 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 authorised entity shall be obliged to comply with such directions.
- 9) The authorised entity shall be required to submit their audited annual accounts to the Central Government in respect of the organization/division running the Community Radio Station. The accounts shall clearly show the income and expenditure incurred and the Assets and Liabilities in respect of the Community Radio Station.

- 10) 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 authorisation.

CHAPTER 4.3: LOW POWER SMALL RANGE FM RADIO BROADCASTING

1. Provision of Low Power Small Range FM Radio Broadcasting

- 1) The Low Power Small Range FM Radio Broadcasting shall be allowed to operate after the grant of a authorisation by the Central Government.
- 2) On notification of this service a new category of service provider for provision of low power small range FM radio shall be introduced, called 'Low Power Small Range FM Radio Broadcasting'.
- 3) The authorised entity of low power small range FM broadcasting shall be allowed to deploy any type of transmission technologies (analog/digital/any other).

2. Low Power Small Range FM Radio Broadcasting Service Obligations

- 1) Maximum permissible transmission power of the transmitter for low power small range FM broadcasting shall be say 1 watt.
- 2) The maximum permissible transmission range of 'Low Power Small Range Radio Broadcasting' shall be say 500 meters.
- 3) The authorised service area of frequency assignment in case of low power small range FM shall be location-specific based on the precise geographical coordinates say longitude and latitude of the intended service location (be it a building, stadium, convention centre, expo area etc.).

CHAPTER 4.4: DIGITAL RADIO BROADCASTING

The terms and conditions for authorisation of Digital Radio Broadcasting may be framed once the said service is notified by the Central Government.

DEFINITIONS

Definitions. – In these rules, unless the context otherwise requires,

(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 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, authorization from the Central Government for its channels, is providing programming services;

(6) “Broadcasting Services” means the dissemination of any form of communication like signs, signals, writing, pictures, images, videos and sounds of all kinds by transmission of electromagnetic 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;

(7) “Cable Television Service” means the transmission of programmes including re-transmission of signals of television channels through cables;

(8) “Cable Television Network” or “Cable Television Network” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable television service for reception by multiple subscribers;

(9) ‘Central Government’ shall refer to the President of India acting through any authorised officer;

(10) “Company” means a company incorporated under the Companies Act, 1956 or 2013;

(11) “Designated Partner” means a person as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008;

(12) “Devotional Channel” means a television channel, which predominantly broadcasts devotional/spiritual/yoga content, as identified by the Ministry of Information and Broadcasting;

(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, 1956 or 2013;

(14) “Distribution services” means distribution service within their respective scope of services provided by a DTH operator, HITS operator, Every Permission Holder shall maintain separate financial accounts for each Channel

(15) “Distribution Service Provider” shall include DTH operator, HITS operator, IPTV operator or Multi-System Operator (MSO);

(16) “DTH” (Direct-to-Home) 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;

(17) “Effective Radiated Power (ERP)” is the product of the transmitter output power and Antenna gain relative to half wave dipole;

(18) ECG (Electronic Content Gathering) refers to use of electronic technologies that allows a reporter or a representative of television Channel to gather and provide the content to broadcaster from remote locations outside the television studio using terrestrial communication medium viz. cellular network/ internet/ leased line or any other medium/ equipment, excluding SCG;

(19) “Entry Fee” means a non-refundable fee required to be paid by the applicant entity for obtaining Authorisation to provide Authorised Services in a Service Area;

(20) “Financial year” means the period starting from 1st April of a year and ending on the 31st day of March of succeeding year;

(21) “Ground-Based Broadcasting” means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels”;

(22) “HITS (Head end in the sky) service” or “HITS service” means transmission of programmes including re-transmission of signals of television channels either to intermediaries like local cable operators or multi-system operators or to the subscribers by using satellite system and its own cable networks;

(23) “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;

(24) “Key Managerial Personnel” means a person defined under sub-section (51) of section 2 of the Companies Act, 2013;

(25) “LLP” means a Limited Liability Partnership firm registered under the Limited Liability Partnership Act, 2008;

(26) “Multi-System Operator” or ‘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;

(27) “National channel” means a television channel other than a regional channel or a devotional channel;

(28) “News channel” means a Radio/ television channel, which predominantly broadcasts news and current affairs content programmes;

(29) “Non-news channel” means a Radio/ television channel other than a news channel;

(30) “SMC” means SATCOM Monitoring Centre, erstwhile NOCC – Network Operation Control Centre;

(31) “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 Ministry;

(32) “Platform Services” are programme transmitted by the Distribution Service Provider(s) exclusively to their own subscribers and shall not include Doordarshan channels or any other permitted television channels;

(33) “Person” shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;

(34) “Programme” means any Radio/ Television broadcast and includes-

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

(35) “Public entity” means (a) the Central Government, (b) State Governments, (c) Local Authority, (d) Any Authority, body, company or institution incorporated or established by the Central Government or the State Government, under any statute, or I any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as notified by the Central/ State Government;

(36) “Radio equipment” means telecommunication equipment used or capable of use for telecommunication by means of Hertzian or electromagnetic or radio waves;

(37) “Radio waves” means electromagnetic waves of frequencies propagated in space without any artificial guide;

(38) “SACFA” shall mean the “Standing Advisory Committee on Radio Frequency Allocation”;

(39) “SCG (Satellite Content Gathering)” refers to use of satellite based electronic technology/equipment that allows a reporter or a representative of TELEVISION Channel to gather and provide the content to broadcaster from remote locations outside the TELEVISION studio;

(40) “Service Provider” means entity authorised to provide services under Section 3(1) of the Telecommunications Act, 2023;

(41) “Set Top Box” or “STB” means a device, which is connected to or is part of a television receiver and which enables a subscriber to view subscribed channels;

(42) ‘Shareholding pattern’ means the number of equity shares of a company held by various shareholders;

(43) “Spectrum” means the range of frequencies of Hertzian electromagnetic or radio waves;

(44) “Subscriber Management System” 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;

(45) “TEC” means Telecom Engineering Centre, an arm of Department of Telecommunications, Government of India;

(46) “Teleport” means an earth station facility from where multiple television channels carrying audio, video content can be uplinked to a geostationary satellite on permitted frequency band as per the provisions of section 4 of the Telecommunications Act, 2023;

(47) “Teleport Hub” means set-up of teleports for uplinking of television channels, where multiple antennas are installed for two or more satellites;

(48) “Television channel” means a channel, which has been granted authorisation by Central Government for broadcasting services under the rules issued or amended from time to time and reference to the term ‘channel’ shall be construed as a reference to “television channel”.

(49) “TRAI” means Telecom Regulatory Authority of India constituted under the Telecom Regulatory Authority of India Act, 1997 as amended from time to time;

(50) WPC” means Wireless Planning and Coordination Wing of the Ministry of Communication, Department of Telecommunication, Government of India;

(51) All other words and expressions used in the Broadcasting (Grant of Service Authorisations) Rules but not defined, and defined in the Telecommunications Act, 2023 and rules and regulations made thereunder or the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) and the rules and regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules or regulations, as the case may be.

Schedule-II**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 _____ lakhs (rupees in words lakhs). 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. e.g. cost, replacement value etc.

Fictitious assets: Items grouped under the assets in a balance sheet which has 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.

The Broadcasting (Television Programming) Services

Broadcaster/Teleport		Processing Fee (in Rs.)	Minimum Net Worth (in Rs.)	Bank Guarantee (in Rs.)	Renewal Fees (in Rs.)	Annual Authorisation Fee (in Rs.)	Security Deposit (in Rs.)
Uplinking of Television Channels	News and Current Affairs	10,000 per channel	1 st TELEVISION Channel-20 cr.	2 cr./ channel	10,000 per channel	2 lakh/ channel	4 lakh
	Non-News and Current Affairs			1 cr./ channel			
Downlinking of Television Channels	News and Current Affairs		Additional-5 cr.	Not Prescribed	10,000 per channel	From India-5 lakh/ channel	From India-10 lakh/ channel
	Non-News and Current Affairs					Outside India-15 lakh/channel	Outside India-30 lakh/ channel

Ground Based Broadcasting		To be provisioned when notified by the Central Government					
News Agency for Television Channel(s)		10,000	Not Prescribed	Not Prescribed	10,000	Not Prescribed	Not Prescribed
Teleport		10,000 per teleport	1 st Teleport- 3 cr. Additional-1 cr.	25 lakh/ teleport	10,000 per teleport	2 lakh/ teleport	4 lakh/ teleport
Coverage of Live Event by foreign Channel		1 lakh per day	Not Prescribed				
Other Services related to Broadcasting (Television Programming) Services							
Service	Processing Fee (in Rs.)	Minimum Net Worth (in Rs.)	Bank Guarantee (in Rs.)	Renewal Fees (in Rs.)	Annual Permission Fee (in Rs.)	Security Deposit (in Rs.)	
Purchase/ Hiring and use of SCG equipment	10,000	Not Prescribed	10 lakh per van	Not Prescribed	Not Prescribed	Not Prescribed	
Live telecast by a news and current affairs channel		Not Prescribed					

Live uplinking of an event by a non-news and current affairs channel	Refer <u>Note (ii)</u> Below	
Change of name and logo of a television channel	1 lakh	Not Prescribed
Change of satellite/ teleport	10,000	Not Prescribed
Intimation for change of language/ mode of transmission etc.	Not Prescribed	
Change of category of a television channel	10,000	Not Prescribed
Change in operational status	Not Prescribed	

Note:

- i. Registration fee for downlinking television Channels uplinked from other countries:** One time Registration Fee - 10 Lakhs.
- ii. Fees for Live uplinking of an event by a non-news channel:**
- National channel Rs 1 lakh per channel per day;
 - Regional Channel : Rs 50,000 per channel per day
 - Devotional channel : No fees for a devotional/spiritual/yoga content

The Broadcasting (Television Distribution) Services

Service	Processing Fee	Entry Fee	Net-worth	Authorisation Fee (Erstwhile License Fee)	Bank Guarantee	Spectrum/ frequency allocation and Royalty Fee
DTH	Not Prescribed	10 cr.	Not Prescribed	3% of AGR; to be brought down to zero by FY 2026-2027	Rs. 5 crores for the first two quarters. Thereafter, an amount equivalent to Initial BG (i.e., 5 crore) or 20% of the License Fee for two quarters, whichever is higher.	As prescribed by WPC
HITS	1 lakh	10 cr.	10 cr.	Not Prescribed	40 cr. Valid for 3 years	As prescribed by WPC
IPTV	Not Prescribed	Not Prescribed	ISP: 100 cr.	ISP: 8% of AGR	Not Prescribed	Not Prescribed
			Unified Access/Access/Internet Service Providers: Not Prescribed	TSP: 8% of AGR		
			MSO: Not Prescribed	MSO: Not Prescribed		

The Broadcasting (Radio) Services

Service	Authorisation Fee	Net worth	Processing Fee	Entry Fee	Bank Guarantee	Security Deposit	Renewal Fee	Spectrum/ frequency allocation and Royalty Fee
Radio Broadcasting (FM/Digital)	For authorised entities (existing permission holders) : 4% of GR (without deduction of taxes) or 2.5% of NOTEF, whichever is higher. For participating in the upcoming bidding: 4% of GR (excluding GST).	· E category Cities To be provisioned when notified by the Central Government · D category Cities and cities with population up to 1 lakh: 50 Lakhs	25,000/-	Determined through Auction	25% of reserve price	Not Prescribed	Not Prescribed	As prescribed by WPC from time to time

		·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: 10 Crore						
Community Radio Station	Not Prescribed	Not Prescribed	500/-	Not Prescribed	25 thousand for a period of 10 years	Not Prescribed	Not Prescribed	As prescribed by WPC
Low power small range FM Radio	•Rs. 1000/- for authorizations up to 30 days.	Not Prescribed		Nil	Not Prescribed			

	• Rs. 10,000/- per annum for authorizations up to 5 years.			
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Schedule-IV

ROLL OUT OBLIGATIONS AND PERFORMANCE BANK GUARANTEE FOR BROADCASTING (PROGRAMMING AND DISTRIBUTION) SERVICES

SI. No.	Type of Service Authorisation	Roll Out Obligations	Performance Bank Guarantee (PBG)
Broadcasting (Television Programming) Services			
1.	Television Channel	The authorised entity shall operationalize the authorised Television Channel within one year from the date of obtaining all necessary clearances from WPC and SATCOM Monitoring Centre (SMC).	<p>The applicant entity 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 grant of authorisation, in the format as specified by the Ministry for fulfilling the rollout obligation.</p> <p>If the channel is not operationalised within the stipulated period, the authorisation shall be liable to be withdrawn and the PBG shall stand forfeited.</p>

2.	Teleport/ Teleport Hub	The authorised entity shall operationalise the teleport within one year from the date of obtaining all necessary clearances from WPC and SATCOM Monitoring Centre (SMC).	<ul style="list-style-type: none"> • The applicant entity shall furnish a Performance Bank Guarantee (PBG) of Rs 25 lakh for each teleport, before grant of authorisation in the format as specified by the Ministry for fulfilling the rollout obligation, from any scheduled bank in favour of the Ministry of Information and Broadcasting. • If the teleport is not operationalised within the stipulated period the authorisation would be liable to be withdrawn and the PBG shall stand forfeited.
Other Services related to Broadcasting (Television Programming) Services			
3.	SCG	The authorised entity shall operationalise the SCG within six months from the date the authorisation is granted by the Ministry of Information and Broadcasting.	<ul style="list-style-type: none"> • The applicant entity shall furnish a Performance Bank Guarantee (PBG) for 10 lakhs from any scheduled bank for each SCG van, before grant of authorisation, in the format as specified by the Ministry for fulfilling the rollout obligation in favour of the Ministry of Information and Broadcasting.

			<ul style="list-style-type: none"> • If the SCG van is not operationalised within six months, the authorisation shall be liable to be withdrawn and the PBG shall stand forfeited.
Broadcasting (Television Distribution) Services			
4.	DTH	The authorised entity 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 of Ministry of Communication after obtaining frequency assignment and shall submit a report to the Central Government in this regard.	If the DTH platform is not operationalised within twelve months, the authorisation shall be liable to be withdrawn and the bank guarantee may be forfeited.
6.	HITS	<ul style="list-style-type: none"> • If the authorised entity fulfils the Roll obligation within one year of the issuance of SACFA clearance by the WPC, then full amount of Performance Bank Guarantee (PBG) shall be refunded. • If the authorised entity meets the Roll obligation after one year but within two year of 	If the authorised entity does not start the service within two years from the date of issuance of SACFA clearance by the WPC, the full Performance Bank Guarantee (PBG) shall be forfeited and action for revocation of the authorisation shall also be considered on completion of two

		the issuance of SACFA clearance by the WPC, then half of Performance Bank Guarantee (PBG) shall be refunded.	years from the date of issuance of SACFA clearance by WPC.
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Schedule-V

PERFORMA FOR PERFORMANCE BANK GUARANTEE

In consideration of the President of India acting through the [designation of the officer concerned], the Ministry of Information & Broadcasting (hereinafter called the “Central Government”) having agreed to grant an authorisation to M/s _____ *[Name and address of Company/LLP] (hereinafter called the “Applicant Entity”) to comply with the prescribed obligations for executing the Service Authorisation (thereinafter the Applicant shall be called “the Authorised Entity”) to provide services [Name of the service/ scope of service/ service area], wherein it has been stipulated that the Applicant/ Authorised Entity shall furnish to the Ministry with a Bank Guarantee from a Scheduled Bank for the sum specified therein as security for the due observance and performance of the obligations as per the terms and conditions contained in the Broadcasting (Grant of Authorisation) Rules, and the Broadcasting (Programming and Distribution) Services Rules.

WHEREAS we _____ Bank, [indicate the name, address and other particulars of the Bank], 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 _____ [Indicate the branch from where the PBG is being issued] has agreed to irrevocably and unconditionally guarantee to the Central Government that the Authorised Entity shall render all the necessary services in accordance with the terms and conditions contained in the Broadcasting (Grant of Authorisation) Rules, and the Broadcasting (Programming and Distribution) Services Rules, and

which may be required for and in connection with the said authorisation and performance thereof to the satisfaction of the Central Government.

NOW THEREFORE we, the Bank, hereby affirm that we are the Guarantor and responsible to you, on behalf of the Authorised Entity M/s ----- up to a total of Rs. _____ [Amount of Guarantee] _____ [in words] payable, and we undertake to pay you, upon your first written demand and without cavil, demur or argument, any sum or sums within the limits of Rs. _____ [Amount of Guarantee] as aforesaid without your needing to prove or to show grounds or reasons for your demand for the sum specified herein.

We, the Bank, do hereby agree that the decision of the Central Government as to whether the Authorised Entity has failed to or neglected to perform or discharge his duties and obligations as aforesaid and/or whether the service is not free from deficiencies or defects or not is in accordance with of the terms and conditions of the said authorisation and as to the amount payable to the Central Government by the Bank hereunder, shall be final and binding on the Bank. Any dispute between the Central Government and the said Authorised Entity shall not affect our obligation under this guarantee.

We hereby waive the necessity of your demanding the said debt from the Authorised Entity before presenting us with the demand and acknowledge that we are the primary obligee and not just the surety of the Authorised Entity.

We further agree that no change or addition to or other modification of the terms of the authorisation or of the works to be performed there under or of any of the related 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 validity period of authorisation.* It shall also continue to be enforceable till all the dues of the Central Government under and by virtue of the said authorisation have been fully paid and its claims satisfied or discharge or till Central Government informs that all the terms and conditions of the said Authorisation have been fully and properly carried out by the said Authorised Entity and accordingly discharged this guarantee.

(b) The Central Government 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 Authorisation or to extend time of performance of any obligations by the said Authorised Entity from time to time or to postpone for any time or from time to time any of the powers exercisable by the Central Government against the said Authorised Entity and to forbear or to enforce any of the terms and conditions relating to the said authorisation and we shall not be relieved from our liability by reason of any variation or extension being granted to the said Authorised Entity or forbearance act or omission on the part of the Central Government or any indulgence by the Central Government to the said Authorised 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 Authorised 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 Central Government exercise any legal right or remedy of any kind in respect of any such payment or performance so long as our obligations hereunder remain 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 Authorised Entity.

(e) The Bank will not revoke the guarantee during the currency except with the previous consent of the Central Government.

The bank under its constitution power gives this guarantee and Sh. _____ [provide name of the officer of the bank who will sign this BG] 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 Authorised Entity. This guarantee shall be valid initially for a period of _____[Period of Validity of the BG] from this date and until 28 days after the date of issue of the Defect Liability Certificate by the Ministry of Information and Broadcasting (Central Government).

In special cases, this guarantee shall be renewed at least one month prior to its expiry.

SIGNATURE AND SEAL OF THE GUARANTOR

NAME OF BANK

ADDRESS

—

PIN CODE_____

CITY_____

STATE_____

DATE _____

Witnesses:

In the presence of:

1. _____

[Name and Occupation]

2. _____

[Name and Occupation]

FORMAT FOR GRANT OF AUTHORISATION

GOVERNMENT OF INDIA **MINISTRY OF INFORMATION AND BROADCASTING**

AUTHORISATION TO PROVIDE BROADCASTING SERVICES

**[under Section 3 of the Telecommunications Act, 2023 and subject to
*The Broadcasting (Grant of Service Authorisations) Rules and
The Broadcasting (Television Programming, Television Distribution
and Radio) Services Rules]***

Authorisation No. _____

Issue Date: [DD/MM/YYYY]

Valid Up to: [DD/MM/YYYY]

Details of Authorised Entity:

Entity Category*: _____

Name of Entity: _____

Corporate Identification/ Registration Number: _____

Date of Incorporation/ Registration: _____

Address: _____

Name of the Channel:** _____

Category of the Channel*:** News & Current Affairs/
Non-news & Current Affairs

Scope of Service: _____

Service Area: _____

Date: _____

**Applicable for both television programming and radio broadcasting

***Applicable only for television programming

Signature of the Officer the Central Government: _____

(On behalf of the President of India)

* Entity Category may include: Registered 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

**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 Stakeholders	Shareholding			
		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				

*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 Stakeholders	Shareholding			
		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

Application for Platform Service channel

1. Name of Applicant Company:

2. Address of the Applicant Company

a) Head Office :

b) 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:

a) Existing Platform Services channels offered:

S.No .	Name of Channel	Logical Channel No.	Nature / genre of content	Satellite used

b) New Platform Services channels to be offered:

S. N o.	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.

Signature

(Name of the Authorised signatory)

Tel. No: _____

Email Id: _____

Schedule-IX**REASONS FOR EXCLUDING 'OTHER INCOME' HEADS FROM GR TO
ARRIVE AT APGR**

S.No.	Other Income	Reasons
i.	Income from Dividend	<p>Income from dividend is return on investment made by the company. Such investment is made out of surplus funds available with the company. Companies Act, 2013 and Accounting Standard-9 classified dividend income as 'other income' i.e., distinct from the core operations of the entity.</p> <p>Therefore, income from dividend shall not be a part of ApGR for the purpose of computation of Authorisation Fee. Gain from mutual funds shall also be excluded.</p>
ii.	Income from Interest	<p>Income from interest is return on investment made by the company in bank deposits, corporate deposits, debentures etc. Such investment is made from surplus funds available with the company. Also, sometimes TSP receives interest from Tax Authorities on advance tax or refundable tax. Companies Act, 2013 and Accounting Standard-9 classified interest income as 'other income' i.e., distinct from the core operations of the entity.</p> <p>Similarly, DTH operators accepts refundable deposits from customers, and other vendors. These deposits essentially are part of DTH operations and</p>

		<p>needed to identify/ keep separately to maintain separately identity of these deposits, DTH operators shall open a separate bank account for refundable deposits from customers, telecom vendors and other TSPs. The interest income earned on such accounts shall be recorded and kept separately.</p> <p>In view of above, the income from interest shall not be part of ApGR for the purpose of computation of Authorisation Fee. However, interest earned on refundable deposits from customers and other vendors shall be considered in ApGR for the purpose of computation of Authorisation Fee. In case segregation of such interest income is not possible, entire interest income shall be considered part of ApGR. Further, any refundable deposit received by the DTH operators on the strength of broadcasting services viz. linkage with tariff, advance rental etc. shall also have similar treatment for inclusion in ApGR. Interest on direct tax/ indirect tax refunds also excluded.</p>
iii.	Income from sale of fixed assets and securities	<p>Capital gain earned by the DTH operator on the account of profit on sale of assets and securities, are of from investing activities instead of from DTH operations. Therefore, revenue on account of sale of immovable property, securities, warrants or debt instruments, other items of fixed assets shall not be part of ApGR for the purpose of computation of LF. Capital gains on business combination e.g.</p>

		merger, demerger, slump sale etc. shall be excluded. Capital receipts shall also be excluded.
iv.	Gains from Foreign Exchange rates fluctuations	<p>Foreign Exchange differences arise when actual rates at the time of settlement differs from those at which they were initially recorded in the books. The provisions contained in the Accounting Standard-11 which requires a notional entry for exchange differences in respect of liabilities at the closing date of the AFSs. The foreign exchange gains reflected in the profit and loss statement of DTH operator could arise from reduction of payment liability or increase in the value of foreign exchange accounts receivables. In other words, foreign exchange fluctuation is a contingency which has impact on every business which may have something to do with foreign exchange and is not specific and unique to DTH business.</p> <p>In view of above, the revenue/profit arising out of upward valuation or devaluation on account of fluctuation of foreign exchange shall not be part of ApGR for the purpose of computation of Authorisation Fee. Market to market accruals shall also be excluded.</p>
v.	Income from property rent	<p>DTH operators may rent or lease part of their properties and earn revenue in the form of rent. Some DTH operator as part of staff welfare measure provides staff quarters to their employees and receive rent from such staff. The revenue from rent cannot be distinctly treated as only from DTH</p>

		business. Therefore, the revenue/ income from property rent shall not be part of ApGR for the purpose of computation of Authorisation Fee. Further in case property is let out for ‘establishing, maintaining and working of broadcasting services’, then revenue/ income from such rent shall be considered in ApGR for the purpose of computation of LF.
vi.	Insurance claims	A receipt from Insurance company against loss of property/fixed assets is basically a reimbursement in nature for the loss occurred by the DTH operator. Therefore, the receipt of insurance claim from insurance company shall not be part of ApGR for the purpose of computation of Authorisation Fee. Claims received on account of business loss also excluded.
vii.	Bad Debts recovered	<p>Bad debt is an amount owed by a debtor that is unlikely to be received/realized and recognized as an expense in the books of accounts. Bad Debts recovered represents reversal of debits (i.e., bad debts) appearing in the profit and loss account of previous year(s). This basically represents an adjustment to the amount of an expense (i.e., bad debts) as estimated in an earlier year(s) in which it had already recorded as part of revenue from operations.</p> <p>Therefore, the income on account of bad debts recovered shall not be part of ApGR for the purpose of computation of Authorisation Fee.</p>

viii.	Excess Provisions written back	<p>Excess Provisions written back represent the reversal of excess provision made for any liability or expenses in any previous year. On settlement, this excess provision is written back into books of accounts as other income. This basically represents an adjustment instead of actual revenue earned.</p> <p>Therefore, the income on account of excess provisions written back shall not be part of ApGR for the purpose of computation of Authorisation Fee. Reversal on account of writeback off vendor balances would also be excluded.</p>
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Schedule-X

(Format of Statement of Revenue and License Fee)

Statement of Revenue and License Fee of M/s _____
(Name of the Licensee) 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 Services			
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 a license/permission issued by Department of Telecommunications.			
5.	Reimbursement, if any, from the Government.			
AA.	GROSS REVENUE (GR) OF THE LICENSEE COMPANY [Add 1-5]			
B.	LESS			
1.	Revenue from activities under a license/permission 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)			
	LICENSE FEE @ 3% OF ADJUSTED GROSS REVENUE (EE)			

FORMAT FOR SELF-DECLARATION BY IPTV SERVICE PROVIDER

[Separate copies to be forwarded by IPTV service provider to, Ministry of Information & Broadcasting, Department of Telecommunication 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 up to
 - (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 biodata 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 entity in the format prescribed by the Ministry of Information & Broadcasting.
- 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 TELEVISION channels sought to be provided (own/ broadcaster')
(ii) Source of content (Broadcaster/MSO/Cable operator) with details
(iii) In case the content is obtained from MSO/ Local Cable Operator, 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)

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.

Annexure-IV: Uplinking/Downlinking Guidelines dated 09.11.2022

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

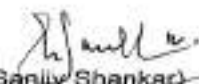
No. 1503/21/2017-TV(I)

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

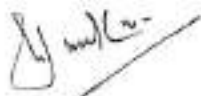
1 Short title, extent and commencement – (1) These may be called the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 (hereinafter referred to as Guidelines).

(2) It extends to the whole of India.

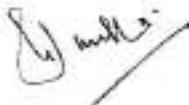
(3) It shall come into effect from 9th November, 2022.

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).

Santhosh

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

4. Grant of permission – (1) The Ministry shall, preferably within 30 days of receiving clearance and approval of Ministry of Home Affairs and other authorities, and after satisfying itself that the applicant company/LLP is fit for grant of permission, issue a Letter of Intent (LOI) requesting the company/LLP to pay the permission fees for the first year, furnish the Performance Bank Guarantee (PBG) as mentioned in **Appendix III** and Security Deposit as mentioned in **Appendix IV** within the stipulated period.

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

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

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

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

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

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



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

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

PART III

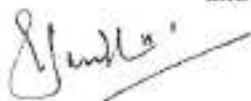
UPLINKING OF TELEVISION CHANNEL

6. Furnishing of Application – (1) A company or an LLP may apply online on Broadcast Seva on payment of processing fees specified in **Appendix I**, separately for uplinking a news TV channel and uplinking a non-news TV channel from a teleport (s) and satellite (s), as may be specified in the application, subject to fulfillment of the following conditions:

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

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

- (c) It fulfills all the terms and conditions laid down in the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;
- (d) It makes disclosure in its application of all its Shareholders, Loan Agreements and such other Agreements that are finalized.



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

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

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

7. Grant of permission – (1) The Ministry shall, preferably within 30 days of receiving clearance and approval of Ministry of Home Affairs and other authorities, and after satisfying itself that the applicant company/LLP is fit for grant of permission, issue a Letter of Intent (LOI), requesting the company/LLP to pay the permission fees for the first year, furnish the Performance Bank Guarantee (PBG) as specified in **Appendix III** and Security Deposit as mentioned in **Appendix IV** within the stipulated period.

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



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

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

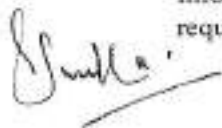
(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.

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

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

8. Special conditions for uplinking a satellite TV channel – (1) The company/LLP which is granted permission to uplink a TV channel under para 7 shall, in addition to the conditions laid down therein, also comply with the following:-

- (a) Uplinking may be done in the Frequency Band specified by the applicant, after due approval of the Ministry and other concerned authorities, subject to the further condition that uplinking in any band (other than C band) shall only be in encrypted mode;
- (b) Adherence to the Programme & Advertising Codes, as laid down in the Cable Television Networks (Regulation) Act, 1995 and the Rules framed there under.
- (c) Adherence to any other Code/ Standards, guidelines/ restrictions prescribed by the Ministry for regulation of content on TV channels from time to time.
- (d) Keep record of the content uplinked for a period of 90 days and produce the same before any agency of the Government, as and when required.
- (e) Furnish such information, as may be required by the Ministry of Information & Broadcasting from time to time.
- (f) Provide necessary monitoring facility, at its own cost, for monitoring of programmes or their content by the representatives of the Ministry of Information & Broadcasting or any other Government agency as and when required.



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

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

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

(2) The permission for renewal will be for a period of ten years and shall be subject to conditions similar to that required for a permission under paras 6, 7 and 8 and to the further condition that the channel is not found guilty of violation of terms and conditions of permission, including the violation of Programme Code or Advertisement Code on five or more occasions during the period of permission.

PART IV

DOWNLINKING OF A SATELLITE TV CHANNEL

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

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

Provided that where the company/LLP has exclusive marketing/ distribution rights, it should also have and habitually exercise in India, an authority to

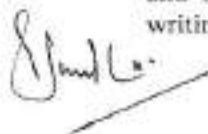


conclude contracts on behalf of the owner of the channel or habitually conclude contracts or habitually play the principal role leading to conclusion of contracts by the owner of the channel and contracts are –

- a) In the name of the owner of the channel; or
 - b) For the transfer of the ownership of, or for the granting of the right to use, property owned by the owner of the channel or that the owner of the channel has the right to use; or
 - c) For the provision of services by the owner of the channel.
- (iv) It fulfills all the terms and conditions laid down in the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;
 - (v) It provides names and details of all the Directors of the Company and its Key managerial personnel;
 - (vi) It furnishes technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipments/ instruments to be used for downlinking and distribution, the Block schematic diagram of the downlinking and distribution system and also demonstrate the facilities for monitoring and storing record for 90days.
 - (vii) It has not been disqualified from holding such permission under these Guidelines, or the Guidelines of 2011 or of 2005 relating to downlinking of TV channels;
 - (viii) The downlinked channel must be licensed or permitted for being broadcast by the regulatory or licensing authority of the country of transmission, proof of which would have to be submitted at the time of application.

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

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




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

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

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

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



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

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

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

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



12. Renewal of permission – (1) A company/ LLP which is granted permission under para 11 may apply for renewal of permission, at least three months prior to the end of the month in which the initial permission is expiring, online on the Broadcast Seva portal on payment of processing fees specified in **Appendix I**.

(2) The permission for renewal shall be for a period of ten years and shall be subject to conditions similar to that required for a permission under para 11, and to the further condition that the channel is not found guilty of violation of terms and conditions of permission, including the violation of Programme Code or Advertisement Code on five or more occasions during the period of permission.

PART V

NEWS AGENCY

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

- (a) The company/ LLP has working journalists employed by it who are accredited with the Press Information Bureau (PIB) on behalf of the company/LLP;
- (b) Foreign Direct Investment in the company/LLP is in accordance with the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;
- (c) The control and management of the company/LLP shall be in Indian hands.

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

14. Grant of permission – (1) The Ministry shall, preferably within one month of receiving clearance/approval of the Ministry of Home Affairs and after satisfying itself that the company/ LLP is fit for approval, grant permission, by an order in writing, to the company/ LLP for a news agency for five financial years from end of the month in which the permission is granted.



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

- (a) The company/ LLP shall use uplinking for news-gathering and its further distribution to other news agencies/broadcasters only,
- (b) The company shall not uplink TV programmes/channels for direct reception by public.
- (c) The company/ LLP shall abide by the terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fees/royalty to WPC Wing for use of spectrum.
- (d) The Company/LLP continues to have accreditation of PIB during the period of permission,

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

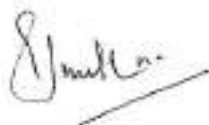
(3) The permission granted to a news agency may be renewed for a period of five years, on application made by the company/ LLP on the Broadcast Seva portal on payment of the processing fees specified in **Appendix I**, subject to fulfilment of the usual conditions for grant of initial permission.

PART VI

PURCHASE AND HIRING OF DSNG/SNG EQUIPMENT

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

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

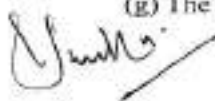


- (ii) Company/ LLP having permission of the Ministry for uplinking a news channel, for the period of such permission;
- (iii) Company/ LLP having permission by the Ministry of a news agency, for the period of such permission

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

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

- (a) The DSNG/SNG signals should only be transmitted to the permitted teleport of the permission holder and uplinked for broadcasting through permitted satellite through that teleport only.
- (b) The company/ LLP shall follow the roll out obligations as specified in **Appendix III.**
- (c) The use of DSNG/ SNG would be permitted only in those areas/regions/States which are not specifically prohibited by Ministry of Home Affairs.
- (d) The company/ LLP would submit the purchase documents of DSNG/SNG terminals and inform the Ministry about placement of these terminals at the various locations.
- (e) The company/LLP permitted to use DSNG/SNG shall apply to WPC for frequency authorization.
- (f) The permitted company/LLP shall maintain a daily record of the location and the events which have been covered and uplinked by DSNG/SNG terminals and down linked at their main satellite earth station and produce the same before the licensing authority or its authorized representative, which will include officers of Ministry of Home Affairs, as and when required.
- (g) The permitted company/LLP shall not enter defence installations.



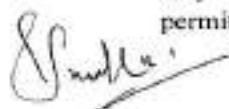
- (h) The equipment should not be taken in the areas cordoned off from security point of view.
- (i) The company/LLP/channel desiring to use DSNG/SNG would give an undertaking that it would be used for live newsgathering and footage collection for captive use only.
- (j) Violations of any of the aforementioned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

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

(2) A News agency having permission under para 14 can use DSNG/SNG for collection/ transmission of news/ footage.

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

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



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

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

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

PART VII

LIVE COVERAGE OF EVENTS

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

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

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

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



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

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

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

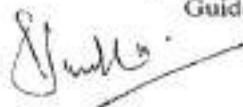
(2) Registration on Broadcast Seva under sub-para (1) will enable the company/LLP to seek approval/NOC of other concerned authorities for broadcasting the event live, and no separate permission need be granted by the Ministry.

(3) Decision as to whether the event being uplinked Live is of the nature of news and current affairs or not will be that of the Ministry and shall be binding on the entity.

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

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

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



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

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

PART VIII

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

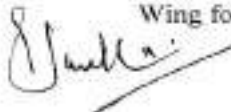
20. Name and logo of a TV Channel – (1) A company/ LLP shall display on the permitted TV channel only that name and logo which has been approved by the Ministry.

Provided that display of name/ logo other than that permitted or display of dual logo would be treated as a violation of the Guidelines inviting penal action.

(2) A company/ LLP may apply for change of name and logo to the Ministry online on the Broadcast Seva portal by payment of processing fees specified in **Appendix I**, along with the requisite documents.

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

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



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

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

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

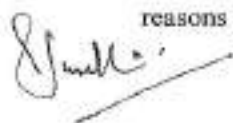
(4) In respect of change in satellite or teleport of the downlinked channel the company/LLP having permission for downlinking the channel may furnish an intimation of change on the Broadcast Seva portal.

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

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

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

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



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

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

PART IX

PENALTIES FOR VIOLATION

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

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

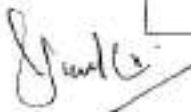
(2) For the purpose of sub-para (1), the Ministry shall take action under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.

25. Consequences of violation of other terms and conditions : (1) Where a permission holder is found to be violating any of the terms and conditions of the permission or any other provisions of these guidelines, other than violation referred to in para 24 (1), the Ministry shall have the right to take action, as under:



TABLE : ACTION FOR VIOLATION

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

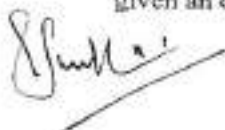


(ix)	Non-registration for telecast of a Live event by a non-news and current affairs channel	Warning and/or stoppage of live broadcast; Prohibition of broadcast upto 10 days, debarment from live broadcast for a period upto six months;
(x)	Telecast of an event Live by a non-news channel, content of which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

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

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

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



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

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


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

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

PART X

MISCELLANEOUS

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



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

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

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

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

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

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



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

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

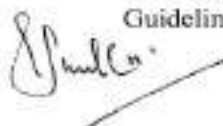
(2) Every change in the FDI pattern has to conform to the FDI Policy of the Government of India, including, wherever required, prior approval of the Central Government.

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

31. Remittance of foreign exchange – (1) Where a company/ LLP is required to remit foreign exchange under the RBI Instructions to a foreign entity for transaction 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.

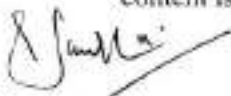
Explanation 1: "Group Company" in relation to a company means a company, which is under the same management and/or has the same promoters as the other company or over which that other company exercises significant influence or control and shall also include an associate company, subsidiary company, holding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


(Sanjay Shankar)
Joint Secretary to the Government of India
Tele # 23387823#

Appendix I to Guidelines

I. Processing Fee

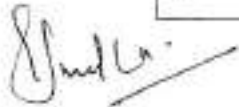
Applicant company/LLP shall pay processing fee as under:

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

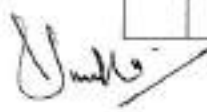
Minimum Networth Requirement

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

[Signature]

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.



Annexure-VA: DTH Guidelines amended upto 06.11.2007

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 (I) 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. 2. 3. 4. 5. 6. 7. 8. 9.	Indian individual Indian company Foreign individual Foreign company NRI OCB FII PIO 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 Licensor) 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 Licensor and the Licensee. _____ (here
after called the "License Agreement") wherein it has been stipulated
that the Licensee shall furnish to the Licensor 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 Licensor 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.

Annexure-VB: DTH Amendment dated 30.12.2020

**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

Annexure-VC: DTH Operational Guidelines dated 16.09.2022

**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.

Copy for information to:

1. PS to HMIB
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

[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

Signature
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.

Janaka
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: 16/12/22

Signature

(Name of the Authorized signatory)

Tele No:

Email Id:

Annexure-VIA: 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 HTS 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.

Annexure-VIB: HITS Amendment dated 06.11.2020

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

Annexure-VII: IPTV Guidelines dated 08.09.2008

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.

(Signature)
(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

Annexure-VIIIA: 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, Odisha, 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:-

- “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.
- “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.
- “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

- 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
- 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.

- Antenna Polarization : Circular
- Stereophonic Transmission System : Pilot-tone
- Pre-emphasis in transmission system : 50 micro-sec

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- (c) 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.

1. 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

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	Banda	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	Bharuch	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

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	Jhunjhun	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	Machilipatnam	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	Rohtak	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

Annexure-VIIB: FM Radio Amendment dated 21.01.2015

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 Kansal
21/11/2015

(PUNEET KANSAL)

Joint Secretary to the Government of India
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8. Secretary, Department of Telecommunications, Sanchar Bhawan, New Delhi
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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

Annexure-VIIC: 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.


(Sanjay Shankar)
Joint Secretary to the Government of India
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Copy to:

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6. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi
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15. Secretary, TRAI, New Delhi

Annexure-VIID: 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."



(Sanjay Shankar)

Joint Secretary to the Government of India

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5. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi
6. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi
7. Secretary, Ministry of Home Affairs, North Block, New Delhi
8. Secretary, Ministry of Defence, South Block, New Delhi
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10. Secretary, Department of Telecommunications, Sanchar Bhawan, New Delhi
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15. Secretary, TRAI, New Delhi

Annexure-IX: CRS Guidelines dated 13.02.2024

**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.
