

Ref: AIDCF/FY 24-25/28

Date: 22nd Nov 2024

To,

Shri Deepak Sharma,
Advisor (B&CS),
Telecom Regulatory Authority of India,
4th Floor, Tower F, World Trade Centre,
Nauroji Nagar, Safdarjung Enclave,
New Delhi - 110029

Subject: AIDCF Inputs Reg. Consultation Paper on Regulatory Framework for Ground Based Broadcasters dated 18th October 2024

Respected Sir,

This is with reference to aforementioned consultation paper on **Regulatory Framework for Ground Based Broadcasters dated 18th October 2024.**

In this regard, please find our question wise response for your kind perusal attached as Appendix 1.

Thanking You

Yours Sincerely
For, All India Digital Cable Federation



Manoj P. Chhangani
Secretary General

Appendix 1.

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

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

“programme” means any television broadcast and includes-

- i) exhibition of films, features, dramas, advertisement and serials;*
- ii) News & current affairs, Non-news & current affairs, educational content*
- iii) any audio or visual or audio-visual live performance or presentation, and the expression “programming service” shall be construed; accordingly,”*

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

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

AIDCF Response:

Please find below our response as follows:

1. **Definition of ‘Broadcaster’**: We are okay with the definition provided by Authority as:

“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;”

2. **Definition of ‘Programme’**: The biggest regulatory challenge the industry is facing is the anomaly governing the OTT aggregators and the OTT application developers. Majority of the linear channels, which are presently regulated by downlinking guidelines and the TRAI’s regulatory framework are made available on the OTT aggregator application, in the guise of slightly changing the programme mix. By doing so, they are clearly circumventing the present regulatory mechanism. Therefore, definition of the programme should be clear and shall include the channel which should not be limited to linear television. Therefore, the word “Television” needs to be omitted from definition of Programme and the revised definition is as follows.

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

- i) exhibition of films, features, dramas, documentaries, advertisement and serials;
- ii) News & current affairs, Non-news & current affairs, educational content
- iii) any audio or visual or audio-visual live performance or presentation, and the expression "programming service" shall be construed accordingly;"

3. **Definition of 'Satellite-based Broadcasting'**: We strongly suggest that the terms 'Satellite-based Broadcaster' and 'Satellite-based Channel' should also need to be defined alongside the definition of Satellite based broadcasting. As per downlinking guidelines, clause 11 (3)(f), Satellite Broadcasters can provide their decoders "**only**" to four DPOs i.e. DTH, IPTV, MSOs and HITS.

*"Satellite-based Broadcasting" means **delivery of programme / providing programming services in the form of channels, using satellite-based communication medium ~~for delivering channels only to the licensed distribution platform operators the distributors of television channels~~, and the expressions 'Satellite-based Broadcaster' and 'Satellite-based Channel' shall be construed accordingly.**"*

4. **Definition of 'Ground-Based Broadcasting'**: The term 'Ground-based Broadcaster' also needs to be defined alongside:

*"Ground-Based Broadcasting" means **delivery of programme / providing programming services in the form of channels excluding satellite-based broadcasting only to the licensed distribution platform operators, and the expression 'Ground-based Broadcaster' shall be construed accordingly.**"*

5. **Definition of Ground Based Channels**: Two types of programming services may be transmitted using terrestrial communication i.e. Ground Based Channels and Platform Service Channels. Hence, clear distinction between the two is essential. The following definitions may be considered:

"Platform Service Channels" are channels provided under Platform Services as defined in Clause 1 of the Guidelines for Platform Services offered by Multi System Operators issued by the Ministry of Information & Broadcasting on 30th November 2022.

The legal rights to broadcast the content, the responsibility thereof and the revenue received from broadcasting the Platform Service Channels belongs to the MSO on whose network the channel is being carried."

"Ground Based Channels" are channels others than Satellite-based Channels, Platform Services Channels, Doordarshan Channels or any channel operated by or on behalf of Parliament of India. They are not exclusive to any particular platform and may be simultaneously available to multiple DPOs for further retransmission.

The rights for the content, responsibility thereof and the revenues received from broadcasting the Ground Based Channel belong to the channel owner."

Q2. Should there be any distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.

AIDCF Response:

There needs to be a clear distinction between ground-based broadcasters (GBBs) and the satellite-based broadcasters (SBBs).

Since definitions of 'Satellite-based Broadcasting' and 'Ground-based Broadcasting' have been differentiated based on the medium of transmission, the definitions of SBBs and GBBs should also be based on the same premise.

It for this reason that in the response to Question 1, the definitions of SBBs and GBBs have been appended along with the definitions of 'Satellite-based Broadcasting' and 'Ground-based Broadcasting' respectively.

In addition to above, the following distinction needs to be passed on to Ground based broadcasters.

1. Simple licensing and registration process as compared to Satellite based Broadcasters
2. Minimum eligibility criteria needs to be imposed.
3. Must carry and Must provide regulatory conditions not required to be imposed.
4. GB Channels should not be included in the ratings being declared or made available by TV rating agencies.

Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.

AIDCF Response:

Yes, all the terrestrial transmission medium(s) such as fibre, broadband, cloud etc. should be permitted under the scope of GBBs.

Transitioning to advanced terrestrial media such as fibre, broadband, and cloud technologies offers significant benefits over traditional satellite-based broadcasting. This forward-thinking approach addresses limitations in satellite bandwidth, reduces operational costs, and leverages technological advancements. It offers greater control, improved quality, scalability, and flexibility, while also supporting regional diversity and environmental sustainability.

Fiber-based transmission allows for higher quality feeds with minimal latency, which is crucial for maintaining an uninterrupted high-definition (HD) and 4K content flow. Their capacity to transmit high-resolution signals across long distances and at fast speeds, without the risk of

degradation makes them a superior mode of video distribution.¹ Moreover, fibre-based distribution is a cheaper option for smaller broadcasters requiring point-to-point access, along with enabling regional customisation of content.²

Additionally, moving terrestrial broadcasting to the cloud will allow Ground based broadcasters to scale dynamically based on audience demand, reducing the reliance on physical infrastructure. This transition enables greater flexibility, reduces infrastructure costs, and enhances scalability, allowing broadcasters to respond dynamically to audience demands.

Indian's broadcasting sector is at a crucial stage where it needs to embrace new, better ways of transmitting. Thus, for the future growth and modernization of India's television broadcast industry, all the terrestrial transmission medium(s) such as fibre, broadband, cloud etc. should be permitted, under the scope of GBB only.

Q4. Provisions for teleport/teleport hub exists in the uplinking/downlinking Guidelines 2022 for broadcaster using satellite communication. Whether similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of TV channels by GBBs? If so, what should be the corresponding provisions? Please elaborate with justification.

AIDCF Response:

Unlike satellite broadcasting, which necessitates teleports to uplink content to a satellite, GBBs do not require a hub or gateway infrastructure for signal distribution to DPOs. GB channels (and PS Channels) are transmitted directly via terrestrial methods without needing intermediate uplinking facilities.

The infrastructure currently in place for DPOs is designed to handle the distribution of GB channels (and PS Channels) without requiring specialized hubs. DPOs in India have for many years successfully managed the distribution of channels using terrestrial methods, ensuring reliable and quality service to consumers. This demonstrates that the existing infrastructure, coupled with technological advancements like high-capacity fibre networks, is more than adequate for distributing GB channels (and PS Channels) and that additional infrastructure like a hub or gateway is unnecessary.

The efficiency and directness of terrestrial transmission eliminate the need for centralized hubs, allowing for cost-effective distribution, which benefits both broadcasters and consumers by keeping costs low and minimizing operational complexity.

In summary, no additional provisions for a hub or gateway infrastructure are required for GBBs, as ground-based broadcasting relies on terrestrial infrastructure that has proven effective over years of operation.

¹ <https://d1xyy3yiuu5xkq.cloudfront.net/wp-content/uploads/2020/09/09092930/A-Terrestrial-Alternative-to-Satellite-based-Video-Distribution.pdf> - Page 5, Para 2

² <https://www.tatacommunications.com/media-entertainment/satellite-alternatives/> - Commercial Factors

Q4. Whether GBBs should be permitted/authorized to provide services in two separate categories i.e. (i) at State level, and (ii) at National level? If State level category for GBB are considered, then should such State level GBB may be allowed to obtain separate permissions/authorisations in more than one State or there may be some ceiling on number of State-wise permissions/authorizations beyond which national level permission/authorization must be obtained?

AIDCF Response:

1. Yes, GBBs need to be permitted at both National and State level.
2. There should be a single license which needs to be issued by Hon'ble Ministry of information and broadcasting, mentioning the operational area of the GBB i.e. state/state (s) /National. This single license will help in creating a centralized database of all the GBBs.
3. The above license should be issued post clearance from MHA, so that promoters /channels of the GBB are verified before granting them license.

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

AIDCF Response:

1. GBBs are majorly the small broadcasters operating at state level, few of them have expanded or may expand to the national level.
2. However, to avoid unorganised mushrooming of the GBBs and abuse of present regulatory framework, annual permission fee of at least Rs. 1 lakh Rupees should be levied for National level GBBs and Rs. 50,000 per year for state level GBB.

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

AIDCF Response: As stated in our above response, to avoid unorganised mushrooming of the GBBs and to avoid abuse of the present licensing and regulatory framework, following fees need to be imposed on the State level GBB.

- | | |
|--|-------------------------------------|
| a) Processing Fee | - 5,000 INR (one time) |
| b) Annual Fee | - 50,000 INR |
| c) Net worth Requirement | - 1,00,000 INR |
| d) Performance Bank Guarantee (PBG) | - 50,000 INR |
| e) Other regulatory provisions | - Answered separately in Question 8 |

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

AIDCF Response:

1. The reach of GB channels is substantially smaller when compared to conventional regional or national channels. This limited reach is a direct consequence of the hyper-localized nature of the content. Unlike other channels that may have audiences spanning large areas, entire states or the national level, GB channels serve a significantly smaller community, sometimes even just a few thousand viewers within a district or specific localities.
2. The focus on niche topics and community-specific content, while valuable to particular audiences, does not appeal to the broader viewership that conventional channels attract. The hyper-local content generally does not resonate on a larger scale which limits its demand. Therefore, the primary purpose behind GB channels is fulfilling the specific and often overlooked needs of micro-demographic groups and not mass viewership.
3. This limited reach is also why the assumption that providing a GB channel to one or more national-level DPOs would result in viewership numbers reaching millions across several states in India is unfounded.
4. **Therefore, the obligations of GBBs / GB channels cannot be made same, or even similar, to the obligations of traditional SBBs / SB channels.** The infrastructure, financial capabilities, and operational scale of GBBs are inherently limited, making it impractical and disproportionate to subject them to the stringent obligations placed on SBBs or SB channels.
5. **We, therefore, suggest that bringing GBB under present regulatory framework will kill the basic spirit and innovation of the ground-based broadcasters. Therefore, tariff order, interconnection and QoS regulations should not be imposed on the GBBs.**

Q9. (a) The extant interconnection regulation provides for “Must Carry” and “Must Provide” regime. In case of GBB, whether the same regime should be made applicable?

AIDCF response:

1. In continuation to our response to Q8, the intent behind distributing a GB channel to multiple major DPOs, **in a non-exclusive manner**, is to merely to ensure comprehensive access within a specific district or state, where multiple DPOs operate. If GB channels are not distributed in a non-exclusive manner and only certain DPOs carry the GB channel, viewers may be prompted to switch from one DPO to another solely to access that channel, disrupting consumer choice and market stability. This would also defeat the fundamental objective of GB channels i.e. to provide relevant, localized, community-focused content to all viewers within their target region.
2. Second, it is important to note that no DPO would allocate network and channel carriage capacity to broadcast GB channels in areas, beyond the prescribed target

market, where there is negligible or no demand for such content. Similarly, no GBB would bear the cost of distributing its channel in areas outside its primary target market where there is little to no demand.

3. Furthermore, the technical and financial capabilities of GBBs are notably limited. Unlike major broadcasters that have the resources to invest in advanced broadcasting infrastructure, cutting-edge technology, and comprehensive content production facilities, GBBs operate with minimal equipment and financial capital. Their technical setups typically include essential transmission equipment without the sophisticated enhancements seen in larger broadcast operations.
4. Financially, GBBs often rely on smaller advertising revenues and localized sponsorships, which provide a much narrower financial base. This limits their capacity for investments in upgrades, content diversity, or strategic expansion.
5. **Therefore, it is in this overall interest of DPO and GBB that 'Must Carry' and 'Must Provide' should not be mandated over them.**

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

AIDCF response:

1. Regulations are formed to safeguard the interests of the industry stakeholder; however, they should not stifle / micromanage the business and commercials of the stakeholders.
2. The right to do business on the preferred commercial terms should be available with the industry stakeholders.
3. Therefore, in continuation to our response to the Q9(a), we strongly suggest, that GBBs being small in size, should not be forced with regulatory burden and should be allowed to innovate and flourish with commercial and regulatory forbearance.

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

AIDCF Response:

Regulations relating to GBB are still developing compared to the more established SBB regulatory regime. The existing SBB regulatory structure has been built through extensive

stakeholder consultations and a careful balance of technical, financial, and legal obligations that reflect the unique characteristics and requirements of satellite broadcasting.

Allowing a SBB to entirely transition to a terrestrial-based communication medium could risk undermining these established principles, potentially allowing circumvention of the current regulatory obligations designed to safeguard the industry and its stakeholders. The current SBB regime ensures accountability and fair competition, all of which could be affected by an unrestricted shift to terrestrial transmission.

If any SBB, is willing to switch to terrestrial based communication, then he should be subject to the rules pertaining to GBB regulations, such as there should not be any viewership measurement/rating for such channel by the rating agencies. This will ensure that regulatory framework is not abused and circumvented by the SBB.

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

Response:

If a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, then all the relevant satellite-based broadcasting rules and regulations applicable to satellite-based broadcasters and satellite-based channels shall become applicable.

This is based on the premise that definitions of 'Satellite-based Broadcasting' and 'Ground-based Broadcasting' have been differentiated based on the medium of transmission. Thus, if the medium of transmission is changed, the obligations and liabilities will also change accordingly.

It is also important to note that the current consultation was necessary because a comprehensive regulatory framework for ground-based broadcasters has not yet been established. In contrast, SBB is governed by a well-defined and progressively evolving regulatory regime, shaped by continuous interventions from MIB and TRAI.

This clear and established framework ensures that any broadcaster wishing to either use, or transition to, a satellite-based communication medium will automatically fall under existing SBB regulations. Consequently, any GBB moving to satellite-based transmission would need to adhere to all applicable licensing, operational, and content-related obligations that define satellite-based broadcasting.

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

AIDCF Response:

1. As highlighted in the current response above, GBBs operate as smaller entities and cannot be equated with the more expansive SBBs. Due to this inherent nature of GBBs the rules, regulations, and compliance norms applicable to them will logically be less onerous than those imposed on SBBs.
2. Therefore, it is necessary to establish that when a broadcaster, who is already providing channels via satellite transmission to DPOs, wishes to provide channels to DPOs by terrestrial transmission, the broadcaster would not be accorded the same less onerous treatment. Otherwise, as also explained in response to Question 10, a big loophole would be created in the system, wherein those traditional broadcasters who do not want to follow or want to get out of existing regulations, will shift to GBB mode.

Additionally, SBBs can also not be permitted the same regulatory leniency because:

- i) Satellite broadcasting is a primary medium for SBBs whereas terrestrial transmission would be an additional option. In contrast, for GBBs terrestrial transmission is the sole mode of transmission.
- ii) Equating SBBs and GBBs under the same regulations would ignore the structural and functional differences between original GB channels (*i.e. channels available only by way of terrestrial transmission*) and SB channels in terms of nature of content, demand, scale, reach, service area and targeted audience:

Therefore, in case a broadcaster, who is already providing channels via satellite transmission to DPOs, should remain as SBB and should not be allowed to parallelly operate as GBB. This is moreover important to maintain the regulatory framework, so that any type of Broadcaster should not circumvent its prescribed regulatory framework.

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

AIDCF Response:

As GBB's are not operating using satellite technology, the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 are not applicable to them, however few of the provisions which can be incorporated from the downlinking guidelines for creating a separate guideline for GBBs can be looked upon.

Further, the Regulatory Framework for GBBs should consist of Cable TV Act including its Amendments, Programming and Advertising Code prescribed by MIB,

Q14. Whether the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite communications, be made applicable to ground-based broadcaster or do they need any modifications? In case you are of the opinion that modifications are required in existing uplinking/downlinking guidelines 2022, then

please provide your comments with reasons thereof on amendments [including any additional restriction(s)/condition(s)] required for Ground based broadcasters.

AIDCF Response:

1. As stated above, few of the provisions contained in the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, with applicable modifications can be used for framing a separate guideline for GBB. The few clauses which can be used for GBB are attached as Annexure 1.

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

AIDCF Response:

Numerous OTT services such as Yupp TV, Samsung TV Plus, Vodafone Play, Tata Play, Distro TV, Patchwall+ (Xiaomi), and LG WebOS (upcoming) are offering live channels to consumers, which, in many cases, appears to be outside the scope of existing Uplinking/Downlinking guidelines dated 9th Nov 2022 & its subsequent amendment dated 24th March 2023 & IPTV Regulation dated 14th Sep 2023.

These services, unlike traditional DPOs do not seem to be subject to the same regulatory scrutiny, potentially distorting level playing field for Pay TV operators. Moreover, they are practically operating as a GBB and therefore should be included in the definition of GBB.

We, therefore, believe that the current regulatory framework and the forthcoming regulatory framework for GBB, should necessarily bring clear guidelines for live channel distribution via such OTT platforms, which are circumventing the regulations.

Globally, jurisdictions are moving towards regulatory adjustments to address concerns of fairness, content rights, and maintaining a competitive landscape between OTT platforms and traditional Distribution Platform Operators (DPOs). **For example:**

1. In the United States, the regulation of Live TV channels distributed through OTT platforms has been a topic of significant debate, with increasing recognition that the same rules governing traditional DPOs should apply to streaming services. The Federal Communications Commission has been urged by broadcasters to classify OTT services, **especially virtual multichannel video programming distributors (vMVPDs) like YouTube TV and Hulu + Live TV, under the same regulatory framework as traditional cable and satellite providers. This would ensure that OTT platforms comply with retransmission consent rules, which require fair negotiations between broadcasters and distributors.**

2. In the United Kingdom, the regulation of OTT platforms that distribute live TV channels is evolving to bring them in line with traditional broadcast services. **Under the proposed UK Media Bill, the government has taken steps to ensure that streaming services, including platforms like Netflix, Disney+, and ITV Hub, follow similar rules as traditional broadcasters. This includes the introduction of a new video-on-demand (VoD) code by Ofcom, the media regulator, which will enforce standards for these platforms comparable to those imposed on linear TV services.** The bill also aims to close loopholes that previously allowed streaming services to operate without the same obligations as broadcast services.
3. In Australia, the oversight of OTT platforms is primarily managed by the Australian Communications and Media Authority (ACMA). The ACMA ensures that OTT platforms adhere to Australian broadcasting and content regulations. **On 4th July 2024, the Australian Parliament passed the Communications Legislation Amendment (Prominence and Anti-Siphoning) Act 2024, which amended the Broadcasting Services Act 1992 and the ACMA Act 2005. One key reform introduced by this legislation ensures that significant live content, especially major sports events, cannot be exclusively distributed through OTT platforms without first being made available to traditional broadcasters.** This move aims to preserve public access to important events and ensure that OTT platforms do not gain undue advantages over linear broadcasters.
4. In Singapore, the regulation of OTT platforms falls under the jurisdiction of the Infocomm Media Development Authority (IMDA). **OTT platforms that distribute live TV channels are required to obtain a license term as the 'Niche Television Service License'. In addition, these platforms must comply with the Content Code for Over-the-Top, Video-on-Demand, and Niche Services, which mandates content standards similar to those imposed on traditional broadcasters.** OTT services are required to implement safeguards, such as parental controls, to ensure compliance with community standards.

This demonstrate that several jurisdictions are modernizing their regulations to ensure that such OTT platforms do not receive preferential treatment compared to traditional broadcasters and DPOs. **By subjecting both OTT and traditional distribution platforms to similar standards, the objective is to ensure a level playing field in the broadcasting sector. A similar approach is required in India which would help safeguard the interests of both consumers and broadcasters and safeguard the broadcasting ecosystem.**

We, therefore, respectfully request Honourable Authority (TRAI) to kindly support the Pay TV industry in addressing this issue by **formulation of Clear and Equitable Guidelines for OTT Platforms**, which are acting similar to a Ground based broadcaster or digital Distribution Platform Operator.

Annexure 1: Applicable clauses from Uplinking and downlinking guidelines which can be used for framing of separate guidelines for GBBs.		
Clause	Provision	Remarks
Part I - Prelim		
1	Short Title	
2	Definitions	
Part II - Teleport / Teleport Hub		
3	Furnishing of Application	Not Applicable
4	Grant of permission	Not Applicable
5	Renewal of permission	Not Applicable
Part III - Uplinking of TV Channel		
6	<p>Furnishing of Application</p> <p>(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:</p> <p>(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;</p> <p>(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.</p> <p>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.</p> <p>(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 (DPIT), from time to time;</p>	<p>For framing the guidelines, we suggest that Authority should refer guidelines prescribed by MIB on Platform Service Channel.</p> <p>Moreover, as stated in the PS guidelines, any PS which is a News channel can only be registered by a company as per the PS Guidelines. Similar restrictions should be on GBB too.</p> <p>Minimum Net worth for the GBBs can be limited to at least 1 lakhs.</p> <p>This clause reg. trademark and logo should be applicable.</p>

	<p>(d) It makes disclosure in its application of all its Shareholders, Loan Agreements and such other Agreements that are finalized.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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;</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>Not Required</p> <p>Should be applicable</p> <p>Should be applicable</p>
<p>A117</p>	<p>Grant of permission</p> <p>(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</p>	<p>As stated in our response to Q6 & Q7, for National GBB operators, Performance bank guarantee should be kept at 1 lakh, whereas for state level GBB</p>

	<p>Deposit as mentioned in Appendix IV within the stipulated period.</p> <p>(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.</p> <p>(3) The Grant of permission to a company/LLP under sub-para (2) shall be subject to the following conditions :</p> <p>(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;</p> <p>(b) It follows the roll out obligation with regard to operationalization of the TV channel as laid down in Appendix III.</p> <p>(c) It complies with the special conditions laid down in para 8.</p> <p>(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.</p> <p>Provided that every such refusal shall be communicated to the company/ LLP along with reasons for refusal.</p> <p>(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.</p>	<p>operators, PBG should be kept at 50,000.</p> <p>Remaining all the conditions need to be applicable except the strike out clauses.</p>
9	Renewal of permission	
Part IV - Downlinking of a Satellite TV Channel		
10	Furnishing of Application	Not Applicable
11	Grant of permission	Not Applicable
12	Renewal of permission	As annual fees is already charged, therefore, renewal fees shall be equivalent to processing fees i.e. 5000 Rs. as stated in

		our response to Q6.
Part V - News Agency		
13	Furnishing of Application	Only applicable if GBB is transmitting the news channel.
14	Grant of permission	Applicable
Part VI - Purchase & Hiring of DSNG / SNG Equipment		
15	Purchase and use of DSNG/SNG equipment	Not Applicable
16	Use of DSNG/SNG equipment	Some GBB own news channels also, showing news using DSNG/SNG equipment, therefore clause 16 guidelines should also be applicable on them.
Part VII - Live Coverage of Events		
17	Live telecast by a news and current affairs channel <i>(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.</i> <i>(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.</i>	Should be applicable to intimate MIB, in case GBB is broadcasting Live News Channel
18	Live uplinking of an event by a non-news and current affairs channel	This guideline shall be applicable to selected GBBs which are transmitting live events other than news and current affairs.
19	Uplinking of Live event by a foreign channel	GBB should not be allowed to be registered by the foreign entities. Moreover, foreign/international channels should not be allowed to be telecasted on them.
Part VIII - Change of Name & Logo / Satellite / Teleport / Operational Status		
20	Name and logo of a TV Channel	Should be Applicable

	<p>(1) A company/ LLP shall display on the permitted TV channel only that name and logo which has been approved by the Ministry.</p> <p><i>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.</i></p> <p>(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.</p> <p>(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.</p> <p>(4) The permitted company/ LLP shall pay the applicable amendment fees to WPC Wing for amending the Wireless Operating License.</p>	
21	Change of satellite /teleport	Not Applicable
22	<p>Intimation for change of language, mode of transmission, etc</p> <p>(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:</p> <p>(a) Change in language of transmission;</p> <p>(b) Change in mode of transmission;</p> <p>(c) Change in address and such other relevant particulars of the company/LLP</p> <p>(d) Resignation of a Director/Designated Partner/Chief Executive Officer</p>	Should be Applicable
23	<p>Operational Status of a permitted TV Channel</p> <p>(1) A TV channel is required to remain operational during the currency of the permission.</p> <p>(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.</p> <p><i>Provided that failure to inform the Ministry regarding non-operational status of a channel beyond a continuous period of</i></p>	Should be Applicable

	<p>60 days will be deemed to be a violation under the Guidelines.</p> <p>Provided further that the channel shall not remain non-operational for a continuous period exceeding 90 days.</p>	
Part IX - Penalties for Violation		
24	Consequences of violation of Programme and Advertisement Codes	Should be mandatorily applicable
25	Consequences of violation of other terms and conditions	Should be applicable
26	Powers of the Central Government	Should be applicable
Part X - Miscellaneous		
27	<p>Change of category of a channel</p> <p>(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.</p> <p>(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.</p>	Should not be applicable
28	<p>Appointment of a new Chief Executive Officer/Director</p> <p>(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.</p> <p>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.</p> <p>(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</p>	Should be applicable

	<p><i>seek security clearance from the Ministry of Home Affairs.</i></p> <p><i>(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.</i></p> <p><i>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.</i></p>	
29	Intimation regarding change in shareholding pattern and Foreign Direct Investment	Not Applicable
30	Furnishing of information and documents <i>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.</i>	Applicable
31	Remittance of foreign exchange	Not Applicable
32	Transfer of Permission of a Television Channel or teleport	Not Applicable
33	Television channels for viewing only in foreign Countries	Not Applicable
34	Mandatory technical and operational requirements <i>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.</i>	The equipment's used by GBBs should be TEC certified for the national security reasons.
35	Obligation of public service broadcasting <p><i>(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></p> <ul style="list-style-type: none"> <i>i) education and spread of literacy;</i> <i>ii) agriculture and rural development;</i> <i>iii) health and family welfare;</i> <i>iv) science and technology;</i> <i>v) welfare of women;</i> 	This clause should also be applicable.

	<p>vi) welfare of the weaker sections of the society; vii) protection of environment and of cultural heritage; and viii) national integration</p> <p>(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.</p> <p>(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.</p>	
36	<p>Applicability of the Guideline on existing permissions</p> <p>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.</p>	Not Relevant
37	<p>Residual Clause</p> <p>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.</p>	Not Relevant.
Appendix I	<p>Processing Fee, Annual Permission Fee, Registration Fee for downlinking from other countries, Schedule of Payment & Fee for Love telecast</p>	<p>Processing Fee: 10,000 Rs. Annual Permission Fee: 50,000 Rs for State level GBBs For National Level GBBs: 1 lakh only.</p>
Appendix II	<p>Minimum Net worth Requirement</p>	<p>As stated in our response to Q7. Net worth requirement should be 1 lakh INR</p>
Appendix III	<p>Roll Out Obligations and Performance Bank Guarantee</p>	Not Applicable
Appendix IV	<p>Security Deposit</p>	Not Applicable
