



Telecom Regulatory Authority of India



Recommendations
on
Regulatory framework for
Ground-based Broadcasters

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CHAPTER I

BACKGROUND AND INTRODUCTION

A. Background

- 1.1 The Telecom Regulatory Authority of India (TRAI) in its recommendations on 'Restructuring of cable TV Services' dated 25th July 2008 had, inter alia, recommended that Local Cable Operators (LCOs) shall be permitted to transmit their ground-based channels, which will be subjected to Programme Code and Advertisement Code as prescribed in the Cable Television Network (Regulation) Act, 1995 and any other instructions issued by MIB from time to time. As part of the recommendations, MIB was requested to issue detailed guidelines for provision of ground-based channels by LCOs.
- 1.2 Subsequently, MIB vide their letter dated 17th January 2013, sought recommendations of TRAI under section 11 (1) (a) (ii), (iii) and (iv) of TRAI Act, 1997 (as amended) on the issues related to local channels or ground-based channels of cable operators/MSOs.
- 1.3 During the consultation process on the above-mentioned issue, it emerged that there are several channels carried on the cable television networks that are not platform service (PS) channels, satellite-based or Doordarshan channels. The Authority believed that the channel operators, who produce and own the rights to the programming content of these channels largely follow the same processes to create, assemble and distribute these channels, as the traditional satellite-based channels, and, therefore, they are *de facto* broadcasters. However, the main difference between their process and the traditional satellite-based broadcasters was that they transmit the channel for

retransmission at the headend of the Distribution Platform Operator¹ (DPO) terrestrially and there is no requirement of uplinking/downlinking of such channels to/from satellite.

- 1.4 The owners of these channels transmit the content terrestrially to the headend of the cable television network, i.e., there is no uplinking or downlinking of the channel and the DPOs retransmit them on commercial terms to the subscribers. These channels may be distributed on one or more cable television networks, simultaneously. They are also like traditional satellite-based channels in respect of the genres of program content, and advertisements. The ad-revenue accrues to the channel owner. Consequently, these de facto (ground-based) broadcasters have all the rights for the content carried and are responsible for the same. However, in the absence of a clear regulatory framework they cannot register their ground-based channel with the Ministry of Information and Broadcasting (MIB) and, therefore, they are not legally recognized as 'broadcasters' either.
- 1.5 The Authority was of the view that in regulatory terms, the framework for both - the traditional satellite-based and ground-based broadcasters - ought to be the same, except to the extent that some of the permissions and clearances, such as those for spectrum usage from Wireless Planning & Coordination (WPC) Wing of the Department of Telecommunications and for usage of space segment from Department of Space may not be required.
- 1.6 Accordingly, the Authority had forwarded its recommendations on Regulatory Framework for 'Platform Services' to MIB on 19th November 2014 which included recommendations related to 'Regulatory framework for Ground-based Broadcasters' also.

¹ Distribution Platform Operators (DPO) includes Multi System Operators (MSOs), Direct to Home (DTH) operators, Head-end in the Sky (HITS) operators and Internet Protocol Television (IPTV) service providers.

B. Present Reference from Ministry of Information and Broadcasting (MIB)

1.7 In its present reference, MIB, vide letter dated 22nd May 2024 **(Annexure-I)**, has referred to TRAI recommendations on "Regulatory Framework for Platform Services" dated 19th November 2014 and Chapter III therein including recommendations on "Regulatory Framework for Ground-based Broadcasters". MIB has, inter-alia stated that they have examined the recommendations in relation to regulation of platform services and issued the guidelines for the same with the approval of the Competent Authority on 30th November 2022. MIB has further mentioned that while examining TRAI recommendations on the Ground-based Broadcasters (GBBs), it was felt that the context in which the recommendations were made by TRAI may have changed since the year 2014 and there may be a need to take a fresh look into the matter due to the following reasons:

i) Advent of High-Speed Wired/Wireless Internet in recent times and its potential impact on GBBs: As TRAI recommendations on 'Regulatory Framework for Ground-based Broadcasters' were published way-back in the year of 2014, several dynamics have changed in the world of wired/wireless Internet in recent times. There has been a huge rise of digital television platforms and the shift towards the subscription-based revenue models in recent times. Further, the enhanced penetration of high-speed Internet in various parts of the country especially in rural areas may allow GBBs to employ Internet in their operations.

ii) Issuance of Platform Services Guidelines in variation with TRAI recommendations: TRAI recommendations on "Regulatory

Framework for Platform Services” were published in the year of 2014, the guidelines for registration of PS channels were issued on 30th November 2022. These guidelines differed from the recommendations from TRAI on certain matters like number of PS channels to be allowed on an MSOs' network. These variations may require certain amendments in the earlier recommendations from the TRAI on GBBs as the PS Channels and GB Channels are closely related and therefore recommendations and regulations for both need to be synchronised.

iii) Updated Uplinking and Downlinking Guidelines, 2022:

When TRAI recommendations on "Regulatory Framework for Platform Services" were published way back in the year of 2014, "Uplinking and Downlinking Guidelines" dated 05th November 2011 issued by the ministry were in force. While, updated "Uplinking and Downlinking Guidelines" 2022 have been issued by the Ministry of Information and Broadcasting, the regulatory and operational scope of traditional broadcasters might have altered to an extent. The recommendations from TRAI on the regulation of GBBs make substantial references to the Uplinking and Downlinking Guidelines, which has been updated since then.

iv) Consultation with Ground-based Broadcasters: TRAI while submitting its recommendations dated 19th November 2014 on "Regulatory Framework for Platform Services" invited suggestions via public domain and held Open House Discussions (OHDs) with stakeholders involved. However, it is felt that GBBs did not participate in large numbers in the consultation process as the main focus was on PS Channels. As the recommendations seek to regulate GBBs, thorough consultations are necessary with them before enacting guidelines.

- 1.8 In view of the above, MIB has requested TRAI for a fresh review and recommendations on “Regulatory Framework for Ground-based Broadcasters” under Section 11(1)(a) of TRAI Act, 1997.

C. Consultation Process by TRAI

- 1.9 Pursuant to the above-mentioned reference by MIB dated 22nd May 2024, TRAI convened a pre-consultation meeting with stakeholders on 01st August 2024, wherein the stakeholders put forth their views on the matter and a few of them had submitted written comments thereon.
- 1.10 Subsequently, TRAI issued a Consultation Paper on ‘Regulatory framework for Ground-based Broadcasters’ on 18th October 2024, seeking comments/counter comments from stakeholders.
- 1.11 In response, TRAI received 22 comments and 2 counter comments. The comments and counter comments are available on TRAI’s website. Subsequently, an Open House Discussion (OHD) in online mode was held on 20th December 2024. The comments, counter comments and OHD submissions have been analysed and considered by TRAI while framing these recommendations.

D. Scope of this Recommendation

- 1.12 The scope of this recommendation is limited to regulatory framework for Ground-based Broadcasting services including communication technology options to be allowed and conditions/restrictions, if any, to be imposed for such broadcasters for providing their channels to the DPOs.

E. Structure of the document

- 1.13 This recommendation has been divided into three chapters. Chapter I covers background and introduction. Chapter II discusses regulatory framework for Ground-based Broadcasters. Chapter III presents a summary of recommendations.

CHAPTER II

REGULATORY FRAMEWORK FOR GROUND-BASED BROADCASTERS

- 2.1 The guidelines for uplinking and downlinking of satellite television channels issued by MIB from time to time contains terms and conditions for television broadcasting services. The said guidelines provide for use of satellite medium for delivery of television channels to the DPOs and therefore, it apparently restricts use of terrestrial communication medium for broadcasting of television channels. The latest guidelines i.e., 'Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022' dated 9th November 2022 are annexed **(Annexure II)**.
- 2.2 Technological advancements and availability of economical terrestrial transmission systems have made it possible that the broadcasters may like to choose to transmit their television channels for retransmission at the headend of the DPO using alternate technologies other than satellite medium, in a cost-effective manner. This has necessitated the need to look at the concept of ground-based channels, which can be transmitted using terrestrial communication mediums (other than satellite). Here, uplinking and downlinking of such channels may not be required. It is also possible that ground-based channels may be carried on multiple DPO networks simultaneously like traditional television channels. However, there is no clear regulatory framework for broadcasting of such ground-based channels.
- 2.3 Today, even if the broadcaster and the DPO reside in the same or adjacent building, the regulatory framework mandates broadcaster to use satellite medium to provide their signals to the DPO. This not only leads to inefficient utilisation of scarce spectrum resource but also increases costs. Permitting alternate technologies other than satellite

medium, may address the limitations of satellite spectrum, reduce costs, and facilitate in embracing technological advancements while promoting consumer interest. Some of the technologies that may be used in ground-based broadcasting ecosystem and that by satellite-based broadcasting ecosystem are shown in Figure1.

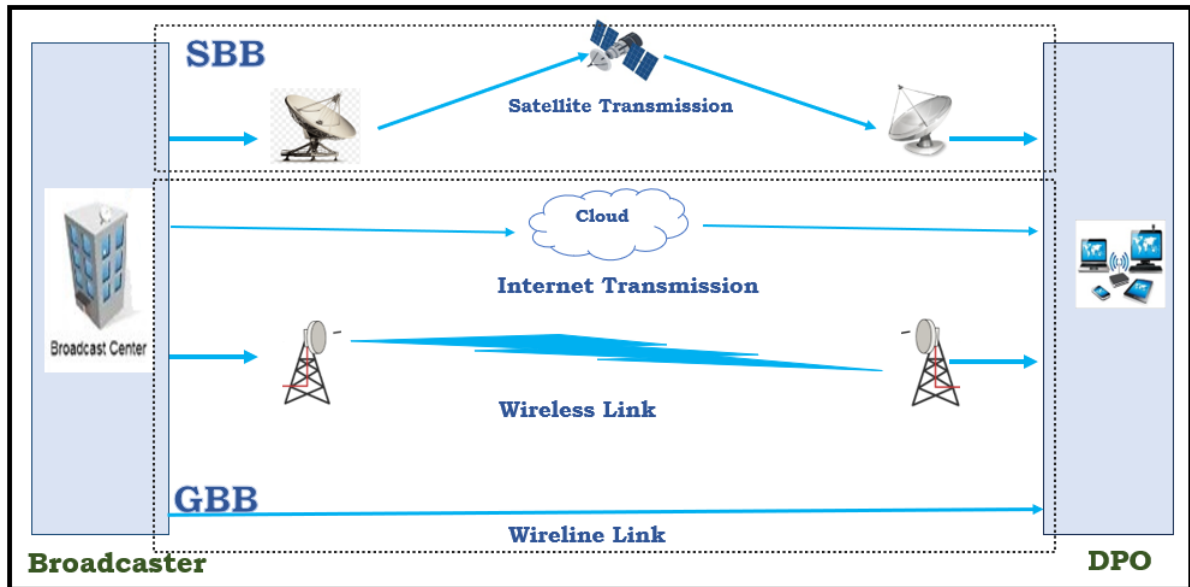


Figure 1: Satellite-based Broadcasting and Ground-based Broadcasting

- 2.4 The broadcaster using satellite-based communication medium has been termed herein as Satellite-based Broadcaster (SBB) and that using terrestrial communication medium has been termed herein as Ground-based Broadcaster (GBB).
- 2.5 GBBs can leverage advanced communication technologies to transmit and distribute content efficiently to DPOs. Alternate technologies may potentially offer a comparable or better quality of viewing experience vis-à-vis satellite-broadcast, sometimes at a significantly lower cost. Cloud-based platforms, may allow broadcasters to store, manage, and deliver content seamlessly through the Internet or any other digital medium, ensuring flexibility and scalability in content distribution.

Broadband networks can play a crucial role in enabling high-speed data transmission, making it possible for GBBs to deliver high-quality video streams, including live broadcasts, to DPOs via the Internet. Additionally, fibre technology may facilitate the delivery of television channels to DPOs through fibre-optic networks. However, reach may be an issue in case of some terrestrial communication technologies that may be used for Ground-based Broadcasting.

2.6 The forthcoming paragraphs discuss issues related to regulatory framework for Ground-based Broadcasters.

2.7 Regulatory issues related to GBB were raised in the consultation paper. The issues for consultation have been categorised in the following groups for the purpose of discussions:

- Group 1: Definition, Scope and Service Area (Q1 to Q4)
- Group 2: Annual Fee and regulatory framework for GBB at State level (Q5 and Q7)
- Group 3: Teleport Hub (Q6)
- Group 4: Application of extant Regulations/Tariff orders of TRAI (Q8 and Q9)
- Group 5: Use of alternate communication medium (Q10 to Q12)
- Group 6: Regulatory framework (Q13 and Q14)
- Group 7: Other Issues (Q15)

A. Group 1: Definition, Scope and Service Area (Q1 to Q4)

2.8 In the consultation paper, the following issues for consultation were raised:

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.”

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.

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.

Q4. Whether GBBs should be permitted/authorised 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/authorisations beyond which national level permission/authorisation must be obtained?

Comments of the Stakeholders on Q1

Definition of “broadcaster”

- 2.9 Regarding the definition of “broadcaster” many stakeholders agreed with the proposed definition. On the other hand, another opinion received during the consultation process was that “broadcaster” is defined by the Cable Television Networks (Regulation) Act, 1995 (hereinafter called CTN Act) and Cable Television Networks Rules, 1994 (hereinafter called CTN Rules), and therefore the definitions as mentioned in the CTN Act/ CTN Rules should not be modified. Another opinion received during the consultation process was that the definition of broadcaster may be modified as follows:

“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 only to the licensed Distribution Platform Owners (DPOs) and includes their authorized distribution agents;

2.10 Further, an association opined that a broadcaster who is broadcasting to the public through any technology should be called a Broadcaster because that entity is Broadcasting i.e. communicating with the public and the medium of carriage (terrestrial or satellite), should not change the definition of Broadcasting under the Act and hence, there should be one common definition of Broadcasting, notwithstanding the medium of distribution. Another stakeholder expressed that the given definitions are correct in their literal sense but, in reality, the broad definition of “Broadcaster” is simply – a person or entity which is engaged in “Broad” casting audio or video or audio-video signals through any medium of communication. The broadcast medium may include traditional technologies such as radio waves, air waves, terrestrial, satellite, cable, broadband, fiber, mobile or any mode of public communication existing or to exist in future.

Definition of “programme”

2.11 With respect to the definition of “programme”, some stakeholders agreed with the proposed definition, whereas an opinion received in the consultation process said that the term “*programme*” is defined by the CTN Act and CTN Rules, and therefore the definitions as mentioned in the CTN Act/CTN Rules should not be modified. Further, many stakeholders suggested modifications to the proposed definition. Some of such stakeholders opined that 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 and that by doing so, OTT players are clearly circumventing the present regulatory mechanism. Therefore, the definition of the programme should be clear and shall include the channel which should not be limited to linear television. They suggested that the word “Television”

needs to be omitted from definition of Programme and definition of programme may be modified 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;”

2.12 One of the opinions received during the consultation process suggested the following modification in the definition of “Programme”:

“programme” means any television broadcast and includes-

- (i) exhibition of films (be it feature films, commercial films or documentary films), features, dramas, advertisement and serials;*
- (ii) News & current affairs, non-news & current affairs, educational and any kind of content of other genres.*
- (iii) any audio or visual or audio-visual live performance or presentation or recoding thereof.*

and the expression “programming service” shall be construed; accordingly,”

2.13 Another opinion received during the consultation process suggested the following modification to the proposed definition of “programme”:

“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;”

Definition of “Satellite-based Broadcasting”

2.14 Regarding the definition of “Satellite-based Broadcasting”, a few stakeholders agreed with the proposed definition as provided in the Consultation Paper. While on the other hand, many stakeholders opined that the terms ‘Satellite-based Broadcaster’ and ‘Satellite-based Channel’ should also need to be defined alongside the definition of Satellite based broadcasting and suggested following modifications to the proposed definition of Satellite-based broadcasting.

“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.”

2.15 These stakeholders mentioned that as per clause 11 (3)(f) of downlinking guidelines, Satellite Broadcasters can provide their decoders “only” to four DPOs i.e. DTH, IPTV, MSOs and HITS; and hence the above modifications are proposed. Another suggestion received was addition of the phrase “and the expression “Satellite-based channel” shall be construed accordingly” to the proposed definition.

Definition of “Ground-Based Broadcasting”

2.16 With respect to the definition of “Ground-based Broadcasting”, a few stakeholders agreed with the proposed definition. On the other hand, many stakeholders suggested modifications to the proposed definition. These stakeholders have opined that the phrase “using terrestrial

communication medium for delivering” should not be incorporated in the definition of Ground-based Broadcasters. Some of these stakeholders have submitted the following definition:

“Ground-based Broadcasting” means delivery of programme / providing programming services in the form of channels excluding satellite-based broadcasting to the distributors of television channels only to the licensed distribution platform operators, and the expression ‘Ground-based Broadcaster’ shall be construed accordingly.”

2.17 While a stakeholder’s association submitted that the word “terrestrial” has been incorrectly used in the proposed definition of “Ground-based Broadcasters” in the Consultation Paper, since terrestrial transmission is essentially transmission of signals over-the-air through terrestrial frequency bands and not by use of fibre, cloud, etc. Therefore using “terrestrial” would exclude transmission to distributors by other means, defeating the objective of defining Ground-based Broadcasters. On similar lines another view received was that the term “terrestrial” should not be used to define the technology for ground-based broadcasting as it creates confusion.

2.18 Another suggestion received during the consultation process was incorporation of an explanation to have a clear definition of GBB as follows:

“Ground based Broadcasters means the Broadcaster providing programming services on ground-based channel using terrestrial communication medium for delivering channels to the licensed Distribution Platform owners (DPO), which shall not include PS channel however would include IP based channel.

(Explanation:

(i)The rights and responsibility for the content, and the ad revenues from Ground based Channel shall belong to the channel owner i.e. the ground-based broadcaster, however ground-based broadcaster may

allow to share the advertisement revenue with DPO, if commercially agreed.

(ii) GB Channels are non-exclusive to any particular platform and be simultaneously transmitted to multiple DPOs for further retransmission.”

2.19 One of the opinions received in the consultation process was to define "Ground-based Broadcasting" as transmission via terrestrial communication media (e.g., fibre, broadband, cloud), explicitly excluding satellite use, emphasize content accountability, irrespective of the broadcasting medium and align all definitions with ITU standards to ensure consistency.

2.20 Further, one of the suggestions received was to incorporate the definition of "Terrestrial" as follows:

"Terrestrial" means distribution of Channels through earth route (whether below or on the earth and not through satellites), which shall inter-alia include Channels distributed through IP mode also.

2.21 Another opinion suggested that there should be a definition which is technology or medium agnostic. The technology and mediums will evolve as newer technologies evolve. Another school of thought was that two types of programming services may be transmitted using terrestrial communication: Ground based Channels and Platform Service Channels, hence, a clear distinction between the two is essential. They proposed following definition of 'Ground based Channels' and Platform Service Channels":

"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.”

“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.

Comments of the Stakeholders on Q2

2.22 In response to Q2 of the consultation paper, many stakeholders opined that there is a need for clear distinction between SBB and GBB. A faction of such stakeholders submitted that 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. In addition to these, they further mentioned other aspects of distinction that in their opinion needs to be passed on to Ground-based Broadcasters - *firstly*, a simple licensing and registration process as compared to Satellite based Broadcasters; *secondly*, Minimum eligibility criteria needs to be imposed; *thirdly*, “Must carry” and “Must provide” regulatory conditions not required to be imposed; *and lastly*, GB Channels should not be included in the ratings being declared or made available by television rating agencies.

2.23 Further, an association opined that GBBs and SBBs are distinct and there should be a separate regulatory framework for GBBs. In the event that GBBs are considered comparable to SBBs, an equivalent legal,

licensing, and regulatory framework for both SBBs and GBBs is necessary to ensure a level playing field.

- 2.24 In contrast to above, another group of stakeholders opined that there is no need for any distinction between SBB and GBB. Amongst them many stakeholders submitted that there should be parity in regulatory frameworks. One of views expressed was that despite difference in transmission methods, Ground-based Broadcasters, like their satellite counterparts, carry the same type of content and advertisements. An association opined that in principle there should be no distinction in the Regulatory Framework between GBBs and SBBs. Further, since Ground-based Broadcasters are not operating using satellite technology, therefore, the relevant clauses pertaining to satellite downlinking & uplinking may be exempted from the current Uplinking and Downlinking guidelines, however, the rest of the clauses should be made applicable to GBB. Further, an Association also opined that there should be parity in the regulatory framework for SBBs and GBBs since programming services are being provided to distributors by both. This would be best achieved by maintaining a light-touch regulatory framework, i.e. levelling down regulations for SBBs while moving towards deregulation across the sector.
- 2.25 A stakeholder opined that creating a differential regime for the SBB and GBB can lead to many complications and imbalance in the industry and pricing of the channels is impacted if there is a different regime for the GBB. The stakeholder opined that a few broadcasters may try to launch GBB channels just to get around the pricing and NTO guidelines. Another stakeholder opined that there should not be any distinction between GBB and SBB because the nature of their work is similar, the output is similar, and the goal is similar. The only difference is the mode of communication technology used.

2.26 Another view received during the consultation process was that GBB being a new scenario should be regulated with light touch, and commercial terms may be put under forbearance. Simple licensing and registration process as compared to SBB be introduced according to them. Reasonable entry barrier such as net-worth etc. need to be imposed, so that only serious players can enter. All the provisions in the Regulations as applicable to SBB (such as signing of Interconnection agreement, must carry, must provide, fixation of MRP, non-discrimination etc.) be applied *mutatis mutandis* to GBBs. Non applicability of Regulation on GBB would lead to creating a big loophole in the system, as those traditional broadcasters/SBB who do not want to follow or want to circumvent the regulations, will shift to GBB mode. GBB may enter into fix fee deal for the similar channel, while broadcaster under regulatory regime would be charging the fee on the basis of subscriber base. GBB, like SBB, can also be vertically integrated with a DPO. GBB should also have the same genres of channel, and the carrying of advertisements and the ad-revenue should accrue to the channel owner.

2.27 Another opinion received during the consultation process was that a distinction needs to be drawn between GBB and SBB based on following three criteria: i) “Means of transmission – SBBs require satellite transmission, while the GBBs require terrestrial infrastructure; ii) Reach – SBBs can have a Pan- India presence while GBBs may have a smaller reach; and iii) Permissions required – SBBs require MIB, DoS and WPC permissions. Also, they need to adhere to the TRAI Regulations and CTN Act. For GBBs, except for usage of spectrum from DoS and WPC, all other regulatory requirements should be made applicable.

2.28 On the other hand, an association submitted that GBBs and SBBs operate in distinct and fundamentally different domains of the

broadcasting ecosystem. Attempting to regulate them under a single framework would be counterproductive. The association recommended TRAI to conduct a comprehensive study of the GBB sector before finalizing a regulatory framework. This study should include mapping existing GBB services, analysing their business models, licensing frameworks, and market challenges, and evaluating the impact of potential regulatory approaches. The association further submitted the following aspects of distinct characteristics of GBBs:

- (i) Coverage and Reach Characteristics: GBBs serve a distinct market need by primarily providing localised services that cater to specific DPO demands, creating a marked contrast with the national reach of SBBs. Coverage of GBBs remains inherently limited due to their reliance on terrestrial transmission infrastructure, while SBBs broadcast over extensive geographical areas using satellite technology
- (ii) Content Focus and Programming Strategy: GBBs create and curate local content that addresses specific community needs and interests. SBBs cater to broader, more generalised audience preferences across national markets.
- (iii) Platform Service Enhancement Capabilities: DPOs can effectively outsource their platform service requirements to GBBs.
- (iv) Content Diversity and Media Plurality: GBBs serve as essential contributors to media plurality and content diversity
- (v) Economic Impact and Market Development: GBBs generate substantial economic benefits for local communities.
- (vi) Consumer Choice and Access: GBBs enhance consumer choice through provision of diverse, locally relevant content.

The association further proposed a Regulatory Approach wherein three distinct categories of services should be recognized:

- i) Ground-based Broadcasting: Locally focused channels, with content rights and revenue shared between GBBs and DPOs based on agreements. Content is distributed through terrestrial means and is comparable to platform services.
- ii) Platform Services: Exclusive programming services offered by DPOs to their subscribers, with content rights and revenue fully controlled by the DPO.
- iii) Traditional Satellite Broadcasting: Nationally distributed channels under the established uplinking/downlinking framework.

The association furthermore proposed recommendations for GBB Regulation as follows:

- i) Implement differentiated regulations for GBBs that reflect their unique market role and operational scope.
- ii) Extend existing platform service regulations to GBBs, including reserving 5% of DPO network capacity for GBB channels.
- iii) Recognize GBBs as vital contributors to local talent promotion, consumer choice, and media diversity.

The association also suggested an alternative approach in case GBBs are treated like SBBs. They mentioned that if GBBs are equated with SBBs, a unified regulatory framework must ensure competitive parity. This includes addressing differences in infrastructure, market scope, and investments to avoid disadvantaging either category. Any such framework must protect the substantial investments made by existing SBBs while fostering innovation and ensuring a level playing field.

Comments of the Stakeholders on Q3

2.29 In response to Q3 of the consultation paper, most of the stakeholders opined that all terrestrial transmission mediums be permitted under the scope of GBBs. They suggested that all the terrestrial transmission

medium(s) such as fibre, broadband, cloud etc. should be permitted under the scope of GBBs. Some of them opined that 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. One of the views amongst them was that a regulatory framework that only accommodates certain terrestrial technologies, while overlooking others, would limit the sector's ability to evolve and innovate. Another view emerged was that distribution could be via, satellite, broadband, fibre, cloud etc in present context and in future could be DTT, D2M (using ATSC 3.0 or 3GPP). One of the opinions received was that all non-satellite medium of broadcasting should be permitted in order to facilitate wider and cost-effective coverage for GBBs. One stakeholder submitted that all technologies of transmission existing or to exist should be allowed. The world is changing, the content consumption patterns are changing, and the need of the hour is to consider economic, regulatory as well as technological ease factors in mind.

- 2.30 One opinion received during the consultation process was that the word “terrestrial” has been incorrectly used, since terrestrial transmission is essentially transmission of signals over-the-air through terrestrial frequency bands and not by use of fibre, cloud, etc. Therefore using “terrestrial” would exclude transmission to distributors by other means, defeating the objective of defining GBBs. While another association was of the view that the definition of “Ground-based Broadcasting” provided in Question 1 of the Consultation Paper refers to programming services using terrestrial communication mediums to distributors of television channels. However, the interpretation under the current question appears to broaden the scope of terrestrial transmission mediums to include fibre, broadband, cloud, etc. This interpretation is inconsistent

with the fundamental nature and framework of terrestrial transmission mediums and seeks to unjustifiably broaden the scope of the definition without any reasonable explanation.

- 2.31 Another opinion received was that Paragraph 2.17 read with paragraph 2.20 under Chapter II of the Consultation Paper raises serious concern for the sound recording rightsholders as it suggests a broad definition of “Broadcaster” to include someone who is broadcasting to public through satellite, cable, social media, fibre, cloud, P2P, broadband or any other means. And that such proposal for broad definition would have detrimental impact on the Indian Music Industry member record companies that contribute significantly to the Indian music value chain and to the broader Indian economy. The stakeholder requested TRAI to clarify and limit the definition of "Broadcasting" to linear, one-to-many (or “point to multipoint”) transmissions in order to avoid harmful regulatory overreach.

Comments of the Stakeholders on Q4

- 2.32 In response to Q4 of the consultation paper, many stakeholders opined that GBBs should be permitted/authorized at State and National Level. One of the views amongst them was that there should be a single license which needs to be issued by MIB, 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 and that said license should be issued post clearance from MHA, so that promoters/channels of the GBB are verified before granting them license.
- 2.33 Another view that emerged during the consultation process suggested that GBB should be registered at State level. However, if 60% of the content of the local channel is comprised of generalized content not confining to or related to the local or region of a particular state, and

the presence of the said local channel is in minimum 10 states (1/3 of total states of the country) in such a case they can be allowed to register at National Level. In addition, the SBB may also plan to distribute the channel via terrestrial mode, in such a case they should be allowed to register at National level but subject to relevant regulations and conditions.

- 2.34 On the other hand, another school of thought opposed the separate State and National-level categories. An association opined that GBB should not be restricted on the basis of geography. In today's era where the world has become a global village due to evolution of technologies which transmit data in real-time, there should be no geographical restrictions on the provision of services by GBBs. All permissions should allow the GBB to operate at a national or state level based on their business and technical capabilities. This will eliminate the need for multiple permissions, contributing to ease of doing business. This is also in line with the SBB wherein there is no such restriction to operate at State/regional level and the SBB is free to operate and align its business as per the market demand or potential. Another stakeholder opined that all broadcasting should be regulated under one regime – National. The national Interest and the larger public interest are supreme. While the State governments can be driven by various bias including electoral politics, the National Government has only one interest – National. One of the views expressed during CP was that there should be one category of the permission/authorisation. In case the permissions/ authorisations are divided into state or national level, then regulatory provisions cannot be adhered to. Further, the monitoring of the channels is another aspect that needs to be considered. EMMC monitors the channels, and it will be a herculean task to keep on tracking the state wise Ground-based Broadcasters and monitoring them. There should be a mandate for the Ground-based

Broadcaster to ensure that it provides the channels to the monitoring facility at its cost and ensure its uninterrupted monitoring.

- 2.35 On the question of separate permissions in multiple states for GBB and requirement of any ceiling for National-level permission, one of the views was that when GBB extends beyond 15 states it should be considered a pan-India presence. In such cases, these GBBs should be subject to the same obligations as traditional SBB.

Analysis of the comments and views of the Authority

- 2.36 The existing regulatory framework for broadcasters mandates the use of satellite-based technologies for the delivery of television channels to Distribution Platform Operators (DPOs). However, advancements in technology have made it possible for broadcasters to utilize ground-based communication technologies other than satellite medium, for the delivery of television channels. If the regulatory framework does not permit terrestrial communication medium, then the service providers may not be able to reap the benefits of technological developments and use other communication medium options which may be comparatively advantageous. Therefore, a need is felt to create an enabling framework which facilitates the use of multiple communication technologies for delivery of content to DPOs by the broadcasters.

- 2.37 The Authority is of the view that it is essential to establish an enabling framework for Ground-based Broadcasters so that the service providers are able to reap the benefits of technological developments. An enabling technology agnostic regime, which facilitates growth and technological developments, while protecting the consumer's interest, needs to be promoted to foster overall growth. Therefore, the choice of technology that the broadcaster wishes to use for providing its channels to the DPO may be left to the service providers. It is also expected that adding a category of authorisation of GBB may give an opportunity to

existing/new broadcasters to upgrade to or start HD channels which they couldn't do in the extant regime due to high costs of satellite bandwidth.

2.38 Accordingly, the Authority is of the view that there is a need to establish a regulatory framework for Ground-based Broadcasting. This framework should align with the Guidelines for 'Uplinking and Downlinking Television Channels in India, 2022' for satellite-based broadcasters, with necessary adaptations for the ground-based broadcasting model.

2.39 The reasoning for this approach is grounded in several key considerations. Firstly, while GBBs and SBBs differ in transmission methods, they ultimately serve similar functions in terms of delivering content and advertisements to audiences through DPOs. Differentiating the regulatory framework could create opportunities for regulatory arbitrage, where service providers may exploit gaps in the system to avoid compliance with stricter obligations, potentially distorting competition and undermining the regulatory objectives. Adopting a similar framework ensures level playing field and shall foster healthy competition. By subjecting GBBs to the same obligations as SBBs, except for spectrum-related clearances from Wireless Planning and Coordination (WPC) wing of the Department of Telecommunications and space related clearances from the Department of Space (now IN-SPACe), the Authority acknowledges operational differences without compromising regulatory consistency.

2.40 Similar regulatory framework for GBB and SBB ensures that all broadcasters, irrespective of their transmission method, adhere to the same terms and conditions thereby promoting principles of fairness and non-discrimination.

2.41 Clear definitions of key terms such as broadcaster, programming services, broadcasting networks, satellite-based broadcasting, and Ground-based Broadcasting are essential to delineate the scope and avoid ambiguity. These definitions help establish that both SBBs and GBBs are engaged in the provision of same television channel broadcasting services through different communication mediums and must be subject to a comparable regulatory framework, with adaptations as necessary.

2.42 The definition of ‘Broadcaster’ and ‘programme’/ ‘programming service’ as provided the Cable Television Networks (Regulation) Act, 1995² is reproduced as under:

“(a)ii) “Broadcaster” means a person or a group of persons, or body corporate, or any organisation or body providing programming services and includes his or its authorised distribution agencies;

*(g) “programme” means any 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;”*

2.43 The Cable Television Networks Rules, 1994 defines the Broadcasters as follows:

““Broadcaster” means any person including an individual, group of persons, public or body corporate, firm or any organization or body

² As defined in the Article 2(a)ii) and (g) of the Cable Television Networks (Regulation) Act, 1995, as amended, available at https://www.indiacode.nic.in/bitstream/123456789/15345/1/the_cable_television_networks_%28regulation%29.pdf

who/which is providing programming services and includes his/her authorized distribution agencies;”³

2.44 The Prasar Bharati (Broadcasting Corporation of India) Act, 1990 Act⁴ defines the “Broadcasting” as follows:

““broadcasting” means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public either directly or indirectly through the medium of relay stations and all its grammatical variations and cognate expressions shall be construed; accordingly,”

2.45 The draft “Broadcasting Services (Regulation) Bill 2023⁵, which was issued by MIB on 10.11.2023 for public consultation, defined the “Broadcasting” and “Broadcaster” as follows:

““Broadcaster” means a person who provides programming services and has been provided a registration under Section 11 for uplinking or downlinking of programmes, and in relation to Radio, OTT and Terrestrial broadcasting network, means the operator of such service;

“Broadcasting” means one-to-many transmission of audio, visual or audio-visual programmes using a broadcasting network, intended to be received or made available for viewing, by the general public or by

³ As defined under Rule 2(aa) of the Cable Television Networks Rules, 1994, as amended, available at <https://traai.gov.in/sites/default/files/CableTelevisionNetworksRules1994.pdf>

⁴ As provided under section 2(c) of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990, available at <https://prasarbharati.gov.in/prasar-bharati-act/>

⁵ As provided under section 2 (1) (f) & 2 (1) (i) of the MIB’s draft “BROADCASTING SERVICES (REGULATION) BILL, 2023” available at https://mib.gov.in/sites/default/files/Public%20Notice_07.12.2023.pdf

subscribers of the broadcasting network, as the case may be, and the expression “broadcasting services” shall be construed accordingly;

NOTE: The draft “Broadcasting Services (Regulation) Bill 2023 was issued on 10th November 2023 by MIB⁶ for comments/ feedback from Stakeholders with due date of 09th December 2023. Subsequently, the deadline for stakeholder’s comments/ feedback was extended till 15th January 2024⁷. MIB is holding a series of consultations with the stakeholders on the draft bill. Further additional time was provided to stakeholders to submit comments/ suggestions till 15th October, 2024. A fresh draft will be published by MIB after detailed consultations.⁸

2.46 As per the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (as amended) (hereinafter called the Interconnection Regulation 2017)⁹, the definition of “Broadcaster” and “Broadcasting services” are as follows:

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

“broadcasting services” means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public

⁶ Public Notice issued by MIB dated 10th November 2023 (downloaded from MIB website on 09/10/2024)

⁷ Public Notice issued by MIB dated 7th December 2023 (downloaded from MIB website on 09/10/2024)

⁸ Source: https://x.com/MIB_India/status/1823028351935672507

⁹ https://www.trai.gov.in/sites/default/files/CR_18072024.pdf

either directly or indirectly and all its grammatical variations and cognate expressions shall be construed accordingly,”

- 2.47 Most of the abovementioned definitions of ‘broadcasting’ or ‘broadcasting services’ mentioned in the pre-paras do not specifically mention about the medium of broadcasting i.e. whether it is satellite-based or ground-based/terrestrial; however, the definition of ‘broadcaster’ at some places do mention about uplinking/downlinking, which relate to use of satellite. The definition in Prasar Bharati (Broadcasting Corporation of India) Act, 1990 uses the term “through space” or “through cables”, which relates to both satellite and terrestrial communication medium.
- 2.48 The Authority is of the view that a technology-agnostic definition may be adopted as it allows the sector to evolve with advancements in technologies and enable service providers and in turn consumers to reap the benefits of technological advancements.
- 2.49 Mandating satellite-based uplinking and downlinking as the sole medium for broadcasting imposes unnecessary restrictions on broadcasters, limiting their ability to innovate and adapt to evolving market demands. By permitting GBBs to use all terrestrial communication mediums, the Government can provide an enabling framework, which would increase efficiency, reduce costs and enable entry of small players as broadcasters who could not do so due to high costs of satellite bandwidth. This would also enable existing SD channels to upgrade to HD channels. This flexibility would thus provide broadcasters, greater control over their operations and enable them to cater to the needs of their audiences in a better way.
- 2.50 In view of above, the Authority is of the opinion that a broadcaster may be permitted to use satellite-based communication medium and/or

terrestrial communication medium¹⁰. The Authority is also of the view that a GBB should be permitted to use any terrestrial communication medium(s). There should not be any restriction on the use of terrestrial transmission technologies/systems. However, a GBB should provide intimation, at least 15 days in advance, to the Central Government before undertaking any significant upgradation/expansion/changes in the transmission and distribution system/network configuration.

2.51 Regarding service area, the Authority is of the opinion that the service area of GBB should be same as the service area for traditional satellite-based broadcasters. No geographical distinctions may be made at this stage on the provision of services by GBBs and in line with the regulatory framework for SBB, GBBs may be permitted to operate at National level. Permitting GBB at National level will not only assist in ensuring a technology neutral and transmission medium agnostic regime, enable easy monitoring but will also create a comparable Regulatory framework for GBBs and SBBs. Further, permitting broadcasters at State level may create monitoring challenges for the Government.

2.52 As far as the requirement of local content is concerned, the Authority noted that such requirements can be met through platform services (PS) of the DPOs. As per the 'Guidelines for Platform Services offered by Multi System Operators' issued by MIB on 30th November 2022¹¹, the total number of permitted PS channels for MSO is capped at 5% of the total channel carrying capacity of the MSO including PS of LCOs. Similar provision exists for DTH operators. Further, the MSOs are also allowed to telecast two additional PS Channels at each District level. As

¹⁰ 'Terrestrial Communication Medium' means a communication medium using ground infrastructure, which includes but not limited to wireline (e.g. cable/fibre, etc.)/wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud or any other equipment/system other than satellite medium.

¹¹ Source: MIB's website

<https://mib.gov.in/sites/default/files/Guidelines%20for%20Platform%20Services%20offered%20by%20Multi%20System%20Operators..pdf>

per the data reported to TRAI for quarter ending September 2024, the number of reported PS channels of 2 DTH and 2 MSOs are as follows:

S.No	Type of DPO	Number of PS channels
1	DTH	54
2	DTH	37
3	MSO	186
4	MSO	111

2.53 From, the above, it is evident that DPOs are operating multiple PS channels on their respective platforms, which seems to be sufficient to meet the requirements of local content, at this stage.

2.54 In view of the above, the Authority is of the opinion that the service area for GBB may be kept at National level at this stage. In case, MIB, at a later stage finds a need for the GBBs to be permitted/authorised¹² at State/Regional level also, it may seek the Authority's recommendations afresh, regarding State/Regional level service area and related fees/charges etc.

2.55 In view of the above, **the Authority recommends that**

- a) **The terms “Broadcaster”, “Programme”, “Broadcasting Network”, “Satellite-based Broadcasting”, “Ground-based Broadcasting”, “Terrestrial Communication Medium” and “Ground infrastructure” should have the following definitions:**

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

¹² “authorisation” means a permission, by whatever name called, granted under Telecommunications Act, 2023 for— (i) providing telecommunication services; (ii) establishing, operating, maintaining or expanding telecommunication networks; or (iii) possessing radio equipment;

“Programme” means any audio or visual or audio-visual content, sign, signals, writing, images which is transmitted using a broadcasting network, and includes but not limited to-

- (i) exhibition of films, features, dramas, documentaries, advertisement and serials;***
- (ii) News & Current Affairs, Non-News & Current Affairs, educational content;***
- (iii) any audio or visual or audio-visual live performance or presentation or pre-recorded content;***

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

“Broadcasting Network” means a system used for the transmission of programmes, and provision of broadcasting services;

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

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

“Terrestrial Communication Medium” means a communication medium using ground infrastructure, which includes but not limited to wireline (e.g. cable/fibre, etc.)/wireless (e.g. cellular/microwave/Wi-Fi,

etc.)/internet/cloud or any other equipment/system other than satellite medium;

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

- b) In line with the Authority’s recommendation on ‘Regulatory Framework for Platform Services’ dated 19th November 2014 the Authority reiterates that a regulatory framework for Ground-based Broadcasters (GBBs) should be established. The framework for Ground-based Broadcasters shall be similar to the framework contained in the ‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022’ for traditional satellite-based broadcasters, to the extent applicable to the ground-based broadcast model, duly excluding the provisions related to satellite communication medium. Thus,
- Authorization from IN-SPACe and frequency assignment from WPC wing of Department of Telecommunications, Ministry of Communication shall not apply for Ground-based Broadcasters.
 - However, Ground-based Broadcasters shall be subject to all other clearances and approvals such as clearance by the Ministry of Home Affairs, and wherever considered necessary, by other authorities.
- c) The scope of Ground-based Broadcasters shall be to provide television channel(s) to Distribution Platform Operators

(DPOs) using terrestrial communication medium, for onward re-transmission.

- d) A Ground-based Broadcaster may use any terrestrial communication medium(s), for delivery of channels to the DPOs. There shall be no restriction on the use of terrestrial communication technologies/systems and the entity may use more than one such systems, as per its business decision.**

Provided that the permission holder/authorised entity shall furnish technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipment/instruments to be used for transmission and distribution, the Block schematic diagram of the transmission and distribution system.

Provided further that the entity shall provide intimation, at least 15 days in advance, to the Central Government before undertaking any significant upgradation/expansion/changes in the transmission and distribution system/network configuration.

Provided also that if a GBB intends to use satellite-based communication medium for a channel, either in replacement or in addition to terrestrial communication medium, the entity shall be required to obtain permission/authorisation for satellite-based broadcasting for that channel. In such cases, the entity shall submit an undertaking that it shall ensure continuity of services to the DPOs with whom it has valid interconnection agreements.

- e) The service area for a Ground-based Broadcaster shall be at National level.**

- f) The DPOs can only distribute channels received from SBB and GBB or their own Platform Services.**

B. Group 2: Annual Fee and regulatory framework for GBB at State level (Q5 and Q7)

2.56 In the consultation paper, the following issues for consultation were raised:

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.

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:

- a) Processing Fee*
- b) Annual Fee*
- c) Net worth Requirement*
- d) Performance Bank Guarantee (PBG)*
- e) Other regulatory provisions*

Comments of the Stakeholders on Q5

2.57 In response to Q5 of the consultation paper, some stakeholders opined that GBB should pay annual permission fee of Rs. 7 lakhs per channel. An association opined that all broadcasters, whether SBBs or GBBs should pay the same annual fee to maintain parity and ensure that only serious players operate as broadcasters. Another association submitted that in principle, GBBs and SBBs should be treated at par. The annual permission fee for GBBs should be at par with SBBs at Rs. 7 Lakhs per year and that Net Worth requirements for all broadcasters- both SBBs

and GBBs, maybe relaxed so that they do not serve as entry barriers and the entrepreneurs, who are creating content and working on small scale, can make their business viable.

2.58 On the other hand, another school of thought that emerged during the consultation process disagreed that GBB should pay Rs. 7 lakhs per channel. One of the views suggested that GBBs are majorly small broadcasters operating at state level, few of them have expanded or may expand to the national level. 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. The other view suggested that a reasonable one-time registration/license fee may be considered and if any existing SBB starts distributing GB Channel, or if the turnover of GBB is more than two crores, they should be charged annual fee, this will help smaller GBB to compete with the SBB or bigger GBB and will create an enabling broadcasting environment. Another opinion suggested that Regulatory framework for ground-based channels having National level coverage may be kept at par with the framework contained in the Up-linking and Downlinking guidelines of MIB for satellite-based broadcasters for the reason of level playing field. However, for State level GBB, there is a need to compute annual permission fee on a pro-rata basis.

2.59 Another stakeholder submitted that DTH Operators are mandated to pay 8% AGR as License Fee annually (approximately coming to Rs. 300 crores) which is exorbitant and the SBBs only need to pay a meagre amount of Rs. 7 lakhs per channel. The imbalance is disproportionate, unfair, discriminatory and biased. The stakeholder requested to do away with the License Fee for DTH only or make it applicable to all Service Providers (DPOs, OTT Platforms and Broadcasters – SBBs and GBBs). Another opinion suggested for introduction of a tiered fee

structure: Rs. 3 lakhs for small-scale, Rs. 5 lakhs for medium, and Rs.7 lakhs for national-level broadcasters and adjustment fees based on market size and reach. One of the views expressed was that either all broadcasters pay the same fees, or no-one pays. The stakeholder opined that it is wrong to levy any fees as the Government is not providing any service to the Broadcasters. It is merely regulating and giving permission after satisfying itself of the seriousness and genuineness of the Broadcaster. Once Security and other clearances are done, the license permission should be a matter of routine.

Comments of the Stakeholders on Q7

2.60 Regarding the processing fee, some stakeholders opined that the processing fee for GBB should be Rs. 5,000 (one time). An association suggested that while the National level GBBs may be subjected to same regulatory provisions as SBBs, the smaller GBBs or state or regional level GBBs may be subjected to less onerous and light touch regulations in terms of proportionate reduction in processing fees as this would help in encouraging smaller players and entrepreneurs to enter the market and offer local/regional content to communities, etc. Another view that emerged was that GBBs operate with limited financial resources and are only able to generate revenue essential for business sustenance compared to larger broadcasters, hence imposing annual fee on them or any recurring fees would place an undue financial burden on them and hamper their operation. In such a case no Processing Fee and Annual Fee, be imposed and only a reasonable one-time registration/license fee may be considered. On the other hand, another group of stakeholders opined that the requirements for processing fee should be the same for all broadcasters whether SBB or GBB. One of the views expressed was that setting the financial requirements too low could incentivise broadcasters to migrate from satellite to ground-based mediums, thereby creating a competitive disadvantage for satellite

broadcasters. A reasonable fee structure, particularly one that is commensurate to the scale of operation, will still allow Ground-based Broadcasters to grow without making the costs prohibitively high. They suggested that the processing fees for all applications can be fixed at Rs. 10,000/- akin to the fees applicable to SBBs.

2.61 With respect to the annual fees for GBBs, some stakeholders submitted that Rs. 50,000 may be imposed on the state level GBB. An association opined that while the National level GBBs may be subjected to same regulatory provisions as SBBs, the smaller GBBs or state or regional level GBBs may be subjected to less onerous and light touch regulations in terms of proportionate reduction in Annual Fees. On the other hand, another faction of stakeholders opined that the requirements for annual fee should be the same for all broadcasters whether SBB or GBB. One of the opinions received was that the annual fees for GBB should be evaluated in the context of the broader industry, providing the regulator an opportunity to address the financial disparities between broadcasters and DTH operators. The stakeholder mentioned that presently, broadcasters don't pay license fee; instead, they pay a fixed annual fee of Rs. 7 lakhs per channel for uplinking and downlinking regardless of their revenue. In contrast, DTH operators pay a license fee based on the revenue they generate. To resolve this issue while ensuring the exchequer does not face any losses, it is proposed that all broadcasters, whether SBB or GBB or otherwise, should be subject to license fee based on their revenue generation on a "Pay-as-you-grow model" subject to a minimum License Fee of 10% entry fee. The contrary view expressed was that no annual fee, may be imposed and only a reasonable one-time registration/license fee may be considered.

2.62 Regarding the net worth requirements for GBB, some stakeholders opined that the net worth should be Rs. 1,00,000. An association submitted that while the national level GBBs may be subjected to same

regulatory provisions as SBBs, the smaller GBBs or state or regional level GBBs may be subjected to less onerous and light touch regulations in terms of proportionate reduction in net worth. While on the other hand, another group of stakeholders opined that net worth requirements should be the same for all broadcasters whether SBB or GBB. Another view received in the consultation process was that a tiered structure based on the scale of operations (e.g., Rs. 1 Cr for <15 states for first channel and Rs. 50 lakhs per every subsequent Channel, Rs. 5 Cr for >15 states i.e. at national level for first channel and Rs. 2.5 Cr per every subsequent Channel) may be prescribed. Another school of thought was that the net worth requirement for GBBs should be there, so that only serious players could enter into this business and suggested that a reasonable requirement of net worth be imposed.

2.63 Regarding Performance Bank Guarantees for GBBs, some stakeholders submitted that PBG for GBB should stand at Rs. 50,000. An association opined that the National level GBBs may be subjected to same regulatory provisions as SBBs, the smaller GBBs or state or regional level GBBs may be subjected to less onerous and light touch regulations in terms of proportionate reduction in PBG requirements. On the other hand, another faction of stakeholders opined that requirements for PBG should be the same for all broadcasters whether SBB or GBB. One of the views expressed during the consultation process was that PBG should stand at Rs. 1 Cr for <15 states; Rs. 2 Cr for >15 states. Another stakeholder opined that the imposition of requirements of bank guarantees on GBBs, who have small-scale and hyper-local content and have limited financial resources to meet such requirements, will not be suitable. This will create a burden on them and suggested there should not be any provision for imposing PBG.

2.64 With respect to other regulatory provisions that should be imposed on GBB operating at state level, some stakeholders advocated light-touch

regulations to support smaller players and regional GBBs. An association suggested that there is no difference between a national channel, regional channel, state channel or a city channel under SBB and accordingly there should be none for GBB and suggested for no separate regulatory provisions for state-level operations. One of the views received was that no fees should be levied on either broadcaster (SBB or GBB). Standard and universal regulatory provisions should be applicable across platforms and broadcasters.

2.65 Another school of thought was that there should not be a different category of the GBB at state level, there needs to be one category of national GBB, thus the charges applicable to the National level SBB be applicable to all GBB. State wise GBB cannot meet the must provide regulations and other requirements. One of the opinions received during the consultation process was that a GBB, like an SBB, can also be vertically integrated with a DPO.

2.66 One of the views expressed was that setting financial requirements too low could incentivize broadcasters to migrate from satellite to ground-based mediums, thereby creating a competitive disadvantage for satellite broadcasters. Further, regulatory framework for GBBs should impose a restriction on vertical integration with a DPO, similar to that for SBB. Specifically, vertically placed companies should be limited to holding no more than 20% of the shares in each other. Another view received was that the regulatory provisions for GBBs should be at par with those for SBBs.

Analysis of the comments and views of the Authority

Annual Authorisation fee

2.67 The Guidelines for 'Uplinking and Downlinking of Satellite Television Channels in India, 2022' prescribe an annual permission fee for SBBs.

Under these guidelines, SBBs are charged a cumulative fee of Rs. 7 lakh per channel annually for both uplinking and downlinking, comprising Rs. 2 lakh for uplinking and Rs. 5 lakh for downlinking.

2.68 As mentioned earlier, the Authority is of the view that the framework for GBB should be similar to the framework contained in the Guidelines for ‘Uplinking and Downlinking of Satellite Television Channels in India, 2022’ to the extent applicable to the Ground-based Broadcast model. Accordingly, the terms and conditions contained in the guidelines should be adopted *mutatis-mutandis* for GBBs.

2.69 It is essential to establish a uniform and equitable fee structure that is independent of the communication medium used by broadcasters to provide their signals to the DPOs i.e. for terrestrial and satellite-based communication systems. Therefore, the Authority is of the view that annual authorisation fee for GBB per channel should be same as that applicable for SBB i.e. annual authorisation fee application for GBBs should be Rs. 7 lakh per channel. Prescribing same annual authorisation fee per channel for both SBBs and GBBs will ensure parity and fairness in the regulatory framework. The amount of annual authorisation fee for GBBs should be aligned with the existing cumulative fee that SBBs pay for uplinking and downlinking a single channel, thereby maintaining consistency.

2.70 In view of the above, **the Authority recommends that Annual Permission/Authorisation Fee for GBB shall be Rs. 7 lakh per channel.**

Other Regulatory provisions

- 2.71 Other Regulatory aspects such as processing fee, net worth, performance bank guarantee and security deposit, etc. are dealt with in subsequent paragraphs.
- 2.72 During the consultation process, some stakeholders raised issues related to restrictions on vertical integration. In this regard, it may be noted that as per the license agreement for DTH services, DTH operator 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. Similarly, DTH operators are not allowed to hold or own more than 20% equity share in a broadcasting and/or cable network company. The Authority is of the view that similar provisions need to be incorporated in the Terms and conditions for GBBs. Accordingly suitable provisions have been incorporated in the terms and conditions recommended in Annexure III.

Regulatory framework for State level GBB

- 2.73 In the preceding section, the Authority has concluded that the service area for GBB may be kept at National level, at this stage. Hence, there is no need to address the regulatory provisions for GBBs at the State level, as this issue does not arise, at this stage.

C. Group 3: Teleport Hub (Q6)

- 2.74 In the consultation paper, the following issue for consultation was raised:

Q6. 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.

Comments of the Stakeholders on Q6

2.75 In response to the above issue almost all the stakeholders opined that similar provisions are not required in relation to any hub/gateway that may be required to be set up for distribution of television channels by GBBs. Some stakeholders opined that 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. Further, 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. Another stakeholder opined that since a GBB can use its servers to directly deliver content through terrestrial transmission mediums to DPOs for distribution of television channels; therefore, in case of GBBs, provisions for any teleport hub or gateway are not required.

2.76 An association submitted that no prescriptive provisions should be mandated regarding any technical requirements, and it should be left to the discretion of the broadcaster, including both GBB and SBB to decide according to their business model and availability of the best technology which is suited to the broadcaster. The association emphasized that even otherwise, there is no concept of a hub/gateway

which is required to be established for distribution of television channels by GBB. One of the views was that there is no need to impose any similar conditions on GBBs, only a light touch regulation be applied. Only minimum applicable provisions of IT Act be applied. Another opinion was that since GBB operate on wired or non-wired ground-based communication, they are not centrally governed by any law – except the law for National Security. The same regulatory guidelines as applicable for content delivery to SBB should be applicable to GBB. The GBB are compelled to provide better signal quality or else face viewer rejection. They have cheap methods available for HD or better transmission and hence do not require any provisions for signal delivery as signal formats may vary from platform to platform.

- 2.77 Another opinion expressed that similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of television channels by GBBs. Further, in case GBB is permitted, the uplinking and downlinking guidelines 2022 will have to be amended suitably to allow for the GBB via IP. As currently a SBB can put up a teleport of self or can use a third-party teleport, similarly a GBB can set up its own internet hub or may use a third-party service. And that the provision with respect to the availability of feed for the monitoring of the channel by EMMC need to be inserted.

Analysis of the comments and views of the Authority

- 2.78 The present Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 clearly define the concepts of teleport and teleport hub and prescribe the necessary provisions for their establishment and operation for SBBs.
- 2.79 However, GBBs will not require uplinking of channels to satellites. Instead, they will use terrestrial transmission mediums such as the

cellular, internet, broadband, fibre, or any other ground-based communication systems to directly deliver content to DPOs.

- 2.80 In the light of the operational distinctions between satellite and ground-based broadcasting, the Authority is of the view that no separate provisions are required to be made, at this stage, for GBBs regarding the establishment of hubs/gateway or similar infrastructure.

D. Group 4: Application of extant Regulations/Tariff order of TRAI (Q8 and Q9)

- 2.81 In the consultation paper, the following issues for consultation were raised:

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.

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?

(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.

Comments of the Stakeholders on Q8

2.82 In response to Q8 of the consultation paper, some stakeholders opined that extant Tariff Order/Regulations may be applied *mutatis mutandis* to GBB. An association submitted that GBBs should be subject only to a light-touch regulatory framework and to maintain parity, there should be levelling down regulations for SBBs while moving towards deregulation across the sector and until such time as deregulation is achieved at all levels, the extant Tariff Order, Interconnection Regulation and Quality of Service Regulation should be made applicable to GBBs. One of the views of such stakeholders was that it is vital that the extant Regulations are enforced for GBB in the same manner as for SBB, ensuring a level playing field and promoting fair competition within the sector. Another view of such stakeholders was that the extant provisions of the Tariff Order, Interconnection Regulation and Quality of Service Regulation along with the Cable Television Network (Regulations), 1995 should be made applicable to GBBs. Also, to the extent possible, the clauses under the Uplinking and Downlinking guidelines should be made applicable to the GBBs. There should a bar that the content being provided to DPOs should not be directly provided to subscribers through OTT or other mediums. Another association opined that while the same regulatory framework may be uniformly applicable to all broadcasters, for the smaller broadcasters viz. those catering to local/regional/communities only, the terms may be relaxed.

2.83 On the other hand, some stakeholders opined that extant Tariff Order/Regulations may not be applied *mutatis mutandis* to GBB. They believe that 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. 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 obligations of GBBs/GB channels cannot be made same, or even similar, to the obligations of traditional SBBs/SB channels and suggested 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.

- 2.84 Another opinion received in the consultation process was that all provisions applicable to SBBs should be extended to GBBs to ensure consistency, transparency, and prevent regulatory loopholes. Further, GBB being a new scenario should be regulated with light touch, and commercial terms may be put under forbearance and hence a simple licensing and registration process as compared to SBB be introduced. Besides that, provisions of applicable regulations to SBB (such as signing of Interconnection agreement, must carry, must provide etc.) be applied *mutatis mutandis* to GBBs. GBBs should sign interconnection agreements with DPOs to establish clear, non-discriminatory terms, reduce disputes, and enhance transparency. Another suggestion was that a more calibrated approach is required while dealing with GBBs as they are not as well placed as their SBB counterparts. A GBB with pan India Service Area however may be dealt similarly.

Comments of the Stakeholders on Q9

2.85 In response to Q9 of the consultation paper, several stakeholders opined that “Must Carry” and “Must Provide” regime should be applicable to GBB. An association opined that the same “Must Carry” and the “Must Provide” provisions under the current TRAI Regulatory framework, must be made applicable for GBBs, albeit with suitable relaxations for small GBBs. GBBs should be required to sign interconnection agreements with DPOs. This will clarify the terms of service, demonstrate non-discriminatory practices, and reduce disputes, thus enhancing transparency within the sector. However, in case of dispute between the two, TRAI may intervene to relax the regulatory provisions, especially for the smaller broadcasters or those serving local/regional/communities. Another association submitted that TRAI regulations should apply in a similar way on GBB channels as applicable on SBB since GBB can be similar to SBB in all respects except the transmission mode and any leniency may result in market distortion and till such time, light touch regulations are introduced for the broadcasting sector, the same regime should be made applicable to GBBs and SBBs to maintain parity and level playing field. One of the views expressed that only in case of GBBs with pan India license/service area, should the “Must Carry” and “Must Provide” regime be made applicable. Another view expressed that when the regulations become standardized and universal, then all regulations and laws would be equally applicable to all.

2.86 Another stakeholder opined that “Must Provide” clause should be there in the regulations on non-discriminatory basis subject to availability of facility and resources to make the channel available within the said state. They should be given a right to deny, which should be similar to the provisions mentioned in Interconnection Regulations. Must carry should be subject to availability of space and resources to make the

channel available within the said state and GB channels not to be counted in the 5% cap of the total channel carrying capacity of the MSO.

- 2.87 On the other hand, some stakeholders disagreed with the application of “Must Carry” and “Must Provide” regime on GBB. Many stakeholders amongst them opined that financially, GBBs often rely on smaller advertising revenues and localized sponsorships, which provide a much narrower financial base, and this limits their capacity for investments in upgrades, content diversity, or strategic expansion. Therefore, it is in this overall interest of DPO and GBB that 'Must Carry' and 'Must Provide' should not be mandated over them. One of the opinions suggested exemption of GBBs with limited geographies from "Must Provide" obligations and introduction of cost-sharing mechanisms for "Must Carry" provisions to ensure fairness.
- 2.88 On the issue of bandwidth/any additional cost sharing in “Must Carry” and “Must Provide” regime, some stakeholders agreed with the suggested cost sharing arrangement. One stakeholder submitted that 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.
- 2.89 On the other hand, many stakeholders disagreed with the suggested cost-sharing arrangement. One of the factions amongst these stakeholders expressed that the right to do business on the preferred commercial terms should be available with the industry stakeholders. Therefore, 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. One of the views that emerged during the consultation process was that the cost of bandwidth/any other additional cost related to producing of GB Channel and taking the said channel to DPO should be borne by GBB, however the cost of bandwidth for distributing the channel from DPO network to LCO/customer be borne by DPO. An association opined that the "Must Provide" provisions as part of the extant TRAI Regulatory framework are mandated for all broadcasters, the same must be applicable for GBBs too. However, while the same may be uniformly applicable to all broadcasters, for the smaller broadcasters viz. those catering to local/regional/communities only, the terms may be relaxed. Another stakeholder submitted that the content and the market decide the sharing or bearing of costs. If DPO desperately needs the content, it will bear all costs. If GBB is desperate to get its signal carried and there is competition, then it will bear all costs.

- 2.90 Another view received during the consultation process was that all the costs of making available the channel till the DPO end should be the responsibility of the broadcaster and it is broadcaster's choice if they wish to be SBB or GBB.

Analysis of the comments and views of the Authority

- 2.91 As mentioned earlier, the Authority is of the view that the regulatory framework of GBBs should be similar to the framework for traditional satellite-based broadcasters, to the extent applicable to the ground-based broadcast model.

- 2.92 The Authority is of the opinion that suitable amendments to the Regulations/Tariff Order, as required, may be issued after the policy guidelines for GBBs are notified by the MIB.

E. Group 5: Use of alternate communication medium (Q10 to Q12)

2.93 In the consultation paper, the following issues for consultation were raised:

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?

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?

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.

Comments of the Stakeholders on Q10

2.94 In response to Q10 of the consultation paper, some stakeholders opined that Regulations relating to GBB are still developing compared to the more established SBB regulatory regime and the existing SBB regulatory structure has been built through extensive stakeholder consultations. Further, 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. 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.

- 2.95 An association expressed that if SBB having obtained permission under the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 wishes to switch to GBB mode to distribute a channel/channel to DPOs, then since as an SBB, it is already permitted to operate nationwide, therefore, no additional obligations/fees may be imposed on such SBBs. However, such SBBs may only be required to intimate MIB/TRAI, say at least 60 days in advance prior to use of any terrestrial communication medium(s) for providing programming services. Similarly, another view received during the consultation process was that if an existing SBB wishes to switch to terrestrial communication to distribute one or more channels to DPOs, no additional obligations or fees should be imposed, as the satellite-based broadcaster is already authorised to operate nationwide. The SBB must notify the MIB and the TRAI at least 15 days in advance before using any terrestrial transmission medium to provide programming services.
- 2.96 Another association opined that in case an SBB wishes to switch to a non-satellite-based communication medium to deliver its television channels to DPOs, the process for operating a channel applicable to GBBs should apply to such SBBs as well.
- 2.97 Another view that emerged amongst the stakeholders was that the regulatory framework for broadcasters delivering channels through satellite (SBBs) or through terrestrial (GBBs) should be the same except for compliances relating to usage of spectrum from DoS and WPC. All other regulatory requirements including compliance with TRAI Regulations, should be made applicable.

2.98 Another view amongst stakeholders was that broadcasters should be allowed to switch or operate both mediums, subject to appropriate permissions and compliance. It was further suggested that broadcasters should notify TRAI/MIB 30 days before switching mediums and introduce a nominal additional fee for dual operations based on operational scale. Another stakeholder opined that there must be one single regulatory regime and hence the issue of shifting from one to another will not arise as each broadcaster would pick and choose best signal delivery method for itself as per the need of the platform and audience

2.99 One of the opinions received during the consultation process was that in a situation where the SBB wishes to switch over to the GBB mechanism to deliver its channels to the DPO, the channel needs to intimate MIB and TRAI to this effect and give a notice of minimum 60 days. The channel will need this time to get its terrestrial feeds in place and the ground receive equipment at the DPO level. The necessary changes will have to be done in the Uplinking/downlinking 2022 guidelines, TRAI will have to do the needful in its interconnect regulations and the QOS regulations. Further, there is no differentiation in the costs/fees to be paid to the authorities thus it will have no financial implication from the fees point of view. Furthermore, the SBB will have to surrender its WPC operating license and go through the required process and formalities of the WPC. In case the SBB uses a third-party teleport then it will have to submit a certification from the teleport that the channel transmission has been discontinued.

Comments of the Stakeholders on Q11

2.100 In response to Q11 of the consultation paper, most of the stakeholders opined that the regulatory framework as applicable to SBBs should

apply to such GBBs as well. Amongst these stakeholders some opined that 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. 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. Several other stakeholders expressed that in case a GBB for a channel wishes to switch to satellite-based broadcasting, then it may be necessary for a GBB to intimate MIB, say at least 60 days in advance, and seek necessary clearances/permissions as applicable for SBBs from WPC and other DOT departments. One of the opinions received during the consultation process suggested that in case a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, then they should be treated as SBB and all the applicable provisions of SBB broadcasting rules and regulations should be applied to those GBBs.

- 2.101 Another view that emerged was that in a situation where the GBB wishes to move to SBB, it will have to intimate MIB and then take the permission for setting up a teleport or will have to tie up with the teleport service provider. Subsequent to the MIB permission it will have to move to WPC formalities. The service provider will ensure that during transfer/transition there will not be any disruption of the services to the DPOs.

Comments of the Stakeholders on Q12

- 2.102 In response to Q12 of the consultation paper, some stakeholders opined that SBB can be allowed to parallelly operate as a GBB and vice-versa. An association opined that to maintain parity between

SBBs and GBBs, there should be levelling down regulations for SBBs while moving towards deregulation across the sector. Until the sector is de-regulated, all broadcasters should be subject to only a light-touch regulatory framework, any broadcaster wishing to use both satellite and other transmission technology should be mandated to comply with the regulatory provisions for SBBs as laid down by MIB and the process for operating a channel for GBBs. Some stakeholders expressed that broadcasters may be permitted to operate both as SBB and GBB simultaneously, provided they obtain the necessary permission/authorisation for both satellite-based broadcasting and ground-based broadcasting as well as obtain the requisite spectrum bands for satellite operations and/or terrestrial wireless operations from WPC/DoT. Broadcasters must ensure that they meet all obligations/conditions for each transmission medium independently. One of the views received during the consultation process was that there is no need for any separate guideline or framework as one single regulation will work across platforms.

- 2.103 On the other hand, some stakeholders opined that SBB can't be allowed to parallelly operate as an GBB and vice-versa. They expressed that 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. 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 important, so that any

type of Broadcaster should not circumvent its prescribed regulatory framework.

2.104 Another opinion received during the consultation process was that in case for some reason a channel decides to go on both the mediums of broadcasting that is satellite and terrestrial, then it should take afresh new permission from the MIB. One channel should not and cannot be on two mediums. Further, the channel will have to declare the pricing for both the channels and will have to report the numbers to the authorities for both distribution mediums and also adhere to all the interconnect norms, must provide norms as per the extant regulations. The stakeholder raised concerns over how TRAI wishes to treat such channel whether as one or two channels. The stakeholder further mentioned that logically they should be two channels with each channel having its own pricing.

2.105 Another opinion received during the consultation process was that in line with the recommendation of the Government to promote ease of doing business and one Nation-one License, a single permission for both SBB and GBB to provide their channels to DPOs should be given. The annual permission fees, processing fees etc for this permission should be higher than SBB/GBB permission holders as they would have to fulfil all the terms and conditions required for GBB and SBB. It would ensure that only serious players who are able to be compliant with those terms and conditions would receive such permissions.

Analysis of the comments and views of the Authority

2.106 It is pertinent to note that SBBs are already authorised to operate at the national level under the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022. This implies that they have been granted permission to deliver their programming services across the country, utilizing satellite communication medium. Given

their existing national-level authorisation, the Authority is of the view in case a SBB wishes to, switch to terrestrial communication medium for the same channel, the entity may be permitted to do so with prior permission from the Central Government. In such cases, the Authority is also of the view that some fees may be charged to cover administrative costs, ensure level playing field and to dissuade non-serious players. In case of switching from satellite communication medium to terrestrial, the entity may be required to pay an additional non-refundable processing fee of Rs. Ten thousand per channel.

- 2.107 Similarly, in case a GBB wishes to switch to satellite-based communication medium, for the same channel, the Authority is of the view that the entity may be permitted to do so with prior permission. In such cases, capacity of only IN-SPACE authorised satellite shall be used and permission from WPC wing of Department of Telecommunications, Ministry of Communications for use of spectrum shall be required to be obtained by the permission holder/authorised entity along with payment of applicable fees.
- 2.108 In case an existing GBB/SBB wishes to use additional communication medium than the permitted communication medium, for the same channel, i.e. a SBB wishes to use terrestrial communication medium in addition to satellite medium or a GBB wishes to use satellite medium in addition to terrestrial communication medium, the authorised entity shall be liable to pay additional processing fee and applicable annual authorisation fee & also submit security deposit for both communication medium separately, as applicable. However, there may not be any additional PBG and any additional requirement of net worth as the same channel is being permitted for broadcasting over an additional medium.
- 2.109 The Authority is of the opinion that in the situation mentioned above, the broadcaster may be asked to pay additional processing fee and

applicable annual authorisation fee for both communication mediums separately, in order to create a level playing field and ensure that only the serious players who want to provide their signals to DPOs using both terrestrial and satellite-based transmission medium seek both the permissions/authorisations. In case no additional fee is charged, then broadcasters may take permission for additional transmission medium even if they may not use the same. Since the security deposit is linked to annual authorisation fee in the existing uplinking and downlinking guidelines, therefore the Authority is of the opinion that the broadcaster may also be required to submit security deposits for both the communication mediums separately, as applicable. However, there may not be any additional PBG and any additional requirement of net worth as the same channel is being permitted for broadcasting over an additional medium.

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

- (1) In case a GBB intends to switch to or additionally use, satellite-based communication medium for the same channel:**
 - (a) The permission holder/authorised entity may be permitted to do so with prior permission/authorisation from the Central Government.**
 - (b) In such cases, capacity of only IN-SPACE authorised satellite shall be used and permissions and clearances for spectrum usage from WPC wing of Department of Telecommunications, Ministry of Communications shall be required to be obtained by the permission holder/authorised entity along with payment of applicable fees.**
 - (c) In such a situation, the validity period of permission/authorisation shall remain unchanged.**

- (2) In case a SBB intends to switch to or additionally use, terrestrial communication medium for the same channel:
- (a) The permission holder/authorised entity may be permitted to do so with prior permission/authorisation from the Central Government.
 - (b) In such a situation, the validity period of permission/authorisation shall remain unchanged.
- (3) In case an existing GBB/SBB intends to use additional communication medium other than the permitted communication medium, for the same channel, i.e. a SBB wishes to use terrestrial communication medium in addition to satellite medium or a GBB wishes to use satellite medium in addition to terrestrial communication medium, the authorised entity shall be liable to pay additional processing fee and applicable annual authorisation fee & also submit security deposit for both communication mediums separately, as applicable. However, there may not be any additional PBG and any additional requirement of net worth as the same channel is being permitted for broadcasting over an additional medium.

F. Group 6: Regulatory framework (Q13 and Q14)

2.111 In the consultation paper, the following issues for consultation were raised:

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.

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.

The stakeholders must provide their comments in the format specified in Table 1 explicitly indicating the existing clause, suggested amendment and/or additional condition/restriction and the reason/full justification for such amendment(s)/addition(s) for Ground-Based Broadcasters.

Table 1: Format for stakeholders' response on amendments required in existing uplinking/downlinking guidelines for Ground-Based Broadcasters. (Insert Table)

S no	Clause number of the existing uplinking/downlinking guidelines (1)	Provisions of the existing uplinking/downlinking guidelines (2)	Amendment/ additional provision(s) (conditions and/or restrictions) suggested by the stakeholder (3)	Reasons/ full justification for the proposed amendment (4)
1				
2				

(Note: In case additional provision(s) (conditions/restrictions) is/are proposed column (1) and (2) may be left blank)

Comments of the Stakeholders on Q13

2.112 In response to Q13 of the consultation paper, some stakeholders opined that ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’ should not be applicable to GBBs. Some of them opined that 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 Television Act including its amendments, Programme Code and Advertising Code prescribed by MIB. Another view that emerged during consultation process was that on SBB, the ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’ be applied and on GBB the relevant provisions of Cable Television Act and respective Interconnect, Tariff and QoS regulations prescribed by TRAI be applied *mutatis mutandis*. Further, registration process may be made similar through Broadcast Seva Portal. GBB should apply for registration to MIB and MIB should allow the registration subject to the eligibility, however they should be given an opportunity of being heard before rejection. Further, the registration/license should be valid for 10 years. GBB should be sending appropriate reports to MIB and TRAI.

2.113 On the other hand, another group of stakeholders opined that the ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’ be made applicable with necessary amendments/modifications to GBBs. An association opined that all

the relevant provisions of the Uplinking and Downlinking Guidelines should be made applicable to GBBs as they are applicable to SBBs. Provisions specific to satellite communications should be excluded. Such guidelines for GBBs could be made part of the Uplinking/Downlinking Guidelines by suitably amending the nomenclature of the guidelines. Another opinion received during consultation process mention that they agree with TRAI recommendations on the "Regulatory Framework for Platform Services" dated November 19, 2014, wherein TRAI had proposed a foundational framework for regulating Ground-based Broadcasters (GBBs) in India, considering the fact that these recent technologies will inevitably compete with satellite-based broadcasters. Therefore, the regulator must ensure that a level playing field is maintained. Given the lower capital costs associated with ground-based broadcasting, it is essential that the regulatory treatment for them should mirror that of satellite-based broadcasters, excluding only those provisions that are satellite specific so that satellite-based broadcasters are not unduly disadvantaged. An association opined that with the emergence of GBBs, which utilize technologies such as cloud platforms, broadband, and cable/fibre for content distribution, it is essential to evaluate as to what amendments are required in the existing Guidelines for Uplinking and downlinking of Satellite Television Channel in India, 2022, to accommodate GBB's unique operational model. Therefore, the regulatory framework for GBBs should be aligned as far as possible with the existing Uplinking/Downlinking guidelines, with necessary adjustments for GBB model, subject to certain caveats for smaller broadcasters who are operating at local/state/community level for Ease of Doing Business. Another view that emerged advocated for a light touch approach for Ground-based Broadcasters seeking permission to broadcast in one state or up to four states since they are not as well placed as their SBB counterparts. Further, regulatory Framework/Guidelines for GBB vis-à-vis

‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022’ may be kept on similar terms for the GBBs that are going to apply for nationwide broadcasting permission. Furthermore, the regulatory framework must also exclude regulations regarding the mode of transmission, spectrum etc since they would not be applicable for Ground-based Broadcasters.

Comments of the Stakeholders on Q14

- 2.114 In response to Q14 of the consultation paper, some stakeholders opined that the ‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022’ be made applicable to the GBB with exception to satellite spectrum provisions. An association opined that the sector as a whole should move towards de-regulation and a light-touch framework. Until such time, the relevant provisions of the Uplinking and Downlinking Guidelines, excluding those specific to satellite communications that govern SBBs should be made applicable to GBBs. One of the views expressed in the consultation process was that one regulation, one set of rules for both SBB and GBB should be applicable.
- 2.115 On the other hand, another opinion received during the consultation process disagreed with application of the ‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022’ to GBB and submitted that there is no comparison between SBB & GBB and all the provisions of Uplinking and Downlinking Guidelines are mostly applicable to usage of satellite technology which is not applicable to GBB. Hence, none of the provisions of the Guidelines should apply to GBBs.
- 2.116 Some other stakeholders suggested application of ‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022’ with certain modifications. These modifications include

conditions related to furnishing of application, grant of permission, live telecast by a news and current affairs channel, live uplinking of an event by a non-news and current affairs channel, uplinking of live event by a foreign channel, etc. They mentioned that there are few other provisions that would not be applicable in case of GBB such as teleport/teleport hub, purchase and use of DSNG/SNG equipment, change of satellite/teleport, change in category of channel, intimation regarding change in shareholding pattern and foreign direct investment, remittance of foreign exchange, transfer of permission of a television channel or teleport, television channels for viewing only in foreign countries etc.

Analysis of the comments and views of the Authority

- 2.117 As mentioned earlier the Authority is of the view that an enabling framework for Ground-based Broadcasters may be created so that the service providers are able to reap the benefits of technological developments. The choice of technology that the broadcaster may use to provide its channels to the DPO may be left to the service providers. Accordingly, MIB may establish a regulatory framework for Ground-based Broadcasters (GBB). This framework shall align with the 'Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022', with necessary adaptations for the Ground-based Broadcasting model.
- 2.118 Accordingly, the Authority is of the view that the terms and conditions for Ground-based Broadcasters in line with the Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022' should be as per Annexure III which include grant of permission/authorisation, live telecast by a news and current affairs channel, live uplinking of an event by a non-news and current affairs channel, intimation regarding change in shareholding pattern, foreign

direct investment, transfer of permission/authorisation of a television channel, etc.

2.119 Further, the Authority is of the view that the financial parameters viz. processing fee, net worth, performance bank guarantee and security deposit of Ground-based Broadcasters should be same as that specified for satellite-based broadcasters in the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022.

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

- a) The terms and conditions for Ground-based Broadcasters (including definitions, annual authorisation fee, permitted communication medium, etc.) in line with the Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022' shall be as per Annexure III.**
- b) Ground-based broadcasters shall intimate about primary language of their television channel and sub-genre of every non-news channel (as per Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (as amended) notified by the Authority) while applying for permission for each channel. The Authority also recommends that the information so received by MIB may be displayed on Broadcast Seva portal so as to enable the distributors to arrange each channel in EPG accordingly.**
- c) The Authority reiterates its recommendations on 'Ease of Doing Business in Telecom and Broadcasting Sector' dated 2nd May 2023 to the extent applicable to Ground-based Broadcasters.**

G. Group 7: Other Issues (Q15)

2.121 In the consultation paper, the following issue for consultation was raised:

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

Comments of the Stakeholders

2.122 In response, some stakeholders opined that there is a need to support the pay TV industry by formulation of clear and equitable guidelines for OTT Platforms, which are acting similar to a Ground-based Broadcaster or digital Distribution Platform Operator. Many stakeholders also opined that numerous Over-The-Top (OTT) platforms, such as Yupp TV, Samsung TV Plus, Vodafone Play, Tata Play, Distro TV, Patchwall+ (Xiaomi), and LG WebOS (upcoming), are delivering live TV channels to consumers. These services appear to operate outside the regulatory scope of the Uplinking/Downlinking Guidelines (2022 and 2023 amendments) and the IPTV Regulation (2023), unlike traditional DPOs such as cable or DTH providers. This lack of regulatory oversight could create an uneven playing field for Pay TV operators. The stakeholder opined that since these OTT platforms function similarly to a "General Broadcast Broadcaster," they should be included in the definition of GBB to ensure parity in regulations.

2.123 One of the views received in the consultation process highlighted that there is no regulation on OTT functions and some of the OTT players are distributing the content as GBB. In addition, some platforms are collecting the same content (as being shown live on linear channel) and distribute the said content as GBB. This is creating an imbalance, discrimination and non-level playing field in the industry and,

therefore, advocated for the formulation of guidelines for OTT Platforms, which are acting similar to a GBB or DPO.

- 2.124 Another stakeholder raised concerns over the continuity of the provision of the services, as the biggest issue in the GBB via fibre, as there are frequent disturbances in the continuity because of fibre cuts, which happen due to natural reasons, maintenance by civic authorities etc.
- 2.125 An association opined that Ground-based (GB) channels differ from Platform Service channels of DPOs and are similar to Satellite channels. The association advocated that GB channels should be separately identified for at least 3 years to make viewers aware of this new type of channel offering, ensuring consumer interest is protected. Further, GB channels should not be part of DPO packs until they come on par with satellite-based channels in all respects (except for the transmission mode). The Guidelines for Uplinking and Downlinking should be amended to include GB channels, with a separate section for GBBs. Furthermore, SBBs should be allowed to offer variants of their channels in GB. For example, an SD channel could be broadcast as an HD channel under GBB, or vice versa, after meeting the respective criteria. Both SBB and GBB should be allowed temporary live uplinking with prior intimation to the MIB without paying fees. Self-regulation principles should apply to GBBs as well.
- 2.126 Another association submitted that while considering the regulatory framework for GBBs, there should be simultaneous levelling down of regulations for SBBs as well as distributors, while moving towards de-regulation of the entire sector, which will fuel the much-needed growth for all stakeholders. One of the opinions received was that given the lower capital costs associated with ground-based broadcasting while offering comparable viewing experiences makes it imperative that their regulatory treatment mirrors that of Satellite-based broadcasters,

excluding only those provisions that are satellite specific. All content related regulations such as MIB's Programme Code and the Advertising Code as well as TRAI's regulations (Tariff Order, the Interconnection Regulations, and the Quality of Service Regulations) and its principle of Must Carry, Must Provide should equally apply to Ground-based Broadcasters. The stakeholder raised the need to proactively formulate clear and equitable guidelines for OTT broadcast services, to ensure that the law remains adaptable and responsive to technological advancements.

Analysis of the comments and views of the Authority

2.127 During the consultation process, some stakeholders have raised issues related to Over-the-top (OTT) services and Free Ad-Supported Streaming Television (FAST) channels.

OTT Services

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

a. ITU-T Recommendation D.262 (05/2019)¹³ defines OTT as:

“over-the-top (OTT): An application accessed and delivered over the public Internet that may be a direct technical/functional substitute for traditional international telecommunication services. NOTE – The definition of OTT is a matter of national sovereignty and may vary among Member States.”

¹³ Source: <https://www.itu.int/rec/T-REC-D.262-201905-I/en>

- b. The DoT Committee Report on Net Neutrality (May 2015)¹⁴ classified OTT services into two groups as below:

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

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

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

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

- (i) made available on-demand or live to subscribers or users in India, and*
- (ii) where a curated catalogue of programmes owned by, licensed to, or contracted to be transmitted,*

¹⁴ [https://dotws.cdots.in/sites/default/files/Net Neutrality Committee report%20%281%29 0.pdf](https://dotws.cdots.in/sites/default/files/Net%20Neutrality%20Committee%20report%20%281%29%200.pdf)

over the internet or a computer resource, not being a closed network; and

- (iii) where additional hardware or software or combination thereof including a set-top-box, or dongle and software keys may be required to access content on non-smart televisions or viewing devices,*

Provided that OTT broadcasting services shall not include a social media intermediary, or a user of such intermediary, as defined in rules under the Information Technology Act, 2000 (21 of 2000) or such other entities as may be notified by the Central Government; Explanation: In case of OTT broadcasting services, the person responsible for ensuring compliance with all requirements under this Act shall be the operator who makes available the programme or content and not the network operator or the internet service provider.;”

FAST channels

2.129 FAST channels are new introduction and yet to be defined in the regulatory framework. Common industry parlance refers FAST to a form of streaming that delivers programming similar to cable, satellite or traditional TV.¹⁵ FAST channel is also referred to as a grouping of programme that is shown on a set timetable. FAST can be provided by broadcasters, equipment providers and entertainment companies.¹⁶ FAST is not limited to live TV channels but also include free on-demand content. One can view FAST content on virtually any device at no subscription fee. The providers of FAST channels achieve this by either developing their own apps or signing agreements with equipment manufacturers to have their service. However, programme

¹⁵ <https://www.cnet.com/tech/services-and-software/fast-tv-what-it-is-and-why-it-should-matter-to-you/>

¹⁶ ACMA report on ‘Trends and developments in viewing and listening 2023–24’ , December 2024.
<https://www.acma.gov.au/sites/default/files/2024-12/Trends%20and%20developments%20in%20viewing%20and%20listening%202023%E2%80%9324.pdf>

distribution of TV channels on FAST seems analogous to broadcast of TV channels by regulated Distribution Platform Operators.

Comments of the Stakeholders

- 2.130 During the consultation process, some stakeholders highlighted that 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 and that by doing so, OTT players are clearly circumventing the present regulatory mechanism.
- 2.131 Stakeholders further mentioned that "... services such as Yupp TV, Samsung TV Plus, Vodafone Play, Tata Play, Distro TV, Patchwall+ (Xiaomi), and LG WebOS (upcoming) are offering live channels to consumers, which, in many cases, appears to be outside the scope of existing Uplinking/Downlinking guidelines dated 9th 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 ..."
- 2.132 Some stakeholders raised concerns regarding rapid and unregulated proliferation of FAST channels in India. These stakeholders mentioned that the unregulated growth of FAST channels is leading to regulatory disparity with respect to the regulated content distribution ecosystem.

Hence, it is posing a significant business challenge to the DPOs. These stakeholders suggested introducing a comprehensive regulatory framework to cover FAST channels comparable to traditional broadcasters.

2.133 The Authority noted that OTT is a wider term encompassing OTT communication and OTT application services including OTT media services. The issues raised in respect of regulation of OTT media services need a wider examination. The present recommendations are limited to the current reference of MIB and the issues related to OTT media services raised by the stakeholders are beyond the scope of present consultation.

2.134 However, the Authority noted that FAST channel services, to the extent they are streaming TV channels, are quite similar to traditional broadcasting. The concerns raised by the stakeholders regarding rapid and unregulated proliferation of FAST channels in India leading to regulatory disparity, thereby affecting level playing field with respect to the regulated traditional broadcasting ecosystem, needs further examination. Therefore, MIB may like to examine as to whether FAST channels, which appear to be similar to traditional broadcasting, are compliant with extant guidelines/policy framework and whether there is a need to bring any additional policy guidelines for such channels, to bridge the gap, if any.

2.135 In view of the above, **the Authority recommends that MIB may examine whether FAST channels are compliant with the extant guidelines/policy framework. If necessary, MIB may issue necessary policy guidelines for such channels in consultation with TRAI.**

2.136 Regarding frequent disturbances in the continuity because of fibre cuts, it may be noted that operational aspects of any communication medium need to be taken care of by the service providers themselves through appropriate Service Level Agreements.

CHAPTER III

SUMMARY OF RECOMMENDATION

3.1 The Authority recommends that

a) The terms “Broadcaster”, “Programme”, “Broadcasting Network”, “Satellite-based Broadcasting”, “Ground-based Broadcasting”, “Terrestrial Communication Medium” and “Ground infrastructure” should have the following definitions:

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

“Programme” means any audio or visual or audio-visual content, sign, signals, writing, images which is transmitted using a broadcasting network, and includes but not limited to-

- (i) exhibition of films, features, dramas, documentaries, advertisement and serials;*
- (ii) News & Current Affairs, Non-News & Current Affairs, educational content;*
- (iii) any audio or visual or audio-visual live performance or presentation or pre-recorded content;*

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

“Broadcasting Network” means a system used for the transmission of programmes, and provision of broadcasting services;

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

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

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

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

- b) In line with the Authority’s recommendation on ‘Regulatory Framework for Platform Services’ dated 19th November 2014 the Authority reiterates that a regulatory framework for Ground-based Broadcasters (GBBs) should be established. The framework for Ground-based Broadcasters shall be similar to the framework contained in the ‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022’

for traditional satellite-based broadcasters, to the extent applicable to the ground-based broadcast model, duly excluding the provisions related to satellite communication medium. Thus,

- Authorization from IN-SPACe and frequency assignment from WPC wing of Department of Telecommunications, Ministry of Communication shall not apply for Ground-based Broadcasters.
 - However, Ground-based Broadcasters shall be subject to all other clearances and approvals such as clearance by the Ministry of Home Affairs, and wherever considered necessary, by other authorities.
- c) The scope of Ground-based Broadcasters shall be to provide television channel(s) to Distribution Platform Operators (DPOs) using terrestrial communication medium, for onward re-transmission.
- d) A Ground-based Broadcaster may use any terrestrial communication medium(s), for delivery of channels to the DPOs. There shall be no restriction on the use of terrestrial communication technologies/systems and the entity may use more than one such systems, as per its business decision.

Provided that the permission holder/authorised entity shall furnish technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipment/instruments to be used for transmission and distribution, the Block schematic diagram of the transmission and distribution system.

Provided further that the entity shall provide intimation, at least 15 days in advance, to the Central Government before

undertaking any significant upgradation/expansion/changes in the transmission and distribution system/network configuration.

Provided also that if a GBB intends to use satellite-based communication medium for a channel, either in replacement or in addition to terrestrial communication medium, the entity shall be required to obtain permission/authorisation for satellite-based broadcasting for that channel. In such cases, the entity shall submit an undertaking that it shall ensure continuity of services to the DPOs with whom it has valid interconnection agreements.

- e) The service area for a Ground-based Broadcaster shall be at National level.**
- f) The DPOs can only distribute channels received from SBB and GBB or their own Platform Services.**

3.2 The Authority recommends that Annual Permission/Authorisation Fee for GBB shall be Rs. 7 lakh per channel.

3.3 The Authority recommends that:

- (1) In case a GBB intends to switch to or additionally use, satellite-based communication medium for the same channel:**
 - (a) The permission holder/authorised entity may be permitted to do so with prior permission/authorisation from the Central Government.**
 - (b) In such cases, capacity of only IN-SPACe authorised satellite shall be used and permissions and clearances for spectrum usage from WPC wing of Department of Telecommunications, Ministry of Communications shall be required to be obtained by the permission**

holder/authorised entity along with payment of applicable fees.

(c) In such a situation, the validity period of permission/authorisation shall remain unchanged.

(2) In case a SBB intends to switch to or additionally use, terrestrial communication medium for the same channel:

(a) The permission holder/authorised entity may be permitted to do so with prior permission/authorisation from the Central Government.

(b) In such a situation, the validity period of permission/authorisation shall remain unchanged.

(3) In case an existing GBB/SBB intends to use additional communication medium other than the permitted communication medium, for the same channel, i.e. a SBB wishes to use terrestrial communication medium in addition to satellite medium or a GBB wishes to use satellite medium in addition to terrestrial communication medium, the authorised entity shall be liable to pay additional processing fee and applicable annual authorisation fee & also submit security deposit for both communication mediums separately, as applicable. However, there may not be any additional PBG and any additional requirement of net worth as the same channel is being permitted for broadcasting over an additional medium.

3.4 The Authority recommends that:

a) The terms and conditions for Ground-based Broadcasters (including definitions, annual authorisation fee, permitted

communication medium, etc.) in line with the Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022' shall be as per Annexure III.

- b) Ground-based broadcasters shall intimate about primary language of their television channel and sub-genre of every non-news channel (as per Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (as amended) notified by the Authority) while applying for permission for each channel. The Authority also recommends that the information so received by MIB may be displayed on Broadcast Seva portal so as to enable the distributors to arrange each channel in EPG accordingly.**
- c) The Authority reiterates its recommendations on 'Ease of Doing Business in Telecom and Broadcasting Sector' dated 2nd May 2023 to the extent applicable to Ground-based Broadcasters.**

3.5 The Authority recommends that MIB may examine whether FAST channels are compliant with the extant guidelines/policy framework. If necessary, MIB may issue necessary policy guidelines for such channels in consultation with TRAI.

List of Acronyms

Abbreviations	Description
CAS	Conditional Access System
CEO	Chief Executive Officer
DAS	Digital Addressable System
DPO	Distribution Platform Operators
DSNG	Digital Satellite News Gathering
DTH	Direct-To-Home
DoS	Department of space
FDI	Foreign Direct Investment
FTA	Free-To-Air
GB	Ground-based
GBB	Ground-based Broadcasters
ITU	International Telecommunication Union
LLP	Limited Liability Partnerships
MIB	Ministry of Information and Broadcasting
MSO	Multi system Operator
OHD	Open House Discussion
PS	Platform Service
SNG	Satellite News Gathering
TRAI	Telecom Regulatory Authority of India
WPC	Wireless Planning Commission

Annexure I

No. N-45001/1/2018-DAS
Government of India
Ministry of Information and Broadcasting

Room No. 131, 'A' Wing
Shastri Bhawan, New Delhi 110001
Dated: 22 May, 2024

To,

Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
(near to Dr. Zakir Hussain College)
Jawaharlal Nehru Marg (Old Minto Road)
New Delhi 110002
Email: secretary@trai.gov.in

Subject: Reference under Section 11(1)(a) of TRAI Act, 1997- Seeking recommendations on "Regulatory Framework for Ground Based Broadcasters"-reg.

Sir,

I am directed to refer to TRAI recommendations on "Regulatory Framework for Platform Services" dated 19.11.2014 and Chapter III therein including recommendations on "Regulatory Framework for Ground Based Broadcasters". This Ministry has examined the recommendations in relation to regulation of Platform services and issued the guidelines for the same with the approval of the Competent Authority on 30.11.2022.

2. During the course of the examination of the recommendations of TRAI for the Ground Based Broadcasters in the Ministry, it was felt that the context in which the recommendations were made by TRAI may have changed since the year 2014 and there may be a need to look into the matter afresh due to the following reasons:-

- i) **Advent of High Speed Wired/Wireless Internet in recent times and its potential impact on GBBs:** As TRAI recommendations on "Regulatory Framework for Ground Based Broadcasters" were published way-back in the year of 2014, several dynamics have changed in the world of wired/wireless internet in recent times. There has been a huge rise of digital television platforms and the shift towards the subscription-based revenue models in recent times. Further, the enhanced penetration of high-speed internet in various parts of the country especially in rural areas may allow GBBs to employ internet in their operations.
- ii) **Issuance of Platform Services Guidelines in variation with TRAI recommendations:** TRAI recommendations on "Regulatory Framework for Platform Services" were published in the year of 2014, the guidelines for registration of PS channels were issued on 30.11.2022. These guidelines differed from the

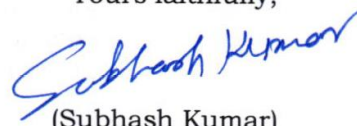
recommendations from TRAI on certain matters like number of PS channels to be allowed on an MSOs' network. These variations may require certain amendments in the earlier recommendations from the TRAI on GBBs as the PS Channels and GB Channels are closely related and therefore recommendations and regulations for both need to be synchronised.

- iii) **Updated Uplinking and Downlinking Guidelines, 2022:** When TRAI recommendations on "Regulatory Framework for Platform Services" were published way back in the year of 2014, "Uplinking and Downlinking Guidelines" dated 05.11.2011 issued by the ministry were in force. While, updated "Uplinking and Downlinking Guidelines" 2022 have been issued by the Ministry of Information and Broadcasting, the regulatory and operational scope of traditional broadcasters might have altered to an extent. The recommendations from TRAI on the regulation of GBBs make substantial references to the Uplinking and Downlinking Guidelines, which has been updated since then.
- iv) **Consultation with Ground Based Broadcasters:** TRAI while submitting its recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services" invited suggestions via public domain and held Open House Discussions (OHDs) with stakeholders involved. However, it is felt that GBBs did not participate in large numbers in the consultation process as the main focus was on PS Channels. As the recommendations seek to regulate GBBs, thorough consultations are necessary with them before enacting guidelines.

3. In view of the above, TRAI is requested for fresh review and recommendations on "Regulatory Framework for Ground Based Broadcasters".

4. This letter may be considered as Reference under Section 11(1)(a) of TRAI Act, 1997 and has the approval of the Hon'ble Minister for Information & Broadcasting, Govt. Of India.

Yours faithfully,



(Subhash Kumar)

Deputy Secretary to the Govt. of India



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Annexure II

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

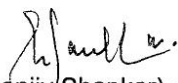
No. 1503/21/2017-TV(I)

Dated: 9th November, 2022

ORDER

In pursuance of the Cabinet decision taken on 28th September, 2022 regarding amendments in the Policy Guidelines for Uplinking and Downlinking of Television Channels, the "Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022" is enclosed herewith.

Encl: As above.


(Sanjiv Shankar)
Joint Secretary to the Government of India
Tel: 23384453

Copy to:

1. Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi
2. Prime Minister's Office, South Block, New Delhi
3. Secretary, Department of Economic Affairs, Ministry of Finance, North Block, New Delhi
4. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi
5. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi
6. Secretary, Ministry of Home Affairs, North Block, New Delhi
7. Secretary, Department of Legal Affairs, Shastri Bhawan, New Delhi
8. Secretary, Department of Telecommunications, Sanchar Bhawan, New Delhi
9. Secretary, Ministry of External Affairs, New Delhi
10. Secretary, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi
11. Secretary, Department of Space, Antariksh Bhawan, New BEL Road, Bengaluru - 560231
12. Secretary, Telecom Regulatory Authority of India (TRAI), New Delhi
13. Niti Aayog, New Delhi
14. All Broadcasters through the Broadcast Seva Portal.

No.1503/21/2017-TV(I)
Government of India
Ministry of Information and Broadcasting
Broadcasting Wing

New Delhi, dated the 9th November, 2022

**POLICY GUIDELINES FOR UPLINKING AND DOWNLINKING OF
TELEVISION CHANNELS**

PART I

PRELIMINARY

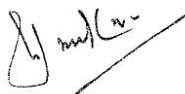
1 Short title, extent and commencement – (1) These may be called the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 (hereinafter referred to as Guidelines).

(2) It extends to the whole of India.

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

2. Definitions – In these Guidelines, unless the context otherwise requires, -

- (a) 'Broadcast Seva' means the online portal of the Ministry for receiving, processing and transmitting applications and communication received therein, for making communication with applicants, Government organizations and other persons;
- (b) 'company' means a company as defined under the Companies Act, 2013 (18 of 2013);
- (c) 'designated partner' means a person as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008 (6 of 2009);
- (d) 'devotional channel' means a TV channel, which predominantly broadcasts devotional/spiritual/yoga content, as identified by the Ministry;
- (e) 'Director' of a company means a Managing Director, Wholetime/ Executive Director but does not include an Independent Director, as mentioned in Chapter XI of the Companies Act, 2013 (18 of 2013);



- (f) 'DSNG/SNG' means Digital Satellite News Gathering and refers to a satellite based electronic technology/equipment that allows a TV channel/Teleport/Teleport hub to broadcast from remote locations outside of a TV studio;
- (g) 'ENG' services means Electronic News Gathering and refers to electronic technologies that allows a TV Channel/Teleport/Teleport Hub/news reporter to broadcast from remote locations outside the TV studio using cellular network/internet/leased line or any other medium/equipment (including bag pack), other than by DSNG/SNG;
- (h) 'financial year' in relation to any company or body corporate, means the period ending on the 31st day of March every year, and where it has been incorporated on or after the 1st day of January of a year, the period ending on the 31st day of March of the following year, in respect whereof financial statement of the company or body corporate is made up;
- (i) 'key managerial personnel' means a person defined under sub-section (51) of section 2 of the Companies Act, 2013;
- (j) 'LLP' means a Limited Liability Partnership registered under the Limited Liability Partnership Act, 2008 (6 of 2009)
- (k) 'Ministry' means the Ministry of Information & Broadcasting, Government of India;
- (l) 'national channel' means a TV channel other than a regional channel or a devotional channel;
- (m) 'News channel' means a private satellite TV channel which predominantly telecasts news and current affairs content programmes;
- (n) 'Non-news channel' means a private satellite TV channel other than a news channel;
- (o) 'NOCC' means Network Operations Control Centre, Department of Telecommunications;
- (p) 'Non-operational channel' means a channel whose signal is not being uplinked and/ or downlinked in India for a continuous period of sixty days, other than for reasons of suspension by the Ministry;
- (q) 'programme code' means the Programme Code laid down under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder;



- (r) 'regional channel' means a TV channel, not being a devotional channel, which is broadcast in an Indian language, other than English or Hindi language;
- (s) 'Shareholding pattern' means the number of equity shares of a company held by different investors;
- (t) 'Teleport' means an earth station facility from where multiple TV channels carrying audio, video content can be uplinked to a geostationary satellite on permitted frequency band, with due approval of WPC;
- (u) 'Teleport Hub' means set-up of teleports for uplinking of TV channels where multiple antennas are installed for different satellites, and for each antenna for each satellite, Wireless Operating License from WPC is required to be obtained;
- (v) 'WPC' means Wireless Planning and Coordination, Department of Telecommunications;
- (w) "Working journalist" shall have the same meaning as assigned to it under the Occupational Safety, Health and Working Conditions Code, 2020.

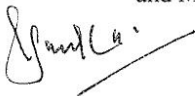
PART II

TELEPORT/TELEPORT HUB

3. Furnishing of Application – (1) A company or an LLP may apply online on Broadcast Seva on payment of processing fees specified in **Appendix I** for setting up a Teleport/teleport hub subject to fulfillment of the following conditions:

- (a) It has a minimum net worth of an amount specified in **Appendix II** as on the closing day of the financial year immediately preceding the year in which the application is made, as reflected in its Audited/unaudited Balance Sheet of that financial year;
- (b) Foreign Direct Investment in the company/LLP is in accordance with the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;

(2) The online application shall be processed from the view point of eligibility conditions, and shall be subjected to clearance and approval by the Department of Space and Ministry of Home Affairs (MHA).



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

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

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

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

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

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

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

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



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

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

PART III

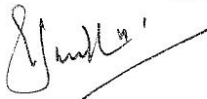
UPLINKING OF TELEVISION CHANNEL

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

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

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

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



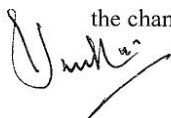
- (e) It intimates the names, address and details of a person, not being resident of India, who are proposed to be inducted in the Board of Directors of the company.
- (f) It discloses the name, address and details of any foreigner/ NRI to be employed/ engaged in the company/LLP either as a Consultant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

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

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

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

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



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

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

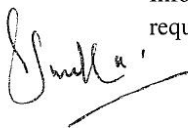
(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.

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

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

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

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



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

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

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

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

PART IV

DOWNLINKING OF A SATELLITE TV CHANNEL

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

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

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

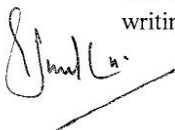


conclude contracts on behalf of the owner of the channel or habitually conclude contracts or habitually play the principal role leading to conclusion of contracts by the owner of the channel and contracts are –

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

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

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

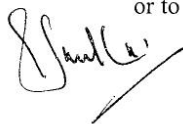


(2) Permission under this para for downlinking a channel, which is uplinked from other countries, shall be for ten years from end of the month in which the permission is issued.

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

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

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

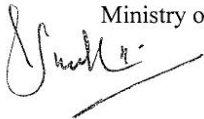


of India or to an Internet Protocol Television (IPTV) Service Provider duly permitted under their existing Telecom License or authorized by Department of Telecommunications or to a HITS operator duly permitted under the policy guidelines for HITS operators issued by the Ministry;

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

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

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



12. Renewal of permission – (1) A company/ LLP which is granted permission under para 11 may apply for renewal of permission, at least three months prior to the end of the month in which the initial permission is expiring, online on the Broadcast Seva portal on payment of processing fees specified in **Appendix I**.

(2) The permission for renewal shall be for a period of ten years and shall be subject to conditions similar to that required for a permission under para 11, and to the further condition that the channel is not found guilty of violation of terms and conditions of permission, including the violation of Programme Code or Advertisement Code on five or more occasions during the period of permission.

PART V

NEWS AGENCY

13. Furnishing of Application – (1) A company or an LLP may apply online on the Broadcast Seva on payment of processing fees specified in **Appendix I** for setting up a news agency for being uplinked to a TV channel subject to fulfillment of the following conditions:

- (a) The company/ LLP has working journalists employed by it who are accredited with the Press Information Bureau (PIB) on behalf of the company/LLP;
- (b) Foreign Direct Investment in the company/LLP is in accordance with the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;
- (c) The control and management of the company/LLP shall be in Indian hands.

(2) The online application shall be processed from the standpoint of eligibility conditions.

14. Grant of permission – (1) The Ministry shall, preferably within one month of receiving clearance/approval of the Ministry of Home Affairs and after satisfying itself that the company/ LLP is fit for approval, grant permission, by an order in writing, to the company/ LLP for a news agency for five financial years from end of the month in which the permission is granted.



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

- (a) The company/ LLP shall use uplinking for news-gathering and its further distribution to other news agencies/broadcasters only.
- (b) The company shall not uplink TV programmes/channels for direct reception by public.
- (c) The company/ LLP shall abide by the terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fees/royalty to WPC Wing for use of spectrum.
- (d) The Company/LLP continues to have accreditation of PIB during the period of permission,

Provided that if at any time the company/LLP ceases to have PIB accreditation, the permission to the news agency under these Guidelines shall be cancelled forthwith.

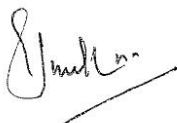
(3) The permission granted to a news agency may be renewed for a period of five years, on application made by the company/ LLP on the Broadcast Seva portal on payment of the processing fees specified in **Appendix I**, subject to fulfilment of the usual conditions for grant of initial permission.

PART VI

PURCHASE AND HIRING OF DSNG/SNG EQUIPMENT

15. Purchase and use of DSNG/SNG equipment – (1) The following entities are eligible for purchase of DSNG/ SNG equipment and its use after due permission of the Ministry:

- (i) Company/ LLP having permission of the Ministry for operating a teleport, for the period of such permission;

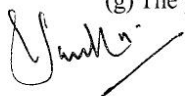


- (ii) Company/ LLP having permission of the Ministry for uplinking a news channel, for the period of such permission;
- (iii) Company/ LLP having permission by the Ministry of a news agency, for the period of such permission

(2) An entity referred to in sub-para (1) may, for the purpose of seeking permission for purchase of a SNG/ DSNG equipment, apply online on the Broadcast Seva portal along with documents specified therein on payment of processing fee as specified in **Appendix I.**

(3) The Ministry shall, after satisfying itself that the application is in order and the proposal is otherwise fit for approval, preferably within 15 days of the receipt of the application, grant permission to the entity for purchase of the equipment, subject to the following conditions:

- (a) The DSNG/SNG signals should only be transmitted to the permitted teleport of the permission holder and uplinked for broadcasting through permitted satellite through that teleport only.
- (b) The company/ LLP shall follow the roll out obligations as specified in **Appendix III.**
- (c) The use of DSNG/ SNG would be permitted only in those areas/regions/States which are not specifically prohibited by Ministry of Home Affairs.
- (d) The company/ LLP would submit the purchase documents of DSNG/SNG terminals and inform the Ministry about placement of these terminals at the various locations.
- (e) The company/LLP permitted to use DSNG/SNG shall apply to WPC for frequency authorization.
- (f) The permitted company/LLP shall maintain a daily record of the location and the events which have been covered and uplinked by DSNG/SNG terminals and down linked at their main satellite earth station and produce the same before the licensing authority or its authorized representative, which will include officers of Ministry of Home Affairs, as and when required.
- (g) The permitted company/LLP shall not enter defence installations.



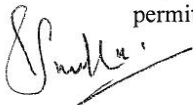
- (h) The equipment should not be taken in the areas cordoned off from security point of view.
- (i) The company/LLP/channel desiring to use DSNG/SNG would give an undertaking that it would be used for live newsgathering and footage collection for captive use only.
- (j) Violations of any of the aforementioned terms and conditions would lead to revocation/ cancellation of the permission to use the DSNG/SNG.
- (k) The permitting authority may modify the conditions laid down or incorporate new conditions, as and when considered necessary.
- (l) The permitted company/ LLP shall abide by the terms and conditions laid down by Department of Space and WPC Wing, Ministry of Communications including payment of applicable fees/royalty to WPC Wing for use of spectrum.
- (m) The permitted company/LLP will provide a suitable hardware and software solution to the agency specified by the Ministry to view live, the location of all permitted DSNG/ SNG/ ENG terminals.

16. Use of DSNG/SNG Equipment – (1) The use of DSNG/SNG would be permitted to News and Current Affairs channels uplinked from India for live news/ footage collection and point-to-point transmission.

(2) A News agency having permission under para 14 can use DSNG/SNG for collection/ transmission of news/ footage.

(3) A company/LLP having a permitted non-news channel which is uplinked from its own permitted teleport, can use DSNG/SNG equipment for their approved channels, for transfer of video feeds to the permitted teleport.

(4) Only teleport operators/ channel owners permitted by the Ministry and Doordarshan may hire SNG/ DSNG equipment/ infrastructure to other broadcasters who are permitted to uplink from India.



(5) The uplinking should be carried in encrypted mode, so as to be receivable only in closed user group. The signal should only be downlinked at the permitted teleport of the licensee and uplinked for broadcasting through permitted satellite through that teleport only.

(6) Any unauthorised usage/ hiring of DSNG/SNG, either by a non-permitted entity or by a permitted channel owner shall be deemed to be a violation under these Guidelines.

(7) A non-news or a foreign channel may use the services of a permitted DSNG/SNG equipment for the purposes mentioned in Part VII of the Guidelines.

PART VII

LIVE COVERAGE OF EVENTS

17. Live telecast by a news and current affairs channel– (1) A news channel which is given permission under these Guidelines may uplink content by using the SNG/DSNG equipment permitted to it, or by hiring such equipment from any other permitted entity, and shall register such hiring of the equipment with the Ministry on the Broadcast Seva.

(2) A News channel may also use an ENG service for uplinking content, and shall register such service with the Ministry on the Broadcast Seva.

18. Live uplinking of an event by a non-news and current affairs channel: (1) A permitted non-news and current affairs channel may, for the purpose of uplinking an event Live in/from India, register itself online on the Broadcast Seva on payment of such fees as specified in **Appendix I**, at least 15 days preceding the first date of a live event, and furnishing such details and documents as may be specified in the application, including the following :

(a) Date, time, venue and name of the event;



- (b) channel's/ teleport's willingness to broadcast/ uplink the proposed programme/ event;
- (c) due authorization of the event owner along with specific dates and timings of the proposed programme/ event.
- (d) A valid WPC license issued to the teleport operator, where a DSNG/SNG equipment or any such technology is used requiring WPC license.
- (e) Where an ENG service is used, detailed specifications thereof.

Provided that if a non-news channel uplinks an event Live without registering itself, it would be liable for penal action under the Guidelines.

Provided further that a non-news channel shall not telecast any event Live which is in contravention of the Programme Code laid down in the Cable Television Network Rules, 1994.

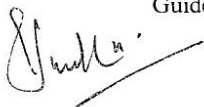
(2) Registration on Broadcast Seva under sub-para (1) will enable the company/LLP to seek approval/NOC of other concerned authorities for broadcasting the event live, and no separate permission need be granted by the Ministry.

(3) Decision as to whether the event being uplinked Live is of the nature of news and current affairs or not will be that of the Ministry and shall be binding on the entity.

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

19. Uplinking of Live event by a Foreign channel: (1) A Foreign channel/entity may be granted permission up to 12 months at a time for Live uplinking of an event from time to time through a pre-designated permitted teleport, by way of an application made in this behalf online on the Broadcast Seva Portal, subject to the following conditions:

- a) The applicant has a binding agreement with a teleport permitted under these Guidelines for the period of permission.



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- b) The applicant pays a processing fee of ₹ one lakh per day of Live telecast.
- c) The news/footage so uplinked shall be primarily for the usage abroad by the foreign channel/news agency and shall not be broadcast in India without downlinking permission and registration of the channel.

(2) Permission under sub-para (1) shall be subject to approval by the Ministry of External Affairs and Ministry of Home Affairs.

PART VIII

CHANGE OF NAME & LOGO/SATELLITE/ TELEPORT/OPERATIONAL STATUS

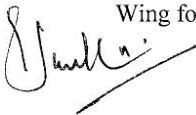
20. Name and logo of a TV Channel – (1) A company/ LLP shall display on the permitted TV channel only that name and logo which has been approved by the Ministry.

Provided that display of name/ logo other than that permitted or display of dual logo would be treated as a violation of the Guidelines inviting penal action.

(2) A company/ LLP may apply for change of name and logo to the Ministry online on the Broadcast Seva portal by payment of processing fees specified in **Appendix I**, along with the requisite documents.

(3) The Ministry shall, preferably within 15 days of receipt of the application, grant permission for the change applied for, after being satisfied that the application is in order in all respects.

(4) The permitted company/ LLP shall pay the applicable amendment fees to WPC Wing for amending the Wireless Operating License.



21. Change of satellite/ teleport: (1) The company/ LLP having permission for uplinking a channel shall apply for change of satellite/ teleport on the Broadcast Seva portal by payment of processing fees specified in **Appendix I**, along with a valid agreement with the satellite/ teleport service provider.

(2) The application shall be transmitted online on the portal to the Department of Space for its processing.

(3) The Ministry shall, preferably within 15 days of receiving clearance to the proposed change from the Department of Space, grant permission to the company/LLP for the proposed change.

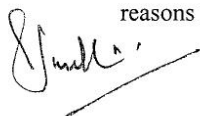
(4) In respect of change in satellite or teleport of the downlinked channel the company/LLP having permission for downlinking the channel may furnish an intimation of change on the Broadcast Seva portal.

22 Intimation for change of language, mode of transmission, etc. (1) A company/LLP having permission under the Guidelines for uplinking/downlinking a channel may furnish intimation on the Broadcast Seva to the Ministry for the following:

- (a) Change in language of transmission;
- (b) Change in mode of transmission;
- (c) Change in address and such other relevant particulars of the company/LLP
- (d) Resignation of a Director/Designated Partner/Chief Executive Officer

23. Operational Status of a permitted TV Channel – (1) A TV channel is required to remain operational during the currency of the permission.

(2) Where a TV channel is unable to remain operational for a continuous period of more than 60 days, the company/LLP shall inform the Ministry of the status along with reasons for the channel remaining non-operational.



Provided that failure to inform the Ministry regarding non-operational status of a channel beyond a continuous period of 60 days will be deemed to be a violation under the Guidelines.

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

PART IX

PENALTIES FOR VIOLATION

24. Consequences of violation of Programme and Advertisement Codes – (1) Where a channel is found to have broadcast a content which is in violation of the Programme Code and Advertising Code under the Cable Television Networks Regulation Act, 1995, it shall be liable for penal action, including one or more of the following:

- i. Advisory, to be communicated in writing to the entity;
- ii. Warning, to be communicated in writing to the entity;
- iii. An apology scroll, to be run on the channel;
- iv. A statement of apology to be read out by the Director/CEO of the entity on the channel;
- v. Directing the channel to be off-air for specified number of hours/days;
- vi. Suspension/revocation of permission

(2) For the purpose of sub-para (1), the Ministry shall take action under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.

25. Consequences of violation of other terms and conditions : (1) Where a permission holder is found to be violating any of the terms and conditions of the permission or any other provisions of these guidelines, other than violation referred to in para 24 (1), the Ministry shall have the right to take action, as under:

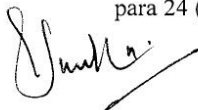
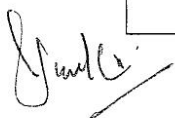


TABLE : ACTION FOR VIOLATION

Sl. No.	Violation	Penal Action for violation
(i)	Delay in intimation regarding change in shareholding pattern of the company	Warning
(ii)	Appointment of a Chief Executive Officer or Director/Designated Partner without prior permission of the Ministry	Warning, with the condition that the Chief Executive Officer or Director shall not function in that capacity till such time the appointment is approved by the Ministry.
(iii)	Non-removal of Chief Executive Officer or Director/Designated Partner who has been denied security clearance	Prohibition of broadcast up to 30 days; suspension of permission in case of continued default
(iv)	Showing dual logo/ logo or name not permitted by the Ministry	Order directing removal of the dual logo/unpermitted logo; Prohibition of broadcast for up to 30 days for non-compliance
(v)	Not maintaining the stipulated net worth for at least two consecutive financial years	Warning
(vi)	In respect of a channel, for being non-operational continuously for more than 60 (but less than 90) days, without intimating the Ministry.	Warning
(vii)	In respect of a channel, for being non-operational for a continuous period exceeding 90 days	Suspension; revocation of permission for continued default
(viii)	Non-payment of annual permission fees beyond a period of one year from the due date	Prohibition of broadcast up to 30 days; Suspension of channel for continued default

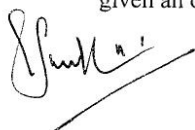


(ix)	Non-registration for telecast of a Live event by a non-news and current affairs channel	Warning and/or stoppage of live broadcast; Prohibition of broadcast upto 10 days, debarment from live broadcast for a period upto six months;
(x)	Telecast of an event Live by a non-news channel, content of which is in contravention of the Programme Code	Stoppage of live broadcast; prohibition of broadcast upto 10 days
(xi)	Usage of non-permitted SNG/DSNG equipment	Prohibition of broadcast upto 30 days; Suspension/cancellation of permission for continued default
(xii)	Transfer of a channel without permission of the Ministry	Suspension/cancellation of permission
(xiii)	Uplinking of a non-permitted / suspended / cancelled TV channel by a teleport Operator	Forfeiture of Security Deposit. The teleport would be required to furnish fresh Security Deposit as mentioned in Appendix IV within 15 days of forfeiture; Suspension/cancellation of permission for continued default

(2) In case of continued default of any one or more of the violations specified in the aforementioned table, the Ministry may impose a higher degree of penal action.

(3) Contravention of any of the terms and conditions of permission, other than those specified in sub-para (1), may invite one or more of the penal action mentioned in sub-para (1) having regard to the nature and gravity of contravention.

(4) No penal action shall be taken under this para, unless the company/LLP has been given an opportunity of being heard.



26. Powers of the Central Government : (1) In exercise of the powers conferred under section 20 of the Cable Television (Networks) Regulation Act, 1995, the Central Government may, by order, regulate or prohibit the operation of any programme or channel, and the company/LLP shall immediately comply with any such order.

(2) The Ministry shall have the right to suspend the permission of a channel for a specified period or cancel its permission in public interest or in the interest of national security to prevent its misuse, including where the company/LLP is found to have misused the permission by authorizing or enabling or contracting out to any other person the operations or other core functions/activities of the channel through any explicit or implicit agreement or arrangement, or there is a substantive change in ownership of the company/LLP leading to complete change in management and control over the company/LLP without prior permission of the Ministry, and the company or the LLP shall immediately comply with such directives.

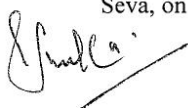
(3) Where a permitted channel or a teleport or a DSNG/SNG is found to be used for transmitting or uplinking any objectionable unauthorized content, messages, or communication inconsistent with public interest or national security, or fails to comply with the directives referred to in this para, the permission granted shall be revoked and the company/LLP may be disqualified to hold any such permission for a period of five years, apart from the punishment under other applicable laws.

(4) The Central Government may, from time to time, issue general advisory for adherence to the Programme Code and Advertising Code and the various provisions of the Cable Television Network (Regulation) Act, 1995 and Rules made there under, and such other advisory in relation to the Guidelines, and the channel shall comply with such advisory.

PART X

MISCELLANEOUS

27. Change of category of a channel - (1) Where a permission holder intends to change the category of the channel, from non-news and current affairs to news and current affairs or *vice-versa*, it may apply for the same to the Ministry on the Broadcast Seva, on payment of the requisite fee as in **Appendix I**.



(2) The Ministry shall process the application from the viewpoint of eligibility and other conditions and grant permission for change of category, specifying the conditions of such permission, preferably within 30 days of the receipt of such application and receiving clearance or No Objection from the Ministry of Home Affairs, wherever required.

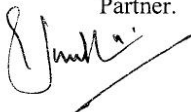
28. Appointment of a new Chief Executive Officer/Director – (1) A company/ LLP having permission under these Guidelines shall not appoint a new person as a Chief Executive Officer (by whatever name called), Director or Designated Partner, without prior approval of the Ministry.

Provided that in case of a company having only two Directors or of a LLP having only two Designated Partners, the new Director or Designated partner may be appointed, and intimation sent to the Ministry along with all details required for security clearance by the Ministry of Home Affairs (MHA) within 15 days of such appointment, under the condition that in the event that security clearance is denied by MHA, such person shall be removed forthwith from the post of Director or Designated partner, as the case may be, by the permission holder.

(2) For the purpose of appointing a person as a Chief Executive Officer or Director/Designated Partner, the company/LLP shall furnish all relevant details to the Ministry for enabling it to seek security clearance from the Ministry of Home Affairs.

(3) The Ministry of Information and Broadcasting shall convey its permission to the company/LLP, preferably within 7 days of receiving clearance from the Ministry of Home Affairs, and upon such conveyance, the person may be appointed as Chief Executive Officer or, Director/Designated Partner.

Provided that where the Ministry of Home Affairs denies security clearance, such person shall not be appointed as a Chief Executive Officer or Director/Designated Partner.



29. Intimation regarding change in shareholding pattern and Foreign Direct Investment – (1) Subject to the provisions of para 26(2), a company/ LLP having permission under these Guidelines shall, within 30 days of change of its shareholding pattern or partnership pattern or FDI pattern, intimate the same to the Ministry, along with details of the revised pattern and names/details of all the investors/partners in requisite proforma on Broadcast Seva.

Explanation: Change in shareholding/partnership pattern shall include change involving 10% or more in the equity holding/partnership share by any individual or an entity.

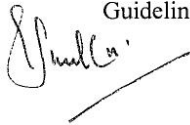
(2) Every change in the FDI pattern has to conform to the FDI Policy of the Government of India, including, wherever required, prior approval of the Central Government.

30. Furnishing of information and documents - The Ministry may, from time to time, call for such information and documents from the company/LLP as it may require for implementation of the Guidelines.

31. Remittance of foreign exchange – (1) Where a company/ LLP is required to remit foreign exchange under the RBI Instructions to a foreign entity for transaction relatable to permission under these Guidelines, it may seek permission of the Ministry by applying online on Broadcast Seva.

(2) Every such application shall be processed by the Ministry in accordance with the extant Instructions of the Reserve Bank of India and permission granted accordingly.

32. Transfer of Permission of a Television Channel or teleport – (1) A TV Channel or a teleport may be transferred by a company/LLP, granted permission under these Guidelines, to another company/LLP only with prior approval of the Ministry.



(2) Transfer under sub-para (1) shall be permitted only under the following situations:

- (a) merger/demerger/amalgamation is duly approved by the Court/Tribunal in accordance with the provisions of the Companies Act, 2013 or the Limited Liability Act, 2008, and the company/ LLP files a copy of the order of the Court/ Tribunal sanctioning the said scheme;
- (b) transfer of business or undertaking in accordance with the provisions of applicable law, and the company/ LLP files a copy of the agreement/ arrangement executed between itself and the transferee company/LLP;
- (c) transfer within Group Company, and the company files an undertaking stating that the transfer is within the Group Companies.

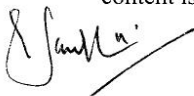
Explanation 1: "Group Company" in relation to a company means a company, which is under the same management and/or has the same promoters as the other company or over which that other company exercises significant influence or control and shall also include an associate company, subsidiary company, holding company or a joint venture company.

Explanation 2 : For the purpose of this clause significant influence means control of at least 20% of the total paid up share capital or having the right to appoint at least one third of the Board of Directors by way of agreement or otherwise.

(3) The transfer of channel shall be subject to fulfillment of following conditions:

- (a) The new entity is eligible as per the eligibility criteria under these Guidelines, including the net worth and the entity and its Directors/Designated Partners are security cleared.
- (b) The new entity undertakes to comply with all the terms and conditions of permission so granted.
- (c) There shall be lock-in period of one year from the date of operationalization of a channel, during which the channel cannot be transferred to another unrelated entity.

33. Television channels for viewing only in foreign Countries – (1) A TV channel operating in India and uplinked from India but meant only for foreign viewership is required to ensure compliance of the rules and regulations of the country for which content is being produced and uplinked.



Provided that the uplinked content should not contain anything which is against the sovereignty, integrity and national security of India as well as its friendly relations with other countries, and for monitoring purposes the channel shall preserve record of the content for a minimum period of 90 days.

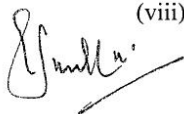
(2) A channel owned by a foreign company/ entity may be allowed to uplink its content for being downlinked and viewed outside India by using the facility of a permitted teleport operator by way of an online application on Broadcast Seva furnished on its behalf by the concerned teleport operator.

Provided that permission for use of such facility shall be granted only after clearance from Ministry of Home Affairs, Ministry of External Affairs and Department of Space.

34. Mandatory technical and operational requirements – In respect of uplinking of satellite TV channels/ Teleports/ DSNG/ SNG, technical and operational requirements will be in accordance with the extant Indian Standards as published by Telecommunication Engineering Centre (TEC), Department of Telecommunications, Ministry of Communications and the permission holder may inform the Ministry regarding change in technical parameters such as satellite transponder, frequency bands, polarization, etc. during the permitted period of operation.

35. Obligation of public service broadcasting – (1) As airwaves/frequencies are public property and need to be used in the best interest of the society, a company/LLP having permission under these guidelines for uplinking a channel and its downlinking in India (other than foreign channels only downlinked in India) may undertake public service broadcasting for a minimum period of 30 minutes in a day on themes of national importance and of social relevance, including the following, namely –

- (i) education and spread of literacy;
- (ii) agriculture and rural development;
- (iii) health and family welfare;
- (iv) science and technology;
- (v) welfare of women;
- (vi) welfare of the weaker sections of the society;
- (vii) protection of environment and of cultural heritage; and
- (viii) national integration

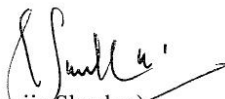


(2) The channels may, for the purpose, appropriately modulate their content to fulfil the obligation referred to in sub-para (1), except where it may not be feasible, such as in the case of sports channels, etc.

(3) The Central Government may, from time to time, issue general advisory to the channels for telecast of content in national interest, and the channel shall comply with the same.

36. Applicability of the Guideline on existing permissions - The various terms and conditions laid down in this Guideline shall automatically apply to all permissions and approvals granted by this Ministry under the 'Policy Guidelines for Uplinking of Television Channels' and 'Policy Guidelines for Downlinking of Television Channels' dated 5th December, 2011, and the Guidelines of 2005, and all new permissions/renewals will be governed by this Guideline.

37. Residual Clause - For any other permission/ matter related to uplinking and downlinking of satellite TV channels, news agencies, DSNGs/SNGs and teleports not specifically mentioned in the guidelines, or for removal of any difficulty in implementing these Guidelines, Secretary, Ministry of Information & Broadcasting, shall be the competent authority.


(Sanjiv Shankar)

Joint Secretary to the Government of India
Tele # 23387823#

Appendix I to Guidelines

I. Processing Fee

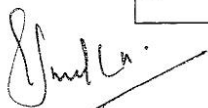
Applicant company/LLP shall pay processing fee as under:

Sr. No.	Type of Permission	Amount of fee (in ₹)
1.	Teleport	Ten Thousand
2.	TV Channel	Ten Thousand
3.	News Agency	Ten Thousand
4.	Change of category of a channel	Ten Thousand
5.	Change of satellite/teleport	Ten Thousand
6.	Purchase of DSNG/SNG equipment	Ten Thousand
7.	Renewal of permission of channel/teleport/news agency	Ten Thousand
8.	Change of name/logo	One lakh

II. Annual Permission Fee

Permission holding companies shall pay Annual Permission Fee as prescribed below:

Sr. No.	Type of Permission	Annual Permission Fee (in ₹)
1.	Teleport	Two lakh per Teleport
2.	Uplinking of TV Channel	Two Lakh per Channel
3.	Downlinking of TV Channel from India	Five Lakh per Channel



4.	Downlinking of a channel from outside India	Fifteen lakh per channel
5.	Uplinking of a foreign channel from Indian teleport	Two lakh per channel

III Registration fee for downlinking TV Channels uplinked from other countries:

One time Registration Fee – ₹ 10 Lakh.

IV Schedule of Payment:

(1) After being held eligible, the Company/LLP shall pay the permission fee for the first year before after the issuance of the Letter of Intent (LOI), only after which permission letter would be issued. The due date for the succeeding year's permission fee would be one year from the date of operationalization of the Teleport/ TV Channel and would have to be deposited 60 days before such fee becomes due.

(2) Annual fee paid after the due date shall attract late fee charges levied at simple interest rate of 1% per month. Incomplete month shall be considered as one month for the purpose of late fee calculation.

V Fees for Live telecast of an event by a non-news channel :

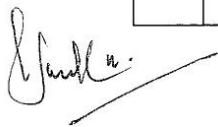
- (i) National channel : Rs 1 lakh per channel per day;
- (ii) Regional Channel : Rs 50,000 per channel per day
- (iii) Devotional channel : No fees for a devotional/spiritual/yoga content



Appendix II to Guidelines

Minimum Networth Requirement

Sr. No.	Item	Minimum Net Worth (In ₹ crore)
1.	For first Teleport	3.00
2.	For each additional Teleport	1.00
3.	For first Non-news & Current Affairs TV Channel	5.00
4.	For each additional Non-news & Current Affairs TV Channel	2.50
5.	For first News & Current Affairs TV Channel	20.00
6.	For each additional News & Current Affairs TV Channel	5.00



Appendix-III to Guidelines

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.

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		<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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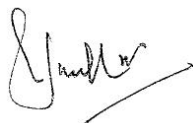
Appendix IV to Guidelines

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.



**Recommended Terms and Conditions for
Ground-based Broadcasters (GBB)**

1. Definitions:

- (a) “Broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, permission/authorisation from the Central Government for its channels, is providing programming services;*
- (b) “Broadcasting Network” means a system used for the transmission of programmes, and provision of broadcasting services;*
- (c) “company” means a company as defined under the Companies Act, 2013 (18 of 2013);*
- (d) ‘devotional channel’ means a TV channel, which predominantly broadcasts devotional/spiritual/yoga content, as identified by the Ministry;*
- (e) “DSNG” 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;*
- (f) “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 terrestrial communication medium;

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

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

(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) “national channel” means a TV channel other than a regional channel or a devotional channel;

(l) “News channel” means a TV channel which predominantly telecasts news and current affairs content programmes;

(m) “Non-news channel” means a TV channel other than a news channel;

(n) “Programme” means any audio or visual or audio-visual content, sign, signals, writing, images which is transmitted using a broadcasting network, and includes but not limited to-

- (i) exhibition of films, features, dramas, documentaries, advertisement and serials;**
- (ii) News & Current Affairs, Non-News & Current Affairs, educational content;**
- (iii) any audio or visual or audio-visual live performance or presentation or pre-recorded content;**

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

(o) “programme code” means the Programme Code laid down under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder;

(p) “regional channel” means a TV channel, not being a devotional channel, which is broadcast in an Indian language, other than English or Hindi language;

(q) “Satellite-based Broadcasting” means providing programming services using satellite-based communication medium for delivery of channels to the distributors of television channels;

(r) “Shareholding pattern” means the number of equity shares of a company held by different investors;

(s) “Terrestrial Communication Medium” means a communication medium using ground infrastructure, which includes but not limited to wireline (e.g. cable/fibre,

etc.)/wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud or any other equipment/system other than satellite medium;

(t) “WPC” means Wireless Planning and Coordination, Department of Telecommunications.

2. **Scope:** The permitted/authorised entity (GBB) shall provide television channel(s) to Distribution Platform Operators (DPOs) using terrestrial communication medium, for onward re-transmission.
3. **Use of communication medium(s):** For delivery of channels to the distributors of television channels, a GBB may use any terrestrial communication medium(s) including but not limited to wireline (e.g. cable/fibre, etc.)/wireless (e.g. cellular/microwave/Wi-Fi, etc.)/internet/cloud or any other equipment/system other than satellite medium. There shall be no restriction on the use of terrestrial communication technologies/systems and the entity may use more than one such systems, as per its business decision.

Provided that the permission holder/authorised entity shall furnish technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipment/instruments to be used for transmission and distribution, the Block schematic diagram of the transmission and distribution system.

Provided further that the entity shall provide intimation, at least 15 days in advance, to the Central Government before undertaking any significant upgradation/expansion/changes in the transmission and distribution system/network configuration.

4. **Service Area:** National

5. **Applicant Entity:** A Company, or an LLP is eligible to apply for a permission/authorisation to operate as a broadcaster.
6. The entity shall provide the details of its legal status, including registration details and proof of incorporation under Indian law.
7. The entity shall furnish a declaration that it has not been disqualified from holding such permission/authorisation under applicable Guidelines/Rules.
8. **Foreign Direct Investment (FDI):** The entity shall fulfill 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.
9. **Net worth:** The entity shall have a minimum net worth for an amount specified in Table 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 Balance Sheet¹⁷ of that financial year.

Table 1: Minimum Net worth requirement for Ground-based Broadcasters

S. No.	Item	Minimum Net worth (in Rs. Crore)
1.	For first Non-news & Current Affairs Television Channel	5
2.	For each additional non-news & Current Affairs Television Channel	2.5

¹⁷ If audited balance sheet of the immediately preceding financial year is not available then audited balance sheet of previous financial year may be considered for this purpose.

3.	For first News & Current Affairs Television Channel	20
4.	For each additional News & Current Affairs Television Channel	5

Note: In case an existing GBB/SBB intends to use additional communication medium than the permitted communication medium, i.e. a SBB intends to use terrestrial communication medium in addition to satellite medium or a GBB intends to use satellite medium in addition to terrestrial communication medium for the same channel, there will not be any additional net worth requirement as the same channel is being permitted to be broadcast using additional medium.

10. **Processing Fee:** The entity shall be required to pay a non-refundable processing fee per channel as provided under Table 2 as follows:

Table 2: Processing Fee

S.No.	Type of Permission/Authorisation	Amount of Processing Fee (in Rs.)
1.	Ground-based Broadcasting of a Television Channel	Ten thousand
2.	Change of Category of Channel	Ten thousand
3.	Renewal of Permission/Authorisation	Ten thousand
4.	(i) Change from GBB to SBB and vice versa (ii) Use of additional communication medium by SBB/GBB	Ten thousand
5.	Change in Name/Logo	One lakh

6.	Live telecast of an event by a Non-news and Current Affairs Channel	National Channel: Rs 1 lakh per channel per day Regional Channel: Rs 50,000 per channel per day Devotional channel: No Fees for a devotional/spiritual/yog a content
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11. **Annual Permission/Authorisation Fee:** Rs. 7 lakh per channel.

The entity shall pay the Annual permission/authorisation fees from the year in which the TV channel becomes operational, for an amount specified above, including interest on late payment of the fees, as specified.

Note: *In case an existing GBB/SBB intends to use additional communication medium other than the permitted communication medium, i.e., a SBB intends to use terrestrial communication medium in addition to satellite medium or a GBB intends to use satellite medium in addition to terrestrial communication medium for the same channel, the entity shall be liable to pay applicable Annual Authorisation Fee for both communication mediums separately, as applicable.*

12. **Schedule of Payment:**

- (1) After being held eligible, the entity shall be required to pay the Annual Permission/Authorisation Fee for the first year. The due date for the succeeding year's annual permission/authorisation fee shall be one year from the date of operationalization of the television channel and would have to be deposited 60 days before such fee becomes due.
- (2) Annual permission/authorisation fee paid after the due date shall attract late fee charges levied at simple interest rate of 1% per

month. Incomplete month shall be considered as one month for the purpose of late fee calculation.

13. **Performance Bank Guarantee (PBG):** The entity shall be required to furnish PBG of Rs. 1 crore for 'Non-news & Current Affairs channel' and Rs. 2 crore for 'News & Current Affairs Channel' from any scheduled bank for each channel, for grant of permission/authorisation, for fulfilling the rollout obligations.

NOTE: *In case an existing GBB/SBB intends to use additional communication medium other than the permitted communication medium, i.e. a SBB intends to use terrestrial communication medium in addition to satellite medium or a GBB intends to use satellite medium in addition to terrestrial communication medium for the same channel, the authorised entity shall not be required to submit any additional PBG.*

14. **Security Deposit:** The entity shall also be required to furnish security deposit for ground-based broadcasting of a television channel, which shall be equivalent to 2 years of annual permission/authorisation fee i.e., Rs. 14 Lakh. The security deposit shall be refunded to the applicant due to expiration, withdrawal, cancellation or termination of permission/authorisation after adjustment of outstanding dues, if any.

NOTE: *In case an existing GBB/SBB intends to use additional communication medium other than the permitted communication medium, i.e. a SBB intends to use terrestrial communication medium in addition to satellite medium or a GBB intends to use satellite medium in addition to terrestrial communication medium for the same channel, the authorised entity shall be required to submit security deposit for both communication mediums separately, as applicable.*

15. The entity shall provide the names and details of all the Directors of the Company and its Key Managerial Personnel.
16. The entity shall ensure that 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.

17. The entity shall provide the names, address and details of person(s), not being resident of India, who are proposed to be inducted in the Board of Directors of the company.
18. The entity shall disclose in its application the name, address and details of any foreigner/NRI to be employed/engaged by the entity either as a Consultant or by any other designation for more than 60 days in a year, or, as a regular employee.
19. The entity shall ensure that it has complete management control, operational independence and control over its resources and assets and must have adequate financial strength to operate the channel.
20. In respect of a news and current affairs channel, the management and control of the entity 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.
21. The entity shall 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.
22. The entity shall furnish, along with the application, the proposed name and logo of the channel along with the Trademarks 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 entity, 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.
23. **Application for service permission/authorisation:** The applicant entity may apply online on a portal, as specified by the Central Government on payment of applicable processing fees and provide such details, as required.
24. **Grant of permission/authorisation:** (1) After completion of application process, receiving clearance and approval of Ministry of Home Affairs and other authorities and fulfilling the terms and conditions for grant of permission/authorisation, the Central Government shall provide permission/authorisation under applicable Guidelines/Authorisation rules under Section 3(1)(a) of the Telecommunication Act, 2023.
- (2) The Central Government 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.

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.

25. **Non-Exclusivity:** The permission/authorisation may be granted to the entity on non-exclusive basis i.e. the Central Government may issue similar permission/authorisation to any other entity for provision of same service in the respective service area.
26. **Validity Period:** The validity period of the permission/authorisation shall be 10 years from the effective date of permission/authorisation.
27. **Renewal of permission/authorisation:** The permission holder/authorised entity may apply online on a portal as specified by Central Government for renewal of permission/authorisation at least three months prior to the expiry of the existing permission/authorisation and pay requisite processing fee as provided in Table 2. The renewal of permission/authorisation shall be for a period of 10 years, subject to the condition that the permission holder/authorised entity is not found guilty of violation of any terms and conditions of permission/authorisation and/or violation of Programme Code and Advertisement Code on five or more occasions during the period of permission/currency of authorisation.

Hiring and Use of DSNG Equipment

28. A permission holder/authorised entity having permission/authorisation for 'News and Current Affairs' Television

Channel may hire and use DSNG for collection/transmission of news/footage up to the broadcaster.

29. A permission holder/authorised entity having a permission/authorisation for 'Non-news and Current Affairs' channel, may hire and use DSNG equipment for their authorised channels, for transfer of video feeds up to the broadcaster.
30. In case of permission holder/authorised entity, the encrypted signal shall only be downlinked at the head-end of the broadcaster for broadcasting through terrestrial communication medium.

Live coverage of events

31. **Live telecast by a news and current affairs channel—** (1) A Ground-based News and Current Affairs channel may use an ENG service for gathering content and shall register such service with the Central Government on the portal specified by the Central Government.

(2) A Ground-based News and Current Affairs channel may also hire and use DSNG equipment from any other permitted entity, for gathering content, and shall register such hiring of the equipment with the Central Government on the portal specified by the Central Government. However, frequency allocation/assignment by WPC wing for the DSNG equipment shall be the sole responsibility of the DSNG Equipment owner.

32. **Live telecast of an event by a non-news and current affairs channel:** (1) A Ground-based 'Non-news and Current Affairs Channel' permitted/authorised by the Central Government may, for the purpose of coverage of an event, live in India, register itself on the

online portal as specified by the Central Government on payment of such fees as specified in Table 2, 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) DSNG Equipment owner's willingness to hire/lease out the equipment during the proposed programme/event. Frequency allocation/assignment by WPC wing for the DSNG equipment shall be the sole responsibility of the DSNG Equipment owner;
- c) Due authorisation of the event owner along with specific dates and timings of the proposed programme/event; and
- d) Where an ENG service is used, details thereof.

Provided that if a Ground-based 'Non-news and Current Affairs Channel' covers an event Live without registering itself, it shall be construed as violation of the terms and conditions of permission/authorisation.

Provided further that, a Ground-based 'Non-news and Current Affairs Channel' shall not telecast any event Live which is in contravention of the Programme Code laid down in the Cable Television Networks (Regulation) Act, 1995 and the rules made thereunder and other applicable instructions/advisories/orders/directions/guidelines.

(3) Decision as to whether the event being broadcasted Live is of the nature of news and current affairs or not will be that of the Central Government and shall be binding on the entity.

33. **Roll-out obligations:** The entity shall operationalize the permitted/authorised television channel within one year from the date of obtaining all necessary permissions/clearances.

Provided that if the channel is not operationalized within the stipulated period, the permission/authorisation is liable to be cancelled and the PBG is liable to be forfeited.

34. **Operational Status:** (1) The permission holder/authorised entity shall, on operationalisation of the television channel, inform the Central Government or its specified agency regarding the operational status along with all its technical parameters.
- (2) Any change in the operational status of the permission holder/authorised entity shall be reported to the Central Government within 30 days.
- (3) A television channel is required to remain operational during the currency of the permission/authorisation.
- (4) Where a television channel is unable to remain operational for a continuous period of more than 60 days, the permission holder/authorised entity shall inform the Central Government of the status along with reasons for the channel remaining non-operational. Provided that failure to inform the Central Government regarding non-operational status of a channel beyond a continuous period of 60 days will be deemed to be a violation.
- Provided further that the channel shall not remain non-operational for a continuous period exceeding 90 days.
35. **Prohibition of certain activities:** The permission holder/authorised entity shall ensure that any channel, which is unregistered or prohibited from being broadcast or transmitted or re-transmitted in India, under the Cable Television Networks (Regulation) Act 1995 or any other law for the time being in force, cannot be received and distributed in India through encryption or any other means using its network.
36. The permission holder/authorised entity shall make disclosure of all its Shareholders' Agreements.

37. The permission holder/authorised entity of GBB shall not allow DPO companies to collectively hold or own more than 20% of the total paid up equity in its company at any time during the validity of permission/authorisation.
38. The permission holder/Authorised Entity shall not hold or own more than 20% equity share in a DPO company.
39. The permission holder/authorised entity shall furnish such information, as may be required by the Central Government/TRAI/any other relevant Regulatory Authority from time to time.
40. **Monitoring and record keeping:** (1) The permission holder/authorised entity shall provide necessary monitoring facility, at its own cost, for monitoring of programmes or their content by the representatives of the Central Government or any other authorised agency as and when required.
- (2) The permission holder/authorised entity shall keep a record of all transmitted content for a minimum period of 90 days and provide access to this content upon request by the Central Government or any agency authorized by the Central Government.
- (3) The permission holder/authorised entity shall demonstrate the facilities for monitoring and storing record for 90 days before operationalisation of its channel.
41. **Name and Logo:** (a) The permission holder/authorised entity shall display on the permitted/authorised television channel only that name and logo which has been approved by the Central Government.

Provided that display of name/logo other than that permitted or display of dual broadcaster logo would be treated as a violation of the Guidelines inviting penal action.

(b) The permission holder/authorised entity may apply for change of name and logo on the online portal, as specified by the Central Government, on payment of applicable processing fee, along with the requisite documents.

42. In the event of any war, calamity, national security concerns, the Central Government shall have the power to prohibit for a specified period the reception/distribution/transmission and re-transmission of any or all channels.

43. **Compliance with TRAI Regulations/Orders/Directions:** The permission holder/authorised entity shall comply with the regulations/orders/directions issued by TRAI from time to time.

If any permission holder/authorised entity, contravenes the provisions of the regulations/orders/directions issued by TRAI, it shall, without prejudice to the terms and conditions of its license or permission or registration or authorisation, or the Act or rules or regulations or order made or direction issued thereunder, be liable to pay the financial disincentive as specified by the Authority, or an officer authorized by the Authority, as the case may be.

In case the permission holder/authorised entity fails to pay the financial disincentive as specified by the Authority, then such violation may lead to suspension/cancellation of license or permission or registration or authorisation and/or recovery of financial disincentive from the Security deposit or PBG.

44. The Central Government may, from time to time, issue instructions/directions/orders/guidelines/advisories that the permission holder/authorised entity shall be required to comply with.
45. **Special conditions:** The permission holder/authorised entity shall be required to adhere to the following conditions:
- a) Broadcast only those television channels that are duly permitted/authorised by the Central Government.
 - b) Ensure compliance with the Programme Code and Advertising Codes as laid down in the Cable Television Networks (Regulation) Act, 1995.
 - c) Adherence to any other Code/Standards, guidelines/restrictions prescribed by the Central Government for regulation of content on television channels from time to time.
 - d) Maintain technical standards for transmission as specified by the Central Government, including encryption where applicable.
 - e) The 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.
46. **Intimation of primary language and Genre:** The permission holder/authorised entity shall intimate the Ministry of Information and Broadcasting (MIB) about primary language of their television channel and sub-genre of every non-news channel (as per Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (as amended) notified by the Authority) while obtaining permission/authorisation of each channel, on the portal specified by MIB.

47. **Intimation for change of language/mode of transmission, etc.** (1)
The entity having permission/authorisation for a channel may furnish intimation online on the portal, as specified by Central Government, for the following:
- (a) Change in language of transmission;
 - (b) Change in mode of transmission {e.g. Standard Definition (SD), High Definition (HD), 4K, etc};
 - (c) Change in address and such other relevant particulars of the entity
 - (d) Resignation of a Director/Designated Partner/Chief Executive Officer
48. **Penalties for violation:** Penalties for violation of Programme Code or Advertisement Code or other terms and conditions of permission/authorisation applicable on SBBs should be applicable to GBBs *mutatis mutandis*.
49. **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 permission holder/authorised entity shall immediately comply with any such order.
- (2) The Central Government shall have the right to suspend the permission/authorisation of a channel for a specified period or cancel its permission/authorisation in public interest or in the interest of national security to prevent its misuse, including where the permission holder/authorised entity is found to have misused the permission/authorisation by authorising 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 entity leading to complete change in management and control over the entity without prior permission of the Central Government, and the permission holder/authorised entity shall immediately comply with such directives.

(3) Where a permitted channel is found to be used for transmitting any objectionable or unauthorised 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/authorisation granted shall be revoked and the permission holder/authorised entity may be disqualified to hold any such permission/authorisation 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.

Miscellaneous

50. **Change of category of a channel:** (1) Where a permission holder/authorised entity 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 online on the portal as specified by the Central Government, on payment of the applicable fee.

(1) The processing of the application shall be carried out from the viewpoint of eligibility and other conditions.

(2) Permission shall be granted 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 concerned Ministry/Department of Central Government, wherever required.

51. **Appointment of a New Chief Executive Officer/Director** — (1) The permission holder/authorised entity shall not appoint a new person as a Chief Executive Officer (by whatever name called), Director or Designated Partner, without prior approval of the Central Government.

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 Central Government along with all details required for security clearance within 15 days of such appointment, under the condition that in the event that security clearance is denied, such person shall be removed forthwith from the post of Director or Designated partner, as the case may be, by the permission holder/authorised entity.

(2) For the purpose of appointing a person as a Chief Executive Officer or Director/Designated Partner, the permission holder/authorised entity shall furnish all relevant details to the Central Government for enabling it to seek security clearance.

(3) The permission holder/authorised entity shall be conveyed requisite permission, after receiving clearance from the concerned Ministry of Home Affairs/Department, and upon such conveyance, the person may be appointed as Chief Executive Officer or, Director/Designated Partner.

Provided that where the concerned Ministry/Department denies security clearance, such person shall not be appointed as a Chief Executive Officer or Director/Designated Partner.

52. **Intimation regarding change in shareholding pattern and Foreign Direct Investment** — (1) Subject to the provisions of 'Powers of the Central Government', the entity shall, within 30 days of change of its shareholding pattern or partnership pattern or FDI pattern, intimate the same to the Central Government, along with details of the revised pattern and names/details of all the investors/partners in requisite proforma on portal, as specified.

Explanation: Change in shareholding/partnership pattern implies 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.

53. **Furnishing of information and documents** - The Central Government may, from time to time, call for such information and documents from the entity as it may require.

54. **Remittance of Foreign Exchange** — (1) Where the permission holder/authorised entity is required to remit foreign exchange under the Reserve Bank of India (RBI) Instructions to a foreign entity for transaction relatable to its permission/authorisation, it may seek permission of the Central Government by applying online on portal, as specified by Central Government.

(2) Every such application shall be processed in accordance with the extant Instructions of the RBI and permission/authorisation granted accordingly.

55. **Transfer of Permission/Authorisation of a Television Channel —**

(1) A television channel may be transferred by the permission holder/authorised entity, to another 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/Commission/Authority in accordance with the provisions of the Companies Act, 1956 or 2013 or the Limited Liability Act, 2008, and the Company/LLP files a copy of the order of the Court/Tribunal/Commission/Authority 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/LLP files an undertaking stating that the transfer is within the Group Companies.

Explanation 1: "Group Company" in relation to a company means a company, which is under the same management and/or has the same promoters as the other company or over which that other company exercises significant influence or control and shall also include an associate company, subsidiary company, holding company or a joint venture company.

Explanation 2 : For the purpose of this clause significant influence means control of at least 20% of the total paid up share capital or

having the right to appoint at least one third of the Board of Directors 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, including the net worth requirement 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/authorisation so granted.

(c) There shall be lock-in period of one year from the date of operationalization of a television channel, during which the channel cannot be transferred to another entity.

56. **Mandatory technical and operational requirements** — In respect of terrestrial transmission, technical and operational requirements will be in accordance with the extant Indian Standards as published by Bureau of Indian Standards (BIS) and/or Telecommunication Engineering Centre (TEC), Department of Telecommunications, Ministry of Communications and the permission holder/authorised entity may inform the Central Government regarding significant change in technical parameters during the permitted period of operation.

57. **Obligation of Public Service Broadcasting** — (1) The permission holder/authorised entity may undertake public service broadcasting for a minimum period of 30 minutes in a day on themes of national importance and of social relevance, including the following, 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 and/or programme schedule to fulfil the obligation referred above, except where it may not be feasible, such as in the case of sports channels, etc.

(3) The Central Government may, from time to time, issue general advisory to the channels for telecast of content in national interest, and the channel shall comply with the same.

58. **Change in communication medium:** (1) If a GBB intends to use satellite-based communication medium for a channel, either in replacement or in addition to terrestrial communication medium, the entity shall be required to obtain prior permission/authorisation from the Central Government for satellite-based broadcasting for that channel. The permission holder/ authorised entity may apply online on a portal as specified by the Central Government and pay the applicable fee as specified in Table 2. Similarly, if a SBB intends to use terrestrial communication medium for a channel, either in replacement or in addition to satellite-based communication medium, the entity shall be required to obtain prior permission/authorisation from the Central Government for ground-based broadcasting for that channel. The permission holder/ authorised entity may apply online on a portal as specified by the Central Government and pay the applicable fee as specified in Table

2. In such cases, the entity shall submit an undertaking that it shall ensure continuity of services to the DPOs with whom it has valid interconnection agreements.

(2) In case a GBB intends to switch to or additionally use, satellite-based communication medium for the same channel:

- (a) capacity of only IN-SPACE authorised satellite shall be used and permissions and clearances for spectrum usage from WPC wing of Department of Telecommunications, Ministry of Communications shall be required to be obtained by the permission holder/authorised entity along with payment of applicable fees.
- (b) In such a situation, the validity period of permission/authorisation shall remain unchanged.

(3) In case a SBB intends to switch to or additionally use, terrestrial communication medium for the same channel, the validity period of permission/authorisation shall remain unchanged.

59. **Residual Clause** - For any other permission/matter related to GBB not specifically mentioned herein, or for removal of any difficulty in implementing these terms and conditions, the Central Government, shall be the competent authority.