

File No: 1501/34/2009-TV(I)
Government of India
Ministry of Information and Broadcasting
Broadcasting Wing

New Delhi.
Dated: 05th December, 2011

ORDER

SUBJECT: Amendment in the Policy Guidelines for Downlinking of Television Channels

In pursuance of the approval granted by the Union Cabinet in its meeting held on 7.10.2011, the Government of India hereby makes the following amendments to the Policy Guidelines for Downlinking of Television Channels (hereinafter referred to as the of Principal Guidelines for Downlinking) issued on 11th November 2005 in public interest:-

1. In Para 1.5 of the Principal Guidelines for Downlinking, in place of the existing Table the following table shall be substituted:-

Sl.No.	Item	Required Net Worth
1.	For Downlinking of First (Non-News or News & Current Affairs) TV Channel	Rs. 5.0 crore
2.	For Downlinking Each Additional TV Channel	Rs. 2.50 crore

2. After Para 1.8 of Principal Guidelines for Downlinking, the following new Paras, pertaining to requirement of net worth for existing permission holder and experience of top management companies shall be inserted, namely:-

1.9 Notwithstanding the provisions contained in Para 1.5, the minimum net worth requirement for downlinking of additional Television Channels by a Company which held permission(s) for downlinking of Television Channels as on the date of issuance of the amended Guidelines as on 05.12.2011, would be calculated by applying the net worth norms as they existed prior to the issuance of amended guidelines for the permissions already held on that date, and the revised norms as per Para 1.5 for the additional Television Channels.

1.10. At least one of the persons occupying a top management position in the applicant company should have a minimum 3 years of prior experience in a top management position in a media company (or media companies) operating News and Current Affairs and Non-News and Current Affairs Television Channels, as the case may be. The term "top management position" in this context shall mean the Chairperson or Managing Director or Chief Executive Officer or Chief Operating Officer or Chief Technical Officer or

Chief Financial Officer of the Company. The channels which were permitted but could not become operational by the date of issuance of the amended guidelines on 05.12.2011_will also be required to fulfill this criteria.

3. Para 2.6 shall be deleted as it is no longer relevant.
4. For Para 3.1 of Principal Guidelines for Downlinking, explaining the period of permission and registration for downlinking of Television Channels uplinked from other countries shall be substituted, namely:

“3.1. The Permission granted to a company to downlink channels, uplinked from other countries, into India under these guidelines shall be valid for a period of 10 years from the date of issuance of permission. The Registration granted to such channels under these Guidelines shall also be valid for a period of ten years.”

5. After Para 3.1 of Principal Guidelines for Downlinking, new Para explaining the period of permission and registration for downlinking of Television Channels uplinked from India shall be inserted, namely,

“3.2. The Registration granted under these Guidelines to channels uplinked from India shall also be valid for a period of 10 years and shall be co-terminus with the uplinking permission of the channel.”

6. For Para 4.1 of the Principal Guidelines for Downlinking, describing the permission fee structure for Downlinking of Television Channel Uplinked from abroad, the following Para shall be substituted, namely:

“4.1. The Company seeking permission to downlink channels, uplinked from other countries, into India under these guidelines shall pay a permission fee of Rs 10 lakhs at the time of grant of permission.”

7. For Para 4.2 of the Principal Guidelines for Downlinking, describing the permission fees structure for registration of Downlinking of Television Channel, the following Para shall be substituted, namely:

“4.2. The Company shall pay a Permission fee for Registration of channels under these guidelines as follows:-

4.2.1. Rs. 5 lakhs per channel per annum for Downlinking of Television Channel uplinked from India.

4.2.2. Rs. 15 lakhs per channel per annum for Downlinking of Television Channel uplinked from abroad.

4.2.3. After being held eligible, the applicant Company shall pay the permission fee for the first year before the issuance of permission. The succeeding year's permission fee will have to be deposited 60 days before such fee becomes due.”

8. Para 4.3 of the Principal Guidelines for Downlinking shall stand deleted as it is no longer relevant.

9. In Para 5.2 of the Principal Guidelines for Downlinking, the existing text shall be substituted, by new text referring to Sports Broadcasting Signals Act 11 of 2007, namely :-

“5.2. The company shall ensure compliance of the provisions of Sports Broadcasting Signals (Mandatory sharing with Prasar Bharati) Act 11 of 2007 and the Rules, Guidelines, Notifications issued there under.”

10. In Para 5.9 of Principal Guidelines of Downlinking in place of the existing text the following text shall be substituted, namely :-

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

11. After Para 8 of the Principal Guidelines of Downlinking, the following Paras shall be inserted, namely:-

“9. RENEWAL OF EXISTING PERMISSIONS / REGISTRATION

9.1. The existing permission holders as on the date of issuance of the amended Guidelines on 05.12.2011 will continue to be governed by the terms and conditions of permission as they existed prior to the issuance of amendments on 05.12.2011 till the expiry of such permission.

9.2. Renewal of permission/ registration will be considered for a period of 10 years at a time, subject to the condition that the company/ channel should not have been found guilty of violating the terms and conditions of permission including violations of the programme and advertisement code on five occasions or more. What would constitute a violation would be determined in consultation with the established self-regulating mechanisms.

9.3. The renewal will also be subject to the permission/ registration holder’s acceptance of all of the terms and conditions of permission as the Government may prescribe by way of policy pronouncements from time to time.

9.4. At the time of considering the renewal of permission/ registration of the existing permission holders, the eligibility criteria of net worth of the company and experience of the top management will not apply. However, other terms and conditions would be applicable as per modified terms and conditions of the permission.

10. TRANSFER OF PERMISSION

10.1. The permission holder shall not transfer the permission without prior approval of the Ministry of Information and Broadcasting.

10.2. In case of transfer of permission of a Satellite Television Channel uplinked from India from one company to another as per the provisions of Uplinking Guidelines, the registration

of the channel under the downlinking Guidelines shall also stand transferred to the new company.

10.3. In case of companies permitted to downlink channels from other countries, on a written request from the permission holder, the Ministry shall allow transfer of permission in case of merger/demerger/ amalgamation, or from one Group Company to another provided that such transfer is in accordance with the provisions of the Companies Act, and further subject to the fulfilment of following conditions:

(i) The new entities should be eligible as per the eligibility criteria including the net worth and should be security cleared.

(ii) The new entities should undertake to comply with all the terms and conditions of permission granted.]1


(Supriya Sahu)

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