

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

New Delhi.

Dated: 5th December 2011

ORDER

SUBJECT: Amendment in the Policy Guidelines for Uplinking of Television Channels from India

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 Uplinking of Television Channels from India issued on 2nd December, 2005 (hereinafter referred to as the principal Guidelines) in public interest,-

1. In Para 1.1.2 of the principal Guidelines, in place of the existing Table the following Table shall be substituted :-

<i>Item</i>	<i>Required Net Worth</i>
<i>For the first Teleport</i>	<i>Rs. 3.00 Crore</i>
<i>For each additional Teleport</i>	<i>Rs. 1.00 Crore</i>

2. After Para 1.1.2 of the principal Guidelines, the following new Para to clarify the Net Worth calculation for existing permission holders applying for additional Teleports shall be inserted , namely :-

“1.1.3. Notwithstanding the provisions contained in Para 1.1.2, the minimum network requirement for additional Teleport of a Company, which held permission(s) for a Teleport(s) as on the date of issuance of the amended Guidelines on 05.12.2011, would be calculated by applying the network 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 1.1.2 for the additional Teleport(s).”

3. For Para 1.3.2 of the principal Guidelines, the following Para shall be substituted, namely:-

“1.3.2 The applicant company shall pay the permission fee at the rate of Rs. Two Lakh per Teleport per annum.”

4. After Para 1.3.2 , the following new Para shall be inserted, namely:

“1.3.3. 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.”

5. After Para 1.4.3 of the principal Guidelines, the following new Paras shall be inserted, namely: -

“1.5. Roll Out Obligations for operationalisation of permitted Teleports:-

1.5.1. The applicant company shall operationalise the teleport within one year from the date the permission is granted by the Ministry of Information and Broadcasting.

1.5.2. After being held eligible, the applicant company shall also furnish a Performance Bank Guarantee (PBG) for Rs 25 lakhs for each teleport before the issuance of permission on the format so specified by the Ministry for fulfilling the rollout obligation stipulated in Para 1.5.1, from any scheduled bank in favour of the Ministry of Information and Broadcasting. If the teleport is not operationalised even after one year, the permission shall be cancelled and the Performance Bank Guarantee (PBG) shall be forfeited.

1.5.3. The requirement of Performance Bank Guarantee (PBG) shall also be applicable to a Company which held permission(s) for a Teleport(s) as on the date of issuance of the amended Guidelines on 05.12.2011 and wishes to seek further extension for operationalisation beyond the period already permitted as on that date, for granting extension up to a further period of one year.”

6. In Para 2.1.2 of the principal Guidelines, in place of the existing Table the following Table shall be substituted :-

Item	Required Net Worth
<i>First Non-News & Current Affairs TV channel</i>	<i>Rs. 5.00 crore</i>
<i>For each additional TV channel</i>	<i>Rs.2.50 crore</i>

7. After Para 2.1.2, the following new Paras, pertaining to experience of top management and requirement of net worth for existing permission holder companies shall be inserted, namely :-

“2.1.3. Notwithstanding the provisions contained in Para 2.1.2, the minimum networth requirement for additional Non-News and Current Affairs TV channels of a Company which held permission(s) for TV channels as on the date of issuance of the amended Guidelines as on 05.12.2011, would be calculated by applying the networth 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 2.1.2 for the additional TV channels.

2.1.4. 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 Non-News and Current Affairs TV channels. 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 fulfil this criteria. ”

8. For Para 2.3.2 of the principal Guidelines, describing the fees structure for Non-News and Current Affairs TV Channel, the following Para shall be substituted, namely:-

“2.3.2. The applicant company shall pay a permission fee at the rate of Rs. Two lakh per Non-News and Current Affairs channel per annum”

9. After Para 2.3.2 , the following new Para shall be inserted, namely:

“2.3.3. 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.”

10. After Para 2.4.4 of the principal Guidelines, the following Paras shall be inserted, namely: -

“2.5 Roll out Obligations for Operationalising permitted Non News and Current Affairs TV Channels

2.5.1 The applicant company shall operationalise the permitted non-News and Current Affairs Television channel within one year from the date the permission is granted by the Ministry of Information and Broadcasting.

2.5.2 After being held eligible, the applicant company shall also furnish a Performance Bank Guarantee (PBG) for Rs 1 crore for each non-News and Current Affairs TV channel before the issuance of permission on the format so specified by the Ministry for fulfilling the rollout obligation stipulated in Para 2.5.1, from any scheduled bank in favour of the Ministry of Information and Broadcasting. If the channel is not operationalised even after one year, the permission shall be cancelled and the Performance Bank Guarantee (PBG) shall be forfeited.

2.5.3. The requirement of Performance Bank Guarantee (PBG) shall also be applicable to a Company which held permission(s) for a non-News and Current Affairs TV channel as on the date of issuance of the amended Guidelines on 05.12.2011 and wishes to seek further extension for operationalisation beyond the period already permitted as on that date, for granting extension up to a further period of one year.”

11. In Para 3.1.13 of the principal Guidelines, in place of the existing Table the following Table shall be substituted :-

Item	Required Net Worth
<i>First News and Current Affairs TV channel</i>	<i>Rs. 20.00 crore</i>
<i>For each additional TV channel</i>	<i>Rs. 5.00 crore</i>

12. After Para 3.1.13, the following new Paras, pertaining to experience of top management and requirement of net worth for existing permission holder companies shall be inserted, namely :-

“3.1.14 Notwithstanding the provisions contained in Para 3.1.13, the minimum networth requirement for additional News and Current Affairs TV channels of a Company which held permission(s) for TV channels as on the date of issuance of the amended Guidelines as on 05.12.2011, would be calculated by applying the networth 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 3.1.13 for the additional TV channels.

3.1.15 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 TV channels. 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 fulfil this criteria. ”

13. For Para 3.3.2 of the principal Guidelines, describing the fees structure for News and Current Affairs TV Channel, the following Para shall be substituted, namely:-

“3.3.2. The applicant company shall pay a permission fee at the rate of Rs. Two lakh per News and Current Affairs TV Channel per annum.”

14. After Para 3.3.2 , the following new Para shall be inserted, namely:

“3.3.3. 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.”

15. After Para 3.4.6 of the principal Guidelines, the following Paras shall be inserted, namely: -

“3.5 Roll out Obligations for Operationalising permitted News and Current Affairs TV Channels

3.5.1 The applicant company shall operationalise the permitted News and Current Affairs Television channel within one year from the date the permission is granted by the Ministry of Information and Broadcasting.

3.5.2. After being held eligible, the applicant company shall also furnish a Performance Bank Guarantee (PBG) for Rs 2 crore for each News and Current Affairs TV channel before the issuance of permission on the format so specified by the Ministry for fulfilling the rollout obligation stipulated in Para 3.5.1, from any scheduled bank in favour of the Ministry of Information and Broadcasting. If the channel is not operationalised even after one year, the permission shall be cancelled and the Performance Bank Guarantee (PBG) shall be forfeited.

3.5.3. The requirement of Performance Bank Guarantee (PBG) shall also be applicable to a Company which held permission(s) for a News and Current Affairs TV channel as on the date of issuance of the amended Guidelines on 05.12.2011 and wishes to seek further extension for operationalisation beyond the period already permitted as on that date, for granting extension up to a further period of one year.”

16. After Para 9.5 of the principal Guidelines, the following Paras shall be added:-

“10. RENEWAL OF EXISTING PERMISSIONS

10.1. 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.

10.2. Renewal of permission will be considered for a period of 10 years at a time, subject to the condition that the 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.

10.3. The renewal will also be subject to the permission 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.

10.4. At the time of considering the renewal of permission 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.

11. Transfer of Permission Of Television Channels

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

12. UPLINKING OF TELEVISION CHANNELS FOR VIEWING ONLY IN FOREIGN COUNTRIES

12.1 TV channels operating in India and uplinked from India but meant only for foreign viewership are not required to comply with the programme and advertisement code of India. The concerned broadcasters will be required to ensure compliance of the rules and regulations of the target country for which content is being produced and uplinked. However, the uplinked content should not contain anything which is against the sovereignty, integrity and national security of India as well as its relations with friendly countries. For monitoring purposes, these channels will be required to preserve the recordings of the proceedings for at least six months instead of the present stipulation of 3 months.

17. These amendments shall come into force with immediate effect.


(Supriya Sahu)

Joint Secretary to Government of India