

File No.1501/01/2023-TV (I)
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION & BROADCASTING
'A' Wing, Shastri Bhawan, New Delhi-110 001

Dated: 25.06.2024

Advisory

**Subject: Violation of Policy Guidelines, 2022 by the permission holders
by letting out the TV Channels-reg.**

All Broadcasters permitted to uplink and/or downlink Satellite TV Channel are required to abide by the provisions of the extant Policy Guidelines throughout the validity of permission. The Clause 26 and Clause 32 of the Policy Guidelines, 2022 along with the terms and conditions as mentioned in the permission letter emphasizes the complete control over the core operations of TV Channel(s) viz. content generation, content transfer and content uplink. As such, only the permitted management of the permission holder company is eligible for having the control over the core operations of the TV Channel. The Ministry is also empowered under Clause 8(e) to requisition information from broadcasters to examine their compliance to Policy Guidelines.

2. Further, one of the pre-requisite conditions for grant of permission of News/ Non-news TV Channel(s) is Ministry of Home Affairs' (MHA's) security clearance in respect of the company/LLP and its directors/ key-executives/ shareholders etc. It is the responsibility of every broadcasters/TV Channel(s) that no person, who is not security cleared from MHA, is involved in the management of the company/LLP and is not managing the core functions of running a TV channel.

3. Also, the letter of Permission granted to the company/ News TV Channel specifically mentions that the company would generate/ develop its own content for News and Current Affairs TV Channel and would not source it from any third party without prior approval of the Ministry. Hence, the company, who owns the permission of a News TV Channel must always ensure that they perform its Core Operations.

4. The Policy Guidelines, 2022 also provides the facility to the permission holder companies to transfer the permissions of its TV Channels/ teleport(s) to some other entity only with the prior approval of this Ministry. The said provisions are enunciated in Clause 32 of extant guidelines. In case of any violation of the above, the permission of the TV channel can be suspended or

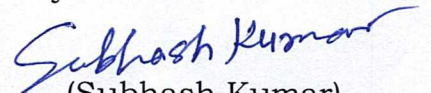
cancelled as per the penal provisions contained in Clause 25 (1)(xii) of extant Policy Guidelines.

5. In the above context, this Ministry has received various representations/ complaints regarding the violations of provisions of Policy Guidelines by certain TV Channels by misusing the permission and authorizing /enabling /contracting out the operations or other core functions/activities of the channel to any non- permitted entity/ person(s)/ company/ LLP through any explicit or implicit agreement or arrangement, without the prior permission of this Ministry. Despite being clearly mentioned in the extant Policy Guidelines, 2022 and in the terms and conditions of the permission letter(s) issued to the broadcaster(s), during the time of enquiry some broadcasters have claimed ignorance of these provisions.

6. Therefore, it is hereby clarified that the letting of the channels to any third party including the group entities, without the prior permission of the Ministry, are not allowed as per the extant Policy Guidelines. Cases where the company/LLP is found to have misused the permission by authorizing or enabling or contracting out the same to any non-permitted entity/ company/ LLP/ person(s) through any explicit or implicit agreement or arrangement, without prior permission of this Ministry, may result into cancellation/ suspension of permission as per the provisions of Clause 26(2) of Policy Guidelines, 2022.

7. Hence, all the permitted broadcasters/ TV Channels are, therefore, advised and directed to follow the above provisions in letter and spirit and also ensure that the operations and core functions/activities of the channel viz. content generation, content transfer and content uplink are being managed by the permission holder company/LLP itself.

8. This issues with the approval of Competent Authority.


(Subhash Kumar)

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To,

1. IBDF, Self-regulating Body of TV Channels registered under the Cable Television Networks (Amendment) Rules, 2021
2. NBDA, Self-regulating Body of TV Channels registered under the Cable Television Networks (Amendment) Rules, 2021.
3. All Private Satellite TV Channels/ All Teleport Operators.

with a request to sensitize its member channels to comply with above provisions in letter and spirit without any lacuna.