

Frequently Asked Questions

Q.1 What is the purpose of Uplinking and Downlinking guidelines, 2022?

- A. The guidelines are for granting permissions for the following purposes:
- (i) Uplinking of Television channels from India
 - (ii) Downlinking of Television Channels in India
 - (iii) Setting-up of Teleports
 - (iv) Uplinking by Indian News agency
 - (v) Use of Digital Satellite News Gathering (DSNG)/Satellite News Gathering (SNG)/Electronic News Gathering (ENG) systems.

Q.2 Who is the Competent Authority for granting the permissions for Uplinking and Downlinking of private satellite Television channels, setting-up of teleports, uplinking by Indian News Agencies and use of DSNG/SNG/ENG?

- A. Ministry of Information and Broadcasting is the competent Ministry of the Government of India for grant of permissions for Uplinking and Downlinking of private satellite Television channels, setting-up of teleports, uplinking by Indian News Agencies and use of DSNG/SNG/ENG.

Q.3 Who can obtain permission for a Satellite TV Channel/ Teleport under the guidelines and what are the net worth requirements?

- A. A company or an LLP (Limited Liability Partnership) incorporated in India can seek permission for a Satellite TV Channel/ Teleport under the guidelines.

Eligibility criteria

- The company/LLP intending to set up a channel in India should be incorporated in India.
- The company/LLP should have minimum networth of Rs.5.00 crore for first Non-news channel and Rs.2.5 crore for each additional Non-news channel.
- For News channel, the minimum networth should be Rs.20.00 crore for first channel and Rs.5.00 crore for each additional News channel.

Q.4 Where can a broadcaster apply to seek permission for a private satellite TV Channel?

- A. A broadcaster can apply on Broadcast Seva Portal of Ministry of I&B (<http://new.broadcastseva.gov.in/>)

Q.5 Are there any charges for making an application for seeking permission for uplinking/ Downlinking from the Ministry of I&B?

- A. The charges for making an application for seeking permission for uplinking/ downlinking is Rs. 10,000 per permission sought.

Q. 6 What are the timelines for grant of permission?

- A. 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 annual permission fees for the first year and furnish the Performance Bank Guarantee (PBG) and Security Deposit.

Q.7 What is the annual permission fee to be paid by the permission holder and when are they required to be paid?

- A. Permission holder Company shall pay Annual Permission Fee as prescribed below:
- (i) Teleport- 2 Lakh per teleport.
 - (ii) Uplinking of TV Channels- 2 Lakh per channel
 - (iii) Downlinking of TV channels uplinked from India- 5 Lakh per channel.
 - (iv) Downlinking of TV Channel uplinked from outside India- 15 Lakh per channel.
 - (v) Uplinking of foreign channel from Indian Teleport- 2 Lakh per channel.

After being held eligible, the Company/LLP shall pay the permission fee for the first year before the issuance of permission. 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. Annual fee paid after the due date shall attract late fee charges levied at simple interest rate of 1% per month.

Q.8 What procedural formalities have to be completed by the applicant after grant of Letter of Intent (LOI)?

- A. Within a period of one month of issue of LOI and before the permission is issued, the applicant Company/LLP shall pay the permission fee for the first year and furnish the prescribed Performance Bank Guarantee (PBG) as well as Security Deposit.

Q.9 Does a company holding permission for a Satellite TV Channel/ Teleport require to inform changes in its Governance and Share Holding Patterns?

- A. The company holding permission for a Satellite TV Channel/ Teleport is required to inform changes in its Governance and Share Holding Patterns within 30 days of change in its Chief Executive Officer, shareholding pattern or partnership pattern or FDI pattern. The company needs to intimate the changes to the Ministry, along with details of the new Chief Executive Officer, revised pattern and names/details of all the investors/partners in requisite proforma.

Q.10. Whether permission for a TV channel can be transferred?

- A. Transfer of permission is allowed under all conditions permitted under the Companies Act, 2013/LLP Act, 2008 subject to a lock-in period of 1 year from grant of permission.

Q.11 What are the requirements for change of Name & Logo of a TV Channel?

- A. The company/LLP has to apply online through Broadcast Seva portal along with processing fee of Rs. 1.0 Lakh. It needs to submit 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.

Q.12 What are the processing fees required for various changes in the permission?

- A. Processing fee of
- (i) Rs. 10,000/- is required for change of Category of channel from News to Non-news or vice versa
 - (ii) Rs. 10,000/- for change of satellite/teleport
 - (iii) Rs. 1 lakh for change in Name & logo of TV channels.
 - (iv) No requirement of Processing fee for change of language or mode of transmission.

Q.13 Is there any processing fee for renewal of permission of TV Channel/Teleport/News Agency?

- A. Applicant Company/LLP has to pay Rs. 10,000 as a processing fee for renewal of permission of TV Channel/Teleport/News Agency.

Q.14 How much Security Deposit is required at the time of application of permission?

- A. After being held eligible, the applicant company/LLP shall furnish the security deposit amounting to twice the Annual Permission Fee which is as follows
- (i) Teleport- 4 Lakhs per teleport.
 - (ii) Uplinking of TV Channels- 4 Lakh per channel
 - (iii) Downlinking of TV channels uplinked from India- 10 Lakh per channel.
 - (iv) Downlinking of TV Channel uplinked from outside India- 30 Lakh per channel.
 - (v) Uplinking of foreign channel from Indian Teleport- 4 Lakh 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.

Q.15 Whether the channels have to apply for Temporary Live Uplinking?

- A. For Temporary live uplinking, no prior permission is required. Only pre-registration is to be done along with submission of prescribed processing fees.

Q.16 What is the procedure for registration for temporary uplinking of live events?

- A. The applicant will submit its application on Broadcast Seva Portal with all requisite documents and necessary processing fee (if applicable) 15 days before the due date of event. If the application is not objected by this Ministry, the permission will be deemed to have been granted.

Q. 17 On what grounds the application for Temporary Uplinking can be rejected or objected?

- A. The application for Temporary Uplinking can be rejected/objected on following grounds:
- i. The applicant has not made the full payment towards processing fee (if applicable)
 - ii. The DSNG/SNG provider does not have valid Wireless Operating license (WOL) (if applicable)
 - iii. The applicant has not submitted consent letter from the channel owner if the applicant wants to uplink the event on a permitted TV channel of other company
 - iv. The applicant has not submitted the letter of event organizer
 - v. If the application is not submitted 15 days before the scheduled date of event

Q.18 Whether permission will be required for change of mode of transmission from SD to HD and vice versa / Language?

- A. Only intimation is required for change of language and mode of transmission. No permission is required.

Q.19 What are the requirements for uplinking in frequency band, other than C-band?

- A. The TV Channels uplinking in Frequency band other than C band are required to mandatorily encrypt the signals.

Q.20 Can any foreign channel be uplinked from an Indian Teleport?

- A. Foreign channels are allowed to be uplinked from Indian teleports on payment of required Annual Permission fee.

Q.21 Can a TV channel uplink from more than one teleport/ satellite?

- A. A channel has the option of uplinking a channel from more than one teleport and satellite, as per his preference and choice subject to certain clearances and permission from the Ministry.

Q.22 What is the penalty provision for a teleport uplinking any non-permitted / suspended/ cancelled TV channel?

- A. The Penal provision for a teleport uplinking any non-permitted /suspended /cancelled TV channels is that Security Deposit deposited by the teleport operator shall be forfeited. The teleport would be required to furnish fresh Security Deposit within 15 days of forfeiture. For continued default, provision for suspension/ cancellation of permission has been prescribed.

Q.23 How long permission granted for a TV channel is valid and when the permission holder has to apply for renewal of the permission?

- A. A permission granted for a TV channel is valid for the next 10 years from the date of permission. Application for renewal shall be made before three months of the date of expiry.

Q.24 Whether TV channels have to comply with any public service obligation?

- A. In public interest, a permission holder company/LLP may be required to undertake public service broadcasting everyday for a minimum period of 30 minutes in a day on themes of national importance and of social relevance.

Q.25 Whether penalties have been prescribed for different violations of the terms of the permission?

- A. Having regard to the nature and severity of default, penal provision viz., Warning, prohibition of broadcast for specified period and Suspension/revocation of permission have been prescribed for different violations of the terms of the permission.

Q.26 What are the penalties for violation of advertisement code?

- A. Having regard to the nature and severity of default, penal provision viz., Advisory, Warning, running of an apology scroll, apology to be read out by the Director/CEO, prohibition of broadcast for specified number of hours/days and Suspension/revocation of permission have been prescribed for violation of advertisement code.