

Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022

The Ministry of Information and Broadcasting (“**MIB**”) vide its notification on November 9, 2022 released the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 (“**Guidelines**”). The Guidelines aim to ease the issues regarding the following:

1. permissions to the companies or limited liability partnerships (“**LLP**”) registered in India for uplinking and downlinking of television channels;
2. setting up of teleports or teleport hubs;
3. use of digital satellite news gathering (“**DSNG**”) or satellite news gathering (“**SNG**”) or electronic news gathering (“**ENG**”) systems;
4. uplinking by Indian news agencies; and
5. temporary uplinking of a live event.

The Guidelines require a company, or an LLP that is desirous of setting up a teleport/teleport hub to make an application on Broadcast Seva (“**Portal**”). Within 30 (thirty) days of receiving clearance and approval from Ministry of Home Affairs, and upon satisfying itself that the applicant has fulfilled the eligibility conditions laid down under the Guidelines, the MIB is required to a letter of intent requesting the company/LLP to pay the permission fees for the first year, furnish Performance Bank Guarantee (“**PBG**”) and a security deposit.

Within 15 (fifteen) days of receipt of such payment and furnishing of the PBG, the MIB may grant permission for 10 (ten) years by an order in writing, to the company/LLP for setting up the teleport. The MIB is also empowered to refuse to grant permission for reasons recorded in writing. The applicant company/LLP which is given permission for setting up the teleport may apply for renewal of permission on the Portal at least three months prior to the end of the month in which the initial permission is due to expire.

The Guidelines also lay down similar procedures for those companies or LLPs that are desirous of uplinking of television channels, downlinking of satellite television channels, and for setting up a news agency for being uplinked to a television channel.

Further, the Guidelines make the following entities eligible for purchase and use of DSNG/SNG equipment:

1. Company/ LLP having permission of the MIB for operating a teleport.
2. Company/LLP having permission of the Ministry for uplinking a news channel.
3. Company/ LLP having permission by the Ministry of a news agency.

Within 15 (fifteen) days of receipt of the application, the MIB grants permission to the entity for purchase of the equipment. However, the Guidelines list out various conditions that need to be met by the applicant entity before such entity can be granted permission by the MIB.

Further, 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. The news channel is required to register such hiring of the equipment with the MIB on the Portal. A permitted non-news and current affairs channel, on the other hand, for the purpose of uplinking an event live from India, may register itself on the Portal on payment of such fees as specified, at least 15 (fifteen) days preceding the first date of a live event, and furnish details and documents such as the date, time, venue and name of the event, channel's/teleport's willingness to broadcast/ uplink the proposed programme/ event, due authorization of the event owner along with specific dates and timings of the proposed programme/event, detailed specifications of the ENG service used, and if applicable – a valid Wireless Planning and Coordination Wing (“**WPC**”) license issued to the teleport operator.

The Guidelines lay down the procedures to be adopted in case an entity intends to change the name or logo of a television channel or change a satellite or a teleport.

Further, the Guidelines state that a channel 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, will be liable for penal action. The Guidelines then list out the following penal actions that may be initiated against the violators:

1. advisory, to be communicated in writing to the entity;
2. warning, to be communicated in writing to the entity;
3. an apology scroll, to be run on the channel;
4. a statement of apology to be read out by the director/CEO of the entity on the channel;
5. direct the channel to be off-air for specified number of hours/days;
6. suspend or revoke permission.

Lastly, the Guidelines require a company/LLP having permission under the Guidelines for uplinking a channel and its downlinking in India (other than foreign channels only downlinked in India) to undertake public service broadcasting for a minimum period of 30 (thirty) minutes in a day on themes of national importance and of social relevance such as:

1. education and spread of literacy;
2. agriculture and rural development;
3. health and family welfare;
4. science and technology; and
5. welfare of women, among many others.

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