

GUIDELINES FOR UPLINKING FROM INDIA

The Union Government has taken a decision on 25th July, 2000 to further liberalise its Uplinking Policy and permit the Indian private companies to set up uplinking hub/teleports for licensing/hiring out to other broadcasters. The new policy also permits uplinking of any television channel from India. It also allows the Indian news agencies to have their own uplinking facilities for purposes of newsgathering and its further distribution. The salient features of eligibility criteria, basic conditions/obligations and procedure for obtaining the necessary permission for these services are briefly described below. For details, reference should be made to the relevant terms and conditions of Licences/Permission/Approval.

1. LICENCE FOR SETTING UP OF UPLINK HUB/TELEPORTS:

(i) ELIGIBILITY CRITERIA:

- Company to be incorporated in India
- Foreign equity holding including NRI/OCB/PIO not to exceed 49%

(ii) PERIOD OF LICENCE:

- 10 years.

(iii) BASIC CONDITIONS/OBLIGATIONS:

- To uplink only those TV channels which are specifically approved or permitted by the Ministry of I&B for uplinking from India.
- To stop uplinking of TV channels whenever permission/approval to such a channel is withdrawn by the Ministry of I&B.
- Can uplink both to Indian as well as foreign satellites. However, proposals envisaging use of Indian satellite will be accorded preferential treatment.
- To keep record of materials uplinked for a period of 90 days and to produce the same before any agency of the Government as and when required.
- To permit the Government agencies to inspect the facilities as and when required.
- To furnish such information as may be required by the Ministry of I&B from time to time.
- To provide the necessary monitoring facility at its own cost for monitoring of programme or content by the representative of the Ministry of I&B or any other Government agency as and when required.
- To comply with the terms and conditions of the licensing Agreement to be signed between the Applicant and the Ministry of I&B.
- To comply with the terms and conditions of the Wireless Operational licence to be issued by WPC.
- To uplink in C-Band only. · The satellite to which uplinking is proposed should have been co-ordinated with Insat system.
- Failure to comply with the terms and conditions of above licences would result in termination/cancellation of the licences.

iv) PROCEDURE:

- To apply to the Secretary, Ministry of I&B, in triplicate, in the prescribed proforma (Form 1).
 - On the basis of information furnished in the application form, if the applicant is found eligible for setting up uplinking hub/teleport, its application will be sent for security clearance to the Ministry of Home Affairs and for clearance of satellite use to the Department of Space (wherever proposal is made for use of satellite).
 - As soon as these clearances are obtained, the applicant would be required to sign a licensing agreement with the Ministry of I&B as per prescribed proforma (Form-1 A).
 - After signing the licensing agreement with the Ministry of I&B, the applicant can approach to the Wireless Planning & Coordination (WPC) Wing of the Ministry of Communications for seeking operating licence for establishment, maintenance and operation of uplinking facility.
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- The applicant will pay the licence fee and royalty, as prescribed by WPC Wing from time to time, annually, for the total amount of spectrum assigned to Hub/Teleport station, as per norms & rules of the WPC Wing.
 - The Hub/Teleport station owner will inform WPC Wing the full technical and operations details of TV channels proposed to be uplinked through his/her Hub/Teleport in prescribed format.

2. PERMISSION/APPROVAL FOR UPLINKING A TV CHANNEL FROM INDIA

(In case a TV channel proposes to set up its own uplinking facility/earth station, it has to apply separately for the same after following the procedure as in case of '1' above.)

i) ELIGIBILITY CRITERIA

- Any TV channel irrespective of its ownership, equity structure or management control which is aimed at Indian viewership.

ii) PERIOD OF APPROVAL/PERMISSION

- 10 years.

iii) BASIC CONDITIONS/OBLIGATIONS:

- To undertake to comply with the Broadcasting (Programme & Advertising) Codes laid down by Ministry of Information & Broadcasting.
 - To keep record of materials uplinked for a period of 90 days and to produce the same before any agency of the Government as and when required.
 - To furnish such information as may be required by the Ministry of I&B from time to time.
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- To provide the necessary monitoring facility at its own cost for monitoring of programme or content by the representative of the Ministry of I&B or any other Government agency as and when required.
 - If the applicant hires its own transponder on a satellite, the same should be in C-Band

and should have been coordinated with INSAT system.

- To comply with the terms and condition of the permission/approval of the Ministry of I&B.
- Failure to comply with the terms and conditions of the permission/approval would result in withdrawal of such permission approval.

iv) PROCEDURE:

- To apply to the Secretary, Ministry of Information & Broadcasting in triplicate in the prescribed proforma (Form-2) along with an affidavit in Form 2 A.
- After receiving the application and the affidavit as provided above, if the applicant is found eligible, the same will be sent for security clearance to the Ministry of Home Affairs and for clearance of satellite use to the Department of Space (Only in respect of those case where the applicant proposes use of a particular satellite instead of leasing it out from the uplink service provider).
- As soon as these clearances are obtained, the applicant would be permitted to uplink its channel(s) through a hub/teleport as requested.
- After receiving the permission for uplinking from India, the applicant can approach to the uplinking hub(teleports) owner for providing the necessary uplinking facility for their channel(s).

3. LICENCE FOR UPLINKING TO INDIAN NEWS AGENCIES:

i) ELIGIBILITY CRITERIA

- The Company/Agency to be incorporated in India
- Accredited by Press Information Bureau (PIB).
- 100% owned by Indian with Indian Management Control.

ii) PERIOD OF LICENCE

- As per WPC licence.

iii) BASIC CONDITIONS/OBLIGATIONS:

- To use uplinking for news-gathering and its further distribution to other news agencies/broadcasters only.
- Not to uplink TV programmes/channels for direct reception by public.
- To keep record of materials uplinked for a period of 90 days and to produce the same before any agency of the Government as and when required.
- To furnish such information as may be required by the Ministry of I&B from time to time.
- To provide the necessary monitoring facility at its own cost for monitoring of programme or content by the representative of the Ministry of I&B or any other Government agency as and when required.
- Conformity with the provisions of inter-system coordination agreement between INSAT & the satellite to be used.
- To comply with the terms and conditions of the 'No Objection Certificate' to be issued by the Ministry of Information & Broadcasting.
- To comply with the terms and conditions of Wireless Operational Licence to be issued by the WPC.

· Failure to comply with the terms and conditions of the 'No Objection Certificate' or the Wireless Operational Licence would result in withdrawal or cancellation of such certificate or licence.

Iv) PROCEDURE:

- To apply to the Secretary, Ministry of Information & Broadcasting in triplicate in the prescribed proforma (Form-3).
- On the basis of information furnished in the application form, if the applicant is found eligible for setting up uplinking facility, its application will be sent for security clearance to the Ministry of Home Affairs and for clearance of satellite use to the Department of Space.
- As soon as these clearances are obtained, the applicant would be issued No Objection Certificate for uplinking by Ministry of Information & Broadcasting.
- After issue of No Objection Certificate by Ministry of Information & Broadcasting, the applicant can approach the Wireless Planning & Coordination (WPC) Wing of the Ministry of Communications for seeking operating licence for establishment, maintenance and operation of its own uplinking facility or approach another licensee of uplinking for hiring or leasing the hub/teleport facility.
- The applicant will pay the licence fee and royalty as prescribed by WPC Wing from time to time, annually, for use of spectrum, as per norms and rules of the WPC (in case of its own facility).

FORM 1

Application form for obtaining licence to set up uplinking facility (hub/Teleport)

The Secretary
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan
New Delhi-110 001

Application for permission to set up Teleport Station at _____.

1. i) Name of Applicant Company
- ii) Particulars of the Directors

Sl.No.	Name	Nationality	Address

2. i) Address (Office)
 - (a) Head Office
 - (b) Regional Office

ii) Telephone Number (s)

iii) Registration details (enclose certificate of incorporation/registration)

3. Structure of Equity Capital

i) Authorised share capital

ii) Paid up share capital

4. Share-Holding pattern: (Enclose details as per Annexure)

i) Direct investment

(a) Indian _____ %

(b) Foreign _____ %

Break-up of Foreign Direct Investment

Individual.....%

Company.....%

NRI.....%

OCB.....%

PIO.....%

ii) @ Portfolio Investments

(a) Indian.....%

(b) Foreign.....%

Breakup of Foreign portfolio Investment

FII's

NRI's

OCB's

PIO's

5. Present field of activity

6. Details of teleport

i) Location of teleport

iii) Capacity of teleport (Proposed)

(a) No. of channels:

(b) No. of satellites:

(c) No. of proposed earth stations constituting teleport

(d) Approximate date for commissioning the teleport

(e) Antenna size of the teleport, EIRP

7. If the company proposes to lease satellites/transponders also for providing to the broadcasters, give details as under:

Name of satellites	Orbital	Type and No. of	Signal	Name of the Company
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proposed to be hired	location	transponders with band-width	strength in primary zone over India	from which the satellite/transponder is to be leased

(Enclose Lease Agreement and footprint of each satellite proposed to be hired)

I/We, _____ the applicant(s) do hereby declare that the above facts are correct in all respects.

Place : -----(Signature of Applicant)

Date :

Name

Office Address:

Enclosures:

ANNEXURE FORMAT FOR SHAREHOLDING PATTERN TO BE FURNISHED ALONG WITH APPLICATION

TABLE-1

SHAREHOLDING PATTERN OF APPLICANT COMPANY M/s

_____ AS ON _____ FACE VALUE OF THE SHARE

RS. _____

S.No.	Category of Shareholders.	Share Holding		Portfolio investment	
		No. of shares	% of total paid up shares	No. of shares	% of total shares
1	Indian individual				
2*	Indian company				
3	Foreign individual				
4	Foreign company				
5	NRI				
6	OCB				
7	FII				
8	PIO				

9 Any other

* For Indian company, information as per proforma in Table-2 also to be supplied.

TABLE-2

DETAILS OF SHAREHOLDING PATTERN OF EACH INDIAN COMPANY HOLDING SHARE IN THE APPLICANT COMPANY AS IN SERIAL NO.2 IN COLUMN (1) OF TABLE-1

i) SHAREHOLDING PATTERN OF COMPANY M/s _____ AS ON _____ FACE VALUE OF THE SHARE RS. _____

S.No.	Category of Shareholders.	Share Holding		Portfolio investment	
		No. of shares	% of total paid up shares	No. of shares	% of total shares
1	Indian individual				
2*	Indian company				
3	Foreign individual				
4	Foreign company				
5	NRI				
6	OCB				
7	FII				
8	PIO				
9	Any other				

ii) - Do -

iii) - Do -

Note:
