

FORM 1

Application form for permission to downlink TV Channels in India (both News & Current Affairs and Non-News & Current Affairs) (To be submitted in triplicate).

To,

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

Subject: Application for permission to
(Please mention the purpose of application).

Sir,

I hereby submit the following details in support of the eligibility as prescribed in the guidelines for downlinking, in addition to other particulars:

PART - A: REQUEST FOR PERMISSION TO DOWNLNK TV CHANNELS
(DETAILS OF APPLICANT COMPANY)

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| 1. | Name of the Applicant Company and Status (Pvt. Ltd./Pub. Ltd.) | : | |
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| 2. | Complete Postal Address with Telephone/Fax Nos. E-mail ID | : | |
| | (i) Corporate Office/Head Office | | |
| | ii) Registered Office | : | |
| | ii) Regional Offices/ Country/ nature of activity | | |

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| 3. | Address for Correspondence with Telephone/Fax/E-mail | : | |
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| 4. | Name of Authorised Contact Person, His designation and Telephone/Fax Nos/E-mail ID. | : | |
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| 5. | Processing fee paid and details of payment. | : | |
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| 6. | Registration details under Company's Act 1956: Incorporation No. and Date (attach a copy of Certificate of incorporation and Memorandum & Articles of Association). | : | |
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7. Details of Promoters & Majority Shareholders
(Attach a separate sheet giving Name, Address, contact Telephone and equity held in terms of amount and percentage of paid up equity).

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| 8. | Details of the Company | : | |
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| 8.1 | Board of Directors (Attach list of Directors along with bio-data of each Director giving date of birth, place of birth, parentage, nationality, permanent address, residential address, official address, passport number (if any), qualification, experience, parentage etc). | : | |
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| 8.2 | Key Executives: Starting with CEO/MD, Head of Marketing, Head of Programming etc. <i>(Attach list of Key Executives along with bio-data giving date of birth, place of birth, parentage, nationality, permanent address, residential address, official address, passport number (if any), qualification, experience, parentage etc.)</i> | : | |
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(Any change in Board of Directors prior to issue of this permission to be informed immediately to the Ministry. The company shall intimate to the Ministry in case of change of Directors, after issue of permission to obtain their security clearance).(Clause 5.11 of guidelines).

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| 8.3 | Equity | : | |
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Amount (Rs. in lakhs)

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| (A) | Authorised Capital: | : | |
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| (B) | Issued paid up capital | : | Amount (Rs. in lakhs) | As % of Authorised Capital |
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| (C) | Classification of equity holding | : | Amount (Rs. in lakhs) | As % of Paid up Capital (B) |
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| (i) | Total equity held by Indian Promoters/Majority Shareholders | : | |
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| (ii) | Pro rata share of FDI in the Promoters/Majority Shareholders. | : | |
| (iii) | Indian Financial Institutions and Banks. | : | |
| (iv) | Other Indian Shareholders. | : | |
| (v) | Percentage of Majority Shareholders' equity to Total Paid up Equity net of Banks and Financial Institutions Equity. | : | |
| (vi) | Direct FDI holding (including FIIs, PIOs, NRsI, etc- give break-up) | : | |
| (vii) | Indirect FDI/FII (Pro rata share of FDI in Indian Promoters and majority shareholders) | : | |
| (viii) | Foreign Institutional Investors/ Portfolio Investments. | : | |
| (ix) | Total foreign Equity Holdings. [(vi)+ (vii)+ (viii)] | : | |
| (9) | Net Worth of Applicant Company as on 30.10.2005. Net Worth to be calculated in | : | |

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| | <p>accordance with number of channels being downlinked. <i>[Please enclose a copy of the audited balance sheet and Profit & Loss Account for the immediate preceding year and certificate of Net Worth on the basis of these documents by Statutory Auditor or for a newly incorporated Company by a Chartered Accountant in the prescribed proforma for the latest quarter ending before application given in Annexure]</i></p> | | |
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| 10. | <p>Annual reports and Audited Accounts for the last three years or in the case of a newly incorporated company, balance sheets from the date of incorporation till 31st March 2006 certified by the statutory Auditor to support its claim of financial eligibility.]</p> | : | |
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| 11. | <p>Major area of activity/ business</p> | : | |
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12. The number and names of channels being downlinked or proposed to be downlinked. (For each channel details in Part B & C to be provided separately):

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| 13. | <p>Does the Applicant Company hold any other licence from Department of Telecommunications (DOT) /Department of Information Technology (DOIT)/ Wireless planning and Coordination (WPC) or Ministry of Information and Broadcasting (MIB)? If so, please give details.</p> | : | |
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| 14. | <p>Has the Applicant Company made any other application to Ministry of Information and Broadcasting (MIB)? If so, please give details.</p> | : | |
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| 15. | <p>Has the Applicant Company been denied</p> | | |
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| | permission for uplink or downlink of a TV channel at any point of time? If so, please give details. | : | |
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| 16. | Has the Applicant Company ever been disqualified from permission to uplink or downlink of a TV channel at any point of time? If so, please give de tails. | : | |
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Place:

(Signature of Applicant)
[Authorized Signatory of the Company]

Date:

Name

Office Address:

Tel./fax No. & e-mail ID:

Company's Seal

PART - B: COMMERCIAL & TECHNICAL DETAILS FOR DOWNLNKING

A TV CHANNEL

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| (1) | Name of the Channel being/ proposed to be, downlinked. | : | |
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| 2.(i) | Does the Applicant Company own the channel being or proposed to be downlinked or do they have marketing and/ or distribution rights for territory of India? (Please enclose relevant documents in support): Please enclose the Memorandum/ Articles of Association, Marketing/ Distribution Agreement as applicable. | : | |
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| (ii) | In case the Applicant Company has marketing and/ or distribution rights, do they have the authority to conclude contracts on behalf of the channel for advertisements, subscription and programme content? If yes, please enclose copy of the Agreements.] | : | |
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| (iii) | Whether the channel will be marketed in a particular area or locality other than in India or whole of India? Please give details. | : | |
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| 3. | Details of transmission of the channel: | : | |
| (i) | Name of satellite hired/ proposed to be hired for uplinking and downlinked the TV channel | : | |

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| (ii) | Orbital location | : | |
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| (iii) | Type and No. of transponder(s) with bandwidth | : | |
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| (iv) | Signal strength in primary zone over | : | |
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| | India | : | |
| (v) | Name of the Company from which the satellite/ transponder is to be leased. | : | |
| (vi) | Uplink & downlink frequencies. (Enclose map of footprint of the satellite proposed to be hired for downlinking) | : | |
| 4. | Name of the country/ location of uplinking: | : | |
| (i) | If it is a channel from India, please enclose a copy of the permission for uplinking. Please indicate the name of the teleport approved for providing uplinking facilities and the date of grant of permission for uplinking and period of permission for uplinking. | : | |
| (ii) | If the channel is uplinked from another country, please enclose a copy of the license/ approval granted by the licensing or regulatory authority of that country and indicate the exact place and country of uplinking. Please also indicate the date of issue of license/ permission and validity. | : | |
| (iii) | Are there any intermediate hops of the uplinked signal before being downlinked in India, if so do you possess the broadcasting license of the concerned regulatory or licensing authorities of those countries. If yes, please enclose copies of the relevant licenses. | : | |

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| 5. | <p>Proposed date of commencement of downlinking. If the channel is already being downlinked, please indicate date and time since when it is being downlinked in India for public viewership.</p> | : | |
| 6. | <p>Please furnish, technical details such as Nomenclature, make, module, name and address of the manufacturers of the equipment/instruments to be used for downlinking distribution, the Block schematic diagram of the downlinking and distribution system.</p> | : | |
| 7. | <p>Please indicate the name and address of the company or its associate where the applicant company shall provide to the Govt. the necessary equipment and facilities for continuous monitoring of the broadcast in India and presentation of the recordings of such broadcast for a period of three months from the date of each broadcast.</p> | : | |
| 8. | <p>The Applicant Company's year-wise collection for the last three years of: _____</p> | : | |
| (i) | <p>Advertising revenue from Indian market for the TV channel</p> | : | |
| (ii) | <p>Subscription revenue from Indian market for the TV channel</p> | : | |
| (iii) | <p>Revenue from sale of programme content for other use such as DVD's/CD's/ mobile telephone etc.</p> | : | |

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| (iv) | Please furnish audited copies of profit & loss account and The balance sheet of the applicant Company for the last three years or if incorporated later from the date of incorporation. | : | |
| 9. | Please furnish names and addresses of the following:. | : | |
| (i) | Distributors of the channel in India and their areas of operations. | | |
| (ii). | MSOs in India who are authorized downlink and transmit the channel in India and their areas of operation. | : | |
| (iii). | Local cable operators who are authorized to directly downlink and transmit the channel in India and their areas of operation. | : | |
| (iv). | DTH networks that are authorized to carry the channel and their areas of operation. | : | |
| (v). | Out of the preceding categories, please indicate the names of those distributors/ DTH operators/ MSOs/ LCOs with whom formal agreements have not been signed and copies filed with TRAI and the reasons thereof. | : | |

PART C: For Registration of the TV Channel

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| 1. | Name of the Channel | : | |
| 2. | Logo of the channel (Please annex pictorial depiction) | : | |
| 3. | Is the name and/ or logo registered under the Trade Marks Act, 1999? | : | |
| 4.(a) | Is the name and/ or logo or a part thereof being used by any other TV channel in India or abroad? | : | |
| (b) | If so, is the name and/ or logo or a part thereof registered as a trade mark or a brand under the Trade Marks Act, 1999 of India or the corresponding law of the country of origin? And if so, in whose name? (Name attach relevant documents) | : | |
| (c) | If the answer to 4(b) above is yes, is there an agreement between the name and/ or logo owner and the applicant company for its use in India? Please furnish full details of the agreement. | : | |
| 5 | What percentage of the proposed channel time will be utilized for telecasting programme content of the channel owning the registered trade mark (name and/ or logo) to justify its use by the applicant company? Please give full detail of the content sharing arrangements with relevant documents. | : | |

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| 6 | <p><u>Category of Channel I:</u></p> <p>Please tick mark the category to which the proposed channel belongs:</p> <p>(a) General News & Current Affairs Channel.</p> | : | |
| (b) | <p>General Entertainment Channel (with serials, interactive programmes, music, movies, lifestyle, travel & tourism and cultural activities etc.)</p> | : | |
| (c) | <p>Special or Niche Channel e.g. Sports, Environment, Science, Technology, Religion.</p> | : | |
| 7. | <p>In case of (c) please specify the special subject for the channel.</p> | : | |
| 8. | <p>The language in which the proposed channel will be telecast in India.</p> | : | |
| 9. | <p>In the case of general News & Current Affairs Channel, please furnish the following information:</p> <p>(i) Where is the content of this News & Current Affairs channel collated and uplinked from, alongwith advertisements?</p> | : | |
| ii) | <p>Does the same content, including advertisements get beamed into other countries? It so, please name those countries.</p> | : | |
| (iii) | <p>If answer to (ii) is no, please clarify whether there is a customized signal for India.</p> | : | |

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| (iv) | <p>What is the proportion of advertisements carried as compared to the total programming time in 24 hrs.?</p> | : | |
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| (v) | <p>What is the proportion of Indian advertisements? Note: Indian advertisements means advertisements made in India, intended only for Indian viewers and of either an Indian or Foreign Product.</p> | : | |
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| (vi) | <p>What proportion of the channel's programming in 24 hours, is carrying Indian/ India specific content i.e. content intended for India, based on Indian events?</p> | : | |
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| (vii) | <p>Whether the channel can be called a standard international channel? If yes, please provide an indicative schedule in support.</p> | : | |
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| (viii) | <p>Are you seeking a waiver/ modification of Clause 2.4.1?</p> | : | |
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| (ix) | <p>If yes, please indicate your arguments in support with full data on proportion of international and Indian programme content and advertisements and subscription and advertisement revenues derived therefrom.</p> | : | |
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| 10. | Is the channel Free to Air or pay | | |
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| (i) | channel? | : | |
| (ii) | If the channel is a pay channel, please confirm that the decoders are being supplied or shall be supplied only to registered cable operators/ MSOs and DTH operators. | : | |
| (iii) | Is the channel signal digital or analogue? | : | |
| 11. (i) | Who makes or will make the final editorial decisions about programming and where are they made or going to be made? Indicate the name, address, and contact number etc. of the individual so responsible. | : | |
| (ii) | Is there any internal mechanism to regulate content telecast on the channel? If so, please explain in detail. How will the channel ensure the adherence to the Programme and Advertising Code? | : | |
| (iii) | Is there any mechanism to receive complaints and redress grievances of the public regarding content of the channel? Please explain in detail. | : | |
| 12 | <u>Contact person:</u> Give the name of the person who will be the applicant's primary point of contact with Ministry of Information & Broadcasting for compliance purposes. His address, email, phone number, fax number etc. should be given. The authority letter issued by the Company be annexed. | : | |
| 13 | Period for which registration of the | | |

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| | <p>channel is applied for. (The period shall not be more than the period for which the applicant company has the marketing/distribution rights of the channel for India).</p> | : | |
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GENERAL

Whether declaration in Form 1A and 1B enclosed. (Yes/No) and also mention the details.

Declaration:

1. We hereby apply for the grant of a registration for the TV channel (as given in Part B & C) to be downlinked and distributed in India as described above and declare that the information given in this application form, to the best of my knowledge and belief, is correct.
2. We hereby apply for grant of permission to downlink the TV channel as mentioned in our application above and declare that the information given in this application form, to the best of my knowledge and belief is correct. We also undertake to enter into an Agreement for Grant of Permission (GOPA) with Ministry of I&B for each and every channel being downlinked by us.
3. We hereby affirm that we will abide by all terms and conditions of registration and rules and regulations prescribed by the Government of India under Downlinking Guidelines the laws of the land and any other broadcasting law to be enacted in the future.

Place: (Signature of Applicant)
[Authorized Signatory of the Company]

Date: Name

Office Address:
Tel./fax No. & e-mail ID:

Company's Seal

List of Enclosures attached with the Application

Please tick against the following documents enclosed with the application (as applicable):

- (1) An attested copy of Applicant Company's Registration Certificate under Company's Act 1956.
- (2) A copy of Certificate of incorporation; Memorandum & Articles of Association and Marketing/ Distribution Agreement.
- (3) Shareholding Pattern as per Table 1.
- (4) A separate sheet giving Name, Address, contact Telephone of Promoters & Majority Shareholders and equity held in terms of amount and percentage of paid up equity.
- (5) A list of Key Executives along with bio-data of each Director giving date of birth, place of birth, parentage, nationality, permanent address, residential address, official address, passport number (if any), qualification, experience, parentage etc.
- (6) Audited Balance sheet and Profit & Loss Account for the last 3 financial years and Certificate of Net Worth by a Chartered Accountant on the basis of these documents.
- (7) Details of map of footprint of the satellite proposed to be hired/ being used for downlinking (channel wise).
- (8) Copy of the permission for uplinking the channel. Copy of the license / approval granted by the licensing or regulatory authority of that country (channel wise).
- (9) Copy of relevant documents of Applicant Company evidencing ownership of channel/s being or proposed to be downlinked or marketing and/or distribution rights for territory of India for each channel.
- (10) Copy of documents in support of a News and Current Affairs Channel fulfilling the eligibility criteria prescribed in the guidelines.
- (11) An indicative programme schedule.
- (12) Affidavits in Form 1A & 1B.
- (13) Any other:

Place : (Signature of Applicant)

Date : Name

Office Address:

[Note: In case of non-furnishing of complete information, the application is liable to be rejected and returned to the company forthwith.]

ANNEXURE TO FORM 1.

**FORMAT FOR SHAREHOLDING PATTERN TO BE FURNISHED ALONG
WITH APPLICATION**

TABLE-1

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SHAREHOLDING PATTERN OF APPLICANT COMPANY

M/s _____ AS ON _____

FACE VALUE OF THE SHARE RS. _____

| S.No. | Category of Shareholders. | Share Holding | | | |
|-------|---------------------------|-------------------|---------------------------|----------------------|---------------------------|
| | | Direct Investment | | Portfolio Investment | |
| | | No. of Shares | % of total paid up shares | No. of Shares | % of total paid up shares |
| 1. | Indian individual | | | | |
| 2. | Indian company | | | | |
| 3. | Foreign individual | | | | |
| 4. | Foreign company | | | | |
| 5. | NRI | | | | |
| 6. | FII | | | | |
| 7. | PIO | | | | |
| 8. | Any other | | | | |

FORM-1A

**AFFIDAVIT/UNDERTAKING
(on Rs 20 Stamp Paper & Notarized)**

WHEREAS I, Shri S/o Shri _____ in the capacity of(designation) have applied to the Ministry of Information & Broadcasting on behalf of M/s.....for approval/permission for downlinking of TV channel in (place).

WHEREAS as a condition precedent to above approval/permission, I am required to abide by the Programme Code and Advertising Code prescribed under the cable Television Network (Regulation) Act, 1995 and the Rules passed thereunder.

WHEREAS I have read the abovementioned Programme Code and Advertising Code.

WHEREAS I understand that the permission/approval so granted can be withdrawn, if I fail to abide by the said Programme & Advertising Codes.

Now, therefore, I hereby undertake as follows:

- i) I undertake to abide by the Programme Code and Advertising Code laid down by the Ministry of Information & Broadcasting, Government of India from time to time.
- ii) I undertake to furnish periodic information relating to public complaints, programme contents and any other information in respect of above-mentioned TV channels as may be laid down/asked for by the Ministry of Information & Broadcasting from time to time.
- iii) I undertake to provide the necessary equipment and facility for continuous monitoring of the broadcaster service at my own cost and preserve the recordings of broadcasting materials for a period of 3 months from the date of broadcast and produce the same to Ministry of Information & Broadcasting or to its authorized representative as and when required.

Signature

Name
Designation

Seal of Company

Place :
Date :

FORM- 1B

AFFIDAVIT/UNDERTAKING

[For Entertainment TV Channel/News & Current Affairs TV Channel]

(on Rs 100 Stamp Paper & Notarized)

WHEREAS M/s.-----have applied to the Ministry of Information & Broadcasting for approval/permission for downlinking of a TV channel -----.

WHEREAS information have been provided in Form 1 supported by affidavit in Form 1A and declarations in Table I along with other related documents (i.e. Memorandum and Articles of Association, project report, satellite lease agreement, etc.)

WHEREAS we understand that the information given in the application and in Form 1A 1C and Table I and other related documents form a composite part of this permission.

We submit that our channel is purely an Entertainment TV Channel/News & Current Affairs TV Channel and have/does not have any news or current affairs based programme.

We hereby undertake that in accordance with the guidelines for downlinking of TV channels, we will seek fresh permission from the Govt., should there be a change in the Programme content of the channel to include news/current affairs along with a change in the ownership pattern to include any element of foreign equity/management control and that prior information of any such proposed change shall be given to the Government.

We also undertake to supply information, in the format as prescribed by the Govt. from time to time.

For and on behalf of

M/s _____

Authorized Signatory

Seal of the Company

Date :

Place: