

R B Sahajpal
as individual
Counter Comments
on
CP¹ PR^{2,3}

Introduction:

The following may please be noted:

Level Playing Field:

1. “Permission holders are governed by the FM Phase-III Policy Guidelines dated 25.07.2011, as amended from time to time. As of now all the FM Radio operators have migrated as per policy guidelines of Phase III”⁴. Thus the ‘Level Playing Field’ is there for all FM broadcasters as far as Policy Guidelines i.e rules are concerned.

2. This phrase occurs ‘2’ times in^{5,6}.

Policy Guide Lines:

3. This phrase occurs ‘20’ times in CP. Policy Guideline belongs to **Legal Frame Work** and as such perhaps a Gazette Notification for the same is a mandatory prerequisite before coming into force from a specific date.

4. Issues for Consultation

Q1. Are provisions related to Annual License Fee prescribed in the extant Policy guidelines for FM Radio broadcasting reasonable? If not, please provide methodology and criteria for arriving at Annual License Fee for private FM Radio channels with detailed justification.

Ans.1. “Permission holders are governed by the FM Phase-III Policy Guidelines dated 25.07.2011, as amended from time to time. As of now all the FM Radio operators have migrated as per policy guidelines of Phase III”⁷ **and** “This Stakeholder had also filed Writ Petition Number 8759 of 2015 in the Hon’ble Delhi High Court 6 months before signing the Phase-III GOPA and the WP is next on board in the Hon. Delhi High Court on 09.03.2023”^{8,9}.

No comments as the matter is **sub ju-dice**.

Q2. Is there a need to extend the permission period for existing FM Radio licensees?

a. If yes, what should be the revised permission period? Please prescribe the period with detailed reasoning/ justification.

b. If not, is there a need to extend any other assistance to private FM Radio broadcasters to overcome the impact of the pandemic? If so, please suggest suitable measures with quantified parameters and justification.

Ans.2. Even if the COVID period from 01.04.2020 until 31.03.2022 is considered as “Force Majeure” period even then as per Policy guidelines for FM Radio Phase III, there is no provision for extension of permission granted to an FM radio broadcaster.¹⁰ “More over FM phase III provisions roll out began only in late 2015”¹¹ so ‘8’ years of present permission are still remaining. Accordingly no extension may be considered on the said basis.

Q3. Is there a need to review the present Policy guidelines as regards the News and current affairs on private FM radio stations? If so, please provide detailed justification, including the additional compliance/ reporting (if any), duration of news and current affair programmes and method of effective monitoring may be suggested.

Ans.3. The status quo may please be maintained as per the Policy Guidelines for Phase-III of FM Radio Broadcasting dated 25th July 2011.

