

Consultation Paper No.: 07/2023



TELECOM REGULATORY AUTHORITY OF INDIA



Consultation Paper

on

Issues Related to Low Power Small Range FM Radio Broadcasting

17th April 2023

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New Delhi-110002

Website: www.trai.gov.in

Written comments on the consultation paper are invited from the stakeholders by 15th May 2023. Counter comments, if any, may be submitted by 29th May 2023.

The comments and counter comments may be sent, preferably in electronic form to Shri Anil Kumar Bhardwaj, Advisor (B & CS), Telecom Regulatory Authority of India, on the e-mail: advbcs-2@traigov.in and jtadvbcs-1@traigov.in . Comments and counter comments will be posted on TRAI's website www.traigov.in

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Chapter I

Introduction

- 1.1. Entertainment is an important aspect of human life. It brings happiness, which is the most powerful medicine that helps to keep our mental health and well-being. It also means drowning the monotony of our daily lives. Entertainment can have various forms such as watching movies, listening to songs, or reading books, hobbies, sports, or other materials that make one happy, or even debates and discussion on societal and other issues.
- 1.2. Films are one of the best forms of mass entertainment as they have something to offer to everyone. They are inexpensive, enjoyable and provide a very pleasant mass viewing experience. Public movie watching in the theatres came to a halt during COVID-19 pandemic due to health safety reasons. However, same is resumed now as we have moved towards normalcy. Even though there are alternatives such as television and OTT (Over The Top) platforms, they do not provide a traditional mass viewing experience. A “drive-in theatre” is a possible substitute that does provide a more specific feeling of that of a classic cinema hall.
- 1.3. A drive-in theatre or drive-in cinema is a form of cinema structure consisting of a large outdoor movie screen, a projection booth, a concession stand, and a large parking area for automobiles. Within this enclosed area, customers can view movies from the privacy and comfort of their cars. India has around 18 drive-in theatres across the country. The low-power FM broadcasting is one of the methods to transmit movie audio to the audience in a drive-in theatre.

- 1.4. Telecom Regulatory Authority of India (TRAI) has received references dated 07.03.2022 (**Annexure I**) from Ministry of Information and Broadcasting (MIB) wherein following is mentioned:

“ As you are aware that the Ministry of Information and Broadcasting grants permission to eligible organizations for setting up Community Radio Stations in India. The Ministry had recently received an application from M/s PVR Limited, seeking permission to establish a Community Radio Station, to be used for commercial purposes. The application could not be acceded to as commercial (profit-oriented) entities are prohibited from applying for Community Radio license, under the Policy Guidelines for setting up Community Radio Station in India.

2. The applicant, however, informed that he intends to establish a low power FM transmission system, to be used commercially for Drive-in theatre application. The idea behind the application is that a theatre-sized screen may be placed in an open space for viewing the content and a low power FM Transmitter, with a range confined to that space, may be used to broadcast the audio of the content on a certain frequency. The driven-in audience then would be able to tune in to the said frequency in their cars and listen to the content. This would avoid any noise pollution. The idea is additionally inspired by the restrictions imposed on large public gatherings due to ongoing pandemic.

3. It is felt that demand for such drive-in theatre services might rise in the future which could generate sizeable and steady revenue streams for the Government. At present, however, there are no provisions under any Guidelines for this new kind of service.”

- 1.5. MIB has sought recommendations of Telecom Regulatory Authority of India (TRAI) on the need & timing for introduction of new service provider under Section 11(1)(a)(i) of TRAI Act.
- 1.6. Apart from drive-in theatres, some other services also use low-power short range FM Radio broadcasting which are intended for limited locations and reception area e.g., hospital radio services, amusement parks, business premises, closed communities such as residential complex, small

habitations, commentary for local events such as air shows and sports events etc.

- 1.7. Use of low power FM Radio for Drive-in theatres and other applications are present in several international markets. The provisions related to use of low power FM Radio in Australia, New Zealand, UK, and USA, which are relevant to this consultation paper, have been studied and are given in Appendix to this paper.
- 1.8. Accordingly, this Consultation Paper has been prepared to seek the comments/views of the stakeholders on the issues related to low power short range sound broadcasting. Chapter II discusses various issues related to low-power FM radio broadcasting. A summary of issues for consultation is provided in Chapter III.

Chapter II

Issues related to low power small range FM Radio broadcasting

A. Need for the introduction of new category of service provider for using low power small range FM Radio broadcasting

- 2.1. MIB's reference dated 7th March 2022 is limited to use of low power FM radio broadcasting by drive-in theatres. Several methods can be used to broadcast the synchronized audio of the movie to the viewers, which are given in **Annexure-II**.
- 2.2. In addition to drive-in theatres, other services that make use of low-power FM radio broadcasting covering a limited area include hospital radio services, amusement parks; and commentary for events such as air shows, ~~and~~ sports etc. Services whose reception is limited and targeted to special interest groups, for example, arenas or business premises, being provided during a limited period utilize low-power FM broadcasting. Services that provide pre-recorded regularly repeated audio content also utilize low-power FM broadcasting.
- 2.3. Low power FM Radio broadcasting can be useful in a variety of settings other than drive-in theatres, including:
 - (a) **Emergency broadcasting:** Low power FM can be used to provide emergency information during natural disasters or other emergencies for specific geographical areas like a coastal village. This can be especially useful in areas where traditional communication methods may not be available.
 - (b) **Residential Complexes:** Low power FM broadcasting can be used to communicate important messages to residents of a building complex,

such as, resident meeting announcements, information regarding events such as festival celebrations, and other updates. It can also be used to promote safety within the building society, by broadcasting safety messages and alerts such as traffic updates, weather reports. It will be an effective method for broadcasting important information in the events of emergencies such as fire, earthquake etc.

- (c) **Industrial exhibitions and small businesses:** Low power FM can be used by small businesses to promote their products or services to local customers. This can be especially useful for businesses that rely on foot traffic or local customers. Events exhibiting specific industrial products can also use radio to reach the targeted audience.
- (d) **Sports commentary:** Low power FM can be used to broadcast live commentary of sports events within the stadium/ arena. It can also be used to broadcast interviews with athletes, coaches, and analysts, providing fans with additional insights and perspectives on the event.
- (e) **Public address and Event information system:** Low power FM can be used as a public address system, allowing event organizers to make announcements and communicate with attendees. It can be used to broadcast important event information, such as schedules, maps, and directions. This can help attendees navigate the event and stay informed.
- (f) **Music Concerts and cultural events:** Low power FM can be used to broadcast music and other entertainment before, during, and after events such as music concerts, plays and other cultural events.
- (g) **Religious organizations:** Low power FM can be used by temples, churches, synagogues, and mosques to broadcast religious services and messages to their congregations/ nearby habitants.
- (h) **Political Rallies:** Low Power FM (LPFM) radio stations can be used during political rallies to provide localized audio coverage to attendees to avoid noise/ disturbance for other dwellers staying nearby to such grounds/ areas where rallies are held.

- 2.4. Other than being a cost-effective way to reach a local audience and provide valuable information and entertainment, Low-power FM can be an effective way to reduce noise pollution in the country. India is one of the most noise-polluted countries in the world, with many of its cities consistently ranked among the noisiest cities globally according to the recent 'Annual Frontier Report, 2022'¹ published by the United Nations Environment Programme (UNEP).
- 2.5. Prolonged, cumulative exposure to loud noise levels (>85 dB) can damage the auditory system and induce a sensorineural type of hearing loss, usually bilateral, defined as noise-induced hearing loss (NIHL)². According to the study, "Occupational Noise Induced Hearing Loss in India: A Systematic Review and Meta-Analysis"² nearly one in two industrial workers in India have evidence of NIHL on assessment using the pure-tone audiometry method, indicating the extent of this major neglected public health challenge.
- 2.6. The sources of noise pollution in India are diverse and include transportation, construction, industrial activities, religious and cultural events, political rallies, and festivals. Noise pollution from cultural events and political rallies can be a significant issue for people living in the surrounding areas. The loud music and speeches can disrupt the peace and quiet of the neighbourhood, cause sleep disturbances, and even lead to long-term hearing damage. By broadcasting the sound of such events directly to the radio will enable only the interested parties to tune in for the programme. This will help in reducing the impact of the noise on other nearby residents.

¹ <https://www.unep.org/resources/frontiers-2022-noise-blazes-and-mismatches>

² https://journals.lww.com/ijcm/Fulltext/2022/47020/Occupational_Noise_Induced_Hearing_Loss_in_India_.4.aspx

- 2.7. Introduction of low power FM services is a beneficial step for the public. But multiple such small level services will increase the level of interference. To build an infrastructure with minimum interference and to provide adequate services further studies on the topic is required.
- 2.8. Radio broadcasting is covered under the provisions of the Indian Wireless Telegraphy Act, 1933 which regulate the possession of wireless telegraphy apparatus. For broadcasting services using the wireless communication, a broadcasting company needs to take two licenses - i) Permission granted by the Ministry of Information and Broadcasting; and ii) A Wireless Operating License (WOL) from the Wireless Planning and Coordination (WPC) Wing of the Ministry of Communication and Information Technology under the Wireless Telegraphy Act, 1933. For obtaining WOL, an applicant is required to pay prescribed fee to WPC. An annual license fee has to be paid to MIB by the applicant as prescribed in the respective license/permission.
- 2.9. At present, FM Radio broadcasting in 88-108 MHz frequency band is permitted to All India Radio (AIR); private sector FM Radio broadcasters; and Community Radio Station (CRS) operators. AIR is the public service broadcaster under Prasar Bharti. For operating commercial private FM Radio station in a city, eligible entity is required to participate in the auction process conducted by MIB. Only successful bidders in the auction are granted permission by MIB subject to fulfilment of prescribed terms and conditions. Further, MIB grants permission only to not-for-profit organisations to operate CRS by setting up power FM transmitters covering an area of 5-10 KMs.
- 2.10. Another option of using low power FM Radio broadcasting is to use license-exempt equipment in the 88 – 108 MHz band. In general, the use of low power FM broadcasting is not to provide radio services but rather to utilize

radio technology to transmit the audio signals with limited coverage. Wireless Planning and Coordination (WPC) wing of Department of Telecommunications (DoT) vide its Gazette notification dated 18th October 2018 (**Annexure III**) has exempted the use of low power analogue FM transmitters in the frequency band 87.5 – 108 MHz from obtaining license. The power of such FM transmitters is limited to 50 nW e.r.p. As per guidelines, the equipment used for low power FM Radio should be type approved by WPC.

- 2.11. In case, Government prescribes a licensing regime for low power FM Radio Broadcasting, obtaining a license for using low power FM Radio broadcasting would entail a cost in terms of entry and license fee (see Section III -Entry Fee and License Fee for details of such charges for other type of Radio licensees). Such regime may deter small and innovative users. On the other hand, the unlicensed use may make it difficult to manage the interference as multiple operators may launch services in same area. Moreover, such unregistered operators may not adhere to program code, etc.
- 2.12. In UK, services like drive-in theatre come under restricted services (RSL) and require a broadcasting license that regulates the content of the service (“BA license”); and a wireless telegraphy which applies to the transmission of the service (“WTA license”).³ OFCOM, the UK regulatory body reserves a particular part of the FM radio spectrum (87.7 - 87.9 MHz) for licences issued for restricted services to cover events of short duration, usually held for up to a month.
- 2.13. Australian Communications and Media Authority (ACMA) manages and issues Low power open narrowcasting (LPON) license which is used for niche radio broadcasting services like drive-in cinemas.

³ https://www.ofcom.org.uk/data/assets/pdf_file/0027/241767/Restricted-services-guidance-notes.pdf

In Australia low power FM transmissions on frequency band 87.5 MHz to 88.0 MHz are permitted⁴. A General User License (GUL) for Low Power FM Broadcasting (LPFM) came into force on 17 June 2010 in New Zealand with permitted transmit carrier frequencies ranging from 87.6 to 88.2 MHz and 106.7 to 107.6 MHz.⁵

2.14. USA⁶ and Canada⁷ have provisions for low power broadcasting in both FM (88-108MHz) and AM (510-1705 kHz) bands. In the USA, unlicensed low-power FM broadcasting is permitted upto 61 meters. Canada also exempts certain low-power FM and AM stations from requirement of a license.

2.15. In the US, an operator does not have to obtain a license to use a low power transmitting equipment. But the transmitting equipment itself is required to have an FCC authorization before it can be legally marketed in the US. This authorization requirement helps ensure that such transmitting devices comply with the FCC's technical standards and, thus, are capable of being operated with little potential for causing interference to authorized radio communications.

2.16. Some low power FM transmitter devices are available in the market. It is to be noted that currently no standardization process for such products is available. In the scenario where low power FM is categorized as an unlicensed service, applicants will not be required to obtain Wireless Operating License from WPC. However, in order to prevent interference

⁴ <https://www.acma.gov.au/low-power-open-narrowcasting-licences>

⁵ <https://www.rsm.govt.nz/licensing/frequencies-for-anyone/low-power-fm-broadcasting/>

⁶ [https://www.fcc.gov/media/radio/low-power-radio-general-information#:~:text=Unlicensed%20operation%20on%20the%20AM,200%20feet%20\(61%20meters\).](https://www.fcc.gov/media/radio/low-power-radio-general-information#:~:text=Unlicensed%20operation%20on%20the%20AM,200%20feet%20(61%20meters).)

⁷ <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/official-publications/information/radiocom-information-circulars-ric/ric-40-frequently-asked-questions-low-power-fm-broadcasting>

and provide quality services, devices permitted to transmit low-power FM may need to be standardized by an appropriate agency.

2.17. MIB in its reference has sought recommendations from TRAI on the need and timing for the introduction of new service provider for using low power FM Radio broadcasting by drive-in theaters. However, other entities using low power FM Radio broadcasting for the applications as mentioned in para 2.2 and para 2.3, may also need to be considered for this purpose.

2.18. In view of the above discussions, stakeholders are requested to provide their comments on whether there is a need for the introduction of new service provider for using low power FM Radio broadcasting by various entities.

Issue for consultation:

Q 1. Should the use of low power small range FM Radio broadcasting by various entities be licensed or unlicensed? Please provide your comments with detailed justification.

Q 2. In case use of low power small range FM Radio is licensed, whether there is a need for the introduction of a new category of service provider for using low power small range FM Radio broadcasting? Please provide your comments with detailed justification.

Q 3. Should the low power Radio equipment continue to be subjected to type approval by WPC?

a. If yes, do the current technical specifications / approval process require any amendment/ modification/ simplification?

b. If not, please suggest as to how to ensure quality standards for the equipment and users of low power FM services.

B. Terms and Conditions of the low power small range broadcasting license

2.19. In case, use of low power FM broadcasting by drive-in theatres is categorizing as a licensed service, the terms, and conditions for such a license need to be laid down. Provisions for eligibility criteria, license period, entry and license fee, and other variables must be determined.

I) Eligibility Criteria to hold a License

2.20. As per provisions of existing policy guidelines for Phase-III expansion of FM Radio broadcasting through private agencies (**Annexure IV**), only Companies registered in India under the Companies Act, 2013 are eligible for bidding and obtaining permission for FM Radio channels.

2.21. As per existing guidelines for operating CRS (**Annexure V**), following types of organizations are eligible to apply for Community Radio licences:

- a) Community based organisations, which include civil society and voluntary organisations, State Agriculture Universities (SAUs), ICAR institutions, Krishi Vigyan Kendras, Registered Societies and Autonomous Bodies and Public Trusts registered under Societies Act or any other such act relevant for the purpose. Registration at the time of application should at least be three years old.
- b) Educational institutions

2.22. The following are not eligible to run a CRS:

- a) Individuals;
- b) Political Parties and their affiliate organisations; [including students, women's, trade unions and such other wings affiliated to these parties.
- c) Organisations operating with a motive to earn profit;
- d) Organisations expressly banned by the Union and State Governments.

2.23. In 2008, in ‘Recommendations on Issues relating to entry of certain entities into Broadcasting and Distribution activities⁸, TRAI recommended the following:

“3.29 Having regard to the above, the Authority recommends that political bodies should not be allowed to enter into broadcasting activities. Accordingly, the Authority recommends that the disqualifications as contained in item 3 of Part I of the Schedule to the Broadcasting Bill, 1997 as regards political bodies be incorporated in the proposed legislation on broadcasting.

3.45.4.3. Having regard to the foregoing factors, the Authority is of the view that religious bodies may not be permitted to own their own broadcasting stations and teleports. The Authority accordingly recommends that the disqualifications as contained in Item 2 of Part I of the Schedule to the Broadcasting Bill, 1997 as regards disqualification of religious bodies (as enumerated in paragraph 3.42.1 above) may be incorporated in the proposed new legislation on broadcasting. However, such disqualification should not be construed to mean that religious contents in the broadcasting channels should not be allowed, so long as such content is in conformity with the appropriate content code or programme code as prescribed from time to time by the Government. Broadcasting channels may be permitted to carry programmes aimed at the propagation of different religious faiths subject to strict compliance with the applicable content code or programme code, as the case may be.

3.45.4.4. Even though the Authority does not see any reason for taking a view different than the one recommended in the preceding paragraph by the Authority, particularly because the recommendation is in consonance with the basic secular fabric of the Constitution and the need to balance the rights of religious bodies to propagate their faiths with the maintenance of public order and societal harmony, in case the Central Government deems it appropriate to review the

⁸ <https://www.trai.gov.in/sites/default/files/Recom12nov08.pdf>

disqualifications as contained in the Broadcasting Bill, 1997 in the proposed new legislation on broadcasting, in that event, the Authority recommends that the Central Government may appropriately consider, as a matter of public policy, the questions as to ----

(a) the eligibility requirements, if any, to be prescribed in the case of religious bodies for such entry, (such as the requirement as to registration under the Companies Act, 1956, etc.)

(b) the legal framework to be laid down for prevention of misuse or abuse of the broadcasting permission by any such body;

(c) the mechanism for ensuring strict compliance with the programme code and advertising code by such bodies,

keeping in view, inter alia, the availability of resources like radio frequencies in different bandwidths and their optimum utilisation in the national interest, the balancing of the requirements for the available frequencies for use in different sectors like telecommunication, defence, broadcasting, etc., and the difficulties involved in the enforcement of the programme code and advertising code, etc. in the case of religious bodies. However, the Authority, even at the cost of repetition, would reiterate the significance of recommendation made in paragraph 3.45.4.3.”

However, the above recommendations are still pending with the government.

2.24. Further the paras 3.28.1 and 3.42.1 of the above-mentioned recommendations which provide relevant clause of the Broadcasting Bill, 1997 regarding disqualification of political and religious bodies from entering into broadcasting sector, is also reproduced below:

“3.28.1. It is also pertinent to note here that the Broadcasting Bill, 1997 (which could not be made into law) had indeed incorporated the following provisions as regards disqualification of political bodies in the broadcasting sector in item 3 of Part I of the Schedule to the said Bill , namely:-

“3. Disqualification of political bodies.

- (a) A body whose objects are wholly or mainly of a political nature;*
- (b) A body affiliated to a body, referred to in clause (a);*
- (c) An individual who is an officer of a body, referred to in clause (a) or (b);*
- (d) A body corporate, which is an associate of a body corporate referred to in clause (a) or (b);*
- (e) A body corporate, in which a body referred to in any of clauses (a) and (b) is a participant with more than a five per cent. interest;*
- (f) A body which is controlled by a person referred to in any of clauses (a) to (d) or by two or more persons, taken together;*
- (g) A body corporate, in which a body referred to in clause (f), other than one which is controlled by a person, referred to in clause (c) or by two or more such persons, taken together, is a participant with more than a five per cent. interest.””*

“3.42.1. It is, however, seen that in India, the Broadcasting Bill, 1997 (which was not enacted into law) had proposed to disqualify religious bodies from entering into broadcasting sector. Clause 2 of Part I of the Schedule to the said Bill contained the following provisions in this regard, namely:-

“2. Disqualification of religious bodies.

- (a) A body whose objectives are wholly or mainly of a religious nature;*
- (b) A body which is controlled by a body referred to in clause (a) or by two or more such bodies taken together.*
- (c) A body which controls a body referred to in clause (a);*
- (d) A body corporate which is associate of a body corporate referred to in clause (a), (b) or (c);*
- (e) A body corporate in which a body referred to in any of clauses (a) to (d) is a participant which more than five per cent. interest;*
- (f) An individual who is an officer of a body referred to in clause (a); and*

(g) A body which is controlled by an individual referred to in clause (f) or by two or more such individuals taken together.””

II) License Period

2.25. The broadcast licenses have been issued in the case of Private FM Radio for a fixed term of 15 years. Whereas community radio stations have a licence term of 5 years which can be further extended for next 5 years upon request for extension.

2.26. In UK, a licence issued for restricted services to serve an establishment or other defined location can be issued for any period, up to a maximum of five years. But the duration of the licence should not significantly exceed the duration of the event that is being covered. There is usually no limit on the number of RSL licences an individual or organisation may be granted within a year.⁹

2.27. On the other hand, in Australia LPON licences are allocated on a 'buyer beware' basis and have no guaranteed tenure. If spectrum is required for any reason (for example, to plan new mainstream broadcasting services or to vary the conditions of existing services), ACMA may take back affected LPON spectrum (without compensation) and are under no obligation to find replacement spectrum.¹⁰

III) Entry Fee and License Fee

2.28. The entry fee for Private FM Radio broadcasters (i.e. Non-Refundable One Time Entry Fee - NOTEF), is determined through the auction process, for grant of permission to operate an FM Radio channel. Permission also includes the charge for the spectrum (spot frequency) bundled with the

⁹ https://www.ofcom.org.uk/_data/assets/pdf_file/0027/241767/Restricted-services-guidance-notes.pdf

¹⁰ <https://www.acma.gov.au/low-power-open-narrowcasting-licences>

permission. The grant of permission for an FM Radio channel without bundled spectrum would not serve any purpose as FM Radio services cannot be delivered without spectrum. The annual Licence Fee for FM Radio broadcasting is as follows:

- 4% of Gross Revenue (GR) of the FM radio channel for the financial year or 2.5% of NOTEF for the concerned city, whichever is higher.
- For the permission holders in the States of the North-East, Jammu & Kashmir (J&K) and Island territories (i.e. Andaman and Nicobar islands and Lakshadweep): 2% of Gross Revenue for each year or 1.25% of NOTEF for the concerned city, whichever is higher, for an initial period of three years from the date from which the annual license fee becomes payable and the permission period of 15 years begins.

2.29. On the other hand, Community Radio stations do not require any Entry fee and License fee. Annual charges to be paid by CRS operators to WPC include Spectrum usage fee of Rs.22,500/-; License fee of Rs. 500/- per station; License fee of Rs. 500/- per standby set.

2.30. In the UK¹¹, for licence applications for RSLs to cover events, a £400 non-refundable application fee is payable. For licence applications for RSLs to serve an establishment or other defined location, a £200 non-refundable application fee is payable. There is also a daily rate charge for the Broadcasting Act ('BA') licence fee and for the Wireless Telegraphy Act ('WTA') licence fee based on operating power (refer Table-3 in Appendix). Some countries like New Zealand do not charge any license fees for the low-power stations.¹²

¹¹ https://www.ofcom.org.uk/data/assets/pdf_file/0027/241767/Restricted-services-guidance-notes.pdf

¹² <https://www.rsm.govt.nz/licensing/frequencies-for-anyone/low-power-fm-broadcasting/>

IV) Area of Operation and Identification of FM Carrier channel for Low Power FM Radio broadcasting

2.31. As per existing policy guidelines, permissions for private FM Radio channels are granted on a city basis. For this purpose, cities are divided into six categories based on population. For each category of city, maximum number of channels have been prescribed as given in table below:

Table 1: Categories of Cities and maximum number of FM Radio channels in each category

S. No.	Category of Cities	Population	Maximum Number of channels
1	A+	Metro cities	9-11
2	A	> 20 lakhs	6
3	B	> 10 lakhs up to 20 lakhs	4
4	C	> 3 lakhs up to 10 lakhs	4
5	D	> 1 lakh up to 3 lakhs	3
6	Others	Less than 1 lakh in border and hilly area	3

2.32. In a city, frequencies in the FM band 88-108 MHz have been identified. The adjacent frequencies in a city have to be separated by 800 KHz.

2.33. For CRS the frequency spots of 89.6, 90.0, 90.4 MHz, 90.8 MHz and 91.2 MHz have been reserved. There is no service area defined. However, the same frequency is not allocated within 50 km of an existing CRS in rural areas and 30 km in urban areas.

2.34. Appropriate frequency spots for low power short range FM Radio broadcasting may need to be identified.

V) Allocation of FM Radio Frequency

2.35. For operating commercial FM Radio station in a city, eligible entity has to take part in the auction process conducted by MIB for allocation of FM Radio frequency. Whereas frequencies to CRS operators are allocated on an administrative basis.

VI) Technical Parameters

2.36. The low power FM broadcasting will operate in the same frequency band as the commercial FM Radio and community radio. This may lead to interference among different types of services.

2.37. The transmitting range of a radio signal depends on several factors, including the frequency of the signal, the transmitter power, the antenna gain, and the environment in which the signal is being transmitted. However, one of the most critical factors is the Effective Radiated Power (ERP). The transmitting range of a radio signal is directly proportional to the ERP. Thus, the higher the ERP, the stronger the signal will be in the specified direction and farther the signal can travel. Accordingly, in free space (i.e., with no obstacles or interference), the power density of a radio signal decreases with the square of the distance from the transmitter.

2.38. The power density p (in Watts per square meter) of the plane wave incident on the receive antenna at a distance R from the transmit antenna is given by the formula¹³:

$$p = \frac{P_T}{4\pi R^2}, \text{ where } P_T \text{ is the transmitting power.}$$

2.39. As per the current guidelines on licensing of Community Radio stations in India to prevent such interference between commercial and community radio stations, a transmitter having maximum Effective Radiated Power

¹³ <https://www.phys.hawaii.edu/~anita/new/papers/militaryHandbook/pwr-dens.pdf>

(ERP) of 100 W is permitted. Higher transmitter wattage with maximum ERP up to 250 Watts can be considered on a case-to-case basis, in case of a proven need where the applicant organisation is able to establish that it needs to serve a larger area or the terrain so warrants, subject to availability of frequency and such other clearances as necessary from the Ministry of Communication & IT. Permitted maximum antenna height is 30 meters above ground and minimum antenna height is 15 meters above ground.

2.40. The technical parameters laid down for Licensing of low power broadcasting stations vary widely from country to country. The maximum power of a service using limited coverage spectrum in UK¹⁴ is normally between 300 milliwatts and no more than 2 watts over a short range of up to around a 1 km radius. Whereas in New Zealand¹⁵ maximum permitted transmit power is 0 dBW e.i.r.p. (1 Watt).

2.41. U.S. Federal Communications Commission rules specifies that no license is needed if range of the transmitter does not exceed 200 feet (61 meters)¹⁶. For license free operation in the FM band the field strength of any emissions should not exceed 250 microvolts/meter at 3 meters.

2.42. The operating power for LPON (Low Power Open Narrowcasting) services in Australia is limited to a maximum of 1-watt effective radiated power (ERP) with 2 km radius coverage in residential areas and 10 watts ERP with 10km radius coverage in non-residential areas¹⁷. Canada has two

¹⁴ https://www.ofcom.org.uk/_data/assets/pdf_file/0027/241767/Restricted-services-guidance-notes.pdf

¹⁵ <https://www.rsm.govt.nz/licensing/frequencies-for-anyone/low-power-fm-broadcasting/>

¹⁶ [https://www.fcc.gov/media/radio/low-power-radio-general-information#:~:text=Unlicensed%20operation%20on%20the%20AM,200%20feet%20\(61%20meters\).](https://www.fcc.gov/media/radio/low-power-radio-general-information#:~:text=Unlicensed%20operation%20on%20the%20AM,200%20feet%20(61%20meters).)

¹⁷ <https://www.acma.gov.au/low-power-open-narrowcasting-licences>

classes of low power broadcasting: very low-power FM (VLPFM), up to 10 W ERP and low-power FM (LPFM), up to 50 W ERP¹⁸.

Table-2

Country	Power	Distance
USA	18.75mW ¹⁹	61 m
UK	300mW to 1W	1 km
Australia	1W	2 km
	10 W	10 km

2.43. The data from international experience (Table-2) suggests that the current license exempted power limit of 50nW will not be adequate to cover the entire area of a drive-in theatre and other such applications.

2.44. As per the above discussions, stakeholders are requested to provide their comments on the suitable method for technical parameters for low power broadcasting stations.

Issues for consultation:

Q 4. In case stakeholders consider that license is necessary for low power small range FM broadcasting, what should be the:

(a) Eligibility criteria

(b) Period of License

¹⁸ <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/official-publications/information/radiocom-information-circulars-ric/ric-40-frequently-asked-questions-low-power-fm-broadcasting>

¹⁹ Conversion from field strength to radiated power using formula given in: <https://www.analog.com/en/technical-articles/radiated-power-and-field-strength-from-uhf-ism-transmitters.html#:~:text=The%20Relationship%20Between%20Field%20Strength%20and%20Radiated%20Power&text=At%20any%20point%20on%20the,a%20sphere%20with%20radius%2C%20R.>

- (c) Entry Fee**
- (d) License Fee**
- (e) Area of operation**
- (f) Allocation of Spectrum**
- (g) Technical parameters**
- (h) Any additional terms and conditions governing such licenses.**

Q 5. Whether some specific frequencies in the existing FM band can be dedicated for low power FM Radio broadcasting? Please provide details with justification.

Q 6. What should be the licensed area of frequency assignment- location-wise (Stadium, Auditorium, Malls, Residential complex etc.) or city-wise. Please provide details with justification.

Q 7. What should be the maximum power of a low power small range FM transmitter? Please provide your inputs with detailed justification.

2.45. For listening to the FM Radio, radio receivers are required. Initially, FM radio receivers were available as standalone radio receivers sets. Subsequently, FM radio receivers became integral part of four-wheeler vehicles and mobile handsets. Listening to FM Radio on mobile handsets is very convenient as one need not carry a separate radio receiver. In addition, it will not disturb nearby people as earphones are used to listen to FM Radio on mobile handsets.

2.46. It has been represented by private FM Radio broadcasters that the mobile handset manufacturers and operating systems (iOS, Android) are turning FM tuners off. Though in some cases, the mobile device chipset includes

capabilities to receive the FM radio signals, yet it has been disabled. Countries like Brazil and Mexico have made it compulsory for mobile handsets to come with the FM tuners. Stakeholders have requested to make it mandatory in India also. The issue has been discussed in detail in a separate consultation paper on FM Radio broadcasting.

C. Other Issues

Q 8. Stakeholders may also provide their comments on any other issue relevant to the present consultation.

Chapter III

Summary of Issues for Consultation

- Q 1. Should the use of low power small range FM Radio broadcasting by various entities be licensed or unlicensed? Please provide your comments with detailed justification.**
- Q 2. In case use of low power small range FM Radio is licensed, whether there is a need for the introduction of a new category of service provider for using low power small range FM Radio broadcasting? Please provide your comments with detailed justification.**
- Q 3. Should the low power Radio equipment continue to be subjected to type approval by WPC?**
- a. If yes, do the current technical specifications / approval process require any amendment/ modification/ simplification?**
 - b. If not, please suggest as to how to ensure quality standards for the equipment and users of low power FM services.**
- Q 4. In case, stakeholders consider that license is necessary for low power small range FM broadcasting, what should be the :**
- a. Eligibility criteria**
 - b. Period of License**
 - c. Entry Fee**
 - d. License Fee**
 - e. Area of operation**
 - f. Policy/ Methodology for allocation of Spectrum**
 - g. Prescribed Technical parameters, if any**
 - h. Any additional terms and conditions governing such license.**

- Q 5. Whether particular frequencies in the existing FM band can be dedicated for low power FM Radio broadcasting? Please provide details with justification.**
- Q 6. What should be the licensed area of frequency assignment- location-wise (Stadium, Auditorium, Malls, Residential complex etc.) or city-wise. Please provide details with justification.**
- Q 7. What should be the maximum power of a low power small range FM transmitter? Please provide your inputs with detailed justification.**
- Q 8. Stakeholders may also provide their comments on any other issue relevant to the present consultation.**

International Experience on Low Power FM broadcasting

The provisions related to Low Power FM broadcasting in some international markets have been studied and are given below:

➤ Rules for Low Power FM broadcasting

1. USA

- U.S. Federal Communications Commission rules specifies that no license is needed if range of the transmitter does not exceed 200 feet (61 meters).
- License free operation in the 88 to 108 MHz band shall be confined within a 200 kHz wide band centered on the operating frequency and the field strength of any emissions not exceed 250 microvolts/meter at 3 meters.
- For Operation in the band 510-1705 kHz (AM Band) the total input power to the final radio frequency stage shall not exceed 100 milliwatts.
- The FCC has a special class of radio licenses called Low Power FM Radio to create opportunities for more voices to be heard on the radio.
- Low power FM (LPFM) stations operate with **1 to 100 watts** of power and cover a radius up to approximately **5.6 km** (3.5 miles).
- The FCC has developed a computer software program (“LPFM Channel Finder”) to help potential LPFM applicants find an available channel in their area.
- LPFM stations are available to noncommercial educational entities and public safety and transportation organizations but are not available to individuals or for commercial operations. Current broadcast licensees with interests in other media (broadcast or newspapers) are not eligible to obtain LPFM stations.

2. UK

- In UK, services like drive-in theatre come under restricted services (RSL) and require a broadcasting license which regulates the content of the service (“BA

license”); and a wireless telegraphy which applies to the transmission of the service (“WTA license”).

- OFCOM, the UK regulatory body reserves a particular part of the FM radio spectrum (87.7 - 87.9 MHz) for licences issued for restricted services to cover events will be of short duration, usually held for no longer than a month.
- The maximum power of a service using limited coverage spectrum will normally be between 300 milliwatts and no more than 2 watts over a short range of up to around a 1km radius.

3. Australia

- Low power open narrowcasting (LPON) is used for niche radio broadcasting services like drive-in cinemas. Australian Communications and Media Authority manages and issues LPON licenses. A narrowcasting service is defined in the Act as a service whose reception is limited in one or more specified ways.
- The operating power for LPON services is limited to a maximum of 1-watt effective radiated power (ERP) in residential areas and 10 watts ERP in non-residential areas.
- The intended coverage area of LPON services is:
 - *2km* radius of the transmitter site for LPONs operating in residential area
 - *10km* radius of the transmitter site for LPONs operating in non-residential areas
- The Determination of Radiofrequency Spectrum (Low Power Open Narrowcasting Services) 2018 makes parts of the radiofrequency spectrum within the **87.5 to 88.0 MHz** range available for allocation.
- Reception of LPON service is always limited. Program content may be targeted to special interest groups, or the services are intended for limited locations,

meaning an LPON service may only be received in part of its potential coverage area. The cost of an LPON licence reflects these limitations.

- No security of tenure

4. New Zealand

- A new General User Licence (GUL) for Low Power FM Broadcasting (LPFM) came into force on 17 June 2010. As a result, from 1 October 2010 land mobile services in the band 87.5 MHz to 88.0 MHz are no longer be protected and LPFM transmissions on those frequencies are permitted.
- No fee is required for such a license. All fees associated with this license are paid for by Radio Spectrum Management (RSM).
- Maximum permitted bandwidth for LPFM transmissions is **256 kHz**.
- Maximum permitted transmit power is 0 dBW e.i.r.p. (**1 Watt**), where e.i.r.p. means equivalent isotropic radiated power.

5. Canada

- Canadian Radio-television and Telecommunications Commission (CRTC) has exempted from licensing certain low-power AM and FM broadcasting undertakings, for example, Limited Duration Special Event Facilitating Undertakings and Public Emergency Radio Undertakings etc.
- In Canada, there are two classes of low-power FM broadcasting stations:
 - very low-power FM (VLPFM), which normally allows up to **10 W** effective radiated power (ERP) in any direction;
 - low-power FM (LPFM), which normally allows up to **50 W** ERP.

B. Cost for licensing

1. UK

- For restricted services transmitting at up to and including 2 Watts, there is a daily rate charge of £30 for the Broadcasting Act ('BA') licence fee and £40 for the Wireless Telegraphy Act ('WTA') licence fee, up to an annual limit of £150 for the BA fee and £200 for the WTA fee.
- For restricted services transmitting at above 2 Watts, there is a daily rate charge of £30 for the BA fee and £40 for the WTA fee, up to an annual limit of £900 for the BA fee and £1200 for the WTA fee.

Table-3

	BA fee daily rate	WTA fee daily rate	Total daily fees	BA annual limit	WTA annual limit	Total annual fees
Up to 2W	£30	£40	£70	£150	£200	£350
Above 2W	£30	£40	£70	£900	£1200	£2100

2. Australia

Table-4

Licensing option	Issue charge (GST excl.)	Renewal/instalment charge
Narrowcasting service (LPON)	Issued by allocation	\$4

List of Acronyms

Abbreviation	Description
ACMA	Australian Communications and Media Authority
AM	Amplitude Modulation
AIR	All India Radio
BA	Broadcasting Act
CRS	community Radio Station
CRTC	Canadian Radio-television and Telecommunications Commission
DoT	Department of Telecommunication
EIRP	Equivalent Isotropic Radiated Power
ERP	Effective Radiated Power
FCC	Federal Communications Commission
FM	Frequency Modulation
GR	Gross Revenue
GUL	General User License
ICAR	Indian Agricultural Research Institute
J&K	Jammu & Kashmir
LPFM	Low Power Frequency Modulation
LPON	Low Power Open Narrowcasting
LRSL	Long-term Restricted Service License
MIB	Ministry of Information and Broadcasting
NOTEF	Non-refundable One Time Entry Fee
OFCOM	The Office of Communications
OTT	Over The Top
RSL	Restricted Service License
RSM	Radio Spectrum Management
SAU	State Agriculture Universities
SRSL	Short-term Restricted Service License
TRAI	Telecom Regulatory Authority of India
UK	United Kingdom
US/USA	United States/ United States of America
VLPFM	Very Low Power Frequency Modulation
WOL	Wireless Operating License
WPC	Wireless Planning & Coordination
WTA	Wireless Telegraphy Act

MIB Reference dated 07.03.2022

No. N-35016/2/2021-O/o DD(CRS)
Government of India
Ministry of Information and Broadcasting
Room No. 116, 'A' Wing, Shastri Bhawan, New Delhi 110001

Dated 7th March, 2022

To

Shri V. Raghunandan
Secretary,
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg, New Delhi 110002

Subject: Seeking inputs of TRAI regarding the possibility of new kind of service provider.
Sir,

As you are aware that the Ministry of Information and Broadcasting grants permission to eligible organizations for setting up Community Radio Stations in India. The Ministry had recently received an application from M/s PVR Limited, seeking permission to establish a Community Radio Station to be used for commercial purposes. The application could not be acceded to as commercial (profit-oriented) entities are prohibited from applying for Community Radio license, under the Policy Guidelines for setting up Community Radio Station in India.

2. The applicant, however, informed that he intends to establish a low power FM transmission system, to be used commercially for Drive-in theatre application. The idea behind the application is that a theatre-sized screen may be placed in an open space for viewing the content and a low power FM Transmitter, with a range confined to that space, may be used to broadcast the audio of the content on a certain frequency. The driven-in audience then would be able to tune in to the said frequency in their cars and listen to the content. This would avoid any noise pollution. The idea is additionally inspired by the restrictions imposed on large public gatherings due to ongoing pandemic.

3. It is felt that demand for such drive-in theatre services might rise in the future which could generate sizeable and steady revenue streams for the Government. At present, however, there are no provisions under any Guidelines for this new kind of service.

4. Keeping in view that it is a new kind of service, the Telecom Regulatory Authority of India is requested to make recommendations on the need and timing for introduction of new service provider under Section 11(1)(a)(i) of TRAI Act.

Yours sincerely,


(Gaurishankar Kesarwani)
Additional Director (CRS Cell)
Tel. No.: 011-2338 6547
e-mail: gs.kesarwani.pb@nic.in

Methods of sound broadcasting used in Drive-in Theatres

- a) Hall speakers:** In this method the movie sound is directly broadcasted from the large hall speakers next to screen for the audience to hear audio of the movie. This method is not very effective due to loss of sound while travelling to the cars at the end caused by distance and mixing with atmospheric noise. People are forced to keep their windows open for the entire duration of the movie even during summer heat. This also causes unnecessary noise pollution and disturbs the people residing near-by the drive-in theatre.
- b) Wired Individual speakers:** To counter the problem of loss of sound due to distance, theatres started providing individual speakers to the cars. These speakers are hung from the window of each car, which are attached to a small pole by a wire. But the problems of noise pollution and keeping the windows open remain the same. Also, the sound from the speaker of a nearby car could cause some disturbances.
- c) Wireless speaker devices:** Some drive-in theatres provide a wireless speaker box that is synced with the movie. The service can therefore only be received by those attending the drive-in movie location who have paired the device. Such a speaker can be placed on the dashboard of the car, and the sound is contained within the cars. It means there's no noise pollution for any locals living nearby. However, there is a factor of increased cost for these individual devices which are also in a position of getting damaged easily as they are handed over to the costumers for such extended periods.
- d) Micro-broadcasting:** In this method low-power transmitters are used to broadcast the audio signal covering the entire area of the theatre. These audio signals are received by the FM Radio sets installed in the cars. This

method has the advantage of the film soundtrack to be heard in stereo mode on car stereo systems, which are typically of much higher quality and fidelity than the basic small mono speakers.

Gazette Notification dated 18.10.2018 by WPC

MINISTRY OF COMMUNICATIONS
(Wireless Planning and Coordination Wing)

NOTIFICATION

New Delhi, the 18th October 2018

G.S.R. 1047(E).—In exercise of the powers conferred by sections 4 and 7 of the Indian Telegraph Act, 1885 (13 of 1885) and sections 4 and 10 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.— (1) These rules may be called the Use of Low Power and Very Low Power Short Range Radio Frequency Devices (Exemption from Licensing Requirement) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— In these rules, unless the context otherwise requires, -

(a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);

(b) "Authority" means the authority notified by the Central Government under sub-section

(2) of section 4 of the Indian Telegraph Act, 1885 (13 of 1885);

(c) "effective radiated power (in a given direction)" or e.r.p. means the product of the power supplied to the antenna and its gain relative to a half-wave dipole in a given direction;

(d) "equivalent isotropic radiated power" or e.i.r.p. means the total power that would have to be radiated by a hypothetical isotropic antenna to give the same signal strength as the actual source in the direction of the antennas strongest beam;

(e) "power density" means the total energy output per unit bandwidth from a pulse or sequence of pulses for which transmit power is at its maximum level, divided by the total duration of the pulses;

(f) "duty cycle" means ratio expressed as a percentage of the cumulative duration of transmission $T_{on, cum}$ within an observation interval T_{obs} :

$$\text{duty cycle } DC = \left(\frac{T_{on, cum}}{T_{obs}} \right) \times 100 \text{ on an observation bandwidth } F_{obs}$$

(g) words and expressions used in these rules and not defined but defined in the Act and the Indian Wireless Telegraphy Act, 1933 (17 of 1933), shall have the same meanings

respectively as assigned to them in those Acts.

3. Exemption.— No licence shall be required by any person to establish, maintain, work, possess or deal in any wireless equipment for the purpose of usage of low power and very low power short range radio frequency devices or wireless equipment in the frequency band, on non-interference, non-protection and shared and nonexclusive basis, with the equivalent isotropic radiated power or effective radiated power, complying with the technical specification contained in the Tables-I to IX, namely: —

Table-I

Inductive device

S.No.	Frequency range in kHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/ or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	6765-6795	42 dBµA/m at 10 metres			EN 300 330

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, inductive device mean radio devices that use magnetic fields with inductive loop systems for near field communications and typical uses include devices for car immobilisation, animal identification, alarm systems, cable detection, waste management, personal identification, wireless voice links, access control, proximity sensors, anti-theft systems, including radio frequency anti-theft induction systems, data transfer to hand-held devices, automatic article identification, wireless control systems and automatic road tolling.

Table –II
Active medical implant device

S.No.	Frequency range in MHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	30-37,5	1 mW e.r.p.	duty cycle limit: 10 %	This set of usage conditions is only available to ultra-low power medical membrane implants for blood pressure measurements within the definition of active implantable medical devices in Directive 90/385/EEC.	EN 302 510
2	401-402	25 μ W e.r.p.	Channel spacing: 25 kHz. Individual transmitters may combine adjacent channels for increased bandwidth up to 100 kHz. Alternatively, a duty cycle limit of 0.1 % may also be used.	This set of usage conditions is only available for systems specifically designed for the purpose of providing non-voice digital communications between active implantable medical devices and/or body-worn devices and other devices external to the human body used for transferring non-time-critical individual patient-related physiological information.	EN 302 537
3	405-406	25 μ W e.r.p.	Channel spacing: 25 kHz. Individual transmitters may combine adjacent channels for increased bandwidth up to 100 kHz. Alternatively, a duty cycle limit of 0.1 % may also be used.	This set of usage conditions is only available for systems specifically designed for the purpose of providing non-voice digital communications between active implantable medical devices and/or body-worn devices and other devices external to the human body used for transferring non-time-critical individual patient-related physiological information.	EN 302 537
4	2483.5-2500	10 mW e.i.r.p.	Channel spacing 1 MHz The whole frequency band may also be used dynamically as a single channel for high-speed data transmissions. Duty cycle limit:10%		EN 301 559

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, active medical implant device covers the radio part of active implantable medical devices that are intended to be totally or partially introduced, surgically or medically, into the human body or that of an animal, and where applicable their peripherals.

Table -III**High duty cycle or Continuous transmission device**

S.No.	Frequency Range in MHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	87.5-108	50 nW e.r.p.			EN 301 357

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, high duty cycle or continuous transmission device mean radio device that rely on low latency and high duty cycle transmissions and used for personal wireless audio and multimedia streaming systems used for combined audio or video transmissions and audio or video sync signals, mobile phones, automotive or home entertainment system, wireless microphones, cordless loudspeakers, cordless headphones, radio devices carried on a person, assistive listening devices, in-ear monitoring, wireless microphones for use at concerts or other stage productions, and low power analogue FM transmitters (band 36).

Table -IV**Assistive listening device**

S.No.	Frequency range in MHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	169.4-169.475	500 mW e.r.p.	Channel spacing: ≤ 50 kHz		EN 300 422
2	169.4875-169.5875	500 mW e.r.p.	Channel spacing: max 50 kHz		EN 300 422

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, assistive listening device covers radio communications systems that allow persons suffering from hearing disability to increase their listening capability. Typical system installations include one or more radio transmitters and one or more radio receivers.

Table -V**Personal Mobile Radio 446 MHz device**

S.No.	Frequency range in MHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	446.0-446.2	500 mW e.r.p.	Channel spacing: 6.25 kHz and 12.5 kHz		EN 300 113-2, EN 301 166-2, EN 300 296-2

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, personal mobile radio 446 MHz device means hand portable radio with no base station or repeater use and uses integral antennas only in order to maximise sharing and minimise interference, and which operates in short range peer-to-peer mode and shall be used neither as a part of infrastructure network nor as a repeater;

Table -VI
Radio determination device

S.No.	Frequency range in MHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	2400-2483.5	25 mW e.i.r.p.			EN 300 440

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, radio determination device means radio device that are used for determining the position, velocity and/or other characteristics of an object, or for obtaining information relating to these parameters. Radio determination equipment typically conducts measurements to obtain such characteristics. Any kind of point-to-point or point-to-multipoint radio communications is outside of this definition.

Table -VII
Radio frequency identification device

S.No.	Frequency range in MHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	2446-2454	500 mW e.i.r.p.			EN 300 440

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, radio frequency identification device means tag or interrogator based radio communications systems, consisting of radio devices (tags) attached to animate or inanimate items and of transmitter or receiver units (interrogators) which activate the tags and receive data back that are used for tracking and identification of items, such as for electronic article surveillance (EAS), and collecting and transmitting data relating to the items to which tags are attached, which may be either battery-less, battery assisted or battery powered.

Table -VIII
Transport and traffic telematics device

S.No.	Frequency range in GHz	Transmit power limit/field strength limit/power density limit	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	24.05-24.075	100 mW e.i.r.p.			EN 302 858
2	24.075-24.15	100 mW e.i.r.p.		This set of usage conditions is only available to ground-based vehicle radars.	EN 302 858-1 V 1.2.1
3	24.075-24.15	0.1 mW e.i.r.p.			EN 302 858
4	24.15-24.25	100 mW e.i.r.p.			EN 302 858
5	24.25-24.495	- 11 dBm e.i.r.p.	Duty cycle limits and frequency modulation ranges apply as	This set of usage conditions is only available to ground-	EN 302 858

			specified in EN 302 858- 1 v1.3.1.	based vehicle radars.	
6	24.25-24.5	20 dBm e.i.r.p. (forward-facing radars), 16 dBm e.i.r.p. (rear-facing radars)	Duty cycle limits and frequency modulation ranges apply as specified in EN 302 858- 1 v1.3.1.		EN 302 858
7	24.495-24.5	- 8 dBm e.i.r.p.	Duty cycle limits and frequency modulation ranges apply as specified in EN 302 858- 1 v1.3.1.		EN 302 858

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note: For the purpose of this Table, transport and traffic telematics device means the device that are used in the field of transport, traffic management, navigation, mobility management and in intelligent transport systems for interfaces between different modes of transport, communication between vehicles, between vehicles and fixed locations as well as communication from and to users.

Table –IX
Non-Specific Short Range Device

S.No.	Frequency range	Transmit power limit/field strength density	Additional parameters (channeling and/or channel access and occupation rules)	Other usage restrictions	*EN No.
(1)	(2)	(3)	(4)	(5)	(6)
1	456.9-457.1 kHz	7 dBμA/m at 10 m		This set of usage conditions is only available for emergency detections of buried victims and valuable items devices.	EN 300 718
2	26957-27283 kHz	10 mW effective radiated power (e.r.p.)			EN 300 220
3	26990-27000 kHz	100 mW e.r.p.	Duty cycle limit: 0.1 %. @Model control devices may operate without duty cycle restrictions.		EN 300 220
4	27040-27050 kHz	100 mW e.r.p.	Duty cycle limit: 0.1 %. @Model control devices may operate without duty cycle restrictions.		EN 300 220
5	27090-27100 kHz	100 mW e.r.p.	Duty cycle limit: 0.1 %. @Model control devices may operate without duty cycle restrictions.		EN 300 220
6	27140-27150 kHz	100 mW e.r.p.	Duty cycle limit: 0.1 %. @Model control devices may operate without duty cycle restrictions.		EN 300 220

7	27190-27200 kHz	100 mW e.r.p.	Duty cycle limit: 0.1 %. @Model control devices may operate without duty cycle restrictions.		EN 300 220
8	169.4-169.475 MHz	500 mW e.r.p.	Channel spacing: max 50 kHz. Duty cycle limit: 1.0 %. #For metering devices , the duty cycle limit is 10.0 %		EN 300 220
9	169.4-169.4875 MHz	10 mW e.r.p.	Duty cycle limit is 0.1 %.		EN 300 220
10	169.4875-169.5875 MHz	10 mW e.r.p.	Duty cycle limit: 0.001 %.		EN 300 220
11	169.5875-169.8125 MHz	10 mW e.r.p.	Duty cycle limit: 0.1 %.		EN 300 220
12	2400-2483.5 MHz	10 mW equivalent isotropic radiated power (e.i.r.p.)			EN 300 440
13	5725-5875 MHz	25 mW e.i.r.p.			EN 300 440
14	24.15-24.25 GHz	100 mW e.i.r.p.			EN 300 440
15	61-61.5 GHz	100 mW e.i.r.p.			EN 305 550

*EN: is a number and acronym used for Harmonized European Standard as produced by European Telecommunications Standards Institute (ETSI).

Note 1: For the purpose of this Table, non-specific short range device means radio device, regardless of the application or the purpose, which fulfil the technical conditions as specified for a given frequency band and used for telemetry, telecommand, alarms, data transmissions in general and other applications.

Note 2: For the purpose of this Table, @“Model control devices” means a specific kind of telecommand and telemetry radio equipment that is used to remotely control the movement of models (principally miniature representations of vehicles) in the air, on land or over or under the water surface.

Note 3: For the purpose of this Table, #metering device means radio device that are part of bidirectional radio communications systems which allow remote monitoring, measuring and transmission of data in smart grid infrastructures, such as electricity, gas and water.

4. Interference.—(1) The effect of unwanted energy due to one or a combination of emissions, radiations or induction upon reception in a radio communication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy, where any person whom a license has been issued under the provisions of section 4 of the Act; and section 4 of the Indian Wireless Telegraphy Act, 1933 informs the Authority that his licensed system is getting harmful interference from any other radio communication system exempted under these rules, then such authority shall call upon the user of such unlicensed wireless equipment to take necessary steps to avoid interference by relocating the equipment, reducing the power and using special type of antennae, failing which such Authority shall recommend discontinuation of such wireless use.

(2) The Authority shall give a reasonable opportunity to the user of wireless equipment before making recommendation of discontinuation of wireless use under sub-rule (1)

5. Equipment.—(1) The equipment shall comply with the respective EN number for effective use of spectrum and to avoid harmful interference.

(2) The wireless equipment shall be type approved and designed and constructed in such a manner that the bandwidth of emission and other parameters shall conform to the limits specified in rule 3 and the application for obtaining equipment type approval shall be made to the Central Government in the format given in Annexure.

(3) The safety related requirements shall be as per the International or National standards such as ITU/ETSI/ANSI/BIS/ICNIRP for the respective devices and frequency bands.

[No. R-11017/04/2018-PP]

MAKRAND PATHAK, Assistant Wireless Adviser

Policy Guidelines for FM radio

File No. 104/2/2008-FM(Vol-III)
Government of India
Ministry of Information and Broadcasting
'A' Wing, Shastri Bhawan, New Delhi-110001

Dated, the 25th July, 2011

ORDER

In pursuance of the Union Cabinet decision dated 7th July, 2011, whereby expansion of FM Radio Broadcasting services through private agencies (Phase-III) has been approved, the policy guidelines for FM Radio (Phase-III) are being issued as annexure. A copy of these guidelines is also posted on the website (www.mib.nic.in) of the Ministry of Information and Broadcasting for information.

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Encls: As above

Copy to:

1. Cabinet Secretary, Cabinet Secretariat
2. Secretary, Department of Telecommunications, Ministry of Communications and IT
3. Home Secretary, Ministry of Home Affairs
4. Secretary, Department of Revenue, Ministry of Finance
5. Secretary, Department of Economic Affairs, Ministry of Finance
6. Secretary, Department of Information Technology
7. Secretary, Ministry of Corporate Affairs
8. Secretary, Department of Industrial Policy and Promotions
9. Secretary, TRAI
10. Wireless Adviser to the Government of India, WPC

POLICY GUIDELINES ON EXPANSION OF FM RADIO BROADCASTING SERVICES THROUGH PRIVATE AGENCIES (PHASE-III)

1. FM Policy Phase-II has been well received by all stakeholders. It has resulted in huge growth in FM radio industry, opened up new areas for creating employment and has also created an unmet demand for FM radio in other cities. Many cities still remain uncovered by the private FM radio broadcasting largely because only the cities with a population of three lakh and above besides State Capitals were taken up for bidding during the first two phases of FM radio broadcasting. With a view to further expand the spread of these services to other cities particularly in J&K, NE States and island territories, and to address certain other issues which have been raised by the FM radio industry from time to time the Government has decided to amend the existing Phase-II policy issued on 13th July, 2005. Consolidated Policy Guidelines on expansion of FM Radio Broadcasting Services through Private Agencies for FM Phase-III are as follows:-

2. Eligibility Criteria:

2.1 Only Companies registered in India under the Companies Act, 1956 shall be eligible for bidding and obtaining permission for FM Radio channels as per the provisions of these Guidelines.

2.2 Disqualifications: The following types of companies shall not be eligible to apply:-

- (a) Companies not incorporated in India.
- (b) Any company controlled by a person convicted of an offence involving moral turpitude or money laundering/drug trafficking, terrorist activities or declared as insolvent or applied for being declared insolvent;
- (c) A company which is an associate of or controlled by a Trust, Society or Non Profit Organization;
- (d) A company controlled by or associated with a religious body;
- (e) A company controlled by or associated with a political body;
- (f) Any company which is functioning as an advertising agency or is an associate of an advertising agency or is controlled by an advertising agency or person associated with an advertising agency;
- (g) Subsidiary company of any applicant in the same City;
- (h) Holding company of any applicant in the same City;
- (i) Companies with the Same Management as that of an applicant in the same City;
- (j) More than one Inter-Connected Undertaking in the same City;

- (k) A company that has been debarred from taking part in the bidding process or its holding company or subsidiary or a company with the same management or an interconnected undertaking ;
- (l) The defaulters of conditions under Phase-I & Phase-II, who have contested the revocation of their Letters of Intent/License Agreements/ Bank Guarantees, thereby continue to be debarred from participating in any future bidding process.

Note 1: For the purpose of sub clause (d) above a religious body shall be:

- i. A body whose objectives are wholly or mainly of a religious nature;
- ii. A body, which is controlled by a religious body or an associate of religious body

Note 2: For the purpose of sub clause (e) above a political body shall be:

- i. A body whose objects are wholly or mainly of a political nature;
- ii. A body affiliated to a political body;
- iii. A body corporate, which is an associate of a body corporate controlled, held by, operating in association or controlling a body of political nature as referred above.

Note 3: For the purposes of clause (f) an “Advertising Agency” shall mean an individual or a body corporate who carries on business as an advertising agent (whether alone or in partnership) or has control over any body corporate which carries on business as an advertising agent and any reference to an advertising agency includes a reference to an individual who-

- (i) Is a director or officer of any body corporate which carries on such a business, or
- (ii) Is employed by any person who carries on such a business.

Note 4: The terms “Same Management”, ‘Subsidiary Company’ and ‘Holding Company’ shall have the same meaning as assigned to them under Section 4 of the Companies Act, 1956;

Note 5: The term “Inter Connected Undertakings” shall have the same meaning as assigned to it in the Monopolies and Restrictive Trade Practices Act, 1969;

Note 6: If the applicant and the subsidiary company/holding company/company with the same management/Inter-Connected Undertaking submit more than one bid for the same City, all such bids shall be rejected.

2.3 Financial Competence:

- 2.3.1 The financial eligibility of each applicant company shall be assessed on the basis of the following criteria:

Minimum Net Worth required as per City Category in each region:

D category Cities and cities with population upto 1 lakh:	Rs. 50 Lakhs.
C category Cities:	Rs. 1 Crore.
B category Cities:	Rs. 2 Crore.
A category Cities:	Rs. 3 Crore.
A+ category Cities	Rs. 3 Crore.
All categories of Cities in all regions:	Rs. 10 Crore.

Illustration: For two or more C category cities in the same region, Net Worth of Rs. 1 crore is required. If the two C category cities are in two different regions, Net Worth of Rs. 2 crore is required.

2.3.2 Region shall mean North or East or South or West region, comprising states/UT s as under:

North Region: J&K, Punjab, Himachal Pradesh, Haryana, Rajasthan, Delhi, Uttar Pradesh, Uttarakhand & Chandigarh.

East Region: Arunachal Pradesh, Assam, Bihar, Jharkhand, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, West Bengal, Andaman & Nicobar Islands.

South Region: Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, and Puducherry, Lakshadweep

West Region: Chhattisgarh, Goa, Gujarat, Madhya Pradesh, Maharashtra, Daman & Diu, Dadar and Nagar Haveli

2.3.3 Each applicant shall indicate the category or categories of cities and the region (s) it desires to bid for at the time of bidding and its eligibility shall be determined accordingly. In case the applicant does not wish to intimate these details and wishes to have the option to take part in any or all categories in all the regions, the applicant company must have the minimum net worth of Rs.10 Crore.

2.3.4 The cut off date for determination of network shall be as mentioned in the tender document.

2.3.5 Irrespective of any other definition provided anywhere else, the network shall be interpreted and calculated as per the proforma given at **Annexure-I** and should be certified by Statutory Auditors of the Company duly supported by certified accounts by the Statutory Auditors. It is further clarified that the network of only the applicant company will be considered to determine the eligibility and the network of holding companies or subsidiaries or group companies or interconnected undertakings will not be taken into account.

2.3.6 The existing FM permission holders will also be required to fulfill the network criteria.

2.3.7 It is clarified that the amount of One Time Entry Fee already paid to the Government cannot be taken as a tangible asset either in full or in part for the purposes of calculation of Network.

2.4 Managerial Competence:

2.4.1 The applicant company shall be required to furnish the following information:

- (i) Names of Directors with evidence of their commercial or managerial competence.
- (ii) Directorship or other executive positions held by the Directors in other companies/organizations with details of such companies/organizations with documentary evidence to support their claim
- (iii) Names of the key executives, i.e. Chief Executive Officer, and Heads of Finance, Marketing and Creative Departments, if any in position, with evidence of their professional qualifications and managerial competence.

2.5 Permission will be granted only in cases where equity held by the largest Indian shareholder is at least 51% of the total equity, excluding the equity held by Scheduled Banks and Public Financial Institutions as defined in Section 4A of the Companies Act, 1956. The term largest Indian shareholder, used in this clause, will include any or a combination of the following:

- (1) In the case of an individual shareholder,
 - (a) The individual shareholder.
 - (b) A relative of the shareholder within the meaning of Section 6 of the Companies Act, 1956.
 - (c) A company/ group of companies in which the individual shareholder/HUF to which he belongs has management and controlling interest.
- (2) In the case of an Indian company,
 - (a) The Indian company
 - (b) A group of Indian companies under the same management and ownership control.

For the purpose of this Clause, "Indian company" shall be a company, which must have a resident Indian or a relative as defined under Section 6 of the Companies Act, 1956/ HUF, either singly or in combination holding at least 51% of the shares.

Provided that in case of a combination of all or any of the entities mentioned in Sub-Clause (1) and (2) above, each of the parties shall have entered into a legally binding agreement to act as a single unit in managing the matters of the applicant company.

2.6 All Directors on the Board of Directors of the Company, all key executives, CEO known by any designation, Head of the channel shall be resident Indians.

2.7 The company as well as all Directors on the Board shall be security cleared. The company shall take prior permission of the Government before effecting any change in the Board of Directors.

2.8 The 'largest Indian shareholder' as defined in Para 2.5 exercises management control over the applicant entity.

2.9 The applicant company will have to conform to foreign investment and other related stipulations as prescribed in Para-9 below.

3. Period of Permission:

3.1 The Permission shall be valid for a period of **fifteen (15) years** from the effective date as defined below. There shall be no extension and the Permission, unless cancelled or revoked earlier, shall automatically lapse and expire at the end of the aforesaid fifteen years' period and the Permission Holder shall thereafter have no rights whatsoever to continue to operate the Channel after the date of expiry of the Permission. Government at the appropriate time shall determine procedure for issue of fresh permissions.

3.2 The effective date of the Permission Period shall be reckoned from the date of operationalisation of the Channel or the expiry of the time limit for operationalisation as specified in Para 5, whichever is earlier, unless the time limit for operationalisation has been extended by the Secretary, Ministry of Information & Broadcasting as per para 5 in which case the effective date of the Permission Period shall be the last date so fixed.

3.3 The permission shall be for free to air broadcasts on main carrier and data on sub-carriers.

4. Process of granting permission:

4.1 Permission for the channels shall be granted on the basis of Non-Refundable One-Time Entry Fees (NOTEF) i.e **Successful Bid Amount** arrived at through an ascending e-auction process, on the lines followed by Department of Telecommunications in the auction of 3G and BWA spectrum, *mutatis-mutandis*, as per the details to be notified separately. The e-auction for the channels to be taken up in Phase-III will be held in batches. Auction shall be conducted by an independent expert agency to be appointed by the Government of India. The Ministry of I&B would separately issue a detailed Information Memorandum, in due course, enabling the prospective bidders to participate, and also indicating the cities to be taken up in each batch and their respective reserve prices. The Ministry of I&B will also issue a Notice Inviting Applications (NIA) for participation in the Auction(s) (Notice). The provisions set out in the Notice (or any other applicable laws, regulations or other statutory provisions) are definitive and take precedence.

4.2 The ascending e-auction process for granting permission for channels in each batch under Phase III shall consist of four Stages. The Stage-I shall be invitation stage wherein prospective bidders submit their applications. Screening of applications, publication of ownership details and pre-qualification test will be done in Stage-II, called pre-qualification stage. Only applicants qualifying in accordance with prescribed eligibility criteria given in para 2 will be invited to the auction stage (Stage-III) for bidding for specific channels in different

cities. The Stage-IV will be grant stage wherein payment of winning bid amount and issuance of Letter of Intent (LOI) subject to fulfillment of relevant conditions. It is clarified that the existing permission holders will also have to satisfy the prescribed eligibility criteria to become eligible for participating in the auction.

4.3 The auction shall be undertaken city-wise and channel wise and the reserve price for each city to be taken up in each batch will be set out upfront. Every pre-qualified bidder may bid for channel(s) in each city within the prescribed limit on ownership of channels for that city for each channel.

4.4 Earnest Money Deposit:

Prospective bidders for a channel shall be required to deposit Earnest Money , along with the application for pre-qualification, in the form of a Bank Guarantee from a Scheduled Bank (as per the format specified by the Ministry) which shall be 25% of the reserve price of that city per channel. The requirement of EMD may vary depending on progress of bids. Final details with regard to requirement of EMD and the determination of eligibility of a bidder on its basis shall be specified in the Information Memorandum and NIA to be issued separately.

4.5 Application Processing Fee:

The applicant shall pay a non-refundable application processing fee of Rs. 25,000/- payable to Pay and Accounts, Ministry of Information and Broadcasting, New Delhi, through a demand draft.

4.6 Reserve Price:

The Reserve Price for new channels in existing FM Phase-II cities shall be the Highest bid price received for that city in Phase-II. In cities which are being taken up afresh, the reserve price shall be the Highest Bid price received during FM Phase-II for that category of cities in that region. In case the benchmark from Phase-II for a particular region is not available, then the lowest of the Highest bid received in other regions for that category of cities may be taken as the reserve price. For new cities in border areas with a population less than One lakh the reserve price shall be Rs five lakh.

4.7 Payment Methodology :

- (i) Successful Bidders shall deposit 25% of the Successful Bid Amount as Bid Deposit within 5 calendar days of the close of the Auction, failing which the Earnest Money Deposit shall stand forfeited.
- (ii) Successful Bidders shall deposit the balance amount (Successful Bid Amount less Bid Deposit) within 15 calendar days of the close of the Auction, failing which its Earnest Money Deposit and its Bid Deposit shall stand forfeited.

4.8 Blacklisting and Forfeiture :

Any successful bidder, who fails to deposit the bid amount for any channel within the prescribed period, as indicated in para 4.7, shall be disqualified from taking part in subsequent biddings for a period of five years. Further the Earnest Money deposited by the bidder shall also be forfeited.

4.9 Letter of Intent :

Upon receipt of the Successful Bid Amount within the stipulated time, and fulfillment of other conditions as may be specified, the successful bidder will be issued a Letter of Intent (LOI) to enable the company to obtain frequency allocation, SACFA clearance, achieve financial closure and appoint all key executives, enter into agreements with Prasar Bharati or any other provider of Land and Tower Infrastructure(henceforth referred as LTI), and system integrator for creation of Common Transmission Infrastructure(CTI) wherever required and deposit the requisite amounts towards land/tower lease rent, common transmission infrastructure etc. and comply with requisite conditions of eligibility for signing the "Grant of Permission Agreement" within the prescribed period as mentioned in para 5.

4.10 Successful Bidders shall obtain SACFA clearance and Frequency Allocation from the Wireless Planning and Coordination (WPC) Wing as per the prescribed procedure.

Note 1: "Frequency Allocation" shall mean the specific Radio Frequency (RF) carrier with associated technical parameters such as RF power, bandwidth etc to the particular FM channel as assigned by the Wireless Planning & Co-ordination wing of Department of Telecommunication, Ministry of Communications &IT, Government of India.

Note 2: "SACFA" shall mean the "Standing Advisory Committee on Radio Frequency Allocation" of the Wireless Planning & Co-ordination wing of Ministry of Communications &IT, Government of India.

4.11 In the event of the failure of any LOI holder to comply with the eligibility conditions for the Grant of Permission Agreement or failing to sign the Grant of Permission Agreement within the prescribed period as mentioned in para 5, the full deposit of the bid amount shall be forfeited without further notice, and Letter of Intent and the allocation of frequency, if any, shall stand cancelled.

4.12 Grant of Permission Agreement (GOPA) :

On complying with all the requisite conditions of eligibility, and furnishing a Performance Bank Guarantee (PBG), on the format specified by the Ministry for an amount equal to the annual fee as per para 6.1 (a) or (b) as the case may be, for complying with all the terms and conditions contained in GOPA including the timely payment of due annual fee, the LOI holder and the Ministry of Information & Broadcasting will sign the Grant of Permission Agreement in the prescribed format. Besides the Ministry of Information & Broadcasting would issue a permission after signing the agreement to enable the permission holder to install the radio station, obtain Wireless Operating License (WOL) and operationalize the channel within the prescribed period as mentioned in para 5.

5. Requirement to adhere to Time Schedules:

5.1 Time Schedule for signing of GOPA:

5.1.1 Following time limits will be required to be adhered to for cities of Phase-II where it is a vacant channel or additional channel(s) is (are) proposed and CTI has been created:

- (i) Agreement with PB and making payment for LTI lease : within 60 days of the issue of LOI
- (ii) Agreement with BECIL and making payment for CTI creation : within 90 days of the issue of LOI
- (iii) Signing of GOPA with Ministry of I&B : within six months of Grant of LOI

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5.1.2 For cities not covered in 5.1.1 and where PB infrastructure is available, following time lines will be required to be adhered to in such cities:

- (i) Agreement with PB and making payment for LTI lease : within 90 days of the issue of LOI
- (ii) Agreement with and making payment to mutually agreed upon system integrator, which could be BECIL or any other agency, by LOI holder for creation of CTI: within 90 days of the issue of LOI
- (iv) Signing of GOPA with Ministry of I&B : within six months of Grant of LOI

N.B. In case no system integrator could be mutually agreed upon, agreement entered into and payment made within a period of 90 days, then all the LOI holders for the city will be mandatorily required to sign agreement and make payment for creation of CTI within a further period of 30 days with BECIL, which automatically will take over as system integrator after 90 days of issue of LOI.

5.1.3 For cities not covered in 5.1.1 and 5.1.2 and where suitable PB infrastructure is not available, all the LOI holders in a city will be required to appoint an agency, enter into agreement and pay their respective share for creation of CTI to the agency within a period of 90 days of issue of LOI. This agency will be responsible for identification of suitable LTI and creation of CTI as per the following time schedules.

(i) In case the system integrator is able to locate a suitable and readily available LTI then all the LOI holders will be required to enter into an agreement with the LTI provider and make the necessary payments within a further period of 30 days, i.e. within a period of 120 days from the issue of LOI. GOPA will be required to be signed within a further period of five months, i.e. within a period of 9 months from the issue of LOI

(ii) In case no suitable LTI is readily available, it has to be created at the cost of LOI holders. The LOI holders will be required to enter into agreement with the agency for creation of LTI and make payment of their respective share within a further period of 30 days, i.e. within a period of 150 days from the issue of LOI. GOPA will be required to be signed within a further period of five months, i.e. within a period of 10 months from the issue of LOI

(iii) In case no system integrator could be mutually agreed upon, agreement entered into and payments made within a period of 90 days of issue of LOI for identification of suitable LTI and creation of CTI as provided above, then all the LOI holders will be mandatorily required to sign agreement with BECIL and make payments for the same within 120 days of issue of LOI. GOPA will be required to be signed within a further period of five months, i.e. within a period of 11 months from the issue of LOI

5.2 Time Schedule for operationalisation:

5.2.1 The permission holder shall be liable to install the radio station and take action to obtain WOL and operationalise the channel within the timeframe prescribed as follows :

- (i) *Where it is a vacant channel of Phase-II or additional channel in a city of Phase-II and CTI has been created :* within a period of Twelve months from issue of LOI
- (ii) *Where suitable LTI of PB or any other agency is readily available:* within a period of 18 months from the date of issue of LOI

- (iii) *Where suitable LTI is not readily available:* within a period of 24 months from the date of issue of LOI.

Note: A channel shall be taken as 'operationalised' from the date of launch of its commercial transmission (with or without advertisement) on a fixed/regular transmission schedule after the test transmission, if any, which shall not normally exceed 10 days, is over.

5.3 Time Schedule in totality :

The time schedules for various activities covered under 5.1 and 5.2 above are summarized as follows :

S.No.	Activity	Period of completion from issue of LOI				Remarks
		For cities where vacant channel of Ph-II or additional channel in city of Ph-II, where CTI had been created (Ref. Para 5.1.1)	For cities (other than those covered under Para 5.1.1) where P.B. LTI is available (Ref. Para 5.1.2)	For cities other than those covered under Para 5.1.1 & 5.1.2) where suitable LTI other than P.B. is available [Ref. Para 5.1.3(i)]	For cities where no suitable LTI is readily available [Ref. Para 5.1.3 (ii)]	
1.	Signing of agreement and making payment to LTI provider	60 days	90 days	120 days	150 days	
2.	Appointment of mutually agreed CTI creator, signing of agreement and making payment	90 days	90 days ^(x) (120 days) ⁽⁺⁾	90 days ^(x) (120 days) ⁽⁺⁾	90 days ^(x) (120 days) ⁽⁺⁾	(x) & (+) Please refer to N.B. below
3.	Signing of GOPA with M/o I & B	6 months	6 months	9 months	10 months	
4.	Creation of CTI	12 months	12 months	18 months	24 months	
5.	Operationalisation of FM Channel	12 months	18 months	18 months	24 months	
^(x) N.B. In case the LOI holders of a city do not mutually agree upon appointment of a CTI integrator, enter into agreement and make payment of their share of CTI to the integrator within a period of 90 days of issue of LOI, then BECIL will automatically be mandated to be their CTI integrator and periods as indicated vide (+) will be applicable for entering into agreement with BECIL and making necessary payments of the share of each LOI holder for creation of CTI to BECIL.						

5.4 In the event of default in operationalisation of a channel being attributable to delay beyond reasonable period by BECIL/system integrator/Prasar Bharati/Wireless Planning & Coordination Wing, of Ministry of Communications & IT, the prescribed time limit for operationalisation may, at the request of the Permission Holder, be extended by such period of delay by the Secretary, Ministry of Information & Broadcasting, whose decision shall be final and binding on both the parties. Such an extension shall however not be for a period exceeding one year beyond the time limit for operationalisation prescribed in para 5.2 and 5.3 above.

5.5 However, in exceptional cases and on a written request from the permission holder detailing the circumstances for the delay in operationalisation, the time limit can, at the discretion of the Secretary, Ministry of Information & Broadcasting, be further extended for a maximum period of one year subject to the following:-

- (i) The date from which such an extension is granted shall be reckoned as the date for the beginning of the permission period.
- (ii) The permission holder pays in one lump sum, in advance, the annual fee for such an extended period.

6. Annual Fee:

6.1 (a) Subject to the provisions contained in sub-para (b), the Permission Holder shall be liable to pay an Annual Fee to the Government of India every year charged @ 4% of Gross Revenue of its FM radio channel for the financial year or @ 2.5% of NOTEF for the concerned city, whichever is higher.

(b) The permission holders in the States of North East (i.e. Arunachal Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland, Sikkim and Tripura,) and Jammu & Kashmir (J&K) and island territories (i.e Andaman and Nicobar islands and Lakshadweep) will be required to pay an Annual Fee to the Government of India charged @ 2% of Gross Revenue for each year or 1.25% of NOTEF for the concerned city, whichever is higher, for an initial period of three years from the date from which the annual license fee becomes payable and the permission period of 15 years begins. The revised fee structure will also be applicable to existing operators in these States/UTs to enable them to effectively compete with the new operators. The three year period for the existing operators shall be reckoned from the first day of the commencement of the next quarter (refer para 6.3) subsequent to the date of issuance of these guidelines.

6.2 Gross Revenue for this purpose would be the gross inflow of cash, receivables or other consideration arising in the course of ordinary activities of the FM Radio Broadcasting enterprise from rendering of services and from the use by others of the enterprise resources yielding rent, interest, dividend, royalties, commissions etc. Gross Revenue shall, therefore, be calculated, without deduction of taxes and agency commission, on the basis of billing rates, net of discounts to advertisers. Barter advertising contracts shall also be included in the gross revenues on the basis of relevant billing rates. In the case of a permission holder providing or receiving goods and services from other companies that are owned or controlled by the owners of the permission holder, all such transactions shall be valued at normal commercial rates and included in the profit and loss account of the permission holder to calculate its gross revenue.

6.3 Annual Fee shall be paid in advance on quarterly basis in four equal instalments within the first fortnight of each quarter of a financial year. For this purpose, four quarters shall be tri-monthly periods beginning 1st April, 1st July, 1st October and 1st January respectively.

6.4 The first year's fee shall become payable with effect from the date of operationalisation of the channel or the expiry of the period prescribed in para 5, whichever is earlier. The permission holder shall be required to initially pay advance quarterly installments calculated on the basis of the minimum prescribed % of the NOTEF mentioned in para 6.1 (a) or (b) as applicable, till the end of the financial year and even beyond till the determination of the first year's gross revenues.. After the determination of first year's gross revenue, the quarterly installments will be determined on the basis of NOTEF or the gross revenue of the last year, for which gross revenue has been determined, whichever is higher.

6.5 Once the final fee for the financial year is determined on the basis of actual gross revenue as given in para 6.1, and is found to be higher than the prescribed percentage of the NOTEF the permission holder shall pay the balance in one lump sum within a period of one month from the date of such determination, and in any case not later than 30th September of the following year.

6.6 From the second year onwards, the permission holder shall pay advance annual fee on the basis of the last year for which the gross revenue has been determined, or minimum prescribed % of the NOTEF, whichever is higher, within the first fortnight of each quarter, and balance due of final annual fee, if any, by 30th September of the following financial year. Any delay on the part of the permission holder to pay the quarterly fee, or the balance due of the final annual fee, determined on the basis of the gross revenue figure, will attract simple interest @ 1% per month for the period of such delay.

6.7 Every permission holder shall furnish a performance bank guarantee as mentioned in para 4.12 for an amount equal to the annual fee calculated on the basis of NOTEF formula given in para 6.1(a) or (b) as applicable, and maintain its validity throughout the currency of the permission. Amount of bank guarantee shall be increased so as to be equal to the annual license fee paid by the licensee for the previous year if such annual license fee exceeded the bank guarantee already furnished by the licensee. The Permission Holder shall be liable to pay the Annual Fees within the prescribed time period, failing which the Government will have the right to invoke the Bank Guarantee furnished by the Permission Holder without any prior notice. Such right shall be without prejudice to any other action that may be taken by the Government under the terms and conditions of the Permission. In the event of invocation of the Performance Bank Guarantee, the Permission Holder shall furnish a fresh bank guarantee of the same amount within a period of three months from date of invocation of the Performance Bank Guarantee, in favour of the Government.

6.8 In the event of Permission Holder's failure/ inability to operationalise the Channel as required within the prescribed time period, the Government shall have the right to recover the Annual Fee for the first year and all the years of such failure/inability as a lump-sum payment, and in the event of default by the Permission Holder, by invocation of the Performance Bank Guarantee furnished by it. As aforesaid, in the event of invocation of the Performance Bank Guarantee, the Permission Holder shall furnish a fresh bank guarantee of the same amount within a period of three months from date of invocation of the Performance Bank Guarantee, in favour of the Government, for the succeeding year's Annual Fee.

6.9 Every Permission Holder shall maintain separate financial accounts for each Channel, which shall be audited by the Statutory Auditors. At the end of each financial year, the company shall provide the statement of gross revenue forming part of the final accounts of the Permission Holder as per the format (**Annexure-II**), duly certified by the Statutory Auditors and duly supported by the audited accounts for the financial year. It may be noted that the income heads specified in **Annexure-II** are only indicative and illustrative and the Auditor would include all the relevant heads qualifying for gross revenue whether or not specifically included in the said format. In addition, the income from the Related Parties shall have to tally with the Related Parties schedule as per Accounting Standards no. 18. Besides, the company shall disclose the following information at the end of each financial year, duly certified by the Statutory Auditor:

- (i) Total trade and other discounts.
- (ii) Total agency commission.
- (iii) Total Related Party Transactions.

6.10 So as to verify that the Gross Revenue is correctly disclosed to it, the Government shall have the right to get the accounts of any permission holder audited by CAG or any other professional auditors at their discretion. In case of difference between the Gross Revenue determined by the Statutory Auditor of the Company and the Government appointed auditors, the views of the government appointed auditor subject to opportunity of hearing to the permission holder shall prevail and the expenses of such audit shall be borne by the permission holder.

In case any amount is to be deposited by the licensee as per provisions of Para 6.8 it shall be deposited within 15 days of such determination along with interest calculated as already mentioned in para 6.5

7. Restrictions on Multiple permissions in a city and other conditions:

7.1 Every applicant shall be allowed to run not more than 40% of the total channels in a city subject to a minimum of three different operators in the city and further subject to the provisions contained in para 8. However in case the 40% figure is a decimal, it will be rounded off to the nearest whole number.

8. Total number of frequencies that an entity may hold:

8.1 No entity shall hold permission for more than 15% of all channels allotted in the country excluding channels located in Jammu and Kashmir, North Eastern States and island territories. Only citywise limits as mentioned in para 7 will apply to channels located in Jammu and Kashmir, North Eastern States and island territories.

[Note (1) : The channels allotted to the following categories of companies would be reckoned together for the purpose of calculating the total channels allocated to an entity:

- (a) Subsidiary company of any applicant/ allottee;

- (b) Holding company of any applicant / allottee;
- (c) Companies with the Same Management as that of applicant/ allottee;
- (d) More than one Inter-Connected Undertaking with regard to the applicant/ allottee.

Note (2) : In respect of existing license/permission/LOI holders, the license(s)/permission(s)/LOI(s) already held by them shall also be taken into consideration for calculating the 15% limit.

9. Foreign Investment and other conditions pertaining to changes in shareholding:

9.1 The total direct and indirect foreign investment including portfolio and foreign direct investments into the company shall not exceed 26% at the time of application and during the currency of license. The methodology of calculation of the direct and indirect foreign investments would be as per the extant policy of the Government. The company will be required to disclose the status of such foreign holding and certify that the foreign investment is within the ceiling of 26% on an yearly basis. Approval of Foreign Investment Promotion Board (FIPB) shall be required for any existing or proposed foreign investment in the company.

9.2 If during the currency of the permission period, government policy on FDI/FII is modified, the permission holders shall be obliged to conform to the revised guidelines within a period of six months from the date of such notification, failing which it shall be treated as non-compliant of Grant of Permission Agreement, and liable for punitive action.

9.3 The company shall make full disclosure, at the time of application, of Shareholders Agreements, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into. Any subsequent changes in these would be disclosed to the Ministry of Information and Broadcasting, within 15 days of any changes, having a bearing on the foregoing Agreements.

9.4 (a) No permission holder, whether with or without foreign investment, shall be permitted to change the ownership pattern of the company through transfer of shares of the majority shareholders/promoters to any new shareholders without the written permission of the Ministry of Information & Broadcasting. The term majority shareholders/promoters shall be construed to mean the persons constituting the 'largest Indian shareholder' referred to in para 2.5.

(b) The company holding permission may, with prior approval of the Ministry of Information and Broadcasting, be allowed to change the composition of the 'largest Indian shareholder' subject to the condition that the shareholding of the 'largest Indian shareholder' does not reduce below 51% till a period of three years from the date on which all the channels allotted to the company holding permission stand operationalised.

(c) The permission holder company may, with prior approval of the Ministry of Information and Broadcasting, dilute the total shareholding of the constituents of the 'largest Indian shareholder' of the company as it existed at the time of submission of bids to a level below 51% only after a period of three years from the date on which all the channels allotted to the company holding permission stand operationalised. This will be further subject to the condition that the revised ownership pattern has a 'largest indian shareholder' with a legally binding agreement amongst its constituents in compliance of the prescribed eligibility conditions as mentioned in para 2.5.

(d) Any restructuring of the company/reorganization of FM radio permissions between different holding companies/subsidiaries/interconnected undertakings/companies with same management may be done only with prior approval of the Ministry of Information and Broadcasting. The Ministry may consider granting such a permission only once after the submission of the last bids till a period of three years from the date on which all the channels allotted to any of the company holding permission stand operationalised undergoing restructuring, provided such a provision has not been availed of earlier. The new permission holding entities will have to conform to the prescribed eligibility criteria and will also be subject to the fulfillment of the following conditions : -

- i. The new company shall sign a fresh agreement with Government on identical terms and conditions (except for transferability of shares as provided herein) for the remaining period of licence of the original company.
- ii. No new tax regime will be designed to provide any incentive to encourage creation of subsidiaries, merger/demerger, amalgamation of FM Broadcasting companies.
- iii. Any tax implication arising out of such mergers/demergers or amalgamation would be governed by the provisions of the Income Tax Act, 1961 as applicable from time to time.
- iv. The processes/action taken by the licensee companies including for formation of new companies/subsidiaries/mergers/amalgamations and/or disinvestment of undertakings, or part thereof, of existing companies etc., need to be compliant with the Companies Act, 1956. The applicant shall not dilute such requirement through its Articles of Association or any Agreement.

10. Cross Media Ownership:

10.1 If during the currency of the permission period, government policy on cross-media ownership is announced, the permission holder shall be obliged to conform to the revised guidelines within a period of six months from the date of such notification, failing which it shall be treated as non-compliant of Grant of Permission Agreement, and liable for punitive action.

Provided, however, in case the permission holder is not in a position to comply with cross media restrictions for bona fide reasons to the satisfaction of the Ministry of Information & Broadcasting, the Permission Holder would be given an option of furnishing one month's exit notice alongwith a compensation calculated on a pro rata basis of the NOTEF amount(s) for the remaining period of permission(s) held by the company.

11. News and Current Affairs Programs:

11.1 The permission Holder will be permitted to carry the news bulletins of All India Radio in exactly same format (unaltered) on such terms and conditions as may be mutually agreed with Prasar Bharati. No other news and current affairs programs are permitted under the Policy (Phase-III).

11.2 The broadcast pertaining to the following categories will be treated as non-news and current affairs broadcast and will therefore be permissible:

- (a) Information pertaining to sporting events excluding live coverage . However live commentaries of sporting events of local nature may be permissible;
- (b) Information pertaining to Traffic and Weather;
- (c) Information pertaining to and coverage of cultural events, festivals;
- (d) Coverage of topics pertaining to examinations, results, admissions, career counseling;
- (e) Availability of employment opportunities;
- (f) Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration;
- (g) Such other categories not permitted at present, that may subsequently be specifically permitted by Ministry of Information and Broadcasting from time to time.

12. Programme Content:

12.1 The permission holder shall follow the same Programme and Advertisement Code as followed by All India Radio as amended from time to time or any other applicable code, which the Central Government may prescribe from time to time.

12.2 The Permission Holder shall also broadcast Public Interest Announcements as may be required by the Central Government/concerned State Government for maximum of one hour per day suitable/proportional time slots interspersed during that day shall be earmarked for this purpose. In case the total demand of Central Government and the State Government exceeds one hour per day, the concerned State Government shall be eligible for announcements covering only the period remaining after meeting the demand of the Central Government.

12.3 The Permission Holder shall ensure that at least fifty percent (50%) of the programmes broadcast by it are produced in India.

12.4 In case of multiple permissions to an entity/related entities in a city the attempt should be to distinguish programming on each channel based on era of music, language of music, genre of music etc to the extent possible to ensure diversity of programming to the listener.

13. Prohibition of Certain Activities :

13.1 Subject to the provisions contained in Para 9.4, the Permission is non-transferable. The Permission Holder shall not be competent to grant a sub-Permission directly or indirectly.

13.2 The permission holder may resort to outsourcing of content production as well as leasing of content development equipment as long as it does not impact permission holder's right as FM broadcaster and enjoys complete control over the channel. However the permission holder will be fully responsible for any violations/omissions of the provisions wrt content as contained in Paras 11 and 12 above in this regard.

13.3 Permission holders may hire or lease broadcasting equipments on long-term basis as long as it does not impact permission holder's right as FM Radio broadcaster and enjoys complete control over the channel. However the permission holder will be fully responsible for any violations of the technical parameters as stipulated in Para 16.

13.4 The Permission Holder shall not enter into any borrowing or lending arrangement with other Permission holders or entities except recognized financial institutions and its related entities (to say, its subsidiary or holding company, a company with the same management and an inter-connected undertaking), which may restrict its management or creative discretion to procure or broadcast content or its marketing rights.

13.5 The Permission Holder shall ensure that there is no linkage between a party from whom a programme is outsourced and an advertising agency.

13.6 The Permission Holder shall ensure that no content, messages, advertisement or communication, transmitted in its Broadcast Channel is objectionable, obscene, unauthorized or inconsistent with the laws of India .

13.7 The Permission Holder shall not either directly or indirectly assign or transfer its right in any manner whatsoever under this Agreement to any other party or enter into any Agreement for sub-Permission and/or partnership relating to any subject matter of the Permission to any third party either in whole or in part. Any violation of the terms shall be construed as breach of this Agreement.

13.8 The permission holder shall fix or modify the '**Channel Identity**', which is the brand name of the FM radio channel, only after prior approval of the Ministry.

14. Penalty for Non operationalisation of Awarded Licenses:

14.1 Each permission holder shall operationalize the channel and ensure completion of the activities preceding thereto within the time limits prescribed in para 5 and para 18, failing which the permission will be revoked, and permission holder shall be debarred from allotment of another channel in the same city for a period of five years from the date of such revocation. The frequency so released may be allotted to the next highest bidder from the waiting list if available and valid or through subsequent bidding. The permission holder shall be liable to pay one year's annual fee. The government shall be well within its right to recover the same from the Performance Bank Guarantee already submitted. No claim will be admissible against the Non-refundable OTEF paid to the Government.

14.2 The Ministry of Information & Broadcasting may also revoke the permission if the channel is closed down either continuously or intermittently for more than 180 days in any continuous period of 365 days for whatever reason.

15. Networking:

15.1 An entity will be permitted to network its channels in its own network within the country. However it is also to be ensured that at least 20% of the total broadcast in a day (reckoned from 0000 Hrs to 2400 Hrs), is in the local language of that city and promotes local content. This may include the Radio Jockey speaking in local language(s)/dialect(s) or programmes focused on local culture/tradition/folk music etc. or other permissible programmes/advertisements in the local language(s)/dialect(s).

15.2 No two entities shall be permitted to network any of their channels in any category of cities.

Note: The permission holder companies referred to in Note-1 below para 8.1 shall be treated as a single entity for the purposes of this Para.

16. Technical Parameters and Standards

16.1 The Permission Holder shall comply with the following technical parameters and standards both for transmission and audio quality of the service.

16.2 Technical Parameters

The transmission equipment including antenna are to conform to the following technical parameters:

(a) ERP and EHAAT

Category	Basis (one or more of the following)	Effective Radiated Power (ERP) (kW)		Antenna Height(EHAAT) (Meters.)	
		Min.	Max.	Min.	Max.
A ⁺	Métro cities	25	50		
	Delhi,			75	200
	Mumbai, Kolkata, Chennai			75	175
A	Population above 20 lakhs	10	30	75	150
B	Population above 10 lakhs and up to 20 Lakhs	5	15	50	100

Category	Basis (one or more of the following)	Effective Radiated Power (ERP) (kW)		Antenna Height(EHAAT) (Meters.)	
		Min.	Max.	Min.	Max.
C	Population above 3 lakhs and up to 10 Lakhs	3	10	30	75
D	Population above 1 lakh and up to 3 Lakhs	1	3	20	40
Others	Cities with a population upto 1 lakh	1	3	20	40

[Note:1 For the purposes of this para the terms ERP and EHAAT shall mean the following:-

- i) **“Height of Antenna above Average Terrain (HAAT)”** is the height of the center of radiation of the antenna above average elevation of the terrain between 3 and 15 Km from the antenna for each radial.
- ii) **“Effective Height of Antenna above Average Terrain (EHAAT)”** is the average of HAATs for 8 radials spaced every 45 degree of azimuth starting with true north.
- iii) **“Effective Radiated Power (ERP)”** is the product of the transmitter output power and Antenna Gain relative to half wave dipole.

Note 2: In cases where

- (i) it may not be possible to remain within the prescribed limits of EHAAT due to topographical constraints or non-availability of a suitable tower meeting the prescribed values of EHAAT or due to any security considerations that the Government may deem appropriate to factor in, or
- (ii) the EHAAT/ERP needs to be fixed to take care of signal interference or security concerns or concerns relating to safety of flights in the vicinity,

the Permission Holder shall have to adjust the ERP of their transmitters so as to lay RF signal not exceeding that due to combination of maximum ERP and maximum EHAAT, as may be prescribed.]

Note 3: In case of interim set up, the LOL/Permission Holder shall, as far as practicable, adhere to the technical parameters for the respective cities. In case it is not possible, it should ensure that the coverage from the interim set up is not less than 60% by area of the coverage of the permanent set up.

- | | | |
|---|---|--------------|
| (b) Antenna Polarization | : | Circular |
| (c) Stereophonic Transmission System | : | Pilot-tone |
| (d) Pre-emphasis in transmission system | : | 50 micro-sec |

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- (e) Max Deviation in transmission system : +/-75 KHz
- (f) Harmonic/spurious : Should conform to the ITU Radio regulations and relevant ITU-R Recommendations
- (g) Frequency Stability : Should conform to the ITU Radio Regulations

Note 4: In case of border cities with a population less than one lakh, Ministry of I&B may make a special dispensation in consultation with, MOD, MHA, and WPC to ensure coverage including those in shadow areas keeping in view the geographical terrain and strategic requirements.

16.3 Technical Standards :

- (a) The Permission Holder shall comply with the audio and transmission standards for FM sound broadcasting at each Center conforming to the ITU-R (International Telecommunication Union) Recommendations viz: 450-3, 467, 646 and 644-1;
- (b) The Permission Holder shall also comply with the technical standards on data broadcasting on FM sub-carriers, whenever introduced, conforming to ITU-R Recommendations viz. 643-1 and BS-1194-2.

17. Number of Frequencies:

17.1 Subject to availability of frequencies the total number of channels for allocation to private broadcasters would be kept as follows for Phase III:-

	City Category	No. of Channels
(i)	Category A+ cities	9 to 11 Channels
(ii)	Category A cities	6 Channels
(iii)	Category B cities	4 Channels
(iv)	Category C cities	4 Channels
(v)	Category D cities and cities with population less than one lakh	3 Channels

17.2 A total of about 839 channels in about 294 cities across the country would be made available for bidding by Indian private companies, details of which are at [Annexure-III](#). The list may undergo some modifications at the time of tendering and cities may be added or deleted based on availability of frequencies or otherwise. The list also indicates places where FM radio channels already exist.

18. Co-location:

18.1 It will be mandatory for all Phase-III operators to co-locate transmission facilities in all the cities, irrespective of the fact as to whether the infrastructure of Prasar Bharati is available or not.

18.2 In cities where it is a vacant channel of Phase-II or an additional channel is proposed and CTI has been created by BECIL, Co-location at the site already chosen and utilization of CTI already created by BECIL will be mandatory.

18.3 In other cities where Prasar Bharati Infrastructure is available, co-location shall be on such existing facilities of Prasar Bharati on terms and conditions to be prescribed separately, on the existing PB towers. The successful bidders will have a choice to form a consortium and set up required CTI for that city. They will mutually decide infrastructure sharing methodology, commercial revenue sharing mode, service level agreement and methodology for upkeep of such infrastructure.

18.4 If suitable infrastructure of Prasar Bharati is not available, successful bidders will have a choice to form a consortium and set up required land & tower infrastructure (LTI) and (CTI) for co-location of all transmitters identified for that city. They will mutually decide infrastructure sharing methodology, commercial revenue sharing mode, service level agreement and methodology for upkeep of such infrastructure.

18.5 In cases mentioned in paras 18.3 and 18.4 a maximum period of three months from the date of issuance of last LOI for that city will be allowed to the successful bidders to come up with an arrangement for setting up of collocation facility and CTI and furnish a copy of the agreement and payment details to the Government. If no intimation is received within the given time frame of 3 months from the successful bidders it will be presumed that the successful bidders have not been able to reach any agreement on different issues regarding Co-location and erection of tower, then all successful bidders will be mandated to have co-location with facilities to be developed by and CTI to be set up by Broadcast Engineering Consultants India Limited (BECIL). BECIL shall act as the system integrator for providing the collocation facility and common transmission infrastructure and will help the LOI holder/ permission holders to obtain SACFA clearance and frequency allocation on prescribed terms and conditions.

18.6 In cities where a suitable LTI of Prasar Bharati or any other agency is not available, LOI holders will be permitted to operationalize their channels on an interim basis pending creation of co-location facilities and CTI, on individual basis upto the time limit prescribed for operationalisation as per para 5, at the end of which they shall shift their operations to the collocation site. Permission to run its individual channel will be granted only after the Ministry is satisfied that all the successful bidders in that city have made necessary arrangements for setting up of the common transmission infrastructure and have entered into an agreement with BECIL/system integrator and made full payments towards its share in the common infrastructure.

18.7 The system integrator for providing the common transmission infrastructure will help the LOI holder/ permission holders to obtain SACFA clearance and frequency allocation on prescribed terms and conditions. After grant of permission, each permission holder shall obtain wireless operational licence as mentioned in para 4.12 and 23, for which WPC, DOT, M/o C&IT will be requested to grant priority clearance.

19. Mandatory sharing of certain Broadcast signals with Prasar Bharati :

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The company shall ensure compliance with the provisions of Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007 and rules, guidelines and notifications issued thereunder.

20. Monitoring And Requirement To Furnish Information :

- 20.1 The company at its own cost shall,
- (a) Preserve the recordings of content broadcast by the Permission Holder for a period of three months from the date of broadcast and produce the same to the Government or its authorized representative, as and when required and
 - (b) Provide the necessary equipment, services and facilities at designated place(s) as may be required and shall pay such charges as may be required for continuous monitoring of the broadcast content by or under supervision of the Government or its authorized representative.
 - (c) Provide the necessary equipment, services and facilities at designated place (s) for continuous measuring, recording and monitoring of prescribed technical parameters of broadcast as may be required and shall pay such charges as may be required for continuous monitoring of the broadcast service to BECIL.

20.2 The Permission Holder shall be liable to furnish to the Government of India or its authorized representative or TRAI or its authorized representative, such reports, accounts, estimates, returns or such other information and at such periodic intervals or at such times as may be required. An annual report shall also be required to be submitted by the Permission Holder that includes audited accounts, Profit & Loss Account, balance sheet, shareholding, Board of Directors and key executives of the company

20.3 The Permission Holder shall submit all such information as may be required by the Government to dispose of complaints by public with respect to its broadcast.

20.4 In case of non-payment of dues as per the provisions contained in para 20.1, the Government shall recover such dues from the PBG furnished by the permission holder.

21. Inspection :

21.1 The Government of India, Ministry of Information & Broadcasting or its authorized representative or TRAI or its authorized representatives, shall have the right to inspect the broadcasting facilities. No prior permission/intimation shall be required to exercise the right of Government or its authorized representative to carry out the inspection. The company will, if required by the Government or its authorized representative, provide necessary facilities for continuous monitoring for any particular aspect of the companies activities and operations.

21.2 The inspection will ordinarily be carried out after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.

21.3 The Ministry of I&B shall carry out periodic technical audit of the technical setup at the cost of the permission holder through a designated agency.

22. National Security and Other Conditions :

22.1 The Government of India, Ministry of Information & Broadcasting shall have the right to temporarily suspend the permission of the permission holder in public interest or for national security for such period or periods as it may direct. The company shall immediately comply with any directives issued in this regard failing which the permission issued shall be revoked and the company disqualified to hold any such permission in future for a period of five years.

22.2 The company shall not use any equipment, which are identified as unlawful and/or render network security vulnerable.

22.3 The permission holder shall be required to obtain security clearance of all foreign personnel likely to be deployed for more than 60 days in a year by way of appointment, contract, consultancy or in any other capacity for installation, maintenance, operation or any other services prior to their deployment.

22.4 The permission shall be subject to permission holder remaining security cleared throughout the currency of permission. In case the security clearance is withdrawn the permission granted is liable to be terminated forthwith.

22.5 In the event of security clearance of any of the persons associated with the permission holder or foreign personnel is denied or withdrawn for any reasons whatsoever, the permission holder will ensure that the concerned person resigns or his services terminated forthwith after receiving such directives from the Government failing which the permission granted shall be revoked and the company shall be disqualified to hold any such permission in future for a period of five years.

23. WPC Wing's License:

23.1 As aforementioned, before operating the service a separate specific license i.e. Wireless Operational License, shall be obtained by the company from the WPC Wing of Ministry of Communications & IT, permitting utilization of appropriate frequencies/band for the establishment and operation of concerned wireless component of FM radio Service under usual terms and conditions of such license. The Grant of such License shall be governed by the rules, procedures and guidelines and shall be subject to compliance with all requirements of the WPC wing.

23.2 For this purpose, an application shall be made to the "Wireless Advisor to the Government of India, WPC Wing, Department of Telecommunications, Ministry of Communications & IT" in the prescribed application form.

23.3 License fee/royalty as prescribed by WPC from time to time, shall have to be paid by the company towards grant of License for usage of frequency spectrum.

23.4 The company shall not cause harmful interference to other authorized users of radio spectrum. WPC Wing will have the sole discretion to take practicable and necessary steps for elimination of harmful interference, if any, to other licensed users.

23.5 The Wireless Planning and Coordination Wing, Ministry of Communications & IT shall have the right to inspect from time to time the installation from technical angles to check conformity with Wireless Operational License conditions.

24. Penalties:

24.1 In case there is any violation of conditions cited in 11.1, 11.2 and 12.1, Government may suo motto or on basis of complaints take cognisance and place the matter before the **Inter-ministerial Committees on Programme and Advertising Codes** for recommending appropriate penalties. On the recommendation of the Committee a decision to impose penalties shall be taken. However, before the imposition of a penalty the Permission Holder shall be given an opportunity to represent its case. The Ministry shall however be at liberty to specify any other mechanism to take action for such violations.

24.2 Except wherever provided otherwise, in the event of a permission holder violating any of the terms and conditions of permission, or any other provisions of the FM Radio policy, the Ministry of Information and Broadcasting shall have the right to impose the following penalties:

24.2.1 In the event of first violation, suspension of the permission and prohibition of broadcast up to a period of 30 days.

24.2.2 In the event of second violation, suspension of the permission and prohibition of broadcast up to a period of 90 days.

24.2.3 In the event of third violation, revocation of the permission and prohibition of broadcast up to the remaining period of the permission.

24.2.4 In the event of any violation as mentioned in Para 24.2 , the Ministry of Information and Broadcasting shall be well within its right to award a lesser penalty which may include issuance of an advisory or a warning or a direction to run an apology on the channel or in any other manner depending on the gravity of the violation.

24.2.5 In the event of the failure of the permission holder to comply with the penalties imposed within the prescribed time, revocation of permission and prohibition to broadcast for the remaining period of the permission and disqualification to hold any fresh permission in future for a period of five years.

24.3 In the event of suspension of permission the permission holder will continue to discharge its obligations under the terms and conditions of permission including the payment of fee.

24.4 In the event of revocation of permission, the Government shall not be responsible for any investment towards the operationalisation of the channel, not limited to capital and operating expenditure, in case of imposition of any penalty referred above.

24.5 The Performance Bank Guarantee deposited by the permission holder for the channel may also be forfeited for failure to comply with any of the terms and conditions of GOPA.

24.6 All the penalties mentioned above shall be imposed only after giving a written notice to the permission holder to rectify the violation within a period of 15 days, failing which he shall be liable for the proposed penalty.

25 Force Majeure during the permission period:

25.1 If at any time, during the period of permission, the performance of any obligation either in whole or in part by any party is prevented or delayed, by reason of war, hostility, acts of enemy, civil commotion, sabotage, fire, flood, act of state or center, explosion, epidemic, quarantine restriction, strikes materially affecting the performance of any obligations of affected party, or act of God (all or any of these hereinafter referred to as Force Majeure Event), neither party shall, by reason of such Force Majeure Event be entitled to terminate this permission, nor shall either party have any claim for damages against the other, in respect of such non-performance or delay in performance provided notice of such happenings of any such Force Majeure Event is given within 21 days from the date of occurrence thereof. Provided further that services under this permission shall be resumed as soon as practicable, after such Force Majeure event comes to an end or ceases to exist. The decision of the Government of India as to whether the services may be so resumed or not, shall be final and conclusive.

25.2 If the broadcast of the Permission Holder remains discontinued due to such Force Majeure event for more than two months, the parties shall meet together and discuss the future course of action.

25.3 The Government of India shall not be obliged to grant any rebate in Annual Fee on account of Force Majeure event referred to above, where the Permission Holder decides to continue the broadcast. Provided, however, the Government of India may at its discretion allow rebate in appropriate case in case the broadcast cannot be continued, even after two months of the occurrence of the event.

26. Surrender of Permission :

26.1 The Permission Holder may surrender the Permission by giving an advance notice of one month to the Government as well as to all concerned/affected parties including the listeners of the service to this effect. No claim will be admissible against the Non-refundable OTEF paid to the Government. The Permission Holder shall however, continue to observe all obligations, terms and conditions of permission including the criteria for the quality of broadcast during the notice period and any failure to do so shall be regarded as breach of Permission conditions.

26.2 In case of surrender of Permission, the Government may (at its own discretion), in order to ensure the continuity of the Broadcast, take over the FM Radio Broadcast Channel of the Permission Holder or issue Permission to another eligible company for running the service. The Permission Holder shall be obligated to facilitate the transfer of Permission to the new Permission Holder or the Government, and of all assets as are essential and necessary for continuity of the service on payment of such compensation as may be mutually agreed.

27. Disputes with other Parties:

27.1 In the event of any dispute between the company and any party other than the Government (including in relation to the permission and/or Broadcasting services, etc) due to any reason whatsoever, it shall be the sole liability of the company to resolve such dispute amicably or otherwise with the other party and the Government shall have no liability whatsoever in this regard. Further, the company shall undertake to fully indemnify and keep the Government harmless in respect of any action, claim, suit, proceeding, damage or notice

to/against the Government for any act of omission or commission on the part of the company, its agents, employees, representatives or servants.

Provided that if any such third party dispute arises on account of non-observance or breach of any rules or regulations or any other terms and conditions of license by the company as provided, the Government shall also have the right to take any action against the company as per the terms and conditions of permission.

28. Dispute Resolution and Jurisdiction:-

28.1 Dispute resolution shall be as per the provisions of Telecom Regulatory Authority of India Act, 1997 as amended from time to time or such other laws applicable to resolution of such dispute.

28.2 Subject to 28.1 the High Court at New Delhi shall have the jurisdiction over all disputes.

29. Provisions relating to data broadcasting services in FM sub-carriers

(i) The services provided will be free-to-air services and no charges will be required to be paid by listeners to the FM broadcaster for such services.

(ii) None of the data services will carry any audio/video/text/data falling within the purview of news and current affairs.

(iii) Any broadcasts as part of data services will also be required to adhere to monitoring and storage requirements as provided herein.

(iv) Any service specific to an individual listener/subscriber like radio paging will not be permissible as such services require a separate permission/license from DOT

(v) Emergency Warning Services(EWS) if provided should only be used with the specific approval and guidance of the local District administration.

(vi) Revenues, if any, earned by provisioning of such services shall form part of the overall Gross Revenue of the permission holder for the purposes of determination of annual fee.

30. Miscellaneous:-

30.1 The grant of Permission shall be subject to the condition that the permission holder shall comply with any regulations, orders and directions issued by TRAI from time to time under the TRAI Act 1997.

30.2 The Permission shall be governed by the provisions of the Telecom Regulatory Authority of India Act, 1997, Indian Telegraph Act, 1885 and Indian Wireless Telegraphy Act, 1933 as amended from time to time and any other law as applicable to broadcasting which has or may come into force.

30.3 The Government shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.

30.4 Prasar Bharati infrastructure should be made available at half the lease rentals for similar category cities in the cities of J&K, North Eastern States and island territories.

31. Migration to Phase-III

31.1 The provisions of these Guidelines will be applicable to the existing permission holders subject to the provisions contained herein and subject to payment of all outstanding dues pertaining to the Government, Prasar Bharati and BECIL in relation to existing FM radio permissions/operations. The existing permission holders will be required to sign a fresh grant of permission agreement on the prescribed format within a given time frame. In case any existing permission holder does not execute the fresh Agreement within the given time frame it shall be construed to mean that he does not want to migrate to the FM Phase III regime, and therefore shall continue to be governed by the FM Phase II policy provisions.

31.2 In the event of any existing permission holder of Phase II declining to opt for automatic migration, it shall continue to be governed by the terms and conditions of its original license under FM Phase II Policy regime, as modified from time to time.

31.3 The period of permission of existing FM Phase-II broadcasters/permission holders shall be governed by the provisions contained in FM Phase-II Policy.

31.4 Subject to the provisions of para 6.1 (b), annual fee payable by existing permission holders of Phase-II shall continue to be determined as 4% of Gross Revenue or 10% of Reserve OTEF for the city determined for the city during Phase-II bidding.

31.5 The date of issuance of these guidelines should be taken as the cut off date for automatic migration to Phase-III.

ANNEXURE-I

FORMAT FOR CERTIFICATION OF NET WORTH BY STATUTORY AUDITORS.

We have audited the Books of Accounts of _____ for the financial year/period ended month-day-year and certify that the "Net Worth" of M/s _____ the Applicant Company as on _____ is Rupees _____ lacs (rupees in words lacs). We further certify that the Net Worth of the Applicant Company is computed as follows:

Sl.No.	Particulars	Amount in Rupees-lacs
1.	Book Value of assets	
2.	Book Value of fictitious and intangible assets	
3.	Liabilities other than owner's funds	
4.	Net Worth {1-(2+3)}	

Place/Date _____

Statutory Auditors _____

Note:

NET WORTH

The excess of the book value of assets (other than fictitious and intangible assets of an enterprise over its liabilities. This is also referred to as Net assets or shareholder's funds

Book Value of assets

The amount at which an item appears in the books of account or financial statement. It does not refer to any particular basis on which the amount is determined. Eg. Cost, replacement value etc

Fictitious assets.

Items grouped under the assets in a balance sheet which has no real value (eg. The debit balance of the profit and loss account)

Liabilities

The financial obligation of an enterprise other than owner's funds.

ANNEXURE-II

Statement of Gross Revenue forming part of the Final Accounts of M/s the fm permission holder

	INCOME HEADS	Tariff rate/ rate card	Discounts		Agency commi- ssion	Taxes	Net as per P& L a/c
sl.no			trade	others			
			(Amount Rupees in lacs)				
		A	B	C	D	E	F
1	Advertisement						
2	Promotional Events						
2.1	Musical/Star Events						
2.2	<i>Sponsored Programmes</i>						
3	Marketing Rights						
4	Commission						
5	Royalties						
6	Sale of recorded cassettes, CDs etc						
7	Rent –Premises						
8	Rent-Equipment						
9	Interest/Dividend						
10	Related Party Transactions						
10.1	Goods Sold						
10.2	Services rendered						
10.3	Production						
10.4	Marketing						
10.5							
10.6							

Notes.

1. The income heads are only indicative and illustrative and the Auditor would include all the relevant Heads of the FM Permission Holder.

The income from the Related Parties shall tally with the Related Parties schedule as per accounting standards no 18.

Additional columns may be introduced in appendix D if required.

Column F is the total revenue as per profit and loss account. To arrive at the gross revenue as per column the taxes, agency commission as applicable are to be added.

Gross Revenue (A) = B + C + D + E + F

Gross Revenue for Annual Fee @ 4% = [A –(B + C)] x 4%

Policy Guidelines for Community Radio

Policy Guidelines for setting up Community Radio Stations in India

Foreword

In December 2002, the Government of India approved a policy for the grant of licenses for setting up of Community Radio Stations to well established educational institutions including IITs/IIMs.

The matter has been reconsidered and the Government has now decided to broaden the policy by bringing 'Non-profit' organisations like civil society and voluntary organisations etc under its ambit in order to allow greater participation by the civil society on issues relating to development & social change. The detailed policy guidelines in this regard is given below:

1. Basic Principles

An organisation desirous of operating a Community Radio Station (CRS) must be able to satisfy and adhere to the following principles:

- a) It should be explicitly constituted as a 'non-profit' organisation and should have a proven record of at least three years of service to the local community.
- b) The CRS to be operated by it should be designed to serve a specific well-defined local community.
- c) It should have an ownership and management structure that is reflective of the community that the CRS seeks to serve.
- d) Programmes for broadcast should be relevant to the educational, developmental, social and cultural needs of the community.
- e) It must be a Legal Entity i.e. it should be registered (under the registration of Societies Act or any other such act relevant to the purpose).

2. Eligibility Criteria

(i) The following types of organisations shall be eligible to apply for Community Radio licences:

- a) Community based organisations, which satisfy the basic principles listed at para 1 above. These would include civil society and voluntary organisations, State Agriculture Universities (SAUs), ICAR institutions, Krishi Vigyan Kendras,

Registered Societies and Autonomous Bodies and Public Trusts registered under Societies Act or any other such act relevant for the purpose. Registration at the time of application should at least be three years old.

b) Educational institutions

(ii) The following shall not be eligible to run a CRS:

- a) Individuals;
- b) Political Parties and their affiliate organisations; [including students, women's, trade unions and such other wings affiliated to these parties.]
- c) Organisations operating with a motive to earn profit;
- d) Organisations expressly banned by the Union and State Governments.

3. Selection Process & Processing of the applications

(a) Applications shall be invited by the Ministry of I&B once every year through a national advertisement for establishment of Community Radio Stations. However, eligible organisations and educational institutions can apply during the intervening period between the two advertisements also. The applicants shall be required to apply in the prescribed application form along with a processing fee of Rs.2500/- and the applications shall be processed in the following manner:

- i) Universities, Deemed Universities and Government run educational institutions will have a single window clearance by putting up cases before an inter-ministerial committee chaired by Secretary (I&B) for approval. No separate clearance from MHA & MHRD shall be necessary. Once the WPC Wing of the Ministry of Communication & IT earmarks a frequency at the place requested by the institution, a Letter of Intent (LOI) shall be issued.
 - ii) In case of all other applicants, including private educational institutions, LOI shall be issued subject to receiving clearance from Ministries of Home Affairs, Defence & HRD (in case of private educational institutions) and frequency allocation by WPC wing of Ministry of Communication & IT.
- (b) A time schedule for obtaining clearances as below shall be prescribed:
- i) Within one month of receipt of the application in the prescribed form, the Ministry of I&B shall process the application and either communicate to the

applicant deficiencies, if any, or will send the copies of the application to the other Ministries for clearance as prescribed in para 3(a)(i) and 3(a)(ii) above, as the case may be.

- ii) The Ministries concerned shall communicate their clearance within three months of receipt of the application. However, in the event of the failure of the concerned ministry to grant the clearance within the stipulated period of three months, the case shall be referred to the Committee constituted under the Chairmanship of Secretary (I&B) for a decision for issue of LOI.
- iii) In the event of more than one applicant for a single frequency at a given place, the successful applicant will be selected for issue of LOI from amongst the applicants by the Committee constituted under the Chairmanship of Secretary (I&B) on the basis of their standing in the community, the commitment shown, the objectives enunciated and resources likely to be mobilized by the applicant organisation as well as its credentials and number of years of community service rendered by the organisation.
- iv) Within one month of the issue of the Letter of Intent (LOI) the eligible applicant will be required to apply, in the prescribed format and with the requisite fee, to the WPC Wing of the Ministry of Communication & IT, Sanchar Bhawan, New Delhi for frequency allocation & SACFA clearance.
- v) A time frame of six months from the date of application is prescribed for issue of SACFA clearance. In the event of non-receipt of such clearance from the Ministry of Communication & IT within the stipulated period of six months, the case will be referred to the Committee constituted under the Chairmanship of Secretary (I&B) for a decision.
- vi) On receipt of SACFA clearance (a copy of which shall be submitted by the applicant), the LOI holder shall furnish a bank guarantee in the prescribed format for a sum of Rs.25, 000/-. Thereupon, the LOI holder will be invited to sign a Grant of Permission Agreement (GOPA) by Ministry of I&B, which will enable him to seek Wireless Operating License (WOL) from the WPC Wing of the Ministry of Communication & IT. The Community Radio Station

can be made operational only after the receipt of WOL from the Ministry of Communication & IT.

- vii) Within three months of receipt of all clearances i.e signing of GOPA, the Permission Holder shall set up the Community Radio Station and shall intimate the date of commissioning of the Community Radio Station to the Ministry of I&B.
- viii) Failure to comply with time schedule prescribed above shall make the LOI/GOPA holder liable for cancellation of its LOI/GOPA and forfeiture of the Bank Guarantee.

4. Grant of Permission Agreement conditions

- i) The Grant of Permission Agreement period shall be for five years.
- ii) The Grant of Permission Agreement and the Permission letter will be non-transferable.
- iii) No permission fee shall be levied on the Permission Holder. However, the Permission Holder will be required to pay the spectrum usage fee to WPC wing of Ministry of Communication & IT.
- iv) In case the Permission Holder does not commence his broadcasting operations within three months of the receipt of all clearances or shuts down broadcasting activity for more than 3 months after commencement of operation, its Permission is liable to be cancelled and the frequency allotted to the next eligible applicant.
- v) An applicant/organisation shall not be granted more than one Permission for CRS operation at one or more places.
- vi) The LOI Holder shall furnish a bank guarantee for a sum of Rs.25,000/- (Rupees twenty five thousand) only to ensure timely performance of the Permission Agreement.
- vii) If the Permission Holder fails to commission service within the stipulated period, he shall forfeit the amount of bank guarantee to the Government and the Government would be free to cancel the Permission issued to him

5. *Content regulation & monitoring*

- i) The programmes should be of immediate relevance to the community. The emphasis should be on developmental, agricultural, health, educational, environmental, social welfare, community development and cultural programmes. The programming should reflect the special interests and needs of the local community.
- ii) At least 50% of content shall be generated with the participation of the local community, for which the station has been set up.
- iii) Programmes should preferably be in the local language and dialect(s).
- iv) The Permission Holder shall have to adhere to the provisions of the Programme and Advertising Code as prescribed for All India Radio.
- v) The Permission Holder shall preserve all programmes broadcast by the CRS for three months from the date of broadcast.
- vi) The Permission Holder shall not broadcast any programmes, which relate to news and current affairs and are otherwise political in nature.
- vii) The Permission Holder shall ensure that nothing is included in the programmes broadcast which:
 - a. Offends against good taste or decency;
 - b. Contains criticism of friendly countries;
 - c. Contains attack on religions or communities or visuals or words contemptuous of religious groups or which either promote or result in promoting communal discontent or disharmony;
 - d. Contains anything obscene, defamatory, deliberate, false and suggestive innuendoes and half truths;
 - e. Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote-anti-national attitudes;
 - f. Contains anything amounting to contempt of court or anything affecting the integrity of the Nation;
 - g. Contains aspersions against the dignity of the President/Vice President and the Judiciary;

- h. Criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
 - i. Encourages superstition or blind belief;
 - j. Denigrates women;
 - k. Denigrates children.
 - l. May present/depict/suggest as desirable the use of drugs including alcohol, narcotics and tobacco or may stereotype, incite, vilify or perpetuate hatred against or attempt to demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age or physical or mental disability.
- viii) The Permission Holder shall ensure that due care is taken with respect to religious programmes with a view to avoid:
- a) Exploitation of religious susceptibilities; and
 - b) Committing offence to the religious views and beliefs of those belonging to a particular religion or religious denomination.

6. Imposition of penalty/revocation of Permission Agreement

- (i) In case there is any violation of conditions cited in 5(i) to 5(viii), Government may suo motto or on basis of complaints take cognisance and place the matter before the **Inter-ministerial Committees on Programme and Advertising Codes** for recommending appropriate penalties. On the recommendation of the Committee a decision to impose penalties shall be taken. However, before the imposition of a penalty the Permission Holder shall be given an opportunity to represent its case.
- (ii) The **penalty** shall comprise of:
 - (a) Temporary suspension of Permission for operating the CRS for a period up to one month in the case of the first violation
 - (b) Temporary suspension of Permission for operating the CRS for a period up to three months in the case of the second violation depending on the gravity of violation.

- (c) Revocation of the Permission for any subsequent violation. Besides, the Permission Holder and its principal members shall be liable for all actions under IPC, CrPC and other laws.
- (iii) In case of revocation of Permission, the Permission Holder will not be eligible to apply directly or indirectly for a fresh permission in future for a period of five years.
 "Provided the penalty imposed as per above provision shall be without prejudice to any penal action under applicable laws including the Indian Telegraph Act 1885 and Indian Wireless Telegraphy Act 1933, as modified from time to time."
- (iv) In the event of suspension of permission as mentioned in para 6 (ii) (a) & (b), the permission holder will continue to discharge its obligations under the Grant of Permission Agreement during the suspension period also.

7. *Transmitter Power and Range*

- i) CRS shall be expected to cover a range of 5-10 km. For this, a transmitter having maximum Effective Radiated Power (ERP) of 100 W would be adequate. However, in case of a proven need where the applicant organisation is able to establish that it needs to serve a larger area or the terrain so warrants, higher transmitter wattage with maximum ERP up to 250 Watts can be considered on a case-to-case basis, subject to availability of frequency and such other clearances as necessary from the Ministry of Communication & IT. Requests for higher transmitter power above 100 Watts and upto 250 Watts shall also be subject to approval by the Committee constituted under the Chairmanship of Secretary, Ministry of Information & Broadcasting.
- ii) The maximum height of antenna permitted above the ground for the CRS shall not exceed 30 meters. However, minimum height of Antenna above ground should be at least 15 meters to prevent possibility of biological hazards of RF radiation.

- iii) Universities, Deemed Universities and other educational institutions shall be permitted to locate their transmitters and antennae only within their main campuses
- iv) For NGOs and others, the transmitter and antenna shall be located within the geographical area of the community they seek to serve. The geographical area (including the names of villages/institution etc) should be clearly spelt out along with the location of the transmitter and antenna in the application form.

8. *Funding & Sustenance*

- i) Applicants will be eligible to seek funding from multilateral aid agencies. Applicants seeking foreign funds for setting up the CRS will have to obtain FCRA clearance under Foreign Contribution Regulation Act, 1976.
- ii) Transmission of sponsored programmes shall not be permitted except programmes sponsored by Central & State Governments and other organisations to broadcast public interest information. In addition, limited advertising and announcements relating to local events, local businesses and services and employment opportunities shall be allowed. The maximum duration of such limited advertising will be restricted to 5 (Five) minutes per hour of broadcast.
- iii) Revenue generated from advertisement and announcements as per Para 8 (ii) shall be utilized only for the operational expenses and capital expenditure of the CRS. After meeting the full financial needs of the CRS, surplus may, with prior written permission of the Ministry of Information & Broadcasting, be ploughed into the primary activity of the organization i.e. for education in case of educational institutions and for furthering the primary objectives for which the NGO concerned was established.

9. *Other Terms & Conditions*

- i) The basic objective of the Community Radio broadcasting would be to serve the cause of the community in the service area of the Permission Holder by involving members of the community in the broadcast of their programmes.

For this purpose community shall mean people living in the zone of the coverage of the broadcasting service of the Permission Holder. Each applicant will have to specify the geographical community or the community of interest it wants to cover.

The Permission Holder shall provide the services of his CRS on free-to-air basis.

- ii) Though the Permission Holder will operate the service under these guidelines and as per the terms and conditions of the Grant of Permission Agreement signed, the permission shall be subject to the condition that as and when any regulatory authority to regulate and monitor the broadcast services in the country is constituted, the permission holder will adhere to the norms, rules and regulations prescribed by such authority from time to time.
- iii) The Permission Holder shall provide such information to the Government on such intervals, as may be required. In this connection, the Permission Holder is required to preserve recording of programmes broadcast during the previous three months failing which Permission Agreement is liable to be revoked.
- iv) The Government or its authorized representative shall have the right to inspect the broadcast facilities of the Permission Holder and collect such information as considered necessary in public and community interest.
- v) The Government reserves the right to take over the entire services and networks of the Permission Holder or revoke/terminate/suspend the Permission in the interest of national security or in the event of national emergency/ war or low intensity conflict or under similar type of situations.
- vi) All foreign personnel likely to be deployed by way of appointment, contract, consultancy etc by the Permission Holder for installation, maintenance and operation of the Permission Holder's services shall be required to obtain prior security clearance from Government of India.
- vii) The Government reserves the right to modify, at any time, the terms and conditions if it is necessary to do so, in public interest or for the proper conduct of broadcasting or for security considerations.

- viii) Notwithstanding anything contained anywhere else in the Grant of Permission Agreement, the Government shall have the power to direct the permission holder to broadcast any special message as may be considered desirable to meet any contingency arising out of natural emergency, or public interest or natural disaster and the like, and the Permission holder shall be obliged to comply with such directions.
- ix) The permission holder shall be required to submit their audited annual accounts to the Government in respect of the organization/division running the CRS. The accounts shall clearly show the income and expenditure incurred and the Assets and Liabilities in respect of the CRS.
- x) A Permission Agreement will be subject to such other conditions as may be determined by the Government.
- xi) The Government shall make special arrangements for monitoring and enforcement of the ceiling on advertisements, particularly in those areas where private FM radio stations have been granted licenses.
