

## Sectoral

### Media

#### 1. What is the penalty for not complying with the eligibility conditions?

In the event of the failure of any Letter of Intent (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, 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.

#### 2. What is SACFA clearance and frequency allocation?

‘ SACFA ’ means the ‘ Standing Advisory Committee on Radio Frequency Allocation ’ of the Wireless Planning & Co-ordination wing of Ministry of Communications & IT, Government of India. ‘ Frequency Allocation ’ means 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.

#### 3. What is the eligibility criteria for getting permission of FM radio channel?

Only companies registered under the Company ’ s Act, 1956 are eligible for bidding and obtaining permission for FM radio channels. However, following types of companies are not 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, 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. I) 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.

#### **4. What is the overview of the media and entertainment sector in India and the performance of this sector in recent times?**

The Indian Media and Entertainment sector is valued at approximately \$ 12 bn in 2015 and expected to double by 2020. Out of the various sub sectors, one of the highest growing sub-sectors would be digital advertising with a CAGR of 30%. Further, India is known to have the second largest TV market in the world. The performance of the sector can be found in the achievement report at the following link.

#### **5. Is the government proposing to create a regulatory agency for television broadcasters?**

In 2006, the government had prepared a Draft Broadcasting Services Regulation Bill, 2006. The bill made it mandatory to seek license for broadcasting any television or radio channel or program. It also provides standards for regulation of content. It is the duty of the body to ensure compliance with guidelines issued under the bill.

#### **6. After the application of WOL, can we start the transmission before we have obtained the Wireless Operating License?**

No, one is not legally supposed to begin the operational transmission. However, you can try doing test transmission.

#### **7. Who is responsible for interpolations?**

Any person who exhibits or permits to exhibit interpolated film is responsible. It has to be observed whether the characters involved in the main film are also involved in the interpolated bits. If it is so, then one can infer that the producer and the distributor may also be responsible for interpolation. According to Section 7(b) of the Act, if any person, without lawful authority, alters or tampers with in any film, after it has been certified, will be committing a crime under Cinematograph Act. It is to be

noted that the burden of proving the lawfulness of the act shall lie on the person who altered or tampered with the certified film.

#### 8. When should we renew GOPA?

Grant of Permission Agreement (GOPA) is valid only for a period of five years. End of five years, please download the form of renewal of GOPA from [www.mib.nic.in](http://www.mib.nic.in). This form has to be printed on two \$ 1.53 non-judicial stamp paper and be signed similar to the way the GOPA was signed.