

The logo for jsa, featuring the lowercase letters 'jsa' in a white, sans-serif font. A thin red arc is positioned above the 'j' and 's'.

advocates & solicitors



Knowledge Management
Semi-Annual Telecommunication 2024
January – June 2024

Semi-Annual Telecommunication Compendium 2024



Introduction

This Compendium consolidates all the key developments pertaining to the Telecommunications sector which were circulated as JSA Newsletters/Prisms during January- June 2024.

Telecom sector – Highlights from the interim budget 2024-2025

On February 1, 2024, the Government of India (“GoI”) introduced the Interim Budget (“Budget”) for the financial year 2024-2025. The Budget envisages an allocation of INR 1,11,876.67 crore (Indian Rupees one lakh eleven thousand eight hundred seventy-six crore sixty-seven lakh) [approximately USD 13,500 million (US Dollars thirteen thousand five hundred million)] for expenditure. In comparison with the previous financial year’s budget of INR 98,359.41 crore (Indian Rupees ninety-eight thousand three hundred and fifty-nine crore forty-one lakh) [approximately USD 11,850 million (US Dollars eleven thousand eight hundred and fifty million)], there is an increase of more than INR 13,000 crore (Indian Rupees thirteen thousand crore) [approximately USD 1,567 million (US Dollars one thousand five hundred sixty-seven million)] in the current allocation.

The total net allocation for the Department of Telecommunications (“DoT”) includes an additional provision of INR 17,000 crore (Indian Rupees seventeen thousand crore) [approximately USD 2,050 million (US Dollars two thousand and fifty million)] amounting to INR 1,28,876.67 crore (Indian Rupees one lakh twenty-eight thousand eight hundred seventy-six crore sixty-seven lakh) [approximately USD 15,530 million (US Dollars fifteen thousand five hundred and thirty million)] in total. This additional provision is made from the balances available under the Universal Service Obligation Fund (“USOF”) and will be utilized for various schemes under the USOF, such as compensation to Telecommunication Service Providers (“TSPs”) and Bharatnet.

The GoI also aims to collect an estimate of INR 1,20,267.31 (Indian Rupees one lakh twenty thousand two hundred and sixty-seven crore thirty-one lakh) [approximately USD 14,490 million (US Dollars fourteen thousand four hundred and ninety million)] as revenue from the telecom sector, which is approximately 30% greater than the revenue target of FY 2023 – 2024 budget, which amounted to INR 93,541.01 crore (Indian Rupees ninety-three thousand five hundred and forty-one crore one lakh) [approximately USD 11,272 million (US Dollars eleven thousand two hundred seventy-two million)].

To encourage the growth of the telecom sector, INR 400 crore (Indian Rupees four hundred crore) [approximately USD 48 million (US Dollars forty-eight million)] are allocated for research and development of projects to be implemented under the USOF, which is 4 (four) times the amount allocated in the previous budget. USOF aims to provide widespread access to information and communication technology all over the nation, including rural and remote areas with challenging terrain/ borders, to ensure network connectivity and access to all.

The Centre for Development of Telematics is allocated INR 500 crore (Indian Rupees five hundred crore) [approximately USD 60 million (US Dollars sixty million)] which is an INR 50 crore (Indian Rupees fifty crore) [approximately 6 million (US Dollars six million)] reduction from the last budget.

The domestic industry incentivisation scheme is allocated INR 1910.80 crore (Indian Rupees one thousand nine hundred ten crore eighty lakh) [approximately USD 230 million (US Dollars two hundred thirty million)] which is more than thrice the amount previously allotted. Out of the entire amount, INR 34.46 crore (Indian Rupees thirty-four crore forty-six lakh) [approximately USD 4.2 million (US Dollars four million two hundred thousand)] is set aside for Technology Development and Investment Promotion, and INR 70 crore (Indian Rupees seventy crore) [approximately USD 8.4 million (US Dollars eight million four hundred thousand)] is set aside for the Champion Service Sector Scheme. The remaining INR 1806.34 crore (Indian Rupees one thousand eight hundred and six crore thirty-four lakh) [approximately USD 217 million (US Dollars two hundred seventeen million)] is earmarked for the Product Linked Incentive (“PLI”) Scheme. The increased allocation towards the PLI Scheme is a step towards the promotion of the GoI’s Make-In-India policy, which will increase capital investment and import substitution in the telecom sector.

The GoI allocated INR 8500 crore (Indian Rupees eight thousand five hundred crore) [approximately USD 1,024 million (US Dollars one thousand twenty-four million)] for Bharatnet, which is INR 3,500 crore (Indian Rupees three thousand five hundred crore) [approximately USD 421 million (US Dollars four hundred and twenty-one million)] increase from the previous FY 2023 – 2024 budgetary allocation of INR 5,000 crore (Indian Rupees five thousand crore)

[approximately USD 603 million (US Dollars six hundred and three million)]. Bharatnet aims to establish telecom connectivity and broadband in all rural towns and villages in India and this raise in its budget is an impetus to fulfilling its cause.

While INR 2.92 crores (Indian Rupees two crore ninety-two lakh) [approximately USD 351,860 (US Dollars three hundred fifty-one thousand eight hundred sixty)] are allocated for developing 5G Connectivity Test Bed, experts are hopeful that an additional budget will be allocated towards further development of 5G infrastructure, during the year.

A glance at the Budget’s allocation showcases an effort towards creating greater opportunities for domestic producers which will result in greater employment. Projects developing nationwide telecom infrastructure and domestic industry are being prioritised to attain optimal growth in the telecom sector.

Connectivity to access service Virtual Network Operators from more than one Network Service Operators

The Telecom Regulatory Authority of India (“TRAI”) through its notification dated February 23, 2024, released the Consultation Paper on “*Connectivity to Access Service Virtual Network Operators (“VNOs”) From More Than one Network Service Operators (“NSOs”) (“Consultation Paper on Connectivity from Multiple NSOs”)*”. The DoT sought the recommendations of TRAI to allow Unified License VNOs (“UL (VNO)”) licensees holding Access Service (“AS”) authorisation to enter into agreements with multiple NSOs to obtain connectivity and provide different services within a single License Service Area (“LSA”).

Until 2013, the GoI granted only standalone licenses to various TSPs - such as AS, internet services and national and international long-distance services. Then the Unified License (“UL”) regime was introduced which assisted TSPs to provide a range of services under the UL umbrella. Later in 2016, VNO was introduced under the UL which allowed TSPs to provide services without owning its networks and by utilising its parent NSO.

Currently, UL (VNO) only allows for the holders to take AS authorisation and connectivity from one NSO in a

specific LSA. In such a situation, if a UL (VNO) licensee obtains wireline AS connectivity from one NSO in an LSA and intends to obtain wireless AS connectivity from another NSO in the same LSA, they are not permitted to do so.

The Consultation Paper on Connectivity from Multiple NSOs sought the views of the stakeholders broadly on the following:

1. the maximum number of NSOs from whom a UL (VNO) licensee holding AS authorization can be permitted to obtain connectivity in an LSA for providing wireline AS;
2. the terms and conditions for permitting multiple connectivity if more than one NSOs is allowed to provide wireline access;
3. whether a UL (VNO) licensee holding AS authorization in an LSA should be allowed to take wireless AS from one NSO and wireline AS from another NSO in the same LSA;
4. the terms and conditions for permitting to obtain such wireless AS and wireline AS connectivity from multiple NSOs in the same LSA; and
5. any other relevant issues or suggestions related to the parenting of licensees holding AS authorization under UL (VNO).

Introduction of Calling Name Presentation service in Indian Telecommunication Network

TRAI through its notification dated February 23, 2024, released the Recommendations on *“Introduction of CNAP Service in Indian Telecommunication Network”* (**“CNAP Recommendations”**).

In India, AS Providers (**“ASPs”**) provide calling line identification presentation supplementary services, which ensures that all receivers of calls are able to view the number from which they receive incoming calls. However, this proved ineffective in its primary objective of identification of callers and the concerns surrounding Unsolicited Commercial Communication (**“UCC”**) from unregistered telemarketers, IT enabled system calls or robocalls, and fraudulent communication loom over the telephone consumers, especially as many of these bypasses the do-not-disturb feature. Even though there are third party applications that provide name identification services,

the details for the caller names are crowdsourced and hence not accurate.

In 2022, the DoT requested TRAI to provide its recommendations on the feasibility of Calling Name Presentation (**“CNAP”**) in Indian telecommunication network. CNAP supplementary services would allow the subscribers to identify the calls received by name which are sourced from the customer application forms.

Subsequently, TRAI published a paper calling for recommendations from the stakeholders on the matter. The issues for consultation raised by TRAI were broadly along the lines of the need for CNAP supplementary services, whether they are to be mandatory and the need to acquire consent of telephone customers for activation of these services. These CNAP Recommendations have been released pursuant to the inputs received from stakeholders on a consultation paper that was issued in this regard.

The CNAP Recommendations broadly cover the following:

1. the need to introduce CNAP supplementary services to the Indian telecommunication network and the need for all ASPs to provide these services to their telephone subscribers upon request;
2. the calling name of each telephone subscriber is required to be provided by the originating ASPs;
3. the name identity information provided by telephone subscribers in the customer application form is to be used for the purpose of CNAP. In case the legal name of the telephone subscriber is changed, a suitable mechanism is recommended to be implemented by ASPs to amend such information;
4. considering that the Indian telecommunication network is still based on circuit switched core, the CNAP supplementary services are required to be implemented as per the technical model instructed by TRAI;
5. in case of subscriber entities holding bulk connections and business connections, a facility to present their ‘preferred name’ in place of the name appearing in the customer application form is suggested;
6. prior to the implementation of CNAP supplementary services on a pan India basis, a trial and assessment of the implementation is required

to be conducted in a selected LSA with the subscriber bases of all TSPs in that LSA;

7. post acceptance of these CNAP Recommendations, the GoI is required to issue a cutoff date for making CNAP features available in all devices sold in India; and
8. the relevant provisions for enabling CNAP features are required to be added to the respective telecom service licenses.

Guidelines to establish and operate 'Spectrum Regulatory Sandbox/ Wireless Test Zones'



The DoT issued guidelines to establish and operate 'Spectrum Regulatory Sandbox/ WiTe Zones' on March 11, 2024 ("**Guidelines**"), to establish and operate 'Spectrum Regulatory Sandbox/ Wireless Test Zones' ("**WiTe Zones**").

The Guidelines have been issued to promote emerging radiocommunications technologies, research and development, and experimenting in the field of wireless radiocommunications. As per the Guidelines, national academic or research institutions, technology parks, TSPs, incubators, industry partners, Original Equipment Manufacturers ("**OEM**") are eligible for establishment of WiTe Zones.

Licenses for establishment of WiTe Zones are granted to applicants by the DoT/ Wireless Planning and Coordination Wing of the DoT ("**WPC**"), for a period of 10 (ten) years, following which the license is renewable in multiples of 5 (five) years. There is no establishment fee to be paid for WiTe Zones. A payment of INR 1000 (Indian Rupees one thousand) is required to be made per spectrum band by the users of the WiTe Zone to the GoI on the Saral Sanchar portal.

WiTe Zones are of 2 (two) kinds, namely Category I and Category II. Category I WiTe Zones utilise spectrum bands that are not assigned to any users in an area for

testing and experimentation and will continue to be used till they are assigned to other users. The testing stands terminated if the spectrum band is assigned to another user, but a reasonable time period may be granted as an exception for ongoing testing, if the testing can be done without hampering the assigned use of the spectrum to the licensees.

Category II WiTe Zones are in interior/ uninhabited areas where they are assigned specific spectrum bands including satellite and broadcasting bands. These zones are subject to additional conditions laid down in the guidelines relating to mandating testing zone sizes required for specific band types tested, mitigation of interference for existing licensed users aiming to expand their networks, and protection of operations of the WiTe Zone in case of new spectrum assignments in the vicinity.

The Guidelines also lay down the general conditions governing the users of WiTe Zones and the establishment and operations of WiTe Zones. Presently, the users of WiTe Zones are required to be Indian nationals or Indian entities.

Removal of requirement to obtain Wireless Operating License

The DoT AS division issued notification on March 11, 2024 ("**WOL Notification**"), regarding the removal of requirement to obtain Wireless Operating License ("**WOL**").

Previously, by way of the license amendment of 2016, the requirement to obtain WOL for AS authorization in Cellular Mobile Telephone Service /Unified AS / UL was removed.

In continuation, it is decided to remove the requirement of obtaining WOL for captive very small aperture terminal closed user group and captive mobile radio trunking services licenses, UL, and UL (VNO) with authorisations from national long distance, international long distance, public mobile radio trunking service, global mobile personal communication by satellite, internet service and Machine-to-Machine ("**M2M**") service with immediate effect.

This removal of requirement of WOL is not applicable to entities intending to establish or operate transmitting stations and have been granted a license under Section 4 of the Indian Telegraph Act, 1885 and

require frequency assignment from the WPC, permitting the use of appropriate frequencies and parameters for the establishment, maintenance, or operation of transmitting stations.

Demonstration of Lawful Interception System and Lawful Interception Monitoring facilities for all types of services

The DoT issued a notification regarding the demonstration of Lawful Interception System and Lawful Interception Monitoring (“LIS/ LIM”) facilities before the Lawful Enforcement Authorities (“LEAs”) on March 12, 2024 (“LIM Notification”).

Presently, as per license agreements, any services permitted under the scope of the agreement commences by the licensee after giving an intimation to the licensor/ DoT, following which the licensee demonstrates to the DoT their services’ compliance with the scope of services under the agreement and mandated monitoring facilities, within 90 (ninety) days of such intimation. This testing of LIS/ LIM facilities is done through the respective divisions of licensing of the DoT.

As per the LIM Notification, all types of licensees are required to offer the LIS/ LIM facilities for testing through the Security (Policy, Planning and Intelligence) Division instead of their respective licensing divisions so as to streamline the process and to ensure ease of doing business.

Recommendations on Usage of Embedded SIM for M2M Communications



TRAI through its notification dated March 21, 2024, released the Recommendations on “Usage of Embedded SIM for M2M Communications” (“Recommendations on e-SIMs for M2M”).

The DoT and TRAI have previously published several recommendations and instructions with regard to the development of M2M communication-based technology in India. On September 5, 2017, TRAI notified recommendations on ‘*Spectrum, Roaming and QoS related requirements in M2M Communications*’ (“Recommendations of 2017”). These may be considered as the predecessor of the current Recommendations which focus on the use of Embedded Subscriber Identity Modules (“e-SIM”).

These Recommendations on e-SIMs for M2M broadly cover the following:

1. all communication profiles on any M2M e-SIM fitted in an imported device on international roaming in India is required to be mandatorily converted / reconfigured into communication profiles of Indian TSPs a period of 6 (six) months from the date of activation of international roaming in India on the M2M e-SIM or change of ownership of device, whichever is earlier. As per the Recommendations of 2017, a period of 3 (three) years was given to devices fitted with e-SIMs on permanent international roaming to be reconfigured to an Indian TSP;
2. TRAI recommends that the switch-over of the communication profile on M2M e-SIMs from one licensed TSP to another TSP should be driven by the concerned OEM of the devices containing M2M e-SIMs;
3. TRAI recommends that Unified AS License holders, UL (AS Authorisation) holders, UL (M2M Authorisation) holder, UL for VNOs (M2M Authorisation) holder and companies holding M2M Service Providers Registration with specific permission to own and manage Subscription Manager Secure Routing (“SM-SR”), should be permitted to own and manage SM-SR in India. Furthermore, it is recommended that the additional terms and conditions to be imposed on registrants of M2M Service Providers for granting permission to own and manage SM-SR are to be included in the ‘*Guidelines for Registration process of M2M Service Providers (M2MSP) and WPAN/ WLAN Connectivity Providers for M2M Services*’ notified by DoT on February 8, 2022;
4. for installation of profiles of Indian TSPs on M2M e-SIMs fitted in the devices imported in India, the concerned OEM and M2M Service Providers should

be given the flexibility to choose between: (i) profile download from the Subscription Manager-Data Preparation (“**SM-DP**”) of the Indian TSP to the M2M e-SIMs through the existing (foreign) SM-SR, or (ii) profile download from the SM-DP of the Indian TSP to the M2M e-SIMs through the new (Indian) SM-SR, after SM-SR switch from foreign to Indian;

5. TRAI recommends that the M2M e-SIMs with global International Mobile Subscriber Identities (“**IMSI**s”) assigned to foreign entities should be treated like foreign M2M e-SIMs working in international roaming in India, and all restrictions imposed on foreign M2M e-SIMs working in international roaming in India should also be applied on the M2M e-SIMs fitted with global IMSIs assigned to foreign entities;
6. the need to ensure that 901.XX IMSI series allocated by International Telecommunication Union to Indian entities are not utilised for providing M2M services in India, keeping in mind the challenges to its implementation; and
7. the need to ensure that Telecom Engineering Centre examines the possibility of devising a standard process for device-to-device transfer of profiles on consumer e-SIMs.

Amendment to the existing KYC instructions for the M2M connections

On March 21, 2024, DoT released an amendment to the existing know your customer (“**KYC**”) instructions for M2M connections (“**M2M KYC Amendment**”) addressed to licensed TSPs relaxing the restrictive features for M2M connections. Through the M2M KYC Amendment, the DoT relaxed the erstwhile instructions of May 16, 2018, and May 30, 2019 (“**Erstwhile Instructions**”) in relation to the restrictive features for the Subscriber Identity Module (“**SIM**”) cards used only for M2M communication services.

The M2M KYC Amendment amends the Erstwhile Instructions to allow the use of SIM cards for M2M communications services in the following manner:

1. outgoing / incoming calls are allowed to/from predefined set of maximum 4 (four) numbers only;

2. likewise outgoing / incoming SMSs are allowed to/from predefined set of maximum 4 (four) numbers only;
3. data communications are allowed on a maximum of 100 (one hundred) predefined public internet protocol (“**IP**”) addresses/ uniform resource locator (“**URLs**”) with fixed Access Point Name or equivalent technology options by the TSPs;
4. these restrictions are not applicable to calls made to emergency numbers like police, fire, ambulance, etc; and

A list of such numbers/IP addresses is to be provided to the TSPs while obtaining M2M SIM cards. At a later stage, if the need arises, the TSPs can be requested to change/reconfigure these numbers and does not apply to data communication on private networks/ Virtual Private Networks.

With the relaxation in the restrictions on data communication through the M2M KYC Amendment, data communications to a large number (100 (one hundred)) predefined public IP addresses/URLs can be undertaken, which is likely to allow the M2M service providers to offer the services to a wider customer base without the use of multiple SIM cards.

Implementation of the Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2024

On March 14, 2024, TRAI issued the Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2024 (“**Amendment Regulation**”), which has come into effect on July 1, 2024. This Amendment Regulation aims to curb the porting of mobile numbers by way of fraudulent SIM swap for malicious means, and specifically does not permit requests for porting of SIMs within 7 (seven) days of SIM swap/ replacement.

Extension of registration period of unregistered entities providing M2M Services and/ or WPAN / WLAN Connectivity for M2M Services

On March 27, 2024, the DoT issued a notification extending the timeline for registration of unregistered

entities providing M2M Services and/ or wireless personal area network (“WPAN”)/wireless local area network (“WLAN”) connectivity for M2M Services from March 31, 2024, to June 30, 2024. This extension was granted in view of the requests received by the DoT from different industry associations.

Furthermore, authorised telecom licensees are requested to inform the unregistered entities utilising their telecommunication resources for providing M2M connectivity/ services, about the mandatory registration with the DoT through the Saral Sanchar portal. Failure to comply with the extended timeline for registration can result in the disconnection and withdrawal of the telecommunication resources allocated to the unregistered entity by the authorised telecom licensee.

It is reiterated that authorised telecom licensees are prohibited from providing new telecom resources to unregistered entities providing M2M services/ connectivity. Verification and recording of DoT registration number is mandatory for access to telecom resources for M2M services/ connectivity.

Norms, Guidelines and Procedures for Implementation of Indian Space Policy-2023 in respect of Authorization of Space Activities



On May 3, 2024, the Indian National Space Promotion and Authorization Centre (“IN-SPACE”) notified the “Norms, Guidelines and Procedures for Implementation of Indian Space Policy-2023 in respect of Authorization of Space Activities” (“NGP”).

In April 2023, the Indian Space Policy (“ISP 2023”) was notified, which identified the space activities that require the authorisation of IN-SPACE. The NGP extended the list of space activities which need authorization from IN-SPACE, criteria for granting the authorisation, and necessary conditions/guidelines to be adhered to by an applicant for obtaining the authorisation. Application templates seeking

authorization for the space activities have also been provided in the NGP.

Salient features of the NGP

The following broad conditions are given in the NGP:

1. the NGP outlines a comprehensive classification of activities which require authorisation from IN-SPACE for any entity conducting space activities within the Indian territory or within the jurisdiction of India or within the limit of its exclusive economic zone;
2. typically, only Indian entities are permitted to apply for an authorisation from IN-SPACE. However, foreign entities can apply for authorisation, by entering into a joint venture or any collaborative arrangement that is recognised by the government. Furthermore, in certain specific categories laid down in the NGP, authorised representatives of foreign entities are permitted to seek authorisation from IN-SPACE directly;
3. the NGP laid down the application process for seeking authorisation for the space activities from IN-SPACE (“IN-SPACE Application”) with the entire application process expected to be completed within 75 (seventy-five) to 120 (one hundred and twenty) days. For this purpose, the IN-SPACE Application templates have also been provided in the NGP;
4. the applicant for authorisation is required to have adequate managerial, operational, infrastructural, technical and financial capabilities to conduct space activities. Post authorisation, if there is any change of management and control or shareholding pattern or any other equivalent change, it must be reported to IN-SPACE within 48 (forty-eight) hours, following which IN-SPACE may determine whether to cancel its authorisation or amend it, as required;
5. space activities are not permitted to be carried out in such a manner that it poses a threat to national defence, intelligence, safety of the people and the like;
6. the authorization issued to the applicant is non-transferrable to any third party without the prior written approval of IN-SPACE and can only be granted at IN-SPACE sole discretion. It is given for a specific validity period, on the expiry of which,

- the applicant is required to seek separate authorisation for conducting space activities;
7. any satellite/ constellation owned by an Indian entity or foreign entity requires an authorisation for its establishment and operations in order to provide communication services in India or outside Indian territory. These satellites/ constellations may either use Indian Orbital Resources (“**IOR**”) or non-IOR;
 8. the framework lays down that Indian entities are required to seek authorisation for establishment and/or operation of a satellite/constellation for communication services in Indian Geo Stationary Orbits (“**GSO**”) and/or Non Geo-Stationary Orbits (“**NGSO**”) using either already available IOR or using new orbital resources with new International Telecommunication Union (“**ITU**”) filing through the WPC. Applicants are also permitted to procure and acquire already operational in-orbit satellite/ constellation from Indian or foreign entities or transfer the ownership to Indian or foreign entities upon obtaining authorisation from IN-SPACE;
 9. only IN-SPACE authorised foreign GSO satellites and/or NGSO satellites constellation are permitted for provisioning their capacity to provide space-based communication services in India;
 10. any satellite owned by an Indian entity requires authorization for its establishment and/or operations in order to provide earth observation/ remote sensing or amateur services;
 11. the applicant is required to provide details regarding the ITU filing status for Telemetry, Tracking and Command (“**TT&C**”), sensor and communication payloads frequencies, if it intends to use the existing ITU Filing. The applicant may also make a new ITU filing to ITU, or may make use of the available unutilized, under-process Indian ITU filings or coordinated/allotted orbit resource through a pre-defined framework;
 12. any Indian entity can establish and/or operate space objects in GSO and NGSO in order to service Indian territory or areas beyond Indian territory or both. Specific guidelines for the utilisation of the existing unutilised coordinated/ allotted orbital resources or unutilised ITU filing by the Indian entities have been permitted, through a consultative process;
 13. guidelines for applying for a fresh ITU filing under Indian administration through the WPC are laid down in the NGP whereby the applicant, who intends to make new ITU filing under Indian administration for the establishment and/or operation of space object for communication services, is required to apply to IN-SPACE digital platform;
 14. any space-based earth observation/ remote sensing primary data which is less than or equal to 30 (thirty) centimetres Ground Sampling Distance (“**GSD**”) at nadir will be treated as high resolution data. Dissemination of high-resolution primary data pertaining to the Indian territory will need authorization from IN-SPACE. Any dissemination of primary data pertaining to Indian Territory and of GSD greater than 30 (thirty) centimetres at nadir without IN-SPACE authorization will be deemed as non-compliance to the ISP 2023. The dissemination of primary data which is being commercially transacted and less than 30 (thirty) centimetres GSD at nadir pertaining to Indian Territory is only to be done through data disseminators registered with IN-SPACE;
 15. the operation of space transport systems is under the purview of IN-SPACE and any launch (orbital or sub-orbital) of a space transportation system by an Indian entity from Indian territory and/or outside the territory of India needs authorization from IN-SPACE. Any non-Indian launch operator, aiming to undertake the launch (orbital or sub-orbital) of their space transportation system from Indian territory, is required to seek IN-SPACE authorization through an Indian entity, which could be their subsidiary, joint venture, partnership, or using any other collaboration arrangements recognised by the government of India;
 16. NGP lays down the framework for the establishment and/ or the operations of ground systems where the authorisation from IN-SPACE is required for the establishment of Satellite Control Centres, TT&C, Mission Control Centre, Remote Sensing Data reception station, ground stations for supporting operations of the space based services such as space situational awareness and any other category as decided by IN-SPACE;
 17. IN-SPACE authorization is not required for setting up of gateways or hubs supporting satellite

communication services such as Direct-to-Home, television uplink, Digital Satellite News Gathering Service, Very Small Aperture Terminal, broadband, Inflight and Maritime connectivity, etc. Establishment and operations of such gateways/hubs including those required for supporting the operations of the high throughput GSO or NGSO satellites/constellations will be governed by the prevailing licensing/approvals process by the respective government departments/ministries; and

18. the NGP also outlines the process for registering space objects in India's national registry and makes it mandatory for operators to provide detailed information about their space objects, ensuring compliance with the space debris mitigation guidelines and operational safety protocols.

The NGP lays down the range of space activities which require authorisation from IN-SPACe, as envisioned in the ISP 2023 that was formulated with the intent of liberalising the space sector for enhanced participation of private parties/ Non-Government Entities. The NGP is expected to complement the Government's endeavour in providing predictable regulatory regime, transparency and ease of doing business in Indian space sector by providing the criteria for granting authorizations and the necessary guidelines/pre-requisites to be fulfilled by an applicant for making the application for authorization to IN-SPACe.

Use of paper based Know Your Customer process in exceptional cases

DoT *vide* notification dated March 19, 2024, allowed the use of paper-based KYC process in certain exceptional cases. The DoT, in its letter dated December 5, 2023, had previously instructed all licensees to discontinue the use of paper-based KYC process starting January 1, 2024. Subsequently, DoT received requests to allow paper-based KYC in exceptional cases where digital KYC or Aadhaar based e-KYC processes cannot be used due to technical limitations or inconvenience faced by the subscribers.

Therefore, DoT notified that paper-based KYC process, as mentioned in its previous instructions dated August 9, 2012, may be used in exceptional cases for issuing

new mobile connections or SIM replacement. This exception is applicable to the subscribers in case the subscribers are persons with disability or dignitaries under the Calling Line Identification Restriction guidelines. It is also applicable for subscribers on international roaming requiring SIM swapping, and in exceptional cases of mobile number portability or reconnection, subject to the approval of the concerned LSA units of DoT.

The details of cases where paper-based KYC processes are used are required to be separately provided to the respective LSA units on monthly basis for audit. The LSA units are required to conduct Customer Acquisition Form audits of these cases.

Temporary suspension of Unstructured Supplementary Service Data based call forwarding facility

DoT, *vide* notification dated March 28, 2024, instructed all Unified AS licensees ("**UAS Licensees**"), UL holders (having AS Authorization) and UL (VNO) licensees to discontinue the existing Unstructured Supplementary Service Data ("**USSD**") based call forwarding services with effect from April 15, 2024.

The DoT observed misuse of the USSD based call forwarding facility for unwarranted purposes. Consequently, all existing subscribers who have activated USSD based call forwarding services must reactivate the services through alternative methods. This measure ensures that the services are not activated without the subscriber's notice or consent.

Encouraging innovative technologies, services, use cases and business models through regulatory sandbox in the digital communication sector

To promote development and innovation in the telecommunications sector with the new technological developments, various competing technologies, number of probable product/service/application ("**Products**") providers and constantly evolving requirements; the DoT, in a letter dated March 10, 2023 ("**DoT Letter**"), had sought the recommendations of TRAI on the framework for

Regulatory Sandbox (“**RS**”) (“**Framework**”) for emerging technologies, services, and business models in the Digital Communication (“**DC**”) sector. In response to the DoT Letter, TRAI published a consultation paper on June 19, 2023, for comments of the stakeholders followed by an open house discussion (“**OHD**”).

After analysing the responses received from the stakeholders, TRAI *vide* notification dated April 12, 2024, made the following recommendations on the encouraging innovative technologies, services, use cases and business models through RS in DC sector (“**RS Recommendations**”):

1. the RS Recommendations issued are aligned with the Telecommunications Act, 2023 (“**Telecom Act**”), which defines RS;
2. in addition to the existing offline, laboratory and wireless testing zones, the Framework establishes a live network environment for Product testing for the DC industry’s start up ecosystem;
3. any licensed TSPs can be a principal applicant (“**PA**”) under the Framework and is eligible for testing the RS subject to the conditions laid down in the Framework. The entities willing to utilise the RS facility are required to engage with the PA as an applicant;
4. an essential condition for testing under RS is that only Indian nationals and Indian entities are eligible to utilise the RS testing facility and the Products intended to be tested in the RS will require to undergo prior testing in offline/ laboratories/ wireless testing zones by the PA;
5. the PA/ applicant is required to submit the exemptions sought for testing, the period of testing and scope of testing to the DoT. The DoT may permit a PA with a list of generic exemptions applicable to RS testing, for multiple use cases, contingent on the fulfilment of specified conditions that are prescribed;
6. the Products are required to have proper risk management strategy to mitigate any risks that can be caused by testing in a live environment. The PA/ applicant is required to demonstrate how consumer interests will be protected during testing and any consumer’s personal data handled during the course of testing will be in alignment with the Digital Personal Data Protection Act, 2023 and all applicable rules and regulations;
7. the testing parameters and all essential details must be closely monitored and evaluated. The PA/applicant is required to submit a clear exit strategy that outlines the process of testing and exiting phase;
8. the Framework lays down additional conditions for utilising the RS which states that all PAs/applicants are required to keep record of all testing steps/data/consent records for the period not less than 1 (one) year after exit from the RS environment. The data generated during RS testing should be stored and disposed of in a secure manner. The DoT reserves the right to publish any relevant or generic information regarding the RS applicants without compromising any proprietary/intellectual property rights related information;
9. the permission granted under the RS will be valid for a period up to 12 (twelve) months. Commercial usage of the Product under testing is not permitted. The validity period can be extended further or terminated prior to completion of the period granted; and
10. the DoT may consider eligibility of Products for testing to get funding support for testing under the Framework, in accordance with the Telecom Act. However, the final decision to provide such a funding support will rest with the authority governing the Digital Bharat Nidhi.

Telecommunication infrastructure sharing, spectrum sharing and spectrum leasing

The DoT and the Ministry of Communications, GoI *vide* letter dated December 7, 2021, sought the recommendations of TRAI to permit the sharing of core network elements among telecommunication operators. Currently, the UL agreement permits the sharing of (a) active infrastructure such as antenna, feeder cable, Node B, Radio Access Network, transmission system, (b) Wi-Fi infrastructure such as Wi-Fi router, Access Point, and (c) backhaul. Considering the capital-intensive nature of the telecom services industry, it becomes essential to formulate a model which enables TSPs to share active, passive and core infrastructure so as to reduce capital and

operating expenditure and maximise network capacity and capabilities.

In response to the reference received from the DoT's, TRAI published a consultation paper on January 13, 2023, for comments of the stakeholders followed by an OHD.

After analysing the responses received from the stakeholders, TRAI *vide* notification dated April 24, 2024, has made the following recommendations on telecommunication infrastructure sharing, spectrum sharing and spectrum leasing ("**Infrastructure Sharing Recommendations**"):

1. TSPs will be allowed to share passive infrastructure such as building tower, electrical equipment including battery and power plant, dark fiber, duct space, right of way, etc. owned, established, and operated by them under the respective licenses with all types of TSPs;
2. TSPs will be permitted to share all types of active infrastructure elements, electrical equipment including battery and power plant, dark fiber, duct space, right of way, etc. owned, established, and operated by them under the respective licenses with all types of licensees;
3. the DoT will review the stand-alone TSP licenses to include a provision for the sharing of active and passive infrastructure for providing authorised services;
4. in the future projects of the USOF, DoT is suggested to include a provision in the agreement with the Universal Service Provider ("**USP**") that it cannot refuse to share the passive infrastructure laid under the project to at least 2 (two) other TSPs on a transparent and non-discriminatory manner. The sharing of active infrastructure laid under USOF projects will be voluntary and based on mutual agreements;
5. with the consent of the government, TSPs having mobile network infrastructure in the remote and far-flung areas of the country with full or partial funding from the USOF are mandated to provide roaming facility to other TSPs on its network in such remote locations for a period of 3 (three) years, which may be further extended by the government or TRAI. The DoT will identify and notify such remote and far-flung locations in the country and the TRAI will establish the regulatory framework for roaming charges among TSPs in

these areas while protecting the interests of the USPs;

6. the frequency spectrum proposed to be shared by the ASP will be acquired through spectrum auction or spectrum trading, and the respective ASPs will pay the market price for their acquisition;
7. if a TSP involved in the inter-band spectrum sharing plans to acquire additional access spectrum through a future auction, it should be allowed to participate despite the spectrum cap restrictions. This is conditional upon the TSP providing an undertaking to reduce its spectrum holding to comply with the cap within 1 (one) year from the date of assignment of the access spectrum through auction;
8. the TSPs involved in inter-band spectrum sharing will be required to pay a mandatory non-refundable inter-band spectrum fee to the government. This fee can be calculated at 0.5% of the applicable market price of the frequency spectrum shared by the partnering TSP pro-rated for the period of spectrum sharing;
9. the DoT will explore the possibility of Authorised Shared Access technique-based spectrum sharing in India, pending government approval; and
10. TSPs leasing spectrum will be required to pay the government a non-refundable leasing fee of 1% of the transaction amount of the spectrum leasing or 1% of the applicable market price based on the principles of the Notice Inviting Auctions for auction of spectrum for the population of the area for which spectrum is leased and the term of such spectrum leasing, whichever is higher.

Directions for the standards of quality of service of basic telephone service (wireline) and Cellular Mobile Telephone Service Regulations, 2009, regarding the submission of details of base stations

TRAI *vide* notification dated April 26, 2024, issued directions regarding the submission of details of base stations.

All service providers are required to submit compliance reports comprising of the details of the quality of services provided by them in the format prescribed by TRAI and submit details of base stations and Drop Call Rate (“DCR”) matrix within 21 (twenty-one) days from the end of each quarter.

TRAI observed that the present format for submission of details of base stations does not include the details of the date of commissioning or decommissioning of base stations, the details of type of connectivity for each base station and the details of 5G base stations and cells. Considering the importance of these details in analysing the DCR matrix, TRAI has decided to revise the prescribed format previously issued for the submission of the details of base stations, to include these details.

Additional KYC instructions with respect to business connections

On May 20, 2024, the DoT issued a notification elaborating upon the additional KYC instructions with respect to business connections issued by UL and UAS Licensees (“**New Instructions**”) in continuation to the instructions issued earlier *vide* letter dated August 31, 2018 (“**Previous Instructions**”), which discontinued bulk connections and instead introduced business connections.

The New Instructions set out the below instructions regarding new business connections:

1. in case business connections are obtained for purposes where end users are not identifiable, such as SIMs obtained for research and development and testing activities, the requirement for end user KYC is optional. These connections are to be issued by the employees of the UL/UAS Licensees;
2. the UL/UAS Licensees are required to obtain an undertaking from the subscribing entity, detailing the use case scenarios of these business connections and establishing that they do not have any end users;
3. the UL/UAS Licensees should verify that the proposed use case scenarios detailed by the subscribing entities are realistic and also physically verify the entity’s address and premises. The UL/UAS Licensee must further communicate in writing with the subscribing entity, detailing the

responsibility of the bonafide usage of business connections. If any entity is found misusing the business connections, those business connections will be immediately disconnected;

4. the UL/UAS Licensees must provide business connections with limited calling and messaging facility for a specific validity period of maximum 1 (one) year per the use case scenario submitted in the undertaking. Post the expiry of the validity period, the entity has the option to renew the connection. At such time, the UL/UAS Licensee reviews the previous usage of the business connection as well as its proposed usage for the upcoming period;
5. a UL/UAS Licensee is required to limit the issuance of such business connections to 100 (one hundred) per entity. These connections are prohibited from using for M2M communication services;
6. the comprehensive list of business connections along with the details of restrictions placed on them is required to be provided separately to the LSAs on a monthly basis for audit. It is also required to be provided to the law enforcement agencies as and when sought;
7. the license conditions applicable to ‘bulk connections’ and ‘bulk users’ are applicable *mutatis mutandis* for ‘business connections’ and ‘business users’;
8. the resale of SIMs by the subscribing entity of business connections is not permitted; and
9. the terms and conditions laid down in paragraph 3 of the Previous Instructions should remain valid and applicable to business users. Paragraph 3 describes the procedure for obtaining business connections and the documents to be submitted for its application process. It further lays down certain mandatory conditions on the UL/UAS Licensees for providing business connections such as the compulsory physical verification of subscribing entity’s premises at regular intervals and the disconnection of business connections in case the subscribing entity ceases to function or surrenders its registration.

TRAI – Meeting of Joint Committee of Regulators



On May 22, 2024, a meeting of Joint Committee of Regulators (“JCoR”) was convened by TRAI. The meeting was attended by the representatives from the Reserve Bank of India (“RBI”), Securities and Exchange Board of India (“SEBI”), Ministry of Consumer Affairs, and TRAI, as the members of JCoR, and the DoT and Ministry of Home Affairs as special invitees. JCoR is a collaborative initiative by TRAI to study regulatory implications in the digital world and to jointly work on regulations to tackle arising issues.

UCC is a public inconvenience which impinges the privacy of individuals. UCC is being misused for fraudulent purposes and in the meeting, JCoR discussed various collaborative approaches to curb UCC concerns and fraudulent activities committed through telecom resources.

The issues discussed in the meeting were as follows:

1. the use of unauthorized 10 (ten) digit mobile numbers and landline numbers for UCC;
2. the use of the 140 series phone numbers by entities making commercial communications using telecom resources (“Principal Entities”) for promotional calls;
3. the use of the 160 series phone numbers by Principal Entities for making service and transactional calls for their easy identification by customers;
4. role of Principal Entities, especially those in the banking, financial services, and insurance sectors, in prevention of UCC calls and messages;
5. acquiring digital consent from customers for receiving UCC, through the Digital Consent Acquisition (“DCA”) system established by TSPs

using one-time-passwords from customers. The DCA system also permits revocation of consent given by the customers;

6. whitelisting of URLs, Android Application Packages (“APKs”), Over-The-Top links and call back numbers in content templates used for UCC;
7. strengthening of KYC processes for curbing fraudulent activities using telecom resources; and
8. sharing of information through platforms.

Allocation of separate numbering series exclusively for service and transactional voice calls as per Telecom Commercial Communications Consumer Preference Regulation Act, 2018 notified under TRAI Act, 1997

On May 28, 2024, the DoT issued a notification allocating the 160 series numbers exclusively for service and transactional voice calls as per the Telecom Commercial Communications Consumer Preference Regulation Act, 2018 (“TCCCPR”).

The notification provides that the 160 series numbers will be reserved for Principal Entities under the ambit of Central and State governments and regulators, and the 161 series numbers will be reserved for Principal Entities which are under the ambit of financial entities regulated by the RBI, SEBI, the Pension Fund Regulatory and Development Authority (“PFRDA”) and the Insurance Regulatory and Development Authority of India (“IRDAI”). Specific number series have been allocated for the digits following 160 and 161 which will denote the LSAs and the TSPs assigning the numbers to the entities.

The TSPs are required to undertake adequate verification of the entities seeking assignment under the 160 series numbers along with an undertaking from the entities stating that the numbers have been assigned to them exclusively for service and transactional voice calls, as per the TCCCPR. The TSP must clearly communicate to the entities that the entities will be solely responsible for the proper and bona fide use of the assigned numbers. Furthermore, the TSPs must assign only 10 (ten) digit numbers in the 160 series numbers.

Clarification in respect of use of 10 (ten) digit SIMs in M2M Communication

On June 14, 2024, the DoT issued a notification regarding the 'Clarification in respect of use of 10 (ten) digit SIMs in M2M Communications' after receiving various representations from UL/UAS Licensees (having ASA) informing that some authorities, entities and system integrators have requested them to provide 10 (ten) digit SIMs for M2M communications for specific use cases so as to do away with the end user KYC requirements as laid down in the 'Amendment/addendum to the existing instructions issued by DoT for adequate verification of customers before enrolling them as subscribers and other subscriber verification related matter' instructions dated August 31, 2023. These instructions discontinued the process of issuing bulk category mobile connections and introduced business connections in their place and had further laid down the KYC requirements for issuing these business connections. These instructions also laid down certain situations where the KYC requirements need not be adhered to. These instructions are not applicable to 13 (thirteen) digit SIM cards used only for M2M communication services.

The DoT clarified that UL/UAS Licensees can only issue 13 (thirteen) digit SIMs for new connections for M2M communications purposes issued post October 1, 2018. Furthermore, it is clarified that SIMs for M2M communications are required to be issued based on the 'Instructions for implementing restrictive features for SIMs used only for M2M communication services (M2M SIMs) and related KYC instructions for issuing M2M SIMs to the entity/organization providing M2M SIMs under bulk category and instructions for Embedded-SIMs (e-SIMs)' dated May 16, 2018. These instructions lay down the restrictive features to be imposed on SIMs issued for M2M communication purposes and the KYC requirements for issuing these SIMs.

TRAI meeting with Access Providers, RBI, SEBI, IRDAI, banks and other financial entities

On June 14, 2024, TRAI convened a meeting which was attended by representatives from the RBI, SEBI, IRDAI, and more than 25 (twenty-five) banks and other financial institutions including government, private and global banks, members of Association of National Exchanges Members of India and all TSPs.

The key points deliberated upon in the meeting were as follows:

1. on the recommendation of TRAI, the 160 series numbers is allocated exclusively for transactional and service voice calls for entities regulated by RBI, SEBI, IRDAI and the PFRDA. This was implemented to aid the easy identification of the calling entity and to prevent duping of customers by fraudsters. The meeting discussed the effective utilization of this series. The meeting also discussed the migration of the 140 series, presently used for the purpose of making promotional calls, to Distributed Ledger Technology platform and scrubbing of digital consent. These 2 (two) measures are expected to substantially control spam calls from 10 (ten) digit numbers;
2. the DCA facility established by TSPs under the TCCCPR was discussed in detail. This facility enables customers to provide digital consent for receiving commercial communications and enables senders such as banks, insurance companies and other such entities to send promotional communications over voice calls and messages to customers irrespective of their Do-Not-Disturb status;
3. the role and obligations of senders such as banks, insurance companies and other such entities regarding TRAI regulations was also discussed. It was decided to whitelist URLs and APKs in the content templates, and to minimize the number of headers and content templates used. It was further decided that immediate action is to be taken against entities in cases of misuse of senders' credentials; and
4. finally, it was discussed that all the banks, regulators and other financial institutions need to collaborate to curb the menace of spam.

Telecommunication Consumers Education and Protection Fund

(Sixth Amendment) Regulations, 2024



The Telecommunications Consumers Education and Protection Fund Regulations, 2007, (**“Principal Regulations”**) provided the basic framework for depositing unclaimed money of consumers by TSPs, the maintenance of the Telecommunication Consumers Education and Protection Fund (**“Fund”**) and other related aspects. The Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2024 (**“Latest Amendment”**) notified on June 14, 2024, amend the Principal Regulations. The Latest Amendment include the provisions for the utilization of the Fund for expenses relating to proper maintenance and audit of accounts, and for the participation of representatives of consumer groups for attending the meetings of the Committee for Utilization of the Fund. The Latest Amendment also permits the depositing of the amounts of the Fund in any scheduled bank.

Recommendations on ‘Inputs for Formulation of National Broadcasting Policy – 2024’

TRAI, through its notification dated June 20, 2024, released the Recommendations on “Inputs for Formulation of National Broadcasting Policy” (**“NBP Recommendations”**).

The Ministry of Information and Broadcasting, in its letter dated July 13, 2023, requested TRAI to provide its inputs for formulation of the National Broadcasting Policy (**“NBP”**). TRAI floated a pre-consultation paper on September 21, 2023, to elicit the issues needed to be considered for the formulation of the NBP.

After examining various issues put forth in the written submissions of the stakeholders in the pre-consultation paper, discussions, and submissions received from various meetings across the country, TRAI issued the Consultation Paper titled ‘Inputs for formulation of National Broadcasting Policy - 2024’ on April 2, 2024 (**“Consultation Paper on NBP”**).

The Consultation Paper on NBP identified the key focus areas and raised 20 (twenty) questions requiring the comments of the stakeholders followed by a virtual OHD conducted on May 15, 2024. Certain additional comments were also received post the OHD. The comments, OHD submissions and the additional comments have been analysed and considered by TRAI for the preparation of these NBP Recommendations.

Salient features of the NBP Recommendations

After analysing the responses received from the stakeholders, TRAI has recommended the following vision, mission, and goals for the NBP:

1. the vision of the NBP policy is to foster a competitive, affordable and omnipresent ecosystem for the sustained growth of the broadcasting sector while catering to the various needs of consumers;
2. quality content creation, enabling literacy and inclusivity, attracting investment, safeguards for intellectual property and the development of indigenous infrastructure are, inter alia, the multiple aspects of the vision laid down for the broadcasting sector and the NBP policy;
3. the mission of the NBP policy is to establish India as a global leader in the broadcasting sector and lays down a broad roadmap for achieving this;
4. NBP’s mission and goals are primarily categorised into 3 (three) categories, namely, propelling growth, promoting content and protecting interests;
5. to establish a robust broadcasting ecosystem by enabling growth-oriented policies and regulations which will foster research and development, innovation, and indigenous manufacturing. It further aims to position India as an ‘Uplinking Hub’ for television channels and to improve ease of doing business in the broadcasting sector;

6. to promote content creation and India's position in the content production industry, India is to be established as a preferred destination for content creation. The interests of the stakeholders will be protected by combatting piracy and safeguarding the intellectual property rights of creators;
7. to measure the broadcasting sector's performance on the basis of key economic parameters with the assistance of, inter alia, the National Statistical Organization, industry associations and TRAI, to enable data driven policy decisions and to increase access of broadcasting services to uncovered households;
8. to establish effective audience measurement and rating system;
9. to establish a 'Technology Development Fund' for supporting research and development, and startups in the field of emerging technologies;
10. development of Indigenous products for import substitution and promoting export in the broadcasting sector;
11. to formulate guidelines for 'Transfer of Technology' for the products developed through domestic research and development units for different stakeholders in the manufacturing and distribution chain;
12. to develop Over-the-Top applications and platforms for Prasar Bharati, for the promotion of content of Doordarshan and All India Radio channels;
13. to enable supporting infrastructure facilities to aid the development of animation, visual effects, gaming and comics, so as to promote India as the global 'Gaming Content Hub';
14. to constitute an inter-ministerial committee under the Department for Promotion of Industry and Internal Trade, including the Ministry of Information and Broadcasting, Ministry of Home Affairs and Ministry of Electronics and Information Technology to formulate actionable points to strengthen enforcement mechanisms to combat piracy, at national and state levels;
15. to frame rules for OEMs' accountability for equipment with regard to concerns such as signal leakage and low security;
16. to create a policy framework and issue guidelines for the adoption of green broadcasting practices;
17. to frame and enforce standard operating procedures to be followed by service providers during disasters and natural calamities in coordination with the National Disaster Management Authority, so as to implement a comprehensive plan for disaster preparedness and response. Furthermore, robust broadcasting infrastructure is to be developed to ensure services are rendered even during disasters;
18. to implement a 'Common Alerting Protocol Based Integrated Alert System' through text messages on mobile, television, digital radio and other media for timely notification of disaster alert messages; and
19. to use public service broadcasting to educate citizens about disaster precautions, responses and preparedness.

Conclusion

The broadcasting sector is a sunrise sector having huge potential to contribute towards the growth of the Indian economy. It requires a comprehensive policy to steer its growth in the upcoming years. These NBP Recommendations aim to create a robust facility to promote the Indian broadcasting sector. They analyse the broadcasting sector's potential in a wide ambit and strive towards its rounded development. From content creation to the indigenous manufacture of equipment, from being a global hub for uplinking and to utilising broadcasting for skill development and disaster management, the NBP has great aspirations. The NBP Recommendations not only lay down a vision for what is to be achieved over the upcoming years but have also broken down these aspirations into clear goals to be accomplished. It has charted the roadmap to achieving its vision of making India a global player in the broadcasting sector.

Enforcement of selected provisions of the Telecom Act

On June 21, 2024, the Ministry of Communications, through DoT issued a notification to enforce selected provisions of the Telecom Act with effect from June 26, 2024.

The Telecom Act aims to amend and consolidate the law relating to development, expansion and operation of telecommunication services and telecommunication networks and assignment of spectrum. The Telecom Act also seeks to repeal the existing colonial legislations such as the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933, owing to immense technical advancements in the telecom sector and technologies.

The sections that have been brought into force are broadly as follows:

1. Chapter I – ‘Preliminary’ (Sections 1 and 2): All the definitions under this chapter are enforced;
2. Chapter III – ‘Right of Way for Telecommunication Network’ (Sections 10 - 18): The definition of public entities is broadened to include government agencies, local bodies and public private partnership projects such as airports, seaports and highways. While the right of way framework typically covers public property, the provisions of the Telecom Act establish a complete framework with respect to private property as well, which is based on mutual agreement. The Telecom Act specifically provides that telecommunication infrastructure is distinct from the property it is installed upon. This aims to reduce disputes in instances of sale or lease of property;
3. Chapter IV – ‘Standards, Public Safety, National Security and Protection of Telecommunication Networks’ (Sections 19 - 23): These provisions empower the Central Government to set standards and conformity assessment measures for telecommunication services, telecommunication networks, and telecommunication security. Furthermore, on the occurrence of any public emergency or in the interest of public safety, including disaster management, the Central Government or State Government or any officer authorised in their behalf may take temporary possession of any telecommunication service or telecommunication network from an authorised entity;
4. Chapter V – ‘Digital Bharat Nidhi’ (Sections 24 - 26): These provisions state that the USOF created under the Indian Telegraph Act, 1885, will now be known as the ‘Digital Bharat Nidhi’. The functions for which this fund may be discharged are laid down in the Telecom Act;
5. Chapter VI – ‘Innovation and Technology Development’ (Sections 27): These provisions empower the Central Government to create RSs for the purpose of encouraging and facilitating innovation and technology development;
6. Chapter VII – ‘Protection of Users’ (Sections 28 - 30): These provisions empower the Central Government to make rules to protect users from UCC and fraud. It facilitates the establishment of online disputes resolution and grievance redressal systems for the users;
7. Chapter IX – ‘Offences’ (Sections 42 - 44): It covers the various offences under the Telecom Act and prescribes the range of punishment to be awarded for these offences; and
8. Selected provisions under Chapter X – ‘Miscellaneous’ (Sections 46, 47, 50 - 58, 61 and 62): These include provisions which extend the jurisdiction of the Telecom Act to cover offences committed or contraventions made outside the borders of India, in case the offence involves a TSP based in India or telecommunication equipment or telecommunication networks located in India. Additionally, the Telecom Act grants the Central Government the power to enable the digital implementation of the provisions under the Telecom Act.

In conclusion, the partial enforcement of the Telecom Act is a welcome move towards a new era of post-colonial laws to govern the rapid advances in technology and telecommunication sectors. Though, one must bear in mind that only certain provisions under the Telecom Act have been enforced at present, and many essential provisions such as those governing the allocation of spectrum have not been enforced yet. To fully understand and appreciate the new Telecom Act, the entire statute along with its rules are required to be notified as in force by the Central Government. To ensure a smooth transition from the erstwhile legislations to the Telecom Act, Sections 61 and 62 of the Telecom Act have been enforced, which will provide continuation to the existing framework till rules are made under the new law, thus providing a conducive environment to the sector.

Directions for the submission of performance monitoring report under the TCCPR

On June 24, 2024, TRAI issued directions regarding submission of Performance Monitoring Reports (“PMRs”) to the Authority under the TCCCPR.

The TCCCPR states that every ASP is required to develop standard Codes of Practice (“CoPs”) for monthly reporting, before providing and allowing any commercial communication through its networks. Additionally, the TCCCPR also states that TRAI reserves the right to formulate CoPs in the instance where existing CoPs are deficient to serve the purposes of the TCCCPR. All ASPs are required to comply with the CoPs. Every ASP is required to submit compliance reports to TRAI on a quarterly basis, separately for each calendar month in every quarter, following the specific formats for PMRs provided by TRAI in its previous directions.

Currently, TRAI has observed a lack of uniformity in how each ASP fills out the formats prescribed by TRAI. This inconsistency results in the omission of essential information necessary for the analysis of complaint handling. Therefore, TRAI directs all ASPs to submit compliance reports within 10 (ten) days from the end of each calendar month starting from July 2024. These reports should be submitted separately for each calendar month as per the PMR formats specified in the current directions as a part of the standard CoP for periodic reporting. These reports must be submitted in addition to those already submitted according to the previously existing directions.



Extension of registration period of unregistered entities providing M2M services and/or WPAN/ WLAN connectivity for M2M services

On June 28, 2024, the DoT issued a notification extending the timeline for registration of unregistered entities providing M2M services and/or WPAN/WLAN connectivity for M2M services from June 30, 2024, to September 30, 2024. This extension was granted in view of the request received by the DoT from the Cellular Operators Association of India.

It is reiterated that authorised telecom licensees are prohibited from providing new telecom resources to unregistered entities providing M2M services and/or WPAN/WLAN connectivity. Verification and recording of DoT registration number is mandatory for access to telecom resources for M2M services and/or WPAN/WLAN connectivity.

Case laws

Plintron India Private Limited v. Bharat Sanchar Nigam Limited and Ors.

The Telecom Disputes Settlement and Appellate Tribunal (“**TDSAT**”) passed an order on March 1, 2024 in the case of Plintron India Private Limited v. Bharat Sanchar Nigam Limited and Ors., directing the Chairman and Managing Director of Bharat Sanchar Nigam Limited (“**BSNL**”), the Secretary of the DoT, and the Chairperson of TRAI to hold a joint meeting either by themselves or by their representatives, to discuss the media for utilization of spare capacity of infrastructure of BSNL by Mobile VNO Licensees.

Plintron India Private Limited (the “**Petitioner**”) had obtained a Mobile Virtual Network Operator (“**MVNO**”) license in 2017 to provide services in the service areas of Tamil Nadu and Andhra Pradesh. Subsequently, the Petitioner entered into an empanelment agreement with the Respondent, BSNL, and a commercial agreement (based on the empanelment agreement) to act as an agent of BSNL and bring in additional customers for BSNL for a share of the revenue. The empanelment agreement expired by the efflux of time and even though the commercial agreement had not completed its tenure, it could not stand alone as it was based on the empanelment agreement, thereby disallowing the Petitioner to continue the business.

The dispute arose as the Petitioner contended that BSNL has unused/ spare capacity which will go into waste, if an MVNO licensee, such as the Petitioner, is not allowed to use the spare or surplus capacity and infrastructure of BSNL while BSNL contended that the Petitioner is an inefficient MVNO.

Upon hearing the matter, TDSAT directed that the Chairman and Managing Director of BSNL, the Secretary of the DoT, and the Chairperson of TRAI, to hold a joint meeting with the aim to find a solution about the continuity of the agreements so that spare capacity of BSNL can be used by MVNO licensee and revenue can be generated from the unutilized infrastructure of the BSNL.

Central Bureau of Investigation v. A. Raja and Ors.

On March 22, 2024, the High Court of Delhi admitted the Central Bureau of Investigation’s (“**CBI**”) leave to appeal challenging the acquittal of A. Raja, former telecom minister, and others in the 2G spectrum allocation case. The case was earlier adjudicated upon by a special CBI Court and in December 2017, the special CBI Court had acquitted the former minister and the others involved, of all charges in the 2G spectrum allocation case. The CBI moved the High Court challenging the acquittal order in 2018.

The High Court observed that typically, when a verdict is reached by a court of law, the matter is set to rest and there is only limited right of appeal, so as to prevent arbitrary action. Considering the peculiar nature of this case, where the criminal proceedings were initiated on the directions of the Supreme Court and that the investigation was monitored by the Apex Court itself, it is unlike any ordinary criminal offence.

The High Court laid down that this case is pertaining to economic offence and it constitutes a separate class of offences which require it to be handled with a different approach. It was further held that, the loss from the offence is ultimately borne by the common man and in case there is an un-merited acquittal, the scrutiny by the appellate court is the only available method to bring in correction wherever required, and that appellate scrutiny cannot begin without the threshold of leave being granted.

The High Court further observed some contradictions in the judgment of the CBI Court which require deeper examination. It noted that in this peculiar situation, the evidence requires to be weighed differently, for instance, oral evidence should not be outrightly discarded merely because there is no corroborating documentary evidence. The improper review of certain evidence by the special CBI Court also laid ground for the reasoning of the High Court.

Considering all these factors, the leave to appeal was granted by the High Court challenging the acquittal by the special CBI court.

Telecommunications & Broadcasting Practice

Our Communications practice is handled by a team with specific domain-expertise, and we advise various stakeholders in both Telecom & Broadcasting sectors on a wide range of transactions and assignments that involve constitutional, legal, contractual, commercial, regulatory and policy advice. We advise broadcasters, BPOs, internet service providers (ISP), operators and investors in the Global System for Mobile Communications (GSM) and the Code Division Multiple Access (CDMA) technologies, and new investors on diverse licensing issues, entry strategies, structuring, national security challenges, and other regulatory issues. Some of the main aspects handled / negotiated / advised by us include commercial arrangements; mergers & acquisitions (including FDI) and joint ventures; spectrum allocation; communication satellites; and regulatory compliances and strategic advice including handling regulatory proceedings. We represent the interests of licensees and other stakeholders in interacting with the licensor and regulators with respect to reforms in the regulatory and policy framework to facilitate business growth drawing upon international best practices. We advise and represent investors, broadcasters, and telecom licensees on commercial transactions in this sector, including restructuring, divestment, licensing, and project financing (vendor financing and corporate finance). We advise telecom service providers and other corporate houses on all aspects of spectrum licensing and allocation, including fundamental issues relating to the scope of spectrum bands, the regulatory framework governing their allocation in India, and planning, strategizing and following up on their application to the Government. We advise and represent diverse entities in proceedings before the concerned licensing, regulatory, judicial and quasi-judicial authorities (including DOT, MIB, TRAI, TDSAT, various High Courts and the Supreme Court). In such proceedings we assist clients in developing strategies, render opinions, draft pleadings and lead/assist in the proceedings. We have a strong track-record of providing quality advice and concrete results to the above segments of the communications industry, and have been engaged in handling the key legal, regulatory and policy issues that have historically arisen in the industry.

This compendium has been prepared by:












Tony Verghese
Partner



Radhika Gupta
Principal Associate



Neethika Manoj
Junior Associate

		
<p>18 Practices and 25 Ranked Lawyers</p>	<p>14 Practices and 38 Ranked Lawyers</p>	<p>Recognised in World's 100 best competition practices of 2024</p>
		
<p>19 Practices and 19 Ranked Lawyers</p>	<p>12 Practices and 42 Ranked Partners IFLR1000 APAC Rankings 2023 ----- Banking & Finance Team of the Year ----- Fintech Team of the Year ----- Restructuring & Insolvency Team of the Year</p>	<p>Among Top 7 Best Overall Law Firms in India and 11 Ranked Practices ----- 11 winning Deals in IBLJ Deals of the Year ----- 12 A List Lawyers in IBLJ Top 100 Lawyer List</p>
		
<p>Employer of Choice 2024 ----- Energy and Resources Law Firm of the Year 2024 ----- Litigation Law Firm of the Year 2024 -----</p>	<p>7 Ranked Practices, 16 Ranked Lawyers ----- Elite – Band 1 - Corporate/ M&A Practice ----- 3 Band 1 Practices -----</p>	<p>Ranked #1 The Vahura Best Law Firms to Work Report, 2022 ----- Top 10 Best Law Firms for Women in 2022</p>
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For more details, please contact km@jsalaw.com

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