Telecom Regulatory Authority of India

Consultation Paper
On
Ease of Doing Business in
Telecom and Broadcasting Sector

New Delhi, India
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Written comments on the consultation paper are invited from the stakeholders by 5th January 2022. Counter-comments, if any, may be submitted by 19th January 2022. The comments and counter-comments will be posted on TRAI's website: www.trai.gov.in.

The comments and counter-comments may be sent, preferably through email to, Shri Anil Kumar Bhardwaj, Advisor (B&CS), Telecom Regulatory Authority of India, at dyadvbcs-1@trai.gov.in.

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CONTENTS

TABLES

ANNEXURE

CHAPTER I

INTRODUCTION AND BACKGROUND

Introduction

1.1 India is one of the fastest-growing major economies and is currently ranked as the world's sixth-largest economy. Projections of growth, over the medium term, remain encouraging and optimistic for India. The underlying strengths of the economy are indicative of the potential of India to become a USD 5 trillion economy by 2025.

1.2 India has aspired to be a leading nation in terms of Ease of Doing Business (EoDB), attracting foreign investments, and easing the regulatory framework in the country. A conducive business environment plays a crucial role in a country's economic development.

1.3 Telecommunication and broadcasting sectors have emerged as key drivers of economic and social development and, hence, have made the country a favourite business destination amongst investors. These sectors have immense potential to move on the higher trajectory of growth if the business environment could be made more attractive by simplifying the existing provisions of policy frameworks in various ministries and departments involved in issuing permission, registrations, and licenses to the players of the telecommunication and broadcasting sector and its manufacturing.

1.4 In the past few years, the Government has taken many steps towards creating a business-friendly economic environment in India by removing restrictions on doing business in all sectors of the country. A few of such initiatives taken by the Government for facilitating the economic growth of the nation are listed below:

- Introduction of Goods and Services Tax (GST) with one nation one tax philosophy and easing out various processes of tax compliances;
- Non-Tax Receipt Portal (NTRP), popularly known as BharatKosh to provide a one-stop solution to deposit any fees, fine, or other money into the Government account;
- Measures to reduce the compliance burden;
- Establishment of investment promotion agency, i.e., Invest India to advise, guide, and facilitate every investor looking for investment opportunities and options in India;
- Easing the norms of Foreign Direct Investment (FDI) to attract more and more investment in the country;
- Online payment Systems: e-RUPI, digital solution to allow cashless payment, Aadhar Enabled Payment System (AEPS), PayGov India, Digidhan Abhiyaan;

- Unified Payment Interface (UPI) and DigiLocker to ensure faceless, cashless, and paperless governance;
- National Smart Cities Mission to develop smart cities across the country and making them citizen-friendly and sustainable;
- eSign framework to digitally sign a document online using Aadhaar authentication;
- Digitize India platform initiative for digitization of data and records on a large scale in the country to make easy and quick access;
- BharatNet, a high-speed digital highway to connect remote and rural India to bridge the digital divide and to facilitate small, medium entrepreneurs to set up industries in the most cost-effective ways. The measures taken by the Government promote usage by increasing product awareness through digital literacy at gram panchayat and village levels of the country;
- National Single Window System (NSWS) to have solutions for all at one click of the mouse end-to-end.

1.5 Acts and policies had been formulated keeping in mind telecommunication and broadcasting as a strategic sector. However, with the advent of new technologies and business processes and also due to measures taken by the Government through various economic reforms such as Make in India, Smart City Mission, Skill India Mission, Digital India, there is a need to review current practices in telecom and broadcasting sector for simplifying business acquisitions, processing, and operation practices for making it more efficient and productive.

1.6 Further, as a step forward to support telecom industries, Union Cabinet on 15th September 2021, has approved several structural and procedural reforms in the telecom sector. These are expected to generate a positive sentiment in the sector to create an environment for more investments, which will facilitate the generation of more employments, promote healthy competition, protect the interests of consumers, infuse liquidity, encourage investment and reduce regulatory and financial burdens on the Telecom Service Providers (TSPs). Union Cabinet's recent reforms, reinforce the vision of the Government for having a robust telecom sector infrastructure as one of the prime enablers for supporting the proliferation of more investment in other sectors.

1.7 In the telecom sector, the reforms measures are expected to boost the proliferation and penetration of broadband and telecom connectivity, boost 4G proliferation, infuse liquidity, and create an enabling environment for investment in 5G networks. Nine structural reforms and five procedural reforms plus relief measures for the TSPs undertaken by the Government are enclosed in Annexure.

1.8 Easing out FDI norms in the Telecom Sector (100% FDI under automatic route in the telecom sector - amended under the consolidated FDI policy

circular on 6th October 2021) shall support both the telecom and broadcasting sectors to create an environment and opportunities for infusing more funds by foreign players and investors.

1.9 Due to measures and business environment created by the Government in the recent past, as per the World Banks' Doing Business 2020 report, India has now improved its ranking in Doing Business from **130** in 2016 to **63**[1] in 2020. Though in 2015, India has aimed to be in the top 50 rankers for ease of doing business by 2020, however, seeing the current progress made in this regard, India not only can improve its ranking better than originally targeted plans but also aim to reach a place wherein business environment and opportunities in the country can be classified as "Easy" to "Very Easy".

India's Current Investment Opportunities

1.10 A geo-economic shift post-pandemic will surely favour India, recent investments and FDI flows from global leaders into various ICT business areas, including manufacturing as one such example. However, the Government, Policy Makers, and Regulators need to work on enabling an investment-friendly and business conducive environment because, in the current situation, every country is trying to attract investment from other countries.

1.11 India has been one of the top choices for investors across the globe, with the 'Make in India' initiative and improved Ease of Doing Business rankings. Yet, the Government, Regulators, International Business Representatives based in India, and leading industry bodies need to be more proactive to capitalise on the potential of our country to be a dream destination for investors.

1.12 At the industry and society levels, there are supply-side substitutions due to technological advancements. Networks and devices can increasingly offer a wider range of comparable services and hence more choices are provided to the consumers. From the demand side, consumers can switch more easily to alternative services and service providers due to an increased number of networks or devices being capable of delivering a comparable service.

Business Conducive Policy and Regulatory Framework: Need of the Hour

1.13 Regulations are a fundamental and crucial aspect of the smooth operations and running of a business. Good regulations are essential for creating an environment for businesses that reduces risk, promotes confidence, supports employment, boosts manufacturing, exports, trade, and foreign direct investments. Achieving this balance is important. Though Government continues to make efforts to reduce the

[1] https://www.doingbusiness.org/en/reports/global-reports/doing-business-2020

burden of excess regulatory provisions, yet businesses in India are still encountering regulations that many times work like 'spoke in the wheel' for its smooth rolling.

1.14 There is a need to regularly review and simplify the policies and regulations on the following factors:

- Impact of proposed policies and regulations
- International best practices
- Simplify approval processes considering the advent of ease of doing business rules internationally
- Investment and business climate considering new needs
- Channelize the efforts to promote manufacturing and exports

1.15 To review various provisions listed above and also to bring best practices being followed across the globe, it is essential to rope in experts and experienced agencies/personnel, who will study on various aspects and suggest the Government to frame regulations which are not only conducive in creating an excellent business environment in the country but also give enough opportunities to the Government to keep a watch on healthy competitions and also against exploitations, if any.

1.16 As an illustration, the Customs Authorities in India have created a revolutionary scheme to facilitate trade and provide an incentive to the companies that meet compliance criteria. The Authorised Economic Operator (AEO) scheme adopted by customs authorities to facilitate trade, improve safety and security, and standardise the application of customs controls has transformed the ways of doing business in dealing with import/export. Companies can take advantage of a range of benefits when operating under AEO, including a lower rate of physical inspections of the imported/exported goods, faster release of shipments, preferential treatment by Customs Authorities, and deferred payment of duties, to the companies that meet compliance criteria and demonstrate the security of supply chain.

1.17 While the AEO scheme is a great tool for compliant companies, non-compliances/violations attract heavy penalties and significant punishments under the law. Further, to promote ease of doing business, the Government has approved to amend the cumbersome requirement of licenses under 1953 Customs Notification for wireless equipment, which is to be removed and replaced with self-declaration, thereby removing License Raj.

1.18 Similarly, the internationally Federal Communications Commission (FCC) mandates entities to register in the Common Registration Systems (CORES). The registered entity will be provided a unique identity in all transactions with FCC. A new CORES is available with enhanced security and functionality to make it easier to manage applications. If

an entity wishes to conduct business with the FCC, it must first register using the FCC's CORES. Upon registration, it will be assigned a unique 10-digit FCC Registration Number (FRN). This unique number will be used to identify it in business transactions with the FCC. An FRN is required by all Commission systems that handle financial, authorization of service, and enforcement activities. Display the current listing of forms and filings requiring an FRN. Effective since 3rd December 2001, an FRN must be submitted by anyone doing business with the Commission. The FRN will be used by all Commission systems that handle financial, authorization of service, and enforcement activities. The FCC plans to retire the legacy CORES and encourages the transition to the updated CORES to take advantage of its enhanced features.

1.19 Through this consultation paper, the stakeholders are encouraged to provide better solutions and timelines for various activities and processes. They may also refer to the systems adopted by some international organisations such as FCC, The Office of Communications (OFCOM), Australian Communications and Media Authority (ACMA), or any other Information and Communications Technology (ICT) regulator in other parts of the world. This review shall immensely help improve ease of doing business in India and also make India Atmanirbhar and a Global Export Hub.

1.20 This paper also examines the related system of permissions/approvals etc. of Department of Space, Ministry of Electronics and Information Technology and Ministry of Power, only for the purpose of integration for improving ease of doing business in the telecommunications and broadcasting sectors and licenses thereof.

National Single Window System

1.21 The National Single Window System (NSWS) of Department for Promotion of Industry and Internal Trade (DPIIT) provides the investors with information on pre-operations approvals required by any investor both foreign and domestic, to commence business and then facilitates to submit their requests on a single online portal to obtain all necessary clearances needed. This platform (portal) currently has more than 560 approvals/licenses from across 28+ central ministries/departments and approvals/licenses from across 14 States.

1.22 Invest India, a non-profit venture under DPIIT, Ministry of Commerce and Industry, acts as the first point of reference for investors in India. Invest India under the guidance of DPIIT, is managing the Maadhyam portal, the NSWS project, and is involved in conceptualizing and designing the portal, onboarding of the various ministries and states along with operations and monitoring the performance of the portal. The portal is designed and built for both foreign and domestic investors/entrepreneurs of any sector, scale, and size.

1.23 It further strengthens the ease of doing business ecosystem by offering the following services:

- Secure document repository: NSWS web application provides secure storage and access to your documents that you can upload/attach in multiple applications for ministries and state approvals.
- Intelligent KYA System: KYA web tool is an intelligent, dynamic questionnaire to enable investors to navigate the complex approval logics/preconditions to arrive at the list of approvals required to commence their business in India. The tool has two different sections for both Central government and State government approval.
- Track Status: NSWS web application allows the applicant to track his application real-time status with expected timelines for processing. Further, the portal enables investors to resolve any queries or respond to any clarifications raised by the ministries and States.
- Central and State Approvals: NSWS portal aggregates and integrates all information/document(s) required to apply for multiple approvals from 560+ approvals across 28 ministries into the Common Registration Form and prevents redundancy and duplication of data submission effort of the applicant. State approvals can be accessed by filling the respective State Registration form.

1.24 In addition, the NSWS will systematically integrate with existing state Single Window Systems as well. The National Single Window System provides 3 methods of integration based on feedback and consultations with ministries and departments. Departments may choose the integration options based on their existing IT infrastructure, and requirements, including existing workflows.

- Integration Option 1: End-to-end approval and application processing on NSWS. NSWS will provision a dedicated portal for ministry and states to receive, review, process, and approve investor applications.
- Integration Option 2: Integrating existing ministry/department systems with NSWS through secure APIs and/or any suitable data transfer protocol. NSWS has developed a robust integration platform with published APIs to integrate with ministries/states applications. NSWS integration platform will provide custom adapters to cater to specific integration requirements of ministries and states systems.
- Integration Option 3: Integrate existing ministry/department system with NSWS through SSO (Single Sign-On) and Open APIs.

Ministry/Department application (headless approval application form) can be rendered for the investor within the NSWS portal window. The investor will be able to fill and submit approval application requests directly on the ministry portal.

1.25 A total of 45 approvals of the Department of Telecommunications and 19 approvals of the Ministry of Information and Broadcasting have been identified and are being integrated on the portal.

TRAI's Initiatives in the Past

1.26 Two separate consultation processes were undertaken by the Authority (TRAI) on a suo motu basis to review the existing processes of both telecom and broadcasting services to identify the bottlenecks and obstacles that are making it cumbersome and difficult in doing telecom, broadcasting, and TV distribution business in India. Therefore, there is a requirement for regulatory intervention. Based on the inputs received from various stakeholders and its own analysis, TRAI had issued its recommendations on "Ease of Doing Telecom Business" to the Department of Telecommunications (DoT) on 30th November 2017 and recommendations on "Ease of Doing Business in Broadcasting Sector" on 26th February 2018 to the Ministry of Information and Broadcasting (MIB).

1.27 Both the recommendations have been considered by the Government. TRAI had received a back reference from WPC Wing, Ministry of Communications, on 6th June 2018, through which some of the recommendations have been referred back to the Authority for clarifications/reconsideration. The Authority examined the observations of DoT and provided its response after reconsideration on 20th July 2018.

1.28 The Authority had also examined the response and the comments received from MIB dated 19th November 2018 and provided its issue-wise response to the back-reference on 29th March 2019.

Objective of the Consultation Paper

1.29 The Authority has floated this consultation paper to identify various bottlenecks and new process requirements, if any, and suggest measures for the reforms required in the regulatory processes, policies, practices, and procedures in the telecom and broadcasting sectors in creating a conducive business environment India.

1.30 Through this consultation paper, it is proposed to study existing processes being adopted at various ministries and departments and the efforts required to make them end-to-end online and paperless and make various compliances and reports submissions, including

generations of Management Information System (MIS), etc., through electronic and trackable means of communications.

1.31 This consultation paper emphasises the need for a single-entry window, wherein an investor/entrepreneur should be able to apply for all the licenses/approvals without any further need to submit physical copies of the application and visit any department physically. In approvals, where the process involves the movement of the application across various ministries and departments, the approval should be streamlined to make it completely integrated and accessible online in trackable response mode.

1.32 Further the single-window system may also be equipped with the latest technologies like a chatbot, automated call centre and Artificial-Intelligence (AI) based tracking, analysis, and response systems, so that the person willing to apply for licenses/approval can get answers to all their queries regarding the process, mechanism, policies, documents required, etc., instantly.

1.33 With this intent in mind and being on the cusp of convergence of telecom and broadcasting services, this consultation paper seeks detailed comments of the stakeholders on the various issues and difficulties being faced by them in commencing and operating business under the license in telecom and broadcasting sector in the country. The stakeholders are also requested to provide their valuable comments on the adoption of new technologies for all the issues raised in this consultation paper.

1.34 The key factors to be identified through this consultation paper are:

i. Simplified applications with well-defined processes: The format of the application while applying for a grant of any license/registration should be simple with optimum requirements of information. Further, the entire process of issuance of a license/permission should be well-defined and well-published in the policy guidelines and/or citizen charter or any manual as deemed fit and should be available on the website of the Ministry/Department.

ii. Timelines for queries, approvals, and deemed approvals: Timelines should be prescribed and followed in letter and spirit, and provision of deemed approval should exist wherever feasible. Timelines for raising the query and their reply should also be well defined. All queries should be raised in one go only.

iii. Inter-ministerial/departments and intra department movement of files: The inter-ministerial and inter-departmental movement and approval should be online and well-integrated. Opinion/approval of the other departments/ministries should be taken only where

there is a requirement and should be done in a time-bound manner with the provision of deemed approval.

iv. Minimal Physical Interface: Physical interface should be done away with to the extent possible, and it should only be used as a last resort where there is a specific requirement such as handing over devices to testing labs, etc.

v. Transparent with end-to-end online tracking system: The system should be transparent end-to-end, and the applicant should be able to know the status of his application at all times.

vi. Use of digital technologies: Use of technologies like DigiLocker, agreements, and contracts incorporated with digital signatures/electronic signatures, etc. to maximize the use of technology and technological instruments as far as possible.

1.35 The consultation paper covers the processes of the grant of permissions/ registrations/licenses by following ministries/departments including regulator and discusses the issues being faced by the applicants and the service providers:

- Ministry of Information and Broadcasting (MIB)
- Department of Telecommunications (DoT)
  - Wireless Planning and Coordination (WPC)
  - Network Operation Control Centre (NOCC)
  - Telecommunication Engineering Centre (TEC)
- Department of Space (DOS)
- Ministry of Electronics and Information Technology (MeitY)
- Ministry of Power (MoP)
- Telecom Regulatory Authority of India (TRAI)

1.36 This consultation paper consists of seven chapters. Chapter I provides the introduction. Chapter II discusses the processes of the grant of permissions/registrations/licenses for various services, processes, and products and the additional permissions required while serving the licence by Ministry of Information and Broadcasting. Chapter III comprises the processes of the grant of permissions/registrations/ licenses for various services, processes, and products and also the additional permissions required while serving the licence by Department of Telecommunications. Chapter IV discusses the processes of the grant of permissions/registrations/licenses for various services by Department of Space. Chapter V consists of the processes of the grant of permissions by Ministry of Electronics and Information Technology and Ministry of Power in respect of telecom and broadcasting sector. Chapter VI reviews the periodic compliances and audit requirements by various ministries/regulators. Chapter VII provides the issues for consultation.

CHAPTER II

GRANT OF PERMISSIONS BY MINISTRY OF INFORMATION AND BROADCASTING

2.1 This chapter covers the permissions, registrations, and licenses for various services by Ministry of Information and Broadcasting (MIB) and also their dependence on various other ministries and departments for necessary clearances and approvals.

2.2 MIB is the nodal ministry responsible for the issuance of all broadcasting and cable services related licenses/permissions/registrations to TV and FM broadcasters and various distribution platform operators. MIB broadly grants licenses/registrations/permissions for the following broadcasting services:

1. Uplinking and downlinking of satellite TV channels
2. Uplinking Hub/Teleport operators
3. Use of SNG/DSNG equipment
4. DTH operators
5. HITS operators
6. MSOs
7. IPTV providers
8. Private FM broadcasters (including auction)
9. Community Radio Stations
10. TRP Agencies

2.3 Table 2.1 summaries existing processes of an application getting converted into permission/approvals briefly with respect to the mode of submission of the application form by the applicant, whether timelines for granting permission have been prescribed, mode of depositing various prescribed fees, whether other ministries/departments are involved in the process, intimation to the applicant about the status of his application, whether final permission/license is available in a downloadable form to the applicant, whether agreements/contracts/registrations are digitally signed and the process of renewal. The details about each process are provided in subsequent paras and chapters.

2.4 Figure 2.1 broadly depicts a typical number of physical contact points through which an applicant has to go through to submit his/her applications, the moment it is applied for, and the number of permissions required for converting an application into permission/license to start any broadcasting related service.

2.5 However, as an illustrative example, if these processes can be implemented using a single-window clearance system as shown in Figure 2.2, the entire

process will become smooth, time-bound, paperless, fast, and end-to-end online. The time and efforts invested by the applicant in submitting the hard copies at the time of application and later on replying to the queries can be minimized. The application may move through all ministries and departments through the online mode only and the applicant may be made aware of the progress and status of his application. At the end of the process, the applicant may also be able to download the final permission from the system.

2.6 MIB has developed a portal 'BroadcastSeva' with URL http://broadcastseva.gov.in/ for submitting applications online. The portal provides a single point facility to the various stakeholders and applicants to submit their applications for various permissions, registrations, and licenses issued by MIB for broadcast-related activities.

2.7 The portal maintains data of Community Radio Stations (CRS), Direct-To-Home (DTH) Operators, Headend-in-the-Sky (HITS) Operators, Multi System Operators (MSOs), News Agencies, private FM Channels, Satellite TV Channels, Digital Satellite News Gathering (DSNG), Teleports and TRP Agencies. It also provides very well documented platform-wise relevant details like Acts and Rules, registration procedure, registration process, guidelines, eligibility, special conditions/obligations for entry requirements, documents required, obligations and duties, inspection format by authorized officers, FAQs, online application forms, etc., as applicable. MIB has also deployed a website "Digital India MIB" with the URL https://digitalindiamib.com, which also provides relevant information to the existing and the potential stakeholders from time to time.

2.8 At present for getting permission/license as detailed out in later paragraphs, the applicant has to fill the online application after logging into the BroadcastSeva portal. However, the remaining steps after submission of the online application at the portal are offline and require submission in physical format.

2.9 The timelines for issuing various licenses/permissions/registration are prescribed by MIB in its Citizen charter. MIB has notified a Citizens' Charter on 25th February 2021, wherein process and timelines for granting various licenses/permissions/registration granted by it are mentioned.

2.10 The existing processes being followed while issuing the permissions/licenses by MIB are identified and are detailed out in the subsequent paragraphs.

Table 2.1: MIB processes at glance

Process	Mode of submission of Application form (1)	Timeline prescribed (2)	Mode of depositing fee (3)	Other ministries involved (4)	Intimation of status of application (5)	Final permission available in downloadable form (6)	Agreements, Permissions are digitally signed (7)	Renewal (8)
1. Permission of Uplinking/Downlinking of channels/Hubs/ Teleports	Online on 'BroadcastSeva'. Physical copies to be submitted to MIB	Yes	Online Receipt to be submitted	Yes	Offline	No	No	Online application, but permission provided offline
2. License to DTH operators	Online on 'BroadcastSeva'. Physical copies to be submitted to MIB	Yes	Through DD	Yes	Offline	No	No	Online application, permission offline
3. Permission to HITS operator	Online on 'BroadcastSeva'. Physical copies to be submitted to MIB	No	Through DD	Yes	Offline	No	No	Online application, but permission provided offline
4. Registration of MSOs	Online on 'BroadcastSeva'. Physical copies to be submitted to MIB	Yes	Online, Receipt to be submitted	No	Offline	No	No	Online application, permission offline
5. Registration of LCOs	Offline	No	Offline	No	Offline	Offline	No	Offline
6. Permission to FM Radio broadcasters	Offline	No	Online, Receipt to be submitted	Yes	Offline	No	No	Not Applicable
7. Permission for CRS	Online on 'BroadcastSeva'. Physical copies to be submitted to MIB	Yes	Online Receipt to be submitted	Yes	Offline	No	No	Online application, renewed permission offline
8. Registration of TRP Agencies	Online on 'BroadcastSeva'. Physical copies to be submitted to MIB	Yes	Through DD	Yes	Offline	No	No	Not Applicable

Figure 2.1: Existing processes for broadcasting related permissions

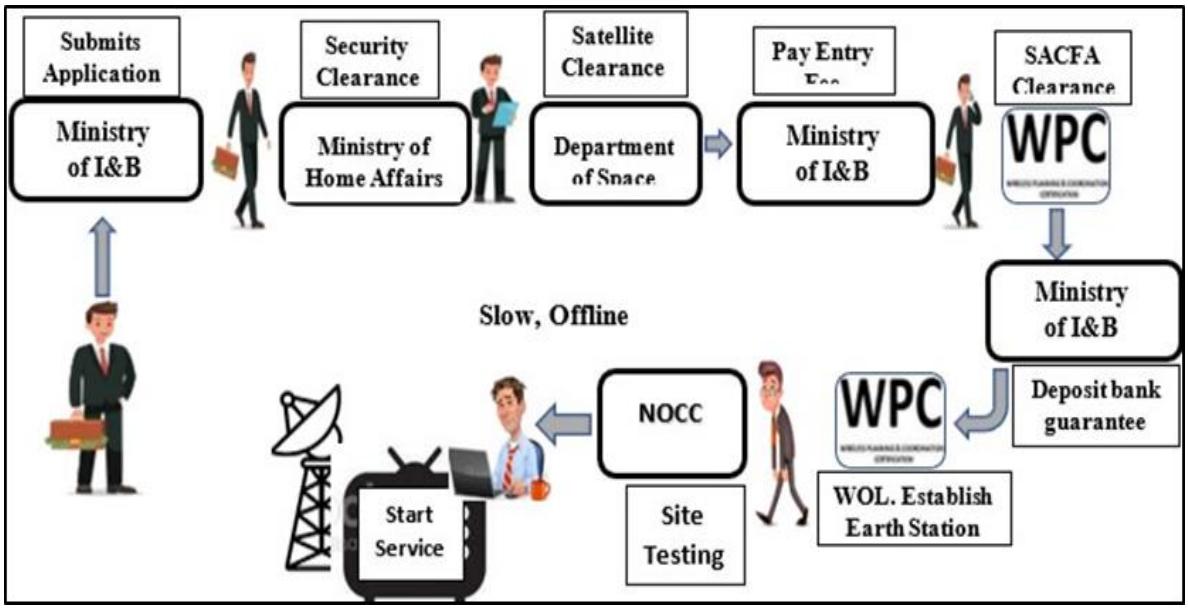
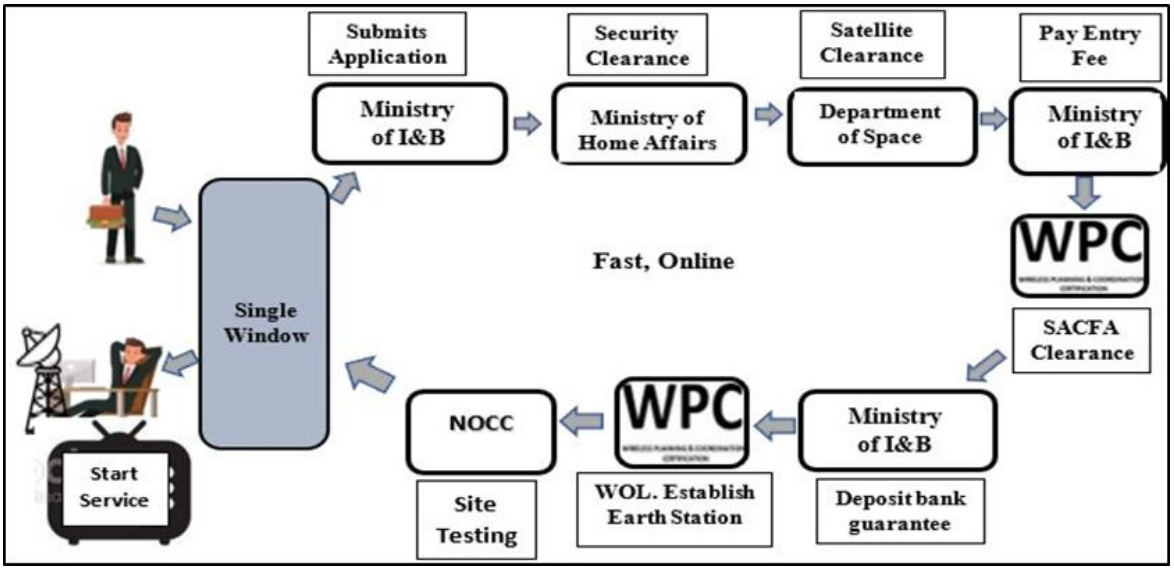


Figure 2.2: Possible single window clearance system



Permission for uplinking/downlinking of Satellite TV channels

2.11 Uplinking and downlinking of satellite TV channels are governed by the policy guidelines laid down by MIB. Satellite TV channels are being granted permissions in two categories viz. "News and Current Affairs TV channels" and "Non-News and Current Affairs TV channels".

2.12 After submission of the application with prescribed processing fee, as applicable to MIB, permission process goes through various departments and ministries for checking of eligibility of the applicant company by MIB, security clearance from Ministry of Home Affairs (MHA), satellite use clearance from DOS (for uplinking permission), clearance from

Department of Revenue (for downlinking permission), clearances from WPC and NOCC (for uplinking permission).

2.13 The existing process being followed for getting permission for downlinking of TV channels as retrieved from BroadcastSeva portal is provided below:

- Apply to the Secretary MIB in the prescribed proforma along with full details and documentation relevant for evaluating its eligibility for grant of permission to downlink Television Channels in India. The applicant has to pay Rs. 10,000 towards a non-refundable processing fee.
- Submit full details of each channel being/proposed to be downlinked along with all other documents.
- After scrutiny of the application, if the applicant company is found eligible, the same will be sent for security clearance to MHA. In the meanwhile, MIB evaluates the suitability of the proposed channel for downlinking into India for public viewing.
- In the event of the applicant company and the proposed channel are found suitable, MIB registers the channel. MIB will issue a registration certificate for the concerned channels and grant permission to the applicant company to downlink the relevant channels in India for the prescribed period.
- On receipt of the permission and upon registration of the channel, the applicant company is entitled to approach the MSOs/Cable head-end operators/DTH Operators for receiving/downlinking its channel's signal.

2.14 The existing process being followed for getting permission for uplinking of TV channels is as under:

- Apply to the Secretary MIB, in triplicate, in the prescribed format along with all the requisite documents, including a demand draft for an amount equal to the processing fee wherever prescribed. Based on the information furnished in the application form, if the applicant is found eligible, the application is sent for security clearance to MHA and for clearance of satellite use to DOS (wherever required).
- As soon as these clearances are received, the applicant is asked to pay a permission fee and PBG as applicable.
- The applicant company in respect of teleports is required to sign the Grant of Permission Agreement (GOPA) in the format of Form 2.
- Thereafter, the Company is issued formal permission to enable it to obtain requisite licenses/clearances from the WPC or approach a teleport service provider in case of TV channels/uplinking by the Indian news agency.

2.15 In case of permission for setting up teleports, uplinking/downlinking of TV channels uplinked from India, downlinking of TV channels uplinked from abroad, the Citizens' Charter provides a timeframe of 4 months for the

issue of permission from the date of receipt of clearances/permission from all the concerned Ministries/Departments in respect of complete applications.

Setting up of uplinking Hub/Teleport/Satellite News Gathering (SNG)/Digital Satellite News Gathering (DSNG)

2.16 The permission for setting up of uplinking hubs/teleports/SNGs/DSNGs is also granted by MIB under the uplinking guidelines issued by MIB. The process of grant of permission for setting up uplinking Hub/Teleports is quite similar to that of uplinking permission.

2.17 The additional clause which is applicable for teleports/DSNGs is that the applicant will pay the licence fee and royalty, as prescribed by WPC from time to time, annually, for the total amount of spectrum assigned to uplinking Hub/Teleport station, as per the norms and rules of the WPC. Besides, the uplinking Hub/Teleport station owner will inform WPC Wing of the full technical and operations details of TV channels proposed to be uplinked through his/her uplinking Hub/Teleport in the prescribed format.

License to Direct-To-Home (DTH) operators

2.18 The Government had issued policy guidelines for DTH broadcasting services in India on 15th March 2001 which marked the beginning of DTH services in India. As of now, apart from DD Free Dish, which is a free-to-air DTH service of Doordarshan, there are four private pay DTH service providers in operation in the country. DTH services make use of satellites and are allowed to use Ku band frequencies. Like satellite TV channels, the license for DTH is also a multistage process involving different ministries/departments. The existing process being followed for getting a DTH license is as follows:

- Apply to the Secretary, MIB, in triplicate, in the proforma prescribed (Form-A).
- Based on the information furnished in the application form, if the applicant is found eligible for setting up a DTH platform in India, the application will be subjected to a security clearance of the Board of Directors as well as key executives of the company such as the CEO, etc., in consultation with MHA and for clearance of satellite use with DOS.
- After these clearances are obtained, the applicant would be required to pay an initial non-refundable entry fee.
- After payment of the entry fee, the applicant would be informed of MIB's intent to issue the license and requested to approach WPC for SACFA clearance.

- After obtaining SACFA clearance, within one month of the same, the Licensee will have to submit BG in the proforma prescribed (Form-C).
- After submission of this BG, the applicant would be required to sign a licensing agreement with MIB as per the prescribed proforma (Form-B).
- After signing such licensing agreement with MIB, the applicant will have to apply to WPC for seeking WOL for the establishment, maintenance, and operation of the DTH platform.

2.19 The Citizens' Charter provides a time frame of 4 months for the issue of DTH license from the date of receipt of security clearance from MHA in respect of complete applications.

2.20 MIB has recently issued amendments to the guidelines for obtaining licenses for providing DTH services in India on 30th December 2020. The license period for DTH operations has been increased from the existing period of 10 years to 20 years from the date of issue of wireless operational license (WOL) by WPC and renewal by 10 years at a time and permitted sharing of infrastructure by DTH operators, accepting the recommendations of TRAI. A longer period of the license will certainly bring growth and certainty to the sector.

Permission to Headend-in-the-Sky (HITS) operators

2.21 Policy guidelines for HITS operators has been issued by MIB on 26th November 2009. The amendment to the guidelines has been issued by MIB on 6th November 2020 through which MIB has also permitted sharing of infrastructure by HITS operators. As of now, only one service provider distributes TV channels using HITS technology. HITS operations also use satellite-based technology (uses both C and Ku bands). The process for obtaining permission is similar to that of DTH services.

2.22 The existing procedure being followed for applying and grant of permission for providing HITS broadcasting service in India is as under:

- The applicant company has to apply to the Secretary, MIB, in triplicate, in the prescribed proforma along with a processing fee of Rupees One Lakh.
- Based on the information furnished in the application form, if the applicant is found eligible for setting up of HITS service in India, the application will be subjected to the security clearance of the company, Board of Directors, MD, CEO, and CFO in consultation with MHA and for clearance of satellite use with DOS.
- After these clearances are obtained, the applicant would be required to pay a Non-Refundable entry fee. Once payment of entry fee is made, the applicant would be informed of MIB's intent to issue the permission and requested to approach WPC for SACFA clearance.

- After obtaining SACFA clearance, within one month of the same, the company will have to submit a BG in the desired format. After submission of this BG, the applicant would be required to sign a GOPA with MIB as per the prescribed proforma.
- Thereafter, MIB will issue permission to the applicant to provide HITS services in the country in accordance with the terms and conditions of the GOPA.
- After signing the agreement with MIB, the applicant will have to apply to the WPC for seeking WOL for the establishment, maintenance, and operation of HITS services.

2.23 The Citizens' Charter provides a time frame of 4 months for the issue of HITS license from the date of receipt of security clearance from MHA in respect of complete applications.

Registration of Multi-System Operator (MSO) and Local Cable Operator (LCO)

2.24 Cable TV is a popular platform for the distribution of TV broadcast signals to the end consumers. MSO receives programming service from broadcasters and re-transmits the same either directly in the form of primary subscribers or through one or more local cable operators as secondary subscribers. The signal is provided by a local cable operator (LCO) to the consumer through a cable laid up to the TV set. As on 2nd December 2021, the total registered MSO's with MIB is 1747[2] MSOs and an estimated 1,50,000 cable operators operational in the country.

2.25 The Government enacted the Cable Television Networks (Regulation) Ordinance, 1994, on 29th September 1994 that set down rules for registration of cable TV operators and introduced the programming code and the advertisement code. Subsequently, this ordinance was converted into the Cable Television Networks (Regulation) Act 1995 (Cable TV Act) on 25th March 1995. As per the Cable Television Networks (Regulation) Act, 1995, a local cable operator is required to register with the Head Postmaster of the Head Post Office of the concerned area for giving services to the subscribers/TV viewers.

2.26 With the introduction of the digital addressable system (DAS), Government has amended the Cable Television Networks (CTN) Rules, 1994, by issuing the Cable Television Networks (Amendment) Rules, 2012, on 28th April 2012. For any applicant who intends to provide cable television network services with DAS, it is mandatory for them to register with MIB. The applicant company is required to take necessary permissions from MIB. The TV industry has witnessed the entry of huge MSOs.

[2]MIB website: https://digitalindiamib.com/Registered_MSO_2Dec2021.pdf

2.27 MSO registration procedure: For registration of MSO, the applicant is required to make an application to MIB by logging on to the BroadcastSeva portal. The eligibility criteria, entry requirements, and list of documents are prescribed on the portal. A copy of the undertaking must be attached with the application and the original to be sent by speed post to the Ministry within 15 days of online submission of the application. After sending the original documents by speed post, it is mandatory to provide the details of the speed post on the online portal. Payment of Rs 1 lakh is required to be made as a processing fee. The payment is to be made in BharatKosh (www.bharatkosh.gov.in) for the 'Processing fee for MSO registration' purpose under the Ministry of Information and Broadcasting. After payment is successful, details of the Challan must be provided at the time of online submission of the application for registration. Ministry issues the registration for operation as an MSO in any part of the country if the application is complete in all respects and there are no adverse inputs against the applicant and the organisation for operation as an MSO.

2.28 MSO registration is valid for 10 years. Application for renewal to be submitted following the same procedure. On receiving the registration, the MSOs establish their headend in their respective service areas for receiving signals from broadcasters and distributing these signals to cable TV operators who had commercial agreements with MSOs.

2.29 For MSO registration, the Citizens' Charter provides a time frame of 4 months for the issue of license/registration from the date of receipt of security clearance from MHA in respect of complete applications.

2.30 LCO registration procedure: The registering Authority for cable operators is the head postmaster of a head post office of the area within whose territorial jurisdiction the office of the cable operator is situated. As per the CTN rules, 1994, every application for registration or renewal of registration shall be accompanied by (i) a fee of rupees five hundred only; and (ii) the requisite documents as mentioned in Form 1 and Form 2. The amount of fee shall be deposited in the head post office where the application for registration or renewal of registration or issue of duplicate certificate of registration is being made. The amount of the fees shall be deposited under the head un-classified receipts.

2.31 The manual process of LCO registration and renewal of registration is quite cumbersome. The registration of LCOs is provided by the Head post office in the area where they intend to provide the service. It has inherent inefficiency, and it causes delays in the issuance of registration and renewal of registration to the cable operators. Also, no centralized repository or database of LCOs is available with MIB as of now.

Permission for operating Internet Protocol Television (IPTV) Services

2.32 Internet Protocol Television (IPTV) services in India are regulated as per the 'Guidelines for provisioning of IPTV services' issued by MIB on 8th September 2008. These guidelines enable the distribution of TV channels using managed IP networks. Telecom Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees, and Basic Service Licensees) have a license to provide triple-play services and ISPs with a minimum net worth of Rs. 100 crores and having permission from the licensor to provide IPTV or any other telecom service provider duly authorized by the Department of Telecom will be able to provide IPTV service under their licenses without requiring any further registration. Similarly, cable TV operators registered under Cable Television Network (Regulation) Act 1995 can provide IPTV services without requiring any further permission. A format has been prescribed by MIB for Self-Declaration by IPTV Service Providers. Separate copies are to be forwarded by the IPTV service provider to MIB, DoT, and TRAI.

Permission for FM Radio Broadcasting and Community Radio Station (CRS)

2.33 FM radio sector has witnessed impressive growth due to the enabling environment provided by the Government through the policy guidelines for private participation. Radio services were opened to private players in the year 2000 when the Government auctioned 108 frequencies in the FM spectrum (VHF 87–108 MHz) in 40 cities. At present, 367 FM channels are operational in 105 cities.

2.34 Operating FM Radio station: The eligible entity has to take part in the auction process for FM Radio Channels conducted by MIB. Application format is prescribed in the notice inviting applications (NIA) for auctions. Only successful bidders in the auction are granted permission by MIB subject to fulfilment of terms and conditions. The application process for participation in the auction process is offline. However, the process of conducting an auction is online. Before MIB grants permission, clearance is required for frequency authorization by WPC/NOCC. The permission for operating an FM Radio station is granted for 15 years. The annual license fee is 4% of Gross Revenue (GR) to MIB or 2.5% of the highest bid, whichever is higher.

2.35 Setting up of Community Radio Station (CRS): To encourage radio broadcasting for specific sections of the society, the Government has allowed the setting up of CRS. They address the specific information needs of far-flung and difficult areas like tribal populations, hilly and remote areas, and populations having similar interests like university campuses. Today there are more than 290 operational CRS. Civil society and voluntary organizations, State Agriculture Universities (SAUs), Indian Council of Agricultural Research (ICAR) institutions, Krishi Vigyan Kendras, registered societies, autonomous bodies, and public trusts registered under the Societies Act or any other such act relevant for the

purpose and educational institutions can be granted this license. It has come to the notice of TRAI that in some cases it takes more than a year to get permission for setting up CRS. The permission for operating CRS is given for 5 years. Grant of permission is extended for a period of 5 years at a time based on application and verification of adherence to the terms and conditions of the permission. For the second extension (i.e., beyond 10 years), the continuous operation of CRS by the permission holder is treated as a ground for an extension.

2.36 For setting up of CRS, the Citizens' Charter provides a timeframe of 7 days for forwarding the complete application to the concerned Ministries/ Department for necessary clearances, 4 months for the issue of Letter of intent (Lol) for setting up of Community Radio Stations (CRS) from the date of receipt of clearance/permission from all the concerned Ministries/Department in respect of complete applications and 7 days for the signing of GOPA for setting up CRS from the date of a complete application. Most of the activities mentioned here are being done offline and are not timebound.

Registration of Television Rating Points (TRP) Agencies

2.37 MIB has formulated policy guidelines for television rating agencies to operate in India. Rating agencies require registration from the MIB in accordance with the terms and conditions prescribed under guidelines dated 16th January 2014. The procedure for application and grant of registration for television rating agencies in India is as follows:

- The applicant company is required to apply to the Secretary, MIB, in triplicate, in the prescribed proforma along with a registration fee of Rupees 10 lakhs.
- Based on the information furnished in the application form, if the applicant is found eligible, the application will be subjected to the security clearance of the company, Board of Directors, Managing Director, CEO, and CFO, etc., in consultation with the MHA.
- Thereafter the MIB issues a registration certificate to the applicant for generating television ratings in India in accordance with the provisions of these guidelines.

2.38 For TRP registration, the Citizens' Charter provides a time frame of 4 months for the issue of permission from the date of receipt of clearance from MHA in respect of application complete in all aspects.

Additional permissions required while serving the License

2.39 Further, after a service provider/operator has obtained the necessary license/permission/registration and started the services, there are various additional permissions and renewals which are required from time to time

for certain activities. For all such permissions and renewals, the service provider has to again approach the concerned ministry/department. Apart from additional permissions, the company is also required to approach for cancellation of license, the release of Bank Guarantee, etc., Few such important permissions are listed below:

1. Permission for temporary uplinking
2. Permission for uplinking by the Indian News Agency
3. Renewal of existing permissions
4. Transfer of permission of television channels
5. Permission for change in name, language, genre, logo, format of television channels
6. Permission for change in the teleport, satellite of television channels
7. Permission for Merger/De-Merger/Amalgamation
8. Addition/Modification of any new service in the existing license/permission/registration
9. Action for non-compliance/breach of terms and conditions of license
10. Surrender of license/permission/registration
11. Cancellation/Revocation of license/permission/registration
12. Release of Bank Guarantees (BG)
13. Other permissions

Issue for consultation:

2.40 As discussed above, Ministry of Information & Broadcasting (MIB) grants the following permissions/licenses/registrations:

1. Permission for uplinking/downlinking of TV Channels
2. Permission for setting up of uplinking Hub/Teleport/SNG/DSNG
3. License to DTH operators
4. Permission to HITS operators
5. Registration to MSOs
6. Registration to LCOs (by Head Post Office)
7. Permission for operating IPTV services
8. Permission for setting up FM Radio Station and CRS
9. Registration of TRP Agencies,

and the following permissions to the existing service providers while serving the license:

10. Permission for temporary uplinking
11. Permission for uplinking by the Indian News Agency
12. Renewal of existing permissions
13. Transfer of permission of television channels
14. Permission for change in name, language, genre, logo, format of television channels
15. Permission for change in the teleport, satellite of television channels
16. Permission for Merger/De-Merger/Amalgamation

17. Addition/Modification of any new service in the existing license/ permission/registration
18. Action for non-compliance/breach of terms and conditions of the license
19. Surrender of license/permission/registration
20. Cancellation/Revocation of license/permission/registration
21. Release of Bank Guarantees (BGs)

Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

CHAPTER III

GRANT OF PERMISSIONS BY DEPARTMENT OF TELECOMMUNICATIONS

3.1 This chapter covers the permissions, registrations, licenses, certifications, testing requirements for various services, processes, products granted by Department of Telecommunications (DoT) and its related departments. Grant of some of the licenses and permissions also passes through various other ministries and departments for necessary clearances and approvals. The processes followed in the following departments under DoT are also covered in this chapter:

- Wireless Planning and Coordination (WPC)
- Network Operation Control Centre (NOCC)
- Telecommunication Engineering Centre (TEC)

3.2 DoT is inter alia responsible for the telecom policy; licensing, and coordination matters relating to telegraph, telephones, telecom wireless data; international cooperation in matters connected with telecommunications, promotion of standardization, research and development (R&D) in telecommunications; and promotion of private investment in the sector. DoT is also responsible for frequency management in the field of radio communication in close coordination with international bodies. DoT enforces wireless regulatory measures by monitoring the wireless transmission of all users in the country.

3.3 The structure of DoT is unique in the way that besides being a conventional Department, it has a high-level decision-making body in the form of the Digital Communications Commission (DCC). The Commission is responsible for formulating the policy of DoT for approval of the Government, arriving at decisions on technical questions, and advising Government on policy and allied matters of telecommunications and implementation of Government's policy in all matters concerning telecommunications.

3.4 DoT is the nodal ministry for issuance of various licenses/permissions/ registrations/approvals to telecom service providers (TSPs). Some of the said permissions are approved and issued by DoT Headquarters, whereas some of them are granted through Licensed Service Area (LSA) units of DoT. Processes for granting various licenses also undergoes through several other Ministries and Departments like Department of Space (DOS) for obtaining and using Satellite transponder bandwidth, Ministry of Home Affairs (MHA) for various security clearances, WPC for getting the Frequency Allocation, Decision Letter and Operating License, Network Operation and Control Center (NOCC) for obtaining network clearances before the start of operations from any Earth station accessing Satellite

and also for monitoring and online operational control and co-ordination, Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearances of sites and equipment for necessary clearances and approvals.

3.5 Majorly, DoT issues the following licenses/registrations:

i. Unified License (UL) and Unified License Virtual Network Operator (UL-VNO) with authorizations for different services
ii. Internet Service Provider (ISP) License
iii. Registration to Infrastructure Providers (IP-I)
iv. Prime Minister's Wi-Fi Access Network Interface (PM-WANI) registrations
v. Captive Very Small Aperture Terminal (VSAT) Closed Users Group (CUG) License
vi. Captive Mobile radio Trunking Service (CMRTS)
vii. Other permission if any

3.6 After getting the license, the operators also have to take several other resource allocations and permissions before the commencement of their services like numbering resources from DoT, Lawful Interception (LI) capabilities demonstration, roll-out obligations, among several other activities.

3.7 Additional permissions required are as follows:

i. Authorisation to provide in-flight and maritime connectivity (IFMC) service
ii. Permission of laying and repair of submarine cables, optical fibers, and creating cable landing station
iii. Clearance for Lawful Interception
iv. Allocation of numbering resources
v. Rollout obligations
vi. NOC/Renewal of NOC for Sale/Rent of International Roaming SIM Cards and Global Calling Cards
vii. EMF compliance self-certification through Tarang Sanchar portal
viii. Security conditions, including remote access permissions, maintaining command logs, software upgrade intimation requirements
ix. Addition/Modification of any new service in the existing license
x. Action for non-compliance/breach of terms and conditions of license
xi. Surrender of spectrum
xii. Surrender of license
xiii. Cancellation/Revocation of license
xiv. Release of BG
xv. Any other permissions

3.8 DoT has launched a web-based portal named simplified application for registration and licenses 'SaralSanchar' with URL https://saralsanchar.gov.in/ which is a unified portal to issue various

types of licenses and registration certificates in a digitized manner. SaralSanchar portal provides an online facility for the issuance of the license by DoT. However, thereafter, there are various other activities to be performed by the applicant company in order to launch the services.

3.9 The applicant company first needs to register itself on the 'SaralSanchar' portal. The portal provides a user manual and supporting sample documents for preparing applications online. On the portal, manuals for UL, UL (VNO), SACFA, and Authorized Signatory Change are available, which can be used to understand the overall functioning of the portal. An online calculator is also available for calculating the fees for a particular authorization.

3.10 It has been also observed that there is an ongoing effort for interlinking of other websites/portals with 'SaralSanchar'. The 'SaralSanchar' portal provides a link to the mandatory testing certification of telecom equipment (MTCTE) Portal of TEC through which certificates are issued to various equipment manufacturers for compliance with the testing requirements mandated by DoT.

3.11 DoT also issues Citizen's/Client's Charter Services and Transactions in which success indicators and service standards are defined. The Citizen/Client charter available on the DoT website is for 2017–2018 and was released on 28th February 2018. The Charter provides further details such as a responsible person, process, document required, fee details, etc. It has been noted that the Charter has not been updated after the launch of the SaralSanchar portal.

3.12 Table 3.1 below presents a summarised information about various processes identified and covered in this consultation paper for grant of permission/registration/license by DoT, w.r.t. the mode of submission of the application form by the applicant, whether timelines for granting permission have been prescribed, mode of depositing various prescribed fees, whether other ministries/departments are involved in the process, intimation to the applicant about the status of his application, whether final permission/license is available in a downloadable form to the applicant, whether agreements/contracts/registrations are digitally signed and the process of renewal. The details about each process are provided in subsequent paras and chapters.

Table 3.1: DoT processes at a glance

Process	Mode of submission of the Application form (1)	Timeline prescribed (2)	Mode of depositing fee (3)	Other ministries/ departments involved (4)	Intimation of status of application (5)	Final permission available in downloadable form (6)	Agreements/ Contracts/registrations are digitally signed (7)	Renewal (8)
1. Grant of UL for various authorizations	Online on 'SaralSanchar'	Citizen charter prescribes timelines	Online, Receipt to be submitted (being linked)	Yes	Online on portal	Yes, on portal	Yes	Yes
2. Grant of UL-VNO for various authorizations	Online on 'SaralSanchar'	Citizen charter prescribes timelines	Online, Receipt to be submitted (being linked)	Yes	Online on portal	Yes, on portal	Yes	Yes
3. Registration for IP-I	Made Online on NSWS	Citizen Charter- 35 days	Online on NSWS	No	Online	Yes	Yes	Yes
4. Registration for PM-WANI	Online on 'SaralSanchar'	7 working days	NA	Yes	Online	Online	Yes	Yes
5. Grant of CMRTS License	Offline	Citizen Charter prescribes timelines	Online, Receipt to be submitted	Yes	Offline	Uploaded on website	No	No
6. Grant of Captive VSAT CUG License	Offline	Not prescribed	Online, Receipt to be submitted	Yes	Offline	Uploaded on website	No	No
7. Authorisation to provide IFMC service	Offline	Not prescribed	Online, Receipt to be submitted	Yes	Offline	No	No	No
8. Permission for CLS and permits for laying & repairs	Offline	Not prescribed	Offline	Yes	Offline	No	No	No
9. Security clearance for LIM capabilities	Offline	Citizen charter- 45 days	NA	Yes	Offline	No	No	No

10. Allocation of level for fixed-line services, MSC & SCP Code	Offline	Citizen Charter- 40 days	NA	No	Offline Uploaded on website	Uploaded on website	No	Not applicable
11. Allocation of SP, MNC Codes	Offline	Not prescribed	NA	No	Offline Uploaded on website	Uploaded on website	No	Not applicable
12. TSTP for Roll Out Obligation	Offline	Not prescribed	Online, Receipt to be submitted	No	Offline	No	No	Not applicable
13. EMF Compliance and Certification	Online on 'Tarang Sanchar'	Self-certificate by TSPs	NA	No	Online	Not applicable	Not applicable	Not applicable
14. NOC for Sale/Rent of International SIM Cards	Online on NSWS	Citizen Charter- 15-20 days	NA	No	Online	Yes	Yes	Online
DoT Licensed Service Area (LSA)								
15. Subscribers Verification	Offline	Not prescribed	Offline	No	Offline	No	Not applicable	Not applicable
DoT Controller of Communication Accounts (CCA)								
16. License Fee, SUC	Online on SARAS portal	Not prescribed	Online	No	Online	Not applicable	Not applicable	Not applicable
Wireless Planning and Coordination (WPC)								
17. WPC Licenses & SACFA	online on 'SaralSanchar',	Citizen charter prescribes timelines	Online Receipt to be submitted being linked)	No	Online on 'SaralSanchar'	Yes	Yes	Yes
18. ETA	For Self-declaration– Online For Approval - Manual	Not prescribed	Online Receipt to be submitted	No	For Self-declaration – Online For Approval - Manual	For Self-declaration - Yes For Approval - No	Not applicable	Not applicable

Network Operation Control Centre (NOCC)								
19. MPVT	No	Not prescribed	Online Receipt to be submitted	No	Offline	No	Not applicable	Not applicable
20. NOCC Charges	No	Not prescribed	Online Receipt to be submitted	No	Offline	No	Not applicable	Not applicable
Telecom Engineering Centre (TEC)								
21. MTCTE	Online on MTCTE portal	No	Online	Testing by labs	Online	Yes	Not applicable	Not applicable

Grant of Unified License (UL) and Unified License Virtual Network Operator (UL-VNO)

3.13 For the licenses issued by DoT, that is, UL and UL (VNO), the process is completely online for the applicants. This License is granted to provide Service(s) as authorized in the License Agreement and as per the scope of the License Agreement, on a non-exclusive basis in the Service Area as applicable. Services can be provided by Licensee on National Level, Telecom Circle/Metro Area Level, and Secondary Switching Area (SSA) Level. This License shall be valid for 20 years from the effective date of this License. The Licensor may renew, if deemed expedient, the period of License by 10 years at one time, upon request of the Licensee, if made during the 19th year of the license period, on the terms specified by the Licensor, subject to the extant policy. All the required formalities can be performed online, including downloading the license. In addition, the user's dashboard displays the current status of the application. In case of any requirement by the licensor from the applicant, an appropriate message is displayed.

Grant of UL-Internet Service Provider (ISP) License

3.14 Internet Service is one of the authorizations of the Unified License. Under Data Services, the operators can provide internet and internet telephony services. The License/Authorization for Internet Service is granted for three different Categories namely Category 'A', Category 'B', and Category 'C'. The Service Area for Category 'A' authorization shall be the Nationwide Area. The Service Area for Category 'B' authorization shall be the Telecom Circle/Metro area. The Service Area for Category C authorization shall be the Secondary Switching Area (SSA). If the Licensee desires to obtain ISP

Category 'C' Authorization, under Unified License, for more than four SSAs in a Telecom Circle, the Licensee shall be required to obtain ISP Category 'B' authorization for that Service Area. Different application processing fees, entry fees, and Bank Guarantees have been prescribed as per the category the applicant is applying.

3.15 The Citizens' Charter provides a time frame of 45 days after the compliance of LOI conditions and necessary clearances, 60 days after the submission of a complete application for the issue of LOI and 30 days to issue Security clearance for foreign nationals after receipt of clearance from Security agencies. Many investment and business activities happen at the state level, hence improving the business environment in states is equally important for the economy. Accordingly, after the issuance of a letter of Intent from DoT Headquarters, ISP licenses are being provided by DoT LSAs. The process has been de-centralized with the responsibility given to DoT LSAs. However, the process is online on 'SaralSanchar' portal.

Registration of Infrastructure Provider Category-I (IP-I)

3.16 The process for grant of registration for Infrastructure Providers Category-I includes submission of an offline application for registration in the format prescribed by DoT in its letter dated 4th July 2017.

3.17 The following are the guidelines for registration of IP-I:

- The company shall submit the application for registration in the prescribed form. The documents may be submitted as per the prescribed checklist by DoT.
- The applicant company shall make its own arrangement for Right of Way.
- The applicant company shall be informed of the approval or rejection of the application as far as practicable within 15 days of submission of the application.
- The IP-I registered company shall provide dark fibres, Right of Way, duct space, towers on a lease/rent out/sale basis to the licensees of telecom services on mutually agreed terms and conditions.
- The IP-I registered company shall submit a copy of an agreement entered into with the telecom service providers to DOT within 15 days of the signing of such an agreement.
- The applicant company will be issued a Registration Certificate for IP-I. The terms and conditions of these guidelines as well as that of the Registration Certificate will be binding on the IP-I registered companies.

3.18 For IP-I Registration, the applicant company is required to be registered with DoT. There is no entry fee and no bank guarantee. A processing fee of Rs 5,000 is required to be paid along with the registration application to the Government. From the above-mentioned process, it can be seen that

the IP-I registration process is offline. However, it has been informed that IP-I registration is being incorporated on NSWS.

Registration of Prime Minister's Wi-Fi Access Network Interface (PM-WANI)

3.19 The Union Cabinet on 9th December 2020 has approved the setting up of Public Wi-Fi Networks by Public Data Office Aggregators (PDOAs) to provide public Wi-Fi service through Public Data Offices (PDOs), to accelerate the proliferation of broadband internet services through public Wi-Fi network in the country. This framework takes forward the goal of National Digital Communications Policy 2018, of creating a robust digital communications infrastructure.

3.20 This new ecosystem will also enable new business models for shopkeepers as potential PDOs to provide high-speed broadband services. To facilitate ease of doing business and encourage local shops and small establishments to become Wi-Fi providers, it has been decided that the last-mile public Wi-Fi providers require no license and are also not required to pay any fee to DoT. Availability and use of broadband will enhance incomes, employment, quality of life, ease of doing business, etc. Under the PM-WANI framework, online registrations of PDOAs and App providers began on the SaralSanchar portal from 7th January 2021.

3.21 The registration is an online process and completes within 7 working days of the receipt of the application. After successful generation of the Registration Certificate, the registered applicant (PDOA or App provider) needs to contact the Central Registry handled by the Centre for Development of Telematics (C-DOT) for certification of their system and application software.

Grant of Captive Mobile Radio Trunking Services (CMRTS) License

3.22 DoT has notified the guidelines for the provision of captive mobile radio trunking service on 15th June 2007. This license is granted to provide service on a non-exclusive basis in the designated Service Area by utilizing any type of network equipment, including circuit and/or packet switches, that meet the relevant standards. The Licensee is required to make own arrangements for all infrastructure involved in providing the service and is solely responsible for installation, networking, and operation of necessary equipment and systems, treatment of subscriber complaints, issue of bills to its subscribers, collection of revenue, attending to claims and damages arising out of his operations.

3.23 The duration of the license agreement is 20 years for analogue systems. The duration of the license agreement is 20 years for digital systems extendable by 10 years at one time, upon request of the licensee, if made during the 19th year of the License period on terms mutually agreed.

3.24 The Licensee is responsible for and is authorised to own, install, test, and commission all the equipment required for the applicable system for Mobile Radio Trunking Service for captive use under this license agreement. The license fee for captive mobile radio trunking service Systems shall be Rs 300 per annum per terminal subject to a minimum of Rs 25000 per annum per licensed area.

3.25 At present the license is being issued manually by DoT. However, the License is planned to be incorporated on 'SaralSanchar' portal in phase II.

Grant of Captive Very Small Aperture Terminal Closed User Group (VSAT CUG) License

3.26 VSAT is one of the satellite communication technologies, which is very useful for remote and inaccessible locations (rural areas, ships, coastal regions, hills, etc.) where there is limited or no terrestrial connectivity. The main advantages of VSAT technology are its rapid deployment with minimum training, scalability, lower operational costs, and reliability of communication, in remote locations even in adverse situations. The cost per connection using VSAT is independent of the location of the terminal from the hub. This application is for Captive VSAT CUG approval. A VSAT license is granted by DoT on a non-exclusive basis to establish, install, operate, and maintain VSAT CUG Domestic Data Network service via INSAT/GSAT Satellite System, within the territorial boundary of India, for 20 years, which is extendable by 10 years at a time.

3.27 As per the Captive VSAT license conditions, a CUG is permissible for the following categories of business associations:

i) Producer of goods and his trader/agent;
ii) Provider of service and his trader/agent;
iii) Producer of the same category of goods (e.g., manufactures of petroleum products); and
iv) Provider of the same category of service (e.g., bank).

3.28 In addition to the Entry Fee of Rs 15 lacs, the Licensee shall also pay License fee annually @ Rs 10,000 per annum per VSAT installed. The total number of VSATs includes all types of VSATs (receive only/transmit only/receive & transmit both etc.). The License fee is based on a total number of VSAT terminals irrespective of the number of hubs in the network and without levy of any minimum license fee. At present, the license is being issued manually by DoT. However, the License is planned to be incorporated on the 'SaralSanchar' portal in phase II.

3.29 After getting the license, multiple other permissions and arrangements are required before starting a service and also while serving the license. These permissions are discussed in the following paragraphs.

Authorisation to provide in-flight and maritime connectivity (IFMC) service

3.30 DoT has notified Flight and Maritime Connectivity Rules, 2018, on 14th December 2018 for grant and regulation of authorization for in-flight and maritime connectivity, thereby allowing phone calls and internet on flights and ship voyages within Indian territory. The in-flight and maritime connectivity (IFMC) can be provided by a valid telecom licence holder in India through domestic and foreign satellites having the permission of the Department of Space. In case of using a satellite system for providing IFMC, the telegraph message shall be passed through the satellite gateway earth station located within India and such satellite gateway earth stations shall be interconnected with the NLD or access service or ISP licensee's network for further delivery of service. The IFMC service provider has to establish, maintain, and work telegraph to provide wireless voice or data or both types of telegraph messages on ships with Indian territorial waters and on aircraft within or above India or the Indian territorial waters.

3.31 The IFMC services will be activated once the aircraft attains a minimum height of 3,000 meters in Indian airspace to avoid interference with terrestrial mobile networks. The IFMC licenses will be granted against an annual fee of one rupee for 10 years and the permit holder will have to pay licence fees and spectrum charges based on the revenue earned from providing services. At present, the authorization is being issued manually by DoT. However, the authorization is planned to be incorporated on the 'SaralSanchar' portal in phase II.

Permissions for Cable Landing Station (CLS) and laying and repair of submarine cables

3.32 A submarine communications cable is laid on the seabed between land-based stations to carry telecommunication signals across stretches of ocean and sea. Submarine cables provide vital international telecommunication links between countries across the world. There is no effective substitute for submarine cables. Submarine cables terminate in the country through Cable Landing Stations (CLS). Access to submarine cable landing stations is an essential input for telecommunication services, including broadband requiring international connectivity. Submarine cable systems generally use optical fiber cables to carry international traffic. Owing to the huge transmission capacity of optical fiber cables, such systems have become the backbone of the International Long Distance (ILD) service.

3.33 The landing station is being used as an international gateway for internet traffic by ISPs. ILD service providers may establish CLS for submarine cable with the prior permission of DoT for which a separate application is to be submitted in the prescribed proforma.

3.34 Submarine cables form the basis of modern telecommunications and the Internet. The United Nations General Assembly (UNGA) has described submarine cables as 'critical communications infrastructure', which is vitally important to the global economy and the national security of all States. These cables carry about 99% of communication data across the world by using fibre-optic technology. The web of international submarine cable systems attests to the geographically significant position of India. All the cables connecting the far East (China, Korea, and Japan) and South-East Asia, comprising ten countries, with Europe and Africa, transit within Indian maritime zones.

3.35 Rapid digitalization has not only helped India in achieving inclusive growth with improved governance but also poised it globally as a data-rich country. The importance of cable landing station and submarine cable and their early recovery in case of damage increases manifold to establish data centers in India. An enabling environment with simplified policies should be encouraged to promote data centers in the country and to ensure high-speed data connectivity. The Government's vision is to make India a global data center hub for which it is working towards providing "Infrastructure status" for the Data Centre sector, at par with other sectors like Railways, Roadways, and Power, bringing in the benefits of availing long-term credit from domestic and international lenders at easier terms. This will provide a boost to the investments in this sector.

3.36 Need for Data Centre infrastructure within the boundaries of the country is further necessitated by the data localization provisions of the proposed Data Protection Act and for the protection of the digital sovereignty of the country in an increasingly connected world. India also offers advantages of having a favourable geographical location on the world map, availability of economic resources, established global connectivity through submarine cables, easy and cost-effective access power, and readily available skilled manpower provide, enabling the nation to become a global Data Centre hub.

3.37 Apart from laying submarine optical fiber and creating CLS, submarine cables, when damaged due to fishing gear or ships' anchors, not only impact the business enterprises in India that are dependent on offshore clients but also the global internet connectivity of the countries, and, hence, the data centers that are linked to the cable system are affected. Any interruption of the functioning of submarine cables can cause an internet slowdown that can affect a nation's economy and national security. To make the Indian economy the hub of data, global internet connectivity at all times needs to be ensured.

3.38 During the discussions, some stakeholders pointed out that Indian national legislation does not fully support the facilitation of the repair of submarine cables within Indian maritime zones due to the various permits

that need to be obtained by the operations and maintenance (O&M) agencies before repair operations can begin. The problem with the process of obtaining the permits is that it runs across seven Government authorities. As a result, the cable ship companies are required to spend several months and millions of dollars in the process of procuring these permits.

3.39 As per the United Nations Convention for the Law of the Sea (UNCLOS), the Indian regime relating to the repair of submarine cables fall in the following maritime zones: Territorial Sea, Exclusive Economic Zone (EEZ), and Continental Shelf.

3.40 Under the UNCLOS, the coastal countries exercise sovereignty over the territorial sea, which is a maritime belt of 12 nautical miles (nm) calculated from its baseline. In respect of submarine cables laid within this zone, the coastal country is entitled to regulate them.

A. In-transit Permits for cable repairs

3.41 Four permits are necessary when the ship is in transit from its port or depot, for emergency repairs in the Indian Ocean region.

1. Ministry of Home Affairs pre-clearance of personnel in the repair
2. Ministry of Defence Clearance for repair to undergo Naval Security Inspection
3. Indian National Shipowners' Association Clearance to check whether India flagship has capacity
4. Specified Period License application for repair

3.42 Due to the critical nature of submarine cables, cable ships are required to be on standby at their Home Depot to attend a repair call in the region within 24 hours. In order to shorten the permitted time for carrying out the repairs, applications for clearances from MHA and the Ministry of Defence (MoD) are made well in advance for any cable fault. Figure 3.1 depicts the process flowchart for in-transit permits required for cable repair. The detailed process is described below:

(i) MHA pre-clearance of personnel in repair:

3.43 Any cable ship commissioned to conduct repairs in the territorial sea or EEZ must seek MHA's pre-clearance for new and renewal permission of the personnel engaged or to be engaged in the operation. It is obtained every year. The operators are required to submit the application to DoT 3 to 4 months in advance of its expiry, which is then forwarded to MHA. This procedure gives rise to several challenges, including the prior designation of crew members, inability to hire a specialist for whom MHA's pre-clearance has not been obtained previously, the effective date of the permit being the date of submission of application and not the date of its grant.

3.44 MHA's pre-clearance applications were requested to be routed through the concerned Indian embassy if the applicants are foreigners. This rule made the process further complicated as it requires separate applications to be submitted based on the nationalities of the crew members.

(ii) MoD Clearance for repair:

3.45 The MoD Clearance, which has a validity of 6 months, is required under MoD's guidelines for repairs in the Indian territorial sea and EEZ. The application is submitted to DoT, along with the Research Survey, Exploration, and Exploitation of Resources (RSEE) Form, which provides details of the ship and its expected crew members and is then forwarded to MoD. The processing time usually takes 7-14 days.

3.46 MoD Clearance is granted with a conditional precedent that the vessel shall undergo a Naval Security Inspection (NSI or NSC) before deployment. Since the MoD Clearance is granted when the cable ship comes into an Indian port, if the ship is required to collect spare cables or equipment from any foreign shore to complete the repair, the MoD Clearance is deemed to be terminated once it leaves Indian waters. Thereafter, fresh clearance is required.

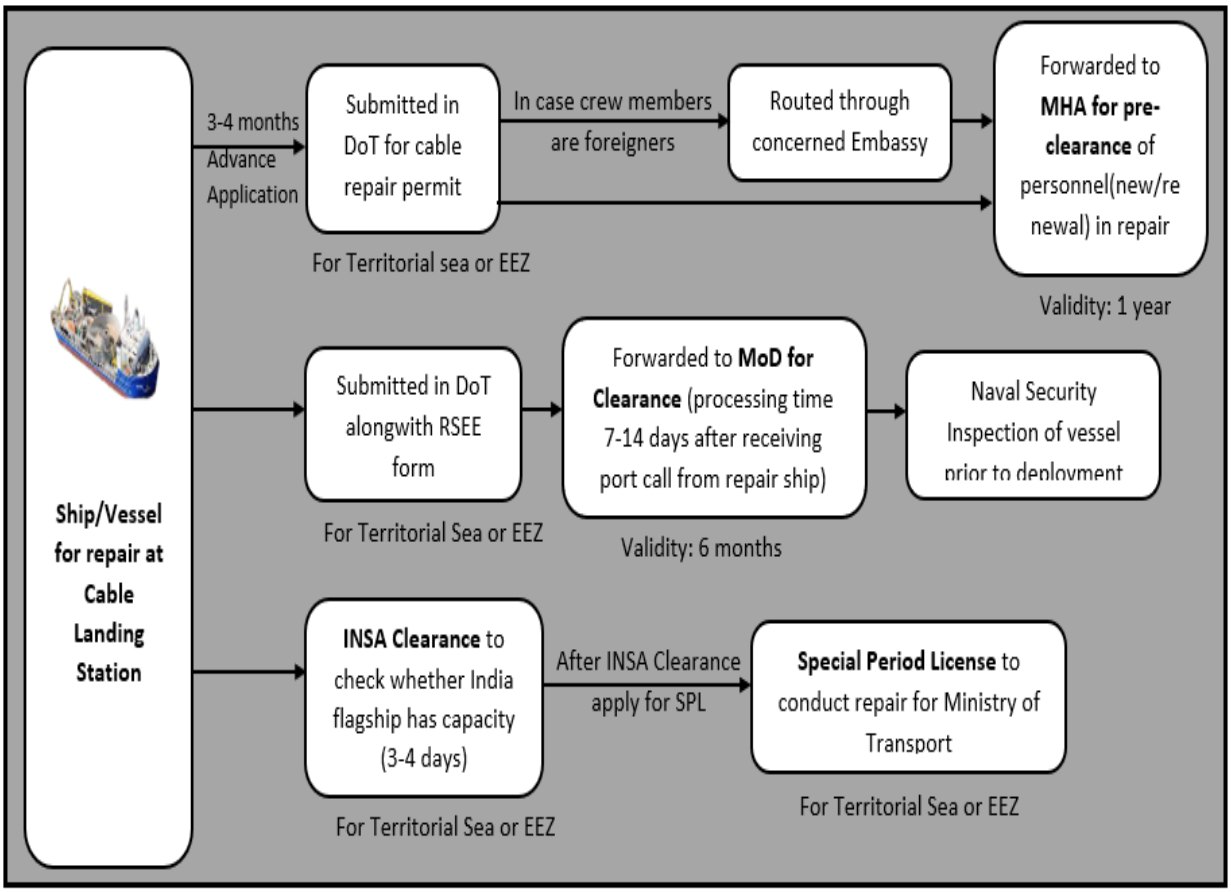
(iii) INSA Clearance to check whether India flagship has capacity:

3.47 Another permit applicable to the territorial sea and EEZ is the Indian National Shipowners' Association (INSA) Clearance. INSA has to determine if any Indian flagship is capable of performing the cable repair before a foreign flag vessel is permitted to undertake any repair. The average time for obtaining this permit is between 3 to 4 days. Furthermore, there are currently no Indian ships with appropriate infrastructure and technology to conduct cable repairs. Indian cable operators are members of multi-owner consortia and single-owner private arrangements. These operators engage cable ships through maintenance agreements with cable ship companies to ensure that the ship and equipment are readily available in the event of a cable fault.

(iv) Specified Period License (SPL) application for repair:

3.48 It is only after the INSA Clearance is granted that the operator applies for the SPL from the Ministry of Shipping to conduct repairs in the territorial sea and EEZ. It takes 3 to 5 days to process the SPL. The SPL is a prerequisite for obtaining the Naval Security Clearance (NSC).

Figure 3.1: Process flowchart of in-transit permits for cable repair



B. Pre-repair permits required at port

3.49 Whenever there is a cable cut or damage in the sea, a ship from outside the country has to come to carry out cable repair, as there are no Indian flagships to carry out the repair work. Figure 3.2 explains the process flowchart for pre-repair permits required for foreign vessels at port for cable repair. The import custom formalities, vessel conversion processes of pre-permit import formalities, conversion, and clearances are explained below.

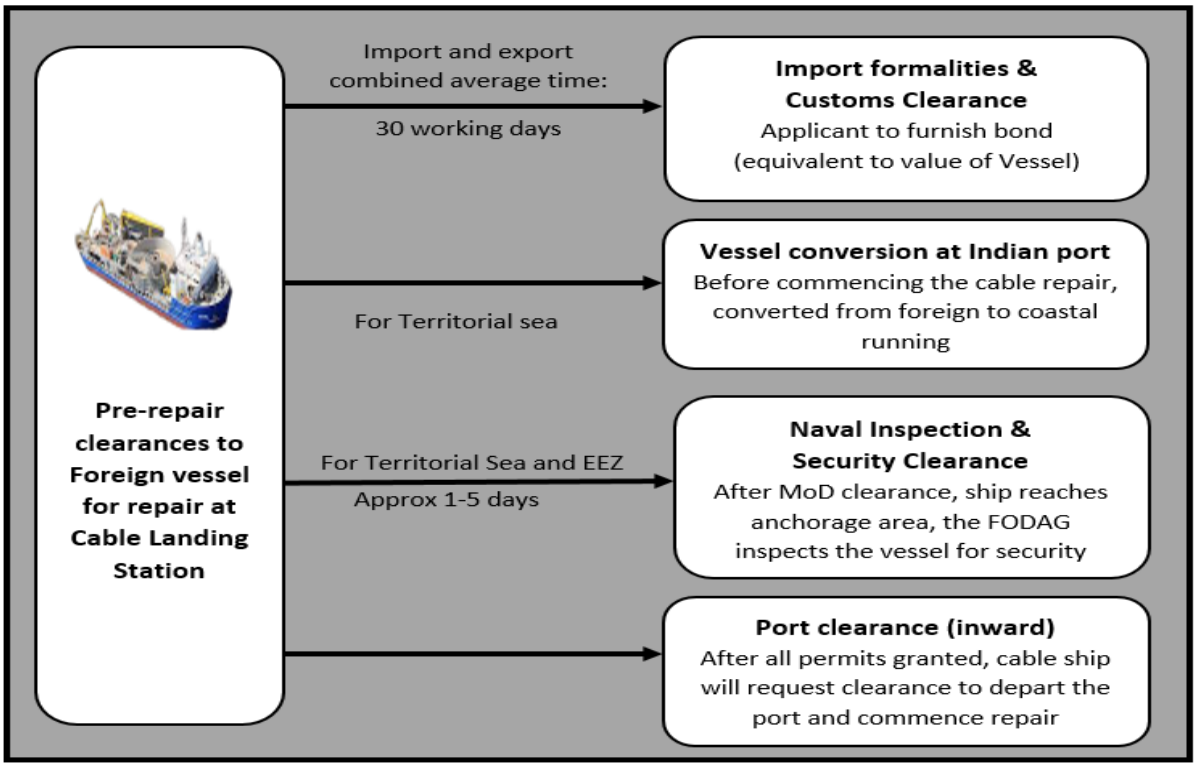
(i) Import formalities:

3.50 Since the cable ship is a foreign vessel, as per the Indian customs regulations, the vessel and its goods have to be imported into India temporarily and undergo customs clearance. During importation, the cable operator is required to provide a bond equivalent to the value of the ship. Once the ship completes the repair and meets the customs formalities, the bond is cancelled, and the ship is exported. However, the cable operators have often faced financial hardship due to the bond being withheld for alleged non-compliance with customs requirements. This importing and exporting process takes a combined average time of 30 working days.

(ii) Vessel conversion:

3.51 Vessel conversion is a requirement peculiar to India. It is required only for the repairs in the territorial sea. Since cable ships are considered to be conducting coasting trade, before commencing the cable repair in the territorial sea, it has to be converted from foreign to coastal running. Once the repair is complete, the vessel undergoes reconversion from a coastal to a foreign vessel. The conversion practice differs across various Indian ports. For example, in Chennai, vessel conversion and importation are carried out simultaneously; whereas, in Mumbai, the vessel is not converted until importation is complete and the total duty amount has been deposited with the customs authorities.

Figure 3.2: Process flowchart for pre-repair permits for cable repair



(iii) Naval Inspection and Security Clearance (NSC):

3.52 It is required for territorial sea and EEZ repairs. Upon receipt of the MoD Clearance, when the cable ship reaches the anchorage area, the Flag officer Defence Advisory Group (FODAG) inspects the vessel to ascertain whether the ship has complied with the necessary security clearance formalities. It takes approximately 1 to 5 working days to obtain this clearance.

(iv) Port clearance (inward):

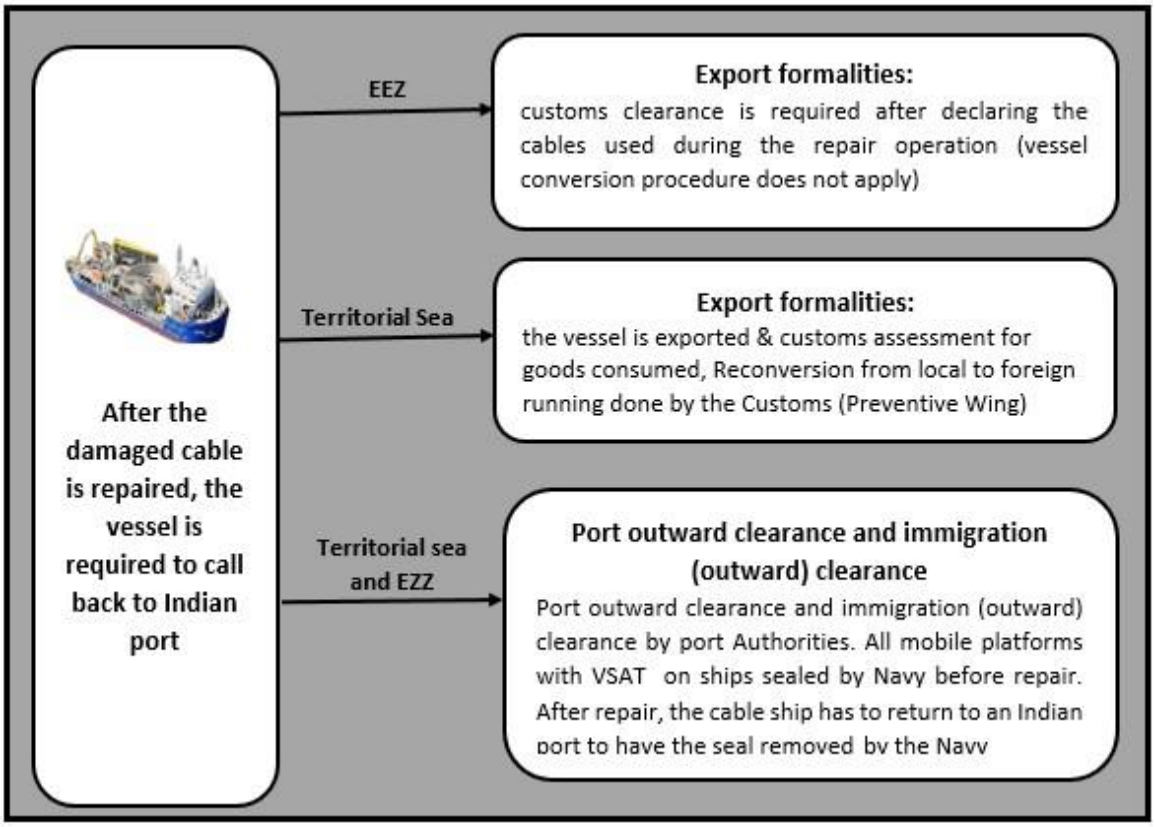
3.53 When all the above permits have been obtained, the cable ship will request clearance to depart the port and commence repair.

C. Post-repair permits

3.54 These permits are required post-repair after the damaged cable is repaired, the vessel is required to be called back into an Indian port. Figure 3.3

shows the process flowchart for post-repair export formalities and port outward clearance.

Figure 3.3: Process flowchart for post-repair export formalities & clearance



(i) Export formalities:

3.55 For repairs conducted in the EEZ, customs clearance is required after declaring the cables used during the repair operation. The vessel conversion procedure does not apply. For repairs in the territorial sea, the vessel is exported and the customs assessment for goods consumed is carried out. Sometimes, the return of deposit after deducting the customs duty for goods consumed during repair takes about two or more months. Once the above formalities are completed, the cable operator must obtain a re-export bond cancellation and Duty Drawback application attested by the importer and a Guaranteed Remittance Waiver from the bank. The average time to complete this process is 10 to 20 working days.

(ii) Port clearance (outward):

3.56 Finally, port outward clearance and immigration (outward) clearance are granted by the port authorities and the vessel can sail back to her base port.

Lawful Interception Monitoring (LIM) capabilities and Security Clearances

3.57 The licensing framework of the telecom service provider states that the Licensee should ensure that necessary provision (hardware/software) is

available in their equipment for carrying out lawful interception and monitoring from a centralized location by designated security/law enforcement agencies. Each Mobile Switching Centre (MSC) of the Licensee in the service area is required to have the capacity for provisioning at least 3000 numbers for monitoring. In case the Licensee obtains Access spectrum for providing Internet Service/Broadband Wireless Access using the Access Spectrum, the Licensee has to install the required Lawful Interception and Monitoring systems of requisite capacities before the commencement of service.

3.58 Application for LIM goes through various departments. The timeline for such clearance is not defined in the guidelines. LIM clearance by security agencies usually takes 2 months. It depends on the readiness of the operator and DoT for demonstration. Citizen charter mentions that 30 days is required after receipt of a report from security agencies and issuance of directions to licensee, and 15 days' time is required after receipt of the application and issuance of the letter for fixing a demonstration date.

Numbering Resource Allocation Mechanism

3.59 Regarding various number allocations, it has been informed that the entire process of allocating numbers is manual, and no automation has been done. TRAI in its recommendations on 'Ensuring Adequate Numbering Resources for Fixed Line and Mobile Services' on 29th May 2020 has recommended that an automated allocation of numbering resources using number management system software may be introduced to speed up the process of allocation efficiently and transparently. If needed, this work may be outsourced with the overall control and supervision of DoT. No guidelines/instruction regarding automated allocation of numbering resources is issued by DoT so far. Citizen Charter mentions 40 days after receipt of application and allocation of code.

Test Schedule Test Procedure (TSTP) for Rollout Obligation

3.60 The following procedure is followed for confirming the compliance to the rollout obligations as stipulated in various License Agreements/Notice Inviting applications for auction of the spectrum:

i) The Licensee has to register with the respective DoT LSA for confirming compliance with the prescribed rollout obligations by submitting the prescribed fee.

ii) While registering with the LSA, the licensee has to submit a self-certificate for the fulfilment of rollout obligations in an LSA along with self-conducted test results as per the prescribed Test Schedule Test Procedure (TSTP) and prescribed fee. The details along with proof of District Head Quarter (DHQ)/Block Head Quarter (BHQ)/Short Distance Charging Area (SDCA) covered by the use of any technology

in any band by a licensee shall also be provided while registering with the LSA unit.

iii) The LSA will carry out sample testing of 10% of such self-certified DHQ/BHQS/SDCAS.

iv) For calculation of the number of district HQs/block HQs/SDCAS to be covered, the fraction which comes to be 0.1 or above shall be rounded off to the next whole number.

3.61 The licensee has to register with the corresponding LSA for conformance to compliance. The current procedure being followed is offline.

Electro-Magnetic Frequency (EMF) Compliance

3.62 In order to ensure that all Base Transceiver Stations (BTSs) deployed by TSPs are compliant with the prescribed Electro-Magnetic Frequency (EMF) Radiations' reference limits, all the TSPs have been mandated to test every BTS and self-certify them for meeting the radiation norms. The testing is done as per procedures prescribed by Telecom Engineering Centre (TEC) from time to time. DoT has launched 'Tarang Sanchar', a web portal for information sharing on mobile towers and EMF emission compliances. The portal has the complete collated technical details of BTSs spread across the country of all technologies (2G/3G/4G) and of all TSPs.

3.63 The stakeholders have raised their concerns that there is a need to review the requirement of submission of biennial self-certificate as laid down by DoT since the 'Tarang Sanchar' portal ensures tracking of EMF compliance at all times. The Portal thus offers a comprehensive platform to the LSAs as well as TSPs to monitor the latest compliance status of every site.

3.64 Need for submission of upgrade self-certificate by site sharing operator(s): The stakeholders have also requested that only the tenant who carries out an upgrade or a new site addition should submit an upgrade self-certification. They have further suggested that the tenant TSP should update the portal for the changes being made and notifying all other tenants to this effect using the portal. There should not be any need for other tenants to submit an upgrade certification for the same site. Further in cases, where the prime tenant responsible does not submit upgrade certification in time, only that very tenant should be penalized and not the other tenants sharing the same tower.

3.65 Audit and penalty related issues: DoT has issued instructions that the audit should happen only on the last updated parameters of the tower. However, it has been informed that in many cases LSAs audit performed happens belated and TSPs are penalized on the basis of old parameters. They have further informed that the current penalty scheme is according to the old TSTP issued by DoT in 2013. However, even with the introduction

of new TSTP, the penalty schemes and the charges has not been revised. In case, any BTS site is found to violate the prescribed EMF norms, actions are taken to put a penalty of 10 lakh per BTS per incidence including closing of BTS, if violation persists. The stakeholders have informed that extant norms of audit of 10% of sites every year may be considered for reduction. Further, LSA's may consider auditing the towers which have been shared by multiple TSPs in first place.

3.66 TRAI in its recommendations of 'Ease of Doing Telecom Business' dated 30th November 2017 had recommended that consequent to the implementation of the online portal 'Tarang Sanchar', DoT may review (a) the need for revised certification by all the TSPs for every BTS upon upgrading by any TSP on a shared site and (b) calling biennial certification for all the existing sites of every TSP. The Authority also recommended that TSPs should be asked to submit all requisite certifications only through the 'Tarang Sanchar' portal. TSPs should not be required to re-submit these certificates/reports separately in any other forms such as in hard copy or through email.

Issue of NOC/Renewal of NOC for Sale/Rent of International Roaming SIM Cards and Global Calling Cards

3.67 This permission is required by Companies selling international calling cards in India. The No-Objection-Certificate (NOC) is issued by DoT initially for three years and renewed on the request of the company for three years. The process of providing NOC is completely offline and usually takes 15 days to 3 months. The service standards as per the Citizen Charter are prescribed as 15 days for scrutiny and intimation to the applicant of deficiencies/discrepancies if any and another 20 days' for processing and approval of competent authority for issue of NOC/renewal of NOC subject to fulfillment of all eligibility conditions/submission of requisite documents/clarifications. There is no processing fee prescribed in the Citizen Charter.

Security Conditions – Remote Access Permissions, maintaining command logs, supply chain documentation, software upgrade intimation requirements

3.68 During the discussion, some stakeholders informed that the security conditions provided in the Unified License are exhaustive and extensive covering multiple aspects of the telecom business, however, with time, many of these need to be updated, and redundant requirements need to be removed for achieving ease of business in the sector.

3.69 These stakeholders informed that the provisions pertaining to remote access are onerous and not practical. It has been seen that over the years, many operators have sought permission, however, none have been granted. Hence, pointing to an urgent need to upgrade the requirements

and permission process. Similarly, they have also intimated that there are onerous requirements pertaining to maintaining command logs and supply chain documentation along with periodic intimation of a software upgrade in the telecom systems imported and deployed by the TSPs. These can be comprehended in simple online portal-based requirements, wherein only critical information is required to be supplied by the TSPs.

3.70 Thus, for enhancing the ease of business in the telecom sector, it is imperative that the onerous security conditions are not only simplified but also made online.

Addition/Modification of any new service in the existing license

3.71 New authorizations can be added to the existing license, anytime during the period of the license, fulfilling the terms and conditions of the Licensee and depositing the prescribed fee. The process is online in the 'SaralSanchar' portal.

Action for non-compliance/breach of terms & conditions of license

3.72 There exist various actions and penal provisions in the license agreements, if a violation is found against the terms and conditions of the license agreements. The Licensor may impose a financial penalty for each service as per applicable service area per occasion for violation of terms and conditions of the license agreement. This penalty is exclusive of Liquidated Damages, if any, as prescribed in this License Agreement. The process is completely offline.

Surrender of Spectrum

3.73 The service providers may surrender their unutilised or under-utilised spectrum for any telecom circles to DoT through a letter. On approval the corresponding Bank Guarantees are released by DoT, however, the whole processes are offline.

Surrender of license

3.74 UL guidelines state that the Licensee may surrender the License or any service authorization under this License, by giving notice of at least 60 calendar days in advance. In that case, it shall also notify all its subscribers by sending a 30 calendar days' notice to each subscriber. The Licensee shall pay all fees payable by it till the date on which the surrender of the License/Service authorization becomes effective. The effective date of such surrender shall be 61st calendar days counted from the date of receipt of such notice by the Licensor if it is not rejected by the Licensor within 30 days of the date of receipt of the notice.

3.75 Many times, it has also been seen that the licensees are holding the license, despite they are not running the services. DoT has also issued a simplified exit policy in February 2002, which permits ISPs to surrender the ISP

license without starting the service, by paying surrender charges. The surrender charges would be equivalent to 5% of the PBG amount.

3.76 Citizen Charter prescribes a 60 days' time after receiving of necessary clearance to issue the cancellation of license against the request for surrender of the Internet license.

Cancellation/Revocation of license

3.77 The Licensor has the right to terminate/revoke/suspend the License or any authorized service under the license, in whole or in part, at any time in the interest of the public by giving a notice of 60 calendar days from the date of issue of such notice. If under the License Agreement, a material event occurs which entitles the Licensor to revoke the License Agreement, the Licensor shall proceed in accordance with the terms and conditions provided in the Tripartite Agreement read with the License agreement wherever such agreement is executed and signed.

3.78 In cases where no such Tripartite agreement is signed, on revocation or surrender or cancellation of License/Service authorization(s) due to reasons whatsoever or expiry of the license, the relevant Bank Guarantee(s) shall be released to the licensee only after ensuring clearance of all dues, which the Licensee is liable to pay to the Licensor. In case of failure of the Licensee to pay the amounts due to the Licensor, the outstanding amounts shall be realized through encashment of the Bank Guarantees without prejudice to any other action(s) for recovery of the amounts due to the Licensor without any further communication to the licensee.

Release of Bank Guarantees

3.79 During the discussion, some stakeholders informed that after surrendering the license, plenty of time/efforts are required to get the Bank Guarantees released. There is no mention of the timelines in the UL guidelines and the Citizen Charter for the release of Bank Guarantees. However, it is informed that BGs are released through the SaralSanchar portal of DoT.

Queries from International and Indian entities

3.80 Many a times, there are queries from international entities and Indian companies regarding the applicability of license on the services proposed by them. Many times, the services proposed by them are completely new services and they do not appear to fall clearly in a particular license. As these queries come from prospective licensees, there is a need to have an exclusive unit or some mechanism in DoT to answer such queries of the inquiring entities which may be termed as Licensing-related queries and Facilitation. Through this mechanism, DoT will also come to know the new

categories of services that need attention and may be required to be included in the licensing regime.

Issues for consultation:

3.81 As discussed above, the Department of Telecommunications (DoT) grants the following permissions/licenses/registrations:

1. UL with authorizations for different services
2. UL-VNO with authorizations for different services
3. UL-ISP Licence
4. Registration to Infrastructure Provider (IP-I)
5. PM-WANI registration
6. Captive VSAT CUG License
7. Captive Mobile radio Trunking Service (CMRTS)

and the following permissions to the existing licensees while serving the license:

8. Authorisation to provide in-flight and maritime connectivity (IFMC) service
9. Permission for CLS and laying and repair of submarine cables
10. Clearance for Lawful Interception
11. Allocation of numbering
12. Rollout obligations
13. NOC/Renewal of NOC for Sale/Rent of International Roaming SIM Cards and Global Calling Cards
14. EMF compliance self-certification through Tarang Sanchar portal
15. Security conditions, including remote access permissions, maintaining command logs, software upgrade intimation requirements
16. Addition/Modification of any new service in the existing license
17. Action for non-compliance/breach of terms and conditions of license
18. Surrender of spectrum
19. Surrender of license
20. Cancellation/Revocation of license
21. Release of Bank Guarantees

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place

e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

Q3. What are the issues being faced in the existing processes of granting registration to IP-I providers? Identify and suggest measures to address the same.

Q4. What measures should be taken to promote small and medium telecom infrastructure providers with ownership of the network created by them for maintaining the quality of services?

Q5. Please provide your response with suggestions to improve the present system of operations and maintenance of the undersea cable network in respect of:

a. **What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?**
b. **What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?**

Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:

a. **In-transit permits**
b. **Pre-repair permits**
c. **Post-repair permits**

Provide your suggestions for each activity separately.

Q7. Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:

a. **Relevance of EMF radiation audit and its impact for quick roll out of the network**
b. **Measures to safeguard public interest and building confidence in public against propaganda of hazardous EMF radiations in field**
c. **Issues being faced in the existing processes related to the self-certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.**

Q8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field

of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.

Wireless Planning and Coordination (WPC)

3.82 The WPC wing of DoT is the nodal authority for planning, coordination, authorization, and management of the radio frequency spectrum in the country. It is responsible for regulating the use and application of radio and wireless devices imported or manufactured in India, besides spectrum allocation and management. WPC provides frequency allocation and Wireless Operating License (WOL) to the service providers of telecom and broadcasting. The following licenses, certificates, clearances, and approvals are being issued by WPC:

Network Licenses

- Public Mobile Radio Trunking Services (PMRTS)
- Network Fixed/Land/Mobile-HF/VHF/UHF (Above 806 MHz)
- Network Fixed/Land/Mobile-HF/VHF/UHF (Below 806 MHz)
- Network Captive Trunking Above 806 MHz
- Network Captive Trunking Below 806 MHz
- Network ISP License
- Network Microwave Links (MW Access and MW Backbone)
- Network Others Radar Above 806 MHz
- Network Short Range UHF Hand Held Radio (USR)
- Network Terrestrial Broadcast (FM/CRS/SW/MW)
- Satellite - Broadcast Network – DSNG
- Satellite - Broadcast Network – DTH
- Satellite - Broadcast Network – HITS
- Satellite - Broadcast Network – Teleport
- Satellite - Broadcast Network - Temporary permission to use DSNG Vans
- Satellite - Telecom Network -Captive VSAT
- Satellite - Telecom Network -Commercial VSAT
- Satellite - Telecom Network -IFMC
- Satellite - Telecom Network -ILD Service
- Satellite - Telecom Network -NLD Service
- Satellite - Telecom Network -Telemetry and Telecommand
- Satellite Mobile Satellite Service (MSS)
- Satellite TV Channel Endorsement/De-endorsement

Non-Network Licences

- Experimental and Technology Trail License
- Import License
- Manufacturing and Testing License

- Demonstration License
- Dealer Possession License (DPL)
- Non-Dealer Possession License (NDPL)
- Aero Mobile Station Licence
- Maritime Mobile Station Licence (MMSL)
- Maritime Mobile Station Licence (MMSL) for Fishing Trawler/Boat

Certificates of Proficiency

- Amateur Station Operator's Certificate (ASOC)
- Radio Telephony Restricted (Aeronautical) (RTR-A)
- Global Maritime Distress and Safety Service (GMDSS)

3.83 The National Digital Communications Policy of 2018 envisages reorganizing WPC Wing to facilitate Ease of Doing Business. It also envisages reforming the licencing and regulatory regime to catalyse Investments and Innovation, and promote Ease of Doing Business by:

- Reviewing levies and fees, including LF, SUC and the definition of AGR and rationalisation of Universal Service levy
- Reviewing the concept of passthrough charges to align the same with the principles of input line credit thereby avoiding double incidence of levies
- Reviewing the rationalization of license fees on fixed-line revenues to incentivise digital communications
- Rationalising taxes and levies on Digital Communications equipment, infrastructure, and services
- Enabling unbundling of different layers (e.g., infrastructure, network, services, and applications layer) through differential licensing
- Promoting Open Public Wi-Fi access through Wi-Fi/Public Data Office Aggregators and Public Data Offices
- Introducing various fiscal and non-fiscal benefits for the development of telecom clusters around cable landing stations to foster innovation in Digital Communications Technologies

3.84 In view of the Government's policy on ease of doing business and making the licencing process transparent, various licences issued by the WPC wing had been made online through the 'SaralSanchar' portal under Phase-I. An online licensing facility for the various modules issued by regional licensing offices (RLO) has also been launched on the 'SaralSanchar' portal.

3.85 For the licenses/clearances issued by WPC, a similar process is implemented on the portal as for UL/UL-VNO licenses. The applicant is required to apply online by filling up the requisite application form and along with requisite digitally signed documents in PDF. In case, requisite digitally signed documents are not uploaded, the applicant cannot proceed

further. At last, the submitted application is to be downloaded for digitally signing it for final submission.

Standing Advisory Committee on Frequency Allocation (SACFA) Clearance

3.86 The Standing Advisory Committee on Radio Frequency Allocations (SACFA) section issues clearances for fixed wireless stations. A processing fee of Rs 1000 per site is charged. Approximately 35,000 applications are received for SACFA clearance every month. The technical evaluation is done primarily for:

- Aviation hazards
- Obstruction to the line of site of existing/planned networks
- Interference (Electro-Magnetic Interference/Electro Magnetic Compatibility) to existing and proposed networks

3.87 As per the timeframe prescribed in the Citizen's charter, issuance of SACFA Clearance certificate for Full site/Mast Height-7/40 category sites, i.e., sites/antennae located at least 7 kilometers from the nearest Airport Reference Point (ARP) and an effective tower/mast height, not more than 40 meters w.r.t. ARP site elevation is 60 days, whereas the issue of SACFA Clearance certificate for Full site/Mast Height-Sites other than 7/40 category is 30 days, issuance of sitting clearance for sites under "Exemption category" is 30 days and issue of additional antenna clearances is 30 days.

3.88 As per the existing practice, for getting licenses issued by WPC, the applicant has to first apply either on the portal or offline as the case may be. After scrutinizing the application, a Letter of Intent is issued by WPC. After making the applicable payments on BharatKosh, a decision letter is issued by WPC. The applicant has to then acquire the equipment either from DPL/NDPL holders or have to possess the import license. Thereafter, the WOL is issued by WPC. In addition, clearances are also required from NOCC. Operators are required to approach WPC and NOCC separately though they are housed under the same Department. However, recently to promote ease of doing business, the Government has approved to amend the cumbersome requirement of licenses under 1953 Customs Notification for wireless equipment to be removed and replaced with self-declaration for TSPs. The portal for self-certification is being updated accordingly.

3.89 For broadcasting services such as FM Radio, DTH, HITS, teleports, and various authorizations under UL of telecom services require clearances from Standing Advisory Committee on Radio Frequency Allocations (SACFA) and Wireless Operating License (WOL) from WPC following the receipt of the letter of Intent from MIB/DoT.

3.90 Recently, as announced in the new telecom reforms dated 15th September 2021, SACFA clearance for telecom towers will be eased. DoT will accept

data on a portal based on a self-declaration basis. Portals of other Agencies (such as Civil Aviation) will be linked with DoT Portal.

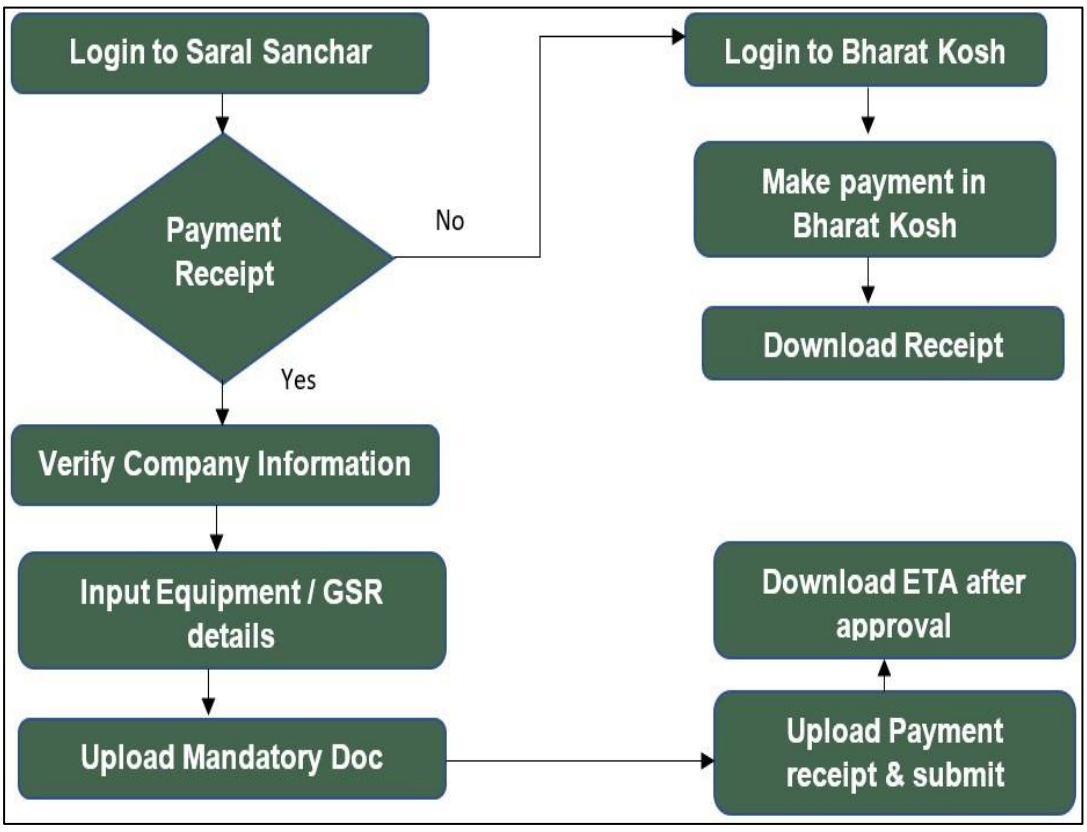
Equipment Type Approval (ETA)

3.91 As per the rules specified by DoT for every equipment or device that operates in the de-licensed frequency bands, ETA is mandatory. This approval is granted by the WPC wing for use in the Indian Telecom Network.

3.92 Bringing WPC approval process reforms was envisaged in NTP 2012 and again reinforced in NDCP-2018. As envisaged in NDCP-2018, DoT has brought many reforms in WPC approvals, as part of various steps to facilitate ease of doing business in the telecom and IT sector. One of them is ETA approvals speeding up the process for de-licensed wireless products using Wi-Fi, Bluetooth, Near Field Communication (NFC) technologies by taking it online avoiding manual interventions.

3.93 These reforms in WPC are noteworthy and a major step towards strengthening EoDB in the country. This decision of DoT and WPC to facilitate the online ETA approval process for de-licensed products has proven to be one of the major reforms that the industry is happy with and appreciates. Figure 3.4 depicts the process chart for ETA.

Figure 3.4: ETA process chart



Issue for consultation:

3.94 As discussed above, the Wireless Planning and Coordination (WPC) grants the following licenses/clearances/certificates:

A. Network Licenses

1. Public Mobile Radio Trunking Services (PMRTS)
2. Network Fixed/Land/Mobile-HF/VHF/UHF (Above 806 MHz)
3. Network Fixed/Land/Mobile-HF/VHF/UHF (Below 806 MHz)
4. Network Captive Trunking Above 806 MHz
5. Network Captive Trunking Below 806 MHz
6. Network ISP License
7. Network Microwave Links (MW Access and MW Backbone)
8. Network Others Radar Above 806 MHz
9. Network Short Range UHF Hand Held Radio (USR)
10. Network Terrestrial Broadcast (FM/CRS/SW/MW)
11. Satellite - Broadcast Network – DSNG
12. Satellite - Broadcast Network – DTH
13. Satellite - Broadcast Network – HITS
14. Satellite - Broadcast Network – Teleport
15. Satellite - Broadcast Network - Temporary permission to use DSNG Vans
16. Satellite - Telecom Network -Captive VSAT
17. Satellite - Telecom Network -Commercial VSAT
18. Satellite - Telecom Network -IFMC
19. Satellite - Telecom Network -ILD Service
20. Satellite - Telecom Network -NLD Service
21. Satellite - Telecom Network -Telemetry and Telecommand
22. Satellite Mobile Satellite Service (MSS)
23. Satellite TV Channel Endorsement/De-endorsement

B. Non-Network Licences

24. Experimental and Technology Trail License
25. Import License
26. Manufacturing and Testing License
27. Demonstration License
28. Dealer Possession License (DPL)
29. Non-Dealer Possession License (NDPL)
30. Aero Mobile Station Licence
31. Maritime Mobile Station Licence (MMSL)
32. Maritime Mobile Station Licence (MMSL) for Fishing Trawler/Boat

C. SACFA

33. SACFA Clearance

D. Certificates of Proficiency

34. Amateur Station Operator's Certificate (ASOC)
35. Radio Telephony Restricted (Aeronautical) (RTR-A)
36. Global Maritime Distress and Safety Service (GMDSS)

Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

Networks Operation Control Centre (NOCC)

3.95 Functions of NOCC include online operational control, coordination, and monitoring of all the satellite-based services in India. Major functions of NOCC are:

- Mandatory Performance Verification Testing of all the antennae, namely, providing backbone transmission links, VSATs, DSNG vans, Teleports, etc., for conforming to the latest ITU standards before putting them in operations.
- Carrier plan approval and uplinking permissions.
- Testing of satellite transponder before accepting for operations.
- Handling Contingency Operations in case of failure of transponder(s)/ satellite(s).
- Resolution of RF Interference problems.
- Testing of ISP satellite Gateways and monitoring of transmissions from these gateways.
- Monitoring of Broadcasters Teleports/DSNG vans.
- In-orbit tests of INSAT satellites in coordination with Master Control Facility (MCF), Hassan.
- Coordination with foreign satellite operators like Thaicom, Intelsat, AsiaSat, PanAmSat, Singtel, APSTAR, New Skies, which are providing space segment to Indian satellite communication users.

3.96 NOCC under DoT is created to control the transmissions from the ground segment (satellite Earth stations) along with the Master control Facility under DOS to manage the operation of Satellites (INSAT) in orbit. NOCC

provides the network clearances before the start of operations from any Earth station accessing satellite and also carries out the monitoring and online operational control and coordination. NOCC guides almost all the service providers for planning/commissioning/operation of satellite-based networks. It also conducts verification and compliance with the terms and conditions of licenses issued by different authorities namely DoT, MIB, WPC, etc.

3.97 NOCC grants the following:

- In-principle approval for frequency/carrier plan
- Mandatory Performance Verification Testing (MPVT)

3.98 After the grant of the WOL, licensees for the use of space segment are required to pay NOCC charges which is Rs 21 lacs per transponder per annum (36 MHz) plus applicable service tax and cess through BharatKosh. NOCC charges for mandatory Performance Validation Testing of Earth station Antenna(e) at the rate of Rs 6000 per antenna per trial plus applicable service tax and cess.

Frequency/Carrier Plan

3.99 An operator who has been licensed to install, operate, and maintain a satellite network system after obtaining in-principle approval from DoT/MIB, has to submit the details about the network (viz. n/w proposal, space segment allocation from DOS, frequency plan, link engineering/budget along with link summary, technical specifications of all the equipment from antenna to baseband) and Earth station. Currently, the process is offline.

Mandatory Performance Verification Testing (MPVT)

3.100 The operator who is licensed to install, operate, and maintain a satellite network system is required to take MPVT from NOCC. MPVT is conducted for satellite earth station Antenna/Teleport/DSNG/Fixed Terminal/Flyway Antenna. The process of applying is offline. A duly signed application in prescribed format for the site being offered for MPVT needs to be filed with NOCC. An amount of Rs 6,000 per trial per antenna is to be submitted through BharatKosh and it usually takes a period of 15 to 30 days.

Issue for consultation:

3.101 As discussed above, Networks Operation Control Centre (NOCC) grants the following permissions/approvals:

1. In-principle approval for frequency/carrier plan
2. Mandatory Performance Verification Testing (MPVT)

Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC requires

improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Telecommunication Engineering Centre (TEC)

3.102 TEC is the technical wing of the Department of Telecommunications and has played a crucial role in the telecom ecosystem of India. TEC develops standards for the telecommunication sector in India, to ensure the development of world-class telecom networks and smooth interconnection of individual networks.

3.103 TEC provides technical support to DoT and other government departments and formulates technical specifications in the form of standards of various telecommunication technologies for telecom equipment, networks, systems, and services to be deployed in the Indian Telecom Network, in harmony with International Standards after wide stakeholder consultations. During the formulation of the above-mentioned documents, 'Test Schedule Test Procedure' (TSTP) is also prepared to carry out testing and certification of the equipment. It also discharges its function as a testing and certification body.

3.104 TEC issues Interface Approvals, Certificate of Approvals, Service Approvals and Type Approvals. Broad testing/approvals processes followed by TEC are illustrated as below:

a. Mandatory testing certification of telecom equipment (MTCTE)
b. Type Approvals
c. Interface Approvals

Mandatory Testing Certification of Telecom Equipment (MTCTE)

3.105 The Indian Telegraph (Amendment) Rules, 2017, provide that every telecom equipment must undergo mandatory testing and certification before sale, import to use in India, the steps of which are detailed below:

i. The testing is to be carried out for conformance to Essential Requirements (ER) for the equipment by Indian Accredited Labs designated by TEC and based upon their test reports; the certificate is issued by TEC. The application for certification under MTCTE is to be submitted on the 'MTCTE Portal' through which the online administration of this procedure is carried out.

ii. Brand Registration (one-time activity)

A. Original Equipment Manufacturer (OEM) applies with relevant documents on TEC's online portal

1. Document scrutiny
2. Query raised by TEC reviewer if any
3. Issuance of login credentials to brand/applicant

B. Product Registration

4. Testing and report from TEC accredited lab
5. Online submission along with payment on TEC portal
6. Report validation
7. Query response, if raised
8. Grant of certification

iii. There may be a case of some ambiguity and duplicity in testing, as similar testing, and certification are done by different authorities. For example, for ICT equipment, safety tests are currently certified by the Bureau of Indian Standards (BIS). The MTCTE regime formulated by TEC, the published Essential Requirement (ER) contains sections related to safety testing in addition to other tests. There is an overlap in safety testing following the same standards. Similarly, two agencies – the National Centre for Communication Security (NCCS) wing of DoT and BIS and its technical committees are separately pursuing the development of security standards for mobile phones.

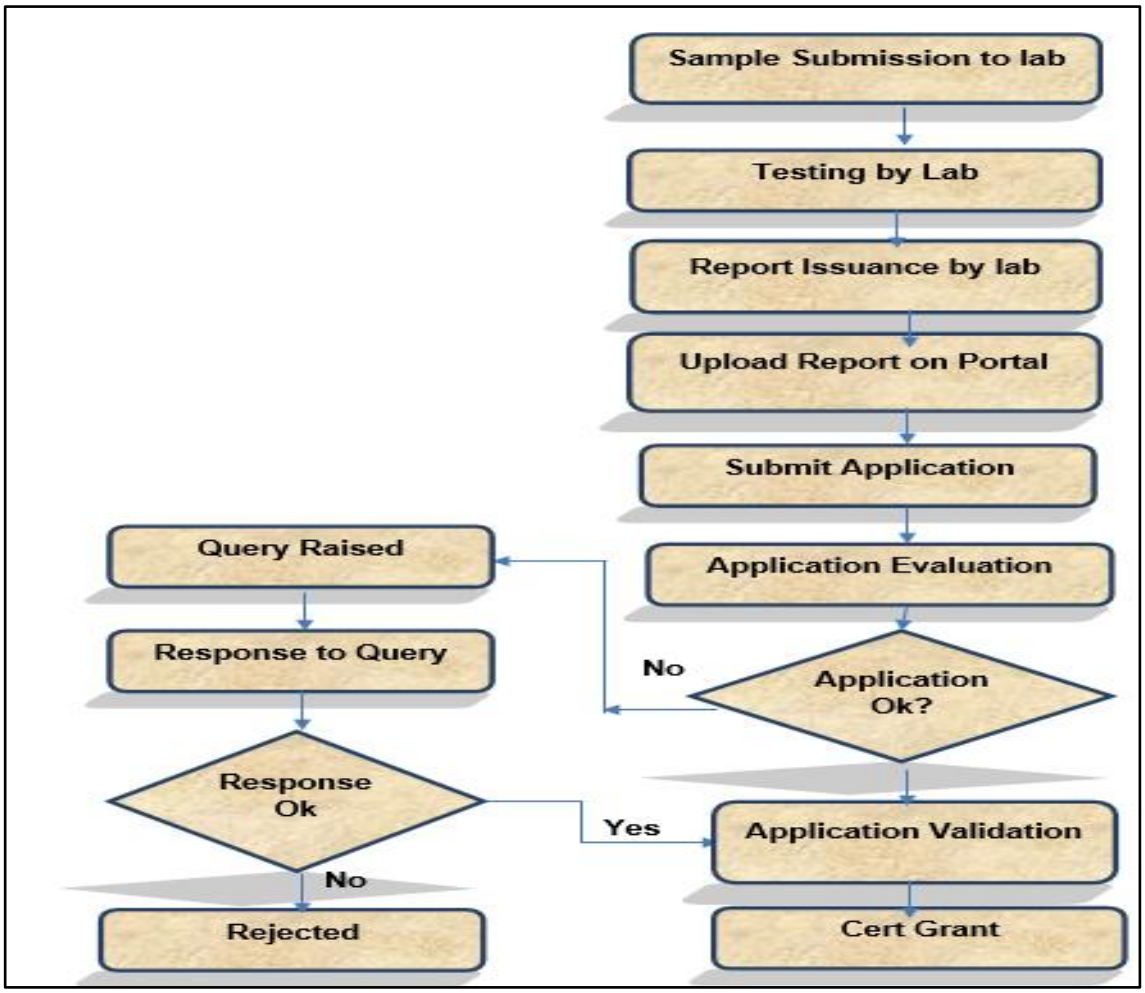
iv. MTCTE, a TEC requirement, needs to be well defined in scope, covering only relevant and critical network elements and multiple certification requirements to be avoided as much as possible. The existing process of MTCTE is shown in Figure 3.5.

v. The current requirement of multiple approvals and certifications viz. (a) WPC certificate from the WPC wing of DoT, (b) MTCTE certificate from the TEC wing of DoT and (c) Communication Security Certification Scheme (ComSeC) from the NCCS wing of DoT and forthcoming requirements of certification by NCCS, etc., may be simplified and all possible overlaps required to be removed and a single-window scheme for testing and certification may be introduced.

vi. Further, the testing requirements are required to be commensurate with the actual testing infrastructure in the country. There are only few authorized labs for security testing in the country while the testing requirements are increasing multifold, leading to extensive cost and

resource implications for TSPs. A simplified and single-window system is very crucial for testing.

Figure 3.5: Process of MTCTE



Type Approval and Interface Approval

3.106 TEC also issues Type Approval and Interface Approval. Type Approval against its Generic Requirements (GR) standards. Like the Interface Requirement (IR) standards, GR standards are organized by functional equipment type. Approval requires in-country telecom testing and may also require environmental and Electromagnetic Compatibility (EMC) testing. Interface Approval is the process of testing and certification of telecom product, in accordance with Test Schedule and Test Procedure (TSTP) of TEC, for conformance with the Standards for Interface (erstwhile IR of the product) issued by TEC.

Issues for consultation:

3.107 As discussed above, Telecommunication Engineering Centre (TEC) grants the following permissions/approvals:

1. Mandatory testing certification of telecom equipment (MTCTE)

2. Type Approvals
3. Interface Approvals

Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Q12. What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.

CHAPTER IV

GRANT OF PERMISSIONS BY DEPARTMENT OF SPACE FOR TELECOM AND BROADCASTING SERVICES

4.1 The given chapter covers the various permission by the Department of Space (DOS) in respect of telecom and broadcasting sector. DOS plays a major role in allowing particular bands and space segment capacity. The 'ease of doing business' initiative of the Government needs to be extended to this sector to realize its full potential. Both fresh and additional space capacities are required by the following telecom and broadcasting service operators:

1. Commercial VSAT Operators
2. Captive VSAT Operators
3. GMPCS Operators (Sui-Generis license-BSNL)
4. INSAT MSS-R Service
5. Broadband/Internet using Satellite
6. International Internet Gateway
7. DTH Operators
8. Broadcasters/Teleport Operators (Uplinking and Downlinking)
9. SNG (Satellite News Gathering)/DSNG (Digital Satellite News Gathering)
10. HITS Operators

The process of hiring fresh and additional space capacities

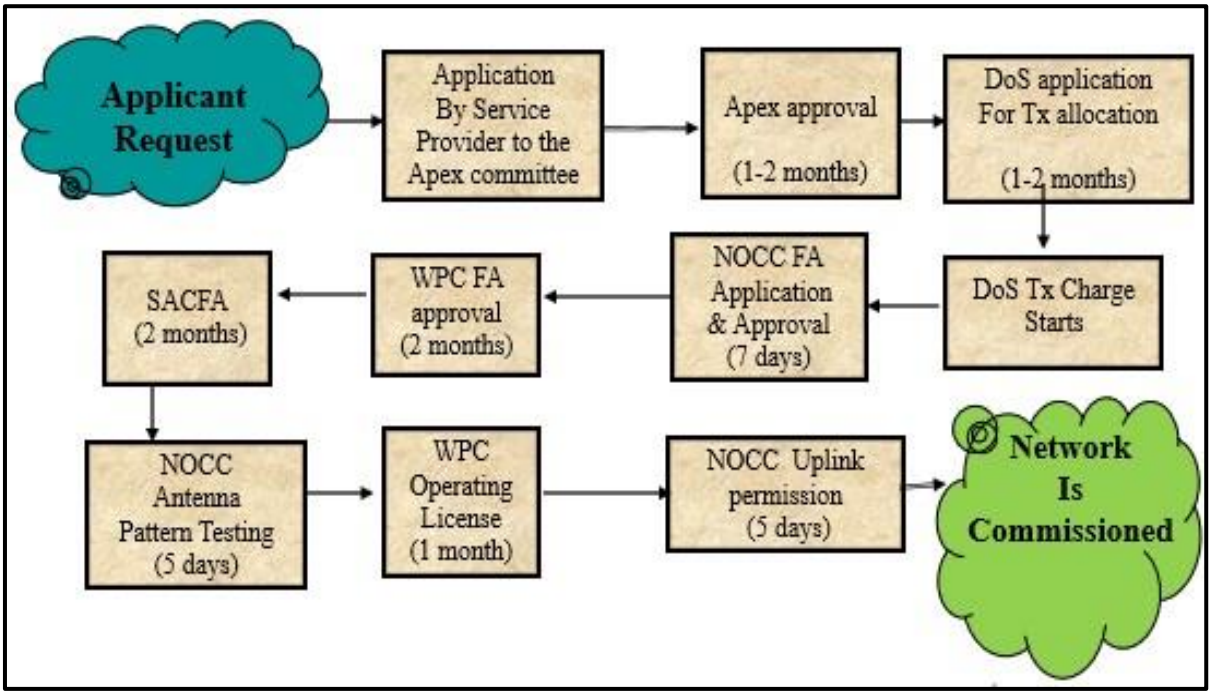
4.2 The erstwhile "Commercial CUG VSAT license" and the "VSAT CUG Service authorization" under the Unified License stipulate that the VSAT service providers take bandwidth from DOS and set up their own hub Earth station to provide services to their customers. Any VSAT service provider (SP), who wishes to set up a hub earth station first needs to apply for in-principle approval to the Apex committee and with NOCC, TEC, MIB, and DOS as its members. The apex committee examines proposals that are received for their technical and licensing compliance requirements and provides an in-principle approval. The SP can in parallel apply for space segment capacity to DOS, as per the prescribed guidelines, and by filling in the INSAT/GSAT Capacity Requirement Format (ICRF) along with a security deposit as stipulated in the guidelines.

4.3 All such space segment capacity request applications are scrutinized by DOS, and as per the Satcom Policy, preference is given to GSAT satellites, and a suitable capacity is identified. Once the capacity is identified, a formal offer is made to the SP. Once the offer is accepted by the SP, a draft contract is drawn up and the same is given to the SP to execute, so that capacity allocation can be made.

4.4 The SP on receiving the capacity allocation and after the in-principle approval by the apex committee applies to NOCC for frequency allocation (FA). After receiving the FA letter from NOCC, the SP applies to WPC for spectrum assignment (issuance of Decision Letter). WPC deals with the spectrum assignment based on whether it is a fresh assignment or a reconfiguration of the existing spectrum that is being used by the SP. If it is a fresh spectrum, prior to assignment, WPC takes the approval of the finance wing (WPF). In the case of captive licenses and the national long-distance license/authorization, a letter of intent with the spectrum usage charges that are payable is handed over to the SP. In the case of VSAT service providers or Access Service providers, since the spectrum usage charges are a percentage of AGR, the decision letter is directly issued. Post the receipt of the decision letter, the SP can apply for importing license for the import of the infrastructure equipment that is required to set up the hub. In parallel, the service provider can apply to SACFA for the approval of the hub antenna. The SP in the meantime can erect the antenna, and also coordinate with NOCC for conducting the MPVT.

4.5 The service provider applies for a Wireless Operating License (WOL) from WPC along with the NOCC MPVT, a SACFA approval, and the WPC Decision Letter. Once the WOL is issued by WPC, the SP approaches NOCC for uplink permission. Based on the discussion with stakeholders a chart depicting an approximate timeline is prepared. Figure 4.1 outlines the entire process chart and the time for the various steps as communicated by the service providers.

Figure 4.1: Process chart of tentative timelines for network commissioning



4.6 It has been observed that in the case of capacity that is allocated on foreign satellites, DOS, or its commercial arm (Antrix/New Space India Ltd.) add a markup of 5% to the space segment charges offered by the foreign service providers. Concerns were also raised that DOS starts to charge for capacity from the date of allocation irrespective of the regulatory approvals. It has been informed that recently after many representations, a three-month waiver has been proposed.

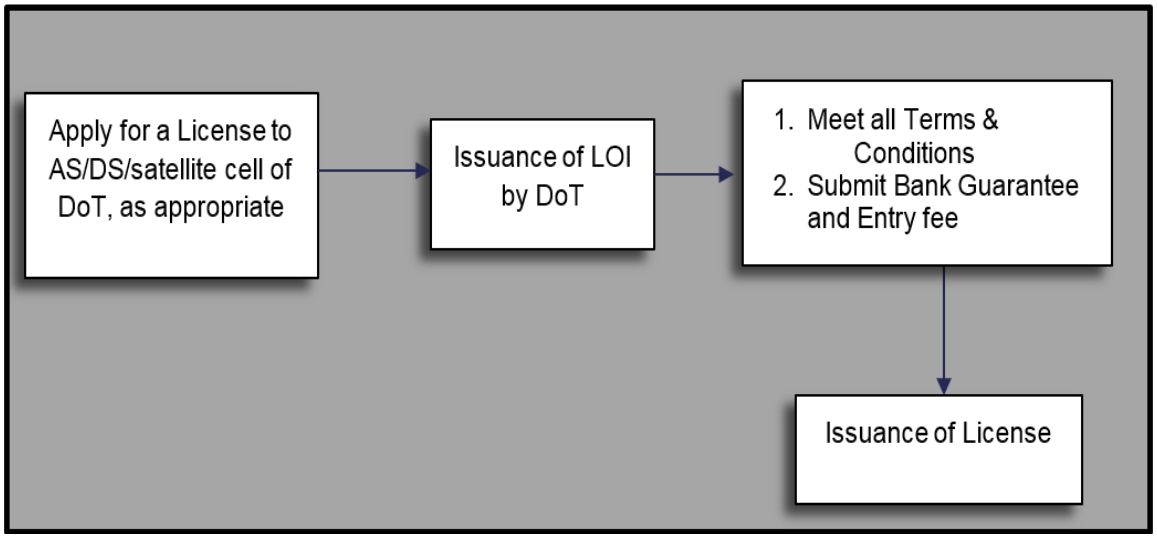
4.7 During the discussions, service providers indicated several policies and other related issues. They informed that they face several challenges in navigating through the process listed above. These pertain to challenges that they face with the processes within DOS along with WPC. Issues pointed out by them are listed below:

- From the submission of ICRF and till the allocation of space segment capacity by DOS, the entire process is not online and is administered through an offline mechanism. This results in several challenges to the SPs in tracking the status of their applications and the availability of capacity on various satellites.
- The contract terms stipulate that DOS can revise any charges retrospectively and can collect the difference for any period of time. The contracts are short-term (always end on March 31st of every year) and do not allow for any direct or indirect liabilities on the part of DOS for non-performance of the space segment. Due to regulatory uncertainties, many foreign satellite operators have no new satellite plans for India. As their huge capacities lie idle, no new investment is flowing in and the available capacity is diminishing; thus, artificially creating a scarcity. Hence while many high throughput satellites are launched by many foreign operators, they have stopped launching them over India, thus, depriving the SPs.
- As the DOS charging starts from the date of allocation, the SP is neither able to provide the service and bill its customers (for want of regulatory approvals) nor is it able to avoid paying DOS for the space segment (as it is stipulated by the contract).
- As can be seen from the chart, the entire process of setting up the hub, hiring of space segment capacity, and becoming operational takes more than 8 to 9 months. On the other hand, SPs are bound by service-level agreements with their customers for the delivery of services. The customers demand services and thus making the service unviable.
- The spectrum assigned for satellite services (especially, in the C/Ext C, Ku & Ka) are shared in nature. Many SPs share this spectrum across various orbital slots on which the satellites are positioned. Many countries have realised that such shared spectrum assignment can take place on a full-band basis and not be restricted to frequency spots to simplify the process of such assignment and administration. This will obviate the need for the service providers to come back to WPC for

each additional frequency for the expansion of their networks. Else, the process outlined in the chart above will apply to all such expansion.

4.8 It is obvious from the above discussion that some of the processes involve only one ministry. However, in some cases, the grant of permissions involves various ministries. When only a single ministry is involved, the process could be quite simple and can be improved by having well-defined timelines, improving application format, provision of deemed approval, a defined query system in place, etc. The simple process followed for the Unified License by DoT is depicted in Figure 4.2. This license is common for many services such as fixed-line services, mobile services, VSAT, GMPCs, etc.

Figure 4.2: Process flow for grant of new license by DoT

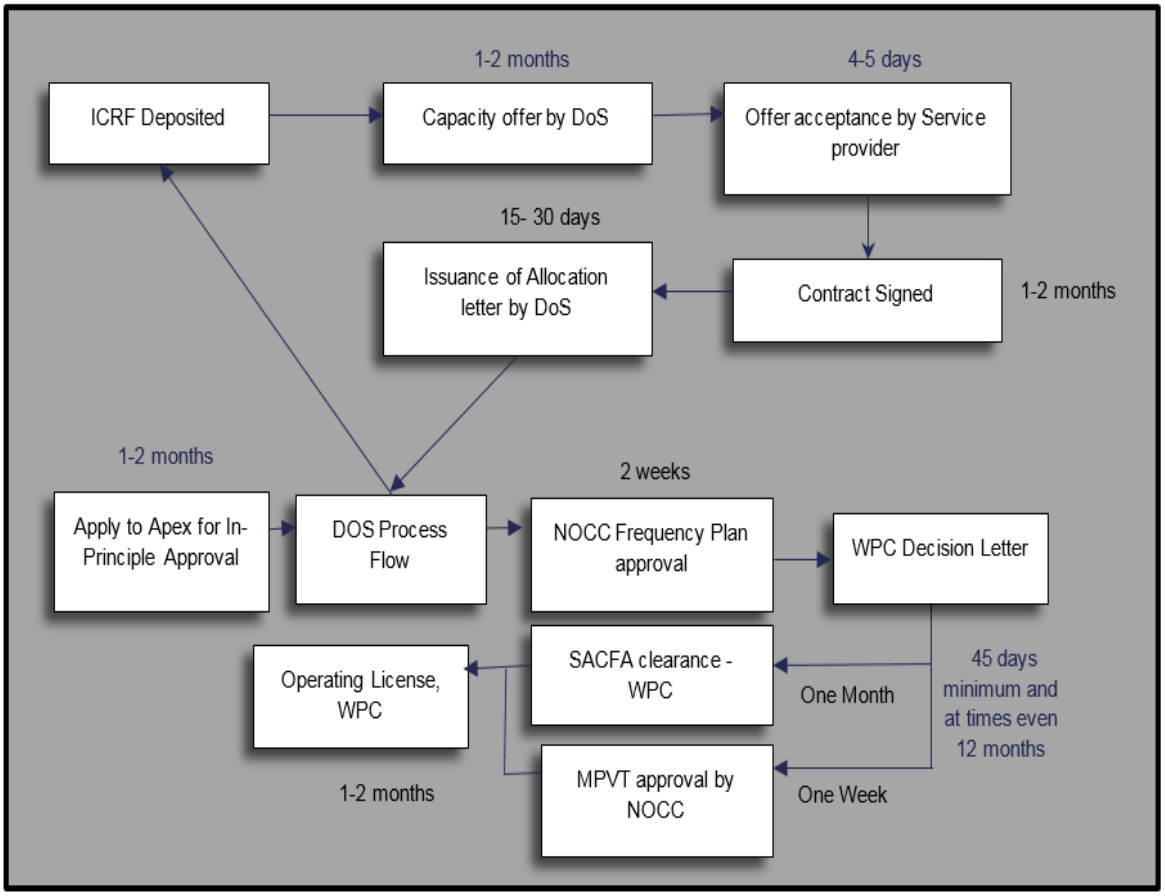


4.9 When there is a need to get satellite space or frequency assignment for the services, multiple departments and ministries are involved which makes the process a little more cumbersome and time-consuming. The same has been depicted in Figure 4.3. It has also been noted that an almost similar process is followed for additional capacity which is depicted in the process chart in Figure 4.4. For instance, for the provision of satellite-based service following process is involved:

- Department of Space - Allocates satellite capacity
- DoT Satellite Cell - Through an apex committee provides in-principle approvals to networks
- NOCC - Provides Frequency Approvals, monitors satellite networks to make sure transmission/carriers do not cause interference to other users on the same satellite (including unlawful transmission), and does earth station Mandatory Performance Verification Testing (w.r.t TEC specifications)
- WPC - Grants licenses (both decisions to grant licenses, i.e., assignment of the spectrum and the operating licenses)

- SACFA- Approves the mast height of both hub/gateway & terminal antennas

Figure 4.3: Process flow of satellite space requirement



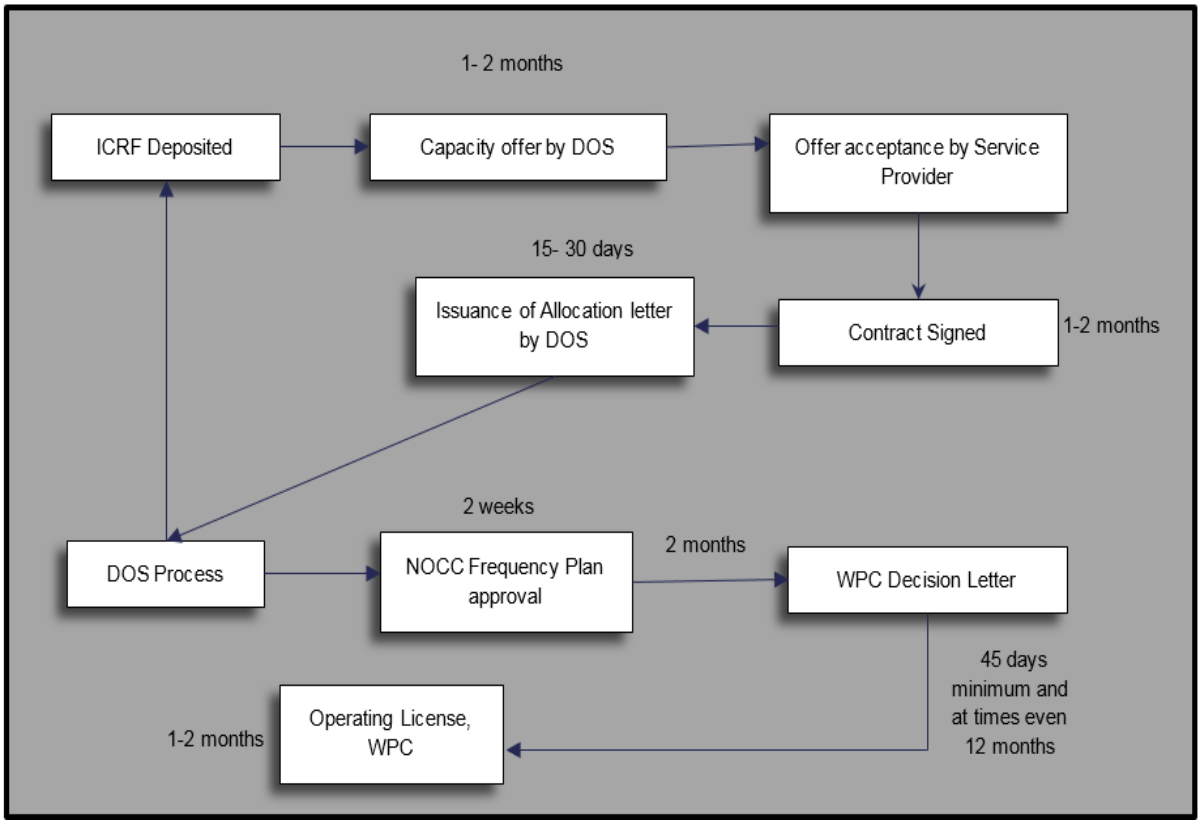
4.10 As can be seen from the above process flowchart that the existing process flows are sequential and there is no single point of contact for getting permissions. After an in-principle approval by the Apex committee still, applications are to be made to each department (NOCC, WPC, SACFA, DOS) separately as well. Multiple steps are also involved in the whole process. It is a clear case that there is a need to reduce the number of steps, and the process has to be made more efficient for speedier approvals/ authorizations. It has also been informed that the powers for providing permissions/approvals are not delegated and virtually every file goes to the highest level for approval, which adds to delays and administrative overheads.

4.11 From the above discussion it is obvious that there is a scope of speedier approval for providing various permissions. Fundamental principles for speedier approvals are as follows:

- Eliminate redundant steps and make it a single window only
- Redefine processes and remove redundant steps and levels in the process
- Apex approval should be required only for "out-of-the-ordinary"

- Everything is not required to go to Apex approvals
- Time should be well defined for each process
- Criteria of deemed approval may be opted, wherever possible
- All queries should be raised once only

Figure 4.4: Process flow for additional space capacity



4.12 The recent non-Geostationary orbit (NGSO) communications constellations, including low-Earth-orbit (LEO) and medium-Earth-orbit (MEO) satellite constellations, look very promising in terms of satellite capacity and its price points. It has also been pointed by some stakeholders that a robust domestic industry can deliver services as long the Government takes the responsibility of facilitating the availability of the raw material (space segment) at an affordable price.

4.13 New satellite-based solutions are being developed through collaborations across various sectors to implement innovative ideas and to cater to the increasing global requirements. New business models are emerging due to changes in the technology of satellite manufacturing, the emergence of new system integration techniques, and the growing range of new technology enablers. Innovations leading to cost-effective satellite services and amalgamation of technologies like Artificial Intelligence, cloud, and big data are gaining importance for exploring new prospects in the satellite ecosystem.

4.14 The LEO satellite system operators appear to play a critical role in boosting broadband coverage, particularly in rural India. Various satellite operators

are preparing to launch high-speed satellite broadband services in India. India is being seen as a key emerging satellite internet market with a huge revenue opportunity. Nearly 75% of rural India does not have access to broadband as many locations are still without cellular or fibre connectivity. Accordingly, LEO satellite systems are being seen as a viable alternative. Keeping in view the upcoming various LEO/MEO satellite constellations, it is imperative that there would be more frequent requirements for the permissions and licenses by multiple operators from the Department of Space. Thus, enabling a streamlined process to cater to such requirements is the need of the hour.

Issues for consultation:

4.15 As discussed above, Department of Space (DOS) provides both fresh and additional space capacities as required for the following services:

1. Commercial VSAT Operators
2. Captive VSAT Operators
3. GMPCS Operators (Sui-Generis license-BSNL)
4. INSAT MSS-R Service
5. Broadband/Internet using Satellite
6. International Internet Gateway
7. DTH Operators
8. Broadcasters/Teleport Operators (Uplinking & Downlinking)
9. SNG (Satellite News Gathering)/DSNG (Digital Satellite News Gathering)
10. HITS Operators

Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity

Give your suggestions with justification for each service separately with detailed reasons along with examples of best practices if any.

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

CHAPTER V

GRANT OF PERMISSIONS BY MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY AND MINISTRY OF POWER IN RESPECT OF TELECOM AND BROADCASTING SECTOR

Ministry of Electronics and Information Technology (MeitY)

5.1 MeitY administers policy matters relating to information technology, electronics, and the internet (all matters other than licensing of Internet Service Provider). MeitY is the nodal ministry for providing compulsory registration, certification, and surveillance of ICT products, which directly impacts the growth of the telecom and broadcasting sector. Therefore, in order to have a holistic view of the sector the processes and permissions at MeitY are also reviewed from the perspective of ease of doing business in telecom and broadcasting sector only. Table 5.1 shows the processes at MeitY.

5.2 MeitY provides registration/surveillance of Electronics and IT goods along with the Bureau of Indian Standards (BIS), which are as follows:

1. Standards and Certification of Compulsory Registration Scheme (CRS)
2. Conducting Surveillance of Products
3. BIS- Renewal of registration
4. BIS- Critical Component List (CCL) update

Table 5.1: MeitY processes at a glance

Process	Mode of submission of Application form (1)	Timeline for granting permission prescribed (2)	Mode of depositing fee (3)	Other ministries/departments involved (4)	Intimation of status of application (5)	Final permission available in downloadable form (6)	Agreements/Registrations are digitally signed (7)	Renewal (8)
1.Compulsory Registration Scheme (CRS)	Online	Not prescribed	Online receipt to be submitted	Yes	Offline	Offline	No	Not applicable
2.Surveillance	Online	Not prescribed	Online receipt to be submitted	Yes	Offline	Offline	No	Not applicable
3. BIS-Renewal of registration	Online	Not prescribed	Online receipt to be submitted	Yes	Offline	Offline	Not applicable	Yes
4. BIS-CCL update	Online	Not prescribed	Online receipt to be submitted	Yes	Offline	Offline	Not applicable	Not applicable

Compulsory Registration Scheme (CRS)

5.3 The "Electronics and Information Technology Goods (Requirements for Compulsory Registration) Order, 2012," was notified on 3rd October 2012 under the provision of the Compulsory Registration Scheme of Bureau of Indian Standards (BIS) Act, 1986, in order to protect the safety of Indian consumers and to curb the inflow of substandard electronic products. The Order necessitates the creation of an institutional mechanism for developing and mandating standards and certification for electronic products to strengthen Conformity Assessment infrastructure nationwide. BIS then registers the manufacturers under its registration scheme who are permitted to declare that their articles conform to the Indian standards. For any standard update/changeover, the flow is as given below:

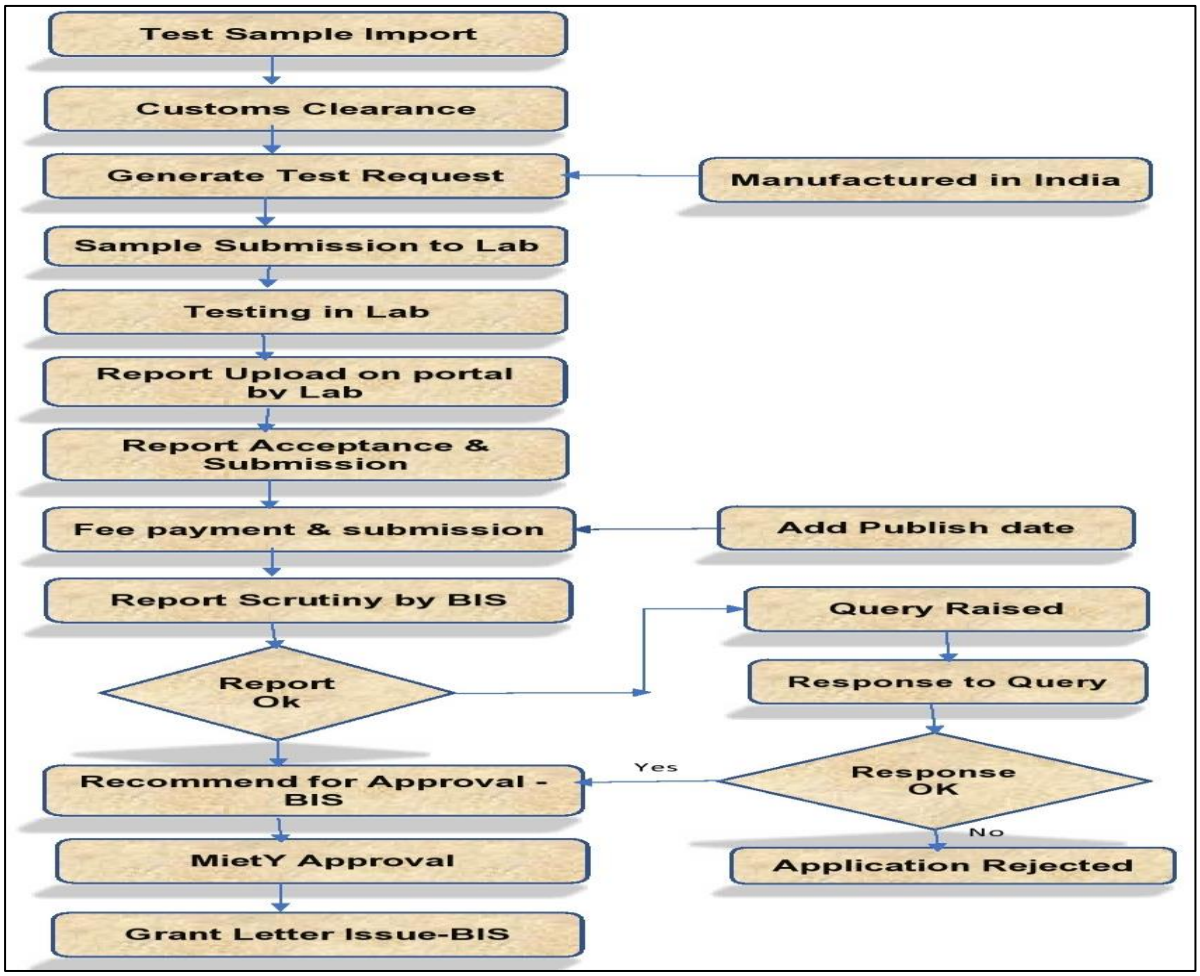
- BIS first publishes a draft standard document and share the document with the industry seeking the inputs on the draft, based on the inputs BIS incorporate/update the updates in the draft document
- BIS publishes the final standard
- MeitY releases the guidelines for implementation of the scheme along with timelines
- BIS releases the Test Report Format (TRF)
- BIS accredit the Labs as per new requirements
- Registered OEM's start the testing and changeover/update process
- MeitY publishes FAQs time-to-time to bring clarity

5.4 Compulsory Registration Scheme (CRS) sets to meet the safety standard and get safety certification for ICT products. CRS was introduced by MeitY along with BIS. Under this scheme, it is mandatory for manufacturers to get their products tested and registered before launching them in the Indian market or importing them to India. BIS grants the registration number on products following the established process. Figure 5.1 depicts the process flow of CRS.

5.5 Certification process flow is as follows:

- Factory ship samples
- Customs clearance (for imported products)
- Sample verification and submission to the lab
- Document submission for testing
- Test report verification
- Report submission and approval from BIS

Figure 5.1: Process flow of Compulsory Registration Scheme (CRS)



5.6 However recently to promote ease of doing business, the Government has approved to amend the cumbersome requirement of licenses under 1953 Customs Notification for wireless equipment to be removed and replaced with self-declaration. Hence, the Customs clearance for imported products is expected to be expedited.

Surveillance

5.7 MeitY through an authorised agency conducts surveillance of the products registered with BIS as and when required. In this process, samples are purchased randomly from the market for this activity. In case, the samples are not available in the market, the agency can visit the Authorized Indian Representative (AIR) to collect the samples, and testing is conducted in any random lab chosen. For this purpose, the fee for conducting the surveillance, including the fee for purchase of samples have to be deposited to MeitY well in advance. In case the sample fails in the process, the registration will be liable for cancellation.

BIS-Renewal of registration

5.8 The validity of the registration is 2 years. The registration can be renewed for two, three, four or five years depending upon the requirement. This

process is called “renewal of registration”. Documents for renewal of registration have to be uploaded on the BIS portal along with the fee. If the renewal is not processed till the validity, then the status of the application will be changed to deferred for 3 months. It is allowed to submit the application for renewal in this period with an additional late fee. However, import/sale of the product with said registration number is not allowed in this period.

BIS-Critical Component List (CCL) Update

5.9 Any change made on the product related to critical components used has to be notified to BIS via a process called “CCL Update”. Lab issues a test report for this (which may or may not include testing) that has to be submitted to BIS along with fees as both hard copies and soft copies.

Issue for consultation:

5.10 As discussed above, Ministry of Electronics and Information Technology (MeitY) grants the following permissions/registrations of Electronics and IT goods along with Bureau of Indian Standard (BIS):

1. Standards and Certification of Compulsory Registration Scheme (CRS)
2. Conducting Surveillance of Products
3. BIS- Renewal of registration
4. BIS- Critical Component List (CCL) update

The objective of question framed against above processes is limited to telecom and broadcasting sectors only and purpose is for improving ease of doing business in these two sectors.

Q15. Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration

Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.

Ministry of Power

5.11 Ministry of Power (MoP) provides uninterrupted availability and affordability of power for the telecom sector. The telecom network consists of core equipment that is connected to radio network elements which are installed at various locations for providing seamless telecom connectivity to the users. The radio base stations, often referred to as tower sites require a reliable and uninterrupted grid power supply. However, it is observed that at many tower sites, the unavailability of reliable grid power supply compels telecom service providers to depend upon alternate energy means like Diesel Generator (DG) sets, etc. This not only leads to an increase in pollution in those areas but also increases Capital Expenditure (CapEx) and Operating Expense (OpEx) due to higher costs and diesel pilferage, etc.

5.12 Several telecom service providers and other infrastructure providers/ stakeholders have raised concerns related to the availability of power and other related issues. An early resolution of the issues would create a conducive environment for the growth of telecom services in the country. Some of the issues relating to the power sector, which has come to the knowledge of TRAI, are as follows:

- The availability of grid power on a 24*7 basis for the telecom.
- Rationalization of tariffs and other charges for the telecom sector as it is critical and essential infrastructure.
- Online and time-bound provisioning of new power connections in a reasonable time for installation of new telecom towers.
- Installation of smart meters on tower sites.
- The cumulative load of an entity (e.g., a telecom infrastructure provider) in the state could be considered regarding the eligibility condition of 1 MW for open access.
- Net metering may be provided to telecom service providers as an option to promote the use of renewable energy.

5.13 In this context, the notification of Electricity (Rights of Consumers) Rules, 2020, dated 21st December 2020 by the Ministry of Power is a unique and transformational step, which is going to support the telecom operations across the country. Salient features of these rules are as under:

a. It is the right of the consumer to have minimum standards of service for the supply of electricity from Distribution Companies (DISCOMs) and the duty of every DISCOM to supply electricity on request made by an owner or occupier of any premises.
b. Online application and bill payment option to be provided to consumers.
c. New connection to be provided within 7 days in Metro, 15 days in municipal areas, and 30 days in rural areas.

d. In case of failure to supply electricity within the stipulated time, the penalty may be levied at the rate of up to Rs 1000 per day.
e. State Electricity Regulatory Commissions (SERC) shall specify the total duration and frequency of outages per consumer in a year.
f. DISCOM shall supply 24x7 power to all consumers. However, the Commission may specify lower hours of supply for some categories of consumers like agriculture.
g. Automatic compensation for parameters like no supply beyond fixed duration, number of interruptions exceeding a fixed number, time taken for connection, and resolution of complaints like voltage fluctuation.
h. The details of scheduled power outages shall be informed to the consumers.

5.14 The role of the Central Electricity Regulatory Commission (CERC) and State Electricity Regulatory Commissions (SERC) will be crucial as SERC will have to come up with detailed policies for the respective States within the framework provided by these rules for some of the policy steps enshrined in the Electricity (Rights of Consumers) Rules, 2020. In addition, they can ensure compliance with the various aspects of Electricity Rules, 2020 by DISCOMs. Additionally, for the timely rollout of the upcoming 5G technology in the country, the role of the power sector would be quite crucial not only from the perspective of reliable grid power but also from the perspective of sharing of the electrical poles for hosting small cells.

Issue for consultation:

Q16. What are the issues being faced by various service providers in seeking stable and committed quality power supply connections from power DISCOMS? For statewide operations whether it is feasible to get power supply in time bound manner for various locations from a single-window contact or has to be made region-wise. What measures do you suggest to improve the same?

CHAPTER VI

PERIODIC COMPLIANCES AND AUDIT REQUIREMENTS

6.1 Ease of doing business is not limited to obtaining permission/license alone, it is also important that compliances/audits should also be reasonable and do not put an unnecessary burden on the business. At the end of the day, the requirement of any compliances or audits is a cost to the business. The audit and compliances processes need to be streamlined and made simpler so as to meet regulatory and governance requirements. Efforts need to be made to have compliances and report submissions through electronic form accessible to each one concerned on a portal/website with tracking and feedback mechanism. Data security and privacy are also to be ensured for maintaining business secrecies wherever needed.

A. DoT: Controller of Communication Accounts (CCA)

6.2 The Office of Controller of Communication Accounts (CCA) at DoT is responsible for various revenue functions of the telecom service providers.

6.3 Collection of License fee: CCA is responsible for the collection of license fees from all commercial licensees of Cellular, Basic, Unified Access Service, NLD, ILD, Commercial VSAT, PMRTS services, Internet Service Providers (without telephony), Internet Service Providers (with telephony), new Licensees of Internet service and licensees of Captive VSAT, CMRTS, Radio links, Microwave links, and OFC links. This is being done for all the licensees, wherever the license fee is applicable. They are also responsible for scrutinising documents submitted by the licensees viz. AGR statements and affidavits, and also for verifying the deductions claimed by USAL and CMTS operators. CCA offices are also responsible for maintenance of performance and financial bank guarantees of the above-mentioned licenses and for ensuring encashment for non-renewal and non-fulfilment of terms and conditions of respective License Agreements.

6.4 The SARAS portal, which is the revenue management system was conceptualised and designed by DoT for use by all Licensees across India for all transactions and communications with DoT across the life cycle of the license, including submission of AGR and related documents, submission of deduction claims and related documents, License Fee (LF)/Spectrum Usage Charge (SUC) payments, Bank Guarantee related submissions, receipt and response to various notifications and notice, including deduction verification related Show Cause Notice, LF/SUC demand notices, BG related notices as well as submission and response to representation and grievances. SARAS portal is being integrated with SaralSanchar Portal, hence the information provided by the applicant on

SaralSanchar will be available on the SARAS portal as well for post-license financial activities. SARAS portal is linked with BharatKosh.

6.5 Further, both the Performance Bank Guarantee (PBG) and the Financial Bank Guarantee (FBG) have been rationalized via amendments dated 6th October 2021 in the UL agreement and UL(VNO) agreement. For Unified Licenses, initially, before signing the License Agreement, the PBG has been reduced to a maximum of Rs 44 crores from existing Rs 220 crores. Similarly, initial FBG has been made a maximum of Rs 8.8 crores as compared to an earlier maximum of Rs 44 crores, valid for one year. Subsequently, the amount of FBG has been reduced to equivalent to 20% of the estimated sum payable of the license fee for two quarters and other dues not otherwise securitized. Similar amendments have also been carried out in various other licenses like INSAT-MSSR, sui-generis category license granted by BSNL, Captive, and Commercial VSAT CUG License on rationalisation of Bank Guarantee on 11th October 2021.

6.6 Also, in case of multiple Bank Guarantees for all the licenses/ authorizations held, the Licensee will have an option to submit Bank Guarantee(s) centrally at one place instead of LSAs wise. These reforms will reduce the huge burden on the service providers in terms of Bank Guarantees.

6.7 Assessment and calculation of license fee: CCA offices carry out assessment and calculation of license fee for ILD, NLD, Commercial VSAT, PMRTS, Internet Service Providers (with telephony), and new Internet licenses. This activity is being done based on audited annual accounts and other audited financial statements submitted by the licensees, calculation of license fee for licenses of captive VSAT, CMRTS, radio links, microwave links, and OFC links is done based on a number of terminal/channels working. This work is being performed for 364 licenses issued by DoT.

6.8 Collection of Spectrum Charges: The work relating to the collection of spectrum charges w.r.t. various service providers is also done by CCA.

6.9 Simplification of Spectrum Usage Charges (SUC), Assessment and Verification of Deductions claimed from Gross Revenue: DoT has delegated the following responsibilities to offices of CCA with respect to License Fee and SUC collection and assessment:

- Collection of quarterly license fee and spectrum charges
- Annual assessment of license fee in respect of all services except access service
- Annual assessment of spectrum usage charges
- Verification of deductions claimed from gross revenue
- Maintenance of financial bank guarantees (FBGs) and performance bank guarantees (PBGs)

6.10 All access service providers are required to submit the License Fee, SUC, and documents related to deductions claimed from gross revenue separately for each service area in the respective offices of CCAs. The SUC assessment and the verification of deduction documents are independently carried out by all 22 offices of CCAs.

6.11 TSPs have frequently reported that instructions related to the assessment of SUC, and verification of deduction documents are not uniformly followed or interpreted by offices of CCAs. TSPs informed that to coordinate and to bring uniformity in verification of deduction documents and assessment of SUC, DoT issues instructions and clarifications from time to time and frequently organize workshops. However, still many inconsistencies exist in the processes followed by various CCA. Few of these as informed by them are as follows:

- Few offices of CCAs raised demands for additional payment of SUC as they applied for incremental SUC rate of 0.5% post sharing of the spectrum on the entire spectrum holding. However, few other offices of CCAs took a different view and applied incremental SUC rate only on spectrum band, which is shared. TRAI has also clarified these issues vide its recommendation on "Methodology of applying SUC under the weighted-average method of SUC assessment, in cases of Spectrum Sharing" dated 17th August 2020. However, it has been announced that no Spectrum Usage Charge (SUC) for spectrum acquired in future spectrum auctions. Spectrum sharing has to be encouraged and an additional SUC of 0.5% for spectrum sharing has to be abolished.
- Offices of CCAs disallow deductions claimed from Gross Revenue, which TSPs sometimes claim are arbitrary. In many cases, a huge amount of deductions are disallowed in initial scrutiny without proper verification, and only after follow-ups, meetings, and submission of many additional documents, deductions are allowed.

6.12 The stakeholders have submitted that inconsistencies with SUC assessment by 22 different offices of CCAs can be easily addressed by mandating a centralized assessment of SUC at DoT (HQ). It is to be noted that the process of finalization of AGRs and assessment of license fee for access service is carried out centrally at DoT headquarters. The same AGR is also used for the assessment of SUC, and hence SUC assessment can also be carried out centrally without putting in any significant extra effort or resources. The centralized assessment of SUC instead of 22 separate assessments would simplify the process of SUC assessment and economize on efforts on part of the TSPs and the Government and bring uniformity across all circles.

6.13 Under structural reforms as announced, prevailing interest rates have to be rationalized and penalties to be removed. From 1st October 2021, delayed payments of license fee/spectrum usage charge will attract an interest rate of SBI's Marginal Cost of Lending Rate (MCLR) plus 2% instead of MCLR

plus 4%; interest compounded annually instead of monthly; penalty, and interest on penalty removed.

6.14 Accordingly, DoT has issued amendments in the Unified Access Service License (UASL) Agreement, Unified License Agreement, and Unified License (Virtual Network Operator) {UL(VNO)} Agreement for change in interest rate, penalty, and interest on penalty on delayed payment of License Fee or any other dues. These amendments came into effect from 1st October 2021 and are applicable on the dues which arise from the operations of the Licensee after the said date.

6.15 Further as announced the definition of Adjusted Gross Revenue (AGR) has been amended and rationalized which had been the legacy pain point of telecom operators, the inclusion of non-telecom revenues for calculation of adjusted gross revenues, has been excluded from the UL and UL-VNO licenses on 25th October 2021 and also from other licenses accordingly.

6.16 The stakeholders further stated that the verification of documents for deduction claimed from gross revenue can be addressed by prescribing an audit of deductions claimed from the gross revenue instead of verification of each transaction. The verification of documents is a huge exercise and requires significant effort and resources in the preparation of documents, and its verification on the part of both TSPs and the Government. The audit of deductions along with the special audit of revenue would simplify the process to a large extent.

Issues for consultation:

Q17. Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.

Q18. Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.

B. DoT: Licensed Service Area (LSA) units

6.17 Major functions of DoT Licensed Service Area (LSA) units involve matters related to security, technology, service compliance, administration, and technologies in rural areas.

Audit of Customer Acquisition Form (CAF)

6.18 During the interaction, TSPs have also shown concern with respect to audit of CAF. Their main concerns are (a) the sample size required for CAF audits is too high and (b) such audits are also very frequent. These TSPs are of the

view that in the case of digital CAF or e-KYC CAF, only a process audit should suffice. They have also requested that penalties should be reduced and should not apply during the CAFs generated in the testing phase, software upgrades, database cleanup, etc. The appeal against penalties should lie at DoT Headquarters and the rejection of appeal should be a detailed order with reasoning. Similar type of errors due to malfunction of software application, database structure/corruption should not be viewed as multiple failures but instead should be treated as one instance.

6.19 The proper verification of mobile subscribers is important from the security aspect and no SIM cards should be allowed to be used illegally and without verification. Industry and DoT have worked together over the years to evolve suitable and sufficient subscriber verification procedures. However, the modernization of the subscriber acquisition and verification methodology has not been reflected in the audit methodology of subscriber CAFs, which is still rooted in the early 2000s mode of monthly audit of sample CAFs and had in fact become a revenue-generating mechanism by the imposition of penalties.

6.20 In accordance with the recent Union cabinet approval, DoT has recognized Self-KYC(S-KYC) as an alternate process for issuing new mobile connections to local and outstation category customers and use of Aadhar-based e-KYC service of UIDAI as an alternate process for issuing mobile connections to individual customers, including outstation customers and bulk connection.

6.21 It is also pertinent to mention here that the Cabinet in its new telecom reforms has announced and issued the guidelines for TSPs on 11th October 2021 regarding CAF digitization that the paper Customer Acquisition Forms (CAF) have to be replaced by digital storage of data. Nearly 300-400 crore paper CAFs lying in various warehouses of TSPs will not be required. Warehouse audit of CAF will not be required.

6.22 The stakeholders have submitted that the onerous requirements of monthly audits should be reduced and simplified with DoT focusing only on systemic issues with a sole objective to ensure complete traceability of the end customer; instead of DoT, LSA units have been penalizing TSPs on technical/hyper-technical grounds also on account of interpretation issues.

Issue for consultation:

Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.

C. <u>MIB: Submissions/filings by Teleport Operators/DPOs</u>

6.23 DPOs are required to provide a compliance report every month in respect of carrying the mandatory channels of Government on their platform along with their Logical Channel Numbers (LCNs) through email. Consumer complaints uploaded by MIB on pgportal.gov.in are to be addressed by the DPOs.

6.24 Apart from the above, MSOs have been provided a login on the Digital India MIB portal, wherein they have to feed their Set Top Box (STB) seeding data every week. The DTH operators also have to submit the following documents both via email and physical copy. MIB is in the process of developing an online portal enabling us to make submissions online.

a. Provisional Form D, giving the statement of gross revenue forming part of the company's revenue
b. Certified Form D, along with audited annual account of the company
c. Shareholding pattern of the company
d. Monthly report
e. License fee payment (now quarterly) through the BharatKosh portal

6.25 All the teleport operators having permissions for uplinking and downlinking of TV channels are required to furnish the detailed list of TV channels being uplinked from their teleport by the 15th of every month in the format prescribed by MIB. Similarly, a report maintaining a record of the location and the events which have been covered and uplinked by SNG/DSNG terminals and downlinked at their main satellite earth station is required to be submitted by the commercial DSNG operators before MHA/MIB.

Issue for consultation:

Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.

D. TRAI: Compliances/filings by TSPs

6.26 The service providers with an aggregate turnover of not less than Rs 100 crores, during the accounting year, are required to submit the accounting separation reports for each of the telecom services on an annual basis to TRAI.

6.27 A copy of the quarterly statement of gross revenue, adjusted gross revenue, license fee, and spectrum usage charges, being filed with the licensor, is required to be submitted to the Authority.

6.28 The service providers are required to report tariffs offered to retail customers online by using the Online Tariff Filing and Review System (OTFRS) implemented by TRAI with effect from 1st January 2019.

6.29 A copy of interconnection agreements between the various telecom service providers are filed at TRAI in the form of hard copies, as and when there is a new agreement or renewal of any existing agreement. A quarterly report on carriage charges, Interconnection Usage Charges (IUC) for SMS both in hard copy/soft copy is submitted in the prescribed format. Interconnection status of E1 ports by service providers is submitted monthly in hard/soft copy.

6.30 TSPs also submit LSA-wise reports to TRAI in the prescribed format through the portal provided by TRAI. Performance Monitoring Reports (PMR) for Cellular, Basic and Broadband services are submitted to TRAI on every quarter both in offline/electronic mode. PMR for Circuit Switched Fall Back, Consumer Grievance Redressal, Wireless data, DCR Matrix, and Unsolicited Commercial Call services are submitted to TRAI quarterly both in offline/electronic mode.

6.31 Reports on Point Of Interconnection (POI) Congestion and value-added service are also submitted to TRAI monthly through the offline mode.

6.32 A monthly broadband subscriber report and report on public Wi-Fi hotspots are being submitted to TRAI, through email and hard copy by TSPs and ISPs. A quarterly performance monitoring report for internet services is also submitted through email and hard copy by the ISPs.

E. <u>TRAI: Compliances/filings by Broadcasters and DPOs</u>

6.33 Broadcasters and distribution platform operators (DPOs) submit data as per the reporting requirements of Tariff Order, 2017, and Interconnection Regulations, 2017, and Register of Interconnection Agreements and all such other matters Regulations, 2019, generally in both hard copy and soft copy.

6.34 The DPOs of TV services comprising of DTH operators, MSOs, and HITS operators electronically submit PMRs monthly and quarterly in the respective formats as prescribed by the Authority.

6.35 TRAI has recently developed a Broadcasting & Cable Services Integrated Portal (BIPS), which has gone live on 2nd January 2020 for filing of the interconnection agreements. The portal is also likely to incorporate tariff and PMR filings in a phased manner. Weekly data of the duration of advertisements from broadcasters are also being filed in TRAI electronically. FM radio broadcasters submit advertisement revenue data quarterly in hard copy as well as the soft copy format.

6.36 Auditors are impanelled by TRAI to carry out an audit of Digital Addressable Systems (DAS). The process involves submission of the application by the applicant in hard copy along with supporting documents and a demand draft to TRAI. After scrutinizing the application and being eligible, the applicant is asked to submit the Bank Guarantee along with acceptance of terms and conditions of empanelment. The whole process is being done in

offline mode. It is suggested that a mechanism should be devised so that the same may also be done in the online mode.

6.37 Further, quarterly compliance reports from DPOs on impanelled auditors for the audit done in each quarter are submitted by email may also be called in online mode by integration of the same in the BIPS portal.

Issues for consultation:

Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.

Q22. Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.

Q23. What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.

6.38 In addition, there could be other issues too which may require policy or regulatory interventions from the perspective of ease of doing business in the telecom and broadcasting sector. In view of the above, the stakeholders are requested to identify such areas of concern and provide complete details of the nature of the problem and scope for improvement with suggested mechanisms that can ease the business activity in these pertinent sectors.

Q24. Are there any other issues in the present system of licenses/ permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/ DOS/MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.

CHAPTER VII

ISSUES FOR CONSULTATION

In order to address and enable ease of doing business in the telecom and broadcasting sector, the comments of stakeholders on the following issues are solicited.

Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

Q3. What are the issues being faced in the existing processes of granting registration to IP-I providers? Identify and suggest measures to address the same.

Q4. What measures should be taken to promote small and medium telecom infrastructure providers with ownership of the network created by them for maintaining the quality of services?

Q5. Please provide your response with suggestions to improve the present system of operations and maintenance of the undersea cable network in respect of:

a. What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?

b. What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?

Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:

a. In-transit permits
b. Pre-repair permits
c. Post-repair permits

Provide your suggestions for each activity separately.

Q7. Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:

a. Relevance of EMF radiation audit and its impact for quick roll out of the network
b. Measures to safeguard public interest and building confidence in public against propaganda of hazardous EMF radiations in field
c. Issues being faced in the existing processes related to the self-certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.

Q8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.

Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease

of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate**

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**

d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Q12. What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.

Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity**

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

Q15. Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**

b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration**

Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.

Q16. What are the issues being faced by various service providers in seeking stable and committed quality power supply connections from power DISCOMS? For statewide operations whether it is feasible to get power supply in time bound manner for various locations from a single-window contact or has to be made region-wise. What measures do you suggest to improve the same?

Q17. Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.

Q18. Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.

Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.

Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.

Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.

Q22. Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory

compliance systems due to the technological advancements. Suggest such changes with due justifications.

Q23. What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.

Q24. Are there any other issues in the present system of licenses/ permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/ MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.

List of Acronyms

Acronyms	Description
AEO	Authorised Economic Operator
AEPS	Aadhar Enabled Payment System
AIR	Authorized Indian Representative
ACMA	Australian Communications and Media Authority
BIPS	Broadcasting & Cable Services Integrated Portal
BIS	Bureau of Indian standard
BTS	Base Transceiver Station
BPO	Business Process Outsourcing
CAF	Customer Acquisition Form
CapEx	Capital Expenditure
CCL	Critical Component List
CCA	Controller of Communication Accounts
CERC	Central Electricity Regulatory Commission (CERC)
CLS	Cable Landing Station
ComSeC	Communication Security Certification Scheme
CRS	Community Radio Station
CTN	Cable Television Networks
DCC	Digital Communications Commission
DISCOM	Distribution Company
DOS	Department of Space
DoT	Department of Telecommunications
DPIIT	Department for Promotion of Industry and Internal Trade
DPO	Distribution Platform Operator
DPL	Dealer Possession License
DSNG	Digital Satellite News Gathering
DTH	Direct to Home
EMC	Electromagnetic Compatibility
EoDB	Ease of doing Business
ETA	Equipment Type Approval
EEZ	Exclusive Economic Zone
EMF	Electromagnetic Force
EU	European Union
FBG	Financial Bank Guarantees
FCC	Federal Communications Commission
FDI	Foreign Direct Investment
FODAG	Flag officer Defence Advisory Group
GMPCS	Global Mobile Personal Communication by Satellite
GOPA	Grant of Permission Agreement
GST	Goods and Services Tax
HITS	Headend-in-the-Sky

ICAR	Indian Council of Agricultural Research
ICC	INSAT Coordination Committee
ICRF	INSAT/GSAT Capacity Requirement Format
ICT	Information Communications Technology
ILD	International Long-Distance Service
INSAT	Indian National Satellite System
IP-I	Infrastructure Provider
ISP	Internet Service Provider
IT	Information Technology
IUC	Interconnection Usage Charges
LCO	Local Cable Operator
LEO	Low Earth Orbit
LIM	Lawful Interception Monitoring
LSA	License Service Areas
MCLR	Marginal Cost of Lending Rate
MeitY	Ministry of Electronics and Information Technology
MEO	Medium Earth orbit
MHA	Ministry of Home Affairs
MIB	Ministry of Information and Broadcasting sector
MNP	Mobile Number Portability
MoD	Ministry of Defence
MoP	Ministry of Power
MPVT	Mandatory Performance Verification Testing
MSC	Mobile Switching Center
MSO	Multi System Operator
MSS	Mobile Satellite Service
MTCTE	Mandatory testing certification of Telecom Equipment
NCCS	National Centre for Communication Security
NDCP	National Digital Communications Policy
NDPL	Non-Dealer Possession License
NFC	Near Field Communication
NGSO	Non-Geostationary Orbit
NOCC	Networks Operation Control Centre
NSC	Naval Security Clearance
O&M	Operations and Maintenance
OEMs	Original Equipment Manufacturer
OFCOM	The Office of Communications
OpEx	Operating Expense
OSP	Other Service Providers
OTFRS	Online Tariff Filing and Review System
OTT	Over-the-top
PBG	performance bank guarantees
PDO	Public Data Offices
PMR	Performance Monitoring Report
PMRTS	Performance Monitoring Report of Public Mobile Trunking Services

POI	Point of Interconnection
RLO	Regional Licensing Offices
ROW	Right of Way
SACFA	Standing Advisory Committee on Radio Frequency Allocation
SAUs	State Agriculture universities
SERC	State Electricity Regulatory Commissions
SOP	Standard Operating Procedure
SP	Service Provider
SPL	Specified Period License
SPOC	Single Point of Contact
TEC	Telecommunication Engineering Centre
TRF	Test Report Format
TSPs	Telecom Service Provider
UAF	Unified Application Form
UPI	Unified Payment Interface
UL	Unified License
UL-VNO	Unified licenses Virtual Network Operator
UNGA	United Nations General Assembly
UNCLOS	United Nations Convention for the Law Of Sea
USR	Network Short Range UHF Hand Held Radio
VSAT	Very Small Aperture Terminal
WOL	Wireless Operating License
WPC	Wireless Planning and Coordination

Annexure (Chapter no. I/Para no. 1.7)

Cabinet approves major reforms in telecom sector

Telecom reforms to boost employment, growth, competition and consumer interests
Liquidity needs of Telecom Service Providers addressed

The Union Cabinet, chaired by the Prime Minister Shri Narendra Modi, on 15th September 2021 has approved a number of structural and process reforms in the Telecom sector. These are expected to protect and generate employment opportunities, promote healthy competition, protect interests of consumers, infuse liquidity, encourage investment and reduce regulatory burden on Telecom Service Providers (TSPs).

In the backdrop of the outstanding performance of the Telecom Sector in meeting COVID-19 challenges, with huge surge in data consumption, online education, work from home, interpersonal connect through social media, virtual meetings etc., the Reform measures will further boost the proliferation and penetration of broadband and telecom connectivity. The Cabinet decision reinforces the Prime Minister's vision of a robust Telecom Sector. With competition and customer choice, antyodaya for inclusive development and bringing the marginalized areas into the mainstream and universal broadband access to connect the unconnected. The package is also expected to boost 4G proliferation, infuse liquidity and create an enabling environment for investment in 5G networks.

Nine structural reforms and Five procedural reforms plus relief measures for the Telecom Service Providers are as below:

Structural Reforms

1. Rationalization of Adjusted Gross Revenue: Non-telecom revenue will be excluded on prospective basis from the definition of AGR.
2. Bank Guarantees (BGs) rationalized: Huge reduction in BG requirements (80%) against License Fee (LF) and other similar Levies. No requirements for multiple BGs in different Licenced Service Areas (LSAs) regions in the country. Instead, One BG will be enough.
3. Interest rates rationalized/ Penalties removed: From 1st October, 2021, Delayed payments of License Fee (LF)/Spectrum Usage Charge (SUC) will attract interest rate of SBI's MCLR plus 2% instead of MCLR plus 4%; interest compounded annually instead of monthly; penalty and interest on penalty removed.
4. For Auctions held henceforth, no BGs will be required to secure instalment payments. Industry has matured and the past practice of BG is no longer required.
5. Spectrum Tenure: In future Auctions, tenure of spectrum increased from 20 to 30 years.
6. Surrender of spectrum will be permitted after 10 years for spectrum acquired in the future auctions.
7. No Spectrum Usage Charge (SUC) for spectrum acquired in future spectrum auctions.

8. Spectrum sharing encouraged- additional SUC of 0.5% for spectrum sharing removed.
9. To encourage investment, 100% Foreign Direct Investment (FDI) under automatic route permitted in Telecom Sector. All safeguards will apply.

Procedural Reforms

1. Auction calendar fixed - Spectrum auctions to be normally held in the last quarter of every financial year.
2. Ease of doing business promoted - cumbersome requirement of licenses under 1953 Customs Notification for wireless equipment removed. Replaced with self-declaration.
3. Know Your Customers (KYC) reforms: Self-KYC (App based) permitted. E-KYC rate revised to only One Rupee. Shifting from Prepaid to Post-paid and vice-versa will not require fresh KYC.
4. Paper Customer Acquisition Forms (CAF) will be replaced by digital storage of data. Nearly 300-400 crore paper CAFs lying in various warehouses of TSPs will not be required. Warehouse audit of CAF will not be required.
5. SACFA clearance for telecom towers eased. DOT will accept data on a portal based on self-declaration basis. Portals of other Agencies (such as Civil Aviation) will be linked with DOT Portal.

Addressing Liquidity requirements of Telecom Service Providers

The Cabinet approved the following for all the Telecom Service Providers (TSPs):

1. Moratorium/Deferment of upto four years in annual payments of dues arising out of the AGR judgement, with however, by protecting the Net Present Value (NPV) of the due amounts being protected.
2. Moratorium/Deferment on due payments of spectrum purchased in past auctions (excluding the auction of 2021) for upto four years with NPV protected at the interest rate stipulated in the respective auctions.
3. Option to the TSPs to pay the interest amount arising due to the said deferment of payment by way of equity.
4. At the option of the Government, to convert the due amount pertaining to the said deferred payment by way of equity at the end of the Moratorium/Deferment period, guidelines for which will be finalized by the Ministry of Finance.

The above will be applicable for all TSPs and will provide relief by easing liquidity and cash flow. This will also help various banks having substantial exposure to the Telecom sector.