

**Consultation Paper No. 16/2024**



भारतीय दूरसंचार विनियामक प्राधिकरण  
**Telecom Regulatory Authority of India**



**Consultation Paper on**  
**The Terms and Conditions of Network Authorisations**  
**to be Granted Under the Telecommunications Act, 2023**

New Delhi, India

22<sup>nd</sup> October, 2024

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**Written Comments on the Consultation Paper are invited from stakeholders by 12.11.2024 and counter-comments by 19.11.2024. The comments and counter-comments may be sent, preferably in electronic form, to Shri Akhilesh Kumar Trivedi, Advisor (Networks, Spectrum and Licensing), TRAI on the email ID [advmn@traigov.in](mailto:advmn@traigov.in). Comments and counter-comments received from stakeholders will be posted on the TRAI's website ([www.traigov.in](http://www.traigov.in)).**

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# Chapter I: Introduction

## A. History of Telegraph in India

- 1.1 In 1833, William O'Shaughnessy, a young assistant surgeon with the East India Company, arrived in India and quickly turned his attention to experimenting with electricity. By 1839, he had established a 13½-mile demonstration telegraph system near Calcutta (now Kolkata). That was only two years after Samuel F.B. Morse built his famous demonstration system in the United States of America (USA). But O'Shaughnessy was unaware of Morse's work. His telegraph used a different code and, at first, he transmitted the message by imposing a series of tiny electric shocks to the operator's finger. Additionally, he devised another unique solution by using a 2½-mile stretch of the Hooghly River instead of wire to complete the circuit<sup>1</sup>. His invention initially failed to gain interest.
- 1.2 In 1847, Lord Dalhousie, the Governor General of India, recognized the potential of O'Shaughnessy's telegraph. He authorized O'Shaughnessy to build a 27-mile telegraph line near Calcutta. The telegraph line was so successful that Dalhousie authorized him to build a full trans-India telegraph. By 1856, O'Shaughnessy had completed a 4,000-mile telegraph network connecting major cities like Calcutta, Agra, Bombay (now Mumbai), Peshawar, and Madras (now Chennai)<sup>2</sup>. This was a critical development, allowing faster communication across vast distances. By 1881, telephones were introduced in India, further advancing communication capabilities. To regulate these growing technologies, the Imperial Legislative Council enacted the Indian Telegraph Act in 1885. The Indian Telegraph Act, 1885 granted the Central Government an exclusive privilege to establish, maintain, and work telegraph in India. It also allowed the

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<sup>1</sup> <https://engines.egr.uh.edu/episode/1380>

<sup>2</sup> [https://cahc.jainuniversity.ac.in/assets/ijhs/Vol29\\_1\\_2\\_SGhose.pdf](https://cahc.jainuniversity.ac.in/assets/ijhs/Vol29_1_2_SGhose.pdf)

Central Government to grant licenses to any person to establish, maintain or work a telegraph within any part of India.

- 1.3 Till the end of the 19th century, telecommunications in India, like the rest of the world, relied entirely on wired systems. The wireless communication became possible only in the 20<sup>th</sup> century. The first successful communication over radio waves was achieved by Guglielmo Marconi on December 12, 1901<sup>3</sup>, which laid the foundation for wireless telecommunication. In India, radio telephone communications between England and India began in 1933, marking a significant milestone in the country's communication history. This development led to the enactment of the Indian Wireless Telegraphy Act, 1933 by the Imperial Legislative Council. The Indian Wireless Telegraphy Act, 1933 prohibited the possession of wireless telegraphy equipment without a government issued license.
- 1.4 Even after the independence of the country in 1947, the Government of India continued to administer the telecommunications through the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933<sup>4</sup>.

## **B. The Telecommunications Act, 2023**

- 1.5 In December 2023, the Indian Parliament passed the Telecommunication Act, 2023<sup>5</sup>. The Act amends and consolidates the laws concerning the development, expansion, and operation of telecommunication services and telecommunication networks, assignment of spectrum, and related matters. Section 3 of the Act grants the power of authorisation to the Central Government. The Section 3 is reproduced below:

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<sup>3</sup> <https://study.com/academy/lesson/history-of-the-radio.html>

<sup>4</sup> Apart from these two statutes namely, the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933, Parliament enacted the Telecom Regulatory Authority of India Act, 1997 (as amended). Through this Act, TRAI and Telecom Disputes Settlement and Appellate Tribunal (TDSAT) have been established - TRAI for regulating the telecommunication services, and TDSAT for adjudicating disputes and dispose of appeals.

<sup>5</sup> <https://egazette.gov.in/WriteReadData/2023/250880.pdf>

*"3(1) Any person intending to —*

*(a) provide telecommunication services;*

*(b) establish, operate, maintain or expand telecommunication network; or*

*(c) possess radio equipment,*

*shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.*

*(2) The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.*

*(3) The Central Government, if it determines that it is necessary in the public interest so to do, may provide exemption from the requirement of authorisation under sub-section (1), in such manner as may be prescribed.*

*(4) Any exemption granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933 shall continue under this Act, unless otherwise notified by the Central Government.*

*(5) Any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.*

*(6) A license, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933, in respect of provision of telecommunication services or telecommunication network—*

*(a) where a definite validity period is given, shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such license or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed; or*

*(b) where a definite validity period is not given, shall be entitled to continue to operate on the terms and conditions of such licence or registration or*

*permission for a period of five years from the appointed day, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.*

*(7) Any authorised entity which provides such telecommunication services as may be notified by the Central Government, shall identify the person to whom it provides telecommunication services through use of any verifiable biometric based identification as may be prescribed.*

*(8) The Central Government may, subject to such terms and conditions, including fees or charges as may be prescribed, allot telecommunication identifiers for use by authorised entities.*

*(9) The Central Government may allow use of telecommunication identifiers allotted by international bodies which are recognised by the Central Government from time to time.”*

## **C. References Received from DoT on the Terms and Conditions of Authorisations Under Section 3(1) of the Telecommunications Act, 2023**

### **(1) DoT’s Reference Dated 21.06.2024**

- 1.6 The Department of Telecommunications (DoT), Ministry of Communications, Government of India, through the letter No. 20-1350/2024-AS-I (Vol.-II) dated 21.06.2024, sent a reference to Telecom Regulatory Authority of India (hereinafter, also referred to as “TRAI”, or “the Authority”) under Section 11(1)(a) of the TRAI Act, 1997 on the subject - ‘*Seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to provide telecommunication services as per the provisions of the Telecommunications Act 2023*’. In this regard, The Authority, on 11.07.2024, issued a consultation paper<sup>6</sup> on ‘the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023’. After a comprehensive

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<sup>6</sup> [https://traigov.in/sites/default/files/CP\\_11072024.pdf](https://traigov.in/sites/default/files/CP_11072024.pdf)

consultation with stakeholders, the Authority sent its recommendations<sup>7</sup> on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' to DoT on 18.09.2024.

## **(2) DoT's Reference Dated 26.07.2024**

- 1.7 DoT, through the letter No. 20-1350/2024-AS-I (Vol.-II) dated 26.07.2024 (**Annexure 1.1**), has sent another reference to TRAI under Section 11(1)(a) of the TRAI Act, 1997 on the subject- '*Seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023*'. An extract of the reference dated 26.07.2024 is reproduced below:

*"The Telecommunications Act, 2023 has been published in the Official Gazette of India. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act. Section 3(1)(b) of the Act provides for obtaining an authorisation by any person intending to establish, operate, maintain or expand telecommunication network, subject to such terms and conditions, including fees or charges, as may be prescribed. A background note on related aspects in this regard including relevant sections of the Telecommunications Act, 2023 that may have bearing on the terms and conditions of authorisations is attached as Annexure to this reference.*

*2. In this regard, under Section 11(1)(a) of the TRAI Act, 1997 (as amended), TRAI is requested to provide its recommendations within 60 days of receipt of this reference on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023."*

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<sup>7</sup> [https://traigov.in/sites/default/files/Recommendation\\_18092024.pdf](https://traigov.in/sites/default/files/Recommendation_18092024.pdf)



1.8 The background note annexed with the DoT's reference dated 26.07.2024 is reproduced below:

*"1. Section 3(1)(a) and 3(1)(b) of the Telecommunications Act 2023 provide for authorizations to provide telecommunication services and to establish, operate, maintain or expand telecommunication network respectively. As per Section 2 of the Telecommunications Act 2023, telecommunication, telecommunication network and telecommunication service are defined as follows:*

*(p) "telecommunication" means transmission, emission or reception of any messages, by wire, radio, optical or other electro-magnetic systems whether or not such messages have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;*

*(s) "telecommunication network" means a system or series of systems of telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government;*

*(t) "telecommunication service" means any service for telecommunication;*

*2. A reference dated 21.06.2024, to TRAI, has been sent for seeking its recommendations on terms and conditions, including fees or charges, for authorisation to provide telecommunication services under section 3(1)(a) of the Telecommunications Act 2023. List of the extant licenses, registrations, and permissions being granted under the Indian Telegraph Act 1885 is provided in this reference.*

*3. Section 3(2) of the Telecommunications Act 2023 provides for different terms and conditions of authorisation for different types of telecommunication services and telecommunication network.*

*4. Section 3(5) of the Telecommunications Act 2023 provides that any authorised entity may undertake any merger, demerger or acquisition, or other*

*forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.*

5. *Section 3(6) of the Telecommunications Act 2023 provides that a licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885, in respect of provision of telecommunication services shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or permission, or to migrate to terms and conditions of the relevant authorization as may be prescribed.*

6. *TRAI Recommendations on 'Rationalization of Entry Fee and Bank Guarantees' dated 19.09.2023 have been received and same are under consideration of the Government. Meanwhile, a reference dated 21.06.2024, to TRAI, has been sent for seeking its recommendations on terms and conditions, including fees or charges, for authorisation to provide telecommunication services under section 3(1)(a) of the Telecommunications Act 2023.*

*Another reference for seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network under section 3(1)(b) of the Telecommunications Act 2023, is being sent along with this note.*

*Accordingly, the issues relating to Entry Fee and Bank Guarantees may also be revisited along with the fee or charges for different types of authorizations.*

7. *While formulating recommendations, TRAI may also consider following:*

i. *Type, scope, and terms & conditions of each authorization to be granted under section 3(1)(a) and 3(1)(b) respectively.*

ii. *Some of the recommendations of TRAI, which are under consideration presently, like recommendations on 'DCIP', 'IXP', 'CDN', 'SESG', 'IBS (In-Building Solutions)' etc., which primarily relate to establishing telecommunication networks, and these authorised entities would*

*provide telecommunication networks as a service to authorized entities under section 3(1)(a) only.*

- iii. Reference agreement between authorized entities establishing, operating, maintaining or expanding the telecommunication network and authorized entities providing telecommunication services.*
- iv. Latest developments in the field of telecommunications such as cloud hosted telecommunication networks being used to provide Unified Communications as a Service (UCaaS) & Communications Platform as a Service (CPaaS), virtualisation of telecommunication networks, Ground Station as a Service (GSaaS) as envisaged under the Indian Space Policy 2023, etc.*
- v. Rationalization of Entry Fee and Bank Guarantees for various authorizations in view of the provisions of the Telecommunications Act 2023.*

*8. Many other Sections of the Telecommunications Act 2023 may have, either direct or indirect, linkages with the terms and conditions of the authorisation to establish, operate, maintain or expand telecommunication network. Some of these Sections of the Telecommunications Act 2023 are 4 to 9, 19 to 24, 32 to 42, 44, 45, 49, and 55. Many terms and conditions of the extant licensing and regulatory framework relates to different Sections of the Telecommunications Act 2023. Further, some of the terms and conditions may be required to be amended/ incorporated in light of certain new provisions in this Act and policy/ Act in related sectors such as Space. The possibility of reducing the number of authorisations and simplification/ merger/ rationalization of the terms and conditions to improve Ease of Doing Business, may also be examined.”*

### **(3) DoT’s Letter Dated 17.10.2024**

- 1.9 Through the letter No. 20-1350/2024-AS-I (Vol.-II) dated 17.10.2024 (**Annexure 1.2**), DoT has requested TRAI to consider an authorisation for satellite communication network under Section 3(1)(b) of the

Telecommunications Act, 2023. A relevant extract of the said letter dated 17.10.2024 is reproduced below:

"1. *As per the background note of the reference dated 26.07.2024 in para 7(ii), TRAI has been requested to consider its earlier recommendations on Satellite Earth Station Gateway (SESG) also, while formulating the recommendations sought vide reference dated 26.07.2024.*

2. *In this regard, keeping in view the increasing use of NTN (Non terrestrial networks) including satellite communication networks in provisioning of FSS (Fixed Satellite Services) including VSAT services and MSS (Mobile Satellite Services), TRAI may consider an authorisation for satellite communication network under Section 3(1)(b) of the Telecommunications Act 2023 alongwith the following:*

a. *Terms and conditions relating to such authorisation*

b. *Provision of assignment of spectrum for both feeder link as well as user link under such authorisation*

c. *Service area of such authorisation*

3. *This authorisation for satellite communication network under Section 3(1)(b) of the Telecommunications Act 2023 may be used to provide services to entities authorised under Section 3(1)(a) of the Telecommunications Act 2023."*

#### **D. The Present Consultation Paper**

1.14 In this background, this consultation paper has been prepared to solicit comments of stakeholders on the issues related to terms and conditions of network authorisations to be granted under Section 3(1)(b) of the Telecommunications Act, 2023. Chapter I provides the background information. Chapter II examines issues related to terms and conditions of network authorisations. Chapter III examines the issues related to financial conditions of network authorisations. Chapter IV summarizes the issues for consultation.

## Chapter II: Examination of Issues

### A. Extant Regime of Telecommunication Licensing in India

2.1 Prior to the enactment of the Telecommunications Act, 2023, the Central Government administered the licensing of telecommunications in India, broadly, through the Indian Telegraph Act, 1885, and the Indian Wireless Telegraphy Act, 1933<sup>8</sup>. Section 4 of the Indian Telegraph Act, 1885 gave the Central Government an exclusive privilege in respect of telegraphs<sup>9</sup> and power to grant licenses. A relevant extract of Section 4 of the Indian Telegraph Act, 1885<sup>10</sup> is reproduced below:

*"4. Exclusive privilege in respect of telegraphs, and power to grant licenses .—  
(1) Within India, the Central Government shall have the exclusive privilege of establishing, maintaining and working telegraphs:  
Provided that the Central Government may grant a license, on such conditions and in consideration of such payments as it thinks fit, to any person to establish, maintain or work a telegraph within any part of India: ..."*

2.2 The Indian Wireless Telegraphy Act, 1933<sup>11</sup> regulated the possession of wireless telegraphy apparatus in the country. Section 3 of the Indian Wireless Telegraphy Act, 1933 prohibited the possession of wireless telegraphy apparatus without a licence.

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<sup>8</sup> Apart from these two statutes namely, the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933, Parliament enacted the Telecom Regulatory Authority of India Act, 1997 (as amended). Through this Act, TRAI and Telecom Disputes Settlement and Appellate Tribunal (TDSAT) have been established - TRAI for regulating the telecommunication services, and TDSAT for adjudicating disputes and dispose of appeals.

<sup>9</sup> Section 3 (1AA) of the Indian Telegraph Act, 1885 provides that "*telegraph*" means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro -magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means.

<sup>10</sup> Source: [https://dot.gov.in/sites/default/files/the\\_indian\\_telegraph\\_act\\_1985\\_pdf.pdf](https://dot.gov.in/sites/default/files/the_indian_telegraph_act_1985_pdf.pdf)

<sup>11</sup> [https://dot.gov.in/sites/default/files/THE\\_INDIAN\\_WIRELESS\\_TELEGRAPHY\\_ACT\\_1933\\_1.pdf?download=1](https://dot.gov.in/sites/default/files/THE_INDIAN_WIRELESS_TELEGRAPHY_ACT_1933_1.pdf?download=1)

## **B. Authorisation Regime Under the Telecommunications Act, 2023**

2.3 Section 3 of the Telecommunications Act, 2023 (**Annexure 2.1**) gives the Central Government the power of authorisation. Section 3(1) of the Telecommunications Act, 2023 is reproduced below:

*"3. (1) Any person intending to—*

*(a) provide telecommunication services;*

*(b) establish, operate, maintain or expand telecommunication network; or*

*(c) possess radio equipment,*

*shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed."*

2.4 A few subtle differences between the licensing regime under the Indian Telegraph Act, 1885 and the authorisation regime under the Telecommunications Act, 2023 are given below:

(a) Under the Indian Telegraph Act, 1885, the Central Government granted licenses for establishing, maintaining or working a telegraph. On the other hand, the Telecommunications Act, 2023 envisages the grant of authorisations. Therefore, one of the effects of the enactment of the Telecommunication Act, 2023 would be that, henceforth, any person, intending to establish, operate, maintain or expand telecommunication network, will have to obtain from the Central Government an authorisation under the Telecommunications Act, 2023 instead of a license under the Indian Telegraph Act, 1885.

(b) Under the Telecommunications Act, 2023, a person intending to provide telecommunication services will have to obtain an authorisation under Section 3(1)(a) of the Telecommunications Act, 2023, while a person intending to establish, operate, maintain, or expand telecommunication networks will have to obtain an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023. Essentially, the Telecommunication Act, 2023 makes a distinction between service authorisations and network authorisations. On the other hand, the Indian Telegraph Act, 1885 made

no such distinction. It had a singular provision viz. “*the Central Government may grant a license ... to any person to establish, maintain or work telegraph within any part of India*” under Section 4 of the Indian Telegraph Act, 1885.

2.5 As already indicated in Chapter I, with respect to the DoT’s reference dated 21.06.2024 for seeking recommendations of TRAI on the terms and conditions, including fees or charges, for authorisation to provide telecommunication services as per the provisions of the Telecommunications Act 2023, the Authority has sent its recommendations<sup>12</sup> on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 to DoT on 18.09.2024. The present consultation paper is focused on the terms and conditions of various network authorisations to be granted under Section 3(1)(b) of the Telecommunication Act 2023, keeping in view the DoT’s reference dated 26.07.2024.

### **C. Salient Points of the DoT’s Reference Dated 26.07.2024**

2.6 Through the reference dated 26.07.2024, DoT has sought recommendations of TRAI on terms and conditions, including fees or charges, for authorisations to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023. In the background note annexed with the reference dated 26.07.2024, DoT has requested TRAI to consider the following aspects while formulating its recommendations:

- (a) Type, scope, and terms & conditions of each authorisation to be granted under section 3(1)(a)<sup>13</sup> and 3(1)(b) of the Telecommunications Act, 2023.

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<sup>12</sup> The recommendations are available at the URL: [https://traai.gov.in/sites/default/files/Recommendation\\_18092024.pdf](https://traai.gov.in/sites/default/files/Recommendation_18092024.pdf).

<sup>13</sup> As already indicated above, in respect of the authorisations to be granted under Section 3(1)(a) of the Telecommunications Act, 2023, the Authority has already sent its recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 to DoT on 18.09.2024.

- (b) Some of the recommendations of TRAI on DCIP, IXP, CDN, SESG, IBS etc. are under consideration of the Government.
- (c) Reference agreement between authorised entities establishing, operating, maintaining or expanding the telecommunication network and authorised entities providing telecommunication services
- (d) The latest developments in the field of telecommunications such as cloud hosted telecommunication networks and Ground Station as a Service (GSaaS) etc.
- (e) Rationalization of Entry Fee and Bank Guarantees for various authorisations in view of the provisions of the Telecommunications Act 2023.

2.7 In the background note annexed to the reference dated 26.07.2024, DoT has indicated that various sections<sup>14</sup> of the Telecommunications Act, 2023 and the policies/ Acts in related sectors such as Space may have a bearing on the terms and conditions of the network authorisations under the Act. DoT has requested TRAI to examine the possibility of reducing the number of authorisations and simplification/ merger/ rationalization of the terms and conditions to improve Ease of Doing Business.

#### **D. Telecommunication Networks**

2.8 In the Telecommunications Act, 2023, the term 'telecommunication network' has been defined as "*a system or series of systems of telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government*".

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<sup>14</sup> In the background Note, DoT has drawn attention to the provisions of the clauses 3(1)(b), 3(2), 3(5) and 3(6) of the Telecommunications Act, 2023 and has stated that many other sections, such as sections 4 to 9, 19 to 24, 28 to 42, 44, 45, 49 and 55 of the Telecommunications Act, 2023 may have either direct or indirect linkages with the terms and conditions of the authorisation to establish, operate, maintain or expand telecommunication network.



- 2.9 In general, an entity establishes a telecommunication network for the following purposes:
- (a) To provide telecommunication services to end consumers<sup>15</sup> by using the telecommunication network; or
  - (b) To provide the telecommunication network to other eligible entities so that such entities can provide telecommunication services to end consumers.
- 2.10 If an entity intends to provide telecommunication services to end consumers by using its telecommunication network, it will require a service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023<sup>16</sup>. A corollary to this statement is that under the authorisation to establish, operate, maintain, or expand telecommunication network, obtained under Section 3(1)(b) of the telecommunications Act 2023, an entity cannot provide telecommunication services to end consumers; it can only provide the telecommunication-network-as-a-service to eligible entities, which are authorised under Section 3(1) of the Telecommunications Act, 2023.

## **E. Broad Structure of Network Authorisations**

- 2.11 Before formulating recommendations in respect of the DoT's reference dated 21.06.2024, the Authority, through a consultation paper on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' dated 11.07.2024, solicited comments of stakeholders on, among other things, the broad structure of authorisations under Section 3(1) of the Telecommunications Act, 2023<sup>17</sup>. After a comprehensive consultation with

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<sup>15</sup> The entity can also provide (captive) telecommunication services to itself.

<sup>16</sup> An entity intending to provide a telecommunication service will require to obtain an authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 unless the Central Government has exempted the requirement of obtaining an authorisation to provide such a telecommunication service under Section 3(3) of the Telecommunications Act, 2023.

stakeholders, the Authority, through the recommendations on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' dated 18.09.2024, recommended, *inter-alia*, as below in respect of service authorisations under the Telecommunications Act, 2023:

"4.1 The Authority recommends that-

- (a) The Central Government should grant Service Authorisation under section 3(1) of the Telecommunications Act, 2023 instead of entering into an agreement with the entity.
- (b) For any change(s) in the terms and conditions of the Authorisation, except for the reason of the interest of the security of the State, the Central Government should seek TRAI's recommendations.

...

4.5 The Authority recommends that-

- (a) The Telecommunications (Grant of Service Authorisations) Rules should contain the terms and conditions for the grant of various service

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<sup>17</sup> Through the consultation paper on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' dated 11.07.2024, the Authority had solicited the following questions in respect of structure of authorisations under Section 3(1) of the Telecommunications Act, 2023:

"Q1. For the purpose of granting authorisations under Section 3(1) of the Telecommunications Act, 2023, whether the Central Government should issue an authorisation to the applicant entity, as is the international practice in several countries, in place of the extant practice of the Central Government entering into a license agreement with the applicant entity? In such a case, whether any safeguards are required to protect the reasonable interests of authorized entities? Kindly provide a detailed response with justifications.

Q2. Whether it will be appropriate to grant authorisations under Section 3(1) of the Telecommunications Act, 2023 in the form of an authorisation document containing the essential aspects of the authorisation, such as service area, period of validity, scope of service, list of applicable rules, authorisation fee etc., and the terms and conditions to be included in the form of rules to be made under the Telecommunications Act, 2023 with suitable safeguards to protect the reasonable interests of the authorised entities in case of any amendment in the rules? Kindly provide a detailed response with justifications.

Q3. In case it is decided to implement the authorisation structure as proposed in the Q2 above, -

- (a) Which essential aspects of authorisation should be included in authorisation documents?
- (b) What should be the broad category of rules, under which, terms and conditions of various authorisations could be prescribed?
- (c) Whether it would be appropriate to incorporate the information currently provided through the extant Guidelines for Grant of Unified License and Unified License for VNO, which included, *inter-alia*, the information on the application process for the license, eligibility conditions for obtaining the license, conditions for transfer/ Merger of the license etc., in the General Rules under the Telecommunications Act, 2023?
- (d) What could be the broad topics for which the conditions may be required to be prescribed in the form of guidelines under the respective rules?

Kindly provide a detailed response with justifications.

Q4. In view of the provisions of the Telecommunications Act, 2023, what safeguards are required to be put in place to ensure the long-term regulatory stability and business continuity of the service providers, while at the same time making the authorisations and associated rules a live document dynamically aligned with the contemporary developments from time to time? Kindly provide a detailed response with justifications."

*authorisations under Section 3(1)(a) of the Telecommunications Act, 2023. In this regard, the Authority recommends the terms and conditions which should be included in the Telecommunications (Grant of Service Authorisations) Rules, enclosed as Annexure-2.2.*

- (b) Each service authorisation to be granted by the Central Government under Section 3(1)(a) of the Telecommunications Act, 2023 should be in the form of an authorisation document, containing the essential elements of the service authorisation. The format for the authorisation document is included in Annexure-2.1.*
- (c) The detailed terms and conditions should be prescribed through the rules notified under Section 3(1)(a) of the Telecommunications Act, 2023.”*

2.12 As the Authority has made the above recommendations on service authorisations under the Telecommunications Act, 2023 after a comprehensive consultation with stakeholders in respect of the broad structure of authorisations under Section 3(1) of the Telecommunications Act, 2023, the Authority intends to make similar recommendations in respect of network authorisations under the Telecommunications Act, 2023 as well.

2.13 Considering the DoT’s reference dated 26.07.2024, the Authority proceeds to identify issues related to terms and conditions of the authorisations to establish, operate, maintain or expand telecommunication networks under Section 3(1)(b) of the Telecommunications Act, 2023 in the following sections.

## **F. Authorisations for Infrastructure Providers**

2.14 In India, Infrastructure Provider Category-I (IP-I) was opened for private participation in the year 2000. Indian companies registered under the Indian Companies Act are eligible to apply for IP-I registration. As per the extant policy, no license is issued for IP-I<sup>18</sup>. The extant framework for regulating the

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<sup>18</sup> Source: <https://dot.gov.in/infrastructure-provider>

IP-I has been prescribed through the guidelines for 'Registration of Infrastructure Provider Category-I (IP-I)' issued by DoT. Infrastructure Provider Category-I (IP-I) registered companies can provide assets such as dark fibers, right of way, duct space, towers and poles on lease/ rent out/ sale basis to the licensees of telecom services, licensed under Section 4 of the Indian Telegraph Act, 1885, on mutually agreed terms and conditions.

2.15 In the year 2009, DoT, through its letter No. 10-51/2008-CS-III dated 09.03.2009, clarified that *"the scope of IP-I category providers, which is presently limited to passive infrastructure, has been enhanced to cover the active infrastructure, if this active infrastructure is provided on behalf of the licensees, i.e. they can create active infrastructure limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission system for and on behalf of UASL/ CMSP licensees"*. In the year 2016, DoT, through the letter No. 10-40/2007-CS-III dated 28.11.2016, clarified, *inter-alia*, that *"the IP-I providers are not permitted to own and share active infrastructure. The IP-I providers can only install the active elements (limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission media only) on behalf of Telecom licensees i.e. these elements should be owned by the companies who have been issued license under Section 4 of Telegraph Act, 1885."*

2.16 Meanwhile, in the year 2011, TRAI issued its recommendations on 'Telecommunications Infrastructure Policy' dated 12.04.2011. A relevant extract of the said recommendations is reproduced below:

*"Infrastructure providers should be permitted to install and share active network limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission system, subject to the condition that they are brought under the Unified Licensing regime as recommended by this Authority in May 2010."*

2.17 On 13.03.2020, TRAI issued the Recommendations on Enhancement of Scope of Infrastructure Providers Category-I (IP-I) Registration<sup>19</sup>. Through the said recommendations, the Authority recommended, *inter-alia*, as below:

*"The scope of Infrastructure Providers Category-I (IP-I) Registration should be expanded to satisfy the present need for telegraph in the country. The expanded scope of the IP-I registration should include to own, establish, maintain, and work all such infrastructure items, equipment, and systems which are required for establishing Wireline Access Network, Radio Access Network (RAN), and Transmission Links. However, it shall not include core network elements such as Switch, MSC, HLR, IN etc. The scope of the IP-I Registration should include, but not limited to, Right of Way, Duct Space, Optical Fiber, Tower, Feeder cable, Antenna, Base Station, In-Building Solution (IBS), Distributed Antenna System (DAS), etc. within any part of India."*

2.18 With respect to the TRAI's recommendations on 'Enhancement of Scope of Infrastructure Providers Category-I (IP-I) Registration' dated 13.03.2020, DoT, through its letter dated 11.08.2022, informed, *inter-alia*, as below to TRAI:

*"The undersigned has been directed to refer to TRAI Recommendations dated 13.03.2020 on the subject "Enhancement of Scope of Infrastructure Providers Category-1 (IP-I) Registration" and subsequent communications held in this regard as mentioned above.*

2. *The aforesaid recommendations have been examined in the Department and legal advice from AS & LA (T) DoT was also taken on this issue who inter-alia opined that:*

- *"Active Infrastructure can be provided only by Telecom Licensees.*
- *IP-I registration holders cannot be allowed to provide active infrastructure under their IP-I registration, unless they are shifted to licensing regime."*

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<sup>19</sup> [https://traai.gov.in/sites/default/files/Recommendations\\_13032020.pdf](https://traai.gov.in/sites/default/files/Recommendations_13032020.pdf)

3. *After detailed deliberations/ examination, it has been decided by DoT that the aforesaid TRAI Recommendations can't be accepted.*

4. *However, the competent authority has decided for creation of a new category of license namely **Telecom Infrastructure License' (TIL)**. Such licensees may be permitted to establish, maintain and work all equipment for wireline access, radio access and transmission links, except the core equipment and holding of spectrum. Further, the department is of the view that IP-I registration holders (existing/ new) may also be permitted to obtain Telecom Infrastructure License on voluntary basis.*

5. *TRAI is requested to give recommendations for the terms and conditions of such license, applicable license fee etc. under section 11(1)(a) of the TRAI Act 1997. ..."*

2.19 With respect to the DoT's letter dated 11.08.2022, TRAI issued a consultation paper<sup>20</sup> on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization under Unified License (UL)' dated 09.02.2023. After a comprehensive consultation with stakeholders, TRAI sent its recommendations<sup>21</sup> on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization under Unified License (UL)' dated 08.08.2023 to DoT. The said recommendations are under consideration of the DoT and are yet to be implemented.

2.20 The salient points of the TRAI's recommendations on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization under Unified License (UL)' dated 08.08.2023 are given below:

(a) A new category of light-touch license named 'Digital Connectivity Infrastructure Provider' (DCIP) license should be created.

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<sup>20</sup> [https://trai.gov.in/sites/default/files/Consultation\\_Paper\\_09022023.pdf](https://trai.gov.in/sites/default/files/Consultation_Paper_09022023.pdf)

<sup>21</sup> [https://trai.gov.in/sites/default/files/Recommendations\\_08082023.pdf](https://trai.gov.in/sites/default/files/Recommendations_08082023.pdf)

- (b) The scope of the DCIP authorization should include owning, establishing, maintaining, and working all such apparatus, appliance, instrument, equipment, and system which are required for establishing all Wireline Access Network, Radio Access Network (RAN), Wi-Fi systems, and transmission links. However, it should not include spectrum and core network elements such as Switch, MSC, HLR, IN etc. The scope of the DCIP license should also include Right of Way, Duct Space, Dark Fiber, Poles, Tower, Feeder cable, Antenna, Base Station, In-Building Solution (IBS), Distributed Antenna System (DAS), etc. within any part of India. The scope of DCIP authorization should not include the provisioning of end-to-end bandwidth using transmission systems to any customer or for its own use. However, DCIP should be allowed to install wired transmission link (but not wireless) to connect to its own Baseband Unit (BBU) / Radio unit (RU)/ Antenna.
- (c) There should not be any license fee applicable to DCIP authorization.
- (d) For obtaining DCIP Authorization, the entry fee should be kept at Rs. 2 lakh and application processing fee should be kept at Rs. 15,000.
- (e) No performance bank guarantee (PBG) should be imposed on DCIPs.
- (f) Enabling provision should be made by DoT for DCIP licensees to purchase radio equipment without assignment of any spectrum.

2.21 A relevant extract of the summary of recommendations on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization under Unified License (UL)' dated 08.08.2023 is enclosed as **Annexure 2.2**.

2.22 In respect of IP-I registration, the revised guidelines for registration of Infrastructure Provider Category-I (IP-I) dated 22.12.2021 alongwith amendments in the scope of IP-I registration dated 10.11.2022 and 27.06.2024 are enclosed as **Annexure 2.3**.

2.23 As mentioned earlier, the Telecommunications Act, 2023 defines "telecommunication network" as *"a system or series of systems of*

*telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government". It is worth noting that the "telecommunication network" includes within its ambit the "infrastructure", which is "used or intended to be used for providing telecommunication services".*

2.24 In view of the above, in the infrastructure provider category, there could possibly be two candidate authorisations under Section 3(1)(b) of the Telecommunications Act, 2023:

- (a) IP-I authorisation (a mirror authorisation of the extant IP-I registration);  
and
- (b) DCIP authorisation (as recommended by TRAI in August 2023)

2.25 As both IP-I authorisation and DCIP authorisation belong to the category of infrastructure provider, and are envisaged as light-touch authorisations, it requires to be deliberated as to whether the scopes of IP-I and DCIP (as recommended by TRAI in August 2023) should be subsumed into a single network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023.

2.26 It is worth mentioning that, earlier, through the Consultation Paper on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' dated 11.07.2024, the Authority had raised a set of questions<sup>22</sup> for consultation with stakeholders on the need for merging

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<sup>22</sup> Through the Consultation Paper on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' dated 11.07.2024, the Authority had raised the following questions in respect of merging the scopes of the extant IP-I and DCIP authorization (as recommended by TRAI):

"Q13. Whether there is a need for merging the scopes of the extant Infrastructure Provider-I (IP-I) and DCIP authorization (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Q14. In case it is decided to merge the scopes of the extant IP-I and DCIP (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023, -

(a) What should be the scope under the proposed authorisation?



the scopes of the extant IP-I and DCIP authorization (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023. In the consultation process, mixed responses were received from stakeholders on the question. At the stage of making recommendations on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' dated 18.09.2024, the Authority observed that some of the authorisations mentioned in the DoT's reference dated 21.06.2024 and deliberated in the TRAI's consultation paper dated 11.07.2024, such as IP-I Registration, DCIP, MNPSP, SESG, etc. would fall under the scope of the DoT's reference dated 26.07.2024. Therefore, the Authority decided to take up the matter of the authorisations, covered under Section 3(1)(b) of the Telecommunications Act, 2023, through a separate consultation paper.

2.27 As a fresh consultation paper is being issued in respect of the network authorisations to be granted under Section 3(1)(b) of the Telecommunications Act, 2023, it provides yet another opportunity to seek fresh inputs of stakeholders on the issue of merging the scopes of extant IP-I and DCIP authorisation (as recommended by TRAI in August 2023) including the eligibility conditions, area of operation (analogous to 'service area' in case of service authorisations), validity period of authorisation, scope and terms & conditions of the merged authorisation.

2.28 In this background, the Authority solicits views of stakeholders on the following set of questions:

**Issues for consultation:**

**Q1. Whether there is a need to merge the scopes of the extant Infrastructure Provider-I (IP-I) and Digital Connectivity**

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*(b) What terms and conditions should be made applicable to the proposed authorisation? Kindly provide a detailed response with justifications."*

**Infrastructure Provider (DCIP) authorization (as recommended by TRAI in August 2023), into a single authorisation under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**

- Q2. In case your response to the Q1 is in the affirmative, kindly provide a detailed response with justifications on –**
- (a) Eligibility conditions for the grant of the merged authorisation; and**
  - (b) Area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the merged authorisation.**
- Q3. In case your response to the Q1 is in the negative, -**
- (a) What changes (additions, deletions or modifications) are required to be incorporated in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the IP-I authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 as compared to the extant IP-I registration?**
  - (b) Whether there is a need to make certain changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the DCIP authorisation (as recommended by TRAI in August 2023)? If yes, kindly provide a detailed response with justifications.**

## **G. In-building Solutions**

2.29 In 2023, the Authority issued recommendations<sup>23</sup> on 'Rating of Buildings or Areas for Digital Connectivity' dated 20.02.2023. Recognizing the fact that digital connectivity has become the backbone to access various services such as health, remote working, online learning, e-commerce, and entertainment, the Authority, in the said recommendations dated 20.02.2023, opined that deployment of digital communication infrastructure (DCI) should be made an integral part of the basic infrastructure for buildings. The Authority described the term 'DCI' as below:

*"Digital Connectivity Infrastructure (DCI) consists of passive and active elements which include any apparatus, appliance, instrument, equipment, and system used or capable of extending seamless digital connectivity. All infrastructure required for establishing Wireless or Wireline Access Networks such as Radio Access Networks (RAN) and Wi-Fi systems, and Transmission Links Interface, Duct Space, Optical Fiber, Poles, Towers, Feeder cable, Antenna, Base Station, In-Building Solutions (IBS), Distributed Antenna System (DAS), or any other equipment to be used for the provision of digital connectivity, may be part of DCI. However, it shall not include core network".*  
(Emphasis supplied)

2.30 In the recommendations on 'Rating of Buildings or Area for Digital Connectivity' dated 20.02.2023, the Authority stated, *inter-alia*, as below in respect of the ownership of DCI:

- (a) Ownership of DCI should lie with a person or body who is responsible for creation, operation and upgradation of DCI as per the needs of the end users and such person or body can be the Property Manager. The Property Manager is the person or body who is responsible to oversee and manage

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<sup>23</sup> [https://traf.gov.in/sites/default/files/Recommendation\\_20022023.pdf](https://traf.gov.in/sites/default/files/Recommendation_20022023.pdf)

the development, operation and maintenance of a Building and has the authority either as owner(s) of the Building or as an agent of the owner(s).

- (b) The term "Property Manager" would include an owner or a developer or a builder of a real estate project(s) or an area(s) responsible to plan, design and build facilities like Multi-storey residential buildings, Commercial buildings or complexes, etc.

2.31 Notably, in the recommendations on 'Rating of Buildings or Area for Digital Connectivity' dated 20.02.2023, the Authority made the following observations: *"As per Indian Telegraph Rules, 1951 (Rule 472), "Any person may without a licence establish, maintain and work a telegraph (not being a wireless telegraph) within the limits of a single building, compound or estate: Provided that no telegraph line pertaining to the telegraph shall pass over or under a public road". However, if Property Manager intends to deploy active wireless equipment, licence as specified by DoT is required to be taken. Further, if Property Manager uses services of a licensee to deploy active wireless equipment, to that extent, the licensee shall be the owner of such active equipment. However, onus for providing access of such DCI including active wireless equipment deployed by a licensee, shall lie with the Property Manager."*

2.32 With the afore-mentioned observations, the Authority, through the recommendations on 'Rating of Buildings or Area for Digital Connectivity' dated 20.02.2023, recommended *inter-alia*, as below:

*"...the Property Manager shall be the owner of the deployed DCI whether created by himself or through his agent and shall be responsible for maintenance, expansion and upgradation of such DCI. The Property Manager shall allow access of DCI to all service providers in fair, non-chargeable, transparent and non-discriminatory manner and shall not have any exclusive arrangements or agreements with any infrastructure/ service provider.*

*Provided that in case active wireless equipment is installed by a licensee, the licensee will be responsible for maintenance, expansion and upgradation of*

*such DCI and to that extent, the ownership lies with that licensee. However, this installation of active wireless equipment will be carried out on behalf of the Property Manager and Property Manager shall be responsible for ensuring that the licensee compulsorily gives access of such active wireless equipment to all service providers on fair, transparent, non-discriminatory, and non-exclusive manner.”*

2.33 In the said recommendations dated 20.02.2023, the Authority also expressed its view that for making digital connectivity an essential part of a building, the development of DCI is required to be made an integral part of the building construction and approval process, similar to water, electricity, gas and fire protection, and safety, etc.

2.34 The recommendations on ‘Rating of Buildings or Area for Digital Connectivity’ dated 20.02.2023 are under consideration of DoT and are yet to be implemented.

2.35 The Authority notes that Section 472 of the Indian Telegraph Rules, 1951 provides as below:

*"Any person may without a licence establish, maintain and work a telegraph (not being a wireless telegraph) within the limits of a single building, compound or estate:*

*Provided that no telegraph line pertaining to the telegraph shall pass over or under a public road.”*

2.36 It is worth mentioning that, through the Recommendations on ‘the Framework for Service Authorisations to be Granted Under the telecommunications Act, 2023’ dated 18.09.2024, the Authority has recommended, *inter-alia*, as below:

*"The Authority recommends that any person may, without a service authorisation, establish, operate, maintain, or expand telecommunication network (not being a wireless telecommunication network) within the limits of*

*a single building, compound or estate, provided that no part of such telecommunication network should pass over or under a public road.”*

2.37 In the present consultation process, the Authority intends to recommend a similar provision in respect of network authorisations under the Telecommunications Act, 2023, i.e., any person, without a network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 should be permitted to establish, operate, maintain, or expand telecommunication network (not being a wireless telecommunication network) within the limits of a single building, compound or estate, provided that no part of such telecommunication network passes over or under a public road.

2.38 While establishment, operation, maintenance, or expansion of wireline telecommunication network within the limits of a single building, compound or estate, provided that no part of such telecommunication network passes over or under a public road is envisaged to be recommended on network authorisation-exempt basis, it requires to be examined as to whether there is a need to also introduce an enabling framework for permitting property managers to establish, operate, maintain or expand in-building solution (IBS), keeping the fact in mind that IBS is, generally, deployed at the stage of development of the property alongwith the wireline digital communication infrastructure.

2.39 In this context, the Authority solicits comments from stakeholders on the following question:

**Issue for consultation:**

**Q4. (a) Which telecommunication equipment/ elements should be included in the ambit of 'in-building solution' (IBS)?**

**(b) Whether there is a need to introduce a new authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for**

**establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager within the limits of a single building, compound or estate controlled, owned, or managed by it? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such an authorisation? Please provide a detailed response with justifications.**

## **H. Authorisations for CDN and IXP**

2.40 Content Delivery Networks (CDNs) are networks of geographically distributed servers that allow content distribution to users with minimal latency. CDNs are used for delivering content from the cloud to the edge of the network. For bringing the digital content closer to the geographical location of users, CDNs rely upon connectivity with multiple data centres called points of presence (PoPs). Edge servers at PoPs may prefetch content in advance for downstream distribution. CDNs, based on multi-PoP connectivity, also enhance the reliability of service. Besides, CDNs involve caching servers which store and deliver cached files to accelerate the loading of web-pages and reduce the consumption of bandwidth. The use cases of CDNs include streaming of live news and sports tournaments, entertainment, gaming, social media, business interactions, etc.

2.41 After following a comprehensive consultation process, TRAI, on 18.11.2022, sent its recommendations<sup>24</sup> on 'Regulatory Framework for Promoting Data Economy Through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India' to DoT. Through the said recommendations dated 18.11.2022, TRAI recommended, *inter-alia*, that the

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<sup>24</sup> [https://traai.gov.in/sites/default/files/Recommendations\\_18112022.pdf](https://traai.gov.in/sites/default/files/Recommendations_18112022.pdf)

CDN providers should be registered with DoT. The recommendations in respect of CDNs contained in the TRAI's recommendations on 'Regulatory Framework for Promoting Data Economy Through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India' dated 18.11.2022 are placed as **Annexure 2.4**.

- 2.42 Internet Exchange Points (IXPs) allow networks to exchange internet traffic with one another. IXPs facilitate exchange of internet traffic originated and destined within the country among the service providers so that traffic routing through the international routes could be best avoided to reap benefits in terms of lower demand for international bandwidth, improved latency, and load balancing. Internet Service Providers and CDNs use IXPs to connect their networks locally.
- 2.43 Through the recommendations<sup>25</sup> on 'Regulatory Framework for Promoting Data Economy Through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India' dated 18.11.2022, the Authority recommended, *inter-alia*, that a separate authorization under Unified License should be created for IXPs with terms and conditions that are much less onerous than the ISP license authorization. A summary of recommendations in respect of IXPs contained in the TRAI's recommendations on 'Regulatory Framework for Promoting Data Economy Through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India' dated 18.11.2022 is placed as **Annexure 2.5**.
- 2.44 The afore-mentioned recommendations dated 18.11.2022 are under consideration of DoT and are yet to be implemented. As the present consultation paper is being issued in respect of the network authorisations to be granted under Section 3(1)(b) of the Telecommunications Act, 2023, it

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<sup>25</sup> [https://traigov.in/sites/default/files/Recommendations\\_18112022.pdf](https://traigov.in/sites/default/files/Recommendations_18112022.pdf)



would be desirable to obtain fresh inputs from stakeholders on the need for making any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the CDN authorisation and IXP authorisation (as recommended by the Authority on 18.11.2022). In this context, the Authority solicits comments from stakeholders on the following issues.

**Issues for Consultation:**

**Q5. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Content Delivery Network (CDN) authorisation, as recommended by TRAI on 18.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the CDN authorisation? Kindly provide a detailed response with justification.**

**Q6. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Internet Exchange Point (IXP) authorisation, as recommended by TRAI on 18.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the IXP authorisation? Kindly provide a detailed response with justification.**

## I. SESG Authorisation

2.45 Earlier, DoT, through its letter dated 10.09.2021, had sought recommendations of the Authority on the licensing framework for satellite gateway(s) operations encompassing aspects like license fee, entry fee, bank guarantee, NOCC charges and any other issue(s) which may be relevant for the LEO/ MEO/ HTS<sup>26</sup> systems. In this regard, after following a comprehensive consultation process, TRAI, on 29.11.2022, sent its recommendations<sup>27</sup> on 'Licensing Framework for Establishing Satellite Earth Station Gateway (SESG)' to DoT. Through the said recommendations dated 29.11.2022, TRAI provided detailed recommendations on eligibility conditions, scope and terms & conditions of the SESG authorisation. A summary of recommendations contained in the TRAI's recommendations on 'Licensing Framework for Establishing Satellite Earth Station Gateway' dated 29.11.2022 is placed as **Annexure 2.6**.

2.46 The salient points of the recommendations on 'Licensing Framework for Establishing Satellite Earth Station Gateway (SESG)' dated 29.11.2022 are given below:

- (a) There should be a separate Satellite Earth Station Gateway (SESG) License under the Section 4 of Indian Telegraph Act. The SESG License will not form part of the Unified License.
- (b) The SESG Licensee may provide satellite-based resources to any entity, which holds license/ permission granted by Department of Telecommunications (DoT) or Ministry of Information & Broadcasting (MIB) and is permitted to use satellite media for the provision of services under its license/ permission.
- (c) The SESG Licensee should not be permitted to provide any kind of telecommunication service or broadcasting service directly to the

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<sup>26</sup> LEO, MEO and HTS are acronyms of Low Earth Orbit, Medium Earth Orbit and High Through Satellite respectively.

<sup>27</sup> [https://www.trai.gov.in/sites/default/files/Recommendation\\_29112022.pdf](https://www.trai.gov.in/sites/default/files/Recommendation_29112022.pdf)

consumers, for provision of which, a separate license/ authorization/ permission is required from the Government.

- (d) The SESG license should be valid for a period of 20 years from the effective date of the license with a provision of renewal for 10 years.
- (e) Only the companies registered under the Companies Act, 2013 of India shall be eligible to apply for the grant of SESG License.
- (f) The service licensees/ permission holders, being served by the SESG Licensee, should install their own baseband equipment at the SESG established by SESG Licensee.
- (g) Frequency spectrum (gateway-side spectrum, as well as user terminal side spectrum) should be assigned to the eligible service licensees/ permission holders as per the allocation of transponder bandwidth in the concerned satellite system. No frequency spectrum should be assigned to SESG licensees.

2.47 The afore-mentioned recommendations are under consideration of DoT and are yet to be implemented. As the present consultation paper is being issued in respect of the network authorisations to be granted under Section 3(1)(b) of the Telecommunications Act, 2023, it would be desirable to obtain fresh inputs from stakeholders on the need for making any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the SESG authorisation, as recommended by TRAI on 29.11.2022. In this context, the Authority solicits comments from stakeholders on the following issues.

**Issue for Consultation:**

**Q7. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Satellite Earth Station Gateway (SESG) authorisation, as recommended by TRAI on 29.11.2022? If yes,**

**what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the SESG authorisation? Kindly provide a detailed response with justification.**

**J. Authorisation for Satellite Communication Networks**

2.48 As mentioned in the Chapter I, DoT, through a letter dated 17.10.2024, has requested the Authority to consider an authorisation for satellite communication network under Section 3(1)(b) of the Telecommunications Act 2023 alongwith the following aspects:

- (a) Terms and conditions relating to such authorisation;
- (b) Provision of assignment of spectrum for both feeder link as well as user link under such authorisation; and
- (c) Service area of such authorisation.

2.49 In the said letter dated 17.10.2024, DoT has envisaged that the authorisation for satellite communication network may be used to provide services to entities authorised under Section 3(1)(a) of the Telecommunications Act, 2023.

2.50 It is worth mentioning that in respect of the scope of the SESG Authorisation, the Authority, on 29.11.2022, recommended, *inter-alia*, that "[t]he SESG Licensee may provide satellite-based resources to any entity, which holds license/ permission granted by Department of Telecommunications (DoT) or Ministry of Information & Broadcasting (MIB) and is permitted to use satellite media for the provision of services under its license/ permission." This scope is analogous to the scope of the authorisation for satellite communication network, as envisaged by DoT in its letter dated 17.10.2024.

2.51 It is important to note that DoT, through its letter dated 17.10.2024, has requested the Authority to also provide recommendations on the provision of

assignment of spectrum for both feeder link as well as user link under the authorisation for satellite communication network. In this regard, it is worth mentioning that in respect of the matter relating to the assignment of spectrum to the SESG Authorisation, the Authority, on 29.11.2022, recommended, *inter-alia*, that “[f]requency spectrum (gateway-side spectrum, as well as user terminal side spectrum) should be assigned to the eligible service licensees/ permission holders as per the allocation of transponder bandwidth in the concerned satellite system. No frequency spectrum should be assigned to SESG licensees.” (Emphasis supplied)

2.52 It merits a mention that through the Recommendations dated 18.09.2024 on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023, the Authority has recommended, *inter-alia*, a Satellite-based Telecommunication Service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023, the scope of which, should include both Global Mobile Personal Communication by Satellite (GMPCS) service and VSAT based Fixed Satellite Service (FSS). The Authority has also recommended that an entity holding a virtual network operator (VNO) authorisation for Internet Service (Category-A/ B/ C), Satellite-based Telecommunication Service, or Machine-to-Machine (M2M) WAN Service (Category-A/ B/ C) should be allowed to enter into an agreement with an NSO entity holding Satellite-based Telecommunication Service authorisation.

2.53 In this background, the Authority solicits comments of stakeholders on the following question:

**Issue for Consultation:**

**Q8. Whether there is a need to introduce a new authorisation for establishing, operating, maintaining or expanding satellite communication network, which may be used to provide network**

**as a service to the entities authorised under Section 3(1)(a) of the Telecommunications Act, 2023? If yes-**

**(a) What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such authorisation?**

**(b) Whether an entity holding such authorisation should be made eligible for the assignment of spectrum for both feeder link as well as user link?**

**Kindly provide a detailed response with justification.**

#### **K. Ground Station for Providing GSaaS**

2.54 In the year 2020, the Government of India introduced space reforms, allowing greater participation of non-government entities (NGEs) in space activities and ensuring a level playing field. To provide regulatory clarity and foster a thriving space ecosystem, the Government issued Indian Space Policy-2023<sup>28</sup>. Para 5.1 of the Indian Space Policy-2023 states that IN-SPACe shall act as the single window agency for the authorisation of space activities by government entities as well as NGEs, subject to relevant Government directives, keeping in mind safety, national security, international obligations and/or foreign policy considerations. The policy document also provides a list of space activities for which IN-SPACe shall accord authorization. A few space activities, which are included in the list, are mentioned below:

*"e. the establishment and operation of TT&C Earth Stations;*

*f. the establishment and operation of SCCs and/ or satellite data reception station(s).*

*g. dissemination of high resolution space-based earth observation data."*

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<sup>28</sup> [https://www.isro.gov.in/media\\_isro/pdf/IndianSpacePolicy2023.pdf](https://www.isro.gov.in/media_isro/pdf/IndianSpacePolicy2023.pdf)

2.55 In May 2024, the IN-SPACe issued 'Norms, Guidelines and Procedures for Implementation of Indian Space Policy-2023 in respect of Authorization of Space Activities (NGP)'<sup>29</sup>. A relevant extract of the Chapter IX of the NGP is reproduced below:

"

- (a) *Authorization from IN-SPACe shall be required for establishment and/ or operations of the following category of ground stations:*
- i. Satellite Control Centre (SCC)*
  - ii. Telemetry, Tracking and Command (TT&C)*
  - iii. Mission Control Centre (MCC)*
  - iv. Remote Sensing Data reception station*
  - v. Ground stations for supporting operations of the space-based services such as Space Situational Awareness (SSA), astronomical, space science or navigation missions, etc.*
  - vi. Any other category, as decided by IN-SPACe.*
- (b) *Applicant shall obtain the requisite clearance/ approval/ license from the relevant Government department(s)/ ministries, as applicable and necessary for operationalization of such ground station(s), after obtaining IN-SPACe Authorization.*
- (c) *IN-SPACe Authorization is not required for setting up of gateways or hubs supporting satellite communication services such as Direct-to-Home (DTH), TV Uplink, Digital Satellite News Gathering Service (DSNG), Very Small Aperture Terminal (VSATs), broadband, Inflight and Maritime connectivity (IFMC), etc. Establishment and operations of such gateways/ hubs including those required for supporting the operations of the high throughput GSO or NGSO satellites/ constellations shall be governed by the prevailing licensing/ approvals process by the respective government departments/ ministries.*

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<sup>29</sup> [https://www.inspace.gov.in/sys\\_attachment.do?sys\\_id=5d532e37877102503b0f0d060cbb35cf](https://www.inspace.gov.in/sys_attachment.do?sys_id=5d532e37877102503b0f0d060cbb35cf)

- (d) Indian Entities are permitted to establish and operate the ground station(s), such as TT&C, MCC, Remote Sensing data reception stations, etc. for providing commercial services to their customers (Ground Station As A Service or GSAAS), with the Authorization of IN-SPACe.
- (e) *Indian Entities are permitted to establish and operationalize the station within or outside Indian Territory. In the latter case, the Applicant shall seek IN-SPACe Authorization by demonstrating the significant technical or business advantages gained by them for choosing the location outside the territorial jurisdiction of India, and that the desired location outside the territorial jurisdiction of India does not pose a threat to the national security, foreign relations, national intelligence and security operations in the interests of the Republic of India. Further, the Applicant shall abide by the rules, regulations and clearances of the concerned foreign land for such purpose.*”(Emphasis supplied)

2.56 As may be seen from the above, the NGP issued by IN-SPACe states that Indian entities will have to obtain an authorisation from IN-SPACe for establishing and operating the ground station(s), such as TT&C, MCC, Remote Sensing data reception stations, etc. for providing commercial services to their customers (Ground Station as a Service or GSaaS). The NGP also states that after obtaining an authorisation from IN-SPACe, the Indian entities will obtain the requisite clearance/ approval/ license from the relevant Government departments/ ministries, as applicable and necessary for operationalization of such ground stations.

2.57 In this context, the need for bringing the entities, which deploy ground stations for providing GSaaS, within the authorisation framework under Section 3(1) of the Telecommunications Act, 2023 requires to be examined.

2.58 One may contend that an authorisation under Section 3(1) the Telecommunications Act, 2023 is not required because – (a) the ground stations for providing GSaaS would be used for space-related activities, and (b)



the NGP already requires an authorisation from IN-SPACe to establish and operate ground stations for providing GSaaS. On the other hand, one may argue that a ground station for providing GSaaS is a 'telecommunication network' because it is a system of telecommunication equipment which is used for providing telecommunication services<sup>30</sup>. Therefore, the argument could be to bring the entities, which deploy ground stations for providing GSaaS, within the authorisation framework under Section 3(1) of the Telecommunications Act, 2023.

2.59 In this context, the Authority solicits views of stakeholders on the following question:

**Issue for Consultation:**

**Q9. Whether there is a need to introduce an authorisation under Section 3(1) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding ground stations, which may be used to provide ground station as a service (GSaaS)? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) for the authorisation to establish, operate, maintain, or expand ground stations, which may be used to provide GSaaS? Kindly provide a detailed response with justifications.**

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<sup>30</sup> A ground station for providing GSaaS is a facility equipped with antennae, receivers, transmitters, etc. It is used to receive remote sensing data from satellites and for applications such telemetry, tracking and command (TT&C).

## L. Authorisation for Cloud Hosted Telecommunication Networks

2.60 *Prima facie*, third-party cloud-hosted telecommunication networks could play an important role in the virtualization<sup>31</sup> of telecommunication networks, thereby reducing the network costs, improving network resilience and shortening the time to market telecommunication services. The third-party cloud-hosted telecommunication networks could also make available enhanced services such as Unified Communication as a Service (UCaaS)<sup>32</sup> and Communication Platform as a Service (CPaaS)<sup>33</sup>.

2.61 The Authority, through the Recommendations on 'the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' dated 18.09.2024 recommended, *inter-alia*, as below:

*"The Authority recommends that the authorised entities should be permitted to take telecommunication network resources on lease or hire from cloud service providers, which are either empaneled by the Ministry of Electronics and Information Technology (MeitY), Government of India as cloud service providers, or are authorised under Section 3(1) of the Telecommunications Act, 2023. The cloud is to be situated in India. The networks resources taken on lease or hire from cloud service providers shall be treated as part of the network of the Authorised Entity: ..."*

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<sup>31</sup> Network functions virtualization (NFV) is an architectural framework that virtualizes network services, traditionally performed on dedicated hardware devices. By virtualizing these network functions, NFV maximises scalability, increases flexibility, and reduces system operating costs. [Source: <https://www.allstarsit.com/blog/virtualization-in-telecom-unlocking-efficiency-and-flexibility>]

Network Function Virtualization (NFV) is a new way to design, deploy, and manage networking services by decoupling the physical network equipment from the functions that run on them, which replaces hardware centric, dedicated network devices with software running on general-purpose CPUs or virtual machines, operating on standard servers. By decoupling Network Functions (NFs) from the physical devices on which they run, NFV has the potential to lead to significant reductions in Operating Expenses (OPEX) and Capital Expenses (CAPEX) and facilitate the deployment of new services with increased agility and faster time-to-value. [Source: [https://tec.gov.in/pdf/StudyPaper/Network\\_Function\\_Virtualization%20.pdf](https://tec.gov.in/pdf/StudyPaper/Network_Function_Virtualization%20.pdf)]

<sup>32</sup> Unified communications as a service (UCaaS) brings together apps and services like call, chat, video, and audio conferencing into one cloud-based platform. [Source: <https://www.microsoft.com/en-us/microsoft-teams/unified-communications-as-a-service#:~:text=UCaaS%2C%20or%20unified%20communications%20as,a%20single%20interface%20or%20platform>]

<sup>33</sup> Communications Platform as a Service (CPaaS) is a cloud-based platform that connects enterprises and customers in a simple and easy-to-use way. [Source: <https://www.syniverse.com/insights/what-is-cpaas>]

2.62 In this context, the Authority solicits views of stakeholders on the following question:

**Issue for Consultation:**

**Q10. Whether there is a need to introduce an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding cloud-hosted telecommunication networks, which may be used to provide telecommunication network as a service to the authorised entities under Section 3(1)(a) of the Telecommunications Act, 2023? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such an authorisation? Kindly provide a detailed response with justifications.**

**M. Authorisation for MNP Service**

2.63 Mobile Number Portability (MNP) is the facility which allows a subscriber to retain his mobile number when he moves from one Access Provider<sup>34</sup> to another Access Provider.

2.64 Earlier, in August 2008, DoT established a licensing framework for MNP service through 'Guidelines for Mobile Number Portability (MNP) Service License'<sup>35</sup>

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<sup>34</sup> The Telecommunication Mobile Number Portability Regulations, 2009 (as amended) defines the term 'Access Provider' as below:

*"Access Provider" means the holder of a Cellular Mobile Telephone Service licence or Unified Access Service licence or Unified licence (access service) or unified licence having authorization to provide access service or Unified License (Virtual Network Operator) having authorization to provide access service and includes a service provider providing fixed wireline or fixed wireless service in addition to Cellular Mobile Telephone Service;*

<sup>35</sup>

<https://dot.gov.in/sites/default/files/39.Guidelines%20for%20Mobile%20Number%20PortabilityService%20License.pdf?download=1>

dated 01.08.2008. For the purpose of licenses for MNP service, DoT divided the whole country into two MNP zones (Zone 1 and Zone 2) consisting of 11 Licensed Service Areas (LSAs) each<sup>36</sup>. The Guidelines for Mobile Number Portability (MNP) Service License' dated 01.08.2008 envisaged that "[t]here shall be only one license for MNP service in each MNP Zone."

2.65 In November 2008, DoT issued a tender document<sup>37</sup> for Mobile Number Portability (MNP) Service and invited tenders for providing MNP service. A relevant extract of the tender document is reproduced below:

*"1. Mobile Number Portability (MNP) allows subscribers to retain their existing telephone number when they switch from one access service provider to another irrespective of mobile technology or from one technology to another of the same or any other access service provider. The Department of Telecommunications, Government of India proposes to issue 2 Licences to registered Indian Companies for providing MNP Services in the country. For the purpose of grant of Licence(s) for MNP Services in India, the whole country is divided into 2 MNP zones as per details in Annexure-VI. There shall be only one licence for MNP service in each MNP zone. The selection shall be on the basis of competitive bidding. One company can bid for both the zones. However, only one MNP licence shall be issued to an eligible successful bidder company in either of the MNP zones as per the priority of the company submitted at the time of bidding.*

*2. General, Commercial, Financial, Technical, Operating conditions, Security and Techno-Economic Evaluation conditions are given in this Tender Document. The detailed terms and conditions of the Licence under which the service is to be operated by the licensee shall be indicated in the Licence Agreement document to be made available after pre-bid conference. The Licence*

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<sup>36</sup> The service area of operation of MNP Zone 1 consists of Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Maharashtra, Punjab, Rajasthan, Uttar Pradesh (E), Uttar Pradesh (W), Delhi and Mumbai LSAs. The service area of operation of MNP Zone 2 consists of Andhra Pradesh, Assam, Bihar, Karnataka, Kerala, Madhya Pradesh, North East, Orissa, Tamil Nadu including Chennai, West Bengal and Kolkata LSAs.

<sup>37</sup> Source: <https://dot.gov.in/access-services/mobile-number-portabilitymnp?page=1>

*Agreement document will be signed with the successful bidder of each MNP Zone. The MNP Services licensee shall provide and operate the services according to the terms and conditions laid down in the licence agreement as amended from time to time.*

- i. Successful bidders shall deposit Entry Fee, Financial Bank Guarantee (FBG) and Performance Bank Guarantee (PBG) by the date specified in the Letter of Intent (LOI) before signing of the Licence agreement.*
- ii. The Licensee shall provide MNP solution in the respective MNP zone on an exclusive basis for a period of five (5) years from the effective date of licence. No more MNP licensees will be inducted in this period in the MNP Zone subject to performance of licensed MNP operator. However, during the initial period of five (5) years, if the MNP licensee fails to meet Service Level Agreements (SLAs) then more operator(s) may be licensed during this initial period of 5 years or any time in future, based on the recommendation of TRAI who will review this as and when required. DoT reserves its right to review this condition on the larger public interest and national security considerations.*

*Provided that a pilot project for MNP may also be approved and licensed for any period by the Licensor for inducting a new Technology.*

- iii. The duration of MNP service license shall be for a period of 10 years from the effective date of licence, extendable for a further period of 10 years by the licensor on request of the licensee on mutually agreed terms.*
- iv. The effective date of licence shall be the date of signing of licence agreement or 15 days from the date of issue of Letter of Intent (LoI) whichever is earlier."*

2.66 Based on the outcome of the bidding process, DoT, on 17.04.2009, signed license agreements with M/s Syniverse Technologies (India) Private Limited and

M/s MNP Interconnection Telecom Solutions India Private Limited for MNP Zone 1 and MNP Zone 2 respectively w.e.f. 20.03.2009<sup>38</sup>.

2.67 On 23.09.2009, TRAI issued the Telecommunication Mobile Number Portability Regulations, 2009. Through the said regulations, TRAI laid down the basic business process framework for the implementation of MNP in the country. Thereafter, the facility of MNP was launched on a pilot basis on 25.11.2010 in Haryana service area, which was extended to the whole country from 20.01.2011. Initially, the MNP facility was available within the Licensed Service Area (LSA) only. On 03.07.2015, the full mobile number portability was implemented in the country. In April 2019, DoT entered into fresh license agreements with M/s Syniverse Technologies (India) Private Limited and M/s MNP Interconnection Telecom Solutions India Private Limited for MNP Zone 1 and MNP Zone 2 respectively. The period of validity of MNP service license is 10 years.

2.68 As per the extant license agreement for Mobile Number Portability (MNP) Service, the main scope of the license is as follows:

- (a) The licensee shall be permitted to provide mobile number portability services in the licensed MNP zone, confirming to centralized All Call Query method that meets the relevant International Telecommunication Union (ITU)/ Telecommunication Engineering Center (TEC) of DoT's Technical and Performance standards as applicable.
- (b) The licensee shall establish, administer and operate the Mobile Number Portability centralized clearing house (MCH) and logically centralized Number Portability DataBase (NPDB) for implementation of mobile number portability in the licensed MNP zone in accordance with QoS

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<sup>38</sup> Source: <https://dot.gov.in/accessservices/licence-agreements-mobile-number-portability-mnp-service>

parameters, defined criteria/ benchmarks, SLAs and other parameters including tariffs, as prescribed by TRAI/ DoT from time to time.

- (c) The MCH and NPDB established by the licensee shall be used by all telecommunication service providers (both existing & new) (i.e. Basic, CMTS, UAS, NLD and ILD Licensee(s)) of the licensed MNP zone for the purpose of supporting porting of mobile numbers between mobile operators. As part of this activity, the Applicable System of Licensee shall contain the updated porting information which will be used by the telecommunication service providers for the purpose of routing calls to the ported end-users.
- (d) The Licensee company will operate the MNP system based on 'build, operate and owned basis'. It shall take into account traffic study, services to be given, etc. for dimensioning of its MCH, NPDB and database query response system.
- (e) The Licensee cannot provide any service except as mentioned above and which otherwise shall require a separate licence.

2.69 As stated in the scope of the MNP Service license, an MNP service provider establishes, administers, and operates the MCH and NPDB for the implementation of mobile number portability in its zone. The MCH and NPDB established by the MNP service provider are used by various telecommunication service providers for porting of mobile numbers between mobile operators. In short, an MNP service provider establishes and operates a system of telecommunication equipment, with the help of which, telecom service providers facilitate the porting of mobile numbers. In this context, the Authority solicits views of stakeholders on the following question:

**Issue for Consultation:**

**Q11. What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the**

**authorisation for Mobile Number Portability Service under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**

**N. Miscellaneous Issues**

2.70 Through the background note annexed to the reference dated 26.07.2024, DoT has drawn attention to the provisions of Section 3(1)(a), 3(1)(b), 3(2), 3(5), and 3(6) of the Telecommunications Act, 2023 and has stated that many other sections, such as Sections 4 to 9, 19 to 24, 32 to 42, 44, 45, 49, and 55 of the Telecommunications Act, 2023 may have either direct or indirect linkages with the terms and conditions of the authorisation to establish, operate, maintain or expand telecommunication network.

2.71 It is noted that the sections specifically mentioned by DoT in the background note annexed to the reference relate to the following aspects:

<b>Section No. of the Telecommunications Act, 2023</b>	<b>Broad topic</b>	<b>Sub-topics</b>
3(1)(a)	Powers of Authorisation	Requirement of authorisation for providing Telecommunication Services
3(1)(b)		Requirement of authorisation for establishing, operating, maintaining or expanding telecommunication networks
3 (2)		Terms and conditions of authorisations
3 (5)		Merger, demerger etc. of authorisations



<b>Section No. of the Telecommunications Act, 2023</b>	<b>Broad topic</b>	<b>Sub-topics</b>
3 (6)		Continuation of operations under the existing licenses and provision for migration of existing licenses to authorisations under the new Act
4	Powers of assignment of spectrum	Assignment of spectrum
5		Re-farming and harmonization
6		Technology neutral use of spectrum
7		Optimal utilization of spectrum
8		Establishment of monitoring and enforcement mechanism
9		No refund of fess on suspension, curtailment, revocation or variation of authorisation or assignment
19	Standards	Power to notify standards
20	Public safety	Provisions for public emergency or public safety
21	National security and Protection of telecommunication Networks	Measures for national security, etc.
22		Protection of telecommunication network and telecommunication services
23		Power to give directions
24	Digital Bharat Nidhi	Establishment of Digital Bharat Nidhi
28	Protection of users	Measures for protection of users
29		Duty of users
30		Dispute resolution mechanism to redress user grievances

<b>Section No. of the Telecommunications Act, 2023</b>	<b>Broad topic</b>	<b>Sub-topics</b>
31	Adjudication of certain contraventions	Definitions of terms used in the Chapter
32		Breach of terms and conditions of authorisation or assignment
33		Contraventions of Act
34		Voluntary undertaking for contraventions
35		Adjudicating Officer
36		Designated Appeals Committee
37		Process to be followed by Adjudicating Officer and Designated Appeals Committee
38		Enforcement
39		Appeals on matters relating to section 32
40		Appeals on matters relating to section 33
41		Jurisdiction of civil court barred
42		Offences
44	Supply of information to authorized Officers	
45	Miscellaneous	Creation of security interests
49		Penalties not to affect other liabilities
55		Rights in Continental Shelf and Exclusive Economic Zone.

- 2.72 For details of the above provisions, Annexure 2.1 of this consultation paper may kindly be referred to.
- 2.73 Through the background note to the reference dated 26.07.2024, DoT has stated that *“some of the terms and conditions may be required to be amended/ incorporated in light of certain new provisions in this Act and policy/ Act in related sectors such as Space.”* As already indicated in an earlier section, the Government of India has formulated the Indian Space Policy-2023 to implement the reforms in space domain. As per the Indian Space Policy-2023, IN-SPACE shall function as an autonomous government organization, mandated to promote, hand-hold, guide and authorize space activities in the country. For this purpose, IN-SPACE shall periodically issue guidelines and procedures, that would, among other things, promote ease of doing business. The Indian Space Policy-2023 provides that IN-SPACE shall accord authorizations for certain space activities as catalogued in the policy. The Indian Space Policy-2023 further provides that NewSpace India Limited (NSIL), as the Public Sector Undertaking under DoS, shall:
- (a) be responsible for commercialising space technologies and platforms created through public expenditure.*
  - (b) manufacture, lease, or procure space components, technologies, platforms and other assets from private or public sector, on sound commercial principles.*
  - (c) service the space-based needs of users, whether Government entities or NGEs, on sound commercial principles.*
- 2.74 In this background, it requires to be examined as to what provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 considering the various sections of the Telecommunications Act 2023, policy/ Act in Space sector, and other policies/ Acts in the related sectors. In this context, the Authority solicits views of stakeholders on the following set of questions:

## Issues for Consultation:

**Q12. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 considering the various sections including Sections 4 to 9, 19 to 24, 32 to 42, 44, 45, 49, and 55 of the Telecommunications Act, 2023 and technological/ market developments in the telecommunication sector? Kindly provide a detailed response with justifications.**

**Q13. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 considering the policy/ Act in the Space Sector and other relevant policies/ Acts in the related sectors? Kindly provide a detailed response with justifications.**

2.75 Through the background note annexed to the reference dated 26.07.2024, DoT has informed, *inter-alia*, that "*Section 3(5) of the Telecommunications Act 2023 provides that any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.*"

2.76 It is worth mentioning that the Authority, in the Recommendations dated 18.09.2024 on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 observed that, in view of the provision of Section 3(5) of the Telecommunications Act, 2023, "*the terms and conditions for the merger, demerger or acquisition, or other forms of restructuring of the authorised entity will be governed by the rules which will be made under Section 3(5) of the Telecommunications Act 2023. It is worth mentioning that*

*at present, the transfer and merger of licenses are governed through the guidelines issued by DoT on the subject 'Guidelines for Transfer/ Merger of various categories of Telecommunication service licenses/authorisation under Unified License (UL) on compromises, arrangements and amalgamation of the companies' dated 20.02.2014. Based on a reference received from the DoT, the Authority has sent Recommendations on 'Reforming the Guidelines for Transfer/Merger of Telecom Licenses' dated 21.02.2020 to the DoT. The said recommendations are under consideration of the DoT and are yet to be implemented by the DoT. The Authority is of the view that the Central Government may consider making use of the aforementioned Recommendations on 'Reforming the Guidelines for Transfer/Merger of Telecom Licenses' dated 21.02.2020 while framing the rules under Section 3(5) of the Telecommunications Act, 2023."*

- 2.77 The Authority is of the view that there could be additional or different considerations in respect of the merger, demerger, acquisition and other forms of restructuring of the entities holding network authorisations as compared to the merger, demerger, acquisition and other forms of restructuring of the entities holding service authorisations. Therefore, there could be a need to devise separate terms and conditions for merger, demerger, or acquisition, or other forms of restructuring of the entities holding network authorisations. In this context, the Authority solicits views of stakeholders on the following question:

**Issue for Consultation:**

**Q14. What should be the terms and conditions for the merger, demerger, acquisition, or other forms of restructuring of the entities holding network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023? Please provide a detailed response with justifications in respect of each network authorisation.**

2.78 DoT, through the background note to the reference dated 26.07.2024, has informed, *inter-alia*, that "*Section 3(6) of the Telecommunications Act 2023 provides that a licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885, in respect of provision of telecommunication services shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or permission, or to migrate to terms and conditions of the relevant authorization as may be prescribed.*"

2.79 In this regard, it is worth mentioning that the Authority, through the Recommendations dated 18.09.2024 on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023, has recommended a comprehensive set of recommendations in respect of the migration of the existing service licenses, authorisations etc. to the new service authorisation regime under Section 3(1)(a) of the Telecommunications Act, 2023. The Authority is of the view that there could be a need to stipulate specific conditions and procedure for the migration of the existing licensees, registration holders etc. to the new network authorisation regime under Section 3(1)(b) of the Telecommunications Act, 2023 as well. In this context, the Authority solicits views of stakeholders on the following set of questions:

**Issues for Consultation:**

**Q15. What conditions should be made applicable for the migration of existing network licenses, registrations etc. to the new network authorisation regime under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**

**Q16. What procedure should be followed for the migration of existing network licenses, registrations etc. to the new network**

**authorisation regime under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**

2.80 Through the background note to the reference dated 26.07.2024, DoT has stated that "*[t]he possibility of reducing the number of authorisations and simplification/ merger/ rationalization of the terms and conditions to improve Ease of Doing Business, may also be examined.*" In this regard, the Authority solicits the views of stakeholders on the following set of questions:

**Issues for consultation:**

**Q17. Whether there is a need to introduce certain new authorisations (other than the authorisations discussed above) to establish, operate, maintain or expand telecommunication networks under Section 3(1)(b) of the Telecommunications Act, 2023? If yes, -**

**(a) For which type of telecommunication networks, new authorisations should be introduced?**

**(b) What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such authorisations?**

**Kindly provide a detailed response with justifications.**

**Q18. Whether there is a need to remove certain existing authorisations to establish, operate, maintain or expand telecommunication networks, which may have become redundant with technological advancements? If yes, kindly provide a detailed response with justifications.**

**Q19. Whether there is a need to club the scopes of certain authorisations to establish, operate, maintain or expand telecommunication networks into a single network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for bringing more efficiency in the telecommunication networks? If yes, kindly provide a detailed response with justifications.**

**Q20. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 to improve the ease of doing business? Kindly provide a detailed response with justifications.**

**O. Requirement for Mandating a Reference Agreement**

2.81 Through the background note annexed to the reference dated 26.07.2024, DoT has stated that the aspect of a reference agreement between authorized entities establishing, operating, maintaining or expanding telecommunication networks and authorized entities providing telecommunication services should also be considered while formulating recommendations on terms and conditions of network authorisations.

2.82 Worldwide, in many countries, regulators have prescribed reference agreements in case of telecommunication interconnection between various service providers engaged in the delivery of telecommunication services through public switched telephone network (PSTN) and public land mobile network (PLMN). In India, in the year 2002, TRAI issued the Telecommunication Interconnection (Reference Interconnect Offer) Regulation, 2002<sup>39</sup>. As per the said regulation, any telecom service provider,

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<sup>39</sup> [https://traai.gov.in/release-publication/regulation?body\\_value=Telecommunication+Interconnection+%28Reference+Interconnect+Offer%29+Regulation%2C+2002&field\\_division\\_tid=All&field\\_start\\_date\\_value%5Bmin%5D%5Bdate%5D=&field\\_start\\_date\\_value%5Bmax%5D%5Bdate%5D=&field\\_start\\_date\\_value\\_1%5Bvalue%5D%5Byear%5D=](https://traai.gov.in/release-publication/regulation?body_value=Telecommunication+Interconnection+%28Reference+Interconnect+Offer%29+Regulation%2C+2002&field_division_tid=All&field_start_date_value%5Bmin%5D%5Bdate%5D=&field_start_date_value%5Bmax%5D%5Bdate%5D=&field_start_date_value_1%5Bvalue%5D%5Byear%5D=)



which is enjoying Significant Market Power (SMP) status, is required to submit its proposed Reference Interconnect Offer (RIO), describing, *inter-alia*, the technical and commercial conditions for interconnection based on the model RIO as annexed to the regulation to the Authority for approval and then to publish the approved RIO on its website. Such RIO, thereafter, forms the basis of all interconnection agreements to be entered into by/ and with the issuer of the RIO.

- 2.83 Besides, through the International Telecommunication Access to Essential Facilities at Cable Landing Stations Regulations, 2007<sup>40</sup>, TRAI has mandated that every owner of cable landing station shall, in respect of its each cable landing station, submit to the Authority, a document containing the terms and conditions of Access Facilitation and Co-location facilities including landing facilities for submarine cables at its cable landing stations for specified international submarine cable capacity in accordance with the provisions of the regulations ("Cable Landing Station-Reference Interconnect Offer") for approval of Authority. Every owner of a cable landing station shall publish, on its website and in such other manner as the Authority may specify, within fifteen days from the date of approval of the Cable Landing Station-Reference Interconnect Offer by the Authority, the Cable Landing Station-Reference Interconnect Offer so approved by the Authority and forward a copy thereof to the Authority along with a confirmation to the effect that such offer had been published in accordance with the offer so approved by the Authority and in the manner specified in this sub-regulation.
- 2.84 Generally, interconnection between any two networks is mutually profitable if the networks are vertically related. However, when two networks offer substitute services, i.e., they are horizontally related, a network operator has

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<sup>40</sup> [https://traigov.in/sites/default/files/Regulation\\_07june07.pdf](https://traigov.in/sites/default/files/Regulation_07june07.pdf)

the incentive to foreclose or marginalize its opponent network through various methods including high interconnection fees. Such a conduct may result in scant supply or high prices of services, to the detriment of consumers. In such situations, regulators often mandate the network operators to publish a regulator-approved reference interconnection offer (RIO) on their websites, which forms the basis of all interconnection agreements with other network operators.

- 2.85 In this background, it requires to be deliberated as to whether there is a need for mandating a reference agreement between the entities holding network authorisations and the entities holding service authorisations under the Telecommunications Act, 2023. Accordingly, the Authority solicits the views of stakeholders on the following set of questions:

**Issues for Consultation:**

**Q21. Whether there is a need for mandating a reference agreement between authorised entities establishing, operating, maintaining or expanding the telecommunication network, and authorised entities providing telecommunication services? If yes, -**

- (a) Between which type of entities, reference agreements are required to be mandated?**
- (b) What should be the salient features of the reference agreements between such entities?**

**Kindly provide a detailed response with justifications.**

**Q22. Are there any other inputs or suggestions relevant to the subject? Kindly provide a detailed response with justifications.**

2.86 The following chapter examines the financial conditions of the authorisations to establish, operate, maintain or expand telecommunication networks as per the provisions of the Telecommunications Act, 2023.

## Chapter III: Financial Conditions

- 3.1 Department of Telecommunications (DoT), through its letter dated 26.07.2024 has sought recommendations of TRAI *on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023.*
- 3.2 In this background, this Chapter has been prepared to solicit comments of stakeholders on financial conditions, including fees or charges, for various authorisations related to establishing, operating, maintaining or expanding telecommunication network to be granted under the Telecommunications Act, 2023.
- 3.3 The financial conditions relating to equity, net worth, entry fees, bank guarantee, definition of gross revenue, applicable gross revenue, adjusted gross revenue, license fee, application processing fees, and formats for reporting revenue/license fees have been covered in this chapter.

### **A. Digital Connectivity Infrastructure Provider (DCIP) Authorization**

- 3.4 The Authority vide its Recommendations on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization under Unified License (UL)' dated 08<sup>th</sup> August, 2023 recommended, *inter-alia*, the following:
- (a) There should not be any License fee applicable to DCIP authorization. The DCIP Licensee would be required to submit to licensor an annual statement of Revenues earned by it through provision of its DCI items, equipment, and systems on lease/sale/rent/access right basis in a format prescribed at **Annexure-3.1** to this authorization. However, neither any license fee will be imposed on the revenues detailed under this statement, nor will these revenue form part of gross revenues under any other authorization.

- (b) For obtaining DCIP Authorization under UL, the entry fee should be kept at Rs. 2 lakhs and application processing fee should be kept at Rs. 15,000.

**B. Infrastructure Provider-I (IP-I)**

- 3.5 As per the existing Guidelines for Registration of IP-I, the applicant company is required to pay a processing fee along with the application of Rs. 5,000/-
- 3.6 As discussed at para 2.23 to 2.28 of Chapter II, comments have been sought from stakeholders as to whether there is a need for merging the scopes of the extant IP-I and DCIP authorization, into a single authorisation under the Telecommunications Act, 2023 or not.
- 3.7 Accordingly, the following questions arise for consultation with regard to the financial conditions: -

**Q23. In case it is decided for merging the scopes of the extant Infrastructure Provider-I (IP-I) and the Digital Connectivity Infrastructure Provider (DCIP) authorization into a single authorization under the Section 3(1)(b) of the Telecommunications Act, 2023, what should be the: -**

- (a) Minimum equity and networth of the Authorised entity.**
- (b) Amount of application processing fees**
- (c) Amount of entry fees**
- (d) Any other Fees/Charge**

**Please support your response with proper justification.**

**Q24. In case it is decided not to merge the scopes of IP-I and DCIP, what changes/ modifications are required to be made in the financial conditions of -**

- (a) DCIP authorisation as recommended by TRAI in August 2023**

**(b) IP-I authorisation under the Telecommunications Act, 2023 with respect to the extant IP-I registration?  
Please provide a detailed response with justification.**

**C. In-building Solutions**

3.8 Further, as discussed at para 2.29 to 2.39 of Chapter II, in case it is decided to introduce a new authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager within the limits of a single building, compound or estate controlled, owned, or managed by it, then the question arises whether such an authorization should have any financial conditions associated with it, and if so, what should be these financial conditions.

3.9 Accordingly, the following questions arise for consultation: -

**Q25. In case it is decided to introduce a new authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager within the limits of a single building, compound or estate controlled, owned, or managed by it, then:**

**(a) Whether there is a need to have financial conditions associated with such an authorisation?**

**(b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?**

**Please provide detailed response with justification.**

## **D. Content Delivery Network (CDN) and Internet Exchange Points (IXPs)**

3.10 The Authority vide its Recommendations on 'Regulatory Framework for Promoting Data Economy Through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India' dated 18.11.2022 recommended no financial condition for CDN authorisation.

3.11 Further, the Authority recommended the following financial conditions for IXP authorisation:

### Entry Fee:

A non-refundable one-time Entry Fee of Rs. 20,000.

### Bank Guarantees:

i. Performance Bank Guarantee: PBG shall be submitted for an amount equal to Rs.10,000.

ii. Financial Bank Guarantee: FBG shall be submitted for an amount equal to Rs. 2,000.

### Application Processing Fee:

In respect of the application for a grant of authorisation, a Processing Fee of Rs. Rs. 10,000 shall be levied.

### Minimum Equity and Minimum Net worth:

There shall be no requirement of minimum equity and minimum net worth.

3.12 Accordingly, the following question arises for consultation: -

**Q26. Whether there is a need to change/ modify any of the financial conditions of the IXP and CDN authorisations from those recommended by TRAI on 18.11.2022? If yes, please provide a detailed response with justification(s).**

## **E. Satellite Earth Station Gateway (SESG)**

3.13 In the Recommendations on 'Licensing Framework for Establishing and Operating Satellite Earth Station Gateway (SESG)' dated 29.11.2022, the Authority took note that *"as SESG License involves deployment of capital-intensive SESG infrastructure, it is expected that only earnest and committed entities will seek such a license. With a view to attracting investment in the SESG segment, it would be desirable that there are no entry barriers for the prospective SESG licensees, and regulatory levies on SESG licensees are kept to the minimum possible."*

3.14 Further, the Authority was of the view that *"the SESG licensees will render satellite-based resources to service licensees. Using the satellite-based resources provided by the SESG licensees, service licensees will provide communication services to the customers. The SESG licensees themselves will not provide communication services directly to the end users. The service licensees, to whom SESG licensees will provide satellite-based resources, are already governed by Adjusted Gross Revenue (AGR) based License Fee regime. Therefore, it would be desirable to keep the License Fee payable by SESG licensees as minimum possible."*

3.15 For SESG, the Authority recommended the following financial conditions:

### Entry Fee:

A non-refundable one-time Entry Fee of Rs. 10 lakhs shall be levied for the grant of SESG License.

### License Fee:

As the SESG licensees will not provide any service directly to end customers, only a token License Fee of Re. 1 per annum shall be levied on the SESG License.

### Bank Guarantees:

No Bank Guarantees (Performance Bank Guarantee or Financial Bank Guarantee) shall be obtained from the SESG Licensee.



Application Processing Fee:

In respect of the application for a grant of SESG License, a Processing Fee of Rs. 5,000 shall be levied. Further, a Processing Fee of Rs. Five thousand shall be levied in respect of every application for grant of permission to establish an additional SESG.

Minimum Equity and Minimum Net worth:

There shall be no requirement of minimum equity and minimum net worth in respect of SESG License.

NOCC charges:

No NOCC charges shall be applicable in respect of SESG License.

3.16 Accordingly, the following question arise for consultation: -

**Q27. Whether there is a need to change/ modify any of the financial conditions of the Satellite Earth Station Gateway (SESG) authorization from those recommended by TRAI on 29.11.2022? If yes, please provide a detailed response with justification(s).**

**F. Satellite Communication Networks**

3.17 DoT vide its letter dated 17.10.2024, has requested the Authority to consider an authorisation for satellite communication network under Section 3(1)(b) of the Telecommunications Act 2023 alongwith the following aspects:

- (a) Terms and conditions relating to such authorisation;
- (b) Provision of assignment of spectrum for both feeder link as well as user link under such authorisation; and
- (c) Service area of such authorisation.

3.18 Further, as discussed at para 2.48 to 2.53 of Chapter II, the following question arises for consultation: -

**Q28. In case it is decided to introduce a new authorisation for establishing, operating, maintaining or expanding satellite communication network under Section 3(1)(b) of the Telecommunications Act, 2023, then, what should be the financial conditions for such authorisation?**

**G. Ground Station for Providing GSaaS**

3.19 In view of the detailed discussions at para 2.54 to 2.59 of Chapter II, the following question arises for consultation: -

**Q29. In case it is decided to introduce an authorisation under Section 3(1) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding ground stations, which may be used to provide Ground Station as a Service (GSaaS), then:**

**(a) Whether there is a need to have financial conditions associated with such an authorisation?**

**(b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?**

**Please provide detailed response with justification.**

**H. Cloud Hosted Telecommunication Network**

3.20 As discussed and detailed at para 2.60 to 2.62 of Chapter II, about the need to introduce an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 in order to establish, operate, maintain or expand cloud-hosted telecommunication network that may be used to provide telecommunication network as a service to the authorised entities under Section 3(1)(a) of the Telecommunications Act, 2023, then the question arises whether such an

authorization should have any financial conditions associated with it, and if so, what should be these financial conditions.

3.21 Accordingly, the following question arise for consultation: -

**Q30. In case it is decided to introduce an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding cloud-hosted telecommunication networks, which may be used to provide telecommunication network as a service to the authorised entities under Section 3(1)(a) of the Telecommunications Act, 2023, then:**

**(a) Whether there is a need to have financial conditions associated with such an authorisation?**

**(b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?**

**Please provide detailed response with justification.**

## **I. Mobile Number Portability Service**

3.22 As per the extant license agreement for Mobile Number Portability Service:

### Entry Fee:

Presently, an entry fee of Rs 1 crore is levied on MNP License.

### License Fees:

As per current licensing regime, license fee for MNP Licenses is levied at the rate of 1 % of AGR. There is a moratorium of license fee payment for first two years from effective date of the license.

### Bank Guarantees:

The MNP operators are required to submit PBG of Rs. 20 lakhs valid for two years. After completion of one year from the successful commencement of operation, the amount of PBG is reduced by 50%, i.e. PBG is equal to Rs.10

Lakhs, and this 50% amount of PBG shall be released after the expiry of license period. On the other hand, initially the MNP licensee shall submit the FBG of 40 lakhs, valid for three years and subsequently the amount is equivalent to 20% of the estimated sum payable (of license fee for two quarters and other dues not otherwise securitized).

3.23 Further, the Authority vide its Recommendations on 'Rationalization of Entry Fee and Bank Guarantees' dated 19.9.2023, recommended the following:

- (a) The entry fee for MNP license should be reduced from Rs. 1 crore to Rs. 50 lakh.
- (b) Financial Bank Guarantee and Performance Bank Guarantee should be merged into a single Bank Guarantee. This Bank Guarantee should be submitted before signing the License Agreement, valid for one year. For the initial year, the amount of Bank Guarantee should be 40 lakh. For the subsequent years, the amount of Bank Guarantee should be higher of 10 lakh or 20% of the estimated sum payable (of license fee for two quarters and other dues not otherwise securitized).

3.24 Regarding the definitions of Gross Revenue, Applicable Gross Revenue (ApGR) and Adjusted Gross Revenue (AGR), the extant provisions of MNP license agreement are given below:

Gross Revenue (GR):

The Gross Revenue shall be inclusive of revenue from services, Porting fees, sale proceeds of any software & hardware items, revenue on account of interest, dividend, capital gains, value added services, supplementary services, access or interconnection charges, revenue from permissible sharing of infrastructure and any other miscellaneous revenue etc., without any set-off from related items of expense.

Applicable Gross Revenue (ApGR)

ApGR shall be equal to Gross Revenue (GR) of the licensee as reduced by the items listed below:

- (i) Revenue from operations other than telecom activities/ operations.

- (ii) Revenue from activities under a license/ permission issued by Ministry of Information and Broadcasting.
- (iii) Receipts from the USO Fund.
- (iv) List of other income to be excluded from GR to arrive at ApGR
  - a. Income from Dividend
  - b. Income from Interest
  - c. Capital Gains on account of profit of Sale of fixed assets and securities
  - d. Gains from Foreign Exchange rates fluctuations
  - e. Income from property rent
  - f. Insurance claims
  - g. Bad Debts recovered
  - h. Excess Provisions written back

Adjusted Gross Revenue (AGR)

For the purpose of arriving at the "Adjusted Gross Revenue", the Goods and Services Tax applicable (GST), as applicable, will be excluded from Applicable Gross Revenue (ApGR) to arrive at the Adjusted Gross Revenue, if Gross Revenue had included the component of GST.

- 3.25 Presently, the MNPSPs are required to submit a Statement of Revenue and License Fee alongwith quarterly payment of license fee, duly certified with an affidavit by the representative of the licensee. The proforma for the Statement of Revenue and License fee as prescribed under the MNP license agreement is given at **Annexure-3.2.**
- 3.26 A reconciliation between the figures appearing in the quarterly statements with those appearing in annual accounts shall be submitted along with a copy of the published annual accounts audit report and duly audited quarterly statements, within 7 (seven) calendar days of the date of signing of the audit report. The annual financial account and the statement are required to be prepared following the norms as prescribed under the MNP license agreement.

3.27 Now, the questions arise whether there is need to review/ change the financial conditions, formats of Statement of Revenue Share and License Fee, requirement of affidavit and norms for preparation of statements in case of MNPSP.

**Q31. For Mobile Number Portability Service authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, should the amount of entry fee and provisions of bank guarantees be:**

- (a) kept same as per existing MNP license.**
- (b) kept the same as recommended by the Authority vide its Recommendations dated 19.09.2023**
- (c) or some other amount/ provisions may be made for the purpose of Entry Fee and Bank Guarantees.**

**Please support your response with proper justification.**

**Q32. For Mobile Number Portability Service authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, whether there is a need to review/ modify:**

- (a) Definition of GR, AGR, ApGR**
- (b) Rate of authorisation fee**
- (c) Format of Statement of Revenue Share and License Fee**
- (d) Norms for the preparation of annual financial statements**
- (e) Requirement of Affidavit**

**Please provide your response with detailed justification.**

**J. Migration:**

3.28 With regard to the migration of existing licensees and registration holders to the new authorisation regime, the following question arise for consultation:

**Q33. What financial conditions should be made applicable for the migration of the existing licensees/ registration holders to the**

**relevant new authorisations under section 3(1) (b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**

3.29 Further, as discussed at para 2.78 and 2.79 of Chapter II, in case it is decided to introduce certain new authorisation(s), or in case of merger, demerger, acquisition holding network authorisations under Section 3(1)(b) or clubbing the scopes of certain authorisations, then the need arises to frame suitable financial conditions governing these authorisations.

3.30 Accordingly, the following questions arise for consultation: -

**Q34. In case it is proposed for introducing certain new authorisations to establish, operate, maintain or expand telecommunication networks under Section 3(1)(b) of the Telecommunications Act, 2023, what should be the respective financial conditions for each of such authorisation(s)? Please provide a detailed response with justifications in respect of each network authorisation, separately.**

**Q35. What should be the financial conditions for the merger, demerger, acquisition, or other forms of restructuring of the entities holding network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023? Please provide a detailed response with justifications in respect of each network authorisation.**

**Q36. In case it is decided to club the scopes of certain authorisations to establish, operate, maintain or expand telecommunication networks into a single network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, then, what should be the financial conditions for such authorisations?**

**Please provide a detailed response with justifications for each network authorisation, separately.**

**Q37. Whether there are any other issues/ suggestions relevant to the fees and charges? The same may be submitted with proper explanation and justification.**

3.31 The following chapter lists the issues for consultation.



## **Chapter IV: Issues for Consultation**

Stakeholders are requested to provide a detailed response with justifications for the following questions:

- Q1. Whether there is a need to merge the scopes of the extant Infrastructure Provider-I (IP-I) and Digital Connectivity Infrastructure Provider (DCIP) authorization (as recommended by TRAI in August 2023), into a single authorisation under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**
- Q2. In case your response to the Q1 is in the affirmative, kindly provide a detailed response with justifications on –**
- (a) Eligibility conditions for the grant of the merged authorisation; and**
  - (b) Area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the merged authorisation.**
- Q3. In case your response to the Q1 is in the negative, -**
- (a) What changes (additions, deletions or modifications) are required to be incorporated in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the IP-I authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 as compared to the extant IP-I registration?**
  - (b) Whether there is a need to make certain changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the DCIP authorisation**

**(as recommended by TRAI in August 2023)? If yes, kindly provide a detailed response with justifications.**

- Q4. (a) Which telecommunication equipment/ elements should be included in the ambit of 'in-building solution' (IBS)?**
- (b) Whether there is a need to introduce a new authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager within the limits of a single building, compound or estate controlled, owned, or managed by it? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such an authorisation? Please provide a detailed response with justifications.**
- Q5. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Content Delivery Network (CDN) authorisation, as recommended by TRAI on 18.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the CDN authorisation? Kindly provide a detailed response with justification.**
- Q6. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Internet Exchange Point (IXP) authorisation, as recommended by TRAI on 18.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical,**

**operational, security etc.) of the IXP authorisation? Kindly provide a detailed response with justification.**

**Q7. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Satellite Earth Station Gateway (SESG) authorisation, as recommended by TRAI on 29.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the SESG authorisation? Kindly provide a detailed response with justification.**

**Q8. Whether there is a need to introduce a new authorisation for establishing, operating, maintaining or expanding satellite communication network, which may be used to provide network as a service to the entities authorised under Section 3(1)(a) of the Telecommunications Act, 2023? If yes-**

**(a) What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such authorisation?**

**(b) Whether an entity holding such authorisation should be made eligible for the assignment of spectrum for both feeder link as well as user link?**

**Kindly provide a detailed response with justification.**

**Q9. Whether there is a need to introduce an authorisation under Section 3(1) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding ground stations, which may be used to provide ground station as a service (GSaaS)? If yes, what should be the eligibility conditions, area of operation, validity period of**

authorisation, scope, and terms & conditions (general, technical, operational, security etc.) for the authorisation to establish, operate, maintain, or expand ground stations, which may be used to provide GSaaS? Kindly provide a detailed response with justifications.

**Q10.** Whether there is a need to introduce an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding cloud-hosted telecommunication networks, which may be used to provide telecommunication network as a service to the authorised entities under Section 3(1)(a) of the Telecommunications Act, 2023? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such an authorisation? Kindly provide a detailed response with justifications.

**Q11.** What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the authorisation for Mobile Number Portability Service under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

**Q12.** What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 considering the various sections including Sections 4 to 9, 19 to 24, 32 to 42, 44, 45, 49, and 55 of the Telecommunications Act, 2023 and technological/ market developments in the telecommunication sector? Kindly provide a detailed response with justifications.

- Q13. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 considering the policy/ Act in the Space Sector and other relevant policies/ Acts in the related sectors? Kindly provide a detailed response with justifications.**
- Q14. What should be the terms and conditions for the merger, demerger, acquisition, or other forms of restructuring of the entities holding network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023? Please provide a detailed response with justifications in respect of each network authorisation.**
- Q15. What conditions should be made applicable for the migration of existing network licenses, registrations etc. to the new network authorisation regime under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**
- Q16. What procedure should be followed for the migration of existing network licenses, registrations etc. to the new network authorisation regime under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**
- Q17. Whether there is a need to introduce certain new authorisations (other than the authorisations discussed above) to establish, operate, maintain or expand telecommunication networks under Section 3(1)(b) of the Telecommunications Act, 2023? If yes, -**
- (a) For which type of telecommunication networks, new authorisations should be introduced?**
  - (b) What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions**

**(general, technical, operational, security etc.) of such authorisations?**

**Kindly provide a detailed response with justifications.**

**Q18. Whether there is a need to remove certain existing authorisations to establish, operate, maintain or expand telecommunication networks, which may have become redundant with technological advancements? If yes, kindly provide a detailed response with justifications.**

**Q19. Whether there is a need to club the scopes of certain authorisations to establish, operate, maintain or expand telecommunication networks into a single network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for bringing more efficiency in the telecommunication networks? If yes, kindly provide a detailed response with justifications.**

**Q20. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 to improve the ease of doing business? Kindly provide a detailed response with justifications.**

**Q21. Whether there is a need for mandating a reference agreement between authorised entities establishing, operating, maintaining or expanding the telecommunication network, and authorised entities providing telecommunication services? If yes, -**

**(a) Between which type of entities, reference agreements are required to be mandated?**

**(b) What should be the salient features of the reference agreements between such entities?**

**Kindly provide a detailed response with justifications.**

**Q22. Are there any other inputs or suggestions relevant to the subject?  
Kindly provide a detailed response with justifications.**

**Q23. In case it is decided for merging the scopes of the extant Infrastructure Provider-I (IP-I) and the Digital Connectivity Infrastructure Provider (DCIP) authorization into a single authorization under the Section 3(1)(b) of the Telecommunications Act, 2023, what should be the: -**

- (a) Minimum equity and networth of the Authorised entity.**
- (b) Amount of application processing fees**
- (c) Amount of entry fees**
- (d) Any other Fees/Charge**

**Please support your response with proper justification.**

**Q24. In case it is decided not to merge the scopes of IP-I and DCIP, what changes/ modifications are required to be made in the financial conditions of -**

- (a) DCIP authorisation as recommended by TRAI in August 2023**
- (b) IP-I authorisation under the Telecommunications Act, 2023 with respect to the extant IP-I registration?**

**Please provide a detailed response with justification.**

**Q25. In case it is decided to introduce a new authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager within the limits of a single building, compound or estate controlled, owned, or managed by it, then-**

- (a) Whether there is a need to have financial conditions associated with such an authorisation?**
- (b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?**

**Please provide detailed response with justification.**

- Q26. Whether there is a need to change/ modify any of the financial conditions of the IXP and CDN authorisations from those recommended by TRAI on 18.11.2022? If yes, please provide a detailed response with justification(s).**
- Q27. Whether there is a need to change/ modify any of the financial conditions of the Satellite Earth Station Gateway (SESG) authorization from those recommended by TRAI on 29.11.2022? If yes, please provide a detailed response with justification(s).**
- Q28. In case it is decided to introduce a new authorisation for establishing, operating, maintaining or expanding satellite communication network under Section 3(1)(b) of the Telecommunications Act, 2023, then, what should be the financial conditions for such authorisation?**
- Q29. In case it is decided to introduce an authorisation under Section 3(1) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding ground stations, which may be used to provide Ground Station as a Service (GSaaS), then:**
- (a) Whether there is a need to have financial conditions associated with such an authorisation?**
- (b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?**
- Please provide detailed response with justification.**
- Q30. In case it is decided to introduce an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding cloud-hosted telecommunication networks, which may be used to provide telecommunication network as a service to the authorised entities under Section 3(1)(a) of the Telecommunications Act, 2023, then:**



**(a) Whether there is a need to have financial conditions associated with such an authorisation?**

**(b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?**

**Please provide detailed response with justification.**

**Q31. For Mobile Number Portability Service authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, should the amount of entry fee and provisions of bank guarantees be:**

**(a) kept same as per existing MNP license.**

**(b) kept the same as recommended by the Authority vide its Recommendations dated 19.09.2023**

**(c) or some other amount/ provisions may be made for the purpose of Entry Fee and Bank Guarantees.**

**Please support your response with proper justification.**

**Q32. For Mobile Number Portability Service authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, whether there is a need to review/ modify:**

**(a) Definition of GR, AGR, ApGR**

**(b) Rate of authorisation fee**

**(c) Format of Statement of Revenue Share and License Fee**

**(d) Norms for the preparation of annual financial statements**

**(e) Requirement of Affidavit**

**Please provide your response with detailed justification.**

**Q33. What financial conditions should be made applicable for the migration of the existing licensees/ registration holders to the relevant new authorisations under section 3(1) (b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**

- Q34. In case it is proposed for introducing certain new authorisations to establish, operate, maintain or expand telecommunication networks under Section 3(1)(b) of the Telecommunications Act, 2023, what should be the respective financial conditions for each of such authorisation(s)? Please provide a detailed response with justifications in respect of each network authorisation, separately.**
- Q35. What should be the financial conditions for the merger, demerger, acquisition, or other forms of restructuring of the entities holding network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023? Please provide a detailed response with justifications in respect of each network authorisation.**
- Q36. In case it is decided to club the scopes of certain authorisations to establish, operate, maintain or expand telecommunication networks into a single network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, then, what should be the financial conditions for such authorisations? Please provide a detailed response with justifications for each network authorisation, separately.**
- Q37. Whether there are any other issues/ suggestions relevant to the fees and charges? The same may be submitted with proper explanation and justification.**

# Annexure 1.1

## DoT's Reference Dated 26.07.2024

F. No. 20-1350/2024 AS-1 (Vol.-II)  
Government of India  
Ministry of Communications  
Department of Telecommunications  
(Licensing Policy Division)  
20-Ashoka Road, New Delhi-110001

Dated: 26.07.2024

**Subject:** Seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023 - regarding


**Reference:** Reference vide F. No. 20-1350/2024 AS-1 (Vol.-II) dated 21.06.2024 for seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to provide telecommunication services as per the provisions of the Telecommunications Act 2023 (enclosed)

The Telecommunications Act, 2023 has been published in the Official Gazette of India. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act. Section 3(1)(b) of the Act provides for obtaining an authorisation by any person intending to establish, operate, maintain or expand telecommunication network, subject to such terms and conditions, including fees or charges, as may be prescribed. A background note on related aspects in this regard including relevant sections of the Telecommunications Act, 2023 that may have bearing on the terms and conditions of authorisations is attached as Annexure to this reference.

2. In this regard, under Section 11(1)(a) of the TRAI Act, 1997 (as amended), TRAI is requested to provide its recommendations within 60 days of receipt of this reference on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023.

3. This has the approval of the competent authority.

Encl: As above

  
(Sunil Kumar Singh)  
Deputy Director General (LP)  
Phone: 23036836

To,  
The Secretary  
Telecom Regulatory Authority of India  
7<sup>th</sup> Floor, Tower-F,  
World Trade Centre, Nauroji Nagar,  
New Delhi: 110029

## Background Note

1. Section 3(1)(a) and 3(1)(b) of the Telecommunications Act 2023 provide for authorizations to provide telecommunication services and to establish, operate, maintain or expand telecommunication network respectively. As per Section 2 of the Telecommunications Act 2023, telecommunication, telecommunication network and telecommunication service are defined as follows:

*(p) "telecommunication" means transmission, emission or reception of any messages, by wire, radio, optical or other electro-magnetic systems, whether or not such messages have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;*

*(s) "telecommunication network" means a system or series of systems of telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government;*

*(t) "telecommunication service" means any service for telecommunication;*

2. A reference dated 21.06.2024, to TRAI, has been sent for seeking its recommendations on terms and conditions, including fees or charges, for authorisation to provide telecommunication services under section 3(1)(a) of the Telecommunications Act 2023. List of the extant licenses, registrations, and permissions being granted under the Indian Telegraph Act 1885 is provided in this reference.
3. Section 3(2) of the Telecommunications Act 2023 provides for different terms and conditions of authorisation for different types of telecommunication services and telecommunication network.
4. Section 3(5) of the Telecommunications Act 2023 provides that any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.
5. Section 3(6) of the Telecommunications Act 2023 provides that a licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885, in respect of provision of telecommunication services shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or

permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

6. TRAI Recommendations on 'Rationalization of Entry Fee and Bank Guarantees' dated 19.09.2023 have been received and same are under consideration of the Government. Meanwhile, a reference dated 21.06.2024, to TRAI, has been sent for seeking its recommendations on terms and conditions, including fees or charges, for authorisation to provide telecommunication services under section 3(1)(a) of the Telecommunications Act 2023.

Another reference for seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network under section 3(1)(b) of the Telecommunications Act 2023, is being sent along with this note.

Accordingly, the issues relating to Entry Fee and Bank Guarantees may also be revisited along with the fee or charges for different types of authorizations

- 7 While formulating recommendations, TRAI may also consider following:
  - i. Type, scope, and terms & conditions of each authorization to be granted under section 3(1)(a) and 3(1)(b) respectively.
  - ii. Some of the recommendations of TRAI, which are under consideration presently, like recommendations on 'DCIP', 'IXP', 'CDN', 'SESG', 'IBS (In-Building Solutions)' etc., which primarily relate to establishing telecommunication networks, and these authorised entities would provide telecommunication networks as a service to authorized entities under section 3(1)(a) only.
  - iii. Reference agreement between authorized entities establishing, operating, maintaining or expanding the telecommunication network and authorized entities providing telecommunication services.
  - iv. Latest developments in the field of telecommunications such as cloud hosted telecommunication networks being used to provide Unified Communications as a Service (UCaaS) & Communications Platform as a Service (CPaaS), virtualisation of telecommunication networks, Ground Station as a Service (GSaaS) as envisaged under the Indian Space Policy 2023, etc.
  - v. Rationalization of Entry Fee and Bank Guarantees for various authorizations in view of the provisions of the Telecommunications Act 2023.

8. Many other Sections of the Telecommunications Act 2023 may have, either direct or indirect, linkages with the terms and conditions of the authorisation to establish, operate, maintain or expand telecommunication network. Some of these Sections of the Telecommunications Act 2023 are 4 to 9, 19 to 24, 32 to 42, 44, 45, 49, and 55. Many terms and conditions of the extant licensing and regulatory framework relates to different Sections of the Telecommunications Act 2023. Further, some of the terms and conditions may be required to be amended/incorporated in light of certain new provisions in this Act and policy/Act in related sectors such as Space. The possibility of reducing the number of authorisations and simplification/merger/rationalization of the terms and conditions to improve Ease of Doing Business, may also be examined.

## **Annexure 1.2**

### **DoT's letter dated 17.10.2024**

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**F. No. 20-1350/2024 AS-I (Vol.-II)**  
**Government of India**  
**Ministry of Communications**  
**Department of Telecommunications**  
**(Licensing Policy Division)**  
**20-Ashoka Road, New Delhi-110001**

Dated: 17.10.2024

**Subject: Seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023 – regarding**

**Reference: Reference vide F. No. 20-1350/2024 AS-I (Vol.-II) dated 26.07.2024 for seeking recommendations of TRAI on terms and conditions, including fees or charges, for authorisation to establish, operate, maintain or expand telecommunication network as per the provisions of the Telecommunications Act 2023 (enclosed)**

1. As per the background note of the reference dated 26.07.2024, in para 7(ii), TRAI has been requested to consider its earlier recommendations on Satellite Earth Station Gateway (SESG) also, while formulating the recommendations sought vide reference dated 26.07.2024.
2. In this regard, keeping in view the increasing use of NTN (Non terrestrial networks) including satellite communication networks in provisioning of FSS (Fixed Satellite Services) including VSAT services and MSS (Mobile Satellite Services), TRAI may consider an authorisation for satellite communication network under section 3(1)(b) of the Telecommunications Act 2023 along with the following:
  - a. Terms and conditions relating to such authorisation
  - b. Provision of assignment of spectrum for both feeder link as well as user link under such authorisation
  - c. Service area of such authorisation
3. This authorisation for satellite communication network under section 3(1)(b) of the Telecommunications Act 2023 may be used to provide services to entities authorised under section 3(1)(a) of the Telecommunications Act 2023.

4. It is also requested to expedite the recommendations sought vide reference dated 26.07.2024 as the statutory 60 days period has already expired.
5. This issues with the approval of competent authority.

Encl: As above

  
17/10/24  
(Sunil Kumar Singhal)  
Deputy Director General (LP)  
Phone: 23036836

To,  
The Secretary  
Telecom Regulatory Authority of India  
7<sup>th</sup> Floor, Tower-F,  
World Trade Centre, Nauroji Nagar,  
New Delhi: 110029

## Annexure 2.1

### The Telecommunications Act, 2023

रजिस्ट्री सं० डी० एल०—(एन)०४/०००७/२००३—२३

REGISTERED NO. DL—(N)04/0007/2003—23



सी.जी.-डी.एल.-अ.-24122023-250880  
CG-DL-E-24122023-250880

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 1  
PART II—Section 1  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 52] नई दिल्ली, रविवार, दिसम्बर 24, 2023/पौष 3, 1945 (साक)  
No. 52] NEW DELHI, SUNDAY, DECEMBER 24, 2023/PAUSHA 3, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

#### MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 24th December, 2023/Pausha 3, 1945 (Saka)*

The following Act of Parliament received the assent of the President on the 24th December, 2023 and is hereby published for general information:—

#### THE TELECOMMUNICATIONS ACT, 2023 No. 44 OF 2023

[24th December, 2023.]

An Act to amend and consolidate the law relating to development, expansion and operation of telecommunication services and telecommunication networks; assignment of spectrum; and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

#### CHAPTER I PRELIMINARY

1. (1) This Act may be called the Telecommunications Act, 2023.

(2) It extends to,—

(i) the whole of India; and

(ii) to any offence committed or contravention made outside India by any person, as provided in this Act.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

Short title,  
extent and  
commencement.



## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means such date as the Central Government may, by notification appoint under sub-section (3) of section 1;

(b) "assignment" of a radio frequency or radio frequency channel means the permission for a radio station to use a radio frequency or radio frequency channel under specified conditions;

(c) "assignee" means a person holding an assignment of a radio frequency or radio frequency channel under section 4;

(d) "authorisation" means a permission, by whatever name called, granted under this Act for—

(i) providing telecommunication services;

(ii) establishing, operating, maintaining or expanding telecommunication networks; or

(iii) possessing radio equipment;

(e) "authorised entity" means a person holding an authorisation under section 3;

(f) "critical telecommunication infrastructure" means telecommunication networks notified under sub-section (3) of section 22;

(g) "message" means any sign, signal, writing, text, image, sound, video, data stream, intelligence or information sent through telecommunication;

(h) "National Frequency Allocation Plan" means guidelines issued from time to time by the Central Government for the use of the spectrum;

(i) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

(j) "person" shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "radio equipment" means telecommunication equipment used or capable of use for telecommunication by means of Hertzian or radio waves;

(m) "radio waves" means electromagnetic waves of frequencies propagated in space without any artificial guide;

(n) "Schedule" means a schedule to this Act;

(o) "spectrum" means the range of frequencies of Hertzian or radio waves;

(p) "telecommunication" means transmission, emission or reception of any messages, by wire, radio, optical or other electro-magnetic systems, whether or not such messages have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;

(q) "telecommunication equipment" means any equipment, appliance, instrument, device, radio station, radio equipment, material, apparatus, or user equipment, that may be or is being used for telecommunication, including software and intelligence integral to such telecommunication equipment; and excludes such equipment as may be notified by the Central Government;

(r) "telecommunication identifier" means a series of digits, characters and symbols, or a combination thereof, used to identify uniquely a user, a

telecommunication service, a telecommunication network, elements of a telecommunication network, telecommunication equipment, or an authorised entity;

(s) "telecommunication network" means a system or series of systems of telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government;

(t) "telecommunication service" means any service for telecommunication;

(u) "user" means a natural or legal person using or requesting a telecommunication service, but does not include person providing such telecommunication service or telecommunication network.

## CHAPTER II

### POWERS OF AUTHORISATION AND ASSIGNMENT

3. (1) Any person intending to—

Authorisation.

(a) provide telecommunication services;

(b) establish, operate, maintain or expand telecommunication network; or

(c) possess radio equipment,

shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

(2) The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.

(3) The Central Government, if it determines that it is necessary in the public interest so to do, may provide exemption from the requirement of authorisation under sub-section (1), in such manner as may be prescribed.

13 of 1885.  
17 of 1933. (4) Any exemption granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933 shall continue under this Act, unless otherwise notified by the Central Government.

(5) Any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.

13 of 1885.  
17 of 1933. (6) A licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933, in respect of provision of telecommunication services or telecommunication network—

(a) where a definite validity period is given, shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed; or

(b) where a definite validity period is not given, shall be entitled to continue to operate on the terms and conditions of such licence or registration or permission for a period of five years from the appointed day, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

(7) Any authorised entity which provides such telecommunication services as may be notified by the Central Government, shall identify the person to whom it provides telecommunication services through use of any verifiable biometric based identification as may be prescribed.

(8) The Central Government may, subject to such terms and conditions, including fees or charges as may be prescribed, allot telecommunication identifiers for use by authorised entities.

(9) The Central Government may allow use of telecommunication identifiers allotted by international bodies which are recognised by the Central Government from time to time.

Assignment  
of spectrum.

4. (1) The Central Government, being the owner of the spectrum on behalf of the people, shall assign the spectrum in accordance with this Act, and may notify a National Frequency Allocation Plan from time to time.

(2) Any person intending to use spectrum shall require an assignment from the Central Government.

(3) The Central Government may prescribe such terms and conditions as may be applicable, for such assignment of spectrum, including the frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure for the same.

(4) The Central Government shall assign spectrum for telecommunication through auction except for entries listed in the First Schedule for which assignment shall be done by administrative process.

*Explanation.*—For the purposes of this sub-section,—

(a) "administrative process" means assignment of spectrum without holding an auction;

(b) "auction" means a bid process for assignment of spectrum.

(5) (a) The Central Government may, by notification, amend the First Schedule for assignment of spectrum—

(i) in order to serve public interest; or

(ii) in order to perform government function; or

(iii) in cases where auction of spectrum is not the preferred mode of assignment due to technical or economic reasons.

(b) The notification referred to in clause (a) shall be laid before each House of Parliament.

(6) The Central Government, if it determines that it is necessary in the public interest so to do, may exempt,—

(a) from the requirement of assignment under sub-section (2), in such manner as may be prescribed; and

(b) by notification, specific usages within specified frequencies and parameters, from the requirements of sub-section (2).

(7) Any exemption with respect to use of spectrum granted under the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933 prior to the appointed day, shall continue under this Act, unless otherwise notified by the Central Government. 13 of 1885.  
17 of 1933.

(8) Any spectrum assigned through the administrative process prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned, for a period of five years from the appointed day, or the date of expiry of such assignment, whichever is earlier.

(9) Any spectrum assigned through auction prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned.

5. The Central Government may, to enable more efficient use of spectrum, re-farm or harmonise any frequency range assigned under section 4, subject to such terms and conditions, as may be prescribed.

Re-farming and harmonisation.

*Explanation.*—For the purposes of this section,—

(a) "harmonisation" means rearrangement of a frequency range;

(b) "re-farming" means repurposing of a frequency range for a different use, other than that for which it is used by an existing assignee.

6. The Central Government may enable the utilisation of the spectrum in a flexible, liberalised and technologically neutral manner, subject to such terms and conditions, including applicable fees and charges, as may be prescribed.

Technologically neutral use of spectrum.

7. (1) The Central Government may, to promote optimal use of the available spectrum, assign a particular part of a spectrum that has already been assigned to an entity, known as the primary assignee, to one or more additional entities, known as the secondary assignees, where such secondary assignment does not cause harmful interference in the use of the relevant part of the spectrum by the primary assignee, subject to such terms and conditions as may be prescribed.

Optimal utilisation of spectrum.

(2) The Central Government may, notwithstanding anything contained in any other law for the time being in force, after providing a reasonable opportunity of being heard to the assignee concerned, determine that any assigned spectrum has remained unutilised for insufficient reasons for such period as may be prescribed, terminate such assignment, or a part of such assignment, or prescribe further terms and conditions relating to spectrum utilisation.

8. (1) The Central Government may establish by notification, such monitoring and enforcement mechanism as it may deem fit to ensure adherence to terms and conditions of spectrum utilisation and enable interference-free use of the assigned spectrum.

Establishment of monitoring and enforcement mechanism.

(2) The Central Government may permit the sharing, trading, leasing and surrender of assigned spectrum, subject to the terms and conditions, including applicable fees or charges, as may be prescribed.

9. No person shall be entitled to the refund of any fees or charges paid in respect of or under an authorisation or assignment granted under this Act, if such authorisation or assignment is suspended, curtailed, revoked or varied.

No refund of fees.

### CHAPTER III

#### RIGHT OF WAY FOR TELECOMMUNICATION NETWORK

10. For the purpose of this Chapter,—

(a) "facility provider" means the Central Government or any authorised entity, including any contractor or sub-contractor or agent working for the Central Government or authorised entity, and shall include their successor or assignee;

Definition of terms used in this Chapter.

(b) "public entity" means,—

(i) the Central Government;

(ii) the State Government;

(iii) local authority;

(iv) any authority, body, company or institution incorporated or established by the Central Government or the State Government, or under any statute; or

(v) any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as may be notified by the Central Government;

(c) "public property" means any property, whether movable or immovable including any machinery, which is owned by, or in the possession of, or under the control or management of any public entity.

Right of way  
for  
telecommunication  
network in  
public property.

11. (1) Any facility provider may submit an application to a public entity under whose ownership, control or management, the public property is vested, to seek permissions for right of way for telecommunication network under, over, along, across, in or upon such public property.

(2) On receipt of an application from a facility provider under sub-section (1), the public entity shall, subject to the provisions of sub-section (4), grant permission for all or any of the following acts, namely:—

(a) survey such property for the purpose of assessing the feasibility for establishing telecommunication network; or

(b) enter the property from time to time to establish, operate, maintain, repair, replace, augment, remove or relocate any telecommunication network.

(3) The public entity shall grant permission under sub-section (2) in an expeditious manner and within such timelines as may be prescribed, and subject to such administrative expenses and compensation for right of way, which shall not exceed such amount as may be prescribed.

(4) Any rejection of an application under sub-section (1) shall be based on reasonable grounds to be recorded in writing.

(5) The facility provider shall do as little damage as possible to the public property, and ensure that the functionality and continuity of operations over such public property is not adversely affected, while undertaking any of the activities for which permission has been granted under sub-section (2).

(6) If any damage is caused to the property, the facility provider shall, at the option of the public entity, either,—

(a) restore such property to its state as existed prior to the undertaking of such activities; or

(b) pay compensation for such damage as may be mutually agreed.

(7) The provisions of this section shall be applicable to any public property vested for such projects or class of projects as notified by the Central Government, in respect of which, applications under sub-section (1) shall be made to the public entity granting the concession, contract or permission for such projects.

Right of way  
for  
telecommunication  
network on  
property not  
covered under  
section 11.

12. (1) Any facility provider may submit an application to the person under whose ownership, control or management of property not covered under section 11 is vested, to seek right of way for telecommunication network under, over, along, across, in or upon such property.

(2) On receipt of an application from a facility provider, the person receiving the application may enter into an agreement, specifying consideration as mutually agreed, for—

(a) undertaking surveys as may be required by the facility provider for the purpose of assessing the feasibility for establishing telecommunication network; or

(b) establishing, operating, maintaining, repairing, replacing, augmenting, removing or relocating any telecommunication network by the facility provider.

(3) The facility provider shall do as little damage as possible to the property when undertaking any of the activities for which permission has been granted under sub-section (2).

(4) In case of any damage to the property, the facility provider shall restore such property to its state as existed prior to the undertaking of such activities, failing which the person granting permission under sub-section (2), shall be entitled to compensation as may be mutually agreed, for any such damage.

(5) The Central Government may by rules provide for the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the telecommunication network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, and matters relating to the compensation payable for any damage.

(6) If the person under sub-section (2) fails to provide the right of way requested, and the Central Government determines that it is necessary so to do in the public interest, it may, either by itself or through any other authority designated by the Central Government for this purpose, determine that such facility provider shall be permitted the right of way to establish, operate, maintain such telecommunication network, subject to such terms and conditions, including charges for the right of way, and compensation for damage to the property, if any, to be payable to such person as may be prescribed.

13. Any person providing right of way under section 11 or section 12, shall ensure grant of right of way to the facility providers in a non-discriminatory manner and, as far as practicable, on a non-exclusive basis.

Non-discriminatory and non-exclusive grant of right of way.

14. (1) A facility provider shall not have any right, title or interest in the property on which telecommunication network is established, except the right to use the property as provided under section 11 or section 12.

Telecommunication network distinct from property on which it is installed.

(2) The telecommunication network installed on any property, shall not be subject to any claims, encumbrances, liquidation or the like, relating to such property.

(3) The telecommunication network installed on any property, shall not be considered as part of such property, including for the purposes of any transaction related to that property, or any property tax, levy, cess, fees or duties as may be applicable on that property.

(4) Notwithstanding anything contained in any other law for the time being in force, no public entity, except with the permission of an officer authorised by the Central Government for this purpose, shall have the authority to take any coercive action, such as sealing, preventing access, or forcible shutdown of the telecommunication network established by an authorised entity, except where such actions may be necessary to deal with any natural disaster or public emergency.

15. (1) The Central Government may notify infrastructure projects or class of infrastructure projects, whether being developed by a public entity by itself, through a public private partnership or by any other person, that may require establishment of common ducts or conduits or cable corridors, for installation of telecommunication network.

Power of Central Government to establish common ducts and cable corridors.

(2) The telecommunication network referred to in sub-section (1) shall be made available on open access basis to facility providers, subject to such terms and conditions, including fees and charges, as may be prescribed.

Removal,  
relocation or  
alteration of  
telecommunication  
network.

16. (1) Where, under section 11 or section 12, telecommunication network has been placed by the facility provider, under, over, along, across, in or upon any property, and any person entitled to do so desires to deal with that property in such a manner so as to render it necessary or convenient that the telecommunication network should be removed or relocated to another part thereof or to a higher or lower level or altered in form, he may require the facility provider to remove, relocate or alter the telecommunication network accordingly.

(2) If compensation has been paid under sub-section (6) of section 11, or sub-section (4) of section 12, such person shall, when making the requisition under sub-section (1), tender to the facility provider the amount requisite to defray the expense of the removal, relocation or alteration on such terms as may be mutually agreed.

(3) If any dispute arises under this Chapter, the matter shall be determined by the authority referred to in sub-section (2) of section 18.

(4) If the facility provider omits to comply with the requisition, the person making such requisition, may apply to the District Magistrate within whose jurisdiction the property is situated, to order the relocation or alteration.

(5) The District Magistrate receiving the application may, at its discretion and for reasons to be recorded in writing, approve or reject such relocation or alteration, subject to such conditions as it determines fit, including the relocation of the telecommunication network to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final.

Notice to  
facility  
provider.

17. (1) Any person desiring to exercise his right to deal with his property in such a manner as is likely to cause damage or to interrupt or interfere with the telecommunication network established under the provisions of this Act, or to interrupt or interfere with telecommunication services, shall give prior notice of such duration and in such manner, as may be prescribed, to the facility provider, the Central Government or to any authority that may be notified by the Central Government.

(2) The facility provider shall respond to such notice with details of such telecommunication network and precautionary measures to be undertaken, within such timelines as may be prescribed.

(3) Where a person referred to in sub-section (1) gives a notice of his exercise of the right relating to his property with the *bona fide* intention of averting imminent danger of personal injury to himself or any other person, such person shall be deemed to have complied with the provisions of the said sub-section.

(4) Any person who fails to comply with the provisions of sub-section (1), or deals with any property in such a manner as is likely to cause, or causes, damage to any telecommunication network, or is likely to interrupt or interfere, or interrupts or interferes with telecommunication services, a District Magistrate may, on the application of the facility provider, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the District Magistrate necessary to remedy or prevent such damage, interruption or interference during such period.

(5) If any dispute arises relating to damages, the matter shall be determined by the authority referred to under sub-section (2) of section 18.

Dispute  
resolution  
relating to this  
Chapter.

18. (1) The District Magistrate, or any other authority as notified by the Central Government, within whose jurisdiction the property is situated, shall have the exclusive powers to resolve any disputes under this Chapter, except for disputes referred to under sub-section (2) of this section.

(2) If any dispute arises relating to compensation under sub-section (6) of section 11, sub-section (2) and sub-section (4) of section 12, and sub-section (5) of section 17, it shall, on an application made for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situated, be determined by him.

(3) Every determination of a dispute by a District Magistrate or District Judge under this section, shall be final.

(4) Nothing in sub-section (3) shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the facility provider, from the person who has received the same.

#### CHAPTER IV

##### STANDARDS, PUBLIC SAFETY, NATIONAL SECURITY AND PROTECTION OF TELECOMMUNICATION NETWORKS

19. The Central Government may notify standards and conformity assessment measures in respect of—

Power to notify standards.

(a) telecommunication equipment, telecommunication identifiers and telecommunication network;

(b) telecommunication services, in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time;

(c) manufacture, import, distribution and sale of telecommunication equipment;

(d) telecommunication security, including identification, analysis and prevention of intrusion in telecommunication services and telecommunication networks;

(e) cyber security for telecommunication services and telecommunication networks; and

(f) encryption and data processing in telecommunication.

20. (1) On the occurrence of any public emergency, including disaster management, or in the interest of public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government, if satisfied that it is necessary or expedient so to do, by notification—

Provisions for public emergency or public safety.

(a) take temporary possession of any telecommunication service or telecommunication network from an authorised entity; or

(b) provide for appropriate mechanism to ensure that messages of a user or group of users authorised for response and recovery during public emergency are routed on priority.

(2) On the occurrence of any public emergency or in the interest of public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government, may, if satisfied that it is necessary or expedient so to do, in the interest of the sovereignty and integrity of India, defence and security of the State, friendly relations with foreign States, public order, or for preventing incitement to the commission of any offence, subject to such procedure and safeguards as may be prescribed, and for reasons to be recorded in writing, by order—

(a) direct that any message or class of messages, to or from any person or class of persons, to or from any telecommunication equipment or class of telecommunication equipment, or relating to any particular subject, brought for



transmission by, or transmitted or received by any telecommunication service or telecommunication network, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed in intelligible format to the officer mentioned in such order; or

(b) direct that any telecommunication service or class of telecommunication services to or from any person or class of persons, to or from any telecommunication equipment or class of telecommunication equipment, or relating to any particular subject, transmitted or received by any telecommunication service or telecommunication network, shall be suspended.

(3) The press messages, intended to be published in India, of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under clause (a) of sub-section (2).

(4) The action specified under sub-section (1), sub-section (2) and sub-section (3) shall be for such duration and in such manner as may be prescribed.

Measures for national security, etc.

21. The Central Government may, if satisfied that it is necessary or expedient so to do, in the interest of national security, friendly relations with foreign States, or in the event of war, by notification take such measures as are necessary in the circumstances of the case, including issuing directions in respect of the following, namely:—

(a) use of telecommunication equipment, telecommunication services, telecommunication network and telecommunication identifiers;

(b) standards applicable to manufacture, import and distribution of telecommunication equipment;

(c) standards to be adopted by authorised entities or assignees;

(d) procurement of telecommunication equipment and telecommunication services only from trusted sources;

(e) suspension, removal or prohibition of the use of specified telecommunication equipment and telecommunication services from countries or person as may be notified; or

(f) taking over the control and management of, or suspending the operation of, or entrusting any authority of the Central Government to manage any or all of any telecommunication services, or any telecommunication network or part thereof, connected with such telecommunication services.

Protection of telecommunication network and telecommunication services.

22. (1) The Central Government may by rules provide for the measures to protect and ensure cyber security of telecommunication networks and telecommunication services.

(2) The measures may include collection, analysis and dissemination of traffic data that is generated, transmitted, received or stored in telecommunication networks.

*Explanation.*—For the purposes of this sub-section, the expression "traffic data" means any data generated, transmitted, received or stored in telecommunication networks including data relating to the type, routing, duration or time of a telecommunication.

(3) The Central Government may, by notification in the Official Gazette, declare any telecommunication network, or part thereof, as Critical Telecommunication Infrastructure, disruption of which shall have debilitating impact on national security, economy, public health or safety.

(4) The Central Government may by rules provide for the standards, security practices, upgradation requirements and procedures to be implemented for such Critical Telecommunication Infrastructure.

23. If it appears necessary or expedient so to do in the public interest, the Central Government may direct any authorised entity to transmit in its telecommunication services or telecommunication network, specific messages, in such manner as may be specified.

Power to give directions.

#### CHAPTER V

##### DIGITAL *BHARAT NIDHI*

13 of 1885. 24. (1) The Universal Service Obligation Fund created under the Indian Telegraph Act, 1885, shall, from the appointed day, be the "Digital *Bharat Nidhi*", under the control of the Central Government, and shall be used to discharge functions as set forth in this Act.

Establishment of Digital *Bharat Nidhi*.

(2) Any sums of money attributable to the Digital *Bharat Nidhi* that is paid pursuant to an authorisation under section 3, shall be credited to the Digital *Bharat Nidhi*.

(3) The balance to the credit of the Digital *Bharat Nidhi* shall not lapse at the end of the financial year.

(4) All amounts payable under licences granted prior to the appointed day towards the Universal Service Obligation, shall be deemed to be the amounts payable towards the Digital *Bharat Nidhi*.

25. The sums of money received towards the Digital *Bharat Nidhi* under section 24, shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Digital *Bharat Nidhi* from time to time for being utilised exclusively to meet any or all of the following objectives, namely:—

Crediting of sum to Consolidated Fund of India.

(a) support universal service through promoting access to and delivery of telecommunication services in underserved rural, remote and urban areas;

(b) support research and development of telecommunication services, technologies, and products;

(c) support pilot projects, consultancy assistance and advisory support towards provision of service under clause (a) of this section;

(d) support introduction of telecommunication services, technologies, and products.

26. The Digital *Bharat Nidhi* shall be administered in a manner, as may be prescribed.

Administration of Digital *Bharat Nidhi*.

#### CHAPTER VI

##### INNOVATION AND TECHNOLOGY DEVELOPMENT

27. The Central Government may, for the purposes of encouraging and facilitating innovation and technological development in telecommunication, create one or more regulatory sandboxes, in such manner, and for such duration, as may be prescribed.

Regulatory sandbox.

*Explanation.*—For the purposes of this section, the expression "regulatory sandbox" refers to a live testing environment where new products, services, processes and business models which may be deployed, on a limited set of users, for a specified period of time, with certain relaxations from the provisions of this Act.

## CHAPTER VII

## PROTECTION OF USERS

Measures for protection of users.

28. (1) For the purposes of this section, "specified message" means any message offering, advertising or promoting goods, services, interest in property, business opportunity, employment opportunity or investment opportunity, whether or not—

(a) the goods, services, interest, or opportunity are real; or

(b) it is lawful to acquire such goods, services, property, interest or take up the opportunity.

(2) The Central Government may by rules provide for measures for protection of users, in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time, including measures such as—

(a) the prior consent of users for receiving certain specified messages or class of specified messages;

(b) the preparation and maintenance of one or more registers, to be called as "Do Not Disturb" register, to ensure that users do not receive specified messages or class of specified messages without prior consent; or

(c) the mechanism to enable users to report any malware or specified messages received in contravention of this section.

(3) An authorised entity providing telecommunication services shall establish an online mechanism to enable users to register any grievance pertaining to the telecommunication service, and redressal of such grievances, in such manner as may be prescribed.

Duty of users.

29. No user shall—

(a) furnish any false particulars, suppress any material information, or impersonate another person, while establishing his identity for availing of telecommunication services; or

(b) fail to share information as required under this Act.

Dispute resolution mechanism to redress user grievances.

30. (1) The Central Government may establish or approve one or more online dispute resolution mechanisms for the resolution of disputes between users and authorised entities providing telecommunication services.

(2) Every authorised entity providing telecommunication services shall participate in the dispute resolution mechanism established under sub-section (1), and shall comply with such terms and conditions of participation in such mechanism as may be prescribed.

(3) This section shall not affect the rights of consumers under the Consumer Protection Act, 2019.

## CHAPTER VIII

## ADJUDICATION OF CERTAIN CONTRAVENTIONS

Definitions of terms used in this Chapter.

31. For the purposes of this Chapter,—

(a) "Adjudicating Officer" means an officer appointed under section 35; and

(b) "Designated Appeals Committee" means the committee appointed under section 36.

Breach of terms and conditions of authorisation or assignment.

32. (1) In case of breach of any of the terms and conditions of authorisation or assignment granted under this Act, the Adjudicating Officer shall, pursuant to an inquiry under the provisions of this Chapter—

(a) pass an order in writing in respect of one or both of the following, namely:—

35 of 2019.

(i) direct such authorised entity, or assignee to do or abstain from doing any act or thing to prevent such breach or for such compliance;

(ii) impose civil penalties as specified in the Second Schedule; and

(b) make recommendations for the consideration of the Central Government regarding suspension, revocation, or curtailment of the duration of the authorisation or assignment.

(2) The Central Government may, after due consideration of the recommendations of the Adjudicating Officer under clause (b) of sub-section (1), suspend, curtail or revoke the authorisation or assignment, as the case may be, which may be reversed if the substantial violation is remedied to the satisfaction of the Central Government.

(3) While imposing penalties specified in the Second Schedule under this section and section 33, the Adjudicating Officer shall have due regard to the following factors, namely:—

(a) nature, gravity and duration of the contravention, taking into account the scope of the contravention;

(b) number of persons affected by such contravention, and the level of harm suffered by them;

(c) intentional or negligent character of the contravention;

(d) repetitive nature of the contravention;

(e) action taken by the concerned person to mitigate the contravention, including by providing a voluntary undertaking under sub-section (1) or sub-section (2) of section 34;

(f) revenue loss caused to the Central Government;

(g) any aggravating factors relevant to the circumstances of the case, such as the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the contravention; and

(h) any mitigating factors relevant to the circumstances of the case, such as the timely rectification of the contravention, or steps taken for the avoidance of loss as a result of the contravention.

33. (1) The Adjudicating Officer shall, upon receipt of a complaint in such form, manner and accompanied by such fees as may be prescribed, relating to contravention of this Act as specified in the Third Schedule, or *suo motu*, conduct an inquiry under the provisions of this Chapter, pass an order in writing specifying the civil penalty up to an amount as specified in the Third Schedule, payable by the person committing such contravention.

Contraventions  
of Act.

(2) The provisions of the Third Schedule shall apply to the abetment of, or attempt to commit, or conspiracy to commit such contravention, as they apply to such contravention.

34. (1) Any authorised entity or assignee committing the contravention as provided under section 32 or under serial No. 4 of the Third Schedule may, prior to any notice or initiation of process of determination of such contravention, submit a voluntary undertaking to the Adjudicating Officer, disclosing such contravention and measures taken or to be taken to mitigate such contravention.

Voluntary  
undertaking  
for  
contraventions.

(2) The acceptance of voluntary undertaking given under sub-section (1), subject to the provisions of sub-section (6), shall constitute a bar on proceedings under this Chapter.

(3) Where the Adjudicating Officer has reasonable grounds to believe that a contravention as provided under section 32 or under serial No. 4 of the Third Schedule may have occurred, then it shall serve a notice to the authorised entity or assignee concerned under the relevant section.

(4) At any time during the process of hearing under sub-section (3), the authorised entity or assignee, may, submit a voluntary undertaking specifying the mitigation measures it proposes to take in respect of such contravention.

(5) The acceptance of the voluntary undertaking submitted under sub-section (4), subject to the provisions of sub-section (6), shall be construed as a mitigation measure and shall be duly considered for the purpose of determination of civil penalties under clause (a) of sub-section (1) of section 32, or under serial No. 4 of the Third Schedule.

(6) The voluntary undertaking under sub-section (1) or sub-section (4) of this section, may include an undertaking to take a specified action within a specified time; an undertaking to refrain from taking a specified action; and an undertaking to publicise the voluntary undertaking.

(7) The Adjudicating Officer may accept the voluntary undertaking under sub-section (1) or sub-section (4), or with the agreement of the authorised entity or assignee providing the voluntary undertaking, vary the terms included in such voluntary undertaking.

(8) When the authorised entity or assignee providing a voluntary undertaking fails to comply with any terms of such undertaking, the Adjudicating Officer may, after giving such authorised entity or assignee a reasonable opportunity of being heard, proceed with imposition of civil penalties specified under the Second Schedule or the Third Schedule, as applicable.

Adjudicating  
Officer.

35. (1) For the purposes of this Chapter, the Central Government shall, by an order published in the Official Gazette, appoint any officer of the Central Government not below the rank of Joint Secretary as one or more Adjudicating Officers for holding an inquiry in such manner as may be prescribed.

(2) The Adjudicating Officer may, upon the holding of such inquiry, pass such order as he deems fit in accordance with the provisions of section 32 or section 33.

Designated  
Appeals  
Committee.

36. (1) The Central Government may, by an order published in the Official Gazette, appoint officers of the Central Government not below the rank of Additional Secretary, as members of one or more Designated Appeals Committee to which any person aggrieved by an order made by the Adjudicating Officer under sub-section (1) of section 32 or under section 33, may prefer an appeal.

(2) Every appeal under sub-section (1) shall be filed within a period of thirty days from the date on which the copy of the order made by the Adjudicating Officer is received by the aggrieved person, and shall be in such form, manner and be accompanied by such fees as may be prescribed.

Process to be  
followed by  
Adjudicating  
Officer and  
Designated  
Appeals  
Committee.

37. (1) The functioning of the Adjudicating Officer and the Designated Appeals Committee shall, as far as possible, be digital by design and they shall function as digital offices and deploy such techno-legal measures as may be prescribed, to enable online process for their functioning.

(2) The Adjudicating Officer and Designated Appeals Committee shall have the same powers as a civil court, and all proceedings before it shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

Enforcement.

38. Any order made by the Adjudicating Officer or the Designated Appeals Committee shall be executable in the same manner as if it were a decree of civil court; and such orders shall be deemed to be final decrees under this section on the expiry of the period allowed for preferring an appeal against such orders as provided in section 36 and section 39.

45 of 1860.

24 of 1997. 39. Any person aggrieved by an order of the Designated Appeals Committee under section 36, in so far as it pertains to matters under sub-section (1) of section 32, or an order of the Central Government under sub-section (2) of section 32, may prefer an appeal to the Telecom Disputes Settlement and Appellate Tribunal constituted under section 14 of the Telecom Regulatory Authority of India Act, 1997, within a period of thirty days from the date on which a copy of the order is received by such authorised entity or assignee. Appeals on matters relating to section 32.

40. Any person aggrieved by an order of the Designated Appeals Committee under section 36, in so far as it pertains to matters under section 33, may prefer an appeal to any civil court having jurisdiction over the matter. Appeals on matters relating to section 33.

41. No civil court shall have jurisdiction in respect of any matter which the Adjudicating Officer, the Designated Appeals Committee, the Central Government or the Telecom Disputes Settlement and Appellate Tribunal are empowered by or under this Chapter to determine. Jurisdiction of civil court barred.

## CHAPTER IX

### OFFENCES

42. (1) Whoever provides telecommunication services or establishes telecommunication network without authorisation under sub-section (1) of section 3, or causes damage to critical telecommunication infrastructure shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both. General provisions relating to offences.

(2) Whoever directly or indirectly or through personation—

(a) gains or attempts to gain unauthorised access to a telecommunication network or to data of an authorised entity or transfers data of an authorised entity; or

(b) intercepts a message unlawfully,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both.

*Explanation.*—For the purposes of this sub-section,—

45 of 1860. (i) the expression "personation" shall have the same meaning as assigned to it under section 416 of the Indian Penal Code;

(ii) data of an authorised entity includes call data records, internet protocol data records, traffic data, subscriber data records and the like.

(3) Whoever,—

(a) possesses or uses without an authorisation, any equipment that blocks telecommunication;

(b) uses telecommunication identifiers not allotted or permitted in accordance with sub-sections (8) and (9) of section 3;

(c) tampers with telecommunication identifiers;

(d) possesses radio equipment without an authorisation or an exemption that can accommodate more than specified number of subscriber identity modules;

(e) obtains subscriber identity modules or other telecommunication identifiers through fraud, cheating or personation;

(f) wilfully possesses radio equipment knowing that it uses unauthorised or tampered telecommunication identifiers.

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to fifty lakh rupees, or with both.

(4) Whoever wilfully contravenes any measures specified in the notification on national security under section 21 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both and the Central Government may, if it deems fit, also suspend or terminate the telecommunication service of such person.

(5) Whoever causes damage to telecommunication network, other than critical telecommunication infrastructure shall be liable for compensation for the damage caused and fine which may extend up to fifty lakh rupees.

(6) Whoever abets any offence, or attempts to commit, or conspires to commit an offence under this Act, shall if the act abetted or conspired is committed in consequence of such abetment or conspiracy, be punished with the punishment provided for the offence.

(7) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences specified under this section shall be cognizable and non-bailable.

2 of 1974.

(8) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.

Power to search.

43. Any officer authorised by the Central Government in this behalf, may search any building, vehicle, vessel, aircraft or place in which he has reason to believe that any unauthorised telecommunication network or telecommunication equipment or radio equipment in respect of which an offence punishable under section 42 has been committed, is kept or concealed and take possession thereof.

Supply of information to authorised officers.

44. Notwithstanding anything contained in any law for the time being in force, where the Central Government is satisfied that any information, document or record in possession or control of any authorised entity or assignee relating to any telecommunication service, telecommunication network or use of spectrum, availed by any entity or consumer or subscriber is necessary to be furnished in relation to any pending or apprehended civil or criminal proceedings, an officer, specially authorised in writing by the Central Government in this behalf, shall direct such authorised entity or assignee to furnish such information, document or record to him and the authorised entity or assignee shall comply with the direction of such officer.

## CHAPTER X

### MISCELLANEOUS

Creation of security interests.

45. The Central Government may provide for such security interest which an authorised entity may provide to lenders financing such entities on such terms and conditions of such security interest as may be prescribed.

Certification of person for operation of radio equipment on a vessel or aircraft.

46. The Central Government may grant certification to any person to operate a radio equipment on such class of vessels registered under the Merchant Shipping Act, 1958, aircrafts registered under the Aircraft Act, 1934 and any other category of vessels or vehicles as may be notified by the Central Government, in accordance with such terms and conditions, including applicable fees and charges, as may be prescribed.

44 of 1958.  
22 of 1934.

Certification for amateur station operator.

47. The Central Government may by rules provide for the manner of certification of person to install and operate an amateur station and such rules may specify the qualifications and terms and conditions subject to which, a certification for operating an amateur station may be granted, including through conduct of examinations for granting such certification, the fees and charges to be paid thereof, and other connected matters.

*Explanation.*—For the purposes of this section,—

(a) "amateur services" means radio communication services for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised person interested in radio technique solely with a personal aim and without any pecuniary interest;

(b) "amateur station" means a radio station operated by an amateur for amateur services.

48. No person shall possess or use any equipment that blocks telecommunication unless permitted by the Central Government, or any authority authorised for specific purpose by the Central Government.

Prohibition of use of equipment which blocks telecommunication.

49. (1) The penalties imposed pursuant to the provisions of Chapter VIII or Chapter IX, shall be in addition to, and not in derogation of, any liability in respect of payment of compensation or payment of any fees or charges due by an authorised entity or assignee.

Penalties not to affect other liabilities.

(2) The provisions of this Act are in addition to and without prejudice to any other liability which a person may have incurred under any other law for the time being in force.

50. This Act shall apply to any offence committed or contravention made outside India by any person if the act or conduct constituting such offence or contravention involves a telecommunication service provided in India, or telecommunication equipment or telecommunication network located in India.

Act to apply for offence or contravention committed outside India.

51. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, or any other authority under this Act or any person acting on their behalf, as the case may be, for anything which is done in good faith, or intended to be done in pursuance of this Act or any rule, regulation or order made thereunder.

Protection of action taken in good faith.

52. (1) The provisions of this Act shall be in addition to, and not be construed in derogation of the provisions of any other law, and shall be construed as consistent with such law, for the time being in force.

Consistency with other laws.

(2) If any conflict arises between a provision of this Act and a provision of any other law for the time being in force in the whole of India or restricted to the application within the territory of any State, the provision of this Act shall prevail to the extent of such conflict.

53. The implementation of the Act shall be digital by design and the Central Government shall take any such measures as necessary to enable the digital implementation of the Act.

Implementation of Act.

1 of 1872. 54. No employee of an authorised entity shall, in any legal proceeding to which such authorised entity is not a party, be compelled to appear as a witness to prove the information contained in any electronic records submitted under sub-section (4) of section 65B of the Indian Evidence Act, 1872, except as required by order of the Court or a Judge made for special cause.

Employee of authorised entity not to be compelled to appear as witness.

80 of 1976. 55. The privilege of the Central Government to grant authorisations or assignment under this Act in the Continental Shelf and the Exclusive Economic Zone of India and the rights of an authorised entity or assignee, as the case may be, shall be subject to the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, and applicable international laws as accepted and ratified by India.

Rights in Continental Shelf and Exclusive Economic Zone.

56. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Act, to carry out the purposes of this Act.

Power of Central Government to make rules.



(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the terms and conditions, including fees or charges for obtaining authorisation under sub-section (1) of section 3;

(b) the manner of exemption for providing authorisation under sub-section (3) of section 3;

(c) the terms and conditions, including fees and charges, applicable to the original authorised entity that emerges pursuant to any merger, demerger, acquisition, or other forms of restructuring, under sub-section (5) of section 3;

(d) the terms and conditions for migration under sub-section (6) of section 3;

(e) the verifiable biometric based identification to be used by an authorised entity of telecommunication services under sub-section (7) of section 3;

(f) the terms and conditions, including fees or charges for allotment of telecommunication identifiers for use by authorised entities under sub-section (8) of section 3;

(g) the terms and conditions for the assignment of spectrum, including the frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure under sub-section (3) of section 4;

(h) the manner of exemptions for assignment of spectrum under sub-section (7) of section 4;

(i) the terms and conditions for re-farming and harmonisation under section 5;

(j) the terms and conditions, including applicable fees and charges, and any other relevant condition subject to which the utilisation of the spectrum in a flexible, liberalised and technologically neutral manner under section 6;

(k) the terms and conditions for optimal utilisation of spectrum under sub-section (1) of section 7;

(l) the period of unutilised spectrum for insufficient reasons and further terms and conditions relating to spectrum utilisation under sub-section (2) of section 7;

(m) the terms and conditions, including applicable fees or charges for sharing, trading, leasing and surrender of assigned spectrum, under sub-section (2) of section 8;

(n) the timeline for granting permission for right of way for telecommunication network in public property; and the amount for administrative expenses and compensation for right of way under sub-section (3) of section 11;

(o) the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the telecommunication network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, and matters relating to the compensation payable for any damage under sub-section (5) of section 12;

(p) the terms and conditions, including charges for right of way, and compensation for damage to the property, under sub-section (6) of section 12;

(q) the terms and conditions, including fees and charges subject to which the telecommunication network to be made available on open access basis to facility providers under sub-section (2) of section 15;

(r) the procedure and manner for giving prior notice under sub-section (1) of section 17;

(s) the timeline for responding the notice with details of telecommunication network and precautionary measures to be undertaken by the facility provider under sub-section (2) of section 17;

(t) the procedure and safeguards for public emergency or public safety under sub-section (2) of section 20;

(u) the duration and manner of taking action for public emergency or public safety under sub-section (4) of section 20;

(v) the measures to protect and ensure cyber security of, telecommunication networks and telecommunication services under sub-section (1) of section 22;

(w) the standards, security practices, upgradation requirements and procedures to be implemented for the Critical Telecommunication Infrastructure under sub-section (4) of section 22;

(x) the manner for administration of *Digital Bharat Nidhi* under section 26;

(y) the manner and duration for creating Regulatory Sandbox under section 27;

(z) the measures for protection of users under sub-section (2) of section 28;

(za) the manner for registration of any grievance and redressal of such grievances pertaining to the telecommunication service under sub-section (3) of section 28;

(zb) the terms and conditions for participating in the dispute resolution mechanism under sub-section (2) of section 30;

(zc) the form, manner and fees to be accompanied with the complaint under sub-section (1) of section 33;

(zd) the manner for holding inquiry by the Adjudicating Officer under sub-section (1) of section 35;

(ze) the form, manner and fees for filing an appeal before the Designated Appeals Committee under sub-section (2) of section 36;

(zf) the techno-legal measures for functioning of the Adjudicating Officer and the Designated Appeals Committee under sub-section (1) of section 37;

(zg) the terms and conditions of security interest under section 45;

(zh) the terms and conditions, including applicable fees and charges for granting certificates under section 46;

(zi) the manner of certification, qualification, and terms and conditions, including fees and charges for the examination for amateur station operator under section 47;

(zj) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(3) Every rule made under this Act and amendment to the Schedule made under section 57 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both

Houses agree in making any modification in the rule or amendment to the Schedule or both Houses agree that the rule or amendment to the Schedule should not be made, the rule or amendment to the Schedule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or amendment to the Schedule.

Power of  
Central  
Government  
to amend  
Schedules.

57. (1) Subject to the provisions of this section, the Central Government may, by notification,—

(a) amend the First Schedule;

(b) amend the Second Schedule or the Third Schedule:

Provided that penalty or civil penalty specified in such Schedules shall be not exceeding ten crore rupees.

(2) Any amendment made under sub-section (1) shall have effect as if enacted in this Act and shall come into force on the date of the notification, unless the notification otherwise directs.

Power to  
remove  
difficulties.

58. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may be necessary or expedient, for removing the difficulty:

Provided that no order shall be made under this section after the expiration of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Amendment  
to Act 24 of  
1997.

59. In the Telecom Regulatory Authority of India Act, 1997,—

(a) in section 2,—

(i) in sub-section (1),—

(A) for clause (e), the following clause shall be substituted, namely:—

'(e) "licensee" means an authorised entity providing telecommunication services under the Telecommunications Act, 2023, or registered for providing cable television network under the Cable Television Networks (Regulation) Act, 1995 or any other Act for the time being in force;'

7 of 1995.

(B) for clause (ea), the following clause shall be substituted, namely:—

'(ea) "licensor" means the Central Government which grants an authorisation for telecommunication services under the Telecommunications Act, 2023, or registration under the Cable Television Networks (Regulation) Act, 1995 or any other Act for the time being in force;'

7 of 1995.

(C) after clause (j), the following clause shall be inserted, namely:—

'(ja) "telecommunication" shall have the meaning as assigned to it in the Telecommunications Act, 2023;'

(D) for clause (k), the following clause shall be substituted, namely:—

'(k) "telecommunication services" means any service for telecommunication;'

13 of 1885.  
17 of 1933.  
7 of 1995.

(ii) in sub-section (2), for the words and figures "the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933", the words, figures and brackets "the Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995" shall be substituted;

(b) in section 4, for the proviso, the following provisos shall be substituted, namely:—

"Provided that a person who is, or has been, in the service of Government shall not be appointed—

(a) as a Chairperson unless such person has held the post of Secretary to the Government of India or any equivalent post in the Central Government or the State Government; or

(b) as a member unless such person has held the post of Additional Secretary to the Government of India or any equivalent post in the Central Government or the State Government:

Provided further that a person who is, or has been, in a service other than that of Government, shall be appointed—

(a) as a Chairperson if such person has at least thirty years of professional experience and has served as a member of the board of directors or a chief executive of a company in the areas as specified in this section; or

(b) as a Member if such person has at least twenty-five years of professional experience and has served as a member of the board of directors or chief executive of a company in the areas as specified in this section.";

(c) in section 11,—

(i) in sub-section (1),—

13 of 1885.  
7 of 1995.

(A) for the words and figures "Indian Telegraph Act, 1885", the words, figures and brackets "Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995" shall be substituted;

(B) in the fifth proviso, for the portion beginning with the words "may, within fifteen days from the date of receipt" and ending with the words "take a final decision", the following shall be substituted, namely:—

"shall, within thirty days from the date of receipt of such reference communicate to the Central Government any further recommendations that it may have, after considering the reference made by the Central Government and after receipt of further recommendation if any, the Central Government shall take a final decision.";

(ii) in sub-section (2),—

13 of 1885.  
7 of 1995.

(A) for the words and figures "Indian Telegraph Act, 1885", the words, figures and brackets "Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995" shall be substituted;

(B) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the Authority may direct an authorised entity or class of authorised entities providing telecommunication services, to abstain from predatory pricing that is harmful to competition, long term development and the overall health of the telecommunication sector.";

(d) in section 14, in clause (a),—

(i) sub-clause (i) shall be omitted;

(ii) for paragraph (C), the following shall be substituted, namely:—

"(C) any disputes to be adjudicated by the Adjudicating Officer or the Designated Appeals Committee under the Telecommunications Act, 2023;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(d) hear and dispose of appeals under section 39 of the Telecommunications Act, 2023.

Any action instituted under the Telecom Regulatory Authority of India Act, 1997 and pending immediately before the appointed day in the Telecom Disputes Settlement and Appellate Tribunal, shall continue to be heard and disposed of by the Telecom Disputes Settlement and Appellate Tribunal as if this Act had not been passed;"

24 of 1997.

(e) for section 38, the following section shall be substituted, namely:—

"38. The provisions of this Act shall be in addition to the provisions of the Telecommunications Act, 2023 and, in particular, nothing in this Act shall affect any jurisdiction, powers and functions required to be exercised or performed by the appropriate authority in relation to any area falling within the jurisdiction of such authority."

Application of certain laws.

## CHAPTER XI

### REPEAL AND SAVINGS

Repeal of certain Acts and savings.

60. (1) Subject to the other provisions of this section, the enactments namely, the Indian Telegraph Act, 1885, and the Indian Wireless Telegraphy Act, 1933, are hereby repealed.

13 of 1885.  
17 of 1933.

(2) Notwithstanding the repeal of the provisions aforesaid, anything done or any action taken including any grant of license, registration or assignment, any order, or proceeding, pending or ongoing, under the repealed provisions shall be deemed to have been done or taken under this Act, and the provisions of this Act shall have effect in relation thereto.

(3) The provisions of Part-III of the Indian Telegraph Act, 1885 shall continue to apply to all cases pertaining to laying down of transmission lines under section 164 of the Electricity Act, 2003 as if the Indian Telegraph Act, 1885 has not been repealed, and the provisions of Part-III of the Indian Telegraph Act, 1885 shall continue in force with reference to section 164 of the Electricity Act, 2003 till such time as section 164 of the Electricity Act, 2003 is amended.

13 of 1885.  
36 of 2003.

- 13 of 1885.  
17 of 1933.
- 61.** All rules, orders, made or purported to have been made under the Indian Telegraph Act, 1885 or under the Indian Wireless Telegraphy Act, 1933, shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules, orders were made, and shall continue in force unless and until they are superseded by any rules made under this Act.
- Existing rules to continue.
- 13 of 1885.  
17 of 1933.
- 62.** All acts of executive actions done, decisions taken, actions done, proceedings taken and orders passed, prior to the appointed day, by the Central Government, by any officer of the Central Government, or by any other authority, with respect to assignment of spectrum or provision of telecommunication services, or telecommunication network or establishment of telecommunication infrastructure, in the belief or purported belief that the acts done, decisions taken, actions done, and proceedings taken, were being done, taken or passed under the Indian Telegraph Act, 1885, or the Indian Wireless Telegraphy Act, 1933, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other legal proceeding shall be maintained or continued against any person whatsoever, on the ground that any such acts, decisions, proceedings taken were not done or taken in accordance with law.
- Validation of certain acts and indemnity.

## THE FIRST SCHEDULE

[See sections 4 (4), (5) and 57 (1)]

## ASSIGNMENT OF SPECTRUM THROUGH ADMINISTRATIVE PROCESS

1. National security and defence.
2. Law enforcement and crime prevention.
3. Public broadcasting services.
4. Disaster management, safeguarding life and property.
5. Promoting scientific research, resource development, and exploration.
6. Safety and operation of roads, railways, metro, regional rail, inland waterways, airports, ports, pipelines, shipping, and other transport systems.
7. Conservation of natural resources and wildlife.
8. Meteorological department and weather forecasting.
9. Internationally recognised dedicated bands for amateur stations, navigation, telemetry, and other like usages.
10. Use by Central Government, State Governments, or their entities or other authorised entities for safety and operations of mines, ports and oil exploration and such other activities where the use of spectrum is primarily for supporting the safety and operations.
11. Public Mobile Radio Trunking Services.
12. Radio backhaul for telecommunication services.  
*Explanation.—The term "radio backhaul" shall mean the use of radio frequency only to interconnect telecommunication equipment, other than the customer equipment in telecommunication networks.*
13. Community Radio Stations.
14. In-flight and maritime connectivity.
15. Space research and application, launch vehicle operations and ground station for satellite control.
16. Certain satellite-based services such as: Teleports, Television channels, Direct To Home, Headend In The Sky, Digital Satellite News Gathering, Very Small Aperture Terminal, Global Mobile Personal Communication by Satellites, National Long Distance, International Long Distance, Mobile Satellite Service in L and S bands.
17. Use by Central Government, State Governments or their authorised agencies for telecommunication services.
18. Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL).
19. Testing, trial, experimental, demonstration purposes for enabling implementation of new technologies, including for creation of one or more Regulatory Sandboxes.

## THE SECOND SCHEDULE

[See sections 32(1) (a) and 34 (8)]

## CIVIL PENALTIES FOR BREACH OF TERMS AND CONDITIONS UNDER SECTIONS 32 AND 34.

<b>Categorisation</b>	<b>Civil Penalty</b>
Severe	Up to Rs. 5 Crore
Major	Up to Rs. 1 Crore
Moderate	Up to Rs. 10 lakh
Minor	Up to Rs. 1 lakh
Non-severe	Written warning.



## THE THIRD SCHEDULE

[See sections 33(1), (2), 34(1), (3), (5) and 34(8)]

## CIVIL PENALTIES FOR CERTAIN CONTRAVENTIONS

Sl. No.	Contravention under the Act	Civil Penalty
1.	(a) Possessing radio equipment without an authorisation or an exemption, except for the offence under clauses (d) and (f) of sub-section (3) of section 42; (b) Use of subscriber identity modules in excess of number notified.	First Offence: Civil penalty up to fifty thousand rupees. Each subsequent offence: Civil penalty up to two lakh rupees for each such instance.
2.	Use by any person or entity of a telecommunication service or telecommunication network knowing or having reason to believe that such telecommunication service or telecommunication network does not have the required authorisation under this Act.	Civil penalty up to ten lakh rupees.
3.	Contravention of the provisions of section 28 (Measures for protection of users).	First Offence: Civil penalty up to fifty thousand rupees. Each subsequent offence: Civil penalty up to two lakh rupees for each such instance, or suspension of telecommunication service, or a combination thereof.
4.	Contravention of any provision of this Act or rules, or any terms or conditions of an assignment or authorisation in relation to any matter under this Act, for which no penalty or punishment is provided elsewhere in this Act.	First Offence: Civil penalty up to twenty-five thousand rupees. Second or subsequent offence: Further Civil penalty up to fifty thousand rupees for every day after the first during which the contravention continues.

S.K.G. RAHATE,  
Secretary to the Govt. of India.

## **Annexure 2.2**

### **A Relevant Extract of the Summary of Recommendations on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization Under Unified License (UL) dated 08.08.2023**

- 3.1. The Authority recommends for creation of a new category of Licence that allows for creation of both active and passive digital connectivity infrastructure by an infrastructure provider.
- 3.2. The Authority recommends that the new category of license be called 'Digital Connectivity Infrastructure Provider (DCIP) License'.
- 3.3. The Authority recommends that DCIP license should not be standalone license, but an authorization under Unified License.
- 3.4. To make such an Authorization under UL to be a light touch, the Authority recommends that the onerous and generic conditions (not required for DCIP) given in Part-I of the UL should be overridden and exempted through specific conditions that can be defined in Part-II in the DCIP authorization chapter.
- 3.5. The Authority recommends that enabling provision should be made by DoT for DCIP Licensees to purchase radio equipment without assignment of any spectrum.
- 3.6. The Authority recommends that there should not be any license fee applicable to DCIP authorization.
- 3.7. The Authority recommends that for obtaining DCIP Authorization under UL, the entry fee should be kept at Rs. 2 lakhs and application processing fee should be kept at Rs. 15,000. The penalty for violation for DCIP Authorization under UL should be kept at the level that is prescribed for ISP Category 'B' Authorization.

- 3.8. The Authority recommends that no PBG should be imposed on DCIPs. The Authority also recommends that an amendment should be made to Unified License that in case a UL licensee (hirer of service) obtains and utilizes DCI from DCIPs (hiree of service), their commercial arrangements should have stringent terms and conditions obligating DCIPs to ensure that various License conditions applicable on Hirer including the operating and security conditions are not breached due to use of DCI of DCIP.
- 3.9. The Authority has added a clause in proposed DCIP authorization whereby DCIP licensee who is also licensed under Electricity Act should be allowed to offer such infrastructure (that are permitted under the scope of this authorization) on access rights basis. The Authority also recommends that DoT should add a similar clause in IP-I registration agreement.
- 3.10. The Authority reiterates its recommendations made vide recommendations on 'Use of street furniture for small cell and aerial fiber deployment' dated 29th November 2022 that enabling provisions or suitable terms and conditions shall be introduced in all telecom licenses and IP-I registration agreement prohibiting the TSPs/IP-I providers from entering into any exclusive contract or right of way(s) with infrastructure owners/CAAs (Controlling Administrative Authorities) or any other authority.
- 3.11. The Authority has put a clause in the proposed DCIP authorization whereby the DCIPs have been forbidden from entering into legally binding contractual agreements conferring Indefeasible Right of Use (IRU) of its DCI to specific eligible entity(ies), which may lead to exclusion of others. The Authority recommends that a similar clause may also be introduced in IP-I registration.
- 3.12. The Authority recommends a separate light touch license authorization under Unified License to be created for DCIP, as per terms and conditions detailed in Annexure-V.

Annexure-V to the Summary of Recommendations on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization under Unified License (UL) dated 08.08.2023

Chapter-XX

DIGITAL CONNECTIVITY INFRASTRUCTURE PROVIDERS (DCIPs) under PART-II of  
UL

1. **Service Area:** The Service Area for the DIGITAL CONNECTIVITY INFRASTRUCTURE PROVIDERS (DCIPs) shall be at the National Level.
2. **Scope of the DCIP Service:** Scope of this Authorization covers the following:
  - 2.1 The authorization of DCIP shall be on non-exclusive basis without any restriction on the number of entrants.
  - 2.2 The scope of the DCIP authorization includes to own, establish, maintain, and work all such apparatus, appliance, instrument, equipment, and system which are required for establishing all Wireline Access Network, Radio Access Network (RAN), Wi-Fi systems, and Transmission Links. However, it shall not include spectrum and core network elements such as Switch, MSC, HLR, IN etc. The scope of the DCIP license also includes Right of Way, Duct Space, Dark Fiber, Poles, Tower, Feeder cable, Antenna, Base Station, In-Building Solution (IBS), Distributed Antenna System (DAS), etc. within any part of India. The scope of DCIP authorization does not include provisioning of end-to-end bandwidth using transmission systems to any customer or for its own use. However, DCIP will be allowed to install wired transmission link (but not wireless) to connect to its own BBU (Baseband Unit)/ RU (Radio unit)/ Antenna.
  - 2.3 The items, equipment, and systems that a DCIP licensee is authorized to provide under its scope (as per para 2.2 above) are hereinafter referred to as "DCI items, equipment, and systems".
  - 2.4 The scope of DCIP authorization does not include the assignment of licensed spectrum to DCIPs. Multi-Operator Radio Access Network (MORAN) sharing

would only be permitted where only RAN equipment is shared not the spectrum. The end users of each operator access the services of their respective Mobile Network Operator (MNO) with the frequencies of their respective MNO.

- 2.5 The DCIP Licensee are authorised to provide DCI items, equipment, and systems on lease/rent/sale basis to any entity (excluding other DCIPs) having a valid license under section 4 of Telegraph Act 1885, and entities notified by the Government for this purpose. Hereinafter such licensed entities have been referred to as "eligible entities".
- 2.6 DCIP licensee who is also licensed under Electricity Act will be allowed to offer such DCI items, equipment, and systems (that are permitted under the scope of this authorization) on access right basis to eligible entities.
- 2.7 The DCIP Licensee should provide DCI items, equipment, and systems on mutually agreed terms and conditions to eligible entities in fair, reasonable and non-discriminatory manner. In no case DCIPs will enter into legally binding contractual agreements conferring Indefeasible Right of Use (IRU) of its DCI items, equipment, and systems to specific eligible entity(ies), which may lead to exclusion of others.
- 2.8 The scope of the DCIP authorization should not include:
  - a) providing access to DCI items, equipment, and systems to any customer other than the eligible.
  - b) use of the licensed spectrum, (assigned to an eligible service provider, for provisioning of wireless Telecommunication Services) to other eligible entities, unless both eligible entities have a spectrum sharing arrangement between them.
- 2.9 In no case, DCIP License holder would use working DCI items, equipment, and systems to provide telecommunication services (including end to end bandwidth) to any customer or for its own captive use. In case it is found that DCIP is involved in such activities, then the licensor reserves the right to cancel the license and to take over the complete control of DCI items, equipment, and system of DCIP so as to ensure continuity of service to eligible entities. This will be in addition to imposition of (a) penalty as per DCIP authorization and (b) License Fee (as applicable to NLD Licensees) on revenues generated through

activities that would otherwise fall under the scope of any other UL authorization/license issued by DoT.

2.10 The DCIP Licensee should be eligible to apply for and issue of licence under the Indian Wireless Telegraphy Act, 1933 to possess such wireless telegraphy apparatus (without assignment of any spectrum) that is permitted under the scope of DCIP authorization. However, the DCIP authorization holder should not be eligible to apply for and assignment of any kind of licensed spectrum.

2.11 The DCIP authorization holder:

- a) should be permitted to own, establish, maintain, and work DCI items, equipment, and systems, using any technology as per the prescribed standards.
- b) should utilize type of equipment and products that meet TEC standards, wherever made mandatory by the Licensor from time to time. In the absence of mandatory TEC standards, the DCIP licensee should be permitted to utilize only those equipment and products which meet the relevant standards set by International standardization bodies, such as, ITU, ETSI, IEEE, ISO, IEC etc., or set by International Fora, such as 3GPP, 3GPP-2, IETF, MEF, WiMAX, Wi-Fi, IPTV, IPv6, etc. as recognized by TEC and subject to modifications/adaptation, if any, as may be prescribed by TEC/Licensor from time to time.
- c) should be bounded by the terms and conditions of DCIP license as well as instructions issued by the Licensor and by such orders/directions/regulations of TRAI issued as per the provisions of the TRAI Act, 1997, as amended from time to time.

2.12 The Licensee may share all infrastructure owned, established, and operated by it under the scope of this Authorization with other Licensees under UL (excluding DCIPs) and ISPs (not in UL), subject to condition that only such infrastructure will be shared that is allowed to be established by other licensee in its own license. To that effect, the provisions of this clause will have overriding effect on Clause 33 of Part-I of the UL.

2.13 The following conditions may be followed by DCIPs: -

- (i) While providing the DCI items, equipment, and systems to other entities, they shall satisfy themselves that such entity is eligible to obtain that DCI items, equipment, and systems, else it will be treated as a violation of the terms and conditions of this authorization.
- (ii) DCIPs shall be obligated to install DCI items, equipment, and systems in such a way that the hirer of their infrastructure is able to fulfill the Licensing conditions including technical, operating, Quality of Service (QoS) and security conditions, when riding on their DCI items, equipment, and systems; subject to such other directions as Licensor or TRAI may give from time to time.
- (iii) DCIPs shall be obligated to ensure that they enter into a formal written agreement with eligible entities before providing access to DCI items, equipment, and systems to them on lease/ rent/ sell basis. These agreements should invariably contain clauses obligating DCIPs to ensure that hirer of their DCI items, equipment, and systems is able to fulfill the Licensing conditions including technical, operating, QoS and security conditions, when riding on their DCI.
- (iv) On request provide to the licensor details of all network elements, its location, cable routes and capacity along with GIS mapping of its DCI items, equipment, and systems.
- (v) In security sensitive areas installation of any equipment or execution of project shall be taken up only as per Licensor's policy/guidelines.
- (vi) DCI items, equipment, and systems should not become a safety or health hazard and is not in contravention of any statute, rule, regulation, or public policy.
- (vii) DCIPs shall be obligated not to provide DCI items, equipment, and systems to those who are not authorized 'eligible entities' or whose license is revoked/suspended or not in operation.

2.14 The licensor/ TRAI reserves the right to impose the clauses defined under UL related to security, QoS, EMF compliance, data privacy, technical standards, etc. for compliance directly by DCIP, if required at any stage.

**3. Financial Conditions:**

- i. Entry fee: The total amount of Entry fee shall be as specified in Annexure-II.
- ii. DCIPs will not be required to pay any License Fee.
- iii. The DCIP Licensee would be required to submit to licensor an annual statement of Revenues earned by it through provision of its DCI items, equipment, and systems on lease/sale/rent/access right basis in a format prescribed at Annexure-A to this authorization. Neither any license fee will be imposed on the revenues detailed under this statement, nor will these revenue form part of gross revenues under any other authorization.

**4. Part I of UL Conditions that will not be applicable for Licensees having only DCIP Authorization**

<b>Chapter</b>	<b>Part I of UL Conditions that will not be applicable for Licensees having only DCIP Authorization</b>
<b>Chapter I: General Conditions</b>	1.5, 1.6, 1.7, 2.3, 2.4, 7, 8
<b>Chapter II: Commercial Conditions</b>	-
<b>Chapter III: Financial Conditions</b>	18.2, 18.3, 18.4, 19, 20, 21.2, 22
<b>Chapter IV: Technical Conditions</b>	24.1, 25.1, 29



<b>Chapter V: Operating Conditions</b>	30.1, 30.2, 30.3(b), 30.4,30.5, 30.6, 30.7, 30.11, 31, 32.2, 34, 35, 37.2, 37.3, 37.4, 38.1, 38.2, 38.3
<b>Chapter VI: Security Conditions</b>	39.2, 39.10(ii), 39.11 (i), 39.11 (ii), 39.11 (iv), 39.12, 39.13, 39.15, 39.17, 39.18, 39.19, 39.20,39.21,39.22,39.23(ii), 39.23(iii), 39.23(iv),39.23(v),39.23(viii),39.23(ix), 39.23(x),39.23(xvi), 39.23(xvii),39.23(xix), 39.23(xx)
<b>Chapter VII: Spectrum Allotment and use</b>	41, 42

## Annexure 2.3

### The revised guidelines for registration of Infrastructure Provider Category-I (IP-I) dated 22.12.2021 and its amendments dated 10.11.2022 and 27.06.2024

Government of India  
Ministry of Communications  
Department of Telecommunications  
Sanchar Bhawan, Ashoka Road, New Delhi-110001  
(Carrier Services-III Cell)

No. 10-12/2012-CS-III

Dated: 22.12.2021

Subject: Revised Guidelines for Registration of Infrastructure Providers – Category –I (IP-I).

Kindly find attached the following documents on the subject mentioned above, for information and further necessary action:-

- (i) Guidelines for Registration of Infrastructure Providers – Category –I (IP-I).
- (ii) Application form for IP-I Registration.
- (iii) Check list for the documents to be submitted along with the application for IP-I Registration.
- (iv) Draft Registration Certificate for IP-I Registration.

This issues with the approval of Competent Authority.

Encl: As above

*Mohit Bansal*  
*Bansal*  
*22/12/21*  
(Mohit Bansal)

Assistant Director General (CS-III)

(मोहित बंसल)  
(MOHIT BANSAL)  
सहायक महानिदेशक (सी.एस.)  
Assistant Director General (CS)  
दूरसंचार विभाग, भारत सरकार  
Deptt. of Telecom, Govt. of India  
नई दिल्ली/New Delhi

**GUIDELINES FOR REGISTRATION OF INFRASTRUCTURE PROVIDERS-**  
**CATEGORY-I (IP-I)**

The Infrastructure Providers Category-I are those Infrastructure Providers who provide assets such as dark fibres, Right of Way, duct space & tower.

The following are the guidelines for the registration of Infrastructure Providers Category-I to be called IP-I.

1. The applicant must be an Indian company, registered under the Companies Act, 1956/2013.
2. FDI upto 100% under automatic route subject to Para 3.1.1 of FDI policy 2020 (as amended vide Press Note 3 (2020) series dated 17.04.2020) and observance of conditions of IP-1 Registration by the company as well as investors as notified by the Department of Telecommunications (DoT) from time to time.  
Notwithstanding with the above provision, foreign investment shall be subject to following conditions:
  - (i) An entity of a country, which shares land border with India or where the beneficial owner of an investment into India is situated in or is a citizen of any such country, can invest only under the Government route.
  - (ii) In the event of the transfer of ownership of any existing or future FDI in an entity in India, directly or indirectly, resulting in the beneficial ownership falling within the restriction/ purview of the clause no. (i) above, such subsequent change in beneficial ownership will also require Government approval.
  - (iii) Both direct and indirect foreign investment in the applicant company shall be counted for the purpose of calculating total FDI.
  - (iv) The applicant company/ Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant FDI policy of the Government. While approving the investment proposals, the Government may take into accounts security concerns.
  - (v) FDI shall be subject to laws of India and not the laws of the foreign country/countries. The applicant company shall comply with the relevant provisions of FDI policy of the Government and such modifications to the policy as may be issued from time to time.
  - (vi) The words, mentioned hereinabove, such as FDI, foreign equity, investment companies, FIPB, etc., shall have the same meaning as defined by Department for Promotion of Industry and Internal Trade (DPIIT) in its FDI Policy.
3. The company shall submit the application for registration in the prescribed form (Annexure-I). The documents may be submitted as per checklist at Annexure-II.
4. The applicant company shall make its own arrangement for Right of Way (ROW).
5. Change in the name of the applicant company or the registered IP-I, as the case may be, shall be permitted in terms of the provisions under the Companies Act, 1956/2013.

6. 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.
7. The registration for IP-I shall be on non-exclusive basis without any restriction on the number of entrants.
8. The IP-I registered company shall provide dark fibres, Right of Way, duct space, towers on lease / rent out / sale basis to the licensees of telecom services on mutually agreed terms and conditions.
9. The IP-I registered company shall submit a copy of an agreement entered into with the telecom service providers to the DOT within 15 days of signing of such agreement.
10. IP-I registered company shall provide for the use of infrastructure in a non-discriminatory manner.
11. The applicant company will be issued a Registration Certificate for IP-I, a draft copy of which is attached herewith as Annexure-III. The terms & conditions of these guidelines as well as that of the Registration Certificate will be binding on the IP-I registered companies.
12. The applicant company shall pay a processing fee of Rs. 5,000/- (non-refundable) through digital payments like e-transfers/NEFT/RTGS/Debit Card/Credit Card, as per the process given in the user guide for NTRP at [http://www.dot.gov.in/sites/default/files/2016\\_12\\_14%20NTRP-TA-II.pdf](http://www.dot.gov.in/sites/default/files/2016_12_14%20NTRP-TA-II.pdf)
13. The application is to be submitted to the Section Officer, CS-III, Department of Telecommunications, Room No.713, Sanchar Bhawan, 20, Ashoka Road, New Delhi-110 001.

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**ANNEXURE-I**

GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF TELECOMMUNICATIONS  
(CARRIER SERVICES CELL)  
SANCHAR BHAVAN, 20 ASHOKA ROAD, NEW DELHI-110 001.

APPLICATION FOR REGISTRATION OF INFRASTRUCTURE PROVIDER –  
CATEGORY-I (IP-I)

1. Name of Applicant Company: \_\_\_\_\_  
\_\_\_\_\_
2. Complete postal address with Telephone/FAX Nos./E-Mail
  - i) Corporate Office \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - ii) Registered Office \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Address for correspondence with Telephone/FAX Nos./E-mail \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Name of Authorised contact person, his designation, address and Telephone/FAX Nos./Email \_\_\_\_\_
5. Details of payment of processing fee (Refer para 12 of Guideline)
6. Certified copy of Certificate of Registration along with Articles of Association and Memorandum of Association to be attached.

No. 10-12/2012-CS-III/Dec 2021

(To be certified by the Company Secretary/Statutory Auditor and countersigned by Authorized Signatory duly authorised by the company)

7. Details of Promoters/Partners/Shareholder in the Company: The Promoters to be indicated.

S.No.	Name of Promoter / Partner	Indian / Foreign	Equity %age.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Complete break-up of 100% of equity must be given. Equity holding upto 5% of the total equity shared among various shareholder can be clubbed but Indian and Foreign equity must be separate.)

8. Equity details

Indian: .....

Foreign:

(i) Land Border sharing country.....

(ii) Others .....

Total .....

(Certificate from Company Secretary/ Statutory Auditor and countersigned by Authorized Signatory duly authorised by the company to be attached)

9. Resolution of Board of Directors / other proof that the person signing the application is authorized signatory, to be attached. Such resolution should be signed with stamp by a Director but not by authorized signatory himself clearly mentioning the name of the Director signing the document.

**Certificate/Undertaking:**

- (I) I hereby certify that I have carefully read the guidelines, for the registration as Infrastructure Provider-I and I undertake to comply with the terms and conditions therein.
- (II) I hereby certify that the norms of extant FDI policy including norms related to investment from entity/ beneficial owners of the country which shares land border with India are complied with.
- (III) I understand that this application if found incomplete in any respect and/or if found with conditional compliance shall be summarily rejected.

- (IV) I understand that all matters relating to the application will be subject to jurisdiction of courts in Delhi / New Delhi only.
- (V) I understand that if at any time any averments made or information furnished for obtaining the registration is found incorrect then my application and the registration if granted thereto on the basis of such application shall be cancelled.
- (VI) I understand that in case it is decided to grant license under section 4 of Indian Telegraph Act, 1885 to Infrastructure Provider Category-I (IP-I) instead of registration, at a later date, the said registration shall stand cancelled after the prescribed period as decided by the competent authority and the Infrastructure Provider (IP-I) shall have to apply for grant of specified license/authorisation at that point of time as per terms and conditions applicable for such license/authorisation.

Date :

Place:

Signature and Name of the  
Authorised Signatory  
(Company's seal)

CHECK-LIST

The following documents should be submitted along with the application for IP-1 Registration:

S. No	Particulars	Parameters to be checked	Status (Y/N)
1.	Application form in prescribed format with Date, sign and Stamp	Signed by authorized signatory with stamp	
		Date & place mentioned	
2.	Processing fee as prescribed.	Presently Rs. 5000/- to be submitted under the IP-1 Registration head	
3.	Resolution of Board of Director that the person signing the application is authorized signatory. Such resolution should be signed with stamp by a Director but not by authorized signatory himself clearly mentioning the name of the Director signing the document.	Contains name of authorized signatory	
		Signed with stamp by a Director but not by authorized signatory himself	
		Mentions name of the Director signing the document.	
4.	Signature of the authorized signatory should be attested by any of the other Director of the company or company Secretary as the case may be.	Suitable Document attached	
5.	Certified copy of 'Certificate of Registration' duly certified by Company Secretary / Statutory Auditor <u>and countersigned</u> by authorized signatory with stamp.	Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
6.	Certified copy of MOA along with the required clause duly certified by Company Secretary / Statutory Auditor <u>and countersigned</u> by authorized signatory with stamp.	Contains the required clause*	
		Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
7.	Certified copy of AOA duly certified by Company Secretary / Statutory Auditor <u>and</u>	Certified by Company Secretary / Statutory	



	<u>countersigned</u> by authorized signatory with stamp	Auditor	
		Countersigned by authorized signatory with stamp	
8.	Equity details of Indian & Foreign (Certified by Company Secretary/Statutory auditor and <u>countersigned</u> by authorized signatory with stamp)	Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
9.	Certified copy of approval of Government of India for Foreign Equity <b>(To be applicable if FDI is from an entity of a country, which shares land border with India or beneficial owner of an investment into India is situated in or is a citizen of any such country)</b> (Certificate from Company Secretary/ Statutory Auditor <u>and countersigned</u> by authorized signatory with stamp to be attached)	Approval attached, if applicable	
		Certified by Company Secretary / Statutory Auditor	
		Countersigned by authorized signatory with stamp	
10.	List of Board of Directors along with their nationality (It should be clearly indicated that whether they are Resident Indian Citizen/NRI/Foreign Nationals).	Nationality Status i.e. Resident Indian Citizen/Non Resident Indian/Foreign Nationals mentioned against each director	
		Countersigned by authorized signatory with stamp	

\* MoA shall contain clause which allows the company to do business related to provisioning of telecom infrastructure. In case the required clause has been inserted after incorporation of the company, the revised MoA along with certificate issued by ROC regarding alteration of MoA is to be submitted. Both of these documents (MoA & certificate issued by RoC) are to be duly certified by Company Secretary/Statutory Auditor and countersigned by authorized signatory with stamp.

No. 10-xx/2xxx-CS-III  
Government of India  
Ministry of Communications  
Department of Telecommunications  
Sanchar Bhavan, 20, Ashoka Road  
New Delhi-110001

Registration Certificate No.: xxx/2xxx

Dated: xx.xx.xxxx

**Registration Certificate For Infrastructure Provider Category-I (IP-I)**

This is to certify that M/s ----- with registered office at -----  
----- is registered as Infrastructure Provider Category I (IP-I) to establish and  
maintain the assets such as Dark Fibres, Right of Way, Duct Space and Tower for the purpose  
to grant on lease/rent/sale basis to the licensees of Telecom Services licensed under Section 4  
of Indian Telegraph Act, 1885 on mutually agreed terms and conditions.

2.0 In no case the company shall work and operate or provide telegraph service including  
end to end bandwidth as defined in Indian Telegraph Act, 1885 either to any service provider  
or any other customer.

3.0 The company shall submit a copy of an Agreement entered into with the telecom  
service providers within 15 days of signing of such Agreement.

4.0 The company shall provide the said infrastructure in a non-discriminatory manner.

5.0 In the event of any question, dispute or difference arising under this Registration, or in  
connection thereof, except as to the matter, the decision of which is specifically provided  
elsewhere under this Registration, the same shall be referred to the sole Arbitrator appointed  
and nominated by the Director General Telecommunications or by whatever designation  
Director General Telecom may be called, hereinafter called the "ARBITRAL TRIBUNAL".

5.1 This Registration Certificate and any dispute thereof shall be governed by the  
substantive provisions of Indian law.

5.2 The venue of Arbitration shall be New Delhi or as may be fixed by the ARBITRAL  
TRIBUNAL anywhere in India.

5.3 The arbitration proceedings shall be conducted in accordance with the provisions of  
the Indian Arbitration and Conciliation Act, 1996 and rules framed there under or any  
modifications or re-enactment thereof made from time to time.

No. 10-12/2012-CS-III/Dec 2021

6.0 The Registered company can provide the infrastructure as stated above to any licensee of Telegraph services Licensed under section 4 of the Indian Telegraph Act 1885. The company shall, in no case, grant in any manner the infrastructure to any erstwhile Licensee whose license is either terminated or suspended or not in operation at given point of time. In the event of any infrastructure allowed before hand, then the Registered company shall be obliged to withdraw the grant of infrastructure and to disconnect or sever connectivity immediately without loss of time and further, upon receipt of any reference from the Licensor in this regard, disconnection shall be made effective within an hour of receipt of such reference. On the question of disconnectivity, the decision of the Director General Telecom shall be final.

7.0 The Registered company shall provide necessary facilities depending upon the specific situation at the relevant time to the Government to counteract espionage, subversive act, sabotage or any other unlawful activity.

7.1 The Registered company shall make available on demand to the agencies authorized by the Government of India, full access to the network for technical scrutiny and for inspection which can be visual inspection or any operational inspection.

7.2 All foreign personnel likely to be deployed by the Registered company for installation, operation and maintenance of the Registered company network shall be security cleared by the Government of India prior to their deployment. The security clearance will be obtained from the Ministry of Home Affairs, Government of India, who will follow standard norms in the matter.

7.3 The Registered company shall ensure protection of privacy of communication and ensure that unauthorized interception of messages does not take place.

7.4 The Government shall have the right to take over the equipment and networks of the Registered company or revoke/terminate/suspend the Registration of the company either in part or in whole as per directions if any, issued in the public interest by the Government in case of emergency or war or low intensity conflict or any other eventuality. Provided any specific orders or direction from the Government issued under such conditions shall be applicable to the Registered company and shall be strictly complied with. Further, the Government reserves the right to keep any area out of the operation zone of the service if implications of security so require.

7.5 Government reserves the right to modify these conditions or incorporate new conditions considered necessary in the interest of national security and public interest.

7.6 The Registered company will ensure that the Telecommunication installation carried out by it should not become a safety hazard and is or in contravention of any statute, rule or regulation and public policy.

7.7 In case it is decided to grant license under section 4 of Indian Telegraph Act, 1885 to Infrastructure Provider Category-I (IP-I) instead of registration, at a later date, the said registration shall stand cancelled after the prescribed period as decided by the competent authority and the Infrastructure Provider (IP-I) shall have to apply for grant of specified license/authorisation at that point of time as per terms and conditions applicable for such license/authorization.

8.0 Any breach of the above terms will lead to cancellation of the registration without any further notice.

( )  
ADG (CS-III) / DIRECTOR(CS-III)

To

M/S \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Government of India  
Ministry of Communications  
Department of Telecommunications  
Sanchar Bhawan, Ashoka Road, New Delhi-110001  
(Carrier Services Cell)

No. 10-12/2012-CS-III

Dated: 10.11.2022

To

All Infrastructure Providers – Category –I (IP-I) Registration holders.

**Subject: Amendment in the scope of IP-1 Registration.**

In pursuance to Condition 7.5 of the Infrastructure Providers Category–I (IP-1) Registration certificate, the Deptt. of Telecommunications, Government of India hereby amends the scope of IP-1 Registration as mentioned in the first clause of IP-1 Registration certificate as under:

Existing clause	Amended clause
This is to certify that M/s ----- ----- with registered office at ----- ----- is registered as Infrastructure Provider Category I (IP-I) to establish and maintain the assets such as Dark Fibres, Right of Way, Duct Space and Tower for the purpose to grant on lease/rent/sale basis to the licensees of Telecom Services licensed under Section 4 of Indian Telegraph Act, 1885 on mutually agreed terms and conditions.	This is to certify that M/s ----- ----- is with registered office at ----- registered as Infrastructure Provider Category I (IP-I) to establish and maintain the assets such as Dark Fibres, Right of Way, Duct Space and Tower for the purpose to grant on lease/rent/sale basis to the licensees of Telecom Services licensed under Section 4 of Indian Telegraph Act, 1885 on mutually agreed terms and conditions. <u>IP-1 registration holders shall also share the above mentioned infrastructure with the entities as may be specified by the Central Government in the interest of national security and public interest and as per terms and conditions which may be specified by the Central Government.</u>

2. This amendment shall be part and parcel of all existing/ new IP-1 Registration Certificates. All others Terms & Conditions shall remain unchanged.

  
10/11/22  
(Pradeep Kumar)  
Director (CS-III)

**For and on behalf of the President of India**

Copy for kind information to:

1. The Director General Telecom, UIDAI Bhawan, New Delhi-110001
2. DDG(AS)/ DDG(DS)/ DDG(SAT)/ DDG(DM), DoT HQ, New Delhi

Government of India  
 Ministry of Communications  
 Department of Telecommunications  
 Sanchar Bhawan, 20 Ashoka Road, New Delhi – 110001  
 (Carrier Services Cell)

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No. 10-12/2012-CS-III

Dated: 27.06.2024

To

All Infrastructure Providers-Category-I (IP-I) Registration holders

Subject: Amendment in the scope of IP-I Registration.

In pursuance to Condition 7.5 of the Infrastructure Providers Category-I (IP-I) Registration Certificate, the Department of Telecommunications, Government of India hereby amends the scope of IP-I Registration as mentioned in the first clause of IP-I Registration Certificate as under.

Existing Clause	Amended Clause
<p><b>Clause 1.0 of Registration Certificate</b>                      This is to certify that M/s -----                      with registered office at -----is                      registered as Infrastructure Provider                      Category I (IP-I) to establish and maintain                      the assets such as Dark Fibres, Right of Way,                      Duct Space and Tower for the purpose to                      grant on lease/rent/sale basis to the licensees                      of Telecom Services licensed under Section 4                      of Indian Telegraph Act, 1885 on mutually                      agreed terms and conditions. IP-1                      registration holders shall also share the                      abovementioned infrastructure with the                      entities as may be specified by the Central                      Government in the interest of national                      security and public interest and as per terms                      and conditions which may be specified by                      the Central Government</p>	<p><b>Clause 1.0 of Registration Certificate</b>                      This is to certify that M/s -----                      with registered office at -----                      -is registered as Infrastructure Provider                      Category I (IP-I) to establish and maintain                      the assets such as Dark Fibres, Right of Way,                      Duct Space, Tower and <u>poles</u> for the purpose                      to grant on lease/rent/sale basis to the                      licensees of Telecom Services licensed under                      Section 4 of Indian Telegraph Act, 1885 on                      mutually agreed terms and conditions. IP-1                      registration holders shall also share the above                      mentioned infrastructure with the entities as                      may be specified by the Central Government                      in the interest of national security and public                      interest and as per terms and conditions                      which may be specified by the Central                      Government. <b><u>Further, IP-I registration                      holders shall not enter into any exclusive                      contract for establishing the                      infrastructure (under the scope of IP-1                      registration) or Right of Way (RoW) with                      any public entity or any person.</u></b></p>

<p><b>Annexure-I:</b>  <b>Definition of Terms and expressions,</b>  New definition inserted.</p>	<p><b>Annexure-I:</b>  <b>Definitions and Interpretations:</b></p> <p>—  “<b>Person</b>” shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;</p> <p>—  “<b>Public entity</b>” means (a) the Central Government, (b) State Governments, (c) local authority, (d) any authority, body, company or institution incorporated or established by the Central Government or the State Government, or under any statute, or (e) any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as notified by the Central Government.</p>
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2. The above amendments shall be part and parcel of all existing/ new IP-I Registration Certificates. All other Terms & Conditions shall remain unchanged.

  
(Ashish Kushwaha)  
**Director (CS-III)**

**For and on behalf of the President of India**

**Copy for kind information to:**

1. The Director General Telecom, UIDAI Bhawan, New Delhi-110001
2. DDG (AS)/ DDG (DS)/ DDG (SAT)/ DDG (DM), DoT HQ, New Delhi
3. Secretary (TRAI), Delhi

(आशीष कुशवाहा)  
(ASHISH KUSHWAHA)  
निदेशक/Director  
दूरसंचार विभाग, भारत सरकार  
Deptt. of Telecom, Govt. of India  
नई दिल्ली/New Delhi

## **Annexure 2.4**

### **A relevant extract of the Recommendations Related to Content Delivery Networks (CDNs) Contained in the TRAI's Recommendations<sup>41</sup> on Regulatory Framework for Promoting Data Economy Through Establishment of Data Centers, Content Delivery Networks and Interconnect Exchanges in India Dated 18.09.2022**

6.30 The Authority recommends that CDN players should be registered with Department of Telecommunications through a simple online registration process. The suggestive draft for a Guidelines for the registration of CDN players along with the registration form and registration certificate is attached at Annexure-V.

6.31 The Authority also recommends that the registration for the CDN players should be done online through a portal in a similar manner as is being done for the infrastructure providers.

6.32 The Authority reiterates its Recommendations on Net Neutrality issued in 2017, that for monitoring and enforcement, DoT may establish a multi-stakeholder body with framework for collaborative mechanism among the stakeholders.

6.33 The Authority reiterates that its recommendations on "Roadmap to Promote Broadband Connectivity and Enhanced Broadband Speed" dated 31st August 2021, may immediately be implemented in totality as this will not only help in proliferation of broadband services but also in establishment of supporting digital communication infrastructure as Data Centres, CDN Services and Interconnect Exchange.

Annexure-V to the TRAI's recommendations on Regulatory Framework for Promoting Data Economy Through Establishment of Data Centers, Content Delivery Networks and Interconnect Exchanges in India dated 18.09.2022

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<sup>41</sup> [https://trai.gov.in/sites/default/files/Recommendations\\_18112022.pdf](https://trai.gov.in/sites/default/files/Recommendations_18112022.pdf)



DRAFT GUIDELINES FOR REGISTRATION OF CONTENT DELIVERY NETWORK (CDN)  
PROVIDERS

A CDN (content delivery network) is a group of geographically distributed and interconnected servers used to provide cached internet content [housed either in their own network points of presence (POPs) or in third-party data centres], from a suitable network location to a user, so as to improve its performance by leveraging various techniques like load balancing, caching, optimization, use of security protocols etc.

The following are the guidelines for the registration of Content Delivery Network (CDN) Providers.

1. The applicant must be an Indian company, registered under the Indian Companies Act, 2013.
2. FDI up to 100% under automatic route subject to Para 3.1.1 of FDI policy 2020 (as amended vide Press Note 3(2020) series dated 17.04.202) and observance of conditions of Content Delivery Network (CDN) Providers Registration by the company as well as investors as notified by the Department of Telecommunications (DoT) from time to time. Notwithstanding with the above provision, foreign investment shall be subject to following conditions:
  - (i) An entity of a country, which shares land border with India or where the beneficial owner of an investment into India is situated in or is a citizen of any such country, can invest only under the Government route.
  - (ii) In the event of the transfer of ownership of any existing or future FDI in an entity in India, directly or indirectly, resulting in the beneficial ownership falling within the restriction/purview of the clause no. (i) above, such subsequent change in beneficial ownership will also require Government approval.
  - (iii) Both direct and indirect foreign investment in the applicant company shall be counted for the purpose of calculating total FDI.
  - (iv) The applicant company/ Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant

FDI policy of the Government. While approving the investment proposals, the Government may take into account security concerns.

- (v) FDI shall be subject to laws of India and not the laws of the foreign country/countries. The applicant company shall comply with the relevant provisions of FDI policy of the Government and such modifications to the policy as may be issued from time to time.
  - (vi) The words, mentioned hereinabove, such as FDI, foreign equity, investment companies, FIPB, etc., shall have the same meaning as defined by Department for Promotion of Industry and Internal Trade (DPIIT) in its FDI Policy.
3. The company shall submit the application for registration in the prescribed form (Appendix-A). The documents may be submitted as per check list at Appendix-B.
  4. Change in the name of the applicant company or the registered Content Delivery Network (CDN) Provider, as the case may be, shall be permitted in terms of the provisions under the Companies Act,1956/ 2013.
  5. 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.
  6. The registration for Content Delivery Network (CDN) Providers shall be on non-exclusive basis without any restriction on the number of entrants.
  7. The Content Delivery Network (CDN) Provider registered company shall provide cached internet content [housed either in their own network points of presence (POPs) or in third-party data centres] to a user, from a suitable network location on a group of geographically distributed and interconnected servers, so as to improve its performance by leveraging various techniques like load balancing, caching, optimization, use of security protocols etc. Such content will be carried to a user through networks of licensees of telecom services on mutually agreed terms and conditions. Provided that for establishing and operating Data Centres, the CDN provider shall follow the rules/guidelines issued by Central/State Government from time to time.

8. The Content Delivery Network (CDN) Provider registered company shall submit a copy of an agreement entered into with the telecom service providers to the DOT and TRAI within 15 days of signing of such agreement.
9. Content Delivery Network (CDN) Provider registered company shall offer delivery of content to Service Providers and users in a non-discriminatory manner.
10. The applicant company will be issued a Registration Certificate for Content Delivery Network (CDN) Provider, a draft copy of which is attached herewith as Appendix C. The terms & conditions of these guidelines as well as that of the Registration Certificate will be binding on the Content Delivery Network (CDN) Provider registered companies.
11. The applicant company shall pay a processing fee of Rs.10,000/-(non-refundable) through digital payments like e-transfers/NEFT/RTGS/Debit Card/Credit Card, as per the process given in the user guide for NTRP at\_\_\_\_\_
12. The application to be submitted to the\_\_(designated officer\_\_\_\_\_, Department of Telecommunications, \_\_(Address)\_\_\_\_\_.

## **Annexure-2.5**

### **A Relevant Extract of the Recommendations Related to Internet Exchange Points (IXPs) Contained in the TRAI's Recommendations<sup>42</sup> on Regulatory Framework for Promoting Data Economy Through Establishment of Data Centers, Content Delivery Networks and Interconnect Exchanges in India Dated 18.09.2022**

- 6.34 The Authority recommends that a separate authorization in Unified License may be created for IXPs with terms and conditions that are much less onerous than ISP license authorization. The terms and conditions including minimum equity, minimum net worth, entry fee, bank guarantees, application processing fee, and maximum amount of penalty for this light touch license authorization have been provided in Annexure VI, VII & VIII.
- 6.35 The Authority also recommends that any entity that intends to provide IXP services in India can do so either under ISP license/ UL-ISP authorization or under standalone UL-IXP authorization.
- 6.36 The Authority also recommends that all existing players, including, NIXI should be brought within this licensing framework in a stipulated time not exceeding six months.
- 6.37 The Authority does not recommend any mandate of interconnection at an IXP.
- 6.38 The Authority recommends that in view of expanding markets and emerging demands for newer equipment, the government should extend the existing list of products under PLI and PPPPMI schemes and explicitly include their classifications to prevent ambiguity as far as equipment related to CDN and IXP are concerned. Given the highly dynamic nature of digital communication sector, it is also recommended that, the lists should be updated from time to time as per market requirements so that the Schemes remain relevant and help nurture the domestic manufacturing segment.

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<sup>42</sup> [https://trai.gov.in/sites/default/files/Recommendations\\_18112022.pdf](https://trai.gov.in/sites/default/files/Recommendations_18112022.pdf)

Annexure-VI to the TRAI's recommendations on Regulatory Framework for Promoting Data Economy Through Establishment of Data Centers, Content Delivery Networks and Interconnect Exchanges in India dated 18.09.2022

DRAFT UL- CHAPTER-XX  
INTERNET EXCHANGE POINTS (IXP)

- 1. Service Area:** The License/Authorization for IXP is granted to provide Service(s) on a non-exclusive basis in the Service Area applicable at National level.
- 2. Scope of IXP Service:** Scope of this authorization covers the following:
  - 2(i) The Licensee shall own the underlying network element(s) to provide connectivity and related services for IXP users/ peers.
  - 2(ii) The Licensee can perform functions such as: Peering and exchanging IP traffic originated and destined within the country, among the Telecom Service Providers who are so authorized in scope of their licenses and CDN registered entities without using international bandwidth.
  - 2(iii) Except those services permitted under the scope of this authorization, the Licensee shall not provide any service / services which require a separate service authorization / license.

Provided that the Licensees is authorized to provide such services in accordance with the provisions contained in this license, as modified from time to time.

**3. Financial Conditions**

- i. Entry fee: The total amount of Entry fee shall be as specified in Annexure-II.
- ii. No License Fee

**4. Provision of Services:**

- 4.1 For the purpose of providing the Service, the Licensee shall install its own suitable equipment so as to be compatible with the other eligible licensed service providers' equipment and connect the same through any of the

authorized licensed service provider to Internet Gateway for routing International Internet Traffic.

4.2 It will be the responsibility of the Licensee to obtain IP addresses, domain name etc. from competent authority.

4.3 The licensee shall adhere to the prevailing directions/instructions and shall also abide by further directions / instructions as may be issued by Licensor/TRAI from time to time in this regard.

4.4 The Licensee may establish, operate and maintain IXP Networks and services using any technology as per prescribed standards in the service area as per scope of services authorized under this License

## **5. Network Interconnection:**

5.1 The Licensee may establish direct interconnectivity with the network of Unified Licensee having authorization of IXP Service. The Licensee may obtain leased bandwidth from any other Licensee authorized to provide such bandwidth on lease.

5.2 Resources required for interconnecting as well as time frame for provision of the same, will be mutually agreed between the parties concerned and shall conform to TRAI's regulations and orders.

5.3 Licensees shall use IP (Internet Protocol) and shall meet the interface requirements as prescribed by TEC/ Licensor to connect with other Telecom Service Providers' network.

5.4 While interconnecting, the Licensee will ensure that the overall network Quality of service is not compromised. Licensee will follow regulations/orders/guidelines issued by TRAI regarding QoS and interconnection.

## **6. Operating Conditions**

6.1 The LICENSEE shall not in any manner discriminate between peers and provide service on the same commercial principle and shall be required to maintain a transparent, open to inspection, waiting list. The LICENSEE shall clearly define the scope of Service to the peer(s) at the time of entering into contract with such peer(s).

- 6.2 The LICENSEE shall widely publicize provision of service and shall not refuse demand for inter-connection by any eligible licensed service provider or registered CDN entity
- 6.3 All complaints of peers in this regard will be addressed / handled as per the orders or regulations or directions issued by the Licensor or TRAI from time to time.
- 6.4 Any dispute, with regard to the provision of Service shall be a matter only between the aggrieved party and the Licensee, who shall duly notify this to all before providing the Service. And in no case, the Licensor/TRAI shall bear any liability or responsibility in the matter. The LICENSEE shall keep the Licensor/TRAI indemnified for all claims, cost, charges or damages in the matter
- 6.5 Principle of non-discriminatory treatment, definition of specialised services and reasonable traffic management and other exceptions:
- (i) A Licensee providing Internet Exchange Service shall not engage in any discriminatory treatment of content, including based on the sender or receiver, the protocols being used or the user equipment.
- (ii) The Licensee is prohibited from entering into any arrangement, agreement or contact, by whatever name called, with any person, natural or legal, that has the effect of discriminatory treatment of content.
- iii) Nothing contained in this provision shall restrict:
- a) The provision of any Specialized Service by a Licensee, provided that:
- The provision of the Specialised Services is not detrimental to the availability and overall quality of Internet Access Service
- b) Any measure adopted by the Licensee that are proportionate, transient and transparent in nature and fall under any of the following categories:
- Reasonable traffic management practices as may be specified from time to time;
  - Provision of emergency services or any services provided during time of grave public emergency, as per the process laid down by the Licensor/TRAI;
  - Implementation of any order of a court or direction issued by the Government, in accordance with law;

- Measures taken in pursuance of preserving the integrity and security of the network and equipment; and
- Measures taken in pursuance of an international treaty, as may be specified by the Government.

(iv) For the purpose of this provision:

- a) "Content" shall include all content, applications, services and any other data, including its end-point information, which can be accessed or transmitted over the Internet.
- b) "Discriminatory treatment" shall include any form of discrimination, restriction or interference in the treatment of content, including practices like blocking, degrading, slowing down or granting preferential speeds or treatment to any content.
- c) "Specialized services" shall mean services other than Internet Access Services that are optimized for specific content, protocols or user equipment, where the optimization is necessary in order to meet specific quality of service requirements.

## **7. Security Conditions:**

- 7.1 The Licensee shall maintain details of all users for services provided. These details shall be maintained for a minimum period of two year.
- 7.2 A record of complete network diagram of set up for each of the peer/user along with details of connectivity shall be available at the site.
- 7.3 An agreement shall be executed with each peer/user which clearly mentions the activities that are prohibited.
- 7.4 Periodic surprise checks may be carried out by the Licensor or its authorized representative(s)/Army and/or security agencies in order to ensure compliance of the conditions by Licensee(s). In case, any violation is detected, stern action shall be taken according to the terms and conditions of the License Agreement, including imposition of financial penalty.
- 7.5 In the interest of national security or public interest, the Licensee shall block Internet sites/Uniform Resource Locators (URLs)/Uniform Resource Identifiers



(URIs) and / or individual subscribers, as identified and directed by the Licensor from time to time.

7.6 The traffic of Internet nodes on places of security importance would be routed as per directions issued from time to time by Licensor. Interconnection of these nodes to other nodes within the country directly is not permitted.

**8. Requirement to furnish information:**

8.1 The licensee shall provide to the licensor/TRAI, a quarterly report indicating the details of IXP Nodes or Points of Presence with their locations and number connected members. In case new nodes are to be installed, one-month prior notice is required to be given to the licensor.

8.2 The licensee shall provide to the licensor/TRAI on regular basis the volume of internet traffic flowing through its network

9. Part I of UL Conditions that will not be applicable for Licensees having only IXP Authorization

<b>Chapter</b>	<b>Part I of UL Condition that will not be applicable for Licensees having only IXP Authorization</b>
<b>Chapter I : General Conditions</b>	2.3, 7, 8,
<b>Chapter II : Commercial Conditions</b>	
<b>Chapter III : Financial Conditions</b>	18.2, 18.3, 18.4, 19,20, 21.1, 22,
<b>Chapter IV : Technical Conditions</b>	24.1, 29,
<b>Chapter V : Operating Conditions</b>	30.1, 30.2, 30.3(b), 30.4, 30.5, 30.6, 30.7, 30.11, 31, 32.2, 34, 35, 37.2, 37.3, 37.4, 38.1,38.2,38.3
<b>Chapter VI : Security Conditions</b>	39.2, 39.11(ii), 39.13, 39.15, 39.17, 39.18, 39.19, 39.20, 39.21, 39.22, 39.23(ii), 39.23(iii), 39.23(iv), 39.23(v), 39.23(viii), 39.23(xi), 39.23(x),

	39.23(xvi), 39.23(xvii), 39.23(xix), 39.23(xx)
<b>Chapter VII : Spectrum Allotment and use</b>	41,42

## **Annexure 2.6**

### **Summary of Recommendations on Licensing Framework for Establishing and Operating Satellite Earth Station Gateway (SESG) dated 29.11.2022**

3.1 The Authority recommends that-

There shall be a separate Satellite Earth Station Gateway (SESG) License under the Section 4 of Indian Telegraph Act. The SESG License will not form part of the Unified License (UL).

3.2 The Authority recommends that-

(a) The Service Area for the SESG License shall be at National Level.

(b) Scope of the SESG License shall cover the following:

(i) The SESG Licensee may establish, maintain, and work SESGs anywhere within the territory of India for all types of satellite systems for which the Government has given the permission.

(ii) The SESG Licensee may provide satellite-based resources to any entity, which holds license/ permission granted by Department of Telecommunications (DoT) or Ministry of Information & Broadcasting (MIB) and is permitted to use satellite media for the provision of services under its license/ permission.

(iii) The SESG Licensee may establish SESGs in respect of one or more Government approved satellite systems.

(iv) The following recommendations made earlier vide TRAI's recommendations on "Licensing Framework for Satellite based connectivity for Low Bit Rate Applications" dated 26.08.2021 are reiterated in respect of the Licensing Framework for Establishment of Satellite Earth Station Gateway:

"The Government may publish a list of approved foreign satellites/ satellite systems based on their technical and security evaluation, from whom the service licensees may procure the satellite capacities. The service licensees should be permitted to choose the foreign satellite/ satellite system from the approved list and to lease the

satellite capacity directly from the chosen foreign satellite/ satellite system”

- (v) The SESG Licensee may establish one or more SESGs for each Government approved satellite system. However, the licensee shall obtain separate permission from the Department of Telecommunications (DoT) before installing each SESG.
- (vi) The SESG Licensee shall not be permitted to provide any kind of telecommunication service or broadcasting service directly to the consumers, for provision of which, a separate license/ authorization/ permission is required from the Government.
- (vii) The SESG license shall be valid for a period of 20 years from the effective date of the license with a provision of renewal for 10 years.

### 3.3 The Authority recommends that-

- (a) For establishing SESGs, the SESG Licensee shall utilize any type of equipment and product that meets TEC standards, wherever made mandatory by the Licensor from time to time. In the absence of mandatory TEC standard, the Licensee may utilize only those equipment and products which meet the relevant standards set by international standardization bodies, such as, ITU, ETSI, IEEE, ISO, IEC etc.; or set by international fora, such as 3GPP, 6G 3GPP-2, IETF, MEF, WIMAX, Wi-Fi, IPTV, IPv6, etc. as recognized by TEC and subject to modification/ adaptation, if any, as may be prescribed by TEC from time to time.
- (b) The Licensee shall adhere to the instructions/ guidelines issued by the Government in respect of connecting Trusted Products in its network.
- (c) The Government shall review the technical standards issued by TEC in respect of gateway stations and user stations to cater to the new technological developments in the satellite segment.
- (d) The operating conditions of SESG License shall cover, inter-alia, the following:

- (i) The SESG Licensee shall be responsible for installation, proper upkeep, and maintenance of the Applicable System, to be established under the license.
- (ii) The SESG Licensee will obtain SACFA clearance apart from the necessary clearance from Network Operation and Control Center (NOCC) before start of operation of SESG.
- (iii) The operation of SESGs will be governed by the instructions and procedure of NOCC.
- (iv) The SESG Licensee shall adhere to the guidelines issued by the Government from time to time in respect of coordination amongst licensees for interference mitigation
- (e) The security conditions of SESG License shall cover, inter-alia, the following:
  - (i) The SESG Licensee shall meet the instructions/ directions of the Licensor (i.e., DoT) issued from time to time in the interest of national security.
  - (ii) The SESG Licensee shall be completely and totally responsible for security of their networks.
  - (iii) The SESG Licensee shall abide by the instructions issued by the Government on the security aspects related to the establishment and operation of SESG near Line of Control (LOC), Line of Actual Control (LAC) and International Border.

3.4 The Authority recommends that-

- (a) Entry Fee: A non-refundable one-time Entry Fee of Rs. Ten lakhs (Rs. 1,000,000) shall be levied for the grant of SESG License.
- (b) License Fee: As the SESG licensees will not provide any service directly to end customers, only a token License Fee of Re. 1 per annum shall be levied on the SESG License.
- (c) Bank Guarantees: No Bank Guarantees (Performance Bank Guarantee or Financial Bank Guarantee) shall be obtained from the SESG Licensee.
- (d) Processing Fee: In respect of the application for a grant of SESG License, a Processing Fee of Rs. Five thousand shall be levied. Further,

a Processing Fee of Rs. Five thousand shall be levied in respect of every application for grant of permission to establish an additional SESG.

- (e) Minimum Equity and Minimum Networth: There shall be no requirement of minimum equity and minimum networth in respect of SESG License.
- (f) NOCC charges: No NOCC charges shall be applicable in respect of SESG License.

3.5 The Authority recommends that-

- (a) Only the companies registered under the Companies Act, 2013 of India shall be eligible to apply for grant of SESG License.
- (b) The applicant company shall be any one of the following:
  - (i) A satellite operator operating satellite system(s) approved by the Indian Government; or
  - (ii) A subsidiary of such satellite operator; or
  - (iii) An entity having contracts/ license agreements entered into with such satellite operator for provision of satellite-based resources through SESGs.
- (c) The SESG Licensee shall disclose complete details of terms and conditions of the contracts/ license agreements entered into with its parent/ associate company and/ or satellite system owner/ operator. This will also include the terms and conditions contained in contracts/ licenses issued by the Governments/ Authorities of the country where the parent/ associate company is registered and/ or carries on its business prior to grant of license and before security clearance for establishing and operating Satellite Earth Station Gateways in India.

3.6 The Authority recommends that-

- (a) The SESG Licensee shall offer satellite-based resources to the telecommunication and broadcasting service licensees/ permission holders in a transparent, fair and non-discriminatory manner.
- (b) The SESG Licensee shall declare a Reference Offer on its website in order to ensure that the terms and conditions offered by the SESG Licensee to various telecommunication and broadcasting service

licensees/ permission holders are fair, transparent, and non-discriminatory.

- (c) The SESG Licensee shall provide an online portal wherein the eligible service licensees/ permission holders can make request for provision of satellite-based resources.
- (d) The SESG Licensee shall provide the feasibility status, through the online portal, to the seeker service licensee/ permission holder clearly stating acceptance or refusal (with reasons thereof, in case of refusal) of the request within 30 days.

3.7 The Authority recommends that-

The service licensee/ permission holders, being served by the SESG Licensee, shall install their own baseband equipment at the SESG established by SESG Licensee.

3.8 The Authority recommends that-

- (a) The mandate to compulsorily establish Land Earth Station Gateway/ Hub Station/ Uplink Earth Station in the relevant licenses/ permissions granted by DoT and MIB shall be removed.
- (b) The telecommunication and broadcasting service licensees/ permission holders, who are eligible to provide satellite-based communication services in India, shall be allowed to use the SESGs established by the SESG licensees by connecting their baseband equipment with the SESGs at the terms and conditions offered by the SESG licensees.
- (c) The following amendments shall be made in the licenses/ authorizations:

<b>License/ Authorization</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
GMPCS Authorization under Unified License	Clause 2.1: The Licensee may provide, in its area of operation, all types of mobile services	Clause 2.1: The Licensee may provide, in its area of operation, all types of mobile services including

<b>License/ Authorization</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
	including voice and non-voice messages, data services by establishing GMPCS Gateway utilizing any type of network equipment including circuit and/ or packet switches.	voice and non-voice messages, data services utilizing any type of network equipment including circuit and/ or packet switches.
	Clause 2.2: The Licensee shall establish Land Earth Station Gateway in India for the purpose of providing Global Mobile Personal Communication by Satellite (GMPCS) Service. GMPCS Service may be provided using one or more Satellite Systems provided that the Land Earth Station Gateway Switch is established separately in India for each Satellite System.	Clause 2.2: For the purpose of providing Global Mobile Personal Communication by Satellite (GMPCS) Service, the Licensee shall either establish Land Earth Station Gateway in India or use the SESG established by any SESG Licensee in India. GMPCS Service may be provided using one or more satellite systems provided that the Satellite Earth Station Gateways for the respective satellite systems are located in India.



<b>License/ Authorization</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
Commercial VSAT CUG Service Authorization under Unified License	Clause 4.3: The HUB Station shall be operated and maintained by the Licensee subject to the following conditions: ...	Clause 4.3: For the purpose of providing Commercial VSAT CUG Service, the Licensee shall either establish HUB station in India or use the SESG established by any SESG Licensee in India. In case the Licensee establishes HUB Station in India, it shall be operated and maintained by the Licensee subject to the following conditions: ...
	Clause 5.1: The Licensee shall roll out the network by installing and commissioning a HUB Station for Star Network configuration or at least two VSAT Terminals in case of Mesh Network configuration within 12 months from the date of frequency allotment by WPC. The Licensee shall	Clause 5.1: The Licensee shall roll out the network within 12 months from the date of frequency allotment by WPC. For rolling out the network, the Licensee, in case of Mesh Network configuration, shall install and commission at least two VSAT Terminals; in case of Star Network configuration, the Licensee shall either install and commission a

<b>License/ Authorization</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
	<p>approach WPC for frequency allotment within 1 month of date of allocation of transponder bandwidth by Department of Space.</p>	<p>HUB Station or use the SESG established by any SESG Licensee in India.</p>
<p>License Agreement for provision of VSAT Service Using INSAT System</p>	<p>Clause 9. Delivery of Service: ... LICENSEE shall be solely responsible for installation, networking and operation of necessary equipment and systems for provision of SERVICE, treatment of SUBSCRIBER complaints, issue of bills to its subscribers, collection of its component of revenue, attending to claims and damages arising out of his operations. A minimum of 5 VSATs along with HUB must be commissioned within a period of one</p>	<p>Clause 9. Delivery of Service: ... LICENSEE shall be solely responsible for installation, networking and operation of necessary equipment and systems for provision of SERVICE, treatment of SUBSCRIBER complaints, issue of bills to its subscribers, collection of its component of revenue, attending to claims and damages arising out of his operations. A minimum of 5 VSATs along with HUB must be commissioned within a period of one year from the effective date of LICENCE. However, the</p>

<b>License/ Authorization</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
	year from the effective date of LICENCE.	licensee shall be permitted to use the SESG established by any SESG Licensee in India, instead of commissioning a HUB.
	DEFINITIONS AND INTERPRETATIONS ... 7. "COMMISSIONING OF SERVICE" means complete installation of HUB equipment and at least 5 VSATs. "	DEFINITIONS AND INTERPRETATIONS ... 7. "COMMISSIONING OF SERVICE" means complete installation of HUB equipment and at least 5 VSATs. However, the licensee shall be permitted to use the SESG established by any SESG Licensee in India, instead of commissioning a HUB.
	28.1 The HUB Station shall be operated and maintained by the LICENSEE subject to the following conditions: - The Hub station as well as all the VSATs shall be within the geographical boundary of India.	28.1 In case the LICENSEE establishes a HUB Station for provision of services, such HUB Station shall be operated and maintained by the LICENSEE subject to the following conditions: - The Hub station as well as all the VSATs shall be

<b>License/ Authorization</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
		within the geographical boundary of India.
License Agreement for captive VSAT CUG Network	<p>Section -I (Specific Terms and Conditions)            Clause 7.0:            The HUB Station shall be operated and maintained by the Licensee subject to the following conditions:- (i) ...            ...            (v) The operation of the hub stations will have to be directly under the control of Licensee.</p>	<p>Section -I (Specific Terms and Conditions)            Clause 7.0:            Licensee shall either establish a HUB Station on its own or use the SESG established by any SESG Licensee in India. This will be subject to the following conditions:-            (i) ...            (v) In case the LICENSEE establishes a HUB Station for provision of services, the operation of the hub stations will have to be directly under the control of Licensee.</p>
DTH License	<p>Clause 13.1: The Licensee shall establish and complete the installation of the uplink earth station in India, including the monitoring facility, etc., and commission the DTH Platform</p>	<p>Clause 13.1: The Licensee shall roll out the network within 12 months from the date of issue of the SACFA clearance by the WPC after obtaining wireless operational license and shall submit a report to the Licensor in this</p>

<b>License/ Authorization</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
	within twelve months from the date of issue of the SACFA clearance by the WPC after obtaining wireless operational license and would submit a report to the Licensor in this regard.	regard. For rolling out the network, the Licensee shall commission its DTH Platform either by establishing an uplink earth station in India including the monitoring facility etc., or by using the SESG established by any SESG Licensee in India.

3.9 The Authority recommends that-

- (a) The following amendments shall be made in the Part-I, Chapter V (Operating Conditions) of Unified License:

<b>License</b>	<b>Existing Clause</b>	<b>Recommended Clause</b>
Unified License	Clause 33.4 under Part-I, Chapter V (Operating conditions): An authorized Gateway hub operated by the satellite provider itself is permitted to be shared with the satellite bandwidth seeker.	Clause 33.4 under Part-I, Chapter V (Operating conditions): The Licensee shall be allowed to use the SESG established by any SESG licensee by connecting its baseband equipment with the SESG at the terms and conditions offered by the SESG licensee.

- (b) A new clause in Unified License shall be added to enable the service licensees to provide satellite-based resources to the eligible service licensees/ permission holders as below: "The service licensees who have established SESGs in the country under the respective service

licenses, may provide satellite-based resources to the eligible service licensees/ permission holders.”

3.10 The Authority recommends that-

Frequency spectrum (gateway-side spectrum, as well as user terminal side spectrum) should be assigned to the eligible service licensees/ permission holders as per the allocation of transponder bandwidth in the concerned satellite system. No frequency spectrum should be assigned to SESG licensees.

3.11 The Authority recommends that-

- (a) For obtaining the SESG license, the applicant company shall apply online to the Government in the prescribed Application Form.
- (b) SESG licensee shall submit the requisite details, in the prescribed format, of the satellite system for which the SESG is proposed to be established. The SESG licensee shall also submit complete details of the terms and conditions of the contract/ license agreement entered into with the satellite operator for establishing the SESG in the prescribed format.
- (c) The process of application for obtaining SESG license as well as the process of its approval should be carried out through online portal in a time bound manner.
- (d) Timelines for grant of SESG license should be specified and it should not be more than a period of 30 days from the date of filing of application, if the information/documents submitted by the applicant are found fit.
- (e) For establishing a new SESG subsequently, the SESG Licensee shall apply in the prescribed format and seek permission of DoT for establishment of the new SESG. The permission for additional SESG should also be simple, and through an online portal.
- (f) Any change in the details (such as name of the company, ownership, address, contact details, etc.) provided by the applicant during

obtaining the permission/ license, are required to be intimated through the online portal within 15 days of such change.

- (g) DoT should come out with the guidelines for grant of License for 'Satellite Earth Station Gateway (SESG) for companies desirous to establish Satellite Earth Station Gateway. These guidelines should be available on the DoT's website. The key elements to be included in the guidelines are given below:
- (i) The application process along with the terms and conditions for establishing Satellite Earth Station Gateway, should be clearly defined in the guidelines.
  - (ii) Timelines for grant of permission/ license should be specified and it should not be more than a period of 30 days from the date of filing of application, if the information/documents submitted by the applicant are found fit.
  - (iii) The guidelines should clearly specify the technical/ operating/ security/ financial conditions under the SESG license and instructions regarding deployment, operations and monitoring of SESGs.
  - (iv) SACFA clearance requirements and applicable charges should be clearly specified.
  - (v) The Licensor should be having a right to inspect the SESG and its bonafide use.
  - (vi) It should be clearly specified that SESG Licensee shall not be permitted to provide any kind of telecommunication service or broadcasting service directly to the consumers, for provision of which, a separate license/ authorization/ permission is required.
  - (vii) For the purpose of verification of the commissioning of the SESG, SESG licensee shall register with the Network Operations Control Centre (NOCC) of DoT, as per the prescribed procedure.
  - (viii) SESG licensee shall provide an online portal wherein the service licensees/ permission holders can make a request for provision of satellite-based resources.

- (ix) The SESG licensee shall offer satellite-based resources to the telecommunication and broadcasting service licensees/ permission holders in a transparent, fair and non-discriminatory manner. SESG licensee shall declare a Reference Offer on its website.
- (x) SESG licensee shall share the feasibility status clearly stating acceptance/refusal (with reasons thereof, in case of refusal) of the request, through the online portal, with the service licensee/ permission holder within 30 days.
- (xi) The telecommunication and broadcasting service licensees/ permission holders, who are eligible to provide satellite-based communication services in India, shall be allowed to use SESGs established by the SESG licensees by connecting baseband equipment at the SESGs.
- (xii) It should be clearly specified that frequency spectrum will not be assigned to SESG licensees.



### Annexure-3.1

#### Format of Statement of Revenue

(Name and address of operator)

DCIP License No.....

Statement of Revenue# for the financial year.....

(AMOUNT IN RUPEES)

	PARTICULARS	For financial year _____
<b>1.</b>	<b>Revenues earned by DCIP authorization holder through provision of its DCI items, equipment, and systems on lease/sale/rent/access right basis</b>	
(a)	Right of way	
(b)	Duct Space	
(c)	Dark Fiber	
(d)	Poles	
(e)	Tower	
(f)	Base station, Antenna, Feeder Cables	
(g)	In-Building Solutions	
(h)	Wi-Fi system	
(i)	Transmission equipment	
(j)	Any other DCI items, equipment, and systems (PL provide full details of such DCI items, equipment, and systems)	
<b>Total</b>		

# All Revenues earned by DCIP authorization holder through provision of its DCI items, equipment, and systems on lease/sale/rent/access right basis under the scope of DCIP authorization will be exempted from payment of any License Fee. Such revenues will also not be included for Gross Revenue calculations under any other Authorization held under Unified license by the DCIP licensee.

## Annexure-3.2

### Format of Statement of Revenue and License Fee

(Name and address of operator)

**MNP license- Mobile Number Portability in ..... (MNP Zone)**

**Statement of Revenue and License Fee for the Quarter**

.....of the financial year.....

(AMOUNT IN RUPEES)

S.N.	PARTICULARS	ACTUALS FOR THE PREVIOUS QUARTER	ACTUALS FOR THE CURRENT QUARTER	CUMULATIVE UPTO THE CURRENT QUARTER
<b>1</b>	<b>Revenue from services</b>			
i.	Revenue from Mobile Number Porting fees			
ii.	Revenue from Bureau/ Outsourcing/ Support services			
<b>2</b>	<b>Revenue from other services</b>			
i.	Sale proceeds of any software items			
ii.	Sale proceeds of any hardware items			
iii.	Charges on account of any value added services, Supplementary Services etc.			
iv.	Access or interconnection charges			
v.	Any other revenue			
<b>3</b>	<b>Goods and Service Tax (GST)</b>			
<b>4</b>	<b>Service charges</b>			
<b>5</b>	<b>Income from investments</b>			
i.	Interest income			
ii.	Dividend income			

iii.	Any other miscellaneous receipt from investments.			
<b>6</b>	<b>Non-refundable deposits</b>			
<b>7</b>	<b>Revenue from franchisees /resellers including all commissions and discounts etc</b>			
<b>8</b>	<b>Revenue from sharing/ leasing of infrastructure</b>			
<b>9</b>	<b>Revenue from Operations/ Activities other than Telecom Operations/ Activities under a license from Ministry of Information and Broadcasting</b>			
<b>10</b>	<b>Miscellaneous revenue</b>			
<b>AA</b>	<b>GROSS REVENUE OF THE Licensee COMPANY: (Add 1-10)</b>			
<b>BB</b>	<b>LESS</b>			
1.	Revenue from operations other than telecom activities/ operations			
2.	Revenue from activities under a license from Ministry of Information and Broadcasting			
3.	Receipt from USO Fund			
4.	Items of Other Income as listed in Annexure- VIII of MNP license agreement			
i.	Income from Dividend			
ii.	Income from Interest			
iii.	Capital Gains on account of profit of Sale of fixed assets and securities			
iv.	Gains from Foreign Exchange rates fluctuations			
v.	Income from property rent			
vi.	Insurance claims			

vii.	Bad Debts recovered			
viii.	Excess Provisions written back			
<b>BB</b>	<b>Total (1+2+3+4)</b>			
<b>CC</b>	<b>APPLICABLE GROSS REVENUE (ApGR) (AA-BB)</b>			
<b>DD</b>	<b>DEDUCT:</b>			
3	Goods and Service Tax (GST) actually paid to the Government.			
<b>DD</b>	<b>TOTAL DEDUCTIBLE REVENUE</b>			
<b>EE</b>	<b>ADJUSTED GROSS REVENUE (CC-DD)</b>			
	<b>REVENUE SHARE @ ----- OF ADJUSTED GROSS REVENUE</b>			

## List of Acronyms

Acronyms	Description
3GPP	Third Generation Partnership Project
AGR	Adjusted Gross Revenue
ApGR	Gross Revenue, Applicable Gross Revenue
BBU	Baseband Unit
CDN	Content Delivery Network
CMSP	Cellular Mobile Service Providers
CMTS	Cellular Mobile Telephone Services
CPaaS	Communications. Platform as a Service
CUG	Closed User Group
DAS	Distributed Antenna System
DCI	Digital Connectivity Infrastructure
DCIP	Digital Connectivity Infrastructure Provider
DoS	Department of Space
DoT	Department of Telecommunications
DSNG	Digital Satellite News Gathering Service
DTH	Direct to Home
EMF	Electromagnetic field
ETSI	European Telecommunications Standards Institute
FBG	Financial Bank Guarantee
FSS	Fixed Satellite Services

GMPCS	Global Mobile Personal Communication by Satellite
GR	Gross Revenue
GSaaS	Ground Station as a Service
GSO	Geostationary Orbit
GST	Goods and Services Tax applicable
HLR	Home Location Register
HTS	High-Throughput Satellite
IBS	In-Building Solutions
IEC	International Electrotechnical Commission
IEEE	Institute of Electrical and Electronics Engineers
IETF	Internet Engineering Task Force
IFMC	Inflight and Maritime connectivity
ILD	International Long Distance
IN-SPACE	Indian National Space Promotion & Authorisation Centre
IP	Internet Protocol
IP-I	Infrastructure Provider
IPTV	Internet Protocol television
IPv6	Internet Protocol version 6
ISO	International Organization for Standardization
ISP	Internet Service Provider
ITU	International Telecommunication Union
IXP	Internet Exchange Points
LEO	Low Earth Orbit

LOI	Letter of Intent
LSAs	Licensed Service Areas
M2M	Machine-to-Machine
MCC	Mobile County Code
MCC	Mission Control Centre
MCH	Mobile Number Portability centralized clearing house
MeitY	Ministry of Electronics and Information Technology
MEF	Metro Ethernet Forum
MEO	Medium Earth orbit
MIB	Ministry of Information & Broadcasting
MNP	Mobile Number Portability
MNP SP	Mobile Number Portability Service Provider
MORAN	Multi-Operator Radio Access Network
MSC	Mobile Switching Center
MSS	Mobile Satellite Services
NGEs	Non-Government Entities
NGP	Norms, Guidelines and Procedures
NGSO	Non-Geostationary Orbit
NLD	National Long Distance
NOCC	Network Operations and Control Centre
NPDB	Number Portability DataBase
NSIL	NewSpace India Limited
NSO	Network Service Operator

NTN	Non terrestrial networks
PBG	Performance Bank Guarantee
PLMN	Public Land Mobile Network
PoPs	Points of Presences
PSTN	Public Switched Telephone Network
QoS	Quality of Service
RAN	Radio Access Network
RIO	Reference Interconnect Offer
RU	Radio unit
SACFA	Standing Advisory Committee on Frequency Allocation
SCC	Satellite Control Centre
SESG	Satellite Earth Station Gateway
SLAs	Service Level Agreements
SMP	Significant Market Power
SSA	Space Situational Awareness
TDSAT	Telecom Disputes Settlement and Appellate Tribunal
TEC	Telecommunication Engineering Centre
TIL	Telecom Infrastructure License'
TNaaS	Telecommunication Network as a Service
TRAI	Telcom Regulatory Authority of India
TT&C	Telemetry, Tracking and Command
UASL	Unified Access Service License
UCaaS	Unified Communications as a Service



UL	Unified License
VNO	Virtual Network Operator
VSAT	Very Small Aperture Terminal
WiMAX	Worldwide Interoperability for Microwave Access
Wi-Fi	Wireless Fidelity
WPC	Wireless Planning and Coordination Wing