

# Dr. J.K. JAIN

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**To**  
**Telecom Regulatory Authority of India**  
**Mahanagar Doorsanchar Bhawan**  
**Jawahar Lal Nehru Marg**  
**New Delhi - 110002**

**Sub: Review of licensing terms and conditions and capping of number of access providers.**

Some comments on the consultation paper:

- 1.) The **Basic Purpose** of the licensing and governance should be derived from the constitutional guidelines relating to both, the rights of the citizens as well as the directive principles of the state policy.

Admittedly a large number of our countrymen living in remote and rural areas continue to be deprived of the telecom connectivity. Bridging this divide is the declared objective. The review exercise should be aimed at revising the licensing policies to ensure the implementation of our national goals so that the imbalance can be eliminated to its maximum possible extent.

- 2.) The **Stakeholders versus Shareholders**

Each stakeholder (access providers) in the telecom sector jealously guards his investments and profits but the Government must ensure that the shareholders (each citizen is a shareholder of India) are not deprived of the opportunities to grow their income and protect their lives from diseases and disasters.

Besides laying down a just and a fair system for various Access providers, the policies may not ignore the vital interests of the shareholders.

- 3.) **Technological Developments versus Telecom Governance**

Indian regulators and policy makers should effectively meet the dramatic new wave of challenges arising from the introduction of a new generation of networks and value added services based on advanced technologies. Following two specific examples may be indicative enough to support the submission.

- a) Next generation networks, although have been defined by the ITU, WSIS and the TRAI has also circulated the consultation paper and has held wide discussions with the stakeholders. But, in spite of the promise of great benefits in terms of costs and spread of the new services, there is no clear licensing regime yet for the NGNs.

- b) The satellite based access can be an immediate solution for providing telecom connectivity to the remote and rural locations where no telecom infrastructure exists. The consultation paper does not have even a mention of the problems relating to satellite based access services.

#### 4.) **Need to overcome the existing bottlenecks**

The Government of India took a policy decision on August 26, 1998 for introduction of GMPCS Service in the country. Policy for GMPCS in terms of NTP-99 was announced on 2.11.2001.

The DoT has not been able to issue a single GMPCS license so far.

If satellite based access to our rural and remote areas is the fastest and immediate solution, the regulators and policy makers may strive to establish the reasons for such a failure and come out with remedial measures.

#### 5.) **Aristocracy versus Meritocracy**

The principles of democracy, which are fundamental to the technology led modern progress, had settled the debate in favour of meritocracy vis-à-vis aristocracy.

The exalted positions of today's aristocrats (the incumbent players), although, are the legacies of their Past while the men of ideas survive on their merit of usefulness and their capacity to deliver the results by finding the keys to the locked doors.

The incumbent players with large reservoirs of financial, political, legal and media resources tend to prevent the desirable changes in the regulatory regimes by quoting the licensing policies which in fact have been responsible for depriving our needy countrymen from availing the new services.

#### 6.) **Ownership of the Airwaves**

Ill distribution of material resources in the past is the main reason of poverty. But, the practice for the distribution of not yet divided common inherited assets such as the airwaves should not be bungled with in a democratic republic.

It may be appreciated that airwaves in the Indian airspace are owned by the sovereign people of India and each citizen of this country is a co-sovereign and co-shareholder of this common asset vested with the equal right of ownership.

The RF spectrum is to be managed by the Government of India but the manager should not deprive the owners while determining the use of the spectrum. The rich jealously guard their ownership rights of whatever they possess. Our people living in rural, tribal and remote areas have either nil or minimal material assets. No legislative, executive or judicial process can auction the use of the assets if they are part owned by the rich. Should the RF spectrum policy not take note of the rights of the poor that if they have a right to breathe the air, they also may be permitted to use their own airwaves for increasing their productivity, saving their lives from diseases and disasters, protecting their families and properties in an increasing environment of violence, crime and terrorism.

Use of RF spectrum, its licensing and the charges for its use for the rich in urban areas must not be determined on the basis of equality with those who have been deprived of everything else.

## 7.) **The Motivation versus Money**

The failure of the incumbent telecom service providers in extending their connectivity networks to the rural and remote areas led to the creation of Universal Service Obligation Fund (USOF).

A substantial amount of money is now lying in USOF, the problem of rural connectivity remains unsolved but the USOF is being spent only through the failed players who are driven only by the profit motive.

The profit motive is not bad but the opportunities of making profits need to be distributed among a large number of entrepreneurs. This can be done only through a suitably revised licensing policy that permits the building of such local radio networks that can be operated by self employed rural entrepreneurs by charging affordable fees. The peoples participation in efforts to improve their own quality of life is an established principle of our democratic way of life.

## 8.) The “**Command & Control**” versus “**Connect & Collaborate**” Policy

The regulators traditionally have been dependent on the command and control regime. But, the Government today has assumed the role and responsibility of acting as an inclusive development agency. The revised licensing policies, principles and procedures should be changed to a connect and collaborate policy by seeking support of various development agents such as investors, technology providers, entrepreneurs, researchers and men of ideas in the telecom sector

## 9. **The Niche Players**

These men of ideas can be defined as synthesizers, explainers, leveragers, adaptors, personalizer and localisers. These are the doers who could add value and therefore they deserve to be recognized and encouraged through required licensing framework.

In clear departure from the prevalent elite oriented governance of the telecom sector, it is most respectfully submitted that the licensing policy should be suitably revised so that the opportunity to do good to the country can be widely distributed.

I shall be available for providing any clarifications of the ideas presented above for the kind consideration of the authorities.

With Regards,

Yours truly,

**(Dr. J. K. Jain)**

**(Former Member of Parliament)**