

A large satellite dish antenna structure is shown in silhouette against a twilight sky. The dish is composed of a complex grid of metal beams and a fine mesh surface. The sky transitions from a deep blue at the top to a soft purple and pink near the horizon. The dish is mounted on a tall, lattice-structured tower.

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Indian Telegraph (Infrastructure Safety) Rules, 2022



The Department of Telecommunications (“DoT”) through its notification dated January 3, 2023, released the Indian Telegraph (Infrastructure Safety) Rules, 2022 (“Rules”).

The Rules aim to protect telecom infrastructure from damages caused due to excavations of the road and other properties. The Rules lay down the procedure for exercising the legal right to dig or excavate any property which is likely to cause any damage to infrastructure or interfere or interrupt with telegraphic communication. Any person desirous of doing so, is required to give a notice of the same to the telecom licensee (“Licensee”) that owns the infrastructure. Such notice is required to include information such as name and address of the person exercising the right, agency details, contact details, date and time of start of the exercise, description and location of the exercise, and the reasons for such digging or excavation.

According to the Rules, upon receipt of the notice, a Licensee is required to provide the details of the ownership or control of management of the respective infrastructure along with the precautionary measures to avoid damages to the person exercising their right to dig or excavate any property. It is the duty of the person exercising the right to dig or excavate any property to take precautionary measures to avoid damages to the telegraph infrastructure provided by the Licensee. However, in case the Licensee does not provide any details within the time prescribed, then the person exercising the legal right to dig or excavate any property will be free to exercise the right without any restrictions.

Lastly, in an instance where damages are caused to a telegraph infrastructure, the person responsible for causing such damages while exercising his legal right to dig or excavate any property, will be liable to pay the damages equal to the expenses incurred to restore those damages.

Amendment under Appendix 2T of Appendices and Aayat Niryat Forms (“ANFs”) of Foreign Trade Policy 2015-2020 (“FTP”)

The Directorate General of Foreign Trade (“DGFT”), through its notification dated January 9, 2023, and in exercise of the powers conferred under the FTP, issued an amendment (“Amendment”) to the Appendix 2T of Appendices and ANFs of FTP.

The Amendment authorizes the Mobile and Electronic Devices Export Promotion Council (“MEDEPC”) to issue a registration-cum-membership certificate (“RCMC”) for final products such as smartphones, smart watches, monitors, projectors, televisions, among others; and for parts or accessories of vibrator motors, static conductors, lithium-ion battery, among others.

Prior to the Amendment, RCMCs were issued by the Telecom Equipment and Services Export Promotion Council (“TEPC”). Accordingly, the RCMCs issued till January 9, 2023, will remain valid till the date of their expiry.

Meeting of the Telecom Regulatory Authority of India (“TRAI”) on quality of services



TRAI, through its notification dated February 2, 2023, called for a meeting with telecom service providers (“TSPs”) on February 17, 2023, to discuss measures and action plan for improvement in the quality of service through a review of the quality of service standards, quality of service of 5G services and commercial communications.

Directions to access service providers ("ASPs") to stop misuse of headers and message templates, and to curb unauthorized promotions using telecom resources

TRAI, through its notification dated February 16, 2023, observed that headers and message templates are being misused by some telemarketers and that some promotional messages are not being sent through registered telemarketers and are instead being sent by unauthorized and unregistered telemarketers. In order to avoid and curb these issues, ASPs have been directed to comply with the following, among others, within 30 (thirty) days:

1. re-verify all registered headers and message templates on the distributor ledger technologies ("DLT") platform and block all un-verified headers and message templates within 30 (thirty) and 60 (sixty) days respectively;
2. ensure that temporary headers are deactivated immediately after the time duration for which such headers were created;
3. bar all telemarketers, who are not registered on the DLT platform from handling the message template scrubbing and delivery of messages to recipients through ASP's network;
4. ensure that promotional messages are not transmitted by unregistered telemarketers or telemarketers using telephone numbers.

Meeting with major TSPs to review the issues related to quality of telecom services being faced by consumers and the menace of UCC

TRAI held a meeting with major TSPs on February 17, 2023, in relation to the quality of telecom services and the menace of unsolicited commercial communications.

The TSPs were asked to remedy the issues of call muting and one-way speech on priority and were asked to report outages to TRAI in any state or district. TSPs were also asked to plan and implement systems for online data collection for quality of standard benchmarks, and to implement systems for internal monitoring on a 24/7 and 360-degree basis,

considering the scale and size of networks that are being set up for 5G services.

Recommendations on "Rating of Buildings or Areas for Digital Connectivity"



TRAI through its notification dated February 20, 2023, released its recommendations on "Rating of Buildings or Areas for Digital Connectivity" ("**Recommendations**"). These Recommendations have been released pursuant to the inputs received from stakeholders on a consultation paper that was issued in this regard.

The Recommendations broadly cover the following:

1. The need to amend model building bye-laws and the national building code of India to incorporate necessary provisions on DCI. The DCI consists of passive and active elements which include any apparatus, appliance, equipment, and system used or capable of extending seamless digital connectivity.
2. The necessity to make DCI an essential part of building development plans.
3. The need for persons possessing requisite skills to perform the functions of a DCI designer or DCI engineer or DCI evaluator.
4. The need to task the Bureau of Indian Standards ("**BIS**") to review existing standards and procedures of DCI for buildings.
5. The need for BIS to prescribe provisions of DCI that would be mandatorily required to be completed for issuance of completion or occupancy certificate for buildings.
6. The need to amend the Indian telegraph act, 1885 to enable the central government to prescribe through rules, the formation a Council of Digital Connectivity Infrastructure ("**CoDCI**"). The rules

may specify the manner of certification of persons to design, deploy, and evaluate DCI. Further, the rules may also specify the qualification of terms and conditions for the grant of such certification.

7. The need to establish CoDCI under the department of telecommunications in collaboration with the ministry of housing and urban affairs, all India council for technical education, national skill development council, telecom sector skill council, and construction skill development council or any other organisation/institution as deemed appropriate.
8. The role of the CoDCI would broadly be to prescribe qualifications, roles and responsibilities of DCI professionals, to suggest appropriate graduate and diploma courses for DCI professionals, to accredit institutes and organizations for offering courses related to DCI, to conduct exams and certify DCI professionals.
9. The need to establish a mechanism for certification, registration, and capacity building for DCI professionals, within one year from the date of establishment of CoDCI or 3 (three) years from the date of these Recommendations, whichever is earlier.

Indian telecom security assurance requirements for the network function virtualization

The National Centre for Communication Security (“NCCS”), under the aegis of DoT has released the draft Indian Telecom Security Assurance Requirements (“ITSAR”) for the Network Function Virtualization (“NFV”) on February 7, 2023 (“NFV Draft”).

The basic objective of the NFV Draft is to provide the security requirement for the telecom networks and the standards, once finalised, will be binding on telecom operators as well as equipment makers. NFV is an intrinsic feature of 5G, which allows some telecom network functions to be virtualised or be software driven. The NFV Draft has been issued in view of the fact that the introduction of NFV in the mobile network will present new challenges to network security.

Indian Telecom Security Assurance Requirements for the Aggregated gNB (NR-NodeB) of 5G

NCCS, under the aegis of DoT has released the draft ITSAR for the Aggregated gNB (NR-NodeB) of 5G i.e., the 5G Radio Access Network (RAN) network element (“Draft”) on February 7, 2023.

The objective of the Draft is to present comprehensive, country-specific security requirements of the 5G RAN Network Element i.e., Aggregated gnb (nr node b) with standalone deployment. The Draft is in line with the specifications introduced by various regional/international standardization bodies/organizations like 3rd Generation Partnership Project (3GPP), and Telecommunications Standards Development Society, India (TSDSI) along with the country-specific security requirements.

Compliance to amendments in telecom licenses issued by the DoT for procurement of telecommunication equipment from trusted sources

The DoT through its notification dated February 22, 2023, directed all licensees to comply with the amendments issued in the Unified License (“UL”), UL (Virtual Network Operator) (“UL (VNO)”), unified access service license (“UASL”), captive non-public network and commercial and captive (closed users group) license_regarding the submission of a compliance report for procuring telecom equipment from trusted sources. The licensees are required to submit the said report on the 1st day of January as well as 1st day of July of every year through the saral sanchar portal.

Meeting of Joint Committee of Regulators

As per the Information Note of February 23, 2023 issued by TRAI a meeting of joint committee of regulators was held to discuss an action plan to curb spam and fraud using telecom resources. The inconvenience to the public caused by unsolicited commercial communication was recognized, and other matters such as misuse of SIM box, pan-India roll-out of central equipment identity register to stop misuse of mobile handsets, and implementation of digital

consent acquisitions, among others, were also discussed.

Directions for submission of quality of service reports by TSPs



TRAI through its notification dated February 23, 2023, issued a direction (“**Direction**”) under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the TRAI Act, 1997, and regulation 9 of the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations.

The Direction mandates all the basic telephone service providers and cellular mobile telephone service providers to submit the state and union territory-wise data, in respect of quality of service parameters. The data is required to be submitted in a microsoft excel format duly signed by the authorized signatory of the service provider, within 45 (forty five) days from the end of each quarter for basic telephone service (wireline) and within 21 (twenty one) days from the end of each quarter for cellular mobile telephone service.

Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2023

TRAI through its notification dated February 24, 2023, released the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2023 (“**Draft QoS Regulations**”), repealing the erstwhile Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation, 2006.

The Draft QoS Regulations apply to all TSPs having UASL, UL with authorization for access service, and UL

for virtual network operators with authorization for access service.

The purpose of these Draft QoS Regulations is to bring about uniformity and transparency in the procedures adopted by TSPs in relation to metering and building, to prescribe standards with regard to the accuracy of measurement and reliability of the billing, to minimize the incidents of billing complaints, and to protect the interest of consumers of telecommunication services.

The Draft QoS Regulations lay down the procedure for the appointment of auditors to audit the accuracy of Metering and Billing System (“**System**”) of TSPs, and also provide the following disqualifications for the appointment of auditors:

1. The auditor should not be appointed for more than 2 (two) years consecutively
2. The auditor should not be an internal auditor
3. The auditor should not have had any business relationship with the TSP in the last year.

If the TSP, while self-evaluating its System, observes that its subscribers have been overcharged, it is required to immediately rectify the error in the System, and refund the overcharged amount to the relevant subscribers within 3 (three) months of the end of the quarter for which the self-evaluation was undertaken by the TSP. Overcharging, under the Draft QoS Regulations, has been defined as the failure of a TSP to meet the commitment of the tariff offered either in terms of volume or price, or both. Overcharging also includes a chargeable event for which the charge to the subscribers is higher than the tariff plan opted for by the subscriber.

The TSPs are also required to submit to TRAI, an action taken report, in respect of each System and each license service area (“**LSA**”) audited, along with the status of audit observations pending to be resolved from previous quarters. If a TSP does not comply with these requirements, a penalty of not exceeding INR 1,00,000 (Indian Rupees one lakh) per report for every week or part thereof during which the default continues, subject to a maximum of INR 50,00,000 (Indian Rupees fifty lakh) per metering and billing system, or as the case may be, per LSA will be levied.

Every TSP is required to comply with the Code of Practice for Metering and Billing Accuracy (“**Code**”) as laid down in the schedule of the Draft QoS Regulations. The Code provides for information relating to tariffs,

the accuracy of measurement, reliability of billing, timelines of post-paid billing, restriction and removal of services, and complaint handling.

Guidelines for Audit of the Metering and Billing System and accuracy of metering and billing in LSA

TRAI through its notification dated February 24, 2023, released the Guidelines for Audit of the Metering and Billing System and accuracy of metering and billing in LSA ("**Draft Metering Guidelines**").

The purpose of auditing the system according to the Draft Metering Guidelines, is to evaluate the accuracy of the system, whether centralized or distributed, and to review the records related to billing, including subscribed tariffs and billing complaints.

The Draft Metering Guidelines require every TSP to have their system and LSA audited annually by an appointed auditor. The audit process must ensure the accuracy of each system before auditing any LSA, and each system and area should be audited once a year. The audit of the system should be done first, and the audit of the LSA should be evenly distributed throughout the financial year's 4 (four) quarters. The TSPs are required to submit an annual schedule of audits to TRAI by May 15, 2023, including details of the systems and LSAs to be audited. They are also required to provide call data records and system details to auditors within specified timeframes and are required to conduct regular self-checks and facilitate auditors in the conduct of audits.

The Draft Metering Guidelines also lay down the obligations of auditors. The appointed auditors are responsible for auditing the systems of the TSPs and certifying compliance with the Draft Metering Guidelines from TRAI. They are required to adhere to the audit schedule and maintain confidentiality. The auditors cannot have any conflicts of interest and are required to report any critical matters promptly to TRAI.

The auditors are required to submit the report expeditiously and not wait for comments from the TSPs. After completing the audit, the auditors are to submit the report and key findings to TRAI. Areas of concern are categorized into 3 (three) categories namely non-compliance, deficiency, and observations. The audit report is to include an overview, key findings

or observations, instances of overcharging, action taken by the TSPs on the overcharging reported, comments of the TSPs against each audit observation and auditor's opinions, and other relevant details specified by the TRAI.

The Draft Metering Guidelines have also laid down specific timelines within which the auditors and the TSPs are required to submit their reports of system audit and LSAs audit for accuracy of metering and billing. The Draft Metering Guidelines also lay down the timelines within which the information pertaining to the metering and billing system is to be provided by the TSP to the auditor and the timelines within which the system audit is required to be completed.

Applicability of FDI Policy on Over-The-top ("OTT") Platforms



The Ministry of Information and Broadcasting ("**MIB**") through its notification dated March 10, 2023, clarified the applicability of Press Note 4 ("**Press Note 4**") dated September 18, 2019, on OTT platforms.

The Press Note 4 provides for a Foreign Direct Investment ("**FDI**") upto 26% under the government approval route for entities involved in uploading/streaming of news and current affairs through digital media.

However, clarification was sought by several OTT platforms regarding the applicability of the Press Note 4 as these platforms were only providing a platform for the carriage of third-party news and current affairs content of news channels without any editorial intervention.

Accordingly, MIB clarified in the Press Note 4 that when an OTT platform hosts a digital feed of a television news channel that has been granted permission under the uplinking and downlinking

guidelines, and subsequently makes it available to its subscribers, such OTT platforms will not be covered under the 26% FDI rule prescribed under the Press Note.

Advisory to broadcasters in relation to non-compliance

The MIB through its notification dated March 23, 2023, issued an advisory directing all broadcaster associations to comply with the various mechanisms in place such as the audit of subscriber management systems, conditional access systems, and other related systems to verify monthly subscription reports.

Additionally, the MIB directed all Multi System Operators (“MSOs”) to comply with the regulations issued by TRAI in addition to furnishing information such as high-end locations, conditional access system, platform service details, etc, as required by MIB.

Further, the advisory stated that MSOs who fail to comply with the terms and conditions of the registration granted to them will be marked by the MIB as *non-compliant*. Consequently, broadcasters have been advised to enter into fresh interconnections or renewal agreements with only compliant MSOs, and in case a broadcaster has entered into an interconnection agreement with a non-compliant MSO, it is required to correspond with the MIB and get the status changed to *compliant*.

Clarification regarding Policy Guidelines for Uplinking and Downlinking of Satellite TV Channels, 2022

The MIB through its notification dated March 24, 2023, issued a clarification regarding the Guidelines for Uplinking and Downlinking of Satellite TV channels, 2022. This clarification was issued pursuant to comments received from stakeholders in relation to the interpretation of the said guidelines.

Accordingly, the MIB reaffirmed that permitted entities may only provide channel signal decoders to registered MSOs and cable operators, registered DTH operators, authorized Internet Protocol Television (IPTV) service providers, and authorized Headed-In-The-Sky (HITS) operators.

Recommendations on community radio stations (“CRS”)

TRAI through its notification dated March 22, 2023, released its recommendations on “*Issues related to Community Radio Stations*” (“**Recommendations**”). These Recommendations have been released pursuant to the inputs received from stakeholders on a consultation paper that was issued in this regard.

The Recommendations broadly cover the following:

1. The need to disqualify religious bodies from owning broadcasting channels including CRS.
2. The need to increase the grant of permission agreement period from 5 (five) years to 10 (ten) years.
3. The need to increase the duration of advertisement on a CRS from 7 (seven) minutes per hour to 12 (twelve) minutes per hour.
4. Allowing organizations that operate in multiple districts to set up multiple CRS in their area of operation by seeking an undertaking from the organizations confirming that programs will be prepared locally.
5. Allowing organizations to set up a maximum of 6 (six) CRS throughout the country.
6. The need for the MIB to persuade the central and state governments to sponsor more programmes on CRS for helping CRS in sustainability.
7. The need for the MIB to persuade universities of central and state governments to provide budgetary support to establish and operate CRS.
8. The need to make the process for granting CRS permission, online and through a single window system
9. The need to grant Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearance and Wireless Operating License (WOL) within 1 (one) month of the application of the same.

Directions for reporting major network outages

TRAI through its notification dated March 28, 2023, and in exercise of the powers conferred upon it under the TRAI Act, 1997, has directed all ASPs to electronically report the incidents of major network

outages that affect the telecom services for a period of more than 4 (four) hours. The ASPs are required to report such incidents within 24 (twenty four) hours of their occurrence.

Additionally, the ASPs are also required to report the root cause of major network outages along with the corrective actions to be taken, within 72 (seventy two) hours of restoration of services. These instances are required to be reported in the format prescribed by TRAI.

India Space Policy, 2023



Until June 2020, participation in the space sector was restricted to the Government of India. Since then, through a slew of reforms, the space sector has been opened to non-government entities (“NGE”) in carrying out end-to-end activities in the space domain.

With an aim to provide regulatory certainty to space activities, the government has now introduced the India Space Policy, 2023 (the “**Space Policy**”), formulated as an overarching, composite, and dynamic framework to implement the reform vision in the space sector. The Space Policy is valid throughout the territory of India.

For a detailed analysis, please refer to the [JSA Prism of April 21, 2023](#).

Draft Telecom Regulatory Authority of India Repealing Regulations, 2023

TRAI, through its notification dated April 3, 2023, released the draft TRAI Repealing Regulations, 2023 (“Draft Repealing Regulations”), repealing the erstwhile regulations on Quality of Service of Dial-Up and Leased Line Internet Access Service, 2001 (“**2001 Regulations**”).

The 2001 Regulations were notified by TRAI on December 10, 2001, with the objective of ensuring customer satisfaction by laying down norms of network performance, measuring the quality of service and comparing it with the specified norms to monitor the level of performance and to protect the interests of subscribers of the internet services.

However, TRAI is of the opinion that the 2001 Regulations are no more relevant in the present context, as it was released at a time when the dial-up service was the only service available for accessing low-speed internet, and at present, the leased line access services are generally offered by internet gateway service providers holding an internet service provider license, to enterprises, which is a Service Level Agreement (“**SLA**”) based service. Being an SLA-based service, the agreement among the contracting parties has sufficient provisions to safeguard concerns regarding service quality.

Recommendations on improving telecom coverage and backhaul infrastructure in far-flung areas of Ladakh

TRAI, through its notification dated April 24, 2023, released its recommendations on “Improving Telecom Coverage and Backhaul Infrastructure in far-flung areas of Ladakh” (“**Coverage Recommendations**”).

The Coverage Recommendations were released in light of the recent media reports highlighting the challenges faced by the people living near the Line of Actual Control (“**LAC**”) in accessing high-speed internet and on the gap analysis and evaluation of the government-sponsored Universal Service Obligation Fund (“**USOF**”) schemes.

The Coverage Recommendations broadly cover the following:

1. The need for USOF to ensure that 3 (three) villages in Ladakh are included under the ‘*Saturation of 4G Mobile Services*’ project;
2. The need to ensure that the government funds the capital expenditure and the operating expenditure to be incurred for upgrading the existing non-4G based cellular mobile infrastructure for 19 (nineteen) villages in Ladakh, which neither have 4G coverage nor are included in the ongoing schemes for providing 4G coverage;

3. The need to ensure TSPs in Ladakh provide fair and non-discriminatory access to their spare backhaul transmission media resource capacity via lease/rent or on mutually agreeable terms and conditions to other TSP;
4. The charges paid by the lessee (a TSP) to any lessor TSP for the use of spare backhaul media transmission resource capacity be reduced from the gross revenues of the lessor to arrive at applicable gross revenue;
5. The USOF to fund the backhaul connectivity on optical fiber from Rupshu Block Headquarters to Nyoma/ Chumathang;
6. The need to maintain a waiting list of service demand by all licensed TSPs;
7. The need for the DoT to establish a mechanism to obtain, examine, and analyze the data on the waitlist from all TSPs;
8. The need to ensure that electricity is provided to telecom sites as a priority at utility/industrial tariff, waiving off last mile installation charges for extending the electric connection to telecom sites;
9. The need for DoT to formulate a scheme along with relevant to fund the installation of solar panels at important strategic telecom sites in remote hilly areas;
10. The need for DoT along with relevant authorities to undertake all road construction, road widening, or other related works with prior coordination involving TSPs;
11. The need to also explore the possibility of constructing utility ducts in all future road widening and new road construction projects.

DoT amends guidelines and license agreements

DoT, through various notifications dated April 18, 2023, has amended the (a) UL guidelines; (b) UL (VNO) guidelines; (c) UL agreement; and (d) UL (VNO) agreement, to rationalise the application processing fees (“Fees”).

Subsequent to the amendment, the Fees for the various service categories available under the UL and UL (VNO) agreements have been reduced to INR 10,000 (Indian Rupees ten thousand). Further, the Fees for the UL and

UL (VNO) licenses for All Services have been reduced to INR 1,00,000 (Indian Rupees one lakh).

Recommendations on Ease of Doing Business in Telecom and Broadcasting sector

TRAI, through its notification dated May 2, 2023, released recommendations on Ease of Doing Business in Telecom and Broadcasting Sector (“**May Recommendations**”).

The May Recommendations have been released subsequent to the consultation paper issued on "Ease of Doing Business in telecom and broadcasting Sector" on December 8, 2021. The May Recommendations broadly cover the following:

1. The need to set up a single window system which is user-friendly, transparent and responsive;
2. The need for every ministry and its department to establish a committee to review, simplify, and update the existing processes with a view to ensure ease of doing business;
3. The need for the MIB to specify stage-wise timelines for the process of grant of each license, registration, and permission;
4. The need for MIB to develop a simple mobile app for the registration of Local Cable Operators (“**LCOs**”). Request for cancellation of LCO registration before 5 (five) years to also be enabled on the online portal and mobile app.
5. The need to simplify the process of surrender of DoT license, issuance of NOC and release of Bank Guarantees to the service providers;
6. The requirement of additional Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearance for same mobile network site/ tower location to be replaced with intimation on the saral sanchar portal.
7. The need for the Department of Space to publish a list of Indian satellite details and the capacity availability and approved foreign satellites/satellite systems, their orbital locations, transponders and frequency availability and their other technical and security parameters on the single window portal.

Directions to access providers to stop misuse of message templates, under Telecom Commercial Communication Customer Preference Regulations, 2018 (“TCCCPR-2018”)

TRAI, through its notification dated May 12, 2023, released directions to access providers (“APs”) to stop the misuse of message templates under TCCCPR-2018 (“AP Directions”). These AP Directions have been issued in furtherance to the directions issued on February 16, 2023, in relation to the misuse of headers and content templates.

TRAI has issued these AP Directions pursuant to it having identified the need to review the maximum number of variables and their respective placements in content templates, in addition to the requirement to keep a check on the usage of variables.

The AP Directions direct all access providers to allow more than 3 (three) variables in content templates only with proper justification, a defined purpose, and a minimum of 30% fixed content. However, in the event the content a variable is unable to be accommodated in the above-mentioned limit, more than 1 (one) contiguous variable of the same type will be allowed which is supported by a sample message.

The access providers have also been directed to ensure that only those URLs, OTT links, and call-back numbers that have been whitelisted are used in the content templates. The Directions also state that the access providers are required to monitor the use of content templates and stop misuse thereof. The access providers are also required to update the code of practice and furnish a compliance report within 45 (forty five) days from the date of issue of these Directions.

Reverification of headers and content templated by Principal Entities under TCCCPR-2018

TRAI, through its notification dated May 25, 2023, directed entities such as banks, other financial institutions, insurance companies, trading companies, business entities, etc (“Principal Entities”) to complete the verification of Headers and Content Templates (“Templates”) as required under the Directions issued on February 16, 2023 (“February

Directions”). According to the TCCCPR-2018, any commercial communication may only take place using Templates registered with access providers.

TRAI had mandated all Principal Entities to reverify registered Templates on the distributed ledger technology platform and block all unverified templates within 30 (thirty) and 60 (sixty) days respectively from the date of issue of the Directions.

Having noticed a delay in compliance with the above requirement, TRAI has warned the Principal Entities that the Templates may be blocked in case there is any further delay in the reverification process. Accordingly, TRAI will review the progress in the next 2 (two) weeks.

Directions regarding implementation of digital consent acquisition under TCCCPR, 2018



TRAI, through its notification dated June 2, 2023, released Directions regarding the implementation of digital consent acquisition (“DCA”) under the TCCCPR, 2018 (“DCA Directions”).

The DCA Directions require all APs to ensure that no promotional messages are sent without scrubbing the consent and preference of the customers and are sent under the service message category.

The DCA Directions also require the APs to develop and deploy a DCA facility, within 2 (two) months from the date of issue of these Directions, to enable subscribers to record and revoke their consents, to ensure that a short code is used by all APs for sending consent-seeking messages, and to ensure that the scope and brand name is mentioned in such consent seeking message through the short code.

Further, the DCA is required to be developed and deployed to broadly ensure the following:

1. An SMS/VR/online facility is developed to register the unwillingness of customers to receive any consent-seeking messages;
2. Only whitelisted uniform resource locator/over-the-top links/call-back numbers are used in the consent-seeking messages;
3. No consent-seeking messages are initiated for a period of 90 (ninety) days if a customer has rejected or not responded to previous consent-seeking messages; and
4. Wide publicity through various media regarding the above is undertaken so that end users are aware of it.

The DCA Directions also mandate all APs to update their code of practice within 15 (fifteen) days from the date of issue of these Directions and ensure compliance within the prescribed timelines and submit a monthly progress report.

Directions regarding the implementation of UCC detect system under TCCPR, 2018

TRAI, through its notification dated June 13, 2023, released directions regarding the implementation of the unsolicited commercial communication (“UCC”) detect system under the TCCPR 2018 (“UCC Directions”).

Through the UCC Directions, TRAI aims to alleviate the public inconvenience caused due to UCC. Although complaints against registered telemarketers (RTMs) have reduced, unregistered telemarketers (“UTMs”) continue to send UCC, using fraudulent methods leading to loss of critical information and financial loss.

The UCC Directions lay down a framework for the ASP to implement a UCC detect system. To ensure uniformity TRAI directs all providers to deploy artificial intelligence (“AI”) and machine learning (“ML”) based UCC detect systems capable of adapting to new UTMs’ signatures, patterns, and techniques. Moreover, providers are also required to share intelligence via the distributor ledger technology (“DLT”) platform and detect bulk UCC senders non-compliant with the regulations.

Further, the ASPs are directed to ensure the following:

1. Implement an AI and ML-based UCC detect system that can adapt to new signatures, patterns, and UTM-specific tactics on a continual basis;
2. Ensure that the UCC detect system will identify senders who are transmitting UCC in bulk and not complying with the regulations;
3. Ensure that the UCC detect system can perform reputation-based analysis of the message sender, considering various factors like age of subscription, authentication at the time of subscription, address verification method, and SMS sending/calling pattern, and sharing intelligence with other ASPs using DLT platform, which may be useful in avoiding false positives;
4. Ensure that action is taken by the originating access provider as per provisions of the regulations; and
5. Share information with concerned law enforcement agencies, the Ministry of Home Affairs (“MHA”), and the DoT.

The UCC Directions also mandate all the ASPs to comply with the above directions and submit an updated status on actions taken within 30 (thirty) days.

Forum of Indian regulators (FOIR)- Collaborative Regulatory Mechanism for Socio-Economic Development

TRAI released a notification dated June 15, 2023, regarding the 24th (twenty fourth) annual general body meeting with the Forum of Indian regulators (“FOIR”) where discussions were held on faster adoption of 5G and associated technologies in different vertical sectors represented in FOIR.

At the 21st (twenty first) annual general body meeting at FOIR, a working group was constituted to submit its recommendations on “Cross Sector Collaborative Regulation between TRAI and Electricity Regulators” (“Cross Sector Recommendations”). The Cross Sector Recommendations of the working group resulted in the identification of action points including:

1. Regulations by the State Electricity Regulatory Commission (SERC) on revenue sharing between power distribution companies (DISCOMs) and consumers for non-core business income;

2. Issuing single bill for multiple connection to TSPs; and
3. Separate tariff slab for energy consumed by TSPs.

Subsequently, TRAI proposed the formulation of another working group with TRAI as the convenor and expert sector regulators as the members, to study and provide recommendations on faster adoption of 5G and associated technologies in different vertical sectors. Further, FOIR also agreed to establish a group to explore the opportunities and challenges associated with the adoption of 5G and related technologies such as artificial intelligence, machine learning, augmented reality, virtual reality, etc. in different sectors.

Recommendations on “Licensing Framework and Regulatory Mechanism for Submarine Cable Landing in India” by TRAI”

TRAI, through a notification dated June 19, 2023, released recommendations on the Licensing Framework and Regulatory Mechanism for Submarine Cable Landing in India (“**Cable Landing Recommendations**”).

Submarine communication cables laid on the seabed are considered critical assets in a fast-paced digital global economy and are imperative for any country’s communication grid empowering its business and economic operations. The web of submarine communication cables traverses the maritime zones of several countries connecting people and businesses across the globe.

TRAI had sought recommendations from the DoT on licensing framework and regulatory mechanism for service providers that set up Cable Landing Stations (“**CLS**”) and lay submarine cables in India with existing International Long Distance (“**ILD**”) authorization under the UL and standalone ILD license (collectively referred to as “**ILD Operators/ILDO**”). In response, DoT had raised concerns that recently some Indian ILD operators who did not have any stake in submarine cable system were seeking clearance on behalf of the owners of submarine cable for laying/ maintaining such cables in India and were also applying for setting up of CLS for such submarine cables.

The other issues that came to light were as follows:

1. The need for Indian flagged vessel for submarine cable operation and maintenance;

2. The necessity to bring about provisions for domestic submarine cable between 2 (two) or more cities on the coastline of India;
3. The need to have better clarity on terrestrial connectivity between different CLS.

Accordingly, TRAI issued a consultation paper on ‘*Licensing Framework and Regulatory Mechanism for Submarine Cable Landing in India*’ on December 23, 2022, and based on the comments received from various stakeholders, TRAI released these Recommendations.

The Cable Landing Recommendations broadly cover the following issues:

1. The need to amend the ILD/Internet Service Provider Category ‘A’ (“**ISP-A**”) authorization (with international internet gateway) of the UL to include 2 (two) categories of CLS locations, i.e., main CLS and CLS Point of Presence (“**CLS-PoP**”).
2. The need to issue revised and detailed guidelines and applications for setting up main CLS and CLS-PoPs respectively, for submarine cables landing in India under the respective licenses and authorizations by incorporating the provisions in the Cable Landing Recommendations.
3. The need to constitute a committee to study and recommend the different financial viability models for Indian flagged repair vessels including possible incentives from the government. This committee is to be entrusted with the task of suggesting ways to facilitate and incentivize setting up of these cable depots.
4. The need to identify cable depots in the west and east coastline for storage of submarine cable and the necessary equipment/kit required for carrying out cable repairs.
5. The need for ILD and National Long Distance authorisations under the UL to explicitly mention that terrestrial connectivity is permitted between different CLSs;
6. The ILD licensee/authorisation is required to clarify that transit international traffic not meant to be terminated in India will be permitted to be transited to other submarine cables through terrestrial as well submarine cable links.

7. The need to accord the status of “essential services” to CLS and submarine cables operation and maintenance services.
8. The need to exempt custom duty and Goods and Services Tax on the goods and items required for CLS, submarine operation and maintenance.
9. The need to add a provision in the Indian Telecommunication Bill, 2020 to promote, protect and prioritize CLS and submarine cable development in India and to consider that the damage to sub-sea infrastructure as deemed damage to critical infrastructure of national importance and be strictly dealt under the Indian laws.

Response to the Ministry of Information and Broadcasting on ‘Renewal of Multi-System Operators Registration’

TRAI through its notification dated June 27, 2023 addressed the comments and suggestions given by the MIB. These comments and suggestions were in relation to the recommendations issued by TRAI on ‘Renewal of Multi-System Operators (“MSOs”) Registration’ (“**Registration Recommendations**”).

TRAI, in its Registration Recommendations, suggested that all registrations of MSOs that have either expired or are about to expire within a particular timeline should be deemed to expire after 8 (eight) months from the date of implementation of rules or guidelines for renewal.

As a suggestion to this recommendation, the MIB responded that it may seek requisite details such as number of subscribers to verify whether the MSO is operational and has filed a security clearance form to procure inputs from the MHA. Accordingly, MIB may grant temporary extension subject to the MSOs fulfilling necessary compliances and security clearances from the MHA.

TRAI has accepted MIB’s suggested model and has recommended that MSOs, whose registrations have expired or are about to expire, are informed well in advance about the expiry date and the corresponding renewal process. The communication to the MSOs must also clarify the consequences of non-renewal.

Further, MIB suggested that instances of non-compliance with the terms and conditions of

registration by an MSO, be shared with MIB. Based on such information, MIB may take action as per the provisions of the Cable Television Networks (Regulations) Act, 1995. Accordingly, TRAI has agreed to send details of non-compliance to the MIB at regular intervals.

Clarifications on definition of gross revenue and adjusted gross revenue



DoT *vide* notification dated July 17, 2023, released its responses to the representations received for review of definitions of gross revenue and adjusted gross revenue (“**AGR**”) (“**Responses**”). The issues raised by various associations and the Responses to the same include the below:

1. In response to the request to clarify the term “revenue from operations other than telecom activities/operations, DoT clarified that all activities covered under the scope of license are classified as telecom activities, and the nature of non-telecom activities varies between companies, and it would make it impractical to list the same;
2. Regarding the issue of excluding revenue from licenses issued by the Ministry of Information and Broadcasting retrospectively, DoT responded that such revenue would be excluded from October 2021 onwards, subject to ongoing litigation in the Telecom Disputes Settlement and Appellate Tribunal;
3. Regarding the request to exclude capital gains on business combinations, such as merger or demerger, DoT’s comment was that such gains are excluded as per the license agreement;
4. Concerning the request to exclude sales of non-licensed services, such as sale proceeds of handsets, terminal equipment or ancillary services

like OTT subscription, DoT replied that the activities ancillary to telecom activities would be included in AGR;

5. In relation to the issue of including any notional income, including free airtime, in AGR, DoT's comment was that any notional income, including free airtime, is considered part of AGR;
6. Regarding the request to exclude credits from the operational expenditure/capital expenditure vendors from AGR, DoT's comment was that credits from such vendors are excluded from AGR; and
7. In response to the issue of including management support charges if related to telecom services in telecom revenue, DoT replied that management support charges related to telecom services are considered part of telecom revenue.

Recommendations on leveraging artificial intelligence and big data in telecommunication sector

TRAI *vide* notification dated July 20, 2023, released its recommendations on "Leveraging Artificial Intelligence ("AI") and Big Data in Telecommunication Sector" ("AI and Big Data Recommendations"). The AI and Big Data Recommendations broadly cover the following:

1. The need to adopt a regulatory framework applicable across sectors for responsible AI development;
2. The need to establish an independent statutory authority designated as Artificial Intelligence and Data Authority of India ("AIDAI"), to ensure development of responsible AI and regulation of use cases;
3. The need to assess data digitization requirements, oversee data-related issues, define AI process frameworks, establish an ethical data use framework;
4. The need to collaborate with international agencies and other countries to establish a global agency as the primary international body for AI development, standardization, and responsible use;

5. The need to recommend a uniform framework for sharing data available with the government and its entities with industry, educational institutes, startups, etc., while ensuring compliance with privacy and other applicable laws and policies; and
6. The need for DoT to collaborate with access service providers to deploy AI/machine learning and new technologies for real-time data analysis, network security, customer grievance redressal, and combating spam.

Timelines for digitization of Paper CAFs (including associated documents) by the Licensees

DoT *vide* notification dated July 24, 2023, released the timelines for digitization of paper customer application forms ("CAF") (including associated documents) by the UASL, UL, UL (VNO) ("Licensees"). The Licensees have been instructed to submit only digitized copies of paper CAFs (including associated documents) and have also been instructed to complete the activity of such digitization by September 30, 2023. The Licensees are required to submit only digitized copies of paper CAFs and associated documents during the monthly CAF audit. If Licensees submit paper CAFs or scanned copies of CAFs, the same will be treated as a procedural lapse from October 1, 2023, onwards and appropriate action will be taken.

Draft Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2023

TRAI, *vide* notification dated July 24, 2023, released the draft Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2023 ("Draft Regulations") to amend the Telecommunication Consumers Education and Protection Fund Regulations, 2007 ("Principal Regulations").

Earlier, the Telecommunication Consumers Education and Protection Fund ("TCEPF") was maintained in Corporation Bank. Subsequently, there was a merger between Corporation Bank and Union Bank of India. Accordingly, the objective of the Draft Regulations is to align the Principal Regulations with recent changes,

particularly the merger and the repeal of the Consumer Protection Act, 1986.

Additionally, the amendments aim to provide explicit provisions for expenses incurred during meetings participated by representatives of consumer groups regarding the seminars, workshops, programmes, etc conducted by the Committee for Utilisation of TCEPF. The expenses incurred are aimed to be utilised from the TCEPF.

DoT notification on shifting of telecom equipment from one LSA to another

DoT *vide* notification dated July 26, 2023, released an office memorandum on “Shifting of Telecom Equipment from one LSA to another by the TSPs”, in continuation to various steps taken by the government for promoting the ease of doing business in the telecom sector. The following decisions were taken by the authority, in respect of the transfer/ shifting of telecom equipment from one LSA to another by the TSPs:

1. TSPs are now permitted to shift/re-deploy their wireless equipment from one LSA to another as per their requirement, after giving prior intimation to Wireless Planning and Coordination wing of the DoT online through the Saral Sanchar portal. Formal approval by the DoT would not be necessary.
2. TSPs may submit the details of such shifting through email, to et-intimation-dot@gov.in, till such time as the online facility is made available, along with an undertaking that such details will be updated subsequently, as and when the online facility is made available by the DoT.
3. Necessary stock/ records arising out of such transfer shall be required to be maintained/ reflected wherever applicable.

Amendment of License Agreements

DoT *vide* notification dated July 27, 2023, amended the UL, UL(VNO), and UASL agreements to specify another prohibited activity. Licensees are now restricted from entering into any exclusive contract for establishing public network to provide public telecom services or right of way with any public entity or any person. The

amendment also includes new definitions for “Person” and “Public entity”.

Telecom Regulatory Authority of India Repealing Regulations, 2023



TRAI *vide* notification dated July 27, 2023, released its “Telecom Regulatory Authority of India Repealing Regulations 2023” (“**TRAI Regulation s**”) thereby repealing the erstwhile regulations on “Quality of Service of Dial-Up and Leased Line Internet Access Service, 2001” (“**2001 Regulations**”). The 2001 Regulations were introduced as TRAI noted the redundant nature of the 2001 Regulations.

Procedure for Testing of Roll-out Obligations

DoT *vide* notification dated July 31, 2023, released the Procedure for Testing of Roll-out Obligations by LSA units of DoT in case existing licensee has already filled the required roll-out obligations of earlier allocated spectrum and has acquired subsequent spectrum through Notice Inviting Applications (“**NIA**”) 2022. The procedure requires licensees to submit an undertaking to LSAs, stating compliance with the roll-out obligations of the NIA 2022. The procedure does not require payment of fees or re-validation of earlier Service Test Result Certificates needed.

Modification in the Guidelines for trading of access spectrum by access service providers

To facilitate trading of access spectrum between TSPs across all spectrum bands and all applicable block size(s), DoT has decided to modify the Guidelines for Trading of Access Spectrum by Access Service Providers dated October 12, 2015 (“**Guidelines**”) by

way of a notification dated August 1, 2023. All the other terms and conditions of Guidelines remain unchanged except the below:

1. Para 4 of the Guidelines, has been replaced with "Leasing of spectrum only to Captive Non-public Network (CNPN) licence shall be permitted as per leasing guidelines L-14006/02 /2022-NTG dated 27.06.2022 amended from time to time."
2. Para 6 of the Guidelines has been amended to indicate that the block sizes of access spectrum to be traded in different spectrum band(s) is to be as per the block size(s) as specified in the NIA for the latest auction held. Further, if there is any residual spectrum to be traded, it may be considered on pro-rata basis. If a particular spectrum band is not the part of the NIA for the latest auction held, then the block size as per latest available NIA for that band shall be considered for trading.

Recommendations on Introduction of Digital Connectivity Infrastructure Provider Authorization under UL



TRAI *vide* notification dated August 8, 2023, released the recommendations on 'Introduction of Digital Connectivity Infrastructure Provider Authorization under Unified License UL' ("UL Recommendations"). The UL Recommendations broadly cover the following:

1. Creation of a new license category, the 'digital connectivity infrastructure provider ("DCIP")' license that allows the creation of active and passive digital connectivity infrastructure. It is recommended that this DCIP is not a standalone license, but an authorisation under the UL;

2. Certain onerous conditions from Part-I of the UL should be exempted for DCIP authorization to keep the licensing process light touch;
3. There should not be any license fee or performance bank guarantees applicable to the DCIP authorisation;
4. The entry fee for DCIP authorization should be set at INR 2,00,000 (Indian Rupees two lakh), and the application processing fee at INR 15,000 (Indian Rupees fifteen thousand);
5. DCIPs should be allowed to share their infrastructure with other UL licensees, provided the shared infrastructure aligns with the recipient's own license terms.

Order to DPOs for deploying CAS and SMS

TRAI *vide* notification dated August 9, 2023, has issued an order to the distribution platform operators ("DPOs") for deploying conditional access systems ("CAS") and subscriber management systems ("SMS") ("Order"). The Order is issued under the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017, and it directs all DPOs to ensure that:

1. Only such new CAS and SMS systems that have been tested by the duly accredited testing labs and certified by the telecommunication engineering centre ("TEC"), or any other agency designated by TRAI is deployed on or after March 1, 2024.
2. All existing CAS and SMS systems must be upgraded, tested by accredited testing labs and certified by TEC or any other agency designated by TRAI on or before March 1, 2025.

Indian Telegraph Right of Way- Amendment Rules 2023

DoT *vide* notification dated August 14, 2023, released the Indian Telegraph Right of Way (Amendment) Rules, 2023 ("RoW Amendment Rules") amending the Indian Telegraph Right of Way Rules, 2016 ("RoW Rules").

The RoW Amendment Rules have introduced Rule 9A (1) and Rule 9A (2). Rule 9A (1) states that in case of damage of any existing underground telegraph

infrastructure for any reason, any entity holding a licence issued under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (“**Telegraph Licensee**”) whose existing underground telegraph infrastructure is damaged may temporarily establish overground telegraph infrastructure, in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of 60 (sixty) days from the date of reporting of damage of the infrastructure to the appropriate authority. Additionally, Rule 9A (2) states that no fee or compensation is to be charged by such appropriate authority for the establishment of these temporary overground telegraph infrastructure.

The RoW Amendment Rules also inserted the word “street furniture” in Rule 10 (5)(d) which is defined as ‘*post or pole used for electricity, streetlight, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.*’

Further, the new sub clause (1A) to Rule 10A states that Telegraph Licensees have the option to submit a single application for the establishment of small cells for multiple sites, and the appropriate authority is to make provisions for accepting such applications and issuing a single permission for the same. Rule 10A (5) substituted by way of the RoW Amendment Rules states that the appropriate central authorities are required to permit deployment of small cells on buildings and structures at no charge or administrative fees or compensation. The only charges in the case of deployment of such small cells will be levied for power, fixtures etc. as per actuals.

The RoW Amendment Rules also substitute the schedule of the RoW Rules to accommodate the above-mentioned changes.

Amended KYC Instructions

DoT *vide* notification dated August 31, 2023, addressed to licensees of UASL and UL, released the amendment/addendum to the existing instructions on customer verification and subscriber-related matters (“**Amendment**”). Following are the broad changes:

1. The process of issuing mobile connections under bulk category is to be discontinued and a new category of “*Business Connections*” be introduced to meet the requirements of various kind of entities

like company, organization, firm, institution, undertakings, proprietorship, trust, society, etc.

2. To minimize manual errors in filling of CAF auto-population of customer demographic details and photographs by scanning the Aadhaar QR code via the mAadhaar app is to be adopted. If the QR code is not readable/ available on the Aadhaar produced by the subscriber, then he/ she may be asked to obtain latest Aadhaar.
3. In the Aadhaar based electronic - know your customer (“**KYC**”) process, UASL and UL licensees may use fingerprint, iris or face authentication for biometric authentication of the customer.
4. The previous subscriber identity module (“**SIM**”) swap process is replaced with either e-KYC or digital KYC processes. The new SIM can only be activated if the captured demographic details (excluding address) and photographs match those in the UASL and UL’s Licensee’s database.
5. Before activating a new SIM, either for new mobile connection or for SIM swap/ replacement, the UASL and UL licensee is to ensure that the global positioning system (GPS) coordinates captured during the process shall be within the relevant area of operation.
6. Regarding reallocation of deactivated/disconnected cellular mobile telephone connection of a subscriber, the cellular mobile telephone connection of a subscriber deactivated or disconnected shall not be allocated to any other subscriber till the expiry of 90 (ninety) days, from the date of such deactivation or disconnection.
7. UASL and UL Licensees must provide a copy of the CAF to the subscriber in a password-protected mode via digital means, physical form, or SMS link, while preserving records of delivery.

The Amendment will be effective from October 1, 2023, and will not apply to 13 (thirteen) digit machine to machine (M2M) SIMs.

Recommendations on Issues related to FM Radio Broadcasting

TRAI *vide* notification dated September 5, 2023, released the recommendations on “*Issues related to FM Radio Broadcasting*” (“**FM Recommendations**”). The

FM Recommendations broadly cover: (a) de-linking of the annual license fee of FM radio channels from non-refundable one time entry fee; (b) calculation of license fee at 4% of the GR of the FM radio channel during the respective financial years; (c) measures to be taken by the government to assist FM radio operators in addressing challenges posed due to the COVID-19 pandemic; (d) an online grievance redressal portal be established for submitting complaints or information about non-compliance with FM radio functionality in mobile handsets.

TRAI releases regulation on QoS (Code of Practice for Metering and Billing Accuracy) Regulations, 2023

TRAI *vide* notification dated September 11, 2023, released the Regulations on “Quality of Service (“QoS”) (Code of Practice for Metering and Billing Accuracy) Regulation 2023”. (“QoS Regulations”). The key features of the QoS Regulations are as follows:

1. Reduction of the frequency of audits for each LSA from 4 (four) times a year to once a year;
2. Provisions for upfront financial disincentives (“FD”) on TSPs are calculated as a percentage of the total overcharged amount to discourage overcharging;
3. Deletion of provision related to self-evaluation by TSPs before start of audit by the auditor;
4. Providing flexibility to TSPs in selection of LSAs to be audited in each quarter;
5. Enhancement of time limit to 30 (thirty) days for providing the raw call data records to the auditor from 15 (fifteen) days that was initially proposed; and
6. Introduction of graded FD which would be based on the quantum of delays in submission of the audit report instead of a flat-rate FD.

Catalogue of Indian Standards for Space Industry

Indian National Space Promotion and Authorisation Centre (“IN-SPACe”), on September 14, 2023, released the “Catalogue of Indian Standards for Space Industry” (“Catalogue”). The Catalogue, unveiled by the BIS, ISRO, and IN-SPACe marks a significant stride towards

enhancing the quality and reliability of India's space endeavors.

Volume 1 of the Catalogue comprises a brief of 15 (fifteen) standards published by BIS covering a spectrum of domain that encompasses space system program management strategies, systems engineering principles and product assurance mechanisms, amongst others, in all sectors of space endeavors like satellite, launch systems, ground systems etc. IN-SPACe, in its subsequent volumes, intends to publish *Indian Standards for Space Industry* published by BIS in all domains in space industry such as management of space programs, design, test, production, launch, maintenance, operation and disposal of space vehicles.

TRAI releases Draft Registration of Consumer Organisations (Amendment) Regulations, 2023

TRAI *vide* notification dated September 14, 2023, released the Draft “Registration of Consumer Organisations (Amendment) Regulations, 2023” (“Draft Amendment Regulations”). The key features of the Draft Amendment Regulations are the expansion of the eligibility criteria for registering consumer organizations as national-level consumer organizations and the introduction of a simplified registration process for the proposed national-level consumer organizations.

Recommendations on Rationalization of Entry Fee and Bank Guarantees

TRAI, *vide* notification dated September 19, 2023, released the recommendations on “Rationalization of Entry Fee and Bank Guarantees” (“Entry Fee Recommendations”).

The Entry Fee Recommendations broadly cover: (a) the need to reduce entry fee, registrations, authorizations or permission for UL, UL(VNO) licenses and other licenses; (b) the need for a uniform entry fee across all authorizations; (c) the need to adopt a process for submitting electronic bank guarantees to streamline and facilitate the ease of doing business in the telecom sector.

Recommendations on Promoting Networking and Telecom Equipment Manufacturing in India

TRAI, *vide* notification dated September 23, 2023, released the Recommendations on “Promoting Networking and Telecom Equipment Manufacturing (“NATEM”) in India” (“NATEM Recommendations”). Some of the key points of the NATEM Recommendations are as follows:

1. Modification of the eligibility criteria;
2. Applicable gross revenue for a licensed service provider is required to be reduced on annual net basis, by an amount equivalent to the aggregate certified value of indigenous Networking and Telecom Equipment (“NATE”) deployed in respective telecom networks during a financial year;
3. Creation of a fund with a corpus of INR 10,000 crore (Indian Rupees ten thousand crore), with an objective to exclusively focus on promotion of NATEM in India;
4. Establishment of telecom product development clusters within approved electronics manufacturing clusters or in close vicinity; and
5. Introduction of policy guidelines and procedural simplification to undertake repair/replacement/calibration activities associated with after-sale services of NATE equipment.

Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2023

TRAI, *vide* notification dated September 27, 2023, released the Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2023 (“Draft Portability Regulations”) to amend the Telecommunication Mobile Number Portability Regulations, 2009 (“Principal Portability Regulations”).

The Draft Portability Regulations aim to curb the fraudulent porting of mobile connections, by increasing the conditions that are required to be fulfilled by subscribers for making a request for porting

their mobile connection. The Draft Portability Regulations also introduce additional steps that are to be taken by mobile number portability service providers before allocating the unique porting code (“UPC”) to subscribers.

Additionally, stakeholders are required to provide their comments on the Draft Portability Regulations by October 25, 2023, on the following:

1. The introduction of the additional criterion for rejection of the request for allocation of UPC in relation to any mobile connection that has undergone a SIM swap/replacement/upgradation;
2. The requirement of the recipient operator to review the demographic details of the subscriber received from the donor operator;
3. Steps to be taken to improve the process of porting mobile numbers.

Tata Communications Ltd v. Union of India

The Telecom Dispute Settlement Appellate Tribunal (“TDSAT”) *vide* its order August 28, 2023, directed the DoT to refrain from taking any coercive action in relation to the demand letter issued to Tata Communications Ltd (“TCL”).

DoT, through a demand letter dated August 17, 2023, raised a license fee demand on TCL of INR 6,159 crore (Indian Rupees six thousand one hundred fifty nine crore) pertaining to national long distance, international license distance, internet service provider licenses of the company. The license fee demand pertained to the aforementioned licenses for financial years 2009 - 2022. Subsequently, TCL filed a petition challenging DoT’s demand letter.

TDSAT, in its order dated August 28, 2023, adjourned the matter listing it for directions and further directed DoT to not initiate any coercive steps against TCL, in pursuance of the demand letter, till the next date of hearing i.e., September 13, 2023. The matter has now been adjourned for further directions and no date has been notified.

Local Cable Operators v. Tamil Nadu Arasu Cable TV Corporation Limited

As per reports, a petition was filed in the Madras High Court by the Local Cable Operators (“**Petitioner**”) challenging a recovery notice under the Revenue Recovery Act (“**RR Act**”) issued against it by Tamil Nadu Arasu Cable TV Corporation Limited (“**Respondent**”).

The Petitioner submitted that the RR Act can only be invoked for revenue dues owed to the government. However, since the Respondent was merely a body corporation, the Petitioner submitted that such a recovery cannot be done through the RR Act. The Petitioner further submitted that any dispute between the parties is subject to the exclusive jurisdiction of the TDSAT under Section 14 of the TRAI Act, 1997.

Accordingly, the Madras High Court *vide* an interim order dated July 14, 2023, stayed the recovery notice issued by the Respondent.

Telecommunications & Broadcasting Practise

Our Communications practice is handled by a team with specific domain-expertise, and we advise various stakeholders in both Telecom & Broadcasting sectors on a wide range of transactions and assignments that involve constitutional, legal, contractual, commercial, regulatory and policy advice. The practice is led by an expert who has over 35 years of experience, and with the team having expertise in handling diverse aspects of the Telecom sector (financial reform, spectrum management, legal and strategic change). We advise broadcasters, BPOs, internet service providers (ISP), operators and investors in the Global System for Mobile Communications (GSM) and the Code Division Multiple Access (CDMA) technologies, and new investors on diverse licensing issues, entry strategies, structuring, national security challenges, and other regulatory issues. We represent the interests of licensees and other stakeholders in interacting with the licensor and regulators with respect to reforms in the regulatory and policy framework to facilitate business growth drawing upon international best practices. We advise and represent investors, broadcasters, and telecom licensees on commercial transactions in this sector, including mergers, acquisitions, restructuring, divestment, licensing, and project financing. We advise telecom service providers and other corporate houses on all aspects of spectrum licensing and allocation, including fundamental issues relating to the scope of spectrum bands, the regulatory framework governing their allocation in India, and planning, strategising and following up on their application to the Government.









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<p>18 Practices and 25 Ranked Lawyers</p>	<p>13 Practices and 38 Ranked Lawyers</p>	<p>19 Practices and 19 Ranked Lawyers</p>
		
<p>12 Practices and 42 Ranked Partners IFLR1000 APAC Rankings 2023</p> <p>-----</p> <p>Banking & Finance Team of the Year</p> <p>-----</p> <p>Fintech Team of the Year</p> <p>-----</p> <p>Restructuring & Insolvency Team of the Year</p>	<p>Among Top 7 Best Overall Law Firms in India and 9 Ranked Practices</p> <p>-----</p> <p>11 winning Deals in IBLJ Deals of the Year</p> <p>-----</p> <p>12 A List Lawyers in IBLJ Top 100 Lawyer List</p>	<p>Innovative Technologies Law Firm of the Year 2023</p> <p>-----</p> <p>Banking & Financial Services Law Firm of the Year 2022</p> <p>-----</p> <p>Dispute Resolution Law Firm of the Year 2022</p> <p>-----</p> <p>Equity Market Deal of the Year (Premium) 2022</p> <p>-----</p> <p>Energy Law Firm of the Year 2021</p> <p>-----</p> <p>Employer of Choice 2021</p>
		
<p>7 Practices and 2 Ranked Lawyers</p>	<p>Ranked #1 The Vahura Best Law Firms to Work Report, 2022</p> <p>-----</p> <p>Top 10 Best Law Firms for Women in 2022</p>	

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