

JSA Newsletter

Telecommunications

July – September 2024

Index

Amendment in the scope of Infrastructure Providers – Category – I registration	3
Enforcement of select provisions of the Telecommunications Act, 2023	3
Recommendations on 'Listing of Channels in Electronic Programme Guide and Upgrading DD Free Dish Platform to an Addressable System'	3
The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Fourth Amendment) Regulations, 2024.....	3
The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Sixth Amendment) Regulations, 2024	4
The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Fourth Amendment) Order.....	4
Provisioning of satellite capacity on non-Indian satellites	5
Registration of Consumer Organisations (Amendment) Regulations, 2024.....	5
Standards of Quality of Service of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024	6
Meeting with Access Service Providers and telemarketers.....	6
Meeting with Telecom Service Providers	7
Use of Low Power and Very Low Power Short Range Radio Frequency Devices Amendment Rules, 2024.....	7
Directives to Access Providers to disconnect all telecom resources of unregistered senders for making spam calls and to blacklist such senders under Telecom Commercial Communication Customer Preference Regulations, 2018.....	7
Directions to APs regarding measures to curb misuse of Headers and Content Templates under the TCCCPR.....	8
Recommendations on the THz spectrum.....	9
Meeting of the Joint Committee of Regulators.....	9
Telecommunications (Administration of Digital Bharat Nidhi) Rules, 2024.....	10
Additional know-your-customer instructions with regard to business connections	10
Additional guidelines for issuing Experimental and Demonstration Licenses	11
Recommendations on the connectivity to Access Service Virtual Network Operators from more than one Network Service Operator	12
Amendments/additions in Wi-Fi Access Network Interface Framework and Guidelines for Registration	12
Recommendations on the Framework for Service Authorisations under the Telecom Act.....	13

Directions regarding the Standards of Quality of Service of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024	14
Clarification on security certification for End of Sale and End of Life products.....	14
Telecommunication Right of Way Rules, 2024	15
TRAI mandates whitelisted URLs, APKs and OTT links for Short Message Service traffic	15
Extension of registration period of unregistered entities providing M2M services and/or WPAN/ WLAN connectivity for M2M services	15
Advisory Guidelines to M2M/Internet of Things stakeholders for securing consumer Internet of Things	15

Amendment in the scope of Infrastructure Providers – Category – I registration

The Department of Telecommunications (“DoT”), *vide* notification dated July 2, 2024, released an amendment dated June 27, 2024, amending the scope of Infrastructure Providers – Category – I (“IP-I”) registration. DoT amended the scope of IP-I registration to include poles among the assets permitted to be established and maintained for leasing, renting, and selling to telecom service licensees. IP-I registration holders cannot enter into exclusive contracts for establishing infrastructure or right of way with any public entity or person. The amendment also introduced the definitions of ‘Person’ and ‘Public Entity’ in Annexure-I of the registration.

Enforcement of select provisions of the Telecommunications Act, 2023

The Government of India, *vide* notification dated July 4, 2024, enforced Sections 6 to 8, Sections 48 and 59 (b) of the Telecommunications Act, 2023 (“Telecom Act”) with effect from July 5, 2024. The provisions enforced at present mainly cover the framework for the optimal utilisation of spectrum, the prohibition on use of equipment which block telecommunications and the criteria for appointment of the chairperson and members of the Telecom Regulatory Authority of India (“TRAI”).

Recommendations on 'Listing of Channels in Electronic Programme Guide and Upgrading DD Free Dish Platform to an Addressable System'

TRAI, *vide* notification dated July 8, 2024, issued its recommendations to the Ministry of Information and Broadcasting (“MIB”) on 'Listing of channels in Electronic Programme Guide and Upgrading DD Free Dish platform to an Addressable System'. TRAI observed that issues related to the listing of television channels in the Electronic Programme Guide (“EPG”) of the Distribution Platform Operators (“DPOs”) and non-addressable platform of ‘DD Free Dish’ of public service broadcaster need to be addressed by means of these recommendations. TRAI has broadly recommended the following:

1. MIB is required to seek information from broadcasters about primary language of their television channel and sub-genre of every non-news channel. The information obtained may be displayed on the MIB's Broadcast Seva Portal to assist distributors upgrading Prasar Bharati's ‘DD Free Dish’ to an addressable system in phases. The MIB is required to notify this upgrade, allowing enough transition time and necessary exemptions from TRAI for Prasar Bharati to prepare and migrate subscribers;
2. Prasar Bharati is required to collaborate with the Centre for Development of Telematics or an Indian organisation to implement indigenous technologies for Conditional Access System (“CAS”), Subscriber Management System, and interoperable Set Top Box (“STBs”) for ‘DD Free Dish’ and urges that all STBs in India support technical interoperability, with the MIB directing private DPOs to implement interoperable STBs;
3. CAS and subscriber management system must adhere to testing and certification requirements set by the Telecommunication Engineering Centre. STBs should comply with specifications of the Bureau of Indian Standards or other approved standards; and
4. from April 1, 2025, all private broadcasters’ channels on ‘DD Free Dish’ are required to be encrypted before uplinking, while government and Prasar Bharati channels may stay unencrypted.

The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) (Fourth Amendment) Regulations, 2024

TRAI, *vide notification dated* July 8, 2024, notified the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service (“QoS”) and Consumer Protection (Addressable Systems) (Fourth Amendment) Regulations, 2024 (“QoS Latest Amendment”), to the Telecommunication (Broadcasting and Cable) Services Standards of Quality of

Service and Consumer Protection (Addressable Systems) Regulations, 2017 (**“QoS Principal Regulations”**). The QoS Latest Amendment has broadly brought about the following changes:

1. the definition of ‘Platform Services’ is inserted and defined as programs transmitted by DPOs exclusively to their own subscribers;
2. the QoS Latest Amendment permit the distributor of television channels to declare a one-time installation charge and a one-time activation charge, based on the regions of service or the classes of consumers;
3. the QoS Latest Amendment inserted Regulation 25A which allows distributors having total active subscriber base of less than 30,000 (thirty thousand) to institute an Interactive Voice Response System for complaint registration and a web-based complaint management system;
4. distributors must now display the Maximum Retail Price (**“MRP”**) for each pay channel in the EPG and may also display the distributor retail price, clearly distinguishing between the 2 (two) for subscriber clarity;
5. distributors must now categorise platform service channels under the genre 'Platform Services' in the EPG and the distributors must display the respective MRP for each platform service channel in the EPG; and
6. The QoS Latest Amendment has inserted Schedule V which outlines financial disincentives for non-compliance with the QoS Principal Regulations by broadcasters or distributors.

The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Sixth Amendment) Regulations, 2024

On July 8, 2024, TRAI notified the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Sixth Amendment) Regulations, 2024 (**“Latest Amendment on Addressable Systems”**), to the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 (**“Principal Regulations on Addressable Systems”**). The Latest Amendment on Addressable Systems has broadly brought about the following changes:

1. the second proviso to Regulation 4(4)(f) which equated 1 (one) high-definition channel to 2 (two) standard definition channels when calculating spare channel capacity of the distribution network, has been omitted;
2. a new proviso has been included under Regulation 7(9) and 8(8) of the Principal Regulations on Addressable Systems. It requires channel distributors to sign or amend interconnection agreements if TRAI regulations necessitate such amendments;
3. Regulation 8 (2) limits the maximum carriage fee to 25 paise (twenty-five paise) per channel per subscriber per month, with a total cap of INR 5,00,000 (Indian Rupees five lakh) per broadcaster;
4. Schedule I and VII of the Principal Regulations on Addressable Systems, which relates to the calculation of the carriage fee amount, and to the subscription reports, have been replaced; and
5. Schedule XI of the Principal Regulations on Addressable Systems deals with the quantum of financial disincentive for contraventions has been inserted. Penalties for failure to comply with the Principal Regulations on Addressable Systems by broadcaster or distributor have also been included.

The Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Fourth Amendment) Order

On July 8, 2024, TRAI notified the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff (Fourth Amendment) Order (**“Latest Tariff Order”**), to the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2017 (**“Principal Tariff Order”**). The Latest Tariff Order has broadly brought about the following changes, among others, to the Principal Tariff Order:

1. the definition of the term 'Platform Services' is inserted and defined as the programs transmitted by DPOs exclusively to their own subscribers;
2. a channel with downlinking permission which is available without a subscription fee on the public service broadcaster's direct-to-home platform will not be declared a pay channel for addressable distribution platforms under clause 3(2) of the Principal Tariff Order;
3. requirement of reporting the list of all platform service channels along with their MRP available on its distribution platform has now been included;
4. changes in network capacity fees, channel pricing, bouquets, and multi-TV home fees must be reported at least 15 (fifteen) days before implementation;
5. service providers must publish all information related to tariff and other charges, now under forbearance, on their websites and communicate the tariff and other charges to subscribers for the plans they are subscribing to; and
6. Schedule-I dealing with the quantum of financial disincentive for contravention of provisions of the Principal Tariff Order has also been included.

Provisioning of satellite capacity on non-Indian satellites

MIB, *vide* notification dated July 10, 2024, issued an advisory notifying the provisioning of satellite capacity on non-Indian satellites. As per the Norms, Guidelines and Procedures for implementation of Indian Space Policy – 2023, dated May 3, 2024, fresh authorisations from the Indian National Space Promotion and Authorisation Center ("**IN-SPACE**") will be required for authorising non-Indian satellites which are already provisioning their capacity in India either through lease agreement involving New Space India Limited/Antrix (Department of Space) or through direct lease of the C-Band capacity from the non-Indian satellite operators.

The existing arrangements for provisioning of capacity in any of the frequency bands (C, Ku or Ka) from the non-Indian satellite operators can be extended till March 31, 2025. From April 1, 2025, only IN-SPACE authorised non-Indian Geo-Stationary Orbit and Non Geo-Stationary Orbit satellite constellations will be permitted to provide space-based communication/broadcast services in India. Any modifications, including new or additional capacity or satellite changes, will also require IN-SPACE authorisation.

Registration of Consumer Organisations (Amendment) Regulations, 2024

TRAI, *vide* notification dated July 25, 2024, TRAI notified the Registration of Consumer Organisations (Amendment) Regulations, 2024, to the Registration of Consumer Organisations Regulations, 2013 ("**Principal Regulations on Registration of Consumer Organisations**"). The following are the broad changes to the Principal Regulations on Registration of Consumer Organisations:

1. Sub-Regulation 1 (1) of the Principal Regulations on Registration of Consumer Organisations is substituted to state that a consumer organisation fulfilling the criteria laid down under Regulation 5 will be eligible for registration with TRAI;
2. Sub-Regulation 2 of the Principal Regulations on Registration of Consumer Organisations states that a consumer organisation may be registered with TRAI for 1 (one) or more States or Union Territories and a consumer organisation desirous of registering in more than 1 (one) State or Union Territory is required to submit separate registration forms;
3. Regulation 5 of the Principal Regulations on Registration of Consumer Organisations which elaborates upon the eligibility criteria for registration of consumer organisations is substituted. The new criteria for registration with TRAI state that it must be non-profit and non-political organisation involved in consumer education and protection. Preference will be given to consumer organisations conducting research or study or surveys on consumer issues protection of consumer interest in telecommunications and broadcasting services. On the date of

application, the organisation is required to have at least 3 (three) years of experience in dealing with consumer complaints and redressal of consumer grievances regarding deficiency in services and in advocating for the cause of consumers. The organisation is also required to be capable of interacting with TRAI through electronic media; and

4. Sub-Regulation 6 (iii) of the Principal Regulations on Registration of Consumer Organisations has been amended and now requires a notarised affidavit stating that the organisation is non-political and non-profit. This affidavit must be in the format provided in Annexure II of the same regulations.

Standards of Quality of Service of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024

TRAI, *vide* notification dated August 2, 2024, issued regulations on the 'Standards of QoS of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024' ("**QoS Regulations**"). These QoS Regulations are applicable to all service providers having unified access service ("**UAS**") licenses and Unified License ("**UL**") with authorisation for Access Service, Internet Service authorisation under any license and any authorisation holder under the Telecom Act for providing Access Services or broadband services. These QoS Regulations are enforceable from October 1, 2024.

Some of the prominent features of these QoS Regulations are as follows:

1. service providers are required to publish QoS performance reports on their website and adopt 'Six Sigma' to achieve continuous improvement in QoS;
2. the benchmark for latency parameter is aligned with the global standards and new parameters for 'Jitter and Packet Drop Rate' are introduced to support emerging applications;
3. service providers must display maps indicating technology wise mobile coverage (e.g. availability of 2G, 3G, 4G or 5G services in the geographical area) on their website to enable consumers to make informed decisions;
4. Mobile QoS performance will be monitored monthly, and service providers have 6 (six) months to transition to monthly reporting;
5. to improve TRAI's insight into the performance of service providers, the service providers are required to provide information on performance against specific parameters laid down in the QoS Regulations which include network availability, call drop rate and voice packet drop rate in uplink and downlink;
6. TRAI is to tighten the benchmarks for certain key parameters such as network availability, latency, packet drop rate and call drop rate over a time period between 6 (six) months to 2 ½ (two and a half) year, giving the service providers time to upgrade their networks;
7. QoS parameters are rationalised against global benchmarks based on the impact of consumer experience and relevance to present context and service providers should upgrade their system of online monitoring and reporting of QoS performance;

Meeting with Access Service Providers and telemarketers

On August 6, 2024, the TRAI held a meeting with the Access Service Providers ("**ASP**") and telemarketers registered with ASPs who are appointed by Principal Entities for the purpose of delivery of commercial communication ("**Delivery Telemarketers**"), in the context of consumer complaints received over unsolicited commercial calls and they deliberated the action to be taken against such spam callers. The ASPs and Delivery Telemarketers discussed issues such as the instances of misuse of Headers and Content Templates without the knowledge of the entities, the steps taken by them to identify and trace the entities responsible for sending unsolicited commercial messages and corrective measures to prevent such cases and the control of promotional calls made to consumers and the migration of enterprise business customers on the distributed ledger technology platform for sending bulk communication in

compliance with the TRAI regulations. TRAI has sought proactive action from all stakeholders to take immediate action against spam callers and implement technical solutions for traceability of calls and prevention of bulk calling using 10 (ten) digit numbers through System Initiation Protocol (“SIP”)/Primary Rate Interface (“PRI”).

Meeting with Telecom Service Providers

On August 8, 2024, the TRAI held a meeting, under the chairmanship of the Chairperson of TRAI, with regulatory heads of all the Telecom Service Providers (“TSP”). During the meeting, the issues pertaining to spam calls made by entities sending bulk commercial communications through PRI/SIP or bulk connections, the migration of all telemarketers and enterprises making bulk calls to the Distributed Ledger Technology (“DLT”) platform, Entity and Telemarketer Chain Binding for traceability of messages and the whitelisting for Uniform Resource Locators (“URL”) for blocking messages that contain malicious links, were discussed.

Upon a detailed deliberation it was decided that if an entity misuses its PRI/SIP lines for making spam calls, its TSPs will disconnect its telecom resources and blacklist it. This information will be shared with other TSPs, who will also disconnect and blacklist the entity for up to 2 (two) years. No TSP will provide new telecom resources to the blacklisted entity during this period. From September 1, 2024, no message containing URLs/Android Application Packages (“APK”) that are not whitelisted will be allowed to be delivered and the technical implementation of Entity and Telemarketer Chain Binding for ensuring traceability of message flow will be completed by TSPs latest by October 31, 2024.

Use of Low Power and Very Low Power Short Range Radio Frequency Devices Amendment Rules, 2024

DoT’s Wireless Planning and Coordination Wing (“WPC Wing”), vide notification dated August 9, 2024 issued the ‘Use of Low Energy and Very Low Power Short-Range Radio Frequency Device (Exemption from Licensing Requirement) Amendment Rules, 2024’ (“Amended Rules”), amending the ‘Use of Low Energy and Very Low Power Short-Range Radio Frequency Device (Exemption from Licensing Requirement) Rules, 2018’ (“Principal Rules”).

The salient features of the Amended Rules are as follows:

1. table-VIII under Rule 3 of the Principal Rules, which stated the details of the transport and traffic telematics devices to be exempt from licensing requirements have been omitted by the Amended Rules;
2. table – IX under Rule 3 of the Principal Rules which elaborated upon the details of non-specific short range devices are exempt from licensing requirements, against serial number 14 (fourteen), for the entry under column number 2 (two), the entry ‘24.00 (twenty-four) - 24.25 (twenty-four point two five) Giga Hertz (“GHz”)’ is substituted; and
3. the Equipment Type Approvals issued for specific models prior to the publication of the Amended Rules are to remain valid till the lifetime of such models.

Directives to Access Providers to disconnect all telecom resources of unregistered senders for making spam calls and to blacklist such senders under Telecom Commercial Communication Customer Preference Regulations, 2018

TRAI, vide notification dated August 13, 2024, issued directions to Access Providers (“AP”) under the Telecom Commercial Communication Customer Preference Regulation, 2018 (“TCCCPR”), aiming to curb the spam calls made by unregistered senders.

The directions issued by TRAI state that all promotional voice calls from unregistered senders or telemarketers using telecom resources such as SIP/PRI resource and other such resources must be stopped immediately. If an unregistered sender or an unregistered telemarketer misuses its telecommunication resources for commercial voice calls violating the TCCCPR, the originating AP will disconnect all resources and blacklist the sender for up to 2 (two) years. Information about the DLT platform will be shared within 24 (twenty-four) hours, and no new resources will be

allocated during the blacklist period. Unregistered senders or telemarketers utilising SIP/PRI/other telecom resources for making commercial voice calls to the citizens are to be migrated to the DLT platform within 1 (one) month of the issuance of these directions. Once the directions are implemented, a compliance report must be submitted within 7 (seven) days. All APs must comply with these directives, report their actions within 15 (fifteen) days, update codes of practice, and submit monthly reports on unregistered telemarketers.

TRAI issued an [information notification to the press dated September 3, 2024](#), stating that in pursuance of these directions, APs have blacklisted over 50 (fifty) entities and disconnected over 2,75,000 (two lakh seventy-five thousand) telecom resources due to spamming. This is expected to significantly reduce spam calls.

Directions to APs regarding measures to curb misuse of Headers and Content Templates under the TCCCPR

TRAI on August 20, 2024, issued directions to APs regarding measures to curb misuse of Headers and Content Templates under the TCCCPR.

The salient features of these directions are as follows:

1. APs are required to migrate telemarketing calls beginning with the 140 numbering series to online DLT platforms for effective monitoring and control by September 30, 2024;
2. from September 1, 2024, APs will be prohibited from transmitting messages consisting of URLs/APK/over the top (“OTT”) links/call back numbers which are not whitelisted by Senders;
3. from November 1, 2024, APs are required to ensure that all messages sent by Principal Entities to recipients are traceable. Messages with undefined or mismatched telemarketer chains must be rejected;
4. if header or content template misuse is detected, all APs will suspend traffic from the sender until they file a complaint with law enforcement. The sender must review and correct headers and content templates to prevent future misuse, as per TCCCPR guidelines;
5. telemarketers must report entities responsible for header and content template misuse to law enforcement within 2 (two) business days. Failure to do so will result in the Originating Access Provider (“OAP”) filing a complaint and suspending traffic from the telemarketer. The entities that pushed the traffic will be blacklisted for 1 (one) year by the OAP and all APs;
6. if a sender registers content templates under the wrong categories, the OAP will blacklist them. If 5 (five) or more templates are blacklisted, the OAP will suspend the sender's services for 1 (one) month or until all templates are reverified;
7. a Content Template cannot be linked to multiple Headers; and
8. Headers and Content Templates registered on the DLT platform are required to comply with the TCCCPR and all directions issued under the TCCCPR within 30 (thirty) days of the issuance of these directions i.e., September 18, 2024.

All APs must comply with these directions and submit to TRAI an updated status on the action taken by them, including the updating of their Codes of Practice, within 15 (fifteen) days from the date of the issuance of these directions i.e., September 3, 2024.

However, in light of multiple requests received from APs, [TRAI issued a press note dated August 30, 2024](#), extending the deadline to comply with these directions by 1 (one) month. The press note has postponed the implementation of a rule prohibiting traffic containing non-whitelisted URLs, APKs, and OTT links from September 1, 2024, to October 1, 2024. All APs are required to provide an updated status on their actions within 15 (fifteen) days and a compliance report within 30 (thirty) days of the press note's issuance.

Recommendations on the THz spectrum

TRAI, *vide* notification dated August 21, 2024, issued its recommendations to the DoT on 'Tera Hertz Spectrum'. TRAI has made the following recommendations:

1. DoT will introduce a new experimental authorisation for the spectrum in the 95 (ninety five) GHz to 3 (three) Tera Hertz ("THz") range ("**Identified THz Range**"), namely, THz Experimental Authorization ("**THEA**"), which promotes research and development ("**R&D**"), indoor and outdoor testing, technology trial, experimentation, and demonstration in the Identified THz Range;
2. the application and grant process for THEA will be done online. The application will include a narrative statement describing in detail the experiment and the development of innovative devices and/or services that could lead to Identified THz Range along with an interference analysis, defined geographical area, and parameters such as frequencies, type of emissions and power;
3. there will be a single point of contact for all operations conducted under THEA by the applicant to ensure that there is compliance with applicable laws apart from rules, regulations and instructions issued by the DoT;
4. the applicant will define the geographical area in which the frequencies assigned under THEA is proposed to be used along with justification. The authorisation period is up to 5 (five) years along with a fee of INR 1,000 (Indian Rupees one thousand) and is further extendable for a period of up to 5 (five) years at a time;
5. the authorised entity must provide a report on the progress of use cases to the government on an annual basis;
6. authorisation and assignment exempt operations will be permitted in the frequency bands of 116 (one hundred and sixteen) – 123 (one hundred and twenty-three) GHz, 174.8 (one hundred and seventy-four point eight) – 182 (one hundred eighty-two) GHz, 185 (one hundred and eighty-five) – 190 (one hundred and ninety) GHz, and 244 (two hundred and forty-four) – 246 (two hundred and forty-six) GHz and the authorisation and assignment exempt operations will be permitted in the frequency band of 77 (seventy-seven) – 81 (eighty-one) GHz for automotive radars in India;
7. the assignment of the spectrum is to be given on non-interference basis and non-protection basis where the authorised entity is not be permitted to claim any protection from the services allocated including secondary services and incumbent users; and
8. marketing experimental devices designed to operate in the Identified THz Range is permitted under THEA via direct sale. Authorised entities must uniquely identify each device for easy tracking.

Meeting of the Joint Committee of Regulators

On August 27, 2024, TRAI held a meeting of the Joint Committee of Regulators ("**JCoR**") at the TRAI headquarters in New Delhi. The meeting was attended by members of JCoR from Insurance Regulatory and Development Authority of India, Pension Fund Regulatory and Development Authority, Reserve Bank of India, Securities and Exchange Board of India, Ministry of Civil Aviation, Ministry of Electronics and Information Technology and TRAI along with representatives from DoT and the Ministry of Home Affairs who joined as special guests.

The key issues discussed in the meeting are as follows:

1. the need for a joint effort to tackle the problem of spam calls and messages and the role of entities in the whitelisting of URLs, APKs, OTT links and call back numbers in content templates to ensure the message traceability of all such messages from the sender to the recipients;
2. entities making commercial voice calls using PRI/SIP lines with hundreds of indicators must migrate to the designated 140 series. Urgent action is needed against spammers using PRI/SIP/bulk connections for promotional voice calls/robocalls/pre-recorded calls;

3. leveraging the Digital Consent Acquisition (“DCA”) system established by TSPs for digital consent from consumers for obtaining the digital consent from consumers. The regulators were requested to ask the entities in their jurisdiction to implement the DCA system in a time bound manner;
4. the use of 160 (one hundred and sixty) series by the entities for making service and transactional calls for easy identification by the consumers; and
5. enhancing information exchange among regulators to control fraud using telecom resources.

By collectively addressing these issues, the JCoR aims to protect consumers from the harms of spam and fraud while ensuring a more secure and efficient telecom ecosystem.

Telecommunications (Administration of Digital Bharat Nidhi) Rules, 2024

DoT, *vide* notification dated August 30, 2024, notified the Telecommunications (Administration of Digital Bharat Nidhi (“DBN”)) Rules, 2024 (“DBN Rules”). The DBN Rules supersede Rules 523 to 527 of the Indian Telegraph Rules, 1951 which elaborate upon the Universal Service Obligation Fund, but they are not to override the terms and conditions of existing arrangements under the Indian Telegraph Rules, 1951, till the date of expiry of such arrangement. The DBN Rules have become enforceable from August 30, 2024.

The DBN Rules broadly state the following:

1. Rule 2 of the DBN Rules under the DBN Rules defines terms such as ‘Administrator’, ‘Agreement’, ‘Bidding’, ‘Digital Bharat Nidhi’, ‘Implementer’ and ‘objective’ and Rule 3 of the DBN Rules provides for the powers and functions of the administrator, who will be responsible for overseeing the implementation and administration of the DBN;
2. Rule 4 of the DBN Rules stipulates that funds from the DBN will be allocated for projects which aim to fulfil the objectives of the DBN Rules, as those aimed at improving telecommunication services in underserved and remoted areas and for underserved groups of the society, including women, persons with disabilities and economically and socially weaker sections;
3. Rule 5 of the DBN Rules lays down the criteria for DBN funding. These include projects for telecommunication services, equipment, security, access, affordability, and next-generation technologies in underserved areas. These projects must align with the goal of Athmanirbhar Bharat; and
4. Rule 6 of the DBN Rules states that any implementer, receiving funding from DBN for establishing, operating, maintaining or expanding a telecommunication network, is required to share and make available such telecommunication network/services on an open and non-discriminatory basis. Lastly, Rule 7 of the DBN Rules lays down the selection process for implementors for the purpose of achieving the objectives under the DBN.

Additional know-your-customer instructions with regard to business connections

DoT, *vide* notification dated September 9, 2024, elaborated upon the additional know-your-customer (“KYC”) instructions with respect to business connections issued by UL and UAS Licensees (“UAS/ UL Licensees”). The present notification (“**New Instructions**”) is in continuation to the instructions issued earlier by DoT, *vide* letter dated May 20, 2024, on the subject ‘Additional KYC instructions in respect of business connections’, (“**Previous Instructions**”), wherein end user KYC was made optional in scenarios where end users are not identifiable in a business connections such as in case of subscriber identity modules obtained for R&D and testing activities for specified purposes.

The New Instructions regarding new business connections are as follows:

1. paragraph 2 (v) of the Previous Instructions is amended to state that UAS/UL Licensees must limit the issuance of business connection to a maximum number of up to 2000 (two thousand) business connection. UAS/UL Licensees must inform the concerned Licensed Service Area (“LSA”) within 48 (forty-eight) hours if a request for more than 100 (hundred) business connections is received, along with a justification;

2. the LSA will review the application and may seek additional documents or visit the testing premises. The LSA must respond within 30 (thirty) days. If no response is received, the UAS/UL Licensee can issue business connections in accordance with the extant KYC framework; and
3. the instructions issued by notification dated August 31, 2013, on the subject '*Amendment/addendum to the existing instructions issued by DoT for adequate verification of customers before enrolling them as subscribers and other subscriber verification related matter*' have been amended only to the extent abovementioned and all other terms and conditions of these instructions and the Previous Instructions will remain the same.

Additional guidelines for issuing Experimental and Demonstration Licenses

DoT's WPC Wing, vide notification dated September 9, 2024, issued additional guidelines for issuing Experimental and Demonstration License. These additional guidelines are regarding the timelines and related conditions for Experimental and Demonstration Licenses, keeping in mind the objective of promoting ease of doing business in the telecom sector. The present guidelines for obtaining Experimental and Demonstration Licenses are outlined in the office memorandum dated July 23, 2019. The additional guidelines introduce the following changes to the existing regime:

1. the Experimental Licenses (Radiating Category) are deemed to be issued on completion of 30 (thirty) days from the receipt of a correct and complete application, in case a decision is not conveyed to the applicant within this time period. If there are any deficiencies in the application, it is to be intimated within 7 (seven) days from the date of receipt of the complete application;
2. once an application for an Experimental License (Radiating Category) is made, the WPC Wing is required to send communication seeking interministerial comments, if required, within 7 (seven) days from the date of receipt of complete application;
3. a provisional license will be granted on completion of 60 (sixty) days from the date of seeking interministerial comments, in case the comments are not received within this time period. This provisional license will be converted to a regular license within 90 (ninety) days of seeking interministerial comments and in case the interministerial comments are not received within the additional 30 (thirty) days beyond the initial 60 (sixty) days, orders will be issued accordingly by DoT;
4. provisional licenses may be cancelled if unfavourable interministerial comments are received, and the experiment will be stopped immediately. Applicants must submit an undertaking to this effect when filing the initial application;
5. Demonstration Licenses (Radiating Category) for equipment not requiring interministerial consultation are deemed to be granted after 15 (fifteen) days of receipt of application if no decision is communicated to the applicant within that period. Deficiencies are required to be conveyed within 7 (seven) days;
6. in case of Demonstration Licenses (Radiating Category) for equipment requiring inter-ministerial consultation, the WPC Wing will send communication seeking comments within 7 (seven) days of receipt of application and the license is deemed to be granted after 45 (forty-five) days from seeking comments; and
7. in case of cancellation of provisional and regular licenses or the expiry of the experiment period or demonstration period, the user is required to cover the radio equipment under the relevant possession rules or is required to return it to the source or dispose it off as per the extant guidelines and rules. Other terms and conditions from the guidelines laid down in the office memorandum dated July 23, 2024, are to continue in force.

Recommendations on the connectivity to Access Service Virtual Network Operators from more than one Network Service Operator

TRAI, vide notification dated September 13, 2024, published its '*Recommendations on the Connectivity to Access Service VNOs from more than one NSO*'. These recommendations broadly elaborate the following:

1. there should be no cap on the number of Network Service Operators ("**NSO**") from whom an Access Service Virtual Network Operator ("**AS VNO**") can take connectivity for providing wireline access services in an LSA;
2. for wireline connectivity with more than 1 (one) NSO at an Electronic Private Branch Automatic Exchange ("**EPABX**"), the Virtual Network Operator ("**VNO**") must ensure non-breachable, logical or virtual partitioning in the EPABX with no inter-NSO call flow, and the EPABX must not support internet connectivity;
3. National Long Distance ("**NLD**") and International Long Distance ("**ILD**") calls must be routed through normal authorised NLD/ILD networks without bypassing the jurisdiction of NLD and ILD operators. AS VNOs are required to inform its NSOs and the Central Government regarding connectivity with multiple NSOs at a specific EPABX;
4. if an AS VNO obtains upstream internet bandwidth from multiple NSOs at any nodes of its network, it is required to install Lawful Interception Systems and Lawful Interception Monitoring mechanisms at these nodes for security purposes;
5. AS VNOs intending to provide both wireless and wireline services within an LSA should be allowed to take connectivity from 1 (one) NSO for wireless services and wireline services from another NSO within the LSA. This flexibility is to be given in addition to the existing regime which allows for AS VNOs to take connectivity for wireline and wireless access services from the same NSO in an LSA; and
6. AS VNOs are required to ensure that the network resources and infrastructure taken from the NSOs for providing wireless services and are not integrated, in any manner, with the network resources and infrastructure taken from NSOs for providing wireline service.

Amendments/additions in Wi-Fi Access Network Interface Framework and Guidelines for Registration

DoT, vide notification dated September 16, 2024, amended the Wi-Fi Access Network Interface ("**WANI**") Framework and Guidelines for Registration ("**Existing Guidelines**"). The present notifications amends Annexure B of the Existing Guidelines which elaborates upon the functions of each entity specified under the Existing Guidelines.

The amendments to the Existing Guidelines are broadly as follows:

1. Clause (a)(4) under functions of Public Data Offices ("**PDO**") in the Existing Guidelines is amended to state that PDOs will avail internet connectivity from licensed TSP or Internet Service Providers ("**ISPs**") and will have an agreement with Public Data Office Aggregators ("**PDOA**") for aggregation, authorisation, accounting, and other related functions;
2. Clause (a)(5) is inserted under functions of PDO, which allows a PDO to take internet connectivity at a single location (such as a mall, market, or bus station) and network up to 100 (one hundred) Access Points to create a single wi-fi hotspot;
3. Clause (a)(6) is inserted under functions of PDO, stating that PDOs are enabled to configure dual Service Set Identifiers, one for private use and another for public use, and is permitted to use the existing home or enterprise Access Points for public Wi-Fi hotspot, subject to intimation to the ISP or TSP;
4. Clause (a)(7) is inserted under functions of PDO stating that PDOs are permitted to perform the function of Mobile Data Offload;
5. Clause (b)(6) under functions of PDOA is amended to permit any 2 (two) PDOAs to enter into a roaming agreement, either directly or via centralised platforms owned by the PDOAs, to allow each other's subscribers to access internet services from any associated wi-Fi Access Points;

6. Clause (b)(8) under functions of PDOA is inserted, which permit PDOAs to push advertisements to Prime Minister - WANI subscribers, subject to the subscriber's consent, either directly or via centralised platforms; and
7. Clause (c)(5) under functions of App Providers is inserted, which permits App Providers to push advertisements to mobile users registering for Prime Minister - WANI services, subject to the user's consent.

Recommendations on the Framework for Service Authorisations under the Telecom Act

TRAI, *vide* notification dated September 18, 2024, issued its recommendations on the 'Framework for Service Authorisations under the Telecommunications Act, 2023'. These recommendations propose a comprehensive overhaul of the licensing regime to foster growth and improve the ease of doing business. The salient features of these recommendations are as follows:

1. the Central Government will grant service authorisation under Section 3 (1) of the Telecom Act and the authorisation must be concise and contain terms and conditions as may be prescribed in the rules to be notified under the Telecom Act while outlining broad contours like eligibility, scope, and validity in separate service authorisation rules;
2. the recommendations put forth 3 (three) broad categories of telecommunication service authorisations, namely, main service authorisations, auxiliary service authorisations, and captive service authorisations;
3. the main service authorisations cover all primary telecommunication services offered to the public, including Access Services, Internet Services, Long Distance Services, Satellite based telecommunication services, and Machine-to-Machine ("M2M") Wide Area Network services;
4. all main service authorisations can be granted as either NSO or VNO, with permission for multi-parenting of VNOs with NSOs except in case of wireless services;
5. auxiliary service authorisations encompass all existing service authorisations (except captive services), primarily offered to enterprises rather than the public and subject to lighter regulatory oversight, with each service authorisation governed by different terms and conditions that may be outlined in rules to be notified under the Telecom Act for each service authorisation;
6. captive service authorisations cover the establishment of captive networks after obtaining spectrum assignment from the Central Government, such as Captive Mobile Radio Trunking Service, and Captive Non-Public Networks, Captive Very Small Aperture Terminal ("VSAT") Closed User Group ("CUG"), with each service authorisation governed by specific terms and conditions outlined in separate rules;
7. the new authorisation framework introduces the Unified Service Authorisation to achieve a single authorisation for various services across India. An entity holding this authorisation can offer a wide range of telecommunication services on a pan-India basis with complete routing flexibility;
8. the use of Non-Terrestrial Network has been permitted in the scope of Access Service;
9. the Internet Service authorisation framework has been expanded to include leased lines and virtual private networks, allowing ISPs to more effectively use and monetise their network resources;
10. the new authorisation framework merges NLD and ILD services into a single 'Long Distance Service Authorisation'. This authorisation also allows for the establishment of ILD Gateways and Cable Landing Stations for both domestic and international submarine cables. Additionally, it permits the carriage of domestic traffic through submarine cables connecting two coastal cities in India;
11. the new authorisation framework merges Commercial VSAT-CUG service and Global Mobile Personal Communications by Satellite ("GMPCS") into a single 'Satellite-based Telecommunication Service Authorisation', removes the restriction on VSAT operators providing services to only closed user groups, and includes both VSAT-based Fixed Satellite Services and GMPCS services within its scope. The provision of emergency SOS messaging

services via satellite is also included under GMPSC service authorisation and the new Satellite-based Telecommunications Service authorisation;

12. Satellite-based TSPs will be allowed to use satellite earth station gateways in India to provide services in foreign countries with government permission;
13. the new authorisation framework expands the scope of Audio Conferencing/Audiotex/Voice Mail Service authorisation to include Cloud-based EPABX Service and renames it as 'Enterprise Communication Service Authorisation'.
14. the new authorisation framework merges the existing M2M service provider registration and M2M Wireless Local Area Network ("WLAN")/Wireless Personal Area Network ("WPAN") connectivity provider registration into a single 'M2M Service and M2M WLAN/WPAN Connectivity Service Authorisation'; and
15. a framework for voluntary migration to the new authorisation regime has been recommended.

Directions regarding the Standards of Quality of Service of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024

TRAI, *vide* notification dated September 19, 2024, issued directions regarding the Standards of Quality of Service of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024 ("QoS Regulations"). The QoS Regulations were published on August 2, 2024, and are set to come into force on October 1, 2024.

Regulation 13 of the QoS Regulations mandates that service providers establish a system to collect, store, process, and report QoS data to TRAI, including live monitoring of network availability, and TRAI requested inputs from service providers on the reporting format, manner, performance reports, for which the deadline for submission was set as August 27, 2024. However, service providers failed to meet this deadline following which TRAI directed all relevant service providers, including those with UAS license, UL with authorisation for Access Service, Internet Service Authorisation under any license, and authorisation under the Telecom Act for providing Access or Broadband Service to comply accordingly:

1. Access Service (Wireless) providers must submit a compliance report as per Annexure-I of these directions, within a period of 15 (fifteen) days from the end of the quarter or month and report of significant network outage as per Annexure -II of these directions within 24 (twenty-four) hours of the start outage;
2. Access Service (Wireline) providers must provide the compliance report as per Annexure -III of these directions within a period of 15 (fifteen) days from the end of the quarter; and
3. Broadband (Wireline) Service providers must provide the compliance report as per Annexure-IV of these direction within a period of 15 (fifteen) days from the end of the respective quarter and to strictly follow the guidelines as specified under Annexure-V of these directions.

Clarification on security certification for End of Sale and End of Life products

DoT, *vide* notification dated September 19, 2024, issued a clarification on the security certification for End of Sale ("EoS") and End of Life ("EoL") products, with reference to the letter issued by the Telecommunication Engineering Centre dated March 6, 2024. This notification intends to clarify the implications and guidelines related to products that have been notified under various phases of the Mandatory Testing and Certification of Telecom Equipment ("MTCTE") concerning their EoS and EoL statuses.

The clarifications state that EoS marks the end of a products supply by the Original Equipment Manufacturer ("OEM") while support for hardware or software modifications can continue till EoL. EoL is the date after which the OEM stops providing support for a product, typically within 5 (five) years of its EoS. For products with EoS dates before the mandatory date, initial mandatory security testing is exempted. If such exempted products are modified, these

modified EoS products may obtain a security certificate valid until EoL by submitting internal test reports of the OEM indicating conformity with Indian Telecom Security Assurance Requirements. If a product reaches EoL and no further modifications are made by the OEM, all future security certifications are exempt.

Telecommunication Right of Way Rules, 2024

DoT, *vide* notification dated September 19, 2024, issued the Telecommunications Right of Way Rules, 2024 (“**RoW Rules**”). The RoW Rules are in supersession of the Indian Telegraph Right of Way Rules, 2016, and the Indian Telegraph (Infrastructure Safety) Rules, 2022, notified under the Indian Telegraph Act, 1885. DoT had previously published the draft rules for the RoW Rules on July 10, 2024, for a 30 (thirty) day period of public consultation.

The RoW Rules provide a vital legal framework for regulating the installation and maintenance of telecommunications infrastructure on public and private properties in India. Established under the Telecom Act, these RoW rules grant telecommunications service providers access to essential infrastructure for underground and overground networks. A primary goal is to streamline the right-of-way process to reduce conflicts among stakeholders and improve the efficiency of infrastructure deployment. By ensuring non-discriminatory access to infrastructure while prioritising public safety, the RoW Rules offer detailed guidelines on permissions, charges, and compliance, clarifying the rights and obligations of all parties involved.

For further details, please refer to the [JSA Prism of September 28, 2024](#).

TRAI mandates whitelisted URLs, APKs and OTT links for Short Message Service traffic

In response to concerns over misuse of URLs in Short Message Service (“**SMS**”) traffic, TRAI issued a direction on August 20, 2024, requiring APs to block any traffic containing unapproved URLs, APKs, or OTT links. This direction is implemented from October 1, 2024. To ensure smooth SMS operations, TRAI has advised Registered Senders under the TCCCPR, to upload their whitelisted URL, APK, OTT links to their respective AP’s portals promptly. Over 3,000 (three thousand) registered senders have already whitelisted more than 70,000 (seventy thousand) links. Senders who fail to comply will be unable to send messages containing URL/APK/OTT links.

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

DoT, *vide* notification dated September 30, 2024, issued a notification extending the timeline for registration of unregistered entities providing M2M services and/or WPAN/WLAN connectivity for M2M services from September 30, 2024, to November 15, 2024. This extension was granted in view of the request received by DoT from the Cellular Operators Association of India.

Authorised Telecom Licensees (“**ATL**”) are directed to suspend the services to M2M subscriber identity modules for M2M services/connectivity issued to unregistered entities post November 15, 2024. The services may be resumed once the registration certification is submitted by these entities. Additionally, ATL are required to share the contact details of the unregistered entities with DoT within 7 (seven) days from the date of issuance of this notification, which is, by October 7, 2024.

Advisory Guidelines to M2M/Internet of Things stakeholders for securing consumer Internet of Things

Internet of Things (“**IoT**”) is one of the fastest emerging technologies across the globe which is being used to create smart infrastructure in various verticals such as in the sectors of power, automotive, safety and surveillance, remote health management, agriculture, smart homes and smart cities using connected devices. In view of the anticipated growth of M2M/IoT devices, it is important to ensure that M2M/IoT end points comply with the safety and security

standards and guidelines in order to protect the users and networks that connect these devices. In this regard, DoT has issued advisory guidelines for all M2M/IoT stakeholders, which broadly state the following:

1. as many M2M/IoT devices are being sold with universal default usernames and passwords, there exist many security issues with these devices. Therefore, it is advised that all device default passwords must be unique per device or require the users to choose a password that follows best practices during device provisioning;
2. associated web services are advised to use multifactor authentication and will not expose any unnecessary user information prior to authentication;
3. M2M/IoT stakeholders are to provide a dedicated public point of contact as part of a vulnerability disclosure policy for security researchers and others to report vulnerability issues and these issues will be acted upon in a timely manner;
4. the software components of M2M/IoT devices must be securely updateable and their updates are not to adversely affect the functioning of the device;
5. EoL policies for end point devices are to be published, which state the assured duration for which the device will receive software updates;
6. all retailers and manufacturers must inform the consumers of updates required in a timely manner; and
7. regular software updates must be provided after the sale of the device and the period of software updates must be made clear to the buyers on purchase.

Telecommunications & Broadcasting Practice

Our Communications practice is handled by a team with specific domain-expertise, and we advise various stakeholders in both Telecom & Broadcasting sectors on a wide range of transactions and assignments that involve constitutional, legal, contractual, commercial, regulatory and policy advice. 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>Elite – Band 1 - Corporate/ M&A Practice</p>	<p>IFLR1000 APAC Rankings 2023</p>
<p>14 Practices and 38 Ranked Lawyers</p>	<p>3 Band 1 Practices</p>	<p>Banking & Finance Team of the Year</p>
		
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