



JSA Newsletter Telecommunications

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Office memorandum for provisional assignment of spectrum to demonstrate compliance to security and technical conditions by Non-Geostationary Orbit based licensees

On October 10, 2024, the Wireless Planning and Coordination Wing (“**WPC Wing**”) of the Department of Telecommunications (“**DoT**”) issued an office memorandum, enforceable from October 21, 2024, enabling licensees, using authorised Non-Geostationary Orbit (“**NGSO**”) constellations for communication services (“**Licensees**”), to demonstrate security and technical compliance for spectrum assignment on a provisional basis. This spectrum assignment is subject to the following criteria:

1. Licensees should possess satellite-based communication service license/authorisation and the Indian National Space Promotion and Authorisation Centre’s authorisation certificate for NGSO constellation;
2. the purpose of provisional assignment of spectrum assignment is to demonstrate all security and technical compliances, and the spectrum assigned cannot be used for providing commercial services. The provisional spectrum assignment is valid either up to 6 (six) months or till security and technical compliances are completed and demonstrated by the Licensee, whichever is earlier; and
3. other terms and conditions for spectrum assignment:
 - a) spectrum assignment is dependent on authorisation framework, spectrum pricing mechanism and such regulations and policies as applicable at the given point of time;
 - b) no claim for regular use/assignment of the provisional spectrum frequencies can be made, and if the operations of the Licensees within the provisional spectrum assigned interferes with the existing usage and telecom operations, the Licensee’s operations are to be ceased immediately. Licensees may request for import of gateways and user terminals to prevent such interference;
 - c) Licensees are to ensure that the network is isolated, safe, and secure, and are to use the same network that is intended to be deployed for commercial purposes; and
 - d) the data generated during the security compliance period will be stored in India, and the location of the server/data and possession details thereof are to be shared with the DoT.

The application for such provisional spectrum assignment is to be submitted by Licensees *via* email to the WPC Wing of the DoT and the application is required to be filed in the format given in the annexures to this office memorandum.

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

The Telecom Regulatory Authority of India (“**TRAI**”) through its notification dated October 22, 2024, issued the Consultation Paper on “*The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023*” (“**T&C Consultation Paper**”) which sought the views of the stakeholders broadly on the following:

1. whether there is a need to merge the scopes of the existing Infrastructure Provider-I and the Digital Connectivity Infrastructure Provider authorisation recommended by TRAI in its recommendations on the ‘*Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorisation under Unified License (UL)*’ dated August 8, 2023, into a single authorisation. Suggestions for the eligibility conditions, area of operations, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) (“**Eligibility Terms & Conditions**”), the minimum equity and net worth of the authorised entity, amount of application processing fees, amount of entry fees and any other fees/charges of the merged authorisation;
2. telecommunication equipment and elements to be included within the purview of ‘In-Building Solution’ (“**IBS**”) and whether there is a need to introduce a new authorisation for establishing, operating, maintaining or expanding IBS. Suggestions for the Eligibility Terms & Conditions for such authorisation and the financial conditions associated with the authorisation of IBS by any property manager;
3. suggestions for the Eligibility Terms & Conditions for Content Delivery Network (“**CDN**”) authorisation, Internet Exchange Point (“**IXP**”) authorisation and Satellite Earth Station Gateway (“**SESG**”) authorisation. Whether there is a need to review the financial conditions of the IXP, CDN and SESG authorisations previously recommended by TRAI;
4. whether there is a need for the introduction of a new authorisation for satellite communication network for providing network as a service to the entities authorised, the suggested Eligibility Terms and Conditions of such authorisation and whether any entity holding such authorisation should be made eligible for the assignment of spectrum for feeder link and user link. Suggested financial conditions for introduction of new authorisation for establishing, operating, maintaining or expanding satellite communication network;
5. whether there is a need for the introduction of a new authorisation for ground stations which may be used to provide Ground Station as a Service and cloud-hosted telecommunication networks which may be used to provide telecommunication network as a service and the suggested Eligibility Terms and Conditions of such authorisation and whether there is a need to have financial conditions associated for such authorisation;
6. suggestions for Eligibility Terms and Conditions, entry fee and provisions of bank guarantee for the authorisation for Mobile Number Portability service. Whether there is a need to review the provisions on gross revenue, annual gross revenue, applicable gross revenue, rate of authorisation fee, format of statement of revenue share and license fee, norms for the preparation of annual financial statements and requirement of affidavit;
7. suggestions for the financial conditions, conditions applicable for the migration of existing network licenses, registrations etc. to the new network authorisation regime under the Telecommunications Act, 2023 (“**Telecom Act**”) and procedure for the same; and
8. whether there is a need for introducing other new authorisation or club the scopes of certain existing authorisations for telecommunication networks and the Eligibility Terms & Conditions and financial conditions for such authorisations.

The time period allocated for stakeholders to provide their comments and counter comments has passed and the consultation process stands closed.

Rating of Properties for Digital Connectivity Regulations, 2024

On October 25, 2024, the TRAI notified the Rating of Properties for Digital Connectivity Regulations, 2024 ("**Rating Regulations**"). These Rating Regulations were introduced to encourage property managers to enhance digital connectivity experiences for their current and potential customers and they came into force on October 25, 2024. The Rating Regulations broadly include the following:

1. **classification of properties for rating** – Regulation 3 under Section II entails a table of classification of properties into two distinct categories for the purpose of rating digital connectivity;
2. **registration of Digital Connectivity Rating Agency ("DCRA")** – Regulation 4 under Section III provides the application for registration of an entity as DCRA and the eligibility criteria is provided under Regulation 5. As per Regulation 6, TRAI can grant registration to an applicant on the rating platform for a period of five years, and the conditions of such registration are laid down in Regulation 7;
3. **general obligations of DCRA** – As per Regulation 9 under Section IV, each DCRA is mandated to disclose its fees and terms to the property managers, which must be suitable based on the property's classification. Regulation 10 prescribes that DCRA's are to follow established criteria and processes for evaluating and awarding ratings as directed by TRAI under its orders, directions, or guidelines. As per Regulation 11, each DCRA is responsible for monitoring feedback and complaints related to their awarded ratings as received from service providers or end users. Regulation 12 requires every DCRA to digitally retain records of their evaluations and ratings. TRAI may direct an audit or verification of these records by its officers or appointed auditors;
4. **general obligations of property manager and service providers** – Property managers are to register on the rating platform as specified by TRAI and required to cooperate with DCRA or such auditors or officers appointed by TRAI during the evaluation and assessment of properties and are responsible for maintaining DCI and related documents during the rating validity period. Applications for renewal of ratings must be made at least 120 (one hundred and twenty) days prior to the expiry of the validity of ratings under Regulation 19. Regulations 20 and 23 prohibit property managers and service providers from entering into exclusive arrangements with each other for the development of or access to DCI within their properties;
5. **rating criteria and process for evaluation of digital connectivity and award of ratings** – Regulations 24 and 25 under Section VII elaborate upon the criteria, weightages and sub-criteria for evaluation of the two categories of properties. Rating is to be awarded by DCRA under Regulation 26, by assigning scores on the rating platform which can be downloaded by the property manager and viewed by end users and the public. DCRA's can review and modify ratings under Regulation 28 based on consumer or service provider feedback and complaints. However, the property manager must be given 90 (ninety) days to address any identified issues before any rating modification; and
6. **consequences for contravention of the regulations** – If any DCRA fails to comply with these Rating Regulations, orders, or guidelines, TRAI may suspend or cancel its registration, bar it from rating new properties, de-list it from the rating platform, or blacklist it for a specified period. However, the DCRA is to be given a reasonable opportunity to present its case before such action is taken. Non-compliance by property managers may result in the withdrawal of existing ratings or pending ratings. TRAI must provide the property manager with an opportunity to respond to the alleged violations before taking action.

Directions regarding measures to curb misuse of Headers and Content Templates under Telecom Commercial Communications Customer Preference Regulations, 2018

On October 28, 2024, the TRAI notified directions regarding measures to curb misuse of Headers and Content Templates under the Telecom Commercial Communications Customer Preference Regulations, 2018 ("**TCCCPR**") ("**Misuse of Headers Directions**"). The Misuse of Headers Directions broadly state the following:

1. on August 20, 2024, TRAI issued a set of directions to Access Providers (“**AP**”) to implement end-to-end solutions using the 140-numbering series on the Distributed Ledger Technology (“**DLT**”) platform. This includes ensuring the migration of existing Telemarketers (“**TM**”) and whitelisting of Uniform Resource Locators, Android Application Packages, and over-the-top links by September 30, 2024, and ensuring the traceability of messages sent by November 1, 2024;
2. APs confirmed compliance with the above-mentioned and attended a meeting on October 9, 2024, to review the traceability of messages from the Principal Entity (“**PE**”) to the recipient. In the meeting, the APs committed to complying with the technical solutions laid down, by November 1, 2024, and operationalising a registration portal for PE-TM chain;
3. the Cellular Operators Association of India (“**COAI**”) expressed concerns regarding the technical readiness of PE-TM to register their complete chains on DLT. COAI has requested TRAI to allow a logger mode from November 1, 2024, in which traffic is not blocked despite mismatches and daily reports are shared for corrective action. They suggested implementing the blocking mode from December 1, 2024;
4. TRAI, after reviewing implementation issues raised by APs, issued this Misuse of Headers Direction to all the APs stating that all PEs and TMs are required complete the PE-TM chain binding process promptly to avoid message disruptions;
5. defaulting PEs and TMs will be issued daily warnings if they continue sending messages without completing the PE-TM chain binding process and APs are required to submit daily progress reports on compliance to TRAI until November 30, 2024. Messages without a complete or matching chain will be rejected with effect from December 1, 2024; and
6. all APs are instructed to adhere to the above Misuse of Headers Direction and submit an updated report to TRAI on the actions taken, including revisions to the Codes of Practice, within 15 (fifteen) days from the issuance of this Direction.

Guidelines and procedure for submission of Satellite Network Filings to International Telecommunication Union by Indian Entities

The Indian Space Policy – 2023 has allowed Non-Government Entities (“**NGE**”) to offer national and international space-based communication services, through self-owned or procured or leased Geostationary Orbit/Non-Geostationary Orbit communication satellites in India. The Guidelines and Procedure for Submission of Satellite Network Filings to International Telecommunications Union by Indian Entities (“**ITU Filing Guidelines**”) provide information related to procedures that are required to be followed with the International Telecommunication Union (“**ITU**”) for recording of the frequency assignments in Master International Frequency Register. These ITU Filing Guidelines are categorised into 4 (four) chapters, and they broadly state the following:

1. chapter I lays down the eligibility and the preliminary requirements for submission of satellite network filings. Applicants who have obtained an advisory note from the Indian National Space Promotion and Authorisation Centre are eligible to submit satellite network filings in the format stipulated by the ITU to the WPC Wing of the DoT;
2. chapter II elaborates upon the procedures for processing of satellite networks/system filings for the frequency bands that are subject to coordination as well as those not subject to coordination;
3. it lays down the procedure for processing satellite networks/systems for frequency bands that are not subject to the Broadcasting Satellite Service and associated feeder link plan and Fixed Satellite Service Plan (“**Plan**”) and are subject to coordination procedure under Section II of Article 9 of Radio Regulations. It further includes the procedure for processing of satellite networks for frequency bands that are subject to Plan;
4. chapter III elaborates upon the procedure for coordination of Indian satellite systems/networks with satellite systems/networks of foreign countries. All communications to ITU regarding the coordination of satellite

networks/systems or administration of a foreign country are to be sent only to the WPC Wing and applicants are permitted to directly interact with satellite operators of foreign countries for frequency coordination only after informing the WPC Wing. The coordination agreement reached between the applicant and the foreign satellite operator is to be submitted to the WPC Wing for ratification;

5. the WPC Wing is to monitor the progress made in coordinating with the administrations and satellite operators in foreign countries and recording of the satellite network filings. The WPC has laid down a comprehensive 7 (seven) year plan for annual coordination filings to the ITU for the satellite networks/systems not in frequency bands subject to Plan and an 8 (eight) year plan for annual coordination filings to the ITU for satellite networks/systems in frequency bands subject to Plan;
6. satellite operators are required to submit their due diligence information to the ITU within the regulatory period of the satellite networks, which is, 7 (seven) years for satellite networks not in frequency bands subject to Plan and 8 (eight) years for satellite networks in the frequency bands subject to Plan. The WPC Wing will examine the information received and submit it to the ITU; and
7. chapter IV elaborates upon the cancellation of the filings, right of use of the satellite network filings and the procedure for suspension/relinquishment of satellite network filings by the applicant.

The Telecommunications (Amateur Services) Rules, 2024

On October 29, 2024, the DoT under the Ministry of Communication notified the Telecommunication (Amateur Service) Rules, 2024 ("**Amateur Service Rules**") after taking the objections and suggestions from stakeholders on the draft published on July 24, 2024. The Amateur Service Rules broadly provide for the following:

1. the definition of various terms, such as Amateur Radio Equipment, Amateur Station Operator Certificate ("**ASOC**"), Radio Regulations, International Telecommunication Convention;
2. Rule 3 provides the scope of the Amateur Service Rules and states that no person can install or operate an amateur station except in accordance with the terms and conditions of an ASOC. The certificate can be renewed by making an application in the form specified in the portal at least 12 months prior to expiry along with the specified fees. An ASOC with lifetime validity may be extended for 10 (ten) years at a time, without any additional fees, upon specific request made by the ASOC holder in the form specified;
3. Rule 4 provides the eligibility conditions for obtaining an ASOC and Rule 7 states the general conditions applicable to an Amateur Station Operator such as the criteria for installation and operation of the amateur station;
4. Rule 9 states that, the Central Government may suspend or cancel an ASOC if it fails to comply with the terms and conditions of ASOC or International Telecommunication Convention or Radio Regulations. The Certificate may be suspended or cancelled even if wilfully furnished incorrect or false information;
5. Rule 14 of the Amateur Service Rules relates to inspection of records and information and requires every ASOC holder to produce for inspection, records as well as amateur equipment and other information required by an officer authorised by the Central Government;
6. the terms and conditions for the installation and operation of amateur station provides that the amateur station can be used for the purpose of receiving transmissions in the Standard Frequency and Time Signal Service to facilitate operation of the amateur station within the authorised frequency bands. Radio communications are permitted to be exchanged with other authorised amateur stations. The amateur station can be operated on frequencies that are within the frequency bands authorised to respective categories of certificates and on such classes of emissions and power as specified by the Central Government. A chronological record of all transmissions emanating from or received at the amateur station is required to be kept in bound book with the specified details; and

7. the authorised entity is not permitted to transmit messages containing reproduction of broadcast programmes, tape recordings or transmissions of entertainment value or music. Each ASOC holder is required to maintain records of amateur radio equipment used by such holder in the form specified in the Amateur Service Rules.

Consultation Paper on the Framework for Service Authorisations for provisions of broadcasting services under the Telecommunications Act, 2023

The TRAI through its notification dated October 30, 2024, issued the Consultation Paper on “*Framework for Service Authorisations for provision of broadcasting Services under the Telecommunications Act, 2023*” seeking the views of the stakeholders broadly on the following:

1. whether the extant practice of granting the licenses from the Central Government is to be replaced with authorisations. The suggested terms and conditions governing such authorisations and the need for safeguards to protect the reasonable interests of the entities authorised under the Telecom Act;
2. suggestions for the definitions to be used in the rules to be issued under the Telecom Act governing the grant of service authorisations and provisioning of the broadcasting services and the scope of services for various broadcasting services. The details to be included under the authorisation document issued to entities for the grant of authorisation under the Telecom Act;
3. suggestions on the draft structure of the terms and conditions for the framework to be included in the rules for Television Programming, Television Distribution and Radio Broadcasting for the grant of authorisation;
4. suggestions for the approach to be adopted for migrating from the existing licensee regime to service authorisation framework under the Telecom Act;
5. whether the extant penal provisions for the breach of terms and conditions of license/permission are appropriate or are they required to be modified to align with the provisions of the Telecom Act. With respect to the violation of Programme Code and the Advertising Code, should the penal provisions be adopted *mutatis mutandis*;
6. whether any changes are required in the extant eligibility conditions in respect of minimum net worth for inclusion in the rules to be made under the Telecom Act for any news & current affairs television channels, non-news & current affairs television channels and Teleport Hub;
7. whether the extant eligibility requirements in respect of minimum net worth is required to be harmonised under the terms and conditions of authorisation for Direct to Home (“**DTH**”) and Headend in the Sky (“**HITS**”) services. The parameters applicable for DTH and HITS to be reviewed while framing the terms and conditions with respect to the following aspects such as period of authorisation, processing fee, entry fee, bank guarantee and renewal fee;
8. suggestions to amend and align the extant Internet Protocol Television (“**IPTV**”) guidelines dated September 8, 2008, with the provisions of the Telecom Act and to determine if there is a need to review the net worth requirement of INR 100,00,00,000 (Indian Rupees one hundred crores) crores for Internet Service Providers to provide IPTV services, while framing the terms and conditions for the provisions of IPTV. Should these terms and conditions be aligned with the terms and conditions of authorisation of Internet Services by the DoT; and
9. Suggestions with respect to the scope of services for Frequency Modulation (“**FM**”) radio service be amended as pan India instead of city wise to allow authorised entities to participate in e-auction processes of any city in India. Suggestions for the prescribed entry fee, the processing fee requirement for obtaining the FM Radio broadcasting service authorisation and the minimum net-worth requirement for obtaining the same.
10. The time period allocated for stakeholders to provide their comments and counter comments has passed and the consultation process stands closed.

Extension of registration period of unregistered entities providing Machine-to-Machine Services and/or WPAN/WLAN Connectivity for Machine-to-Machine Services

On November 15, 2024, the DoT issued a notification extending the timeline for registration of unregistered entities providing Machine-to-Machine (“**M2M**”) services and/or Wireless Personal Area Network/Wireless Local Area Network connectivity for M2M services from November 15, 2024, to January 15, 2025. This extension was granted in view of the request received by the DoT from the COAI. Authorised Telecom Licensees (“**ATL**”) were directed to suspend the services to M2M subscriber identity modules for M2M services/connectivity issued to unregistered entities post January 15, 2025. The services may be resumed once the registration certification is submitted by these entities. Additionally, ATLs are required to share the contact details of the unregistered entities with the DoT within 7 (seven) days from the date of issuance of the notification, which is, by/before November 21, 2024.

Telecommunications (Telecom Cyber Security) Rules, 2024

On November 21, 2024, the DoT, under the Ministry of Communications, notified the Telecommunication (Telecom Cyber Security) Rules, 2024 (“**Telecom Cyber Security Rules**”). These Telecom Cyber Security Rules are applicable to all telecommunication entities which is defined under the Telecom Cyber Security Rules as any person providing telecommunication services, or establishing, operating, maintaining, or expanding a telecommunication network, including an entity holding an authorisation under Section 3 (1) of the Telecom Act or exempt from the requirement for authorisation under Section 3 (3) of the Telecom Act.

The Telecom Cyber Security Rules aim to safeguard India's communication networks and services, through a host of measures including specified timelines for telecommunication entities to report security incidents and make disclosures. They also empower the Central Government/its authorised agencies to seek traffic data and any other data (apart from the content of messages shared) from a telecommunication entity for the purpose of ensuring cyber security. The Rules further require all telecommunication entities to adopt telecom cyber security policies, that would include security safeguards, risk management approaches, actions, training, network testing, and risk assessment.

For further details, please refer to the [JSA Prism \(Telecommunications\) of November 26, 2024](#).

Directions regarding publication of service wise geospatial coverage map

On November 22, 2024, the TRAI issued directions to all service provider providing wireless access service, to publish service wise (2G/3G/4G/5G) geospatial coverage maps for the geographical areas where wireless voice or wireless broadband service is unavailable for subscription by consumers, on their website as per the “*Guidelines for publication of service wise geospatial coverage map by service providers on their website*” (“**Geospatial Coverage Map Guidelines**”) issued as an annexure to these directions. The Geospatial Coverage Map Guidelines broadly state the following:

1. service providers are required to display the network coverage maps based on actual measurement (either physical or through network analytics) or using industry standard prediction methodology;
2. the cell coverage of respective technology, 2G, 3G, 4G, and 5G, are to be presented on the coverage map in prescribed colour scheme having minimum prescribed signal strength. Any area having signal strength below the defined threshold level at 50% cell loading may be considered as no coverage area for the respective technology;
3. the Geospatial Coverage Map Guidelines provide technology wise minimum signal strength to be used for showing outer boundaries of network coverage;
4. coverage maps are to be updated regularly upon significant changes in a Licensed Service Area. If there are any changes in network coverage due to specific actions, these changes are to be updated in the coverage map within a period of 3 months from the occurrence of the specific actions;

5. the service provider is to publish the date of last update with respect to the coverage map and is required to maintain a log of changes made in the coverage map for the purpose of audit and is also required to provide features as listed in the Geospatial Coverage Map Guidelines;
6. service providers are required to secure Application Programmable Interfaces or any industry standard mechanism of data exchanges to make this geospatial coverage data available for TRAI for its use; and
7. the Geospatial Coverage Map Guidelines state that a 'Help' section is to be provided which elaborates upon the details with regard to the coverage map, such as the methodology used for its preparation and its usage. The Geospatial Coverage Map Guidelines have also suggested additional features that may be included by service providers along with their coverage maps.

Telecommunications (Critical Telecommunication Infrastructure) Rules, 2024

On November 22, 2024, the DoT notified the Telecommunications (Critical Telecommunication Infrastructure) Rules, 2024 ("**CTI Rules**"). The CTI Rules are designed to safeguard the telecommunication infrastructure in India, viewed as critical for national security and economic stability. The CTI Rules outline a comprehensive framework that specifies the obligations of the telecommunication entities, compliance standards, and reporting mechanisms. They empower the Central Government to inspect, monitor, and direct activities for the protection and security of Critical Telecommunication Infrastructure. Enforcement of such measures, as aimed by the CTI Rules, strengthens India's telecommunication sector in terms of resilience concerning emerging risks and vulnerabilities.

For further details, please refer to the [JSA Prism \(Telecommunications\) of December 3, 2024](#).

Telecommunications (Temporary Suspension of Services) Rules, 2024

On November 22, 2024, the DoT notified the Telecommunications (Temporary Suspension of Services) Rules, 2024 ("**Suspension Rules**"). The Suspension Rules broadly state the following:

1. Rule 3 specifies that suspension orders for telecommunication services can only be issued by a competent authority with reasons recorded in writing. In unavoidable circumstances, a duly authorised Joint Secretary to the Central Government may issue such orders, subject to confirmation by the competent authority within 24 (twenty-four) hours. Orders are required to specify the reasons, geographical scope, type of service suspended, and a duration not exceeding 15 (fifteen) days;
2. Rule 4 requires each authorised entity to appoint nodal officers for implementing suspension orders. These orders are required to be communicated in writing or through secure electronic communication by an officer not below the rank of Superintendent of Police;
3. Rule 5 mandates the constitution of review committees by both the Central and State Governments. The Central committee comprises the Cabinet Secretary (Chairperson), Secretary of Legal Affairs, and Secretary of Telecommunications. State committees include the Chief Secretary (Chairperson), Secretary of Law or Legal Remembrancer, and a Secretary other than the Home Secretary; and
4. the committees are required to meet within 5 (five) days of issuing a suspension order to evaluate its validity under the Telecom Act. The review committee may set aside suspension orders if found inconsistent with the provisions of the Telecom Act.

Draft Telecommunications (Regulatory Sandbox) Rules, 2024

On November 27, 2024, the DoT issued a notification notifying the draft of the Telecommunications (Regulatory Sandbox) Rules, 2024 ("**Draft RS Rules**") under the Telecom Act. These Draft RS Rules have been published for public consultation and they broadly state the following:

1. Rule 2 defines terms used in the Draft RS Rules and Rule 3 provides for the scope and applicability of the Draft RS Rules and empowers the Central Government to specify on the portal the creation of one or more regulatory sandboxes and the corresponding terms and conditions applicable;
2. Rule 4 of the Draft RS Rules stipulates the criteria for the creation of a regulatory sandbox. Accordingly, the Central Government may establish a regulatory sandbox based on its own assessment or proposals received from applicants, which is to be submitted in the prescribed form along with supporting documents and a fee of INR 10,000 (Indian Rupees ten thousand);
3. Rule 5 of the Draft RS Rules lay down the terms and conditions of a regulatory sandbox. Each regulatory sandbox is required to define its objectives, scope, and the approved applicants are responsible for its operation and management, along with eligibility criteria, participant obligations, and details of the telecommunication services, networks, equipment, processes, technologies, or business models to be tested. It is also required to specify applicable exemptions during the sandbox period, risk mitigation strategies, reporting requirements, and the methodology for testing. The sandbox is required to include a validity period not exceeding 24 (twenty-four) months, extendable by 12 (twelve) months upon request or recommendation by the Governance Committee ("GC"), provided such requests are submitted at least 30 (thirty) days before expiry. Exit strategies and any additional relevant matters connected to the sandbox should also be detailed;
4. Rule 6 of the Draft RS Rules lists down the obligations of approved applicants who are required to ensure compliance with the terms and conditions of a regulatory sandbox specified by the Central Government for undertaking testing by itself or through other participants, in the relevant regulatory sandbox;
5. Rule 7 of the Draft RS Rules empowers the Central Government to constitute one or more GCs for monitoring and evaluating the performance of a regulatory sandbox established, which is to comprise of members nominated by the Central Government from within the government, academia, or the private sector;
6. Rule 8 of the Draft RS Rules empowers the Central Government to scale up the testing and commercial viability of the telecommunication services by commercialising the telecommunication services/technologies or products, seek further information and clarification from the approved applicant, extend the validity period of the regulatory sandbox or consider any modification to the terms and conditions of the regulatory sandbox; and
7. Rule 9 of the Draft RS Rules lays down the conditions as per which the Central Government may suspend or revoke the approval to operate and manage a regulatory sandbox, after providing reasons for the same.

A period of 30 (thirty) days has been granted from the date on which this notification was published for the objections and suggestions of the stakeholders.

Implementation of message traceability for safe SMS service

On November 30, 2024, the TRAI issued a notification extending the deadline for complying with its earlier directions to ensure complete tracing of senders of commercial messages, from December 1, 2024, to December 10, 2024.

As a brief background, on August 20, 2024, TRAI issued directions mandating all commercial messages from senders to be traceable with effect from November 1, 2024. In compliance with these directions, TRAI observed that all APs have deployed the required technical solutions. To provide time to transition to upgraded technology, TRAI, on October 28, 2024, issued directions extending the deadline for implementing message traceability to November 30, 2024.

TRAI has sent communication to various sector regulators such as Reserve Bank of India, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of India, and Pension Fund Regulatory and Development Authority requesting them to sensitise the PE under their jurisdiction for complying with these directions. Furthermore, TRAI and APs jointly conducted webinars, interactive sessions, and sent email communication to PEs and TMs to provide awareness about these directions. As a result, more than 27,000 (twenty-seven thousand) PEs have registered their message chains with their respective APs.

However, in consideration of the requests received from APs and the COAI, TRAI has directed all APs to ensure that all PEs and TMs comply with its directions and complete chain declaration by December 10, 2024. The notification states that from December 11, 2024, any non-compliant message traffic which fails to adhere to the traceability directions will be rejected. On December 19, 2024, TRAI issued a [press release](#) on the successful implementation of Short Message Service (“SMS”) traceability as a major step towards creating a safer and spam-free messaging ecosystem.

Provisioning of telecommunication services by the Licensees through Franchisee, Agents and Distributors (Point of Sale)

On November 29, 2024, the DoT issued a notification extending the deadline for complying with its directions for the provisioning of telecommunication services by the licensees through franchisee, agents and distributors (Point of Sale (“PoS”)), from December 30, 2024, to February 1, 2025.

Previously on August 31, 2023 and October 13, 2023, the DoT issued directions stating that all PoS’ as of November 30, 2023, are required to be registered by the Unified Access Services/Unified License/Unified License (Virtual Network Operators) licensees (“UAS/UL Licensees”) on or before November 30, 2024. It was observed that despite a period of 1 (one) year being given to Telecom Service Providers (“TSP”), there has not been significant progress in the registration, and there continues to exist a security risk which demands TSPs to engage additional resources to complete the registration of such PoS.

Effective from February 1, 2025, only those PoS registered with the UAS/ UL Licensees will be allowed to enrol customers. Each TSP is required to do 50% of the balance PoS verification in each of the extended months provided, along with a report of pro-rated achievement of the 50% balance on January 1, 2025, and on February 1, 2025. The DoT has also stated that no further extension would be granted for the same.

Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024

On December 6, 2024, the DoT notified the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024 (“**Interception Rules**”). These Interception Rules supersede Rules 419 and 419A of the Indian Telegraph Rules, 1951. The Interception Rules lay down the procedure as well as the safeguards and precautions that are required to be followed for the lawful interception of messages. Lawful interception is important for maintenance of public security. The Interception Rules aim to ensure that there is no misuse of the procedure for interception and the right to privacy is not violated. They provide for the designation of officers by the DoT, telecommunication entities and authorised agencies, for the proper implementation of the Interception Rules.

For further details, please refer to the [JSA Prism \(Telecommunications\) of December 10, 2024](#).

Recommendations on the definition of International Traffic

On December 10, 2024, the TRAI issued its recommendations on the ‘*Definition of International Traffic*’ (“**International Traffic Recommendations**”). These International Traffic Recommendations propose a list of definitions to be included in the telecom service licenses and authorisations, to promote ease of doing business. Implementing clear and comprehensive definitions pertaining to India’s telecom sector aims to improve regulatory compliance, foster flexibility, and promote adaptability. The salient features of these International Traffic Recommendations are as follows:

1. TRAI recommends that the term ‘International Traffic’ is to be defined in the relevant telecommunication service licenses and authorisations as the traffic originating in one country and terminating in another country, where one of the countries is India and the term ‘International SMS’ as the international traffic delivered using SMS and ‘Domestic Traffic’ to be defined as the traffic originating and terminating within India;

2. the International Traffic Recommendations state that the definition of International SMS in the relevant telecommunication service licenses and authorisations is to include incoming application to person SMS messages, if it cannot be generated, transmitted or received without the use or intervention of any electronic device, computer system or computer application located outside India; and
3. TRAI recommends that the term 'Domestic Traffic' may be defined in the relevant telecommunication service licenses and authorisations as the traffic originating and terminating within India the term "Domestic SMS" as the domestic traffic delivered using SMS.

Recommendations on assignment of additional spectrum to Indian Railways for its safety and security applications

On December 20, 2024, TRAI issued its recommendations on the '*Assignment of Additional Spectrum to Indian Railways for its Safety and Security Applications*.' ("**Railway Safety Recommendations**"). These Recommendations aim to enhance the Railway Radiocommunication System between Train and Trackside which provides improved railway traffic control, passenger safety and improved security for train operations, and its salient features are as follows:

1. in addition to the already assigned 5 MHz (paired) frequency spectrum in the 700 MHz frequency band, an additional 5 MHz (paired) frequency spectrum in the 700 MHz frequency band be assigned to the Indian Railways for its safety and security applications along the railway tracks for captive use;
2. the DoT is to take a decision on TRAI's earlier recommendation on '*Spectrum Requirements of National Capital Region Transport Corporation (NCRTC) for Train Control System for RRTS Corridors*' dated December 28, 2022 that in order to ascertain feasibility of Radio Access Network ("**RAN**") sharing, a field trial of RAN sharing through Multi-Operator Core Network ("**MOCN**") is required to be conducted by the Ministry of Railways involving Indian Railways and National Capital Region Transport Corporation ("**NCRTC**"), under the supervision of DoT. Furthermore, based on the outcome of the field trial, a decision on the implementation of RAN sharing through MOCN in the overlapping areas among Indian Railways/NCRTC/other Regional Rapid Transit System ("**RRTS**")/Metro rail networks can be taken;
3. while assigning the frequency spectrum to Indian Railways, the terms of frequency spectrum assignment should include a condition stating that in case it is determined through the field trial that RAN sharing is feasible, Indian Railways may implement RAN sharing through MOCN in the overlapping areas with NCRTC/other RRTS/Metro rail networks and the same is to be governed through the guidelines issued by DoT;
4. the Railway Safety Recommendations state that spectrum harmonisation is to be carried out to assign a contiguous block of 10 MHz of frequency spectrum in the 700 MHz band to Indian Railways and an adjacent 5 MHz block to NCRTC/other RRTS/ Metro rail networks. Alongside this, it should be ensured that minimum disturbance occurs to the running networks; and
5. spectrum charges for Indian Railways /NCRTC/other RRTS/Metro rail networks should be levied based on the formula for Royalty Charges and License Fees for captive use, as prescribed by the DoT.

Telecommunication Tariff (Seventieth Amendment) Order, 2024

On December 23, 2024, the TRAI issued the Telecommunication Tariff (Seventieth Amendment) Order, 2024" ("**70th Amendment Order**") to further amend the Telecommunication Tariff Order, 1999. A consultation paper was published on July 26, 2024, to review the Telecom Consumer Protection Regulations, 2012. It specifically addresses the validity of vouchers, exploring the need to review the current 90 (ninety) day cap on Special Tariff Vouchers ("**STV**") and Combo Vouchers ("**CV**") to assess if specific consumer segments might benefit from extended validity for STVs and CVs. The 70th Amendment Order extends the validity cap for STVs and CVs from 90 (ninety) days to 365 (three hundred and sixty-five) days. The longer duration recharges will reduce the need of frequent recharges. Service providers may offer shorter validity packs.

Telecom Consumers Protection (Twelfth Amendment) Regulations, 2024

On December 23, 2024, TRAI issued the "Telecom Consumers Protection (Twelfth Amendment) Regulations, 2024" ("**12th Amendment Regulations**") to further amend the Telecom Consumers Protection Regulations, 2012. It addresses the issues of choice of tariff availability, validity of vouchers, colour coding of vouchers and denomination of vouchers in the interest of concerned stakeholders i.e. consumers and TSPs.

The salient features of the 12th Amendment Regulations are as follows:

1. a separate STV is mandated for Voice & SMS to give consumers an option to pay for the services they require in general and to provide benefit to certain segments of consumers especially the elderly persons and those living in rural areas;
2. the cap on validity period for STV and CVs have been extended from the existing 90 (ninety) days to 365 (three hundred and sixty-five) days for the benefit of consumers;
3. the previous practice of colour coding vouchers has been done away with in view of the prominence of online re-charges; and
4. the reserving of denomination of INR 10 (Indian Rupees ten) and multiples thereof only for top-up vouchers has been done away with, while retaining a mandate of at least one top up voucher of denomination of INR 10 (Indian Rupees ten) as given in the Telecom Tariff Order (50th Amendment) Order, 2012.

Indian Broadcasting and Digital Foundation and Ors. v. The Telecom Regulatory Authority of India and Ors.¹

The petitioners, comprising an apex body for television channels and broadcasters, challenged certain provisions of the 2017 and 2024 Tariff Orders and Regulations issued by TRAI, at the High Court of Kerala, on grounds of violating Articles 14, 19(1)(a), and 19(1)(g) of the Constitution of India. These provisions restricted the bundling of Free-To-Air ("**FTA**") and Pay channels and mandated that channels offered on Prasar Bharati's DD Free Dish platform must be FTA and not bundled with Pay channels. The petitioners argued that these restrictions interfered with their business autonomy and freedom of speech. However, the High Court of Kerala dismissed the writ petition, holding it as not maintainable due to the availability of an alternative remedy before the Telecom Disputes Settlement and Appellate Tribunal. The High Court of Kerala also found the said provisions to be regulatory rather than prohibitory in nature, aiming to ensure a level playing field and broader dissemination of information, aligning with public interest and TRAI's regulatory mandate.

¹ 2024/KER/74476

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. We advise broadcasters, BPOs, Internet Service Providers (ISPs), 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. Some of the main aspects handled / negotiated / advised by us include commercial arrangements; mergers & acquisitions (including FDI) and joint ventures; spectrum allocation; communication satellites; and regulatory compliances and strategic advice including handling regulatory proceedings. 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 restructuring, divestment, licensing, and project financing (vendor financing and corporate finance). 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. We advise and represent diverse entities in proceedings before the concerned licensing, regulatory, judicial and quasi-judicial authorities (including DoT, MIB, TRAI, TDSAT, various High Courts and the Supreme Court). In such proceedings we assist clients in developing strategies, render opinions, draft pleadings and lead/assist in the proceedings. We have a strong track-record of providing quality advice and concrete results to the above segments of the communications industry, and have been engaged in handling the key legal, regulatory and policy issues that have historically arisen in the industry.

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14 Practices and 38 Ranked Lawyers		
		
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