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Knowledge Management

Semi-Annual Telecommunications Compendium 2024

July – December 2024



Semi-Annual Telecommunications Compendium 2024



Introduction

This Compendium consolidates all the key developments pertaining to the telecommunications sector which were circulated as JSA Newsletters/Prisms during July – December 2024.

Please [click here](#) to access the Semi-Annual Telecommunications Compendium – January 2024 to June 2024.

Regulatory Updates

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 (DoT), *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 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**”).

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 are 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.

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 defines terms such as 'Administrator', 'Agreement', 'Bidding', 'DBN', '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 Unified License ("UL") and Unified Access Service ("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 Research and Development (“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’ are 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 interministerial 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.



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 notification 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 (“PDOs”) in the Existing Guidelines is amended to state that PDOs will avail internet connectivity from licensed Telecom Service Providers (“TSPs”) or Internet Service Providers (“ISPs”) and will have an agreement with PDO Aggregators (“PDOAs”) 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.

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 are 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

On September 19, 2024, DoT issued the Telecommunications Right of Way Rules, 2024 (**“RoW Rules”**). The draft rules for the RoW Rules were published on July 10, 2024, for a 30 (thirty) day period of public consultation.

These 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.

The RoW Rules broadly state the following:

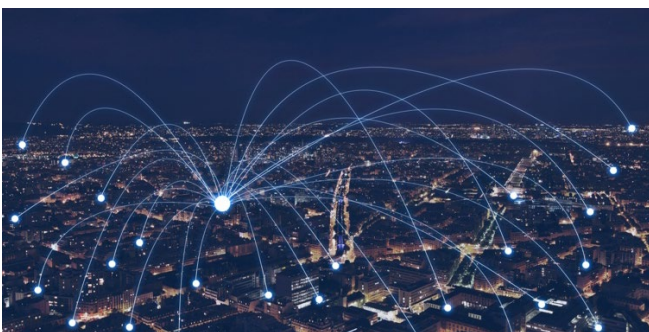
1. Rule 3 states that the provisions apply to all instances where the right of way is required for telecommunication infrastructure, either on public or private property. It also directs that all applications for right of way must be submitted through a designated online portal to ensure standardisation and transparency;
2. Rule 4 mandates that every public entity must appoint a nodal officer within 30 (thirty) days of the commencement of the RoW Rules. The nodal officer is responsible for overseeing the right-of-way processes and interactions between public entities and telecommunications facility providers;
3. Rule 6 provides that facility providers seeking to establish underground telecommunication networks must apply through the designated portal. Public entities are required to process these applications within the stipulated timeframe. Rule 7 mandates that public entities must approve or reject right of way applications for underground networks within 45 (forty-five) days. If no decision is made within this timeframe, the permission is deemed granted;
4. Rule 8 states that facility providers can apply for overground telecommunications networks through the same portal. It also allows the use of public street furniture for the installation of small cells and other telecommunications infrastructure. Rule 9 mandates that public entities must process right-of-way applications for overground networks within 45 (forty-five) days. Failure to act within the stipulated time results in automatic approval;
5. Rule 10 provides that in cases of damage to existing networks, facility providers may establish temporary overground networks without prior permission. However, the restoration of the original infrastructure must be completed within 60 (sixty) to 90 (ninety) days;
6. Rule 12 allows the Central Government to designate certain projects as special telecommunications projects, where right of way permissions are automatically granted upon application by the facility provider;
7. Rule 13 mandates that facility providers must ensure public safety, comply with the terms of granted permissions, and maintain up to date digital records of installed infrastructure. These records must be accessible to the relevant authorities;
8. Rule 14 grants public entities the authority to monitor and inspect the ongoing work of facility providers to ensure compliance with permission terms. Public entities are also empowered to take necessary actions if conditions are not met;
9. Rule 15 mandates that facility providers must obtain the consent of private property owners before installing telecommunications infrastructure. All agreements between facility providers and property owners must be formalised in writing;
10. Rule 16 provides that if a facility provider cannot reach an agreement with a property owner, they may seek intervention from the district collector. The district collector has 30 (thirty) days to decide, and the property owner must respond within 15 (fifteen) days. The decisions taken will be based on public interest;
11. Rule 17 mandates that common ducts and cable corridors managed by public entities must be made available to facility providers on an open-access

basis. The charges for using these corridors must follow a cost-recovery model, ensuring fair access;

12. Rule 18 provides property owners the right to request removal, relocation, or alteration of telecommunications infrastructure with 30 (thirty) days' notice to the facility provider. The facility provider must bear all associated costs and complete the process within 90 (ninety) days;
13. Rule 19 provides that property owners must notify facility providers through the designated portal if they plan any actions that could interfere with telecommunications infrastructure. Facility providers have 24 (twenty-four) hours to respond to emergencies and 7 (seven) days for non-emergencies; and
14. Rule 20 mandates that if a property owner's actions cause damage to telecommunications infrastructure, the owner must compensate the facility provider for repair costs. Any disputes will be resolved in accordance with the Telecom Act.

Conclusion

The RoW Rules signify a significant step forward in modernising and expanding India's telecommunications infrastructure. By establishing a clear legal framework and facilitating a streamlined process for obtaining right of way permissions, these RoW Rules foster improved collaboration among telecommunications service providers, public entities, and private property owners. They strike a delicate balance between the necessity for infrastructure development and the safeguarding of public interests, ensuring both safety and fairness in the deployment of telecommunication networks. Ultimately, the RoW Rules not only support the rapid and efficient rollout of telecommunication services across the nation but also contribute to a more connected India, driving economic growth and promoting technological innovation in the communications sector.



Extension of registration period of unregistered entities providing Machine-to-Machine Services and/or Wireless Local Area Network/Wireless Personal Area Network connectivity for Machine-to-Machine Services

On November 15, 2024, DoT issued a notification extending the timeline for registration of unregistered entities providing Machine-to-Machine ("M2M") services and/or Wireless Local Area Network ("WLAN")/Wireless Personal Area Network ("WPAN") connectivity for M2M services from November 15, 2024, to January 15, 2025. This extension was granted in view of the request received by DoT from the Cellular Operators Association of India ("COAI"). 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 DoT within 7 (seven) days from the date of issuance of the notification, which is, by/before November 21, 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 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.



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, DoT's WPC Wing 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 DoT.

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

Telecommunications (Amateur Services) Rules, 2024

On October 29, 2024, 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 (twelve) 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.



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/NGSO communication satellites in India. The DoT, *vide* an office memorandum dated November 11, 2024, issued the Guidelines and Procedure for Submission of Satellite Network Filings to International Telecommunications Union by Indian Entities (“**ITU Filing Guidelines**”). The ITU Filing Guidelines provide information relating 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 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.

Telecommunications (Telecom Cyber Security) Rules, 2024

On November 21, 2024, DoT notified the Telecommunications (Telecom Cyber Security) Rules, 2024 (“**Cyber Security Rules**”). The Cyber Security Rules aim to safeguard India’s communication networks and services, introducing stringent measures including specified timelines for telecommunication entities to report security incidents and make disclosures.

The Cyber Security Rules broadly state the following:

1. Rule 2 defines terms such as ‘certified agency’, ‘Chief Telecommunications Security Officer’, ‘security incident’, ‘telecom cyber security’, ‘telecommunication entity’ and ‘telecommunication equipment identification number’;
2. Rule 3 elaborates upon the collection, sharing and analysis of data. The Central Government or any agency authorised by it may seek traffic data and other data, other than the content of messages shared from a telecommunication entity for the purpose of protecting and ensuring telecom cyber security. They may also direct a telecommunication entity to establish necessary infrastructure and equipment for collection and provision of such data from designated points, to enable its processing and storage;
3. to protect and ensure telecom cyber security, the Central Government may specify mechanisms to

identify and report acts that may endanger telecom cyber security. Upon examination of information received, the Central Government can identify the telecommunication identifier used to endanger telecom cyber security and issue a notice to the person to whom the device was issued;

4. once the receiver of the notice sends their response, the Central Government will provide an opportunity for them to be heard, assess the facts and submission and pass an order on the matter. The Central Government is empowered to issue orders directing telecommunication entities to temporarily or permanently suspend the use of the telecommunication identifier which posed a threat to telecom cyber security;
5. all telecommunication entities are required to appoint a Chief Telecommunication Security Officer, who will be responsible for coordinating with the Central Government on behalf of the telecommunication entity for the implementation of these Cyber Security Rules and for compliance with the reporting requirements;
6. all telecommunication entities are mandated to report security incidents within 6 (six) hours of becoming aware of such incidents and submit information regarding the number of affected users, duration of incident, geographical area affected, extent to which the functioning of the telecommunication service or network was affected, remedial measures and all relevant information within 24 (twenty-four) hours of being aware of the incident;
7. the Central Government may require the telecommunication entity to provide information to assess the security of the network and services affected by the security incident and carry out a security audit by any certified agency determined by the Central Government. The Central Government may also issue directions to remedy the security incident and to prevent future occurrences, upon identification of significant threats;
8. all manufacturers of equipment having International Mobile Equipment Identity ("IMEI") numbers must register the numbers and equipment with the Central Government before the sale of such equipment. Importers are also required to register the IMEI numbers of their

equipment before sale or testing or any other purpose. Also, no person is permitted to intentionally tamper, possess, or use equipment with tampered telecommunication equipment identification numbers;

9. the Central Government may issue directions to manufacturers to provide assistance in case the IMEI number of any equipment is tampered. The Central Government may also issue directions to telecommunication entities to block the usage of telecommunication equipment having tampered IMEI numbers in their telecommunication networks or telecommunication services;
10. the telecommunication entities are also required to adopt a telecom cybersecurity policy, which includes security safeguards, risk management approaches, actions, training, best practices and technologies;
11. any contravention of the provisions of these Cyber Security Rules are to be dealt with in accordance with the Telecom Act; and
12. the Cyber Security Rules provides for the digital implementation of these Rules in accordance with the Telecom Act.

Conclusion

These Cyber Security Rules indicate a significant step towards modernising and enhancing the cyber security framework for India's telecommunication infrastructure. It establishes a clear set of obligations for both users as well as telecommunication entities and lays down the procedure by which the Central Government may take action against violators of these Cyber Security Rules. These Cyber Security Rules establish clear reporting requirements and timelines in case of occurrences of security incidents and empowers the Central Government to issue directions to prevent any security incidents in the future. Therefore, these Cyber Security Rules not only ensure security of telecommunication equipment but also support the development and expansion of robust and secure telecommunication infrastructure, bolstering cybersecurity, protecting user data and ensuring service integrity.



found inconsistent with the provisions of the Telecom Act.

Telecommunications (Temporary Suspension of Services) Rules, 2024

On November 22, 2024, 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

Telecommunications (Critical Telecommunication Infrastructure) Rules, 2024

On November 22, 2024, 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.

The CTI Rules broadly state the following:

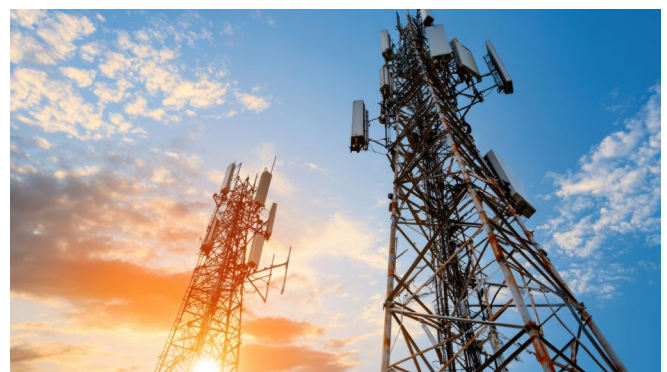
1. the CTI Rules have introduced important definitions such as Critical Telecommunication Infrastructure ("**CTI**"), 'Chief Telecommunication Security Officer', 'security incident', and 'telecommunication entity';
2. the CTI Rules applies to any telecommunication network or its components notified by the Central Government as CTI due to its impact on national security, economy, public health, or safety;
3. the telecommunication entities must ensure that their CTI, including hardware, software, and spares, adheres to Essential Requirements, Interface Requirements, Indian Telecommunication Security Assurance Requirements, and other specifications/testing requirements/conformity assessment issued by Telecommunication Engineering Centre/National Centre for Communication Security. In the absence of such standards, only Central Government notified standards may be used. The requirements also include adherence to the 'National Security Directive on Telecommunication Sector', and directives on communication security certification;
4. the Central Government is authorised to inspect the hardware, software, and data of CTI through designated personnel;
5. the 'Chief Telecommunication Security Officer' must be appointed by each telecommunication entity to ensure implementation of these CTI Rules and compliance with reporting requirements;

6. the telecommunication entities must ensure the security of CTI by adhering to specified standards, maintaining detailed records of hardware, software, and dependencies, and preserving logs for at least 2 (two) years. The telecommunication entities must implement verification protocols for personnel access, conduct regular risk assessments, and manage processes for Service Level Agreements and log backups. Security incidents are required to be reported within 6 (six) hours, and a risk register must be maintained for mitigating potential threats. Remote access for maintenance from outside India requires prior approval and preservation of logs for 1 (one) year. The telecommunication entities are required to submit compliance reports, and the Central Government may seek clarifications or issue directives to safeguard CTI or address risks;
7. for upgrading CTI, the telecommunication entities will have to apply to the Central Government with test reports and relevant details for approval. The Central Government must respond within 14 (fourteen) days by seeking clarifications, directing further testing, or approving/rejecting the request, failing which the telecommunication entities may proceed with the upgrade. The telecommunication entity can undertake immediate upgrade to address security incidents without prior application. However, the telecommunication entities must report to the Central Government within 24 (twenty-four) hours of such upgradation. The telecommunication entities are required to preserve records of all upgrades and provide them upon request, excluding routine updates aimed at improving performance or security;
8. any contraventions of the CTI Rules will be dealt with under the Telecom Act; and
9. the CTI Rules provide for the digital implementation of the CTI Rules through a government notified portal, enabling secure communication and reporting mechanisms.

Conclusion

The CTI Rules mark a significant step forward in the strengthening of the security and integrity of India's critical telecommunication networks. They provide a comprehensive framework for protecting national security interests through explicit compliance

standards, reporting requirements, and mechanisms for risk mitigation. Additionally, the CTI Rules empower the Central Government to take decisive action in preventing and addressing threats, thereby ensuring the uninterrupted operation of critical infrastructure. Such is the regulatory approach from CTI Rules that also have a positive impact on increasing safety in India's telecom industry making it sustainable and resilient. Having said that, it needs to be seen how the different government agencies, such as the Indian Computer Emergency Response Team, will work together towards the same goal but with varying compliance requirements.



Draft Telecommunications (Regulatory Sandbox) Rules, 2024

On November 27, 2024, 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 are 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 lays 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 is granted from the date on which this notification was published for the objections and suggestions of the stakeholders.



Provisioning of telecommunication services by the licensees through franchisee, agents and distributors

On November 29, 2024, 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, DoT issued directions stating that all PoS' as of November 30, 2023, are required to be registered by the UAS/UL Licensees on or before November 30, 2024. It was observed that despite a period of 1 (one) year being given to 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 enroll 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. 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, DoT notified the Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024

("Interception Rules"), under the Telecom Act. The Interception Rules supersede Rules 419 and 419A of the Indian Telegraph Rules, 1951.

The Interception Rules broadly state the following:

1. the Interception Rules have introduced important definitions such as 'authorised agency', 'competent authority' and 'interception order';
2. the Central Government may issue an order specifying authorised agencies to intercept or receive any message or class of messages and the competent authority may direct interception of any message or class of messages through an interception order;
3. in situations where it is not feasible for the competent authority or officer specified to issue interception orders due to operational reasons, interception orders may be issued by the head or the second senior most officer of the authorised agency at the Central level, and head or the second senior most officer of the authorised agency not below the rank of Inspector General of Police at the State level. The copy of the interception order is to be submitted to the competent authority within 3 (three) working days of issuance;
4. the competent authority can confirm the interception order within 7 (seven) working days, if found appropriate. If the interception order is not confirmed within 7 (seven) working days, the interception will cease, and the messages intercepted may not be used in court as evidence. Additionally, all intercepted messages must be destroyed within 2 (two) working days and the confirmation of the destruction must be submitted in writing to the competent authority;
5. the Interception Rules outline the obligations for authorised agencies, requiring 2 (two) nodal officers not below the rank of Superintendent of Police or equivalent rank, to communicate an interception order issued to the nodal officer of DoT or nodal officer of the telecommunication entity. DoT must authorise 2 (two) nodal officers in every service area to receive and act upon interception orders. The telecommunication entities must also notify the Central Government of the contact details of 2 (two) senior employees in every service area for the implementation of interception orders;
6. the authorised agency, DoT and telecommunication entities must ensure that all matters relating to interceptions are handled only by nodal officers. The matters are to be handled with adequate and effective internal safeguards to prevent any unauthorised interception. Furthermore, confidentiality and extreme secrecy must be maintained, and utmost care and precaution must be taken in the interception of messages;
7. the records relating to interception are to be maintained with confidentiality and secrecy, and destroyed in a secure manner;
8. the Interception Rules mandate the constitution of review committees by both the Central and State Governments. The Central Government committee comprises the Cabinet Secretary (Chairperson), Secretary of Legal Affairs, and Secretary of Telecommunications. State Government committee comprises the Chief Secretary (Chairperson), Secretary of Law or Legal Remembrancer, and a Secretary other than the Home Secretary; and
9. the review committees are required to meet every 2 (two) months and record its findings as to whether the interception orders issued are in accordance with the Telecom Act. If the review committee finds that the interception orders are not in accordance with the provisions of the Telecom Act the committee may set aside the order and order for the destruction of the copies of the intercepted messages or class of messages.

Conclusion

Lawful interception by the government authorities is important for maintenance of national security provided the grounds for interception are justified in the interest of the security of the country. The Interception Rules aim to ensure that there is no misuse of the procedure of interception and the privacy of citizens is not violated. The Interception Rules lay down the protocols for interception with clear timeframes of enforcement of the interception orders. The procedure, safeguards and precautions that are required to be followed for the lawful interception of messages aim to strike the balance between the legitimate grounds for lawful interception

and government overreach in the right to individual privacy.

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.

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 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 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.

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, is omitted;
2. a new proviso is 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, are replaced; and
5. Schedule XI of the Principal Regulations on Addressable Systems deals with the quantum of

financial disincentive for contraventions is inserted. Penalties for failure to comply with the Principal Regulations on Addressable Systems by broadcaster or distributor have also been included.

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 is 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, 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 is included.

Registration of Consumer Organisations (Amendment) Regulations, 2024

TRAI, *vide* notification dated July 25, 2024, 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 is amended and 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 QoS of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024

TRAI, *vide* notification dated August 2, 2024, issued 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 UAS licenses and 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; and
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, TRAI held a meeting with the Access Service Providers ("ASPs") and Telemarketers ("TMs") registered with ASPs who are appointed by Principal Entities ("PEs") for the purpose of delivery of commercial communication ("Delivery TM"), 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 TM 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 ("DLT") 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 TSPs

On August 8, 2024, TRAI held a meeting, under the chairmanship of the Chairperson of TRAI, with regulatory heads of all the 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 TM and enterprises making bulk calls to the DLT platform, Entity and TM 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 TM Chain Binding for ensuring traceability of message flow will be completed by TSPs latest by October 31, 2024.



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 ("APs") 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 TM using telecom resources such as SIP/PRI resource and other such resources must be stopped immediately. If an unregistered sender or an unregistered TM 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 TMs 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 TMs.

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 PEs to recipients are traceable. Messages with undefined or mismatched TM 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. TMs 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 TM. 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 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.

Additionally, 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.



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.

Recommendations on the Tera Hertz spectrum

TRAI, *vide* notification dated August 21, 2024, issued its recommendations to 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 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 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.

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 Virtual Network Operator from more than one Network Service Operator’. 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.

Recommendations on the 'Framework for Service Authorisations under the Telecommunications Act, 2023'

TRAI, *vide* notification dated September 18, 2024, issued its recommendations on the 'Framework for Service Authorisations under the Telecommunication 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 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 is permitted in the scope of Access Service;
9. the Internet Service authorisation framework is 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 GMPCS 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 WLAN/ 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 is recommended.



Directions regarding the QoS Regulations

TRAI, *vide* notification dated September 19, 2024, issued directions regarding the 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.

Rating of Properties for Digital Connectivity Regulations, 2024

On October 25, 2024, 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 DCRAs 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. DCRAs 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.
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 the TCCCPR

On October 28, 2024, TRAI notified directions regarding measures to curb misuse of headers and content templates under the 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 AP to implement end-to-end solutions using the 140-numbering series on the DLT platform. This includes ensuring the migration of existing TMs and whitelisting of URL, Android APK, 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 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 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

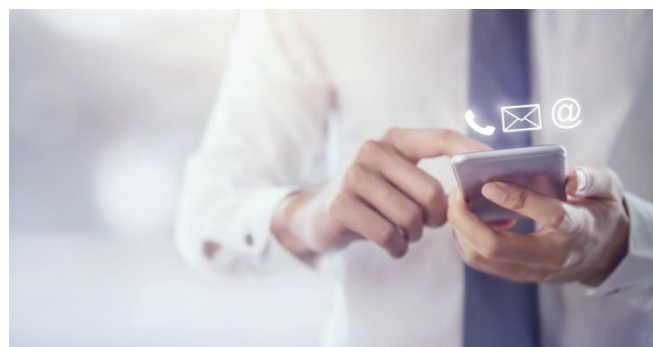
updated report to TRAI on the actions taken, including revisions to the Codes of Practice, within 15 (fifteen) days from the issuance of this Direction.

Directions regarding publication of service wise geospatial coverage map

On November 22, 2024, 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 an LSA. 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 (three) 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.



Implementation of message traceability for safe SMS service

On November 30, 2024, 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 SMS traceability as a major step towards creating a safer and spam-free messaging ecosystem.



Recommendations on the Definition of International Traffic

On December 10, 2024, 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 (five) MHz (paired) frequency spectrum in the 700 (seven hundred) MHz frequency band, an additional 5 (five) MHz (paired) frequency spectrum in the 700 (seven hundred) MHz frequency band be assigned to the Indian Railways for its safety and security applications along the railway tracks for captive use;
2. DoT is to take a decision on TRAI's earlier recommendation on 'Spectrum Requirements of National Capital Region Transport Corporation for Train Control System for Regional Rapid Transit System 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 (ten) MHz of frequency spectrum in the 700 (seven hundred) MHz band to Indian Railways and an adjacent 5 (five) 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 DoT.

Telecommunication Tariff (Seventieth Amendment) Order, 2024

On December 23, 2024, 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 (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 and 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 are 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 is 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 is 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.

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.

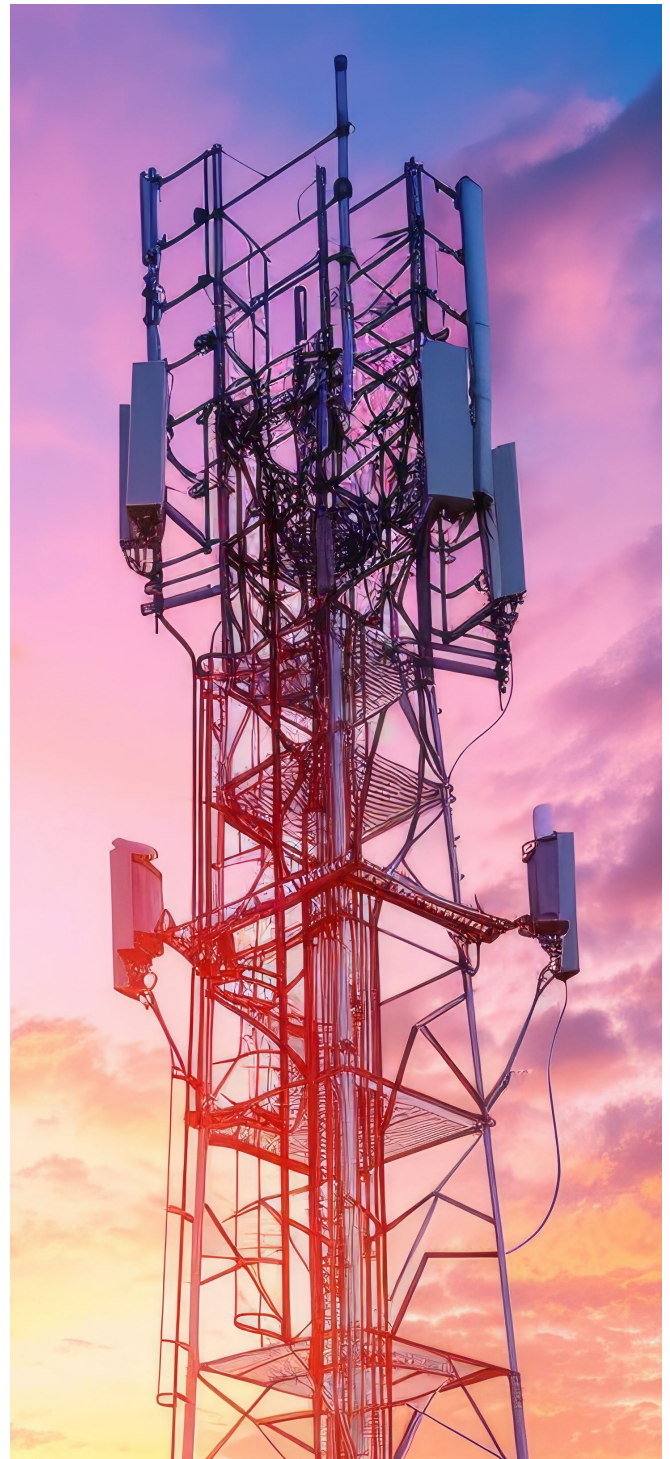
The existing arrangements for provisioning of capacity in any of the frequency bands (C, Ku or Ka) from the non-Indian satellite operators can be extended till March 31, 2025. From April 1, 2025, only IN-SPACE authorised non-Indian Geo-Stationary Orbit and NGSO satellite constellations will be permitted 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.

Case Law

Indian Broadcasting and Digital Foundation and Ors. vs. 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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18 Practices and
41 Ranked Lawyers

7 Ranked Practices,
21 Ranked Lawyers

12 Practices and 50 Ranked
Lawyers

14 Practices and
12 Ranked Lawyers



20 Practices and
22 Ranked Lawyers

Ranked Among Top 5 Law Firms in
India for ESG Practice

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Among Top 7 Best Overall
Law Firms in India and
11 Ranked Practices

11 winning Deals in
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7 Practices and
3 Ranked Lawyers

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