January – March 2025

Recommendations on Regulatory Framework for Ground-based Broadcasters

On January 15, 2025, the Telecom Regulatory Authority of India ("**TRAI**") issued its recommendations on the 'Regulatory Framework for Ground-based Broadcasters' ("**GBB Recommendations**"). These GBB Recommendations elaborate upon establishment of a regulatory framework for Ground-Based Broadcasters ("**GBB**") and broadly state the following:

1. revised definitions for the terms 'Broadcaster', 'Programme', 'Broadcasting Network', 'Satellite-based Broadcasting', 'Ground-based Broadcasting', Terrestrial Communication Medium ("**TCM**") and 'Ground Infrastructure'. The scope of GBB is suggested to include providing television channels to Distribution Platform Operators ("**DPO**") using TCM, for onward retransmission;
2. establish a regulatory framework for GBBs, as previously recommended by TRAI in its recommendations on 'Regulatory Framework for Platform Services' dated November 19, 2014. The suggested framework will be similar to the framework contained in the guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, for traditional Satellite-Based Broadcasters ("**SBB**") and GBB to the extent possible;
3. GBBs are permitted to use any TCM for delivery of channels to DPO and DPOs can only distribute channels received from SBB and GBB or their own platform services;
4. the service area for GBB is at national level and the annual authorisation fee for GBB is to be fixed at INR 7,00,000 (Indian Rupees seven lakh only) per channel;
5. in the event a GBB intends to switch or additionally use satellite based communication medium for the same channel, the GBB may be permitted to do so with the prior permission/authorisation from the Central Government. In such situations, the Indian National Space Promotion and Authorisation Centre authorised satellites must be used. The GBB would require permissions and clearances from the Wireless Planning and Coordination Wing of the Department of Telecommunications ("**DoT**") and payment of required fees;
6. in the event an SBB intends to switch to or additionally used TCM for the same channel, the authorised entity may be permitted to do so with prior permission/authorisation from the Central Government;
7. in case an existing GBB/SBB intends to use additional communication medium other than what it holds authorisation to use for the same channel, the entity is liable to pay additional processing fee, applicable annual authorisation fee, and security deposit for both communication mediums separately;
8. the suggested terms and conditions for GBBs in line with the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, has been included in Annexure III of the GBB Recommendations; and
9. the Ministry of Information and Broadcasting ("**MIB**") to examine whether Free Ad-Supporting Streaming Television ("**FAST**") channels are compliant with the extant guidelines and policy framework and in case they are

found to be non-compliant, the MIB may issue necessary policy guidelines for such channels in consultation with TRAI.

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

On January 15, 2025, the DoT issued a notification extending the timeline for registration of unregistered entities providing Machine-to-Machine ("**M2M**") services and/or Wireless Personal Area Network/Wireless Local Area Network connectivity for M2M services from January 15, 2025, to March 31, 2025. This extension was granted in view of the request received by the DoT from the Cellular Operators Association of India. As per this extension notification, Telecom Service Providers ("**TSP**") must ensure that no new telecom resources are issued to unregistered entities. Furthermore, TSPs are directed to suspend the services to M2M Subscriber Identity Modules ("**SIM**") for M2M services/connectivity issued to unregistered entities post March 31, 2025. The services may be resumed once the registration certification is submitted by these entities.

Cable Television Networks (Amendment) Rules, 2025

On January 17, 2025, the MIB notified the Cable Television Network (Amendment) Rules, 2025 ("**CTN Amendment Rules**") amending the Cable Television Networks Rules, 1994 ("**CTN Principal Rules**"). These CTN Amendment Rules will come into force from the date of their publication in the official gazette and they broadly include the following changes:

1. the definitions of the terms 'designated portal' and 'registering authority' have been included to the CTN Principal Rules;
2. **Application for Registration**: Rule 3 of the CTN Principal Rules is substituted to require Local Cable Operators ("**LCO**") in India, to apply online for registration and renewals every 5 (five) years. The application/renewal must be submitted in Form 1 with the requisite processing fee, documents as mentioned in Form 1 and declaration under Form 2;
3. **Registration Process**: Rule 5 of the CTN Principal Rules is replaced to clarify that the registering authority may either issue the certificate of registration, or undertake further verification if deemed necessary, or refuse the registration and inform the applicant of the grounds of refusal. Upon refusal of registration, the applicant may file an appeal online within 30 (thirty) days of communication of refusal. The registration granted is valid throughout the territory of India; and
4. the CTN Amendment Rules replace Form 1 and Form 3 of the CTN Principal Rules.

National Broadband Mission 2.0

On January 20, 2025, the DoT published a document consisting of the overview and details of the National Broadband Mission ("**NBM**") 2.0 ("**NBM 2.0**") for the financial years from 2025 to 2030. NBM 2.0 aims to fast-track the rapid expansion of digital communications infrastructure, bridge the digital divide and foster digital empowerment and inclusion, ensuring high-speed broadband and meaningful connectivity for all by addressing the necessary policy and regulatory changes and challenges and work in collaboration with States and Union Territories in accordance with the new Right of Way Rules under the Telecommunications Act, 2023 ("**Telecom Act**"). The objectives further include the creation of a digital map of the digital communications network and infrastructure, including optical fiber cables, towers, Wi-Fi Hotspots established under the Prime Minister Wi-Fi Access Network Interface ("**PM WANI**") program, and other telecom assets across the country. Additionally, NBM 2.0 encourages and promotes the adoption of innovative technologies for the proliferation of broadband in the country and the development and promotion of

startups focused on 5G use cases, broadband and M2M technologies. The NBM 2.0 lays down the role of the various stakeholders in its implementation and has elaborated upon the implementation structure for effectively implementing the mission. The NBM 2.0 includes an annual implementation plan consisting of all Key Performance Indicators ("**KPI**") and the expected benchmark values to be attained over the period of the next 5 (five) years. For effective monitoring of the annual implementation plan and recording progress, the NBM will require a web portal developed for the mission with an annual implementation plan dashboard covering these KPI targets..

Submission of Foreign Direct Investment Compliance on Saral Sanchar Portal

On January 28, 2025, the DoT issued an office memorandum regarding the submission of Foreign Direct Investment ("**FDI**") compliance reports on the Saral Sanchar portal. Clause 1.2 of the general conditions under the Unified License Agreement provide that licensees are required to declare their Indian and foreign equity structure and submit a compliance report regarding its compliance with FDI norms and security conditions annually, on January 1 of each year. Additionally, in case of change in FDI, the licensee is required to submit the FDI compliance report within 15 (fifteen) days of such change.

Therefore, in order to simplify compliance with these requirements, the Saral Sanchar portal has enabled a provision to submit the FDI compliance documentation on the portal itself. This step is taken in furtherance of ease of doing business and reduction of compliance burden and licensees are requested to ensure submission of FDI compliance through Saral Sanchar Portal only.

Recommendations on the Frequency Spectrum in 37-37.5 GHz, 37.5-40 GHz, and 42.5-43.5 GHz Bands Identified for International Mobile Telecommunications

On February 4, 2025, TRAI issued its recommendations on the 'Frequency Spectrum in 37-37.5 GHz, 37.5-40 GHz, and 42.5-43.5 GHz bands identified for IMT' ("**IMT Recommendations**"). These IMT Recommendations were issued in response to the DoT's reference to TRAI requesting its recommendations on the auction of spectrum in the frequency bands identified for International Mobile Telecommunications ("**IMT**"), which are, 37 - 37.5 GHz, 37.5 – 40 GHz, and 42.5 - 43.5 GHz. These IMT Recommendations broadly state the following:

1. the frequency bands 37-37.5 GHz and 37.5-40 GHz will be included in the upcoming spectrum auction, in which the band pan n260 with time division duplexing based duplexing configuration is to be adopted ("**Identified Frequency Spectrum**"). The frequency band 42.5 – 43.5 GHz will not be auctioned due to the non-availability of device ecosystem in this range;
2. it is recommended that the Identified Frequency Spectrum ("**IFS**") can be auctioned on a Licensed Service Area ("**LSA**") basis for a validity period of 20 (twenty) years. The IFS is suggested to be auctioned in block sizes of 100 MHz and in the event TSPs acquire multiple blocks, they should be assigned in a contiguous manner. The spectrum cap for the IFS is to be kept at 40% of the total spectrum put to auction and is not to be combined with the 26 GHz band. The minimum roll-out obligations for the IFS must be similar to those prescribed for the 26 GHz frequency band and is further required to be applicable equally to all TSPs;
3. the IMT Recommendations lay down the criteria for permitting entities to participate in the auction of the IFS and further suggests measures to mitigate inter-operator interference in these IFS;
4. the IMT Recommendations suggest that the provisions of Article 21 of the Radio Regulations of the International Telecommunication Union ("**ITU - RR**") for terrestrial and space services for frequency bands above 1 GHz must be made applicable for the IFS. In order to facilitate the coexistence of satellite systems and IMT, the ITU – RR provisions and the recommendations of the International Telecommunication Union will be made applicable to IMT; and

5. the IMT Recommendations suggest that the reserve price for the IFS will be set at 70% of the average valuation arrived at and lists the suggested reserve price for all LSAs. The IMT Recommendations also put forth 2 (two) suggestions for possible payment terms to be permitted for the assignees of the IFS.

Advisory on cybersecurity threats and best practices for satellite communications

On February 4, 2025, the Indian Computer Emergency Response Team ("**CERT-In**") under the Ministry of Electronics and Information Technology issued an advisory on cyber security threats and best practices for satellite communications. This advisory has been issued owing to the increased risk of cyber-attacks on satellite communications infrastructure. With the integration of satellite communication in essential daily operations, any disruption could lead to widespread repercussions.

The following risks have been highlighted as cyber security threats by CERT-In under the advisory:

1. unauthorised access to links connected to satellite in ground station can allow attackers to redirect or disable satellite functions, interrupting critical services, or even destroying the satellite for malicious purposes;
2. data transmitted between earth and satellites are required to be secure to ensure accuracy and confidentiality to avoid compromise in data;
3. satellites, as complex computing systems, may have vulnerabilities that cyber attackers could exploit to disrupt operations, inject malicious code, or compromise system integrity;
4. malicious entities may jam satellite signals, disrupting communication services, or spoof signals to send false information. Signal spoofing can affect navigation and timing systems, causing operational failures or security breaches;
5. compromising a trusted vendor or supplier can give attackers access to satellite systems, leading to data breaches and operational disruptions. Securing the entire supply chain is essential to safeguarding satellite communications;
6. artificial intelligence may automate attacks, identify vulnerabilities through large data analysis, and generate convincing phishing content. These sophisticated attacks can evade traditional security measures and target specific entities, making detection and mitigation challenging;
7. Internet of things devices connected to satellite systems can be exploited to access broader networks, enabling data theft, 'Distributed Denial of Service' attacks, or service disruptions. Regular updates and robust security measures are essential to mitigate these threats; and
8. physical tampering through sabotage or espionage can damage satellites and compromise operations. Space weather, such as meteoroids and solar wind, can affect satellite orientation or cause damage. Additionally, space debris poses collision risks, potentially leading to data loss and system failures.

CERT-In has highlighted the following best practices for prevention of cyber security attacks on satellite communications infrastructure in the advisory issued:

1. implementation of 'Multifactor Authentication' to insert an additional layer of security by requiring multiple forms of verification before granting access. Regular software updates and patch management is also required to be conducted to quickly address any newly discovered security flaw and protect against known vulnerabilities;
2. implement a robust supply chain risk management strategy to reduce the chance of acquiring and deploying potentially vulnerable products into the satellite communications ecosystem and deploy antivirus and anti-malware solutions on all endpoints, including ground stations and other connected devices to help detect and prevent threats that could compromise satellite systems. It is suggested to work closely with third-party vendors to ensure that their security measures align with your organisation's standards;

3. encrypt sensitive data, both in transit and at rest, to protect it from unauthorised access. Use of strong encryption protocols to ensure the confidentiality and integrity of data transmitted between satellites and ground stations and implementation of Quantum Key Distribution technology;
4. implementation of strict access control measures to limit access to sensitive information and satellite systems to authorised personnel only and usage of role-based access control. Employees are required to be trained on cybersecurity best practices, including detecting phishing emails, suspicious phone calls, and other social engineering tactics;
5. develop and regularly update incident response plans to quickly address and mitigate security breaches. Regular drills and simulations must be conducted to ensure that the response team is well-prepared to handle potential cyber incidents;
6. periodic security assessments and vulnerability scans must be conducted to identify and address potential weaknesses in satellite systems and critical data is to be backed up regularly to backup systems which are secure and reliable. Disaster recovery plans must be developed to ensure the continuity of satellite operations in the event of a cyberattack or other disruptive event;
7. segmenting of networks to isolate critical satellite systems from less secure networks and implementing secure configuration management practices to ensure that satellite systems and related infrastructure are configured securely. Additionally, monitoring and logging systems must be implemented to detect and respond to suspicious activities; and
8. ensuring that physical security measures are in place to protect satellite infrastructure, including ground stations and control centers.

Recommendations on Revision of National Numbering Plan

On February 6, 2025, TRAI issued its Recommendations on the 'Revision of National Numbering Plan ("**NNP Recommendations**") to tackle the concerns regarding limited numbering resources. The NNP Recommendations broadly state the following:

1. to increase the efficiency of allocation of Telecommunication Identifier ("**TI"**) resources, it is suggested to be allocated in smaller ranges. Subsequent allocation requests must be limited to approximately 50% or less of the initial allocation;
2. to address TI resource constraints in the short term, DoT is recommended to continue allocating Short Distance Charging Area ("**SDCA**") specific spare sub-levels to TSPs and withdraw unutilised sub-levels from TSPs and reallocate them within the same SDCA;
3. to mitigate long-term TI resource constraints for fixed-line services, the NNP Recommendations put forth migrating from the SDCA-based numbering scheme to a LSA based 10 (ten) digit closed numbering scheme, and the changes to be implemented for the migration have been included in the NNP Recommendations. The TI resources generated using SDCA codes suffix sub levels allocated to TSPs will be used across the entire LSA instead of being confined to SDCAs, post migration. Additional fixed line codes for allocation to TSPs are suggested to be allocated either by using spare sub-levels or by using un-utilised sub levels assigned to TSPs;
4. the NNP Recommendations suggest the adoption of a 10 (ten) digit fixed line numbering scheme using a fixed-line Location Routing Number ("**LRN**") code, following the implementation of an LSA- based 10 (ten) digit closed numbering scheme, within a period of 5 (five) years;
5. the NNP Recommendations put forth the definitions for the terms 'activity' and 'non-usage', and further recommends the steps to be followed while deactivating connections due to non-usage;
6. the NNP Recommendations state that there is no necessity to impose additional charges or financial disincentives on TI resources and that the DoT must monitor the annual usage of TI resources allocated to TSPs and withdraw

unutilised TI resources, if required. Additionally, it is stated that there is no requirement to intervene in the allocation of M2M TI resources;

7. the NNP Recommendations suggest that Level 1 short codes must be allocated only to government entities and annual utilisation audits of the allocated short codes are conducted. If the assigned short codes are found to be inactive for continuous periods longer than 180 (one hundred and eighty) days, they may be formally withdrawn by the DoT;

8. the NNP Recommendations suggest the complete range of the 4 (four) digit LRNs code pool be made use for all future allocations. The NNP Recommendations state that there is no requirement for intervention in Intelligent Network services and Captive Non-Public Networks ("**CNPN**"), and that the existing framework for these will remain unchanged.

Telecom Commercial Communications Customer Preference (Second Amendment) Regulations, 2025

On February 12, 2025, TRAI notified the Telecom Commercial Communications Customer Preference (Second Amendment) Regulations, 2025 ("**TCCCPR Latest Amendment**"), to the Telecom Commercial Communications Customer Preference Regulations, 2018 ("**TCCCPR**"). The TCCCPR Latest Amendment will come into force 30 (thirty) days from the date of its publication in the official gazette, except for Regulations 8, 17, 20 (a), 20 (b), and 21 (b), which will come into force after 60 (sixty) days of publication of these regulations in the official gazette.

The TCCCPR Latest Amendment aims to enhance customer protection by strengthening the framework for consent, transparency, and accountability in commercial communications, minimising unsolicited and fraudulent messaging.

For further details, please refer to the JSA Prism (Telecommunications) of February 18, 2024.

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

On February 17, 2025, TRAI issued its Recommendations on the Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023' ("**T&C Recommendations**"). The T&C Recommendations broadly state the following:

1. the Central Government will grant network authorisations under Section 3 (1)(b) of the Telecom Act, instead of the present practice of entering into agreements with the entities. The detailed terms and conditions will be prescribed through the rules notified under the Telecom Act and any changes in these rules, apart from those made keeping in mind national security, will be made in consultation with TRAI;

2. the rules to be issued under Section 3 (1)(b) of the Telecom Act will consist of a common Telecommunications (Grant of Authorisations) Rules, and a specific set of rules for each network authorisation. These network authorisations granted are to be in the form of an authorisation document containing the essential elements of the network authorisation;

3. it is recommended that the Central Government introduce Infrastructure Provider ("**IP**") authorisation under Section 3(1)(b) of the Telecom Act, for entities intending to establish, operate, maintain or expand dark fibers, right of way, duct space, towers and in-building solutions. The detailed terms and conditions for IP authorisation have been included as annexures to the T&C Recommendations;

4. it is recommended that the Central Government introduce Digital Connectivity Infrastructure Provider ("**DCIP**") authorisation under Section 3(1)(b) of the Telecom Act, for entities intending to establish operate, maintain or expand wireline access networks, radio access networks, transmission links, Wi-Fi systems and in-building solutions. The detailed terms and conditions for DCIP authorisation have been included as annexures to the T&C Recommendations. It is further recommended that individuals without network authorisations may be permitted

to establish, maintain, operate and expand telecommunication network (excluding wireless telecommunication network) within the limits of a single building, compound or estate, provided that the network does not pass over or under a public road;

5. it is recommended that the Central Government can exempt the establishment, operation, maintenance and expansion of Content Delivery Networks ("**CDN**") from the ambit of network authorisations;

6. it is recommended that the Central Government introduce Internet Exchange Point ("**IXP**") authorisation under Section 3(1)(b) of the Telecom Act, for entities intending to establish operate, maintain or expand IXPs to provide peering and exchange of internet traffic, originated and destined within India, amongst entities authorised to provide internet services under the Telecom Act and CDNs in India. The detailed terms and conditions for IXP authorisation have been included as annexures to the Recommendations;

7. it is recommended that the Central Government introduce Satellite Earth Station Gateway ("**SESG**") provider authorisation under Section 3(1)(b) of the Telecom Act, for entities intending to establish operate, maintain or expand SESG infrastructure in India. The detailed terms and conditions for SESG provider authorisation have been included as annexures to the T&C Recommendations. SESG authorised entities may establish, operate, maintain or expand SESGs in India for all types of satellite systems for which the Central Government has given permission;

8. it is recommended that the establishment, operation, maintenance and expansion of satellite control centres, telemetry, tracking and command centres, mission control centres, remote sensing data reception station and ground stations for supporting operations of space based services such as Space Situational Awareness, Astronomical, space science or navigation missions, are exempt from the requirement for network authorisations. However, if the above-mentioned ground stations are being established for providing telecommunication services or establish telecommunications networks which require authorisation under Section 3 (1)(b) of the Telecom Act, they would require authorisations and would not be exempted;

9. it is recommended that the Central Government introduce Cloud-hosted Telecom Network ("**CTN**") provider authorisation under Section 3(1)(b) of the Telecom Act, for entities intending to establish operate, maintain or expand CTN and provide CTN-as-a-service to entities. The detailed terms and conditions for CTN provider authorisation have been included as annexures to the T&C Recommendations;

10. it is recommended that the Central Government introduce Mobile Number Portability ("**MNP**") provider authorisation under Section 3(1)(b) of the Telecom Act, for entities intending to establish, operate, maintain or expand telecommunication network for providing MNP to entities providing access service under the Telecom Act, for entities providing LRN update to all entities authorised to provide access service, national long distance service, and International Long Distance ("**ILD**") service under the Telecom Act. The detailed terms and conditions for SESG provider authorisation have been included as annexures to the Recommendations;

11. it is recommended that network authorised entities will mandatorily use equipment that meet telecom engineering centre's standards, and in case of the absence of these standards, the authorised entities may use equipment that meet similar requirements laid down by international standardisation bodies. In the interest of national security or in the event of war, the Central Government may take measures, including issuing directions for taking over the control and management of any telecommunication network or part thereof, where the Central Government deems necessary;

12. it is recommended that the eligibility conditions for the grant of network authorisations to new applicants will be made applicable to existing entities intending to migrate to the network authorisation framework, except for the requirement of meeting the net worth criteria. Authorised entities are not permitted to hold more than 1 (one) network authorisation of the same type;

13. it is recommended that the Central Government introduce CNPN provider authorisation under Section 3 (1)(b) of the Telecom Act, for entities intending to establish, maintain, operate and expand CNPN networks for enterprises;

14. it is recommended that the Central Government take an early decision on TRAI's previous recommendations on '*Ease of Doing Business in Telecom and Broadcasting Sectors*' dated May 2, 2023; and

15. the T&C Recommendations lay down the suggested application processing fees, entry fees, and requirement for bank guarantees for the suggested network authorisations.

Advisory for removing content/applications which are abetting offences by contravening provisions of Telecom Act for social media platforms and application hosting platform

On February 18, 2025, the DoT issued an advisory on the removal of content/applications abetting offences by contravening provisions of the Telecom Act. It has been brought to the attention of the DoT that content has been shared on social media informing people on how to change their Calling Line Identification ("**CLI**") number while making calls so as to display another number to the receiving party, a practice known as CLI spoofing and considered telecom identification tampering. The advisory highlights Sections 42 (3)(c) and 42 (3)(e) of the Telecom Act, which bars tampering of telecommunication identification, and prohibits a person from obtaining SIMs or other telecommunication identification through fraud, cheating or impersonation, respectively. As per Section 42 (3) of the Telecom Act, such offences are punishable with imprisonment for a term which may extend to 3 (three) years, or with fine which may extend up to INR 50,00,000 (Indian Rupees fifty lakh), or with both. Therefore, the advisory directs all social media platforms and application hosting platforms to remove content or apps that promote tampering with telecom identifiers as it violates the Telecom Act. Non-compliance with this advisory may lead to action under Section 42 of the Telecom Act. All platforms were required to submit compliance reports to dirdiu-dot@gov.in by February 28, 2025.

Provisioning of telecommunication services by the licensees through franchisee, agents and distributors (Point of Sale)

On February 19, 2025, the DoT issued a notification extending the deadline for complying with its directions for provisioning of telecommunication services by the licensees through franchisee, agents and distributors (Point of Sale ("**PoS**")), from January 31, 2025, to March 31, 2025.

Previously, on August 31, 2023, October 13, 2023, and November 29, 2024, the DoT issued directions stating that all PoS as of November 30, 2023, were required to be registered by the Unified Access Services/Unified License/Unified License (Virtual Network Operators) licensees ("**UAS/UL Licensees**"). The latest notification set the deadline for registration as on or before January 31, 2025. However, one of the UAS/UL Licensees has sought additional time for registration of PoS. Hence, DoT has granted an additional time period of 2 (two) months, which is, till March 31, 2025, for registration of PoS. Effective April 1, 2025, only those PoS registered with the UAS/UL Licensees will be permitted to enroll customers.

Recommendations on Framework for Service Authorisations for provision of Broadcasting Services under the Telecom Act

On February 21, 2025, TRAI issued its Recommendations on the 'Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023' ("**Service Authorisation Recommendations**") elaborating upon the issuance of service authorisations for the provision of broadcasting services under the Telecom Act. The Service Authorisation Recommendations broadly state the following:

1. the Central Government, through the MIB, will grant service authorisations for broadcasting under Section 3(1)(a) of the Telecom Act, replacing the current licensing system under the Indian Telegraph Act, 1885. The terms and conditions for these broadcasting service authorisations are to be notified as rules under Section 56 of the Telecom Act, which all authorised entities are required to follow. Additionally, the MIB is empowered to issue necessary directions, advisories, instructions and orders under these rules;

2. the terms and conditions of the service authorisations will be amended only after seeking the recommendations from TRAI, except for changes made in light of state security. Entities holding service authorisations are required to comply with the regulations, orders and directions issued by TRAI and are liable to pay financial disincentives imposed by TRAI if found to be in violation of these regulations, orders and directions issued;

3. the rules to be issued under Section 56 of the Telecom Act must consist of a common Broadcasting (Grant of Service Authorisations) Rules, and the Broadcasting (Television Channel Broadcasting, Television Channel Distribution, and Radio Broadcasting) Services Rules, which is a specific set of rules for each service authorisation. These service authorisations granted are to be in the form of an authorisation document containing the essential elements of the service authorisation, a recommended format of which has been annexed to the Service Authorisation Recommendations. The terms and conditions for the service authorisations are also suggested to be structured as a common set of terms and conditions for all service authorisations, followed by a specific set of terms and conditions for each service authorisation;

4. the MIB may consider including the registration of Multi System Operators ("**MSO**") and LCOs under the Telecom Act. The Service Authorisation Recommendations put forth a separate authorisation for FAST channels distribution and further states that the MIB may make a reference to TRAI to provide a detailed list of terms and conditions for service authorisation for 'FAST channels distribution service';

5. it is recommended that the Central Government take an early decision on TRAI's previous recommendations on 'Ease of Doing Business in Telecom and Broadcasting Sectors' dated May 2, 2023;

6. The Service Authorisation Recommendations also put forth the introduction of 2 (two) new broadcasting services, namely, 'ground based broadcasting of a television channel' and 'low power small range radio service';

7. the existing broadcasting entities may voluntarily migrate to the new service authorisations regime, till the expiration of the existing license/permission. The eligibility conditions applicable for the grant of service authorisations to new applicants is to be applicable to existing licensees intending to migrate. The Service Authorisation Recommendations further elaborate upon the conditions for migration to service authorisations from the existing regime;

8. TRAI recommends that the restriction on cross holding pattern as prescribed in the extant policy guidelines of Direct-to-Home ("**DTH**") and Head-end In the Sky ("**HITS**") service will also be prescribed for Internet Protocol Television ("**IPTV**") services. The Central Government may further consider extending the restrictions on cross holding patterns to MSOs or other distribution service providers as well;

9. the contravention of the rules notified for broadcasting services will be governed by the relevant provisions of the Telecom Act. Any violation of the programme code and advertising code prescribed under the Cable Television Network Rules, 1994, by entities holding service authorisations under 'Television Channel Broadcasting Services' and 'Television Channel Distribution Services' will be governed by the relevant provisions of the Cable Television Networks (Regulation) Act, 1995, and the rules made thereunder. The Central Government is recommended to notify separate Programme Code and Advertising Code for Radio Broadcasting Services and violations of these codes will be dealt with by the provisions under these codes;

10. the Service Authorisation Recommendations lay down the financial conditions, fees, and guarantees payable for obtaining service authorisations. The Service Authorisation Recommendations also suggest the sharing of infrastructure on a voluntary basis among broadcasting service providers, TSPs, infrastructure providers or any service provider wherever technically and commercially feasible.

11. the fees and charges for DTH and HITS services should be harmonised and elaborate upon the conditions and fees payable;

12. the authorised entities under 'Television Channel Distribution Services' will attempt to adopt interoperable set-top-boxes to enhance consumer choice. The Central Government may designate the Telecom Engineering Centre to prepare and notify standards for interoperable set-top-boxes and television sets facilitating interoperability with inbuilt set-top-box functionality;

13. the minimum net worth requirement of INR 100,00,00,000 (Indian Rupees one hundred crore) for provision of IPTV services by an authorised entity for internet service, as prescribed in the extant IPTV guidelines dated September 8, 2008, should be removed and aligned with the provisions contained in the authorisation for internet services;

14. the Service Authorisation Recommendations state that the authorisation for Terrestrial Radio Service can be delinked from frequency assignment. It is further recommended that mandatory co-location of transmission infrastructure should be removed, and the authorised entities of Terrestrial Radio Services can be permitted to share infrastructure on a voluntary basis as per technical and commercial feasibility; and

15. the Service Authorisation Recommendations state that with regard to the assignment of frequency, entities must be given the option to either obtain a service authorisation prior to participating in the process of frequency assignment or apply for the service authorisation within the stipulated period upon being a successful bidder.

TRAI responds to the DoT's back-reference in respect of the TRAI's recommendations dated September 18, 2024, on the Framework for Service Authorisations to be granted under the Telecom Act

On February 28, 2025, TRAI issued its response to the back reference received from the DoT with respect to TRAI's previous recommendations dated September 18, 2024, on the 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023'. The response from TRAI broadly states the following:

1. **Recommendations 4.1 – 4.9**: TRAI has maintained its position on all major recommendations despite DoT's proposed modifications, specifically:

    a) insisting that service authorisations under Section 3(1) of the Telecom Act should replace agreements, with TRAI consultation required for substantial changes except for national security reasons;

    b) defending the need for 6 (six) distinct main service authorisations including separate categories for satellite-based and M2M Wide Area Network ("**M2M WAN**") services to promote investment, enable specialised providers, and accommodate different business models with appropriate financial obligations;

    c) rejecting DoT's proposal to merge PM WANI Data Office Aggregator and app authorisations due to their fundamentally different scopes and obligations; and

    d) opposing DoT's suggestion to categorise captive authorisations such as Captive Mobile Radio Trunking Service ("**CMRTS**"), CNPN, Very Small Aperture Terminal ("**VSAT**") Closed User Group ("**CUG**"), and Captive Case to Case Basis Service Authorisation, into a single technology neutral framework, as each of these service authorisations are completely different from each other owing to the type of services provided.

2. **Recommendations 4.9 – 4.19**: TRAI's overall response pattern demonstrates a consistent approach to defending its original framework while showing flexibility on technical clarifications. TRAI firmly maintains its position on key structural elements like the Unified Service authorisation framework, Category-C sub-circle level authorisations for small Internet Service Providers ("**ISPs**"), and the merged Satellite-based Telecommunication Service authorisation. While accepting some of DoT's views on technical implementations, TRAI has particularly emphasised on the protection of small ISPs that serve underserved areas. TRAI, by reiterating recommendation 4.14, argued that forcing them into larger Category-B authorisations would create undue financial burdens. On technical matters like Virtual Private Network ("**VPN**") definitions, TRAI has shown willingness to clarify terminology, specifying 'network-based virtual private networks provided on layer-2 or layer-3 of the OSI model' to distinguish from application-layer VPNs. Throughout the document, TRAI has maintained that its original recommendations better serve market innovation, competition, and rural connectivity while providing sufficient regulatory oversight; TRAI has ultimately reinforced or expanded most of its original recommendation 4.18 positions despite DoT's objections, expanding non-terrestrial network permissions to more service types, maintaining the ability to share core network elements with safeguards, requiring prior government approval for lawful interception system sharing, insisting on financial penalties for regulation violations, preserving the low-

barrier M2M WAN Category-C option for small businesses, and upholding all recommendations regarding eSIM management protocols—demonstrating TRAI's commitment to both technological flexibility and market accessibility while maintaining sufficient regulatory control.

3. **Recommendations 4.20 – 4.30**: TRAI has maintained that recommendation 4.20(i) addresses compensation for additional security requirements and acknowledges this can be decided by Central Government; TRAI has reiterated the recommendation 4.21(c) for Access Service Category-C Virtual Network Operator ("**VNO**") authorisation at sub-circle level (up to 4 (four) districts), opposing DoT's proposal to limit authorisations to circle/metro area level, arguing that small entrepreneurs would be burdened by DoT's proposed INR 50,000 (Indian Rupees fifty thousand) entry fee versus TRAI's recommended 'nil' entry fee. TRAI has noted DoT's view on single parenting for wireless VNOs aligns with TRAI's conclusion. Further, TRAI has rejected DoT's view that all authorisations should follow the same process and emphasising the need for quicker approval for SIM card sales/rentals. TRAI has revised recommendation 4.28(b) regarding technical conditions for spectrum assignment while maintaining recommendations 4.29(e) and (f) on verification procedures and liquidated damages for roll-out delays, arguing the penalties are reasonable and do not adversely affect ease of doing business.

4. **Recommendations 4.31 – 4.40**: These recommendations elaborate upon the financial requirements such as entry fees and bank guarantees for the various telecom service authorisations. It is recommended that for subsequent years, the bank guarantee to be provided is required be the higher of than the initial bank guarantee or 20% of estimated dues for two quarters, subject to half yearly review. Despite DOT's objection to including TRAI's financial disincentives in the calculation of bank guarantee, TRAI has maintained that it is necessary for regulatory enforcement.

5. **Recommendations 4.41 – 4.50**: For recommendation 4.41 regarding Internet Service Authorisation Minimum Equity and Net-worth requirements, TRAI has referred to its response to recommendation 4.14, which defended the need for Category-C sub-circle level authorisations for small ISPs to protect those serving underserved areas and prevent undue financial burdens. For recommendation 4.42(b) about entry fee for Long Distance Service Authorisation, TRAI refers to its response to recommendation 4.33(b) about financial requirements and disagrees with DoT's modifications to entry fees. For recommendation 4.43 concerning satellite-based telecommunication service entry fee, TRAI has referenced its responses to recommendations 4.6(a) and 4.33(b), which defended the need for distinct categories of service authorisations with appropriate financial obligations and entry fees. Regarding recommendation 4.44(b) and 4.44(c) about entry fee for VNO services, TRAI has pointed to responses 4.16, 4.6(a), and 4.33(b), which address VNO categorisation, separate service authorisation categories, and financial requirements respectively. For recommendation 4.45(a) through 4.45(b-e) concerning bank guarantee amounts, TRAI has referenced its responses to recommendations 4.14 and 4.34, which defend small ISP protections and bank guarantee frameworks. On recommendation 4.46 about Minimum Equity and Net-worth requirements, TRAI has referred back to recommendation 4.14 about protecting small ISPs in underserved areas. For recommendations 4.47(a) and 4.47(b) about entry fee amounts, TRAI has pointed to responses 4.6(a) and 4.33(b) regarding separate service authorisation categories and entry fee requirements. Similarly, for recommendations 4.48(a) and 4.48(b) regarding bank guarantee amounts, TRAI has referred to responses 4.6(a) and 4.34 concerning service authorisation categories and bank guarantee frameworks. Finally, for recommendation 4.50 concerning application processing fees, TRAI has referred to its response to recommendation 4.6(a) defending distinct service authorisation categories and disagrees with DoT's proposal.

6. **Recommendations 4.51 – 4.67**: TRAI maintained its position on service-specific gross revenue/adjusted gross revenue definitions, rejecting DoT's uniform approach due to lack of justification, decade-long consistency, and potential ambiguity. For recommendation 4.54 on minimum authorisation fee for services with 'nil' entry fees, TRAI has referred to its responses on recommendations 4.6(a) and 4.14, which defend distinct service authorisation categories and protections for small ISPs. TRAI has rejected DoT's proposal to increase minimum authorisation renewal fees from 10% to 30%, arguing this would discourage smaller operators and hinder competition. For recommendations 4.56, 4.57, 4.58(b), and 4.59, TRAI has maintained its positions on various financial terms. TRAI has noted DoT's modifications to CMRTS Service Authorisation fee payment schedules in recommendation 4.62. For recommendation 4.64 on Statement of Revenue formats, TRAI has referred to its

position on maintaining service-specific revenue definitions. TRAI has noted DoT's proposed modifications to Statement of Revenue preparation norms and reiterated that for security interest terms, DoT should formulate appropriate conditions and seek TRAI's recommendations before finalisation.

TRAI responds to the DoT's back-reference in respect of TRAI's recommendations dated December 10, 2024, on Definition of International Traffic

On March 18, 2025, TRAI issued its response to the back reference dated February 13, 2025, sent by the DoT on TRAI's previous recommendations on 'Definition of International Traffic' dated December 10, 2024 ("**IT Definition Recommendations**"). In the IT Definition Recommendations, TRAI put forth the definitions of 'International Traffic' as traffic originating in one country and terminating in another country where one country is India, and 'International SMS Message' as international traffic delivered via Short Message Service ("**SMS**"). The IT Definition Recommendations specified that incoming Application-to-Person ("**A2P**") SMS should be classified as international if requiring electronic devices or systems outside India. While DoT endorsed these recommendations on February 13, 2025, clarification has been on SMS routing requirements through ILD gateway. TRAI responded stating that all Access Service Providers ("**ASP**") are required to route outgoing international SMS through ILD gateways as per the requirements under the Unified License. Whereas for incoming messages, A2P SMS delivered to ASPs by Indian telemarketers should not be routed through ILD gateways. However, all incoming international SMS originating from the Public Switched Telephone Network/Public Land Mobile Network of foreign carriers are required to be routed through ILD gateways for onward transmission to ASPs in India.

Response to the back reference dated February 13, 2025, received from DoT on the TRAI's recommendations on telecommunication infrastructure sharing, spectrum sharing and spectrum leasing dated April 24, 2024

On March 25, 2025, TRAI issued its response to DoT's back reference dated February 13, 2025, to TRAI's previous recommendations on 'Telecommunication infrastructure sharing, spectrum sharing and spectrum leasing' dated April 24, 2024 ("**Infrastructure Sharing Recommendations**"). The responses of TRAI to the views put forth by the DoT are broadly as follows:

1. the Infrastructure Sharing Recommendations provide that the DoT must explore the feasibility of instructing universal service providers under the Universal Service Obligation Fund ("**USOF**") to share passive infrastructure laid under USOF projects with at least 2 (two) other TSPs. However, the DoT did not accept this recommendation without providing any justification. TRAI reiterated its recommendation, in the absence of any rationale provided by DoT. With regard to the suggestion of sharing active infrastructure laid under USOF projects based on mutual agreements, the DoT accepted this suggestion subject to the license conditions;
2. the Infrastructure Sharing Recommendations provide that the frequency spectrum proposed to be shared by ASPs must be acquired through spectrum auction or spectrum trading, or the market price must be paid by ASPs for acquiring such spectrum. DoT added that the suggestion may be accepted with modification, stating that the frequency spectrum may also be liberalised as per the extant guidelines, such that it enables the use of spectrum in any band to provide any service in any technology. However, TRAI has responded in disagreement to this proposed change and reiterated its position;
3. the Infrastructure Sharing Recommendations provide that DoT must explore the possibility of implementing authorised shared access technique based spectrum sharing in India, under which the spectrum assigned to governmental agencies or non-TSP entities in the globally harmonised spectrum for IMT services may be assigned to ASPs as secondary users. DoT responded stating that the spectrum in IMT bands have already been assigned to entities other than TSPs and further mentioned that action will be taken on assignment to secondary users once

the coexistence study in certain IMT bands being undertaken by the Ministry of Defence is concluded. TRAI accepted DoT's agreement to this suggestion;

4. the Infrastructure Sharing Recommendations provide that the quantum of access spectrum leased should continue to be counted in the spectrum holding of the lessor and it should also be counted in the spectrum holding for the relevant geographical area for the purposes of spectrum cap. The DoT agreed with the suggestion with modification stating that in case of leasing spectrum in multiple geographic areas within an LSA in the same band, the highest amount of spectrum leased is required to be counted in the spectrum holding for the entire LSA; and
5. the Infrastructure Sharing Recommendations provide that the spectrum lessees will be given the option to pay the leasing fee either by upfront payment or by equal annual instalments. DoT responded by stating that the option for equal annual instalments will not be provided without giving justifications for its position. Owing to the lack of justification from the DoT, TRAI has reiterated its previous position and refused to accept DoT's response.

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

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Law Firms in India and
11 Ranked Practices

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11 winning Deals in
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11 A List Lawyers in
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of the Year 2024

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the Year 2023

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