



17 August 2023

Shri Akhilesh Kumar Trivedi  
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Dear Shri Akhilesh Kumar Trivedi,

[Supplementary Consultation Paper on Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India.](#)

The International Air Transport Association (IATA) is the global trade association for the airline industry, representing some 300 member airlines in 120 countries, carrying 83% of the world's air traffic. IATA members include the world's leading passenger and cargo airlines.

IATA responded to the consultation paper vide our letter dated 6th January 2023 and provided a summary of our responses in the open house discussions by a letter dated 16th March 2023.

We acknowledge TRAI's above-mentioned Supplementary Consultation Paper and appreciate your efforts in engaging stakeholders and seeking comments before deciding on the licencing regime. IATA would like to submit our below responses for Supplementary Questions 1 to 3:

- IATA maintains that VHF Data communication service providers (other than the Airports Authority of India) providing these services between the aircraft and ground stations should continue to be assigned without any auction pricing-based licensing regime. IATA is not clear whether the intent of the Supreme Court judgment made in the 2G case in 2012 referred to by TRAI/DoT, was also for safety-related / UN convention-assigned functions of international air transport (the Chicago convention in this case, to which India is a signatory).
- Following the principles of the Chicago convention, the frequency band is categorically reserved for a very specific purpose that has an important Safety specific function. In order to address the operational and safety requirements, and to avoid operational compromises for air transport, it is not the norm that an ICAO contracting state to impose an auction pricing-based licensing regime for these services.



- IATA's concern with auction-based licencing for data communications services between aircraft & ground stations other than AAI, is that:
  - i. It will not follow uniformity across ICAO contracting states under the Chicago convention.
  - ii. Any resulting increase in fees imposed on users would impact said services critical for Aviation safety.
  - iii. India's National Civil Aviation Policy (NCAP) 2016 places "topmost priority on aviation safety. The focus will be on pre-empting and preventing accidents/ incidents". The NCAP vision itself is "to make flying affordable for the masses". Implementation of such auction-based licencing is thus not aligned with the Government of India's policy that encourages Safe and affordable air connectivity across the nation.
  
- While we support establishing criteria to qualify a service provider, the same should be structured in a way that **the policy continues to encourage new entrants into the market – without imposing any undue entry barriers.**
  
- IATA expects Telecom authorities to complement the pace of aviation growth and its expansion across India by simplifying the licencing; and supplementing/encouraging the establishment of robust data communication coverage on priority.

In case of any further clarifications required, please do let us know.

Yours sincerely,

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