

RJIL/TRAI/2024-25/124

8th August 2024

To,

Shri Akhilesh Kumar Trivedi,
Advisor (Networks, Spectrum and Licensing)
Telecom Regulatory Authority of India,
Tower-F, World Trade Centre,
Nauroji Nagar, New Delhi - 110029

Subject: RJIL's comments on TRAI's Consultation Paper on "Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023".

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the Consultation Paper dated 11.07.2024 on **"Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023"**.

Thanking you,

Yours Sincerely,
For **Reliance Jio Infocomm Limited**

Kapoor Singh Guliani
Authorized Signatory

Enclosure: As above

**Reliance Jio Infocomm Limited's comments on TRAI's Consultation Paper on
"Framework for the Service Authorisations to be Granted Under the
Telecommunications Act, 2023" dated 11th July 2024**

Preface:

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving an opportunity to offer comments on the important consultation paper on **Framework for the Service Authorisations to be Granted Under the Telecommunications Act, 2023**. Our submissions on this important topic are detailed in following paras.

A. Scheme of Authorization under Telecommunication Act 2023

2. The Telecommunications Act, 2023, under sub-section 3(2) of section 3 of Chapter II on POWERS OF AUTHORISATION AND ASSIGNMENT notes as below:

(2) The Central Government may while making rules under sub-section (1) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.

3. It is further noted in section 56 of the act that the terms and conditions, including fees or charges for obtaining authorisation, migration to an authorization etc. under sub-section (1) of section 3 and the manner of exemption for providing authorisation under sub-section (3) of section 3 and related terms on the verifiable biometric based identification, telecommunication identifiers, the terms and conditions for the assignment of spectrum, including the frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure under sub-section (3) of section 4 and the manner of exemptions for assignment of spectrum under sub-section (7) of section 4 and other terms including applicable fees and charges, and any other relevant condition subject to which the utilisation of the spectrum in a flexible, liberalised and technologically neutral manner under section-6 would be governed by the Rules formed to carry out the purposes of the Act. Further, as per Section 56(3), the rule made under this Act and amendment to the Schedule made under section 57 shall be approved by the Parliament of India.
4. We agree with the Authority that the Authorization of the entities engaging in Telecommunication activities is a global precedent that is followed in India also. The rules for authorization must carry the scope of the service for that particular authorization, any specific exclusions or inclusions, detailed term and conditions of authorization, merger and acquisition, method of surrender and/or transfer, method

of assignment of resources such as telecommunication identifiers, spectrum, and financial conditions.

5. **Building telecommunication network and provisioning of services through such network is a capital-intensive business with long gestation period. Therefore, it is important that the terms and conditions of this business are protected against any arbitrary changes. Any changes in the term and conditions of authorization must be done only through mutual agreement between Government and Authorized Entity. Therefore, it is essential that the authorization under the Telecommunication Act i.e. new avatar of the license under Indian Telegraph Act, 1885, should retain the contractual nature of the existing license agreement.**
6. **In view of the above, the structure of the authorization regime, as envisaged under section 3 and Section 56 of the Act, should include (i) the high level rules, on the lines of the guidelines for issuance of a license in the old regime, and (ii) the authorization agreement which include the detailed terms and condition of building network, provision of services etc as covered in the current license agreements.**
7. The proposed authorisation agreement can be a detailed document on the lines of Unified License and would contain applicable terms and conditions including security conditions, operating conditions, spectrum assignment related terms among others. We understand that this will be least disruptive mode even for entities seeking to migrate to new regime and would also ensure no worse off condition under the Act.
8. We further submit that **in order to protect the investor's interests and delivering sustainable regulatory certainty and predictability, TRAI consultation should be carried out before any changes in the Act, Rules, Authorization (old License) as envisaged in section 11 of TRAI Act,1997. In case of any change in Authorization Agreement, it would be mandatory to have mutual agreement with the Authorized entities before effecting any change.**

B. Principles for Rules and license terms and conditions under The Telecommunication Act 2023

9. General

- i. The Rules should focus on consolidating and modernizing the laws governing telecommunication and associated services in the sector to encourage provision of new affordable services and facilities to the Users. The Rules should ensure the

Government's intent of keeping telecommunication laws rational, agile, simple, easy to understand and implement, as well as non-disruptive to the current dispensation.

- ii. A predictable, transparent, and conducive regulatory framework is paramount for attracting investments into the telecommunications sector, known for its capital-intensive nature and intense competition.
- iii. A forward-looking, Ease of Doing Business (EODB), and soft-touch regulation-based approach should be adopted to support rapid technological advancements and their quick adoption by the Users and industry.
- iv. The rules framed under Section 3 should outline the broad contours of licenses/authorizations, including eligibility criteria, the process of grant, scope of service, and methodology for resource allocation by the Government in line with current licensing guidelines for unified license and other licenses. Detailed terms and conditions should be provided in the "license agreement"/ "authorization Agreement" or by whatever name it is called. Further, the "Authorised Entities" be allowed "Free Play in the Joints" for providing state of art affordable services to the Users.
- v. **Given the rapid transformation in digital technologies and ability of non-licensed companies to provide some of the traditional licensed services, the Rules should try to bring parity across entities and ensure that Telecom licensees are not disadvantaged** with respect to other players in terms of additional compliance requirements and regulatory costs.

10. Licensing/ Authorisation

- i. **The contractual nature of the licenses must be preserved.** The current license agreement grants the licensor the authority to modify it, **only under specific circumstances**, such as for public interest, state security, or the proper conduct of telegraphs/ telecommunications. **This provides reasonable protection for licensees against arbitrary changes that could threaten their investments during the term of license agreement or spectrum assignment period. Therefore, the authorization under the Telecommunication Act must include such safeguards via a contractual agreement, detailing all terms and conditions.**
- ii. **Further, since telecommunication is central subject under the constitution, takeover of the network by states should not be permitted under any**

circumstances. While framing the rules for the same, the word “State” can be omitted to ensure that only central government can take over the network of licensees under well-defined circumstances in the interest of security of the nation and public interest.

- iii. Section 3(6)(a) of the Act clearly provides that entities with a definite validity period in their license, registration, or permission are entitled to continue operating under those terms and conditions or migrate to the terms of the relevant authorization as prescribed. **Migration to new terms should be a choice, not a mandate, for the duration of the license contract. Further, to ensure level playing field, the terms and conditions applicable through the existing license agreement under Indian Telegraph Act, 1885 and the authorization agreement under the newly enacted Telecommunication Act, 2023 shall always remain same. Thus, the proposed simplification and EODB measures in following paras should be equally applicable for existing license authorizations under Unified License.**
- iv. The definition of “Message” and “Telecommunication Service” under the newly enacted Telecommunication Act, 2023 includes all form of telecommunication services including the **communication services provided over the top (OTT) using the platform/ servers/ switches hosted in the public internet. In order to ensure same rules for same or similar services, as provided under heading “definitions” in the Telecommunication Act, 2023. Over The Top (OTT) communication service providers are equivalent to access service providers.**
- v. **Open Access, as proposed in section 15(2), to networks created by private entities will disrupt capital investment for creation of basic infrastructure for providing telecommunication services.** Therefore, sharing of networks should be entirely on mutual commercial agreements between the consenting entities including the charges and fees for such sharing, with no regulatory i.e. by Regulator of Licensor, intervention in setting these charges to encourage investment in infrastructure which is critically required by the sector.

11. Spectrum

- i. **Spectrum assignment should primarily be conducted through auctions. Administrative spectrum assignments should only be considered in exceptional cases, following a thorough self-speaking examination justifying the stipulated three conditions in section 4(5)(a) of the Act by both the Telecom Regulatory Authority of India (TRAI) and the Government. Such exceptions should be made for reasons of public interest, government**

function (except for provision of commercial service), or when auctioning is not feasible due to technical reasons.

- ii. The terms and conditions for both auction-based and administrative spectrum assignments, including equitable charges, should be formulated **only after considering TRAI's recommendations**. The Act includes certain spectrum use cases, based on ongoing adhoc policy of administrative assignment, and have included such use cases in the **First Schedule**. **All such entries should be tested for compliance with subsections (i), (ii), and (iii) of section 4(5)(a) of the Act.**
- iii. **The fast-evolving technology landscape has resulted in rapidly changing use cases and the refarming of spectrum from one type of use to another. Several examples of such refarming have been observed in recent years. For instance, administratively assigned spectrum in the 3.5 GHz band for LMDS systems has been refarmed and auctioned for 5G/IMT services. Similarly, the 26 GHz/28 GHz band spectrum, initially intended for backhaul, has been refarmed and auctioned for 5G. Additionally, the 6 GHz spectrum is planned to be refarmed from satellite use to IMT use. Many other spectrum bands are being transitioned from defense, satellite, and backhaul uses to Access Services. Moreover, Act envisaged flexible use of spectrum which is appropriate approach for optimum use of scarce resources.**
- iv. **Parliament, while enacting the Indian Telecommunication Act, 2023, was conscious of the rapidly changing technological landscape. Consequently, provisions for the amendment of entries in the First Schedule have been included. Specifically, Section 4(5)(a) and Section 57(1)(a) of the Act allow for such amendments. Therefore, the existing entries in the First Schedule are not permanent and can be modified. In fact, all such entries are subject to review and amendment whenever the opportunity arises. Given that the current policy for administrative assignment is adhoc, and all assignments done administratively have been on an adhoc basis, there now is an opportunity to review these assignments and finalize the entries in the First Schedule of the Act.**
- v. **The policy of spectrum assignment, whether through auction or administrative means, should undergo continuous evaluation on account of technological advancements, as the associated spectrum use in any given band will continue to evolve with time. Therefore, periodic reviews by TRAI including stakeholder consultation and in-depth examination are essential in every three years**

- vi. **Further, while the administrative assignment of spectrum should be done in rarest case where auction is technically not feasible, such administrative assignment shall be done in a fair and transparent manner and shall not be done on First Cum First Serve (FCFS) basis which has been junked by Hon'ble Supreme Court.**
- vii. Additionally, the rules should provide for flexible, liberalized, and technologically neutral spectrum utilization to offer voice, data, and video services to customers. **No additional fees or charges should be prescribed for such flexible use of spectrum acquired through auction/liberalized spectrum.** Provisions related to spectrum sharing, trading, leasing, and surrender should apply only to spectrum obtained through auction/**liberalized spectrum**.

12. Role of TRAI

- i. **The Rules should not dilute the mandate and role assigned to TRAI through the TRAI Act 1997.** TRAI's vital role not only safeguards existing investments but also helps attract new investments and supports the orderly growth of the telecommunication sector.
- ii. As required under the TRAI Act, **a consultative process with TRAI should continue** to be mandatory for any licensing, registration, authorization, and spectrum valuation exercises and assignment as it forms important terms and conditions of a license. The terms and conditions of any new category of service provider/authorization including network & spectrum should be formulated after seeking **mandatory recommendations from TRAI** as such policies impact current and future investments in the sector.
- iii. **These rules should not cover subjects within TRAI's purview under the TRAI Act 1997, for which TRAI can issue regulations/orders.** Further, wherever there are ITU standards available, there is no need to formulate separate standards or regulation on the same subject either by Licensor or TRAI.

13. Authorization Fee / License Fee

- i. There is a vital need for reducing the License fee to facilitate Investments and meet the Digital India Vision. As the most vital Government contribution in a telecom network i.e. right to use spectrum, is assigned through auction, **the license fee or authorization fee should be charged only towards covering the cost of administrative expenses and should be less than 1% of Adjusted**

Gross Revenue (AGR) wherein AGR is defined as total billed revenue for providing telecommunication service to the Users as reduced by:

- (i) Amount of GST paid.
 - (ii) roaming charges paid to others service providers.
 - (iii) Interconnect Usage charges paid to other service providers.
 - (iv) Charges paid to other operators, who are paying equivalent License fee / Authorization fee to Government, for procurement of telecom services such as bandwidth, Fiber, Spectrum Sharing, sharing of infrastructure, and leasing of Telecom infrastructure.
 - (v) Half circuit charges paid to international operator for IPLC.
 - (vi) Access facilitation charges paid to another operator for the Cable landing access.
- ii. Authorisation fee reforms are the most critical to boost investments in the sector and are pending for many years now. The current Government levies constitute to more than 28% of the TSP revenue and the TSPs continue to suffer under the massive burden of regulatory levies. The current burden of License fee and other taxes is not only disproportionately high but prohibitive for growth as well and needs rationalization. **Therefore, the license fee or authorization fee should be limited only to cover the licensing and regulatory cost, which will be less than 1% of the AGR.**
- iii. Further, the remaining component of License Fee of 5% of AGR towards Universal Obligation Levy also needs to be abolished at the earliest. The rural tele-density has exceeded and surpassed the objectives laid down under successive telecom policies, whereas the operators are still being subjected to an ever-increasing heavy burden of contributions to USO fund with the same percentage of AGR, which was decided in year 2001. There is also a huge unutilized corpus in the USO Fund to the tune of nearly Rs. 80,000 crores, which represents a huge opportunity cost for the sector, as monies that could have been deployed in the networks and used to deliver services to consumers. **Till the utilisation of this fund, no USOF levy be charged from the operators and thereafter this levy should be decided every year on the basis of annual likely expenditure for funding approved schemes.**
- iv. In addition to this, exemption of Fixed line Services revenue from License fee including USO levy, as already been recommended by TRAI and approved by DOT / DCC should be implemented under the upcoming dispensation.

14. Digital Bharat Nidhi (DBN)

- i. The existing surplus of USOF, which may get transferred to Digital Bharat Nidhi, should be used only to enhance the proliferation of Broadband communication (both Wired and Wireless) and should not to be used for any other end use, in accordance with the objectives of USOF, as outlined in the Indian Telegraph Act amendment 2003 and 2006, giving statutory status to the USOF, and basis which this levy was imposed on TSPs.
- ii. Further, as discussed above, there is already a huge unutilized corpus in the USO Fund to the tune of nearly Rs. 80,000 crores and no DBN levy should be charged till the utilization of this fund. Thereafter this levy, in the form of contribution to DBN on AGR basis, should be decided every year on the basis of annual likely expenditure for funding approved schemes.
- iii. **Such contribution to Digital Bharat Nidhi by a TSP should be inversely proportional to the coverage already done by a TSP in the rural areas.** This would incentivize the operators to rollout their services in such areas and would thus contribute to achieving the primary objective of Digital Bharat Nidhi / USOF. Further, the collection of the levy towards Bharat Nidhi should be stopped and should start in the manner suggested above only after the existing corpus in the USO Fund is exhausted.
- iv. **There should be well defined transparent tendering process for allocation of fund for all activities. Fund should not distort competition by undue subsidization, by way of allocating projects on nomination basis or upgradation of network of some operator or creating the backhaul connectivity for some operators. Further, any infrastructure created with the support of USOF/DVN should be governed by the terms and conditions of the entered agreement and there should not be any extraneous consideration to direct to share such infrastructure.**
- v. **Any allocation of the fund by nomination method without tendering process for the building the networks of the competitor service provider would create a situation where a service provider would itself indirectly fund the creation of the network of its competitor. This would disturb the level playing field and would disincentivize the service providers from investing and upgrading their networks and would work against the principal objective of DBN framework.**
- vi. Since the principal objective of DBN framework is expansion of telecommunication services in the unconnected areas, the **funding for non-telecom projects** e.g. non rural coverage project or to entities that are non-

contributing to the fund, should **be limited to 5%** of total disbursement planned in a year.

15. Subscriber authentication

- i. Aadhaar-based biometric identification should be the preferred mode of authentication for telecom customers, with exceptions for well-defined cases under the rules. This is a robust and technologically advanced mechanism of subscriber verification and is free from any errors that may occur due to manual interventions.
- ii. However, considering the possibility of technological advancements, promoting the ease of doing business and facilitating consumer ease, robust and diverse verifiable identification options and when available should be made available to service providers /authorized entities at no extra cost. With Aadhaar based biometric system being available, there is no need to create a parallel/separate biometric based unique ID and authentication system for telecommunication Users.

16. Right of Way (RoW)

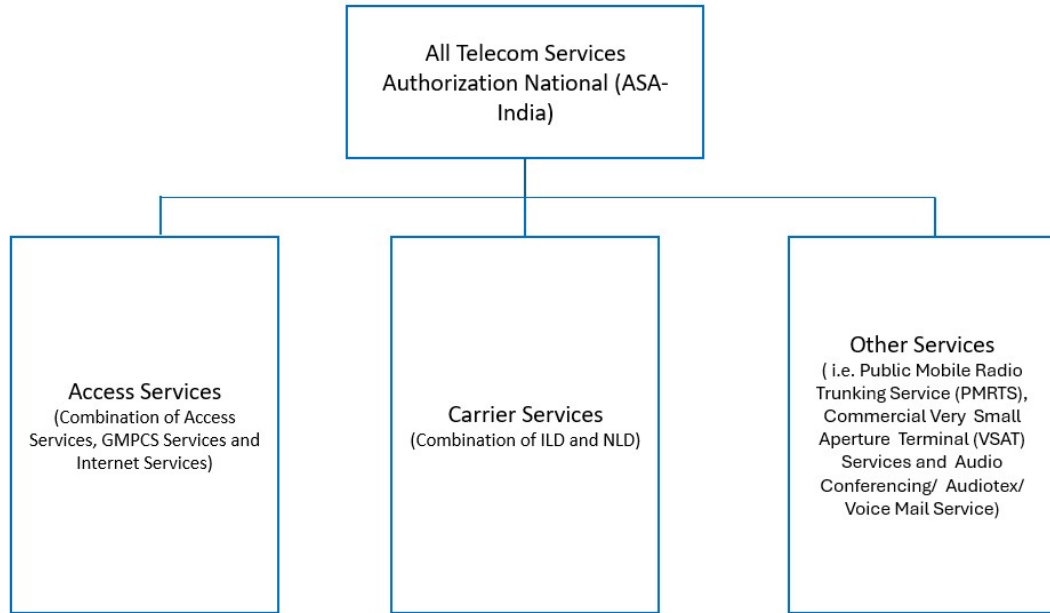
- i. Once Right of Way (RoW) is obtained from the primary authority, it should be **binding on secondary authorities**, whether public or private, to provide RoW access to telecom operators to lay their Optical Fiber Cable (OFC) within 30 days of application. The service provider should have **choice to restore on its own** after laying the OFC on as is where is basis, **without any payment of restoration charges to the authorities**.
- ii. Any agency appointed by Central / State government or any autonomous body / SPV set by Government during any expansion/new project shall protect the telecom network from any kind of damage.
- iii. In smart city developments, **common utility corridors and manholes for telecom infrastructure should be separate from other utility corridors**, such as power, water, gas, oil, and sewage systems.

C. Structure of Authorizations under the Telecommunications Act 2023

17. The Authority has rightly noted that a single Authorization for all telecom services is a long pending policy measure. It was first envisaged under the objectives of National Telecom Policy (NTP) 2012 and was also recommended under the TRAI

recommendations of April 2012, wherein a national level Unified License was recommended to offer any or all of the telecom services in the country.

18. At present, in the absence of such an authorization, the service providers are unable to leverage the benefits of the synergies and EODB enabled by such an authorization, despite of offering all services at pan-India level. We agree with the Authority that such an authorization will enable an efficient network design, optimization and leveraging of all available resources and infrastructure for provision of affordable state of the art services to the Users.
19. Accordingly, we recommend introduction of a **Pan India All Telecom Service Authorization (“ASA-India”)** to enable the Authorized Entity to provide end-to-end telecommunication services, which are permitted under the Telecommunications Act, 2023, without the need for any other separate authorisation. This would enable simplified licensing, efficient routing of traffic, infrastructure and resources optimization and simplified accounting. The scope of all service authorizations under the Unified License will be merged into this authorization with reformulation of some definitions. This will help in streamlining financial records by virtue of centralized pan-India level books of records and will cut the administrative impacts and help simplified assessment and speedy revenues to Government by reducing litigations.
20. We understand the Authority’s concerns and submit that an **All Telecom Services Authorization (“ASA- LSA”)** with LSA based “Access Services” & All India based “Carrier and Other Services” can be introduced to facilitate service providers that are providing services in some areas. Each of these authorizations can have a shadow reseller authorization like VNO with lower entry fee e.g. ASA can have a VNO-ASA, VNO-ASA LSA. Geographical Area of LSA may be defined as the area upto 200 nautical miles from the baseline of the respective service area.
21. In order to enable simplified and Exchequer revenue neutral implementation of this authorization, we propose the following structure for revenue accounting purposes.



22. The scope of these services can be defined as below.

- i. **Access Services:** ACCESS SERVICES (AS) mean telecommunication service provided to “User” by means of a “telecommunication equipment” for the conveyance of switched or non-switched voice or non-voice messages through wireline or wireless, terrestrial or non-terrestrial “telecommunication network” of the “Authorised Entity”. The user shall have “a telecommunication identifier” for switched voice or non-voice message. Further, for conveyance of “User’s” non-switched voice and non-voice messages, authorized Entity can use non-public telecom identifier for the same, if required. The user shall be registered and authenticated by the telecommunication network of the “Authorised entity”.

This will comprise of all the services used for delivering voice/non-voice messages directly to the users through telecommunication equipment over a telecommunication network. i.e. a combination of current **Access Services**, **Internet Services** and **Global Mobile Personal Communication by Satellite (GMPCS)** services.

- ii. **Carrier Service:** The services used for carriage of telecommunication traffic inside and outside the country i.e. the merged version of existing NLD and ILD authorizations.

The scope of the carrier service providers, under the Carrier Service Authorization or license must exclude the Access services such as calling card services etc. to avoid overlap and arbitrage. With low entry fee of Access Service Authorization, any standalone Carrier Service provider can obtain the Access Service Authorization to provide the calling card services.

- iii. **Other Services:** All Other Services that are not part of the above revenue heads will be part of this section. From independent authorization perspective, this would be an amalgamation of all other authorizations under Unified License i.e., Public Mobile Radio Trunking Service (PMRTS), Commercial Very Small Aperture Terminal (VSAT) Closed User Group (CUG) Service, and Audio Conferencing/Audiotex/Voice Mail Service. **The scope of this authorization would include only the services that are not providing broadband internet and voice services to the public. These may be collectively referred to as Other Service Authorization (OS-India).**

23. This proposed structure for revenue accounting can also be used for merging of Authorizations (and realignment of the scope of current licenses in the proposed Authorization regime), There is no need to maintain accounting separation **by All Telecom Services Authorization/licensee (ASA India)**. This will remove the possible arbitrage at present being available to the service provider for booking NLD revenues for carrying its own call from one service area to the other service area. In case carrier service is provided to any other subscriber other than its own subscriber, then the billed amount will automatically reflect under the definition of AGR.

24. **Abolish SDCA and LDCA concept:** SDCA was introduced when long distance calls used to be very expensive and calls within a Short Distance Charging Area (SDCA) used to be a local call typically charged at Rs. 1.20 for three minutes. Long Distance Charging Area (LDCA) concept was introduced for charging calls beyond SDCA. Both have lost relevance now and this concept should be abolished. The License Service Area (LSA) should be one unit for telecommunication and as far as possible co-terminus with state boundaries.

25. A simpler authorization for creation of passive infrastructure e.g. **Passive Network Authorization (“PNA-India” or “PNA-LSA”)** may also be introduced. The scope of this authorization should be same as the current IP-1 registration. To avoid any arbitrage of levies, the active network element shall not be allowed to PNA holders. Only the ASA holder (India or LSA) or VNO-ASA (India or LSA), Carrier Service Providers and Other Service Providers (i.e. OS-India Authorisation) shall be allowed to install the active network elements to provide the services as per the scope of their respective licenses. In similar manner, the current registration regime for M2M

Service Provider (“M2MSP”) should be continued with simpler / light touch version of the authorization.

26. **To ensure level playing field between new authorizations and existing licenses, it must be ensured that the terms and conditions applicable through the existing license agreement under Indian Telegraph Act, 1885 and the authorization agreement under the newly enacted Telecommunication Act, 2023 always remain same. Any new relaxations in compliance requirement, reduction in levies, addition of scope and allocation of resources etc. should be uniformly applicable to the authorization under new regime and existing licenses under Telegraph Act, 1885, without any discrimination.**
27. Exemptions from obtaining authorisation as provided under Section 3(3) should normally not be available in order to maintain the level playing and avoiding creation of regulatory arbitrage. If Government deems necessary to provide such exemptions, then before providing such exemptions, TRAI recommendations should be sought, and recommendation should be made by the DCC to the Union Cabinet for the approval.
28. The rules and authorization regime should prioritize 'Ease of Doing Business' with time-bound online approvals, renewals, and reporting. Compliance should follow a soft touch regulation, minimizing audits and inspections. EODB can be promoted in various areas, such as subscriber verification, FDI norms relating to land border countries, Right of Way, EMF compliances.
29. The definition of AGR should include the revenue from authorised activities (under Authorisation) only to ensure that no license fee is imposed on activities that can be done without authorisation under Section 3 of the Act. In other words, if the authorized entity undertakes any activity that can otherwise be done without obtaining authorization under Section 3 of the Act, then the revenue earned by it from such activity should not be included in the AGR.
30. SUC has been withdrawn from the auction held in 2022 & 2024. However, to address the legacy SUC issue for spectrum auctioned before 2022, a pan-India weighted average SUC rate, derived from the SUC rates of 22 circles for Access, MWA, MWB and E Band spectrum, should be used to levy the SUC on the basis of pan India AGR for calculation of SUC.
31. For facilitating ease of doing business, Logs such as IPDR and CDRs should be used solely for intelligence and investigation purposes and not as court evidence. It would

help in reducing the obligations on service providers but at the same would not lead to any impact on the work of security agencies.

32. Recently, numerous new requirements have been introduced for Telecommunication Service Providers (TSPs) to support national security. While TSPs are committed to supporting national security efforts, these requirements impose significant financial and operational burdens, necessitating the installation and maintenance of additional infrastructure. Therefore, for the implementation of various security requirements, the authorisation regime should provide a framework of bearing of such costs by the relevant Law Enforcement / Security Agencies.

33. Artificial distinctions are sometimes created between service providers by referring to them using different terminologies. This not only leads to unnecessary differentiation but also risks the application of varying rules to service providers offering similar services. Therefore, to avoid any artificial distinction between service providers based on different terminologies, it must be ensured that all authorised service providers, under Section 3 of Act, are referred to as Telecommunication Service Providers.

34. A large number of agencies need specific data or services for which the Telecom Service providers need to carry out the upgradation of features/capacity in their network. The agency seeking such upgradation of features and capacity shall bear such cost that is mutually agreed. DoT should not mandate provisioning of any such upgradation free of cost.

35. Conclusions

1. The structure of the authorization regime, as envisaged under section 3 and Section 56 of the Act, should include (i) the high level rules, on the line of the guidelines for issuance of a license in the old regime, and (ii) the authorization agreement which include the detailed terms and condition of building network, provision of services etc as covered in the current license agreements.
2. TRAI consultation should be carried out before any changes in the Act, Rules, Authorization as envisaged in section 11 of TRAI Act,1997. In case of any change in Authorization Agreement, it would be mandatory to have mutual agreement with the Authorized entities before effecting any change.
3. Telecom Rules should provide for a predictable, rational, transparent and EODB based regulatory oversight.
4. Contractual nature of the existing licenses must be preserved, and all relaxations provided under new dispensation should be equally available to existing holders of Unified License authorisations.
5. There should be no forced migration to new authorization agreement.
6. Spectrum assignment should primarily be conducted through auctions.
7. No fees or charges should be prescribed for such flexible use of spectrum acquired through auction.
8. The license fee or authorization fee should be charged only towards covering the cost of administrative expenses and should be less than 1% of AGR.
9. Till the utilisation of existing USO fund, no levy be charged from operators for Digital Bharat Nidhi. This levy, in the form of contribution to DBN on AGR basis, should be decided every year on the basis of annual likely expenditure for funding approved schemes.
10. Further, the rate of revenue share for USO Levy/DBN Contribution should be inversely proportional to the rural coverage done by any TSP.
11. A Pan India All Telecom Service Authorization (“ASA-India”) should be introduced to enable provision of all services under the Act. This authorization should get the current Access Service, ISP and GMPCS license, which are predominately access service provide for Internet and/or Voice to public, merged into it.
12. Carrier Service Authorization(“CS-India”) should allow only the Carrier Services to carry traffic between two set of service providers.
13. Other Service Authorization(“OS-India”) provide services other than Access and Carrier Services and their services should be restricted and should be only the services other than Voice, Internet, Broadband to the Public. This authorization should fold in the current PMRTS, CMRTS, VSAT, Audiotex etc.

14. There can be provisions of LSA level authorization and VNO authorisations for ASA-India.
15. LDCA and SDCA concept to be abolished.
16. A uniform SUC formula can be implemented in a revenue neutral manner for both TSPs and Government under ASA-India.
17. There is a need to rationalize AGR definition by including only the revenue from telecom services under the Act in the GR as reduced by specific parameters detailed in preface.
18. Geographical Area of LSA may be defined as the area upto 200 nautical miles from the baseline of the respective service area.

Issue wise response:

Q1. For the purpose of granting authorisations under Section 3(1) of the Telecommunications Act, 2023, whether the Central Government should issue an authorisation to the applicant entity, as is the international practice in several countries, in place of the extant practice of the Central Government entering into a license agreement with the applicant entity? In such a case, whether any safeguards are required to protect the reasonable interests of authorized entities? Kindly provide a detailed response with justifications.

And

Q2. Whether it will be appropriate to grant authorisations under Section 3(1) of the Telecommunications Act, 2023 in the form of an authorisation document containing the essential aspects of the authorisation, such as service area, period of validity, scope of service, list of applicable rules, authorisation fee etc., and the terms and conditions to be included in the form of rules to be made under the Telecommunications Act, 2023 with suitable safeguards to protect the reasonable interests of the authorised entities in case of any amendment in the rules? Kindly provide a detailed response with justifications.

RJIL Response:

1. The implementation of the new regime under the Act should be **based on principles that minimize disruption, safeguard existing investments in the sector, and ensure regulatory predictability and certainty to attract further investments.** Currently, service providers must obtain a license, which is a contractual agreement with the Government, adhering to the broad terms and conditions outlined in the licensing guidelines. We agree with the Authority that the Authorization of the entities engaging in Telecommunication activities is a global precedent that is followed even in India as in the existing regime also wherein service providers are authorised to

provide telecom services as per the authorisation obtained by them under Unified License.

2. **In order to align with the abovementioned principles, the structure of the authorization regime, as envisaged under section 3 and Section 56 of the Act, should include; (i) the high level rules, on the lines of the guidelines for issuance of a license in the old regime, and (ii) the authorization agreement which include the detailed terms and condition of building network, provision of services etc. as covered in the current license agreements. We understand that this will be least disruptive mode even for entities seeking to migrate to new regime and would also ensure no worse off condition under the Act.**
3. As mentioned in preamble, building telecommunication network and provisioning of services through such network is a capital-intensive business with long gestation period. Therefore, it is important that the terms and conditions of this business are protected against any arbitrary changes. Any changes in the term and conditions of authorization must be done only through mutual agreement between Government and Authorized Entity. **Therefore, it is essential that the authorization under the Telecommunication Act i.e. new avatar of the license under Indian Telegraph Act, 1885, should retain the contractual nature of the existing license agreement.**
4. We believe that the above will **protect the service providers from any arbitrary changes and would thus protect their investments. Due to such safeguards and resulting regulatory certainty, investors would be encouraged to make further investments into the sector.**

Q3. In case it is decided to implement the authorisation structure as proposed in the Q2 above,

(a) Which essential aspects of authorisation should be included in authorisation documents?

RJIL Response:

In line with our response to Question 1 and Question 2, we reemphasize that the structure of the authorization regime, as envisaged under section 3 and Section 56 of the Act, should include; (i) the high level rules, on the lines of the guidelines (e.g. UL Guidelines, UL-VNO Guidelines etc.) for issuance of a license in the old regime, and (ii) the authorization agreement which include the detailed terms and condition of building network, provision of services etc. as covered in the current license agreements. This will ensure least **disruption for current service providers,**

safeguard existing investments in the sector, and ensure regulatory predictability and certainty to attract further investments. We propose that the Statement of Revenue and License Fee should include a sub-section that clearly specifies the Adjusted Gross Revenue (AGR) used for calculating the Spectrum Usage Charge (SUC), as depicted in Annexure-B.

(b) What should be the broad category of rules, under which, terms and conditions of various authorisations could be prescribed?

RJIL Response:

1. As submitted in preamble, Rules should focus on consolidating and modernizing the laws governing telecommunication and associated services in the sector. The Rules should ensure rational, agile, simple, predictable, transparent, easy to understand and implement, telecom regulatory oversight. The rules should be providing a forward-looking, EODB, and soft-touch regulation-based approach as outlined in the preface.
2. However, in order to ensure least disruption and to promote regulatory certainty, the high-level rules, for obtaining authorization agreement, should be on the lines of the guidelines (e.g. UL Guidelines, UL-VNO Guidelines etc.) for issuance of a license in the old regime. Whereas authorization agreement should be a detailed document containing terms and conditions and would be contract signed between Government and service provider. The detailed terms and condition in the authorization agreement would be on the lines of existing license agreement.
3. While it is difficult to propose terms and conditions in absence of settled Rules, we have enclosed indicative terms and conditions as Annexure-A for consideration.

(c) Whether it would be appropriate to incorporate the information currently provided through the extant Guidelines for Grant of Unified License and Unified License for VNO, which included, inter-alia, the information on the application process for the license, eligibility conditions for obtaining the license, conditions for transfer/ Merger of the license etc., in the General Rules under the Telecommunications Act, 2023?

RJIL Response:

Yes, the rules should outline the broad contours of licenses/ authorizations, including eligibility criteria, the process of grant, scope of service, methodology for resource allocation by the Government, eligibility conditions for obtaining the

license, conditions for transfer/ Merger of the license etc **in line with current licensing guidelines**. Detailed terms and conditions should be provided in the “authorization agreement”.

(d) What could be the broad topics for which the conditions may be required to be prescribed in the form of guidelines under the respective rules?

Kindly provide a detailed response with justifications.

RJIL Response:

1. **The rules should cover** broad category of terms and conditions (with similar level of details as contained in the existing guidelines) on the aspects as mentioned below:

- i. Ownership requirements
- ii. Eligibility conditions
- iii. Financial conditions
- iv. Broad terms of authorisation
- v. Technical conditions
- vi. Security conditions
- vii. Migration Conditions
- viii. Spectrum and Frequency Assignment related conditions
- ix. Methodology for allocation of required resources

2. While the above would serve the purpose of making applicant company aware about the broad terms and conditions at the time of obtaining authorisation agreement, the detailed terms and conditions that will be applicable to the authorised entities would be contained in the ‘Authorisation Agreement’ which would be signed between the applicant and the Government.

Q4. In view of the provisions of the Telecommunications Act, 2023, what safeguards are required to be put in place to ensure the long-term regulatory stability and business continuity of the service providers, while at the same time making the authorisations and associated rules a live document dynamically aligned with the contemporary developments from time to time? Kindly provide a detailed response with justifications.

RJIL Response:

1. In the current regime, the framework is continuously updated to incorporate contemporary developments by amending the conditions of the Unified License Agreement and the Guidelines for obtaining a Unified License (UL). These

amendments are made following recommendations from the TRAI, as stipulated by the TRAI Act, through a transparent consultative process. This process allows stakeholders to provide their inputs on the proposed changes. In case of any arbitrary changes, service providers have the option to seek relief through the courts, as the license agreement is contractual in nature.

2. We believe that the same approach as described above needs to be followed in the proposed regime as well as it is necessary to ensure long-term regulatory stability and business continuity of the service providers in capital intensive telecom sector. In order to ensure the same, the Rules under the Telecommunication Act should be amended only post a detailed consultative process with stakeholders and TRAI recommendations on the subject. In addition, DoT should also adopt the transparent process of consultation as followed by TRAI and issue the rules and orders as speaking orders with explanatory memorandum as issued by TRAI.
3. Further, to ensure that the Authorization agreement is an implementable document, it is necessary to adopt a consultative approach facilitating mutual agreement approach between the parties for any prospective change. Furthermore, **TRAI's recommendations must be mandatorily sought as per the provisions under the TRAI Act**
4. As the authorization agreement would be a contract between the Government and the Authorised entity, it is important that **all changes proposed in the authorization agreement can be enacted only post a detailed consultation including seeking TRAI recommendations followed by mutual agreement between contracting parties.**

Q5. In addition to the service-specific authorisations at service area level, whether there is a need for introducing a unified service authorisation at National level for the provision of end-to-end telecommunication services with pan-India service area under the Telecommunications Act, 2023? Kindly justify your response.

RJIL Response:

1. Yes, as mentioned in the preface, an all-telecom services authorization at national level to provide all telecommunication services under one Authorization with national service area is imperative to deliver synergies of scale and operations and it should be implemented under the new dispensation.
2. This is a long-delayed objective of NTP-2012 and under the Unified License regime recommendations, but we understand that it could not be implemented due to

existing LSA wise spectrum assignment, assessments and audits, however, it is imperative that it should be implemented under the Telecommunication Act 2023.

3. In order to address the current issues pertaining to the accounting and application of spectrum usage charges, we propose to define AGR as **Adjusted Gross Revenue (AGR) wherein AGR is defined as total build revenue for providing telecommunication service to the Users as reduced by:**
 - a) Amount of GST paid.
 - b) roaming charges paid to others service providers.
 - c) Interconnect Usage charges paid to other service providers.
 - d) Charges paid to other operators, who are paying Authorization fee to Government, for procurement of telecom services such as bandwidth, Fiber, Spectrum Sharing, sharing of infrastructure, and leasing of Telecom infrastructure.
 - e) Half circuit charges paid to international operator for IPLC.
 - f) Access facilitation charges paid to another operator for the Cable landing access.
4. There is no need to maintain accounting separation by all telecom services authorization/licensee (ASA India). This will remove the possible arbitrage at present being available to the service provider for booking NLD revenues for carrying its own call from one service area to the other service area. In case carrier service is provided to any other subscriber other than its own subscriber, then the billed amount will automatically reflect under the definition of AGR. Further, it is suggested to merge GMPCS services and Internet services under access as satellite is only a media while service is conveyance of switched or non-switched voice or non-voice messages from/to Users which is same as for Access Services. These services were earlier introduced in 90s with the opening of the telecommunication service from private participation in trenches and has lost that relevance at present. Further, this is in line with the latest technological developments in which the mobile network technology and its standards have already converged with Non-terrestrial network including the satellite based networks.
5. We proposed to split the accounting under the ASA-India Authorization in 3 parts from revenue accounting purposes. The below proposal on the split of revenues should also form the basis of defining the scope of various authorizations that will be issued under the new regime.
 - a. **Access Services:** ACCESS SERVICES (AS) mean telecommunication service provided to “User” by means of a “telecommunication equipment” for the

conveyance of switched or non-switched voice or non-voice messages through wireline or wireless, terrestrial or non-terrestrial “telecommunication network” of the “Authorised Entity”. The user shall have “a telecommunication identifier” for switched voice or non-voice message. Further, for conveyance of “User’s” non-switched voice and non-voice messages, authorized Entity can use non-public telecom identifier for the same, if required. The user shall be registered and authenticated by the telecommunication network of the “Authorised entity”.

This will comprise of all the services used for delivering voice/non-voice messages directly to the users through telecommunication equipment over a telecommunication network. i.e. a combination of current **Access Services, Internet Services** and **Global Mobile Personal Communication by Satellite (GMPCS)** services including captive/lease circuit network.

- b. **Carrier Service:** The services used for carriage of telecommunication traffic inside and outside the country i.e. the merged version of existing NLD and ILD authorizations.

The scope of the carrier service providers, under the Carrier Service Authorization or license must exclude the Access services such as calling card services etc. to avoid overlap and arbitrage. With low entry fee of Access Service Authorization, any standalone Carrier Service provider can obtain the Access Service Authorization to provide the calling card services.

- c. **Other Services:** All Other Services that are not part of the above revenue heads will be part of this section. From independent authorization perspective, this would be an amalgamation of all other authorizations under Unified License i.e., Public Mobile Radio Trunking Service (PMRTS), Commercial Very Small Aperture Terminal (VSAT) Closed User Group (CUG) Service, and Audio Conferencing/Auditex/Voice Mail Service. **The scope of this authorization would include only the services that are not providing broadband internet and voice services to the public. These may be collectively referred to as Other Service Authorization (OS-India).**

- d. **Abolish SDCA and LDCA concept:** SDCA was introduced when long distance calls used to be very expensive and calls within a Short Distance Charging Area (SDCA) used to be a local call typically charged at Rs. 1.20 for three minutes. Long Distance Charging Area (LDCA) concept was introduced for charging calls beyond SDCA. Both have lost relevance now and this concept

should be abolished. The License Service Area (LSA) should be one unit for telecommunication and as far as possible co-terminus with state boundaries.

- e. Further, telecommunication being central subject, state governments should not be authorised to take over telecommunication network of a licensee within the state. If such a situation arises, it should only be the Central Government who should take over.
6. It is submitted that the above 3 set of services can also be availed by the service providers on standalone basis as merged Authorizations at national and LSA level. Further, the standalone authorization barring the merged Access and Carrier authorizations under the Unified License can also be availed on standalone basis with minor adjustments. It is also suggested that for standalone authorization below LSA level, VNO concept may be encouraged for start-up and may be co-terminus with district boundaries instead of present SSA level as it is proposed to abolish LDCA/SSA concept.

7. **Financial and Operational Benefits of ASA-India:**

- i. **Streamlined Financial Records:** Maintaining books at a pan-India level instead of LSA level would simplify financial management for Authorized entity.
- ii. **Simplified Assessment:** A unified approach would make the assessment of authorization fees and SUC easier and more straightforward.
- iii. **Reduced Administrative Burden:** Eliminates the need for managing 22 different assessments and intra-circle/inter-circle surplus settlements etc.
- iv. **Unified Interpretation:** A pan-India license would eliminate discrepancies in the LSA-wise interpretation and implementation of license conditions, ensuring that all operators adhere to the same standards.
- v. **Consistent Implementation:** With a single set of guidelines and conditions, there would be less room for varied interpretations, leading to a more predictable and stable regulatory environment.
- vi. **Reduced Legal Conflicts:** Uniformity in license conditions would reduce the likelihood of legal disputes arising from different interpretations, making the telecom market more stable and attractive for investment.

- vii. **Single Appellate Authority:** Having one appellate authority would streamline dispute resolution, making it more efficient and consistent. At present there are multiple appellant Authorities at Circle and regional levels which is difficult to efficiently coordinate and address disputes.
- viii. **Common Assessing Authority:** The Department of Telecommunications (DoT) acting as a single Assessing body would ensure uniform enforcement of regulations across the country. This approach mirrors the Central Board of Direct Taxes (CBDT) for income tax, which ensures uniformity as it falls under a single authority.
- ix. **Increased Efficiency:** There would be no requirement of 22 separate revenue share assessing authorities and appellant bodies which would lead to overall increased efficiency in the telecom sector, benefiting both service providers and regulatory bodies.

Q6. In case it is decided to introduce a unified service authorisation at National level for the provision of end-to-end telecommunication services-

(a) What should be the scope of service under such an authorisation?

RJIL Response:

The scope of service of the ASA-India authorization should be as below:

1. This authorization is for providing all legal telecommunication services in the country and the authorized entity is permitted to offer all such services across the country.
 - a. **Access Services:** ACCESS SERVICES (AS) mean telecommunication service provided to “User” by means of a “telecommunication equipment” for the conveyance of switched or non-switched voice or non-voice messages through wireline or wireless, terrestrial or non-terrestrial “telecommunication network” of the “Authorised Entity”. The user shall have “a telecommunication identifier” for switched voice or non-voice message. Further, for conveyance of “User’s” non-switched voice and non-voice messages, authorized Entity can use non-public telecom identifier for the same, if required. The user shall be registered and authenticated by the telecommunication network of the “Authorised entity”.

This will comprise of all the services used for delivering voice/non-voice messages directly to the users through telecommunication equipment over a

telecommunication network. i.e. a combination of current **Access Services, Internet Services** and **Global Mobile Personal Communication by Satellite (GMPCS)** services.

- b. Carrier Service:** The services used for carriage of telecommunication traffic inside and outside the country i.e. the merged version of existing NLD and ILD authorizations.

The scope of the carrier service providers, under the Carrier Service Authorization or license must exclude the Access services such as calling card services etc. to avoid overlap and arbitrage. With low entry fee of Access Service Authorization, any standalone Carrier Service provider can obtain the Access Service Authorization to provide the calling card services.

- c. Other Services:** All Other Services that are not part of the above revenue heads will be part of this section. From independent authorization perspective, this would be an amalgamation of all other authorizations under Unified License i.e., Public Mobile Radio Trunking Service (PMRTS), Commercial Very Small Aperture Terminal (VSAT) Closed User Group (CUG) Service, and Audio Conferencing/Audiotex/Voice Mail Service. **The scope of this authorization would include only the services that are not providing broadband internet and voice services to the public. These may be collectively referred to as Other Service Authorization (OS-India).**

2. Taking into consideration definitions of message, telecommunication equipment, telecommunication network, User and Authorised Entity, the above definition covers conveyance of switched or non-switched voice or non-voice message through wireline or wireless telecommunication network which includes all voice telephony, internet services on wireline and / or wireless and/or satellite including IPTV, Broadband Services and triple play i.e. voice, video and data. While providing Internet Telephony service, leased circuits/Voice Mail/Audiotex/Unified Messaging services, Video Conferencing etc. The Licensee may interconnect Internet Telephony network with PSTN/PLMN/Satellite network.
3. The authorised entity shall be authorised to possess, establish, operate and maintain "Telecommunication equipment" for providing above services including Satellite Earth Station Gateway in India for. Satellite based Services may be provided using one or more Satellite Systems provided that the Land Earth Station Gateway Switch is established separately in India for each Satellite System.

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4. Authorised Entity may enter into mutual commercial agreements for roaming facilities within the country or outside, with other service providers unless otherwise directed by DoT. However, any Roaming arrangement shall not entitle the Authorised Entity to acquire customer in the spectrum band not held or technology not deployed or for services/facilities not offered by the Authorised Entity in its network.
5. The Authorised Entity may provide leased circuits/Voice Mail/Audiotex/Unified Messaging services, Video Conferencing over its network to the subscribers falling within the country on non-discriminatory basis.
6. Spectrum sharing, trading, Surrender and leasing would be permitted as per guidelines issued by the Government from time to time for auctioned spectrum.
7. Authorised Entity may provide Captive Non-Public Network (CNP) as a service to enterprise(s) by using network resources (such as through network slicing) over its PLMN. Authorised Entity may establish isolated CNPN for enterprises using IMT spectrum assigned to it for establishing PLMN. While establishing such isolated CNPNs, it will be the responsibility of the Authorised Entity to ensure that the prescribed QoS to their customers through public network is maintained. In case the Authorised Entity decides to surrender the spectrum, which is being used for CNPNs, it shall give prior notice, at least 6 months before the effective date of surrender of spectrum, to its CNPN customers.
8. For provision of the service by the Authorised Entity, the Authorised Entity may appoint or employ franchisee, agents, distributors, and employees. Responsibilities for ensuring compliance of terms & conditions of the Authorisation Agreement shall vest with the Authorised Entity and not with the Franchisee.
9. Internet Telephony calls originated by International out roamers from international locations shall be handed over at the international gateway of Authorised ILDOs (Carrier Service Provider) /ASA-India and International termination charges shall be paid to the terminating access service provider. In case the Authorised Entity is not able to ensure that Internet Telephony call originated outside of the country is coming through ILDO (Carrier Service Provider) or ASA-India gateway, International out-roaming to Internet Telephony subscribers of the access provider shall not be allowed. Further, the calls originated outside the country using internet telephony shall be routed through ILD (International Long Distance) Gateway like any other international call.

10. The mobile numbering series should be used for providing Internet Telephony by Authorised Entity. TSPs are allowed to allocate same number to the subscriber both for Cellular Mobile service and Internet Telephony service.
11. The Authorised Entity should use private ENUM in its network for Telephone number mapping from E.164 to SIP/H.323 addresses and vice-versa.
12. The Authorised Entity should comply with all the interception and monitoring related requirements as specified in the licence as amended from time to time for providing Internet Telephony.
13. The Public IP address used for originating/terminating Internet Telephony calls should be made a mandatory part of CDR in case of Internet Telephony. The location details in form of latitude and longitude should also be provided wherever it is feasible. CLI Restriction (CLIR) facility should not be provided for Internet Telephony Subscribers.
14. IP Address assigned to a subscriber for Internet Telephony shall conform to IP addressing Scheme of Internet Assigned Numbers Authority (IANA) only. The Authorised Entity providing Internet Telephony service may facilitate access to emergency number calls using location services; however, it is not mandated to provide such services at present. The subscribers may be informed about the limitation of providing access to emergency services to Internet Telephony subscribers in unambiguous terms. The Authorised Entity must inform QoS parameter supported by them for Internet Telephony so that the subscribers can take an informed decision.
15. The authorized entity shall have the right to carry switched and non-switched bearer telecommunication traffic over its national and international long-distance network for providing national/ International connectivity to the Network operated by Indian/foreign carriers.
16. The Authorised Entity may offer international bandwidth on lease to other eligible Authorised Entities who are permitted to have international connectivity under their license.
17. The Authorised Entity can provide bandwidth to other telecom service Authorised Entities also. Further, the Authorised Entity can also provide connectivity to the service providers which have obtained authorisation for M2M service provider.

18. The Authorised Entity may establish Cable Landing Station (CLS) for submarine cable with prior permission of DoT for which a separate application is to be submitted in the prescribed proforma. Access/ Co-location at the CLS shall be governed by the orders/regulations/directions issued by DoT/ TRAI from time to time.

(b) What terms and conditions (technical, operational, security related, etc.) should be made applicable to such an authorisation?

RJIL Response: The authorization agreement, entered between Government and Authorized Entity would contain detailed terms and conditions, which will be applicable to all authorizations would include spectrum policy, security conditions and general operating conditions on the lines of current Unified License Agreement. The proposed indicative conditions are provided in Annexure-A.

(c) Would there be a need to retain some of the conditions or obligations to be fulfilled at the telecom circle/ Metro area level for such an authorisation?

RJIL Response: There is no need for retaining any conditions or obligations to be fulfilled at the telecom circle/ Metro area level under the ASA-India authorization. The conditions or obligations should be fulfilled at telecom circle/ Metro area level for only State Level Authorizations (e.g. ASA- LSA).

(d) Should assignment of terrestrial access and backhaul spectrum be continued at the telecom circle/ Metro area level for such an authorisation?

(e) Any other suggestion to protect the interest of other authorised entities/ smaller players upon the introduction of such an authorisation.

Kindly provide a detailed response with justification.

RJIL Response:

1. As the existing spectrum assignments are at LSA level, with varying expiry dates, it would be opportune to keep the assignment of terrestrial access and backhaul spectrum at the telecom circle/ Metro area level for ASA India authorisation. However, this will require addressing legacy financial issues related to variable SUC rates across 22 circles, in order to ensure that the SUC proceeds should remain unaffected for both the licensees as well as the Government.
2. An effective method to implement ASA-India authorisation is to consider weighted average of circle wise SUC rate to find a uniform SUC rate. Migration to uniform SUC rate will simplify the licensing process and reduce administrative overheads associated with maintaining and monitoring different rates for

different circles. It will also help deliver enhanced Operational Efficiency and TSPs can streamline their operations without worrying about varying SUC rates in different circles. This in turn will lead to better network planning and resource allocation. The uniform SUC rate will be applied to the pan-India AGR calculated for the purpose of levying the Spectrum Usage Charge.

3. We are proposing a mathematical model for SUC calculations in following paras. This model will address all possible challenges in migration to ASA-India model and will achieve following objectives.
 - i. **Uniform Nationwide SUC Rate:** A weighted average of circle-wise SUC rates will provide a uniform nationwide SUC rate across the nation for a TSP. This approach has been previously applied successfully within circles while considering the weighted average of SUC rates for different spectrum bands.
 - ii. **Financial Neutrality:** This model will ensure that migration to a unified SUC rate does not result in financial losses for either the Authorised Entity or the government. By considering the quantum of spectrum held in each circle as the weight, the weighted average SUC rate can be designed to be financially neutral. This means that the overall SUC collected practically remains the same, but the rate is uniform across all circles.

4. Mathematical Formula for Weighted Average SUC Rate

Weighted Average Calculation of SUC rate for Each Spectrum Type

Let i represents i^{th} circle which from 1 to 22, then pan-India weighted average of SUC rate of each type of spectrum is as below:

1. Pan India Weighted Average SUC rate for Access Spectrum

$$WA_{Access} = \left(\frac{\sum_{i=1}^{22} (SUC_{i,Access} \times Quantum_{i,Access})}{\sum_{i=1}^{22} Quantum_{Access}} \right) \times CF_{Access}$$

2. Pan India Weighted Average SUC rate for MWA Spectrum

$$WA_{MWA} = \left(\frac{\sum_{i=1}^{22} SUC_{i,MWA} \times Quantum_{i,MWA}}{\sum_{i=1}^{22} Quantum_{i,MWA}} \right) \times CF_{MWA}$$

3. Pan India Weighted Average SUC rate for MWB Spectrum

$$WA_{MWB} = \left(\frac{\sum_{i=1}^{22} SUC_{i,MWB} \times Quantum_{i,MWB}}{\sum_{i=1}^{22} Quantum_{i,MWB}} \right) \times CF_{MWB}$$

4. Pan India Weighted Average SUC rate for E-Band Spectrum

$$WA_{EBand} = \left(\frac{\sum_{i=1}^{22} SUC_{i,EBand} \times Quantum_{i,EBand}}{\sum_{i=1}^{22} Quantum_{i,EBand}} \right) \times CF_{EBand}$$

Final pan India SUC Rate calculation

$$SUC_{Pan\ India} = WA_{Access} + WA_{MWA} + WA_{MWB} + WA_{EBand}$$

Explanation of Terms

- (i) **Correction Factor ($CF_{Spectrum}$)** is a multiplier used to adjust the weighted average SUC rate to account for the absence of a specific spectrum (Access, MWA, MWB, E-band) in certain circles.

$$CF_{Spectrum\ type} = \left(1 - \frac{j}{22} \right)$$

j: number of circles with no specific type of spectrum -Access, MWA, MWB or E-Band.

- (ii) **$SUC_{i,type}$** is the SUC rate for circle i for a spectrum type (Access, MWA, MWB or EBand)
- (iii) **$Quantum_{i,type}$** The total quantum of spectrum for circle i for a specific type of spectrum (Access, MWA, MWB or E-Band)
- (iv) $\sum_{i=1}^{22}$ is summation across all 22 circles.

5. In view of the above, it is submitted that migrating to a nation-wise weighted average SUC rate is a practical and financially neutral solution to the challenges posed by the current circle-wise SUC rates. This approach not only simplifies the licensing process but also promotes fair competition and operational efficiency among telecom operators.

6. It has already been demonstrated by the DoT decision dated 11.08.2016 that by taking the weighted average SUC rate of all spectrum bands within a circle, the SUC calculation can be simplified. This established a successful methodology for a common SUC rate that can be easily replicated and applied on a pan-India basis. Additionally, this methodology offers the advantage of calculating SUC for Access, MWA, MWB, and E-Band spectrum together. By implementing the proposed weighted average formula, the transition to a Unified Pan-India ASA-India Authorization can be effectively managed.

Q7. Within the scope of Internet Service authorisation under the Telecommunications Act, 2023, whether there is a need for including the provision of leased circuits/ Virtual Private Networks within its service area?

Kindly provide a detailed response with justifications.

RJIL Response:

As mentioned in reply to Question-5, Internet services are Access Services and must be exclusively provided under the Access Service Authorisation only.

Therefore, in the proposed regime, there should not be any separate internet service authorisation.

Q8. In case it is decided to enhance the scope of Internet Service authorisation as indicated in the Q7 above, -

(a) What should be terms and conditions (technical, operational, security related, etc.) that should be made applicable on Internet Service authorisation?

(b) Any other suggestion to protect the reasonable interests of other authorised entities upon such an enhancement in the scope of service.

Kindly provide a detailed response with justifications.

RJIL Response: NA

Q9. Whether there is need for merging the scopes of the extant National Long Distance (NLD) Service authorization and International Long Distance (ILD) Service authorization into a single authorisation namely Long Distance Service authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

And

Q10. In case it is decided to merge the scopes of the extant NLD Service authorization and ILD Service authorization into a single authorisation namely Long Distance Service authorisation under the Telecommunications Act, 2023, -

(a) What should be the scope of service under the proposed Long Distance Service authorisation?

(b) What terms and conditions (technical, operational, security related, etc.) should be made applicable on the proposed Long Distance Service authorisation?

(c) Any other suggestions to protect the reasonable interests of other authorised entities upon the introduction of such an authorisation?

Kindly provide a detailed response with justifications.

RJIL Response:

1. As discussed in previous sections, we support merging the ILD and NLD service Authorizations. As also noted by the Authority, most ILD licensees have anyways obtained NLD license. Further there are no major differentiators in the scope of both these services, accordingly it should be possible to merge these into a new authorization named Carrier Services authorization or Long-Distance Service authorisation, as proposed by the Authority.
2. While the current scope of license includes the provision of long-distance voice service through calling cards, we do not see any use cases for the same, as this segment is already subsumed by OTT services and this provision should be dropped. However, considering the definition of Telecommunications under the Act, OTT services would be included in Access Services Authorization.

Q11. Whether there is need for merging the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorisation namely Satellite-based Telecommunication Service authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

RJIL Response:

1. No, the authorizations have been devised for separate purposes and there is no rationale in merging the same. As also noted by the Authority, GMPCS authorization permits the authorised entity to provide satellite-based telephony and data services directly to the customers, whereas the VSAT CUG authorisation pertains to data connectivity between a closed user group (CUG) through satellite-based data connectivity. The additional scope, within the Commercial VSAT-CUG authorisation, for directly providing internet data services only to CUG customers is permitted as a special case.
2. Evidently, while one service is a regular Access Services, other is a CUG service and only similarity between them is satellite-based media. We submit that this cannot be a reason for merging the Authorizations as these authorisations have different scope of services and are distinct.
3. **Instead, the GMPCS service authorization should be merged with the Access services authorization, as suggested in the response to Q.1 since both of these are Access Services.**

Q12. In case it is decided to merge the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorisation namely

Satellite-based Telecommunication Service authorisation under the Telecommunications Act, 2023, -

(a) What should be the scope of service under the proposed Satellite-based Telecommunication Service authorisation?

(b) What should be terms and conditions (technical, operational, security related, etc.) that should be made applicable on the proposed Satellite-based Telecommunication Service authorisation?

(c) Any other suggestion to protect the reasonable interests of other authorised entities upon the introduction of such an authorisation?

Kindly provide a detailed response with justifications.

RJIL Response:

In line with our response to Q11, we do not support the merging of GMPCS and VSAT-CUG authorisations since these have distinct scope of services.

Q13. Whether there is a need for merging the scopes of the extant Infrastructure Provider-I (IP-I) and DCIP authorization (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

RJIL Response:

We do not support the introduction of DCIP. Further, the Authority's recommendations on DCIP are pending for DoT decision and there is no justification for adding the same to an existing registration. Moreover, DCIP is not a part of reference sent by DoT to TRAI for this Consultation.

Q14. In case it is decided to merge the scopes of the extant IP-I and DCIP (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023, -

(a) What should be the scope under the proposed authorisation?

(b) What terms and conditions should be made applicable to the proposed authorisation?

Kindly provide a detailed response with justifications.

RJIL Response:

1. As mentioned, in response to Question 13, TRAI's recommendation on DCIP is yet to be accepted by DoT and there is no mention of DCIP authorization in the DoT's

current reference. Hence, introduction of DCIP may not be discussed within the current consultation.

2. For current IP-I registration, a simpler version of authorization for creation of passive infrastructure e.g. Passive Network Authorization (“PNA-India” or “PNA-State”) may be introduced. The scope of this authorization shall be same as the current IP-1 registration.
3. To avoid any arbitrage of levies, the active network element shall not be allowed to PNA holders. Only the ASA holder (India or State)), Carrier Service providers, Other Service authorization holders and their shadow VNO service providers shall be allowed to install the active network elements. Allowing installation of active infrastructure under this authorization (i.e. new avatar of existing IP-1 registration) would create a non-level playing field and regulatory arbitrage. Hence, there is no need to change existing terms and conditions of IP-1 in the proposed authorisation regime.

Q15. Whether there is a need for clubbing the scopes of some of the other authorisations into a single authorisation under the Telecommunications Act, 2023 for bringing more efficiency in the operations? If yes, in your opinion, the scopes of which authorisations should be clubbed together? For each of such proposed (resultant) authorisations, -

(a) What should be the scope of the service?

(b) What should be the service area?

(c) What terms and conditions (technical, operational, security, etc.) should be made applicable?

Kindly provide a detailed response with justification.

And

Q16. Whether there a need for removing some of the existing authorizations, which may have become redundant? If yes, kindly provide the details with justification.

And

Q17. Whether there is a need for introducing certain new authorisations or sub-categories of authorisations under the Telecommunications Act, 2023? If yes, -

(a) For which type of services, new authorisations or sub-categories of authorisations should be introduced?

(b) What should be the respective scopes of such authorisations?

(c) What should be the respective service areas for such authorisations?

(d) What terms and conditions (general, technical, operational, Security,etc.) should be made applicable for such authorisations?

Kindly provide a detailed response with justifications.

And

Q18. In view of the provisions of the Telecommunications Act, 2023 and technological/ market developments, -

(a) What changes (additions, deletions, and modifications) are required to be incorporated in the respective scopes of service for each service authorisation with respect to the corresponding authorizations under the extant Unified License?

(b) What changes (additions, deletions, and modifications) are required to be incorporated in the terms and conditions (General, Technical, Operational, Security, etc.) associated with each service authorisation with respect to the corresponding authorizations under the extant Unified License?

Kindly provide a detailed response with justifications.

RJIL Response:

1. As submitted in previous sections, the Authority should recommend 3 main Authorizations by combining the scope of existing Authorizations viz. Access Authorization combining the scope of Access Services, Internet Services and GMPCS services authorization, Carrier Authorization merging the scope of NLD and ILD authorization and All Other Services authorization (OS), merging the scope of Public Mobile Radio Trunking Service (PMRTS), Commercial Very Small Aperture Terminal (VSAT) Closed User Group (CUG) Service and Audio Conferencing/ Audiotex/ Voice Mail Service.
2. Further, Geographical Area of LSA may be defined as the area upto 200 nautical miles from the baseline of the respective LSA and the spectrum allocated in the service area can be used to provide telecommunication services in the area upto 200 nautical miles of the baseline.
3. Furthermore, the definition of “Message” and “Telecommunication Service” under the newly enacted Telecommunication Act, 2023 includes all form of telecommunication services including the communication services provided over the top using the platform/ servers/ switches hosted in the public internet. In order to ensure same rules for same or similar services, it is important to bring such Over the Top (OTT) communication service providers under Access Services authorization.
4. In order to protect the interest of smaller operators, the authorizations merged into Other Services authorization should also be available at district level.
5. The proposed scope of services under various authorizations is provided in following table.

| Authorization | Existing Scope | Revised Scope |
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| <p>Access Services (Merger of existing Access Services, Internet Services and GMPCS authorizations)</p> | <p>2.1(a)(i) The Access Service under this authorization covers collection, carriage, transmission and delivery of voice and/or non-voice MESSAGES over Licensee’s network in the designated Service Area. The Licensee can also provide Internet Telephony, Internet Services including IPTV, Broadband Services and triple play i.e. voice, video and data. While providing Internet Telephony service, the Licensee may interconnect Internet Telephony network with PSTN/PLMN/GMPCS network. The Licensee may provide access service, which could be on wireline and / or wireless media with full mobility, limited mobility and fixed wireless access.</p> <p>35(ii) Licensee may enter into mutual commercial agreements for roaming facilities (within same service area or other service areas) with other Cellular Mobile Telephone Service Licensees/ Unified Access Service LICENSEES/Unified License (Access Services) LICENSEES /Unified Licensees with Access Service authorization, unless otherwise directed by Licensor, irrespective of spectrum band held or technology deployed by such licensees. Licensee may also enter into mutual commercial agreements for roaming facilities (within same</p> | <ol style="list-style-type: none"> 1. Access Services: ACCESS SERVICES (AS) mean telecommunication service provided to “User” by means of a “telecommunication equipment” for the conveyance of switched or non-switched voice or non-voice messages through wireline or wireless, terrestrial or non-terrestrial “telecommunication network” of the “Authorised Entity”. The user shall have “a telecommunication identifier” for switched voice or non-voice message. Further, for conveyance of “User’s” non-switched voice and non-voice messages, authorized Entity can use non-public telecom identifier for the same, if required. The user shall be registered and authenticated by the telecommunication network of the “Authorised entity”. 2. This will comprise of all the services used for delivering voice/non-voice messages directly to the users through telecommunication equipment over a telecommunication network. i.e. a combination of current Access Services, Internet Services and Global Mobile Personal Communication by Satellite (GMPCS) services. 3. Taking into consideration definitions of message, telecommunication equipment, telecommunication network, User and Authorised Entity, the above definition covers conveyance of switched or non-switched voice or non-voice message through wireline or wireless telecommunication network which includes all voice telephony, internet services on |

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| | <p>service area or other service areas) with Unified Licensees having Category 'A', Category 'B' and Category 'C' Internet Service Provider (ISP) authorizations/ Category 'A', Category 'B' and Category 'C' Internet Service Providers, for providing Internet Access Services only. However, any Roaming arrangement shall not entitle the Licensee to acquire customer in the spectrum band not held or technology not deployed or for services/facilities not offered by the Licensee in its network.</p> <p>(iii) The Licensee can acquire customer for delivery of services offered in its network using only the spectrum band held & technology deployed by the Licensee. While roaming on other Licensees' network, the services availed by the subscriber shall be limited to only those services which have been subscribed in its home network.</p> <p>(iv) The Licensee may also enter into agreements with telecom service providers abroad for providing roaming facility to its subscriber unless directed by Licensor otherwise.</p> <p>(v) The Licensee may provide leased circuits within its respective service area. Interconnection of leased circuits, whether point to point or in CUG network, with PSTN/PLMN/GMPCS/Internet Telephony Network is not permitted.</p> | <p>wireline and / or wireless and/or satellite including IPTV, Broadband Services and triple play i.e. voice, video and data. While providing Internet Telephony service, leased circuits/Voice Mail/Audiotex/Unified Messaging services, Video Conferencing etc. The Licensee may interconnect Internet Telephony network with PSTN/PLMN/Satellite network.</p> <p>4. To provide services, Licensee is authorised to possess, establish, work, operate, and maintain telecommunication equipment the Authorised entity shall establish Land Earth Station Gateway in India for the purpose of providing satellite-based Communication services. Satellite based Services may be provided using one or more Satellite Systems provided that the Land Earth Station Gateway Switch is established separately in India for each Satellite System.</p> <p>5. Geographical Area of LSA may be defined as the area upto 200 nautical miles from the baseline of the respective LSA area.</p> <p>6. Authorised entity may enter into mutual commercial agreements for roaming facilities within the country or outside, with other service providers unless otherwise directed by DoT. However, any Roaming arrangement shall not entitle the Authorised entity to acquire customer in the spectrum band not held or technology not</p> |
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| | <p>(vi) The Licensee may also provide Voice Mail/Audiotex/Unified Messaging services, Video Conferencing over its network to the subscribers falling within its SERVICE AREA on non-discriminatory basis. All the revenue earned by the Licensee through these services shall be counted towards the revenue for the purpose of paying License Fee under the LICENSE AGREEMENT.</p> <p>(viii) Except those services permitted under the scope of this authorization, the Licensee shall not provide any service / services which require a separate service authorization / license.</p> <p>(ix) The Licensee may offer “Home Zone Tariff Scheme (s)” as a subset of full mobile service in well defined geographical Areas through a tariff of its choice within the scope of orders of TRAI on the subject. Numbering and interconnection for this service shall be same as that of fully mobile subscribers.</p> <p>37(x) Spectrum sharing, Surrender and leasing would be permitted as per guidelines issued by the Government from time to time.</p> <p>(xi) Licensee may provide Captive Non-Public Network (CNPN) as a service to enterprise(s) by using network resources (such as through network slicing) over its PLMN.</p> | <p>deployed or for services/facilities not offered by the Authorised entity in its network.</p> <p>7. The Authorised entity may provide leased circuits within its respective service area. Interconnection of leased circuits, whether point to point or in CUG network, with PSTN/PLMN/Satellite/ Internet Telephony Network is not permitted.</p> <p>8. The Authorised entity may also provide Voice Mail/Audiotex/Unified Messaging services, Video Conferencing over its network to the subscribers falling within its SERVICE AREA on non-discriminatory basis.</p> <p>9. Except those services permitted under the scope of this authorization, the Authorised entity shall not provide any service / services which require a separate service authorization / license.</p> <p>10. Spectrum sharing, trading, Surrender and leasing would be permitted as per guidelines issued by the Government from time to time.</p> <p>11. Authorised entity may provide Captive Non-Public Network (CNPN) as a service to enterprise(s) by using network resources (such as through network slicing) over its PLMN. Authorised entity may establish isolated CNPN for enterprises using IMT spectrum assigned to it for establishing PLMN. While</p> |
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| | <p>(xii) Licensee may establish isolated CNPN for enterprises using IMT spectrum assigned to it for establishing PLMN. While establishing such isolated CNPNs, it will be the responsibility of the Licensee to ensure that the prescribed QoS to their customers through public network is maintained.</p> <p>(xiii) In case the Licensee decides to surrender the spectrum, which is being used for CNPNs, it shall give prior notice, at least 6 months before the effective date of surrender of spectrum, to its CNPN customers.</p> <p>2.1 (b) In respect of subscriber availing limited mobility facility, the mobility shall be restricted to the local area i.e. Short Distance Charging Area (SDCA) in which the subscriber is registered. While deploying such systems, the LICENSEE has to follow the SDCA based linked numbering plan in accordance with the National Numbering Plan of the respective SDCA within which the service is provided and it should not be possible to authenticate and work with the subscriber terminal equipment in SDCAs other than the one in which it is registered. Terminal of such subscriber in wireless access system can be registered in only one SDCA. Multiple registration or Temporary subscriber/ Subscription facilities in more than one SDCA using the same Subscriber terminal in wireless</p> | <p>establishing such isolated CNPNs, it will be the responsibility of the Licensee to ensure that the prescribed QoS to their customers through public network is maintained. In case the Authorised entity decides to surrender the spectrum, which is being used for CNPNs, it shall give prior notice, at least 6 months before the effective date of surrender of spectrum, to its CNPN customers.</p> <p>12. Authorised entity is authorised to carry long-distance traffic on its network. The Authorised entity may also enter into mutual agreements with other Authorised entity (with authorization for access service)/ other Access service licensee/National Long-Distance Licensee for carrying its intra-Circle Long Distance traffic.</p> <p>13. For provision of the service including billing to Users by the Authorised entity, the Authorised entity may appoint or employ franchisee, agents, distributors and employees. Responsibilities for ensuring compliance of terms & conditions of the Authorised entity shall vest with the Authorised entity and not with the Franchisee.</p> <p>14. QoS standard shall be as recommended by ITU. In case ITU standards are not available, the same may be prescribed by TRAI.</p> <p>15. Internet Telephony calls originated by International out roamers from international</p> |
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| | <p>access systems is not permitted and the same Subscriber Terminal cannot be used to avail Limited Mobile facility in more than one SDCA. The system shall also be so engineered to ensure that hand over of subscriber does not take place from one SDCA to another SDCA under any circumstances, including handover of the calls through call forwarding beyond SDCA. The LICENSEE must ensure that the mobility in case of such limited mobile service/ facility remains restricted to SDCA.</p> <p>2.2 Licensee may carry intra-circle long distance traffic on its network. However, subject to technical feasibility, the subscriber of the intra-circle long distance calls, shall be given choice to use the network of another Licensee in the same service area, wherever possible. The Licensee may also enter into mutual agreements with other UL Licensee (with authorization for access service)/ other Access service licensee/National Long Distance Licensee for carrying its intra-Circle Long Distance traffic.</p> <p>382.3 For provision of the service by the Licensee, the Licensee may appoint or employ franchisee, agents, distributors and employees. Responsibilities for ensuring compliance of terms & conditions of the License shall vest with the Licensee and not</p> | <p>locations shall be handed over at the international gateway of authorised service provider and international termination charges shall be paid to the terminating access service provider. In case the Authorised entity is not able to ensure that Internet Telephony call originated outside of the country is coming through international gateway of authorised service provider, International out- roaming to Internet Telephony subscribers of the access provider shall not be allowed. Further, the calls originated outside the country using internet telephony shall be routed through ILD (International Long Distance) Gateway like any other international call.</p> <p>16. The mobile numbering series should be used for providing Internet Telephony by Authorised entity. TSPs are allowed to allocate same number to the subscriber both for Cellular Mobile service and Internet Telephony service.</p> <p>17. The access service Authorised entity should use private ENUM in its network for Telephone number mapping from E.164 to SIP/H.323 addresses and vice-versa.</p> <p>18. The Authorised entities should comply with all the interception and monitoring related requirements as specified in the authorisation agreement as amended from time to time for providing Internet Telephony.</p> |
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| | <p>with the Franchisee. The terms of franchise agreement between Licensee and his franchisee shall be settled mutually by negotiation between the two parties involved. The Licensee shall report the details of such Franchisee to the Licensor as prescribed from time to time.</p> <p>2.4 The Licensee may provide internet service by using the Cable Network of authorized Cable Operator, as last mile linkage, subject to applicable Cable Laws (The Cable Television Networks (Regulation) Act, 1995) as modified from time to time.</p> <p>2.6(i) For provision of Internet Telephony, Internet Services, Broadband Services and triple play i.e. voice, video and data, the Conditions No. 2.1(i), 2.1(vii), 2.1(ix), 2.1(x), 2.2, 5, 6, 7 and 8 of Chapter IX (Internet Service) shall also be applicable.</p> <p>402.6(ii) Internet Telephony calls originated by International out roamers from international locations shall be handed over at the International gateway of licensed ILDOs and International termination charges shall be paid to the terminating access service provider. In case the Licensee is not able to ensure that Internet Telephony call originated outside of the country is coming through ILDO gateway, International out- roaming to Internet Telephony subscribers of the access provider shall not</p> | <p>19. The Public IP address used for originating/terminating Internet Telephony calls should be made a mandatory part of CDR in case of Internet Telephony. The location details in form of latitude and longitude should also be provided wherever it is feasible.</p> <p>20. CLI Restriction (CLIR) facility should not be provided for Internet Telephony Subscribers.</p> <p>21. IP Address assigned to a subscriber for Internet Telephony shall conform to IP addressing Scheme of Internet Assigned Numbers Authority (IANA) only. The Authorised entities providing Internet Telephony service may facilitate access to emergency number calls using location services; however, it is not mandated to provide such services at present. The subscribers may be informed about the limitation of providing access to emergency services to Internet Telephony subscribers in unambiguous terms. The Authorised Entities must inform QoS parameter supported by them for Internet Telephony so that the subscribers can take an informed decision.</p> |
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| | <p>be allowed. Further, the calls originated outside the country using internet telephony shall be routed through ILD (International Long Distance) Gateway like any other international call.</p> <p>2.6(iii) The mobile numbering series should be used for providing Internet Telephony by Licensee. TSPs are allowed to allocate same number to the subscriber both for Cellular Mobile service and Internet Telephony service.</p> <p>The access service licensee should use private ENUM in its network for Telephone number mapping from E.164 to SIP/H.323 addresses and vice-versa.</p> <p>2.6(iv) The licensees should comply with all the interception and monitoring related requirements as specified in the licence as amended from time to time for providing Internet Telephony.</p> <p>The Public IP address used for originating/terminating Internet Telephony calls should be made a mandatory part of CDR in case of Internet Telephony. The location details in form of latitude and longitude should also be provided wherever it is feasible.</p> <p>CLI Restriction (CLIR) facility should not be provided for Internet Telephony Subscribers.</p> <p>2.6 (v) IP Address assigned to a subscriber for Internet Telephony shall conform to IP addressing Scheme of Internet</p> | |
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| | <p>Assigned Numbers Authority (IANA) only.</p> <p>2.6 (vi) The Licensees providing Internet Telephony service may facilitate access to emergency number calls using location services; however it is not mandated to provide such services at present. The subscribers may be informed about the limitation of providing access to emergency services to Internet Telephony subscribers in unambiguous terms.</p> <p>2.6 (vii) The Licensees must inform QoS parameter supported by them for Internet Telephony so that the subscribers can take an informed decision.</p> | |
| <p>GMPCS Services</p> | <p>2.1 The licensee may provide, in its area of operation, all types of mobile services, including voice and non-voice messages, data services by establishing GMPCS Gateway utilizing any type of network equipment including circuit and/or packet switches. The licensee may also provide satellite-based data connectivity to the IoT devices/ Aggregator devices.</p> <p>2.2 The Licensee shall establish Land Earth Station Gateway in India for the purpose of providing Global Mobile Personal Communication by Satellite (GMPCS) Service. GMPCS Service may be provided using one or more Satellite Systems provided that the Land Earth Station Gateway Switch is established</p> | <p>Merger in Access Services</p> |

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| | separately in India for each Satellite System. | |
| Carrier Services | <p>2. Scope of the NLD Service: Scope of this Authorization covers the following:</p> <p>2.1 (a) The NLD Service Licensee shall have the right to carry inter-circle switched bearer telecommunication traffic over its national long distance network. The Licensee may also carry intra-circle switched traffic where such carriage is with mutual agreement with originating access service provider.</p> <p>(b) The Licensee can also, in respect of Basic Service, make mutually agreed arrangements with the concerned Service Providers for picking up, carriage and delivery of the traffic from different legs between Long Distance Charging Center (LDCC) and Short Distance Charging Centers (SDCCs).</p> <p>(c) In the case of Cellular Mobile Telephone Service traffic, the inter-circle traffic shall be handed/taken over at the Point of Presence (POP) situated in LDCA at the location of Level I TAX in originating/terminating service area. For West Bengal, Himachal Pradesh and Jammu & Kashmir such locations shall be Asansol, Shimla & Jammu respectively.</p> <p>(d) The Licensee can provide Leased Circuit / Virtual Private Network (VPN) Services.</p> <p>(e) Further, only for provision of Leased Circuits/Close User Groups (CUGs) on leased</p> | <p>Carrier Services:</p> <ol style="list-style-type: none"> 1. The services used for carriage of telecommunication traffic inside and outside the country i.e. the merged version of existing NLD and ILD authorizations. 2. The scope of the carrier service providers, under the Carrier Service Authorization or license must exclude the Access services such as calling card services etc. to avoid overlap and arbitrage. With low entry fee of Access Service Authorization, any standalone Carrier Service provider can obtain the Access Service Authorization to provide the calling card services. 3. The Authorised entity shall have full flexibility to offer all types of bearer services to the authorized service providers only (i.e. Carrier Services). 4. The Authorised entity may also carry switched traffic where such carriage is with mutual agreement with originating access service provider. 5. The Authorised entity may offer international bandwidth on lease to other eligible licensees who are permitted to have international connectivity under their license. The Authorised entity shall not access the subscribers directly for any service and must provide the services only to other authorized service providers. |

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| | <p>circuits and for provision of national long distance voice service through Calling Cards, falling within the scope of, and, in accordance with clauses 2.1 (a) and 2.1(b) above, the Licensee can access the subscribers directly. While providing the domestic leased circuits, the Licensee shall be required to make own suitable arrangements for leased circuits /agreements with the Access Providers for last mile. Public network is not to be connected with leased circuits/CUGs.</p> <p>582.2(i) The Licensee can provide bandwidth to other telecom service licensees also. Further, the licensee can also provide connectivity to the service providers which have obtained registration for M2M service.</p> <p>2.2(ii) The Licensee may share “passive” infrastructure namely building, tower, dark fibre, duct space, Right of Way owned, established and operated by it under the scope of this Authorization with other Licensees.</p> <p>2.3(i) Access to the subscribers for provision of National Long Distance voice services (excluding message services) through Calling Cards shall be strictly within the scope of and in accordance with clauses 1.1(a) to 1.1(d) above. Provision of other Intelligent Network based services (except Intelligent Network service for operation of Calling Cards)</p> | <p>6. The Authorised entity may provide international bandwidth on lease to Resellers who are issued authorization to resell the Carrier Services under the scope of their authorization.</p> <p>7. The Authorised entity can provide bandwidth to other Authorised entities i.e. service providers authorized under the Act.</p> <p>8. The Authorised entity may establish Cable Landing Station (CLS) for submarine cable with prior permission of DoT for which a separate application is to be submitted in the prescribed proforma. Access/ Co-location at the CLS shall be governed by the orders/regulations/directions issued by DoT/ TRAI from time to time.</p> <p>9. Equal access to bottleneck facilities at the Cable Landing Stations (CLS) including landing facilities for submarine cables for authorized service providers on the basis of non-discrimination shall be mandatory. The terms and conditions for such access provision and the charges for such access provision shall be governed by the regulations/ orders as may be made by the DoT /TRAI from time to time.</p> |
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| | <p>such as tele-voting and toll-free services is not allowed to Licensee. Provision of Value Added Services such as SMS/ MMS, ringtones etc. through calling cards is also not allowed.</p> <p>2.3(ii) The charges and sharing of revenues for the service features, network architecture and resources used for providing NLD voice services through calling cards shall be such as are mutually agreed between the service providers within the framework of and in accordance with regulations, directions, orders or instructions as may be issued from time to time by TRAI and directions, orders or instructions as may be issued from time to time by the Licensor.</p> <p>2.3(iii) The licensee shall clearly indicate to the subscriber the specifications of the service to be offered through Calling Cards at the time of entering into contract with such subscriber.</p> | |
| | <p>2. Scope of ILD Service: Scope of this Authorization covers the following:</p> <p>2.1 The ILD Service Licensee shall have the right to carry switched bearer telecommunication traffic over international long distance network for providing International connectivity to the Network operated by foreign carriers.</p> <p>2.2 The Licensee shall have full flexibility to offer all types of</p> | |

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| | <p>bearer services. The Licensee will provide bearer services so that end-to-end tele-services such as voice, data, fax, video, multi-media etc. can be provided by Access Providers to the customers.</p> <p>2.3 The Licensee may offer international bandwidth on lease to other eligible licensees who are permitted to have international connectivity under their license. The Licensee shall not access the subscribers directly, except for provision of International Private Leased Circuits/CUG network. The domestic leg of the IPLC shall be through NLD service provider or Access Service Provider or both as the case may be for which the Licensee may enter into an arrangement with them. Public network is not to be connected with leased circuits/CUGs.</p> <p>2.4(i) The Licensee may provide international bandwidth on lease to Resellers who are issued license for 'Resale of IPLC' under Section 4 of Indian Telegraph Act, 1885.</p> <p>2.4(ii) The Licensee may share "passive" infrastructure namely building, tower, dark fibre, duct space, Right of Way owned, established and operated by it under the scope of this Authorization with other Licensees.</p> <p>2.5(i) Further, the Licensee may also access the subscribers directly for provision of international long distance</p> | |
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| | <p>voice service only through calling cards.</p> <p>(ii)The charges and sharing of revenues for the service features, network architecture and resources used for providing ILD voice services through calling cards shall be such as are mutually agreed between the service providers within the framework of and in accordance with regulations/directions/orders/ instructions that may be issued from time to time by TRAI/Licensor.</p> <p>(iii) The licensee shall clearly indicate to the subscriber the specifications of the service to be offered through Calling Cards at the time of entering into contract with such subscriber.</p> <p>2.6 The Licensee may establish Cable Landing Station (CLS) for submarine cable with prior permission of Licensor for which a separate application is to be submitted in the prescribed proforma. Access/ Co-location at the CLS shall be governed by the orders/regulations/directions issued by Licensor/ TRAI from time to time.</p> <p>2.7 Equal access to bottleneck facilities at the Cable Landing Stations (CLS) including landing facilities for submarine cables for licensed operators on the basis of non-discrimination shall be mandatory. The terms and conditions for such access provision and the charges for such access provision shall be</p> | |
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| | governed by the regulations/orders as may be made by the Licensor/TRAI from time to time. | |
| Internet Service | <p>2. Scope of Internet Service: Scope of this Authorization covers the following:</p> <p>2.1(i) The Licensee may provide Internet access including IPTV. The subscriber shall have unrestricted access to all the content available on Internet except for such content which is restricted by the Licensor/designated authority under Law. The Licensee shall not offer VPN/Closed User Group services to its subscribers. The content for IPTV shall be regulated as per law in force from time to time.</p> <p>Licensee may enter into mutual commercial agreements for roaming facilities (within same service area or other service areas) with other Cellular Mobile Telephone Service Licensees/ Unified Access Service LICENSEEs/Unified Licensees with Access Service authorization/ Unified Licensees having Category 'A', Category 'B' and Category 'C' Internet Service Provider (ISP) authorizations/ Category 'A', Category 'B' and Category 'C' Internet Service Provider(ISP) Licensees, for providing Internet Access Services only. However, any Roaming arrangement shall not entitle the Licensee to acquire customer in the spectrum band not held or technology not deployed or for</p> | Merged with Access Service Authorization |

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| | <p>services/facilities not offered by the Licensee in its network.</p> <p>(ii) The Licensee may provide Internet Telephony through Public Internet by the use of Personal Computers (PC) or IP based Customer Premises Equipment (CPE) connecting only the following:</p> <p>a) PC to PC; within or outside India</p> <p>b) PC / a device / Adapter conforming to TEC or International Standard in India to PSTN/PLMN abroad.</p> <p>c) Any device / Adapter conforming to TEC or International Standard connected to ISP node with static IP address to similar device / Adapter; within or outside India.</p> <p>Explanation: Internet Telephony is a different service in its scope, nature and kind from real time voice service as offered by other licensees like Basic Service Licensees, Cellular Mobile Telephone Service (CMTS) Licensees, Unified Access Service (UAS) Licensees, Unified Licensee (Access Service), Unified Licensee with authorization for access services.</p> <p>(iii) The Internet Telephony, only as described in condition (ii) above, can be provided by the Licensee. Voice communication to and from a telephone connected to PSTN/PLMN/GMPCS and use of E.164 numbering is prohibited.</p> <p>(iv) Addressing scheme for Internet Telephony shall</p> | |
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| | <p>conform to IP addressing Scheme of Internet Assigned Numbers Authority (IANA) only and the same shall not use National Numbering Scheme / plan applicable to subscribers of Basic / Cellular Telephone service. Translation of E.164 number / private number to IP address allotted to any device and vice versa, by the licensee to show compliance with IANA numbering scheme is not permitted.</p> <p>(v) For carrying originating and terminating traffic of its subscribers, the licensee may establish its own transmission links within its service area. For this purpose, the Licensee may also establish 'Last Mile' linkages within the service area either on fibreoptic cable or radio communication or underground copper cable. In case of radio links, procedure as mentioned in Chapter VII of this License shall be applicable.</p> <p>(vi) Unified Messaging Services (UMS) within the scope of (i) to (ii) above can be provided by the Licensee.</p> <p>(vii) Internet Service to any VSAT Service subscriber can be provided, if the VSAT is located within the Service area of the Licensee. For this purpose, a direct interconnection of VSAT Network Hub through leased line obtained from an authorized service provider to the Licensee's node/server shall be permitted only for the Internet traffic. The Licensee</p> | |
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| | <p>shall provide to the Licensor a monthly statement of VSAT subscribers served with their locations and details of leased line interconnection with the VSAT Hub. The VSAT Hub, however, need not be located in the service area of the Licensee.</p> <p>(viii) The Licensee may provide internet service by using the Cable Network of authorized Cable Operator, as last mile linkage, subject to applicable Cable Laws (The Cable Television Networks (Regulation) Act, 1995) as modified from time to time.</p> <p>(ix) Licensee may install operate and commission International Internet Gateway in the service area using satellite or submarine cable as medium after obtaining security clearance/approval from Licensor.</p> <p>(x) Licensee with International internet gateway is allowed to sell international internet bandwidth to other licensed internet service providers. Provision of IPLC service is not covered under the scope of this authorization.</p> <p>(xi) The Licensee may share “passive” infrastructure namely building, tower, dark fibre, duct space, Right of Way owned, established and operated by it under the scope of this Authorization with other Licensees.</p> <p>2.2 All subscribers, except dial up subscribers, shall be within the service area.</p> | |
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| | <p>2.3 Principle of non-discriminatory treatment, definition of specialised services and reasonable traffic management and other exceptions:</p> <p>(i) A Licensee providing Internet Access Service shall not engage in any discriminatory treatment of content, including based on the sender or receiver, the protocols being used or the user equipment.</p> <p>(ii) The Licensee is prohibited from entering into any arrangement, agreement or contact, by whatever name called, with any person, natural or legal, that has the effect of discriminatory treatment of content.</p> <p>(iii) Nothing contained in this provision shall restrict:</p> <p>a) The provision of any Specialised Service by a Licensee, provided that:</p> <ul style="list-style-type: none">• The Specialised Services are not usable or offered as a replacement for Internet Access Service; and• The provision of the Specialised Services is not detrimental to the availability and overall quality of Internet Access Service. <p>b) Any measure adopted by the Licensee that are proportionate, transient and transparent in nature and fall under any of the following categories:</p> | |
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| | <ul style="list-style-type: none">• Reasonable traffic management practices as may be specified from time to time;• Provision of emergency services or any services provided during time of grave public emergency, as per the process laid down by the Licensor/TRAI;• Implementation of any order of a court or direction issued by the Government, in accordance with law;• Measures taken in pursuance of preserving the integrity and security of the network and equipment; and• Measures taken in pursuance of an international treaty, as may be specified by the Government. <p>(iv) For the purpose of this provision:</p> <p>a) "Content" shall include all content, applications, services and any other data, including its end-point information, which can be accessed or transmitted over the Internet.</p> <p>b) "Discriminatory treatment" shall include any form of discrimination, restriction or interference in the treatment of content, including practices like blocking, degrading, slowing down or granting preferential speeds or treatment to any content.</p> | |
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| | <p>c) “Specialised services” shall mean services other than Internet Access Services that are optimised for specific content, protocols or user equipment, where the optimisation is necessary in order to meet specific quality of service requirements.</p> <p>Provided that the Licensees is authorised to provide such services in accordance with the provisions contained in this license, as modified from time to time.</p> | |
| PMRTS Service | | No Change |
| VSAT CUG Service | | No Change |
| Audio Conferencing/ Audiotex/ Voice mail Service | | No Change |
| UL-M2M | | Merged with Access Service |
| M2M Service Registration | | No Change |

Q19. In view of the provisions of the Telecommunications Act, 2023 and technological/ market developments, -

(a) What changes (additions, deletions, and modifications) are required to be incorporated in the respective scopes of service for each service authorisation with respect to the corresponding authorizations under the extant Unified License for VNO?

(b) What changes (additions, deletions, and modifications) are required to be incorporated in the terms and conditions (General, Technical, Operational, Security, etc.) associated with each service authorisation with respect to the corresponding authorizations under the extant

Unified License for VNO?

Kindly provide a detailed response with justifications.

RJIL Response:

VNO authorization is nothing but a reseller authorization and the scope of services and all associated terms and conditions will be adapted accordingly in line with the main Authorization (e.g. ASA, Carrier Service, and OSA). This is as per

practice followed for UL-VNO wherein terms and conditions of UL-VNO are derived from those of UL.

Q20. Whether the Access Service VNOs should be permitted to parent with multiple NSOs holding Access Service authorisation for providing wireless access service? If yes, what conditions should be included in the authorisation framework to mitigate any possible adverse outcomes of such a provision? Kindly provide a detailed response with justifications.

RJIL Response:

No, we do not agree with this proposal of permitting Access Service VNOs to parent with multiple NSOs holding Access Service Authorization for providing wireless access service. We have already submitted our views in response to the TRAI CP on “Connectivity to Access Service VNOs From More Than one NSO” dated 23rd February 2024 and are not repeating here for the sake of brevity.

Q21. Considering that there are certain overlaps in the set of services under various authorisations, would it be appropriate to permit service-specific parenting of VNOs with Network Service Operators (NSOs) in place of the extant authorisation-specific parenting? Kindly provide a detailed response with justifications.

RJIL Response:

The current authorisation-based parenting is appropriate and should be persisted with.

Q22. In view of the provisions of the Telecommunications Act, 2023 and technological/ market developments, -

(a) What changes (additions, deletions, and modifications) are required to be incorporated in the respective scopes of service for each service authorisation with respect to the corresponding extant standalone licenses/ authorizations/ registrations/ NOC etc.?

(b) What changes (additions, deletions, and modifications) are required to be incorporated in the terms and conditions (General, Technical, Operational, Security, etc.) associated with each service authorisation with respect to the corresponding extant standalone licenses/ authorizations/ registrations/ NOC etc.?

Kindly provide a detailed response with justifications.

RJIL Response: No change is proposed in stand-alone registrations and NOC.

Q23. In view of the provisions of the Telecommunications Act, 2023 and market developments, whether there is a need to make some changes in the respective scopes and terms and conditions associated with the following service authorisations, recently recommended by TRAI:

(a) Digital Connectivity Infrastructure Provider (DCIP) Authorization (under Unified License)

(b) IXP Authorization (under Unified License)

(c) Content Delivery Network (CDN) Registration

(d) Satellite Earth Station Gateway (SESG) License

If yes, kindly provide a detailed response with justifications in respect of each of the above authorisations.

RJIL Response:

1. We do not support DCIP authorization as the IP-1 authorization suffices to meet the needs for infrastructure provider. Allowing provisioning of active infrastructure under the scope of passive network authorization will lead to possibilities of regulatory arbitrage and non-level playing field.
2. The Content Delivery Network (CDN) Provider and IXP service providers are important components of digital economy and work under mutual agreement with service providers and content providers and should be kept out of the regulatory framework. These are emerging services that anyways work with licensed service providers and should be permitted to organically grow in interest of EODB.
3. On the other hand, Satellite Earth Station Gateway (SESG) is a core telecom facility, and the recommendations should be modified to fit in the Authorization framework under Telecommunication Act 2023.

Q24. In view of the provisions of the Telecommunications Act, 2023 and market developments, any further inputs on the following issues under consultation, may be provided with detailed justifications:

(a) Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India;

(b) Review of Terms and Conditions of PMRTS and CMRTS Licenses; and

(c) Connectivity to Access Service VNOs from more than one NSO.

RJIL Response: None, we have already provided our views on consultations carried by Authority recently on these issues and our response to the respective consultation

papers on these subjects may be considered. These responses are enclosed as Annexures for your ready reference.

Q25. Whether there is a need for introducing any changes in the authorisation framework to improve the ease of doing business? If yes, kindly provide a detailed response with justifications.

RJIL Response:

1. As submitted in the previous sections, in order to promote the Government objective of EODB, a **Pan India All Telecom Service Authorization (“ASA-India”)** (*which encompasses current 22 Access Authorisations, ISP, NLD, ILD, M2M, VSAT, GMPCS, Audiotex, PMRTS etc.*) should be introduced which would enable simplified licensing, efficient routing of traffic, infrastructure optimisation and leveraging all available resources and infrastructure for provision of affordable state of art services to the Users and simplified accounting.
2. In order to enable the small operators to provide services in a smaller geography, a smaller version of **All Services Authorization (“ASA- LSA”)** at LSA level can also be introduced.
3. Each of the above authorization can have a shadow reseller authorization like VNO with lower entry fee e.g. ASA can have a VNO-ASA, VNO-ASA State.
4. A simpler version of authorization for creation of passive infrastructure e.g. **Passive Network Authorization (“PNA-India” or “PNA-State”)** may be introduced. The scope of this authorization shall be same as the current IP-1 registration. To avoid any arbitrage of levies, and possible misuse by anti-social elements by radiating unauthorizedly, the active network element shall not be allowed to PNA holders. Only the ASA holder (India or State) or VNO-ASA (India or State) shall be allowed to install the active network elements.
5. Our further inputs for facilitating ease of doing business are as follows:
 - a. SACFA norms should be streamlined, and approval timelines should be rationalized to prioritize ease of business. e.g. relaxing SACFA requirements for masts up to 5 meters in height located 3 km away from airports, and limit revocation requests to 15 days post-clearance issuance.
 - b. Considering the dynamic nature of NGSO system, producing a static link budget and fixed carrier plan is not practically suitable. To improve flexibility in operations, the link budget and carrier plan approval requirements for NGSO-based systems should be done away with.

- c. In-principle approvals should be simplified for satellite services by granting single clearance for Gateway & Remote Network per satellite system, **irrespective of the size/type of the remote user terminal.**
- d. Logs such as IPDR and CDRs should be used solely for intelligence and investigation purposes and not as court evidence. It would help in reducing the obligations on service providers but the same would not lead to any impact on the work of security agencies.
- e. Recently, numerous new requirements have been introduced for Telecommunication Service Providers (TSPs) to support national security. While TSPs are committed to supporting national security efforts, these requirements impose significant financial and operational burdens, necessitating the installation and maintenance of additional infrastructure. Therefore, to reduce the cost burden arising from the implementation of various security requirements, the authorization regime should provide a framework of bearing of such costs by the relevant Law Enforcement / Security Agencies.
- f. Artificial distinctions are sometimes created between service providers by referring to them using different terminologies. This not only leads to unnecessary differentiation but also risks the application of varying rules to service providers offering similar services. Therefore, to avoid any artificial distinction between service providers based on different terminologies, it must be ensured that all authorized service providers, under Section 3 of Act, are referred to as Telecommunication Service Providers.
- g. A large number of agencies need specific data or services for which the Telecom Service providers need to carry out the upgradation of features/capacity in their network. The agency seeking such upgradation of features and capacity shall bear such cost that is mutually agreed. DoT should not mandate provisioning of any such upgradation free of cost.

Q26. In view of the provisions of the Telecommunications Act, 2023 and market/ technological developments, whether there is a need to make some changes in the extant terms and conditions, related to ownership of network and equipment, contained in the extant Unified License? If yes, please provide the details along with justifications.

RJIL Response:

Yes. In order to facilitate infusion of capital in the system, the validity of existing spectrum acquired through auction and license be extended to 30 years from 20 years without any extra charge. Further, there is a need to bring simplicity, EODB and minimal compliance-based Authorisation mechanism.

Q27. Whether any modifications are required to be made in the extant PM-WANI framework to encourage the proliferation of Wi-Fi hotspots in the country? If yes, kindly provide a detailed response with justifications.

RJIL Response:

We submit that with the advent of 5G services and availability of ubiquitous 4G services in the country, Wi-Fi related programs like PM-Wani have lost whatever minimal relevance was there in first place and should ideally be discontinued. Furthermore, the Authority should recommend for introduction of long pending reforms in the form of winding up of 2G services and migrating the customers to 4G/5G by handset subsidy.

Q28. What should be the broad framework including the specific terms and conditions that should be made applicable for captive authorisations, which are issued on a case-to-case basis? Kindly provide a detailed response with justifications.

RJIL Response:

RJIL submits that the light touch regulatory framework should be provided for all licenses, authorizations, registrations etc. and not only to captive authorisations awarded on case-to-case basis. Further, it should be ensured that such captive authorisations should not impinge upon the rights and scope of service of TSPs. In case captive networks are provided by authorised access service providers, the Government earns a revenue in terms of license fee and spectrum charges. By captive Authorisation and not charging recurring license fee, there is an undesirable loss of revenue to the Government.

Q29. What amendments are required to be incorporated in the terms and conditions of authorisations for providing telecommunications services using satellite-based resources in light of the policy/ Act in the Space Sector? Kindly provide a detailed response with justifications.

RJIL Response:

Access Service and GMPCS are both Access Services and thus, need to be merged within a single authorization i.e. Access Service. This will not only ensure regulatory parity between service providers but would also be in line with technological developments that will increasingly facilitate provisioning of Access Services from satellite-based networks. We understand that the merger of GMPCS authorization with Access Services authorization will suffice for this requirement.

Q30. Whether the provisions of any other Policy/ Act in the related sectors need to be considered while framing terms and conditions for the new authorisation regime? If yes, kindly provide a detailed response with justification.

RJIL Response:

While it is difficult to comment upon the terms and conditions, in absence of settled rules, however, we request the Authority to take into account the policies of all associated sectors like Space, Broadcasting and competition law with soft touch regulative approach relying in self-certification by the licensees, less inspections and audits of network/accounts etc.

Q31. What conditions should be made applicable for the migration of the existing licensees to the new authorisation regime under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

RJIL Response:

1. Section 3(6)(a) of the Act clearly provides that entities with a definite validity period in their license, registration, or permission are entitled to continue operating under those terms and conditions or migrate to the terms of the relevant authorization as prescribed. Therefore, **migration to new terms should be a choice, not a mandate, for the duration of the license contract. Further, to ensure level playing field, the terms and conditions applicable through the existing license agreement under Indian Telegraph Act, 1885 and the authorization agreement under the newly enacted Telecommunication Act, 2023 shall always remain same. Thus, any simplification and EODB measures for new authorizations should be equally applicable for existing license authorizations under Unified License.**
2. We submit that the Authority should incentivize the migration through a more inclusive approach in new format with lesser compliances and further lesser

compliance burden, no BGs, reduced authorization fee. The migrating entities should also be refunded the pro-rata entry fee paid by them. Mandatory migration should be applicable only at the time of renewal of existing licenses.

Q32. What procedure should be followed for the migration of the existing licensees to the new authorisation regime under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

RJIL Response:

The migration should be based on simple application-based procedure and no onerous conditions be imposed during such migration. Furthermore, there should be no coercive migration and the Authorizations that are not time-bound should not be forced to migrate.

Q33. Do you agree that new guidelines for the transfer/ merger of authorisations under the Telecommunications Act, 2023 should be formulated after putting in place a framework for the authorisations to be granted under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

RJIL Response:

No. Clarity on transfer/merger of authorisation is required in the framework of grant of authorisation under TA, 2023. After paying market price for administratively allocated spectrum, transfer/merger of Authorisation should be permitted subject to approval of NCLT& new entity taking over all present and future liabilities.

Q34. Whether there is a need to formulate guidelines for deciding on the types of violations of terms and conditions which would fall under each category as defined in the Second Schedule of the Telecommunications Act, 2023? If yes, kindly provide a detailed response with justifications.

RJIL Response:

We understand that the schedule under the Act is quite comprehensive and there is no need to further defining the type of violations. Furthermore, a separate discussion of draft Telecommunications (Adjudication and Appeal) Rules, 2024 is underway.

Q35. Are there any other inputs/ suggestions relevant to the subject? Kindly provide a detailed response with justifications.

RJIL Response: None

Q36. In case it is decided to introduce a unified service authorisation for the provision of end-to-end telecommunication services with pan-India service area, what should be the: -

(i) Amount of application processing fees

(ii) Amount of entry fees

(iii) Provisions of bank guarantees

(iv) Definitions of GR, ApGR and AGR

(v) Rate of authorisation fee

(vi) Minimum equity and networth of the Authorised entity

Please support your response with proper justification.

RJIL Response:

A. Application Processing fee:

1. The existing application processing fee of Rs. 10,000/- for each service authorisation and Rs. 1,00,000/- for all the services under the license can be continued. The application processing fee for **Pan India All Telecom Service Authorization (“ASA-India”)** should be kept at Rs. 1,00,000 and the circle wise and lower authorizations can be kept at Rs. 10,000. No fee is to be charged from existing Licensees for migration to new regime.

B. Entry fee:

2. We reiterate our submissions to TRAI’s Consultation Paper on “Rationalization of Entry Fee and Bank Guarantees” that current level of Entry fees have miniscule impact and do not create an entry barrier and there is no need to change the same. Nevertheless, we support the reforms recommended by the Authority in its recommendations dated 19.09.2023 on the subject.

C. Bank Guarantees:

3. There are three bank guarantees to be furnished by a licensee to securitize revenue share from license fees and Spectrum Usage Charges (SUC), and annual instalments of spectrum. These guarantees are considered to act as a financial assurance that

telecom operators will meet their contractual obligations and remit the requisite payments on time.

4. Under normal circumstances, all licensees fulfill their financial obligations, including government dues, from its operational revenues. The presumption here is that a solvent and operational firm should have the liquidity and cash flow management practices to handle these obligations without the need for additional securitization. The introduction of bank guarantees for such dues only imposes an unnecessary additional financial burden on licensees, potentially affecting their liquidity and operational efficiency. This could be counterproductive, especially for firms that are otherwise financially healthy.
5. Furthermore, the requirement for bank guarantees in the context of potential insolvency may seem redundant given the comprehensive provisions of the IBC. Once a firm is admitted into insolvency proceedings, the resolution professional takes control of the assets and operations, and all claims, including government dues, are dealt with according to the resolution plan approved by the Committee of Creditors (CoC). This process is designed to maximize the value of the debtor's assets and ensure fair distribution among all creditors, including the government.
6. Thus, imposing bank guarantees for government dues lead to a duplication of security interests and complicate the resolution process under the IBC. The resolution professional would have to navigate through these additional layers of security, potentially delaying the resolution process and reducing the overall effectiveness of the insolvency framework. The IBC is already designed to balance the interests of various stakeholders, and additional guarantees might disrupt this balance. Thus, bank guarantees are in direct conflict with the IBC.
7. In conclusion, the existing provisions of the Indian Bankruptcy Code provide a mechanism for addressing government dues in the event of insolvency. The requirement for bank guarantees to securitize these dues for running firms seems unnecessary and imposes additional financial and operational burdens on businesses. The IBC framework is sufficient to protect government interests without the need for redundant securitization, ensuring a more efficient and predictable resolution process for all stakeholders involved.
8. Further the Cabinet Reforms of September 2021, have already recognized the industry maturity ins waiving of the requirement of BGs to secure instalment payments for spectrum acquired through Auctions. The same principle can also be invoked and the residual 20% FBG/PBG should be completely abolished to reduce a

recurring overhead for Telecom Service Providers (TSPs), which amount to 0.5% to 1% of BG value.

9. It is worthwhile to mention it here, in the GST regime, all enterprises/businesses, big or small, including TSPs, are required to discharge their GST obligations on their sales and services offered, however, the Government does not mandate these businesses to securitize such payments through BGs and instead the businesses are trusted to discharge the obligations. Similarly, basis experience of a few decades, the TSPs can be trusted to discharge their obligations without BGs. whereas it is critical to remove the requirement of the BGs.
10. In view of the above it is suggested that there should be no requirement of Bank Guarantees for securitization of Revenue Share and annual instalment of spectrum.

D. Definitions of GR, ApGR and AGR

11. **It is important to recast the AGR definition to provide clarity and reduce litigation.**
12. The current framework for determining the revenue share owed by telecom service providers to the Government of India is unnecessarily complex and prone to legal disputes. Under the existing definition, all gross revenues are initially considered, with subsequent deductions for non-telecom revenues to arrive at the Adjusted Gross Revenue (AGR). This methodology has led to considerable legal ambiguity and numerous disputes, resulting in delays and complications in revenue share settlements.
13. A simpler, more straightforward definition of revenue is essential to ensure clarity and efficiency in revenue sharing between telecom service providers and the government. The revised definition should focus exclusively on revenues generated from services provided under the scope of the telecom license/ service authorization. This means that only the income directly arising from licensed telecom services, such as voice calls, data services, and other regulated telecom activities, should be included in the calculation of AGR. The revenue from activities that can be done without obtaining authorization under the section 3 of the Act must be excluded from AGR.
14. By excluding non-telecom revenues—those generated from activities not related to licensed telecom services—from the AGR calculation, we can eliminate a primary source of contention and potential discrimination. The current approach of including all gross revenues and then deducting non-telecom revenues complicates the revenue-sharing process and creates an uneven playing field. It is discriminatory because it forces telecom service providers to include revenues from non-licensed

activities, such as rental income or investment earnings, in their AGR, thereby subjecting these earnings to regulatory fees.

15. This practice is inequitable when compared to non-licensed entities, which are not required to include similar types of income in their revenue calculations. For instance, rental income from a telecom service provider is considered telecom revenue and subject to AGR, while rental income from any non-licensed entity is excluded. Similarly, revenue from Over-The-Top (OTT) services, if earned by a telecom service provider, is classified as telecom revenue, but if the same service is provided by a non-licensed entity, it is not considered for revenue share purposes.
16. This disparity places an undue financial burden on licensed telecom service providers, as they must pay regulatory fees on a broader base of income compared to their non-licensed counterparts. It distorts the competitive landscape, as telecom companies are penalized for diversifying their revenue streams, while non-licensed entities enjoy a regulatory advantage.
17. To address this discrimination, the definition of AGR should be simplified to include only revenues arising from licensed telecom services. This adjustment would not only simplify the revenue-sharing process but also ensure a fair and equitable treatment of all entities, aligning the revenue share more closely with the core activities regulated under the telecom license. This change would eliminate unnecessary disputes and lead to a more straightforward, transparent, and just system for calculating revenue shares.
18. With respect to the definition of Adjusted Gross Revenue (AGR), deductions should be allowed on an accrual basis rather than on an actual basis. Allowing deductions on an accrual basis aligns revenue recognition with the matching principle in accounting, where expenses are matched with the revenues they generate. This approach ensures a more accurate and fair reflection of the financial performance and obligations of telecom service providers. It also simplifies the revenue calculation process, reduces administrative burdens, and minimizes disputes related to timing differences in revenue and expense recognition.
19. Implementing this simplified definition would have several benefits. It would reduce the administrative burden on telecom companies, enabling them to focus more on their core business activities rather than on complex revenue calculations and legal battles. It would lead to quicker and more transparent settlements of revenue shares, as the basis for these calculations would be clear and undisputed. Lastly, this clarity would likely result in fewer legal disputes, fostering a more stable and predictable regulatory environment.

20. **The concept of ApGR should be done away:** While formulating the Pan India Adjusted Gross Revenue (AGR), the following principles should be adhered to:

i. **Accrual-Based Accounting for Revenue and Deductions:**

Using accrual-based accounting for both revenue and deductions simplifies the preparation of financial reports. The existing practice of deductions on a paid basis while using an accrual basis for revenue creates a mismatch that complicates verification processes. Ensuring both revenue and deductions follow the same accounting basis enhances consistency and accuracy.

ii. **Allowing all Pass-Through Deductions for Fair and Efficient Revenue Sharing**

All items of a pass-through nature that are paid to other operators should unequivocally be allowed. Disallowing these items leads to double accounting and double imposition of revenue share, which is not only unfair but also economically inefficient.

21. In view of the above the following definitions are suggested:

a. **Gross revenue to be defined as total billed revenue for providing telecommunication service to the users.**

b. **The Adjusted Gross Revenue (AGR) should be defined as total billed revenue for providing telecommunication service to the Users as reduced by:**

- i. Amount of GST paid.
- ii. roaming charges paid to others service providers.
- iii. Interconnect Usage charges paid to other service providers.
- iv. Charges paid to other TSP paying Authorization fee for procurement of input telecommunication services such as leased line, fiber, telecom infrastructure, sharing of infrastructure, sharing of spectrum etc.
- iv. Half circuit charges paid to international operator for IPLC.
- v. Access facilitation charges paid to another operator for the Cable landing access.

Rate of authorisation fee:

22. We submit that this a critical reform pending for many years now. The current Government levies constitute to more than 28% of the TSP revenue and the TSPs continue to suffer under the massive burden of regulatory levies. The current burden of License fee and other taxes is not only disproportionately high but prohibitive for growth as well and needs rationalization.

23. Under the new Authorization, the authorization fee should be limited only to cover the licensing and regulatory cost, which will be less than 1% of the revenue. Further, the USOF/Digital Bharat Nidhi contribution should be completely abolished.

USOF (Digital Bharat Nidhi) contribution

24. We submit that USOF objectives on rural coverage have been met with the efforts of TSPs and there is no need to continue with TSP contribution to this fund, which is an ever-increasing heavy burden on the TSPs. Especially when, there is also a huge unutilized corpus in the USO Fund to the tune of nearly Rs. 80,000 crores, which represents a huge opportunity cost for the sector, as monies that could have been deployed in the networks and used to deliver services to consumers.

25. Therefore, we submit that the USOF contribution by the TSPs should be abolished. However, if it is not possible then we request that the current USOF Fund balance should be utilized first and until then, collection of USO levy should be stopped. Post exhaustion of funds, if this Fund is still required, the contribution should be project based and the contribution should be charged from all beneficiaries of proliferation of connectivity. Further, **contribution to Digital Bharat Nidhi by a TSP should be inversely proportional to the investments made by it for building the telecommunication network in the rural areas.**

26. By reducing or eliminating the USO levy, the Government can provide TSPs with an incentive to expand their networks and offer cutting-edge technology and service to rural and remote areas. This in turn will boost their revenues and lead to an overall increase in the exchequer revenue.

Q37. In case it is decided to enhance the scope of Internet Service authorization as indicated in the Q7 above, what should be the:

(i) Amount of application processing fees

(ii) Amount of entry fees

(iii) Provisions of bank guarantees

(iv) Definitions of GR, ApGR and AGR

(v) Rate of authorisation fee

(vi) Minimum equity and networth of the Authorised entity

Please support your response with proper justification.

RJIL Response:

As submitted in reply to Question 5, the scope of Internet services should be merged with the access service authorisation. Also refer to our response to Q15 & 36.

Q38. In case it is decided to merge the scopes of the extant NLD Service authorization and ILD Service authorization into a single authorization namely Long Distance Service authorization under the Telecommunications Act, 2023, what should be the: -

- (i) Amount of application processing fees**
 - (ii) Amount of entry fees**
 - (iii) Provisions of bank guarantees**
 - (iv) Definitions of GR, ApGR and AGR**
 - (v) Rate of authorisation fee**
 - (vi) Minimum equity and networth of the Authorised entity**
- Please support your response with proper justification.**

RJIL Response: Please refer our response to Q.36

Q39. In case it is decided to merge the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorization namely Satellite-based Telecommunication Service authorization under the Telecommunications Act, 2023, what should be the: -

- (i) Amount of application processing fees**
 - (ii) Amount of entry fees**
 - (iii) Provisions of bank guarantees**
 - (iv) Definitions of GR, ApGR and AGR**
 - (v) Rate of authorisation fee**
 - (vi) Minimum equity and networth of the Authorised entity**
- Please support your response with proper justification.**

RJIL Response:

We do not support merging the extant GMPCS authorization and Commercial VSAT CUG Service authorization, accordingly this response is not applicable. Instead, GMPCS authorisation must be merged with Access Services Authorisation as it is an access service.

Q40. In case you are of the opinion that there is a need for clubbing the scopes of some other authorisations into a single authorisation under the Telecommunications Act, 2023 for bringing more efficiency in the operations, what should be the:

- (i) Amount of application processing fees
 - (ii) Amount of entry fees
 - (iii) Provisions of bank guarantees
 - (iv) Definitions of GR, ApGR and AGR
 - (v) Rate of authorisation fee
 - (vi) Minimum equity and networth of the Authorised entity
- Please support your response with proper justification.

RJIL Response: Please refer our response to Q.36

Q41. In case you are of the opinion there is a need to introduce certain new authorisations or sub-categories of authorisations under the Telecommunications Act, 2023, what should be the: -

- (i) Amount of application processing fees
 - (ii) Amount of entry fees
 - (iii) Provisions of bank guarantees
 - (iv) Definitions of GR, ApGR and AGR
 - (v) Rate of authorisation fee
 - (vi) Minimum equity and networth of the Authorised entity
- Please support your response with proper justification.

RJIL Response: NA

Q42. What should be the amount of application processing fees for the various service authorisations including VNOs, other than the merged/clubbed/new service authorisations? Please provide your response for each of the service authorisation separately.

RJIL Response:

As mentioned above, the application processing fee should be kept at Rs. 10,000 for each LSA wise authorizations.

Q43. Whether the amount of entry fee and provisions for bank guarantee for various service authorisations including VNOs, other than the merged/clubbed/new service authorisations, should be:

- i. kept the same as existing for the various service authorisations under the UL/UL(VNO) license

ii. kept the same as recommended by the Authority for the various service authorisations under the UL/UL(VNO) license, vide its Recommendations dated 19.09.2023

iii. or some other provisions may be made for the purpose of Entry Fee and Bank Guarantees Please support your response with proper justification separately for each authorisation.

RJIL Response:

We reiterate our submissions above that there is no need for Bank Guarantees in telecom sector and this unnecessary expenditure should be abolished. Further, the Entry fee is already very low and does not create an entry barrier for this capital-intensive sector. Therefore, a nominal entry fee to prevent frivolous applicants can be useful.

Q44. Whether there is a need to review any of the other financial conditions for the various service authorisations including VNOs, other than the merged/clubbed/new service authorisations? Please provide your response for each service authorisation separately with detailed justification.

RJIL Response:

VNO is nothing but a shadow reseller authorization for the services to be provided under the Act. Therefore, the EODB measures implemented in direct authorizations should also be reflected in VNO requirements. **The Adjusted Gross Revenue (AGR) in case of VNO should be defined as total billed revenue for providing telecommunication service to the Users as reduced by:**

- i. Amount of GST paid.
- ii. Charges paid to the NSO.

Q45. In case it is decided to merge the scopes of the extant IP-I Registration and the Digital Connectivity Infrastructure Provider (DCIP) authorization into a single authorization under the Telecommunications Act, 2023, what should be the: -

- i. Amount of application processing fees
- ii. Amount of entry fees
- iii. Any other Fees/Charge
- iv. Minimum equity and networth etc. of the Authorised entity.

Please support your response with proper justification.

RJIL Response:

Not applicable, as such merger is not envisaged, as recommended in previous sections, the passive services authorization should have same terms as IP-1.

Q46. For MNP license and CMRTS authorisation, should the amount of entry fee and provisions of bank guarantees be:

- i. kept same as existing for the respective license/authorisation.**
- ii. kept the same as recommended by the Authority vide its Recommendations dated 19.09.2023**
- iii. or some other provisions may be made for the purpose of Entry Fee and Bank Guarantees**

Please support your response with proper justification separately for each authorisation.

RJIL Response:

We do not oppose the recommendations dated 19.09.2023 with regards Entry fee, however, BGs should be abolished for all authorizations, for the reasons detailed in our response to Q36.

Q47. For other standalone licenses/ registrations/ authorisations/ permissions, should the existing framework for financial conditions be continued? Please provide detailed justification.

And

Q48. If answer to question above is no, what should be the new/revised financial requirement viz. bank guarantee/ entry fee/ processing fee/ authorisation fees/ registration fees or any other charge/ fees? Please provide detailed justification in support of your response for each other license/ registration/ authorisation/ permission separately.

And

Q49. In case of the merged M2M-WPAN/WLAN service authorisation, what should be the processing fees or any other applicable fees/ charges. Please support your response with proper justification.

RJIL Response:

We reiterate our submissions above that there is no need for Bank Guarantees in telecom sector and this unnecessary expenditure should be abolished. Further, the Entry fee and application processing fee, wherever prescribed is already very low and does not create an entry barrier and can be continued with. There is no need to create any additional financial obligations on authorized entities.

Q50. In the interest of ease of doing business, is there a need to replace the Affidavit to be submitted with quarterly payment of license fee and spectrum usage charges with a Self-Certificate (with similar content)? Please justify your response.

RJIL Response:

1. The assessment of license fees and Spectrum Usage Charges (SUC) should be conducted annually, with payments made on a quarterly basis. This approach aligns with the self-assessment method under the Income Tax Act, where companies pay taxes quarterly but submit audited documents annually.
2. This best practice would streamline the process for telecom service providers, reducing administrative burdens and allowing for annual reconciliation. Any shortfall in quarterly payments could incur interest, ensuring compliance without unnecessary complexity. By submitting all accounts and reconciliation statements at the end of the year, the assessment process would become more efficient and straightforward both for the service providers and the Department.
3. **Comparison with Income Tax Act Requirements:** Under the Income Tax Act, companies are required to make advance tax payments on a quarterly basis, based on self-assessment. The final tax return, including audited financial statements, is submitted annually. This system ensures regular revenue for the government while allowing companies to manage their tax obligations efficiently. Similarly, for license fees and SUC, adopting an annual assessment with quarterly payments would ensure that telecom service providers meet their financial obligations regularly. The key difference lies in the type of levy, but the underlying principle of periodic payments and annual reconciliation remains consistent. This approach would simplify compliance, reduce disputes, and align telecom regulatory practices with established tax procedures.

Q51. Is there a need to revise/ modify/simplify any of the existing formats of Statement of Revenue Share and License Fee for each license/authorisation (as detailed at Annexure 3.2)? In case the answer to the question is yes, please provide the list of items to be included or to be deleted from the formats alongwith detailed justification for the inclusion/deletion.

And

Q52. In case of a unified service authorisation for the provision of end-to-end telecommunication services with pan-India service area, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

And

Q54. In case of merged extant NLD Service authorization and ILD Service authorization into a single authorization namely Long Distance Service authorization, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

And

Q56. In case you have proposed to club the scope of some of other authorizations OR introduce certain new authorisations/ sub-categories of authorisations, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

And

Q57. Whether there is a need to review/ simplify the norms for the preparation of annual financial statements (that is, the statements of Revenue and License Fee) of the various service authorizations under UL, UL(VNO) and MNP licenses? Please give detailed response with proper justification for each authorization/license separately.

RJIL Response:

1. There is a pressing need to revise the current statement of revenue and license fee, which has become overly complex and cumbersome. Currently, revenue is captured separately for various products, including post-paid, pre-paid, rental, call charges, and data services. Wireless services are further segregated into CDMA, GSM, and BWA categories. This intricate segmentation often results in inconsistencies and omissions, such as the failure to capture distinct revenues and deductions for wireless and wireline services. The existing format is so detailed that it sometimes becomes inconsistent with the license itself.
2. Such detailed capturing of revenue product-wise is unnecessary, imposes costs, and consumes resources, impacting efficiency. Since revenue share is required on basis of the total revenue, such detailed breakups are not needed for the purpose of calculating revenue share. For monitoring purposes, KPIs etc., separate reports can be specified by the licensor or TRAI, but the statements of revenue and license fees should be kept simple.
3. The current definitions of Adjusted Gross Revenue (AGR) for license fees and Spectrum Usage Charges (SUC) are significantly different and lead to complexities. Separate AGRs are formed for license fee and SUC based on administrative instructions, which are neither part of the license nor specified in any Notice Inviting Applications (NIA) for spectrum auctions. This results in unnecessary complications and inefficiencies in revenue assessment.

4. To address these issues, it is essential to implement Statements of Revenue and License Fees which has sub-section on AGR for wireless service for purpose of calculation of SUC. By having subsection for AGR for wireless service, the process of calculating and reporting revenues for license fees and SUC would become more straightforward. This sub-section of Statement of revenue and Licensee separation for AGR for wireless service would simplify minimize errors in SUC calculations, ultimately leading to more efficient revenue assessment and collection.
5. Furthermore, in line with our submission to earlier questions new statements of revenue, authorization fee and Spectrum Usage Charge should be formulated to simplify the assessment of revenue share for both wireline and wireless services. These simplified statements would streamline the process, ensure consistency, and reduce administrative burdens on telecom service providers. By aligning the AGR definitions and simplifying the revenue capture process, we can achieve a more transparent and efficient system, ultimately benefiting both the regulatory authorities and the service providers.
6. To address these above-mentioned issues, simplified statements of revenue and authorization fee, which also has a sub-section for AGR from wireless services for purpose of levy of spectrum usage charge has have been prepared and enclosed for consideration as Annexure-B. This revised format aims to streamline the reporting process, ensure consistency with the license terms, and reduce administrative burdens for telecom service providers. By adopting these simplified statements, the process will become more efficient, transparent, and less prone to errors, ultimately benefiting both the regulatory authorities and the service providers.

Q53. In case the scope of Internet Service authorization is enhanced, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

RJIL Response:

Not applicable, kindly refer to our response to Question 5, we believe that Internet service should be provided only under the Access Service authorization.

Q55. In case of merged extant GMPACS authorization and Commercial VSAT CUG Service authorization into a single authorization namely Satellite-based Telecommunication Service authorization, what should be the format of Statement

of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

RJIL Response:

Not applicable, we do not recommend merging GMPCS and VSAT authorizations as these are distinct services that cannot be merged into a single authorization. Instead, we recommend merging GMPCS authorization with Access Service Authorization as both of these are Access Services. **The underlying principle of merging the authorizations should be nature of service rather than the media on which these are provided.**

Q58. In case of migration, how the entry fee already paid by the company be calculated/ prescribed for the relevant authorisation(s)? Please provide detailed justification in support of your response.

RJIL Response:

The entry fee already paid should be considered for new authorization and post prorate calculation of this fee for the balance validity of the existing license, the differential amount should be either collected or refunded, as applicable.

Q59. Should the application processing fee be applicable in case of migration. In case the response is yes, what should be amount of application processing fee? Please give reason(s) in support of your answer.

RJIL Response:

No Application processing fee should be kept in the case of migration.

Q60. What should be terms and conditions of security interest which Government may prescribe? Please provide detailed response.

RJIL Response:

We do not support security interest by the Government to the Lenders as IBC 2016 provide sufficient safeguards.

Q61. Whether there are any other issues/ suggestions relevant to the fees and charges for the authorisations to provide telecommunication services? The same may be submitted with proper explanation and justification.

RJIL Response:

License fee and validity reforms are the most critical to boost investments in the sector. We are at a stage where all resources provided by the Government are auctioned and there is no relevance of keeping a revenue share, thus the license fee or Authorization fee should be minimal and administrative in nature i.e. less than 1% of AGR, as explained in previous sections.

Proposed Terms and Conditions for Authorization Agreement under Telecommunication Act 2023.

Ownership of the Authorised Entity Company:

1. **FDI upto 100% under automatic route** subject to observance of terms and conditions of authorization agreement and security conditions by authorised entity as well as investors as notified by the DoT from time to time.
2. Notwithstanding with the above provision, foreign investment shall be subject to following conditions:
 - (i) An entity of a country, which shares land border with India or where the beneficial owner of an investment into India is situated in or is a citizen of any such country, can invest only under the Government route.
 - (ii) In the event of the transfer of ownership of any existing or future FDI in an entity in India, directly or indirectly, resulting in the beneficial ownership falling within the restriction/ purview of the clause no. (i) above, such subsequent change in beneficial ownership will also require Government approval.
 - (iii) Both direct and indirect foreign investment in the Authorised Entity Company shall be counted for the purpose of calculating total FDI.
 - (iv) The Authorised entity Company/ Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant FDI policy of the Government. While approving the investment proposals, the Government may take into accounts security concerns.
 - (v) FDI shall be subject to laws of India and not the laws of the foreign country/countries. The Authorised Entity shall comply with the relevant provisions of FDI policy of the Government and such modifications to the policy as may be issued from time to time.
 - (vi) The words, mentioned hereinabove in Para 1.1, such as FDI, foreign equity, investment companies, FIPB, etc., shall have the same meaning as defined by Department for Promotion of Industry and Internal Trade (DPIIT) in its FDI Policy.
3. The Authorised Entity shall declare the Indian & Foreign equity structure (both direct and in-direct) in the Authorised Entity company and submit a compliance report regarding compliance of FDI norms and security conditions on 1st day of January of every year to the DoT in Proforma as may be prescribed from time to time. This is to be certified by Company Secretary or Statutory Auditor, countersigned by duly authorized Director of the Authorised Entity Company. When there is a change in FDI in the Authorised Entity's company, the Authorised Entity shall also submit the FDI compliance report within 15 days.

4. The Authorised Entity shall also ensure that:
 - (i) Any changes in shareholding shall be subject to all applicable statutory permissions under Laws of India.
 - (ii) In case the Authorised Entity obtains any other Authorisation covered in other Authorisation Agreement by way of acquisition or merger, the Authorisation so obtained shall have to be migrated and merged to the aforesaid Authorization Agreement as per prescribed procedure.
 - (iii) With spectrum Cap concept in place successfully, the cross-holding restriction which was introduced to ensure no hoarding of administratively allocated spectrum for Access Services, has lost its relevance and therefore must be deleted.
5. Change in the name of the Authorised Entity Company, as per the provisions of the Companies Act, 2013, shall have to be intimated to the DoT in writing along with certified copy of the name change certificate within 30 days from the date of issue of such certificate by Registrar of Companies.
6. The Authorised Entity shall have a minimum paid up equity capital as specified in the Rules prescribed under the Telecommunication Act 2023.
7. The Authorised Entity shall maintain the required minimum paid up equity as specified in the Rules prescribed under the Telecommunication Act 2023 during the currency of Authorisation Agreement.
8. The Authorised Entity shall provide only those services for which authorization has been granted in the Authorisation Agreement even if total amount of Entry Fee paid equals the maximum limit and combined minimum requirement of Networth and Paid-up Equity Capital for all services are met.
9. At the time of obtaining any additional service authorization during the currency of the Authorization Agreement, all the eligibility requirements will have to be met by the Authorised Entity.
10. **Scope of Authorization Agreement:** This **Authorization Agreement** is granted to provide Service(s) as authorized under the Act and service specific scope of service is provided in the respective Authorizations.
11. **Duration of Authorization Agreement:** This **Authorization Agreement** shall be valid for a period of 20 years from the effective date of this Authorization Agreement unless revoked earlier for reasons as specified elsewhere in the document. Validity period of any authorization of additional service(s) under this Authorization Agreement shall be co-terminus with the validity period of this Authorization Agreement. For, migration the effective date of existing license be treated as start date.

12. **Renewal of Authorization Agreement:** The DoT may renew, if deemed expedient, the period of Authorization Agreement by 10 years at one time, upon request of the Authorised Entity, if made during the 19th year of the Authorization Agreement period, on the terms specified by the DoT, subject to extant policy. The decision of the DoT shall be final and binding in this regard.
13. **Modifications in the Terms and Conditions of Authorization Agreement:** The DoT reserves the right to modify at any time the terms and conditions of the Authorisation Agreement, if in the opinion of the DoT it is necessary or expedient to do so in public interest or in the interest of the security of the State or for proper conduct of the Telegraphs. However, all such modifications should be preceded by a TRAI consultation and mutual agreement with the Authorised Entities.
14. **Restrictions on 'Transfer of Authorization Agreement:** The Authorised Entity shall not, without the prior written consent of the DoT, either directly or indirectly, assign or transfer this Authorization Agreement in any manner whatsoever to a third party or enter into any agreement for sub-License and/or partnership relating to any subject matter of the Authorization Agreement to any third party either in whole or in part i.e. no sub-leasing/partnership/third party interest shall be created. The Authorised Entity may appoint or employ franchisee, agents, distributors and employees.
15. **Provision of Service:** The Authorised Entity shall be responsible for, and is authorized to own, install, test and commission all the Applicable systems for providing the Service authorized under this Authorization Agreement. Further, Geographical Area of LSA may be defined as the area upto 200 nautical miles from the baseline of the respective service area and the spectrum allocated in the service area can be used to provide telecommunication services in the area upto 200 nautical miles of the baseline.
16. **Delivery of Service (Service to subscriber):** The Authorised Entity shall intimate the DoT and TRAI of Commencement of Service within 15 days of such commencement. The requisite monitoring facilities will be demonstrated to the licensor within 90 days from the date of commencement of service.
17. **Requirement to furnish information:** The Authorised Entity shall furnish to the DoT/TRAI, on demand in the manner and as per reasonable specified timelines such documents, accounts, estimates, returns, reports or other reasonable information in accordance with the rules/ orders as may be prescribed or as directed from time to time.
18. **Penalty:** The DoT may impose a financial penalty as per the provisions and Schedule of the Act and the Rules under the Act.
19. **Force- Majeure:**
 - a. If at any time, during the continuance of this Authorization Agreement, the performance in whole or in part, by either party, of any obligation under this is

prevented or delayed, by reason of war, or hostility, acts of the public enemy, civic commotion, sabotage, Act of State or direction from Statutory Authority, explosion, epidemic, quarantine restriction, strikes and lockouts (as are not limited to the establishments and facilities of the Authorised Entity), fire, floods, natural calamities or any act of GOD (hereinafter referred to as EVENT), provided notice of happenings of any such EVENT is given by the affected party to the other, within 21 Calendar days from the date of occurrence thereof, neither party shall, by reason of such event, be entitled to revoke this Agreement, nor shall either party have any such claims for damages against the other, in respect of such non-performance or delay in performance. Provided Service under the Authorization Agreement shall be resumed as soon as practicable, after such EVENT comes to an end or ceases to exist. The decision of the DoT as to whether the service may be so resumed (and the time frame within which the service may be resumed) or not, shall be final and binding.

- b. However, the Force Majeure events noted above will not in any way cause extension in the period of the Authorization Agreement.
- c. While it will normally not be a ground for non-payment of Authorization Fee, the liability for payment of Authorization fee for such inoperative period(s) due to force majeure clause may, however, be reduced / waived by the DoT, at its discretion based on circumstances of the EVENT.

20. Dispute Settlement: All disputes relating to this Authorization Agreement will be subject to Telecommunications (Adjudication and Appeal) Rules, 2024 made under the Act and/or jurisdiction of Telecom Disputes Settlement and Appellate Tribunal (TDSAT) as per provisions of TRAI Act, 1997 as amended from time to time. Dispute in any matter outside the domain of TDSAT will lie in the jurisdiction of competent Courts in NCT of Delhi only.

21. Statues Governing License: The Telecommunication Service Agreement shall be governed under TA, 2023 or TRAI Act, 1997 or any other relevant statute and the rules made thereunder. The Authorised Entity shall be bound by the terms and conditions of this Authorization Agreement and by such orders/directions/regulations issued by TRAI as per provisions of the TRAI Act, 1997 as amended from time to time.

COMMERCIAL CONDITIONS

Tariffs: The Authorised Entity will charge the tariffs for the Service as per the Tariff orders / regulations / directions/decisions issued by TRAI from time to time. The Authorised Entity shall also fulfil requirements regarding publication of tariffs, notifications and provision of information as directed by TRAI through its orders / regulations / directions issued from time to time as per the provisions of TRAI Act, 1997 as amended from time to time.

FINANCIAL CONDITIONS

FEES PAYABLE:

22. Entry Fee: A one-time non-refundable Entry Fee for each authorized Service shall be paid as per Rules made under the Act.
23. Authorization fee: An annual authorization fee as a percentage of Adjusted Gross Revenue (AGR) shall be paid by the Authorised Entity service-area wise, for each authorized service from the effective date of the respective authorization. The Authorization Fee shall be 0.5% of the AGR to cover the administrative costs.
24. Spectrum Related Charges: In case the Authorised Entity obtains spectrum, the Authorised Entity shall pay spectrum related charges, including payment for allotment and use of spectrum, as per provisions specified in the relevant NIA document of the auction of spectrum or conditions of spectrum allotment/Lol/directions/instructions of the DoT/WPC Wing in this regard. The spectrum related charges shall be payable in addition to the Authorization Fee.
25. Space Segment Charges: In case of Satellite based service, the space segment charges will be payable to Department of Space (DoS)/space segment provider as applicable for satellite constellation operated by them.
26. Definition of Gross Revenue and Adjusted Gross Revenue (AGR): The Gross Revenue and Adjusted Gross Revenue (AGR) for the purpose of calculation of Authorization Fee and SUC will be as specified in the Rules for per different services authorized.
27. **Schedule of payment of ANNUAL AUTHORIZATION FEE and Annual Spectrum Usage Charge and other dues:**
 - a. Authorization Fee and Spectrum Usage Charge shall be payable in four quarterly instalments during each financial year (FY) commencing 1st of April.
 - b. Authorization Fee and Spectrum Usage Charge shall be payable in four quarterly instalments during each financial year (FY). Quarterly instalment of Authorization Fee for the first three quarters of a financial year shall be paid within 15 days of the completion of the relevant quarter. The AGR based Authorization Fee and Spectrum Usage Charge shall be paid by the Authorised Entity on the basis of revenue on actual basis for the quarter. However, for the last quarter of the financial year, the Authorised Entity shall pay the Authorization Fee by 25th March on the basis of expected revenue for the quarter, subject to a minimum payment equal to the revenue share paid for the previous quarter.
 - c. The Authorised Entity shall adjust and pay the difference between the advance payment made and actual amount duly payable for the last quarter of financial year within 15 days of the end of the quarter.

- d. Any delay in payment of Authorization Fee or any other dues payable under the Authorization Agreement, beyond the stipulated period will attract interest at a rate which will be 2 % above the one year Marginal Cost of Lending Rate (MCLR) of State Bank of India existing as on the beginning of the Financial Year (namely 1st April) in respect of the Authorization Fees or any other dues pertaining to the said Financial Year. The interest shall be compounded annually. A part of the month shall be reckoned as a full month for the purpose of calculation of interest. A month shall be reckoned as an English calendar month.
- e. The License shall submit affidavit by an authorized representative of the licensee, Quarterly Statements of Revenue and license Fee, Statement of Revenue and Spectrum Usage charge, reconciliation statements with annual accounts duly certified by auditors on annual basis before 30th June.
- f. Final adjustment of the Authorization Fee for the year shall be made on or before 30th June of the following year, based on the gross revenue figures, the minimum Authorization Fee or the Authorization Fee based on Presumptive AGR, which shall be submitted by the Authorised Entity, duly certified by the AUDITORS of the Authorised Entity in accordance with the provision of the Companies' Act, 2013.

TECHNICAL CONDITIONS

- 28. **TECHNICAL CONDITIONS:** The LICENSEE shall provide the details of the technology, proposed to be deployed for operation of the service, to the Licensor. For providing the Service the Licensee shall utilize any type of equipment and product which meet the relevant standards set by International standardization bodies, such as, ITU, ETSI, IEEE, ISO, IEC etc.,; or set by International Fora, such as 3GPP, 3GPP-2, IETF, MEF, WiMAX, Wi-Fi, IPTV, IPv6, etc. as recognized by TEC and subject to modifications/adaptation, if any, as may be prescribed by TEC from time to time. Wherever made mandatory by the Licensor TEC standard should be followed.
- 29. Normal monitoring/interception facilities /equipment for each type of service, shall be provided by the Authorised Entity at its own cost for monitoring as per the requirement specified by the DoT from time to time. However, for any specific requirement, the cost shall be borne by respective LEA.
- 30. The AUTHORISED ENTITY shall adhere to the National Fundamental Plans like National Numbering Plan, Signalling Plan, Routing Plan, National Frequency Allocation Plan and any other plan, as applicable to the respective service authorization, issued by Department of Telecommunications and technical standards as prescribed by DoT from time to time. The DoT reserves the right to modify any of the National Fundamental Plans.
- 31. The Authorised Entity shall endeavour to adopt Renewable Energy Technologies (RETs) for powering the Telecom Network, deploy energy efficient equipment and reduce the

carbon footprint as per prevailing directions/ instructions and shall abide by further directions / instructions as may be issued in this regard by DoT/ TRAI from time to time.

32. **Network Interconnection:** Interconnection amongst the networks of Authorised Entities shall take place where specifically provided for in the Service Authorization or with mutual agreement/arrangement.
33. Transmission links for interconnection shall meet relevant standards or Interface Requirements (IR) issued by TEC from time to time.
34. Interconnection between the networks of different Authorised Entities for carrying circuit switched traffic shall be as per national standards of CCS No.7 and for carrying IP based traffic as per Telecom Engineering Centre (TEC) standards as amended from time to time and also subject to technical feasibility and technical integrity of the Networks and shall be within the overall framework of interconnection regulations/ directions/ orders issued by the TRAI/ DoT from time to time. For inter-networking between circuit switched and IP based network, the Authorised Entity shall install Media Gateway Switch subject to mutual agreement.
35. Authorised Entity shall interconnect with other Telecom Service Providers at the Points of Inter-connection (POI) subject to compliance of prevailing regulations, directions or determinations issued by TRAI. The charges for accessing other networks for inter-network calls shall conform to the Orders/ Regulations/ Guidelines issued by the TRAI/ DoT from time to time. The Interconnection Agreements will, inter-alia, provide the following:
 - (a) To meet all reasonable demand for the transmission and reception of messages between the interconnected systems.
 - (b) To establish and maintain such one or more Points of Interconnect as are reasonably required and are of sufficient capacity and in sufficient number to enable transmission and reception of the messages by means of the Applicable Systems,
 - (c) To connect, and keep connected, to their Applicable Systems.
36. The charges for accessing other networks for inter-network calls shall be based on mutual agreements between the service providers conforming to the Orders/IUC Regulations/Guidelines issued by the TRAI from time to time.
37. The interconnection with a Telecom Service Provider shall have to be withdrawn within one hour of receipt of intimation or within such time as directed by the DOT in writing, in case of revocation of the AUTHORIZATION AGREEMENT of the Telecom Service Provider.
38. The technical parameters mentioned in the relevant Interface Requirement for VSAT Network(s) issued by TEC, as modified from time to time, are to be complied with.

39. **Quality of Service:** The AUTHORISED ENTITY shall ensure the Quality of Service (QoS) as per respective ITU standard. However, wherever ITU standards are not available, then it may be prescribed by the TRAI.
40. **Disaster/Emergency/Public Utility Services:** The Authorised Entity shall follow the guidelines /directions/ standard operating procedures as may be prescribed for the disaster management/emergency response services or any other instruction issued by DoT in this regard from time to time.
41. The Authorised Entity shall also facilitate the priority routing of emergency/public utility or any other type of user calls as per guidelines /directions as may be prescribed by DoT.

OPERATING CONDITIONS

42. **Subscriber Registration and Provision of Service:** The AUTHORISED ENTITY shall register demand/request for telephone connection and or any other Telecom Service without any discrimination from any applicant, at any place in the service area for the service(s) authorized and provide the Service, unless otherwise directed by the DoT. The AUTHORISED ENTITY shall not in any manner discriminate between subscribers and provide service on the same commercial principle and shall be required to maintain a transparent, open to inspection, waiting list.
43. The AUTHORISED ENTITY shall widely publicize provision of service and shall not refuse registration of demand in the service areas in which the Authorised Entity has commenced services.
44. Authorised Entity may discontinue any of the service, under a Service Authorization to its subscribers, by giving notice to DoT and TRAI of at least 60 Calendar days in advance with reasons. In that case it shall also notify all its subscriber by sending a 30 Calendar days' notice to each of them, clearly stating the options available to subscribers including that of MNP also. The effective date of discontinuity of Service will be 61st Calendar days counted from the date of receipt of such notice by the DoT. The DoT reserves the right to reject such request only when warranted in the interest of public or national security or in the event of national emergency/war.
45. The discontinuation of service may be due to change of technology. In that case the above condition shall also apply.
46. Further, if the Authorised Entity decides to close down any of its wireless Access Services, which were being provided through the administratively assigned spectrum, for which it has not paid the market discovered price, it has to surrender such spectrum immediately upon closure of such wireless Access Services.
47. It shall be the responsibility of the AUTHORISED ENTITY to issue or cause to be issued bills to its subscribers for use of the service by its own or through its franchisee/

distributor. The AUTHORISED ENTITY shall maintain such records so as to produce itemized billing information. The billing system of the AUTHORISED ENTITY shall be able to generate the billing information, in adequate details, to ensure satisfaction of the subscribers about the genuineness of the bill. The directions of TRAI, from time to time, in this regard shall apply.

48. In case of provision of services by the AUTHORISED ENTITY through the Satellite media or use of satellite media through owned/leased satellite connectivity, The Authorised Entity shall abide by the prevalent Government guidelines, policy, orders, regulation or direction on the subject like Satellite communication policy etc.
49. **The Subscriber Terminals:** The subscriber terminals/CPE deployed in the network shall meet TEC standards, wherever specified as mandatory by the DoT from time to time and in the absence of mandatory TEC standard, the Authorised Entity may deploy subscriber terminals that is certified to meet the relevant standards set by International standardization bodies, such as, ITU, ETSI, IEEE, ISO, IEC etc. or International Fora, viz., 3GPP, 3GPP-2, IETF, MEF, WiMAX, Wi-Fi, IPTV, IPv6, etc. as recognized by TEC and subject to modifications/adaptation, if any, as may be prescribed by TEC from time to time. Only such category of subscriber unit as has been granted such a certificate shall be brought into and operated within India under this Agreement.
50. **Sharing of infrastructure:** Sharing of active/passive infrastructure shall be governed by the terms and conditions of respective service authorization and will be subject of mutual agreement.
51. Sharing of Active infrastructure amongst Service Providers based on the mutual agreements entered amongst them is permitted. Active infrastructure sharing will be limited to antenna, feeder cable, Node B, Radio Access Network (RAN) and transmission system only. Sharing of infrastructure related to Wi-Fi equipment such as Wi-Fi router, Access Point etc. is allowed. Sharing of backhaul is also permitted.
52. The Authorised Entity may share its own active and passive infrastructure for providing Other Services authorized to it under any other telecom Authorization Agreement issued by DoT.
53. An authorized Gateway hub operated by the satellite provider itself is permitted to be shared with the satellite bandwidth seeker.
54. **Inspection and Testing of Installations:** The DoT / TRAI may carry out performance tests as required for checking Quality of Service, if it so desires by informing at least one week in advance. The AUTHORISED ENTITY shall supply all necessary literature, drawings etc. regarding the equipment installed and shall also supply all the tools, test instruments and other accessories to the testing party of the DoT / TRAI for conducting the tests. The list of performance tests will be furnished by the Authorised Entity, which may be amended by the DoT.

55. **Right to inspect:** The DoT or its authorized representative or Ministry of Information & Broadcasting in respect of IPTV Service, or its authorized representative shall have right to access and inspect sites used for extending the Service and in particular but not limited to leased lines, junction, terminating interfaces, hardware/software, memories of semiconductor, magnetic and optical varieties, wired or wireless equipment, distribution frames. The DoT or its authorized representative may also conduct the performance test including to enter into dialogue with the system through input/output devices or terminals. The Authorised Entity will provide the necessary facilities for continuous monitoring of the system in the Licensed Service Area, as required by the DoT or its authorized representative(s). The inspection will ordinarily be carried out after reasonable notice. except in circumstances where giving such a notice will defeat the very purpose of the inspection.
56. **Location of Network Elements:** The Authorised Entity on request shall provide to the DoT location details of all network elements including switching centres, transmission centres, network operation & control/ management Centre, Base Stations. Any network resource including the band width/ leased line/ VPN either owned or taken on lease/ hire shall be treated as part of the Authorised Entity Network.
57. In areas which are sensitive from security point of view, as may be notified from time to time by the DoT, installation of any equipment or execution of project shall be taken up only after the DoT's approval.
58. The DoT may prescribe restrictions for provision of services in areas falling near International Border/Line of Control/Line of Actual Control of India or any other areas as may be prescribed by the DoT.
59. **Confidentiality of information:** The Authorised Entity shall not employ bulk encryption equipment in its network. DoT or officers specially designated for the purpose may evaluate any encryption equipment connected to the Authorised Entity's network. However, the Authorised Entity shall have the responsibility to ensure protection of privacy of communication and to ensure that unauthorized interception of MESSAGE does not take place.
60. Subject to terms and conditions of the Authorization Agreement, the Authorised Entity shall take all necessary steps to safeguard the privacy and confidentiality of any information about a third party and its business to whom it provides the Service and from whom it has acquired such information by virtue of the Service provided and shall use its best endeavours to secure that:
- a) No person acting on behalf of the Authorised Entity or the Authorised Entity divulges or uses any such information except as may be necessary in the course of providing such Service to the Third Party; and

b) No such person seeks such information other than is necessary for the purpose of providing Service to the Third Party.

Provided the above para shall not apply where:

a) The information relates to a specific party and that party has consented in writing to such information being divulged or used, and such information is divulged or used in accordance with the terms of that consent; or

b) The information is already open to the public and otherwise known.

The Authorised Entity shall take necessary steps to ensure that the Authorised Entity and any person(s) acting on its behalf observe confidentiality of customer information.

61. The use of encryption by the subscriber shall be governed by the Government Policy/rules made under the Information Technology Act, 2000.

62. **Prohibition of certain activities by the Authorised Entity:** Carriage of objectionable, obscene, unauthorized or any other content, messages or communications infringing copyright and intellectual property right etc., in any form, in the network is not permitted as per established laws of the country. Once specific instances of such infringement are reported to the Authorised Entity by the enforcement agencies/DoT, the Authorised Entity shall take necessary measures to prevent carriage of such messages in its network immediately.

63. The AUTHORISED ENTITY is obliged to provide, within reasonable time, all the tracing facilities to trace nuisance, obnoxious or malicious calls, messages or communications transported through his equipment and network, to the agencies of Government of India as authorized from time to time, when such information is required for investigations or detection of crimes and in the interest of national security. Any damages arising on account of Authorised Entity's failure in this regard shall be payable by the Authorised Entity.

64. In case any confidential information is divulged to the AUTHORISED ENTITY for proper implementation of the Agreement, it shall be binding on the AUTHORISED ENTITY and its employees and servants to maintain its secrecy and confidentiality.

65. Authorised Entity shall not enter into any exclusive contract for establishing public network to provide public telecom services or Right of Way (RoW) with any public entity or any Person.

SECURITY CONDITIONS

66. The AUTHORISED ENTITY shall meet the instructions/directions of the DoT issued from time to time in the interest of national security apart from the following conditions.

67. The AUTHORISED ENTITY shall provide necessary facilities depending upon the specific situation at the relevant time to the Government to counteract espionage, subversive act, sabotage or any other unlawful activity.
68. The AUTHORISED ENTITY shall make available on demand to the person authorized by the DoT, full access to the switching centers, transmission centers, routers and other network elements including equipment installed in subscriber premises etc. for technical scrutiny and for inspection, which can be visual inspection or an operational inspection.
69. All foreign personnel likely to be deployed by the AUTHORISED ENTITY for installation, operation and maintenance of the Authorized Entity's network shall be security cleared by the Government of India prior to their deployment. The security clearance will be obtained from the Ministry of Home Affairs, Government of India.
70. The AUTHORISED ENTITY shall ensure protection of privacy of communication and ensure that unauthorized interception of messages does not take place.
71. The AUTHORISED ENTITY shall have organizational policy on security and security management of their networks including Network forensics, Network Hardening, Network penetration test, Risk assessment. Actions to fix problems and to prevent such problems from recurring should be part of the policy.
72. In furtherance of organizational security policy, the AUTHORISED ENTITY shall audit its network or get the network audited from security point of view once in a financial year from a network audit and certification agency. The first audit may be carried out in the financial year succeeding the financial year of the signing of the AUTHORIZATION AGREEMENT/ Service authorization. The AUTHORISED ENTITY is free to engage the service of any agency for this purpose, which is certified to carry out the audit as per relevant ISO standards. Presently ISO 15408 and ISO 27001 standards are applicable.
73. The AUTHORISED ENTITY shall induct only those network elements into its telecom network, which have been got tested as per relevant contemporary Indian or International Security Standards e.g. IT and IT related elements against ISO/IEC 15408 standards, for Information Security Management System against ISO 27000 series Standards, Telecom and Telecom related elements against 3GPP security standards, 3GPP2 security standards etc. The certification shall be got done only from authorized and certified agencies/ labs in India or as may be specified by the DoT. The copies of test results and test certificates shall be kept by the AUTHORISED ENTITY for a period of 10 years from the date of procurement of equipment.
74. The Government through the Designated Authority will have the right to impose conditions for procurement of Telecommunication Equipment on grounds of Defence of India, or matters directly or indirectly related thereto, for national security. Designated

Authority for this purpose shall be National Cyber Security Coordinator. In this regard, the Authorised Entity shall provide any information as and when sought by the Designated Authority.

75. Designated Authority shall notify the categories of equipment for which the security requirement related to Trusted Sources are applicable. For the said categories of equipment, Designated Authority shall notify the Trusted Sources along with the associated Telecommunication Equipment (Trusted Products). The Designated Authority may also notify a list of Designated Sources from whom no procurement can be done. Procedure for inclusion of Telecommunication Equipment in the list of Trusted Sources will be issued by the Designated Authority.
76. With effect from 15th June 2021, the Authorised Entity, shall only connect Trusted Products in its network and also seek permission from Designated Authority for upgradation or expansion of existing Network utilizing the Telecommunication Equipment not designated as Trusted Products. However, these directions will not affect ongoing Annual Maintenance Contracts (AMC) or updates to existing equipment already inducted in the network as on date of effect.
77. The Authorised Entities shall comply with the Guidance for Enhanced Supervision and Effective Control of Telecommunication Networks, as per guidelines to be issued by the DoT.
78. The AUTHORISED ENTITY shall include all contemporary security related features and features related to communication security as prescribed under relevant security standards while procuring the equipment and implement all such contemporary features into the network.
79. A list of features, equipment's, software etc procured and implemented shall be kept by the AUTHORISED ENTITY till they are in use, which may be subjected to inspection and testing by the DoT at any time, in the network or otherwise, at the option of the DoT.
80. The AUTHORISED ENTITY shall create facilities for the monitoring of all intrusions, attacks and frauds on his technical facilities and provide reports on the same to the DoT. Such facilities shall be created by the Authorised Entity within 12 months of effective date of this AUTHORIZATION AGREEMENT/ authorization and be reported to DoT as and when created during this period.
81. DoT may make suitable and feasible suggestions, which help in increasing the security of the telecom network. The same should be implemented basis feasibility.
82. The Central Government through appropriate notification may debar usage of mobile terminals in certain areas in the country. The AUTHORISED ENTITY shall deny Service in areas specified by designated authority immediately and in any case within six hours on request.

83. DoT shall have the right to take over the Service, equipment and networks of the Authorised Entity (either in part or in whole of the Service Area) in case any directions are issued in the public interest by the Government of India in the event of a National emergency / war or low intensity conflict or any other eventuality. Any specific orders or directions from the Government of India issued under such conditions shall be applicable to the Authorised Entity and shall be strictly complied with.
84. The Authorised Entity shall ensure adequate verification of each and every customer before enrolling him as a subscriber; instructions issued by the DoT in this regard from time to time shall be scrupulously followed. The Authorised Entity shall make it clear to the subscriber that the subscriber will be responsible for proper and bonafide use of the service.
85. The Authorised Entity shall activate the Leased Line, Internet Leased Line and IPLC service only after checking the bonafide of the customer, verifying details as per Customer Acquisition Form (CAF) prescribed from time to time and physical inspection of the site. Further, in the case of Leased Line, the reasons for taking the link by the customer shall be recorded.
86. The complete list of subscribers shall be made available by the Authorised Entity on their website (having access), so that designated Security Agencies are able to obtain the subscriber list at any time, as per their convenience with the help of the password. The list should be updated on regular basis. Hard copy as and when required by security agencies shall also be furnished.
87. The DoT or its representative(s) will have an access to the Database relating to the subscribers of the Authorised Entity. The Authorised Entity shall also update the list of his subscribers and make available the same to the DoT at such intervals as may be prescribed. The Authorised Entity shall make available, at any prescribed instant, to the DoT or its authorized representative details of the subscribers using the service.
88. The Authorised Entity shall maintain all commercial records/ Call Detail Record (CDR)/ Exchange Detail Record (EDR)/ IP Detail Record (IPDR) with regard to the communications exchanged on the network. Such records shall be archived for at least two years for scrutiny by the DoT for security reasons and may be destroyed thereafter unless directed otherwise by the DoT. DoT may issue directions /instructions from time to time with respect to commercial records /CDR/IPDR/EDR.
89. Calling Line Identification (CLI) shall be provided. The network should also support Malicious Call identification and Centralized Automatic Message Accounting (CAMA).
90. Calling Line Identification (CLI) shall never be tampered as the same is also required for security purposes and any violation of this amounts to breach of security.

91. Utmost vigilance should be exercised in providing bulk connections for a single user as well as for a single location. Separate instructions issued by the Government from time to time will be applicable.
92. The call detail records for outgoing calls made by customers should be analyzed for the subscribers making large number of outgoing calls day and night and to the various telephone numbers. Normally, no incoming call is observed in such cases. This can be done by running special program for this purpose. The list/details of suspected subscribers should be informed to the respective LSA Field Unit of DoT and any other officer authorized by DoT from time to time.
93. Active support must be extended by the service providers to the respective Field Units of DoT for detection of clandestine / illegal telecommunications facilities. For this purpose, names of the Nodal officers & alternate Nodal Officers in respect of each licensed service area as communicated to the Intelligence Agencies for monitoring of telecommunications should also be forwarded to respective Field Unit of DoT, and any other officer authorized by DoT from time to time. The Field Unit of DoT will contact the Nodal Officer / alternate Nodal officer, and till the time such nomination is received or in case of non-availability of such officer, the Field Unit will contact the Chief Executive Officer of the Authorised Entity, for such support / coordination.
94. The Authorised Entity shall also ensure compliance of the following conditions:
 - a. The Chief Officer in charge of technical network operations and the Chief Security Officer/Chief Information Security Officer, and in-charge of GMSC, MSC, Soft-Switch, Central Database, ILD Gateway, VSAT Hub, INSAT MSS-R Hub, PMRTS Central/Base Station, GMPCS Gateway, Switches and System Administrators shall be resident Indian citizen.
 - b. Authorised Entity may, on need basis, provide details of its infrastructure/ network diagram (technical details of the network) only to telecom equipment suppliers/manufacturers and the affiliate/ parents of the Authorised Entity Company. Clearance from the DoT would be required if such information is to be provided to anybody else.
 - c. For security reasons, domestic traffic of such entities as may be identified/ specified by the DoT shall not be hauled/ routed to any place outside India. For this purpose, location of satellites serving India for domestic traffic shall not be treated as outside India.
 - d. The Authorised Entity Company shall take adequate and timely measures to ensure that the information transacted through a network by the subscribers is secure and protected.
 - e. The officers/ officials/ Nodal Executives of the Authorised Entity companies dealing with the lawful interception of messages will be resident Indian citizens.
 - f. The majority Directors on the Board of the Authorised Entity company shall be Indian citizens.

- g. The positions of the Chairman, Managing Director, Chief Executive Officer (CEO) and/or Chief Financial Officer (CFO), if held by foreign nationals, would require to be security vetted by Ministry of Home Affairs (MHA). Security vetting shall be required periodically on yearly basis. In case something adverse is found during the security vetting, the direction of MHA shall be binding on the Authorised Entity.
- h. The Authorised Entity shall not transfer the following to any person/place outside India:-
 - i. Any accounting information relating to subscriber (except for international roaming/billing) (Note: it does not restrict a statutorily required disclosure of financial nature); and
 - ii. User information (except pertaining to foreign subscribers using Indian Operator's network while roaming and IPLC subscribers).
- i. The Authorised Entity must provide traceable identity of their subscribers. However, in case of providing service to roaming subscriber of foreign Companies, the Indian Company shall endeavour to obtain traceable identity of roaming subscribers from the foreign company as a part of its roaming agreement.
- j. On request of the DoT or any other agency authorized by the DoT, the Authorised Entity shall be able to provide the geographical location of any subscriber (BTS location and Location details including latitude & longitude details) at a given point of time.
- k. The Remote Access (RA) to network would be provided only to locations abroad through already intimated to DoT after satisfying itself about the appropriateness.
- l. The Authorised Entity shall ensure that necessary provision (hardware/ software) is available in their equipment for doing the Lawful interception and monitoring from a centralized location. For any specific requirements of the LEAs, the LEAs will make the necessary arrangements including the commercial arrangement.
- m. It shall be open to the DoT to restrict the Authorised Entity Company from operating in any sensitive area from the National Security angle.
- n. In order to maintain the privacy of voice and data, monitoring shall be in accordance with rules in this regard under Telecommunication Act 2023.
- o. For monitoring traffic, the Authorised Entity Company shall provide access of their network and other facilities as well as to books of accounts to the security agencies.

95. Application of Indian Telecommunication Act 2023: The Authorised Entity shall adopt all means and facilitate in every manner the application of the Telecommunication Act 2023.

96. Frequency Assignment: The WPC Wing of the Department of Telecommunications, Ministry of Communications will provide frequency assignment as per prescribed procedure.

97. The AUTHORISED ENTITY has to obtain, among others, site clearance from the WPC Wing in respect of fixed stations and its antenna mast. For this purpose, the AUTHORISED ENTITY shall separately apply online on WPC Wing website: www.wpc.gov.in for site clearance by SACFA, as per prescribed procedure through a complete online process.
98. The AUTHORISED ENTITY shall not cause or allow to cause harmful interference to other authorized users of radio spectrum. For elimination of harmful interference, AUTHORISED ENTITY shall abide by all instructions and orders issued by the Government.
99. In the event of holding/obtaining Access spectrum, no Authorised Entity or its promoter(s) directly or indirectly shall have any beneficial interest in another Authorised Entity company holding "Access Spectrum" in the same service area barring any company solely providing space-based communication services.
100. In case the Authorised Entity obtains spectrum through auction, the provisions specified in the relevant Notice Inviting Application (NIA) document for the auction of such spectrum or conditions of spectrum allotment shall apply and this Authorization Agreement shall be suitably amended for this purpose.

Annexure B

| Statement of Revenue for ASA- India for License Fee and Spectrum Usage Charge | | | | | | | |
|--|--|--|-----------|-----------|-----------|-----------|--------------|
| Name of Service provider: | | | | | | | |
| Financial Year: | | | | | | | |
| | | | Q1 | Q2 | Q3 | Q4 | Total |
| 1. Access Service | | | | | | | |
| Wireline Service | | | | | | | |
| <u>Revenue from Wireline Service</u> | | | | | | | |
| 1 | From Subscribers | | | | | | |
| 2 | From other operators | | | | | | |
| 3 | Gross revenue for wireline Service | | | | | | |
| <u>Deduction from revenue for wireline service</u> | | | | | | | |
| 4 | Charges paid to Other Operators paying authorization Fee on account of input telecom services like PSTN Charges, Leased circuits, Infrastructure Sharing, Fiber, etc. | | | | | | |
| 5 | GST in case it is included in 3. | | | | | | |
| 6 | Total deductions for wireline service (4+5) | | | | | | |
| 7 | AGR for Wireline Service (3-6) | | | | | | |
| Wireless Service (Access Spectrum) | | | | | | | |
| <u>Revenue from Wireless Service (Access Spectrum)</u> | | | | | | | |
| 8 | From Subscribers | | | | | | |
| 9 | From other operators | | | | | | |
| 10 | Gross revenue for wireless Service | | | | | | |
| <u>Deduction from revenue for wireless service</u> | | | | | | | |
| 11 | Charges paid to Other Operators paying authorization fee for input telco services including Roaming, Leased circuits, Spectrum sharing, Infrastructure Sharing, fiber etc. | | | | | | |
| 12 | GST in case it is included in 10. | | | | | | |
| 13 | Total deductions for wireless service (11+12) | | | | | | |
| 14 | AGR for Wireless Service (10-13) | | | | | | |
| GMPCS | | | | | | | |
| <u>Revenue from GMPCS</u> | | | | | | | |
| 15 | From Subscribers | | | | | | |
| 16 | From other operators | | | | | | |
| 17 | Gross revenue for GMPCS | | | | | | |
| <u>Deduction from revenue for GMPCS</u> | | | | | | | |
| 18 | Charges paid to Other Operators paying authorization fee on account input services like Roaming, Leased circuits, Infrastructure Sharing etc. | | | | | | |

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|---|--|--|--|--|--|
| 19 | GST in case it is included in 17. | | | | |
| 20 | Total deductions for GMPCS (18+19) | | | | |
| 21 | AGR for GMPCS (17-20) | | | | |
| 22 | AGR for Access Service (7+14+21) | | | | |
| 2. Carrier Service | | | | | |
| NLD Service | | | | | |
| <u>Revenue from NLD Service</u> | | | | | |
| 23 | Revenue from provisioning of NLD service | | | | |
| 24 | Gross revenue for NLD Service | | | | |
| <u>Deduction from revenue for NLD Service</u> | | | | | |
| 25 | Charges paid to Other Operators paying authorization fee for input services including , PSTN Charges, Leased circuits, Infrastructure Sharing, fiber, bandwidth etc. | | | | |
| 26 | GST in case included in 24 | | | | |
| 27 | Total Deductions for NLD Service (25+26) | | | | |
| 28 | AGR for NLD Service (24-27) | | | | |
| ILD Service | | | | | |
| <u>Revenue from ILD Service</u> | | | | | |
| 29 | Revenue from ILD services to subscribers | | | | |
| 30 | Revenue from ILD services to other operators. | | | | |
| 31 | Gross revenue for ILD Service | | | | |
| <u>Deduction from Revenue for ILD Service</u> | | | | | |
| 32 | Charges paid to other operators paying authorization fee on account of input telecom services including charges for leasing /renting of infrastructure, cable landing station, bandwidth etc | | | | |
| 33 | Charges paid to International operator for the foreign half circuit in IPLC. | | | | |
| 34 | GST in case included in 31 | | | | |
| 35 | Total deductions for ILD Service (32+33+34) | | | | |
| 36 | AGR for ILD Service (31-35) | | | | |
| 37 | AGR for Carrier Service (28+37) | | | | |
| 3. All Other Services | | | | | |
| Internet Service | | | | | |
| <u>Revenue from Internet Service</u> | | | | | |

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|--|--|--|--|--|--|--|
| 37 | Revenue from internet Service to Subscribers | | | | | |
| 38 | Revenue from internet services to other operators | | | | | |
| 39 | Gross revenue from Internet Service | | | | | |
| <u>Deduction from revenue for Internet Service</u> | | | | | | |
| 40 | Charges paid to other operators paying authorization fee for input telecom services including charges for bandwidth, leasing /renting of infrastructure, roaming, etc. | | | | | |
| 41 | GST in case included in 39 | | | | | |
| 42 | Total deductions for Internet Service (40+41) | | | | | |
| 43 | AGR for Internet Service (39-42) | | | | | |
| | | | | | | |
| VSAT Service | | | | | | |
| <u>Revenue from VSAT Service</u> | | | | | | |
| 44 | Revenue from VSAT Service | | | | | |
| 45 | Revenue received from other service providers. | | | | | |
| 46 | Gross revenue from VSAT Service | | | | | |
| <u>Deduction from revenue for VSAT Service</u> | | | | | | |
| 47 | Charges paid to other operators paying authorization fee for input services including Lease/rent for hiring of infrastructure, bandwidth, | | | | | |
| 48 | GST in case included in 46 | | | | | |
| 49 | Total deductions for VSAT Service (47+48) | | | | | |
| 50 | AGR for VSAT Service (46-49) | | | | | |
| | | | | | | |
| PMRTS Service | | | | | | |
| <u>Revenue from PMRTS Service</u> | | | | | | |
| 51 | Revenue from PMRTS Service | | | | | |
| 52 | Revenue from Sharing or leasing of infrastructure | | | | | |
| 53 | Gross revenue for PMRTS Service | | | | | |
| <u>Deduction from revenue for PMRT Service</u> | | | | | | |
| 54 | Charges paid to Other Operators paying authorization fee for input telecom services like PSTN Charges, messaging, Infrastructure Sharing etc. | | | | | |
| 55 | GST in case included in 53 | | | | | |
| 56 | Total deductions for PMRT Service (54+55) | | | | | |
| 57 | AGR for PMRT Service(53-56) | | | | | |
| | | | | | | |
| Audio Conferencing/Audiotex/Voice mail Service | | | | | | |
| <u>Revenue from Audio Conferencing/Audiotex/Voice mail Service</u> | | | | | | |
| 58 | From Subscribers | | | | | |

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|--|--|--|--|--|--|--|--|
| 59 | From other operators | | | | | | |
| 60 | Gross revenue for Audio Conferencing/Audiotex | | | | | | |
| Deduction from revenue for Audio Conferencing/Audiotex/Voice mail Service | | | | | | | |
| 61 | Charges paid to other service providers paying authorization fee for input telecom service, sharing of infrastructure etc. | | | | | | |
| 62 | GST in case included in 60 | | | | | | |
| 63 | Total deductions (61+62) | | | | | | |
| 64 | AGR for Audio Conferencing/Audiotex/Voice mail Service (60-63) | | | | | | |
| 65 | AGR For Other Authorizations (43+50+57+64) | | | | | | |
| 66 | AGR for Licensee fee (22+36+65) | | | | | | |
| 67 | AGR for Spectrum Usage Charge for Wireless Services (14) | | | | | | |