



DIGITAL
LIFE



RJIL/TRAI/2021-22/488
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To,
Shri Anil Kumar Bhardwaj
Advisor (B&CS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi 110002

Subject: Comments on Consultation Paper on “Ease of Doing Business in Telecom and Broadcasting Sector” dated 08th December 2021.

Dear Sir,

Please find attached comments of Reliance Jio Infocomm Ltd. on the consultation paper dated 08.12.2021 on “Ease of Doing Business in Telecom and Broadcasting Sector”.

Thanking you,

For **Reliance Jio Infocomm Ltd.**

Kapoor Singh Guliani
Authorised Signatory

Enclosure: as above.

**Reliance Jio Infocomm Limited's comments on TRAI's consultation paper on
"Ease of Doing Business in Telecom and Broadcasting Sector"
(Consultation Paper No. 9/2021 dated 8th December 2021)**

Preface

1. We thank the Authority for issuing this consultation paper to seek views of the stakeholders on various vital aspects related to Ease of Doing Business (EODB) to identify bottlenecks and reforms required in the regulatory processes, policies, practices and procedures in telecom and operationally associated sectors.
2. **The Authority and the Government have always taken a keen interest in improving the ease of doing business in the sector over the years, most recent being the structural and procedural reforms introduced by the Government in September 2021.** However, it is pertinent to **note that a large number of procedural, structural and co-ordination related issues still remain and urgent action on these issues will enhance EODB in telecom and operationally associate sectors and encourage investment in the sector.**

A. Structural Measures

3. **Reduction in Taxes and Levies:** The Current regime of around 32% of revenue outgo as taxes and levies is unsustainable and will always be detrimental to growth of the industry due to perennial lack of surplus cash to reinvest. The Government needs to considerably reduce this burden by overhauling the taxes and levies structure by way of.
 - a. **Reducing License Fee (LF) to 1% for all the TSPs.** USO Fund levy is the biggest contributor to License fee levy and, in current scenario of over Rs. 58,000 /- crores unutilized USO fund, continuing with this levy is excessive and anti-consumer. This part of the USO levy should be done away with till the available USO fund is not utilized and the License fee should be limited only to cover the licensing and regulatory cost, which will be less than 1% of the revenue.
 - b. **The existing USO Fund should be utilized for upgrading the consumer devices to 4G devices to achieve Digital India Vision and also to reduce the cost of maintaining multiple 2G/3G networks and enable seamless migration of poor customers to 4G networks presently trapped in 2G networks.**
 - c. The TSPs should also be incentivized in terms of reduced USO levies for additional coverage of villages
 - d. **Reduce the Spectrum Usage Charge (SUC) by 3% for all the TSPs.**

- e. **Apply SUC only on revenue from wireless services** as against current practice of its applicability on the entire revenue except wireline revenue for Access Services Authorization.
 - f. **Abolish Licence Fee and USOF contribution on Wireline revenue, as per earlier recommendation accepted by DCC.**
 - g. **GST relief:** Considering huge cash flow issues, any relief on GST account will provide big relief and it may be facilitated by
 - i. Permitting refund / adjustment of input tax credit (ITC) which is unutilized to the extent of Rs 35,000 Crores.
 - ii. Exempt GST on Government levies / payments like LF, SUC, Spectrum Payments etc.
 - iii. Provide Input Tax Credit on telecom towers and shelters including equipment like antenna, base station, eNodeB, transmitter and utilities like generator and batteries.
4. **Revision of Definition of Adjusted Gross Revenue (AGR):** There is a need to revisit present definition of AGR and align it with the **decision of the Cabinet dated 15th September 2021 in letter and spirit so that TSPs are not required to follow circuitous route to provide one stop solution to customers.** It is suggested that Gross Revenue (GR) and Adjusted Gross Revenue (AGR) be defined as follows:

Gross Revenue: The Gross Revenue (GR) shall mean the revenue actually received/realizable /receivable (i.e. accrual basis) directly from the customer(s) on account of provision of Access services licensed under Section 4 of the Indian Telegraph Act, 1885. For the purpose of this computation, Gross Revenue shall mean the revenue accrued on account of afore-mentioned telecom services, duly reconciled with audited financials, and also disclosed in the TSPs statement of Revenue and license fee for that quarter / period.

(Exclusions: Non-Telecom revenues including but not limited to income from interest, dividend (including gain on sale of mutual funds), Foreign Exchange Fluctuation (including mark to market accruals), Capital Gains on business combinations (e.g. Merger/Demerger, Slump Sale etc.), Capital Receipts, sale of fixed assets (including Intangibles) and securities, Rental income, insurance claims, reversal of expenses, like provisions and bad debts, scrap sale, notice pay recovery, sale of goods and services for which license under section 4 of ITA,1885 not required such as sale proceeds of handsets or any other terminal equipment., notional income including free Air Time, other comprehensive income as mandated under IND-AS (known as below the line

etc.), reimbursement of expenses etc., Receipts from Universal Service Obligation Fund and any other fund, Recovery from vendors on account of deficiency of service, Credits provided by opex. / capex. Vendors, Interest on direct tax / indirect tax refunds, Management Support Charges/ Manpower Cross-Charge etc. do not accrue out of Licensed Telecom Services provided to customers and hence shall not be included in Gross Revenue)

Adjusted Gross Revenue (AGR): For the purpose of arriving at the “Adjusted Gross Revenue (AGR)”, following shall be excluded from the Gross Revenue to arrive at the AGR:

- a. PSTN/PLMN/GMPCS related call charges (Access Charges) including signalling charges, Bandwidth charges, leased circuits, Port Charges, co-location charges, infrastructure charges, and various other charges paid / payable (i.e., accrual basis) to other eligible/entitled telecommunication service providers
- b. Roaming revenues paid / to be paid (i.e. accrual basis) to other eligible/entitled telecommunication service providers; and
- c. Goods and Service Tax on provision of service paid to the Government if gross revenue had included the component of Goods and Service Tax.

5. Unification of Unified License (UL) Regime

- a. In the current form, the UL is more about combination of different independent Authorizations than true unification of license. **There are overlapping requirements and obligations with the separate authorizations in same License. This defeats the basic purpose of unification and continue to be different service licenses.**
- b. We request that complete unification of the UL should be initiated with permissibility to offer all telecom services and no separate registration needs to be done for provision of services like Inflight Communications, M2M service provider etc. For Pan India operations, the truly unified license should be nation-wide license with an umbrella authorization of offer telecom services with a simple and national compliance mechanism as well as for the purpose of call routing and interconnection at national level.
- c. The pending reforms on spectrum charges will be a key enabler for this most desired change. As we move to the regime of spectrum usage charge to recovery only the administrative costs, **India can swiftly move to the national level license with a simplified and one stop online regulatory payments and compliance reporting.**

B. Co-ordination Measures

6. As noted by the Authority the telecom sector with its ever expanding horizons is currently being governed, from approvals and permissions perspective, **by Ministry of Information and Broadcasting (MIB), National Security Council Secretariat (NCSC), Department of Telecommunications (DOT), DOT units like Wireless Planning and Coordination (WPC), Network Operation Control Centre (NOCC), Telecommunication Engineering Centre (TEC), National Centre for Communication Security (NCCS), Director General Telecom (DGT), Universal Service Obligation Fund (USOF), Ministry of Home Affairs (MHA), Ministry of Defense (MOD), Ministry of Electronics and Information Technology (MeitY), Department of Space (DoS), Ministry of Power (MoP), Bureau of Indian Standards (BIS) among others.**
7. The humungous number of approving authorities with their own procedures and approval mechanisms with associated justifications and difficulties, **leads to multiple level of delays and difficulties for investors in the sector. Therefore, from EODB perspective, it is imperative that simplified centralized approach for all such processes should be adopted.**
8. DoT being the apex body for communication service in the country should be central controlling authority for these approvals and **a super web portal like National Single Window System (NSWS) of Department for Promotion of Industry and Internal Trade (DPIIT) should be created by DOT to provide all licensing and process related approvals pertaining to communication sector.**
9. **This should be an end-to-end digital portal providing a window for paperless approvals. All the associate ministries and departments should continue to retain the powers for approvals specific only to their domain, however, for an applicant there should be one portal with tracking mechanism and fixed timelines for approval, raising objections and online issuance of digitally signed approvals. The end-to-end digital process should be online in true sense of the word instead of the current practice of fragmented online processes with underlying processes remaining essentially offline.**
10. We understand that this will require tremendous co-ordination efforts and timelines, therefore till then **the existing online portals established by most of these authorities should be upgraded to be integrated end-to-end digital approval portals with tracking mechanisms and fixed timelines for approval and objections with provisions for deemed approval. Further, as submitted above, the underlying processes should also be made completely online.**

C. Procedural Measures

11. Consolidation of Reporting and Compliances

- a. The current requirement of over 150 unique compliances requirement for a TSP and in a year resulting into submission of more than 20,000 compliance reports across country to various regulatory bodies should be simplified and consolidated.
- b. The reporting mechanism should be centrally controlled with simplified requirements pertaining to each requisite parameter and TSPs should be required to upload the details with API integration periodically. **The power to add / delete or alter any report or format should rest solely with the DOT Head Quarter in consultation with the Authority.**
- c. Various regulatory bodies should be provided need based access to the centralized portal and they can download requisite information, as and when required.

12. Controllers of Communication Accounts (CCA) activities - AGR verification / assessment process

- a. One of the major EODB reforms required is in the realm of payment and assessment of the Government levies payable by a TSP. The processes and procedures followed by CCAs are antiquated and have not been updated over the years. The CCAs follow a very complicated verification process at circle level for deductions claimed from Gross Revenue. This process should be simplified by replacing verification of deductions by audit process
- b. The processes followed at CCA level need to be centralized, automated with no scope for interpretational issues. In true spirit of unification of license, all regulatory financial filings should be done centrally and not at the circle level. The assessment of Spectrum Usage Charge like License Fee should also be carried out centrally at DOT (HQ). This will help avoid the multiple assessments and will facilitate EODB while simultaneously reducing the regulatory compliance cost burden on the TSPs.

13. Audits - Various audits conducted by DOT and TRAI

- a. The multiplicity of the audits at each LSA level by DOT LSA units, essentially collecting same information should be removed, **The TSPs already have their quarterly and annual audits by the Statutory Auditors as they follow the highest standard in corporate governance.**

- b. Multiple audits requirements by TRAI, DOT LSA offices, TRAI Regional offices pertaining to Network, Security and Billing should be unified and centralized to avoid the superfluous and duplicate requirements. We submit that with the current level of automation at TSPs end, there are many of these audits that have become redundant and can be easily replaced by auto-populated reports from TSP systems.
 - c. **The Special audit and CAG audit do not add any value and are an unnecessary drain on TSP resources and should be dispensed with.**
14. **Unified License Security conditions** – Many security conditions like **Remote Access Permissions, maintaining command logs, Supply chain documentations, software upgrade intimation requirements etc. are onerous and should simplified and be integrated in end-to-end digital and paperless approval module by DoT.**
15. **The Mandatory Testing & Certification of Telecom Equipment (MTCTE)**, a Unified License requirement, needs to be **well defined in scope, covering only relevant and critical network elements and there should not be multiple certification requirements.** The certification scope should be limited only to products that can be directly connected to the licensed operator's network and should exclude all products, such as Consumer Premise Equipment, that can be obtained by customer in the open market from any unlicensed entity. Multiple approvals and certification requirements should be simplified and consolidated in a single end-to-end digital and paperless approval module by DOT.
16. **Permissions for Cable Landing Station, O&M of undersea cable and associated MHA & MOD permission requirements for ship as well as crew for each TSP**
- a. The Authority has recognized that there is no effective substitute for Submarine cables in providing international telecommunication links between countries across the world. **Thus, it is imperative that effective measures should be taken to ensure that there is no dearth of international bandwidth capacities to meet the ever expanding demand.**
 - b. There are massive challenges in setting up new cable landing station (CLS) facilities, in the country. The current process for approval of CLS is very slow leading to extensive delays and in many cases the approvals take years to process. **The process needs to be streamlined and fast tracked with time-bound approval processes. Cable laying & repair services should be designated as 'Critical & Essential Services' and should have priority for 'Permits- In -Principle' and Clearances from Government agencies.**

17. Conclusions

1. All approvals and permissions pertaining to telecom sector should be moved to end-to-end digital paperless process with fixed timelines and deemed approval provisions.
2. The underlying processes should also be made completely digital with applicants being able to track each and every step online.
3. The pending financial reforms for telecom sector should be carried out at the earliest in order to increase investor confidence and liquidity in sector.
4. The compliance and reporting mechanisms should be simplified by removing redundant and duplicate requirements.
5. All reports should be collected centrally with a simplified format and all authorities and offices should collect the requisite information from this portal.
6. CCA processes of deduction verification should be simplified and replaced by audit. The SUC assessment like License Fee should be centralized.
7. DoT should be the Apex co-ordination and approval authority for all processes and approvals involving multiple agencies like in the case of submarine cable related processes.
8. Submarine Cable laying & repair services should be designated as 'Critical & Essential Services'
9. Audits and compliance requirements should be considerably reduced.
10. Show Cause Notices and Financial Disincentives should be used to improve compliance rather than revenue generation.

Issue wise response:

Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

RJIL Response

1. The compilation of MIB processes by the Authority in table 2.1 of the CP is self-explanatory. Of the 8 processes compiled and compared by the Authority, 2 i.e. **registration of LCOs and permission to FM Radio Broadcasters are majorly offline processes and are yet to be integrated with the BroadcastSeva portal.** In all of the remaining processes, there is a requirement to resubmit the copies of application form in physical manner despite online application. In similar vein, online payment facility is also not available in majority of processes while the tracking mechanism and final online approval (downloadable) are also conspicuous by their absence.
2. **This table alone indicates that there is major scope for improvement and the nodal ministry for all broadcasting approvals needs to digitize its processes and approval mechanism to deliver on EODB goals of Government of India.**
3. We submit that the **entire process needs to be made paperless and end-to-end digital process with fixed timelines.** The current system of mentioning timelines in charters for a few processes and keeping other processes open-ended should be done away with and replaced with fixed timelines for approval or raising objections. **Further, in case of objections, the applicant should be provided with a fixed timeline to rectify and apply again. The concept of deemed approval should be introduced in case no objections are raised withing stipulated timelines.**
4. We agree with the possible single window clearance system proposed by the Authority under figure 2.2 of the CP and the proposal to migrate all manual approval processes to single window end-to-end digital processes with explicit timelines. In this regard, the 'BroadcastSeva' portal launched by MIB in 2017 has the ability to act as the 'Single Window' interface whereby processes of applications for new channel license / amendment to existing license or for temporary uplinking permission for events can be made online on 24x7 basis and the portal's scope of services can be scaled up and provisions for broadcasters to track the status of their application when the file moves from MIB to WPC to NOCC can be added. Therefore, the required permissions from MIB, WPC and NOCC must be integrated with the portal which will then functions as a 'Single Window' for obtaining clearances.
5. Further the timelines for approvals should be rationalized in the interest of EODB. For instance, the timeline of 4 months from the date of receipt of security clearance by MHA

under citizen charter for HITS license seems excessive and should be rationalized as the simplified processes with single window should not take more than 30 days in approvals post MHA clearance. Further, the moment MIB receives clearance from MHA, the applicant company should be asked to furnish permission fee and performance bank guarantee (PBG).

6. **The approval process for permission of uplinking and downlinking TV channels and permission for setting up of uplinking hubs/teleports/SNGs/DSNGs etc. should also be completely digitized and redundancy requirements like application in triplicate should be removed.**
7. Whenever a company applies for permission to uplink television channel on satellite, which is already co-ordinated, then there should not be fresh requirement of satellite clearance from DOS, ISRO. MIB may send the application to DOS, ISRO for information / records only and if in case DOS, ISRO has any objection, they may intimate MIB about their objections. Ideally DOS, ISRO should share list of coordinated satellite with MIB so that MIB can check the list and process accordingly.
8. Broadcasters / teleport/DSNG operators are required to apply in MIB for various permissions. The MIB then forwards the proposal to DOS for seeking satellite clearance. Post grant of satellite clearance from DOS, the MIB processes the application. In order to simplify the process, it may be suggested that DOS should provide a list of coordinated satellite to MIB and basis such list, MIB should grant clearance wherever possible without any further reference to DOS. However, MIB should provide DOS intimation about the companies to whom MIB is granting clearances so that DOS also has the record of permission granted by MIB.
9. The window to operationalise a television channel from the time of obtaining MIB's permission should be increased from 1 year to at least 2 years, subject to validity of PBG and payment of permission fee.
10. Appointment of directors should be by mere intimation in accordance with company law. If in case MIB receives adverse comments, then company may be asked to take necessary action accordingly. An individual who is already security cleared and serving on board of a company permitted to operate television channels / teleport, he/she should be allowed to be appointed on board of another broadcasting entity. This should be by mere intimation.
11. Transfer of television channel permission from company 'A' to company 'B' should be allowed through mere intimation if company 'B' is already security cleared for operating

in same category of television channels, subject to undertaking from company 'B' that it will fulfil all necessary criterion.

12. Equipment operating under a particular WPC license operates on fixed sets of technical parameters which are directly related to bandwidth allocated on a particular satellite. Operator / licensee cannot deviate from these fixed parameters, unless and until there is a consent sought from satellite operator. Since all these parameters are fixed and cannot be changed by mere own wish, WPC should take declaration of information and basis such declaration, automatically license number should be generated from portal after cross verification.
13. Operators / licensees should be allowed to keep their un-used equipment under NDPL without any cap on time limit as RF equipment are very costly equipment and can be used even after span of time. Since RF equipment are costly equipment and if they are not used by captive user than the user may be allowed to give its equipment to a DPL license holder company.

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

RJIL Response

1. As is evident from the compilation of DoT processes by the Authority in table 3.1. **most of the licensing related processes and approvals have been made online through SaralSanchar portal with end-to-end processing, culminating in availability of final approval also online.** Further, as noted by the Authority, there is an intent to integrate more and more associated processes with the SaralSanchar portal. We submit that

remaining licensing approvals like CMRTS license, Captive VSAT License, IFMC. MPVT and NOCC Charges etc. should also be brought under the end-to-end digital approval system and timelines for approval should be reduced.

2. However, **many of the critical processes, approvals and audits remain offline leading to unnecessary and avoidable delays which should be addressed immediately. One such major concern area for any relatively new service provider is allocation criteria for wireless and wireline numbering. We submit currently these criteria are too stringent and require physical audit and certification by DOT LSA units to initiate the process. This needs to be simplified and taken to online mode basis self-certification by the TSP.**
3. While NDCP has ambitious targets for the fixed line broadband penetration, the key enablers i.e. FTTH service providers at present are being severely constrained in getting numbering resources for Fixed line services. The current allocation criteria requiring 80% utilization in terms of active customers has created many practical issues for new FTTX/Basic Service providers like RJIL, that do not have the benefit of massive number banks resources by virtue of full numbering level being allocated for their exclusive use. **Such operational bottlenecks need to be removed if we want to achieve the fixed Broadband and fiberization related goals in the NDCP-2018.**
4. We further submit that these stringent criteria are essentially a byproduct of shortage of numbering resources, **however, the same can be addressed by going for integrated numbering scheme for fixed and mobile services and freeing the unutilized fixed levels hoarded by a few TSPs.** This will make available large number series for operators that can actually make these useful by allocating to customers.
5. As submitted above, **permission like IFMC and M2M service provider should be integrated with the relevant authorization of Unified License and all the authorized TSPs should not require these permissions separately** and separate permission should be applicable to only standalone service providers and the process for the same should be made end-to-end digital with fixed timelines for approval or raising objections, with a provision for deemed approval in absence of objections within stipulated timelines.
6. Unified Licence mandates **Lawful interception and monitoring (LIM) demonstration for every new service launched by a TSP within a stipulated timeframe. We submit that DoT is already aware that TSPs have implemented efficient and effective LIM systems. Further, all telecom services are, by design, LIM Compliant, thus there is no real requirement of a demonstration every time.** In interest of EODB, the TSPs should be required to only give a self-certificate of LIM compliance on launch of a service. If required by any law enforcement agency for a particular service, TSPs can always be asked for a demonstration.

7. The security conditions provided in the Unified License are exhaustive and extensive covering multiple aspects of telecom business, however, with time, many of these need to be updated and redundant requirements need to be removed. For instance, **the provisions pertaining to remote access are onerous and not practical**. We understand that over the years, many operators have sought permission, however, none have been granted. **Obviously pointing to an urgent need to upgrade the requirements and permission process to ensure EODB.**
8. Similarly, there are onerous requirements pertaining to **maintaining of command logs and supply chain documentations along with periodic intimation of software upgrade in the telecom systems imported and deployed by the TSPs**. We understand that these requirements are extensive and not productive. Instead, these can be comprehended in simple online portal based requirements, wherein only critical information is required to be supplied by the TSPs. Further, the requirement of intimating software upgrades to DOT should be done away with for all equipment which have been procured from trusted sources.
9. Similarly, for blocking of websites, DOT should create an online central database and the operators could periodically (once in 24hrs) download the data directly from the DOT servers and upload in their system. Any request for blocking by various units of DOT and State Police Authorities could be sent centrally to DOT who would verify the request and then add into the database.
10. **Thus, for enhancing the ease of business in telecom sector, it is imperative that the onerous requirements are simplified, and all such approval and permission processes should be moved to end-to-end digital approval mechanism with fixed timelines.**

Q3. What are the issues being faced in the existing processes of granting registration to IP-I providers? Identify and suggest measures to address the same.

And

Q4. What measures should be taken to promote small and medium telecom infrastructure providers with ownership of the network created by them for maintaining the quality of services?

RJIL Response

1. As the registration of IP-I has been made end-to-end digital with prescribed timelines, we do not see any issue with the registration process.

2. We submit that under the current dispensation, IP-I registration holders are permitted to provide passive infrastructure like provision of dark fiber, right of way, duct space and tower on lease/rent out/sale to the TSPs on mutually agreed terms and conditions. This scope of IP-I services essentially covers all non-licensed activities that cannot be considered as provision of Telegraph and is therefore sufficient under a registration based activity.
3. We further submit that considering the requirements of fiberization, dark fiber and ROW for backhaul in the telecom sector, there is ample scope for building profitable business models for telecom infrastructure providers and there is no reason for lack of participation in the sector. **We understand that implementation of end-to-end digital mode of approval process, not only for IP-I registration but also for other infrastructural approvals will help inspire more small and medium entrepreneurs in participating in this opportunity.**

Q5. Please provide your response with suggestions to improve the present system of operations and maintenance of the undersea cable network in respect of:

- a. **What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?**
- b. **What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?**

And

Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:

- a. **In-transit permits**
- b. **Pre-repair permits**
- c. **Post-repair permits**

Provide your suggestions for each activity separately.

RJIL Response

1. The Authority is aware that submarine cables form the basis of modern telecommunications and the Internet. **The United Nations General Assembly (UNGA) has described submarine cables as ‘critical communications infrastructure’ which carry about 99% of communication data across the world by using fibre-optic technology and is very important to the global economy. Therefore, we submit that the cable laying services should be considered as ‘Critical Service’ and should be provided top priority for clearances.**

2. Ironically, this segment of communication sector remains fraught with massive delays and multiple approval requirements. Therefore, it is imperative that major steps should be taken to increase EODB in this sector. **We submit that in order to cut the lead time in permissions and approvals, it would appropriate to classify the cable laying and repair services as 'Critical and essential Services' with an inbuilt priority for 'Permits-In-Principle' and Clearances from Government agencies.** The Authority may take a leaf from the 'Essentiality Certificate' (EC) issued to offshore sector vessels engaged in Oil exploration projects by DGH (Ministry of Petroleum & Natural Gas) to grant this 'Critical & Essential Services' status. The Critical and Essential Services' certification will help boost the submarine data cable infrastructure and will considerably enhance international connectivity and consequently Indian economy. **We also submit that facilities like exemption of goods and services from Customs Duty & IGST on vessel (on submission of Charter agreement between Vessel Owners & operators) should also be extended to submarine cable repair related activities.**
3. Further, considering the requirement of subject matter expertise, **DoT should be nodal agency for issuance of such Certification, finalizing the processes and for co-ordination procedures for approvals/ permissions to facilitate cable laying/ repair activities.** Further all these procedures should be simplified and made time-bound.
4. Another major improvement point is the processes related to Customs, that need to be simplified with EODB parameters. The current process for permissions and statutory clearances is too long with involvement of multiple agencies involved. **We are attaching an extensive analysis of present procedures and proposed enhancements as Annexure-A.**
5. A few additional issues requiring change are as below.
 - a. Maximum time is consumed in Customs Import, Conversion, Re- export & reversion requirements, and the vessels are held at Ports for such clearances. Further these processes are implemented with multiple interpretations. **This process should be streamlined. It would be prudent to simplify the process through self – declaration and merging activities of Importation – conversion and Re-Export - reversion. We submit that Government should waive off Importation/ Exportation procedure and do only Conversion/ Reversion.**
 - b. 'Faceless assessment' is time consuming and does not suffice to meet the requirements of simplification of process and reducing human interactions. As many times irrelevant queries are raised by out-stationed assessing officers. **The guidelines need to be issued with attempt to look at EODB vis-a vis statutory compliance.**

Q7. Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:

- a. Relevance of EMF radiation audit and its impact for quick roll out of the network**
- b. Measures to safeguard public interest and building confidence in public against propaganda of hazardous EMF radiations in field**
- c. Issues being faced in the existing processes related to the self- certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.**

RJIL Response

a. Relevance of EMF radiation audit and its impact for quick roll out of the network

1. We understand that in the initial days of implementation of EMF guidelines, the purpose for extensive EMF radiation audits by DOT, to the tune of 10% of sites was to bring certainty in self-certification by the TSPs. Further, at that time number of sites were significantly low as compared with today's scenario when the number of sites has increased multiple times and is set to increase further with dense implementation of 5G services. **Therefore, physical audit of 10% site is becoming an onerous requirement.**
2. Further, the EMF procedures have matured over the time and post introduction of NEP whole process has become online and also considering the fact that audits done till now have shown no major non-compliances and that after NEP introduction the compliance process has become almost flawless. **Therefore, in order to utilize the resources in optimized manner audit requirement should be reduced to 0.1% or upto max 100 sites whichever is lower in LSAs. We submit that anyways, on Tarang Sanchar, general public can also raise the testing request in their vicinity.**
3. In current scenario say for a circle like Madhya Pradesh having more than 20,000 unique sites (having multiple BTS at one site) the audit requirement is approximately 2,000 **which can only be completed with an average audit of 8~10 sites daily which is practically not feasible to conduct on field and DOT LSA team is also not available for testing activity on all days.** Therefore, an optimum solution can be to make a yearly calendar with LSA specific scenario for testing. The audit number should also be aligned with the testing days feasible in respective LSA considering an average audit of 2~3 sites per day.
4. We further submit that with the technological advances and move towards 4G and 5G technologies, **the EIRP limits should be removed as each site is self-certified and has to be EMF compliant before commissioning, as per EMF guidelines.** We understand

that in order to fully realize the technological advantages of 4G & 5G, EIRP should be governed by the TSP to provide best coverage and quality to customers within regulatory framework.

5. The evolving technological paradigm implies that **EMF thresholds and limits should also be aligned with ICNIRP as current 1/10th criteria undermines the advantages and performance that technology can provide. The reduction in ICNIRP thresholds resulted in restricted usage of spectrum and hardware capabilities.** This also impact the pace of deployment with which the technology can be made available to public. Multiple international bodies like ITU have also released multiple paper referring that every country must align the thresholds with ICNIRP values so as to take the full advantage of technology.

b. Measures to safeguard public interest and building confidence in public against propaganda of hazardous EMF radiations in field

6. We submit that at present, COAI and DOT are organising various online and offline EMF awareness programs in every LSA with the help of local authorities i.e. Municipal corporation, Police, RWA etc. and through digital media i.e. TV show, AM, FM Radio, etc. **We submit that these public awareness measures should be increased to build confidence in public regarding EMF radiation facts and remove the myths and it will support to rollout sites as per requirement and enhance user experience.**

c. Issues being faced in the existing processes related to the self-certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.

7. Signage/Layout/Parameter Error penalty should be removed as the same was introduced when the certificates were generated offline and printouts were submitted, post introduction of NEP, complete process has been made online and certificates are generated online obviating the need of such penalty. Further, in certain cases, human error is possible, like layouts are made manually and chances of error always exist due to manual execution, however the same doesn't have any impact of the EMR of site. Therefore, in such cases penalty should be levied only in case the site is not meeting EMR criteria and found to be non-compliant.

8. **Current penalty scheme should be revised and rationalized with respect to site non-compliance, considering the dynamic scenario on ground and frequent environment (new buildings being constructed near the site) and technology changes & upgradations to meet customer needs, for any site falling in non-compliance bucket the respective TSP should be given appropriate time to make the site compliant with a nominal penalty of say Rs 2000 and if the TSP doesn't make the site compliant**

within stipulated timeline the relevant penalty may be imposed. This will enable in creating a positive environment in terms of enabling TSPs to provide high Quality of services to customer. In current scenario, the process has a deleterious image and is seen as a penalty prone process whereas it should be made as a compliance prone process which gives the flexibility and environment to utilize the spectrum & technology to enhance user experience within regulatory framework.

9. New TSP of 2019 has reintroduced the 2013 upgrade clause that if any TSP is doing upgrade then all TSPs at that particular site need to submit the upgrade report which is like reverting back to the non-feasible processes which existed long back and post introduction of online portal the objective is not met if this process is reintroduced.
10. There is no hybrid tower type available in NEP as of now and IPs are giving sharing to new tenant by deploying poles on existing roof top tower locations due to tower loading issues. This creates problem for already on air TSP and making existing TSP non-compliant in term of tower height & AGL accuracy. (i.e. New tenant changes tower height basis their pole height while existing TSP has RTT which is much higher than pole height). Therefore, hybrid tower type should be introduced in NEP and maximum tower height should be updated in NEP to avoid any non-compliance in term of tower height & AGL.
11. SMS and mail alert from NEP portal should be initiated in case last date of self-certificate submission approaches as per DoT guidelines, it should be initiated 3~4 days prior from last date to avoid any delay in submission.
12. In case of a site addition within 20 meter or moving away from 20 meter for existing site, it should be notified to concern TSP through email notification, will help to validate actual update EMF compliance requirement.
13. For EMF upgrade submission done by other TSP on shared sites or sites within 20 meter, dashboard/dump should be available in certificate tracker with details as IP or 20mtr site.
14. Adjacent building testing during self-certification is not feasible as entry to any building is restricted and no owner/society allows to do testing for any nearby installed tower, in COVID pandemic situation, adjacent building access has become impossible as no one allows access due to pandemic.
15. **Post addition of newly acquired spectrum and network expansion requirement, bulk EMF submission was done in all LSAs and NEP portal speed become slow due to increase in concurrent users and sometime unplanned outages happen. We are in**

process for triennial EMF submission by 31st Mar'2022, therefore bulk EMF submission are planned in short span of time as per DoT timeline, so there is an urgent need to enhance NEP server capacity for smooth working and timely EMF submission closure.

Q8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.

RJIL Response

1. We submit that a **series of decisions in past few years have significantly dented investor's confidence in Indian telecom sector and therefore, it is important to first restore the same while simultaneously enabling an environment for investors to explore new opportunities.**

A. Regulatory Certainty and Stable revenue streams:

2. Over the years, TSP's service scope and resultant revenue streams have been marginalized by adverse policy measures **undertaken such as introduction of PDOA or are being actively proposed and pursued like delicensing of spectrum, enhancing scope of IP-1, administrative allocation of spectrum to Private networks among others.**
3. The absence of clear pronouncement by both Authority and Government on using **only auction for allocation of spectrum and necessity of Unified License for offering communication services, has created a situation where every new player wants to provide communication services using registration / authorization, instead of license and with free / delicensed spectrum**, with a clear intent to poach on licensee's revenue streams. Therefore, it is imperative to provide investors regulatory certainty and we suggest following measures for the same.
4. We submit that **no further steps with detrimental impact on TSPs and their revenue should be taken.** Communication sector is open, and any new investor can enter it by procuring Unified License and spectrum through auction to offer communication services. **Therefore, there is no need to devise any new modes of offering same services and all type of communication services should be offered under Unified License only.**

5. **Same Service Same rules -Satellite:** Satellite Broadband providers are also poised to compete with terrestrial providers in near future. **Authority should remove the ambiguity and cut short the back door entry attempts by prescribing a comprehensive policy that ensures a level playing field by implementing same service same rules.** The Satellite players should be required to acquire Unified License authorization and auctioned spectrum resources at equitable level of regulatory levies.
6. **Same Service Same rules-OTT:** The OTT players are providing substitutable voice, video, and messaging services without any oversight. **We request that same service same rule should be implemented to make it par with regulatory levies of TSPs and to protect national security interests and consumer data privacy.**

B. Financial Measure to revitalize the Industry

7. **Reduction in Taxes and Levies:** As detailed above, the 32% revenue outgo as taxes and levies is unsustainable and needs to be rationalized and brought at par with international parameters for inclusive growth of the Industry. We submit that altogether the taxes and levies should not exceed 10% of AGR.

levy	Service tax, GST	License Fee (including USO @ 5%)	SUC	Total Levy
Rate	18% (GST)	8%	3% to 6%	28% to 32%

This can be achieved by following measures:

- a. **Reducing License Fee (LF) to 1% for all the TSPs.**
- b. **Reduce the Spectrum Usage Charge (SUC) by 3% for all the TSPs.**
- c. **Apply SUC only on revenue from wireless services** as against current practice of its applicability on the entire revenue except wireline revenue for Access Services Authorization. Government can prescribe a Statement of revenue for the purpose of SUC to remove any ambiguity.
- d. **Abolish Licence Fee and USOF contribution on Wireline revenue, as per earlier recommendation accepted by DCC.**
- e. **GST related measures:**

- i. Permitting refund / adjustment of input tax credit (ITC) which is unutilized to the extent of Rs 35,000 Crores.
 - ii. Exempt GST on Government levies / payments like LF, SUC, Spectrum Payments etc.
 - iii. Provide Input Tax Credit on telecom towers and shelters including equipment like antenna, base station, eNodeB, transmitter and utilities like generator and batteries.
8. **Revision of Definition of Adjusted Gross Revenue (AGR):** There is a need to revisit present definition of AGR and align it with the **decision of the Cabinet dated 15th September 2021 in letter and spirit so that TSPs are not required to follow circuitous route to provide one stop solution to customers.** It is suggested that Gross Revenue (GR) and Adjusted Gross Revenue (AGR) be defined as follows:

Gross Revenue: The Gross Revenue (GR) shall mean the revenue actually received/realizable /receivable (i.e. accrual basis) directly from the customer(s) on account of provision of Access services licensed under Section 4 of the Indian Telegraph Act, 1885. For the purpose of this computation, Gross Revenue shall mean the revenue accrued on account of afore-mentioned telecom services, duly reconciled with audited financials, and also disclosed in the TSPs statement of Revenue and license fee for that quarter / period.

(Exclusions: Non-Telecom revenues including but not limited to income from interest, dividend (including gain on sale of mutual funds), Foreign Exchange Fluctuation (including mark to market accruals), Capital Gains on business combinations (e.g. Merger/Demerger, Slump Sale etc.), Capital Receipts, sale of fixed assets (including Intangibles) and securities, Rental income, insurance claims, reversal of expenses, like provisions and bad debts, scrap sale, notice pay recovery, sale of goods and services for which license under section 4 of ITA,1885 not required such as sale proceeds of handsets or any other terminal equipment., notional income including free Air Time, other comprehensive income as mandated under IND-AS (known as below the line etc.), reimbursement of expenses etc., Receipts from Universal Service Obligation Fund and any other fund, Recovery from vendors on account of deficiency of service, Credits provided by opex. / capex. Vendors, Interest on direct tax / indirect tax refunds, Management Support Charges/ Manpower Cross-Charge etc. do not accrue out of Licensed Telecom Services provided to customers and hence shall not be included in Gross Revenue)

Adjusted Gross Revenue (AGR): For the purpose of arriving at the “Adjusted Gross Revenue (AGR)”, following shall be excluded from the Gross Revenue to arrive at the AGR:

- a. PSTN/PLMN/GMPCS related call charges (Access Charges) including signalling charges, Bandwidth charges, leased circuits, Port Charges, co-location charges, infrastructure charges, and various other charges paid / payable (i.e., accrual basis) to other eligible/entitled telecommunication service providers
- b. Roaming revenues paid / to be paid (i.e. accrual basis) to other eligible/entitled telecommunication service providers; and
- c. Goods and Service Tax on provision of service paid to the Government if gross revenue had included the component of Goods and Service Tax.

C. Unification of Unified License Regime

9. We submit that complete unification of the UL should be initiated with permissibility to offer all telecom services and no separate registration needs to be done for provision of services like Inflight Communications, M2M service provider etc. For Pan India operations, the truly unified license should be nation-wide license with an umbrella authorization of offer telecom services with a simple and national compliance mechanism as well as for the purpose of call routing and interconnection at national level.

Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

RJIL Response

1. As duly noted by the Authority, the Government has already taken major steps to take all new approvals and licenses issued by WPC using online mechanism through Saral Sanchar portal. However, **we should treat these measures only as phase-I on the EODB measures, as further simplifications in approval processes are required alongwith implementation of end-to-end online and timebound approval processes with deemed approval for existing as well as new licenses.** In this regard, a few suggestions are detailed in following paragraphs.
2. We submit that while the SACFA siting clearance process has been made completely online, following improvements are required to enhance EODB and faster roll out of telecom networks.
 - a. **Single siting clearance for single mast:** The requirement to obtain frequency based siting clearance just leads to replication of activities at TSP end without any visible value addition because frequencies allocation to TSPs either through auction or administratively are after necessary coordination with government / security agencies to avoid overlapping issues. The requirement to obtain separate siting clearance for different frequency bands should be dispensed off. Considering the number of sites radiating in the country, this is a massive impediment to ease of doing business. The approval for longstanding demand of single siting clearance for single mast should be given.
 - b. **Unambiguous rejection reasons:** The SACFA applications should be rejected with clear reasons with details of the office to be contacted for rectification for timely rectification and resubmission.
 - c. **SACFA Fee:** With introduction of new simplified process for siting no manual intervention is required from WPC/DoT. Therefore, the processing fee of Rs 1000/- prescribed should be made ZERO.
3. **Simplification of Frequency Allocation by WPC for satellite based services:** The process for obtaining Decision Letter for satellite based services by WPC is time consuming. For any small changes in the assigned Frequency / carrier plan operator needs to obtain frequency / carrier plan permission from NOCC and subsequently needs to approach WPC for issuance of revised Decision Letter. Further, if an operator based on business requirements wants addition / deletion of VSAT sites in its existing

Decision letter then again revised decision letter from WPC needs to be obtained. The process for issuance of revised decision letter takes approximately 45-60 days' time.

4. This process by WPC and NOCC should be dispensed with since the Frequency bands for the satellites are exclusive and coordinated by Department of Space (DoS) and the power limits for the remote antenna and HUB antenna power are already defined in the TEC IR 4202:2021 guidelines dated 3rd March 2021. We submit that instead of going through the entire approval process, **the operators should be required to only submit the requisite changes Online on a quarterly basis by implementing such changes within the limits prescribed for Power and Bandwidth.** This will simplify and speed up the deployments. In case of any discrepancies, NOCC/WPC can conduct an audit on a sample basis to check for the compliances.
5. Service Providers should be allowed to use spectrum as per their business and operational requirements including rearranging of carriers, change of Modulation, Data rate, FEC, etc. within their allocated spectrum whenever necessary with a due intimation to all applicable concerned authorities.
6. **Formula based charging for NLD Services using satellite networks:** The WPC royalty charges applicable for Satellite based NLD backhaul services is very complicated and cumbersome, and it makes the business unviable under the current changed scenario of HTS and LEO / MEO satellites that have larger Bandwidths to support newer 5G type broadband applications. Therefore, we submit that the charging mechanism of WPC towards royalty charges specially for NLD satellite networks should be done away with. It should be brought in line with all other services like a Commercial VSAT license and recommended to migrate to a Revenue sharing model.
7. We submit that currently, Service Providers are paying significant payments WPC (Rs.87,500 per MHz per annum for Broadcast, 4% AGR for CUG-VSAT, & complicated formula based charges for VSAT-NLD) for the same satellite capacity as monitoring charges and spectrum royalty charges, this needs to be reduced and rationalized based on previous TRAI recommendation to DoT.
8. While the requirement for Wireless Operating License (WOL) has been removed for access spectrum, removal of requirement for WOL for backhaul spectrum used by Telecom Licensees also needs to be dispensed with following the principles of EODB.

Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

RJIL Response

1. We submit that in the recommendations on 'Provision of Cellular Backhaul Connectivity via Satellite Through VSAT Under Commercial VSAT CUG Service Authorization' dated 28th July 2020, **the Authority had agreed on the need to streamline the processes adopted by NOCC. Further, it had also recommended that "The NOCC charges should be rationalized and it should be independent of the number of carriers assigned."**
2. We submit that these recommendations should be carried forward and approvals and permissions by NOCC should also be moved to end-to-end online system with fixed timelines and provision for deemed approval, in case of delay beyond specified timelines.
3. **In-principal approval for frequency/carrier plan:** As per the current process, any new frequency plan or smallest change in the existing plan needs to be approved by NOCC. The same should be dispensed off since the Frequency bands for the satellites are exclusive and coordinated by Department of Space (DoS) and the power limits for the remote antenna and HUB antenna power are already defined in the TEC IR 4202:2021 guidelines dated 3rd March 2021. We submit that instead of going through the entire approval process, **the operators should be required to only submit the requisite changes Online on a quarterly basis by implementing such changes within the limits prescribed for Power and Bandwidth.** This will simplify and speed up the deployments.
4. We submit that it will be the responsibility of the operator to ensure that the networks are operated within the stipulated satellite power and the does not cause interference

to other users on the same / adjacent satellites. In case of any deviation / discrepancy NOCC / WPC may conduct an audit to check for the compliances.

5. **Mandatory Performance Verification Testing (MPVT) by NOCC:** The existing process requires manual application, submission of documents, payments for the MPVT and subsequently wait for scheduling the MPVT for all VSAT antenna of 3.8 mts above. With the requirements of higher bandwidths and data rates to support the ever-evolving applications using the satellite networks in Broadband arena it is important that the process of implementing the networks to be made simple and faster.
6. Hence, **The MPVT tests should be conducted only for the large Antenna 4.5m and above and process made simpler by implementing:**
 - a. The process for the application, payment and approval should be made end-to-end Online. The Mandatory documentation required by NOCC before conducting the tests can be uploaded on the portal.
 - b. The Web- Portal should periodically notify the available test slots that can be chosen by the Satellite service provider for offering the tests (like COWIN for Vaccination). In case the Antenna and system meet the test results, the Final test certificate can be generated online in a time bound manner. Currently there is no visibility on the whole process.
 - c. Type approval of VSAT antenna of all sizes should be done and approved by NOCC once and displayed on the Web-portal. The operators may choose to source the type approved Antenna or any new additions to go through the Type approval process once. And the repetitive MPVTs to be dispensed with.
7. **Charges paid to NOCC:** NOCC has facilities only to monitor the Satellite resources of Domestic Satellites launched by ISRO. In addition, they have limited access to even domestic HTS satellites launched by ISRO. Similarly, they don't have access or resources to monitor any of the Satellites launched and operated by Foreign satellite operators. This is pertinent with respect to LEO and MEO Satellite constellations. Hence there is no justification for Charging the NOCC Monitoring charges from the VSAT operators. We submit that there should not be any recurring payment for NOCC monitoring charges and this process should be dispensed with.

Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. **Simple, online and well-defined processes**

- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

RJIL Response

1. We appreciate the requirements for testing and certification of telecom equipment under the Indian Telegraph (Amendment) Rules, 2017, however, **the requirement to test each and every equipment and even the equipment that are using delicensed frequencies and technologies like Wi-Fi and Bluetooth, is too stringent considering the lead time in such approvals and needs to be relaxed.**
2. Currently, **the irrational applicability of MTCTE certification on customer premises equipment for Fiber services i.e. ONTs and OLTs has led to a grievous delay in roll-out of Fiber services.** We submit that most of such equipment are provided by non-licensed entities, leading to delay in clearance from NSCS for trusted products. However, irrespective of the same MTCTE certification can be provided, which is not forthcoming. TEC needs to treat the MTCTE certification independent of NSCS clearance and should also implement an exemption list for equipment critical for roll out of fiber services.
3. It is ironic that while the major premises of Broadband penetration are regularly built on availability of Fiber services, **the regulatory hurdles in roll-out of Fiber services keep on increasing without any resolution in sight. Be it revised and stringent criteria for number allocation, hesitancy to implement integrated numbering and fixed number portability and non-implemented ROW Rules, or now the unwarranted delay in clearing minor customer premise equipment. We submit that these are major areas for EODB, requiring immediate attention.**
4. In addition, we submit that import of any new product where BIS NOC is required; the duration of getting BIS approval is too long, even in excess of 3 months. This must be reduced considerably.

5. Our suggestions are detailed below:
- a. **The process of approvals of equipment should be end-to-end digitized with fixed timelines.**
 - b. **The timelines for all such approvals by WPC, ETA, TEC/MTCTE certificate/license approvals etc. should not exceed 30 days from date of application.**
 - c. **The relevant authority should either raise detailed objections with rectification requirements or approve the application within the timelines**
 - d. **The concept of deemed approval should be introduced in case of neither approval not objections post expiry of timelines.**
 - e. **In case of products with Wi-Fi interface, the requirement of duplicate RF testing i.e. first pre-import testing for applying to WPC and then post import testing at MTCTE should be removed and MTCTE should accept test report of a lab outside India.**
 - f. **Certain products are exempted from import licensing requirements as per EXIM policy of DGFT AND operate in de-licensed frequency bands such as Bluetooth, Wi-Fi, NFC, etc. These require Wireless and Planning Co-ordination Cell (WPC) approval called "ETA (Equipment Type Approval) through self –certification. There should be no requirement of MTCTE approval for such products.**
 - g. **The MTCTE should exempt the CPEs used in Fiber roll-out.**
 - h. **Type approval of VSAT antenna: TEC should conduct tests and type approve different sizes of the remote VSAT antenna and Radios for different Frequency bands for Satellite networks of different manufacturers. keeping in view the ever evolving Technologies and applications. They should implement the Type approval process to cover broad spectrum of suppliers and products. Only the type approved model numbers should be allowed to be deployed in the networks. This will speed up the various approval processes and also ensures uniform quality of networks as that only the right products get deployed.**

Q12. What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.

RJIL Response

1. We submit that **DoT is the umbrella organization for all communication related activities in the country and should have complete control on the standards and testing in the country for all equipment used to provide communication services in the country.**
2. **Telecommunication Engineering Centre (TEC), the technical wing of DoT, TEC's MTCTE regime; WPC certificate from the WPC wing of DoT; Communication Security Certification Scheme (ComSeC) from the National Centre for Communication Security (NCCS) wing of DoT are essentially multiple wings of DoT working on similar purposes as far as testing and approvals of telecom equipment are concerned and should be brought under a single end-to-end digital approval framework with fixed timelines and deemed approval provisions.**
3. The Authority has correctly identified the possibility of ambiguity and duplicity related issues in testing with Bureau of Indian Standards (BIS) testing and certification for ICT equipment. **However, the same is easily addressable by reciprocal acceptability of certification by either agency to avoid the burden of unnecessary duplication of testing. We submit that BIS should be made part of the DoT portal for simplified testing and certification for telecom related equipment.**

Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of

- a. **Simple, online and well-defined processes**
- b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- c. **Precise and well-documented timelines along with the possibility of deemed approval**
- d. **Well-defined and time bound query system in place**
- e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
- f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity**

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.

And

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

RJIL Response

1. We submit that with impending opening up of space segment for communication services, **it is an opportune time to introduce EODB measures in all aspects pertaining to satellite based communication services.** As the current process involves multiple authorities with sequential approval processes with no automated system to monitor and the flow of sequential permissions, there is a need for centralization of the approval process. **Any applicant for any facility, capacity, license and/or permission should be required to apply only at one centralized web-portal.**
2. As DoT is Apex body for communication services in the country, this portal should be managed and controlled by DoT only with all other relevant departments like Department of Space having an autonomous approval and query mechanism within this portal. **The portal should have a seamless flow for forwarding the approval requirements to all relevant authorities sequentially. This will ensure that the applicants have a single point of contact and a tracking mechanism to enhance EODB in space segment. Needless to add that this process should be end-to-end digital process with fixed and reasonable timelines for approval or raising objections.**
3. Further, the Authority's observation that there is no delegation of powers for providing permissions/approvals with each and every file going to the highest level for approval is a serious concern as such processes are against the principles of EODB and inevitably lead to delays and should be avoided at all costs. The Authority may recommend a systems and processes audit to rectify this issue.
4. We submit that present process of APEX meeting based clearances needs to be simplified with a full time committee that is available on regular basis. As APEX meeting not held on fixed timelines on periodically, there are prolonged delay in clearance of New Technologies, and Solutions We submit that APEX meeting should be scheduled more frequently, i.e. at least once every month. Further, APEX clearance for a new technology/solution should also enable Import License clearance as part of it.
5. We also take this opportunity to highlight that **off-late the Authority has been hyphenating space based communications with rural and remote coverage, which is far from the facts as has been repeatedly pointed out by us and other stakeholders**

and associations like COAI. Evidently, **the Authority just needs to visit the websites of some of the early movers in providing space based communications in the country to find out that contrary to above mentioned presumption, the aim is to offer broadband services to Indian consumers in both urban and rural areas and offer competing services to terrestrial communication service providers.** While we do not mind new competition, we submit that the same should be offered only on equitable terms with compliance with 'Same Service Same Rules' and 'Level Playing Field' principles.

6. In this context, we request Authority to not fall for hyperbolic narrative by space segment lobby, as has also been quoted in the CP as below.

The recent non-Geostationary orbit (NGSO) communications constellations, including low-Earth-orbit (LEO) and medium-Earth-orbit (MEO) satellite constellations, look very promising in terms of satellite capacity and its price points. It has also been pointed by some stakeholders that a robust domestic industry can deliver services as long the Government takes the responsibility of facilitating the availability of the raw material (space segment) at an affordable price.

7. **We reiterate our submissions that all this propaganda is to acquire spectrum administratively at practically zero cost and the Authority should outrightly reject such demands as these are neither legally tenable nor optimum policy for inclusive growth of the sector.**
8. Further, with regards the availability of space based capacities, we reiterate our earlier submissions under the CP on 'Licensing Framework for Establishing Satellite Earth Station Gateway' that while the capacity allocation should be left to market forces, there should be transparency requirements on all service providers, and they should be mandated to publish free or available capacities to all.
9. As already brought out in the process flow diagrams fig. 4.3 and fig 4.4 in the consultation paper, **the current process of the space segment allocation by NSIL / ISRO is manual and time consuming.** There is no visibility of the availability of capacity and status of the pending applications / allocations with no defined timelines. As for the newer technology additions to Satellite constellations like LEO & MEO, NSIL or Antrix are not having any say except to follow, the 'First come First serve' policy for the allocation of the Space segment in any Frequency band reserved for Satellite services without taking into consideration of the potential market dynamics.
10. Further with regards to **GEO satellite capacities on Foreign satellites there is no clarity or visibility of the coordination process and thereby denying the available of such capacities for services in the country as NSIL continues to be the Gate keeper for the**

same. Additionally, NSIL levies **Space segment handling charges (Now called NSIL Management charges of 5%)** over the Satellite operator's negotiated price as transfer fee. This should be dispensed with as NSIL is not adding any value in the whole process and the final pricing to be market driven for volumes of space segment availability and usage.

11. **ICRF Deposit amount to NSIL:** There is a large fee of Rs.0.50 Lakhs / MHz as ICRF deposit amount to be deposited with NSIL for the allocation of capacity as a space segment reservation fee. This deposit amount is subsequently returned to the VSAT operator after signing of the contract and payment is made for the first quarter in advance. This amount is very high and being kept as a commitment for taking the space segment from NSIL for GEO satellites. **However, the refund process is not automated and to be followed up multiple times to receive the refund of this deposit. We submit that refund process should be automated with minimal timelines.**

12. In view of the current manual, non-transparent process with heavy charges and no timelines, **there is an urgent need to revise the process from perspective of EODB. We are suggesting feasible processes for allocating capacities within the current framework of administrative allocation of capacities in following section.**
 - A. **For Capacity on Indian GSAT Satellites (GSO/NGSO):**
 - a. An Online portal for registration of users should be created by DOS where the users can request for capacity. This portal should have tracking mechanism.
 - b. The portal should have Data of all the available GSAT satellites and the current available capacities over India.
 - c. It should also have Details of capacities that are expected to be made available in near / Medium and Long term. Either through the creation of newer capacities or surrender of capacities by other users. This will enable the user to choose right capacity based on the technical specs and timelines as well as based on the expansion requirements in the near to long term future.
 - d. Based on the above, the User can reserve /Block the capacity on the portal after paying a nominal refundable reservation fee (ICRF).
 - e. The Agreement / Contract signing period can be shortened by implementing e-sign process.

- f. **Start of billing for Space segment capacity:** Billing should start only after all the regulatory clearances are given to the User as a part of the single window clearance. For a New applicant, the timeline for all the clearances (Fig 4.3 above) should not be more than 3 Months.
- B. For Capacity on Foreign Satellites (GSO/NGSO):**
- a. For users planning to acquire capacities on the foreign satellites that are coordinated to operate over India by ISRO / INSPACE, the Satellite services licensees to be permitted to get into contracts directly instead of going through NSIL to avoid Gate keeper bureaucracy.
 - b. NSIL/DOS should have no role to play in the application, allocation, and contracting procedures in all such cases excepting completing the Coordination process for the satellite to operate over India under ITU guidelines.
 - c. The role of DOS should be limited to approving the use of satellite, defining the gateway and terminal specs for an interference free operation over India after the necessary coordination
 - d. In case of foreign satellite, the VSAT operator needn't go through NSIL and instead deal directly with the space segment provider.
13. **Security considerations for Gateways using LEO & MEO:** Currently for LEO and MEO satellite constellations, there is no need to approach NSIL as there is no defined regulation for Monitoring the operations that could be potentially determinantal to the Security of the country. **We submit that the process being implemented for all Gateways using GEO satellites should be applied in toto to the LEO and MEO constellations as well without compromising the security considerations.**
14. **Simplification of processes and timelines for licensing:** As per the Figure 4.1 in the consultation paper, the approval process for a Fresh license issue and approval may take about 3-4 months and hence commencement of Satellite based services takes 8 to 10 months. The satellite frequency bands are exclusively reserved for satellites, coordinated by ISRO. In addition to the TEC IR requirements are already there in process for the HUB and remote user terminals. **Hence the approval process timelines to be shrunk to 30 days so that the service providers can start implementing the networks faster.**
15. We also submit that from EODB perspective, integrated single window payment process for the Satellite spectrum covering ISRO/NSIL/NOCC/WPC/DOT License

Fee/SACFA needs to be established, this will enable hassle free payment system and avoid billing discrepancies.

Q15. Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration

Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.

RJIL Response

1. It is evident from the table no. 5.1 of the CP **that a lot of improvements are desirable in the MeitY online approval system with respect of online tracking of application status and final availability of the approval. We reiterate that the approval process should be made end-to-end digital with fixed and reasonable timelines for approval or raising objections.**
2. Further, we agree with the Authority that with recent EODB measure by Government the customs clearance of imported products should be expedited.
3. However, we submit that BIS registration validity of 2 years is very less and should be extended to at least 5 years and the online renewal should be made available basis self-certification if there are no substantial changes in the product. Further, as submitted separately also the international lab test reports, for imported equipment should suffice for BIS purposes, if all parameters are met. Further, we should avoid unnecessary duplication of testing and approval processes.

Q16. What are the issues being faced by various service providers in seeking stable and committed quality power supply connections from power DISCOMS? For statewide operations whether it is feasible to get power supply in time bound manner for various locations from a single-window contact or has to be made region-wise. What measures do you suggest to improve the same?

RJIL Response

1. We submit that the primary issue for availability of stable and committed quality power supply at DISCOM level lies in the inadequate DISCOM Infrastructure. **The existing DISCOM Infrastructure is either overloaded in urban areas or non-existent in rural and semi-urban areas. This leads to a situation where new connections are very difficult to procure for telecom infrastructure.**
2. Consequently, in many scenarios, **TSPs are required to build new DISCOM Infrastructure or augment existing Infrastructure at their own cost using their own vendors.** This includes the requirement to upgrade the overloaded transformers on replacing or adding new transformers leading to additional cost burden on TSPs alongwith further delays due to specification approval process of respective EB Boards as the said specifications are not uniform across Boards.
3. Further issues faced in getting stable power supply is the lack of resources with DISCOMs i.e. both Material and Vendors. Where, as mentioned above, TSPs have to deploy own resources leading to cost implications.
4. Another issue **faced is the unavailability of Energy Meters while release of Power Release connections and procedural delays in processing applications, issuance of Demand Note and Sanctions, which lead to additional cost implications for TSPs, as till that time, for the sites to be operational, entire dependency shifts to costly diesel generators.**
5. We have also observed that the single window contact is often not effective to get the Power Supply in time bound matter as it's delayed at Field level of DISCOM due to various reasons mentioned above. **Nevertheless, we submit that Region-wise Single Point Contact will be more effective than State HQ Single Contact.**
6. We suggest following measures to improve the aforementioned issues.
 - a. **There is a need for effective Standard of Performance (SoP) specifying timelines for processing of Applications, Demand Notes, Execution.**

- b. Cases beyond timelines of SoP have to be monitored by DISCOM on daily/weekly basis for all the pending telecom applications for resolution and necessary directions to field offices.
- c. Joint Meetings by DISCOM HQ with Service Provider on Fortnightly basis on Actions being taken on SoP violated cases.
- d. Implementation of Online (Web Based) Channels for ease of filing applications, DN Issuance, payments. This will improve efficiency in entire monitoring and tracking process. Also available online system needs to be functional and effective with regular amendments/updates.
- e. Standard and Uniform specifications of Transformers/Electricity Meters across board to ensuring fair price & adequate supply avoiding delays.

Q17. Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.

And

Q18. Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.

RJIL Response

1. The Offices of CCAs at DoT are responsible for following revenue functions of Unified Licensees with authorization to provide Access Service:
 - a. Annual assessment of Spectrum Usage Charges
 - b. Verification of Deductions claimed from Gross Revenue
 - c. Collection of quarterly revenue share on account of License Fee and Spectrum Charges and related documents (Affidavit, Statement of Revenue & License Fee etc.)
2. The DOT has setup separate offices of CCA for each circle to deal with these issues and consequently, a Unified Licensee providing Access Service has to interact with 22 separate authorities for verification of deductions claimed from Gross Revenue and assessment of SUC. **Evidently, this decentralized implementation, imposes huge cost on Licensees as they have to setup replicated system in each circle for regular**

submissions and addressing other issues concerning deduction claimed from Gross Revenue and assessment of SUC.

3. **This decentralized system also leads to non-uniform implementation of instructions and processes related to assessment of SUC, and verification of deduction related documents across all Offices of CCAs.** As a result, number of anomalies arise during verification of deductions claimed from Gross Revenue and many inaccurate demands are raised in respect of SUC.
4. In order to simplify the process of payment of License Fee and SUC, Assessment of SUC and verification of deduction claimed from Gross Revenue, our suggestions are as below:

A. Submission of Documents with Quarterly Payment of License Fee

5. As per License Condition no 20.6 of Unified License, the quarterly payment of License Fee has to be made with an affidavit as at Annexure-A of the respective Chapter of service authorization together with a Statement of Revenue Share and License Fee separately for each service and service areas.
6. TSPs are uploading Affidavits and Statements of Revenue Share and License Fee on SARAS portal from more than two years. However, TSPs are also required to submit these documents in Physical form in respective Offices of CCAs. In addition to these documents, TSPs are also filing the detailed AGR items in SARAS portal.
7. TSPs are again required to submit the annual statement of Revenue and license fee with quarter wise details duly Audited. There are around 30-40 pages for each of circle at each time of submission.
8. Since, TSPs are already uploading in all the details of AGR in SARAS Portal, **the physical submission of affidavits along with a Statement of Revenue Share and License Fee on in respective Offices of CCAs should be discontinued at each quarter. It might be asked annually along with audited statement of revenue and license fee**

B. Centralised Assessment of Spectrum Usage Charge

9. **Non-uniform implementation and multiple inaccurate demands being raised leading to unnecessary litigation and delay in realization of Government revenues, should be averted by centralizing the SUC assessment.** This will ensure consistent implementation of weighted average rate of SUC.

10. **We submit that an efficient centralised system for assessment of revenue share is already in place in DoT (HQ) for assessment of License Fee and the same can be used extended for SUC assessment as well. The DoT (HQ) finalizes AGRs for all services and service areas of Unified Licensees with authorisation to provide Access services. The same circle wise AGRs finalised for Access Service are also applicable for assessment of SUC after adjustment for wireline revenue.**
11. **Hence, there is a compelling reason to assess SUC also along with License Fee on centralised basis. The centralised assessment of SUC will not only bring consistency but would also be more efficient and cost effective for DoT as well as TSPs. We are also of the view that once SARAS is fully implemented, it would be straightforward to assess License Fee and SUC simultaneously.**
12. **It is also submitted that the Union Government has already undertaken a major reform to improve operational efficiency by mandating that FBGs submitted by Access providers will be maintained centrally by CGCA. The centralised assessment of SUC is next logical step in this direction.**
13. Therefore, to address issues concerning assessments of SUC by multiple Authorities and to reduce cost of assessment for TSPs as well as DoT, it is suggested that there should be a single assessing Authority at DOT (HQ) for SUC.

C. Simplification of Verification of Deductions claimed from gross Revenue

14. The DoT follows a very complex process for verification of deductions claimed from Gross Revenue. TSPs have to submit all invoices supported by TDS certificates, bank statements, audit certificates etc. for all deductions claimed from Gross Revenue. The total number of pages submitted in each quarter run into many thousands of pages on pan-India basis. The offices of CCAs individually verifies each and every invoice along with other supporting documents before deductions are allowed.
15. **The DOT has issued many instructions and clarifications for verification of deductions. Like SUC, the instructions related to verification of deductions are also not followed uniformly across all circles. The complexity in case of verification of deductions has increased considerably as all invoices are individually verified by offices of CCAs. Due to these reasons many disputes arise with regard to disallowances, and it also takes a long time in finalisation of deductions.**
16. The Telecom Sector is perhaps only sector where complete scrutiny of accounting records is carried out in respect of deductions claimed from Gross revenue. Although DOT has developed a computer system for submission of documents in digital format,

but it will not have any significant impact in reducing disputes as it does not involve any automation in verification process and the current system of physical verification of documents is likely to continue.

17. **On elimination of IUC termination charges, deductions are limited to carriage charge and international termination charges which can be easily verified by an audit process.**
18. It is suggested that the process of scrutiny of each and every invoice and supporting documents should be simplified and replaced by audit process. The DoT verifies revenue through system of audits and the same system can also be extended for verification of deductions claimed from Gross Revenue. As in case of Revenue, the TSPs can be mandated to provide Audit Report on Deductions that *“Deductions claimed are in accordance with the norms/guidelines contained in the said License agreement in this behalf and would give a true and fair view of the revenue and License fee payable for the period computed on the basis of the aforesaid guidelines.”* The audit certificates would give credibility to deductions claimed by TSPs and should replace the tedious verification process.
19. It further submitted that after recent amendment of AGR definition audit of deductions in anyway would become imminent. The new definition of AGR not only permits deductions on account of charges paid to other TSPs for termination and carriage of PSTN calls but also for Non-Telecom revenue, other income, and receipts from USO Fund. These new deductions cannot be verified on the basis of invoices and shall have to be audited. Hence, audit of deductions should replace verification of deductions by Offices of CCAs.
20. In view of the above it is suggested that:
 - a. The assessment of License Fee and SUC for Access Providers should be carried out centrally at DOT (HQ); and
 - b. The deductions claimed from Gross Revenue should be allowed on the basis of Auditor’s Report.
 - c. Submission of affidavits along with a Statement of Revenue Share and License Fee should be submitted annually along with Audit Report.

Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.

RJIL Response

1. Telecom sector is over audited and over regulated sector with approval requirements at multiple levels. In addition to the reporting and compliances, under the Unified License requirements and various TRAI Regulations, TSPs are also subjected to various forms of Audits like QoS, Metering & billing, cost audits, special audits, security audits, License audits, CAF Audits, EMF Audits etc.
2. **While the requirement to audit is well understood, most of these audits overlap and pertain to standard template information that is already available with the Licensor or can be easily provided online. Further, many other audits are replicated in all LSA units without any value addition, and these can be carried out as a unified audit at National Headquarter levels. We are listing the audits and compliances that can be dispensed with and the audits that can be consolidated or simplified.**
3. **Redundant Audits:**
 - a. **Yearly Licensing Audits** –can be replaced with online information submission by TSP at NHQ level
 - b. **QOS Audit** – can be replaced with online information submission by TSP at LSA level. DoT is not planning and executing the networks and it is only TSP who has to meet QoS parameters for retaining the subscriber. Further, TRAI also does the parallel audit of QoS parameters.
 - c. **Metering & Billing Audit**–TSPs can submit Metering and billing KPI performance compliance with TRAI
4. **Dispensation of Audits:**
 - a. **Security Audit** – TSPs are fully conscious of security requirements. Audit does not result in any value addition rather result in wastage of resources. Thus, it should be dispensed with.
 - b. **Security testing**- Like security audit, security testing result in delay in providing services or facilities to subscribers. All TSPs are responsive to need of security agencies. Thus, security testing should also be dispensed with for EODB.
5. **Simplification of Audits/Compliances**

- a. **CAF Audit:** Monthly audit should be made Quarterly with 1/4th sample size of the incremental subscribers and with flat penalty structure, applicable only for customer traceability and national security related violations and not on technical grounds. Further, CAF with e-KYC should be exempted as the data is populated as received from UIDAI and TSP has nothing to do. In addition, monthly subscriber database sought by all DOT LSA units and Security Agencies is at present in form of data copied in CDs. This is an insecure method of data sharing. Instead, an online SFTP based servers should be deployed by DOT and security agencies wherein TSPs can push the monthly subscriber data in an secured manner.
 - b. **EMF Audit:** The audit sample size has remained static for more than a decade whereas number of BTS have increased multi-fold. The sample size therefore needs to be reduced, as per suggestions given in previous response. The testing fee should be made minimal/zero and penalties should be applicable only on exceeding prescribed thresholds limits.
 - c. **VLR Audit:** The VLR audit process for allocation of number series should be simplified and fast-tracked alongwith lowering of threshold limits for both wireless and wireline services.
 - d. Compliance like access permissions, maintaining command logs, supply chain details, intimations of software upgrades etc. should be simplified.
6. **CAF audits – Hyper-technical guidelines and implementation to be avoided:**
- a. In the recent past, there have been various guidelines from DOT/DGT office relating to the process of CAF and its audits framework, such as POS Agent SIM ownership, lat-long differences, missing field in address, requiring POI and address details in case of corporate customers etc. Present hyper-technical interpretation of these guidelines is leading to huge penalties and legal disputes, while there is no impact on the subscriber traceability or national security. Industry has made repeated representations on these matters and the same should be favorably considered.
 - i. **POS Agent SIM ownership:** It is submitted that although the registered number of PoS is available under CAF & database, yet LSA Units interpretation on SIM ownership of PoS Agent is leading to non-compliance & litigations. We suggest as long as PoS Agent is traceable through registered number, PoS Agent SIM ownership is neither required nor should be compelled on TSP's.

- ii. **Variation in latitude/longitude captured:** LSA Units are penalizing for cases where variation in latitude / longitude is observed. We submit that in spite of our best efforts and technical developments / controls deployed such variations are not in control of TSP's, and doesn't have any impact on traceability of the subscriber, hence may not be looked as non-compliance for penalizing the TSP's.
 - iii. **Missing field in address, few words missing from CAF & database:** Although the TSP's are making best efforts to submit the complete database details including subscriber address, however in many cases where no details are available under POA for any sub-field or few words or alphabets are missed out as compared to POA then it should not be looked as a non-compliance case. We submit that as long as the copy of POA (with complete address details) of the customer is already available as part of CAF then such cases should not be considered as non-compliant during CAF audit.
 - iv. **POI & address details in case of corporate customers:** We submit that address details of the users in case of corporate customer doesn't yield any result as such connections belong to the corporates which are always traceable, hence requirement to collect such details may be done away with.
- b. We further submit that as in case of any finding by the LSA Units during the CAF audit which is on account of any technical glitch or operational difficulties, then TSP's should not be penalized on very first instance of occurrence, rather than TSP should be given suitable time for carrying out necessary correction and implementation at their end.

Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.

RJIL Response

We reiterate our submissions on related matters that all submissions and filings should be centralized and made online post removing the redundant and/or duplicate information. The submissions should be done only through an end-to-end online portal.

Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do

you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.

RJIL Response

1. We submit that the **compliance monitoring-non-compliance observation- show cause notice (SCN)- financial disincentive orders (FD Order) process is followed by various units of TRAI in a very mechanical manner with focus on imposing financial disincentives rather than improving compliances** or even objective analysis of the alleged non-compliances and the intent or measures taken by TSPs to address the so-called non-compliances.
2. Evidently, this system needs a major overhaul, and the Authority needs to mandate objective analysis of the alleged non-compliances to all its units to avoid unnecessary issuance of SCNs so that frivolous SCNs issuance should be prevented. **We have observed instances where the TSPs have being issued SCN for alleged delays etc. in reporting despite of any related provision to that aspect in the underlying regulations.**
3. Further, the **responses to SCN are, without fail, summarily rejected by TRAI units and FD orders are issued irrespective of veracity of justifications supplied or intent or action taken by the TSPs.** We submit that this system should change and the TRAI officials should be guided that the effect of all penal provisions is to improve compliances and not revenue maximization from FD.

Q22. Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.

RJIL Response

1. We submit that the **centralized reporting mechanism for all telecom specific reports collected from TSPs periodically with removal of duplicate information would considerably reduce the reporting requirements** and currently, the periodicity and duplicity of reporting requirements is a big issue for TSP.
2. We submit that **while collection of relevant data by the Authority is indispensable for the effective and efficient working of the regulatory ecosystem, it is also imperative that such data requirements are kept in sync with the changes in technology and market dynamics and any redundant/ obsolete/ duplicate**

requirements are removed so that only the pertinent and updated information is available with the Regulator at its disposal.

3. We had analyzed and reviewed all the report formats and submitted a list of redundant reports and requirements vide our letter no. RJIL/TRAI/2021-22 dated 29th October 2021. We request you to take the submissions vide this letter into consideration and refine the reporting requirements.
4. Further to this, it has been observed that despite the availability of online reporting system for QoS reports and Tariff reports, **many times ad-hoc reports are sought from TSPs that can easily be populated from TRAI's portals, such reports do not add any value for TRAI and increase the compliance burden for TSPs.**
5. TRAI units also require periodic compliances to many of the Regulations and Directions issued over the years. We submit that this activity adds no value to the process or compliance, as **one-time compliance submitted by a TSP for a Regulation or Direction should be treated as compliance in perpetuity, unless detected otherwise and in such case a query can be made from TSP. Such mechanically periodic compliance reports should also be discontinued.**
6. In addition to this redundant requirement for Accounting Separation Report should be dispensed with. We submit that the original objectives of Accounting Separation Reports were as below:
 - a. Provide visibility to the profitability of the incumbent's fixed line of business that contained bottleneck assets (usually the access elements) vs. the competitive parts of the business.
 - b. The profitability of the respective business domains and products to examine anti-competitive excessive pricing or anti-competitive margin squeeze
 - c. Provide costing records for determination of termination Access charges etc.
7. **However, in the current market scenario and with significant technological changes, Accounting Separation has not remained relevant to meet the original objectives. In the regard we are making following submissions:**
 - a. TRAI has adopted Bill and Keep Regime with respect to access charges and hence detailed costing records and current costing records are not relevant. In a B&K regime with wholesale rates at zero, by definition there can be no margin squeeze.

- b. Mobile operators face intense retail competition in the voice and sms markets from OTT providers e.g. WhatsApp, Skype. Accounting separation presumes an operator has dominance which is likely to be used anti-competitively, which is clearly impossible in these markets.
 - c. Accounting separation is costly and of no apparent use to either operators or regulators. The obligation has been withdrawn in some countries completely (e.g. Australia, South Africa) and is applied to less than half of mobile call termination markets in the EU.
8. RJIL had engaged an independent consultant to study relevance of Accounting Separation in the current market scenario. **The consultant is of the view that the Indian market has gone through profound changes since Sept 2016, leading to consolidation. There are now 4 operators in India (Vodafone, Jio and Airtel, BSNL/ MTNL) who hold licenses across all 22 circles.** Hence the Indian market should no longer be considered regional in scope, however instead national. Therefore, there should not be a very detailed segregation of a revenue and cost records to circle level. **The Accounting separation at national level should suffice the Regulatory requirement of separated accounts. The consultant is also of the view that the requirement to prepare Accounting Separation reports on the basis of current cost accounting should be withdrawn, as historical cost accounting is more than adequate for mobile operators who upgrade their technology regularly.**
9. In view of the above we suggest that the requirement to submit Accounting Separation reports on the basis of historical cost every year and on the basis of current cost accounting every second year should be withdrawn. In case TRAI is of the view that Accounting Separation may still be needed than we would like to suggest following two simplifications to accounting separation:
- a. **The need to submit per circle should be withdrawn as a national statement of accounts is sufficient**
 - b. **The requirement to use current cost accounting should be withdrawn, as historical cost accounting is more than adequate for mobile operators who upgrade their technology regularly**
10. In view of this we submit that the reports/compliance requirements need to be pruned objectively by the Authority and as submitted earlier all reporting requirements should be made end-to-end digital.

Q23. What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.

RJIL Response

1. As the Authority is aware and it has been clearly brought out in the CP that TSPs are burdened with onerous compliance obligations relating to reporting requirements to various authorities like TRAI, DOT, DOT LSA Units, CCA, TRAI RO, TERM with varied frequencies and formats. Over a period of time, these reporting requirements have only increased and there have been minimal attempts to reduce this compliance burden, despite of many reports essentially collecting same information.
2. **We submit that in true unification of licenses, the compliance obligations should also be unified. We submit that a major EODB measure would be centralized reporting and compliances mechanism under an online portal and all the authorities may be provided need based access to the information collected on this portal, as per their specific requirements.**
3. **We submit that the Authority can work with DoT and related authorities alongwith service providers to drill down the information to be collected from TSPs in simple centralized formats and this information can be periodically populated by the TSPs electronically and stored at a centralized server. The Authority can also examine a DLT based implementation.**

Q24. Are there any other issues in the present system of licenses/ permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/ MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.

RJIL Response: None

Annexure-A

Sl. No.	PERMIT	AUTHORITY	EXISTING PRACTICES/ PROCEDURE	RECOMMENDATION
1.	MOHA (Ministry of Home Affairs)- Clearance for the Foreign national crew members	<ul style="list-style-type: none"> • MHA (Ministry of Home Affairs) • applications routed through DOT, Ministry of Communication, Delhi) 	<p>Submission to DOT for MOHA through online URL link. DOT has given the User ID & Password to Telecommunication companies to upload the foreign national’s details in the MHA portal for their MOHA clearances</p> <p>Documents required -</p> <ol style="list-style-type: none"> 1. Photographs of foreign national crew members in JPG format under 2MB 2. Colour Passport copy of the foreign national crew members 3. Personal-Passport Details 4. Advance Information Sheet <p>DOT issues MOHA clearances upon receipt of MHA/IB clearances from Ministry, Timeline – Minimum 3-4 Months</p>	<ul style="list-style-type: none"> • Prescribe rational timeline as current timelines are excessive. • Provide tracking of application process on online process • Access should be given to Agents as well as landing party/ Telcom agencies. • The application should not be held for issue with one crew application. • Utilisation of Technical / project crew, once cleared by MOHA, should be permitted to be used in other projects also. •
2.	MOD (Ministry of Defence) clearance for vessels deployed in Indian waters for project	<ul style="list-style-type: none"> • MOD (Ministry of Defence)/ Navy • Applications routed through DOT 	<ul style="list-style-type: none"> • Application through ‘online’ portal of DOT • DOT has provided User ID & Password to Telecom companies <p>Documents required to upload in DOT SCP Online Portal</p>	<ul style="list-style-type: none"> • Prescribe rational timeline as current timelines are excessive. • Provide tracking of application process on online process • Access should be given to Agents as well as landing party/ Telcom agencies.

Sl. No.	PERMIT	AUTHORITY	EXISTING PRACTICES/ PROCEDURE	RECOMMENDATION
			<ul style="list-style-type: none"> • Vessels statutory certificates including H&M Insurance certificate copy • Letter to DOT from landing parties for MOD clearance for vessel. • The RSEE Form and related documents should sign & stamp by the respective landing parties • Project related documents • Contract copy • Map & coordinates of project/ laying/ repair area <p>On scrutiny the MOD/ Navy issues confirmation to DOT</p> <p>DOT issues MOD clearance on their letterhead</p> <p>Timeline – Approx. 2-3 Months</p>	<ul style="list-style-type: none"> • The application should not be held for issue with one crew application. • MOD clearance for ship and personnel for submarine cable maintenance should be for 1 year like MOHA clearance instead of present 6 months.
3	SPL (Specified Period License) for Vessels	Directorate General of Shipping (DG Shipping)	<p>SPL necessary as per section 407 of MS Act 1958 for any Foreign Flag Vessel to do Coastal engagement.</p> <p>INSA NOC is presently waived off view no Indian Flag Cable Ship available with Indian Vessel Owners.</p>	<ul style="list-style-type: none"> • No need to INSA NOC – The competitive edge needs to be ‘quality based’ and on availability of best resources worldwide. • Applications being submitted by E mail at present. These should be migrated to an end-to-end online approval portal.

Sl. No.	PERMIT	AUTHORITY	EXISTING PRACTICES/ PROCEDURE	RECOMMENDATION
			<p>Documents required with SPL letter duly signed & stamped by the landing party or vessel owner: -</p> <ol style="list-style-type: none"> 1. Statutory certificates 2. Copy of Valid P&I Insurance 3. Copy of Hull & Machinery Insurance 4. Complete contracts copy between landing party and Vessel 5. Copy of Crew list 6. Form "E" -duly filed and signed with seal by Applicant 7. DG Shipping administrative fee to be paid <p>Vessel owner or Indian landing party operator needs to deploy the Indian crew and trainee cadets as per DGS guidelines.</p> <p>SPL application submitted prior minimum three working days from the date of laycan. The late submission causes Late Fee.</p> <p>Timeline – Minimum 4 to 5 Working Days.</p>	<ul style="list-style-type: none"> • Human Interface should be minimized. • Vessel owners need to ensure that all Vessel certificates are valid for the project duration and there is no need of extensions. Application has to be once for all. • Requirement of employment of Indian Crew/ trainees on cable project ships should be waived off. The crew & technicians on these ships are highly technical and are employed accordingly.
4	NED (Non-Employee Duty Pass) clearance	ONGC / ILD (Indian Landing Party)	<p>All onboard crew to have the NED Passes</p> <p>Documents required: -</p>	<p>NED requirement should be waived off for Cable Ships employments as the crew / technicians are not being</p>

Sl. No.	PERMIT	AUTHORITY	EXISTING PRACTICES/ PROCEDURE	RECOMMENDATION
	from ONGC for the onboard crew of Vessels		<ol style="list-style-type: none"> 1. NED application form 2. Crew's details 3. Copies Seaman book <p>Clearance time: 02 -3working days.</p>	<p>employed on ONGC or other oil exploration installations. The crew is exclusively deployed for particular Cable project and does not engage in ONGC platforms.</p> <p>This is only requirement of ODAG for NSC inspections and requirement should be reconsidered.</p>
5	<p>Navigational Warning (NAVAREA) clearance for the Vessels working in Indian Waters</p> <p>(Provided for navigational warnings to Ships in Indian waters) NAVAREA issued by National Hydrographic Office, Govt. of India</p>	<p>Indian Navy / HQ ODAG And Directorate General of Shipping (DG Shipping) (Incase of Safety Fairways)</p>	<p>Application submitted to Navy by letter providing details as follows: -</p> <ol style="list-style-type: none"> 1. Block coordinates with cable fault coordinates 2. Details of other coordinates which vessel operating during subsea cable route survey or repairs. <p>If the area coordinate do not come under Safety Fairways, HQ ODAG/Navy forwards to NHO (National Hydrographic Office) at Dehradun for issuance of navigational warning message. Clearance Time: 05 to 07 working days.</p> <p>If the coordinates come under Safety Fairways (TSS) then Navarea has to be routed through DG Shipping for their NOC first. Thereafter it goes to Navy / ODAG and then NHO Dehradun for</p>	<p>The NAVAREA warning and NSC requirement can be merged through an online approval process and once NSC is done, NAVAREA should follow. It can be joint application.</p>

Sl. No.	PERMIT	AUTHORITY	EXISTING PRACTICES/ PROCEDURE	RECOMMENDATION
			issuance of warning messages. Clearance Time: 10 to 15 working days.	
6	Naval Security Clearance (NSC)	HQ ODAG/Navy	<p>Carried out by Navy team once MOD clearance signal is received. Application needs to be submitted to ODAG with following documents: -</p> <ol style="list-style-type: none"> i. Naval Inspection and Clearance application letter from ILD ii. MOD clearance letter copy for vessel from DOT iii. MOHA Clearance copy for vessel from DOT. iv. SPL clearance letter from DGS v. NOC from ONGC (only for Western Region) vi. NED passes vii. Copy of Hull & Machinery Insurance viii. Contract copy ix. Copy of Crew list x. Compliance of V-SAT System Compliance certification. <ul style="list-style-type: none"> • NSC application (file) to be submitted one week prior planned inspection date. • NSC teams (ODAG) board the vessel at Port of c <p>Clearance Time: 02 working days.</p>	<ul style="list-style-type: none"> • NSC Passes requirement needs to be waived off. • Combined application can be made for NAVAREA • Statutory clearance requirement only should be checked.

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7	ONGC NOC (No Objection Certificate) – applicable only for West Coast of India	ONGC	<p>Applied to ONGC once MOD clearance is obtained with project details. Primarily to verify no project clashes of pipelines occur in area.</p> <p>Documents required to be submitted by Landing Party</p> <ul style="list-style-type: none"> • Request letter from Indian landing party with Appendix (indicating Route Position List, Straight Line Diagram, Work Area Chart /Area Coordinate diagram / Map, Work Area Coordinates & Duration of Repair Work/Plan of Work) • Methodology of Submarine Fiber Optic Cable Repair Operation • Certificate of Class • Anchorage pattern • MOD clearance letter of DOT <p>Clearance Time: 15 to 20 working days</p>	<ul style="list-style-type: none"> • Prescribe rational timeline as current timelines are excessive. • Provide tracking of application process on online process

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8	Customs - Vessel Importation	Indian Customs / CBEC (Ministry of Finance, Government of India)	<p>In compliance with Section 46 of Custom Act 1962 an Importer needs to present Bill of Entry for goods for home consumption.</p> <p>In addition, as per Customs Notification No. 34 / 2019 dtd 30 Sep 2019 the Custom duty & IGST on the cable laying/ repair ops vessels are NIL subject to Condition 105 submitting bond by the Importer reg. requirement of Importation of Cable Ship work in Indian Customs waters.</p> <p>Documents required: -</p> <ol style="list-style-type: none"> 1. IEC (Import Export Code) – of Importer 2. GST Registration certificate of Importer 3. AD (Bank Authorization dealer code) from Importer Bank – from ILD 4. PAN (Permanent Account Number) of Importer – from ILD/ importer 5. Import Invoice Cum Packing List – from vessel owner 6. Vessel Invoice along with Appendix giving Specification of Vessel & onboard equipment, spares, and consumables etc. 7. Invoice for onboard Bunker/Fuels and consumables/ Oil, Thinners Assorted, Grease & Chemicals, onboard Provision etc. 8. Invoice for onboard Marine Gas Oil (MGO) 9. Bill of Lading - 	<ul style="list-style-type: none"> • Process is too long & vessel is held up at port for Import/ Export formalities. • Varying process at various ports. On East coast Conversion / Reversion are done prior Import/ Export. • Faceless assessment takes longer and many times outstation assessing officers do not fully understand vessel’s role and avoidable queries are raised, which pertain to general ‘goods’. This causes delay in getting assessments. <p>Proposal :-</p> <ul style="list-style-type: none"> • Need for adopt uniform process at all Indian ports • May consider waiving off ‘Faceless assessment’ for cable ships, in view of technical nature of work done by the vessels • Else if Faceless assessment is mandatory requirement, it should be done at any other station

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			<p>10. Technical Write-up/ Catalogue etc 11. Contract Copy – from ILD 12. Chartered Engineer Certificate</p> <p>The importer needs to submit bond to Customs for condition 105 of the notification. Procedure :</p> <ul style="list-style-type: none"> • Bill of Entry submission with documents in Customs EDI system • Bill of Entry scrutiny • Faceless assessment • Duty finalization • Duty payment • Examination & approval • Out of Charges <p>Clearance Time: 05 to 10 working days.</p>	<p>dealing with vessels and not general goods.</p> <ul style="list-style-type: none"> • Need to combine process of Import + conversion or Re- Export + Reversion together in order to cut time of vessel long stay at ports. • At Many ports only Conversion or Reversion activities are done as the vessel call is for project period only. Import / Re-Export process can be cut to minimum. • Process needs to be simplified with aim to provide opportunity to trade towards ‘ease of doing business’. • May consider process of Vessel’s Conversion and Bill of Entry on basis of Self – declaration from

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9.	Customs – Vessel Conversion	Indian Customs / CBEC (Ministry of Finance, Government of India)	<p>All vessels deployed in Indian waters are also required to be converted to coastal run after importation. On the West Coast this exercise is carried out. Conversion is completed only after the Importation process is completed and Out of Charge Bill of Entry is obtained.</p> <p>The documents required :-</p> <ul style="list-style-type: none"> • Complete Inventory of the vessel (6 copies) • Valid SPL Copy • Import Bill of Entry – Duty Paid and Out of Charge <p>Procedure :-</p> <ul style="list-style-type: none"> • Conversion permission from DC(PG) • Processing Bill of Entry for consumables/ goods • Custom Boarding & Examination • Conversion approval & Certificate Issue <p>Clearance Time: 02 -3 working days.</p>	<p>the vessel and Bill of Entry can be filed prior vessel’s arrival in port for Custom Examination</p> <ul style="list-style-type: none"> • Vessel may be permitted make self-declaration (same may be accepted by Customs) on completion of cable laying / repair work. On basis of declaration of consumable goods onboard, the Shipping Bill may be processed. This may reduce vessel’s stay in port and the vessel may come only for one day for Customs Examination. • Notification 34/2019 dtd 30 Sep2019 indicates applicability in Indian Customs Waters which may be considered only for Territorial waters, as definition of India, as per Customs Act 1962, includes only Territorial Waters.
<u>10</u>	Customs – Vessel re-Export & Reversion to Foreign going status	Indian Customs / CBEC (Ministry of Finance, Government of India)	Vessel needs to come back to Port for Re-Export and Reversion Process	

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			<p>Re- Export Processed at Export dept. in Customs. Reversion process done at DC(PG)</p> <p>The documents required:-</p> <ul style="list-style-type: none"> • Re- export Invoices • GR Waiver from Bank • Import Bill of Entry – Duty Paid Challan <p>Procedure :-</p> <ul style="list-style-type: none"> • Processing of Shipping Bill through Customs EDI system • Shipping Bill no. generated in System • Re- export permission from DC(Export) • Custom Boarding & Examination • Issue of Let Export Order. • Reversion process Scrutiny at DC(PG) once LEO issued. • Certificate Issue <p>Clearance Time: 01 -2 working days.</p>	
<u>11</u>	Port Clearance	Indian Customs	<p>Issued by Customs Export dept. after vessel's Re- export / Reversion process once vessel is ready for departure</p>	<p>Needs to be available 24x7 basis. At times PC are delayed due non – availability of Custom Officials.</p>