



Vodafone Response to TRAI Draft Recommendations dated 19 September 2017 on "Ease of Doing Telecom Business for comments of the Stakeholders"

At the outset, we would like to welcome this initiative of the TRAI to support and encourage "ease of doing business in telecom sector", and to identify the various processes that could be simplified and/or combined to the extent possible to economize on efforts on part of the Telecom Service Providers (TSPs) as well as the Government.

We also note that TRAI has at the outset clarified that its recommendations are confined only to issues related to the processes that TSPs are required to undertake for various telecom related activities have been dealt with and that issues which relate to policy matters are out of the purview of the subject, hence are not included in these recommendations.

We also welcome the opportunity to comment on the draft recommendations proposed by TRAI and our submissions on the same are as below:

A. SACFA Site Clearance

TRAI Draft Recommendation

1. *The Authority recommends that entire process of SACFA clearance as well as grant of all licences/approvals, that are issued by WPC, should be made paper-less and executed end-to-end through online platform. (Para 2.4)*

Vodafone Submissions

- a. We support and endorse the recommendation that the entire SACFA clearance process be made paper-less and executed end-to-end through online platform.
- b. We would further like to reiterate our request that additionally, the TRAI may recommend that there should be only one approval required per SACFA location and each antenna that is deployed at the location should not require a separate approval.
- c. There is a provision of additional antenna category, however that is applied only to additional antenna set up by the respective TSPs. We believe that once the SACFA clearance is an online process, the additional antenna approach may be extended to all additional antennae deployed at the site after the first approval has been granted.

B. Import License for Wireless Equipment

TRAI Draft Recommendation

1. *The Authority recommends that:*



- *There should be a defined time-line within which an Import Licence should be granted and the same may be declared in the portal as well as in the Citizen's Charter.*
- *TSPs should be allowed to reinstall/deploy their wireless equipment into another LSA after giving prior intimation to WPC preferably through the online portal. There should not be any requirement of taking prior permission of WPC for this purpose. (Para 2.10)*

Vodafone Submissions

- a. We believe that the very need for an import license should be reconsidered. It is submitted that the objective is to keep the DoT informed about the equipment being imported by the Licensees, which can be met by the Licensees by submitting periodic reports to DoT along with whatever self-certification/undertaking as may be required.
- b. In the alternative, we suggest that TRAI should recommend a specific time limit, which may be 15 days, after which there should be a deemed approval.
- c. We support the recommendation to allow TSPs to reinstall/deploy their wireless equipment into another LSA after giving prior intimation to WPC through an online portal.
- d. It may be noted that the industry has already through COAI intimated DoT about the process that is followed for shifting of equipment between Circles and the same has also been accepted by DoT/WPC. Copy of correspondence in this regard is enclosed as Annexure-1
- e. We believe that the same should be made online, to facilitate ease of doing business.
- f. We would also like to further suggest that there should not be a pre-condition requiring the licensee to have the same frequency authorization in other LSAs as well, since in the era of active infrastructure sharing, an infrastructure provider could be deploying equipment to operate in the frequency of the infrastructure seeker. The condition, if at all required, should be that the equipment will be used to radiate only valid frequency assignments of TSPs. If required, a copy of the valid frequency assignment of the seeker can be provided for the LSA in which the equipment is being shifted.
- g. Considering the ground realities, re-installing/deployment of equipment across LSAs by same entity or even between different entities, with only intimation to WPC should be the norm.

C. WPC clearance for DEMO License and Experimental License



TRAI Draft Recommendation

1. *The Authority recommends that the applications for Demonstration Licence and Experimental Licence should be processed and the licence should be granted within a maximum period of 15 days and 30 days respectively. This time period should be declared at the portal as well as in Citizen's Charter. (Para 2.16)*
2. *The Authority recommends that the validity period of the Experimental (radiating) Licence should initially be six months, extendable by another six months. (Para 2.18)*

Vodafone Submissions

- a. We believe that six months is sufficient time for a demonstration /experimental license and there should be no further extension after six months. The TRAI may recommend a validity of three months, extendable by another three months.
- b. It should be ensured through suitable conditions built into the approval that these demonstration/experimental (radiation) licenses do not interfere with the licensed frequencies.
- c. It should be further clarified that any commercial deployment can only be after obtaining the relevant license/authorization under Section 4 of the Indian Telegraph Act /Unified Licensing regime.
- d. The TRAI may also ensure that there is no acquisition of subscribers under the demonstration /experimental license, whether as test or regular users.

D. Transfer/Merger of Licenses

TRAI Draft Recommendation

1. *The Authority recommends that:*
 - i. *When any merger proposal of companies as filed before the Tribunal is notified, representation/ objection, if any, by the Licensor on such scheme has to be made within 30 days. The Licensor should use this window of 30 days to file objections, if any, for the merger of licences also. DoT should spell out a definite timeline, not exceeding 30 days post NCLT approval, for providing written approval to transfer/merger of licences by the Licensor and it should be made a part of the M&A Guidelines.*
 - ii. *The current provisions of M&A guidelines do not define a red-line for the market share of resultant entity in a service area. Therefore, DoT should define a cap on the permissible market share of the merging entities taken together; beyond which merger proposal should not be accepted.*
 - iii. *If a transferor company holds a part of spectrum, which (4.4 MHz/2.5 MHz) has been assigned against the entry fee paid, the merged entity should be liable to pay the*



differential amount for the spectrum assigned against the entry fee paid by the transferor company from the date of written approval by DoT. (Para 2.31)

Vodafone Submissions

- a. We note that the TRAI has clarified in its draft recommendations that “Only issues related to the processes that TSPs are required to undertake for various telecom related activities have been dealt with” and that issues “which relate to policy matters are out of the purview” of the recommendations.

We therefore submit that submit that TRAI should only make recommendations on process/ease of doing business issues.

- b. It may also be noted that there are various mergers and consolidation transactions that are already underway. The applications have been made under the M&A guidelines of 20 February 2014 and the parties cannot be made worse-off by any recommendation of TRAI.
- c. Without prejudice to the above, we would like to submit as below:
 - i. We agree with TRAI draft recommendation that DoT should spell out a definite timeline, not exceeding 30 days post NCLT approval, for providing written approval for the transfer/merger of licenses by the Licensor.
 - ii. As regards the recommendation of red-line for the market share of resultant entity in a service area, it is submitted that the current M&A guidelines do not carry such a clause despite the same being recommended by TRAI in its earlier recommendations. We once again re-iterate that there are various mergers and consolidation transactions that are already underway basis the M&A guidelines of 20.02.2014 and that there should be no recommendation that puts any applicant in a worse-off situation. We therefore submit that this recommendation should be dropped.
 - iii. As regards the payment, if any and if at all payable, for the spectrum assigned against the entry fee paid, we agree that the logical approach is that such payments be required to be made from the date of approval of the merger and transfer of licenses by the DoT..

E. Rationalizing of prescribed fee for testing of roll-out obligations

TRAI Draft Recommendation

1. *The Authority recommends that the TSPs should be charged for roll-out obligations test fee only for the DHQs/BHQs/SDCAs which are actually tested by TERM Cells. The Authority*



also recommends that there is a need to rationalize the structure of testing fee to avoid double payment for testing the same MSC. MSC test fee should only be charged once for all the towns served by the common MSC, which are being tested by TERM Cells under sample testing. (Para 2.38)

Vodafone Submissions

- a. We support this draft recommendation of TRAI.
- b. While we support the cluster based approach adopted by DoT for testing of sites for rollout purposes; we submit that it is incorrect and unfair to fail the entire cluster in case a site fails in the cluster. In the event of a problem with any site, the operator should be given an opportunity to rectify the site and offer it again for testing. Such an approach will be fair and proportionate

F. Net-worth requirement for migration from UASL to UL

TRAI Draft Recommendation

1. *The Authority recommends that for an existing service provider, for renewal of licence or migration of its licence to UL, the condition of minimum net worth should not be applicable. (Para 2.43)*

Vodafone Submissions

- a. We agree with this draft recommendation.

G. EMF compliance and certification

TRAI Draft Recommendation

1. *The Authority recommends that in respect of EMF compliance, DoT may review the need of calling biennial certification for all the existing sites of every TSP. The Authority also recommends that TSPs should be asked to submit all requisite certifications only through Sanchar Tarang portal. TSPs should not be required to re-submit these certificates/reports separately in any other forms such as in hard copy or through email. (Para 2.50)*

Vodafone Submissions

- a. We agree and support the recommendation for DoT to review the need for biennial EMF self-certification for all sites in view of the launch of the Tarang Sanchar portal.
- b. We would also like TRAI to consider our request and recommend that an upgrade certificate should only be submitted by the upgrading licensees and there should not be any requirement for other tenants on the shared site to submit a duplicate certificate



– which is an unnecessary burden. Which has become even more unnecessary in the online scenario, where each site is completely updated and current at all times and in compliance with the EMF norms laid down by the Government.

- c. We submit that the DoT has already instructed that the certificates will only be submitted through the portal. Copy of DoT's email in this regard, is enclosed as Annexure-2.

H. Bank Guarantees

TRAI Draft Recommendation

1. *The Authority recommends that PBG for a particular phase of roll-out obligations should be released after successful certification by TERM Cell. If TERM Cell fails to submit its report within 12 months after the date of offer, PBG should not be held back on account of pendency of testing. Further, DoT should review the process adopted by CCA for the refund of bank guarantee and should ensure that CCA do not take more than 30 days for the release of bank guarantee. (Para 2.53)*

Vodafone Submissions

- a. We support this draft recommendation

I. Publishing of OSP registration holders in website

TRAI Draft Recommendation

1. The Authority recommends that DoT should place an updated list of OSP registration holders with their validity of registration and place of OSP centre at its web-site. (Para 2.58)

Vodafone Submissions

- a. We support this draft recommendation

J. Revision of existing financial penalty structure

TRAI Draft Recommendation

1. *The Authority recommends that DoT should device a suitable matrix, linking the penalty to the severity of the incident and the number of occurrence of the violation for imposition of financial penalties. (Para 2.64)*

Vodafone Submissions

- a. We agree with this recommendation at principle level. This is without prejudice to our contentions that the penalty provisions have to be in consonance with the provisions of the Indian Telegraph Act.



K. Other Issues that may be considered by TRAI

1. Spectrum Trading Guidelines to be consistent with NIA and be applied uniformly–

- a. It is submitted that the Spectrum Trading Guidelines issued on 15 October 2015 provide, inter alia, that in respect of 2500MHz band, spectrum trading shall be permitted only in block size of 20MHz (TDD) and 10MHz (FDD). TRAI is however aware that in the 2016 auctions, the block size for 2500MHz was reduced from 20 to 10MHz. The modification in the block size in 2500MHz band has created an anomaly with the spectrum trading guidelines, inasmuch as a licensee can acquire spectrum in blocks of 10MHz, but can only trade in blocks of 20MHz. TRAI may kindly recommend a modification in the spectrum trading guidelines to allow for trading of 2500MHz in blocks of 10MHz.
- b. Further, the trading rights should be uniformly applicable to all licensees with option to trade given in all situations with no financial loss in nature of having to pay for the period for which spectrum cannot be used.

2. Illegal use of private repeaters and unauthorized use of jammers

- a. We had in our submissions highlighted the issues resulting from the rampant and unauthorized use of jammers which creates interference in licensed mobile services and results in an unacceptable deterioration of services that are beyond the control of the service provider.
- b. We had requested that TRAI consider and recommend the introduction of an online process whereby complaints regarding illegal repeaters can be uploaded on a TRAI & TERM portal for examination and resolution by the concerned authorities.
- c. We also request that the TRAI should recommend to the DoT that it should mark all its instructions/circulars regarding unauthorized online and retail sale/purchase and use of jammers to the Ministry of Commerce, Customs offices and other relevant Central and State Ministries so that such instructions are widely disseminated and the public at large is made aware. Also, periodic advertisements may please be undertaken by the DoT for making the public aware.
- d. We request TRAI to consider this issue and make suitable recommendations to DoT on the same.

3. Re-verification of Existing Subscribers



- a. TRAI is aware that the DoT has on 23.03.2017 issued guidelines for re-verification of all existing subscribers through Aadhaar based e-KYC by 06.02.2018.
- b. We had in our submissions to TRAI highlighted the various challenges in this exercise and had sought the support of TRAI in ensuring that a reasonable time frame be given for any such re-verification.
- c. In the meantime, some additional challenges have arisen that will further constrain the service providers in their re-verification efforts. These include the recent Supreme Court judgment on privacy that is causing concern amongst subscribers and leading to reluctance in the re-verification process. There is also the concern with a series of unilateral decisions that are being taken by the UIDAI such as mandating of registration of devices, imposition of a per transaction fee, hardware, software changes, etc. These are without any consultation or collaboration with the service providers, either on feasibility, practical issues or timelines, which are also hampering our re-verification efforts.
- d. The TRAI is alive to this concerns and has also been holding meetings and engaging with the operators on this issue. A copy of the joint industry submission in this regard, is enclosed as Annexure-3.
- e. We request that these various concerns may kindly be examined and addressed by TRAI through suitable recommendations to DoT so that the re-verification exercise can be carried out seamlessly by the service providers. In any event, we submit that given the number and scale of the challenges that have been highlighted by the industry – DoT should consider extending the time period for re-verification by at least three years.

4. Telecom Security Testing requirements

- a. The TRAI may be aware that DoT, vide Gazette notification dated 05.09.2017, has prescribed mandatory testing and certification of all imported and domestically manufactured telecom equipment by Indian accredited labs in India w.e.f 1st October 2018.
- b. It is submitted that the telecom equipments imported/purchased domestically by the Licensees are from large scale reputed vendors and are already certified as per international norms and standards. Requiring the same to be retested in India is not only a duplication of effort that is unnecessary, but also impractical as there are no India-specific certification requirements and further no labs on the ground.



- c. We had earlier through COAI represented to DoT with regard to a TEC proposal on this issue. A copy of the DoT Gazette notification & industry representation is enclosed as Annexure-4
- d. We request the TRAI to recommend that the Government should reconsider this issue, as implementation of this Gazette notification will cause severe procedural issues and will severely impede 'ease of doing business' by licensed telecom operators.

5. ROW Permissions:

- a. The DoT has issued the Right of Way Rules in 2016 that should go a long way in facilitating efforts towards a harmonized approach to ROW approvals in different states.
- b. In addition to the above, the TRAI has also made several recommendations to ease and facilitate right of way permissions – including in its recommendations on "Delivering Broadband Quickly" Recommendations on "In building access", etc.
- c. We submit that TRAI should reiterate its recommendations regarding ROW issues so as to highlight the same for early redressal. These will include inter alia :
 - i. Time bound approvals – single window clearance in a time bound manner
 - ii. Adoption of a Dig Only Once policy – this should include a mandated provisioning of duct in the definition of Roads/Highways
 - iii. Standardization of ROW rates – based on restoration/reinstatement costs only
 - iv. No sealing of sites which are a critical infrastructure - Invoking powers under Section 15 of the Indian Telegraph Act for dispute resolution with local authority.
 - v. Work out a mechanism with States for use of electricity poles for last mile access infrastructure.
 - vi. Change in building by-laws for mandatory inclusion of ducts/optical fibre in all upcoming office complexes, commercial spaces and residential complexes – completion certificate to be issued only if the building is telecom ready
 - vii. Electricity to be provided to BTS sites on priority – this should be at industrial rates.
 - viii. Mandate city developers and builders to have properly demarcated sections within buildings and on rooftops for housing BB infrastructure and antenna



6. Spectrum Caps

- a. We understand that TRAI is separately considering the issue of spectrum caps, we only will submit at this stage that in the current situation where spectrum is technology neutral, technology supporting various spectrum bands and consolidations as the natural step, in-band spectrum caps of 50% should be increased to improve efficiency, which is very much required in today's financially stressed environment.

New Delhi

3 October 2017

Government of India
Ministry of Communication & IT
Department of Telecommunications
WPC Wing, 6th Floor, Sanchar Bhawan
Ashoka Road, New Delhi - 110001

No. R-11018/09/2017-PP

Dated: 09/05/2017

To

✓ M/s Vodafone Mobile Services Ltd
Maruthi Infotech Centre ground
B- Block, 11/112/1 Kormangala Intermediate ring road
Amarjyoti Lay out Bangalore- 560071

Subject: Permission for transfer of Radio/Microwave Equipments from Karnataka LSA to Maharashtra LSA with-in the group of M/s Vodafone Mobile services Ltd

Ref: Your letter no- Your letter no KAR/16-17/31 dated 27/03/2017

Sir,

I am directed to refer to your letter on the subject above and inform you that your request for transfer of Radio/Microwave Equipments from Karnataka LSA to Maharashtra and Goa LSA may be considered subject to submission of the following-

1. An undertaking that
 - (i) Such shifting of Wireless Equipments (BTS/Microwave Radios) will not affect the existing rollout/services in Karnataka LSA and shifting is limited to surplus equipments after upgrade/replacement of old radio equipments with new equipments.
 - (ii) Applicable regulatory permission (SACPA siting clearance etc) will be obtained before the use of these equipments in the LSA where-in shifting is proposed. (here Maharashtra & Goa LSA)
2. Copy of valid frequency assignment for the LSA where-in shifting is proposed.
3. Details of equipments (Serial No. Make model etc) along with copy of import License.

Your request for transfer of above stated Wireless Equipments will be processed on receipt of above.

Y. K. Sharma
09/05/17
(Y. K. SHARMA)
Engineer (Regulation)
For Assistant Wireless Adviser to the
Govt of India

Pathania, Vaishali Singh (COR), Vodafone India

From: Parag Agrawal <parag.agrawal@nic.in>
Sent: 09 November 2016 09:41
To: ddgterm-ahm@nic.in; ddgterm-and@nic.in; ddgtermmap.dot@nic.in; ddgvtm-asm@nic.in; ddgtermbg-dot@nic.in; ddgtermbr-dot@nic.in; ddgvtmchn-dot@nic.in; ddgterm.cg@nic.in; ddgtermd-dot@nic.in; ddg-term-guj@nic.in; ddgtermhr-dot@nic.in; ddgtermhp-dot@nic.in; ddgvtmhyd-dot@nic.in; ddgterm.jp-dot@nic.in; ddgvtm-jk@nic.in; ddgtermjh-dot@nic.in; ddgtermktk-dot@nic.in; ddgtermkrl-dot@nic.in; ddgvtmkol-dot@nic.in; ddgvtmlko@up.nic.in; ddgtermdot-mp@nic.in; ddgtermnag-dot@nic.in; ddgterm-mum@nic.in; ddgtermne1-meg@nic.in; ddgtermne2-dot@nic.in; ddgtermmod-dot@nic.in; ddgtermpune-dot@nic.in; ddgtermpb-dot@nic.in; ddgterm.rj-dot@nic.in; ddgtermtn-dot@nic.in; ddgvtmupe@up.nic.in; ddgtermupw-dot@nic.in; ddgterm-uk-dot@nic.in; ddgtermwb-dot@nic.in
Cc: dirtermahd-dot@nic.in; dirterm-and@nic.in; dirtermmap.dot@nic.in; termmap.dot@nic.in; dirterm.asm@nic.in; dirterm2.asm@nic.in; dir1termbg-dot@nic.in; dirterma1.bih-dot@nic.in; dirtermbr-dot@nic.in; dirterm.tnchn@nic.in; dirterm.cg@nic.in; dirtermd2-dot@nic.in; dirtermd-dot@nic.in; dir1-term-guj@nic.in; dirterm.guj-dot@nic.in; dirtermhr-dot@nic.in; dir2termhr-dot@nic.in; dirtermhp-dot@nic.in; dirvtmhyd.dot@nic.in; dir1term.jp-dot@nic.in; dirvtm-jk@nic.in; dir2term-jk@nic.in; dirtermjh-dot@nic.in; dirtermktk-dot@nic.in; dir2termktk-dot@nic.in; dirtermkrl-dot@nic.in; dir2termkrl-dot@nic.in; dirvtmkol-dot@nic.in; dirvtmlko@up.nic.in; dirtermdot-mp@nic.in; dirterm-mp@nic.in; dir-vtm-mah@nic.in; dir1-term-mum@nic.in; dirterm-mum@nic.in; dirterma2.mum-dot@nic.in; dir1-termne1-meg@nic.in; dirtermne2-dot@nic.in; dir1termmod-dot@nic.in; dir2termmod-dot@nic.in; dirtermpune-dot@nic.in; dir1termpb-dot@nic.in; dir2termpb-dot@nic.in; dir2term.rj-dot@nic.in; dir1term.rj-dot@nic.in; directorterm.tncbe@nic.in; ddga1term.tncbe@nic.in; dirvtmupe@up.nic.in; dir2termeast-up@nic.in; dirtermupw-dot@nic.in; dir2termupw-dot@nic.in; dir-term-uk@nic.in; dir1termwb-dot@nic.in; dir2termwb-dot@nic.in; dirterma1kol-dot@nic.in; KARAN GOYAL; PARAGAGRAWAL DIRECTOR; Arya@ramboll.in; dirsat1.tec@gov.in; ddgsat.tec@gov.in; sreddg.tec@gov.in; ddgcs-dot@nic.in; sberry@coai.in; vtiwathia@coai.in; sreddgterm-dot@nic.in
Subject: Submission of EMF self-certificates through NEP portal

Respected Sir(s),

The submission of self-certificate by TSPs to TERM Cells in three LSAs viz. Mumbai, Haryana and Karnataka (Including Bangalore) and in the city of Hyderabad using EMF portal has already been started, Now, It has been decided to start submission of self-certificates by TSPs in the remaining TERM Cells in rest of the LSAs using NEP Portal. In this regard, following may kindly be noted:

1. The online submission of self certificate through NEP Portal will start w.e.f. 16.11.2016 for all the locations
2. Manual submission of Self-certificates for these locations may be discontinued w.e.f. 16.11.2016. However, Self Certificates may be accepted in the hard copy only till 15.11.2016
3. The self-certificates will be submitted through the portal to respective TERM Cells after it is digitally signed by authorized nodal officer.

4. These self-certificate submitted through EMF portal will be subjected to regular audit as per the existing guidelines on the matter.

5. TERM Cells can take up with M/s Ramboll directly on 040-40322027 (NEP Helpdesk) in case of any discrepancy/ difficulty in using portal.

6. The issues raised by these TERM Cell shall be looked into by M/s Ramboll on priority vis-a-vis other issues in hand with M/s Ramboll in respect to EMF portal.

7. The temporary user-ids issued to all the TERM cells may be discontinued by M/s Ramboll. All the TERM Cells may be issued permanent user-ids. For this purpose the TERM Cell shall get in touch with M/s Ramboll.

8. Presently, the implementation of module for submission of revised self-certificate (RSC) is in progress and will be implemented in few days. In this regard, it may be noted that after the start of online submission of self-certificate from 16.11.2016 and till the module for submission of RSC become operational, the RSC may be accepted in hard copy.

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Regards,

Parag Agrawal,
Director (TERM-II), DoT HQ
M: 09868910077



RSM/COAI/2014/188
November 12, 2014

Shri Rakesh Garg, IAS
Secretary, DoT and Chairman, TC
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi – 110001

SUB: SHIFTING OF EQUIPMENT BETWEEN THE SERVICE AREAS

Dear Sir,

1. Presently, the wireless equipment is imported post grant of Wireless Import License from the WPC wing of DoT. The said wireless import license requires the operators' to specify the service area for which the equipment are imported.
2. However, consequent to the spectrum auction in November 2012 and February 2014, various changes have been made in the frequencies allocated to the TSPs – either in terms of the bands or in the actual frequency spots allocated within the same band. This will entail a change in the equipment as new equipment will have to be installed and existing equipment removed, rendering such existing equipment redundant/re-deployable.
3. As these equipment are still in working condition and have substantial residual life, our member operators are transferring /shifting this equipment to other service areas, which will avoid wastage of resources and will enable better utilization of Capex invested in the network and consequently will reduce further write-off.
4. It is clarified that such transfer/shifting will be only within the licensee company / group licensee companies of the same service provider and therefore, is in order. Needless to say, our members will be so shifting/ transferring this equipment to service areas under intimation to DoT/ WPC. This will help in utilizing such equipment for their useful life and in the most optimum use of already deployed and available equipment.
5. We verily believe that such shifting/transferring of equipment has already been permitted by WPC earlier in case of one of the operators.

In view of the above, we submit that our members will be shifting/ transferring the equipment within the licensee company/ group companies of the same service provider and the need for re-issue of a fresh permission or currently required re-application of WPC license should not be required.

This is for your kind support in the matter.

Kind regards,

Rajan S. Mathews
Director General

CC: Shri R.J.S. Kushvaha, Wireless Advisor, WPC
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Apex Advisory Council for Telecom in India

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ACT/2017/029

September 11, 2017

Shri S. K. Gupta
Secretary I/C
Telecom Regulatory Authority of India
Mahanagar Door Sanchar Bhawan,
Jawahar Lal Nehru Marg,
New Delhi – 110002

Subject: Issues related to re-verification of Subscribers through Aadhaar based e-KYC

Dear Sir,

1. We thank you for convening industry meeting on 8th September, 2017 on the status, suggestions for further refinement and challenges in the biometric based Aadhaar e-KYC re-verification process, which was prescribed by DoT.
2. The TSPs provided respective update on the status of the re-verification and overall status of the subscribers verified through this option. The TSPs shared that while the best of efforts are being made to achieve the end objective, there are constantly new and serious challenges being faced by the industry. These challenges are arising due to reasons beyond the control of TSPs and need to be addressed by the authorities and it will also require more clarity and confidence to the customers considering Aadhaar based biometrics in light of privacy issues.
3. Despite these odds and challenges, the TSPs have done few crores of re-verification in few months, however, the gap remaining is much larger and it is practically not possible to complete the exercise in the suggested time frame by DoT. Most of TSPs have individually or jointly installed biometric devices in about 600,000 outlets so far. Even with such extensive provision, the following trends and challenges are being observed:
 - a. e-KYC is an option for the prospective new connections and **customers do not understand that the re-verification through e-KYC is a separate exercise and mandatory to be completed by 06th February, 2018.** While the TSPs are putting their best efforts to complete the verification of all existing subscribers, the Government is also requested to spread awareness on the requirements.

A Joint Industry Initiative supported by:



- b. **Citizen's Inconvenience and Perception:** The customers are being constantly informed to visit the nearest outlets through various internal and external communications like SMS, posters, press releases, etc. **It is observed that the consumers prefer to get the verification done from TSP's exclusive showrooms even though there are more than 600,000 outlets.** This is causing long queues at exclusive showrooms as can be seen in the photographs and is rendering the large scale rollout at other outlets futile at this stage. We are pained at the plight of many senior citizens and customers who are coming to our showrooms and are standing in queues for hours.



Further, the rate of re-verification has seen a decline in urban areas recently, which as observed from customers' interaction is due to the 'Privacy' related judgment of Hon'ble Supreme Court in Writ Petition (Civil) No. 494 of 2012 . Since the Aadhaar issue will also be decided separately in the light of 'Privacy' judgment, the customers', in general, are waiting for clarity on the subject before giving their biometrics. In WRIT PETITION (CIVIL) NO. 247 OF 2017 in PAN-Aadhar link, the order of the Hon'ble Supreme Court mentioned that "The validity of the provision upheld in the aforesaid manner is subject to passing the muster of Article 21 of the Constitution, which is the issue before the Constitution Bench in Writ Petition (Civil) No. 494 of 2012 and other connected matters. Till then, there shall remain a partial stay on the operation of proviso to sub-section (2) of Section 139AA of the Act, as described above."

We, therefore, earnestly request that the Government including DoT and TRAI should inform all stakeholders, including the citizens about the correct picture.

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Unless that is conveyed by the Government, the momentum of re-verification is bound to slow down.

- c. **Challenges for Infrastructure Creation and Awareness:** Despite of TSPs' best efforts, subsidies, incentives, investments and people focus, **many outlets are not interested and it is thus taking time to build such an infrastructure across the length and breadth of the country. Overall, we still have 30% of the towns and villages where there is no infrastructure for doing the e-KYC re-verification.** To achieve re-verification of the customers in given time we need to enhance the reach of the infrastructure to the last village of the country, else, the customer will have to travel for more than 20 to 30 km and may be even more to get the same done. To achieve the task, TSPs have already invested in the devices and are executing the plan to create infrastructure in 8 to 9 lac outlets. **However, many of these villages hardly have any ecosystem/ outlets for creating infrastructure for providing the base verification service.**

Even with efforts like periodic SMS / posters/retailer education etc., it is extremely difficult and time consuming to spread the awareness in rural areas. **Any attempt at any stage to suspend / disconnect such customers for not coming forward for e-KYC re-verification would create undue harassment to innocent citizens and cause other economic and social consequences.** The customers are now using banking facilities and have other wallets linked to their phone numbers. Hence, the exercise cannot include such measures which deprive customers of connectivity and financial transactions.

- d. **Many other open areas within telecom authorities' domain:** We respectfully submit that even at this stage, there are many open issues mainly in domain of DoT, for which either a process is required or a timely clarity is required to be given to all stakeholders (including TSPs and customers). The Hon'ble Supreme Court's order is based on the projection given by DoT, which we are constantly stating is not the doable projection in light of many issues which DoT itself has not resolved.

Re-verification of outstation customers has only been recently addressed by DoT but other following issues are not yet addressed by DoT:

- Re-verification of in-roamers in the visited circle and respective acceptability by DoT of PoS Codes of all retailers in India for each circle,
- Large NRI population having TSPs connections does not have Aadhaar and further those having Aadhaar need to visit India for re-verification,
- Issues being faced by elderly people on re-verification, including biometrics challenges due to old age
- Bulk connections, enterprise, M2M etc.
- Many states in India, like Assam and Meghalaya have only covered a fraction of the population through Aadhaar. Further there are many states, including Bihar which are below 80% coverage as seen from the table below which has been extracted from the UIDAI website
(https://uidai.gov.in/images/StateWiseAge_AadhaarSat_24082017.pdf)

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State/UT wise Aadhaar Saturation 15th August, 2017				
S. No.	States/UTs	Total Population projected (2017)	Numbers of Aadhaar assigned (LIVE)	Saturation % 2017 (LIVE)
1	Delhi	18,110,349	20964605	115.8%
2	Goa	1,517,438	1530201	100.8%
3	Telangana	38,042,884	38222963	100.5%
4	Himachal Pradesh*	7,246,418	7267906	100.3%
5	Punjab*	29,344,896	29278893	99.8%
6	Haryana*	27,744,012	27465041	99.0%
7	Kerala	35,043,531	34675038	98.9%
8	Chandigarh*	1,110,820	1083585	97.5%
9	Uttarakhand	10,956,753	10600967	96.8%
10	Lakshadweep	70,214	67535	96.2%
11	Dadra & Nagar Haveli	373,636	354534	94.9%
12	A & N Islands	414,057	384330	92.8%
13	Puducherry	1,356,199	1258411	92.8%
14	Chhattisgarh	28,125,421	26092397	92.8%
15	Maharashtra	119,581,739	110000073	92.0%
16	West Bengal	96,775,592	88763753	91.7%
17	Tamil Nadu	75,844,451	69564118	91.7%
18	Jharkhand	36,672,687	33628199	91.7%
19	Karnataka	65,426,566	59978411	91.7%
20	Andhra Pradesh	52,380,243	47992380	91.6%
21	Odisha	44,912,901	40259355	89.6%
22	Gujarat	65,805,207	58592706	89.0%
23	Tripura	4,000,638	3550329	88.7%
24	Madhya Pradesh	80,894,777	71712571	88.6%
25	Sikkim	662,250	575630	86.9%
26	Rajasthan	76,802,294	64219860	83.6%
27	Uttar Pradesh*	224,558,257	186013511	82.8%
28	Bihar	117,153,097	93384994	79.7%
29	Daman & Diu	264,721	204640	77.3%
30	Manipur	2,966,130	2157396	72.7%
31	Mizoram	1,188,971	820290	69.0%
32	Arunachal Pradesh	1,506,749	1035882	68.7%
33	Jammu Kashmir	13,477,325	9132765	67.8%
34	Nagaland	2,158,431	1165296	54.0%
35	Meghalaya	3,230,132	353833	11.0%
36	Assam	34,068,394	2307506	6.8%
Total		1,319,788,179	1144659906	86.7%
*As per data provided by State				

Thus, in absence of even full Aadhaar coverage, the DoT's projections to the Hon'ble Supreme court were premature and impractical.

- e. **Critical Operational Dependencies on UIDAI & Frequent downtimes at the end of UIDAI:** Since the process is totally dependent on accessing Unique Identification

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Authority of India (UIDAI) database, there few critical developments at UIDAI which are directly impacting the smooth functioning of the e-KYC process.

UIDAI has taken series of measures in recent past to enhance the security aspect of the Aadhaar ecosystem. We being part of the ecosystem have always welcomed such steps, as these are taken for better safeguard of the UIDAI database. However, we wish to submit that most of the decisions taken by the UIDAI have been unilateral and are taken without involving the stakeholders and not consulting their opinions and views. It is pertinent to note that **any Information Technology (IT) system related change involves lot of planning, application development, increasing/modifying resources & exhaustive testing, which requires time.** In current situation, TSPs have no option but to accept all conditions being put in by UIDAI, which includes levying of financial disincentives for non-compliance to change(s) in the stipulated time, unilaterally decided by the Authority. TSPs have been representing to UIDAI for considering suitable relaxation(s) and extension(s) since the eco-system itself is fairly new and for TSPs, **any change impacts a huge base of mobile customers/citizens.** UIDAI has not accepted the Industry requests in all such instances.

There are frequent downtimes at the UIDAI end, leading to customers' complaints and lack of interest in the process. On store visits by the customer, if it is found that system is down then it causes huge dissatisfaction to the customer. It also adds to additional time, effort and cost to the TSP.

Sr. No.	Date	Issue statement
1	24-Aug-17	Observed Socket Time Out error from Manesar DC
2	25-Aug-17	Getting K-955 Error Response from Hebbal DC
3	26-Aug-17	Getting K-955 and read timeout from Aadhar (Manesar DC)
4	27-Aug-17	Getting K-552 error from UIDAI from Hebbal DC & Getting K-955 error and SocketTimeoutException from Manesar DC
5	30-Aug-17	Getting K-955 , 503 service unavailable, 404 Not Found and Read timeout error from both of the Aadhar Servers - Intermittently
6	31-Aug-17	Intermittently CPOS getting Multiple exceptions from UIDAI - Hebbal and Manesar DC
7	5-Sep-17	Getting multiple exceptions from UIDAI - Manesar DC
8	6-Sep-17	Intermittently Getting multiple exceptions from UIDAI-Manesar DC
9	7-Sep-17	Intermittently Getting multiple exceptions from UIDAI-Manesar DC
10	8-Sep-17	Getting Time-out exception from Aadhar Manesar and Hebbel DC
11	9-Sep-17	"java.net.SocketTimeoutException : Read timed out" exception from both Manesar and hebbel Data Center
12	11-Sep-17	Timeout and K955 error from UIDAI Manesar Site

4. There are other recent other major changes/ requirements from UIDAI's side, which are as follows:

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- a. **Introduction of License Fees and Bank Guarantee:** UIDAI mandated that all ASAs, AUAs/KUAs will have to pay License Fee and Bank Guarantee (BG). Subsequently, the UIDAI has waived off the requirement for BG, only for the Government entities. Industry had requested that BG requirement should be waived off for them as well, but no waiver has been given. BGs normally are taken either from entities where credibility of the entity is not ascertained or to cover risk of failed payments, both of this, to our mind is not the situation with TSPs, considering the size of our operations and nature of our business. UIDAI Circulars dated 31st May, 2017, 30th June, 2017, 08th August, 2017 and 14th August, 2017 are enclosed for your ready reference.
- b. **Introduction of Registered Device (RD) services and software/application upgradation to Auth2.0 and eKYC2.1:** UIDAI mandated all device manufacturers to upgrade their devices to support RD services in stipulated time and obtain certificate from UIDAI. This is being introduced after the TSPs have already purchased lots of devices and using them on field. TSPs were at the mercy of the device vendors on their readiness for RD services. Despite themselves being ready with Auth2.0 and eKYC2.1, smooth functioning with RD devices was a challenge and eliminating bugs is a time consuming activity. Though the time lines were extended, Authority themselves made changes (of capturing Devices Serial No. and content transfer encoding changes at XML in RD services) to the requirement till 21st July, 2017 and the ecosystem was supposed to go live by the extended date of 31st July, 2017. Post this deadline, any non-RD service transaction invited a penalty of 20 paise per transaction for AUA and 10 paise per transaction for ASA. Circular dated May 24, 2017, issued by UIDAI in this regard is enclosed for your ready reference. It is well established fact that any new change requires sufficient time for testing and stabilizing especially when the TSPs are catering to Millions of customers on daily basis, the user experience cannot be compromised at any cost. This has led to postponement of 100% rollout, resulting in penalties being levied by the Authority (no notice received till now but the same has already been communicated verbally).
- c. Further, it is also not out of place to mention that, there is lack of a common process/ methodology for upgradation of biometric devices amongst different device vendors. Due to lack of uniformity in upgradation process, it becomes impractical on the field for the TSP and its touch points to service and troubleshoot biometric devices & its related applications/ softwares. We also need the device vendors to provide us with the required bandwidth to manage high end traffic flow and steady availability of servers to support the process.
- d. There have been times when RD services have been rolled back by the TSPs owing to device software crashing, hanging of application etc. resulting in adverse customer experience. UIDAI has put a hard stop to non-RD services by 30th September, 2017 and in the period between 1st August, 2017 to 30th September, 2017, TSPs are exposed to penalty which will run into millions of rupees with the volumes being catered on daily basis, without being any fault at their end.

Few of the Device vendors after moving on the Registered Device services have sent their proposals to TSPs for levying charges on per device basis as Annual

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Maintenance charges, which is obviously never envisaged by TSPs. UIDAI has clearly communicated that they will not interfere in the commercial arrangement between TSPs and device vendors, leaving us high and dry. Infact, none of the device partners have extended any basic level of testing as of now.

- e. **Hardware Security Module:** UIDAI has also introduced another new security enhancement, namely Hardware Security Module (HSM), the implementation is again expected in very tight timelines without consultation. HSM is used for maintaining keys and normally comes from outside the country, with all entities requires this change, there is a situation of short supply from the supplier companies. This change again requires impact performance testing and our request for extension has not been responded by the Authority.
 - f. **Data Vault:** UIDAI has come up with another major change, wherein every Aadhaar number will have a reference number and the same will be used for purposes within the organization and the original Aadhaar number will be kept in a system vault. Such a major change was neither discussed, nor any timelines mentioned in the circular issued by UIDAI.
 - g. **Per Transaction charges:** UIDAI is also envisaging levying of per transaction fees for both Authentication and e-KYC transactions, this will result in increase in the OPEX of the TSPs which are already under financial stress. Such a situation can lead to passing of this extra burden to end customer, which can be counterproductive in long run.
 - h. There are concerns with respect to the uptime being provided by the Authority of the database and the helpline and support function are very basic with absolutely no committed SLAs.
 - i. With TSPs being fully depended on services offered by UIDAI database to comply with the Licensor's instructions, TSPs feel trapped as UIDAI is increasingly taking decision without consulting and even levying financial disincentive /charges. The sheer size of the operations and the volumes being handled by the TSPs, such critical changes require time and a running operation cannot be put to ransom. **The UIDAI database has always been secure and we understand that the recent steps taken by UIDAI is for added security, enhancing timelines will in no way going to compromise the existing security in place put by the Authority.**
5. With respect to UIDAI, we sincerely request the following:
- a. **All stakeholders, including the DoT (Licensor), TRAI (Regulator) and TSPs (Licensees) should be consulted by UIDAI before taking such critical decisions.**
 - b. **There should be no reason to put additional financial conditions like License Fees, Bank Guarantees or per transaction charges etc. We submit that projections given by DoT to the Hon'ble Supreme Court did not even envisage all these issues and that UIDAI will act like an autonomous body. In such case,**

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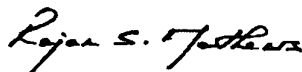
if commercial are involved and where issues are beyond DoT's control, DoT cannot make this exercise as prescriptive.

- c. There should be realistic timelines provided for incorporating critical changes, TSPs should not be subjected to financial disincentive for not able to achieve such unrealistic timelines, especially when there are dependency on entities external to them.
 - d. The Licensor should be always kept in loop, consulted in case of TSPs as the Licensee cannot work independent of the instructions issued by the Licensor.
 - e. Downtimes should be reduced and there should be a standard SLA on uptime.
6. We, therefore, would like TRAI to take note of all the concerns being faced by the TSPs and take a holistic view. We reiterate that customers require a clarity on the subject and a mass advertising/publicity from the authorities will be a pre-requisite. There are many issues which DoT and authorities have to clarify which have been detailed above and only then the objectives can be met.
7. The industry is under a huge cost constraint and has already represented that cost of this exercise for the industry is minimum Rs.2000 Crore and it is therefore imperative that at least full clarity be given to all stakeholders on the overall position of Aadhaar in light of privacy issue so that the stakeholders can take an informed decision on their investments. In absence of clarity, the exercise is showing a slowdown.
8. We respectfully submit that given the number of concerns, the DoT stated timelines are too short. A proper assessment of the situation is needed and timelines need to be realistically extended. We request TRAI to recommend that the process of re-verification be put under abeyance till the above issues are resolved. Otherwise, a suitable extension for about 3 years be provided to the TSPs to complete this exercise.

We are enclosing some of the letters to DoT and UIDAI which will provide more details on these issues.

We are once again thankful to you for the opportunity given and we shall keep TRAI updated on the issue on regular basis. We hope our above inputs will merit your kind consideration.

Sincerely,



RAJAN S. MATHEWS
DIRECTOR GENERAL – COAI



ASHOK SUD
SECRETARY GENERAL – AUSPI

CC : Shri Syed Tausif Abbas, Advisor – NSL II, TRAI

A Joint Industry Initiative supported by:



File no. K-11020/44/2012-UIDAI (Auth-I)
Government of India
Unique Identification Authority of India

9th Floor, Tower I,
Jeevan Bharati Building
Connaught Circus
New Delhi – 110001

Dated: 24th May 2017

CIRCULAR

Reference is invited to this office letter no. K-11020/44/2012-UIDAI (Auth-I) dated 25.01.2017 sent to all Authentication User Agencies (AUAs), Authentication Service Agencies (ASAs) and all STQC certified device providers. It was intimated that all AUAs and ASAs will implement authentication API 2.0 for Aadhaar authentication and the device providers will get their devices certified as Registered Device by 31st May 2017. The specifications for Registered Devices were issued by UIDAI on 22.02.2017 which was followed by STQC guidelines for Registered Devices certification process on 27.02.2017. UIDAI vide its circular no K-11020/44/2012-UIDAI (Auth-I) dated 12.04.2017 also circulated the application form and the undertaking to be given by device providers for obtaining Registered Device certification.

2. In response to the above mentioned circulars and guidelines, twenty two device providers have applied to STQC for RD service certification. At the same time, Auth API 2.0 specifications have also been communicated to all AUAs and ASAs. During the period of last four months UIDAI and STQC have held a series of workshops and handholding meetings with AUAs, ASAs and device providers at UIDAI HQ as well as at UIDAI Tech Center, Bengaluru.

3. UIDAI has started issuing RD certification to those device providers who have obtained RD service certification from STQC and have submitted their application to UIDAI. It is noticed that while a number of device providers are in the process of getting Registered Device service certification from STQC, some device providers are not yet ready with their Registered Device service. Similarly, whereas a large number of AUAs and ASAs have successfully tested Auth API 2.0 with certified Registered Device, others are at various stages of development. Further, a number of representations have been received from certain AUAs regarding their logistical

limitations for upgrading all of their existing public devices to Registered Devices by 31st May 2017.

4. It is to be understood that Registered Device is a critical requirement for enhanced security and privacy in the Aadhaar authentication eco-system. Therefore, it is imperative that all stakeholders viz. AUAs, ASAs and device providers fulfill the necessary requirements in a time bound manner. However, given the status of preparedness of AUAs, ASAs and device providers as per para 3 above, these entities are directed to fulfill the following requirements:

AUA Requirements:

AUAs shall upgrade to Authentication API 2.0, KUAs shall upgrade to eKYC API 2.1 and authentication application to the registered device compliance by 31st May 2017 and in case they are not able to do so the authentication services will be allowed subject to following conditions:

- i. AUAs shall be completely responsibility for ensuring security of the applications if they continue to use existing non-registered devices after 31st May 2017
- ii. AUAs shall complete at least one successful authentication transaction in Pre-production using registered device by 31st July 2017
- iii. AUAs shall pay Rs 0.20 per authentication transaction w.e.f. 1st August 2017 for using existing non-registered devices
- iv. No authentication transactions using existing non-registered devices shall be allowed after 30th September 2017

AUAs using Aadhaar authentication services with existing non-registered devices after 31st May 2017 shall be deemed to have accepted above mentioned conditions.

ASA Requirements:

ASAs must upgrade their system to support registered devices by 31st May 2017 and in case they are not able to do so the authentication services will be allowed subject to following conditions:

- i. ASAs shall complete at least one successful authentication transaction in Pre-production using registered device by 30th June 2017
- ii. ASAs shall upgrade to support registered device transaction on production by 31st July 2017
- iii. ASAs shall pay Rs 0.10 per authentication transaction done with non-registered devices w.e.f 1st August 2017
- iv. UIDAI shall recover the transaction charges from ASAs for authentications done with non-registered devices w.e.f. 1st August 2017 with respect to liabilities of both ASA and the AUAs using its services. UIDAI will raise the bill for AUAs to ASAs only and it will be the responsibility of ASAs to collect charges from their AUAs and pay to UIDAI.
- v. No authentication transactions using existing non-registered devices shall be allowed after 30th September 2017

ASAs using Aadhaar authentication services with existing non-registered devices after 31st May 2017 shall be deemed to have accepted above mentioned conditions.

Device Provider Requirements:

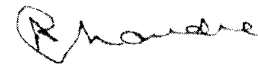
Device providers shall get their devices certified as registered devices by 31st May 2017 and in case they are not able to do so their device certification will be allowed subject to following conditions:

- i. Device providers shall get provisional certification of their devices by 15th July 2017
- ii. Provisional certification scheme expires on 15th July 2017 and device providers agree to pay Rs 10,000 per day for any delay thereafter

5. In this regard, attention is invited to Regulations 8(1), 14(d), 14(n) and 19(o) of Aadhaar (Authentication) Regulations, 2016, whereby, device providers, AUAs and ASAs are required to employ only those devices, equipment, or software, which are duly registered with or approved or certified by the Authority and also comply with any contractual terms, regulations, policies, procedures, specifications, standards and directions issued by the Authority, for the purposes of using the authentication

facilities provided by the Authority. Violation of these Regulations constitutes criminal offence under section 42 and 43 of the Aadhaar Act, 2016 punishable with imprisonment and fine.

Therefore, all AUAs, ASAs and device providers are again directed to take necessary action at their end to implement Registered Device services.



(Ajai Chandra)
Assistant Director General



Apex Advisory Council for Telecom in India

14 Bhai Veer Singh Marg, New Delhi-110001; Tel:+911123349275; Fax: +911123349276/77; E-mail: act@coai.in

ACT/2017/021

July 17, 2017

Shri P. K. Mittal

Sr. DDG (AS)

Department of Telecommunications

Sanchar Bhawan, 20, Ashoka Road

New Delhi - 110001

**Subject: Revised terms and financial conditions from the
Unique Identification Authority of India (UIDAI)**

REFERENCE: UIDAI CIRCULARS DATED MAY 31, 2017 AND JUNE 30, 2017

Dear Sir,

1. This is with reference to the aforementioned UIDAI circular dated May 31, 2017 vide which it has issued revised AUA/KUA/ASA Agreements v4.0 along with the proposals for charging of License Fees, Bank Guarantee and schedule of financial disincentives for providing Aadhaar authentication services. Copies of the circulars issued by UIDAI are enclosed for your ready reference.
2. The Circulars require existing AUA/KUA/ASAs to agree with the revised terms and clauses of the AUA/KUA/ASA agreement and deposit non-refundable License Fee and Bank Guarantee latest by August 31, 2017, failing which the authentication services will be terminated by the UIDAI. The amount of License Fee and Bank Guarantees required to be deposited varies upto INR 1 Crore (for 2 years) and INR 50 Lakhs, respectively. Additionally, it is learnt from our member operators that UIDAI is also mulling over charging a transaction charge from TSPs for each authentication transaction.
3. Bank Guarantees are required only in cases where the credibility of onboarding entity is not ascertained or the principle party wants to cover the risk of failed payments. We believe that both DoT and UIDAI would appreciate and understand that either of the above factors are not in question considering the size of operations and nature of business for the Telecom Operators. Hence the Bank Guarantee should not be required to pay for organizations of repute.
4. Pre-production environment is primarily a testing environment (Test Bed) where basic testing needs to be performed before making changes in the production environment. Here payments are also being demanded for connecting to the Pre-production facility which will be valid only for 3 months. This is in addition to the Licensee Fees payments for using the Production

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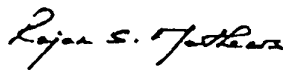


environment. There is no reason why Pre-production environment fees should be paid separately as for any production deployment testing is a very basic need. Quite frequently, the requirement of testing comes from UIDAI itself, for e.g. change in API or launch of RD's etc hence payment of such high costs for pre-production is unwarranted.

5. In this regard, we would like to submit that the telecom operators are also registered as AUA/KUA with UIDAI and are either themselves ASA or avail services from ASAs for e-KYC authentication services for issuing mobile connection to their subscribers. **It is pertinent to note that these additional obligations even on existing AUA/KUA/ASAs are imposed by the UIDAI in a unilateral manner and without holding any consultation process with the stakeholders.**
6. Industry is really surprised to see these requirements prescribed shortly after the instructions from DoT to complete 100% e-KYC based re-verification of all existing subscribers by February 06, 2018 to comply with the Order passed by the Hon'ble Supreme Court. This is like a double whammy for the telecom industry wherein on one hand, the industry is mandated for completing 100% e-KYC based re-verification of all existing subscribers and on the other hand compelled to pay for the services enabling such re-verification.
7. Needless to mention, the Government is taking lot of initiatives in the spirit of ease of doing business and bringing down the cost of providing services and identifying areas where policy reforms and strategic interventions for telecom sector are required especially at a time when industry is already under heavy huge financial constraints. We are concerned that the requirements raised by UIDAI would jeopardize the efforts of the Government and the industry that is working earnestly and committed to build the device ecosystem sufficient enough to cater to the re-verification requirements.
8. In view of the above, **we request DoT to kindly intervene in the matter and support the telecom industry for doing away with the revised requirements such as the payment of License Fee and submission of Bank Guarantees, as prescribed by the UIDAI vide its circular dated May 31, 2017.**

We are confident that we will get all the required support from the Government and the UIDAI for this and assure that a reconsideration of giving relief on above facts will enable both the industry and the Government to continue work in the best interests of the consumers and the industry as a whole.

Regards,



RAJAN S. MATHEWS
DIRECTOR GENERAL – COAI



ASHOK SUD
SECRETARY GENERAL – AUSPI

CC : Smt. Aruna Sundarajan, Secretary, DoT
: Shri G.K. Upadhyay, Member – T, DoT
: Ms. Anuradha Mitra, Member – F, DoT
: Shri. Rupinder Singh, Deputy Director General, UIDAI

A Joint Industry Initiative supported by:



F-No. K-11022/630/2017/UIDAI (Auth-II)
Unique Identification Authority of India
(Authentication Division)

9th Floor, Tower I, Jeevan Bharati Building,
Connaught Circus, New Delhi-110001

Dated: 30th June, 2017

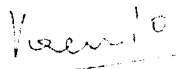
Circular

UIDAI, vide circular no:11022/630/2017/UIDAI (Auth-II) dated 31st May 2017 have issued revised AUA/KUA /ASA Agreements v4.0 along with the proposal for charging of License Fees, Bank Guarantee and schedule of financial disincentives for providing Aadhaar authentication services.

2) The circular specified that if an existing AUA/KUA/ASA, in either pre-production or production or both environments, continue to use Aadhaar Authentication services beyond 15th June 2017, it will be deemed to have agreed to the terms and clauses of the AUA/KUA/ASA Agreement v4.0 and shall be required to deposit the License Fee and Bank Guarantee by 30th June 2017.

3) A number of representations have been received from AUA/KUA/ASA entities in response to the circular dated 31st May 2017 requesting for extension of time limit for depositing Bank Guarantee and License fee.

4) The matter have been examined and the date for submitting of Bank Guarantee and License Fee by the AUAs/KUAs/ASAs is extended upto 31st August 2017. It may be noted that in case of non-compliance by the said date, the services will be terminated without any further notice. The other conditions mentioned in the circular dated 31st May 2017 remains unchanged.


(Virender Prasad) 30/6/17
Assistant Director General (Auth.)

F. No. K-11022/630/2017-UIDAI (Auth-II)
Unique Identification Authority of India
Government of India

9th Floor, Tower I,
Jeevan Bharati Building
Connaught Circus
New Delhi - 110001

Dated: 31st May 2017

CIRCULAR

The Aadhaar (Authentication) Regulations, 2016 under the Aadhaar Act, 2016 have been notified on 12th September 2016. Regulations 12, 24 and 25 of ibid Regulations provide for appointment of Authentication User Agencies (AUAs), e-KYC User Agencies (KUAs) and Authentication Service Agencies (ASAs), provisions for continuation of existing entities and imposition of disincentives for contravention of provisions of the Aadhaar Act, 2016 and its Regulations, Agreements etc.

2. The Authority in exercise of the provisions of the Regulations 12(1) and 12(2) of Aadhaar (Authentication) Regulations, 2016, has approved the Agreements for the AUAs, KUAs and ASAs to avail Aadhaar authentication services provided by UIDAI. This inter alia includes schedule of disincentives, depositing of bank guarantee, levying of license fees etc. The Agreements viz. Authentication User Agency Agreement v4.0, Authentication Service Agency Agreement v4.0, set of applications and appointment letters are available on UIDAI website.

3. In view of the decisions taken by the Authority, following directions are issued for compliance by AUAs, KUAs and ASAs:

- i. Existing AUAs and KUAs: The entities who have already signed Agreement with UIDAI and are availing authentication service either in pre-production or production or both shall be required under Regulation 24(2) of Aadhaar (Authentication) Regulations, 2016 to fulfill following requirements:
 - a. The entities availing the production environment facility for authentication shall be required to deposit license fees of Rs 20 lakh which shall be valid for 2 years w.e.f 1st June 2017.
 - b. The entities availing pre-production environment facility shall be required to deposit license fees of Rs 5 lakh which shall be valid for 3 months w.e.f 1st June 2017. The entities which desire to continue using pre-production facility beyond 3 months shall be required to renew their pre-production license key after depositing license fees of Rs 5 lakh each time which shall again be valid for a period of 3 months.

If an existing AUA or KUA, in either pre-production or production or both environments, continues to use Aadhaar authentication services beyond 15th June 2017, it shall be deemed to have agreed to the terms and clauses of the AUA Agreement v4.0 and shall be required to deposit the license fees and bank guarantee by 30th June 2017. In case it does not agree with the terms and clauses of the Agreement, it may discontinue use of Aadhaar authentication

services and shall intimate to UIDAI by 15th June 2017 for termination of their Agreement as per Regulations 24(3) and 24(4) of Aadhaar (Authentication) Regulations, 2016.

- ii. Existing ASAs: The ASAs who have already signed agreement with UIDAI and are availing authentication service either in pre-production or production or both shall be required under Regulation 24(2) of Aadhaar (Authentication) Regulations, 2016 to fulfill following requirements:
 - a. The ASAs availing the production environment facility for authentication shall be required to deposit a license fees of Rs 1 crore which shall be valid for 2 years w.e.f 1st June 2017.
 - b. The ASAs availing pre-production environment facility shall be required to deposit license fees of Rs 10 lakh which shall be valid for 3 months w.e.f 1st June 2017. The ASAs which desire to continue using pre-production facility beyond 3 months shall be required to renew their pre-production license key after depositing license fees of Rs 10 lakh each time which shall again be valid for a period of 3 months.

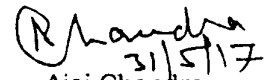
If an existing ASA, either in pre-production or production or both environments continues to use ASA services beyond 15th June 2017, it shall be deemed to have agreed to the terms and clauses of the ASA Agreement v4.0 and shall be required to deposit the license fees and bank guarantee by 30th June 2017. In case it does not agree with the terms and clauses of the Agreement, it may discontinue use of Aadhaar authentication services and shall intimate to UIDAI by 15th June 2017 for termination of their Agreement as per Regulations 24(3) and 24(4) of Aadhaar (Authentication) Regulations, 2016.

4. The above mentioned license fee is non-refundable under any circumstances including but not limited to the event of the entity (AUA/KUA/ASA) closing its business before the period for which fee has been paid or in case the Authority cancels the License / Agreement.

5. UIDAI has received a number of applications for appointment as AUAs and ASAs, which are yet to be approved or pending for Agreement signing. The application fees for such cases shall be returned and these entities will be required to apply afresh as per new format.

6. Bank Guarantee of Rs 25 lakh for AUAs and Rs 50 lakh for ASAs shall be valid for a period of 10 years from the date of signing of the agreement for new entities. In case of existing entities agreeing to continue authentication services, the bank guarantee shall be valid for period of 10 years w.e.f 1st June 2017.

7. The completed Application Form, License Fee and Bank Guarantee alongwith the required documents may be submitted to Deputy Director (Authentication) 9th Floor, Tower-1, Jeevan Bharati Building, Connaught Circus, New Delhi - 110001.


31/5/17
Ajai Chandra

Assistant Director General



Apex Advisory Council for Telecom in India

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ACT/2017/020
July 11, 2017

Shri. Rupinder Singh
Deputy Director General
Unique Identification Authority of India
Government of India
3rd Floor, Tower II,
Jeevan Bharati Building, Connaught Circus,
New Delhi - 110001

Subject: Stability of UIDAI Database Accessing Setup

Dear Sir,

1. This is with reference to the guidelines issued by the Department of Telecommunication (DoT) on activation of new mobile connections as well as re-verification of existing mobile subscribers through Aadhaar based e-KYC process.
2. We wish to convey that currently, the e-KYC based activation for new mobile connection is around 1-1.5 Million per day. The Telecom Service Providers are facing issues of timeout and server unavailability of UIDAI database sometimes. While conducting the Proof of Concept with UIDAI such issues were worked upon and mostly taken care of, however, as the magnitude of the usage of the UIDAI database has increased, issue of unavailability of database has also increased, at times during peak business working hours. Such instances have been highlighted by our members to UIDAI in recent past.
3. It is pertinent to note that with the re-verification of existing mobile subscribers gaining momentum, these volumes would reach to 10 Million transactions per day on UIDAI database. It is apprehended that the issues would increase manifold when the number of transactions goes up significantly.
4. We would sincerely request the UIDAI to be cognizant of this fact and also request UIDAI to take all possible steps for smooth functioning of the database access functionality in order to achieve the objective, as you might be aware that Hon'ble Supreme Court has issued orders for the re-verification of all existing mobile subscribers in a time bound manner. We understand and appreciate that the UIDAI database may be designed to handle such volumes, however the magnitude of the exercise being

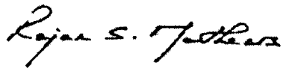
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undertaken is unprecedented not just in India, but globally. Hence, it is suggested to revisit the server specs and related infrastructure to cater to the requirement of the mobile industry for a smooth experience for the industry as well as the customers. You would appreciate that the stability of the UIDAI database access in view of this enormous exercise is of critical importance to us as an industry and to the citizens of India.

We are hopeful that the Authority will take an immediate action on this issue and we also look forward to an early revert from your side.

Regards,



RAJAN S. MATHEWS
DIRECTOR GENERAL – COAI



ASHOK SUD
SECRETARY GENERAL – AUSPI

CC : Smt. Aruna Sundarajan, Secretary, DoT
: Shri G.K. Upadhyay, Member – T, DoT
: Shri S.K. Misra, member – S, DoT
: Ms. Anuradha Mitra, Member – F, DoT
: Shri P.K. Mittal, Sr. DDG – AS, DoT

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ACT/2017/018

June 06, 2017

Shri P.K. Mittal

Sr. DDG – AS

Department of Telecommunications

Sanchar Bhawan,

20, Ashoka Road

New Delhi

**Subject: Re-verification through Aadhaar Based e-KYC to be
Allowed through All Outlets in J&K, NE & Assam**

Dear Sir,

1. The Aadhaar based biometric re-verification process has been initiated and the Industry is working earnestly on making the experience smooth and hassle free for the customers. It is well established that re-verification exercise is primarily to attach Aadhaar identifier with bio-metric authentication to the existing subscriber base and is totally independent of new customer acquisition or selling of a new SIM/connection.
2. We wish to bring to your kind notice that TERM cells of Assam, North East and J&K are mandating the TSPs to conduct the re-verification only through outlets which have TERM allocated code whereas no such requirement is given by DoT in instructions issued on March 23, 2017 regarding re-verification. They are referring to the existing **DoT instructions dated October 20, 2010 and August 30, 2016 for Assam, North East and J&K, wherein the SIM selling can happen only through outlets which have TERM allocated code (SSO), which is provided post Police verification.**
3. In this regard, we wish to impress upon the points that –
 - a. Re-verification is not Selling of SIM for new customer acquisition
 - b. The POS personnel is first authenticated thru Aadhaar based biometric authentication process and then only the re-verification process is done thus ensure complete traceability of the retailer.
4. We, therefore, see no reason to have this artificial restriction for existing subscriber base re-verification, especially when the customer acquisition outlets are limited in number

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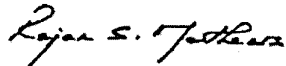


and not as geographically wide-spread as compared to outlets which provide re-charge facility to our pre-dominantly pre-paid market. In addition, some states in these LSAs have poor Aadhaar penetration thereby the availability and placement of re-verification outlets cannot be efficiently made i.e. there would be re-verification outlets at places where no person has Aadhaar and vice-versa.

5. If the TERM cells mandate is accepted, it will limit the reach of existing subscriber base to re-verification centers, thereby causing un-warranted hardship and inconvenience to existing mobile users. Most of the existing customers visit the nearest outlets for their recharge needs, which need not have TERM code.
6. The industry would like to make available bio-metric devices at as many outlets as possible to comply the DoT's instructions of re-verification and overcoming geographical challenges, a problem more acute in the states under these three LSAs.
7. In view of the above, we request urgent intervention from DoT HQ so that the re-verification process should not be linked with the process for new customer acquisitions and must be allowed through all outlets in these LSAs as re-verification based on Aadhaar based e-KYC process also ensures complete traceability of the Retailer in addition to the subscriber.

We trust that our representation will merit your consideration and suitable clarifications be issued to the TERM Cells at the earliest.

Regards,



RAJAN S. MATHEWS
DIRECTOR GENERAL – COAI



ASHOK SUD
SECRETARY GENERAL – AUSPI

CC : Shri G.K. Upadhyay, Member – T, DoT
: Shri Shivendra Bhatnagar, Sr. DDG (TERM), DoT

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ACT/2017/011
April 11, 2017

Shri P K Mittal

Sr. DDG (Access Services)
Department of Telecommunications
20, Ashoka Road, Sanchar Bhawan
New Delhi-110001

**Subject: Aadhaar e-KYC service of UIDAI for issuing mobile connections
to out station customers**

REFERENCE:

1. DoT Letter No. 800-26/2016-AS.II dated March 23, 2017 on reverification of subscribers
2. ACT Letter No. ACT/2017/007 dated February 07, 2017
3. TRAI Recommendations on e-KYC dated January 23, 2017
4. ACT Letter No. ACT/2016/036 dated October 17, 2016

Dear Sir,

1. We write to you in continuation to our earlier submissions under reference on the subject and clause no.14 of the recent instructions issued on reverification of subscribers through Aadhaar based e-KYC, wherein DoT has mentioned that the same will be issued separately for outstation customers.
2. It is seen that the instructions on both new connections through e-KYC as well as for re-verification restrict the use of this process to only home circle subscribers and therefore outstation customers (belonging to other states) are unable to either get a new connection or get their mobile number re-verified through Aadhaar based e-KYC process.
3. We wish to bring to your kind notice that outstation customer base forms a significant part of the total existing subscriber base and that also needs to be re-verified along with the home base. Exempting these subscribers from re-verification will result in a negative sentiment in the market as outstation subscribers will be left out and the desired result will not be achieved. Further, outstation customers desirous of reverification might feel that they are being discriminated against, given that e-KYC is based on Aadhaar number which is applicable across the country and the Government database. They may also question the rationale of why they are being discriminated against. We hope that you will appreciate that India currently has a sizeable floating population of around 40% where people are residing outside their home state due to various reasons (primarily due to their occupational needs); this sizeable number of citizens of the country possess Aadhaar. However, use of the Aadhaar for the purpose of reverification of their mobile number is not allowed as their Aadhaar cards possess the address of their home locations which may be different from the service area their number is allocated

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- in. Therefore, these outstation customers would be deprived of a convenient, instant and digital solution to re-verify their connection and will have to wait for longer time for the same.
4. Some of the outstation case scenarios, wherein the subscribers would not be able to get their re-verification done are given below:
 - a. There is a large population of subscribers (Government officers / Armed Forces personnel, Central Police Organization personnel (CRPF, BSF etc.)/ working professionals / migrant population) who often by the nature of their employment have to be outside their home state and have obtained mobile connection in the new locations and cannot get themselves re-verified through Aadhaar based e-KYC – such subscribers may not be updating their address due to the nature of their jobs which changes periodically. These subscribers would not be able to get themselves re-verified through e-KYC.
 - b. Students travel outside their home states for higher education. While they may have obtained SIM card through the conventional process which allowed them to get enrolled as outstation subscribers, they will not be able to get themselves re-verified as their Aadhaar carries their home state address which is their permanent address.
 5. Aadhaar is a national database maintained by a central Government authority i.e. UIDAI. Use of Aadhaar ensures full verification as the same is based on biometrics and authentic data of a resident which does not have any duplication. The complete authenticity of the subscriber can be ensured through the Aadhaar based e-KYC activation. Therefore, as such, there seems to be no valid reason to restrict the Aadhaar based e-KYC process for the re-verification of SIM card for mobile connection to the home state where the customer is registered and disallow its usage in any location outside the home state. The biometric based Aadhaar e-KYC process to re-verify SIM cards should be available to all without discrimination.
 6. TRAI also in its recommendation on 'Applicability of e-KYC process for existing mobile subscribers as well as outstation customers', after reviewing the process of Aadhaar based activations has recommended that Aadhaar based e-KYC should be permitted for outstation customers.
 7. Aadhaar card is only issued if a person holds and submits a valid government photo identity card such as Passport, Driving License, Ration Card, Voter's ID card, Arm's License, etc. Further name, address and other details on the issued Aadhaar card is same as mentioned on the Government photo identity card submitted with UIDAI. Hence traceability of an Aadhaar card holder should not be a concern, both for an outstation mobile subscriber and for a subscriber within the LSA.
 8. We would also like to bring to your notice that even though the facility of National MNP is available to all subscribers, people prefer to continue using their SIM cards of other LSA as they don't want to be inconvenienced fearing any kind of service restrictions. This phenomenon has got accentuated with tariffs being very low and with many TSPs offering free incoming calls while roaming – this has led to a large segment of subscribers who don't want to change their numbers while on roaming even though they spend long duration outside their home location. They neither opt for National MNP to port their number to that LSA nor do they update their address in the UIDAI database.
 9. Apart from the outstation subscriber scenario, we also seek confirmation to our understanding on a specific scenario. Today, many of our subscribers continue to travel across circles under roaming and it is highly likely that many of them may choose to get their mobile number re-

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verified while they are at some roaming location. As per our understanding, e-KYC based re-verification of any mobile number from any place within the country (including even roaming locations) should be possible till their demographics from UIDAI (Address / PIN CODE) fall within the home location of the MSISDN (Telecom Service Area to which the MSISDN originally belongs to and is part of HLR).

Example- If a Delhi customer (MSISDN with Delhi as home circle) goes to Mumbai (Roaming Circle) and tries the re-verification of his number from Mumbai. Re-verification will be allowed if his demographics from UIDAI (Address / PIN Code from Aadhaar records) fall under Telecom Service Area of Delhi (Home circle for the MSISDN). If the demographics received from UIDAI (Address / PIN Code from Aadhaar records) do not fall under Telecom Service Area of home circle for the MSISDN, it will be treated as an out station customer and re-verification won't be allowed till the time out-location customer are also allowed under e-KYC process.

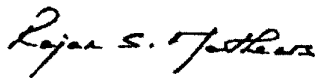
Post successful re-verification, the customer records will get updated in the data base at the home circles only. However the PoS details for such cases will be of the location, where the re-verification activity has taken place.

Requesting DoT to kindly clarify the above scenario.

10. **Recommendation:** In view of the above, the industry once again requests DoT to extend this efficient customer friendly Aadhaar based e-KYC process for new connections as well as re-verification of mobile connections to outstation subscribers and issue the desired guidelines at the earliest. This would greatly simplify the ability to re-verify the subscribers and also allow for the re-verification exercise to be more composite.

We hope our inputs will merit your kind consideration.

Regards,



RAJAN S. MATHEWS
DIRECTOR GENERAL – COAI



ASHOK SUD
SECRETARY GENERAL – AUSPI

CC : Shri G.K. Upadhyay, Member – T, DoT
: Shri Prashant Verma, ADG (AS-II), DoT

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ACT/2017/022

July 24, 2017

Shri P K Mittal,
Sr. DDG – AS
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road,
New Delhi – 110 001

Subject: Subscriber Re-verification through Aadhaar based e-KYC during Roaming

REFERENCE: DOT INSTRUCTIONS DATED MARCH 23, 2017 REGARDING E-KYC BASED RE-VERIFICATION OF EXISTING SUBSCRIBERS

Dear Sir,

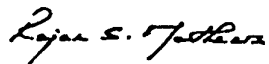
1. This is with reference to the instructions issued by DoT on re-verification of existing subscribers through Aadhaar based e-KYC.
2. It is pertinent to note that many subscribers travel across circles under roaming and it is highly likely that they may choose to get their mobile number re-verified while they are at some roaming location. As per our understanding, e-KYC based re-verification of any mobile number from any place within the country (including even roaming locations) should be possible till their demographics from UIDAI (Address/PIN CODE) fall within the home location of the MSISDN (Telecom Service Area to which the MSISDN originally belongs to and is part of HLR).
 - **Example-** If a Delhi customer (MSISDN with Delhi as home circle) goes to Mumbai (Roaming Circle) and tries the re-verification of his number from Mumbai. Re-verification will be allowed if his demographics from UIDAI (Address/PIN Code from Aadhaar records) fall under Telecom Service Area of Delhi (Home circle for the MSISDN). If the demographics received from UIDAI (Address/PIN Code from Aadhaar records) do not fall under Telecom Service Area of home circle for the MSISDN, it will be treated as an out station customer.
3. Post successful re-verification, the customer records will get updated in the data base at the home circles only with PoS details of the location where the re-verification activity has taken place. This process meets the requirements of DoT as far as re-verification of subscribers through e-KYC is concerned.

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Hence, we request you to kindly inform the TERM Cells accordingly. We submit that the industry is committed to putting their best possible efforts in this exercise and we hope that our above submissions will merit your kind consideration.

Regards,



RAJAN S. MATHEWS
DIRECTOR GENERAL – COAI



ASHOK SUD
SECRETARY GENERAL – AUSPI

CC : Shri G.K. Upadhyay, Member – T, DoT
: Shri Shivendra Bhatnagar, Sr. DDG – TERM, DoT
: Shri Prashant Verma, ADG (AS-II), DoT

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 753]

नई दिल्ली, बुधवार, सितम्बर 6, 2017/भाद्र 15, 1939

No. 753]

NEW DELHI, WEDNESDAY, SEPTEMBER 6, 2017/BHADRA 15, 1939

संचार मंत्रालय

(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 5 सितम्बर, 2017

सा.का.नि. 1131(अ).—केन्द्रीय सरकार, भारतीय तार अधिनियम, 1885 (1885 का 13) की धारा 7 द्वारा दी गई शक्तियों का प्रयोग करते हुए, भारतीय तार नियम, 1951 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

- (1) इन नियमों का संक्षिप्त नाम भारतीय तार (संशोधन) नियम, 2017 है।
(2) ये 1 अक्टूबर 2018 से प्रवृत्त होंगे।
- भारतीय तार नियम, 1951 में, भाग X और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

भाग XI

तार का परीक्षण और प्रमाणन

528. परिभाषाएं:—

तार का परीक्षण और प्रमाणना, जब तक कि संदर्भ अन्यथा अपेक्षित न हो, -

“मूल उपस्कर विनिर्माता” से तार का ऐसा विनिर्माता अभिप्रेत है जिसके ब्रांड के अधीन तार बेचा जाता है या बेचे जाने का प्रस्ताव किया जाता है।

529. अनिवार्य परीक्षण - कोई भी तार जो भारतीय तार अधिनियम, 1885 (जिसे इसके पश्चात उक्त अधिनियम कहा गया है), की धारा 4 के अनुसार केन्द्रीय सरकार द्वारा अनुदत्त, अनुज्ञाती के अधीन स्थापित किए गए, अनुरक्षित किए गए या कार्यचालित किए गए या किसी भी तार के साथ प्रयोग किया जाता हो या प्रयोग किए जाने के योग्य हो, उसे तार प्राधिकरण द्वारा समय-समय पर यथा अवधारित पैरामीटरों के अनुसार पूर्व अनिवार्य परीक्षण और प्रमाणन से गुजरना होगा।

परंतु भारत में अनुसंधान और विकास या प्रदर्शन के प्रयोजन के लिए या अनिवार्य परीक्षण के लिए नमूने के रूप में या भारत में ऐसी आवश्यक विदेशी यात्रा पर व्यक्तिगत रूप से साथ लाया गया जो भारत में व्यक्तिगत उपयोग के लिए है, तार यंत्र को जिसका उक्त अधिनियम या तत्समय प्रवृत्त किसी अन्य विधि के अधीन आयात या उपयोग प्रतिषिद्ध नहीं है, समय समय पर तार प्राधिकारी द्वारा इस निमित्त जारी किसी आदेश द्वारा अनिवार्य परीक्षा की अपेक्षा से छूट दी जा सकेगी/

परंतु यह और कि तार प्राधिकारी राजपत्र में अधिसूचना द्वारा उन तार यंत्रों को छोड़कर जो परंतुक में विनिर्दिष्ट हैं, तार के कतिपय प्रवर्ग या प्रवर्गों को ऐसी अनिवार्य परीक्षा से निश्चित श्रेणी या श्रेणियों की छूट दे सकेगा।

530. प्रमाणन हेतु प्राधिकारी :-

(1) परीक्षण तार प्राधिकारी या तार प्राधिकारी द्वारा अभिहित किसी अन्य अभिकरण द्वारा किया जाएगा।

(2) तार प्राधिकारी द्वारा अधिसूचना के अनुसार, परीक्षण के लिए तार को पेश करने वाले व्यक्ति को निर्धारित शुल्क जो 50 लाख रुपये से अधिक नहीं होगा देना होगा तथा परीक्षण और प्रमाणन के लिए अधीनयित पैरामीटरों के अनुपालन के पश्चात, तार प्राधिकारी द्वारा विदित प्रक्रिया के अनुसार तार के लिए परीक्षण प्रमाण-पत्र जारी किया जाएगा।

(3) परीक्षण प्रमाण-पत्र की विधिमान्यता प्रमाण-पत्र पर विनिर्दिष्ट होगी और विदित प्रक्रियाओं का अनुसरण करने के पश्चात विदित फीस का संदाय करके प्रमाण-पत्र का नवीकरण करवाया जा सकता है।

531. अनिवार्य परीक्षण हेतु उत्तरदायित्व:- भारत में मूल उपस्कर विनिर्माता का यह उत्तरदायित्व होगा कि वह भारत में उपस्कर की बिक्री से पहले इसका अनिवार्य परीक्षण और प्रमाणन करवाये तथा तार प्राधिकारी द्वारा यथा विदित व्यौर जैसे विनिर्देशन, चेतावनी और प्रमाण-पत्र संख्या और इसकी वैधता तार के बाहरी भाग पर मुद्रित करे।

532. आयातकर्ता की परीक्षण हेतु आयातक का उत्तरदायित्व:- किसी व्यक्ति द्वारा भारत में विक्रय करने के लिए तार आयात करने वाले व्यक्ति अथवा उस विदेशी मूल उपस्कर विनिर्माता का यह उत्तरदायित्व होगा कि वह इसका विक्रय प्रारम्भ करने से पहले तार प्राधिकारी या उसका अभिहित निकाय से इसकी जाँच और प्रमाणन करवा लें।

533. विदेशी मूल उपस्कर विनिर्माता का उत्तरदायित्व:- जांच प्रमाण-पत्र की विधिमान्यता समाप्त होने के पश्चात विदेशी मूल उपस्कर विनिर्माता भारत में विक्रय के लिये तार की कोई मात्रा नहीं भेजेगा।

534. पुनः प्रमाणीकरण:- तार के एक बार प्रमाणित हो जाने पर भारतीय या विदेशी मूल उपस्कर विनिर्माता के विक्रेता या वितरक या अभिकरण से अतिरिक्त प्रमाणन प्राप्त किया जाना अपेक्षित नहीं होगा परंतु ऐसे तार का मॉडल या ब्राण्ड किसी प्रकार से उस तार के मॉडल या ब्रांड से भिन्न नहीं होगा जिसे प्रमाणित किया गया है और उसकी बॉडी पर तार प्राधिकारी द्वारा यथा निर्धारित प्रमाणन संबंधी विवरण दिया जाएगा।

535. अप्रमाणित तार के विक्रय का वर्जन- कोई व्यक्ति किसी ऐसे तार का, जब तक उसे ऐसे प्राधिकारी या अभिकरण द्वारा प्रमाणित नहीं कर दिया जाता है, विक्रय नहीं करेगा जिसके संबंध में नियम 530 में निर्दिष्ट तार प्राधिकारी या किसी अभिहित प्राधिकारी द्वारा अनिवार्य अधिप्रमाणन अपेक्षित है।

536. अप्रमाणित तार को हटाया जाना :- (1) कोई ऐसा व्यक्ति, जिसे उपअधिनियम के अधीन तार को संस्थापित करने, इसका रखरखाव करने अथवा इस पर कार्य करने के लिए अनुज्ञप्ति अथवा अनुमति दी गई हो, यह पता चलने पर कि प्रयोगकर्ता द्वारा अप्रमाणित तार का उपयोग किया जा रहा है, यह सुनिश्चित करेगा कि ऐसे तार को हटा दिया जाए अथवा यदि वह ऐसे तार को हटाने में असफल रहता है तो यह सुनिश्चित करेगा कि अप्रमाणित तार के प्रयोग का पता चलने के सात दिनों के भीतर सेवा अथवा कनेक्टिविटी को वापस ले लिया जाये तथा ऐसे सभी मामले तार प्राधिकारी की जानकारी में प्रत्येक सप्ताह लाये जाएं।

(2) अनुज्ञप्तिधारी द्वारा उसके नेटवर्क में ऐसे किसी तार का उपयोग, जब तक उसे प्रमाणित नहीं कर दिया जाता है, नहीं किया जाएगा जिसके लिए अनिवार्य प्रमाणन अपेक्षित है।

537. (1) उल्लंघन और सूचनाएँ:- यदि कोई व्यक्ति किसी तार के संबंध में इस भाग के उपबंधों का उल्लंघन करेगा तो तार प्राधिकारी:-

(i) ऐसे व्यक्ति को सूचना जारी कर सकेगा जो अधिनियम की धारा 4 के अधीन दी गई अनुज्ञप्ति या अनुमति की शर्तों से संबन्धित विधि के उपबंधों का उल्लंघन करता है।

(ii) अनुज्ञप्ति या अनुमति के निबंधनों और शर्तों के अनुसार कार्यवाही कर सकेगा, यदि इस प्रकार अनुज्ञप्ति या अनुमति प्राप्त व्यक्ति द्वारा अप्रमाणित तार का उपयोग किया जाता है या ऐसा व्यक्ति उसके नेटवर्क या सेवा के उपभोक्ताओं से अप्रमाणित तार हटाने में असफल रहता है।

(iii) ऐसे तार को अभिरक्षा में ले सकेगा और तार को नष्ट करने का आदेश दे सकेगा चाहे वह आयातित हो या भारतीय मूल का स्वदेशी वस्तु की दशा में, यदि ऐसा व्यक्ति अर्थार्थ आयतकरता या मूल उपस्कर विनिर्माता उलंघन की सूचना जारी होने की तारीख से 180 दिन के भीतर अनिवार्य प्रमाणन करवाने में असमर्थ रहता है।

(2) उपनियम (1) में निर्दिष्ट व्यक्ति को, विहित फीस के 10 गुना का संदाय करके ऐसे तार के लिए तार प्राधिकारी को प्रमाणीकरण के लिए अनुज्ञाप्त किया जा सकेगा और तार प्राधिकारी यथा विनिर्दिष्ट प्रक्रियाओं का पालन करने के पश्चात प्रमाण पत्र जारी करेगा।

[फा. सं. 3-1/2011-पीएचपी (पार्टी)]

अमित यादव, संयुक्त सचिव (प्रशासन)

नोट: मूल नियम पोस्ट और तार नियम अंक/खंड I, विधायी अधिनियमिति, भाग-II संस्करण द्वारा प्रकाशित किए गए और पश्चातवरती संशोधन निम्नलिखित द्वारा किए गए

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| 1. सा. का. नि. 190, तारीख 18.02.1984 | 24. सा. का. नि. 626 (अ), तारीख 17.05.1988 |
| 2. सा. का. नि., 386 तारीख 22.05.1984 | 25. सा. का. नि. 660 (अ), तारीख 31.05.1988 |
| 3. सा. का. नि. 387 (अ), तारीख 22.05.1984 | 26. सा. का. नि. 693 (अ), तारीख 10.06.1988 |
| 4. सा. का. नि. 679, तारीख 30.06.1984 | 27. सा. का. नि. 734 (अ), तारीख 24.06.1988 |
| 5. सा. का. नि. 428, तारीख 27.04.1985 | 28. सा. का. नि. 606, तारीख 14.07.1988 |
| 6. सा. का. नि. 729, तारीख 03.08.1985 | 29. सा. का. नि. 812 (अ), तारीख 26.07.1988 |
| 7. सा. का. नि. 982, तारीख 19.10.1986 | 30. सा. का. नि. 888 (अ), तारीख 01.09.1988 |
| 8. सा. का. नि. 553 (अ), तारीख 27.03.1986 | 31. सा. का. नि. 907 (अ), तारीख 07.09.1988 |
| 9. सा. का. नि. 314, तारीख 26.04.1986 | 32. सा. का. नि. 916 (अ), तारीख 09.09.1988 |
| 10. सा. का. नि. 566, तारीख 26.07.1986 | 33. सा. का. नि. 1054, तारीख 02.11.1988 |
| 11. सा. का. नि. 953 (अ), तारीख 23.07.1986 | 34. सा. का. नि. 179, तारीख 18.03.1989 |
| 12. सा. का. नि. 1121 (अ), तारीख 01.10.1986 | 35. सा. का. नि. 358 (अ), तारीख 15.03.1989 |
| 13. सा. का. नि. 1167 (अ), तारीख 28.10.1986 | 36. सा. का. नि. 622 (अ), तारीख 15.06.1989 |
| 14. सा. का. नि. 1237 (अ), तारीख 28.11.1986 | 37. सा. का. नि. 865, तारीख 29.09.1989 |
| 15. सा. का. नि. 49, तारीख 17.01.1987 | 38. सा. का. नि. 413 (अ), तारीख 29.03.1990 |
| 16. सा. का. नि. 112 (अ), तारीख 25.02.1987 | 39. सा. का. नि. 574 (अ), तारीख 15.06.1990 |
| 17. सा. का. नि. 377 (अ), तारीख 09.04.1987 | 40. सा. का. नि. 933 (अ), तारीख 03.12.1990 |
| 18. सा. का. नि. 674 (अ), तारीख 27.07.1987 | 41. सा. का. नि. 985 (अ), तारीख 20.12.1990 |
| 19. सा. का. नि. 719 (अ), तारीख 18.08.1987 | 42. सा. का. नि. 74 (अ), तारीख 18.01.1991 |
| 20. सा. का. नि. 837 (अ), तारीख 05.10.1987 | 43. सा. का. नि. 237 (अ), तारीख 25.04.1991 |
| 21. सा. का. नि. 989 (अ), तारीख 17.12.1987 | 44. सा. का. नि. 251 (अ), तारीख 02.05.1991 |
| 22. सा. का. नि. 337 (अ), तारीख 11.03.1988 | 45. सा. का. नि. 543 (अ), तारीख 21.05.1992 |
| 23. सा. का. नि. 361 (अ), तारीख 21.03.1988 | 46. सा. का. नि. 560 (अ), तारीख 26.05.1992 |

47. सा. का. नि. 587 (अ), तारीख 10.06.1992	61. सा. का. नि. 412 (अ), तारीख 29.05.2012
48. सा. का. नि. 730 (अ), तारीख 19.08.1992	62. सा. का. नि. 368 (अ), तारीख 07.06.2013
49. सा. का. नि. 830 (अ), तारीख 28.10.1992	63. सा. का. नि. 506 (अ), तारीख 24.07.2013
50. सा. का. नि. 62 (अ), तारीख 11.02.1993	64. सा. का. नि. 18, तारीख 28.01.2014
51. सा. का. नि. 80, तारीख 06.02.1993	65. सा. का. नि. 912 (अ), तारीख 23.12.2014
52. सा. का. नि. 384 (अ), तारीख 27.04.1993	66. सा. का. नि. 653 (अ), तारीख 25.08.2015
53. सा. का. नि. 387 (अ), तारीख 28.04.1993	67. सा. का. नि. 241, तारीख 10.12.2015
54. सा. का. नि. 220 (अ), तारीख 26.03.2004	68. सा. का. नि. 297(अ), तारीख 28.03.2017
55. सा. का. नि. 713 (अ), तारीख 17.11.2006	69. सा. का. नि. 314 (अ), तारीख 31.03.2017
56. सा. का. नि. 193 (अ), तारीख 01.03.2007	70. सा. का. नि. 406 (अ), तारीख 20.04.2017
57. सा. का. नि. 547 (अ), तारीख 18.07.2008	71. सा. का. नि. 439 (अ), तारीख 02.05.2017
58. सा. का. नि. 49 (अ), तारीख 27.01.2010	72. सा. का. नि. 482 (अ), तारीख 17.05.2017
59. सा. का. नि. 279 (अ), तारीख 31.03.2010	73. सा. का. नि. 507(अ), तारीख 22.05.2017
60. सा. का. नि. 256 (अ), तारीख 27.03.2012	74. सा. का. नि. 540(अ), तारीख 31.05.2017

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 5th September, 2017

G.S.R. 1131(E).—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Rules, 1951, namely:—

- (1) These rules may be called the Indian Telegraph (Amendment) Rules, 2017.
- (2) They shall come into force on 1st October, 2018.
- In the Indian Telegraph Rules, 1951, after PART X and the entities relating there to, the following shall be inserted, namely :—

PART XI

TESTING AND CERTIFICATION OF TELEGRAPH

528. Definitions :—

Testing and certification of telegraph - in this part, unless the context otherwise requires,—

“Original Equipment Manufacturer” means a manufacturer of telegraph under whose brand the telegraph is sold or proposed to be sold.

529. Mandatory Testing- Any telegraph which is used or capable of being used with any telegraph established, maintained or worked under the licence granted by the Central Government in accordance with the provisions of section 4 of the Indian Telegraph Act, 1885 (hereinafter referred to as the said Act), shall have to undergo prior mandatory testing and certification in respect of parameters as determined by the telegraph authority from time to time:

Provided that the telegraph imported for the purpose of research and development or demonstration in India or as sample for mandatory testing or personally accompanied on inward foreign travel to India which is for personal use in India and not prohibited to be imported or used under the said Act or any other law for the

time being in force, may be exempted by an order issued in this regard by the telegraph authority from time to time, from the requirement of mandatory testing:

Provided further that the telegraph authority may by notification in the Official Gazette exempt certain category or categories of telegraph except those specified in the proviso from such mandatory testing.

530. Authority for testing- (1) The testing shall be carried out by the telegraph authority or any other agency designated by the telegraph authority.

(2) The fee charged for testing carried out by the telegraph authority from the person who offers the telegraph for testing shall not exceed rupees fifty lakhs as specified by notification and the telegraph authority after compliance of the parameters set forth both for testing and certification shall issue a test certificate for the telegraph, as per the procedures prescribed by the telegraph authority.

(3) The validity of the test certificate shall be as specified in the certificate and the certificate may be renewed on payment of prescribed fee, after following the prescribed procedures.

531. Responsibility for mandatory testing :- It shall be the responsibility of the Original Equipment Manufacturer in India for getting the mandatory testing and certification done before sale of equipment in India and to print the details of telegraph as prescribed by the telegraph authority such as specification, warning and certificate number and its validity on the outside body of the telegraph.

532. Responsibility of importer for testing :- It shall be the responsibility of the person importing telegraph for sale in India or the foreign Original Equipment Manufacturer to offer the telegraph for testing and certification by the telegraph authority or its designated body before sale.

533. Responsibility of foreign original equipment manufacturer :- The foreign Original Equipment Manufacturer shall not dispatch any quantity of the telegraph for sale in India after expiry of the validity of the test certificate.

534. Recertification :- When a telegraph has been certified, the dealer or distributor or agency of the Indian or foreign Original Equipment Manufacturer shall not be required to get the telegraph certified again provided that the model or brand of such telegraph is not different in any manner from the one which has been certified and shall carry details of certification on the body of the telegraph as prescribed by the telegraph authority.

535. Bar on sale of uncertified telegraph:- No person shall sell any telegraph in respect of which mandatory certification is required by the telegraph authority or any designated agency, referred to in rule 530, unless it is certified by such authority or agency.

536. Removal of uncertified telegraph:- (1) Any person licensed or permitted to establish, maintain or work a telegraph under the said Act shall, on detection of use of uncertified telegraph by a user, ensure its removal by the user or, in case of his failure in such removal, withdrawal of service or connectivity to network within seven days of its detection and all such cases shall be brought to the notice of the telegraph authority in each week.

(2) No telegraph in respect of which mandatory certification is required, shall be used by the licensee in its network unless it is certified.

537.(1) Contravention and notices:- If any person contravenes the provisions of this Part, in respect of any telegraph, the telegraph authority may,

(i) issue notice to the person who contravenes the provisions of law pertaining to conditions of license or permission granted under section 4 of the Act,

(ii) take action in accordance with the terms and conditions of the licence or permission, if uncertified telegraph is used by the person so licensed or permitted, or if such person fails to get uncertified telegraph removed from the users of his network or service;

(iii) take custody of such telegraph and order to destroy the telegraph whether imported or of Indian origin, if the person i.e. the importer or the Original Equipment Manufacturer in case of indigenous item is unable to get the mandatory certification done within one hundred and eighty days from the date of issue of notice of violation;

(2) The person referred to in sub-rule(1) may be permitted to apply for Certification to the telegraph authority for such telegraph on payment of ten times of prescribed fee and the telegraph authority after observing the procedures as specified may issue the Certificate.

[F. No. 3-1/2011-PHP(Pt.)]

AMIT YADAV, Jt. Secy. (Admin)

Note: The principal rules were published in the Post and Telegraph Manual Volume I. Legislative Enactments, Part II, Edition and subsequently amended *vide* notification numbers—

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| 1. G.S.R. 190, dated the 18 th February, 1984; | 32. G.S.R. 916(E), dated the 9 th September, 1988; |
| 2. G.S.R. 386, dated the 22 nd May, 1984; | 33. G.S.R. 1054, dated the 2 nd November, 1988; |
| 3. G.S.R. 387(E), dated the 22 nd May, 1984; | 34. G.S.R. 179, dated the 18 th March, 1989; |
| 4. G.S.R. 679, dated the 30 th June, 1984; | 35. G.S.R. 358(E), dated the 15 th March, 1989; |
| 5. G.S.R. 428, dated the 27 th April, 1985; | 36. G.S.R. 622(E), dated the 15 th June, 1989; |
| 6. G.S.R. 729, dated the 3 rd August, 1985; | 37. G.S.R. 865, dated the 29 th September, 1989; |
| 7. G.S.R. 982, dated the 19 th October, 1986; | 38. G.S.R. 413(E), dated the 29 th March, 1990; |
| 8. G.S.R. 553(E), dated the 27 th March, 1986; | 39. G.S.R. 574(E), dated the 15 th June, 1990; |
| 9. G.S.R. 314, dated the 26 th April, 1986; | 40. G.S.R. 933(E), dated the 3 rd December, 1990; |
| 10. G.S.R. 566, dated the 26 th July, 1986; | 41. G.S.R. 985(E), dated the 20 th December, 1990; |
| 11. G.S.R. 953(E), dated the 23 rd July, 1986; | 42. G.S.R. 74(E), dated the 18 th January, 1991; |
| 12. G.S.R. 1121(E), dated the 1 st October, 1986; | 43. G.S.R. 237(E), dated the 25 th April, 1991; |
| 13. G.S.R. 1167(E), dated the 28 th October, 1986; | 44. G.S.R. 251(E), dated the 2 nd May, 1991; |
| 14. G.S.R. 1237(E), dated the 28 th November, 1986; | 45. G.S.R. 543(E), dated the 21 st May, 1992; |
| 15. G.S.R. 49, dated the 17 th January, 1987; | 46. G.S.R. 560(E), dated the 26 th May, 1992; |
| 16. G.S.R. 112(E), dated the 25 th February, 1987; | 47. G.S.R. 587(E), dated the 10 th June, 1992; |
| 17. G.S.R. 377(E), dated the 9 th April, 1987; | 48. G.S.R. 730(E), dated the 19 th August, 1992; |
| 18. G.S.R. 674(E), dated the 27 th July, 1987; | 49. G.S.R. 830(E), dated the 28 th October, 1992; |
| 19. G.S.R. 719(E), dated the 18 th August, 1987; | 50. G.S.R. 62(E), dated the 11 th February, 1993; |
| 20. G.S.R. 837(E), dated the 5 th October, 1987; | 51. G.S.R. 80, dated the 6 th February, 1993; |
| 21. G.S.R. 989(E), dated the 17 th December, 1987; | 52. G.S.R. 384(E), dated the 27 th April, 1993; |
| 22. G.S.R. 337(E), dated the 11 th March, 1988; | 53. G.S.R. 387(E), dated the 28 th April, 1993; |
| 23. G.S.R. 361(E), dated the 21 st March, 1988; | 54. G.S.R. 220(E), dated the 26 th March, 2004; |
| 24. G.S.R. 626(E), dated the 17 th May, 1988; | 55. G.S.R. 713(E), dated the 17 th November, 2006; |
| 25. G.S.R. 660(E), dated the 31 st May, 1988; | 56. G.S.R. 193(E), dated the 01 st March, 2007; |
| 26. G.S.R. 693(E), dated the 10 th June, 1988; | 57. G.S.R. 547(E), dated the 18 th July, 2008; |
| 27. G.S.R. 734(E), dated the 24 th June, 1988; | 58. G.S.R. 49(E), dated the 27 January, 2010; |
| 28. G.S.R. 606, dated the 14 th July, 1988; | 59. G.S.R. 279(E), dated the 31 st March, 2010; |
| 29. G.S.R. 812(E), dated the 26 th July, 1988; | 60. G.S.R. 256(E), dated the 27 th March, 2012; |
| 30. G.S.R. 888(E), dated the 1 st September, 1988; | 61. G.S.R. 412(E), dated the 29 th May, 2012; |
| 31. G.S.R. 907(E), dated the 7 th September, 1988; | 62. G.S.R. 368(E) dated the 07 th June, 2013; |

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| 63. G.S.R. 506(E) dated the 24 th July, 2013; | 69. G.S.R. 314(E) dated the 31 st March, 2017; |
| 64. G.S.R. 18 dated the 28 th January, 2014; | 70. G.S.R. 406(E) dated the 20 th April, 2017; |
| 65. G.S.R. 912(E) dated the 23 rd December, 2014; | 71. G.S.R. 439(E) dated the 2 nd May, 2017; |
| 66. G.S.R. 653(E) dated the 25 th August, 2015; | 72. G.S.R. 482(E) dated the 17 th May, 2017; |
| 67. G.S.R. 241 dated the 10 th December, 2015; | 73. G.S.R. 507(E) dated the 22 nd May, 2017; and |
| 68. G.S.R. 297(E) dated the 28 th March, 2017; | 74. G.S.R. 540(E) dated the 31 st May, 2017 |



RSM/COAI/2017/112

June 22, 2017

Shri Ashutosh Pandey,
DDG (R),
Telecommunication Engineering Centre
Khursid Lal Bhawan, Janpath,
New Delhi - 110001

Subject: Procedure for Certification of Telecommunication Equipment

Dear Sir,

1. This is with reference to the proposal from TEC to implement mandatory Testing and Certification of Telecom Equipment, prior to sale/import/use in the country. Vide this, TEC has proposed that any Original Equipment Manufacturer (OEM)/ Importer/ Dealer who wish to sell, import, or use any telecom equipment in India, shall have to obtain Certificate from Telecommunication Engineering Centre (TEC) and mark or affix the equipment with appropriate Certification label.
2. In this regard, we would like to submit that India began its regulatory reforms in the early 1990s, reducing state involvement, by putting in place independent regulatory mechanisms to boost competition and private-sector-led growth, and to strengthen consumer protection. Improving the ease of doing business conditions is essential for attracting investment and enhancing economic growth.
3. COAI and its member companies fully support and endorse the vision of the Hon'ble Prime Minister for a Digital India, which includes financial inclusion through mobiles (Jan Dhan Aadhaar Mobile – JAM trinity), Make in India, Skill India, e/m-Governance services available on demand, digital empowerment of all citizens and a country where broadband is available as a utility to every citizen. As is well appreciated that a robust telecom sector, especially wireless networks will play a significant role in delivering on this vision to the citizens of India. The Government has also made significant efforts to develop and implement a regulatory governance system following international good practices and administrative simplification in priority sectors.
4. While the industry is moving towards optimistic business climate with improving business conditions uniformly across the country, the proposed draft guidelines for "Mandatory Testing" of telecom equipment is surely going to cripple the entire telecom sector eco-system which is already debt ridden, overburdened with regulatory & policy interventions and multiple government/sectoral compliances including various other testing requirements.

5. It is important to note that more than any specific requirement, unpredictability of regulation, or changing of policies mid-way, has a more deleterious impact on the perception of ease of doing business. The degree to which the assessment of conformity with this regulation may act as a trade barrier, and WTO Members have committed themselves to ensure that technical regulations and standards do not create unnecessary obstacles to international trade.
6. We submit that product and service-related requirements – such as technical, environmental, product safety and legal/ regulatory considerations – are managed within OEM'S business processes and these requirements form the basis for planning projects, specifying product parameters and tracking the fulfillment of these at every stage of the process. Life-Cycle Assessment (LCA) on a continual basis is carried out to understand environmental impacts and to guide research and innovation into solutions that lessen environmental footprint.
7. It is important to note that, the list of products that are subjected to testing and certification in the proposed draft have already been meeting relevant legal and regulatory requirements in over 180 different markets including India and OEM's ensure high environmental and social standards. The telecom products are developed based on the global standards and does undergo various testing and certification process at globally reputed international labs for Health, Environment, Safety, Conformity Assessments, etc. It is pertinent to note that Equipment are manufactured as per global standards and are following global best practices in quality testing and certification.
8. Telecom operators in India include the mandatory compliances & standards in their RFP's and such undertakings are an integral part of the OEM's compliances, that are contractually binding with both telecom operators as well as prevailing statutory/ regulatory requirements of country.
9. Moreover, the technical conditions in the Unified License, stipulated by Ministry of Communications, DoT does not indicate any mandatory testing of telecom equipment to be inducted in to networks by telecom operators under their license conditions.
10. It is pertinent to note that the proposed mandatory testing by TEC is a 'Technical Barrier to Trade' and is not in sync with the Government of India's objective on improving ease of doing business. Aiding such a conformity assessment (testing, inspection and certification) of products or of manufacturers of products intended for use in Indian market would thereby increase the costs of technical and/or regulatory barriers to trade, restricting market access, potential import delays and consequent business disruptions could be huge if the proposed mandatory testing regulation remains. It will also act as a direct deterrent to the 'Make in India' initiative of the Government.
11. The Government, instead of adding one more layer of testing, may recognize and review from time to time the test reports and certificates issued by conformity assessment bodies that are internationally reputed to assess whether products conform to the standards and safety requirements, as is the case now.
12. Declining revenues, mounting debt, hyper-competitive market place have posed tremendous pressure on network investments and expansions. The financial pressure is leading to further debt and the industry is already going through a rough patch leading to consolidations at both operators as well as the global OEM's.

OUR REQUEST

In view of our submissions and to be in line with the Hon'ble PM's efforts to improve ease of doing business; the mandatory testing of telecom products proposal should be abolished, as this mandatory local screening will create potential supply chain disruptions, increasing the cost of telecom services and hurting end consumers.

We hope our above submissions will merit your kind consideration.

Kind regards,



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Director General

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