



भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India



**Consultation Paper on
the Regulatory Framework for the Sale of
Foreign Telecom Service Providers' SIM/eSIM Cards
for the use in M2M/IoT Devices meant for Export purposes**

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Written comments on the Consultation Paper are invited from stakeholders by 01.08.2025 and counter-comments by 18.08.2025. The comments and counter-comments may be sent, preferably in electronic form, to Shri Akhilesh Kumar Trivedi, Advisor (Networks, Spectrum and Licensing), TRAI on the email ID advmn@traigov.in. Comments and counter-comments received from stakeholders will be posted on the TRAI's website (www.traigov.in).

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CHAPTER I: INTRODUCTION

A. Introduction

1.1 In the 1980s, European countries started developing a digital mobile communication standard to replace the analog systems¹ which were used for providing cellular mobile telephony in Europe at that time. The result was Global System for Mobile Communications (GSM). One of the early lessons from analog cellular mobile systems was their vulnerability to fraud and cloning, as authentication was either weak or non-existent. Therefore, a critical goal of GSM was to ensure security, interoperability, and user mobility. To meet these requirements, the GSM standard 11.11 defined a separate, tamper-resistant smart card. This smart card would store International Mobile Subscriber Identity (IMSI) i.e. unique ID for the user, authentication key, and algorithms for authentication and encryption. The smart card was called the Subscriber Identity Module (SIM). The GSM's decision to make the SIM removable and separate from the mobile handset was groundbreaking. It provided -

- (a) User Mobility: Users could move their identity and subscription from one phone to another by simply replacing the SIM card.
- (b) Operator Flexibility: Mobile network operators could pre-provision SIM cards and control access to their network.
- (c) Device Unlocking: This separation enabled multiple device vendors to enter the market, fueling the global mobile revolution.

1.2 The first SIM card was launched in 1991 by a German company named Giesecke+Devrient (G+D).² This SIM card was of the size of a credit card (full-size SIM card). In 1996, the Mini SIM (or regular SIM) was launched. One had to open

¹ Analog signals vary smoothly over time, capturing real-world phenomena like sound, light, or temperature in a continuous manner. On the other hand, digital signals represent information using discrete values, typically binary code (0s and 1s), allowing for precise and unambiguous data representation.

² Source: <https://www.gi-de.com/en/group/press/press-releases/30-years-of-sim-a-fascinating-success-story#:~:text=The%20success%20story%20began%20in,simple%20cell%20phones%20to%20communicate.>

the battery area on the back of the mobile phone to insert the Mini SIM. The size of the SIM card reduced further with the launch of the Micro SIM in 2010. In 2012, the Nano SIM was launched, which was even smaller than the Micro SIM. Today, most modern mobile phones use Nano SIM cards.³ The form factors of various SIM cards have specific nomenclature – 1FF for the full-size SIM card, 2FF for Mini SIM, 3FF for Micro SIM, and 4FF for Nano SIM⁴. This category of SIM cards is commonly referred to as 'physical SIM card', or 'removable SIM card', or simply 'SIM card'. Users insert such SIM cards into a designated slot in their mobile devices to connect to a cellular mobile network.

- 1.3 The other category of SIMs is called embedded SIM or eSIM. The journey of eSIM began in the year 2010, when the Global System for Mobile Communications Association (GSMA) introduced the concept of eSIM as a flexible, embedded alternative to the physical SIM card. eSIM was initially designed for machine-to-machine (M2M) communications.⁵ The eSIM technology was formally introduced in 2016 when GSMA standardized it as a global specification. This marked the beginning of a shift from physical SIM cards to embedded, digital SIMs, allowing for remote SIM provisioning and network switching without physical SIM replacement.
- 1.4 Both SIM and eSIM have consumer and M2M variants. Consumer SIMs/ eSIMs are used in personal devices like smartphones and tablets. In contrast, M2M SIMs/ eSIMs are used in IoT⁶ devices.

³ Source: [https://esim.redbullmobile.com/blog/invention-of-the-sim-card/#:~:text=The%20first%20SIM%20cards%20were,Subscriber%20Identity%20Module%20\(SIM\)](https://esim.redbullmobile.com/blog/invention-of-the-sim-card/#:~:text=The%20first%20SIM%20cards%20were,Subscriber%20Identity%20Module%20(SIM))

⁴ 1FF (Full-size SIM): Credit-card sized SIM
2FF (Mini-SIM): Measures 25mm x 15mm x 0.76mm
3FF (Micro-SIM): Measures 15mm x 12mm x 0.76mm
4FF (Nano-SIM): Measures 12.3mm x 8.8mm x 0.67mm

⁵ At a broad level, telecommunication services cater to the following types of requirements:

(a) Personal communication, also referred to as "Person-to-Person (P2P) communication"; and
(b) Machine-to-Machine (M2M) communication.

The term "M2M" refers to technologies that allow both wireless and wired systems to communicate with other devices of the same ability. M2M uses a device (such as a sensor or meter) to capture an event, which is relayed through a network (wireless, wired or hybrid) to an application, that translates the captured event into meaningful information". In essence, M2M communication is a form of communication that involves one or more entities that do not necessarily require human interaction or intervention in the process of communication.

⁶ IoT is an acronym of Internet of Things. DoT has defined the term 'IoT' as "*connected network of embedded devices capable of having M2M communication without human intervention.*"

- 1.5 In general, there are three main states of a SIM card:
- (a) Unconfigured or Inactive SIM - A SIM card that has not yet been personalized or provisioned for any user or mobile number - It contains no valid IMSI (International Mobile Subscriber Identity) and is not recognized by any mobile network.
 - (b) Configured SIM (Provisioned but Inactive) - A SIM card that has been personalized/ configured with IMSI, authentication key and operator-specific profiles - It is ready to be activated on a mobile network but not yet active for service use.
 - (c) Active SIM - A fully activated and operational SIM associated with a subscriber - It is registered on a mobile network and authorized to use telecom services.
- 1.6 Both SIM and eSIM can be used to access cellular mobile services. In India, customers can subscribe to cellular mobile services only after providing the requisite know-your-customer (KYC) documents to prove their identity and address. After obtaining KYC documents from the customer, the service provider hands out a configured SIM card to the customer. Customers can insert the SIM card obtained from the service provider in their mobile device. The SIM is activated only after a successful KYC verification of the customer by the service provider. In case of eSIM, the eSIM which is already embedded in the customer's mobile device is configured and activated over-the-air through the remote provisioning feature. Once the SIM/ eSIM is activated, the customer is authorised to use cellular mobile telecommunication services (such as voice, text, and data as per the applicable tariff plan) in the home network area of the service provider. If the customer travels outside the home network area of the service provider, the SIM/ eSIM can still use the telecommunication services on a visited network if the service provider has a roaming⁷ arrangement with a service provider operating in the visited area. A SIM which is roaming outside the country of the home network, is often referred to 'international roaming SIM'.

⁷ Roaming in telecommunications refers to a mobile device's ability to stay connected to telecommunication services (calls, texts, data) when it is outside its home network's coverage area, by automatically using a visited network through operator agreements.

- 1.7 Indians travelling to foreign countries can choose one of the following options for using telecommunication services (such as voice, text, and data) in the foreign country:
- (a) They can request their telecom service provider in India to activate the international roaming facility in that country on their SIM; or
 - (b) Upon reaching the foreign country, they can obtain a new SIM card from a telecom service provider of the foreign country; or
 - (c) Before travelling to a foreign country, they can obtain international roaming SIM card, or global calling card⁸ from a service provider in India, who is authorised to sell or rent such SIM cards.
- 1.8 For personal communications, international roaming SIM cards and global calling cards have been in use for a long time. International roaming SIM cards and global calling cards of foreign telecom service providers provide an option to avail cellular mobile telecommunication services outside the home country without having to pay premium roaming rates. As per the extant regulatory regime in India, any entity which intends to provide international roaming SIM cards and global calling cards of foreign operators on sale/ rent basis in India is required to obtain a no objection certificate (NOC) for sale/ rent of international roaming SIM cards/ global calling cards (GCC) of foreign operators in India from the Central Government. As per the information available on the DoT's website, 29 entities hold NOC for sale/ rent of international roaming SIM cards/ global calling cards (GCC) of foreign operators in India at present.⁹

B. The Reference Dated 17.09.2024

- 1.9 The Department of Telecommunications (DoT), Ministry of Communications, Government of India, through its letter dated 17.09.2024 (**Annexure**), requested Telecom Regulatory Authority of India (hereinafter, also referred to as "TRAI", or

⁸ A global calling card is a stored value telephone card. It has a prepaid balance and an expiry date. It allows an Indian customer travelling in a foreign country to dial a local access number, enter a PIN and then make international telephone calls at a reduced rate from a local telephone of that country. After the call, telephone call charges get deducted from the prepaid balance of the global calling card.

⁹ Information as on 31.12.2024

"the Authority") to provide recommendations under section 11(1)(a) of TRAI Act, 1997 regarding the terms and conditions for the issue and renewal of no objection certificate (NOC) for the import/ sale of foreign telecom service providers' SIM/ eSIM cards for the use in M2M/ IoT devices meant for export purposes. The relevant extract of the reference is reproduced below:

"M2M technology is creating significant opportunities and has a proven potential of revolutionizing the performance of various verticals of different sectors, businesses, and services, by providing automation and intelligence to the end devices. With the ability to tap into a device's data stream on an ongoing basis, it is possible to track and service a device throughout its entire lifecycle from the assembly line to the recycling heap, leading to a redefinition of customer relationships and business operations. In all, M2M technology has the potential to unleash significant productivity gains and economic growth, unlike any previous technology wave.

2. The international Telecommunication Union (ITU-T) has defined Internet of things (IoT) as 'Global infrastructure for the information society, enabling advanced services by interconnecting (physical and virtual) things based on existing and evolving interoperable information and communication technologies. Through the exploitation of identification, data capture, processing, and communication capabilities, the IoT makes full use of things to offer services to all kinds of applications, whilst ensuring that security and privacy requirements are fulfilled'.

3. Subscriber Identity Modules (SIMs) for the purposes of M2M/ IoT communications are embedded (integrated/ soldered) at the point of manufacturing in order to achieve the standard physical and environmental requirements and are deployed in domestic and/ or international market.

4. There are certain Indian manufacturers who are exporting their products to the international market. Such manufacturers are seeking foreign SIMs to be provided to them in India itself for integration into their products for IoT/ M2M services for use outside India.

5. Requests (...) have been received in DoT for provision to be made for sale of foreign operator's SIMs for IoT/ M2M under the DoT's No Objection certificate (NOC) policy for sale of foreign operator's SIMs.

6. *The existing policy (...) issued on 14.01.2022 is for issue/ renewal of No Objection Certificate (NOC) for sale/ rent of international roaming SIM cards/ Global Calling Cards of Foreign Operators in India. The cards being offered under this policy to Indian customers are for use only outside India. For establishing the authenticity of the customer before selling/ renting such cards, copy of the passport of the customer including copy of valid visa and additional proof of identity (PoI) and proof of address (PoA) as per the prescribed document based PoI/ PoA process or alternate digital KYC process, for issuing new mobile connection as prescribed by DoT shall be obtained.*
7. *The new requirements received are for NOC for import/ sale of Foreign Telecom Service Providers SIM cards for testing and/ or use in Internet of Things (IoT) and Machine to Machine (M2M) products which are meant for export purpose. There are practical difficulties in fitting this use case under the existing NOC policy, particularly in KYC and compliance requirements. Therefore, a separate Policy for Issue/ Renewal of NOC for Import/ Sale in India of SIM/ eSIM cards (or chips) of Foreign Telecom Service Providers, for use in M2M/ IoT devices/products meant for export only is proposed by DoT.*
8. *DoT floated a Consultation Paper (...) to seek comments/ inputs from various stakeholders. However, comments/inputs were received only from 2 entities (...).*
9. *TRAI is requested to give its recommendations under clause 11(1)(a) of TRAI Act, 1997 (as amended) regarding the terms and conditions for issue and renewal of No Objection Certificate (NOC) for import/ sale of Foreign Telecom Service Providers SIM/ eSIM cards for use in M2M/ IoT devices meant for export purpose."*

- 1.10 Hereinafter, the afore-mentioned DoT's letter dated 17.09.2024 shall also be referred to as "the Reference dated 17.09.2024".

C. The Present Consultation Paper

- 1.11 In this context, this consultation paper has been prepared to solicit comments from stakeholders on the regulatory framework for the sale of foreign telecom service providers' SIM/ eSIM cards for the use in M2M/ IoT devices meant for export

purposes. This chapter provides an introduction and background information about the subject. Chapter II examines the issues. Chapter III summarizes the issues for consultation.

CHAPTER II: EXAMINATION OF ISSUES

A. Extant Legal Framework for Telecommunication Services

- 2.1 In the pre-independence era, the Imperial Legislative Council, the legislature of British India, enacted two statutes viz. the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933 to administer telegraphy in India. The Indian Telegraph Act, 1885 gave the Central Government an exclusive privilege to establish, maintain, and work telegraphs in India. It also gave the Central Government the power to grant licenses to any person to establish, maintain or work a telegraph within any part of India. The Indian Wireless Telegraphy Act, 1933 regulated the possession of wireless telegraphy apparatus in the country. It prohibited the possession of wireless telegraphy apparatus without a license from the Central Government. Even after the independence of the country in 1947, the Government of India continued to administer telecommunications through the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933.
- 2.2 Until the early 1990s, the telecommunication services sector in the Independent India remained a state monopoly. In 1991, the Government of India announced the New Economic Policy (NEP) 1991 and initiated a variety of policies of liberalisation, privatisation and globalisation (LPG). In July 1992, the Government of India announced the opening of the sub-sector of value-added services in telecommunication sector to private investment for (a) Electronic Mail, (b) Voice Mail, (c) Data Services, (d) Audio Text Services, (e) Video Text Services, (f) Video Conferencing, (g) Radio Paging, and (h) Cellular Mobile Telephone. Thereafter, many other telecommunication services were also opened to private investment. Today, there is a long list of telecommunication services which can be provided after obtaining a suitable permission from the Government of India. While most of the telecommunication services are being regulated through telecommunication service licenses, the services such as sale/ rent of international roaming SIM cards/ global calling cards in India are being regulated through a No Objection Certificate (NOC).

B. Regulatory Framework for the Sale/ Rent of International Roaming SIM Cards/ Global Calling Cards of Foreign Operators in India

- 2.3 Since 1995, the Government has been granting no objection certificate (NOC) for selling international roaming SIM cards in India. Till 2014, the NOC was granted for a period of one year which could be renewed upon the request of the NOC holder entity; the international roaming SIM cards could be used only outside India and customers were not permitted to make calls from India using these cards. On 05.08.2014, the Government notified a revised policy for issuing NOC for the sale/ rent of international roaming SIM cards/ global calling cards in India. The salient terms and conditions of the NOC under the policy dated 05.08.2014 were as below:
- (a) The NOC shall be issued initially for a period of three years and shall be renewed upon the request of the company for a further period of three years.
 - (b) The card being offered to Indian customers will be for use only outside India. However, if it is essential to activate the card for making test calls/ emergency calls before the departure of customer and/ or after the arrival of the customer, the same shall be permitted for 48 hours only prior to departure from India and 24 hours after arrival in India. The company selling/ renting such SIM/ calling cards shall ensure that the time limit of the activation of such cards in India is adhered to, failing which the company shall be liable to pay a fine of Rs. 500 per hour for each SIM/ calling cards for every extra hour of activation.
 - (c) For establishing the authenticity of the customers (photo identity and address proof etc.) proper verification of users of such cards shall be carried out before selling/ renting such cards. Copy of the passport of the customer with a valid visa shall also be obtained.
 - (d) Complete details of such global cards along with full particulars, including the validity period and address of the person to whom the international roaming card has been sold/ rented shall be provided to the designated security agencies on a monthly basis.
 - (e) All types of clearances from any agency like RBI/ customs etc. will be duly taken by the company.

- 2.4 During 2014-15, TRAI received grievances from the consumers who had availed the services of Indian entities having NOC for sale/ rent of international roaming SIM cards/ global calling cards in India. The complaints ranged from overcharging to poor customer care to transparency in tariff etc. In this regard, TRAI issued a letter on 19.05.2015 to all companies, who had been issued the NOC by DoT, asking them to respond to a questionnaire seeking details of the type of SIM cards marketed, consumer grievance redressal mechanism etc. After analyzing the responses received from the companies and considering the grievances of the consumers, TRAI sent its recommendations on 'Sale/ Rent of International Roaming SIM Cards/ Global Calling Cards in India' to the Government. Through these recommendations, TRAI recommended a range of consumer protection measures in respect of the consumers of international roaming SIM cards and global calling cards.
- 2.5 Thereafter, TRAI conducted a customer response survey with a view to examining the complaints and identifying the measures that could be adopted to improve the end-user experience of international roaming SIM cards and global calling cards. Based on its analysis, TRAI, on 14.06.2017, sent 'Additional Recommendations on Sale/ Rent of International Roaming SIM cards/ Global Calling Cards of Foreign Operators in India'. Through the additional recommendations, TRAI recommended, *inter-alia*, a framework for enabling informed decision making before a customer purchases an international roaming SIM card/ global calling card, and a customer complaint monitoring system.
- 2.6 After considering the recommendations of TRAI, DoT issued the 'Revised Policy for issue/ renewal of NOC for sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India' on 14.01.2022. The salient terms and conditions of NOC for sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India conveyed through the revised policy dated 14.01.2022 are given below:
- (a) Eligibility: The Applicant must be an Indian company registered under the Indian Companies Act.
 - (b) Application Processing Fee: Rs. 5,000 (non-refundable)

- (c) Tenure/ Renewal: The NOC shall be issued initially for a period of three years and shall be renewed on the request of the company for a further period of three years at a time.
- (d) Clearances by NOC holder: All types of clearances from any agency like RBI/ customs etc. will be duly taken by the company.
- (e) Customer Verification: For establishing the authenticity of the customer before selling/ renting such cards, copy of the passport of the customer including copy of valid visa and additional Proof of Identity (PoI) and Proof of Address (PoA) as per the prescribed document-based PoI/ PoA process or alternate digital KYC process, for issuing new mobile connection as prescribed by DoT shall be obtained. However, for countries where visa is not required for Indian Nationals or where visa is issued on arrival to the Indian Nationals, in place of the copy of the valid visa, copy of valid travel ticket along with an undertaking from the customer mentioning the name of country/ places where he/ she intends to visit shall be obtained.
- (f) Monthly report to security agencies: Complete details of such global cards along with full particulars, including validity period of the card and address of the person to whom the international roaming cards have been sold/ rented, shall be provided to the designated security agencies on a monthly basis. A monthly report giving a summary of information submitted to security agencies and DoT field units will be submitted to DoT.
- (g) Usage of Cards outside India: The cards being offered to Indian customers will be for use only outside India. However, if it is essential to activate the card for making test calls/ emergent calls before the departure of customer and/ or after the arrival of the customer, the same shall be permitted for 48 hours only prior to departure from India and 24 hours after arrival in India.
- (h) Penalty: The company selling/ renting such SIMs/ global calling cards shall ensure that the time limit of activation of such cards in India is adhered to, failing which the company shall be liable to pay a fine of Rs. 500 per hour for each SIM cards/ global calling cards for every extra hour of activation.
- (i) Procedure for NOC to innovative solutions: The procedure to be followed to issue NOC on such applications which propose to offer some application (App)

based services or other innovative solutions shall be decided by DoT on a case-by-case basis. The applicant company may be required to give presentation(s) or submit such other information as may be deemed necessary by DoT. The decision of DoT shall be final and binding.

- (j) Annual return: The NOC holder company shall submit 'Annual Return' to DoT in the prescribed proforma within one month of the completion of the financial year. In case of the non-submission of 'Annual Return' or non-compliance of the terms and conditions of the policy, DoT may withdraw the NOC by a written notice to the NOC holder.
- (k) Suspension/ Revocation of NOC: The NOC can be suspended before the expiry of the validity period if, in the opinion of DoT, it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the Telegraph. DoT may without prejudice to any other remedy available for the breach of any conditions by a written notice to the NOC holder withdraw the NOC. For this purpose, DoT shall issue a show cause notice of 21 days to the NOC holder. If the DoT decides to withdraw the NOC, the same shall be effective from the 61st calendar day from the date of issue of such withdrawal order. Provided further that DoT shall not be responsible for any damage or loss caused or arisen out of the aforesaid action.
- (l) Right to inspect: DoT or its authorised representative shall have the right to access and inspect the sites/ offices used for providing the service. The NOC holder shall provide the necessary facilities and cooperate with DoT or its authorised representative. The inspection will ordinarily be carried out after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.
- (m) Right to seek information: DoT or its authorised representative shall have the right to seek documents/ information from the NOC holder company and the NOC holder company will provide the necessary documents/ information. The NOC holder shall preserve the customer records for at least one year from the month of acquisition of the customer.

- (n) Tariff plan: The tariff plan along with the terms and conditions, containing details in India and the visiting country should be provided at the time of handing over the SIM to the customer.
- (o) Toll-free Number: The NOC holder shall ensure that upon reaching the country of destination, the consumer shall preferably be provided toll-free customer care service by the foreign partner with whom the Indian NOC holder has a commercial agreement. In case the toll-free customer care service is not available, the consumer may be charged at local call rates.
- (p) Detail bill to post-paid customers: The post-paid customers should be issued an itemized bill for chargeable or bundled free usage service in hard copy or electronic form.
- (q) Grievance Reddressal Mechanism: The grievance redressal mechanism against NoC holders shall be at par with the process being followed in respect of grievances against Indian telecom service providers.

C. The Telecommunications Act, 2023

2.7 In December 2023, the Parliament passed the Telecommunications Act, 2023¹⁰. The purpose of the Act is to amend and consolidate the laws concerning the development, expansion, and operation of telecommunication services and telecommunication networks, assignment of spectrum, and related matters¹¹. Section 3 of the Telecommunications Act, 2023 gives the Central Government the power to grant authorisation. Section 3 of the Telecommunications Act, 2023 is reproduced below:

"3(1) Any person intending to —

(a) provide telecommunication services;

(b) establish, operate, maintain or expand telecommunication network; or

(c) possess radio equipment,

¹⁰ The Telecommunications Act, 2023 is available at the URL: <https://egazette.gov.in/WriteReadData/2023/250880.pdf>

¹¹ Section 60 (1) of the Telecommunications Act, 2023 provides as below:

"Subject to the other provisions of this section, the enactments namely, the Indian Telegraph Act, 1885, and the Indian Wireless Telegraphy Act, 1933, are hereby repealed."

shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

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

(3) The Central Government, if it determines that it is necessary in the public interest so to do, may provide exemption from the requirement of authorisation under sub-section (1), in such manner as may be prescribed.

(4) Any exemption granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933 shall continue under this Act, unless otherwise notified by the Central Government.

(5) Any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.

(6) A license, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933, in respect of provision of telecommunication services or telecommunication network—

(a) where a definite validity period is given, shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such license or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed; or

(b) where a definite validity period is not given, shall be entitled to continue to operate on the terms and conditions of such licence or registration or permission for

a period of five years from the appointed day, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

(7) Any authorised entity which provides such telecommunication services as may be notified by the Central Government, shall identify the person to whom it provides telecommunication services through use of any verifiable biometric based identification as may be prescribed.

(8) The Central Government may, subject to such terms and conditions, including fees or charges as may be prescribed, allot telecommunication identifiers for use by authorised entities.

(9) The Central Government may allow use of telecommunication identifiers allotted by international bodies which are recognised by the Central Government from time to time.”

D. TRAI’s Recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023

- 2.8 On 21.06.2024, DoT sent a reference to TRAI under Section 11(1)(a) of the TRAI Act, 1997 and requested TRAI to provide its recommendations on terms and conditions, including fees and charges, for the authorisations to provide telecommunication services as per the provisions of the Telecommunications Act, 2023. In this regard, after following a comprehensive consultation with stakeholders, the Authority sent its recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 to the Government. Through these recommendations, the Authority recommended to the Government to introduce, *inter-alia*, a service authorisation for sale/ rent of International Roaming SIM Cards/ Global Calling Cards of Foreign operators in India under the Telecommunications Act, 2023. Notably, the Authority recommended that the terms and conditions of the authorisation for sale/ rent of International Roaming SIM Cards/ Global Calling Cards of Foreign operators in India should be light-touch, and

the authorisation should be granted online with digitally signed auto-generated authorisation. The salient terms and conditions of the authorisation for sale/ rent of International Roaming SIM Cards/ Global Calling Cards of Foreign operators in India recommended by the Authority through the afore-mentioned recommendations are given below:

- (a) Period of Validity of the Authorisation: 10 years
- (b) Renewal of Authorisation: The Central Government may renew, if deemed expedient, the Authorisation by a term equivalent to the validity of the Authorisation, upon request of the Authorised Entity, if made at least six months prior to the expiry of the Authorisation, on the terms specified by the Central Government, subject to the extant policy. The decision of the Central Government shall be final and binding in this regard.
- (c) Service Area: National level
- (d) Scope of Service: The Authorised Entity is permitted to provide sale/ rent of International Roaming SIM Cards of Foreign Operators in India as per the following scope:
 - (i) Selling or renting of Subscriber Identity Module (SIM) owned by Foreign Cellular Mobile Service Providers to any person in India intending to visit abroad for a specified duration and use the International Roaming facility.
 - (ii) It includes Global Calling cards on the same terms.
 - (iii) The term 'Cards' shall apply collectively to the above cases.
- (e) Eligibility: The applicant must be an Indian company, registered under the Indian Companies Act.
- (f) Minimum Equity: Nil
- (g) Minimum Net-worth: Nil
- (h) Application processing fee: Rs. 5,000
- (i) Authorisation Fee: Nil
- (j) Usage of Cards outside India: The cards being offered to Indian users will be for the use only outside India. However, if it is essential to activate the card for making test calls/ emergent calls before the departure of the user and/ or after the arrival of the user, the same shall be permitted for forty-eight (48) hours only prior to departure from India and twenty-four (24) hours after arrival in

India. Such test calls/ emergent calls made from India through these calling cards shall be international roaming calls. The service profile on eSIM must be deactivated on the original mobile phone, before it is reactivated on another mobile phone.

- (k) Documents required from users: For establishing the authenticity of the user before selling/ renting such cards, a copy of the valid passport of the user including a copy of valid visa and additional proof of identity (PoI) and proof of address (PoA) as recognised by the Central Government shall be obtained. However, for the countries where visa is not required for Indian Nationals or where visa is issued on arrival to the Indian Nationals, in place of the copy of valid visa, a copy of valid travel ticket along with an undertaking from the user mentioning the name of country/ places where user intends to visit, shall be obtained by the Authorised Entity.
- (l) Monthly report to Security Agencies: Complete details of such global cards (including the period) along with full particulars, including address of the person to whom the international roaming card has been sold/ rented, shall be provided to the designated Security Agencies monthly. In case of no sale/ rent of such cards during the month, a 'Nil' report shall be submitted. A monthly report giving a summary of information submitted to Security Agencies shall be provided to concerned field units of the DoT where the Authorised Entity has its Registered Office.
- (m) Annual return: The Authorised Entity shall submit 'Annual return' to the Central Government within one month of the completion of the financial year. Non-submission of 'Annual return' or non-compliance of the rules shall be a valid ground for the revocation of the Authorisation after giving prior notice at the registered office of the Authorised Entity.
- (n) Right to Inspection: The Central Government or its authorised representative shall have the right to access and inspect the sites/ offices used for providing the Service. The Authorised Entity shall provide the necessary facilities and cooperate with the Central Government or its authorised representative. The inspection will ordinarily be carried out after giving reasonable notice except in

circumstances in which giving such a notice will defeat the very purpose of the inspection.

- (o) The Central Government or its authorised representative shall have the right to seek documents/ information from the Authorised Entity, and it will provide the necessary documents/ information. The Authorised Entity shall preserve the user records for at least one year from the month of acquisition of user.
- (p) Penalty, Suspension, Surrender, Termination/ Revocation of Authorisation:
 - (i) In case of breach of any of the terms and conditions of Authorisation granted under the Telecommunications Act, 2023, the Adjudicating Officer appointed by the Central Government may, pursuant to an inquiry, impose financial penalty and/ or make recommendations for the consideration of the Central Government regarding suspension, revocation, or curtailment of the duration of the authorisation.
 - (ii) Adjudication and appeal of any contravention or breach of the terms and conditions of the Authorisation shall be governed by the Rules on Adjudication and Appeal notified under the Telecommunications Act, 2023.
 - (iii) The Authorised Entity may surrender the Authorisation, by giving a notice of at least 60 calendar days in advance. In such a case, it shall also notify all its users by sending 30 calendar days' notice to each user. The balance amount including the security deposit paid by the user, if any, available with the Authorised Entity shall be refunded to the user within a period of 30 days. The effective date of the surrender shall be the 61st calendar day counted from the date of receipt of such notice by the Central Government, if it is not rejected by the Central Government within 30 days of the date of receipt of the notice.
 - (iv) The Central Government reserves the right to suspend the operation of the Authorisation, at any time, if, in the opinion of the Central Government, it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the telecommunication:

Provided that if situation so warrants, the Central Government may

dispense with the issue of notice prior to such suspension. The decision of the Central Government shall be final and binding in this regard:

Provided further that the Central Government shall not be responsible for any damage or loss caused or arisen out of aforesaid action:

Provided also that the suspension of the Authorisation shall not be a cause or ground for extension of the period of the Authorisation and suspension period will be taken as period spent.

- (v) The Central Government reserves the right to terminate/ revoke/ suspend the Authorisation, at any time in the interest of public by giving a notice of 60 calendar days from the date of issue of such notice:
Provided that, in the interest of national security or in the event of national emergency/ war or low intensity conflict or similar type of situations, the Central Government has the right to revoke/ suspend the Authorisation, without any notice period.
- (q) The Central Government reserves the right to modify at any time the terms and conditions of the Authorisation, or incorporate new conditions, if in the opinion of the Central Government, it is considered necessary or expedient to do so in the interest of national security, public interest and for proper conduct of Telecommunication.
- (r) Tariff: Tariff plan along with the terms and conditions, should be made available at the time of handing over the Card to the user. The Service offerings could be categorised into pre-paid and post-paid. All applicable tariff rates should be available under the link 'Tariff Plans' and the contact details should be displayed on the website under the link 'Contact us' on the main page of the website of the Authorised Entity. Else, the Authorised Entity shall provide the website links of the foreign-based service provider to the user at the time of selling/ renting of the Card.
- (s) The Authorised Entity shall inform the user about the types of services offered (i.e. data, or voice or a combination of both) before selling/ renting such a Card. The service offerings shall be categorised into pre-paid and post-paid.

- (t) For an informed choice to be made by a user about foreign-based service provider, additional details or relevant web-links relating to foreign network coverage, user complaint redressal system etc. shall be provided.
- (u) User Care channels: Relevant contact details including telephone number, e-mail ID and working times of the Customer Care of the Authorised Entity and the concerned foreign based service provider, shall be made available to the user at the time of selling/ renting/ registration for services.
- (v) The Authorised Entity should ensure that upon reaching the country of destination, the user shall preferably be provided toll-free customer care service by the foreign partner with whom the Authorised Entity has an on-going commercial agreement. In case the toll-free customer care service is not available, the consumer may be charged at local call rate.
- (w) Billing: The users, on request, may be provided an itemised bill in electronic form.
- (x) Credit limit: Message notification(s) through SMS/ USSD shall be provided to a post-paid user, once credit limit availed has met certain pre-determined threshold(s).
- (y) Grievance Redressal: The Authorised Entity shall inform its users regarding grievance handling channel; maximum time taken for resolution and means to escalate the grievance. All grievances received shall be logged, monitored and reasonable resolution be provided in a maximum period of 30 days.

E. Requests Received in DoT w.r.t. the Sale of Foreign Operators SIMs for IoT/ M2M

- 2.9 Through the Reference dated 17.09.2024, DoT has conveyed that it has received requests for the provision to be made for sale of foreign operator's SIMs for IoT/ M2M under DoT's No Objection Certificate (NOC) policy for the sale of foreign operator's SIMs. In this regard, DoT has also enclosed a representation of Confederation of Indian Industry (CII), through which CII had submitted, *inter-alia*, the following request to DoT:

"a) At present, DoT issues a No Objection Certificate allowing for sale in India of International Roaming SIM cards of foreign operators for use outside the country. The cards being offered to Indian customers are for use only outside India.

b) The NOC mandates the seller to collect information of the subscribers including the passport details as well as details of the VISA issued to the individual for travel to another country.

c) The DoT policy also has a provision for innovative solutions but it specified that it would be issued on case-to-case basis.

d) There are certain Indian manufacturers who are exporting their products to International market. Such manufacturers are seeking foreign SIMs to be provided to them in India itself for integration into their products for IoT/ M2M services for use outside India.

Industry request

In the interest of Indian manufacturers who are exporting their products, NOC policy of DoT allowing for sale of foreign SIMs should also allow for sale of foreign SIMs for IoT/ M2M requirements with the continuing caveat that such SIMs can only be functional outside India."

F. DoT's Consultation Process

2.10 Through the Reference dated 17.09.2024, DoT has conveyed that it floated a consultation paper to seek comments/ inputs from various stakeholders; however, comments/ inputs were received only from two entities. Along with the reference dated 17.09.2024, DoT has enclosed copies of the consultation paper and the stakeholders' comments.

2.11 Through the consultation paper dated 19.04.2023, DoT raised the following issues for consultation:

“

- a. *Whether firms registered under LLP-2008 and proprietors registered under Shop & Establishments Acts also be allowed to apply for NOC?*
- b. *Whether activation of SIMs is required while in India for sample/ function/ prototype testing? If yes, what should be the maximum/ percentage quantity and duration that should be allowed? Justification may be given.*
- c. *Who should be the custodian of the SIMs till export of the products i.e. NOC holder or manufacturer company that embed/ fits the SIMs in their products?*
- d. *Whether penalties should be imposed for non-compliance of terms of NOC? If yes, specify amount/ formulae? If not, how to ensure compliance?*
- e. *Whether manufacturers who want to embed/ fit the foreign SIMs in their products, would prefer obtaining NOC for themselves or would like to buy it from other NOC holders?*
- f. *Give your comments on any related matter that is not covered in this Consultation Paper.”*

2.12 A summary of the inputs provided by two stakeholders in response to the DoT's consultation paper dated 19.04.2023 is given below:

- (a) In response to the question (a), a stakeholder opined that NOC should be provided only to the entities holding Unified License or M2MSP registration as the issue of offering communication services including in-roaming connectivity in India has security and consumer data privacy related concerns. The other stakeholder suggested that any individual person or legal entity, incorporated or unincorporated, that is involved in *bona fide* business activities should be allowed to apply for the NOC.
- (b) In response to question (b), a stakeholder opined that the activation of

international profiles can be allowed depending upon the use case and applicable customer process. The other stakeholder suggested that the activation can be allowed in India for testing and calibration purposes; the duration of testing would depend on the nature of testing contemplated and could be for a maximum period of six months.

- (c) In response to the question (c), a stakeholder opined that as long as the SIM is in India, the NOC holder should be held responsible for ensuring that there is no unauthorized connectivity provided to SIMs. The other stakeholder suggested that the NOC holder should be made the custodian of the foreign SIM.
- (d) In response to the question (d), a stakeholder opined that the NOC only enables the service provider to provide foreign SIMs to devices going out of the country and imposing penalty may be disproportionate to the scope of service. The other stakeholder suggested that instead of punishments, a cooling off period or in egregious cases, blacklisting would be more appropriate given the nature of activities.
- (e) In response to the question (e), a stakeholder opined that manufacturers desirous of embedding foreign SIMs in their products can obtain NOC post registering under M2MSP registration to meet the regulatory requirement. The other stakeholder suggested that both manufacturers and other NOC holders should be permitted to obtain NOC.
- (f) In response to the question (f), a stakeholder opined that the M2M regulations as well as custodian requirements mandated for domestic connections should not be applicable for foreign SIM cards; it also suggested that operating and commercial arrangements for the M2M customers should be under forbearance. The other stakeholder proposed that IoT SIMs (manufactured abroad) may be allowed to be locally used in India for the purposes of (i) research and development, (ii) sale to individual customers for their personal use in IoT compatible devices and (iii) any other commercial purposes so that

the best technology manufacturers can enter Indian market, and there can be a widespread utilization of IoT technology in all aspects.

- 2.13 In this background, DoT has requested TRAI to provide its recommendations under Section 11(1)(a) of the TRAI Act, 1997 regarding the terms and conditions for the issue and renewal of No Objection Certificate (NOC) for import/ sale of foreign telecom service providers' SIM/ eSIM cards for use in M2M/ IoT devices meant for export purposes.
- 2.14 Prior to examining the regulatory aspects of the issue and renewal of No Objection Certificate (NOC) for the import/ sale of foreign telecom service providers' SIM/ eSIM cards for use in M2M/ IoT devices meant for export purposes, a brief description in respect of IoT and M2M is given below:

G. IoT and M2M

- 2.15 In June 2012, International Telecommunication Union (ITU)¹² released its recommendation on 'Overview of the Internet of Things'¹³. In the recommendation, ITU defined 'Internet of things (IoT)' as *"[a] global infrastructure for the information society, enabling advanced services by interconnecting (physical and virtual) things based on existing and evolving interoperable information and communication technologies"*.
- 2.16 In India, DoT issued National Telecom M2M Roadmap¹⁴ in May 2015. The roadmap defined M2M and IoT as below:

M2M: *"M2M, the acronym for Machine-to-Machine communication, is an emerging area in the field of telecom technologies. M2M refers to technologies that allow both wireless and wired systems to communicate with other devices of the same ability."*

¹² ITU is the United Nations specialized agency for digital technologies (ICTs). Source: <https://www.itu.int/en/about/Pages/default.aspx>

¹³ Source: ITU's recommendation ITU-T Y.2060 (06/2012), accessible at URL: [Y.2060 : Overview of the Internet of things \(itu.int\)](https://www.itu.int/y2060)

¹⁴ Source: <https://dot.gov.in/sites/default/files/National%20Telecom%20M2M%20Roadmap.pdf>

M2M uses a device (such as a sensor or meter) to capture an event, which is relayed through a network (wireless, wired or hybrid) to an application, that translates the captured event into meaningful information”.

IoT: *“IoT is connected network of embedded devices capable of having M2M communication without human intervention.”*

2.17 The M2M ecosystem is entirely different from the standard telecommunication ecosystem. It is more diverse and involves multiple stakeholders. The oneM2M¹⁵ has outlined the M2M ecosystem as below¹⁶:

- (a) User (individual or company): Uses an M2M solution
- (b) Application Service Provider: Provides an M2M application service, and operates M2M applications
- (c) M2M Service Provider: Provides M2M services to Application Service Providers, and operates M2M common services
- (d) Network Operator: Provides connectivity and related services for M2M Service Providers and operates an underlying network.

2.18 The wireless communication technologies used for M2M communications may broadly be classified as below:

- (a) Fixed and Short-Range Technologies: RFID, Bluetooth, Zigbee, Wi-Fi etc.
- (b) Long Range Technologies:
 - (i) Non-3GPP Standards: LoRaWAN, Sigfox, etc., and
 - (ii) 3GPP Standards: LTE-M, NB-IoT, 5G, etc.

2.19 For providing M2M communications using 3GPP standards, Subscriber Identity Modules (SIMs) are used. SIMs store communication profiles that uniquely identify cellular subscriptions. A communications profile includes Mobile Station International Subscriber Directory Number (MSISDN) and International Mobile Subscriber Identity

¹⁵ oneM2M is a global partnership initiative of eight standards development organizations: ARIB (Japan), ATIS (North America), CCSA (China), ETSI (Europe), TTA (North America), TSDSI (India), TTA (Korea), and TTC (Japan) to develop specifications for Machine-to-Machine (M2M) communications systems and the Internet of Things (IoT).

¹⁶ Source: <https://www.onem2m.org/harmonization-m2m>

(IMSI). Mainly, there are two types of SIMs viz.:

- (a) Physical SIM: SIM form factors Full-Size (1FF), Mini-SIM (2FF), Micro-SIM (3FF), Nano-SIM (4FF) are physical SIMs which can be easily removed and inserted as per user requirements. The Mobile Network Operator (MNO) is fixed in each SIM card and cannot be changed. Integrated Circuit Card Identification (ICCID) is used as the unique key to identify the SIM card. Generally, a physical SIM card can store the communication profile of only one MNO.
- (b) Embedded SIM: The SIM with machine-to-machine form factor (MFF2) is known as embedded SIM or eSIM. It is soldered directly to the motherboard of M2M device, fully encased in the device. Embedded SIM (eSIM) and embedded Universal Integrated Circuit Card (eUICC) are often used interchangeably, even though there is a difference between the two. The eSIM is the hardware component of the SIM and a physical form that can be soldered into a solution. On the other hand, eUICC refers to the software component of eSIM that provides the capability to store multiple network profiles that can be provisioned and managed Over-the-Air (OTA). ICCID is the key used to identify profiles and eUICC-ID (EID) is used as the unique key to identify the eSIM.

2.20 In May 2015, DoT published the National Telecom M2M Roadmap¹⁷ to outline the broad policy and regulatory approach to facilitate the M2M ecosystem in the country. In May 2018, the Central Government issued the National Digital Communication Policy-2018¹⁸ (NDCP-2018). One of the strategies of NDGP-2018 was *"[s]implifying licensing and regulatory frameworks whilst ensuring appropriate security frameworks for IoT/ M2M/ future services and network elements incorporating international best practices"*.

2.21 In January 2022, DoT introduced a separate authorization on Machine-to-Machine (M2M) under the Unified License Agreement¹⁹. Thereafter, through an office

¹⁷ Source: https://dot.gov.in/sites/default/files/National%20Telecom%20M2M%20Roadmap_0.pdf

¹⁸ Source: <https://dot.gov.in/sites/default/files/Final%20NDGP-2018.pdf?download=1>

¹⁹ Source: https://dot.gov.in/sites/default/files/UL%20AGREEMENT%20with%20Audiotex%20M2M%20without%20INSAT%20MSSR%2017012022_0.pdf?download=1

memorandum dated 08.02.2022, DoT issued 'Guidelines for Registration process of M2M Service Providers (M2MSP) & WPAN/WLAN Connectivity Providers for M2M Services'²⁰. Through these guidelines, DoT instructed, *inter-alia*, that in order to address concerns like interface issues with telecom service providers (TSPs), Know your customer (KYC), security and encryption, all M2M service providers utilizing telecom facilities from authorized TSPs should have M2MSP registration. In these guidelines, the term 'M2MSP' was defined as below:

"M2M Service Provider" (M2MSP) is an Indian company, registered under the Indian Companies Act, 2013 or an LLP (Limited Liability Partnership) registered under LLP Act, 2008 or a partnership firm which provides M2M services to third parties using telecom resources. Provided that

(a) such third parties utilising M2M services from registered M2MSP in connection with its products or as part of its offerings to its end customers as a product or service, and

(b) any organization which intends to provide M2M services for its own use (captive use) and not for commercial purpose, shall also be covered under this definition."

- 2.22 On 01.01.2024, DoT issued an 'addendum to the guidelines for registration of M2M Service Providers (M2M SPs) & WPAN/ WLAN Connectivity Providers for M2M Services'. Through the said addendum, DoT notified as below:

"2. In order to proliferate the standard-based and secure M2M/ IoT ecosystem and to address the concerns of M2M Service Providers and WPAN/WLAN Connectivity Providers for M2M services, related to interface with TSPs, KYC, Security, Encryption etc., it has been decided to extend the scope of the registration to also allow all types of business entities such as company, Government Departments/ Organizations, Partnership Firms, LLPs, Institutions, Undertakings, Proprietorship Firms, Societies and Trusts to apply for registration as M2M Service Providers and WPAN/WLAN Connectivity Provider for M2M services, as the case may be, as part of

²⁰ Source: <https://dot.gov.in/sites/default/files/M2MSP%20Guidelines%20.pdf?download=1>

the above guidelines.

3. Accordingly, all the entities providing M2M services or WPAN/ WLAN connectivity for M2M services, shall register with DoT through the SaralSanchar portal (<https://saralsanchar.gov.in>) by 31.03.2024, failing which the telecom resources taken from Authorised Telecom Licensees of DoT are liable to be withdrawn/ disconnected."

H. Regulatory Framework for the Sale of Foreign Telecom Service Providers' SIM/ eSIM Cards for use in M2M/ IoT Devices Meant for Export Purposes

2.23 Through the Reference dated 17.09.2024, DoT has requested TRAI to provide recommendations on terms and conditions for issue and renewal of no objection certificate (NOC) for the import/ sale of foreign telecom service providers' SIM/ eSIM cards for use in M2M/ IoT devices meant for export purposes. With respect to the sale of foreign telecom service providers' SIM/ eSIM cards for the use in M2M/ IoT devices meant for export purposes, the Authority took note of the following aspects:

(a) Earlier, the Central Government administered the licensing of telecommunication services mainly through the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1885. The Indian Telegraph Act, 1885 was the main legislation dealing with the establishment, maintenance and working of telegraphs in the country. It provided the Central Government an exclusive privilege of establishing, maintaining and working telegraphs²¹ in India, and a power to grant a license, on such conditions and in consideration of such payments as it thinks fit, to any person to establish, maintain or work a telegraph within any part of India. The Wireless Telegraphy Act, 1933 regulated the possession of wireless telegraphy apparatus in the country. The Wireless Telegraphy Act, 1933 prohibited the possession without licence of wireless telegraphy apparatus.²²

²¹ Section 3 (1AA) of the Indian Telegraph Act, 1885 provides that "telegraph" means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro -magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means.

²² Section 60(1) of the Telecommunications Act, 2023 provides that "[s]ubject to the other provisions of this section, the enactments namely, the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933, are hereby repealed."

- (b) Under the extant legal framework, while most of the telecommunication services are being regulated through license agreements, the sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India is being regulated through a no objection certificate (NOC). Under the existing policy for the issue/ renewal of NOC for the sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India dated 14.01.2022, any entity intending to provide international roaming SIM cards/ global calling cards of foreign operators in India on sale/ rent basis requires to obtain a no objection certification (NOC) from Department of Telecommunications (DoT).
- (c) Confederation of Indian Industry (CII) through a representation to DoT requested *inter-alia* that "*the NOC policy of DoT allowing for sale of foreign SIMs should also allow for sale of foreign SIMs for IoT/ M2M requirements*".
- (d) Through the Reference dated 17.09.2024, DoT has stated that "[t]here are certain Indian manufacturers who are exporting their products to the International market. Such manufacturers are seeking foreign SIM/ eSIM to be provided to them in India itself for integration into their products for IoT/ M2M services for use outside India." DoT has further stated that "[t]he new requirements received are for NOC for import/ sale of Foreign Telecom Service Providers SIM cards for testing and/ or use in Internet of things (IoT) and Machine to Machine (M2M) products which are meant for export purpose. There are practical difficulties in fitting this use case under the existing NOC policy, particularly in KYC and compliance requirements. Therefore, a separate policy for Issue/ Renewal of NOC for Import/ Sale in India, of SIMs/ eSIM cards (or chips) of Foreign Telecom Service Providers, for use in M2M/ IoT devices/ products meant for export only is proposed by DoT."
- (e) In December 2023, the Parliament passed the Telecommunications Act, 2023. Section 3(1) of the Telecommunications Act, 2023 provides that Any person intending to- (a) provide telecommunication services; (b) establish, operate, maintain or expand telecommunication network; or (c) possess radio equipment, shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

- (f) Based on a reference from the Central Government, the Authority, through the recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 dated 18.09.2024, has recommended to the Government to introduce, *inter-alia*, a service authorisation for sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India under Section 3(1)(a) of the Telecommunications Act, 2023. The Authority has also provided recommendations on terms and conditions of this authorisation.

2.24 In the above context, it requires to be examined as to whether there is a need for introducing a new service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes. In case, based on the examination, it is decided that a new service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for the sale of foreign telecom service providers' SIM/ eSIM cards for use in M2M/ IoT devices meant for export purposes is indeed required, the terms and conditions of the new service authorisation would require to be firmed up. Alternatively, there could be a requirement to include the activity of the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes within the scope of the service authorisation for sale/ rent of International Roaming SIM Cards/ Global Calling Cards of Foreign operators in India recommended by the Authority through the recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 dated 18.09.2024.

2.25 Through the Reference dated 17.09.2024, DoT has mentioned that there are practical difficulties in fitting the use case of the sale of foreign telecom service providers' SIM/ eSIM cards for use in M2M/ IoT devices meant for export purposes under the existing NOC policy, particularly in KYC and compliance requirements. For a ready reference, the salient KYC and compliance requirements under the existing policy for the issue/ renewal of NOC for the sale/ rent of International Roaming SIM

cards/ Global calling cards of foreign Operators in India are reproduced below:

- (a) Documents required from customers: For establishing the authenticity of the customer before selling/ renting such cards, a copy of the passport of the customer including copy of valid visa and additional Proof of Identity (PoI) and Proof of Address (PoA) as per the prescribed document-based PoI/ PoA process or alternate digital KYC process, for issuing new mobile connection as prescribed by DoT shall be obtained. However, for countries where visa is not required for Indian Nationals or where visa is issued on arrival to the Indian Nationals, in place of copy of valid visa, copy of valid travel ticket along with an undertaking from the customer mentioning the name of country/ places where he/ she intends to visit shall be obtained.
- (b) Usage of Cards outside India: The cards being offered to Indian customers will be for use only outside India. However, if it is essential to activate the card for making test calls/ emergent calls before the departure of customer and/ or after the arrival of the customer, the same shall be permitted for 48 hours only prior to departure from India and 24 hours after arrival in India.
- (c) Penalty: The company selling/ renting such SIMs/ global calling cards shall ensure that the time limit of activation of such cards in India is adhered to, failing which the company shall be liable to pay a fine of Rs. 500 per hour for each SIM cards/ global calling cards for every extra hour of activation.
- (d) Monthly report to security agencies: Complete details of such global cards (including the period) along with full particulars, including address of the person to whom the international roaming cards have been sold/ rented, shall be provided to the designated security agencies on a monthly basis. A monthly report giving a summary of information submitted to security agencies and DoT field units will be submitted to DoT.

2.26 It is worth noting that the Authority, through the recommendations on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023 dated 18.09.2024, has recommended similar KYC and compliance requirements in respect of the service authorisation for sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India.

- 2.27 M2M/ IoT devices with foreign telecom service providers' SIM/ eSIM will become fully operational in the countries they are exported to. However, SIMs/ eSIMs may need to be activated for a short period of time during manufacturing for sample, demo, or prototype testing of the M2M/ IoT devices to ensure their full functionality before the export. This aspect along with KYC requirements of the customers requires a careful examination considering the national security aspects.
- 2.28 In this background, the Authority solicits inputs of stakeholders on the following questions:

Issues for consultation:

Q1. Which of the following approaches should be followed for regulating the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes:

- (a) To introduce a new service authorisation for the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes under Section 3(1)(a) of the Telecommunications Act, 2023; or**
- (b) To include the activity of the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes within the scope of the proposed service authorisation for the sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India?**

Please provide a detailed response with justifications.

Q2. In case it is decided to introduce a new service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes, what should be

the terms and conditions for such a service authorisation? Please provide inputs with respect to the following aspects:

- (a) Eligibility conditions for the authorisation;**
- (b) Application processing fee for the authorisation;**
- (c) Period of validity of the authorisation and conditions for its renewal;**
- (d) Service area of the authorisation;**
- (e) Scope of service of the authorisation;**
- (f) Authorisation fee;**
- (g) Know-Your-Customer (KYC) requirements of the customers of the SIM/eSIM;**
- (h) Period for which a foreign SIM/ eSIM should be permitted to remain active in India for testing purposes;**
- (i) Penalties for non-compliance;**
- (j) General, commercial, and operating conditions etc. of the authorisation; and**
- (k) Any other aspect.**

Please provide a detailed response with justifications.

Q3. Alternatively, in case it is decided to include the activity of the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes within the scope of the proposed service authorisation for sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India, what amendments should be made in respect of the following terms and conditions of the said service authorisation:

- (a) Scope of service;**
- (b) Eligibility conditions for the authorisation;**
- (c) Application processing fee for the authorisation;**
- (d) Period of validity of the authorisation and conditions for its renewal;**

- (e) Service area of the authorisation;**
 - (f) Authorisation fee;**
 - (g) General, commercial, and operating conditions etc. of the authorisation;**
 - (h) Any other aspect?**
- Please provide a detailed response with justifications.**

I. Other Issues

- 2.29 Through the Reference dated 17.09.2024, DoT has requested the Authority to provide recommendations on "*the terms and conditions for issue of renewal of No Objection Certificate (NOC) for import/ sale of foreign telecom service providers' SIM/ eSIM cards for use in M2M/ IoT devices meant for export purpose.*" (Emphasis supplied)
- 2.30 It is understood that the import of foreign telecom service providers' SIM/ eSIM cards for the use in M2M/ IoT devices meant for export purposes will be governed by the extant policies of the Government of India on the subject matter. In this regard, it is worth noting that the policy on the issue/ renewal of NOC for sale/ rent on international roaming SIM cards/ global calling cards of foreign operators in India dated 14.01.2022 mandates the NOC holder to seek necessary clearances from the relevant agencies. The relevant provision of the policy dated 14.01.2022 is reproduced below:
- "Clearance by NOC holder: All types of clearances from any agency like RBI/ customs etc. will be taken by the company."*
- 2.31 In this context, it would be worthwhile to examine the regulatory issues in import and export of SIM/ eSIM cards for the use in M2M/ IoT devices through this consultation paper. Accordingly, the Authority solicits the comments of stakeholders on the following set of questions:

Issues for Consultation:

- Q4. Whether there are any regulatory issues including those related to the agencies such as RBI, customs etc. in respect of the import of foreign telecom service providers' SIM/ eSIM cards for the use in M2M/ IoT devices meant for export purposes? Please provide a detailed response with justifications.**
- Q5. Whether there are any regulatory issues including those related to the agencies such as RBI, customs etc. in respect of the export of Indian telecom service providers' M2M SIMs/ eSIMs for the use in M2M/ IoT devices meant for import purposes? Please provide a detailed response with justifications.**
- Q6. Whether there are any other issues related to the subject matter? Please provide a detailed response with justifications.**

2.32 The following chapter lists the issues for consultation.

CHAPTER III: ISSUES FOR CONSULTATIONS

Stakeholders are requested to provide their response to the following questions with detailed justifications:

- Q1. Which of the following approaches should be followed for regulating the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes:**
- (a) To introduce a new service authorisation for the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes under Section 3(1)(a) of the Telecommunications Act, 2023; or**
 - (b) To include the activity of the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes within the scope of the proposed service authorisation for the sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India?**

Please provide a detailed response with justifications.

- Q2. In case it is decided to introduce a new service authorisation under Section 3(1)(a) of the Telecommunications Act, 2023 for the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes, what should be the terms and conditions for such a service authorisation? Please provide inputs with respect to the following aspects:**
- (a) Eligibility conditions for the authorisation;**
 - (b) Application processing fee for the authorisation;**
 - (c) Period of validity of the authorisation and conditions for its renewal;**
 - (d) Service area of the authorisation;**
 - (e) Scope of service of the authorisation;**
 - (f) Authorisation fee;**

- (g) Know-Your-Customer (KYC) requirements of the customers of the SIM/eSIM;**
- (h) Period for which a foreign SIM/ eSIM should be permitted to remain active in India for testing purposes;**
- (i) Penalties for non-compliance;**
- (j) General, commercial, and operating conditions etc. of the authorisation; and**
- (k) Any other aspect.**

Please provide a detailed response with justifications.

Q3. Alternatively, in case it is decided to include the activity of the sale of foreign telecom service providers' SIMs/ eSIM cards in India for the use in M2M/ IoT devices meant for export purposes within the scope of the proposed service authorisation for the sale/ rent of international roaming SIM cards/ global calling cards of foreign operators in India, what amendments should be made in respect of the following terms and conditions of the said service authorisation:

- (a) Scope of service;**
- (b) Eligibility conditions for the authorisation;**
- (c) Application processing fee for the authorisation;**
- (d) Period of validity of the authorisation and conditions for its renewal;**
- (e) Service area of the authorisation;**
- (f) Authorisation fee;**
- (g) General, commercial, and operating conditions etc. of the authorisation;**
- (h) Any other aspect?**

Please provide a detailed response with justifications.

Q4. Whether there are any regulatory issues including those related to the agencies such as RBI, customs etc. in respect of the import of foreign telecom service providers' SIM/ eSIM cards for the use in M2M/ IoT devices meant for export purposes? Please provide a detailed response

with justifications.

- Q5. Whether there are any regulatory issues including those related to the agencies such as RBI, customs etc. in respect of the export of Indian telecom service providers' M2M SIMs/ eSIMs for the use in M2M/ IoT devices meant for import purposes? Please provide a detailed response with justifications.**
- Q6. Whether there are any other issues related to the subject matter? Please provide a detailed response with justifications.**

ANNEXURE: DOT'S REFERENCE DATED 17.09.2024
(including Annexure-I, II and III)

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi-110001
(Carrier Service Cell)

NO. 802-01/2022-CS-I

Dated: 17.09.2024

To

The Secretary
Telecom Regulatory Authority of India (TRAI),
6th Floor, Tower-F, World Trade Centre,
Nauroji Nagar, New Delhi: 110029

Subject: Seeking Recommendations of TRAI regarding terms and conditions for issue and renewal of NOC for import/sale of Foreign Telecom Service Providers SIM/eSIM cards for use in M2M/IoT devices meant for export purpose.

Dear Sir,


M2M technology is creating significant opportunities and has a proven potential of revolutionizing the performance of various verticals of different sectors, businesses, and services, by providing automation and intelligence to the end devices. With the ability to tap into a device's data stream on an ongoing basis, it is possible to track and service a device throughout its entire lifecycle from the assembly line to the recycling heap, leading to a redefinition of customer relationships and business operations. In all, M2M technology has the potential to unleash significant productivity gains and economic growth, unlike any previous technology wave.

2. The International Telecommunication Union (ITU-T) has defined Internet of things (IoT) as "Global infrastructure for the information society, enabling advanced services by interconnecting (physical and virtual) things based on existing and evolving interoperable information and communication technologies. Through the exploitation of identification, data capture, processing, and communication capabilities, the IoT makes full use of things to offer services to all kinds of applications, whilst ensuring that security and privacy requirements are fulfilled".
3. Subscriber Identity Modules (SIMs) for the purposes of M2M/IoT communications are embedded (integrated/soldered) at the point of manufacturing in order to achieve the standard physical and environmental requirements and are deployed in domestic and/or international market.
4. There are certain Indian manufacturers who are exporting their products to the International market. Such manufacturers are seeking foreign SIMs to be provided to them in India itself for integration into their products for IoT/M2M services for use outside India.


17/9/24

5. Requests (ref **Annexure-I**) have been received in DoT for Provision to be made for sale of foreign operator's SIMs for IoT/M2M under the DOT's No Objection certificate (NOC) policy for sale of foreign operator's SIMs.
6. The existing policy (ref. **Annexure-II**) issued on 14.01.2022 is for issue/renewal of No Objection Certificate (**NOC**) for sale/rent of international roaming SIM cards/ Global Calling Cards of Foreign Operators in India. The cards being offered under this policy to Indian customers are for use only outside India. For establishing the authenticity of the customer before selling/ renting such cards, copy of the passport of the customer including copy of valid visa and additional proof of identity (**Pol**) and proof of address (**PoA**) as per the prescribed document based Pol/ PoA process or alternate digital KYC process, for issuing new mobile connection as prescribed by DoT shall be obtained.
7. The new requirements received are for NOC for Import/sale of Foreign Telecom Service Providers SIM cards for testing and/or use in Internet of Things (**IoT**) and Machine to Machine (**M2M**) products which are meant for export purpose. There are practical difficulties in fitting this use case under the existing NOC policy, particularly in KYC and compliance requirements. Therefore, a separate Policy for Issue/Renewal of NOC for Import/Sale in India, of SIM/eSIM cards (or chips) of Foreign Telecom Service Providers, for use in M2M/ IoT devices/products meant for export only is proposed by DoT.
8. DoT floated a **Consultation Paper** (ref. **Annexure-III**) to seek comments/inputs from various stake holders. However, comments/inputs were received only from 2 entities (ref. **Annexure-IV and Annexure-V**).
9. TRAI is requested to give its recommendations under clause 11(1)(a) of TRAI Act-1997 (as amended) regarding the terms and conditions **for issue and renewal of No Objection Certificate (NOC) for import/ sale of Foreign Telecom Service Providers SIM/eSIM cards for use in M2M/IoT devices meant for export purpose.**

Encl: As Above


17/9/24
(Rajesh Kumar Soni)

DDG (CS)

Tel. No. 011-23710437

राजेश कुमार सोनी / RAJESH KUMAR SONI
उप निदेशक (डिप्टी सीईओ)
Deputy Director General (CS)
दूरसंचार विभाग, भारत सरकार
Dept. of Telecom, Govt. of India
नई दिल्ली / New Delhi

ANNEXURE - I



Confederation of Indian Industry

CII Representation on IoT/ M2M Policy Reforms

14-Apr-2022



Confederation of Indian Industry

1) Relaxation of 4 public IPs restrictive features on IoT/M2M SIMs

- a) M2M customers today have a requirement of multiple public URLs/ IPs whitelisting as their offerings to end users have been enhanced on account of partnerships and collaborations with various entities to provide more and more services.
- b) Restricting communication only to four Public IP addresses/URLs is proving to be a major challenge in most of the existing M2M solutions. Many M2M solutions have evolved as a result of partnerships and collaborations between various entities as no single organization is building an end-to-end solution (IoT/M2M stack) by itself. Therefore, there is a requirement of allowing more than four Public IP addresses/URLs for enabling M2M communication. Further, typical use cases and applicable solution which would exist for this ecosystem are listed below:
 - i) **Vehicle tracking solutions / On-board diagnostic (OBD) solutions for vehicles:** Such solution providers are using navigational apps such as Google Maps, MapmyIndia etc. for location tracking and triangulation, live streaming with the help of dashboard cameras to record the live video feed of the vehicle, and device analytics to check the health parameters of the vehicle – all such information captured from the M2M SIM is required to be sent to diverse third party applications/entities who collaborate with the M2M service/solution provider to provide an overall enriched offering to the end users.
 - ii) **Connected cars:** Automobile companies have started to provide access to real-time connectivity and infotainment in addition to telematics thereby enabling users to enjoy OTT services (music streaming, podcast apps etc.) and providing open internet service, thus requiring whitelisting of > 4 public IPs. Moreover, The NHAI has initiated an alternative to Fast Tag in the Satellite based Auto Toll Deduction. The unit which will be installed in each car could well be installed in the near future by car manufacturers and OEMs as standard equipment. It would require that M2M SIMs be made available to car makers and their 3rd party OEMs in bulk on an institutional B2B basis with the necessary vehicle-SIM record being maintained.
 - iii) **PoS machines** – Android based POS machines today enable multiple services such payments via UPI, credit card, digital wallets etc. Multiple IPs whitelisting is required as the PoS machines enable the consumers to not only undertake financial transactions but to make traffic e-challan payments (& similar citizen centric payments), to avail instant EMI/loans from financial institutions and to avail cashback & instant discount schemes of brands whose products/services the consumers are availing. The multiple IPs are also required by the PoS owner for performing certain transactions such as for client billing (e.g. when consumer uses the PoS to purchase petrol/diesel at Indian Oil petrol pump outlets), to connect to GST application (to ensure that correct GST amount is charged to consumer. It may be noted that in advanced countries like USA, there are no restrictive features imposed by regulations on IoT/M2M SIMs.

Industry Request

DoT may kindly relax the maximum 4 public IPs/URLs restriction currently applicable for IoT/M2M SIMs and allow as many IP/URLs as required by specific application. We submit that even by increasing the number of public IP Addresses/URLs, these SIMs will still be in



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conformity with the principle of ensuring that these cannot be misused. These M2M SIMs will always be used in controlled environment and if required there can be a mechanism to check the record of Telecom Service Providers (TSPs) to find out the destination IP Addresses/URLs which have been whitelisted for the M2M SIMs procured by M2M Service Provider

Additionally, we also suggest that the transfer of ownership should also be allowed between companies for instance:

- Involving merger, acquisitions, takeover of companies, slump sale, transfer of business
- For cases wherein companies wish to transfer the ownership from parent company to its subsidiaries/ other group companies or vice versa/ and between its subsidiaries/ group companies
- For cases wherein M2M service provider is ceasing its operations or is filing for bankruptcy, etc. and the M2M SIMs are required to be either transferred to the new M2M service provider or directly to the company where M2M SIMs are used/ deployed

In respect of the requirement stated in the guidelines the data communication from M2M is to be restricted only to predefined set of four Public IP addresses/URLs, **we reiterate 3 our request that there is a requirement of allowing more than four Public IP addresses/URLs for enabling M2M communication.**

Further, we understand that the above restriction is not applicable to data communication taking place on the private networks and the condition of restricting communication to four IP addresses applies only when the communication takes place on the public internet. We humbly request that the same may kindly be clarified.

2) Reconsider requirement /Relax deadline for migration of existing M2M SIMs (10 digit) to 13 digits

a) Many M2M customers are unwilling/unable to migrate for various reasons such as:

- Disruption of service on account of IMSI/SIM change (disconnection and reconnection required including rebooting of M2M device where SIMs/devices do not get automatically latched to mobile network),
- Non-feasibility of SIM change where M2M devices deployed in diverse/remote locations, changes in M2M service provider's applications,
- The device/ machine in which SIM/eSIM is used has compatibility issues with 13-digit numbering series i.e. the device will not work once migration is done from 10 digits to 13 digits. These are the cases where the device/ machine cannot be upgraded even from backend even through Over the Air mechanism.

b) Such customers (on repeat/additional orders) are being supplied with 13-digit M2M SIMs since 01.10.2018 (basis DoT's instructions as per M2M 13-digit numbering allocations) and such customers will gradually move their existing 10-digit M2M SIMs to 13-digit M2M SIMs during their device lifecycle/application upgrade phases over the next few years.



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Industry Request:

DoT may kindly not insist on specific timeline /deadline for completion of migration from 10 digits to 13-digit M2M SIMs.

3) M2M level opening by all TSPs

13 and 10 digits M2M SIMs Voice & SMS interoperability – Industry is facing challenges as 13-digit M2M numbers (levels) are not uniformly opened by BSNL, MTNL despite reminders/follow-ups since 2019.

Industry Request:

DoT may kindly reiterate urgency to all TSPs and especially BSNL, MTNL to open M2M numbering levels in their fixed and mobile networks on priority basis.

4) Capping on timelines for SIMs on international roaming being used for M2M use cases

There are several cases today where SIMs on international roaming are being used for provision of M2M connectivity in India. While there is merit in enabling such use cases; however, there needs to be a framework which lays down an upper cap on timelines during which SIMs can continue to be on roaming. Permanent roaming of the international SIMs should not be allowed in view of potential national security risks associated with such SIMs. Time of maximum of six months in case of e-SIM/eUICC and three months in case of pluggable SIMs should be given to the devices imported with international SIMs; thereafter, the same should be converted/replaced with Indian TSPs SIMs.

5) Integration of Foreign SM-SR with Indian TSPs' network

- a) There are various use cases where the device being imported in India are equipped with eSIM with a bootstrap profile which is registered on company's own Subscription Manager Secure Routing (SM-SR) platform which is based outside India.
- b) In order to facilitate the download of Indian TSP's profile into these eSIM, SM-SR change is required through integration between these two SM-SR (i.e. company SMSR outside India and Indian TSP's SM-SR in India) as per GSMA guidelines. We thus assume here that foreign IP integration between the donor SM-SR (hosted outside India) and the recipient SM-SR (hosted inside India) would be allowed for swapping in line with the GSMA process requirement.
- c) We are of the view that while SM-DP should remain within India, the SM-SR should be allowed across the geographical boundaries to cater various use case requirements.
- d) SM-SR can be owned by any party and can be located outside India as long as it is GSMA certified site. This SM-SR can be situated anywhere; however local MNO profile should be downloaded into the eSIM by local MNO SM-DP integration with foreign MNO SM-SR.
- e) If SM-SR has to be hosted in India, then SM-SR swap within one year of timeline should be mandated after activating eSIM which are imported from outside India.
- f) Similarly, for the case where for India manufactured devices having Indian TSP profile as a bootstrap, SM-SR situated in India may need integration with GSMA certified SM-DP for local profile download in respective countries.



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- g) The eSIM personalization or remote provisioning should be carried out through the systems and facilities duly certified by SAS of GSMA. The SM-DP, SM-DP+ used for eUICC personalization should be located within the geographical boundaries of India. The SM-SR, SM-DS and remote OTA platform shall preferably be hosted in India.

Industry Request:

- We are of the view that while SM-DP should remain within India, the SM-SR, SM-DS should be allowed across the geographical boundaries to cater various use case requirements.
- Integration of India SM-SR and SM-DP to non-India SM-SR and SM-DP shall be allowed.

6) Require IoT/M2M device standardization/certification and device to network interoperability/ testing standards with governance framework

- a) There is a lack of Device Standardization and Interoperability/testing standards in terms of connectivity of M2M/IoT device to mobile/cellular network and device interoperability with mobile network, proper testing of the same, and checking for capability of devices.
- b) Our members have experienced cases where Non-standard & foreign devices with e-SIM and physical M2M SIM have caused a lot of load onto mobile network signaling on account of making multiple PDP sessions.
- c) It is important to ensure that mobile operator's network is not adversely affected due to faulty device configurations at M2M SP's or M2M device vendor's end.

Industry request

DoT may kindly consider constitution of a working group of M2M SP, Module providers, Chipset providers, Telecom Operators and application providers to together create standard specification for device and testing.

7) Creation of a Platform/ Forum involving all the key stakeholders to facilitate and strengthen the IoT/M2M ecosystem.

- a) We suggest the establishment of a Common forum or portal for all IoT/M2M eco system players for easy access to details of government projects/guidelines/mandates in IoT/M2M domain –

example MORTH has mandated SIM validity update on VAAHAN through various state provisioning centers who are not following common approach to do the same.

8) Tele verification not required for SIMs used for M2M Communication services.

- a) The M2M guidelines issued by DoT stipulate that the requirement of tele-verification prior to SIM activation as mentioned in the instructions dated 09.08.2012 shall not be applicable in case of M2M SIMs issued for M2M communication services.



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- b) Further the guidelines also permit issue of standard connections for the use in M2M communication services where the end user is known or the SIM can be placed in the machine by the end user itself.
- c) It is submitted that in the latter case, there are some use cases of M2M communications where the SIMs do not have any voice calling functionalities and hence tele verification for such SIMs is not possible.

9) Clarification on clause of restriction of voice and SMS

- a) While members of the industry have implemented the voice and SMS restrictions as prescribed in the M2M Guidelines, **however, the following clause in the guidelines needs to be removed:**
"Such number shall be part of setup of entity/organization providing M2M services. Further, list of such numbers is to be provided by entity/organization providing M2M services to licensees while obtaining sim card"
- b) It is pertinent to highlight that in the meeting held on 18th February 2020, DoT had also recognized that due to various use cases, it **is not practical to retain the above requirement in the guidelines and hence, this clause needs to be removed from the guidelines.** We are hereby again highlighting, various use cases and challenges pertaining to the same.

Challenge 1: IoT devices use SMS from the Vehicle Tracking System (VTS) device/telematics unit to act as an SOS communication channel, especially for uses cases such as passenger and women safety. SOS SMS in such cases will be to the relatives of the concerned passenger/driver. Also, SMS acts as a fallback communication challenge in the absence of data services. Given the restriction on communication of SMS services from M2M SIM to numbers which are part of the organization providing M2M services, these use cases challenging to be compliant.

Example: SOS SMS in case of car crash will be to the relatives of the car owners; for safety related use cases SMS for crossing a designated geo-fence will be to the relatives of a car driver etc.

Ask: Thus, it is imperative that this clause be suitable amended to enable the evolution of necessary use cases.

Challenge 2: IoT devices such as child trackers/elderly trackers need the capability for SOS/emergency voice communication between IoT devices and the parent/guardian/caretaker. Given the restriction on communication of voice services from M2M SIM to numbers which are part of the organization providing M2M services, these use cases will not be compliant.

Example:

- Child/Elderly person presses an SOS button on the tracker, which trigger a voice call from the device to the whitelisted number
- The device automatically triggers an SOS call to emergency contact/doctor basis certain parameters such as heart rate, location, bodily motion etc.



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Ask: Thus, it is imperative that this clause be suitably amended to enable the evolution of necessary use cases.

Challenge 3: As SMS acts as a critical communication channel for enabling/communicating with M2M/IoT devices, it can be used by TSP (who has provided by M2M SIM to M2M Service provider) to send device diagnostic information from its IoT platform to the SIMs deployed by customers. These SMS from the platform will be from a common short code and will be used across all customers. This SMS communication to device from TSPs' platform will be crucial for enabling various functions such as – device wake up, device restart, APN configuration on the device etc. The customer would only be able to send diagnostic SMS to their set of numbers only. Similarly, an operator owned short code would be used to send configuration messages once eSIM technology is made available.

Challenge 4: There is no mechanism of determining ownership of SIMs taken by customers from other operators.

Example: In case SMS from one operator's M2M SIM were to go to other TSPs network, the first operator cannot ensure whether the SIMs are part of the same organization. Though M2M Service provider will have the ownership of M2M SIMs and is responsible for ensuring this compliance, this proves challenging to enforce and govern.

10) Allow availability of eSIM from outside India

- a) eSIM requirement is increasing day by day with various increasing number of applications and devices in market.
- b) eSIM production outside India should be allowed as this will enable use cases such as import of vehicles /devices from global manufacturer.
- c) Availability of eSIM from overseas facilities and also request for relaxation of norms for 3 years due to pandemic condition.

11) Regulations for Integrated SIMs (ISIM)

- a) ISIM technology is useful in low power M2M devices.
- b) It should be allowed to have cost effective IoT offering.
- c) ISIM personalization should be allowed from outside India as this implementation is tightly integrated with modem chipset.
- d) Integrated SIM will follow the structure and security guidelines as issued by 3GPP and GSMA respectively - this should be introduced with proper DoT & GSMA guidelines.

12) Policy for new level allocations for IOT/M2M

- a) DOT has allocated 1 Million per Service Areas 13-digit levels to Telecom Services providers for M2M Services



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- b) Considering huge current adoption and potential in the near future, these will get exhausted soon.
- c) However, DOT has not yet put in place policy for new level allocation in case of 13 digits numbering series

Industry request

DoT can put in place light touch policy for allocation of new levels for M2M/IOT Services.

13) Provision to be made for sale of foreign operator's SIMs for IoT/M2M under the DOT's No Objection certificate (NOC) policy for sale of foreign operator's SIMs.

- a) At present DOT issues a No Objection Certificate allowing for sale in India of International Roaming SIM cards of foreign operators for use outside the country. The cards being offered to Indian customers are for use only outside India.
- b) The NOC mandates the seller to collect information of the subscribers including the Passport details as well as details of the Visa issued to the individual for travel to another country.
- c) The DOT policy also has a provision for NOC for innovative solutions but it specifies that it would be issued on case-to-case basis.
- d) There are certain Indian manufacturers who are exporting their products to the International market. Such manufacturers are seeking foreign SIMs to be provided to them in India itself for integration into their products for IoT/M2M services for use outside India.

Industry request

In the interest of Indian manufacturers who are exporting their products, NOC policy of DOT allowing for sale of foreign SIMs should also allow for sale of foreign SIMs for IoT/M2M requirements with the continuing caveat that such SIMs can only be functional outside India.

भारतसरकार Government of India
संचारमंत्रालय Ministry of Communications
दूरसंचारविभाग Department of Telecommunications
20 अशोकरोड, संचारभवन 20-Ashoka Road, Sanchar Bhawan,
नई दिल्ली New Delhi - 110 001.
(संप्रेषणसेवाएं प्रकोष्ठ)/(Carrier Services Cell)

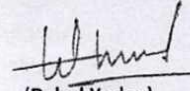
No. 808-02/2014-CS-I

Dated: 14/ 01/2022

Subject: Revised terms & conditions for issue/renewal of NOC for sale/rent of International Roaming SIM Cards/ Global Calling Cards of Foreign Operators in India.

Approval of competent authority is hereby conveyed regarding revised terms & conditions for issue/ renewal of No Objection Certificate (NOC) for sale/rent of International Roaming SIM Cards/Global Calling Cards (GCC) of Foreign Operators in India.

The revised terms and conditions for issue/renewal of the above mentioned NOC are applicable from the date of issue of this letter.



(Rahul Yadav)

ADG (CS-I)

Tel. No.011-23036830

Copy to:

- 1.DG Telecom, New Delhi
- 2.DDG(AS)/DDG(DS)/DDG(LFP), DoT HQ.
- 3.Joint Secretary(IS-I), Ministry of Home Affairs.
- 4.Secretary, TRAI, New Delhi
5. All LEAs.
6. All NOC Holders.

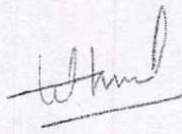
(राहुल यादव)
(RAHUL YADAV)
सहायक महासंचालक
Assistant Director General
दूरसंचार विभाग, भारत सरकार
Deptt. of Telecom, Govt. of India
नई दिल्ली/New Delhi

**Revised Policy for issue/ renewal of NOC for sale/rent of International Roaming SIM
Cards/Global Calling Cards of foreign operators in India w.e.f. 14.01.2022**

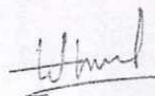
No Objection Certificate (NOC) shall be issued/renewed by Department of Telecommunications (DoT) for sale/rent of International Roaming SIM Cards/ Global Calling Cards of foreign operators in India with the following terms and conditions:

PART-1 **General Conditions**

1. The company shall submit the application for issue/ renewal of 'No Objection Certificate' in the prescribed form (**Annexure-1 & 3**) along with the check-list. (**Annexure-2 & 4**)
2. **Eligibility:** The applicant must be an Indian company, registered under the Companies Act, 1956/ 2013 (as applicable).
3. The Applicant Company/Indian Promoters/Investing Companies including their holding companies shall comply with relevant provisions of extant FDI policy of the Government of India.
4. **Updation of Record:** Any changes in the information, as provided in the Application Form shall be intimated to the authority issuing the 'No Objection Certificate' under this policy within a period of 15 days, from the time such change takes place.
5. **Usage of Cards outside India:** The cards being offered to Indian Customers will be for use only outside India. However, if it is essential to activate the card for making test calls/emergent calls before the departure of customer and/or after the arrival of the customer, the same shall be permitted for forty-eight (48) hours only prior to departure from India and twenty-four (24) hours after arrival in India.
6. Such test calls/emergent calls made from India through these calling cards shall be international roaming calls.
7. **Documents required from customers:** For establishing the authenticity of the customer before selling/ renting such cards, copy of the passport of the customer including copy of valid visa and additional proof of identity (**PoI**) and proof of address (**PoA**) as per the prescribed document based PoI/ PoA process or alternate digital KYC process, for issuing new mobile connection as prescribed by DoT shall be obtained. However, for countries where visa is not required for Indian Nationals or where visa is issued on arrival to the Indian Nationals, in place of copy of valid visa, copy of valid travel ticket along with an undertaking from the customer mentioning the name of country/ places where he/she intends to visit shall be obtained.
8. **Monthly report to Security Agencies:** Complete details of such global cards (including the period) along with full particulars, including address of the person to whom the international roaming cards has been sold/rented, shall be provided to the designated security agencies on monthly basis as per list in **Annexure-6**. In case of no sale/ rent of such cards during the month, a 'Nil' report shall be submitted. A monthly report giving summary of information submitted to security agencies & DoT field units will be submitted to DoT as per **Annexure-7**.



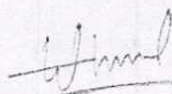
9. **Clearances by NOC holder:** All types of clearances from any agency like RBI / customs etc. will be duly taken by the company.
10. **Traffic routing:** The traffic originated in other country for termination in India will be routed through the valid ILD licensees/valid ILD gateways.
11. **Penalty:** The Company, selling/renting such SIM/Calling cards, shall ensure that the time limit of activation of such cards in India, as mentioned in Para (5) above, is adhered to, failing which the Company shall be liable to pay a fine of Rs.500/- (Rs. Five Hundred only) per hour for each SIM/Calling cards for every extra hour of activation.
12. **Annual return:** The NOC holder company shall submit 'Annual return' to DoT in the prescribed Performa (**Annexure-5**) within one month of completion of the financial year. In case of non-submission of 'Annual return' or non-compliance of the terms and conditions of the Policy, DoT may withdraw the NOC by a written notice to the NOC holder at its registered office.
13. **Procedure for NOC to Innovative solutions:** The procedure to be followed to issue NOC on such applications which propose to offer some APP based services or other innovative solutions shall be decided by DoT on case by case basis. The applicant company may be required to give presentation(s) or submit such other information as may be deemed necessary by DoT. The decision of DoT shall be final and binding on the applicant company.
14. **Suspension, Revocation of NOC:** The NOC can be suspended before the expiry of the validity period if, in the opinion of the DoT, it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the Telegraph. DoT may, without prejudice to any other remedy available for the breach of any conditions, by a written notice to the NOC holder at its registered office, withdraw the NOC. For this purpose, the DoT shall issue a show cause notice of 21 days to the NOC holder. If the DoT decides to withdraw the NOC, the same will be effective from the 61st calendar day from the date of issue of such withdrawal order. Provided further that the DoT shall not be responsible for any damage or loss caused or arisen out of aforesaid action.
15. The DoT or its authorized representative shall have right to access and inspect the sites/ offices used for providing the Service. The NOC holder shall provide the necessary facilities and cooperate with DoT or its authorized representative. The inspection will ordinarily be carried out after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.
16. The DoT or its authorized representative shall have right to seek documents/ information from the NOC holder company and the NOC holder company will provide the necessary documents/ information. The NOC holder shall preserve the customer records for at least one year from the month of acquisition of customer.
17. **Tenure/ Renewal:** The NOC shall be issued initially for a period of three years and shall be renewed on the request of the Company for a further period of three years at a time.



18. **Processing fee:** The applicant company shall pay a processing fee of Rs. 5,000/- (non-refundable) along with the application for issue/renewal of No Objection Certificate (NOC) through Non Tax Receipt Portal (NTRP) of Government of India, <https://bharatkosh.gov.in>. For details please visit <https://bharatkosh.gov.in/NTRPHome/UserGuide>. It may be noted that while making payments through NTRP, due care must be taken to make payments to Department of Telecommunications (DoT) only. Payments made to any other department/Ministry will not be taken into account. Please mention the purpose against which payment is made.
19. The application for renewal of NOC shall be submitted in the prescribed application form at least one month before expiry of the NOC.
20. The application for issue/renewal of NOC is to be submitted to the ADG (CS-IA), Department of Telecommunications, R.No. 1204, Sanchar Bhawan, 20 Ashoka Road, New Delhi-110 001.

PART-2 **Operating Conditions**

1. Tariff plan along with the terms and conditions, contact details in India and the visiting country should be provided at the time of handing over the SIM to the customer. Further, escalation Matrix with functional mobile numbers and email address of officers of the NOC holder should also be provided to the customer along with the Card being bought so that he can approach them in case of difficulty.
2. All applicable tariff rates should be available under the link 'Tariff Plans' and the Contact details should be displayed on the website under the link 'Contact us' on main page of website of NOC holder. Further, **for those NOC holders having websites**, they shall also provide on their website relevant links to the website of the Foreign service providers, to enable the consumer to know about the network coverage, customer complaint redressal system etc. Else, the NOC holder shall provide the website links of the foreign player to the customer at the time of selling/renting of the SIMs.
3. The NOC holder should ensure that upon reaching the country of destination, the consumer shall preferably be provided toll free customer care service by the foreign partner with whom the Indian NOC holder has commercial agreement. In case the toll free customer care service is not available, the consumer may be charged at local call rate.
4. The post-paid customers should be issued an itemized bill for chargeable or bundled free usage service in hard copy or electronic form which shall clearly bring out the following information:
 - (i) Date, time, pulse and actual rate of outgoing/ incoming calls and Date, time and actual rate of SMS usage.
 - (ii) Date, time, data used (Kilobytes) and rate charged for data usage



(iii) Any other type of usage.

5. In case of prepaid customers such details may be provided on request for a pre-determined reasonable fee.

6. The itemized bill shall be provided within reasonable time period of the date of culmination of the journey, which should be mentioned clearly in the T&C while selling/renting. If the journey is undertaken for a period exceeding 30 days, then the itemized bill shall be generated in 30 days' cycle from the date of the commencement of the journey and provided to customer within reasonable period as mentioned in the T&C.

7. The NOC holder shall inform the customer about the type of services offered (i.e. data service or voice service or combination of both) before selling/renting of these cards.

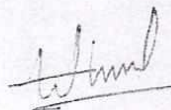
8. In case a consumer purchases a post-paid International SIM Card/Global Calling Card, the credit limit so fixed by the Foreign service provider be transparently informed to the consumer at the time of **selling/ renting** of the cards and later in advance prior to reaching the credit limit through SMS/USSD message. If the credit limit is breached the services should be barred till such time the customer deposits the necessary amount with the operator.

9. The NOC holder shall strengthen its Billing and consumer grievance redressal mechanism *to facilitate time* bound resolution of billing grievance by the operator within a period of 30 days.

10. The Customer care service the NOC holder company should be developed and offered preferably free of charge or at nominal charge (not more than applicable local call charges) which should be informed transparently to the customers. Further, the company shall keep record of the complaints received and the complaints resolved and shall be required to provide the same to DoT as and when asked to do so. However, in case of grievance against NOC holder, the PG cell of DoT field units can be approached by the customers.

11. The grievance redressal mechanism against NOC holders for sale/rent of Global Calling cards/International SIM cards shall be at par with the process being followed in respect of grievances against Indian TSPs. The grievance of the customer can be redressed through PG cell of DoT field units refunding the amount limited to amount charged from the customer.

12. The Appellate authority for handling grievance against NOC holder shall be DDG (Admn.), DGT HQ / DDG (PG), DOT HQ, who can be approached by the customers.



GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
(CARRIER SERVICES CELL)
SANCHAR BHAWAN, 20 ASHOKA ROAD, NEW DELHI-110 001.

APPLICATION FOR ISSUE OF 'NO OBJECTION CERTIFICATE' (NOC) FOR SALE/RENT OF INTERNATIONAL ROAMING SIM CARDS/GLOBAL CALLING CARDS

1. Name of Applicant Company: _____
2. Complete postal address with Telephone/FAX Nos./E-Mail
 - i) Corporate Office _____
 - ii) Registered Office _____
3. Address for correspondence with Telephone/FAX Nos./E-mail _____
4. Name of Authorised contact person, his designation, address and Telephone/FAX Nos./Email _____
5. Details of payment of processing Fee _____
6. Certified copy of Certificate of Registration along with Articles of Association and Memorandum of Understanding to be attached.
(To be certified by the Certificate from Company Secretary/Statutory Auditor and countersigned by Director duly authorised by the company)
7. (a) Details of Promoters/Partners/Shareholder in the Company: The Promoters to be indicated.

S.No.	Name of Promoter / Partner/ Shareholder	Resident Indian / NRI/ Foreign	Equity %age.
_____	_____	_____	_____
_____	_____	_____	_____

(Complete break-up of 100% of equity must be given. Equity holding upto 5% of the total equity shared among various shareholders can be clubbed but Indian and Foreign equity must be separate.)

(b) Equity details

Indian _____

Foreign _____

Total _____

(Certificate from Company Secretary / Statutory Auditor countersigned by Director duly authorised by the company to be attached)

8. Power of Attorney by resolution of Board of Directors that the person signing the application is authorized signatory is to be attached.

9. Certified copy of the valid agreement between Applicant Company and foreign telecom company for the duration of the NOC duly certified by Company Secretary/Statutory Auditor and countersigned by Director duly authorised by the company is to be attached.

10. Procedure of making the calls/ data sessions (in case of data cards with no voice calling) from any country including a list of codes being used for making calls/ data sessions (in case of data cards with no voice calling) from various countries duly signed by Director duly authorised by the company is to be attached.

Certificate:

(I) I hereby certify that I have carefully read the policy for issue of 'No Objection Certificate' (NOC) for sale/rent of International Roaming SIM Cards/Global Calling Cards. I undertake to fully comply with the terms and conditions therein.

(II) I understand that this application if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee shall be summarily rejected.

(III) I understand that the processing fee is non-refundable irrespective of any reason whatsoever.

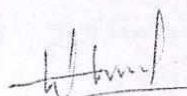
(IV) I understand that all matters relating to the application or NOC if issued to me will be subject to jurisdiction of courts in Delhi / New Delhi only.

(V) I understand that if at any time any averments made or information furnished for obtaining the 'No Objection Certificate' is found incorrect then my application and the 'No Objection Certificate' if issued thereto on the basis of such application shall be withdrawn.

(VI) I understand that DoT reserves the right to modify at any time the terms and conditions of the NOC, if in the opinion of the DoT it is necessary or expedient to do so in public interest or in the interest of the security of the State or for proper conduct of the Telegraphs. Any changes/ modification in the Policy shall be applicable and enforceable unconditionally and unequivocally to the NOC holder company. The decision of the DoT shall be final and binding in this regard.

Date
Place

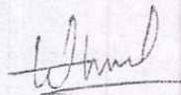
Signature and name of the Authorised Signatory
(Company's seal)



Annexure-2

Check List to be attached with the application for issue of 'No Objection Certificate' (NOC) for sale/rent of International Roaming SIM Cards/Global Calling Cards

S.N o.	Particulars	Status	Remarks
1.	Application form in prescribed format.		
	Corporate Office address/ Registered Office address given along with address for correspondence with Telephone / FAX / Email and Name of Authorized contact person, his designation, address and Telephone/FAX No./Email.		
2.	Processing fee as prescribed.		
3.	Certified copy of 'Certificate of Registration' along with AoA & MoA duly certified by Company Secretary / Statutory Auditor and countersigned by the Director duly authorised by the company.		
4.	a) Details of Promoters / Partners /Shareholders in the Company provided in the format prescribed as given in application form.		
	b) Equity details of Indian & Foreign (Certified by Company Secretary/Statutory auditor and duly counter signed by Director duly authorised by the Company).		
5.	a) Power of Attorney by resolution of Board of Directors that the person signing the application is authorized signatory. Such resolution should be signed with stamp by a Director but not by authorized signatory himself clearly mentioning the name of the Director signing the document.		
	b) Signature of the authorized signatory should be attested by any of the other Director of the company or company Secretary as the case may be.		
6.	Certified copy of the valid agreement between applicant company and foreign telecom companies for the duration of the NOC duly certified by Company Secretary/Statutory Auditor and countersigned by the Director duly authorised by the Company.		
7.	Procedure of making the calls/ data sessions (in case of data cards with no calling) from any country including a list of codes being used for making calls/ data sessions (in case of data cards with no calling) from various countries signed by the Director duly authorised by the Company.		



GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
(CARRIER SERVICES CELL)
SANCHAR BHAWAN, 20 ASHOKA ROAD, NEW DELHI-110 001.

APPLICATION FOR RENEWAL OF 'NO OBJECTION CERTIFICATE' (NOC) FOR SALE/RENT OF INTERNATIONAL ROAMING SIM CARDS/GLOBAL CALLING CARDS

1. Name of Applicant Company: _____
2. Complete postal address with Telephone/FAX Nos./E-Mail
 i) Corporate Office _____
 ii) Registered Office _____
3. Address for correspondence with Telephone/FAX Nos./E-mail

4. Name of Authorised contact person, his designation, address and Telephone/FAX Nos./Email

5. Details of payment of processing Fee

6. (a) Details of Promoters/Partners/Shareholder in the Company: The Promoters to be indicated.

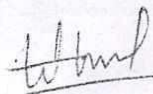
S.No.	Name of Promoter / Partner/ Shareholder	Resident Indian /NRI/ Foreign	Equity %age.
_____	_____	_____	_____
_____	_____	_____	_____

(Complete break-up of 100% of equity must be given. Equity holding upto 5% of the total equity shared among various shareholders can be clubbed but Indian and Foreign equity must be separate.)

(b) Equity details

Indian	_____
Foreign	_____
Total	_____

(Certificate from Company Secretary / Statutory Auditor countersigned by Director duly authorised by the company to be attached)



7. Power of Attorney by resolution of Board of Directors that the person signing the application is authorized signatory is to be attached.

8. Certified copy of the valid agreement between Applicant Company and foreign telecom companies for the duration of the renewal of NOC duly certified by Company Secretary/Statutory Auditor and countersigned by the Director duly authorised by the company is to be attached.

9. Procedure of making the calls/ data sessions (in case of data cards with no voice calling) from any country including a list of codes being used for making calls/ data sessions (in case of data cards with no voice calling) from various countries duly signed by Director duly authorised by the company is to be attached.

10. Compliance against the terms and conditions of Clause-8 of Part-1, General Conditions of the Revised NOC policy regarding proof of sending complete details to the designated security agencies is to be attached.

Certificate:

(I) I hereby certify that I have carefully read the policy for renewal of 'No Objection Certificate' (NOC) for sale/rent of International Roaming SIM Cards/Global Calling Cards. I undertake to fully comply with the terms and conditions therein.

(II) I understand that this application if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee shall be summarily rejected.

(III) I understand that the processing fee is non-refundable irrespective of any reason whatsoever.

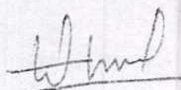
(IV) I understand that all matters relating to the application or Renewal of NOC if issued to me will be subject to jurisdiction of courts in Delhi / New Delhi only.

(V) I understand that if at any time any averments made or information furnished for obtaining the 'No Objection Certificate' or Renewal of NOC is found incorrect then my application and the 'No Objection Certificate' or Renewal of NOC if issued thereto on the basis of such application shall be withdrawn.

(VI) I understand that DoT reserves the right to modify at any time the terms and conditions of the NOC, if in the opinion of the DoT it is necessary or expedient to do so in public interest or in the interest of the security of the State or for proper conduct of the Telegraphs. Any changes/ modification in the Policy shall be applicable and enforceable unconditionally and unequivocally to the NOC holder company. The decision of the DoT shall be final and binding in this regard.

Date
Place

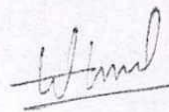
Signature and name of the Authorised Signatory
(Company's seal)



Annexure-4

**Check List to be attached with the application for renewal of 'No Objection Certificate' (NOC)
for sale/rent of International Roaming SIM Cards/Global Calling Cards**

S. No.	Particulars	Status	Remarks
1.	Application form in prescribed format.		
	Corporate Office address/ Registered Office address given along with address for correspondence with Telephone / FAX / Email and Name of Authorized contact person, his designation, address and Telephone/FAX No./Email.		
2.	Processing fee as prescribed.		
3.	Compliance against the terms and conditions of Clause- 7 & 8, Part-1, General conditions, of the NOC policy regarding proof of sending complete details to the designated security agencies.		
4.	a) Details of Promoters / Partners /Shareholders in the Company provided in the format prescribed as given in application form.		
	b) Equity details of Indian & Foreign (Certified by Company Secretary/Statutory auditor and duly counter signed by Director duly authorised by the Company).		
5.	a) Power of Attorney by resolution of Board of Directors that the person signing the application is authorized signatory. Such resolution should be signed with stamp by a Director but not by authorized signatory himself clearly mentioning the name of the Director signing the document.		
	b) Signature of the authorized signatory should be attested by any of the other Director of the company or company Secretary as the case may be.		
6.	Certified copy of the valid agreement between applicant company and foreign telecom companies for the duration of the NOC duly certified by Company Secretary/Statuary Auditor and countersigned by the Director duly authorised by the Company.		
7.	Procedure of making the calls/ data sessions (in case of data cards with no calling) from any country including a list of codes being used for making calls/ data sessions (in case of data cards with no calling) from various countries signed by the Director duly authorised by the Company.		



Annexure-5

Performa of 'Annual return' to be submitted within one month of completion of the financial year by the NOC holder company

(To be submitted on the Company letter head)

Letter No.:.....

To,
ADG (CS-IA),
Department of Telecommunications,
Room No. 1204, Sanchar Bhawan,
20, Ashoka Road,
New Delhi-110 001

Subject: Submission of Annual return for the financial year (20xx-20yy).

This is in reference to the NOC issued/ renewed by Department of Telecommunications (DoT) to M/s(name of the Company) for sale / rent of International Roaming SIM Cards / Global Calling Cards of foreign operators in India vide letter No.....dated

In this regard it is hereby certified for the financial year (20xx-20yy) that:-

1. The company (name of the Company) has complied with all the terms and conditions of the Policy of issue of NOC and the terms and conditions of the NOC issued to the company.
2. Complete details of global cards (including the period) along with full particulars, including address of the person to whom the international roaming cards were sold/rented, were provided to all the designated security agencies periodically on monthly basis. In case of no sale/ rent of such cards during the month, a 'Nil' report has been submitted.

Certificate:

(I) I hereby certify that the averments made above are true to the best of my knowledge and nothing material has been concealed or is false.

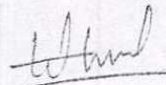
(II) I undertake to submit the proof of sending complete details to all the designated security agencies on monthly basis as per the Policy at the time of submission of application for renewal of NOC.

(III) I understand that if at any time any averments made or information furnished by the company is found incorrect then DoT may withdraw the NOC by a written notice to the NOC holder company at its registered office without prejudice to any other remedy available for the breach of any terms and conditions of the Policy or NOC granted to the Company.

Date
Place

Signature and name of the Authorised Signatory
(Company's seal)

NOC for sale/rent of International SIM/GCC-14th January 2022



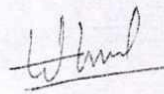
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List of Designated Security Agencies Central

1. Director Intelligence Bureau, MHA
Gate No. 7, North Block, New Delhi-110001
2. Director General Narcotics Control Bureau,
West Block, R.K. Puram, New Delhi-110066
3. Director General Directorate of Enforcement,
Lok Nayak Bhawan, 6th Floor, Khan Market, New Delhi-110003.
4. Member (Investigation), Central Board of Direct Taxes,
Department of Revenue, North Block, New Delhi-110001
5. Director General, Directorate of Revenue Intelligence,
7th Floor, 'D' Block, I.P. Estate, New Delhi- 110 002.
6. Director, Central Bureau Investigations,
Block No. 3, Lodhi Road, New Delhi-110 003.
7. Director General, National Investigation Agency, New Delhi.
4thFloor, CGO Complex, New Delhi-110 003.
8. Director Research & Analysis Wing (R&AW),
Paryavaran Bhawan, CGO, R.No 1001,
B-2 Wing, 10th Floor, Lodhi Road-110 003
9. Directorate of Signal Intelligence, Ministry of Defence-for
Jammu & Kashmir, North East and Assam service areas only.

State

10. Director General of Police of concerned State/Commissioner of Police, Delhi for Delhi
Metro City Service area only.



Annexure-7

To

The Assistant Director General (CS-I A)
Room No: 1204, Deptt. of Telecom,
Sanchar Bhawan, 20, Ashoka Road, New Delhi-110001.

Sub: Details of sale/ rent of International Roaming SIM Cards/ Global Calling Cards of foreign operators.

The following information, in compliance of clause 7&8, Part-1, General Conditions of NOC, has been sent to the below mentioned designated security agencies and respective DoT field units, along with a soft copy containing complete details of the subscribers, SIM Cards / Global Calling Cards sold/ rented, period of activation & use etc. One copy of the same is also submitted to you.

Company Name..... NOC No. and date

S. No.	Name and address of the security agency	Details sent for the Month of	Date of sending details	Proof of sending details attached
1.	Director Intelligence Bureau, MHA			
2.	Director General Narcotics Control Bureau			
3.	Director General of Enforcement			
4.	Member (Investigation), Central Board of Direct Taxes			
5.	Director General, Revenue Intelligence			
6.	Director, Central Bureau of Investigation			
7.	Director General National Investigation Agency			
8.	Director Research and Analysis Wing			
9.	Directorate of Signal Intelligence, MoD			
10.	Director General of Police of concerned State/Commissioner of Police, Delhi for Delhi Metro City Service area only.			
11.	Concerned LSA unit of DoT of the Respective Circle (State)			

Further, the information w.r.t. foreign company and Number of SIM Cards/Calling Calls/ Data Cards sold and rented is as furnished below:

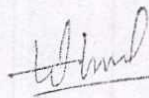
1	Name and address of all the foreign company with whom the Agreement has been done along with validity period.	
2	Number of SIM Cards/ Global Calling Calls sold and rented in the month of _____, Year _____	

The above information is true and correct to the best of my knowledge.

Name & Signature of Authorized Signatory

Date and Seal of the Company

NOC for sale/rent of International SIM/GCC-14th January 2022



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Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20-Ashoka Road, New Delhi - 110 001.
(Carrier Services Cell)

Consultation Paper
on
'Policy for Issuance/Renewal of NOC for Import/Sale in India, of
SIM/eSIM cards (or chips) of Foreign Telecom Service Providers,
for use in M2M/ IoT devices/products meant for export only'

Written Comments on the Consultation Paper are invited from the stakeholders latest by 17:00hrs on 8th May 2023. The comments may be sent, preferably in electronic form, to Shri S. L. Meena, Director (CS-I), on the email ID dircs1-dot@nic.in. For any clarification/information, Shri S. L. Meena, Director (CS-I), may be contacted at Telephone No. +91-11-23710243, Cell:9868394499

1. Introduction

- a. M2M technology is creating significant opportunities and has a proven potential of revolutionizing the performance of various verticals of different sectors, businesses, and services, by providing automation and intelligence to the end devices. With the ability to tap into a device's data stream on an ongoing basis, it is possible to track and service a device throughout its entire lifecycle from the assembly line to the recycling heap, leading to a redefinition of customer relationships and business operations. In all, M2M technology has the potential to unleash significant productivity gains and economic growth, unlike any previous technology wave.
- b. The International Telecommunication Union (ITU-T) has defined Internet of things (IoT) as "Global infrastructure for the information society, enabling advanced services by interconnecting (physical and virtual) things based on existing and evolving interoperable information and communication technologies. Through the exploitation of identification, data capture, processing, and communication capabilities, the IoT makes full use of things to offer services to all kinds of applications, whilst ensuring that security and privacy requirements are fulfilled".
- c. Subscriber Identity Modules (SIMs) for the purposes of M2M/IoT communication are embedded (integrated/soldered) at the point of manufacturing in order to achieve the standard physical and environmental requirements and are deployed in domestic and/or international market.
- d. There are certain Indian manufacturers who are exporting their products to the International market. Such manufacturers are seeking foreign SIMs to be provided to them in India itself for integration into their products for IoT/M2M services for use outside India.
- e. Requests have been received in DoT for Provision to be made for sale of foreign operator's SIMs for IoT/M2M under the DOT's No Objection certificate (NOC) policy for sale of foreign operator's SIMs.
 - i) At present DOT issues a No Objection Certificate allowing for sale in India of International Roaming SIM cards of foreign operators for use outside the country. The cards being offered to Indian customers are for use only outside India.
 - ii) The NOC mandates the seller to collect information of the subscribers including the Passport details as well as details of the Visa issued to the individual for travel to another country
 - iii) The DOT policy also has a provision for NOC for innovative solutions but it specifies that it would be issued on case-to-case basis.
- f. The existing policy (available at <https://dot.gov.in/sites/default/files/Revised%20NOC%20Policy.pdf?>

download=1) issued on 14.01.2022 is for issue/renewal of No Objection Certificate (**NOC**) for sale/rent of international roaming SIM cards/ Global Calling Cards of Foreign Operators in India. The cards being offered under this policy to Indian customers are for use only outside India. For establishing the authenticity of the customer before selling/ renting such cards, copy of the passport of the customer including copy of valid visa and additional proof of identity (**Pol**) and proof of address (**PoA**) as per the prescribed document based Pol/ PoA process or alternate digital KYC process, for issuing new mobile connection as prescribed by DoT shall be obtained.

- g. The new requirements received are for NOC for Import/sale of Foreign operator SIM cards for testing and/or use in Internet of Things (**IoT**) and Machine to Machine (**M2M**) products which are meant for export purpose. There are practical difficulties in fitting this use case under the existing NOC policy, particularly in KYC and compliance requirements. Therefore, a separate Policy for Issue/Renewal of NOC for Import/Sale in India, of SIM/eSIM cards (or chips) of Foreign Telecom Service Providers, for use in M2M/ IoT devices/products meant for export only is proposed by DoT.

2. Issues involved:

- a. Under the eligibility criteria of existing NOC policy for sale/rent of international roaming SIM cards, applicant companies should be registered under the Companies Act-1956/ 2013. Companies registered under the Limited Liabilities Partnership (LLP) Act-2008 or Shop and establishment acts are not eligible.
- b. Usage of SIM/eSIM cards (or chips) outside India: The SIM/eSIM cards (or chips) to be imported/offered to Indian Manufacturers/ Service Providers shall be for use only outside India. However, there may be need for sample/demo/proto type test while in India.
- c. Custody of SIM/eSIM Cards (or Chips): Custodian of the cards (or chips) till export of the devices/products containing these cards (or chips) has to be fixed. The custodian shall be responsible for safe-keeping and misuse, if any, till the devices/products containing SIM/eSIMs cards (or chips) are exported out of India.
- d. Penalty for non-compliance: The NOC-holders may be required to submit periodic reports (Monthly/Annual) to DoT and/or Law Enforcement Agencies/police. The NOC-holders will also be required to strictly comply to usage guidelines (use only outside india). To discourage wilful defaults, certain penalties in proportion of delay time in compliance will be required to be fixed.
- e. There may be certain Indian industries/ manufactures/ M2M Service providers who want to embed/fit SIM/eSIM cards (or chips) of Foreign Telecom Service Providers in their M2M/IoT devices/products meant for

export purpose only. Alternately, there may be a M2M Service Provider or other entity who wants to import and sell such SIM/eSIM cards (or chips) in India to other manufacturers/M2M service providers for the above stated purpose.

3. Issues for consultation:

- a. Whether firms registered under LLP-2008 and proprietors registered under Shop & Establishments Acts also be allowed to apply for NOC?
- b. Whether activation of SIMs is required while in India for sample/function/prototype testing? If yes, what should be the maximum /percentage quantity and duration that should be allowed? Justification may be given.
- c. Who should be the custodian of the SIMs till export of the products i.e. NOC holder or manufacturer company that embed/fits the SIMs in their products?
- d. Whether penalties should be imposed for non-compliance of terms of NOC? If yes, specify amount/formulae? If not, how to ensure compliance?
- e. Whether manufacturers who want to embed/fit the foreign SIMs in their products, would prefer obtaining NOC for themselves or would like to buy it from other NOC holders?
- f. Give your comments on any related matter that is not covered in this Consultation Paper.

LIST OF ACRONYMS

Acronyms	Description
3GPP	3rd Generation Partnership Project
5G	Fifth generation
CII	Confederation of Indian Industries
DoT	Department of Telecom
eSIM	Embedded Subscriber Identity Module
eUICC	Embedded Universal Integrated Circuit Card
GCC	Global Calling Cards
GSM	Global System for Mobile Communications
GSMA	Global System for Mobile Communications Association
ICCID	Integrated Circuit Card Identification
IMSI	International Mobile Subscriber Identity
IoT	Internet of Things
ITU	International Telecommunication Union
KYC	Know Your Customer
LLP	Limited Liability Protection
LoRa WAN	Long Range Wide Area Network
LPG	Liberalisation, Privatisation and Globalisation
M2M	Machine-To-Machine
M2MSP	M2M Service Providers
MNO	Mobile Network Operator
MSISDN	Mobile Station International Subscriber Directory Number
NDCP	National Digital Communication Policy
NEP	New Economic Policy
NOC	No Objection Certificate
OTA	Over-the-Air
PoA	Proof Of Address
PoI	Proof Of Identity

RBI	Reserve Bank of India
RFID	Radio Frequency Identification
SIM	Subscriber Identity Module
TRAI	Telecom Regulatory Authority of India
TSP	Telecom Service Provider
VISA	Visitors International Stay Admission
Wi-Fi	Wireless Fidelity
WLAN	Wireless-Local Area Network
WPAN	Wireless Personal Area Network