



VIL Comments to the TRAI Consultation Paper on “Ease of Doing Business in Telecom and Broadcasting Sector”

At the outset, we are thankful to TRAI for giving us this opportunity to provide our comments to the TRAI Consultation Paper on “Ease of Doing Business in Telecom and Broadcasting Sector” dated 8th December 2021.

In this regard, we would like to submit our detailed question-wise comments as follows, for Authority’s kind consideration:

Question-wise Comments

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

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

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

VIL comments to Q. No. 1

No Comments

Q2. Whether the present system of licenses / permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect



from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

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

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

VIL comments to Q. No. 2

Yes, the entire process related to licenses/ permissions /Submissions etc including EMF submissions and provision of deemed approval, should be made online and digital.

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

And

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

VIL comments to Q. No. 3 and 4

No comments.

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

- a. What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?



- b. **What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?**

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

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

Provide your suggestions for each activity separately.

VIL Comments to Q. No. 5 and 6

1. Submarine cables form the basis of modern telecommunications and the Internet. The United Nations General Assembly (UNGA) has described submarine cables as 'critical communications infrastructure' which carry about 99% of communication data across the world by using fibre-optic technology and is very important to the global economy. The cable laying Services should be considered as 'Critical Service' and should be provided top priority for clearances.
2. It would be appropriate to classify the Cable laying & repair Services as 'Critical & essential Services' and should have priority for 'Permits- In -Principle' and Clearances from Govt. agencies.
3. It would be appropriate to consider these services to accord 'Critical & Essential Services' certificate in line with 'Essentiality Certificate' issued in E&P sector by DGH (Under Ministry of Petroleum & Natural Gas). In case of Submarine cable laying and Repair Services the DOT (Ministry of Communication/ Government of India) should be nodal agency for issuance of such Certificate.
4. With EC, the goods & services are exempted from Customs Duty & IGST on vessel (on submission of Charter agreement between Vessel Owners & operators). Similar certification needs to be considered for Cable repair jobs, being Critical & essential services'.
5. Our detailed comments on the existing practices/procedure and our recommendation on the changes required, is **given at Annexure-A** enclosed herewith.

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



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

VIL Comments

Background

1. Vide DoT Memo No. 800-15/2010-VAS (Pt), dated 30.12.2011, DoT has issued guidelines regarding EMF compliances for all operational sites as per specified exposure limits and self- certification of each site as per the defined norms.
2. TEC, the Technical Wing of DoT has laid down the Test Procedure for measurement of Electro-Magnetic Fields (EMF) from Base Station (BTS) antennas. This Test Procedure is revised at regular intervals and is the guiding document for all EMF related compliance requirements in the country.
3. In addition to the Test Procedure, the DoT has also developed and launched the Tarang Sanchar Portal in partnership with the Telecom industry as the unified and centralized platform for all EMF self-certification related activities.
4. Furthermore, a Scheme of Penalty, vide circular nos. 800-15/2010-VAS dated 20.11.2013, 800-15/2010-VAS dated 10.06.2014 and 800-36/2014-AS.II dated 29.03.2019, has also been defined towards governance of all EMF related matters. As per DoT guidelines, any change in the mobile network which affects the EMF exposure on ground needs to be certified.
5. Thus, process for self-certification of EMF compliances are initiated by TSP teams under following conditions:
 - i. New site rollout
 - ii. RF parameter upgrade in operational sites

This activity comprises of:

- iii. Quantifying the cumulative Exposure Index (EI), i.e. ratio of EIRP and EIRPTh, of the site considering contribution of all operational co-tenant Base Stations (BTS) in the tower



- iv. Field survey for collection of demographic/morphological data in and around the site for generation of the self-certificate.
 - v. Online submission of the digitally signed self-certificate in the National EMF Portal (NEP)
6. In addition to these requirements to be followed by the TSPs to ensure compliance to EMF norms at all times, the DoT has also mandated physical audit in 10% of sites by the LSA units to check the compliance levels.

Submissions:

7. The audit percentage of 10% was fixed in the year 2010 when the number of sites in the country was much lower than the present numbers. There has been significant increase in the number of sites, especially with 4G coming in. This clearly shows that even with reduction in percentage audit, in absolute numbers, the number of sites tested will be much more. Also, considering the exponential increment in the number of BTSs due to 5G deployment, the count of sites would again increase.
8. With Tarang Sanchar in place, there is proper coordination amongst the TSPs and the features of Tarang Sanchar are so designed that self-regulation is taken care of. The features and the functionalities of Tarang Sanchar have been fixed and finalized by the Government and all the data is systematically organized in the Portal. Portal availability is offering an online means to the TERM Cells as well as TSPs for access to any kind of database/information about site compliance. EMF audits done by TERM cells/LSAs, for past year(s) demonstrate that there is extremely high level of compliance by the Industry. This should give confidence to all concerned stakeholders, including the citizens of our country that utmost care is taken by the telecom industry in maintaining the EMF norms prescribed by the Government.
9. **Hence in the present situation where EMR is under control, physical audit of sites should be an annual plan of finite counts basis actual physical locations and should not exceed 1% of the same.**
10. **Also, the testing fee has been increased from INR 4000/- to INR 8000/- per site and is not fair. Thus, we request TRAI to recommend that the audit percentage should also be decreased without any additional compliance or impositions. It is also to be noted that since the compliance of the industry is of the highest order, the process for audit needs to be simple rather than complicating the process imposing various conditions.**
11. **It is imperative that joint DoT and Industry's initiative of conducting EMF workshops may be taken up on a regular basis in each LSA, as a measure to build confidence in public against propaganda of hazardous EMF radiations in field.**



12. In addition, we would like to make following suggestions basis current challenges faced and request the Authority to make recommendations to DoT in this regard:

- a. In view of the DoT requirement of cumulative compliance of sites, self-certificates should be considered basis physical site locations and not at BTS level.
- b. In view of diverse activities happening across technologies in the physical site locations and huge volumes of certification being done by the TSPs, clubbing of multiple upgrades in BTSs of different technologies should be allowed in a single self-certificate.
- c. Also, the time period for self-certification should be revised to 30 days instead of the present 15 days to facilitate the clubbing of closely-placed upgrade activities into a single consolidated certificate.
- d. There should not be any financial penalty for clerical errors, which do not affect the EMF limits, like site layout, north marking etc.
- e. OTS requirement to be removed in view of cumulative compliance certificate submission by the principal operator initiating the upgrade and availability of updated database in the online platform at all times.
- f. The existing practice of submission of self-certificates by all sharing operators separately, for an upgrade, serves no additional benefit since with the advent of the EMF Portal, the portal itself takes care of the reporting requirements to TERM Cells. Thus, this requirement of submission of upgrade certificate by each TSP present on the site should be done away with and the mechanism adopted in the TEC TSTP of June 2018 should be reverted to.

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

VII Comments to Q. No. 8

1. We warmly welcome the Government decision to permit 100% Foreign Direct Investment (FDI) in Telecom Sector under automatic route subject to application of all safeguards.



2. This has also been incorporated by way of an amendment to the License on 03.11.2021, as below:

***“1.1. FDI upto 100% under automatic route** subject to observance of licensing and security conditions by licensee as well as investors as notified by the DoT from time to time.*

Notwithstanding with the above provision, foreign investment shall be subject to following conditions:

- i. An entity of a country, which shares land border with India or where the beneficial owner of an investment into India is situated in or is a citizen of any such country, can invest only under the Government route.*
- ii. In the event of the transfer of ownership of any existing or future FDI in an entity in India, directly or indirectly, resulting in the beneficial ownership falling within the restriction/ purview of the clause no. (i) above, such subsequent change in beneficial ownership will also require Government approval.....”*

3. This will greatly enhance ease of doing business and will also encourage investment in the sector.
4. However, it is desirable that the license amendment should be followed up with issuance of suitable operating guidelines, for abundant clarity and ease of compliance with the above provisions. The operating guidelines should also cover following:
 - a. This may **include an explicit list of countries which are considered to share a land border with India**. For example, it is not clear whether Hong Kong is considered as a land border country for the purposes of the above provision.
 - b. Further, it may be clarified whether the term **‘entity of a country’ is determined basis the location of the office or the ownership of the investment or both**.
 - c. There is **no threshold mentioned in the provision for consideration of ‘beneficial ownership’** In this regard, it may be noted that:
 - i. The Companies Act, 2013, under the Companies (Significant Beneficial Owners) Rules 2018 (**“Companies Rules”**) prescribes a threshold of 10% ownership for determining beneficial holding, and
 - ii. the Prevention of Money Laundering Act, 2002 (PMLA), under Prevention of Money-laundering (Maintenance of Records) Rules, 2005 prescribes a threshold of 25% ownership for determining the beneficial holding for companies and a threshold of 15% for other unincorporated entities.



However, no such threshold has been mentioned in the license. Therefore, it would be desirable if this aspect is also clarified.

We request TRAI to make suitable recommendations on above to the Government of India.

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

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

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

VIL Comments to Q. No. 9

1. The entire process of SACFA clearance as well as grant of all licences/approvals, that are issued by WPC, should be made paper-less and executed end-to-end through an online portal. Upon successful implementation of online portal, DoT may also review the SACFA fee being levied upon the TSPs.
2. There should be a defined time-line, not exceeding 30 days, within which an Import Licence should be granted. The time-line should be declared on the portal as well as in the Citizen's Charter.
3. The online portal should accept the application and generate the acknowledgement only when all the mandatory field(s) in the online application form have been filled by the TSP and all the documents as per the WPC's check-list are uploaded by the TSP.
4. TSPs should be allowed to reinstall/deploy their wireless equipment into another LSA after giving prior intimation to WPC preferably through the online portal. There should not be any requirement of taking prior permission of WPC for this purpose.



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

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

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

VIL Comments to Q. No. 10

No comments.

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

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

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

and



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

VIL Comments to Q. No. 11 and 12

No Comments.

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

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

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

and

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

VIL Comments to Q. No. 13 and 14

No comments.



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

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

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

VIL comments to Question No. 15

No comments.

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

VIL Comments to Question No. 16

There are substantial issues faced with respect to power supply connections as well as stable and quality power supply. Details of said issues and suggestive measures are given as follows:

Sr. No.	Issue description	Solution / suggestion
1	Voltage Fluctuation & Low voltage supply:- Issue observed whenever there is shutdowns in nearby industrial areas. DISCOM authority should provide stable supply to avoid huge investment	(1) Dedicated Express power line option not available in most of the class II cities. This facility will help to reduce DG run hours due to 24Hours uninterrupted power availability.

	& power losses on Voltage stabilizer, OLTC transformers, etc.	(2) Use of Standard products while giving supply (Fuses, cable ratings, etc.)
2	Phase reverse & single phasing issues observed during monsoon season. - These issues needs to be addressed by DISCOM as this requires to change phase sequence manually at customer transformer Incoming HT end & failures in infra equipment	DISCOM can deploy phase correction devices at their Substation end to correct the phase sequence during any fault
3	Harmonics or Low power factor.	(1) Regularly monitoring of Power factor at their DISCOM end. (2) Specific filters to be used by Discom to remove harmonics.
4	SEB connection / load enhancement process (DISCOM)	Ease of process for Sanction Load addition / Reduction
5	Service support from DISCOM	Ease of Process for Complaint Logging and Resolution TATs
6	Service support from DISCOM	Power DISCOM should enable remote monitoring facility for large consumers e.g. Telecom Providers having large Site base
7	Approval on retro fit upgrade Telecom DC project electrical set up & new transformer charging by CEIG authority, generally took 1 month time for CEIG physical audit & approval process. Site runs on DG set during this time of transformer commissioning, leading to increased carbon emission.	CEIG authority can provide temporary transformer set up approval to avoid DG running for the period of audit completion and permanent approval. This will restrict DG run and there will be low carbon emission.
8	Energy bill (Fix Demand Charges) – Telecom DC site load increases gradually over the years as per Network growth & expansions. Electrical bill comprises of fix demand charge (on Sanction load) irrespective of running load drawing. TELCO has to pay huge monthly payments on unutilized sanctioned load as well, leading to huge financial burden.	DISCOM can consider this on basis of running load so that user (TELCO) can benefit & relief from over burden.

Suggestions in addition to above are given as follows:



1. Small disruption in weather often results in greater grid instability – this should be minimized.
2. All telecom towers should get benefit of lower electricity tariff (eg. industrial).
3. There is a need to electrify remote or rural sites, to help support reduction in carbon emissions.
4. Uniform pan-India IT/ITES policy that allows MSC/VTH/VGW/DC to be included as a part of IT/ITES and thereby flow the benefits to the telecom sector (including but not limited to electricity duty waiver, commercial to industrial electricity rates etc.).
5. Uniform pan-India policy that allows load-aggregation as well as reduction of the threshold of 1MW for open-access to $\leq 250\text{kW}$. This will allow greater number of MSC/VTH/VGW/DC and other facilities to benefit from conventional/renewable PPA.
6. If emissions reduction is required as a mandate – the competent authority(s) can help provide rebates/incentives so that new/retrofit energy efficient and/or lower emission equipment and solutions can be introduced such that it is not a financial burden on the telecom provider.

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

VIL Comments to Question No. 17

1. We are grateful to DoT for making SARAS portal live for LF and SUC challan, QTRLY AO-AG documents submission.
2. However, there are few operational cum procedural issues which needs to be addressed to make the system more robust and ease the process, given as follows:
 - a. TSPs should be allowed to enter existing Spectrum Holding and Microwave SPOTS frequencies.
 - b. End to end Reconciliation of PBG and FBG towards LF and SUC dues.
 - c. On quarterly payment of LF and SUC, for documents upload there is size restriction of 10 MB which should be enhanced to 15 MB.



- d. SARAS portal should be extended to other levies like CAF, EMF, SACFA etc. for the ease of Business.

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

VIL Comments to Question No. 18

1. Most of the Controller of Communication Accounts (CCAs) request for the authorized signatory's sign and company seal from the Licensee on each and every documents in SARAS portal and such uploading activities are purely linked with Authorized Signatory's Aadhaar number verification for across Circles. Hence the requirement of physical signatures should be eliminated to the extent possible.
2. Currently the TSP's are uploading the physical documents on Quarterly basis as per DoT Guidelines (Unaudited), however the CCAs again request to upload the same documents in Audited claims, which may be avoided. Hence TSP must be allowed to upload the documents only once i.e. audited.
3. Further, while the license agreement allows DoT to conduct a special audit of revenue, but with the ease of doing business there should be a transition from audit to self-certification mode.

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

VIL Comments to Question No. 19

CAF audits:

1. The Audit samples as requested by DoT from the LSAs every month **should be for the newly activated connections** only, and Database submission/ Audit and other reporting format should be **digital mode**.
2. For cases where numbers are disconnected as part of DoT LSA (TERM CELL) audit, a **minimum period of 30 days should be allowed for the Customer to resubmit fresh**



documents & further extension be granted on a case to case basis. Customers in roaming or distressed due to hospitalization etc. suffer because of this. Additionally, customers are completely dependent on the SIM for their daily transactions related to bank / wallet etc. which leads to high inconvenience considering customers are using the connection for long and misuse / fraud should not be a threat.

3. CAF penalty matrix and amount should be reviewed by DoT, this was decided long back when TSPs ARPU and financial position was not under stress. Therefore, in line with the present times, provision of CAF penalty should be removed for circles where the Non Compliance is $\leq 5\%$ of the total audited samples and for audit score of $>5\%$ non-compliance penalty can be INR 1000/- per CAF. Any issue/non-compliance if observed by any of the Regulatory bodies, Industry should be given ample time to correct such anomalies instead of penalizing. Further, any repeat offence may be treated with a graded penalty matrix.
4. LSA wise restriction for Reactivation of accounts should be lifted, any customer wanting to opt for his number in any other LSA should be permitted by DOT (without MNP route), this will help customers opting for reactivation if account is deactivated for any reason like TERM CAF Audit.
5. DoT to approve/reject LRN Change request on priority in case of a fraudulently ported out number & should be given priority for return of Number for, as a next step DOT may investigate & share recommendations on the lapse.
6. In case a Customer is stationed out of India and his/her SIM card is faulty, there is no way to replace the SIM Card since the Customer is not in India. In this regard, a process may be formulated where documents can be submitted by Customer online and thereafter validation via Government portal followed by a video KYC.

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

VIL Comments to Question No. 20

No comments.

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



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

and

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

and

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

VIL Comments to Question No. 21, 22 and 23

1. Assessment of Impact of Regulations/Tariff orders/Directions

- a. It is a settled principle that every public policy decision making should be done through detailed assessments, transparency and record specific problems and objectives to be achieved through said policy decisions.
- b. Also, the telecom market is quite dynamic wherein regulatory decisions introduced few years back, may lose relevance with fast changing technological advancements and digital adoptions.
- c. In this light, it is prudent that before issuing any Regulations/tariff orders or directions, the Authority should conduct a detailed Impact assessment and cost-benefit analysis of such framework and publish the same. This should also be followed by an impact assessment including cost-benefit analysis, every 2 years post issuance of said Regulations or tariff orders or directions and publishing the same.
- d. Such analysis will ensure to look into the aspects of costs expected to be incurred both in terms of financial, resource, process-change based costs, for achieving any targeted outcome. It would also help put a periodic process based approach to remove regulatory decisions which are redundant due to technological advancements or due to digital adoptions or which do not merit continuation under cost-benefit analysis.
- e. **Therefore, we urge the Authority to lay down specific activities of impact assessment including cost-benefit analysis to be conducted and published before issuance of any new regulatory decision and also, after every 2 years of said issuance.**

2. Assessment of Compliance at field level



- a. There have been cases of non-compliance of TRAI's regulatory norms, visible clearly in the market, wherein customers coming through non-MNP route are being discriminated v/s customers coming through MNP route, and predatory tariffs which have not been reported to TRAI, are being offered to lure customers into porting.
- b. As has been informed that said activity is being undertaken by giving disproportionate margins to the channel partners, who are then discounting the products and giving the tariffs at MRPs which has not been reported to TRAI.
- c. We are thankful to the Authority for issuing Direction dated 02.09.2021 thereby giving clear direction that such activities should not be undertaken. However, considering the activities have not stopped in the field even today, an assessment of compliance at field level through surprise checks is urgently required so that such non-compliant activities are effectively curbed in the market.
- d. **Therefore, we urge the Authority to put in place a mechanism to assess its compliance at field level through surprise visits/audits etc, such that the compliance is followed robustly as well as in letters and spirits by all TSPs thereby, providing ease of doing business to smaller TSPs.**

3. Assessment of tariff compliance:

- a. The assessment and observations by TRAI with respect to compliance of a tariff (reported to the Authority within the prescribed time within 7 days of launch/revision/closure) should have a defined time period (let's say two to four weeks).
- b. Any delay in such assessment or observations will lead to complex situations both for the consumers as well as for the operator(s), if a change is to be implemented in the process/product after a substantial period.

4. Simplifying Metering and Billing Audit

- a. TRAI has been conducting Metering and Billing Audit from year 2006, under the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation 2006 regulation. During the time the regulation was prescribed and for subsequent years, the tariffs contained limited benefits and thus, there were chargeable events and substantial role of Top-up vouchers to provide talk time benefits. The audit played a significant role in identifying the overcharging and undercharging events and helped industry in fine tuning the systems and processes.



- b. However, for past few years, the tariffs in telecom industry has shifted towards packs with unlimited voice/data usage. With the introduction of more and more unlimited packs/plans, the relevance of audit becomes relatively less in the absence of metered / chargeable events in the billing system.
- c. Further, for past few years, the tariffs are more structured and being launched on a Pan-India basis and not on circle-wise basis.
- d. Furthermore, the two months' timeframe as prescribed by TRAI for refund of excess amount charged is inclusive of 15 days TAT for investigation / analysis of auditor's observations. This timeframe also includes the time consumed in implementing required correction in the system. For checking of CDRs for previous quarters of the audit period, the time period of 2 months is not sufficient as the CDRs need to be extracted from archived mode, investigated and root cause analysis done to assess whether any refunds are payable for previous quarters. For period prior to the running quarter, additional significant time more than 2 months is required to:
 - i. extract the relevant CDRs,
 - ii. to run the query in the system,
 - iii. identify impacted customer base and
 - iv. process the refund
- e. Considering all above, there is a need to simplify the Metering and Billing Audit and provide ease of doing business environment. In this regard, we urge TRAI to simplify this extensive audit as per following:
 - i. **Move from 22 licensed service area (LSA) based audit to sample 4 LSA based audit.** These 4 LSAs can be selected based on North, East, West and South distribution.
 - ii. **The audit should focus on taking incremental tariff plans only.** The existing tariff plans which have been part of scope of Metering and Billing Audit process in a previous year, should not be subjected to repetitive audit process in current or subsequent years.
 - iii. **Sufficient time period of at least 4- 6 months should be provided, for analysing CDRs of period prior to running quarter and providing refunds.** Also, the present timelines prescribed under Regulation 6A for Audit report submission, ATR submission, and refund of the overcharge amount are not sufficient and requires to be increased.



5. Removal of reports or Change in Frequency:

- a. There are certain reports which were relevant in past but, have become redundant in present times and may not be required for ascertaining any compliance or performance monitoring or for publishing of information etc. Therefore, we urge the Authority to carry out an immediate assessment of all periodic reports and provide ease of compliance to the TSPs by removing redundant reports or else by changing their frequencies to half-yearly if neither there is any compliance assessment/monitoring nor the information is published. Some examples are given as below.
- b. The traffic data report (Minutes of Usage) is submitted on a quarterly basis as part of Revenue Report and same data is also submitted separately via monthly Reports (M1 & F1). Post domestic IUC termination charges becoming zero, these reports may not be relevant in present context. ILD traffic minutes by ILDO Report is submitted as Format I to VII on monthly basis and similar report is also sought quarterly as an ad hoc requirement.
- c. **Monthly Poi report:** Post issuance of the Telecommunication Interconnection Regulations, 2018 and with only 4 TSPs now, delays in POIs are no longer been observed . In any case, the Interconnection seeker can approach the Authority within 45 days of being informed of non-provision of Ports. Thus, this report has become redundant and hence should be removed from reporting mandate.
- d. **Quarterly Tariff Report:** This report was mandated in 2004. However, after the implementation of online tariff filing, this information is already available with TRAI at the time of launch/revision/closure itself. Further, different formats for tariff compilation while reporting on the Online Tariff format reporting (OTFR) portal and during the Quarterly Reporting format are different, which makes it cumbersome and error-prone for the TSPs. Thus, this report doesn't serve any purpose, has become redundant and must be removed from reporting mandates.
- e. Similarly, monthly VAS Report has also become redundant and hence should be discontinued or the frequency be made to Half-yearly.
- f. Further, simplification of reports and their timeline should be carried For example Data services related reporting carry similar information in three reports i.e. Monthly Report on Data Services, Monthly report on Internet subscriber & Quarterly Report on PMR. Also, wireline QoS report for CS and NW parameters and wireless QoS for CS parameters is to be submitted on a quarterly basis, whereas for wireless NW - data is to be submitted on a fortnightly/monthly basis. This can be made quarterly for all wireless QoS data, to maintain simplicity and consistency.



- g. **Wireline Reports:** TRAI has provided ease of doing business for ISPs by reducing burden of compliance i.e. reporting of tariffs. For ISPs having subscribers less than 10,000 at the end of a financial year, are not required to comply with reporting requirements in next financial year. In same spirit, **we request TRAI to apply the same principle to wireline services as well and reduce burden of compliance i.e. all reporting requirements from all wirelines operators, if they have subscribers less than 10,000 in a LSA at the end of a financial year.**

6. User-friendly Online reporting:

- a. There are various reporting portal introduced by TRAI, through which the TSPs are reporting the requisite information to TRAI on a monthly, quarterly or yearly basis. However, there are different portals such as for OTFRS portal and PMR reporting portal for uploading of tariffs & other reports respectively. We request the Authority for putting in place a single and simple portal for all types of reporting to TRAI.
- b. Also, for uploading of different reports too, there are separate credentials provided, which at times leads to confusion and makes the process complex, hence as mentioned above we again request that there should be a single and simple portal with same credentials for uploading all types of reports.
- c. Further on uploading the reports on the reporting portal, there is no intimation received at TSPs end for acceptance or rejection of report. We recommend that there should be a mechanism of immediate intimation to TSP about acceptance or rejection of any particular report uploaded on the portal.
- d. In 2018, TRAI had prescribed an online mode for reporting of tariffs via the online tariff reporting system (OTFRS) portal. However, the reporting format has total of 278 fields to be filled/checked for uploading on the TRAI's tariff portal, which is unfriendly and very cumbersome. Thus, these formats/process should be reviewed and a user friendly way of reporting of tariffs should be devised with minimal manual intervention.

7. Consumer education workshops:

- a. During last two years, pandemic has led to increased uptake of digital ways of working and participation. The outbreak of COVID-19 around the globe forced businesses to innovate and change the way they conduct their work.
- b. We have been receiving approval from TRAI since last two years for conducting the Consumer Education Workshops via online mode and there has been a considerable increase in the count of consumers attending these workshops since the time we are conducting these workshops



through online mode. The consumers have growingly accepted this concept of online workshops as it saves their time by avoiding travel and also reduces the risk of spread the COVID.

- c. Therefore, we request the Authority that for the purpose of compliance, Consumer Education Workshops should be permanently allowed to be held virtually or physically as decided by a TSP.

8. Consolidated Regulations/Tariff orders/Directions:

- a. Over a period of time, the regulations / TTO / Directions (“Regulatory framework”) of TRAI undergo changes and amendments are issued. For example, TTO’1999 has 65 amendments, Telecom Consumer Protection Regulation 2012 has 11 amendments, IUC Regulations has 13 amendments, Quality of Services regulation has 7 amendments and Mobile number Portability Regulation has 7 amendments. It becomes challenging and cumbersome both for customers and telecom operators, to read through and build understanding from such large number of amendment documents.
- b. It is pertinent to mention that some of the Regulators in other sectors have also published consolidated regulations e.g. CERC has published consolidated regulations along-with its amendments (website link: https://cercind.gov.in/updated_consolidated_reg.html).
- c. Therefore, we request the Authority for publishing consolidated Regulations / Tariff Orders / Directions thereby including their respective amendments as well. Also, in future, any subsequent amendment in such regulatory documents, should also carry consolidated copy of Regulatory framework along with the said amendment.

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

VIL Comments to Question No. 24

1. There should be a time-bound and periodic utilization audit of unlicensed spectrum, for detailed impact assessment of major policy decisions like delicensing of spectrum. This would be a major ease for the businesses who can then consider such utilizations into their business strategies.
2. Implementation of Right of Way (RoW) Policy in states should be in alignment to the RoW rules of 2016 issued by DoT.



3. The huge amount of flat penalty/LSA as mentioned in the license agreement should be removed and replaced with reduced and graded penalty linked to the severity of the case.
4. Further, we would like to submit that:
 - A. We are fully aligned to the Government's vision of securing telecom networks and we have engaged with DoT and National Security Council Secretariat (NSCS) to support the National Security Directive (NSD) for Telecom in India.
 - B. We have also been getting timely and full support from the Authority to ensure that there are no disruptions in our networks and we can continue to maintain the quality of service for our consumers.
 - C. However, as we are stepping from the 4G into the 5G era, there is going to be a significant uptick in the deployment of equipment and infrastructure into our networks, which would require to be facilitated through ease of implementation of the National Security Directive.
 - D. Some suggestions that we would like to submit for kind consideration and support are as below:
 - i. A review of the list of equipment covered by the Directive may be considered, eg
 - a. Consider keeping only Telecom Network products under purview, consider removal of items like Surveillance systems, Testing Tools etc.
 - b. Remove Customer premises equipment from list.
 - ii. Further, the list may be made exhaustive rather than inclusive for better clarity.
 - iii. Time bound evaluation and approvals.
 - iv. Exemptions granted by the Authority may continue till the time that the evaluation process is completed and final decision is taken.
 - v. Introduction of a mechanism for tracking the approval progress.
 - vi. Consider deemed approval for products which are already approved to other TSPs in order to reduce the duplicity of work.

We believe that the above measures will considerably ease the implementation process and support the expeditious growth of networks to meet the digital objectives envisaged by the Government.



M2M related

5. 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. The current regulatory restrictions in terms of maximum 4 public IPs per M2M SIM are a business challenge and hinder growth and innovation in this segment. E.g. Vehicle tracking solutions / On-board diagnostic (OBD) solutions for vehicles: Such solution providers are using Google Maps 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.
- b. PoS machines – Android bases POS machines today enable a gamut of 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).
- c. In case of 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), thus requiring whitelisting of > 4 public IPs. In advance countries like USA, there are no restrictive features imposed by regulation on IoT/M2M SIMs.

Considering above, we request TRAI to recommend to DoT to remove maximum 4 public IPs restriction for IoT/M2M SIMs and allow as many IPs as required by specific application. An undertaking can be taken by TSPs from M2M SPs to this effect.

6. M2M level opening by all TSPs especially BSNL, MTNL:

- a. 13 and 10 digits M2M SIMs Voice & SMS interoperability - 13 digit M2M numbers (levels) not uniformly opened by TSPs especially BSNL, MTNL despite reminders/follow-ups since 2019.



- b. We request TRAI to recommend to DoT to specify urgency to all TSPs and especially BSNL, MTNL PSUs to open M2M numbering levels in their fixed and mobile networks on priority basis.

7. IoT/M2M device standardization/certification and device to network interoperability/testing standards

- 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. Ensuring that mobile operator's network is not adversely affected due to faulty device configurations at M2M SP's or M2M device vendor's end.
- b. We have experienced cases where Non-standard & foreign devices with e-Sim and physical m2m SIM have caused a lot of overload onto mobile network signalling on account of making multiple PDP sessions.
- c. **Request TRAI to recommend to DoT for constituting a working group of m2m SP, Module providers, Telecom Operators and application providers to together create standard specification for device and testing.**

8. Require Foreign SM-SR integration with Indian TSPs' network for enabling Indian TSP's subscription profile (OTA) on IoT/M2M SIMs that are pre-fitted in devices for import to India

- a. Many foreign telecom operators and enterprises (eg. automotive companies) have SM-SRs located in foreign country and want to enable their e-SIMs pre-fitted in IoT/M2M devices with Indian Mobile Operator subscription profile for use of such devices in India – such pre-fitted IoT devices are manufactured outside India.
- b. In such cases, OTA based local subscription profile can be enabled by Indian Mobile operators if and only if the Indian Mobile Operators are permitted by DoT to connect their telecom network to foreign SM-SR (foreign IP).
- c. Present Unified licence condition restricts remote access to Indian telecom network from foreign location. Such cases of IoT devices with pre-fitted eSIMs being manufactured at one foreign location for use in another country are widely prevalent globally especially w.r.t automobile players/companies having HQs in non-India location(s).
- d. For the imported IoT/M2M devices with pre-fitted eSIMs, which are being manufactured abroad and imported into India, there will be a requirement of



Subscriber Management Secure Routing (SM-SR) of the foreign Telecom Operator to be federated with the SM-SR of Indian Telecom Operator (first scenario) or Subscription Management-Data Preparation (SM-DP) of Indian Telecom operator to be integrated with SM-SR of foreign telecom operator (second scenario). Depending on the use-case, the IMSI & MSISDN could either stored in the SM-SR of the local Telecom Operator (for first scenario) or Foreign Telecom Operator (in case of second scenario).

- e. For the devices which are exported from India, to be used in other countries, the SM-SR of Indian Telecom Operator needs to be integrated with the SM-DP of foreign telecom operator (of the country where the device is being used). In this case, the IMSI & MSISDN will be stored in the SM-SR of the Indian telecom operator. SM-DP can be located within India whereas SM-SR needs to be extended across boundaries of the country to enable various business use-cases. Accordingly, parameters such as IMSI and MSISDN would require be stored in the SM-SR of either foreign Telecom operator or local telecom operator depending on the location/ownership of SM-SR.

Request TRAI to recommend to DoT to modify the remote access to network telecom licence condition to specifically permit above activity in accordance with GSMA standard interfaces as per GSMA security guidelines mentioned in FS.17.

9. Exemption for M2M SIMs in terms of any service barring during emergencies or lockdowns

- a. **M2M communications are required to be continuously available to enable smooth functioning of M2M services.**
- b. **Since M2M communications are between machines, there is no justification for barring/suspension of M2M communication services during emergencies or lockdowns (eg. under Section 144 of CrPC).**
- c. **Request TRAI to recommend to DoT for providing this exemption.**

10. Re-emphasizing its earlier M2M recommendations of 05.09.2017 to DoT and seeking its acceptance w.r.t Permanent roaming of foreign IoT/M2M SIMs should not be allowed in India, integrated national approach on M2M for all IoT/M2M verticals/sectors

- a. TRAI had issued recommendations on 05.09.2017 in this regard post industry consultation and had recommended that permanent roaming of foreign IoT/M2M SIMs should not be permitted. However, DoT's policy decision on TRAI's recommendations are awaited.



- b. We had mentioned that for M2M services, ensuring security is of crucial importance owing to its various applications in the present day. Indian TSPs and companies would be helpless in case services are controlled from foreign countries using the foreign SIM/eUICC on a long term roaming, as the issue will fall outside their area of jurisdiction.
- c. The traceability of foreign SIMs on permanent roaming would always be a matter of concern. On the contrary, a domestic SIM, which is verified as per DoT norms, will be traceable and easily identifiable. In many countries like Brazil, Turkey, Saudi Arabia, permanent roaming for foreign SIMs is not permitted.

In view of the above, we urge TRAI to re-emphasize its earlier recommendation to DoT and recommend maximum three months of roaming for device fitted eUICC and six months for the devices imported with physical/pluggable SIMs.

x----- End of Document -----x

Annexure-A

Sl. No.	PERMIT	AUTHORITY	EXISTING PRACTICES/ PROCEDURE	RECOMMENDATION
1	MOHA (Ministry of Home Affairs)- Clearance for the Foreign national crew members	<ul style="list-style-type: none"> MHA (Ministry of Home Affairs) applications routed through DOT , Ministry of Communication, Delhi) 	<p>Submission to DOT for MOHA through on line URL link. DOT has given the User ID & Password to Telecommunication companies to upload the foreign national's details in the MHA portal for their MOHA clearances</p> <p>Documents required -</p> <ol style="list-style-type: none"> Photographs of foreign national crew members in JPG format under 2MB Colour Passport copy of the foreign national crew members Personal-Passport Details Advance Information Sheet <p>DOT issues MOHA clearances upon receipt of MHA/IB clearances from Ministry,</p> <p>Timeline – Minimum 3-4 Months</p>	<ol style="list-style-type: none"> Time taken is too long. No visibility of progress of application process No access to Agents. Only landing party/ Telecom agencies can apply to DOT. No visits allowed for checking with DOT. If one crew application is having issues from Embassy, whole application gets held up. The 'On line' process should give access to verify progress / status. Utilization of Technical / project crew, once cleared by MOHA, should be permitted to be used in other projects also.
2.	MOD (Ministry of Defence) clearance for vessels deployed in Indian waters for project	<ul style="list-style-type: none"> MOD (Ministry of Defence)/ Navy Applications routed through DOT 	<ul style="list-style-type: none"> Application through 'on line' portal of DOT DOT has provided User ID & Password to Telecom companies <p>Documents required to upload in DOT SCP Online Portal</p> <ul style="list-style-type: none"> Vessels statutory certificates including H&M Insurance certificate copy Letter to DOT from landing parties for MOD clearance for vessel. The RSEE Form and related documents should sign & stamp by the respective landing parties 	<ul style="list-style-type: none"> Time taken is too long. No access to Agents. Only landing party/ Telecom agencies can apply to DOT. The landing parties agents should be able to approach directly to DOT. DOT does not provide any access to know progress of clearances. Needs to be considered.

			<ul style="list-style-type: none"> • Project related documents • Contract copy • Map & coordinates of project/ laying/ repair area <p>On scrutiny the MOD/ Navy issues confirmation to DOT</p> <p>DOT issues MOD clearance on their letterhead</p> <p>Timeline – Approx. 2-3 Months</p>	<ul style="list-style-type: none"> • On – Line status should be available for applications in Portal.
3	SPL (Specified Period License) for Vessels	Directorate General of Shipping (DG Shipping)	<p>SPL necessary as per section 407 of MS Act 1958 for any Foreign Flag Vessel to do Coastal engagement.</p> <p>INSA NOC is presently waived off view no Indian Flag Cable Ship available with Indian Vessel Owners.</p> <p>Documents required with SPL letter duly signed & stamped by the landing party or vessel owner :-</p> <ol style="list-style-type: none"> 1. Statutory certificates 2. Copy of Valid P&I Insurance 3. Copy of Hull & Machinery Insurance 4. Complete contracts copy between landing party and Vessel 5. Copy of Crew list 6. Form “E” -duly filed and signed with seal by Applicant 7. DG Shipping administrative fee to be paid <p>Vessel owner or Indian landing party operator needs to deploy the Indian crew and trainee cadets as per DGS guidelines.</p> <p>SPL application submitted prior minimum three working days from the date of laycan. The late submission causes Late Fee.</p>	<ul style="list-style-type: none"> • No need to INSA NOC – The competitive edge needs to be ‘quality based’ and on availability of best resources worldwide. • Applications being submitted by E mail at present. Needs e- governance module and should be ‘on – line’ submission with all documents. • Human Interface should be minimized. • Vessel owners need to ensure that all Vessel certificates are valid for the project duration and there is no need of extensions. Application has to be once for all. • Need of employment of Indian Crew/ trainees on cable project ships should be waived off. The crew & Technicians on these ships are highly technical and are employed accordingly.

			Timeline – Minimum 4 to 5 Working Days.	
4	NED (Non-Employee Duty Pass) clearance from ONGC for the onboard crew of Vessels	ONGC / ILD (Indian Landing Party)	<p>All onboard crew to have the NED Passes</p> <p>Documents required : -</p> <ol style="list-style-type: none"> 1. NED application form 2. Crew's details 3. Copies Seaman book <p>Clearance time: 02 -3working days.</p>	<p>Requirement should be waived off for Cable Ships employments as the crew / technicians are not being employed on ONGC or other oil exploration installations.</p> <p>The crew are employed exclusively for particular Cable project and do not engage in ONGC platforms.</p> <p>This is only requirement of ODAG for NSC inspections and requirement should be reconsidered.</p>
5	<p>Navigational Warning (NAVAREA) clearance for the Vessels working in Indian Waters</p> <p>(Provided for navigational warnings to Ships in Indian waters)</p> <p>NAVAREA issued by National Hydrographic</p>	<p>Indian Navy / HQ ODAG And Directorate General of Shipping (DG Shipping) (Incase of Safety Fairways)</p>	<p>Application submitted to Navy by letter providing details as follows :-</p> <ol style="list-style-type: none"> 1. Block coordinates with cable fault coordinates 2. Details of other coordinates which vessel operating during subsea cable route survey or repairs. <p>If the area coordinate do not come under Safety Fairways, HQ ODAG/Navy forwards to NHO (National Hydrographic Office) at Dehradun for issuance of navigational warning message. Clearance Time: 05 to 07 working days.</p> <p>If the coordinates come under Safety Fairways (TSS) then Navarea has to be routed through DG Shipping for their NOC first. Thereafter it goes to Navy / ODAG and then NHO Dehradun for issuance of warning messages. Clearance Time: 10 to 15 working days.</p>	<p>The NAVAREA warning and NSC can be merged requirement and once NSC is done, NAVAREA should follow. It can be joint application.</p>

	Office, Govt. of India			
6	Naval Security Clearance (NSC)	HQ ODAG/Navy	<p>Carried out by Navy team once MOD clearance signal is received. Application needs to be submitted to ODAG with following documents :-</p> <ul style="list-style-type: none"> i. Naval Inspection and Clearance application letter from ILD ii. MOD clearance letter copy for vessel from DOT iii. MOHA Clearance copy for vessel from DOT. iv. SPL clearance letter from DGS v. NOC from ONGC (only for Western Region) vi. NED passes vii. Copy of Hull & Machinery Insurance viii. Contract copy ix. Copy of Crew list x. Compliance of V-SAT System Compliance certification. <ul style="list-style-type: none"> • NSC application (file) to be submitted one week prior planned inspection date. • NSC teams (ODAG) board the vessel at Port of c <p>Clearance Time: 02 working days.</p>	<ol style="list-style-type: none"> 1. NED Passes requirement needs to be waived off. 2. Combined application can be made for NAVAREA 3. Statutory clearance requirement only should be checked.
7	ONGC NOC (No Objection Certificate) – applicable only for West Coast of India	ONGC	<p>Applied to ONGC once MOD clearance is obtained with project details. Primarily to verify no project clashes of pipe lines occur in area.</p> <p>Documents required to be submitted by Landing Party</p> <ul style="list-style-type: none"> • Request letter from Indian landing party with Appendix (indicating Route Position List, Straight Line Diagram, Work Area Chart /Area Coordinate diagram / Map, Work Area Coordinates & Duration of Repair Work/Plan of Work) • Methodology of Submarine Fiber Optic Cable Repair Operation 	<p>Time taken is too long and should be considered for application and approval by e – mail</p>

			<ul style="list-style-type: none">• Certificate of Class• Anchorage pattern• MOD clearance letter of DOT <p>Clearance Time: 15 to 20 working days</p>	
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8	Customs - Vessel Importation	Indian Customs / CBEC (Ministry of Finance, Government of India)	<p>In compliance with Section 46 of Custom Act 1962 an Importer needs to present Bill of Entry for goods for home consumption. In addition as per Customs Notification No. 34 / 2019 dtd 30 Sep 2019 the Custom duty & IGST on the cable laying/ repair ops vessels are NIL subject to Condition 105 submitting bond by the Importer reg. requirement of Importation of Cable Ship work in Indian Customs waters.</p> <p>Documents required :-</p> <ol style="list-style-type: none"> 1. IEC (Import Export Code) – of Importer 2. GST Registration certificate of Importer 3. AD (Bank Authorization dealer code) from Importer Bank – from ILD 4. PAN (Permanent Account Number) of Importer – from ILD/ importer 5. Import Invoice Cum Packing List – from vessel owner 6. Vessel Invoice along with Appendix giving Specification of Vessel & onboard equipment, spares, and consumables etc. 7. Invoice for onboard Bunker/Fuels and consumables/ Oil, Thinners Assorted, Grease & Chemicals, onboard Provision etc. 8. Invoice for onboard Marine Gas Oil (MGO) 9. Bill of Lading - 10. Technical Write-up/ Catalogue etc 11. Contract Copy – from ILD 12. Chartered Engineer Certificate <p>The importer needs to submit bond to Customs for condition 105 of the notification.</p> <p>Procedure :</p> <ul style="list-style-type: none"> • Bill of Entry submission with documents in Customs EDI system 	<ul style="list-style-type: none"> • Process is too long & vessel is held up at port for Import/ Export formalities. • Varying process at various ports. On East coast Conversion / Reversion are done prior Import/ Export. • Faceless assessment takes longer and many times outstation assessing officers do not fully understand vessel's role and avoidable queries are raised, which pertain to general 'goods'. This causes delay in getting assessments. <p>Proposal :-</p> <ul style="list-style-type: none"> • Need for adopt uniform process at all Indian ports • May consider waiving off 'Faceless assessment' for cable ships, in view of technical nature of work done by the vessels • Else if Faceless assessment is mandatory requirement, it should be done at any other station dealing with vessels and not general goods. • Need to combine process of Import + conversion or Re- Export + Reversion together in order to cut time of vessel long stay at ports. • At Many ports only Conversion or Reversion activities are done as the vessel call is for project period only. Import / Re-Export process can be cut to minimum.
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			<ul style="list-style-type: none">• Bill of Entry scrutiny• Faceless assessment• Duty finalization• Duty payment• Examination & approval• Out of Charges <p>Clearance Time: 05 to 10 working days.</p>	<ul style="list-style-type: none">• Process needs to be simplified with aim to provide opportunity to trade towards 'ease of doing business'.• May consider process of Vessel's Conversion and Bill of Entry on basis of Self – declaration from the vessel and Bill of Entry can be filed prior vessel's arrival in port for Custom Examination• Vessel may be permitted make self-declaration(same may be accepted by Customs) on completion of cable laying / repair work. On basis of declaration of consumable goods onboard, the Shipping Bill may be processed. This may reduce vessel's stay in port and the vessel may come only for one day for Customs Examination.• Notification 34/2019 dtd 30 Sep2019 indicates applicability in Indian Customs Waters which may be considered only for Territorial waters , as definition of India, as per Customs Act 1962, includes only Territorial Waters.
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9.	Customs – Vessel Conversion	Indian Customs / CBEC (Ministry of Finance, Government of India)	<p>All vessels deployed in Indian waters are also required to be converted to coastal run after importation. On the West Coast this exercise is carried out. Conversion is completed only after the Importation process is completed and Out of Charge Bill of Entry is obtained.</p> <p>The documents required :-</p> <ul style="list-style-type: none"> • Complete Inventory of the vessel (6 copies) • Valid SPL Copy • Import Bill of Entry – Duty Paid and Out of Charge <p>Procedure :-</p> <ul style="list-style-type: none"> • Conversion permission from DC(PG) • Processing Bill of Entry for consumables/ goods • Custom Boarding & Examination • Conversion approval & Certificate Issue <p>Clearance Time: 02 -3 working days.</p>	
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<p><u>10</u></p>	<p>Customs – Vessel re-Export & Reversion to Foreign going status</p>	<p>Indian Customs / CBEC (Ministry of Finance, Government of India)</p>	<p>Vessel needs to come back to Port for Re-Export and Reversion Process</p> <p>Re- Export Processed at Export dept. in Customs. Reversion process done at DC(PG)</p> <p>The documents required :-</p> <ul style="list-style-type: none"> • Re- export Invoices • GR Waiver from Bank • Import Bill of Entry – Duty Paid Challan <p>Procedure :-</p> <ul style="list-style-type: none"> • Processing of Shipping Bill through Customs EDI system • Shipping Bill no. generated in System • Re- export permission from DC(Export) • Custom Boarding & Examination • Issue of Let Export Order. • Reversion process Scrutiny at DC(PG) once LEO issued. • Certificate Issue <p>Clearance Time: 01 -2 working days.</p>	
<p><u>11</u></p>	<p>Port Clearance</p>	<p>Indian Customs</p>	<p>Issued by Customs Export dept. after vessel’s Re- export / Reversion process once vessel is ready for departure</p>	<p>Needs to be available 24x7 basis. At times PC are delayed due non – availability of Custom Officials.</p>