

UNIFIED LICENSING REGIME IN INDIA

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Traditionally telecom regulation has provided separate licensing Regimes for different services, e.g., fixed line, mobile, Internet, long distance telephony, etc. With the evolution of technology and market applications, most significantly the developments in Internet and mobile technologies, the distinctions traditionally applied among services are blurring and the same technology can now be used to offer more than one type of service. This trend is likely to continue and moreover is difficult to anticipate. The regulatory regime should facilitate the dynamic developments in the technology and product markets, and therefore be technology and service neutral. The Regulatory Regime should, therefore, also evolve to allow these objectives in a manner that provides flexibility and reduces conflicts arising out due to any policy imposed restrictions. Thus, it is necessary that a new “future proof” Licensing Regime – The Unified Licensing/Authorisation Regime – be implemented in which service providers may be able to offer any or all services, using technology of his/her choice with flexibility also in terms of area of operation, greater participation of all types of entrepreneurs (big or small). The Government of India has agreed in November, 2003 to implement a Unified Licensing Regime under a two phase implementation scheme. The first phase, implemented from November, 2003 onwards has put in place a Unified Access Licensing (covering both fixed and mobile services) in India. Telecom Regulator (TRAI) is in its final phase for determining the recommendations for the second phase, i.e. Unified Licensing, which will address several telecom services with separate licensing at present, like National Long Distance Service, International Long Distance Service, VSAT Services, Infrastructure Provider Services, Unified Access License, etc. These have different services specific terms and conditions under their licenses. It is a big challenge to bring all these services under a Unified Licensing Regime, while maintaining a level playing field and the objective of adhering to high growth of telecom services.

This presentation will mainly cover a brief history of telecom licensing regime in India, the reasons of introducing the concept of Unified Licensing Regime, the migration process to Unified Access License, the current status of Licensing Regime in India and the various concerns that need to be addressed for ensuring a Unified Licensing Regime.
