

Dated: 17 July, 2026

To,

The Joint Secretary (T)
Department of Telecommunications,
Ministry of Communications, Govt. of India,
Sanchar Bhawan, 20-Ashoka Road,
New Delhi – 110001

Subject: IAFI Suggestions and Comments on the Draft Telecommunications (Spectrum Assignment by Administrative Process) Rules, 2026 [Ref: G.S.R. 494(E)]

Ref: DoT Notification No. G.S.R.494 (E) dated 18-06-2026

Sir,

ITU-APT Foundation of India (IAFI) appreciate the Draft Telecommunications (Spectrum Assignment by Administrative Process) Rules, 2026, seek to operationalize the provisions of the Telecommunications Act, 2023, by laying down a comprehensive framework for the administrative (non-auction) assignment of spectrum across critical use cases, including defence, public safety, broadcasting, satellite services, captive networks, railway communications, and backhaul spectrum.

While this draft framework represents a vital step toward implementing the modernized telecom regime, certain provisions require targeted refinement. To successfully promote long-term capital investment, support rapid network expansion, enhance the ease of doing business, and facilitate the Government's broader Digital India objectives, the framework must provide regulatory certainty and protect the business continuity of service providers.

Accordingly, based on consultations with industry partners and subject matter experts, IAFI submit the following comprehensive suggestions and proposed textual amendments for the kind consideration of the Central Government:

PART A: Key Policy & IAFI Suggestions

1. Rationalization of Backhaul Spectrum Pricing: - Backhaul spectrum constitutes the backbone of modern telecommunications networks and is an indispensable prerequisite for the efficient utilization of auctioned access spectrum. Given the exponential growth in data consumption, the scale of 5G deployment, and the ongoing necessity to expand network capacity, affordable and reliable backhaul infrastructure is paramount. IAFI suggest the following.

- (a) **DoT should adopt TRAI's Recommendations:** The recommendations made by TRAI to rationalize backhaul Spectrum Usage Charges (SUC) merit immediate acceptance. Lowering these recurring charges would significantly alleviate network

operating costs, allowing telecom service providers (TSPs) to reinvest capital into coverage expansion and quality-of-service (QoS) improvements.

- (b) **DoT should align with Global Best Practices:** This reduction is consistent with the fundamental nature of backhaul spectrum, which functions as an enabling infrastructure rather than a direct retail revenue-generating resource. IAFI urge the DoT to incorporate TRAI's pricing framework in the final rules, making it available to both existing operators and new entrants.

2. Ensuring Continuity of Backhaul Spectrum Assignments: - Uncertainty regarding the availability and tenure of backhaul spectrum severely undermines network planning and long-term investment cycles. IAFI suggest the following.

- (a) **Co-Terminus Validity:** It is imperative that the validity of backhaul spectrum assignments remains strictly co-terminus with the validity of the operator's principal license or authorization, running parallel to the license duration and revalidated concurrently at renewal.
- (b) **Protection for Legacy Licensees:** Operators that opt not to migrate to the new authorization regime must be permitted to retain their existing backhaul spectrum assignments uninterrupted until the expiry of their current licenses to preserve investor confidence and regulatory stability.

3. Simplification of the Backhaul Assignment Process: - The final rules must simplify the application and approval workflow for backhaul assignments to genuinely reflect the Government's ease-of-doing-business mandate. IAFI suggest the following.

- (a) **Remove LIM Demonstration as a Precondition:** The recently notified Principal Telecom Service Authorisation Rules allow a window of up to fifteen (15) days post-launch for demonstrating Lawful Interception and Monitoring (LIM) capabilities. Mandating a successful LIM demonstration as a strict *precondition* for administrative backhaul spectrum assignment creates a regulatory inconsistency.
- (b) **Recognize the Nature of Backhaul:** Backhaul links connect core network elements and do not directly interface with end-user communications. Forcing existing operators to undergo a protracted approval process for every new backhaul link creates an avoidable administrative bottleneck that directly impedes rapid network rollout.

4. Timely Spectrum Assignment for NGSO Satellite Operators: - The final rules must provide immediate clarity regarding spectrum assignment mechanisms for Non-Geostationary Satellite Orbit (NGSO) operators.

- **Accelerate Digital Inclusion:** TRAI has already submitted detailed recommendations on spectrum assignment for satellite communication services. Continued delays in finalizing this specific policy framework are causing severe market uncertainty, resulting in substantial global and domestic investments remaining stranded. Expediting administrative spectrum assignment for NGSO operators will rapidly unlock high-speed broadband connectivity for remote and underserved regions.

PART B: Specific Rule-by-Rule Proposed Amendments

To operationalize the policy goals mentioned above and introduce necessary safeguards against administrative delays and arbitrary disruptions, the following textual changes are proposed to the draft Rules:

1. Introduce Time-Bound Approvals:

Regarding - Rule -5 (Application) and Rule -6 (Grant of Spectrum Assignment) –The draft states the Central Government "shall, after making such inquiry as it deems fit... issue a letter of intent." There is no statutory timeline for the government to process applications, grant assignments, or approve site clearances.

IAFI suggestion:

The rules should specify a maximum timeframe (e.g. 30 or 60 days) for the government to grant or reject the application. Introducing a "deemed approval" clause for certain routine administrative clearances (like fixed site installations under Rule 5.2) would significantly protect providers from bureaucratic delays.

2. Safeguards Against Unilateral Modifications:

Regarding the Rule - 8(3) – The draft states that the government retains the power to *suo motu* (on its own motion) modify, vary, or make technical adjustments to the terms of assignment, including frequency bands and power levels. This creates massive financial risk; a sudden change could render a provider's existing radio equipment obsolete overnight.

IAFI suggestion:

IAFI suggest that provision mandating a Consultation Process or a Right to be Heard before *suo motu* changes are enforced, must be introduced. Furthermore, the rule should explicitly grant a reasonable transition period (e.g., 1–2 years) for service providers to phase out and replace legacy equipment without disrupting their network or suffering immediate financial losses.

3. Criteria for Renewal:

Regarding the Rule - 9(4) – The rules state that the Central Government may, "in its discretion," renew the spectrum assignment

IAFI suggestion:

Telecom Infrastructure requires massive, long-term capital expenditure, so relying on "government discretion" for renewals may deter investment. IAFI is of the view that word "discretion" should be replaced with objective performance. If a service provider has complied with all terms, paid all dues, and operated legally, there should be a presumptive right to renewal.

4. Financial Fairness Upon Surrender:

Regarding the Rule - 10(3) – The rule states that Upon surrender of spectrum, if there are balance amounts left after settling dues, the government "may either adjust such amounts... or refund such amount to the assignee."

IAFI suggestion:

The word "may" should be replaced with "shall", as if a service provider surrenders spectrum and has cleared all outstanding dues, the refund of the remaining balance should be a mandatory statutory right, not a discretionary favour.

5. Clarity on Incident Reporting:

Regarding the Rule - 7(i and k) – The rules states that providers are required to Forthwith report any instance of unauthorised access, interception... or suspected misuse.

IAFI suggestion:

IAFI is of the view that the term Forthwith" is legally ambiguous and can lead to disputes or arbitrary penalization, if the government feels a report was delayed. This should be replaced with a specific timeline aligned with CERT-In guidelines (e.g. within 24 hours of becoming aware of the incident).

IAFI trust that these suggestions will be reviewed favourably before the finalization of the Rules. Incorporating these above specific policy clarifications and objective safeguards will significantly bolster the confidence of service providers, ensure a transparent administrative assignment process, and ultimately serve the nation's connectivity goals.

Thank you.

Warm Regards,

Bharat B Bhatia,
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Vice Chairman, Asia Pacific, World Wireless Research Forum (WWRF)

Copy to: The Secretary, DoT - for information please.