The Broadband India Forum (BIF) stated that there is an immense opportunity to allow provisioning of common shareable active infrastructure to infrastructure providers category-1 (IP1s) by reviewing their scope of services, since, thus far, they have been providing only passive infrastructure. BIF recommends that the scope of the IP1s should be enhanced immediately to include provisioning of common shareable active infrastructure to all concerned entities. This will result in the following:

• More efficient utilisation of resources

• Reduce cost for all players

• Make available affordable tariffs

• Lead to expeditious rollout of next-generation services, viz. 5G for customers

With advancing technology and the proliferation of applications, next-generation and value-added services are rapidly emerging that use the networks/services of existing telecom service providers (TSPs) at higher layers. These next-generation value-added services and applications are invaluable, not only to end-users, but also to all the stakeholders in the value chain and the economy as a whole. In this situation, empowering the infrastructure providers could prove highly beneficial to the growth trajectory of communications technology in India. Hence, it is imperative that IP1s be provided right of way (RoW), to enable expeditious rollout of the critically needed infrastructure.

Commenting on the development, T.V. Ramachandran, President, BIF, said, “The opportunity is ripe for review of the scope for IP1s, to cope with the ongoing huge data explosion as well as data growth, likely to arise out of Next Generation Services such as 5G and IoT/M2M. We would like to thank the Authority (TRAI) for bringing out the Consultation paper for discussion on enhancement of scope for IP1s and have respectfully submitted our views and recommendations on the same. We hope for a positive consideration of our position on the matter, keeping in view the government’s objective towards developing a world class digital infrastructure in the country, and the factors that would add impetus to the endeavor.”

Incidentally, the same is already provisioned in the NDCP-2018 gazette notification issued by the government of India in October 2018 and agreed unanimously by all stakeholders. The relevant provision vide para - 1.1(f) of NDCP-2018 is given as below:

“Encourage and facilitate sharing of active infrastructure by enhancing the scope of infrastructure providers (IP) and promoting and incentivising deployment of common shareable, passive as well as active, infrastructure.”

While there is a certain misconception that there is a regulatory or legislative challenge in allowing RoW to IP1 players, a careful study of the Indian Telegraph Act 1885 suggests that Registration is also a form of Licensing and that IP1 License is granted by means of a Registration. Under Relevant Section 4 of the Indian Telegraph Act, it is clearly stated that the Govt. has wide and all-encompassing power that embraces all possibilities, and a License can be granted on any terms and conditions as deemed necessary by DOT and a simple Registration. The proviso to Section 4 (1) of the Act reads:

“Provided that the Central Government may 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”.

Thus, it is clear that the central government has full powers to grant a license on any terms and conditions and as a matter of fact, licenses such as to the Local Cable Operators (LCOs), IP1 providers, OSPs, etc. are granted by means of a registration. While a license may be in the form of a commercial license agreement or a simple registration, the obligations/payments terms should be commensurate with the rights given under such licenses.

Moreover, TRAI itself also recommended enhancement of scope of IP1s, vide its recommendations to the Government on 2nd February 2018, regarding “Input for formulation of NTP-2018”.

One may note that TRAI, in its white paper on “Making India 5G ready”, estimates the savings on account of active infrastructure sharing to the extent of 25-35% in operating expense (opex) and 33-35% in capital expenditure (capex). This is also being done internationally across many countries, as has been highlighted in the Consultation paper itself.

In view of the various benefits of infrastructure sharing such as faster rollout, cost sharing/reduction, etc., any/every active infrastructure element that is possible to be shared, should be included in the enhanced scope of IP1.

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