



DoT notifies rules

In-flight and maritime connectivity

On Dec 14, 2018, the department of telecommunications (DoT) has issued a notification on "Flight and Maritime Connectivity Rules-2018" allowing the use of cellphones to make calls and access internet when flying in the Indian territory. Now, Indian and foreign airlines and shipping companies can provide in-flight

and maritime voice and data services in partnership with an Indian telecom licence holder.

The in-flight and maritime connectivity (IFMC) can be provided using telecom networks on ground as well as using satellites. A telecom licence holder can provide the services through domestic and foreign satellites having permission of the Department of Space.

The IFMC services will be activated once the aircraft attains a minimum height of 3,000 metres in Indian airspace to avoid interference with terrestrial mobile networks. The IFMC licences will be granted against annual fee of Re 1 for a period of 10 years and they will have to pay licence fees and spectrum charges based on revenue earned from providing services.

Applicability
 3- IFMC service shall establish and work to provide wireless data or both telegraph messages with territorial waters of aircraft with India or its waters.
IFMC standards
 4- (1) The Aircraft or Earth Station established service providing shall conform applicable International Telecommunication Union (ITU) Recommendations (ETSI) Electrical Engineers International 3rd Generation Project
 (2) IFMC systems to-Ground stations to permit Flight provision complete set by bodies rule (a) Eligibility
 (1) A licence to apply to provide (a) (b)

Applicability: - The IFMC service provider shall establish, maintain and work telegraph to provide wireless voice or data or both type of telegraph messages on ships within Indian territorial waters and on India or Indian territorial waters.

IFMC standards.-

- 4. (1) The Aircraft Earth Station or Earth Station in Motion established by an IFMC service provider for providing the IFMC service shall conform to the applicable standards set by International standardisation bodies, such as, International Telecommunications Union (ITU), European Telecommunications Standards Institute (ETSI), Institute of Electrical and Electronics Engineers (IEEE); or set by International fora such as 3rd Generation Partnership Project (3GPP).
- (2) IFMC communication systems using Direct-Air-to-Ground Communications (DAGC) shall be permitted to be used for in Flight connectivity, provided they are in compliance of standards set by the international bodies referred to in sub-rule (1).

5. Eligibility.-

- (1) A licensee shall be eligible to apply for authorisation to provide IFMC service if -
 - (a) holds a license for access service or an ISP category A license; and
 - (b) holds an NLD license or a commercial VSAT CUG service license, and has satellite gateway earth station within the service area of the license as

- specified in clause (a), in case connectivity through satellite is used.
- (2) The following companies shall also be eligible to apply for authorisation to provide IFMC service by entering into commercial agreements as referred to in sub-rule (5) and (6), namely:-
 - (a) Indian airlines company or foreign airlines company having permission to enter Indian airspace by the Directorate General of Civil Aviation;
 - (b) any Indian shipping company or foreign shipping company whose vessels or ships call Indian ports or transit Indian territorial waters and intend to carry out communication for non-GMDSS (Global Maritime Distress and Safety System) [routine] or for commercial purpose; and
 - (c) any company incorporated under the Companies Act, 2013 (18 of 2013) or under any previous company law.
- (3) A licensee referred to in sub-rule (1), may provide voice or data or both services in accordance with the scope of the license, held by it.
- (4) Data service may be provided by the IFMC service provider through WiFi.
- (5) For providing data service, the companies referred to in sub-rule (2), shall enter into a commercial agreement with at least one licensee of-
 - (a) access service or ISP category A; and
 - (b) commercial VSAT CUG

- service or NLD service, having satellite gateway earth station within service area of partnering licensee as referred to in clause (a), in case connectivity through satellite is used.
- (6) For providing voice and data service, the companies referred to in sub-rule (2), shall enter into a commercial agreement with at least one licensee of -
 - (a) access service; and
 - (b) commercial VSAT CUG service or NLD service, having satellite gateway earth station within the service area of partnering licensee of access service, in case connectivity through satellite is used.
- 6. Application for obtaining authorisation to provide IFMC service.-**
 - (1) Any eligible licensee or company referred to in sub-rules (1) and (2) of rule 5, shall make an application in the form as per Annexure appended to these rules, to DoT for obtaining the authorisation to provide IFMC service.
 - (2) The applicant under sub-rule (1) shall pay non-refundable application processing fee as per the details given in the said application form at Annexure.
 - (3) The DoT, if the application is found in order in all respects, shall grant the authorisation to the applicant under sub-rule (1), to provide IFMC service.
- 7. Validity.-** The authorisation granted under sub-rule (3) of rule 6 shall be valid for a period of ten years from the date of its grant.

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9. Restrictions.-

(1) The IFMC service provider shall provide the operation of mobile communication services in aircraft at minimum height of 3000 meters in Indian airspace to avoid interference with terrestrial mobile networks.

(2) Internet services through WiFi in aircraft shall be made available when electronic devices are permitted to be used only in airplane mode.

10. Regulatory provisions.-

(1) The regulatory permissions under these rules shall be same for both, Indian registered airlines or ships and foreign registered airlines or ships offering IFMC services.

(2) These rules shall also be applicable for business jets, executive aircraft and yachts.

(3) The modification of aircraft registered in India, to provide IFMC facility, shall be approved by the Directorate General of Civil Aviation as per the Aircraft Rules, 1937.

(4) There shall be separate infrastructure for IFMC and navigation system in aircraft and ships to avoid interference.

(5) IFMC shall be in exclusive control of the pilot or captain of the aircraft or ship to enable him to turn off the connectivity during any adverse condition.

11. Location of satellite gateway earth station.-

In case of using satellite system for providing IFMC services, the telegraph message shall be passed through the satellite gateway earth station located within India, as specified in rule 5 and such satellite gateway earth stations shall be intercon-

nected with the NLD or access service or ISP licensee's network for further delivery of service.

12. Satellite system.-

(1) The IFMC service provider shall be permitted to use either Indian satellite system or foreign satellite system capacity duly authorised through the Department of Space.

(2) Spectrum neutral approach shall be adopted in satellite system being used for providing IFMC services.

(3) The IFMC service provider or its partnering licensee shall acquire the right to use radio spectrum with frequency assignment made by WPC Wing of DoT.

(4) The IFMC service provider or its partnering licensee shall obtain SACFA clearance and Wireless Operating License, for satellite gateway earth stations, wherever required.

(5) The DoT shall have right to inspect as well as monitor on board radio stations or satellite gateway earth stations to ensure compliance of technical parameters.

(6) A telecom licensee shall be permitted to use satellite bandwidth already assigned to it, for the provision of IFMC services.

13. Monitoring or interception.-

(1) The designated authority, shall have the right to monitor or intercept the telegraph message passing through the IFMC network.

(2) The hardware and software required for lawful interception and monitoring of telegraph message shall be arranged by the IFMC service provider either itself or through its partnering licensee at the premises of designated authorities of the Central

Government or a State Government.

(3) For establishing connectivity to a centralised monitoring system, the IFMC service provider at its own cost shall arrange either itself or through its partnering licensee, appropriately dimensioned hardware and bandwidth or dark fibre upto a designated point as required by the DoT.

(4) The IFMC service provider shall make arrangement for monitoring of telegraph message in plain form either itself or through its partnering licensee.

(5) Any service permitted under these rules, shall be commenced by the IFMC service provider only after giving an intimation to do so to the DoT. Provided that the monitoring facilities as specified in sub-rule (2), (3) and (4) shall have to be demonstrated by the IFMC service provider to the DoT, within ninety days from the date of intimation.

14. Fee.-

(1) The IFMC service provider shall pay annual fee of one rupee to be paid on annual basis to the DoT through Bharatkosh.

(2) The fee as specified in sub-rule (1), is in addition to the satellite bandwidth charges, license fees, spectrum charges and such other charges which are to be paid by the telecom licensees under the respective licenses.

(3) Revenue earned by the partnering licensee from IFMC service providers or by the licensee providing IFMC services, shall be included in the gross revenue of the licensee, for the purpose of license fee and spectrum usage charges.