

STATEMENT OF THE PROBLEM

National Telecom policy- 1994 does not mention about spectrum management. There is a small paragraph on spectrum management in National Telecom Policy-1999. The lack of clarity in NTP-1999, amongst others led to 2G imbroglio and court cases. NTP-2012 has tried to address the issue of spectrum management and gives broad objectives viz., to move at the earliest towards liberalisation of spectrum to enable use of spectrum in any band to provide any service in any technology as well as to permit spectrum pooling, sharing and later, trading to enable optimal utilisation of spectrum through appropriate regulatory framework. But NTP-2012 falls short of providing policy and legal framework for spectrum management in India. The spectrum management in the country is managed by SACFA, a multi-disciplinary body and it has led to turf wars. At present India lacks a robust framework for spectrum management. The spectrum management programs of other countries faced similar challenges to those in India. A number of countries, such as Australia, the United Kingdom and the United States have undertaken extensive reviews of their spectrum management programs. A common finding in these reviews is that traditional methods of spectrum management have often impeded access to spectrum and are slow to adapt to changes in technology and markets. As a result of these reviews, these countries have taken steps to evolve from a prescriptive style of spectrum management to an approach that embraces more flexibility and a greater

reliance on market forces along with changes in institutional and legislative (legal) framework.

PURPOSE AND RELEVANCE OF STUDY

To suggest policy and regulatory framework and measures to improve spectrum management in the country. To provide an outline for regulatory and statutory framework for spectrum management. It is expected that this study could be an important input to Policy Makers, Department of Telecom, Telecom Regulatory Authority of India (TRAI) and spectrum users.

RESEARCH QUESTIONS

1. What policy and regulatory measures can be taken to improve spectrum management in the backdrop of Supreme Court judgment on 2G?
2. Whether there should be a single and comprehensive statute for spectrum management?

METHODOLOGY

As the study is to determine the policy and regulatory measures to improve the spectrum management, the methodology is a combination of descriptive and case study of spectrum management in selected countries. The survey of literature has been adopted including Acts, books, journals, periodicals, newspaper reports, government reports. It also included circulation of questionnaire to Chief Regulatory officers of Telecom Companies in India including Cellular Operators Association of India (COAI) and Association of unified Telecom Service Providers of India (AUSPI). It

included visit to Federal Communication Commission (FCC) in Washington and detailed discussion with the officers of Auction & Spectrum division, Spectrum & Competition Policy division and Strategy Analysis and Negotiation Division, FCC.

LIMITATION

The study of spectrum management included selected countries viz., USA, Australia, United Kingdom.

STRENGTH

The countries that are studied are those, which have been able to achieve efficiency and effectiveness in their spectrum management and provide a credible roadmap for those countries seeking to improve spectrum management. These countries have taken steps to evolve from a prescriptive style of spectrum management to an approach that embraces more flexibility and a greater reliance on market forces along with changes in the institutional and legislative (legal) framework.