

No. 20-271/2010-AS-I (Vol.-III)
 Government of India
 Ministry of Communications
 Department of Telecommunications
 (Access Services Division)
 Sanchar Bhawan, Ashok Road, New Delhi-110001

26th September 2018

To
 All the CMTS Licensees

Subject: Amendment in CMTS Licences for Regulatory Framework on “Net Neutrality”.

In pursuance of Condition 5.1, The LICENSOR reserves the right to modify at any time the terms and conditions of the LICENCE, if in the opinion of the LICENSOR it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the telegraphs. The LICENSOR hereby appends the following in CMTS agreement:

<i>S No</i>	<i>Appended clause</i>
<i>1</i>	<p>Scope of the Licence <i>Clause no. 2.4</i> Principle of non-discriminatory treatment, definition of specialised services and reasonable traffic management and other exceptions</p> <p>(i) <i>A Licensee providing Internet Access Service shall not engage in any discriminatory treatment of content, including based on the sender or receiver, the protocols being used or the user equipment.</i></p> <p>(ii) <i>The Licensee is prohibited from entering into any arrangement, agreement or contact, by whatever name called, with any person, natural or legal, that has the effect of discriminatory treatment of content.</i></p> <p>(iii) <i>Nothing contained in this provision shall restrict:</i></p> <p style="margin-left: 20px;">a) <i>The provision of any Specialised Service by a Licensee, provided that:</i></p> <ul style="list-style-type: none"> • <i>The Specialised Services are not usable or offered as a replacement for Internet Access Service; and</i> • <i>The provision of the Specialised Services is not detrimental to the availability and overall quality of Internet Access Service.</i> <p style="margin-left: 20px;">b) <i>Any measure adopted by the Licensee that are proportionate, transient and transparent in nature and fall under any of the following categories:</i></p> <ul style="list-style-type: none"> • <i>Reasonable traffic management practices as may be specified from time to time;</i> • <i>Provision of emergency services or any services provided during time of grave public emergency, as per the process laid down by the Licensor/TRAI;</i> • <i>Implementation of any order of a court or direction issued by the Government, in accordance with law;</i> • <i>Measures taken in pursuance of preserving the integrity and security of the network and equipment; and</i> • <i>Measures taken in pursuance of an international treaty, as may be specified by the Government.</i> <p>(iv) <i>For the purpose of this provision:</i></p>

	<p>a) "Content" shall include all content, applications, services and any other data, including its end-point information, which can be accessed or transmitted over the Internet.</p> <p>b) "Discriminatory treatment" shall include any form of discrimination, restriction or interference in the treatment of content, including practices like blocking, degrading, slowing down or granting preferential speeds or treatment to any content.</p> <p>c) "Specialised services" shall mean services other than Internet Access Services that are optimised for specific content, protocols or user equipment, where the optimisation is necessary in order to meet specific quality of service requirements.</p> <p><i>Provided that the Licensees is authorised to provide such services in accordance with the provisions contained in this license, as modified from time to time.</i></p>
2	<p>Annexure-I</p> <p>Clause no. 16A</p> <p>Definition of Internet Access Service UL</p> <p>Internet Access Service is a service to access the Internet that is:</p> <ol style="list-style-type: none"> Generally available to the public; and Designed to transmit data to and receive data from all or substantially all endpoints on the Internet. <p>Explanation: Any service that offers capabilities that are incidental to or provide the functional equivalent of Internet Access Service, shall also be included within the scope of this definition.</p>

3. Please acknowledge receipt.


 (R. K. Somi) 26/12/18

Director (AS)

For and on behalf of the President of India

Ph. No. 23036284

Copy To:

- Secretary (TRAI).
- Sr. DDG (TEC)/ Wireless Advisor/ Sr. DDG (DGHQ)/ Sr. DDG (LFP)/ DDG (LFA)/ DDG (Security) and DDG (WPF).
- Advisor (Economics)/ DDG (CS)/ DDG (DS)/ DDG (A/C) for kind information please.
- CMD, BSNL/ CMD, MTNL/ CVO.
- AUSPI/ COAI.
- Director (IT) may kindly arrange to upload this letter on the website of DoT.
- All Directors of AS Division.