

LEGAL RESEARCH PAPER

Licensed but Switched Off

Starlink, the Sky and the Law in India

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Satellite internet, spectrum and national security under the Telecommunications Act, 2023 :
the Government's legal position and what it means for ordinary Indians

AT A GLANCE

Starlink, the satellite internet service of Elon Musk's SpaceX, holds an Indian telecom licence (June 2025) and space-regulator approval (July 2025). It has built about 20 ground stations in India. Yet not a single Indian customer can use it, because three final steps are still pending: security clearance from the Home Ministry, approval for its fully foreign-owned Indian company, and the actual grant of spectrum.

In October 2026 Musk blamed unnamed 'oligarchs' for the delay. The Government called this 'baseless and misconceived', and the Telecom Minister explained that three companies hold licences, that India does not allow a monopoly, and that each company must clear the security tests on its own.

The hardest legal question is whether the Government can give satellite spectrum without an auction when the Supreme Court in the 2G case linked spectrum to auctions. This paper explains the law in simple words, sets out the Government's strongest arguments and their weak points, and shows what all of this means for a family in a village with no internet.

1. A Shop with a Licence but a Locked Door

Picture a shop that has its trade licence, has filled its shelves and switched on its lights, but still keeps its door locked. That is Starlink in India in October 2026. The Department of Telecommunications (DoT) gave it a licence in June 2025.¹ India's space regulator, IN-SPACe, cleared its satellites in July 2025.² The company says it has built about 20 gateway sites across the country.³ And yet, as Musk himself admits, Starlink's satellite beams are switched off over India.⁴

In the first week of October 2026 this quiet wait turned into a loud public fight. A SpaceX executive told the India Mobile Congress that she hoped the service would start in India by next year. Within hours Musk accused 'oligarchs' of blocking him.⁵ The Government hit back, the Opposition joined in, and the Telecom Minister went on record to explain the Government's stand.



Figure 1: Elon Musk, whose company SpaceX runs Starlink. Starlink is licensed in India, but its service has not started.

¹ [‘Musk’s Starlink gets licence to offer satellite internet services in India’](#), *Business Standard* (6 June 2025).

² IN-SPACe authorisation dated 8 July 2025, reported in PTI, [‘IN-SPACe grants permission to Starlink to launch services in India’](#), *The Week* (9 July 2025).

³ [‘Elon Musk Accuses “Oligarchs” of Blocking Starlink’s India Launch, Government Rejects Bias Claims’](#), *LawStreet Journal* (9 October 2026).

⁴ [“‘Beams turned off’: Elon Musk rejects claims that Starlink is being used by militants in Manipur”](#), *Scroll.in* (18 December 2024).

⁵ Aroon Deep, [‘Elon Musk alleges “oligarch” interference in Starlink’s India launch’](#), *The Hindu* (New Delhi, 8 October 2026).

Behind the headlines are serious legal questions that go far beyond one company. Who controls the sky over India? Can spectrum be given without an auction after the 2G judgment? Can the Government switch off a foreign network in an emergency? And will a village family ever be able to afford it? This paper answers these questions.

The paper marks what is **settled law** (clearly laid down by statute or the Supreme Court), what is an **interpretation** or an **argument** that a party may make, and what is the **author's view**.

2. How Satellite Internet Works, in Plain Words

Most of us get the internet from a mobile tower or a fibre cable. Satellite internet skips both. A small dish on the roof talks to a satellite passing overhead. The satellite passes the signal down to a ground station, called a gateway, and from there it joins the normal internet. Starlink's first-generation system approved for India has 4,408 satellites flying only 540 to 570 km above the earth, which is why the connection is quick enough for video calls and online classes.⁶

Think of a school in a hill village near Lonavala, where laying a cable would cost lakhs and no tower reaches. With a dish on the school roof, children could join an online class the same day. That promise is why satellite internet matters. The question is on what terms the law will let it in.



Figure 2: Starlink is ready on paper, but in India its service is still switched off.

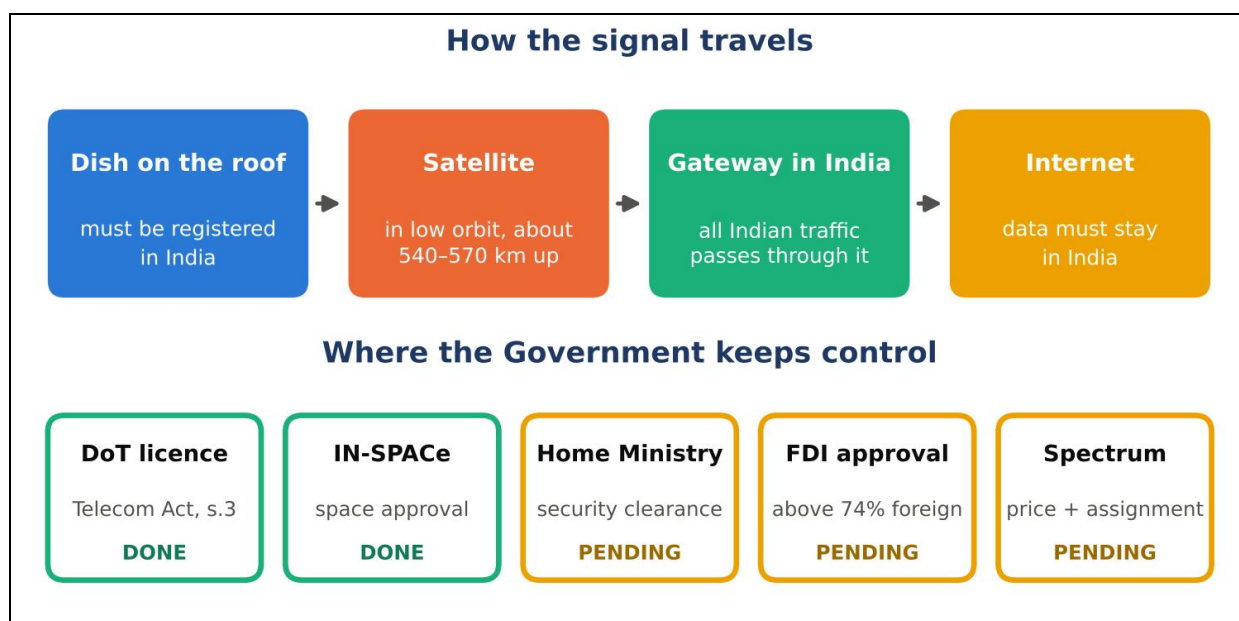


Figure 3: How the signal travels, and the five points at which the Government holds the key. Two are done; three are pending.

⁶ IN-SPACe authorisation report, supra note 2.

From the rooftop to the sky. A Starlink kit has two main parts: a flat dish, which Starlink calls the user terminal, and a small Wi-Fi router. The dish has no antenna that must be pointed by hand. It is a ‘phased-array’ antenna, which steers its beam electronically, a little like a torch that can change direction without being moved. This matters because Starlink satellites do not stand still over one place. They race around the earth at about seven kilometres every second, so the dish keeps handing the connection from one satellite to the next as each one crosses the sky.⁷



Figure 4: From the rooftop to orbit: the dish links to a satellite passing overhead, which passes the signal down to a ground station and on to the internet.

The journey of one click. When a user in Pune opens a website, the request travels from the router to the dish, up to the satellite overhead, down to a gateway station on the ground, and from there into the internet at what engineers call a ‘point of presence’. The reply returns the same way. Where no gateway is close by, as over the sea or a remote border, the satellites can pass the data among themselves through laser links in space before sending it down. Because the satellites fly so low, the trip through space itself takes less than ten milliseconds. Starlink says its median delay at peak hours in the United States fell from 48.5 to 33 milliseconds in 2024, which is quick enough for video calls and online classes.⁸ By March 2026 SpaceX had more than 10,000 Starlink satellites in orbit at the same time.⁹

Why the law cares about each step. Every link in this chain is also a legal checkpoint. The dish must be registered, and its location must be shared with security agencies on demand. The gateway must be in India, so that Indian traffic can be lawfully intercepted. And the laser links are the very reason India forbids routing Indian traffic outside the country: without that rule, a message sent from a village in Maharashtra could hop from satellite to satellite and come down in another country before it ever reached the internet.¹⁰

3. The Rulebook

3.1 Only Delhi can say yes

Telecommunication and wireless are in Entry 31 of the Union List of the Constitution, so only Parliament and the Central Government can license satellite internet. A State can cooperate, as Maharashtra did when it became the first State to sign a Letter of Intent with Starlink on 5 November 2025 to connect government

⁷ Mark Handley, ‘[Delay is Not an Option: Low Latency Routing in Space](#)’, *HotNets-XVII* (University College London, November 2018), ss. 1–3.

⁸ Starlink (SpaceX), ‘[Starlink Latency](#)’ (technical note, 2024).

⁹ ‘[SpaceX reaches 10,000 simultaneous Starlink satellites in orbit following Falcon 9 launch from California](#)’, *Spaceflight Now* (17 March 2026).

¹⁰ DoT circular dated 5 May 2025 on security conditions for satellite licensees, discussed in Section 3.4 below.

offices, villages, schools and health centres,¹¹ but no State can permit anyone to provide a telecom service. Within the Centre, DoT gives the licence and the spectrum, the Telecom Regulatory Authority of India (TRAI) advises on price under Section 11 of the TRAI Act, 1997, IN-SPACe clears foreign satellites, and the Ministry of Home Affairs (MHA) checks security. Because Starlink's Indian company is wholly foreign-owned, it also needs investment approval: since April 2024, foreign holding up to 74 per cent in satellite operation is automatic, and anything above that needs government approval.¹²

3.2 The licence

Section 3(1) of the Telecommunications Act, 2023 says that anyone who provides a telecom service, runs a network or even keeps radio equipment needs an 'authorisation' from the Central Government. This provision came into force on 23 June 2026, along with new licensing rules.¹³ Under these rules, satellite is treated as one more road for delivering internet and phone services, and using a satellite network needs government permission with routing and security conditions.¹⁴ Old licences are not cancelled; Section 3(6) lets them continue or move to the new system. Starlink's licence of June 2025 therefore remains valid.

3.3 The spectrum

A licence alone is like a driving licence without a road. The company also needs spectrum, the invisible radio waves that carry the signal. Section 4 of the Telecommunication Act calls the Central Government the owner of spectrum 'on behalf of the people'. It says spectrum shall be given by auction, except for the uses listed in the First Schedule, which are given by 'administrative process', that is, at a fixed price without bidding. Entry 16 of that Schedule lists satellite services, including the Global Mobile Personal Communication by Satellite (GMPCS) service that Starlink is licensed for. Section 4(5) lets the Government change this list, but the change must be placed before Parliament.¹⁵

One point of timing matters a great deal. Section 4, and the section that repeals the old Indian Telegraph Act, 1885, have not yet been brought into force.¹⁶ So spectrum is still being given under the old 1885 law, under which the Central Government holds the exclusive right over telegraphy, a right the Supreme Court examined as recently as February 2026.¹⁷ The Government is getting ready for the change: on 17 June 2026 DoT published draft rules for giving spectrum by administrative process for services such as DTH and VSAT, though experts note that the draft does not yet cover satellite broadband systems like Starlink.¹⁸

3.4 The security lock

On 5 May 2025 DoT laid down strict security conditions for satellite companies. All Indian traffic must pass through gateways inside India. Indian users may not be connected to facilities abroad, and their data may not be processed outside India. The company must allow lawful interception, register every dish in India and tell security agencies where a dish is, in real time, when asked. Within five years of starting service, at least 20

¹¹ 'Maharashtra becomes first state to partner with Starlink for satellite-based internet services', *All India Radio News* (5 November 2025).

¹² Foreign Exchange Management (Non-debt Instruments) (Third Amendment) Rules, 2024 (notified 16 April 2024); see 'Govt notifies liberalised FDI norms for space sector', *YourStory* (18 April 2024). 'Musk claims "certain oligarchs" blocking Starlink in India, Centre calls authorisation process "fair"', *ThePrint* (8 October 2026).

¹³ *The Telecommunications Act, 2023* (No. 44 of 2023), India Code text as on 24 June 2026; commencement by S.O. 2408(E) (26.06.2024), S.O. 2623(E) (05.07.2024) and S.O. 3368(E) (23.06.2026). JSA Advocates & Solicitors, 'JSA Prism – Telecommunications – June 2026' (on the authorisation and migration rules notified in June 2026).

¹⁴ Khaitan & Co, 'ERGO: Principal Telecom Authorisation Rules' (26 June 2026).

¹⁵ *Telecommunications Act, 2023*, supra note 13.

¹⁶ *Ibid.*

¹⁷ *State Bank of India v. Union of India*, 2026 INSC 153, C.A. No. 1810 of 2021 (SC, 13 February 2026), paras 14, 16, 33, 36; see also the [SC Observer report](#).

¹⁸ Draft Telecommunications (Spectrum Assignment by Administrative Process) Rules, 2026 (DoT, 17 June 2026); see 'Government Proposes Rules for Assignment of Spectrum Through Administrative Process', *Mondaq*; and 'Draft Satcom Spectrum Rules: Govt Proposes Layers of Security Approvals', *Outlook Business* (22 June 2026).

per cent of its ground equipment must be made in India.¹⁹ The 2026 licensing rules add that network data must stay in India.²⁰

Behind these conditions stand strong powers, all of them in force. Under Section 20 of the 2023 Act, in a public emergency or for public safety, the Government can take temporary control of any telecom network, and, for reasons recorded in writing, can order interception or suspend a service. Under Section 21, for national security or in war, it can ban services from notified countries or persons and take over a network. Running a telecom service without authorisation can mean three years in jail, a fine of up to two crore rupees, or both (Section 42), officers can search for and seize illegal equipment (Section 43), and Section 50 lets the Act reach acts done outside India that affect services in India.²¹

3.5 Who owns the sky?

Here is a surprising truth: India does not control the satellites themselves. Under Article VI of the Outer Space Treaty, the United States is responsible for the space activities of American companies such as SpaceX.²² Under Article 44(2) of the ITU Constitution, radio frequencies and orbits are ‘limited natural resources’ that countries must use fairly and efficiently.²³ What India controls is everything that touches its soil: the Indian company, the gateways and the dishes. That is why every security rule above is written for the ground, not the sky.

4. Where Starlink Stands Today

Starlink has crossed most of the hurdles. It received its licence in June 2025, becoming the third satellite licensee after Eutelsat OneWeb and Jio Satellite.²⁴ IN-SPACe authorised its satellites on 8 July 2025 for five years, but made clear that service could start only after spectrum is given.²⁵ Three things remain. The first is MHA’s security clearance, which the Minister of State for Communications confirmed in October 2026 was still pending.²⁶ A June 2026 report said that security agencies were holding back final approval, partly because of worries that Starlink terminals were being used in the conflict involving Iran.²⁷ The second is foreign investment approval. The third is spectrum: TRAI gave its price advice in May 2025, DoT’s Digital Communications Commission (DCC) accepted most of it in September 2026, and the matter now awaits an inter-ministerial panel and the Union Cabinet.²⁸

¹⁹ DoT circular dated 5 May 2025 on security conditions for satellite licensees, reported in ‘[Govt tightens satcom rules; mandates legal interception of satcom services, bars data routing outside country](#)’, *Storyboard18* (6 May 2025).

²⁰ Khaitan & Co, *supra* note 14.

²¹ *Telecommunications Act, 2023*, *supra* note 13.

²² [Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, 1967](#), art. VI.

²³ [Constitution of the International Telecommunication Union](#), art. 44(2).

²⁴ *Business Standard*, *supra* note 1.

²⁵ IN-SPACe authorisation report, *supra* note 2.

²⁶ ‘[Starlink Approval Row: Musk Asks “Is Ambani The Real Boss?”](#)’, *Outlook Business* (8 October 2026), reporting through PTI the statement of the Minister of State for Communications.

²⁷ ‘[Starlink India Launch Hits Roadblock Before SpaceX IPO](#)’, *Bloomberg Law* (10 June 2026).

²⁸ ‘[Satellite Broadband in India Gets Push as DCC Approves Spectrum Usage Charges](#)’, *Swarajya* (9 September 2026).

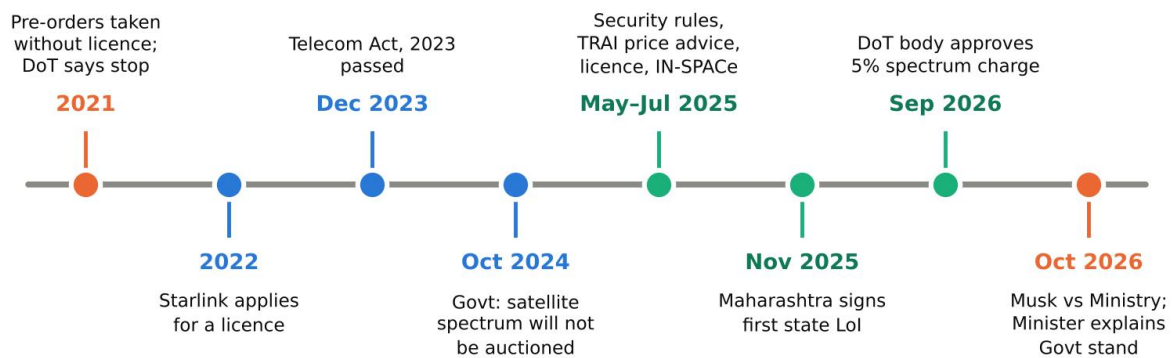


Figure 5: Five years, one dish: the road from the 2021 pre-orders to the October 2026 war of words.

5. October 2026: A War of Words

On 7 October 2026 Musk wrote on X that Starlink was being blocked by ‘certain oligarchs in order to maintain their monopolistic chokehold on the Indian people’. The next day he went further: ‘Starlink is licensed in over 165 countries and has spent five years complying with every single law and requirement of the government of India, so why still no license? Is Ambani the real boss of India?’²⁹ He sarcastically called Mukesh Ambani ‘Prime Minister Ambani’ and asked, ‘Would you nonetheless consider allowing Starlink to compete?’³⁰

Elon Musk alleges ‘oligarch’ interference in Starlink’s India launch

Mr. Musk made the allegation hours after Lauren Dreyer, a SpaceX executive, said she hoped that the service would be operational in India by next year

Updated - October 08, 2026 12:43 pm IST - New Delhi

AROON DEEP



Figure 6: Musk made his ‘oligarch’ allegation hours after a SpaceX executive said she hoped the service would start in India by next year.

The Opposition joined in. Congress leader Rahul Gandhi replied, ‘Welcome to India, Elon. Wait till you discover the other guy.’ Musk answered, ‘Thank you, Rahul. This is indeed troubling.’³¹ The ruling BJP accused Gandhi of championing Musk’s interests. At the India Mobile Congress, Reliance Jio chairman

²⁹ *Outlook Business*, supra note 26.

³⁰ Murali Krishnan, ‘Starlink India launch: Why Elon Musk is still waiting’, *DW* (New Delhi, 13 October 2026).

³¹ Rahul Gandhi (@RahulGandhi), post on X dated 8 October 2026, quoting a post of the same day by Elon Musk (@elonmusk).

Akash Ambani refused to comment, saying only that Jio wanted to ‘keep our heads down and deliver value to our Indian consumers’, and added that Jio was building its own Indian satellite broadband technology.³² The irony is worth noting: in 2025 both Jio and Airtel signed deals to sell Starlink equipment in their own stores. They are Starlink’s partners in the shop and its rivals in the sky.



Figure 7: Rahul Gandhi’s reply to Musk’s question, ‘Is Ambani the real boss of India?’, posted on 8 October 2026.

The Ministry of Communications answered on 8 October. It said India’s framework for satellite services is ‘fair and non-discriminatory’, that all three licensed companies are at broadly the same stage and are all going through security assessment, and that the suggestion of discrimination was ‘baseless and misconceived’.³³ Once a company passes its assessment, it can ask for spectrum.³⁴

The reaction crossed party lines. AIMIM president Asaduddin Owaisi, otherwise one of the Prime Minister’s sharpest critics, turned on Musk. He was reported as calling Musk a ‘gori chamdi’ (white-skinned) outsider and as saying that India alone will decide how to use its own resources, and that no foreigner has the right to dictate terms to the country. He also asked why the Government had stayed silent on Musk’s remarks about the Prime Minister.³⁵ In remarks widely shared online, he is quoted as saying that he has ‘a hundred issues’ with Narendra Modi but will not tolerate an insult to the country or to a constitutional post, and that Indians already enjoy some of the cheapest data in the world.



Figure 8: AIMIM president Asaduddin Owaisi . Though a strong critic of the Prime Minister, Owaisi took the country’s side against Musk’s remarks.

³² DW, supra note 30.

³³ Ministry of Communications, statement issued through PIB on 8 October 2026, reported in ‘[Government debunks claim of discriminatory satellite communication regulatory framework](#)’, *All India Radio News*.

³⁴ DW, supra note 30.

³⁵ ‘[Owaisi Calls Elon Musk “White Skinned Guy”](#)’, *Great Andhra* (12 October 2026); ‘[Owaisi attacks BJP, also takes aim at Elon Musk](#)’ (in Hindi), *Sangrah Rajneeti* (14 October 2026).

Owaisi's point about cheap data is broadly borne out by the figures. Mobile data in India costs about ₹7.74 per GB. On 10 October Musk himself accepted that 'if Starlink is too expensive in India, no one will buy it', and promised affordable prices, though he gave no figure.³⁶ That is the real competitive test, and Section 9 returns to it.

Author's view. As a matter of law, a social media allegation that names no one and offers no evidence carries no weight. If Starlink truly believed it was being treated unfairly, the law gives it remedies, discussed in Section 10. Up to the date of this paper, no such case had been reported. The cross-party reaction also shows that the question of who controls India's sky is seen as one of national sovereignty. But sovereignty is not a reason for delay: every decision must still be fair, reasoned and taken on time under Article 14.

6. The Minister Speaks

A few days later, Union Telecom Minister Jyotiraditya Scindia set out the Government's stand in clear terms.³⁷ His first point was simple: 'there are three parties who have a license, there's not a single party'. Reliance Jio, OneWeb and Starlink all hold licences, and a fourth company, Amazon Kuiper, wants one and must follow the same process.

"India does not allow a monopoly in any sector and therefore even as satcom is concerned there is not a single licensee that has been chosen."

"It is for the customer to choose in a free market which service he or she prefers."

– Jyotiraditya Scindia, Union Telecom Minister

The Union Telecom Minister described the Department as 'technology agnostic'. Its job, he said, is to offer every customer a full bouquet of services and let the customer choose, while the Government lays down 'a very predictable regulatory architecture' so that companies can invest with confidence. He pointed to 5G as proof: about \$50 billion invested in roughly two and a half years, reaching 99.9 per cent of districts and 86 per cent of the population, with 550 million subscribers.

"India does not allow a monopoly" – the Minister's message in numbers

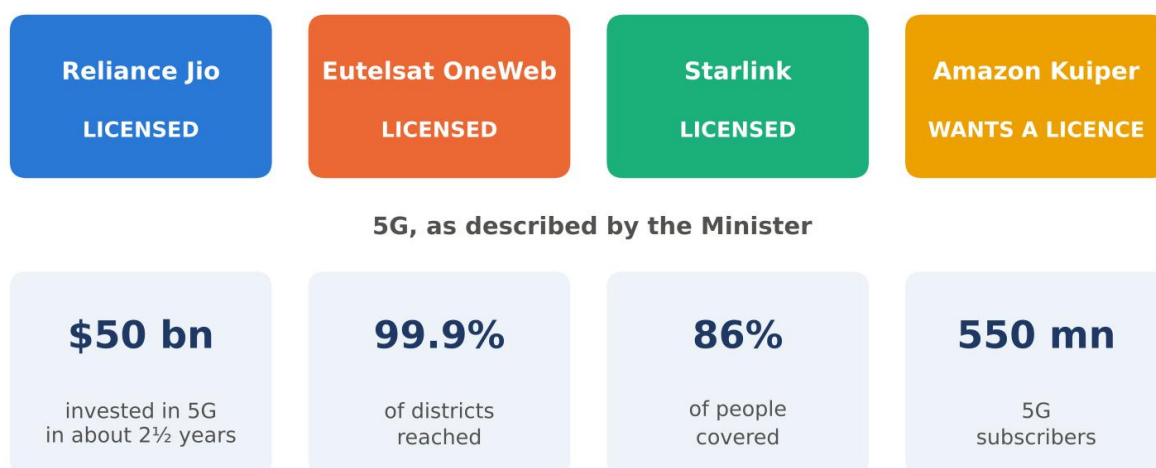


Figure 9: The Minister's message in numbers. The 5G figures are as stated by the Minister in his remarks.

³⁶ Reuters, 'Musk vows "affordable" Starlink in India as he escalates feud with Ambani', *Al Jazeera* (11 October 2026).

³⁷ Union Minister of Communications Jyotiraditya Scindia, remarks to the media on satellite licences and telecom policy (October 2026), [video recording](#).

He then linked this to the new law. The 2023 Act replaced the 1885 Telegraph Act, created a new set of licences and gave old licensees an option to migrate. Financing was made easier through changes to adjusted gross revenue, the return of bank guarantees and changes to spectrum charges. Spectrum policy was reworked from 600 MHz to 26 GHz, and spectrum trading and surrender were allowed for the first time. On satellite internet he described three steps. The first, whether spectrum would be auctioned or assigned, has been decided in favour of administered pricing, a choice he said he had explained when he took charge in 2024. The second, the exact price, is still being settled between TRAI and DoT, and the Government is ‘close to taking the final decision’. The third is security. Once the charges are final, each of the three companies can start only after it has met its own security milestones: ‘that has to be a compliance that is done by each one of them individually’. He also took a political swipe at the Congress, saying the party first objected to a certain person getting a licence and now complains that he is not getting one.



Figure 10: Elon Musk with Prime Minister Narendra Modi (file photo, 13 February 2025). Musk has said he would price Starlink affordably in India to take on Reliance Jio’s low-cost services.

What the speech means in law. The speech confirms three things. First, administrative assignment of satellite spectrum is settled Government policy, not a passing idea. Second, the price is not yet final, which matches the position that the DCC decision still awaits Cabinet approval. Third, security clearance is the real gate, and it will be applied to each company separately. That last point helps the Government’s defence under Article 14, because equal rules are being applied to everyone. But it cuts both ways: if one company clears earlier than another, the Government should be ready to show written reasons for the difference.

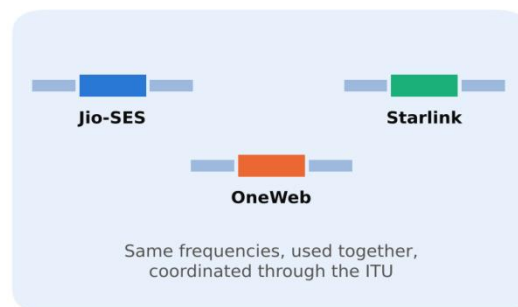
Author’s view. The Union Telecom Minister rightly stresses a ‘predictable regulatory architecture’. The most direct way to deliver that predictability for satellite spectrum is to bring Section 4 of the 2023 Act and the final spectrum rules into force, so that the method rests on Parliament’s own words rather than on the old 1885 law.

7. The Big Legal Question: Auction or Allotment?

Why not simply auction satellite spectrum, as is done for mobile spectrum? The answer lies in how the two are used. For Example in Pune, a block of mobile spectrum can be used by only one company: if Jio holds it, Airtel cannot use it. That is why an auction makes sense. The same satellite frequencies over Pune, by contrast, can be used at the same time by several satellite companies, which avoid clashing by coordinating through the International Telecommunication Union (ITU). There is no private plot of sky to sell.

Mobile spectrum: one owner per block

Sold by **AUCTION** to the highest bidder

Satellite spectrum: a shared sky

Given by **ADMINISTRATIVE** assignment

Figure 11: Mobile spectrum is like a private lane on a road; satellite spectrum is like the air that many aircraft share.

Settled law. In *Centre for Public Interest Litigation v. Union of India* (the 2G Scam case), the Supreme Court cancelled 122 mobile licences given in 2008 on a first-come-first-served basis at 2001 prices. It held that the State holds natural resources such as spectrum as a trustee for the people, that their distribution must follow equality and public trust, and that the process must be just, non-arbitrary and transparent. It ordered fresh licences and spectrum to be given by auction.³⁸

Later in 2012 the President asked the Supreme Court whether auction is the only lawful way of giving out natural resources. In *Natural Resources Allocation, In re*, a Constitution Bench said no: auction is an economic choice, not a constitutional rule, and other methods are valid if they are fair and serve the common good. But the Court drew a clear line around spectrum. It read the 2G judgment as declaring that spectrum is to be given only by auction, noted that the Government was not challenging that direction, and refused to answer the questions about spectrum.³⁹ In 2024 the Government asked the Supreme Court to clarify that the 2G judgment does not stop administrative assignment in some cases; the Registrar refused even to receive the application.⁴⁰

The Government's argument. The Government can still build a strong case. Parliament itself has chosen administrative assignment for satellite services in Entry 16 of the First Schedule. The 2G case was about exclusive mobile spectrum, a queue that favoured insiders and prices frozen for seven years; satellite spectrum is shared and cannot be cut into exclusive blocks, which is exactly the 'technical reason' Section 4(5)(a)(iii) speaks of. If auction is not a constitutional rule in general, Parliament may choose another method for a technically different resource, provided the method is fair. Older satellite operators such as Hughes and Nelco already pay fixed charges of about 3 to 4 per cent of revenue,⁴¹ and the Government announced in October 2024 that satellite spectrum would not be auctioned because it is shared.⁴² The Minister's October 2026 remarks show that this is a settled and considered policy.⁴³

The counter-argument. A challenger would reply that the Supreme Court itself has read the 2G judgment as requiring auction for spectrum and has refused to let the Government dilute it. Until Section 4 comes into force, spectrum is still being given under the old law, where the 2G direction applies directly. Reliance Jio

³⁸ *Centre for Public Interest Litigation v. Union of India*, (2012) 3 SCC 1 (SC, G.S. Singhvi and A.K. Ganguly JJ., 2 February 2012), paras 75, 85 (full text also on [Indian Kanoon](#)). Paras 75 and 85 are quoted in *Association of Unified Telecom Service Providers of India v. Union of India*, C.A. No. 4591 of 2014 (SC, 17 April 2014), para 3.

³⁹ *Natural Resources Allocation, In re, Special Reference No. 1 of 2012*, (2012) 10 SCC 1; [2012] 9 SCR 311 (SC, Constitution Bench, principal opinion by D.K. Jain J., 27 September 2012), paras 35–36, 80–81, 105, 146–151.

⁴⁰ '[Supreme Court Registry Rejects Centre's Application to Clarify 2G Case Verdict](#)', *LiveLaw* (1 May 2024) (Registrar's order under Order XV Rule 5, Supreme Court Rules, 2013).

⁴¹ '[Starlink India Launch Moves Closer After Satcom Spectrum Approval](#)', *The Hans India* (September 2026).

⁴² '[No auction of satellite spectrum, says govt amid Musk-Ambani tussle](#)', *Republic World* (October 2024).

⁴³ Minister's remarks (video), *supra* note 37.

has argued that the First Schedule is not a blank cheque and that commercial satellite broadband, which competes with mobile broadband in cities, should face the tests in Section 4(5)(a).⁴⁴ Former Union Secretary E.A.S. Sarma has written to the Government seeking a judicial inquiry on the same ground.⁴⁵ A public interest petition could be filed under Article 32 or Article 226.

Author's view. The Government's position is reasonable but not risk-free. Its strongest point is the real technical difference between shared and exclusive spectrum, because that difference goes to the very reason behind the 2G direction. Once Section 4 and the spectrum rules are in force, the method will rest on Parliament's own choice, and a court would test it only for unfairness. Giving commercial satellite broadband spectrum before that would leave the Government more open to a 2G-based challenge.

7.1 The price tag on the sky

On price, TRAI advised in May 2025 that satellite companies pay 4 per cent of their adjusted gross revenue, with an extra ₹500 a year for every urban customer, for five years at a time.⁴⁶ In September 2026 the DCC raised the base charge to 5 per cent, dropped the urban levy because city and village users are hard to separate, and allowed one percentage point less for companies serving border, hill and island areas.⁴⁷ Mobile operators say this is far cheaper than what they paid at auctions;⁴⁸ the Government can answer that the services, costs and risks are different and that the charge rises as the business grows.

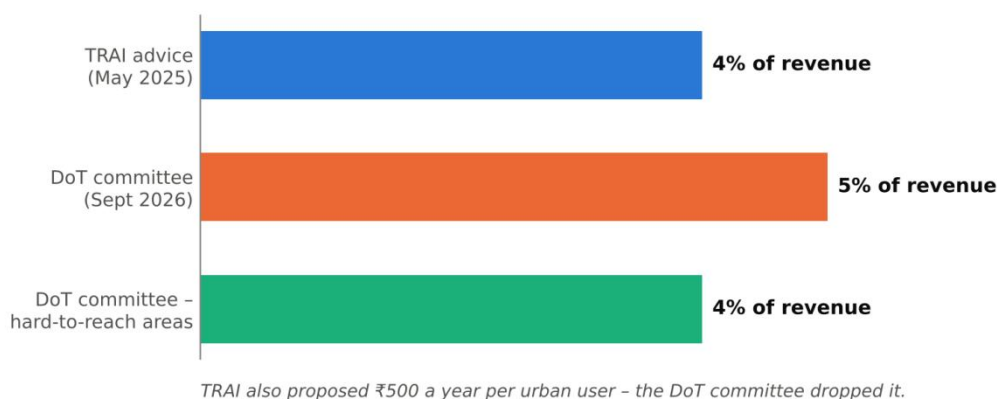


Figure 12: TRAI's advice and the DoT committee's decision on the spectrum charge for satellite companies.

8. Security and the 'Kill-Switch' Question

Settled law. The Supreme Court has just reminded everyone who owns spectrum. In *State Bank of India v. Union of India* (13 February 2026), lenders to the failed telecom company Aircel wanted its spectrum treated as the company's property. The Court refused. It held that spectrum is a public resource held by the Central Government as a trustee and that a licence gives only 'a limited, conditional and revocable privilege to use spectrum', not ownership.⁴⁹ The lesson for Starlink is plain: it will never own Indian spectrum; it will only borrow it on conditions, and the Government can take it back if the conditions are broken.

But the Government's power to switch off is not unlimited. In *Anuradha Bhasin v. Union of India*, decided after the 2019 internet shutdown in Jammu and Kashmir, the Supreme Court held that speech and business over the internet are protected by Articles 19(1)(a) and 19(1)(g), and that shutdown orders must be published,

⁴⁴ 'RJio writes to TRAI, explore amending First Schedule, auction satcom spectrum', *Communications Today*.

⁴⁵ 'Starlink Spectrum Allocation Violates SC Ruling, Poses Security Risk: EAS Sarma Demands Judicial Probe', *Moneylife*.

⁴⁶ 'Starlink, other satcom firms to pay 4% revenue as spectrum charges: TRAI', *The Tribune* (10 May 2025), on TRAI's recommendations of 9 May 2025.

⁴⁷ 'DoT Approves 5% Spectrum Charge for Starlink, OneWeb and Jio Satellite Internet Services', *Free Press Journal* (9 September 2026).

⁴⁸ *Business Standard*, supra note 1.

⁴⁹ *State Bank of India*, supra note 17.

must be proportionate, must not be indefinite and must be open to review.⁵⁰ In *PUCL v. Union of India*, the Court allowed phone tapping only with safeguards such as an order by the Home Secretary, a time limit and review by a committee headed by the Cabinet Secretary.⁵¹ And in *K.S. Puttaswamy v. Union of India*, nine judges held that privacy is a fundamental right and that any intrusion must be lawful, necessary and proportionate.⁵²

Interpretation. These principles will apply to orders under Section 20 of the 2023 Act and the Telecommunications (Temporary Suspension of Services) Rules, 2024.⁵³ So if violence breaks out in a border district, a written order suspending satellite internet in that district for a few days, with reasons and review, would be lawful. A state-wide shutdown for an indefinite period, without a published order, would not.

The Government's argument on delay. There are real reasons for caution. In late 2024 a device linked to Starlink was found in a huge drug seizure near the Andaman Islands, and a Starlink-labelled device was recovered with weapons in Manipur.⁵⁴ In September 2023 Musk himself said that he had refused Ukraine's request to switch on Starlink near Crimea.⁵⁵ That episode shows how much power one private owner can hold over a network in a war, which is why India insists that the switch must always be in Indian hands.

The counter-argument. Security is a good reason to check carefully, but not a reason to stay silent forever. An application left undecided for years without reasons can be challenged as arbitrary under Article 14. **Author's view.** The Government is on firm ground in imposing strict conditions and on reasonably firm ground in taking time. Its weakest point would be treating the three companies differently without written reasons, or delaying without ever deciding.

9. Can India Afford It?

This is the question that matters most to ordinary people. According to TRAI, India had 109.28 crore internet connections on 31 March 2026, but villages had only 48.31 connections for every 100 people, against 126.80 in cities.⁵⁶ Satellite internet is built for exactly these gaps.

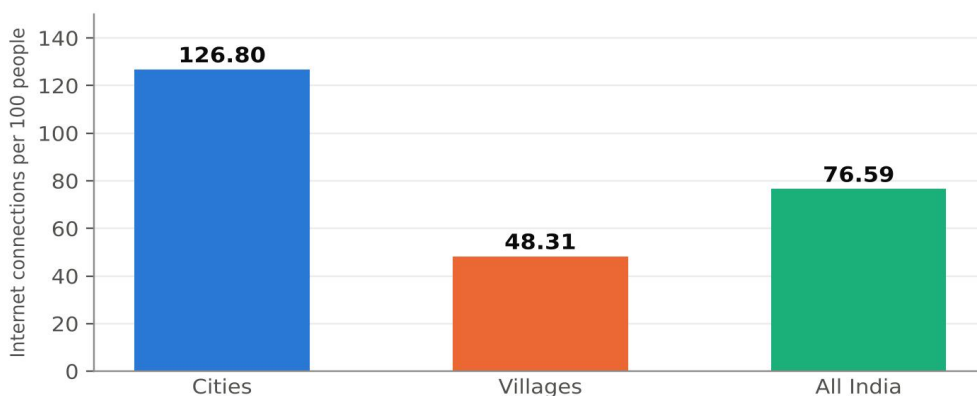


Figure 13: Two Indias online: internet connections per 100 people on 31 March 2026.

⁵⁰ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637; AIR 2020 SC 1308 (SC, N.V. Ramana, R. Subhash Reddy and B.R. Gavai JJ., 10 January 2020), paras 26–27, 152.

⁵¹ *People's Union for Civil Liberties v. Union of India*, (1997) 1 SCC 301 (SC, Kuldeep Singh and S. Saghir Ahmad JJ., 18 December 1996); directions at pp. 16–17 of the official copy.

⁵² *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (SC, nine Judges, 24 August 2017).

⁵³ Telecommunications (Temporary Suspension of Services) Rules, 2024 and Telecommunications (Telecom Cyber Security) Rules, 2024, listed on [India Code](#).

⁵⁴ *Scroll.in*, supra note 4.

⁵⁵ 'Did Elon Musk turn off Starlink access in Crimea?', *Snopes* (14 September 2023), reporting Musk's own statements of September 2023.

⁵⁶ TRAI, 'The Indian Telecom Services Yearly Performance Indicators 2025-26', Press Release No. 127/2026 (5 October 2026).

But the price is a serious hurdle. The average Indian mobile connection brings in about ₹181 a month.⁵⁷ In December 2025 Starlink’s Indian website briefly showed ₹8,600 a month and ₹34,000 for the dish, figures the company called dummy test data.⁵⁸ Even if the real price is lower, the gap is huge. In Bangladesh, where Starlink launched on 20 May 2025 at Tk 4,200 to Tk 6,000 a month with a Tk 47,000 dish,⁵⁹ it reportedly had only about 3,500 users after eight months.⁶⁰ India is a market where mobile data is cheap and Jio and Airtel already have huge networks.⁶¹



Figure 14: One month of Starlink at the test price shown on its website would equal about 47 months of the average Indian mobile bill.



Figure 15: The price question: satellite internet is expected to cost far more than the cheap mobile plans offered by Jio and Airtel.

The smart answer may not be a dish on every roof, but one dish for a whole village. A single satellite connection at a school, health centre or gram panchayat, shared through public Wi-Fi under the PM-WANI scheme and paid for in part by the Digital Bharat Nidhi created by Section 24 of the 2023 Act, could bring the internet to hundreds of people at a fraction of the cost.

10. Fair Play: Equality and Remedies

Settled law. Article 14 protects every ‘person’, including a company, against unfair treatment. But the freedom to do business under Article 19(1)(g) belongs only to citizens. In *State Trading Corporation of India v. Commercial Tax Officer*, nine judges held that a company is not a citizen for this purpose.⁶² So

⁵⁷ Ibid.

⁵⁸ “‘No Pricing Announced Yet’: Starlink denies India tariff leak, calls website rates test data’, *Storyboard18* (9 December 2025).

⁵⁹ ‘Starlink officially begins operations in Bangladesh’, *Dhaka Tribune* (20 May 2025).

⁶⁰ ‘Starlink reaches just 3,500 subscribers in Bangladesh after eight months’, *MEA Tech Watch* (2 April 2026).

⁶¹ *DW*, supra note 30.

⁶² *State Trading Corporation of India Ltd. v. Commercial Tax Officer, Visakhapatnam*, AIR 1963 SC 1811; (1964) 4 SCR 89 (SC, nine Judges, 26 July 1963).

Starlink's Indian company can complain of discrimination, but it cannot claim a fundamental right to do business in India.

This gives each side clear legal paths. If the Government were to give spectrum to OneWeb and Jio while keeping Starlink waiting without reasons, Starlink could ask a High Court under Article 226 to direct a decision, or take a dispute with DoT to the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) under Section 14 of the TRAI Act, with an appeal to the Supreme Court under Section 18. If it had real evidence that rivals were blocking it, it could approach the Competition Commission. On the other side, anyone who believes satellite spectrum is being given away too cheaply could file a public interest petition relying on the 2G judgment.

11. Five Ideas for the Road Ahead

First, To Bring Section 4 and the final spectrum rules into force, with a clear chapter for satellite broadband, before commercial spectrum is given, and record why shared satellite spectrum is not auctioned. **Second, same rules, same clock.** Publish the final terms, apply them equally to all four companies, and decide every security and investment application within a fixed time with written reasons. **Third, an Indian hand on the switch.** Frame a written emergency protocol under Sections 20 and 21, so that only Indian authorities, following the safeguards in *Anuradha Bhasin* and *PUCL*, decide when service continues or stops. **Fourth, one dish, one village.** Link the lower charge for hard-to-reach areas to genuinely cheaper rural plans, and fund shared village connections through the Digital Bharat Nidhi. **Fifth, look up and look ahead.** Add space-safety and debris conditions to IN-SPACe approvals, and review the spectrum charge after five years using real data on revenue and coverage.

12. Conclusion

Starlink's story in India is not really about one billionaire or one rival. It is about how a country lets a powerful new technology in on its own terms. The law already gives the Government strong and working powers to license, to secure and, if needed, to switch off a satellite network, subject to the limits the Supreme Court has drawn. The Minister has made the policy clear: no monopoly, the same rules for everyone, and security first. The one real legal gap is that the method of giving spectrum still rests on the old 1885 law, under the shadow of the 2G judgment. Bringing the 2023 Act fully into force would close that gap. For ordinary Indians, the final test will be simple: will the door of this shop open at a price that a village school can afford?

LEGAL PROPOSITION: Spectrum is a public resource held by the State in trust for the people. The Supreme Court has read the 2G judgment as requiring auction for spectrum; a departure for satellite services is best justified through a clear statutory basis and a method that is fair, transparent and non-arbitrary under Article 14.

13. The Story in Brief:

Licensed, Built, Still Switched Off

Why Starlink still waits at India's door, and what will open it

Elon Musk's Starlink has an Indian licence, approval from India's space regulator and about 20 ground stations already built. Yet no Indian can use it. Its beams stay switched off over the country.

This month Musk blamed 'oligarchs'. The Government called the claim baseless, and Telecom Minister Jyotiraditya Scindia was blunt: three companies hold licences, India does not allow a monopoly, and each company will start only after it clears its own security tests. Even AIMIM chief Asaduddin Owaisi, a strong critic of the Prime Minister, said that no foreigner can dictate terms to India.

Three steps remain: Home Ministry security clearance, approval for Starlink's foreign-owned Indian company, and the Cabinet's nod to the price of satellite spectrum. A top telecom body has proposed 5 per cent of revenue, a little less for border, hill and island areas.

The deeper legal puzzle is the 2G judgment, which the Supreme Court has read as requiring auctions for spectrum. The Government says satellite frequencies are different because they are shared by many operators at once, and Parliament's 2023 telecom law lists them for allotment without auction. That part of the law, however, is yet to come into force.

For most Indians the real question is cost. Villages have fewer than half as many internet connections per person as cities, but a test price of ₹8,600 a month is about 47 times the average mobile bill. One shared dish for a school or panchayat may matter more than a dish on every roof. If the rules are finished, applied equally and decided on time, the door can open on India's terms.