



Telecommunications Bill 2023

For Prelims: Indian Telegraph Act, 1885, [Telecommunication services](#), [SpaceX's Starlink](#), [TRAI](#), [Universal Service Obligation Fund](#), Digital Bharat Nidhi, [Prime Minister Wi-Fi Access Network Interface](#), [Bharatnet project](#), [Production Linked Incentive \(PLI\) Scheme](#), [Bharat 6G Alliance](#)

For Mains: Telecommunications Bill 2023, Status of the Telecom Sector in India.

[Source: BL](#)

Why in News?

Recently, the government introduced the **Telecommunications Bill 2023** in the **Lok Sabha**. It seeks to repeal the **Indian Telegraph Act, 1885**, the **Indian Wireless Telegraphy Act, 1933**, and the **Telegraph Wires (Unlawful Possession) Act, 1950**. It also amends the **Telecom Regulatory Authority of India (TRAI) Act, 1997**.

What are the Key Provisions of Telecommunications Bill 2023?

- **Authorisation for Telecom-related Activities:** Prior authorisation from the central government will be required to **provide [telecommunication services](#), establish, operate, maintain, or expand telecommunications networks, or possess radio equipment**.
 - Existing licenses will continue to be valid for the period of their grant, or for five years, where the period is not specified.
- **Assignment of Spectrum:** Spectrum will be **assigned by auction**, except for specified uses, where it will be allocated on an administrative basis. These include purposes such as **national security and defense**, [disaster management](#), [weather forecasting](#), **transport, satellite services such as DTH and satellite telephony**, and BSNL, MTNL, and public broadcasting services.
 - The central government may **re-purpose or re-assign any frequency range**. The central government may also permit sharing, trading, leasing, and surrender of spectrum.
- **Satellite Internet Allotments:** The Bill introduces provisions for **allocating spectrum to satellite Internet providers like OneWeb (supported by Bharti) and U.S.-based companies such as [SpaceX's Starlink](#)**.
 - Presently, active authorizations have been granted to **OneWeb and Jio**, paving the way for satellite-based Internet services.
- **Powers of Interception and Search:** Messages or a class of messages between two or more persons may be **intercepted, monitored, or blocked on certain grounds**.
 - Such actions must be necessary or expedient in the interest of public safety or public emergency, and must be in the interest of specified grounds which include: security of the state, prevention of incitement of offenses, or public order.
 - **Telecom services may be suspended** on similar grounds. The government may take temporary possession of any telecom infrastructure, network, or services on occurrence of any public emergency or public safety.
 - An officer authorized by the government may search premises or vehicles for

possession of unauthorized telecom networks or equipment.

- **Powers to Specify Standards:** The central government may prescribe standards and assessments for **telecom equipment, infrastructure, networks, and services.**
- **Right of Way:** Facility providers may seek a **right of way over public or private property** to establish telecom infrastructure.
 - Right of way must be provided on a non-discriminatory and non-exclusive basis to the extent possible.
- **Protection of Users:** The central government may provide for measures to protect users which include: **prior consent to receive specified messages** such as advertising messages, **creation of Do Not Disturb registers**, and a mechanism to allow users to report malware or specified messages.
 - **Biometric Authentication** is mandatory for telecom customers to combat spam calls and messages.
 - Entities providing telecom services must establish an online mechanism for registration and redressal of grievances.
- **Appointments to TRAI:** The **Bill amends the TRAI Act** to also allow individuals with: at least 30 years of professional experience to serve as the chairperson, and at least 25 years of professional experience to serve as members.
- **Digital Bharat Nidhi:** The **Universal Service Obligation Fund** has been established under the **1885 Act** to provide for telecom services in underserved areas.
 - The Bill retains this provision, **renames the fund as Digital Bharat Nidhi**, and also allows its use for research and development.
- **Regulation of OTT Apps:** It has **removed over-the-top (OTT) services and apps from the definition of telecommunication services**, in a big relief to communication service providers such as WhatsApp and Telegram.
 - The **Ministry of Electronics and IT** will handle the regulation of OTT apps under the potential Digital India Act, not included in the Telecom Bill.
- **Offenses and Penalties:** The Bill specifies various criminal and civil offenses. Providing telecom services without authorisation, or gaining unauthorized access to a telecom network or data, **are punishable with imprisonment up to three years**, a fine up to two crore rupees, or both.
 - Breaching terms and conditions of authorisation is punishable with a civil penalty up to **five crore rupees.**
 - Possessing unauthorized equipment, or using unauthorized network or service, is punishable with a penalty of up to **ten lakh rupees.**
- **Adjudication Process:** The central government will **appoint an adjudicating officer to conduct inquiries** and pass orders against civil offenses under the Bill.
 - The officer must be of the rank of joint secretary and above.
 - Orders of the adjudicating officer may be **appealed before the Designated Appeals Committee** within 30 days.
 - Appeals against the orders of the Committee, in connection to breach of terms and conditions, may be filed with Telecom Disputes Settlement and Appellate Tribunal (TDSAT) within 30 days.
- **Trusted Sources Regime:** A measure initially established post the India-China border conflict in 2020 to prevent the importation of telecom equipment from potentially adversarial nations is **now integrated into the law.**

What is the Status of the Telecom Sector in India?

- **Status:**
 - The Telecom industry in India is the **second largest in the world** with a subscriber base of 1.179 Billion as of August 2023 (wireless + wireline subscribers).
 - It is also the **4th largest sector in terms of FDI inflows**, contributing 6% of total FDI inflow.
 - India has an overall **tele-density of 84.69%**. Tele-density denotes the number of telephones per 100 population, and is an important indicator of telecom penetration.
 - The average monthly data consumption per wireless data subscriber has also increased to 17.36 GB in March 2023 from 61.66 MB in March 2014.
- **Related Government Initiatives:**
 - **Prime Minister Wi-Fi Access Network Interface (PM-WANI)**

- [Bharatnet project](#)
- [Production Linked Incentive \(PLI\) Scheme for manufacturing of telecom and networking products.](#)
- [Bharat 6G Alliance](#)

PDF Refernece URL: <https://www.drishtiiias.com/printpdf/telecommunications-bill-2023>

