



# Telecommunications Act 2023

**For Prelims:** [Indian Telegraph Act, 1885](#), [Telecommunication services](#), [Telecommunications Act, 2023](#), [TRAI](#), [Universal Service Obligation Fund](#), Digital Bharat Nidhi, [Prime Minister Wi-Fi Access Network Interface](#), [Bharatnet project](#), [Production Linked Incentive \(PLI\) Scheme](#), [Digital India Initiative](#)

**For Mains:** Telecommunications Act, 2023, Challenges in Telecommunication Act

**Source:** [BL](#)

## Why in News?

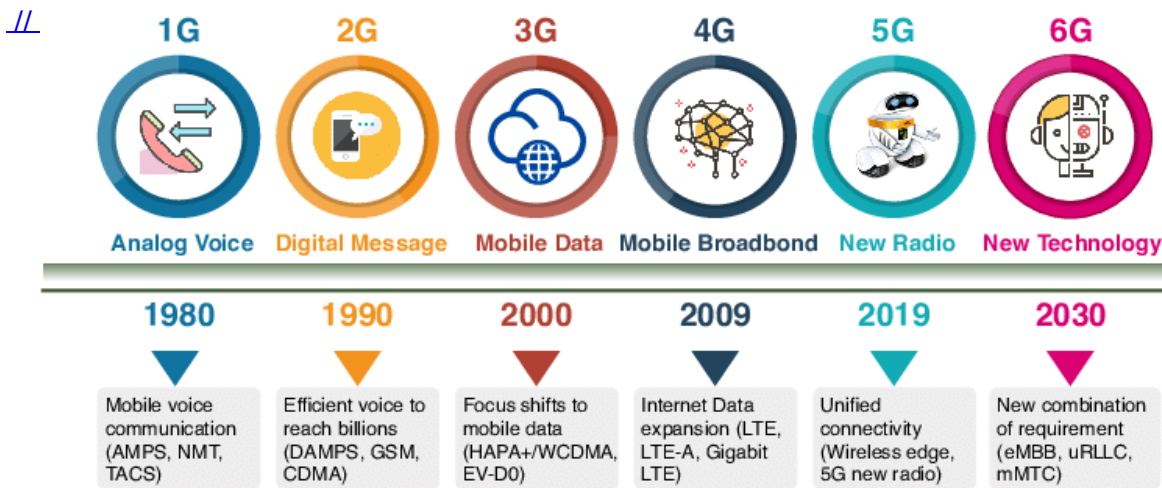
Recently, the **central government** notified certain sections of the [Telecommunications Act, of 2023](#).

- It aims to **update and unify telecom laws**, by replacing outdated laws like the [Indian Telegraph Act of 1885](#), the [Indian Wireless Telegraph Act, 1933](#) and [Telegraph Wires \(Unlawful Possession\) Act, 1950](#).

## What are the Salient Features of the Telecommunications Act 2023?

- **Definitions:** The Act clearly defines its scope, **thereby reducing uncertainties**.
  - Messages sent through internet-based messaging service providers such as WhatsApp, Signal, and Telegram, as well as those that are encrypted (except Over-the-Top (OTT) services), are within the Act's ambit.
- **Right of Way (RoW) Framework:** The Act provides an effective RoW framework, **both on public and private property**.
  - The definition of public entities has been **broadened to include government agencies**, local bodies, and PPP projects like airports, seaports, and highways.
  - Public entities shall be obligated to provide right of way except in special circumstances.
- **Common Ducts:** In line with [PM Gati Shakti's vision](#), the law provides for the Central Government to establish common ducts and cable corridors.
- **National Security Measures:** Section 20 (2) of the Act allows the government to **stop the transmission of any message** in the interest of public safety and during a public emergency.
  - This majorly expands the number of government entities that may be able to intercept messages.
- **Digital Bharat Nidhi:** With the new Act, the [Universal Service Obligation Fund \(USOF\)](#) will become **Digital Bharat Nidhi**, which can be used to fund research and development and pilot projects instead of just supporting the establishment of telecom services in rural areas.
  - The Act also provides a legal framework for [Regulatory Sandbox](#) to facilitate innovation and deployment of new technology.
- **Protection of Users:** Commercial messages sent without the user's consent may lead to the relevant operator facing a fine and being banned from providing services.
  - Establishing **Do Not Disturb registers has been made mandatory** for operators.
  - **Having more than 9 SIM cards will attract fines up to Rs 2 lakh.** The limit is being

reduced to six for residents of Jammu and Kashmir and the Northeast.



## Note

- In 2019, the government informed the Lok Sabha that **10 central agencies** including the Central Bureau of Investigation (CBI), the Enforcement Directorate (ED) and the Intelligence Bureau (IB) **can intercept telephone communications**, provided they have the Union home secretary's prior permission to do so.
  - The **section 20(2) allows the Centre or states to take temporary possession of any telecom service or network during a public emergency**, including disaster management, or in the interest of public safety.

## Historical Framework (1885-2023)

- The Indian telecom sector shaped by three laws namely **The Indian Telegraph Act, 1885**; **The Indian Wireless Telegraphy Act, 1933**; and **The Telegraph Wires (Unlawful Possession) Act, 1950** has undergone a **transformative legal evolution**.
  - The 1950 Act, addressing unlawful possession of telegraph wires, was recently repealed by the **Repealing and Amending Act, 2023**, emphasising regulatory adaptability.

## Regulatory Authorities

- The **TRAI Act, 1997**, instrumental in tariff regulation, established both the TRAI and the **Telecom Disputes Settlement and Appellate Tribunal (TDSAT)**.
- Licensing authority, however, remains vested in the central government.

## What are the Merits and Demerits of the Telecommunications Act, 2023?

- **Merits:**
  - **Navigates Different Communication Technologies:** The Act is poised to navigate generations of communication technologies, including innovations like voice calls, messaging, video calls, wearables, and **Industry 4.0**.
    - The inseparable integration of computing and technologies like **AI, IoT, and quantum computing** is anticipated in the future of communication.
  - **Promotion to R&D:** Act will promote **competition and mobilising resources** for research and development and pilot projects under Digital Bharat Nidhi.
  - **Extensive Jurisdiction of Law:** As per Act, the **rules extend to the whole of India and any offence committed** or contravention made **outside India** by any person, as provided in this Act.

- **Promotion of Verifiable User:** Act mandates telecom operators use verifiable biometric identification (Aadhaar) for new SIMs/connections.
  - Prohibition on commercial messaging (by establishing Do Not Disturb registers) without the user's consent provided protection from spam.
- **Demerits:**
  - **Unrestricted Government Authority:** The Act grants the government authorities extensive powers to intercept and disclose messages without the procedural safeguards recommended in the [Anuradha Bhasin vs Union of India case](#).
  - **Privacy and Security Risks:** By requiring access to encrypted messages, the Act poses a serious threat to the security and privacy of communications.
    - The Act requires telecom operators to use verifiable biometric identification (Aadhaar) for new SIMs/connections, **raising concerns about individual privacy.**
  - **Grey Area of Messaging:** Messages sent through Over-the-Top (OTT) services are not considered within the scope of the Act. **Messaging OTTs will remain a grey area.**
  - **Reducing rate of Telecom Penetration in Rural Area by diverting fund of Universal Service Obligation Fund (USOF) for R&D and pilot projects instead of targeting establishment of telecom services in rural areas.**

## Government Initiatives in Telecom Sector

- [Prime Minister Wi-Fi Access Network Interface \(PM-WANI\)](#)
- [Bharatnet project](#)
- [Production Linked Incentive \(PLI\)](#)
- [Bharat 6G Alliance](#)

### **Drishti Mains Question:**

Q. Discuss the provisions of Telecommunications Act 2023 and associated issues. Also suggest measures to address them.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### **Prelims:**

**Q. In India, which of the following review the Independent regulators in sectors like telecommunications, insurance, electricity, etc.? (2019)**

1. Ad Hoc Committees set up by the Parliament
2. Parliamentary Department Related Standing Committees
3. Finance Commission
4. Financial Sector Legislative Reforms Commission
5. NITI Aayog

**Select the correct answer using the code given below:**

**(a)** 1 and 2

**(b)** 1, 3 and 4

**(c)** 3, 4 and 5

**(d)** 2 and 5

**Ans: (a)**

**Q. In India, the term “Public Key Infrastructure” is used in the context of (2020)**

**(a)** Digital security infrastructure

**(b)** Food security infrastructure

**(c)** Health care and education infrastructure

**(d)** Telecommunication and transportation infrastructure

**Ans: (a)**

**Q. Which of the following is/are the aims/aims of the “Digital India” Plan of the Government of India? (2018)**

1. Formation of India’s own Internet companies like China did.
2. Establish a policy framework to encourage overseas multinational corporations that collect Big Data to build their large data centres within our national geographical boundaries.
3. Connect many of our villages to the Internet and bring Wi-Fi to many of our schools, public places and major tourist centres.

**Select the correct answer using the code given below:**

**(a)** 1 and 2 only

**(b)** 3 only

**(c)** 2 and 3 only

**(d)** 1, 2 and 3

**Ans: (b)**