

## On the introduction of the Telecommunications Bill, 2023

The Hindu

Paper - II  
(Polity)

The introduction of the Telecommunications Bill, 2023, inches closer to achieving the Union government's long-standing aim of consolidating the law for wireless networks and Internet service providers, with a 46-page statute that leaves existing regulatory structures largely intact, while simplifying bureaucratic procedures such as applying for licences and permits for telecom operators. Licensing processes are set to be digitised, and telecom operators will have a new way of dealing with non-compliance with their licence terms, while also having access to district- and State-level authorities for permissions and dispute resolution when setting up their equipment and optical fiber networks on public and private properties. The Bill also lets the satellite Internet industry — long touted as a way for at least some remote areas to get net connectivity — breathe a sigh of relief, as there is clarity that it will not need to bid for spectrum, thus putting India on similar footing with other countries. The Bill has been welcomed by industry bodies for streamlining their regulatory landscape and promoting their ease of doing business, and could possibly give the much-needed regulatory stability and enabling environment for the next phase of telecom expansion. Over half of India's population is on the margins of the connected world, and the Bill could help.

But issues persist: the expansive definition of telecom brings in its ambit

### What are the key provisions of the Telecommunications bill 2023?

#### Objective:

The Bill revises regulations related to the development, operation, and expansion of telecommunication services, networks, spectrum assignment, etc.

Authorisation for telecom-related activities – Obtaining prior approval from the central government is mandatory for

- (i) providing telecom services
- (ii) establishing, operating, or expanding telecom networks
- (iii) possessing radio equipment.

Assignment of spectrum: Spectrum will be assigned by auction, except for specified uses. In some specific use cases, it will be allocated on an administrative basis (by the Government).

#### These include:

- (i) national security and defence
- (ii) disaster management
- (iii) weather forecasting
- (iv) transport
- (v) satellite services such as DTH and satellite telephony
- (vi) BSNL, MTNL, and public broadcasting services

The Central government may re-purpose or re-assign any frequency range and permit the sharing, leasing, and surrender of spectrum.

#### Digital Bharat Nidhi:

An earlier fund to provide telecom services in underserved areas has been renamed as Digital Bharat Nidhi, expanding its usage to include R&D.

#### Exclusion of OTT Apps and Communication Platforms-

The bill excludes Over-the-Top (OTT) apps and communication platforms like WhatsApp from being classified as telecom services

a range of services, and state authority over them raises concerns of privacy and surveillance. These concerns are not merely academic considering past allegations of state-sponsored snooping. The Bill tries to deal with spamming concerns, but its proposed solutions require additional compromises to privacy. The issues of surveillance reform and Internet shutdowns have massive implications, and must not be avoided just because they are contentious. The government must address these concerns with an open mind, considering the vast powers that the text of the Bill grants it. When the last draft was publicly floated for consultation, responses from industry bodies and the public were withheld from scrutiny. To further reassure the public of its clean motives, the government must scrupulously conduct rule-making with absolute transparency and consultation. This is especially important as many of the Act's provisions need subordinate legislation notified by the Department of Telecommunications before they come into force. The telecommunications landscape has evolved dramatically since the Telegraph Act was first passed in the 19th century, and regulation and law-making of the Internet world need to comprehensively address all the issues that have come with this digital explosion.

#### Expected Question for Prelims

**Que. Consider the following statements with reference to the Telecommunications Bill, 2023-**

1. It amends the Telecom Regulatory Authority of India (TRAI) Act, 1997.
2. It classifies OTT apps as telecommunication services.

Which of the above statements is/are correct?

- |                  |                     |
|------------------|---------------------|
| (a) Only 1       | (b) Only 2          |
| (c) Both 1 and 2 | (d) Neither 1 nor 2 |

**Answer : A**

#### Mains Expected Question & Format

**Que.: Discuss the major provisions of the Telecom Bill, 2023 and also describe the points of concern present in it.**

**Answer's Approach:**

- ❖ In the first part of the answer, discuss the major provisions of the Telecom Bill, 2023.
- ❖ In the second part, also discuss the points of concern related to the Telecom Bill, 2023.
- ❖ Finally give a conclusion giving suggestions.

**Note:** - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.