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**DAILY EDITORIAL
ANALYSIS**

TOPIC

Telecommunications Act , 2023:
Key Aspects

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TELECOMMUNICATIONS ACT , 2023: KEY ASPECTS

In Context

- Parliament passed the Telecommunications Act , 2023 to reform the country's century-old telecom law.

About Telecommunication Act 2023

- It replaced the **Indian Telegraph Act, 1885**, the **Indian Wireless Telegraphy Act, 1933**, and the **Telegraph Wires (Unlawful Possession) Act, 1950**.
- It lays down provisions that the central **government will provide authorisation** for telecom-related activities and assign spectrum.
- It also mandates that the **procedure and safeguards** related to interception will be prescribed by the Central Government.
- Provision of stringent punishment has been made for violators, which ranges from **three years jail to a punishment of upto 50 lakh rupees**.
- There has been provision of an effective grievance redressal mechanism which is digital by design.
- It lays down a statutory framework to expedite the process of obtaining the right of way.
 - ◆ This provision is poised to enhance faster connectivity and last-mile deployments, thereby improving high-speed fixed broadband access.

Significance

- It focuses on **user protection**, reforms on right of way and optimal utilisation of spectrum.
- It ensures **highest priority** to user protection and it would curb the cases of impersonation and issuance of SIMs by fraudulent means.
- It is providing **flexibility for allocation of spectrum**, mechanisms for improving right of way and building common ducts and cable corridors, expanding the application of USOF (now Digital Bharat Nidhi) and improving fund utilisation.
- It is aimed to **modernize India's regulatory framework** in the digital age, which would empower the Centre to establish rules for the protection of telecommunication networks.
- It will ensure a **transparent auction of spectrum** which is very important for the telecom sector.
- It holds the potential to streamline regulations, facilitate infrastructure development, and usher in an era of technological advancement

Issues and Concerns

- The broad interception powers granted to the state without adequate judicial safeguards raise red flags.
- The ability to decrypt encrypted messages, the lack of clear guidelines on data retention, and the potential for misuse of **biometric identification pose** threats to **civil liberties**.
- It gives the government unfettered power that **can infringe on citizen privacy with little or no accountability for governing officers**.
- The Act's section on Powers of Authorisation and Assignment rightly provides for technology neutrality of spectrum use, but does not reflect the same in the delivery of communication services.
- It does not specify procedural safeguards with respect to powers to search premises and vehicles.
- In a world the **functional distinction** between telcos and over-the-top services is blurring.
- **Functional separation** has been used as a regulatory remedy by many countries to address market concentration. Some common examples include Sweden, UK, Australia, Ireland and Poland.
 - ◆ The remedies when disproportionate can lead to counterproductive outcomes including lower investments and lower innovation.

Conclusion and Way Forward

- Telecommunication sector is a key driver of economic and social development.
- It is the gateway to digital services. Security of a country is vitally dependent on safety of telecommunication networks.
- Therefore, there is a need for the right **legal and regulatory framework** that focuses on a safe and secure telecommunication network that provides for digitally inclusive growth.
- It is important that users' sensitive personal information is not misused by any entity in the data processing Lifecycle
- It is important that **any new player in the services** market has **non-discriminatory** and **non-exclusive access** to infrastructure on a commercial basis for it to compete against integrated entities.
- A unified vision of the government of India should bring synergies in licensing, standards, skilling and governance across different departments.

DAILY MAINS QUESTION

Do you agree with the view that the Telecommunications Act , 2023 is a repackaged version of the colonial Law? Give reasons in support of your answer.

