

# Bill Summary

## The Telecommunications Bill, 2023

- The Telecommunications Bill, 2023 was introduced in Lok Sabha on December 18, 2023. It seeks to regulate activities related to telecommunication. It repeals 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.
- **Authorisation for telecom-related activities:** Prior authorisation from the central government will be required to: (i) provide telecommunication services, (ii) establish, operate, maintain, or expand telecommunications networks, or (iii) possess radio equipment. Existing licences 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: (i) national security and defence, (ii) disaster management, (iii) weather forecasting, (iv) transport, (v) satellite services such as DTH and satellite telephony, and (vi) BSNL, MTNL, and public broadcasting services. The central government may re-purpose or re-assign any frequency range. The central government may permit sharing, trading, leasing, and surrender of spectrum.
- **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: (i) security of the state, (ii) prevention of incitement of offences, or (iii) 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 authorised by the government may search premises or vehicles for possession of unauthorised telecom network 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: (i) prior consent to receive specified messages such as advertising messages, (ii) creation of Do Not Disturb registers, and (iii) a mechanism to allow users to report malware or specified 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: (i) at least 30 years of professional experience to serve as the chairperson, and (ii) 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.
- **Offences and penalties:** The Bill specifies various criminal and civil offences. Providing telecom services without authorisation, or gaining unauthorised 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 unauthorised equipment, or using unauthorised 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 offences 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. Members of this Committee will be officers of the rank of at least Additional Secretary. Appeals against the orders of the Committee, in connection to breach of terms and conditions, may be filed with TDSAT within 30 days.

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