



सत्यमेव जयते

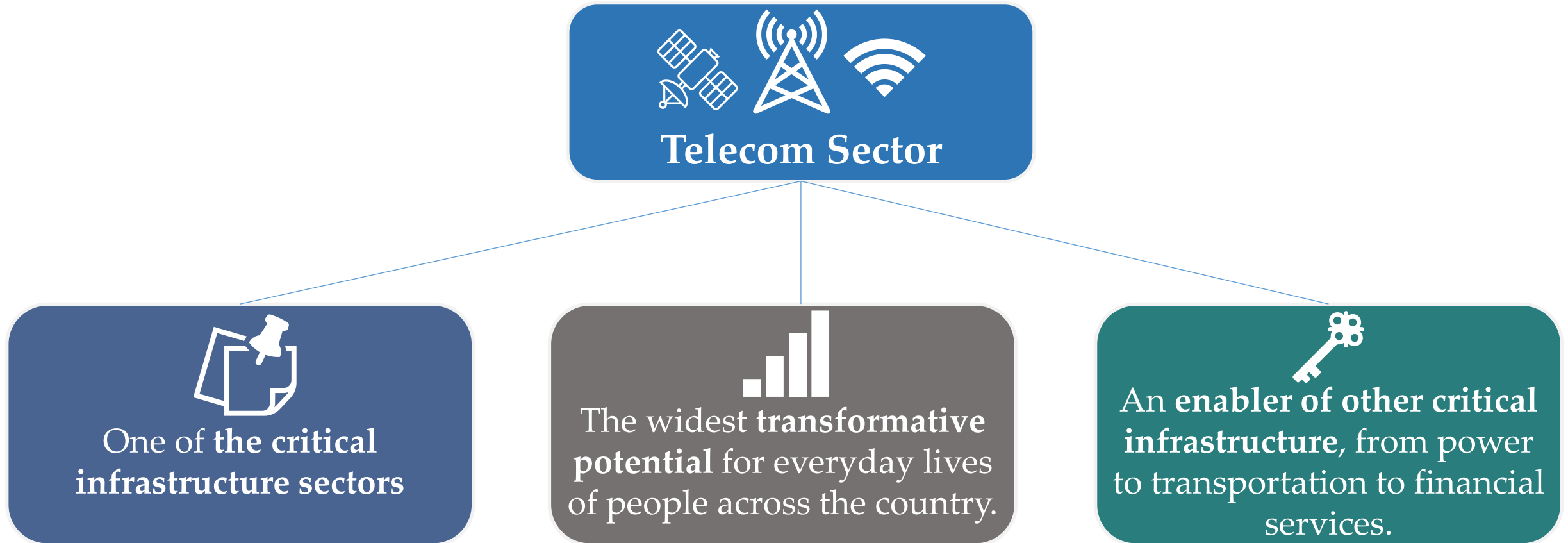
Department of Telecommunications

Ministry of Communications

Government of India

Indian Telecommunication Bill, 2022

Introduction



- ❖ 117 Crores subscribers (approx.), India – 2nd largest telecom market
- ❖ Contributes approx. 8% to GDP and employs 4 million people

Need for a New Law

- Telecom as the primary gateway to digital services
- Technology has changed considerably → need a modern law
- Need specific legal framework for Spectrum, RoW, insolvency, etc.
- Growth of the Digital Economy - Emerge as leader in 5G and 6G technology

Consolidation of Multiple Laws Governing Telecom Sector

Existing

Proposed

Indian Telegraph Act, 1885

**Indian Wireless Telegraphy Act,
1933**

**The Telegraph Wires (Unlawful
Possession) Act, 1950**

Indian Telecommunication Bill, 2022

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graph LR; A[Indian Telegraph Act, 1885] --- B[Indian Telecommunication Bill, 2022]; C[Indian Wireless Telegraphy Act, 1933] --- B; D[The Telegraph Wires (Unlawful Possession) Act, 1950] --- B;
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Consultative approach

- Extensive consultations
- Detailed study of global best practices
- Simple drafting, use of illustrations
- Obsolete provisions removed → definitions updated
- Explanatory note for further consultation

What does the Bill aim to do?



**Minimum but
effective
regulation**



**Regulatory
certainty**



**Robust
mechanism
for RoW**



**Protection of
users**



**Promoting
innovation
and
employment**

Structure of the Bill-Chapters

Total Chapters-12

**Number of Sections reduced:
Earlier – 64 (3 Acts combined)
Proposed Bill -53**

1

**Short Title, Extent and
Commencement**

7

**Telecommunication Development
Fund**

2

Definitions

8

**Innovation and Technology
Development**

3

**Licensing, Registration,
Authorization and Assignment**

9

Protection of Users

4

**Right of Way for Telecommunication
Infrastructure**

10

Miscellaneous

5

**Restructuring, Defaults in Payment,
Insolvency**

11

Offences

6

**Standards, Public Safety and
National Security**

12

Repeal and Savings

Structure of the Bill-Schedules

Total Schedules-5

I

Spectrum assignment for for Governmental Functions, or purposes in view of public interest or necessity – Section 5(2)(b)

II

Broadcasting services requiring License as of the Appointed Date

III

Offences and Penalties

IV

Penalties for breach of terms and conditions

V

Telecommunication Infrastructure

Detailed provisions of the Draft Bill

Protection of Users

- KYC provisions
- Protection from unsolicited messages → enabling provisions for Do Not Disturb registers
- Identity of caller to be visible to receiver → preventing frauds
- Duty of the user to give correct KYC information

New Definitions (Section 2)



Earlier only 15 definitions were in 3 Acts combined with ITA having only one technical definition that is for [Telegraph](#)



New terms and definitions (24 in number) provide for a **future-ready framework** to govern all modern telecommunication as it exists and is expected to evolve in the future. Relevant definitions have been updated.

Uses **illustrations**, and **contextual definitions** where necessary, to further clarify the intent of a provision

Telegraph



Telecommunications

Telecommunication Services

Telecommunication Network

Telecommunication Infrastructure

Simplifying Regulatory Framework (1/2)

Existing (Section 4 of ITA)

Central Government has exclusive powers to operate telegraph and grant license

Proposed (Section 3&4)

Exclusive privilege is an established principle – Retained – to be exercised it by granting:

1

License – for telecommunication services or telecommunication networks

2

Registration – for telecommunication infrastructure

3

Authorization – for wireless apparatus

4

Assignment – for spectrum

Methodology of Spectrum Management

Existing

No specific provisions. Governed by ad-hoc policies, precedents and court ruling.

In 2012, Hon'ble Supreme Court ruled that assignment should be in fair, transparent and non-discriminatory manner which led to framing of policies in this regard.

Proposed (Section 5)

Detailed provisions.
3 options for assignment :

1

Auction

2

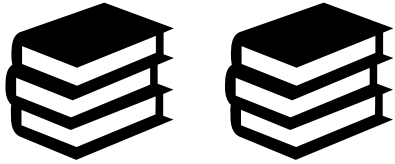
Administrative assignment for government functions, purposes in view of public interest or necessity

3

Any other manner as prescribed

Spectrum Reforms-Sharing & Trading

Existing



Governed by **various guidelines**, ad-hoc policies.



No provisions for spectrum leasing.

Proposed (Section 5 & 6)



Clear provisions in the law to allow-

1. Spectrum trading
2. Spectrum sharing
3. Spectrum re-farming and harmonization
4. Spectrum leasing
5. Technology agnostic use
6. Returning unused spectrum to Govt.

Focus is on the effective use of spectrum

Regulatory certainty: focus on continuity

- All existing rules, regulations, exemptions, etc. to continue
- No retrospective amendment to the terms and conditions
- Existing licenses to continue
- Existing registrations to continue
- Existing spectrum to continue

Breach of Terms and Conditions

➤ **Provision of Voluntary Undertaking**

- a mechanism through which a licensee, registered entity, or assignee may submit an undertaking to address any breach of terms and conditions.
- This innovative approach towards remedying breaches will bring in significant relief for the entire telecom ecosystem.

➤ **Alternate Dispute Resolution Framework**

Right of Way (1/2)

Existing (Section 10-19 of ITA)

Right of Way Rules, 2016 (as amended from time to time)

RoW remains a major bottleneck

Proposed (Section 12-18)

Legal backing for PM Gati Shakti



2

Specific provisions for public and private entities

Central Government to have powers to acquire RoW

3

RoW to be non-discriminatory and non-exclusive

4

Right of Way (2/2)

- Effective RoW critical for 5G roll-out and Quality of Service
- RoW on public property → permission in time bound manner
- RoW on private property → negotiation and mutual agreement
- Legal backing for uniform and non-discriminatory RoW
- Enabling provision to establish common ducts
- Telecom infrastructure to be different from the property it is installed on

Telecommunication Development Fund

Existing(Section 9A-9D of ITA)



Universal Service Obligation Fund



USOF is managed by Central Government



Limited only to universal services in remote areas

Proposed (Section 27-31)

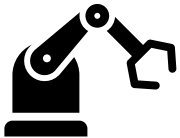
Telecommunication Development Fund



Can be administered through a separate entity in future.

Widened to include:

1. Universal service in underserved rural, remote and urban areas.
2. R&D of new technologies, products and services.
3. Support skill development and training
4. Support pilot projects
5. Introduction of new telecom services, technologies and products



Towards Ease of Doing Business

- **Easier Mergers, Demergers & Restructuring - No prior permission**, only prior notice required
- For **Insolvency** special framework in addition to IBC 2016 - **License and Spectrum to remain with Licensee as long as:**
 - a. Continues to provide services
 - b. Government dues are paid
- Focus on continuity of services and realization of value of spectrum
- Framework to address defaults in payments

Regulatory Sandbox

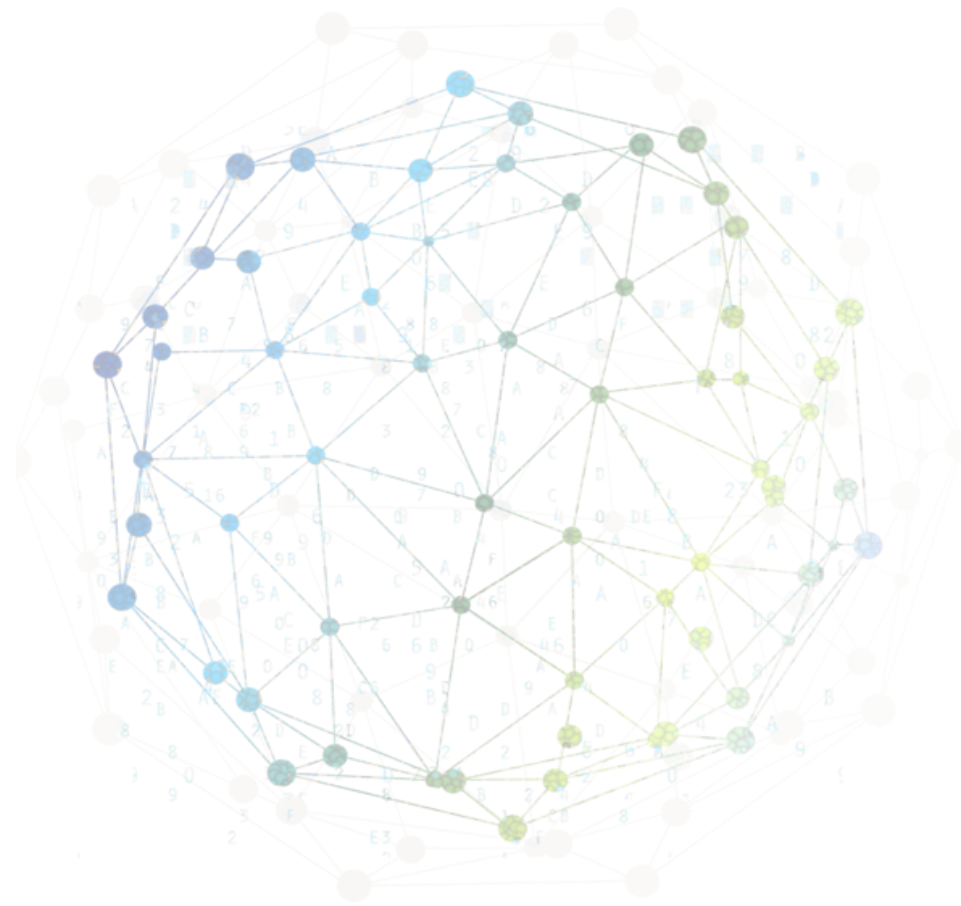
- **To enable any person to conduct tests and collect evidence relating to new telecommunication innovations under a flexible framework** In controlled environment with special terms and conditions
- It will facilitate development of telecom technologies and generate new employment
- Empower start-up ecosystem

Offences & Penalties (Section 44-48 & [Schedule 3](#))

- Offences updated and Obsolete provisions removed
- Clear distinction between major offences and routine mistakes
- Compounding provision included
- Cognizable/ compoundable → Based on seriousness of the offence

Penalties - Comparison

Existing(Section 20-32 of ITA)	Proposed(Section 44-48)
No option for compounding of offences	In case of non-serious offences, option to compound with fine not exceeding 150% of the max. amount of fine provided for the offence
10 offences in 3 acts mandated imprisonment	Only 7 offences mandate imprisonment and out of them three are compoundable
In case of offences by complaints all employees/ official tend to be listed as accused	Only those employees responsible for the conduct of business relating to offence may be proceeded against. Independent Directors is kept outside the purview
Anyone free to initiate action in respect of all kinds of offences whether minor or serious alleged offence	No Court shall take cognizance of any non-cognizable offence (serious in nature) unless Central Govt. complains.
Separate provisions containing descriptions of offences makes it tedious to understand the content	One Schedule containing description of the offence under Act, penalty, classification as cognizable or non-cognizable and compoundable or non-compoundable
Misconduct on part of telegraph official, retention of telegraph, bribery, etc.	Such offences have been omitted as they are covered within the scope of Conduct Rules or general law



Thank You