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News: Telecommunications Act, of 2023

- Recently, the central government notified certain sections of the Telecommunications Act, of 2023.

Telecommunications Act, 2023

- Telecommunications Act, 2023 aims to **update and unify telecom laws, by replacing outdated laws like the Indian Telegraph Act of 1885, the Indian Wireless Telegraph Act, 1933 and Telegraph Wires (Unlawful Possession) Act, 1950.**

Salient Features

- **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.