



KAMARAJ IAS ACADEMY
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Draft Indian Telecommunication Act, 2022

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Why is in news? Panel raises data privacy concerns in draft telecom law

The proposed Bill aims to bring in sweeping changes to how the telecom sector is governed, primarily by giving the Centre more powers in several areas to do so.

Through the bill, the Centre aims to consolidate and amend the existing laws governing the provision, development, expansion and operation of telecom services, networks and infrastructure.

Key Amendments:

Consolidation of acts- The draft Bill consolidates three separate acts that govern the telecommunications sector - Indian Telegraph Act 1885, Indian Wireless Telegraphy Act 1933. The Telegraph Wires, (Unlawful Protection) Act 1950.

Inclusion of OTT- The new-age over-the-top communication services like WhatsApp, Signal and Telegram has been included in the definition of telecommunication services.

Inclusion of service providers- The providers of telecommunication services will be covered under the licensing regime and will be subjected to similar rules as telecom operators.

TRAI Act amendments- The Centre is also looking to amend the Telecom Regulatory Authority of India Act (TRAI Act) to dilute its function of being a recommendatory body.

The proposed Bill **does away with the provision that mandates the telecom department to seek the TRAI's views** before issuing a new licence to a service provider.

It has also **removed** the provision that empowered **TRAI to request the government to furnish information** or documents **necessary to make this recommendation**.

It proposes to **remove the provision** where if the **DoT cannot accept TRAI's recommendations** or needs modification, it had to **refer back the recommendation for reconsideration** by TRAI.

Spectrum owned by a defaulting operator - If a telecom entity in possession of spectrum goes **through bankruptcy or insolvency**, the **assigned spectrum will revert to the control of the Centre**.

Powers to Centre - The draft Bill gives the Centre powers to defer, convert into equity, write off or grant relief to any licensee under extraordinary circumstances.

Fund - It proposes to replace the **Universal Service Obligation Fund (USOF)** with Telecommunication Development Fund (TDF).

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