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India to bring at least 3 more legislations to overhaul digital regulatory system

September 22, 2022 | 0 comment



Telecom Minister Ashwini Vaishnaw Thursday said the government will bring in at least three more legislations, so that the entire digital regulatory system in the country comes at the level of global standards. To start with, licensing reforms will follow the enactment of Telecommunications Act.

“In a very methodical way, we are moving step by step. By end of which, we should see India’s telecom sector among the best in the world,” Vaishnaw said during a Public Affairs Forum of India (PAFI) event.

The reforms process for the telecom sector was started in September last year, when the government announced a slew of structural reforms including redefining adjusted gross revenue (AGR) definition. It was followed by reforms in the wireless promotion and coordination (WPC) wing and more recently the right of way rules (RoW).

The enactment of the Telecommunications Act is the fourth set of reforms, which will be followed by license reforms.

“We will be bringing a series of at least three more legislations I can say, in which the entire digital regulatory system will be brought up to global standards... we should be the economy where we actually come and stand on that okay, at a population scale a billion plus population or society as diverse as ours, an economy as complex as ours and for an economy which is growing, what are the things that we should look at when we are drafting our legal structure? So that is the objective that which we are moving for,” the minister said.

Vaishnaw was reacting to a question on the draft Indian Telecommunications Bill 2022, that was put up for public consultation late Wednesday. Mobile phone companies have termed the bill as “reformative”.

“In keeping with the recent trend of reformative policy making by the government, this draft Indian Telecommunication bill is another milestone step to develop a modern and future-ready legal framework for telecommunication. We are studying the newly drafted Bill and will share our comments with the Government in due course of time,” SP Kochhar, director general of Cellular Operators Association of India (COAI), said in a statement.

COAI represents India’s three private operators – Reliance Jio, Bharti Airtel and Vodafone Idea.

As per the draft Bill, spectrum can be assigned through an auction or administrative process, depending on the requirements. It has proposed provisions to waive fees, charges and penalties of a company if it is required to protect the interest of consumers or ensure fair competition.

The draft has also enlarged the definition of telecommunication services, bringing over-the-top (OTT) services such as WhatsApp, Signal and Telegram, satellite-based communication services, Internet and broadband services, in-flight and maritime connectivity services, etc., under the ambit of the proposed law. The draft document states that in case of insolvency, spectrum assigned to an entity shall revert to government control.

The draft Bill has been put up for public consultation and stakeholders can send their comment ti ^ :ob

“Continuing on the path of reforms, the draft bill proposes a comprehensive framework to further enhance ease of doing business. Clarity has been provided on spectrum allocation, restructuring, insolvency, and protection among others. OTT is proposed to be considered as a telecom service, which may see some developments,” Jaideep Ghosh, chief operating officer of legal firm Shardul Amarchand Mangaldas & Co, in a statement.

“The Indian Telecommunications Bill, 2022, is indeed a great move and a long awaited one. It has been a challenge for the telecom industry dealing with archaic laws for the last 3-4 decades, particularly the Indian Telegraph Act which was enacted during the 19th Century including others which will now be repealed. The new Bill has taken account the current gambit of services being offered using different forms of technology such as over-the-top (OTT), internet services via satellite-based communication services, in-flight and maritime services, broadcasting, internet, and broadband services, which will now fall within licensed services,” Tony Verghese, Partner, JSA said.

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