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The Telecommunications Act, 2023

(ACT NO. 44 OF 2023)

[*As on the* 24*th August*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

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THE TELECOMMUNICATIONS ACT, 2023

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THE TELECOMMUNICATIONS ACT, 2023

ACT NO. 44 OF 2023

[24*th December*, 2023.]

An Act to amend and consolidate the law relating to development, expansion and operation of telecommunication services and telecommunication networks; assignment of spectrum; and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Telecommunications Act, 2023.

(*2*) It extends to,—

(*i*) the whole of India; and

(*ii*) to any offence committed or contravention made outside India by any person, as provided in this Act.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

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2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means such date as the Central Government may, by notification appoint under sub-section (*3*) of section 1;

(*b*) "assignment" of a radio frequency or radio frequency channel means the permission for a radio station to use a radio frequency or radio frequency channel under specified conditions;

(*c*) "assignee" means a person holding an assignment of a radio frequency or radio frequency channel under section 4;

(*d*) "authorisation" means a permission, by whatever name called, granted under this Act for—

(*i*) providing telecommunication services;

(*ii*) establishing, operating, maintaining or expanding telecommunication networks; or

(*iii*) possessing radio equipment;

(*e*) "authorised entity" means a person holding an authorisation under section 3;

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1. **26th June, 2024.**—Sections 1,2,10 to 30, 42 to 44, 46, 47, 50 to 58, 61 and 62, *vide* Notifn no. S.O. 2408 (E), dated 26th June, 2024, *see* Gazette of India, Extraordinary, Part II, sec. 3 (*ii*).
5th July, 2024.—Sections 6 to 8, 48 and 59(*b*), *vide* Notifn no. S.O. 2623(E), dated the 5th July, 2024, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).
23rd day of June, 2026.—sub-section (*1*) and sub-section (*6*) of section 3, *vide* Notifn no. S.O. 3368 (E), dated 23rd June, 2026, *see* Gazette of India, Extraordinary, Part II, sec. 3 (*ii*).
21st day of August, 2026.— sub-section (7) of section 3, *vide* Notifn no. S.O. 4616 (E), dated 21st August, 2026, *see* Gazette of India, Extraordinary, Part II, sec. 3 (*ii*).

(*f*) "critical telecommunication infrastructure" means telecommunication networks notified under sub-section (*3*) of section 22;

(*g*) "message" means any sign, signal, writing, text, image, sound, video, data stream, intelligence or information sent through telecommunication;

(*h*) "National Frequency Allocation Plan" means guidelines issued from time to time by the Central Government for the use of the spectrum;

(*i*) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

(*j*) "person" shall include an individual, any company or association or body of individuals, whether incorporated or not, by whatsoever name called or referred to;

(*k*) "prescribed" means prescribed by rules made under this Act;

(*l*) "radio equipment" means telecommunication equipment used or capable of use for telecommunication by means of Hertzian or radio waves;

(*m*) "radio waves" means electro-magnetic waves of frequencies propagated in space without any artificial guide;

(*n*) "Schedule" means a schedule to this Act;

(*o*) "spectrum" means the range of frequencies of Hertzian or radio waves;

(*p*) "telecommunication" means transmission, emission or reception of any messages, by wire, radio, optical or other electro-magnetic systems, whether or not such messages have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;

(*q*) "telecommunication equipment" means any equipment, appliance, instrument, device, radio station, radio equipment, material, apparatus, or user equipment, that may be or is being used for telecommunication, including software and intelligence integral to such telecommunication equipment; and excludes such equipment as may be notified by the Central Government;

(*r*) "telecommunication identifier" means a series of digits, characters and symbols, or a combination thereof, used to identify uniquely a user, a telecommunication service, a telecommunication network, elements of a telecommunication network, telecommunication equipment, or an authorised entity;

(*s*) "telecommunication network" means a system or series of systems of telecommunication equipment or infrastructure, including terrestrial or satellite networks or submarine networks, or a combination of such networks, used or intended to be used for providing telecommunication services, but does not include such telecommunication equipment as notified by the Central Government;

(*t*) "telecommunication service" means any service for telecommunication;

(*u*) "user" means a natural or legal person using or requesting a telecommunication service, but does not include person providing such telecommunication service or telecommunication network.

CHAPTER II

POWERS OF AUTHORISATION AND ASSIGNMENT

3. Authorisation.—(*1*) Any person intending to—

(*a*) provide telecommunication services;

(*b*) establish, operate, maintain or expand telecommunication network; or

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(*c*) possess radio equipment,

shall obtain an authorisation from the Central Government, subject to such terms and conditions, including fees or charges, as may be prescribed.

(*2*) The Central Government may while making rules under sub-section (*1*) provide for different terms and conditions of authorisation for different types of telecommunication services, telecommunication network or radio equipment.

(*3*) The Central Government, if it determines that it is necessary in the public interest so to do, may provide exemption from the requirement of authorisation under sub-section (*1*), in such manner as may be prescribed.

(*4*) Any exemption granted prior to the appointed day under the Indian Telegraph Act, 1885 (13 of 1885) or the Indian Wireless Telegraphy Act, 1933 (17 of 1933) shall continue under this Act, unless otherwise notified by the Central Government.

(*5*) Any authorised entity may undertake any merger, demerger or acquisition, or other forms of restructuring, subject to any law for the time being in force and any authorised entity that emerges pursuant to such process, shall comply with the terms and conditions, including fees and charges, applicable to the original authorised entity, and such other terms and conditions, as may be prescribed.

(*6*) A licence, registration, permission, by whatever name called, granted prior to the appointed day under the Indian Telegraph Act, 1885 (13 of 1885) or the Indian Wireless Telegraphy Act, 1933 (17 of 1933), in respect of provision of telecommunication services or telecommunication network—

(*a*) where a definite validity period is given, shall be entitled to continue to operate under the terms and conditions and for the duration as specified under such licence or registration or permission, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed; or

(*b*) where a definite validity period is not given, shall be entitled to continue to operate on the terms and conditions of such licence or registration or permission for a period of five years from the appointed day, or to migrate to such terms and conditions of the relevant authorisation, as may be prescribed.

(*7*) Any authorised entity which provides such telecommunication services as may be notified by the Central Government, shall identify the person to whom it provides telecommunication services through use of any verifiable biometric based identification as may be prescribed.

(*8*) The Central Government may, subject to such terms and conditions, including fees or charges as may be prescribed, allot telecommunication identifiers for use by authorised entities.

(*9*) The Central Government may allow use of telecommunication identifiers allotted by international bodies which are recognised by the Central Government from time to time.

4. Assignment of spectrum.—(*1*) The Central Government, being the owner of the spectrum on behalf of the people, shall assign the spectrum in accordance with this Act, and may notify a National Frequency Allocation Plan from time to time.

(*2*) Any person intending to use spectrum shall require an assignment from the Central Government.

(*3*) The Central Government may prescribe such terms and conditions as may be applicable, for such assignment of spectrum, including the frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure for the same.

(*4*) The Central Government shall assign spectrum for telecommunication through auction except for entries listed in the First Schedule for which assignment shall be done by administrative process.

Explanation.—For the purposes of this sub-section,—

(*a*) "administrative process" means assignment of spectrum without holding an auction;

(*b*) "auction" means a bid process for assignment of spectrum.

(*5*) (*a*) The Central Government may, by notification, amend the First Schedule for assignment of spectrum—

(*i*) in order to serve public interest; or

(*ii*) in order to perform government function; or

(*iii*) in cases where auction of spectrum is not the preferred mode of assignment due to technical or economic reasons.

(*b*) The notification referred to in clause (*a*) shall be laid before each House of Parliament.

(*6*) The Central Government, if it determines that it is necessary in the public interest so to do, may exempt,—

(*a*) from the requirement of assignment under sub-section (*2*), in such manner as may be prescribed; and

(*b*) by notification, specific usages within specified frequencies and parameters, from the requirements of sub-section (*2*).

(*7*) Any exemption with respect to use of spectrum granted under the Indian Telegraph Act, 1885 (13 of 1885) and the Indian Wireless Telegraphy Act, 1933 (17 of 1933) prior to the appointed day, shall continue under this Act, unless otherwise notified by the Central Government.

(*8*) Any spectrum assigned through the administrative process prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned, for a period of five years from the appointed day, or the date of expiry of such assignment, whichever is earlier.

(*9*) Any spectrum assigned through auction prior to the appointed day, shall continue to be valid on the terms and conditions on which it had been assigned.

5. Re-farming and harmonisation.—The Central Government may, to enable more efficient use of spectrum, re-farm or harmonise any frequency range assigned under section 4, subject to such terms and conditions, as may be prescribed.

Explanation.—For the purposes of this section,—

(*a*) "harmonisation" means rearrangement of a frequency range;

(*b*) "re-farming" means repurposing of a frequency range for a different use, other than that for which it is used by an existing assignee.

6. Technologically neutral use of spectrum.—The Central Government may enable the utilisation of the spectrum in a flexible, liberalised and technologically neutral manner, subject to such terms and conditions, including applicable fees and charges, as may be prescribed.

7. Optimal utilisation of spectrum.—(*1*) The Central Government may, to promote optimal use of the available spectrum, assign a particular part of a spectrum that has already been assigned to an entity, known as the primary assignee, to one or more additional entities, known as the secondary assignees, where such secondary assignment does not cause harmful interference in the use of the relevant part of the spectrum by the primary assignee, subject to such terms and conditions as may be prescribed.

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(*2*) The Central Government may, notwithstanding anything contained in any other law for the time being in force, after providing a reasonable opportunity of being heard to the assignee concerned, determines that any assigned spectrum has remained unutilised for insufficient reasons for such period as may be prescribed, terminate such assignment, or a part of such assignment, or prescribe further terms and conditions relating to spectrum utilisation.

8. Establishment of monitoring and enforcement mechanism.—(*1*) The Central Government may establish by notification, such monitoring and enforcement mechanism as it may deem fit to ensure adherence to terms and conditions of spectrum utilisation and enable interference-free use of the assigned spectrum.

(*2*) The Central Government may permit the sharing, trading, leasing and surrender of assigned spectrum, subject to the terms and conditions, including applicable fees or charges, as may be prescribed.

9. No refund of fees.—No person shall be entitled to the refund of any fees or charges paid in respect of or under an authorisation or assignment granted under this Act, if such authorisation or assignment is suspended, curtailed, revoked or varied.

CHAPTER III

RIGHT OF WAY FOR TELECOMMUNICATION NETWORK

10. Definition of terms used in this Chapter.—For the purpose of this Chapter,—

(*a*) "facility provider" means the Central Government or any authorised entity, including any contractor or sub-contractor or agent working for the Central Government or authorised entity, and shall include their successor or assignee;

(*b*) "public entity" means,—

(*i*) the Central Government;

(*ii*) the State Government;

(*iii*) local authority;

(*iv*) any authority, body, company or institution incorporated or established by the Central Government or the State Government, or under any statute; or

(*v*) any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as may be notified by the Central Government;

(*c*) "public property" means any property, whether movable or immovable including any machinery, which is owned by, or in the possession of, or under the control or management of any public entity.

11. Right of way for telecommunication network in public property.—(*1*) Any facility provider may submit an application to a public entity under whose ownership, control or management, the public property is vested, to seek permissions for right of way for telecommunication network under, over, along, across, in or upon such public property.

(*2*) On receipt of an application from a facility provider under sub-section (*1*), the public entity shall, subject to the provisions of sub-section (*4*), grant permission for all or any of the following acts, namely:—

(*a*) survey such property for the purpose of assessing the feasibility for establishing telecommunication network; or

(*b*) enter the property from time to time to establish, operate, maintain, repair, replace, augment, remove or relocate any telecommunication network.

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(*3*) The public entity shall grant permission under sub-section (*2*) in an expeditious manner and within such timelines as may be prescribed, and subject to such administrative expenses and compensation for right of way, which shall not exceed such amount as may be prescribed.

(*4*) Any rejection of an application under sub-section (*1*) shall be based on reasonable grounds to be recorded in writing.

(*5*) The facility provider shall do as little damage as possible to the public property, and ensure that the functionality and continuity of operations over such public property is not adversely affected, while undertaking any of the activities for which permission has been granted under sub-section (*2*).

(*6*) If any damage is caused to the property, the facility provider shall, at the option of the public entity, either,—

(*a*) restore such property to its state as existed prior to the undertaking of such activities; or

(*b*) pay compensation for such damage as may be mutually agreed.

(*7*) The provisions of this section shall be applicable to any public property vested for such projects or class of projects as notified by the Central Government, in respect of which, applications under sub-section (*1*) shall be made to the public entity granting the concession, contract or permission for such projects.

12. Right of way for telecommunication network on property not covered under section 11.—(*1*) Any facility provider may submit an application to the person under whose ownership, control or management of property not covered under section 11 is vested, to seek right of way for telecommunication network under, over, along, across, in or upon such property.

(*2*) On receipt of an application from a facility provider, the person receiving the application may enter into an agreement, specifying consideration as mutually agreed, for—

(*a*) undertaking surveys as may be required by the facility provider for the purpose of assessing the feasibility for establishing telecommunication network; or

(*b*) establishing, operating, maintaining, repairing, replacing, augmenting, removing or relocating any telecommunication network by the facility provider.

(*3*) The facility provider shall do as little damage as possible to the property when undertaking any of the activities for which permission has been granted under sub-section (*2*).

(*4*) In case of any damage to the property, the facility provider shall restore such property to its state as existed prior to the undertaking of such activities, failing which the person granting permission under sub-section (*2*), shall be entitled to compensation as may be mutually agreed, for any such damage.

(*5*) The Central Government may by rules provide for the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the telecommunication network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, and matters relating to the compensation payable for any damage.

(*6*) If the person under sub-section (*2*) fails to provide the right of way requested, and the Central Government determines that it is necessary so to do in the public interest, it may, either by itself or through any other authority designated by the Central Government for this purpose, determine that such facility provider shall be permitted the right of way to establish, operate, maintain such telecommunication network, subject to such terms and conditions, including charges for the right of way, and compensation for damage to the property, if any, to be payable to such person as may be prescribed.

13. Non- discriminatory and non- exclusive grant of right of way.—Any person providing right of way under section 11 or section 12, shall ensure grant of right of way to the facility providers in a non-discriminatory manner and, as far as practicable, on a non-exclusive basis.

14. Telecommunication network distinct from property on which it is installed.—(*1*) A facility provider shall not have any right, title or interest in the property on which telecommunication network is established, except the right to use the property as provided under section 11 or section 12.

(*2*) The telecommunication network installed on any property, shall not be subject to any claims, encumbrances, liquidation or the like, relating to such property.

(*3*) The telecommunication network installed on any property, shall not be considered as part of such property, including for the purposes of any transaction related to that property, or any property tax, levy, cess, fees or duties as may be applicable on that property.

(*4*) Notwithstanding anything contained in any other law for the time being in force, no public entity, except with the permission of an officer authorised by the Central Government for this purpose, shall have the authority to take any coercive action, such as sealing, preventing access, or forcible shutdown of the telecommunication network established by an authorised entity, except where such actions may be necessary to deal with any natural disaster or public emergency.

15. Power of Central Government to establish common ducts and cable corridors.—(*1*) The Central Government may notify infrastructure projects or class of infrastructure projects, whether being developed by a public entity by itself, through a public private partnership or by any other person, that may require establishment of common ducts or conduits or cable corridors, for installation of telecommunication network.

(*2*) The telecommunication network referred to in sub-section (*1*) shall be made available on open access basis to facility providers, subject to such terms and conditions, including fees and charges, as may be prescribed.

16. Removal, relocation or alteration of telecommunication network.—(*1*) Where, under section 11 or section 12, telecommunication network has been placed by the facility provider, under, over, along, across, in or upon any property, and any person entitled to do so desires to deal with that property in such a manner so as to render it necessary or convenient that the telecommunication network should be removed or relocated to another part thereof or to a higher or lower level or altered in form, he may require the facility provider to remove, relocate or alter the telecommunication network accordingly.

(*2*) If compensation has been paid under sub-section (*6*) of section 11, or sub-section (*4*) of section 12, such person shall, when making the requisition under sub-section (*1*), tender to the facility provider the amount requisite to defray the expense of the removal, relocation or alteration on such terms as may be mutually agreed.

(*3*) If any dispute arises under this Chapter, the matter shall be determined by the authority referred to in sub-section (*2*) of section 18.

(*4*) If the facility provider omits to comply with the requisition, the person making such requisition, may apply to the District Magistrate within whose jurisdiction the property is situated, to order the relocation or alteration.

(*5*) The District Magistrate receiving the application may, at its discretion and for reasons to be recorded in writing, approve or reject such relocation or alteration, subject to such conditions as it determines fit, including the relocation of the telecommunication network to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final.

17. Notice to facility provider.—(*1*) Any person desiring to exercise his right to deal with his property in such a manner as is likely to cause damage or to interrupt or interfere with the

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telecommunication network established under the provisions of this Act, or to interrupt or interfere with telecommunication services, shall give prior notice of such duration and in such manner, as may be prescribed, to the facility provider, the Central Government or to any authority that may be notified by the Central Government.

(*2*) The facility provider shall respond to such notice with details of such telecommunication network and precautionary measures to be undertaken, within such timelines as may be prescribed.

(*3*) Where a person referred to in sub-section (*1*) gives a notice of his exercise of the right relating to his property with the *bona fide* intention of averting imminent danger of personal injury to himself or any other person, such person shall be deemed to have complied with the provisions of the said sub-section.

(*4*) Any person who fails to comply with the provisions of sub-section (*1*), or deals with any property in such a manner as is likely to cause, or causes, damage to any telecommunication network, or is likely to interrupt or interfere, or interrupts or interferes with telecommunication services, a District Magistrate may, on the application of the facility provider, order such person to abstain from dealing with such property in such manner for a period not exceeding one month from the date of his order and forthwith to take such action with regard to such property as may be in the opinion of the District Magistrate necessary to remedy or prevent such damage, interruption or interference during such period.

(*5*) If any dispute arises relating to damages, the matter shall be determined by the authority referred to under sub-section (*2*) of section 18.

18. Dispute resolution relating to this Chapter.—(*1*) The District Magistrate, or any other authority as notified by the Central Government, within whose jurisdiction the property is situated, shall have the exclusive powers to resolve any disputes under this Chapter, except for disputes referred to under sub-section (*2*) of this section.

(*2*) If any dispute arises relating to compensation under sub-section (*6*) of section 11, sub-section (*2*) and sub-section (*4*) of section 12, and sub-section (*5*) of section 17, it shall, on an application made for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situated, be determined by him.

(*3*) Every determination of a dispute by a District Magistrate or District Judge under this section, shall be final.

(*4*) Nothing in sub-section (*3*) shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the facility provider, from the person who has received the same.

CHAPTER IV

STANDARDS, PUBLIC SAFETY, NATIONAL SECURITY AND PROTECTION OF TELECOMMUNICATION NETWORKS

19. Power to notify standards.—The Central Government may notify standards and conformity assessment measures in respect of—

(*a*) telecommunication equipment, telecommunication identifiers and telecommunication network;

(*b*) telecommunication services, in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time;

(*c*) manufacture, import, distribution and sale of telecommunication equipment;

(*d*) telecommunication security, including identification, analysis and prevention of intrusion in telecommunication services and telecommunication networks;

(*e*) cyber security for telecommunication services and telecommunication networks; and

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(*f*) encryption and data processing in telecommunication.

20. Provisions for public emergency or public safety.—(*1*) On the occurrence of any public emergency, including disaster management, or in the interest of public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government, if satisfied that it is necessary or expedient so to do, by notification—

(*a*) take temporary possession of any telecommunication service or telecommunication network from an authorised entity; or

(*b*) provide for appropriate mechanism to ensure that messages of a user or group of users authorised for response and recovery during public emergency are routed on priority.

(*2*) On the occurrence of any public emergency or in the interest of public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government, may, if satisfied that it is necessary or expedient so to do, in the interest of the sovereignty and integrity of India, defence and security of the State, friendly relations with foreign States, public order, or for preventing incitement to the commission of any offence, subject to such procedure and safeguards as may be prescribed, and for reasons to be recorded in writing, by order—

(*a*) direct that any message or class of messages, to or from any person or class of persons, to or from any telecommunication equipment or class of telecommunication equipment, or relating to any particular subject, brought for transmission by, or transmitted or received by any telecommunication service or telecommunication network, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed in intelligible format to the officer mentioned in such order; or

(*b*) direct that any telecommunication service or class of telecommunication services to or from any person or class of persons, to or from any telecommunication equipment or class of telecommunication equipment, or relating to any particular subject, transmitted or received by any telecommunication service or telecommunication network, shall be suspended.

(*3*) The press messages, intended to be published in India, of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under clause (*a*) of sub-section (*2*).

(*4*) The action specified under sub-section (*1*), sub-section (*2*) and sub-section (*3*) shall be for such duration and in such manner as may be prescribed.

21. Measures for national security, etc.—The Central Government may, if satisfied that it is necessary or expedient so to do, in the interest of national security, friendly relations with foreign States, or in the event of war, by notification take such measures as are necessary in the circumstances of the case, including issuing directions in respect of the following, namely:—

(*a*) use of telecommunication equipment, telecommunication services, telecommunication network and telecommunication identifiers;

(*b*) standards applicable to manufacture, import and distribution of telecommunication equipment;

(*c*) standards to be adopted by authorised entities or assignees;

(*d*) procurement of telecommunication equipment and telecommunication services only from trusted sources;

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(*e*) suspension, removal or prohibition of the use of specified telecommunication equipment and telecommunication services from countries or person as may be notified; or

(*f*) taking over the control and management of, or suspending the operation of, or entrusting any authority of the Central Government to manage any or all of any telecommunication services, or any telecommunication network or part thereof, connected with such telecommunication services.

22. Protection of telecommunication network and telecommunication services.—(*1*) The Central Government may by rules provide for the measures to protect and ensure cyber security of telecommunication networks and telecommunication services.

(*2*) The measures may include collection, analysis and dissemination of traffic data that is generated, transmitted, received or stored in telecommunication networks.

Explanation.—For the purposes of this sub-section, the expression "traffic data" means any data generated, transmitted, received or stored in telecommunication networks including data relating to the type, routing, duration or time of a telecommunication.

(*3*) The Central Government may, by notification in the Official Gazette, declare any telecommunication network, or part thereof, as Critical Telecommunication Infrastructure, disruption of which shall have debilitating impact on national security, economy, public health or safety.

(*4*) The Central Government may by rules provide for the standards, security practices, upgradation requirements and procedures to be implemented for such Critical Telecommunication Infrastructure.

23. Power to give directions.—If it appears necessary or expedient so to do in the public interest, the Central Government may direct any authorised entity to transmit in its telecommunication services or telecommunication network, specific messages, in such manner as may be specified.

CHAPTER V

DIGITAL *BHARAT NIDHI*

24. Establishment of Digital *Bharat Nidhi*.—(*1*) The Universal Service Obligation Fund created under the Indian Telegraph Act, 1885 (13 of 1885), shall, from the appointed day, be the "Digital Bharat Nidhi", under the control of the Central Government, and shall be used to discharge functions as set forth in this Act.

(*2*) Any sums of money attributable to the Digital *Bharat Nidhi* that is paid pursuant to an authorisation under section 3, shall be credited to the Digital *Bharat Nidhi*.

(*3*) The balance to the credit of the Digital *Bharat Nidhi* shall not lapse at the end of the financial year.

(*4*) All amounts payable under licences granted prior to the appointed day towards the Universal Service Obligation, shall be deemed to be the amounts payable towards the Digital *Bharat Nidhi*.

25. Crediting of sum to Consolidated Fund of India.—The sums of money received towards the Digital *Bharat Nidhi* under section 24, shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Digital *Bharat Nidhi* from time to time for being utilised exclusively to meet any or all of the following objectives, namely:—

(*a*) support universal service through promoting access to and delivery of telecommunication services in underserved rural, remote and urban areas;

(*b*) support research and development of telecommunication services, technologies, and products;

(*c*) support pilot projects, consultancy assistance and advisory support towards provision of service under clause (*a*) of this section;

(*d*) support introduction of telecommunication services, technologies, and products.

26. Administration of Digital *Bharat Nidhi*.—The Digital *Bharat Nidhi* shall be administered in a manner, as may be prescribed.

CHAPTER VI

INNOVATION AND TECHNOLOGY DEVELOPMENT

27. Regulatory sandbox.—The Central Government may, for the purposes of encouraging and facilitating innovation and technological development in telecommunication, create one or more regulatory sandboxes, in such manner, and for such duration, as may be prescribed.

Explanation.—For the purposes of this section, the expression ""regulatory sandbox"" refers to a live testing environment where new products, services, processes and business models which may be deployed, on a limited set of users, for a specified period of time, with certain relaxations from the provisions of this Act.

CHAPTER VII

PROTECTION OF USERS

28. Measures for users.—(*1*) For the purposes of this section, "specified message" means any message offering, advertising or promoting goods, services, interest in property, business opportunity, employment opportunity or investment opportunity, whether or not—

(*a*) the goods, services, interest, or opportunity are real; or

(*b*) it is lawful to acquire such goods, services, property, interest or take up the opportunity.

(*2*) The Central Government may by rules provide for measures for protection of users, in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time, including measures such as—

(*a*) the prior consent of users for receiving certain specified messages or class of specified messages;

(*b*) the preparation and maintenance of one or more registers, to be called as "Do Not Disturb" register, to ensure that users do not receive specified messages or class of specified messages without prior consent; or

(*c*) the mechanism to enable users to report any malware or specified messages received in contravention of this section.

(*3*) An authorised entity providing telecommunication services shall establish an online mechanism to enable users to register any grievance pertaining to the telecommunication service, and redressal of such grievances, in such manner as may be prescribed.

29. Duty of users.—No user shall—

(*a*) furnish any false particulars, suppress any material information, or impersonate another person, while establishing his identity for availing of telecommunication services; or

(*b*) fail to share information as required under this Act.

30. Dispute resolution mechanism to redress user grievances.—(*1*) The Central Government may establish or approve one or more online dispute resolution mechanisms for the resolution of disputes between users and authorised entities providing telecommunication services.

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(*2*) Every authorised entity providing telecommunication services shall participate in the dispute resolution mechanism established under sub-section (*1*), and shall comply with such terms and conditions of participation in such mechanism as may be prescribed.

(*3*) This section shall not affect the rights of consumers under the Consumer Protection Act, 2019 (35 of 2019).

CHAPTER VIII

ADJUDICATION OF CERTAIN CONTRAVENTIONS

31. Definitions of terms used in this Chapter.—For the purposes of this Chapter,—

(*a*) "Adjudicating Officer" means an officer appointed under section 35; and

(*b*) "Designated Appeals Committee" means the committee appointed under section 36.

32. Breach of terms and conditions of authorisation or assignment.—(*1*) In case of breach of any of the terms and conditions of authorisation or assignment granted under this Act, the Adjudicating Officer shall, pursuant to an inquiry under the provisions of this Chapter—

(*a*) pass an order in writing in respect of one or both of the following, namely: —

(*i*) direct such authorised entity, or assignee to do or abstain from doing any act or thing to prevent such breach or for such compliance;

(*ii*) impose civil penalties as specified in the Second Schedule; and

(*b*) make recommendations for the consideration of the Central Government regarding suspension, revocation, or curtailment of the duration of the authorisation or assignment.

(*2*) The Central Government may, after due consideration of the recommendations of the Adjudicating Officer under clause (*b*) of sub-section (*1*), suspend, curtail or revoke the authorisation or assignment, as the case may be, which may be reversed if the substantial violation is remedied to the satisfaction of the Central Government.

(*3*) While imposing penalties specified in the Second Schedule under this section and section 33, the Adjudicating Officer shall have due regard to the following factors, namely:—

(*a*) nature, gravity and duration of the contravention, taking into account the scope of the contravention;

(*b*) number of persons affected by such contravention, and the level of harm suffered by them;

(*c*) intentional or negligent character of the contravention;

(*d*) repetitive nature of the contravention;

(*e*) action taken by the concerned person to mitigate the contravention, including by providing a voluntary undertaking under sub-section (*1*) or sub-section (*2*) of section 34;

(*f*) revenue loss caused to the Central Government;

(*g*) any aggravating factors relevant to the circumstances of the case, such as the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the contravention; and

(*h*) any mitigating factors relevant to the circumstances of the case, such as the timely rectification of the contravention, or steps taken for the avoidance of loss as a result of the contravention.

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33. Contraventions of Act.—(*1*) The Adjudicating Officer shall, upon receipt of a complaint in such form, manner and accompanied by such fees as may be prescribed, relating to contravention of this Act as specified in the Third Schedule, or *suo motu*, conduct an inquiry under the provisions of this Chapter, pass an order in writing specifying the civil penalty up to an amount as specified in the Third Schedule, payable by the person committing such contravention.

(*2*) The provisions of the Third Schedule shall apply to the abetment of, or attempt to commit, or conspiracy to commit such contravention, as they apply to such contravention.

34. Voluntary undertaking for contraventions.—(*1*) Any authorised entity or assignee committing the contravention as provided under section 32 or under serial No. 4 of the Third Schedule may, prior to any notice or initiation of process of determination of such contravention, submit a voluntary undertaking to the Adjudicating Officer, disclosing such contravention and measures taken or to be taken to mitigate such contravention.

(*2*) The acceptance of voluntary undertaking given under sub-section (*1*), subject to the provisions of sub-section (*6*), shall constitute a bar on proceedings under this Chapter.

(*3*) Where the Adjudicating Officer has reasonable grounds to believe that a contravention as provided under section 32 or under serial No. 4 of the Third Schedule may have occurred, then it shall serve a notice to the authorised entity or assignee concerned under the relevant section.

(*4*) At any time during the process of hearing under sub-section (*3*), the authorised entity or assignee, may, submit a voluntary undertaking specifying the mitigation measures it proposes to take in respect of such contravention.

(*5*) The acceptance of the voluntary undertaking submitted under sub-section (*4*), subject to the provisions of sub-section (*6*), shall be construed as a mitigation measure and shall be duly considered for the purpose of determination of civil penalties under clause (*a*) of sub-section (*1*) of section 32, or under serial No. 4 of the Third Schedule.

(*6*) The voluntary undertaking under sub-section (*1*) or sub-section (*4*) of this section, may include an undertaking to take a specified action within a specified time; an undertaking to refrain from taking a specified action; and an undertaking to publicise the voluntary undertaking.

(*7*) The Adjudicating Officer may accept the voluntary undertaking under sub-section (*1*) or sub-section (*4*), or with the agreement of the authorised entity or assignee providing the voluntary undertaking, vary the terms included in such voluntary undertaking.

(*8*) When the authorised entity or assignee providing a voluntary undertaking fails to comply with any terms of such undertaking, the Adjudicating Officer may, after giving such authorised entity or assignee a reasonable opportunity of being heard, proceed with imposition of civil penalties specified under the Second Schedule or the Third Schedule, as applicable.

35. Adjudicating Officer.—(*1*) For the purposes of this Chapter, the Central Government shall, by an order published in the Official Gazette, appoint any officer of the Central Government not below the rank of Joint Secretary as one or more Adjudicating Officers for holding an inquiry in such manner as may be prescribed.

(*2*) The Adjudicating Officer may, upon the holding of such inquiry, pass such order as he deems fit in accordance with the provisions of section 32 or section 33.

36. Designated Appeals Committee.—(*1*) The Central Government may, by an order published in the Official Gazette, appoint officers of the Central Government not below the rank of Additional

Secretary, as members of one or more Designated Appeals Committee to which any person aggrieved by an order made by the Adjudicating Officer under sub-section (*1*) of section 32 or under section 33, may prefer an appeal.

(*2*) Every appeal under sub-section (*1*) shall be filed within a period of thirty days from the date on which the copy of the order made by the Adjudicating Officer is received by the aggrieved person, and shall be in such form, manner and be accompanied by such fees as may be prescribed.

37. Process to be followed by Adjudicating Officer and Designated Appeals Committee.—(*1*) The functioning of the Adjudicating Officer and the Designated Appeals Committee shall, as far as possible, be digital by design and they shall function as digital offices and deploy such techno-legal measures as may be prescribed, to enable online process for their functioning.

(*2*) The Adjudicating Officer and Designated Appeals Committee shall have the same powers as a civil court, and all proceedings before it shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Indian Penal Code (45 of 1860).

38. Enforcement.—Any order made by the Adjudicating Officer or the Designated Appeals Committee shall be executable in the same manner as if it were a decree of civil court; and such orders shall be deemed to be final decrees under this section on the expiry of the period allowed for preferring an appeal against such orders as provided in section 36 and section 39.

39. Appeals on matters relating to section 32.—Any person aggrieved by an order of the Designated Appeals Committee under section 36, in so far as it pertains to matters under sub-section (*1*) of section 32, or an order of the Central Government under sub-section (*2*) of section 32, may prefer an appeal to the Telecom Disputes Settlement and Appellate Tribunal constituted under section 14 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), within a period of thirty days from the date on which a copy of the order is received by such authorised entity or assignee.

40. Appeals on matters relating to section 33.—Any person aggrieved by an order of the Designated Appeals Committee under section 36, in so far as it pertains to matters under section 33, may prefer an appeal to any civil court having jurisdiction over the matter.

41. Jurisdiction of civil court barred.—No civil court shall have jurisdiction in respect of any matter which the Adjudicating Officer, the Designated Appeals Committee, the Central Government or the Telecom Disputes Settlement and Appellate Tribunal are empowered by or under this Chapter to determine.

CHAPTER IX

OFFENCES

42. General provisions relating to offences.—(*1*) Whoever provides telecommunication services or establishes telecommunication network without authorisation under sub-section (*1*) of section 3, or causes damage to critical telecommunication infrastructure shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both.

(*2*) Whoever directly or indirectly or through personation—

(*a*) gains or attempts to gain unauthorised access to a telecommunication network or to data of an authorised entity or transfers data of an authorised entity; or

(*b*) intercepts a message unlawfully,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both.

Explanation.—For the purposes of this sub-section,—

(*i*) the expression "personation" sha1ll have the same meaning as assigned to it under section 416 of the Indian Penal Code (45 of 1860);

(*ii*) data of an authorised entity includes call data records, internet protocol data records, traffic data, subscriber data records and the like.

(*3*) Whoever, —

(*a*) possesses or uses without an authorisation, any equipment that blocks telecommunication;

(*b*) uses telecommunication identifiers not allotted or permitted in accordance with sub-sections (*8*) and (*9*) of section 3;

(*c*) tampers with telecommunication identifiers;

(*d*) possesses radio equipment without an authorisation or an exemption that can accommodate more than specified number of subscriber identity modules;

(*e*) obtains subscriber identity modules or other telecommunication identifiers through fraud, cheating or personation;

(*f*) wilfully possesses radio equipment knowing that it uses unauthorised or tampered telecommunication identifiers,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to fifty lakh rupees, or with both.

(*4*) Whoever wilfully contravenes any measures specified in the notification on national security under section 21 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend up to two crore rupees, or with both and the Central Government may, if it deems fit, also suspend or terminate the telecommunication service of such person.

(*5*) Whoever causes damage to telecommunication network, other than critical telecommunication infrastructure shall be liable for compensation for the damage caused and fine which may extend up to fifty lakh rupees.

(*6*) Whoever abets any offence, or attempts to commit, or conspires to commit an offence under this Act, shall if the act abetted or conspired is committed in consequence of such abetment or conspiracy, be punished with the punishment provided for the offence.

(*7*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences specified under this section shall be cognizable and non-bailable.

(*8*) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.

43. Power to search.—Any officer authorised by the Central Government in this behalf, may search any building, vehicle, vessel, aircraft or place in which he has reason to believe that any unauthorised telecommunication network or telecommunication equipment or radio equipment in respect of which an offence punishable under section 42 has been committed, is kept or concealed and take possession thereof.

44. Supply of information to authorised officers.—Notwithstanding anything contained in any law for the time being in force, where the Central Government is satisfied that any information, document or record in possession or control of any authorised entity or assignee relating to any telecommunication service, telecommunication network or use of spectrum, availed by any entity or consumer or subscriber is necessary to be furnished in relation to any pending or apprehended civil or criminal proceedings, an officer, specially authorised in writing by the Central Government in this behalf, shall direct such

authorised entity or assignee to furnish such information, document or record to him and the authorised entity or assignee shall comply with the direction of such officer.

CHAPTER X

MISCELLANEOUS

45. Creation of security interests.—The Central Government may provide for such security interest which an authorised entity may provide to lenders financing such entities on such terms and conditions of such security interest as may be prescribed.

46. Certification of person for operation of radio equipment on a vessel or aircraft.—The Central Government may grant certification to any person to operate a radio equipment on such class of vessels registered under the Merchant Shipping Act, 1958 (44 of 1958), aircrafts registered under the Aircraft Act, 1934 (22 of 1934) and any other category of vessels or vehicles as may be notified by the Central Government, in accordance with such terms and conditions, including applicable fees and charges, as may be prescribed.

47. Certification for amateur station operator.—The Central Government may by rules provide for the manner of certification of person to install and operate an amateur station and such rules may specify the qualifications and terms and conditions subject to which, a certification for operating an amateur station may be granted, including through conduct of examinations for granting such certification, the fees and charges to be paid thereof, and other connected matters.

Explanation.—For the purposes of this section,

(*a*) "amateur services" means radio communication services for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised person interested in radio technique solely with a personal aim and without any pecuniary interest;

(*b*) "amateur station" means a radio station operated by an amateur for amateur services.

48. Prohibition of use of equipment which blocks telecommunication.—No person shall possess or use any equipment that blocks telecommunication unless permitted by the Central Government, or any authority authorised for specific purpose by the Central Government.

49. Penalties not to affect other liabilities.—(*1*) The penalties imposed pursuant to the provisions of Chapter VIII or Chapter IX, shall be in addition to, and not in derogation of, any liability in respect of payment of compensation or payment of any fees or charges due by an authorised entity or assignee.

(*2*) The provisions of this Act are in addition to and without prejudice to any other liability which a person may have incurred under any other law for the time being in force.

50. Act to apply for offence or contravention committed outside India.—This Act shall apply to any offence committed or contravention made outside India by any person if the act or conduct constituting such offence or contravention involves a telecommunication service provided in India, or telecommunication equipment or telecommunication network located in India.

51. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, or any other authority under this Act or any person acting on their behalf, as the case may be, for anything which is done in good faith, or intended to be done in pursuance of this Act or any rule, regulation or order made thereunder.

52. Consistency with other laws.—(*1*) The provisions of this Act shall be in addition to, and not be construed in derogation of the provisions of any other law, and shall be construed as consistent with such law, for the time being in force.

(*2*) If any conflict arises between a provision of this Act and a provision of any other law for the time being in force in the whole of India or restricted to the application within the territory of any State, the provision of this Act shall prevail to the extent of such conflict.

53. Implementation of Act.—The implementation of the Act shall be digital by design and the Central Government shall take any such measures as necessary to enable the digital implementation of the Act.

54. Employee of authorised entity not to be compelled to appear as witness.—No employee of an authorised entity shall, in any legal proceeding to which such authorised entity is not a party, be compelled to appear as a witness to prove the information contained in any electronic records submitted under sub-section (*4*) of section 65B of the Indian Evidence Act, 1872 (1 of 1872), except as required by order of the Court or a Judge made for special cause.

55. Rights in Continental Shelf and Exclusive Economic Zone.—The privilege of the Central Government to grant authorisations or assignment under this Act in the Continental Shelf and the Exclusive Economic Zone of India and the rights of an authorised entity or assignee, as the case may be, shall be subject to the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), and applicable international laws as accepted and ratified by India.

56. Power of Central Government to make rules.—(*1*) The Central Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Act, to carry out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the terms and conditions, including fees or charges for obtaining authorisation under sub-section (*1*) of section 3;

(*b*) the manner of exemption for providing authorisation under sub-section (*3*) of section 3;

(*c*) the terms and conditions, including fees and charges, applicable to the original authorised entity that emerges pursuant to any merger, demerger, acquisition, or other forms of restructuring, under sub-section (*5*) of section 3;

(*d*) the terms and conditions for migration under sub-section (*6*) of section 3;

(*e*) the verifiable biometric based identification to be used by an authorised entity of telecommunication services under sub-section (*7*) of section 3;

(*f*) the terms and conditions, including fees or charges for allotment of telecommunication identifiers for use by authorised entities under sub-section (*8*) of section 3;

(*g*) the terms and conditions for the assignment of spectrum, including the frequency range, methodology for pricing, price, fees and charges, payment mechanism, duration and procedure under sub-section (*3*) of section 4;

(*h*) the manner of exemptions for assignment of spectrum under sub-section (*7*) of section 4;

(*i*) the terms and conditions for re-farming and harmonisation under section 5;

(*j*) the terms and conditions, including applicable fees and charges, and any other relevant condition subject to which the utilisation of the spectrum in a flexible, liberalised and technologically neutral manner under section 6;

(*k*) the terms and conditions for optimal utilisation of spectrum under sub-section (*1*) of section 7;

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(*l*) the period of unutilised spectrum for insufficient reasons and further terms and conditions relating to spectrum utilisation under sub-section (*2*) of section 7;

(*m*) the terms and conditions, including applicable fees or charges for sharing, trading, leasing and surrender of assigned spectrum, under sub-section (*2*) of section 8;

(*n*) the timeline for granting permission for right of way for telecommunication network in public property; and the amount for administrative expenses and compensation for right of way under sub-section (*3*) of section 11;

(*o*) the procedure to be followed by a facility provider to enter, survey, establish, operate, maintain, repair, replace or relocate the telecommunication network, including the notice period, the manner of issuance of notice, the framework governing objections by owner or occupier of the property, the manner in which such objections would be resolved, and matters relating to the compensation payable for any damage under sub-section (*5*) of section 12;

(*p*) the terms and conditions, including charges for right of way, and compensation for damage to the property, under sub-section (*6*) of section 12;

(*q*) the terms and conditions, including fees and charges subject to which the telecommunication network to be made available on open access basis to facility providers under sub-section (*2*) of section 15;

(*r*) the procedure and manner for giving prior notice under sub-section (*1*) of section 17;

(*s*) the timeline for responding the notice with details of telecommunication network and precautionary measures to be undertaken by the facility provider under sub-section (*2*) of section 17;

(*t*) the procedure and safeguards for public emergency or public safety under sub-section (*2*) of section 20;

(*u*) the duration and manner of taking action for public emergency or public safety under sub-section (*4*) of section 20;

(*v*) the measures to protect and ensure cyber security of, telecommunication networks and telecommunication services under sub-section (*1*) of section 22;

(*w*) the standards, security practices, upgradation requirements and procedures to be implemented for the Critical Telecommunication Infrastructure under sub-section (*4*) of section 22;

(*x*) the manner for administration of Digital *Bharat Nidhi* under section 26;

(*y*) the manner and duration for creating Regulatory Sandbox under section 27;

(*z*) the measures for protection of users under sub-section (*2*) of section 28;

(*za*) the manner for registration of any grievance and redressal of such grievances pertaining to the telecommunication service under sub-section (*3*) of section 28;

(*zb*) the terms and conditions for participating in the dispute resolution mechanism under sub-section (*2*) of section 30;

(*zc*) the form, manner and fees to be accompanied with the complaint under sub-section (*1*) of section 33;

(*zd*) the manner for holding inquiry by the Adjudicating Officer under sub-section (*1*) of section 35;

(*ze*) the form, manner and fees for filing an appeal before the Designated Appeals Committee under sub-section (*2*) of section 36;

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(*zf*) the techno-legal measures for functioning of the Adjudicating Officer and the Designated Appeals Committee under sub-section (*1*) of section 37;

(*zg*) the terms and conditions of security interest under section 45;

(*zh*) the terms and conditions, including applicable fees and charges for granting certificates under section 46;

(*zi*) the manner of certification, qualification, and terms and conditions, including fees and charges for the examination for amateur station operator under section 47;

(*zj*) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(*3*) Every rule made under this Act and amendment to the Schedule made under section 57 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or amendment to the Schedule or both Houses agree that the rule or amendment to the Schedule should not be made, the rule or amendment to the Schedule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or amendment to the Schedule.

57. Power of Central Government to amend Schedules.—(*1*) Subject to the provisions of this section, the Central Government may, by notification, —

(*a*) amend the First Schedule;

(*b*) amend the Second Schedule or the Third Schedule:

Provided that penalty or civil penalty specified in such Schedules shall be not exceeding ten crore rupees.

(*2*) Any amendment made under sub-section (*1*) shall have effect as if enacted in this Act and shall come into force on the date of the notification, unless the notification otherwise directs.

58. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may be necessary or expedient, for removing the difficulty:

Provided that no order shall be made under this section after the expiration of three years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

59. Amendment to Act 24 of 1997.—In the Telecom Regulatory Authority of India Act, 1997,—

(*a*) in section 2,—

(*i*) in sub-section (*1*),—

(*A*) for clause (*e*), the following clause shall be substituted, namely:—

'(*e*) "licensee" means an authorised entity providing telecommunication services under the Telecommunications Act, 2023, or registered for providing cable television network under the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) or any other Act for the time being in force;';

(*B*) for clause (*ea*), the following clause shall be substituted, namely:—

'(*ea*) "licensor" means the Central Government which grants an authorisation for telecommunication services under the Telecommunications Act, 2023, or registration under the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) or any other Act for the time being in force;';

(*C*) after clause (*j*), the following clause shall be inserted, namely: —

'(*ja*) "telecommunication" shall have the meaning as assigned to it in the Telecommunications Act, 2023;';

(*D*) for clause (*k*), the following clause shall be substituted, namely:—

'(*k*) "telecommunication services" means any service for telecommunication;';

(*ii*) in sub-section (*2*), for the words and figures "the Indian Telegraph Act, 1885 (13 of 1885) or the Indian Wireless Telegraphy Act, 1933 (17 of 1933)", the words, figures and brackets "the Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995 (7 of 1995)" shall be substituted;

(*b*) in section 4, for the proviso, the following provisos shall be substituted, namely:—

"Provided that a person who is, or has been, in the service of Government shall not be appointed—

(*a*) as a Chairperson unless such person has held the post of Secretary to the Government of India or any equivalent post in the Central Government or the State Government; or

(*b*) as a member unless such person has held the post of Additional Secretary to the Government of India or any equivalent post in the Central Government or the State Government:

Provided further that a person who is, or has been, in a service other than that of Government, shall be appointed—

(*a*) as a Chairperson if such person has at least thirty years of professional experience and has served as a member of the board of directors or a chief executive of a company in the areas as specified in this section; or

(*b*) as a Member if such person has at least twenty-five years of professional experience and has served as a member of the board of directors or chief executive of a company in the areas as specified in this section.";

(*c*) in section 11,—

(*i*) in sub-section (*1*),—

(*A*) for the words and figures "Indian Telegraph Act, 1885 (13 of 1885)", the words, figures and brackets "Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995 (7 of 1995)" shall be substituted;

(*B*) in the fifth proviso, for the portion beginning with the words "may, within fifteen days from the date of receipt" and ending with the words "take a final decision", the following shall be substituted, namely:—

"shall, within thirty days from the date of receipt of such reference communicate to the Central Government any further recommendations that it may have, after considering the reference made by the Central Government and after receipt of further recommendation if any, the Central Government shall take a final decision.";

(*ii*) in sub-section (*2*),—

(*A*) for the words and figures "Indian Telegraph Act, 1885 (13 of 1885)", the words, figures and brackets "Telecommunications Act, 2023 or the Cable Television Networks (Regulation) Act, 1995 (7 of 1995)" shall be substituted;

(*B*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the Authority may direct an authorised entity or class of authorised entities providing telecommunication services, to abstain from predatory pricing that is harmful to competition, long term development and the overall health of the telecommunication sector.";

(*d*) in section 14, in clause (*a*),—

(*i*) sub-clause (*i*) shall be omitted;

(*ii*) for paragraph (*C*), the following shall be substituted, namely:—

"(*C*) any disputes to be adjudicated by the Adjudicating Officer or the Designated Appeals Committee under the Telecommunications Act, 2023;

(*iii*) after clause (*c*), the following clause shall be inserted, namely:—

"(*d*) hear and dispose of appeals under section 39 of the Telecommunications Act, 2023.

Any action instituted under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and pending immediately before the appointed day in the Telecom Disputes Settlement and Appellate Tribunal, shall continue to be heard and disposed of by the Telecom Disputes Settlement and Appellate Tribunal as if this Act had not been passed;";

(*e*) for section 38, the following section shall be substituted, namely:—

"**38. Application of certain laws**.—The provisions of this Act shall be in addition to the provisions of the Telecommunications Act, 2023 and, in particular, nothing in this Act shall affect any jurisdiction, powers and functions required to be exercised or performed by the appropriate authority in relation to any area falling within the jurisdiction of such authority.".

CHAPTER XI

REPEAL AND SAVINGS

60. Repeal of certain Acts and savings.—(*1*) Subject to the other provisions of this section, the enactments namely, the Indian Telegraph Act, 1885 (13 of 1885), and the Indian Wireless Telegraphy Act, 1933 (17 of 1933), are hereby repealed.

(*2*) Notwithstanding the repeal of the provisions aforesaid, anything done or any action taken including any grant of license, registration or assignment, any order, or proceeding, pending or ongoing, under the repealed provisions shall be deemed to have been done or taken under this Act, and the provisions of this Act shall have effect in relation thereto.

(*3*) The provisions of Part-III of the Indian Telegraph Act, 1885 (13 of 1885) shall continue to apply to all cases pertaining to laying down of transmission lines under section 164 of the Electricity Act, 2003 (36 of 2003) as if the Indian Telegraph Act, 1885 has not been repealed, and the provisions of Part-III of the Indian Telegraph Act, 1885 shall continue in force with reference to section 164 of the Electricity Act, 2003 till such time as section 164 of the Electricity Act, 2003 is amended.

61. Existing rules to continue.—All rules, orders, made or purported to have been made under the Indian Telegraph Act, 1885 (13 of 1885) or under the Indian Wireless Telegraphy Act, 1933 (17 of 1933), shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent

therewith, be deemed to have been made under this Act as if this Act had been in force on the date on which such rules, orders were made, and shall continue in force unless and until they are superseded by any rules made under this Act.

62. Validation of certain acts and indemnity.—All acts of executive actions done, decisions taken, actions done, proceedings taken and orders passed, prior to the appointed day, by the Central Government, by any officer of the Central Government, or by any other authority, with respect to assignment of spectrum or provision of telecommunication services, or telecommunication network or establishment of telecommunication infrastructure, in the belief or purported belief that the acts done, decisions taken, actions done, and proceedings taken, were being done, taken or passed under the Indian Telegraph Act, 1885 (13 of 1885), or the Indian Wireless Telegraphy Act, 1933 (17 of 1933), shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other legal proceeding shall be maintained or continued against any person whatsoever, on the ground that any such acts, decisions, proceedings taken were not done or taken in accordance with law

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THE FIRST SCHEDULE

[*See* sections 4 (*4*), (*5*) and 57(*1*)]

ASSIGNMENT OF SPECTRUM THROUGH ADMINISTRATIVE PROCESS

1. National security and defence.
2. Law enforcement and crime prevention.
3. Public broadcasting services.
4. Disaster management, safeguarding life and property.
5. Promoting scientific research, resource development, and exploration.
6. Safety and operation of roads, railways, metro, regional rail, inland waterways, airports, ports, pipelines, shipping, and other transport systems.
7. Conservation of natural resources and wildlife.
8. Meteorological department and weather forecasting.
9. Internationally recognised dedicated bands for amateur stations, navigation, telemetry, and other like usages.
10. Use by Central Government, State Governments, or their entities or other authorised entities for safety and operations of mines, ports and oil exploration and such other activities where the use of spectrum is primarily for supporting the safety and operations.
11. Public Mobile Radio Trunking Services.
12. Radio backhaul for telecommunication services.

Explanation.—The term "radio backhaul" shall mean the use of radio frequency only to interconnect telecommunication equipment, other than the customer equipment in telecommunication networks.

13. Community Radio Stations.
14. In-flight and maritime connectivity.
15. Space research and application, launch vehicle operations and ground station for satellite control.
16. Certain satellite-based services such as: Teleports, Television channels, Direct To Home, Headend In The Sky, Digital Satellite News Gathering, Very Small Aperture Terminal, Global Mobile Personal Communication by Satellites, National Long Distance, International Long Distance, Mobile Satellite Service in L and S bands.
17. Use by Central Government, State Governments or their authorised agencies for telecommunication services.
18. Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL).
19. Testing, trial, experimental, demonstration purposes for enabling implementation of new technologies, including for creation of one or more Regulatory Sandboxes.

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THE SECOND SCHEDULE

[*See* sections 32(*1*) (*a*) and 34 (*8*)]

CIVIL PENALTIES FOR BREACH OF TERMS AND CONDITIONS UNDER SECTIONS 32 AND 34.

Categorisation	**Civil Penalty**
Severe	Up to Rs. 5 Crore
Major	Up to Rs. 1 Crore
Moderate	Up to Rs. 10 lakh
Minor	Up to Rs. 1 lakh
Non-severe	Written warning.

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THE THIRD SCHEDULE

[*See* sections 33(*1*), (*2*), 34(*1*), (*3*), (*5*) and 34(*8*)]

CIVIL PENALTIES FOR CERTAIN CONTRAVENTIONS

Sl. No.	Contravention under the Act	Civil Penalty
1.	(*a*) Possessing radio equipment without an authorisation or an exemption, except for the offence under clauses (*d*) and (*f*) of sub-section (*3*) of section 42;	First Offence: Civil penalty up to fifty thousand rupees.
	(*b*) Use of subscriber identity modules in excess of number notified.	Each subsequent offence: Civil penalty up to two lakh rupees for each such instance.
2.	Use by any person or entity of a telecommunication service or telecommunication network knowing or having reason to believe that such telecommunication service or telecommunication network does not have the required authorisation under this Act	Civil penalty up to ten lakh rupees.
3.	Contravention of the provisions of section 28 (Measures for protection of users).	First Offence: Civil penalty up to fifty thousand rupees. Each subsequent offence: Civil penalty up to two lakh rupees for each such instance, or suspension of telecommunication service, or a combination thereof
4.	Contravention of any provision of this Act or rules, or any terms or conditions of an assignment or authorisation in relation to any matter under this Act, for which no penalty or punishment is provided elsewhere in this Act.	First Offence: Civil penalty up to twenty-five thousand rupees. Second or subsequent offence: Further Civil penalty up to fifty thousand rupees for every day after the first during which the contravention continues.

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STATEMENT OF OBJECTS AND REASONS

Telecommunication sector is a key driver of economic and social development. It is the gateway to digital services. Security of our country is vitally dependent on safety of telecommunication networks. Therefore, there is a need to create a legal and regulatory framework that focuses on safe and secure telecommunication network that provides for digitally inclusive growth.

2. The current legal framework is governed by three laws enacted in 1885, 1933 and 1950. The nature of telecommunication, its usage and underlying technologies have undergone massive changes, especially in the past decade. Therefore, there is a need for enacting a legislation for telecom sector that serves the needs of our society.

3. The Telecommunications Bill, 2023 amends and consolidates the laws relating to development, expansion and operation of telecommunication services and telecommunication networks; assignment of spectrum; and for matters connected therewith or incidental thereto.

4. The Bill, inter alia, seeks to provide for the following—

(*a*) A framework for authorisation of telecommunication services, telecommunication networks, and possession of radio equipment; assignment and efficient utilization of spectrum including provisions for harmonisation and re-farming; development of new technologies; and regulatory sandbox for innovation using spectrum;

(*b*) A framework for developing and maintaining telecom networks through right of way provisions, and establishment of common ducts;

(*c*) A framework for standards and conformity assessment of telecommunication equipment, telecommunication identifiers, telecommunication network and telecommunication services;

(*d*) Provisions for national security, public emergency and public safety;

(*e*) Provisions for protection of users and defining duties of users;

(*f*) A framework for resolution of disputes;

(*g*) Compliance framework for effective implementation of the proposed legislation;

(*h*) Saving of Part III of Indian Telegraph Act, 1885 for cases pertaining to laying of transmission lines under section 164 of Electricity Act, 2003;

(*i*) Repeal of the Indian Telegraph Act, 1885, the Indian Wireless Telegraphy Act, 1933 and the Telegraph Wires (Unlawful Possession) Act, 1950; and

(*j*) Amendments to certain provisions of the Telecom Regulatory Authority of India Act, 1997.

5. The Notes on Clauses explain in detail the various provisions contained in the Bill.

6. The Bill seeks to achieve the above objectives.

ASHWINI VAISHNAW.

NEW DELHI;
The 16*th December*, 2023.

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