

Centre notifies new Telecom Act effective June 26, replaces 138-year-old Telegraph Act

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Key provisions include user protection, reforms in the right of way, optimal spectrum utilisation, and the introduction of biometric identification for new SIMs

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The new Telecom Act empowers the government to take control of telecom services for national security and establishes the Digital Bharat Nidhi to fund R&D and pilot projects. | Photo Credit:

The Centre, though partially, notified the Telecommunications Act on Friday to be effective from June 26, and provisions including sections 1, 2, 10, and 30 will be in place.

“The Central government hereby appoints the 26th day of June 2024, as the date on which the provisions of sections 1, 2, 10 to 30, 42 to 44, 46, 47, 50 to 58, 61 and 62 of the said Act shall come into force,” the Gazette notification said.

While it aims to replace the 138-year-old Indian Telegraph Act of 1885, the new law contains many provisions of archaic Colonial law.

- Read: [BL Explainer: Telecommunications Bill, 2023](#)

According to the Act, the rules extend to the whole of India and any offence committed or contravention made outside India by any person, as provided in this Act.



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The Act focuses on user protection, reforms on right of way and optimal spectrum utilisation. But, it also allows the government to temporarily take control of telecom services in the interest of national security. That means the Centre can take control and management of, or suspend the operation of, or entrust any authority of the Centre to manage any or all of any telecommunication services, or any telecommunication network or part thereof, connected with such telecommunication services.

It also mandates telecom operators use verifiable biometric identification (Aadhaar) for new SIMs/ connections, which many felt threatened individuals' privacy.

The Act, while clearly states that the auction route is the preferred mode for assignment of spectrum, the administrative process can be used for three clearly defined purposes, namely, public interest (like Metro, Community Radio, Broadcasting); government functions (Defence, Railways, Police); and cases where auction is not the preferred mode of assignment for technical or economic reasons (backhaul, satellite).

The approach to administrative assignment of spectrum for a range of telecommunications services, including many satellite-based services and in-flight and maritime connectivity, is a forward-looking initiative.

With these new rules in place, 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.

It also adds a mandate to protect users from spam and malicious communications.

The implementation of these sections paves the way for the enforcement of non-discriminatory and non-exclusive grants of right of way for telecom network roll-out and provides the central government with the power to establish common ducts and cable corridors.

The Telecommunications Act 2023 comes into force on 26th June 2024 replacing 150 year old Indian Telegraph Act as per notification. Our guiding principles - Samavesh, Suraksha, Vriddhi and Tvarit will help us achieve the vision of Viksit Bharat -- DoT, Secretary, Neeraj Mittal tweeted last night.