

TELECOM BILL MOOTS LICENSING OF OTT APPS, DUES WAIVER

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The government has released the draft of 'The Indian Telecommunication Act, 2022' wherein it has proposed several significant changes, including provisions for waiving off dues for financially stressed operators, bringing over-the-top (OTT) platforms (such as WhatsApp, Zoom, Netflix) within the ambit of telecom services that require a licence to operate, and provisions for message interception in case of public emergency.

The Bill, released late on Wednesday inviting comments from stakeholders, seeks to replace the existing framework comprising the Indian Telegraph Act, 1885, the Wireless Telegraphy Act, 1933, and the Telegraph Wires (Unlawful Possession) Act, 1950, that govern the sector.

'User protection is key'

"It's... an interactive system in which industry's concerns are addressed by the government and the government's concern are duly taken into consideration by the industry," Telecom Minister Ashwini Vaishnaw said on Thursday. "That is important because we have to look at the protection of users."

The explanatory note said the Bill aims to consolidate and amend laws governing provision, development, expansion and operation of telecom networks and infrastructure, and spectrum assignment.

The Bill proposes a framework to address defaults in payment by a licensee, whereby under "extraordinary circumstances", the government may allow for deferred payment, conversion of a part or all of it into shares in the licensee or even write-offs. The Bill also simplifies the framework for mergers, demergers and acquisitions, for which the entities would need to comply with norms under the Companies Act, 2013, and only need to inform the telecom department .

Noting that telecom users wish to know who was calling them, the Centre said it had included provisions related to identity to help prevent cyberfrauds using telecom services.

The draft Bill had provided clarity on two critical aspects: insolvency proceedings for stressed telecom companies and bringing OTT platforms and Internet Service Providers (ISPs) under the umbrella of the Ministry of Telecommunications, noted Prashant Tarwadi, director — Corporates, India Ratings and Research.

Bill proposes flexibility to allow deferred payment to help address defaults by a licensee

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