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# **DISCONNECT TO RECONNECT: INDIA'S QUEST FOR BETTER TELECOM LAWS**

AUTHORED BY - BANSHIKA GUPTA & PRIYANSHI CHAKRABORTY

## **ABSTRACT**

*“Today wars are not only fought on land, but more so are fought on the cloud, and it is important for us to have firewalls in place to protect our country, citizens and businesses.”<sup>1</sup>*

-Jyotiraditya Scindia

The Union Communications Minister underscored the necessity of a new and comprehensive telecom law to safeguard the country's interests. In light of this emphasis, on December 24, The Telecommunication Act 2023 was introduced reflecting the country's need to adapt to the rapidly evolving digital landscape. Nevertheless, the primary statutes, including the Indian Telegraph Act of 1885, were designed for an era of analog communication and have become outdated to address the complexities of modern telecom networks, data privacy concerns, erroneous spectrum allocation, and more. This research paper poses the question- Will modern law expected to streamline regulations by integrating and updating existing statutes, reducing regulatory uncertainty, and creating a more predictable and transparent legal environment?

Furthermore, the paper delves into suggestions for how key issues in the telecom sector be addressed to enhance the effectiveness of telecom regulations, adapt to technological advancements, and better protect consumer interests. Additionally, the Indian government has shifted from being merely a regulator to acting as a facilitator. This transition involves focusing on bolstering digital infrastructure, bringing about policy reforms, and leveraging domestic capabilities and talent.

*“India is no longer only a consumer of global technology but also a supplier of global technology,”<sup>2</sup>*

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<sup>1</sup> Cybersecurity Crucial for Modern-day Wars: Scindia, Rediff (July 19, 2024), <https://money.rediff.com/news/market/cybersecurity-crucial-for-modern-day-wars-scindia/12907320240718>.

<sup>2</sup> Madhusudan Sahoo, Technology Bridges Divides, Cyber Security Vital, Says Scindia, (July 19, 2024), <https://www.deccanchronicle.com/amp/nation/current-affairs/technology-bridges-divides-cyber-security-vital-says-scindia-1811192>.

## INTRODUCTION

The telecommunications sector in India has undergone a profound transformation, evolving from a state-controlled monopoly to a dynamic and competitive market. This growth has been driven by rapid technological advancements, significant foreign investments, and an ever-increasing demand for digital connectivity. However, this explosive expansion has also brought to the fore numerous legal challenges that threaten to undermine the sector's stability and growth. These challenges encompass a wide array of issues, including regulatory compliance, spectrum management, data privacy, and consumer protection. This paper aims to provide an in-depth analysis of the legal issues confronting the telecom sector in India. By scrutinizing the current regulatory framework, examining new laws introduced, and exploring policy recommendations, this study seeks to illuminate the complexities of navigating the legal landscape in one of the world's most dynamic telecom markets.

### KEY WORDS

*Telecommunication, spectrum, OTT, privacy, TRAI, legislation.*

## CURRENT INDIAN LEGAL FRAMEWORKS GOVERNING THE TELECOM SECTOR

- **The Indian Telegraph Act (1885)**-It is the primary legislation highlighting the Telecommunication regulations framework for India, authorizing the government to enable and regulate various telecom services in the country. Under the present legislation, The Department of Telecommunication (DoT) under the Ministry of Communication and Information Technology is engaged with the task of granting licenses and approving telecom corporations to carry out telecom services in the whole of India.
- **The Indian Wireless Telegraph Act (1933)**- This act was formulated to regulate wireless communications and possession of concerned apparatus in the wireless telegraph. To effectively use the apparatus, materials, and instruments, one needs a license from DoT.
- **The Telecom Regulatory Authority of India (TRAI) Act (1997)**- The act established TRAI as a primary authority concerned with the regulation of the telecom and broadcasting sector with the additional power of making policies, and recommendations on any issues arising. In addition to this, TRAI also has the power to adjudicate any

dispute arising between DoT and telecom corporations through the Telecom Disputes Settlement and Appellate Tribunal (TDSAT).

- **National Digital Communication Policy (NDCP) (2018)**- This policy is formulated to unlock the potential of digital communication channels to accomplish the goal of digital empowerment, ensuring digital sovereignty and the welfare of the people of India. It is also concerned with the responsibility of underlying goals, strategies, initiatives, and outcomes. This policy envisages main three targets – “*Connect India, Propel India, Secure India.*”<sup>3</sup>
- **The Broadband Policy (2004)**- The main objective behind bringing this policy is to recognize the importance of ever-present broadband service and ensure the qualitative life of citizens through societal apparatus including tele-medicine, OTT, e-governance, tele-education, and employment generation by enabling high-speed access to web-based information and communication.

## TELECOMMUNICATION ACT,2023

In December 2023, Telecommunication Act 2023 was implemented with the initiative of developing a potential security legal framework to prevent unauthorized access and cybercrimes related to mobile networks.

### Key Provisions of Telecommunication Act,2023

- **Licensing Requirements & Authorization-**
  1. Earlier Authorization from the Central Government is required to enable telecommunication services and networks.
  2. The validity of licenses already in existence is up to their granting period or for 5 years.
- **OTT facility & Digital Bharat Nidhi –**
  1. The Universal Service Obligation Fund (USOF) commonly known as ‘*Digital Bharat Nidhi*’ is used in research and development area of the telecom sector.
  2. Over-the-top (OTT) services are excluded from the ambit of this Act as it is included under the Digital India Act,2023.

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<sup>3</sup> Mahesh, Proposal\_A4, (Nov. 12, 2018), <https://www2.deloitte.com/content/dam/Deloitte/in/Documents/tax/in-tax-decoding-ndcp-noexp.pdf>.

- **Satellite Internet Services –**

The allocation of spectrum to satellite Internet providers such as OneWeb and prior authorization of Jio for satellite-based Internet services is also there under the proviso of this Act.

- **Spectrum Allocation –**

1. Except for some specific matters such as disaster management, national security, and satellite services, the allocation of spectrum will be done through auctions.
2. The government has the power to allow spectrum sharing, leasing, and trading, as well as surrender and authorized to re-order frequency ranges.

- **Penalties and Offences -**

1. If there is any illegal provision or breach of terms and conditions related to telecom services, the legislation also specifies civil and criminal offenses.
2. Authorized committees and officers are also there to impose heavy penalties from fines to imprisonment.

- **Surveillance and Security Measures –**

1. The government has the power to monitor, block, or intercept messages that are considered to be dangerous for national security or public safety.
2. During public emergencies, telecom services can be suspended and possession of infrastructure can occur for the time being.
3. Internet shutdowns can also be done by the central government.

## ISSUES

### 1. **Spectrum Struggles: Addressing Allocation Issues in Indian Telecom**

Spectrum management in India has been a contentious issue, governed by Section 4 of the Indian Telegraph Act. Historically, the allocation process has been marred by controversies, including allegations of corruption and unjust enrichment.

The Comptroller and Auditor General of India (CAG) has previously raised concerns regarding spectrum management, specifically pointing out that uncertainty in spectrum availability has caused delays in allocations. This uncertainty has significant implications

for telecommunications companies (telcos), which have also expressed concerns about the rules governing pricing for 5G auctions. They argue that the existing rules create pricing uncertainty, which hampers their ability to plan and invest effectively.

Another critical issue in the sector has been the ambiguous definition of Adjusted Gross Revenue (AGR) in contracts between the government and telcos. Although the Department of Telecommunications (DoT) has recently amended the AGR definition, it is crucial to prevent future disputes by establishing mutually agreeable contract terms. Ensuring a level playing field for both public and private sector telcos is essential for the sustainability of the sector. The government has recently urged its public sector undertaking, Bharat Sanchar Nigam Ltd (BSNL), to improve performance. Implementing appropriate incentives and disincentives will be crucial in this regard to ensure that BSNL can compete effectively with private sector players.

For upcoming telecom technologies like 5G and 6G, telcos are expected to generate significant revenue from private captive networks. Allowing these networks for private use could impact telcos' revenue shares significantly. In conclusion, the complex nature of spectrum management in India demands a balanced approach that ensures transparency, efficiency, and sustainability while accommodating the diverse requirements of different spectrum users.

## 2. Equal Access vs. Economic Innovation: The Battle Over Net Neutrality

Net neutrality has emerged as a critical legal issue in the telecommunications sector, both globally and in India. At its core, net neutrality is the principle that Internet service providers (ISPs) must treat all data on the Internet the same and not discriminate or charge differently by user, content, website, platform, application, type of equipment, or method of communication. This principle, backed up by **Article 14 of the Indian Constitution**<sup>4</sup>, is fundamental to maintaining an open Internet, where all users have equal access to all content and applications. This means that -

- all websites or applications should be treated equally by TSPs,
- all applications should be allowed to be accessed at the same internet speed, and
- all applications should be accessible for the same cost.

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<sup>4</sup> The constitution of India, art.14

In India, the debate over net neutrality gained significant traction around 2015, when telecom operators began offering differential pricing schemes for data usage, such as zero-rating plans. These plans would allow users to access certain applications or websites without using up their data allowances. These schemes posed a threat to the open nature of the Internet by potentially creating a tiered service model. Smaller content providers and startups might struggle to compete if they could not afford to participate in these zero-rating plans, leading to an unlevel playing field.

The Telecom Regulatory Authority of India (TRAI) played a crucial role in addressing these concerns. In 2016, after extensive public consultations and debates, TRAI prohibited differential pricing for data services.

However, the implementation and enforcement of net neutrality regulations have not been without challenges. One significant legal issue is the potential conflict between net neutrality principles and the economic interests of telecom companies. ISPs argue that they need the flexibility to manage their networks efficiently and generate revenue through innovative pricing models. They claim that restrictions imposed by net neutrality regulations could stifle innovation and investment in network infrastructure, particularly in a country like India, where the demand for high-speed Internet is rapidly growing.

On the net neutrality continuum, there are two views on the opposite sides of the scale. On one side, the view held is that every user must have equal access to all of the content, services, and applications carried over these networks, regardless of who is supplying or using them, and in a non-discriminatory fashion. On the other side of the scale, unlike an infinite resource, the bandwidth of the Net is limited. Some users require a whole lot more bandwidth than, say, someone sending emails. It can be argued that he should pay a higher price because he is using more space and his traffic needs to be sent on priority. In conclusion, the legal issues surrounding net neutrality in the telecom sector in India are complex and multifaceted. As the digital landscape continues to evolve, maintaining a fair and open Internet while fostering innovation and investment in network infrastructure will remain a critical challenge for policymakers and regulators.

### 3. Telecom Tensions: The OTT Debate

The legal landscape surrounding Over-The-Top (OTT) services in India is intricate, reflecting broader debates about regulation, competition, and consumer protection in the telecommunications sector. OTT services, which include platforms like Netflix, WhatsApp, and Amazon, deliver content and communication services over the internet, bypassing traditional telecom infrastructure.

A central issue is the cross-border transfer of data by OTT services. These platforms often store, process, and transfer user data across international borders, creating concerns about **data protection and privacy**.

In India, the debate over whether OTT players should financially contribute to the development of digital telecom infrastructure has been ongoing. The Cellular Operators Association of India (COAI), representing major telecom players such as Reliance Jio, Bharti Airtel, and Vodafone Idea, has advocated for a **"same service, same regulation"** approach. They argue that OTT services, which significantly contribute to data traffic, should bear a fair charge to help fund the telecom infrastructure they utilize. Indian telecom operators incurred substantial costs in managing the traffic generated by large OTT players, with reports indicating an additional expenditure of Rs 10,000 crore in the fiscal year 2022-23 alone. The Indian government also lost approximately Rs 800 crore in revenue due to this issue.

Another significant aspect of the regulatory landscape is the legal framework governing OTT services. Telecom Minister Ashwini Vaishnaw has clarified that Over-The-Top (OTT) services and applications will not fall under the scope of the new telecom bill and will remain governed by the Information Technology Act of 2000.

Vaishnaw emphasized, *"OTT services are regulated under the IT Act of 2000 and will continue to be governed by it. The new telecom bill, recently passed by Parliament, does not encompass OTT services."*<sup>5</sup>

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<sup>5</sup> Aashish Aryan, OTT not under ambit of Telecom Bill: Ashwini Vaishnaw, The Economic Times (Dec. 23, 2023), [https://m.economictimes.com/industry/telecom/telecom-news/ott-not-under-ambit-of-telecom-bill-ashwini-vaishnaw/amp\\_articles/106224226.cms](https://m.economictimes.com/industry/telecom/telecom-news/ott-not-under-ambit-of-telecom-bill-ashwini-vaishnaw/amp_articles/106224226.cms).

The intersection of OTT services and intellectual property rights also presents legal challenges. Content creators and distributors argue that OTT platforms often face less stringent copyright enforcement compared to traditional media. The ease of digital content distribution has led to increased incidents of piracy and unauthorized distribution, raising concerns about the effectiveness of current copyright laws.

In summary, the legal issues surrounding OTT services in India involve data privacy, financial contributions to telecom infrastructure, and regulatory clarity. As the digital ecosystem continues to evolve, finding a balance between fostering innovation and ensuring fair competition will be crucial. Ongoing dialogue among stakeholders, including government agencies, telecom operators, and OTT providers, will be essential in shaping a regulatory framework that supports technological advancement while protecting consumer interests and market fairness.

#### **4. Jurisdictional Tangles in Telecom**

India's telecom sector, once characterized by natural monopolies, has transformed into one of the fastest-growing and technologically advanced industries in the country. This evolution has introduced a range of new challenges, particularly concerning the overlap of jurisdiction among various regulatory bodies

One of the main issues arising from this overlap is regulatory conflict. For instance, TRAI's regulations on service quality and tariffs may conflict with MeitY's digital policies or DoT's spectrum management rules. This misalignment can lead to inconsistent regulatory practices and confusion among stakeholders about applicable regulations. Furthermore, the uncertainty over which authority has the final say on matters involving OTT services and telecom infrastructure can hinder effective decision-making and enforcement.

A landmark case that highlights these issues is the 2017 dispute involving Reliance Jio Infocomm Limited (RJIL). Jio, a new entrant in the telecom market, accused established players like Bharti Airtel, Vodafone, and Idea of forming a cartel to obstruct its market entry. Jio first approached TRAI regarding inadequate points of interconnection and then sought redress from the Competition Commission of India (CCI), which ruled in Jio's favor. This decision was challenged in the Bombay High Court and later escalated to the Supreme Court of India. The case underscored the jurisdictional conflict between TRAI and CCI and the complexities of regulating overlapping areas.

Previous cases have also explored these jurisdictional boundaries:

1. **Star India v. Sea T.V. Network**<sup>6</sup>: This case clarified that the Monopolies and Restrictive Trade Practices (MTRP) Commission, a predecessor of CCI, did not have jurisdiction over disputes related to TRAI Act violations, even if they involved monopoly issues.
2. **Consumer Online Foundation v. Tata Sky**<sup>7</sup>: Here, Dish TV challenged CCI's jurisdiction, arguing that TRAI and TDSAT were already handling the matter. CCI asserted that while TRAI regulates market conduct, competition issues fall squarely within its jurisdiction.

These precedents illustrate that while TRAI and CCI have distinct roles, their jurisdictions occasionally intersect, leading to confusion and regulatory overlap.

## 5. Data privacy concerns in the era of DeepFakes!

The telecom sector is an indispensable part of the worldwide economy connecting billions of people globally. Data privacy concerns have increased significantly with the continuous use of digital communication channels in the telecom sector. To identify individuals, monitor their communication activities, and track their motion, the telecom sector accumulates, processes, and stores plenty of personal data, including messages, call logs, and location data. Owing to this fact, the telecom sector has become a primary target for cybercriminals trying to steal personal information to commit malicious acts.

To maintain integrity, confidentiality, and easy availability of personal information, Data privacy is crucial in the telecom industry. Integrity ensures that the given personal information is accurate and absolute. Confidentiality acts as a safeguard to protect such information from unauthorized use, access, and disclosure. Availability means to have access to personal information when required.

Several legislations and standards related to data privacy to which the telecom sector is subjected. In India, the **Telecommunication Regulatory Authority of India (TRAI)**<sup>8</sup> is the main authority that oversees the issues regarding the privacy and security of consumer

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<sup>6</sup> <https://indiankanoon.org/doc/518977/>.

<sup>7</sup> <https://indiankanoon.org/doc/38075760/>.

<sup>8</sup> Akanksha Nagar, TRAI releases consultation paper on framework for providing telecom service through authorisation, (July 12, 2024), <https://www.storyboard18.com/how-it-works/tra-1-releases-consultation-paper-on-framework-for-providing-telecom-service-through-authorisation-36856.htm>.

information and conducts inquiries based on complaints. Compliance with these numerous legislations is necessary for the security of the customer.

The risks connected with data privacy in the telecom industry are noticeable. To steal personal information or intercept communications, cybercriminals can cause endangered telecom networks. Moreover, Phishing and Malware attacks are commonly used to gain access to personal information. Moreover, telecom companies process and store personal data without the consent or knowledge of the customers, resulting in a violation of data privacy norms which further gives rise to legal actions, penalties, reputational damages, etc.

DeepFakes fraud is one of the emerging threats that is required to be addressed by companies across the telecom sector, especially those involved in customer onboarding, network security, and fraud prevention. Potential risks associated with DeepFakes are disruptions in the identification and authentication process, manipulating customer communications, etc. As DeepFakes are AI-driven, they possess some distinctive challenges that require innovative solutions in response.

## **6. Decoding Complex Telecom Legal Maze**

Customer dissatisfaction is the only possible way that complexities undermine the companies. There is a need to elevate the telecom laws by making them more comprehensive and simplified for citizens. Necessary steps should not only be taken towards drafting simple and easy-to-understand laws but also to raise awareness regarding these laws among the general public. Through examples, summaries, multilingual translations, etc, laws can be simplified so that customers make a good choice.

While choosing between various telecom and internet services, there are high chances that a consumer gets confused because of a lack of awareness or unable to understand the minute details and specifications of their subscriptions. To redress this problem, there is also a need to give attention to ensuring effective consumer choice.

Repeatedly, this issue can also be seen in the market of Television (TV), wherein consumers are unable to make an effective choice while purchasing subscriptions to channels they want to watch, and instead, they subscribe to unwanted channels due to a lack of knowledge

and awareness. This issue becomes crucial concerning the emerging next-generation communications technologies in the mobile market i.e. 5G and 6G which are all set to unlock the efficient use of telecom services. It's high time to know the consumer perspective and put the consumer first to regulate the telecom sector efficiently.

### 7. Right of Way (RoW)- A Welcoming Development?

One of the notable features of the **Telecommunication Act 2023**, is that it comprehensively covers the provisions related to installation and maintenance of networks on both public as well as private property under the Chapter III - '**Right of Way for Telecommunication Network**'. Right of Way (RoW) is definitely a welcoming development but there are also some missing aspects that need to be redressed.

- *Social Impacts*

Without the active participation of 'India' i.e. the people of the country, the longing for 'Digital India' can't be accomplished. The provisions of this Act make the process of installing telecom infrastructure a private activity and do not bother with the location of such infrastructure which led to have profound impact on public for example making a single park in the whole locality unreachable due to the construction of tower. In the past, the general public opposed this due to one concern or the other.

- *Environmental impacts*

The installation of telecom infrastructure has a heavenly impact on wildlife-rich areas. In 2012, an advisory report was issued by the Expert Committee set up by the Ministry of Environment and Forests to minimize the impact of mobile towers on wildlife and acknowledged that Electromagnetic Radiations (EMR) have a negative impact while interfering with biodiversity. However, the committee failed to provide any effective solution to prevent the overlapping of high radiation fields not to hinder the flight path of birds. The omission to take into consideration in legislation may lead to significant health hazards such as disturbances to dietary, reproductive, and migratory patterns among the affected wildlife.

- *Inclusion of Sustainable Practices*

At present, there is no constructive policy that allows the government to ensure that desirable and sustainable practices are followed by the telecom industry. The responsibility of the government does not end with the Act but becomes more noticeable while formulating proviso under it. There are no alternative solutions for

optimum use of natural resources, reducing costs and minimizing disruptions.

- *Unfair and Biased System*

In the past, several state governments continued to handle their own rules for granting RoW permissions and even if they made any changes in their policies they were incapable of implementing them. The manner of obtaining the Right of Way is becoming more unfair and discriminatory for telecom infrastructure that impacts overall broadband connection.

## 8. Silencing Voice: The Repercussions of Internet shutdown!

According to Telecommunication Act of 2023, the Central Government is authorized to shut down internet connections. Internet shutdowns are intentional breakdowns of the internet making them unusable or inaccessible within a particular location to control overflow of information.

### Impacts of Internet Shutdown –

- *Anuradha Basin v Union of India (2020)*<sup>9</sup>

The Apex court held that Internet shutdowns lead to violation of Fundamental Rights i.e. **Article 19(1)(a)**<sup>10</sup>- Right to Freedom of Speech and Expression as well as **Article 19(1)(g)**<sup>11</sup>- Right to practice any profession over the way of the internet.

- *Faheema Sirin v State of Kerala*<sup>12</sup>

Internet shutdowns also violate the **Right to Internet** which was proclaimed as a fundamental right under Article 21<sup>13</sup>.

- *Indian Express v Union of India (1986)*<sup>14</sup>

In this case, the Supreme Court held that the **Right to Freedom of the Press** is a Fundamental Right under Article 19(1)(a). Journalism is majorly dependent on the internet to report the incident and share it with the general public. However, internet shutdowns can hinder their ability to disseminate information, which further

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<sup>9</sup> Mathanki Narayanan, Anuradha Bhasin v. Union of India: An Examination of the Supreme Court's Application of the Doctrine of Proportionality, (May 12, 2024), <https://www.calj.in/post/anuradha-bhasin-v-union-of-india-an-examination-of-the-supreme-court-s-application-of-the-doctrine>.

<sup>10</sup>Supra note 4, art.19

<sup>11</sup> Supra note 4, art. 19

<sup>12</sup> Right to internet fundamental for right to education: Faheema Shirin R.K. v. State of Kerala & Ors., Lawsisto Legal News (Oct. 7, 2020), <https://lawsisto.com/legalnewsread/ODU5OA==/Right-to-internet-fundamental-for-right-to-education-Faheema-Shirin-RK-v-State-of-Kerala-Ors>.

<sup>13</sup> Supra note 4, art.21

<sup>14</sup> Indiankanoon.Org, <https://indiankanoon.org/doc/223504/>.

violates people's right to know.

- Internet shutdowns can exploit vulnerable businesses, particularly startups that wholly rely on the Internet for sales, communications, and operations resulting in severe economic repercussions.
- In the digital age, several educational institutions use online platforms for learning and teaching. Internet shutdowns can cause hindrance to access to educational resources, making it more difficult for students to pursue their studies.
- Internet shutdowns can lead to trust issues in government and authorities due to lack of accountability and transparency.
- The potential impact of internet shutdowns can be shown in the cases of health hazards such as disrupting the delivery of essential medicines, and preventing the exchange of health information.

### **SUGGESTIONS**

- To address these issues, there is a pressing need for a robust and transparent spectrum allocation system. The design of such a system could benefit from the findings and recommendations of the Ashok Chawla Committee on the Allocation of Natural Resources. The Committee's insights could help in creating a framework that balances the need for government revenue with the requirement to ensure fair competition and efficient use of spectrum. This potential impact needs careful consideration during spectrum auction and licensing processes to ensure telcos do not suffer revenue losses that could drive them out of the market. The government should evaluate the market situation, including telcos' paying capacity, and consider mandating a market study before conducting auctions within the legal framework. Moreover, institutionalizing periodic reviews of market developments and regulatory impacts through sunset provisions and periodic reports could be beneficial.
- To address jurisdictional conflicts between TRAI and CCI, it is crucial to implement enhanced coordination through formal mechanisms and information sharing, which would streamline regulatory processes and reduce duplication. Clearer regulatory frameworks are needed to delineate their respective responsibilities, thus preventing disputes and providing clarity. Establishing joint task forces with representatives from both TRAI and CCI can facilitate collaborative problem-solving for overlapping issues and improve regulatory effectiveness. Additionally, periodic reviews and updates of the

regulatory frameworks are essential to ensure they remain relevant and adaptable to the rapid changes in the telecom sector.

- There is a need to ensure adequate compensation and restoration in terms of other comforts are furnished to those citizens who have given up their properties by telecom. Also, provide an effective center-state coordination on issues regarding RoW. Moreover, to ensure fairness and transparency there is a need that RoW is based in a non-discriminatory and uniform manner. These reforms will facilitate 5G services across the country and should be carried forward in the upcoming legal framework as well.
- Privacy is a culture and joint responsibility that an institution is required to embed. Although several telecom service providers already have privacy control measures in practice, there is a need to refresh their privacy measures according to new legislation. Therefore, what was a good measure needed to be changed, so that institutions achieved adherence to the regulations. Other factors such as adopting potent cybersecurity practices, appointing a Data Protection Officer (DPO) within each organization, and additional measures include data usage accountability, ensuring transparency, doing data impact assessments etc. Moreover, in the era of Artificial Intelligence (AI) there is a requirement to navigate the upcoming privacy concerns.
- To solve the complexity in telecom laws, there is a need of harmonic coordination between state governments and reliable consumer organizations. Raising awareness among consumers, addressing consumer redressal mechanisms efficiently as well as building consumers competent enough to make effective choices while choosing. Also, the telecom industry must adopt consumer broadband labels. Ensuring simplification in telecom legislation to attract private companies as well.
- Strengthening Regulatory and Legal frameworks dealing with internet shutdowns and ensuring that shutdowns are only for last resort concerning international human rights regulations. Providing amenities to those who are affected by such shutdowns, while ensuring transparency, reliability, and accountability of the government. authorities that order or enable internet shutdowns. Always looking for some alternative solutions to deal with law-order disturbance, terrorist attacks, political instability, and other such circumstances.
- Develop a comprehensive legislative framework for OTT services, ensuring appropriate digital-age regulations. Engage industry stakeholders to balance innovation and consumer protection. Enhance copyright enforcement with digital tools and

promote collaboration to prevent piracy. Implement differentiated regulations for OTT services, regularly review frameworks, and negotiate fair financial contributions from major OTT players. Foster public-private partnerships to co-invest in digital infrastructure, leveraging government and OTT resources to enhance telecom infrastructure, supporting innovation and fair competition.

## CONCLUSION

In conclusion, India's telecommunications sector is at a critical point, with great achievements but also significant legal challenges. The industry's fast growth and technological progress have outpaced existing regulations, making it essential to address key issues such as spectrum allocation, regulatory compliance, data privacy, and consumer protection.

As Benjamin Franklin wisely said, "*An investment in knowledge pays the best interest.*" This holds for the telecom sector, where informed and balanced regulations are vital. Addressing these legal issues is crucial for sustaining growth, fostering innovation, and building consumer trust.

A clear and forward-thinking regulatory approach can provide the stability needed for ongoing growth while protecting consumers and ensuring fair competition among providers. By learning from global best practices and adapting them to India's unique situation, the telecom sector can navigate its legal challenges and continue to drive the nation's digital economy. Through collaboration and thoughtful action, the sector can overcome its legal hurdles, paving the way for a stronger, safer, and more inclusive telecom industry in India.