

Why has the govt. notified a new set of telecom rules?

How do the rules change the telecom regulatory framework? What powers does the Act give the govt.?

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- The newly notified rules largely replace the old telecom licensing framework with an authorisation regime, simplify compliance for telecom operators and ISPs, and add anti-spam obligations, while leaving day-to-day operations largely unchanged.
- Although several provisions of the Telecommunications Act have already been brought into force, implementation is still incomplete, with satellite internet rules, Starlink approvals, and key operational details yet to be clarified.

The story so far:

The Telecommunications Act, 2023, saw a clutch of rules being notified this month, namely the Telecommunications (Authorisation for Provision of Principal Telecommunication Services) Rules, 2026; the Telecommunications (Authorisation for Captive Telecommunication Services) Rules, 2026; and the Telecommunications (Authorisation for Provision of Miscellaneous Telecommunication Services) Rules, 2026.

What changes for telecom operators and users?

There are not many operational changes in India's telecom ecosystem due to the parent act or the rules being notified, as the major objective of the legislation is to simplify the oft-amended Indian Telegraph Act, 1885, which it replaces (along with other accompanying laws, like the Wireless Telegraphy Act, 1933).

Along the way, the Union government got some greater powers in the text of the parent statute, such as a definition of "telecommunication" that can be used to regulate messaging apps. (While the government initially denied this, last year the Department of Telecommunications (DoT) tried to force WhatsApp to log out users every six hours

from web instances of the service, and to “bind” every user to a SIM, as an anti-spam measure.)

Which provisions of the Act have already been brought into force?

This is, of course, not the beginning of the notification of the Act. As early as 2024, the government notified parts of the law, such as one that renamed the Universal Service Obligation Fund (where telcos are required to pay into a corpus to fund financially unfeasible telecom infrastructure in remote and isolated areas) to the Digital Bharat Nidhi. Another part of the law that was notified was one that allowed the government to seize telecom infrastructure on national security or war grounds.

More parts of the law that have already been notified in previous months include a replacement for the interception orders, where in spite of an industry and civil society push, the government retained senior officials’ powers to issue phone and internet tapping orders.

The specific rules notified this month replace the bulk of the licensing framework for telecom operators. This has been replaced with the term “authorisation,” accompanied by language that simplifies and modifies some of the paperwork that telcos and Internet Service Providers (ISPs) have to do. It also adds anti-spam enforcement as an obligation under the Parent Act.

Why are some aspects of the new regime still uncertain?

The new telecom act also recognises satellite internet, but this has been taken away, even as Starlink, the largest satellite internet provider in the world, awaits approvals to launch. “The final Rules have removed explicit references to Global Mobile Personal Communications by Satellite (GMPCS), as contained in the Draft Rules,” the law firm Khaitan & Co wrote in a brief. Separately, news reports (and the delay) indicate that the government is yet to give up on concerns of whether it can truly shut off Starlink, seeing how it is used in countries like Iran in defiance of the local government.

At any rate, telcos and ISPs can choose to migrate to this authorisation regime now, or wait until their licenses expire and then apply afresh. As Khaitan & Co pointed out, “a significant volume of operational detail is still awaited ... implementation detail awaits further clarity and remains dependent on further specifications, including the ‘sound’ track-record criterion, exemption thresholds and technical directions.”