

GOVERNANCE
The draft Telecommunication Bill, 2022

❖ **CONTEXT:** The Ministry of Communications released a draft of the Indian Telecommunication Bill, 2022 recently for public comments. Since then, the draft has generated a significant amount of discussion on various changes that it proposes to make to the current telecom regulatory framework. The Minister for Communications, Ashwini Vaishnaw, has stated that the Bill would become law in the next 6-10 months.

❖ **What is the draft Indian Telecommunication Bill, 2022?**

- The draft Indian Telecommunication Bill is an attempt by the government to update the extant regulatory framework in keeping with the advancements and challenges in the sector.
- The three main legislations that occupy this domain are considerably outdated, with the most recent of these having been enacted more than 70 years back. These legislations are the Indian Telegraph Act enacted in 1885, the Indian Wireless Telegraphy Act enacted in 1933 and the Telegraph Wires (Unlawful) Possession Act in 1950.

❖ **How does the draft telecommunication Bill affect over-the-top communication services?**

- Over-the-top (OTT) communication services refer to services that provide real time person-to-person telecommunication services. Some popular examples of these include messaging platforms like Whatsapp, Telegram, Signal, Messenger, Duo, Google Meet etc.
- These platforms use the network infrastructure of telecom service providers like Airtel, Vodafone and Jio and provide features that compete with telecommunication services such as voice calls and SMS services.
- Telecom Service Providers (TSPs) allege that these features result in a double whammy for them as they cut into their sources of revenue (voice calls, SMS) while not having to deal with infrastructure and licensing costs that they have to undertake. Therefore, TSPs have been demanding a level playing field with OTT services.
- The current draft of the Bill expands the definition of “telecommunication services” to include OTT communication services. As a consequence of this, OTT telecommunication services may be subject to the same licensing conditions as TSPs.
- Under the extant framework, TSPs have to be issued the Unified Access Service Licence (UASL) for them to be able to provide telecom services in India. If OTT communication services are required to obtain the same licence, they would also be subject to a number of conditions such as maintaining ‘know your customer’ details of their users, adhering to certain encryption regulations and allowing lawful access to the government of their equipment and networks.

❖ **What are some of the consumer protection measures in the draft Bill?**

- To curtail the ever-increasing incidence of spam calls and frauds, the draft Bill proposes that the identity of the person communicating using any form of telecommunication services shall be available to the user receiving such communication. This would mean that unlike now where only the phone number of the person making the communication is displayed, going forward the name of the person would also be displayed. This facility would not only be available for voice calls but also for users of OTT communication services.
- The draft Bill obligates licence holders to identify the users of its service through a verifiable mode of identification. To ensure that a user provides correct details, the draft Bill penalises providing wrong identification details with a ₹50,000 fine and suspending the operation of the specific mobile number or barring the person from using the telecom service for certain duration.
- The draft Bill also provides that commercial communications which are advertising and promotional in nature should be made only with the prior consent of a subscriber. While the Telecom Regulatory Authority of India (TRAI) has previously issued the “Telecom Commercial Communications Customer Preference Regulations” in 2018, spam communications and sharing of contact details without any safeguards continues to be rampant. Its inclusion in the draft Bill takes it out from the purview of TRAI and gives government the power to take stringent measures against violators.

❖ **How does the draft Bill impact the position of the TRAI?**

- The TRAI was set up in 1997 as an independent and specialised regulator for the telecom sector. Given that the government is a major player in the telecom sector in various roles such as provisioning of services, licensing and allocating spectrum, the need was felt to institute a regulator that is at an arms’ length from the government to ensure a level playing field, fairness for private TSPs and for the protection of consumer interests.
- However, the current draft considerably dilutes TRAI’s position in a number of ways reducing it from a regulatory to a recommendatory body.
- **First**, the government would no longer be required to seek recommendations from the TRAI before issuing licences.
- **Second**, it also removes the power of the TRAI to requisition from the government information or documents that are necessary to make such recommendations.
- Moreover, the Department of Telecommunications (DoT) will no longer be required to refer back to TRAI the recommendations for reconsideration — those recommendations that it does not agree with, as it was required to do previously.

- The removal of such powers would not be keeping with international practice where telecom regulators are endowed with a greater degree of independence to ensure that investor confidence and consumer protection is maintained in the market.
- ❖ **What are the draft Bill's provisions on internet shutdowns?**
- For the first time in the Indian legal framework, a specific provision enabling the government to order suspension of internet power has been introduced through the draft Bill.
- Currently, suspension of internet services is ordered under the Temporary Suspension of Telecom Services (Public Emergency and Public Safety) Rules, 2017 that have been made under the Indian Telegraph Act, 1885.
- However, civil society has raised concerns that the proposed provision gives the government power to order internet shutdowns while failing to incorporate safeguards such as judicial oversight that have been recommended by the Standing Committee on Information Technology.
- ❖ **How does the Bill facilitate TSPs?**
- The draft Bill clears up a lot of confusion around the allocation of spectrum. It lays down that while the primary route for allocation of the spectrum is auction, when spectrum is to be allocated for certain functions of the government such as defence or transportation, the administrative process is to be followed. It also allows the TSP to exploit its spectrum resource fully by enabling sharing, trading, leasing, surrendering or returning unutilised spectrum.
- The Bill also simplifies the process for restructuring, merging or demerging.
- On the issue of right of way (the legal framework for setting up telecom towers), it mandates that land owned by a public entity should be available expeditiously unless there is an express ground of refusal. This is likely to face opposition from States which have the power to administer lands within their territorial jurisdiction.
- The draft allows the funds under the Universal Service Obligation Fund to be utilised for other purposes such as urban areas connectivity, research etc, expanding its current mandate from the limited aspect of enhancing rural connectivity.

PRELIMS

1. Kisan Vikas Patra Scheme

❖ **CONTEXT: The Centre recently announced increases of 0.1-0.3 percentage points in interest rates payable on five small savings instruments (SSIs) including the Kisan Vikas Patra.**

- In 1988 the Kisan Vikas Patra (KVP) is a small savings certificate scheme that facilitates people to invest in a long-term savings plan (target poor, vulnerable, rural, and tribal families without access to formal banking and finance channels. It is now open to everyone)
- To encourage the habit of small savings among citizens and to develop long-term financial discipline, Kisan Vikas Patra was launched in 1988 by India Post under the Ministry of Finance.
- It was discontinued in 2011 when a committee under the leadership of Ms. Shayamala Gopinath recommended that Kisan Vikas Patra (KVP) may be exploited for money laundering reasons.
- However, the Finance Minister Late Arun Jaitley in his Budget Speech for 2014-15 announced that Kisan Vikas Patra (KVP) would be reintroduced in response to popular demand and to revive Small Savings. With effect from November 18, 2014, this was re-introduced

❖ **Features of Kisan Vikas Patra (KVP)**

- It was launched as a small savings certificate scheme under the statutory provisions of the Government Savings Certificates Act, 1959.
- Initially, KVP can be purchased via Post offices only.
- As per present rules, KVP certificates can be purchased online or directly from Selected public sector banks as well as from Post Offices also.
- To purchase a KVP in the name of a single individual or jointly residential proof and identity proof such as Aadhaar Card, Voter's ID, Driving Licence or Passport need to be submitted.
- Any Indian resident, Trusts, and Minors (individuals below the age of 18) are eligible to purchase KVP.
- There is no upper age limit for the scheme. Hindu Undivided Family (HUFs) and Non-Resident Indians (NRIs) are not eligible for Kisan Vikas Patra.
- KVP are available in the Denomination of Rs. 1000, Rs. 5,000, Rs. 10,000, and Rs. 50,000. There is no maximum limit on KVP investments.
- KVP can be purchased using cash, cheque, or demand draft. For purchasing KVP of Rs. 50,000 or more PAN Card proof is compulsory and income proof is compulsory for making purchases above 10 lakh.
- The maturity period for Kisan Vikas Patra is 10 years and 4 months i.e 124 months.
- The investment doubled in 124 months. (not fixed)
- The interest on the investments in a KVP certificate is decided by the Ministry of finance Withdrawal Facility is also available after 30 months.
- KVP certificates are transferable from one person to another with the initial consent of an officer of the post office or bank.
- When KVP is purchased on behalf of minors then as long as the minor is alive, such a certificate cannot be transferred to another person.

- The certificate can be cashed at the bank or post office where it was issued. It's also possible to cash it at a different post office or bank. KVP certificate can be used as collateral or security to avail of secured loans

❖ **NSSF**

- The National Small Savings Fund (NSSF) was established in 1999 within the Public Account of India.
- It is managed by the Ministry of Finance under the National Small Savings Fund (Custody and Investment) Rules, 2001, derived from Article 283(1) of the Constitution.
- NSSF pools money from various small saving schemes. Small Saving Schemes include National Savings Certificate, Kisan Vikas Patra, Public Provident Fund (PPF), Senior Citizens Savings Scheme, Sukanya Samridhi Account, Post Office Savings Account etc.
- The money pooled in the NSSF is used by the Centre and states to finance their fiscal deficit

2. **Competition Commission of India**

❖ **CONTEXT: The Competition Commission of India (CCI) approves acquisition of Assets of various companies like Essar Group, Mytrah Energy, Adani Power Limited by other companies.**

- Competition Commission of India (CCI) is a statutory body of the Government of India responsible for enforcing the Competition Act, 2002, it was duly constituted in March 2009.
- The Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act) was repealed and replaced by the Competition Act, 2002, on the recommendations of the Raghavan committee.

➤ **Members of CCI**

- The Commission consists of one Chairperson and six Members who shall be appointed by the Central Government.
- The commission is a quasi-judicial body which gives opinions to statutory authorities and also deals with other cases. The Chairperson and other Members shall be whole-time Members.
- The Chairperson and every other Member shall be a person of ability, integrity and standing and who, has been, or is qualified to be a judge of a High Court, or, has special knowledge of, and professional experience of not less than fifteen years in international trade, economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which, in the opinion of the Central Government, may be useful to the Commission.

➤ **Competition Act, 2002**

- The Competition Act was passed in 2002 and has been amended by the Competition (Amendment) Act, 2007. It follows the philosophy of modern competition laws.
- The Act prohibits anti-competitive agreements, abuse of dominant position by enterprises and regulates combinations, which causes an appreciable adverse effect on competition within India.
- In accordance with the provisions of the Amendment Act, the Competition Commission of India and the Competition Appellate Tribunal have been established.
- The government replaced the Competition Appellate Tribunal (COMPAT) with the National Company Law Appellate Tribunal (NCLAT) in 2017.

➤ **Functions and Role of CCI**

- To eliminate practices having adverse effects on competition, protect the interests of consumers and ensure freedom of trade in the markets of India.
- To give opinion on competition issues on a reference received from a statutory authority
- To undertake competition advocacy, create public awareness and impart training on competition issues.
- Consumer Welfare: To make the markets work for the benefit and welfare of consumers.
- Ensure fair and healthy competition in economic activities in the country for faster and inclusive growth and development of the economy.
- Implement competition policies with an aim to effectuate the most efficient utilization of economic resources.
- Effectively carry out competition advocacy and spread the information on benefits of competition among all stakeholders to establish and nurture competition culture in the Indian economy.

3. **National Disaster Management Authority (NDMA)**

❖ **CONTEXT: The National Disaster Management Authority (NDMA) celebrated its 18th Formation Day recently.**

- The theme for this year's Foundation Day was "Volunteerism in Disaster Management".

❖ **What is NDMA?**

- The National Disaster Management Authority (NDMA) is India's apex statutory body for disaster management.
- The NDMA was formally constituted on 27th September 2006, by the Disaster Management Act, 2005.
- The Prime Minister is its chairperson and it has nine other members. One of the nine members is designated as Vice-Chairperson.
- Disaster Management Act also envisaged the creation of State Disaster Management Authorities (SDMAs) headed by respective Chief Ministers and the District Disaster Management Authorities (DDMA) headed by the District Collectors/ District Magistrate and co-chaired by Chairpersons of the local bodies.

- The primary responsibility for the management of disaster rests with the State Government concerned. However, the National Policy on Disaster Management puts in place an enabling environment for all i.e., the Centre, state and district.
- India is also a signatory to the Sendai Framework for Disaster Risk Reduction (SFDRR) that sets targets for disaster management.
- ❖ **How has NDMA evolved?**
- The Government of India (GOI), in recognition of the importance of Disaster Management as a national priority, set up a High-Powered Committee (HPC) in August 1999 and a National Committee after the Gujarat earthquake, for making recommendations on the preparation of Disaster Management plans and suggesting effective mitigation mechanisms.
- The tenth Five-Year Plan document also had, for the first time, a detailed chapter on Disaster Management. The Twelfth Finance Commission was also mandated to review the financial arrangements for Disaster Management.
- On December 23, 2005, the Government of India enacted the Disaster Management Act, which envisaged the creation of National Disaster Management Authority (NDMA), headed by the Prime Minister, and State Disaster Management Authorities (SDMAs) headed by respective Chief Ministers, to spearhead and implement a holistic and integrated approach to Disaster Management in India.
- ❖ **What are the functions and responsibilities of NDMA?**
- NDMA, as the apex body, is mandated to lay down the policies, plans and guidelines for Disaster Management to ensure a timely and effective response to disasters.
- Towards this, it has the following responsibilities: –
 - Lay down policies on disaster management.
 - Approve the National Plan.
 - Approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan.
 - Lay down guidelines to be followed by the State Authorities in drawing up the State Plan.
 - Lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the Purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects.
 - Coordinate the enforcement and implementation of the policy and plans for disaster management.
 - Recommend provision of funds for the purpose of mitigation.
 - Provide such support to other countries affected by major disasters as may be determined by the Central Government.
 - Take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with threatening disaster situations or disasters as it may consider necessary.
 - Lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.
- ❖ **Aapda Mitra scheme (Volunteerism in Disaster Management)**
- The National Disaster Management Authority of India (NDMA), started a scheme to train community volunteers in disaster response in selected flood-prone districts of India.
- The National Disaster Management Authority (NDMA) has implemented a Scheme of Aapda Mitra on a pilot basis to train 6000 community volunteers (200 per district) in 30 flood-prone districts of 25 States/UTs in disaster response with a focus on flood, so that they can respond to the community's immediate needs in the aftermath of a disaster. More than 5500 volunteers have been trained under the pilot scheme.
- Government of India has approved the Up-Scaling of Aapda Mitra Scheme, covering 350 districts prone to flood, landslide, cyclone and earthquake to train 1,00,000 community volunteers in disaster response.
- Apart from this, the National Disaster Response Force (NDRF) conducts community awareness programmes for the capacity building of community in disaster management. In the year 2021, NDRF has trained 1380 community volunteers in disaster management.
- NDRF is also conducting School Safety Programme (SSP) and imparting basic training to school children as well as teachers to evacuate themselves during an earthquake. During 2021, NDRF has conducted 81 SSPs covering 18,057 beneficiaries.
- To inform, educate and to make the people aware, NDMA runs awareness generation campaigns through electronic and print media, including social media, on various disasters, from time to time. These campaigns include Do's & Don'ts, Audio-Visual films, messages containing preparedness before, during and after disaster events."
- "Sewa, Samarpan & Paropkar" is the identity of Aapda Mitras.
- ❖ **Why such a scheme?**
- When a disaster happens, volunteers from the affected community are normally the first to act.
- In any disaster, however quick the government machinery may be, external help takes time to reach the affected people and this time lag is very crucial in saving lives and livelihood.

- The impact of volunteers in disaster response can be tremendous, as the extent of damage – in terms of economic and human loss – is greatly influenced by the initial response to a disaster. Therefore, there lies a critical need to train these volunteers in certain basic skills in disaster management so that they are able to respond in an informed and prompt manner as well as assist the concerned agencies in rescue and relief operations.

ANSWER WRITTING

Q. Describe the various causes and the effects of landslides. Mention the important components of the National Landslide Risk Management Strategy.

A landslide is defined as the movement of a mass of rock, debris, or earth down a slope. They are a type of mass wasting, which denotes any downward movement of soil and rock under the direct influence of gravity.

Slope movement occurs when forces acting downward (mainly due to gravity) exceed the strength of the earth materials that compose the slope. Landslides are caused due to three major factors: geology, morphology, and human activity.

- Geology refers to characteristics of the material. The earth or rock might be weak or fractured, or different layers may have different strengths and stiffness.
- Morphology refers to the structure of the land. For example, slopes that lose their vegetation to fire or drought are more vulnerable to landslides.
- Human activity refers to agriculture and construction which increases the risk of a landslide.
- Landslides can be initiated in slopes already on the verge of movement by rainfall, snowmelt, changes in water level, stream erosion, changes in groundwater, earthquakes, volcanic activity, disturbance by human activities, or any combination of these factors. Earthquake shaking and other factors can also induce landslides underwater.

Different effects of landslides are as follows:

- Landslides have been verified to result in destruction of property. If the landslide is significant, it could drain the economy of the region or country. After a landslide, the area affected normally undergoes rehabilitation.
- Infrastructure such as roads, railways, leisure destinations, buildings and communication systems can be decimated by a single landslide.
- Communities living at the foot of hills and mountains are at a greater risk of death by landslides. A substantial landslide carries along huge rocks, heavy debris and heavy soil with it.
- The soil, debris, and rock sliding downhill can find way into rivers and block their natural flow. Many river habitats like fish can die due to interference of natural flow of water.

Important components of National Landslide Risk Management Strategy are as follows:

- Generation of User-Friendly Landslide Hazard Maps
- Development of Landslide Monitoring and Early Warning System
- Awareness Programmes
- Capacity Building and Training of Stakeholders
- Preparation of Mountain Zone Regulations & Policies
- Stabilisation and Mitigation of Landslides and Creation of Special Purpose Vehicle (SPV) for Landslide Management.

MCQs

1. Consider the following statements :
1. The Disaster Management Act was passed by the Parliament in 2005.
 2. The Union Home Minister Acts as a Chairperson of the National Disaster Management Authority (NDMA).
 3. The NDMA may have not more than nine members including Vice-Chairman.
 4. The tenure of the members of NDMA shall be five years.

Which of the statement/s given above is/are correct?

- a) 1,2 and 3
 - b) 1,3 and 4**
 - c) 2,3 and 4
 - d) All above
2. Three of the following statements correctly describe the duties of the Competition Commission of India. Find out the false statement.
- a) Limiting freedom of trade**
 - b) Eliminating practices that adversely affect competition
 - c) Promote and maintain competition
 - d) Protect the interests of consumers
3. Consider the following statements regarding the ""National Small Savings Funds (NSSF)""
1. The proceeds of small savings scheme of Central government goes to NSSF
 2. NSSF is a part of Consolidated Fund of India (CFI)
 3. Sukanya Smriddhi Yojana, part of Beti Bachao Beti Padhao Abhiyan, is a small savings scheme
 4. There exists a market-linked interest rate system on small savings schemes

Select the correct statement/s using the code given below:

- a) 1 and 2 only
- b) 1,2 and 3 only**

- c) 3 and 4 only
d) 1,3 and 4 only
4. Consider the following statements about Telecom Regulatory Authority of India:
1. TRAI fixes and revises the tariffs for telecom services in India
 2. TRAI is a statutory body
- Select the correct answer using the code given below:
- a) 1 only
 - b) 2 only
 - c) Both 1 and 2**
 - d) Neither 1 nor 2
5. In India, OTT platforms are currently under the purview of which of the following?
- a) Ministry of Information and Broadcasting**
 - b) Ministry of Electronics and Information Technology.
 - c) TRAI
 - d) Film and Television Institute of India
6. With reference to the 'Telecom industry in India' consider the following
1. The Telecom industry in India is the largest in the world.
 2. The Telecom sector recently became the largest sector in terms of FDI inflows after 100% Foreign Direct Investment (FDI) has now been allowed in the Telecom sector under the automatic route.
 3. India has more tele-density in the urban areas as compared to rural areas.
- Which of the above statement/s given above is/are incorrect?
- a) 1 and 2 only
 - b) 2 and 3 only
 - c) 1 and 3 only
 - d) all of the above**
7. Recently UNESCO lists 50 iconic Indian textiles, with reference to these consider the following pairs
- | Textile crafts in news | Region |
|------------------------|--------------------|
| 1. Toda embroidery | - Tamil Nadu |
| 2. Himroo | - Hyderabad |
| 3. Bandha tie and dye | - Sambalpur |
| 4. Thigma tie and dye | - Himachal Pradesh |
- Which of the above pair/s is/are correct?
- a) 1,2 and 3**
 - b) 2,3, and 4
 - c) 3 and 4
 - d) 1,2 and 4
8. With reference to Global Innovation Index 2022 consider the following statements
1. It has been released by World Economic Forum.
 2. In the recent report India improved from its previous rank.
- Choose the correct statement/s using the codes given below
- a) 1 only
 - b) 2 only**
 - c) Both 1 and 2
 - d) Neither 1 nor 2
9. According to the Global Innovation Index 2022 which of following world's most innovative economy?
- a) US
 - b) Sweden
 - c) Switzerland**
 - d) Netherland
10. "Operation GARUDA" by CBI often mentioned in news is related to which of the following?
- a) Child sex racket
 - b) Black money menace
 - c) Dismantle drug networks with international linkages**
 - d) Women safety in Delhi