

Broadcasting Services Regulⁿ Bill 2023

key features

① Unified regulatory framework for broadcasting
↳ cover OTT, digi news, TV program etc under regulⁿ

② Comprehensive definition of contemporary broadcasting terms

③ Establish Content Evaluation Committee for self regulⁿ.

Broadcast Advisory Council to advise Central govt on violation of program & Ad code

④ Differentiation of program code & Advertisement code.

⑤ Accessibility for PWD

↳ use of subtitle, sign lang

↳ Disability grievance officer

⑥ Equitable penalty considering entity's turnover & investment

⑦ Infra. sharing provision among broadcasting network operators.

⑧ Establish structured Dispute resolⁿ mechanism

Significance of Bill

① Consolidⁿ & modernisⁿ

- ↳ replace outdated Cable TV Act 1995
- ↳ address OTT, digi news, DTH, IPTV etc
- ⇒ dynamic

② Promote EODB ~~for~~ Dispute resolution mechanism

③ Further push to Digital India

④ Provides for Right of way → enable cable operator to easily obtain permission from local agencies

⑤ Promote infor sharing

⑥ Empower broadcasters by providing self regulatory mechanism

→ content evaluation committees

⑦ Promote Ease of living to PWP 'dingang' ↳ subtitle ↳ sign language.

WF

① Stakeholder consult  experts
broadcasters
public

② Promote media literacy

~~Tea~~ Australia media literacy alliance
Singapore " " Council

③ Responsible media as 4th pillar

4 journalistic ethics upheld

④ Ensure indepe of CEC/BAC

4 experts nominated

Challenges

① Threat of censorship

↳ Allow govt officers to prohibit broadcast

↳ Govt prescribed code can affect creativity, artistic freedom

② Content evaluation team

↳ Disclosure of details of members to

↳ Affect Privacy ↳ risk of online/
physical harassment

③ Broadcast advisory council

↳ Members nominated by central govt
↓
content censorship

④ selective targeting of journalists -
thr its misuse

⑤ Reduced autonomy of OTT platforms
↓
affect user experience

Significance

- ① Modernization of postal service
 - ↳ remove outdated provision
 - ↳ flexible regulⁿ
- ② Eliminate govt monopoly → enhance competh. →

Better service
↓
low price
- ③ Regulatory clarity – defined role of Director general
- ④ Flexibility in service
Ability to define postal service th^r rules
adapt dynamically market needs, consumer preference
as per
- ⑤ strengthened security
 - ↳ expanded ground of interception
↓
security of state
- ⑥ Align with Int^l practice
 - ↳ privatization
 - ↳ regulation.

challenges

- ① Privacy concern A19, 21.
lack of procedural safeguards for interception of postal article

Post office Bill 2023

* Replace IN Post Office Act 1898

Key features

- ① Removed exclusive privilege of Central govt to convey letters.
- ② Service specifics provided by IN post will be determined by central govt ^{thru} guidelines
- ③ Introduce Director general of postal services, with regulatory power to
 - ↳ set tariff
 - ↳ manage stamp
- ④ Govt's right to intercept post-article for security, public order etc
- ⑤ Limits liability of IN post in any issue related to its service except ~~per~~ specifically prescribed by govt
- ⑥ No offences & penalties in line with Jan Vishwas Act 2023.
- ⑦ No examination of postal articles. That responsibility shifted to customs

② Ambiguous ground for interception
↳ 'emergency' as ground for interception
↓
vague, subjective

③ conflict of interest

central govt prescribe liability of In post.

Diminish consumer protection

④ consumer protection

↳ exemption of In post - form liability

↳ consumer protection act not applied

⑤ No penalty for misconduct, unauthorized
opening → privacy affect -

⑥ No comprehensive framework to
address prt ~~player~~ consumer.

WF

① Privacy audit by indept authority

② Simulation of emergency protocol
with help of civil society, lawyers.

↳ define emergency situation of
interception

③ Technology $\rightarrow$ Blockchain based
postal tracking.

④ PPP in liability regulⁿ

⑤ Integrate postal service with
community - derpl - $\rightarrow$ Post-office as
centre of digi literacy

Redefine role of
postal service in digital age

Digital India Act 2023

* Replace IT Act 2000

Need for DIA ?

① Regulatory framework for 21st century digital world

↳ ITA 2000 drafted when internet was in infancy.

↳ Review 'safe harbour' principle which protect social media platform

② Limitations & issues of ITA

↳ lack comprehensive provision on user right, trust & safety

↳ limited recogniⁿ of new form of cyber crimes (eg) catfishing, doxxing

↳ lack distinct regulation for harmful content

↳ lack data/privacy protection principles

↳ lack harmonized regulatory body

③ Digital India goals

\$1 trillion digital economy by 2025-26

↳ shape the future of technologies

↳ Global innovⁿ & entrepreneurship system

↳ Become significant & trusted player for digital products, devices etc

Aim of proposed DIT

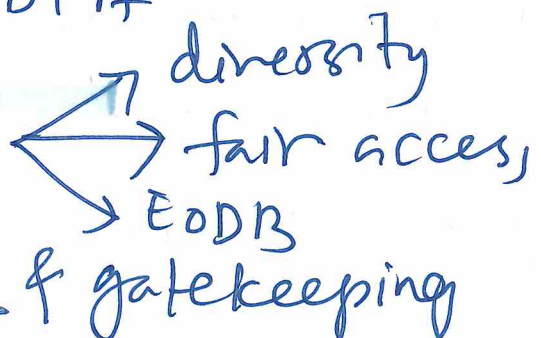
① evolvable digital law consistent with changing trends in technologies

② Adjudicatory mechanism for online civil & criminal offences

③ Principles & rules based approach

governing principles to ensure compliance

Key components of DIT

① Open internet that have 
Prevent concentration of power & gatekeeping

② Online safety & trust

↳ Safeguard from cyber threats like revenge porn, cyberbullying in internet and dark web

↳ Right to be forgotten

↳ Right to Digital Inheritance

↳ KYC for using privacy invading device like spy camera glasses

③ Accountable internet

↳ Complaint redressal mechanism

↳ © rights upheld in cyber spaces.

↳ algorithmic transparency

↳ data collection disclosure norms.

challenges

① Privacy & surveillance concern

↳ Extensive surveillance capability to Govt-

② Compliance requirement burden

business, especially MSMEs

③ Requisite specialists & investment in infra

④ Digital divide in rural-urban 65% no internet in rural TRAI
↳ lack universal access to quality internet

↳ low digital literacy

⑤ Cyber crimes

3X after pandemic (COWE)

WF

- ① Consultⁿ with various stakeholders
expert public media industry
- ② study relevant global laws
- ③ strong data protection law
- ④ Define territorial jurisdiction of D1A due to borderless nature of internet
- ⑤ Balance interest of various stakeholders

Telecommunicⁿ Act

Reform age old telecom laws like ~~1885~~ in Telegraph Act 1885,

Key provision

- ① Mandatory govt ~~of~~ authorisation for providing & expanding telecom service
- ② Spectrum Mngmt
Govt can reclaim unused, permit sharing, trading & leasing spectrum.
- ③ Spectrum allocn charge
 - ↳ Allocn thr auction
 - ↳ excepⁿ — administratively assigned for N^l security, Dis Mngmt etc
- ④ Interception powers for govt in case of public emergency or N^l security
- ⑤ USOF → Digital Bhaat Nidhi fund.
Add focus on R&D.
- ⑥ Telecom Dispute & Settlement of Appellate Tribunal as head of a multi layered system.
TDSAT
- ⑦ Biometric user authenticⁿ by telecom entities to prevent fraud.

- ⑧ Extended Territorial Jurisdiction to offences committed outside India involving telecom service providers within country

Significance

- ① Replace archaic laws like Telegraph act 1885
 - ↳ colonial & archaic
- ② Provide clarity for satellite broadband service
 - ↳ Align with Ind norm
 - ↳ Opportunities for startups.
- ③ Take away executive discretion on spectrum allocation → reduce corruption ^{2a spectrum case}
- ④ Tech based solution for govt
online dispute resolution mechanism ↓
EODB.
- ⑤ Simplify Bureaucratic procedure.
 - ↳ single authorisation process.
- ⑥ Does not interfere with OTT
↳ prevent overregulation of sector

Panchpran.

Challenges

① Potential misuse by executive

↳ Cenbc can takeover, suspend telecom service for N.E. interest

↳ message interception } allowed,
↳ service suspension }

② Privacy & surveillance concern

↳ 'Big brother' state

↳ encryption of messaging apps challenged

③ Administrative allocation challenge
SC's 2G spectrum ruling of auction

④ Ambiguity in definition of 'message'

'telecom service' → wide → misuse
definition

WF

① check & balance

Only N.E. under A 352 to trigger takeover of telecom

② Respect privacy under Puttuswamy judgement & A19.

③ Broad consultⁿ of prt player, public

Jan Vishwas Amendment Bill

Amended 42 acts like Post office Act 1898,
IT Act - 2000 to lay foundⁿ for EODB

Features

① Decriminalizing ^{minor} offences

Ex) Selling false patented article fine → penalty

② Removal of offences.

Ex) All offences under Post office act removed

③ Periodic revision of penalties

10% ↑ every 3 yr

④ Adjudicating officer to determine penalties.

⑤ Appellate mechanism for decisions of adjudicating officer

Significance

① Rationalizing criminal process

People not dragged to court for minor offence

② Reduce Bureaucratic hurdle

Growth of business. save time & cost

for both govt & business,

③ Reduce pressure on judicial system

4.4 cr case pending (NDOG)

④ Trust based govt

citizen, business & govt-depts operate w/o fear of imprisonment

⑤ Lessen regulatory framework on MSME → deburden the sector
↓
level playing field to MSMEs

Issues

① Quasi decriminalization only as imprisonment replaced with fines

② Expertise of adjudicating officer questioned

③ Only a fraction of laws touched —
just 42 acts

④ Issues in envmt protection due to blanket removal of imprisonment

⑤ Privacy violation

Tea No penalty for postal officer illegally opening articles

⑥ Indepece of adjudicating officer as they are govt officials itself

WF

① Reassess decriminalization efforts → community service
rehabilitation measures

Tea Yellow ribbon project Singapore

② Ensure expertise of adjudicating officer

- ↳ transparent
- ↳ merit-based

} appointment

③ Ensure indepce of adj. officer

↳ oversight body ↳ fair adjudication

④ Public consultth & feedback mechanism

EC recommended electoral reforms (2016)

- ① Affidavit of criminal case & asset-
- ② A security deposit
- ③ Criminal case - serious - disqualify
- ④ Restrict elecⁿ ~~to~~ seat limit to one
- ⑤ Regulate exit & opinion poll
- ⑥ NOTA

* 66% ^{electoral} participⁿ in 16th LS

