



NATIONAL TELECOM POLICY 2012 ("POLICY")

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The Policy received the assent of the union cabinet on May 31, 2012 and promises to change the face of telecommunications and broadcasting in India. The Policy will mostly likely be implemented on April 1, 2013 and will replace the New Telecom Policy 1999. The Policy aims at providing a pan India license, free roaming facility, affordable broadband and adequate availability of spectrum. The Policy plans on adopting what is known as the green policy in telecom. It will simplify the licensing framework, set up a common platform for interconnection and evolve a policy framework for financing the telecom sector. The Policy's main focus will be on convergence of services i.e. voice, data, video, Internet telephony, value added services and broadcasting services, convergence of networks i.e. access network, carriage network (NLD/ILD) and broadcast network and convergence of devices i.e. telephone, personal computer, television, radio, set top boxes and other connected devices as well as convergence of local cable TV networks post digitalization. It will facilitate resale at the service level both wholesale and retail and enable and enforce Voice over Internet Protocol ("VOIP") facility. The Policy will also review the Telecom Regulatory Authority of India Act ("TRAI") and the Indian Telegraph Act.

PSA view – With ushering into the year 2013, the implementation of the National Telecom Policy 2012 will be most awaited. The consumers will finally benefit with the irradiation of the roaming charges and the telecom operators are keen to opt for pan India license. The widespread availability of broadband services through this Policy is also looked for. The Policy will help India recover the mishaps of the previous years in the telecom industry.

Mobile Banking (Quality of Service) Regulations, 2012

The TRAI released "Mobile Banking (Quality of Service) Regulations, 2012." The regulations aimed at defining the Quality of Service ("QoS") standards for mobile banking, in order to facilitate faster and reliable communication between the banks and their consumers. The most important feature brought about by these regulations is the time limit of ten seconds for any banking transaction. With increasing growth in users of mobile banking, a need was felt by the government to draw up specific guideline dealing with mobile banking, which TRAI implemented. In all mobile-based financial transactions, the operators are required to meet the QoS standards defined by TRAI. Operators are required to maintain complete and accurate records of such transactions. The TRAI has prescribed that the confidentiality of end to end encryption, integrity, authentication and non-repudiation of communication shall be in accordance with the standards certified by ITU/ETSI/TEC/International standardization bodies such as 3GPP/3GPP2/IETF/ANSI/TIA/IS or any other international standard as may be approved by the central government.

PSA view – The mobile phone services have penetrated deep in India with most rural areas having access to mobile phones. In furtherance of mobile phone services, including mobile banking is viewed as a smart move keeping in mind the need of the time. Crucially, the entire transaction will depend on the capability of the mobile network to deliver a fast, reliable and cost effective method of communication with inbuilt audit trails and desired levels of security for transmission. As this will be a financial transaction, consumers receive confirmation of the outcome of the transaction in a simplest way making banking services in India easier.

Government launches “data.gov.in”

The Indian government launched “data.gov.in”, a joint initiative of Government of India and US Government, and will be on the lines of the US government’s open data initiative called “data.gov.” For this website, the US General Services Administration developed the data management system module and National Informatics Centre of India designed and developed the website together with its content management system and the visitor relation management module. The website offers department and category wise metrics and visitor statistics for data sets and apps. The website has been tested for compliance with the guidelines for Indian government websites and has been found suitable for usage for even person with disabilities. The site also offers apps from government departments for end-users/citizens. Like, Pocket Bhuvan, a geospatial app from the Indian Space Research Organization, with specific emphasis on Indian region and showcases Indian imaging capabilities. Initially, the data related to agriculture, health and energy will be made public and subsequently on transportation, water, sanitation and railways.

PSA view – This website would allow government and its various departments and ministries to use this space to publish their documents, data collected from citizens and permit them to function better and in a transparent way. However, it would be crucial to identify the date which would not breach privacy of citizens as well as copyright of the owners of the data.

Cap on personal SMSs

The year 2012 witnessed various restrictions regulating the number of SMSs that can be sent daily by a consumer. It was understood that not only do SMSs help in spreading miscommunication, rumors but also add to the misery of consumers by way of unsolicited commercial communication. In July 2012, Delhi High Court (“DHC”) set aside an order of TRAI that had capped the sending of SMSs at 200 per day per person for personal communications. The Supreme Court of India has now overruled the decision of DHC and the restriction of 200 messages per day stands reintroduced through an interim order. Therefore, at present with the decision of the Supreme Court and TRAI number of SMSs that can be sent from a particular phone number stand restricted to 200 a day.

PSA view – The unsolicited messages disturb the recipients, intrude into their privacy and impose a cost in terms of time and efforts by adding on to the spam content and therefore, the restriction is justifiable and much needed. The year not only witnessed the use of SMSs for unsolicited advertising but also saw incidents of communal catastrophe like in Assam. Keeping all of the above in mind, it is absolutely necessary to bring about restraint in this segment of telephony.

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