

No.10/7/2015-Restg.
Government of India
Ministry of Communications & IT
Department of Telecommunications
Sanchar Bhavan, 20 Ashoka Road
New Delhi 110001

Dated: 25th August 2015

ADVERTISEMENT

Subject: Appointment to the post of Member, Telecom Regulatory Authority of India (TRAI).

TRAI: The Telecom Regulatory Authority of India (TRAI) was established and is governed by the Telecom Regulatory Authority of India Act, 1997, to regulate the telecommunications services and to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector and for matters connected therewith or incidental thereto. Its functions include making recommendations on (i) measures to facilitate competition and promote efficiency in the operation of telecommunication services (ii) technological improvements in the services provided by the service providers and (iii) measures for the development of telecommunication technology and related matters. It has also to ensure compliance of terms and conditions of license, technical compatibility and effective inter-connection between different service providers, regulate arrangement amongst service providers of sharing their revenue derived from providing telecommunication services, lay down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct periodical survey to protect interest of the consumers and ensure effective compliance of universal service obligations.

Terms of Appointment: One post of Member, TRAI will be falling vacant on 04.03.2016. The tenure of the post is for a term not exceeding three years or till the age of 65 years, whichever is earlier. At present, the whole-time Member, TRAI, shall be entitled to a pay package of Rs. 3,75,000/- per month and will not be entitled to government accommodation or transport. An employee of the Government on his/her selection as Member, TRAI shall have to retire from service before joining as Member, TRAI.

Qualifications: The qualifications for appointment to the post as derived from Section 4 of the TRAI Act, are as follows:

A person having special knowledge of, and professional experience in telecommunication, industry, finance, accountancy, law, management or consumer affairs.

PROVIDED that a person who is, or has been , in the service of Government shall not be appointed as a member unless such person has held the post of Secretary, or Additional Secretary, or the post of Additional Secretary and Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of not less than three years.

Officers working in the Central or State Government, autonomous/statutory organizations, Public Sector Undertakings etc. shall send their applications through proper channel.

Application Procedure: Interested and eligible persons are requested to send their applications in the prescribed format, which can be downloaded from the websites i.e. <http://www.dot.gov.in> or <http://www.persmin.nic.in> or <http://www.trai.gov.in>, along-with copies of relevant documents to the following address or scanned copy of the same may be sent at e-mail: ek.dass@nic.in so as to reach this office latest by 5.30 PM on 30/09/2015:

Shri Ek Dass
Under Secretary (Restg.),
Room No. 512, Sanchar Bhawan,
20, Ashoka Road, New Delhi-110001.
FAX No. 23372049

Any application received after due date will not be entertained.



(S P Singh)
Director

APPENDIX

APPLICATION FORMAT FOR THE POST OF MEMBER, TELECOM REGULATORY AUTHORITY OF INDIA (TRAI), NEW DELHI

(If space is insufficient against any item, please attach extra papers/sheet).

1. Name (in block letters):

Last Name:

Middle Name:

First Name

Space for photograph duly signed by candidate

2. Father's Name:

3. Marital Status:

4. Date of Birth (Please attach a copy of High School Certificate):

5. Service which belongs to:

6. Nationality:

7. Address for correspondence (in block letters) indicating clearly the PIN Code:

8. Permanent Address (in block letters):

9. (a) Telephone and Fax Nos. (Off./Resi.):

(b) Mobile:

(c) e-mail ID:

10. Whether belonging to SC/ST/OBC:

11. Educational Qualifications (in reverse chronological order):

Name of University/ Equivalent Institution	Degree	Year of passing	Division/ % of marks/ obtained	Academic Distinction	Subject / Specialization

12. Employment Record (in chronological order starting with present post, list in reverse):

Name & address of employer	Designation, scale of pay and whether regular/ deputation/ adhoc	Period of service		Nature of work/ experience
		From	To	

13. Information related to special knowledge of, and professional experience acquired in respect of matters relating to telecommunication, industry, finance, accountancy, law, management or consumer affairs or relating to administering of institutions dealing with the aforesaid matters and length of experience in such institutions:

14. Publications, if any, in journals of national/international repute, with citation and index.

15. Awards/honours, if any:

16. Any other relevant information:

17. Declaration:-

I certify that the foregoing information is correct and complete to the best of my knowledge and belief and nothing has been concealed/distorted. If at any time, I am found to have concealed/distorted any material information; my appointment shall be liable to summary termination without notice.

Signature of the Candidate

Date:

Place:

TO BE FORWARDED BY THE HEAD OF ORGANISATION/INSTITUTION
(IN RESPECT OF CANDIDATES WORKING UNDER GOVERNMENT/ AUTONOMOUS
/ STATUTORY / PUBLIC SECTOR UNDERTAKINGS ETC.)

Ministry/Department/Office of

Particulars furnished by _____ have been verified with reference to service records and their correctness certified.

It is certified that no vigilance case is either pending or contemplated against the above officer.

The Integrity Certificate in respect of the above officer is enclosed.

(Signature & Designation of the
Forwarding Officer with Seal)

Address:

Dated:

संख्या 10/7/2015-पुनर्गठन
भारत सरकार
संचार एवं सूचना प्रौद्योगिकी मंत्रालय
दूरसंचार विभाग
संचार भवन, 20 अशोक रोड
नई दिल्ली-110001

दिनांक: 25.8.2015

विज्ञापन

विषय: भारतीय दूरसंचार विनियामक प्राधिकरण (ट्राई) में सदस्य के पद पर नियुक्ति

भारतीय दूरसंचार विनियामक प्राधिकरण (ट्राई): भारतीय दूरसंचार विनियामक प्राधिकरण (ट्राई) को दूरसंचार सेवाओं को विनियमित करने तथा दूरसंचार क्षेत्र के सेवा प्रदाताओं और उपभोक्ताओं के हितों की रक्षा करने एवं दूरसंचार क्षेत्र को प्रोत्साहित करने व उसका व्यवस्थित विकास सुनिश्चित करने तथा उससे संबंधित या आनुषंगिक मामलों को देखने के लिए भारतीय दूरसंचार विनियामक प्राधिकरण (ट्राई) अधिनियम, 1997 द्वारा स्थापित किया गया था और यह इसी अधिनियम से शासित होता है। इसके कार्यों में (i) प्रतिस्पर्धा सुकर बनाने और दूरसंचार सेवाओं के प्रचालन में दक्षता को बढ़ावा देने के उपायों (ii) सेवा प्रदाताओं द्वारा उपलब्ध कराई जाने वाली सेवाओं में प्रौद्योगिकीय सुधारों (iii) दूरसंचार प्रौद्योगिकी और संबंधित मामलों के विकास हेतु उपायों के संबंध में सिफारिशें करना शामिल है। यह लाइसेंस के निबंधन और शर्तों का अनुपालन तथा विभिन्न सेवा प्रदाताओं के बीच तकनीकी अनुरूपता और दक्षतापूर्ण अंतर्संयोजन भी सुनिश्चित करता है, दूरसंचार सेवाएं प्रदान करने से प्राप्त हुई उनके राजस्व की सेवा प्रदाताओं के बीच हिस्सेदारी की व्यवस्था विनियमित करता है, सेवा प्रदाताओं द्वारा प्रदान की जाने वाली सेवा की गुणवत्ता संबंधी मानकों को तय करता है और सेवा की गुणवत्ता सुनिश्चित करता है तथा उपभोक्ताओं के हित की रक्षा करने के लिए आवधिक सर्वेक्षण करता है एवं सार्वभौमिक सेवा दायित्वों का कारगर अनुपालन सुनिश्चित करता है।

नियुक्ति की अवधि: ट्राई के सदस्य का एक पद 04.03.2016 को रिक्त हो जाएगा पद की अवधि अधिकतम तीन वर्ष अथवा 65 वर्ष की आयु, जो भी पहले हो, तक है। इस समय सदस्य ट्राई प्रति माह 3,75,000/-रु० के वेतन पैकेज के हकदार होंगे और व सरकारी आवास अथवा परिवहन के हकदार नहीं होंगे। सरकारी कर्मचारी को, सदस्य ट्राई के रूप में उनका चयन होने पर सदस्य, ट्राई के पद पर कार्यभार करने से पहले सरकारी सेवा से सेवानिवृत्त होना होगा।

अर्हताएं: ट्राई अधिनियम के खंड 4 के अनुसार पद पर नियुक्ति के लिए अर्हताएं निम्नानुसार हैं :-

दूरसंचार, उद्योग, वित्त, लेखाशास्त्र, विधि, प्रबंधन या उपभोक्ता मामलों की विशेष जानकारी और उनमें व्यावसायिक अनुभव रखने वाला व्यक्ति।
सरकारी सेवा में कार्यरत अथवा सरकारी सेवा में रहे ऐसे किसी भी व्यक्ति को सदस्य के रूप में तभी नियुक्त किया जाएगा यदि उस व्यक्ति ने भारत सरकार अपर सचिव और सचिव के रूप में अथवा केन्द्रीय सरकार अथवा राज्य सरकार में ऐसे किसी समकक्ष पद पर कम से कम तीन वर्ष तक की सेवा की हो।

केन्द्र या राज्य सरकार स्वायत्त/सांविधिक संगठनों सार्वजनिक क्षेत्र के उपक्रमों आदि में कार्यरत अधिकारी अपने आवेदन उचित माध्यम से भेजेंगे।

चयन प्रक्रिया: उक्त पद पर चयन के लिए एक जांच एवं चयन समिति गठित की गई है। उक्त पद पर नियुक्ति के लिए इस विज्ञापन के माध्यम से प्राप्त आवेदन-पत्रों के अतिरिक्त, जांच एवं चयन समिति को किसी अन्य नाम पर भी विचार करने का प्राधिकार होगा।

आवेदन प्रक्रिया: इच्छुक और योग्य व्यक्तियों से अनुरोध है कि वे अपने आवेदन-पत्रों को निर्धारित प्रपत्र में भेजें जिन्हें दूरसंचार विभाग की वेबसाइट <http://www.dot.gov.in> अथवा <http://www.persmin.nic.in> अथवा <http://www.trai.gov.in> से डाउनलोड किया जा सकता है और इस आवेदन पत्र को संबंधित दस्तावेजों की प्रतियों के साथ निम्नलिखित पते पर इस कार्यालय में दिनांक 30/09/15 5.30 बजे तक पहुंच जाना चाहिए। यदि आवेदन ई-मेल ek.dass@nic.in के माध्यम से भेजे जाते हैं तो उसके साथ दस्तावेज स्कैनअड करके भिजवाए।

श्री इक दास

अवर सचिव (पुर्नगठन)

कमरा नं- 512, संचार भवन

20, अशोक रोड, नई दिल्ली-110001

फैक्स सं-23372049

निर्धारित तारीख के बाद प्राप्त होने वाले आवेदन-पत्रों पर विचार नहीं किया जाएगा।



(एस.पी.सिंह)

निदेशक,

परिशिष्ट

भारतीय दूरसंचार विनियामक प्राधिकरण (टीआरएआई) के सदस्य के लिए आवेदन पत्र का प्रपत्र

(यदि किसी मद के समक्ष पर्याप्त स्थान न हो तो अतिरिक्त कागज/शीट को संलग्न करें)

आवेदक द्वारा
विधिवत
हस्ताक्षित फोटो
के लिए स्थान

1. नाम (स्पष्ट शब्दों में) :
नाम का अंतिम शब्द :
नाम का मध्य शब्द :
नाम का प्रथम शब्द :
2. पिता का नाम :
3. वैवाहिक स्थिति :
4. जन्म तिथि (कृपया हाईस्कूल के प्रमाण-पत्र की प्रति संलग्न करें):
5. जिस सेवा, से संबंधित हैं :
6. राष्ट्रीयता :
7. पत्र व्यवहार का पता (स्पष्ट शब्दों में), जिसमें पिन कोड (स्पष्ट रूप से लिखा हो) सहित :
8. स्थाई पता ((स्पष्ट शब्दों में)) :
9. (क) दूरभाष और फैक्स सं (कार्यालय/आवास) :
(ख) मोबाइल :
(ग) ई-मेल आईडी :
10. क्या आप अ0जा0/अ0 ज0 जा0/अ0पि0वर्ग से संबंधित हैं :
11. शैक्षिक योग्यताएं (सबसे आखिरी से शुरू करके क्रमानुसार) :

विश्वविद्यालय/समकक्ष संस्थान का नाम	डिग्री	उत्तीर्ण करने का वर्ष	श्रेणी/प्राप्तांकों का प्रतिशत	विशेष शैक्षिक योग्यता	विषय/विशेषज्ञता

12. सेवायोजन का रिकार्ड (वर्तमान पद से आरंभ करते हुए पीछे की ओर कालक्रमानुसार सूचीबद्ध करें):

नियोक्ता का नाम और पता	पद, वेतनमान, नियमित/प्रतिनियुक्ति/ तदर्थ जो भी हो उल्लेख करें	सेवा की अवधि		कार्य की प्रकृति/अनुभव
		से	तक	

13. दूरसंचार उद्योग, विधि, प्रबंधन अथवा उपभोक्ता मामलों अथवा उपर्युक्त मामलों से जुड़ी संस्थाओं के प्रशासन के विशेष ज्ञान और प्राप्त व्यावसायिक अनुभव की सूचना और ऐसे संस्थानों में कार्य करने के अनुभव की अवधि :

14. राष्ट्रीय/अंतरराष्ट्रीय ख्याति की पत्र-पत्रिकाओं में प्रकाशन यदि कोई हो, प्रशस्ति और विषय-सूची के साथ:

15. पुरस्कार/सम्मान यदि कोई हो :

16. कोई अन्य संबंधित सूचना :

17. घोषणा :-

मैं प्रमाणित करता हूँ कि उपर्युक्त सूचना मेरी जानकारी और विश्वास के अनुसार सत्य और पूर्ण है तथा इसमें कुछ भी छिपाया/मिथ्या वर्णित नहीं है। यदि किसी समय पर यह पाया जाता है कि मैंने कोई महत्वपूर्ण सूचना छिपायी/ मिथ्या वर्णित की है तो मेरी नियुक्ति बिना किसी नोटिस के तुरंत रद्द की जा सकती है।

उम्मीदवार के हस्ताक्षर

दिनांक :

स्थान :

संगठन/संस्था के प्रमुख द्वारा अग्रहित किए जाने हेतु

(सरकारी/स्वायत/वैधानिक/सार्वजनिक क्षेत्र के उपक्रमों इत्यादि में कार्यरत उम्मीदवार के संबंध में)

मंत्रालय/विभाग/ कार्यालय

.....
.....द्वारा भेजे गए विवरणों को उनके सेवा रिकार्ड के संदर्भ में सत्यापित कर दिया गया है और इसकी सत्यता प्रमाणित की जाती है।

यह प्रमाणित किया जाता है कि उपर्युक्त अधिकारी के विरुद्ध सतर्कता संबंधी कोई भी मामला न तो लंबित है और न ही चलाए जाने के प्रस्ताव है।

उपर्युक्त अधिकारी से संबंधित सत्यनिष्ठा प्रमाण-पत्र संलग्न है।

(भेजने वाले अधिकारी के मुहर के साथ हस्ताक्षर और पदनाम)

पता :

दिनांक :



**THE TELECOM
REGULATORY AUTHORITY
OF INDIA ACT, 1997**

[24 of 1997 dt. 28-3-1997]
As amended by TRAI (Amendment) Act, 2000

CONTENTS

TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

CHAPTER I PRELIMINARY

1.	Short title, extent and commencement	1
2.	Definition	1

CHAPTER II TELECOM REGULATORY AUTHORITY OF INDIA

3.	Establishment and incorporation of Authority	3
4.	Qualifications for appointment of Chairperson and other members	3
5.	Term of office, conditions of service, etc., of Chairperson and other members	3
6.	Powers of Chairperson and Vice-Chairperson	5
7.	Removal and suspension of member from office in certain circumstances	5
8.	Meetings	6
9.	Vacancies, etc., not to invalidate proceedings of Authority	6
10.	Officers and other employees of Authority	7

CHAPTER III POWERS AND FUNCTIONS OF THE AUTHORITY

11.	Functions of Authority	8
12.	Powers of Authority to call for information, conduct investigations, etc.	10
13.	Power of Authority to issue directions	11

CHAPTER IV APPELLATE TRIBUNAL

14.	Establishment of Appellate Tribunal	12
14A.	Application for settlement of disputes and appeals to Appellate Tribunal	12
14B.	Composition of Appellate Tribunal	13
14C.	Qualifications for appointment of Chairperson and Members	14
14D.	Term of office	14
14E.	Terms and conditions of service	15
14F.	Vacancies	15
14G.	Removal and resignation	15
14H.	Staff of Appellate Tribunal	16

14I.	Distribution of business amongst Benches	16
14J.	Power of Chairperson to transfer cases	16
14K.	Decision to be by majority	17
14L.	Members, etc., to be public servants	17
14M.	Transfer of pending cases	17
14N.	Transfer of appeals.	17
15.	Civil court not to have jurisdiction	18
16.	Procedure and powers of Appellate Tribunal	18
17.	Right to legal representation	19
18.	Appeal to Supreme Court	19
19.	Orders passed by Appellate Tribunal to be executable as a decree	20
20.	Penalty for wilful failure to comply with orders of Appellate Tribunal	20

CHAPTER V FINANCE, ACCOUNTS AND AUDIT

21.	Grants by Central Government	21
22.	Fund	21
23.	Accounts and audit	21
24.	Furnishing of returns, etc., to Central Government	22

CHAPTER VI MISCELLANEOUS

25.	Power of Central Government to issue directions	23
26.	Members, officers and employees of Authority to be public servants	23
27.	Bar of jurisdiction	23
28.	Protection of action taken in good faith	23
29.	Penalty for contravention of directions of Authority	24
30.	Offences by companies	24
31.	Offences by Government Department	25
32.	Exemption from tax on wealth and income	25
33.	Delegation	25
34.	Cognizance of offences	25
35.	Power to make rules	26
36.	Power to make regulations	27
37.	Rules and regulations to be laid before Parliament	27
38.	Application of certain laws	28
39.	Power to remove difficulties	28
40.	Repeal and saving	28
41.	Annexure-I	29
42.	Annexure-II	36

THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

[24 of 1997, dt. 28-3-1997]

As amended by TRAI (Amendment) Act, 2000

An Act to provide for the establishment of the [Telecom Regulatory Authority of India and the Telecom Disputes Settlement and Appellate Tribunal to regulate the telecommunications services, adjudicate disputes, dispose of appeals and to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector] and for matters connected therewith or incidental thereto

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows: -

CHAPTER I PRELIMINARY

1 Short title, extent and commencement

- (1) This Act may be called the Telecom Regulatory Authority of India Act, 1997.
- (2) It extends to the whole of India.
- (3) It shall be deemed to have come into force on the 25th day of January, 1997.

2 Definitions

- (1) In this Act, unless the context otherwise requires,-
 - (a) "appointed day" means the date with effect from which the Authority is established under sub-section (1) of section 3;
 - ¶ (aa) "Appellate Tribunal" means the Telecom Disputes Settlement and Appellate Tribunal established under section 14;
 - (b) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3;
 - (c) "Chairperson" means the Chairperson of the Authority appointed under sub-section (3) of section 3;
 - (d) "Fund" means the Fund constituted under sub-section (1) of section 22;
 - (e) "licensee" means any person licensed under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing specified public telecommunication services;

1. Substituted for words "Telecom Regulatory Authority of India to regulate the telecommunication services" by Amendment Act of 2000, w.e.f. 24-1-2000.

2. Inserted by Amendment Act of 2000, w.e.f. 24-1-2000.

- (ea) "licensor" means the Central Government or the telegraph authority who grants a licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885);
- (f) "member" means a member of the Authority appointed under sub-section (3) of section 3 and includes the Chairperson and the Vice-Chairperson;
- (g) "notification" means a notification published in the Official Gazette;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "regulations" means regulations made by the Authority under this Act;
- (j) "service provider" means the [Government as a service provider] and includes a licensee;
- (k) "telecommunication service" means service of any description (including electronic mail, voice mail, data services, audio tex services, video tex services, radio paging and cellular mobile telephone services) which is made available to users by means of any transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature, by wire, radio, visual or other electromagnetic means but shall not include broadcasting services:

[PROVIDED that the Central Government may notify other service to be telecommunication service including broadcasting services;]

- (2) Words and expressions used and not defined in this Act but defined in the Indian Telegraph Act, 1885 (13 of 1885) or the Indian Wireless Telegraphy Act, 1933 (17 of 1933), shall have the meanings respectively assigned to them in those Acts.
- (3) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall in relation to that State be construed as a reference to the corresponding law, if any, in that State.

1. Substituted for word "Government" by Amendment Act, of 2000, w.e.l. 24-1-2000
2. Inserted by Amendment Act of 2000, w.e.l. 24-1-2000.

CHAPTER II

TELECOM REGULATORY AUTHORITY OF INDIA

3. Establishment and Incorporation of Authority

- (1) With effect from such date as the Central Government may, by notification appoint, there shall be established, for the purposes of this Act, an Authority to be called the Telecom Regulatory Authority of India.
- (2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
- [(3) The Authority shall consist of a Chairperson, and not more than two whole-time members and not more than two part-time members, to be appointed by the Central Government.]
- (4) The head office of the Authority shall be at New Delhi.

4. Qualifications for appointment of Chairperson and other members

The Chairperson and other members of the Authority shall be appointed by the Central Government from amongst persons who have special knowledge of, and professional experience in, telecommunication, industry, finance, accountancy, law, management or consumer affairs:

PROVIDED that a person who is, or has been, in the service of Government shall not be appointed as a member unless such person has held the post of Secretary or Additional Secretary, or the post of Additional Secretary and Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of not less than three years.]

5. Term of office, conditions of service, etc., of Chairperson and other members

- (1) Before appointing any person as the Chairperson or member, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such member.
- [(2) The Chairperson and other members shall hold office for a term not exceeding

1 Substituted by Amendment Act of 2000, w.e.f. 24-1-2000.

2 Substituted by Amendment Act of 2000, w.e.f. 24-1-2000.

3 Sub-ss. (2) and (3) substituted by Amendment Act of 2000, w.e.f. 24-1-2000.

three years, as the Central Government may notify in this behalf, from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier.

- (3) On the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, a person appointed as Chairperson of the Authority and every other person appointed as member and holding office as such immediately before such commencement shall vacate their respective offices and such Chairperson and such other members shall be entitled to claim compensation not exceeding three months pay and allowances for the premature termination of the term of their offices or of any contract of service.]
- (4) The employee of the government on his ¹[selection as the Chairperson or whole-time member] shall have to retire from service before ²[joining as the Chairperson or a whole-time member, as the case may be].
- (5) The salary and allowances payable to and the other terms and conditions of service of the Chairperson and ³[whole-time members] shall be such as may be prescribed.
- (6) The salary, allowances and other conditions of service of the Chairperson or of a member shall not be varied to his disadvantage after appointment.
- ⁴[(6A) The part-time members shall receive such allowances as may be prescribed.]
- (7) Notwithstanding anything contained in sub-section (2) ⁵[***], a member may-
- (a) relinquish his office by giving in writing to the Central Government notice of not less than three months; or
 - (b) be removed from his office in accordance with the provisions of section 7,
- (8) The Chairperson or any ⁶[whole-time member] ceasing to hold office as such, shall-
- (a) be ineligible for further employment under the Central Government or any State Government; or
 - (b) not accept any commercial employment, for a period of ⁷[one year] from the date he ceases to hold such office:

1. Substituted for words "selection as member" by Amendment Act of 2000, w.e.f. 24-1-2000.
 2. Substituted for words "joining as a member" by Amendment Act of 2000, w.e.f. 24-1-2000.
 3. Substituted for words "other members" by Amendment Act of 2000, w.e.f. 24-1-2000.
 4. Inserted by Amendment Act of 2000, w.e.f. 24-1-2000.
 5. The words, brackets and figure "or sub-section (3)" shall be omitted, by Amendment Act of 2000, w.e.f. 24-1-2000.
 6. substituted for words "other member" by Amendment Act of 2000, w.e.f. 24-1-2000
 7. Substituted for words "two years" by Amendment Act of 2000, w.e.f. 24-1-2000.

[PROVIDED that nothing contained in this sub-section shall apply to the Chairperson or a member who has ceased to hold office under sub-section (3) and such Chairperson or member shall be eligible for re-appointment in the Authority or appointment in the Appellate Tribunal.]

- (9) A vacancy caused to the office of the Chairperson or any other member shall be filled up within a period of three months from the date on which such vacancy occurs.

Explanation : For the purposes of this section, "commercial employment" means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.

6. Powers of Chairperson and Vice-Chairperson

- (1) The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority and shall discharge such other powers and functions as may be prescribed.
- (2) The Central Government may appoint one of the members to be a Vice-Chairperson of the Authority who shall exercise and discharge such powers and functions of the Chairperson as may be prescribed or as may be delegated to him by the Authority.

7. Removal and suspension of member from office in certain circumstances

- (1) The Central Government may remove from office any member, who
- (a) has been adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - (c) has become physically or mentally incapable of acting as a member; or
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

1. Inserted by Amendment Act of 2000, w.e.f. 24-1-2000.

- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

[(2) No such member shall be removed from his office under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.]

8. Meetings

- (1) The Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.
- (2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Authority, Vice-Chairperson and in his absence, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.
- (3) All questions which come up before any meeting of the Authority shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.
- (4) The Authority may make regulations for the transaction of business at its meetings.

9. Vacancies, etc. not to invalidate proceedings of Authority

No act or proceeding of the Authority shall be invalid merely by reason of-

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
(b) any defect in the appointment of a person acting as a member of the Authority; or
(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

1. Sub-ss. (2) and (3) substituted by Amendment Act 2000, w.e.f. 24-1-2000.

● **Officers and other employees of Authority**

- (1) The Authority may appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Act.
- (2) The salary and allowances payable to and the other conditions of service of the officers and other employees of the Authority appointed under sub-section (1) shall be such as may be ¹[prescribed:]

² PROVIDED that any regulation, in respect of the salary and allowances payable to and other conditions of service of the officers and other employees of the Authority, made before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, shall cease to have effect immediately on the notification of rules made under clause (ca) of sub-section (2) of section 35.]

1. Substituted for words "determined by regulations" by Amendment Act of 2000, w.e.f. 24-1-2000.
2. Inserted by Amendment Act of 2000, w.e.f. 24-1-2000.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

11. Functions of Authority

[(1) Notwithstanding anything contained in the Indian Telegraph Act, 1885 (13 of 1885) the functions of the Authority shall be to -

- (a) make recommendations, either suo motu or on a request from the licensor, on the following matters, namely: -
 - (i) need and timing for introduction of new service provider;
 - (ii) terms and conditions of licence to a service provider;
 - (iii) revocation of licence for non-compliance of terms and conditions of licence;
 - (iv) measures to facilitate competition and promote efficiency in the operation of telecommunication services so as to facilitate growth in such services;
 - (v) technological improvements in the services provided by the service providers;
 - (vi) type of equipment to be used by the service providers after inspection of equipment used in the network;
 - (vii) measures for the development of telecommunication technology and any other matter relating to telecommunication industry in general;
 - (viii) efficient management of available spectrum;

- (b) discharge the following functions, namely: -
 - (i) ensure compliance of terms and conditions of licence;
 - (ii) notwithstanding anything contained in the terms and conditions of the licence granted before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, fix the terms and conditions of inter- connectivity between the service providers;
 - (iii) ensure technical compatibility and effective inter-connection between different service providers;
 - (iv) regulate arrangement amongst service providers of sharing their revenue derived from providing telecommunication services;
 - (v) lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers

1. Substituted by Amendment Act of 2000, w.e.f. 24-1-2000.

so as to protect interest of the consumers of telecommunication service;

- (vi) lay-down and ensure the time period for providing local and long distance circuits of telecommunication between different service providers;
 - (vii) maintain register of inter-connect agreements and of all such other matters as may be provided in the regulations;
 - (viii) keep register maintained under clause (vii) open for inspection to any member of public on payment of such fee and compliance of such other requirement as may be provided in the regulations;
 - (ix) ensure effective compliance of universal service obligations;
- (c) levy fees and other charges at such rates and in respect of such services as may be determined by regulations;
- (d) perform such other functions including such administrative and financial functions as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act:

PROVIDED that the recommendations of the Authority specified in clause (a) of this sub-section shall not be binding upon the Central Government:

PROVIDED FURTHER that the Central Government shall seek the recommendations of the Authority in respect of matters specified in sub-clauses (i) and (ii) of clause (a) of this sub-section in respect of new licence to be issued to a service provider and the Authority shall forward its recommendations within a period of sixty days from the date on which that Government sought the recommendations:

PROVIDED also that the Authority may request the Central Government to furnish such information or documents as may be necessary for the purpose of making recommendations under sub-clauses (i) and (ii) of clause (a) of this sub-section and that Government shall supply such information within a period of seven days from receipt of such request:

PROVIDED also that the Central Government may issue a licence to a service provider if no recommendations are received from the Authority within the period specified in the second proviso or within such period as may be mutually agreed upon between the Central Government and the Authority:

PROVIDED also that if the Central Government, having considered that recommendation of the Authority, comes to a prima facie conclusion that such recommendation cannot be accepted or needs modifications, it shall refer the recommendation back to the Authority for its reconsideration, and the Authority may, within fifteen days from the date of receipt of such reference, forward to the Central Government its recommendation after considering the reference made by that Government. After receipt of further recommendation if any, the Central Government shall take a final decision.]

- (2) Notwithstanding anything contained in the Indian Telegraph Act, 1885 (13 of 1885), the Authority may, from time to time, by order, notify in the Official Gazette the rates at which the telecommunication services within India and outside India shall be provided under this Act including the rates at which messages shall be transmitted to any country outside India:

PROVIDED that the Authority may notify different rates for different persons or class of persons for similar telecommunication services and where different rates are fixed as aforesaid the Authority shall record the reasons therefor.

- (3) While discharging its functions ¹[under sub-section(1) or sub-section(2)], the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.
- (4) The Authority shall ensure transparency while exercising its powers and discharging its functions.

12. Powers of Authority to call for information, conduct investigations, etc.

- (1) Where the Authority considers it expedient so to do, it may, by order in writing-
- (a) call upon any service provider at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require; or
 - (b) appoint one or more persons to make an inquiry in relation to the affairs of any service provider; and
 - (c) direct any of its officers or employees to inspect the books of account or other documents of any service provider.
- (2) Where any inquiry in relation to the affairs of a service provider has been undertaken under sub-section (1)-

1. Substituted for words "under sub-section (1)" by Amendment Act of 2000, w.e.f. 24-1-2000

- (a) every office of the government department, if such service provider is a department of the government;
- (b) every director, manager, secretary or other officer, if such service provider is a company; or
- (c) every partner, manager, secretary or other officer, if such service provider is a firm; or
- (d) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (b) and (c),

shall be bound to produce before the Authority making the inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Authority with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified.

- (3) Every service provider shall maintain such books of account or other documents as may be prescribed.
- (4) The Authority shall have the power to issue such directions to service providers as it may consider necessary for proper functioning by service providers.

13. Power of Authority to issue directions

The Authority may, for the discharge of its functions under sub-section (1) of section 11, issue such directions from time to time to the service providers, as it may consider necessary:

[PROVIDED that no direction under sub-section (4) of section 12 or under this section shall be issued except on the matters specified in clause (b) of sub-section (1) of section 11.]

1. Inserted by Amendment Act of 2000, w.e.f. 24-1-2000.

CHAPTER IV

APPELLATE TRIBUNAL

14. Establishment of Appellate Tribunal

The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Telecom Disputes Settlement and Appellate Tribunal to -

- (a) adjudicate any dispute -
 - (i) between a licensor and a licensee;
 - (ii) between two or more service providers;
 - (iii) between a service provider and a group of consumers:

PROVIDED that nothing in this clause shall apply in respect of matters relating to-

- (A) the monopolistic trade practice, restrictive trade practice and unfair trade practice which are subject to the jurisdiction of the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);
 - (B) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under section 9 of the Consumer Protection Act, 1986 (68 of 1986);
 - (C) the dispute between telegraph authority and any other person referred to in sub-section (1) of section 7B of the Indian Telegraph Act, 1885 (13 of 1885);
- (b) hear and dispose of appeal against any direction, decision or order of the authority under this Act.

14A. Application for settlement of disputes and appeals to Appellate Tribunal

- (1) The Central Government or a State Government or a local authority or any person may make an application to the Appellate Tribunal for adjudication of any dispute referred to in clause (a) of section 14.
- (2) The Central Government or a State Government or a local authority or any person aggrieved by any direction, decision or order made by the Authority may prefer an appeal to the Appellate Tribunal.

1. Substituted by Amendment Act of 2000, w.e.f. 24-1-2000.

- (3) Every appeal under sub-section(2) shall be preferred within a period of thirty days from the date on which a copy of the direction or order or decision made by the Authority is received by the Central Government or the State Government or the local authority or the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

PROVIDED that the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

- (4) On receipt of an application under sub-section (1) or an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the dispute or the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.
- (5) The Appellate Tribunal shall send a copy of every order made by it to the parties to the dispute or the appeal and to the Authority, as the case may be.
- (6) The application made under sub-section (1) or the appeal preferred under sub-section (2) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application or appeal finally within ninety days from the date of receipt of application or appeal, as the case may be:

PROVIDED that where any such application or appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the application or appeal within that period.

- (7) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any dispute made in any application under sub-section (1) or of any- direction or order or decision of the Authority referred to in the appeal preferred under sub-section (2), on its own motion or otherwise, call for the records relevant to disposing of such application or appeal and made such orders as it thinks fit.

14B. Composition of Appellate Tribunal

- (1) The Appellate Tribunal shall consist of a Chairperson and not more than two members to be appointed, by notification, by the Central Government.
- (2) The selection of Chairperson and Members of the Appellate Tribunal shall be made by the Central Government in consultation with the Chief Justice of India.

- (3) Subject to the provisions of this Act,
- (a) the jurisdiction of the Appellate Tribunal may be exercised by the Benches thereof;
 - (b) a Bench may be constituted by the Chairperson of the Appellate Tribunal with one or two Members of such Tribunal as the Chairperson may deem fit;
 - (c) the Benches of the Appellate Tribunal shall ordinarily sit at New Delhi and at such other places as the Central Government may, in consultation with the Chairperson of the Appellate Tribunal, notify;
 - (d) the Central Government shall notify the areas in relation to which each bench of the Appellate Tribunal may exercise its jurisdiction.
- (4) Notwithstanding anything contained in sub-section (2), the Chairperson of the Appellate Tribunal may transfer a Member of such Tribunal from one Bench to another Bench.
- (5) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member of the Appellate Tribunal that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairperson to such Bench as the Chairperson may deem fit.

14C. Qualifications for appointment of Chairperson and Members

A person shall not be qualified for appointment as the Chairperson or a Member of the Appellate Tribunal unless he -

- (a) in the case of Chairperson, is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court;
- (b) in the case of a Member, has held the post of Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of not less than two years or a person who is well versed in the field of technology, telecommunication, industry, commerce or administration.

14D. Term of office

The Chairperson and every other Member of the Appellate Tribunal shall hold office as such for a term not exceeding three years from the date on which he entered upon his office:

PROVIDED that no Chairperson or other Member shall hold office as such after he has attained, -

- (a) in the case of Chairperson, the age of seventy years;
- (b) in the case of any other Member, the age of sixty-five years.

14E. Terms and conditions of service

The Salary and allowances payable to and other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal shall be such as may be prescribed.

PROVIDED that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member of the Appellate Tribunal shall be varied to his disadvantage after appointment.

14F. Vacancies

If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or a Member of the Appellate Tribunal, the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

14G. Removal and resignation

- (1) The Central Government may remove from office, the Chairperson or any Member of the Appellate Tribunal ~~who~~
 - (a) has been adjudged an insolvent; or
 - (b) has been convicted of an offence which in the opinion of the Central Government, involves moral turpitude; or
 - (c) has become physically or mentally incapable of acting as the Chairperson or a Member; or
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or a Member; or
 - (e) has so abused his position as to render his continuance in office prejudicial to the public interest.
- (2) Notwithstanding anything contained in sub-section (1), the Chairperson or a Member of the Appellate Tribunal shall not be removed from his office on the

ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court on a reference being made to it in this behalf by the Central Government, has, on an enquiry, held by it in accordance with such procedure as it may specify in this behalf, reported that the Chairperson or a Member ought on such ground or grounds to be removed.

- (3) The Central Government may suspend from office, the Chairperson or a Member of the Appellate Tribunal in respect of whom a reference has been made to the Supreme Court under sub-section (2), until the Central Government has passed an order on receipt of the report of the Supreme Court on such reference.

14H. Staff of Appellate Tribunal

- (1) The Central Government shall provide the Appellate Tribunal with such officers and employees as it may deem fit.
- (2) The officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence of its Chairperson.
- (3) The salaries and allowances and other conditions of service of the officers and employees of the Appellate Tribunal shall be such as may be prescribed.

14I. Distribution of business amongst Benches

Where Benches are constituted, the Chairperson of the Appellate Tribunal may, from time to time, by notification, make provisions as to the distribution of the business of the Appellate Tribunal amongst the Benches and also provide for the matters which may be dealt with by each Bench.

14J. Power of Chairperson to transfer cases

On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson of the Appellate Tribunal may transfer any case pending before one Bench, for disposal, to any other Bench.

14K. Decision to be by majority

If, the Members of a Bench consisting of two members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson of the Appellate Tribunal who shall hear the point or points himself and such point or points shall be decided according to the opinion of the majority who have heard the case, including those who first heard it.

14L. Members, etc., to be public servants

The Chairperson, Members and other officers and employees of the Appellate Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

14M. Transfer of pending cases

All applications, pending for adjudication of disputes before the Authority immediately before the date of establishment of the Appellate Tribunal under this Act, shall stand transferred on that date to such Tribunal:

PROVIDED that all disputes being adjudicated under the provisions of Chapter IV as it stood immediately before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, shall continue to be adjudicated by the Authority in accordance with the provisions contained in that Chapter, till the establishment of the Appellate Tribunal under this Act:

PROVIDED FURTHER that all cases referred to in the first proviso shall be transferred by the Authority to the Appellate Tribunal immediately on its establishment under section 14.

14N. Transfer of appeals

(1) All appeals pending before the High Court immediately before the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000, shall stand transferred to the Appellate Tribunal on its establishment under section 14.

(2) Where any appeal stands transferred from the High Court to the Appellate Tribunal under sub-section (1), -

- (a) the High Court shall, as soon as may be after such transfer, forward the records of such appeal to the Appellate Tribunal; and
- (b) the Appellate Tribunal may, on receipt of such records, proceed to deal with such appeal, so far as may be from the stage which was reached before such transfer or from any earlier stage or de novo as to Appellate Tribunal may deem fit.

15. Civil court not to have jurisdiction

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or Under this Act.

16. Procedure and powers of Appellate Tribunal

- (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure.
- (2) The Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely: -
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872) requisitioning any public record or document or a copy of such record or document, from any office;
 - (e) issuing commissions for the examination of witnesses or documents;
 - (f) reviewing its decisions;
 - (g) dismissing an application for default or deciding it, ex parte;

- (h) setting aside any order of dismissal of any application for default or any order passed by it, ex parte; and
 - (i) any other matter which may be prescribed.
- (3) Every proceeding before the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Appellate Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

17. Right to legal representation

The applicant or appellant may either appear in person or authorise one or more chartered accountants or company secretaries or cost accountants or legal practitioners or any of its officers to present his or its case before the Appellate Tribunal.

Explanation: For the purposes of this section,

- (a) "chartered accountant" means a chartered accountant as defined in clause (b) of subsection (1) of section 2 of the Chartered Accountants Act, 1949 (38 of 1949) and who has obtained a certificate of practice under subsection (1) of section 6 of that Act;
- (b) "company secretary" means a company secretary as defined in clause (c) of sub-section (1) of section 2 of the Companies Secretaries Act, 1980 (56 of 1980) and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;
- (c) "cost accountant" means a cost accountant as defined in clause (b) of subsection (1) of section 2 of the Cost and Works Accountants Act, 1959 (23 of 1959) and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;
- (d) "legal practitioner" means an advocate, vakil or an attorney of any High Court, and includes a pleader in practice.

18. Appeal to Supreme Court

- (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in any other law, an appeal shall lie against any order, not being an

interlocutory order, of the appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code.

- (2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.
- (3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:

PROVIDED that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

19. Orders passed by Appellate Tribunal to be executable as a decree

- (1) An order passed by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.
- (2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

20. Penalty for wilful failure to comply with orders of Appellate Tribunal

If any person wilfully fails to comply with the order of the Appellate Tribunal, he shall be punishable with fine which may extend to one lakh rupees and in case of a second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which such default continues.

CHAPTER V**FINANCE, ACCOUNTS AND AUDIT****21. Grants by Central Government**

The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority.

22. Fund

(1) There shall be constituted a Fund to be called the Telecom Regulatory Authority of India General Fund and there shall be credited thereto-

(a) all grants, fees and charges received by the Authority under this Act; and

(b) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting-

(a) the salaries and allowances payable to the Chairperson and members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the authority; and

(b) the expenses on objects and for purposes authorised by this Act.

23. Accounts and audit

(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure

incurred in connection with such auditor shall be payable by the Authority to the Comptroller and Auditor-General of India.

[Explanation: For the removal of doubts, it is hereby declared that the decisions of the Authority taken in the discharge of its functions under clause (b) of sub-section (1) and sub-section (2) of section 11 and section 13, being matters appealable to the Appellate Tribunal, shall not be subject to audit under this section.]

- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.
- (4) The accounts of the Authority as certified by the Comptroller and Auditor - General of India or any other person appointed by him in this behalf together with the audit report there on shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

24. Furnishing of returns, etc. to Central Government

- (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the telecommunication services, as the Central Government may, from time to time, require.
- (2) The Authority shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.
- (3) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER VI

MISCELLANEOUS

25. Power of Central Government to issue directions

- (1) The Central Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order decency or Morality.
- (2) Without prejudice to the foregoing provisions, the Authority shall, in exercise of its powers or the performance of its functions, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

PROVIDED that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this subsection.

- (3) The decision of the Central Government whether a question is, one of policy or not shall be final.

26. Members, officers and employees of Authority to be public servants

All members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

27. Bar of jurisdiction

No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine.

28. Protection of action taken In good faith

No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of the Central Government or any member, officer or other employees of the Authority for anything which is in good

faith done or intended to be done under this Act or the rules or regulations made thereunder.

29. Penalty for contravention of directions of Authority

If a person violates directions of the Authority, such person shall be punishable with fine which may extend to one lakh rupees and in case of second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which the default continues.

30. Offences by companies

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

PROVIDED that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

31. Offences by Government Department

- (1) Where an offence under this Act has been committed by any Department of Government, the head of the department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

32. Exemption from tax on wealth and income

Notwithstanding anything contained in the Wealth tax Act, 1957 (27 of 1957), the Income tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority shall not be liable to pay wealth-tax, income-tax or any other tax in respect of their wealth, income, profits or gains derived.

33. Delegation

The Authority may, by general or special order in writing, delegate to any member, officer of the authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle dispute under Chapter IV and to make regulation under section 36) as it may deem necessary.

34. Cognizance of offences

- (1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder, save on a complaint made by the Authority.
- (2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.

35. Power to make rules

- (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—
 - (a) the salary and allowances payable to and the other conditions of service of the Chairperson and members under sub-section (5) of section 5;
 - ¹(aa) the allowances payable to the part-time members under sub-section (6A) of section 5;
 - (b) the powers and functions of the Chairperson under sub-section (1) of section 6;
 - (c) the procedure for conducting an inquiry made under sub-section (2) of section 7;
 - ²(ca) the salary and allowances and other conditions of service of officers and other employees of the Authority under sub-section (2) of section 10;
 - (d) the category of books of account or other documents which are required to be maintained under sub-section (3) of section 12;
 - ³(da) the form, the manner of its verification and the fee under sub-section (3) of section 14A;
 - (db) the salary and allowances payable to and other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal under section 14E;
 - (dc) the salary and allowances and other conditions of service of the officers and employees of the Appellate Tribunal under sub-section (3) of section 14H;
 - (dd) any other power of a civil court required to be prescribed under clause (i) of sub-section (2) of section 16;
 - (e) the period within which an Application is to be made under sub-section (1) of section 15;

1. Inserted by Amendment Act of 2000, w.e.f. 24-1-2000.

2. Inserted by Amendment Act of 2000, w.e.f. 24-1-2000.

3. Sub-clis. (da), (db), (dc) and (dd) inserted by Amendment Act of 2000, w.e.f. 24-1-2000.

- (f) the manner in which the accounts of the Authority shall be maintained under sub-section (1) of section 23;
- (g) the time within which and the form and manner in which returns and report are to be made to the Central Government under sub-sections (1) and (2) of section 24;
- (h) any other matter which is to be, or may be prescribed, or in respect of which provision is to be made, by rules.

36. Power to make regulations

- (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—
 - (a) the times and places of meetings of the Authority and the procedure to be followed at such meetings under sub-section (1) of section 8, including quorum necessary for the transaction of business;
 - (b) the transaction of business at the meetings of the Authority under sub-section (4) of section 8;
 - (c) [***]
 - (d) matters in respect of which register is to be maintained by the Authority ²[under sub-clause (vii) of clause (b)] of sub-section (1) of section 11;
 - (e) levy of fee and lay down such other requirements on fulfillment of which a copy of register may be obtained ³[under sub-clause (viii) of clause (b)] of sub-section (1) of section 11;
 - (f) levy of fees and other charges ⁴[under clause (c)] of sub-section (1) of section 11.

37. Rules and regulations to be laid before Parliament

Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately

1. Omitted by Amendment Act of 2000, w.e.f. 24-1-2000.

2. Substituted for words, brackets and letter "under clause (i)" by Amendment Act of 2000, w.e.f. 24-1-2000.

3. Substituted for words, brackets and letter "under clause (m)" by Amendment Act of 2000, w.e.f. 24-1-2000.

4. Substituted for words, brackets and letter "under clause (p)" by Amendment Act of 2000, w.e.f. 24-1-2000.

following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

38. Application of certain laws

The provisions of this Act shall be in addition to the provisions of the Indian Telegraph Act, 1885 (13 of 1885) and the Indian Wireless Telegraphy Act, 1933 (17 of 1933) and, in particular, nothing in this Act shall affect any jurisdiction, powers and functions required to be exercised or performed by the Telegraph Authority in relation to any area falling within the jurisdiction of such Authority.

39. Power to remove difficulties.

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

PROVIDED that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

40. Repeal and saving

- (1) The Telecom Regulatory Authority of India Ordinance, 1997 (Ord. 11 of 1997) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

ANNEXURE-I**MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(DEPARTMENT OF TELECOMMUNICATIONS)****NOTIFICATION**New Delhi, the 25th October, 2002

G.S.R. – In exercise of the powers conferred by sub-section (2) of section 10 read with clause (ca) of sub-section (2) of section 35 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and in supersession of the TRAI Staff (Salaries, allowances and other conditions Regulation, 1999 and the TRAI (Appointment of Casual Labourers) Regulation, 1999, except in respect of things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement

- (i) These rules may be called the Telecom Regulatory Authority of India (Salary, Allowances and other conditions of Service of the officers and employees) Rules, 2002.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires:-

- (a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- (b) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of Section 3 of the Act;
- (c) "officers and employees of the Authority" means the officers and employees of the Authority and includes those taken on deputation by the Authority from the Central Government/State Government/Public Sector Undertakings;
- (d) "Casual employee" means a person engaged by the Authority on works of intermittent or sporadic nature of which extend over short period,

- (e) "Consultant" means a consultant appointed by the Authority under sub-section (1) of section 10 of the Act for carrying out the purposes of the Act;
- (f) "Schedule" means Schedule annexed to these rules;
- (g) All other words and expression used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act;

3. Categories of Officers and employees of the Authority and pay scales.

The nature and categories of officers and employees of the Authority and the scales of pay thereof shall be as specified in the Schedule-I.

4. Conditions of service

- (1) The conditions of service of the officers and employees of the Authority including casual employee and any other category of employees in the matter of pay, all allowances, leave joining time, joining time pay, age of superannuation and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to officers and employees of the Central Government belonging to Group 'A', Group 'B' and Group 'C' and Group 'D' as the case may be, and drawing the corresponding scales of pay:

Provided that-

- (a) the officers and employees of the Authority on deputation to the Authority who are Government employees and have been allotted residential accommodation under General Pool shall be eligible to retain the facility of Government residential accommodation in terms of Ministry of Urban Development and Poverty Alleviation, Directorate of Estates, OM No. 11013/D/7/94-Pol.IV/1, dated 26.4.1999, as amended from time to time; and in case Government residential accommodation has not been allotted or availed, they shall be eligible for House Rent Allowance as par with Central Government servants drawing equivalent pay. The officers and employees of Authority other than those appointed on deputation shall be entitled to House Rent Allowance at par with those applicable to Central Government servants drawing equivalent pay.

- (b) the officers and employees of the Authority shall be entitled to medical facilities as specified in Schedule-II
- (c) (i) the officers and employees of the Authority other than those on deputation shall be entitled to subscribe to Contributory Provident Fund and shall be regulated by the Contributory Provident Fund Rules made by the Central Government for the Authority from time to time:

Provided that such officers and employees shall not be entitled to get pension:

(ii) in the case of the officers and employees of the Authority appointed on deputation, they shall continue to be governed by Provident Fund Scheme as are applicable to them in their parent Ministry/Department/organisation. The Authority shall recover contribution towards provident fund from such officers and employees and remit the amount immediately to the lending Ministry/Department/Organisation. Any loss of interest on account of late remittance shall be borne by the Authority.

- (d) the officers and employees of the Authority while on official foreign tours, shall be entitled to allowances as specified in Schedule-III.
 - (e) the officers and employees of the Authority other than those on deputation shall be eligible for payment of gratuity as per the Gratuity Act, 1976.
 - (f) the officers and employees of the Authority other than those on deputation shall be entitled Group Insurance as per the scheme to be formulated by the Authority in consultation with the Central Government.
 - (g) the officers and employees of the Authority on deputation from organization other than the Central Government shall be eligible for pension and retirement benefits, if any, as are available to them in their parent Ministry/ Department/organization:
- (2) Conditions of service of casual employees. – The conditions of service of casual employees shall be regulated as per the instructions issued by the Central Government from time to time.

5. Salary and allowances payable to, and other conditions of service, Consultant-

- (1) The Authority shall appoint Consultant on the following terms and conditions namely :-
- (i) the Consultant shall not be deemed to be regular members of the staff borne on the establishment of Authority;
 - (ii) the Consultant may be appointed for a tenure of one year, extendable on year to year basis. The terms of their appointment may be terminated by the Authority by serving one month's notice.
- (2) Unless otherwise specifically provided, Consultant shall be entitled to,-
- (i) an honorarium of Rs. 1 per month; no other pay or allowance will be admissible.
 - (ii) transport from residence to head office of the Authority and back, as also while performing any duty assigned by the Authority.
 - (iii) Telephone facility
 - (iv) When required to perform duty outside the headquarters of the Authority, the travel entitlements, class of travel and allowance admissible shall be governed by the provisions contained in rule 4 of these rules. The entitlements shall be at par with those admissible to an officer in any one of the categories of staff mentioned at schedule-I, as may be determined by the Authority, but shall not exceed the travel entitlements of an officer in the pay scale of Rs. 22,400 – 24,500 (pre-revised Rs. 7,300 – 7,600).
- (3) Consultants may also be appointed by the Authority on a lump sum all inclusive retainership basis keeping in view the guidelines for engagement of consultants issued by the Department of Personnel and Training from time to time.

6. Power to relax

The Central Government shall have power to relax the provisions of any of these rules in respect of any class or category of persons.

SCHEDULE - I

(See rule 3)

Sl.No.	Category of the Post	Scale of pay (Rs.)
1	2	3
1	Secretary	22400-525-24500
2	Principal Advisor	22400-525-24500
3	Advisor	18400-500-22400
4	Joint Advisor	14300-450-18300
5	Deputy Advisor	12000-375-16500
6	Senior Principal Private Secretary	12000-375-16500
7	Senior Research Officer	10000-325-15200
8	Principal Private Secretary	10000-325-15200
9	Technical Officer	8000-275-13500
10	Section Officer	6500-200-10500
11	Assistant Accounts Officer	6500-200-10500
12	Librarian	6500-200-10500
13	Private Secretary	6500-200-10500
14	Assistant	5500-175-9000
15	Personal Assistant	5500-175-9000
16	Junior Assistant Officer	5500-175-9000
17	Stenographer Grade 'D'	4000-100-6000
18	Lower Division Clerk	3050-75-4590
19	Driver Grade-I	4000-100-6000
20	Driver Grade-II	3050-75-4590
21	Group 'D' (Attendant)	2550-55-3200

SCHEDULE – II

(See rule 4(b))

Medical Facilities

1. Outdoor Medical expenses –

- (i) Officers and employees shall be eligible to get medical reimbursement for self and declared members of family.

Explanation – For the purpose of this clause, the expression "family" has the same meaning as assigned to it in the Central Service (Medical Attendance) Rules, 1994.

- (ii) The reimbursement of outdoor medical expenses shall be limited to the actual expenses or one month's pay on 1st January of the year (Basic pay + Dearness Allowance) whichever is less. The claim should be supported by Doctor's prescription and the original cash memos/bills for treatment by the Doctor and purchase of medicines. Release of increment or promotion during the year shall not affect the limit as on 1st January. For officers and employees joining during the year, the annual entitlement shall be restricted on pro-rata basis.
- (iii) The outdoor treatment shall be taken from the Authorised Medical Attendants from the panel to be maintained by the Authority.

2. Indoor treatment –

- (i) For the purpose of indoor treatment the officers and employees of the Authority shall be entitled for medical treatment at hospitals authorised by the Authority in this behalf, and for this purpose cost of treatment including hospital accommodation, nursing home facility, etc shall be as per the provisions of the Central Services (Medical Attendance) Rules, 1944 as applicable to the Central Government employees drawing equivalent pay.
- (ii) The authorised hospital for the purpose of (i) above shall be the same as are available to the Central Government employees regulated by Central Services (Medical Attendance) Rule 1994.
- (iii) Treatment at authorised hospitals may be taken on the advice of the Authorised Medical attendants except in emergency.

SCHEDULE – III

[See rule 4(d)]

Traveling Allowance in respect of foreign tours –

- (1) Selection of officers for deputation abroad – Selection of officers for proceeding on deputation abroad shall be done by a Selection Committee comprising of the Chairperson and two whole time Members.
- (2) Entitlement for travel by Air. – The officers and employees of the Authority shall be entitled to travel abroad by Air at par with facilities available from time to time Central Government employees drawing equivalent pay.
- (3) Per diem halting allowance. – While on foreign tour, the officers and employees of the Authority are entitled to draw per diem allowances at the following rates; namely:-

	Pay scale of officers	Per diem halting allowance
(i)	Rs.22400-24500	US \$ 450 per day
(ii)	Rs. 18400-22400 & Rs. 14300-18300	US \$ 350 per day
(iii)	Rs. 12000-16500 and below	US \$ 250 per day
(iv)	for travel to Nepal (all categories)	US \$ 250 per day (to be paid in Indian Rupees)

Provident that –

- (a) the proposed per diem would be a consolidated amount limited to actual subject to production of vouchers covering room rent, taxi charges, entertainment if any, official telephone calls, daily allowance at the rates available from time to time to Central Government employee drawing equivalent pay and other contingent expenditure.
- (b) if full hospitality (i.e. lodging and boarding) is provided by the host organization/official agencies, Indian Missions, the incidental expenses would be US\$ 100 per-diem for all categories of officers and employees for the entire period of stay. In case of Nepal, in such case, the same would be US\$ 50 per diem. In such a case, economy cut if any, as applicable in case of Central Government officers shall also apply on the rate of US \$ 100 or US\$ 50, as the case may be.
- (c) in case only free lodging is provided, cash allowance at the rate of 50% of the per-diem at normal rate would be applicable.
- (d) in case of stay beyond 7 consecutive days, the per diem from the 8th to 28th days shall be US\$ 250 for all grades of officers and the rate of per diem in case of stay beyond 28 days consecutively will be decided on case to case basis keeping in view the facilities provided.

[F. No. 10-2/2000-Resg.]

ANIL KUMAR, Jt. Secy.

ANNEXURE-II

ORDER

New Delhi, the 9th January, 2004

S.O. 45(e) - In exercise of the powers conferred by clause (d) of Sub-section (1) of Section 11 of the Telecom Regulatory Authority of India, Act, 1997 (24 of 1997) (hereinafter referred to as the Act), the Central Government hereby entrusts the following additional functions to the Telecom Regulatory Authority of India, established under Sub-section (1) of Section 3 of the Act, in respect of broadcasting services and cable service, namely :-

(1) Without prejudice to the provisions contained in clause (a) of Sub-section (1) of Section 11 of the Act to make recommendation regarding _

a) the terms and conditions on which the "Addressable systems" shall be provided to customers.

Explanation - For the purpose of this clause, "addressable system" with its grammatical variation, means an electronic device or more than one electronic devices put in an integrated system through which signals of cable television network can be seen in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of authorisation made, on the choice and request of such subscriber, by the cable operator for that purpose to the subscriber,

b) the parameters regulating maximum time for advertisement in pay channels as well as other channels.

(2) Without prejudice to the provision of Sub-section (2) of Section 11 of the Act, also to specify standard norms for, and periodicity of, revision of rates of pay channels, including interim measures.

[F.No. 13-1/2004-Restg.]

P.K. TIWARI. Dy. Secy. (Restg.)



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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संचार मंत्रालय

(दूर संचार विभाग)

अधिसूचना

नई दिल्ली: 26 जून 2000

सा.कारानि. 566(अ)।—केंद्रीय सरकार, भारतीय दूर संचार विनियामक प्राधिकरण अधिनियम, 1997 (1997 का 24) की धारा 35 की उपधारा (2) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय दूर संचार विनियामक प्राधिकरण (अध्यक्ष और अन्य सदस्यों के वतन, भत्ते और सेवा की अन्य शर्तों) नियम, 1997 के अधिक्रान्त करते हुए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.— (1) इन नियमों का संक्षिप्त नाम भारतीय दूर संचार विनियामक प्राधिकरण (अध्यक्ष और पूर्ण-कालिक सदस्यों के वतन, भत्ते और सेवा की अन्य शर्तों) नियम, 2000 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं:— इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से भारतीय दूर संचार विनियामक प्राधिकरण अधिनियम, 1997 (1997 का 24) अभिप्रेत है;

(ख) "प्राधिकरण" से अधिनियम की धारा 3 की उपधारा (1) के अर्थात् स्थापित भारतीय दूर संचार विनियामक प्राधिकरण अभिप्रेत है;

(ग) "अध्यक्ष" से अधिनियम की धारा 3 की उपधारा (3) के अर्थात् नियुक्त प्राधिकरण का अध्यक्ष अभिप्रेत है;

(घ) "सदस्य" से अधिनियम की धारा 3 की उपधारा (3) के अर्थात् नियुक्त किया गया प्राधिकरण का कोई पूर्णकालिक सदस्य अभिप्रेत है;

(ङ) ऐसे सभी अन्य शब्दों और पदों के, जो इसमें प्रयुक्त हैं किन्तु परिभाषित नहीं हैं, वही अर्थ होंगे जो क्रमशः अधिनियम में उनके हैं।

3. (1) वतन और भत्ते:—

(क) अध्यक्ष को वतन: 30,000 रुपये (नियत) वतन संदत्त किया जाएगा।

1770 GI/25/00

(1)

(ख) सदस्य के प्रतिमास 26,000 रु. (नियत) वेतन संवत्त किया जाएगा।

(ग) महंगाई भत्ता और नगर प्रतिकरात्मक भत्ता :— अध्यक्ष और सदस्य केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों को लागू दर पर महंगाई भत्ता और नगर प्रतिकरात्मक भत्ता प्राप्त करने के हकदार होंगे।

परंतु अध्यक्ष या सदस्य के रूप में किसी ऐसे व्यक्ति की नियुक्ति की दशा में, जो केंद्रीय सरकार या राज्य सरकार के अधीन सेवा से सेवा निवृत्त हुआ है और पेंशन, उपदान, अभिदायी भविष्य निधि में नियोजक के अभिदाय के रूप में कोई सेवा निवृत्ति फायदों या अन्य रूपों में सेवा निवृत्ति फायदों का प्राप्त कर रहे हैं या जो प्राप्त करने के लिए हकदार हो गया है ऐसे अध्यक्ष या सदस्य को वेतन में से उसके द्वारा प्राप्त की गई या प्राप्त की जाने वाली पेंशन या अभिदायी भविष्य निधि में नियोजक के अभिदाय या किसी अन्य रूप में सेवा निवृत्ति फायदों (उपदान के समतुल्य पेंशन को छोड़कर), यदि कोई हो, की सकल रकम को बटा दिया जाएगा।

परंतु यह और कि यदि कोई ऐसा व्यक्ति जो किसी सेवा, जिसके अंतर्गत केंद्रीय सरकार या राज्य सरकार, पब्लिक सेक्टर उपक्रमों और या स्वायत्त निकायों के अधीन सेवा भी है, से सेवा निवृत्त हुआ है अध्यक्ष या सदस्य के रूप में नियुक्त किया जात है वह उसी दर पर महंगाई भत्ता प्राप्त करने का हकदार होगा जो केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों को लागू होता है किंतु वह ऐसे अध्यक्ष या सदस्य के रूप में उसके पदभारण करने की अवधि के दौरान पेंशन के संबंध में महंगाई राहत प्राप्त करने का हकदार नहीं होगा।

(ii) छुट्टी :—अध्यक्ष या सदस्य सेवा के प्रत्येक वर्ष के लिए तीस दिन की उपाजित छुट्टी का हकदार होगा। छुट्टी के दौरान छुट्टी वेतन का संदाय केंद्रीय सिविल सेवा (छुट्टी) नियम, 1972 के नियम 40 द्वारा शासित होगा। अध्यक्ष या सदस्य किसी भी समय अपने खाते में जमा उपाजित छुट्टी के पचास प्रतिशत के नकदीकरण का हकदार होगा।

(iii) भविष्य निधि :—अध्यक्ष और सदस्य अभिदायी भविष्य निधि में अभिदाय करने का हकदार होगा जो अभिदायी भविष्य निधि नियम, 1962 द्वारा शासित होगा।

(iv) यात्रा भत्ता और दैनिक भत्ता :—अध्यक्ष और सदस्य दूर या स्थानांतरण (जिसमें प्राधिकरण में पदभार ग्रहण करने के लिए की गई यात्रा या प्राधिकरण में अपनी पदावधि की समाप्ति के पश्चात् अपने गृह नगर जाने के लिए की गई यात्रा भी है) के समय यात्रा भत्ता और अपने व्यक्तिगत सामान को ले जाने के लिए परिवहन भत्ते और दैनिक भत्ते उसी दर पर प्राप्त करने के हकदार होंगे जो केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों को लागू होती है।

(v) देश में शासकीय दौर :—अध्यक्ष और सदस्य दौर के समय बाहरी शहरों में सामान्य किराए पर केंद्रीय सरकार द्वारा चलाए जा रहे अतिथि-गृह या निरीक्षण बंगलों में सरकारी वास सुविधा की ऐसी सुविधा के हकदार होंगे जो केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों को लागू होती है। उस दशा में जब देश में शासकीय दौर के समय वास सुविधा उपलब्ध नहीं है अध्यक्ष और सदस्य प्रतिपूर्ति आधार पर भारतीय पर्यटन विकास निगम के होटलों और जहां भारतीय पर्यटन विकास निगम के होटल उपलब्ध नहीं हैं अन्य होटलों में प्रतिपूर्ति आधार पर ठहरने के हकदार होंगे। प्रतिपूर्ति दोनों दशाओं में केवल आवास प्रभावों तक और एकल कमरा अधिभोग आधार पर ही परिसीमित होगी।

(vi) छुट्टी यात्रा रियायत :—अध्यक्ष और सदस्य ऐसी दर पर छुट्टी यात्रा रियायत का हकदार होगा जो केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों को लागू होती है।

(vii) चिकित्सीय सुविधाएं :—अध्यक्ष और सदस्य केंद्रीय सरकार स्वास्थ्य स्कीम में यथाउपबंधित चिकित्सीय उपचार और अस्पताल सुविधाएं प्राप्त करने के हकदार होंगे और जहाँ केंद्रीय सरकार स्वास्थ्य स्कीम प्रवर्तन में नहीं है उन स्थानों में अध्यक्ष और सदस्य केंद्रीय सेवा (चिकित्सा परिचर्या) नियम, 1944 में यथा उपबंधित रूप से सुविधाएं प्राप्त करने के हकदार होंगे।

(viii) विदेश में शासकीय यात्राएं :—अध्यक्ष और सदस्य दूर संचार विभाग के भार साधक भारत सरकार के मंत्री के पूर्व अनुमोदन से और राजनीतिक कार्यों से संबंधित मुद्दों पर विदेश कार्य मंत्रालय से स्वीकृति लेने के पश्चात् विदेश में शासकीय यात्रा करने के हकदार होंगे। विदेश के दौर की अवधि के दौरान दैनिक भत्ते और होटल वास सुविधा की व्यवस्था भारत सरकार की समान श्रेणी के अधिकारियों को लागू सरकारी अनुदेशों के अनुसार विनियमित होंगे। विदेश में भारतीय मिशन केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों का यथा लागू व्यवस्थाएं करेंगे और सुविधाएं दिलवाएंगे।

(ix) आरंभ सुविधा :—अध्यक्ष और सदस्य केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों को उपलब्ध आरंभ सुविधाएं प्राप्त करने के हकदार होंगे।

(x) वास सुविधा :—(क) अध्यक्ष, केंद्रीय सरकार के द्वारा समय-समय पर इन प्रवर्तन के लिए विनियमित दरों पर किराया मुक्त मुआवित्त वास सुविधा या उसके स्थान पर उसके वेतन के साढ़े बारह प्रतिशत की दर पर तत्काल किराया भत्ते की सुविधाएं होंगी और

(ख) अध्यक्ष, केंद्रीय सरकार के समतुल्य वेतन लेने वाले समूह "क" अधिकारियों को उनके वेतन के आधार पर वास सुविधा का हकदार होगा।

निर्वाचन :— इन नियम व नियमों के लक्षणों में यदि कोई अंतर पड़ता है तो वह अन्तर्गत मन्त्रों के समान विनिश्चय के लिए निर्दिष्ट किया जाएगा।

अर्थात् उपबन्ध :—यदि अध्यक्ष या सदस्य को मरण का निवृत्तन आ गतों में सर्वोपरि मामलों की द्वायत इन नियमों में कोई अविश्वस्य रूपबन्ध नहीं किया गया है तो विनिश्चय के लिए प्राधिकरण द्वारा केंद्रित सक्त का निर्दिष्ट किया जात तथ तदुपरि अध्यात्मन्वित अध्यक्ष या सदस्य का केंद्रित सक्त का विनिश्चय लागू होगा।

शिथिल करने की शक्तियाँ :—केंद्रित सक्त को अध्यक्ष या किसी अन्य सदस्य की द्वायत इन नियमों के किसी रूपबन्ध का शिथिल करने की शक्ति होगी।

[फ. सं. 10-11/2000-टी सी. 01]

अनिल कुमार, नयुक्त सचिव

प्ररूप-1

(नियम 4 देखिए)

भारतीय दूर संचार विनियामक प्राधिकरण के अध्यक्ष/सदस्यों के लिए पर की शपथ का प्ररूप

मैं, _____ जो अध्यक्ष/सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में नियुक्त हुआ हूँ, सत्य निष्ठा से प्रतिज्ञा करता हूँ जो ईश्वर की शपथ लेता हूँ कि मैं भारतीय दूर संचार विनियामक प्राधिकरण के अध्यक्ष/सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में अपने कर्तव्यों का द्रष्टापूर्वक और शुद्ध अंतःकरण से अपनी पूर्ण योग्यता, ज्ञान और विवेक से, भय या भक्षपात अनुराध के बिना निर्वहन करूंगा।

अध्यक्ष/सदस्य का नाम

भारतीय दूर संचार विनियामक प्राधिकरण

तारीख :

प्ररूप-2

(नियम 4 देखिए)

भारतीय दूर संचार विनियामक प्राधिकरण के अध्यक्ष/सदस्यों के लिए गोपनीयता की शपथ का प्ररूप

मैं, _____ जो अध्यक्ष/सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में नियुक्त हुआ हूँ, सत्य निष्ठा से प्रतिज्ञा करता हूँ और ईश्वर की शपथ लेता हूँ कि जो विषय उक्त भारतीय दूर संचार विनियामक प्राधिकरण के अध्यक्ष/सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में मेरे विचार के लिए लाया जाएगा अथवा मुझे ज्ञात होगा उसे किसी व्यक्ति या व्यक्तियों को, तब के सिवाय जब कि ऐसे अध्यक्ष/सदस्य (जो भाग लागू न हो उसे काट दें) के रूप में अपने कर्तव्यों के सम्यक् निर्वहन के लिए ऐसा करना अपेक्षित हो, मैं प्रत्यक्ष अथवा अप्रत्यक्ष रूप से संसूचित या प्रकट नहीं करूंगा।

(अध्यक्ष/सदस्य का नाम)

भारतीय दूर संचार विनियामक प्राधिकरण

तारीख :

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 26th June, 2000

G.S.R. 566(E).— In exercise of the powers conferred by clause (a) of sub-section (2) of section 35 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), and in supersession of the Telecom Regulatory Authority of India (Salaries, Allowances and other conditions of service of Chairperson and other Members) Rules, 1997, the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement:**— (1) These rules may be called the Telecom Regulatory Authority of India (Salaries, Allowances and other Conditions of Service of Chairperson and whole-time Members) Rules, 2000.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions:**— In these rules, unless the context otherwise requires, -

(a) "Act", means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) "Authority", means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;

(c) "Chairperson", means the Chairperson of the Authority appointed under sub-section (3) of section 3 of the Act;

(d) "Member", means a whole-time Member of the Authority appointed under sub-section (3) of section 3 of the Act;

(e) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.

The Chairperson shall be paid a salary of Rs.10,000/- per month fixed.

(i) The Member shall be paid a salary of Rs.20,000/- per month fixed.

(ii) **Dearness Allowance and City Compensatory Allowance:-** The Chairperson and a Member shall be entitled to draw dearness allowance and city compensatory allowance at the rate applicable to a Group 'A' officer of the Central Government drawing an equivalent pay.

Provided that in case of appointment of a person as the Chairperson or a Member who has retired from the service under Central Government or State Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, employers contribution to the Contributory Provident Fund or other forms of retirement benefits, the pay of such Chairperson or Member shall be reduced by the gross amount of pension or employers contribution to the Contributory Provident Fund or any other form of retirement benefits, if any (except pension equivalent of gratuity), drawn or to be drawn by him.

Provided further that if a person who has retired from any service including service under Central Government or State Government, Public Sector Undertakings and/or Autonomous Bodies is appointed as the Chairperson or a Member, he shall be entitled to receive dearness allowance at the same rate as applicable to a Group 'A' officer of the Central Government drawing an equivalent pay, but he shall not be entitled to receive dearness relief on pension during the period he holds office as such Chairperson or a Member.

(ii) **Leave:-** The Chairperson or a Member shall be entitled to thirty days of earned leave for every year of service. The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services(Leave) Rules, 1972. The Chairperson or Member shall be entitled to encashment of fifty percent of earned leave to his credit at any time.

(iii) **Provident Fund:-** The Chairperson and a Member shall be entitled to subscribe to the Contributory Provident Fund which shall be governed by the Contributory Provident Fund Rules, 1962;

(iv) **Travelling Allowance and Daily Allowance:-** The Chairperson and a Member shall be entitled to travelling allowance and daily allowance for transportation of personal effects while on tour or on transfer (including the

journey undertaken to join the Authority or on the expiry of his term with the Authority to proceed to his home-town), at the same rates as applicable to Group 'A' officer of the Central Government drawing an equivalent pay.

(v) **Domestic official tours:-** The Chairperson and a Member, while on tour, shall be entitled to the facility of Government accommodation in guest houses or inspection bungalows run by the Central Government, wherever available, on payment of normal rent at outstations, as applicable to Group "A" Officers of the Central Government drawing an equivalent pay.

In case Government accommodation is not available while on domestic official tour, the Chairperson and a Member shall be entitled to stay in India Tourism Development Corporation hotels on a reimbursement basis and wherever India Tourism Development Corporation hotels are not available, in other hotels on reimbursement basis, re-imbusement in both cases being limited to lodging charges only, and on a single room occupancy basis;

(vi) **Leave Travel Concession:-** The Chairperson and a Member shall be entitled to leave travel concession at the same rate as applicable to Group 'A' officers of the Central Government drawing an equivalent pay;

(vii) **Medical Facilities:-** The Chairperson and a Member shall be entitled to medical treatment and hospital facilities, as provided in the Central Government Health Scheme and at places where the Central Government Health Scheme is not in operation, the Chairperson and a Member shall be entitled to facilities as provided in the Central Services (Medical Attendance) Rules, 1944;

(viii) **Official Visits Abroad:-** The Chairperson and a Member shall be entitled to undertake official visits abroad with the prior approval of the Minister of the Government of India in-charge of the Department of Telecommunications and after clearance from Ministry of External Affairs on the points relating to political affairs. The daily allowance and provision of hotel accommodation during the period of tour abroad shall be regulated in accordance with the Government instructions as applicable to officers of equal grade in the Government of India. Indian Missions abroad shall take care of arrangements and extend facilities as applicable to Group "A" officers of the Central Government drawing an equivalent pay.

(ix) **Conveyance facility:-** The Chairperson and a Member shall be entitled to conveyance facilities at par with those available to a Group 'A' officer of the Central Government drawing an equivalent pay.

(2) Accommodation: - The Chairperson is entitled to rent free furnished residential accommodation at the rates specified by the Central Government from time to time for this purpose or house rent allowance at the rate of twelve and a half percent of his pay in lieu thereof, and

(3) A Member shall be entitled to residential accommodation at applicable to Group 'A' officers of the Central Government drawing an equivalent pay.

On demitting office, the Chairperson and Member shall be entitled to retention of residential accommodation for one month on the same terms and conditions

4. Oath of Office and Secrecy :- Every person appointed to be the Chairperson and Member shall, before entering upon their office, make and subscribe an Oath of Office and Secrecy, in the FORMS I and II annexed to these rules.

5. Interpretation :- If any question arises relating to the interpretation of these rules, the same shall be referred to the Central Government for its decision.

6. Residuary provision :- Matters relating to the terms and conditions of service of the Chairperson or a Member with respect to which no express provision has been made in these rules, shall be referred by the Authority to the Central Government for its decision, and the decision of the Central Government thereon shall be applicable to the Chairperson or Member, as the case may be.

7. Powers to relax :- The Central Government shall have power to relax any provision of these rules in respect of Chairperson or any other Member.

[F. No. 10-11/2000-TCO]

ANIL KUMAR, Jr. Secy.

FORM - I
(See rule 4)

Form of Oath of Office for the Chairperson/Members of the Telecom Regulatory Authority of India

I, _____, having been appointed as the Chairperson/Member (*cross out portion not applicable*) solemnly affirm and do swear in the name of God I will faithfully and conscientiously discharge my duties as the Chairperson/Member (*cross out portion not applicable*), of the Telecom Regulatory Authority of India, to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will.

(Name of the Chairperson/Member)

Dated:

TELECOM REGULATORY AUTHORITY OF INDIA

FORM - II
(See rule 4)

Form of Oath of Secrecy for the Chairperson/Members of the Telecom Regulatory Authority of India

I, _____, having been appointed as the Chairperson/ Member (*cross out portion not applicable*) do solemnly affirm and swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson/Member (*cross out portion not applicable*) of the said Telecom Regulatory Authority of India, except as may be required for the due discharge of my duties as the Chairperson/Member (*cross out portion not applicable*).

(Name of the Chairperson/Member)

Dated:

TELECOM REGULATORY AUTHORITY OF INDIA

Secretary
3324/S/O/2013
8/10

F. No. 8.1/1/2008-IC
Government of India
Ministry of Finance
Department of Expenditure

North Block, 31st October, 2013

OFFICE MEMORANDUM

Subject: Revision of consolidated pay package of Chairpersons and whole-time Members of Regulatory Bodies.

The undersigned is directed to invite a reference to this Ministry's Office Memorandum of even no. dated 20th September, 2011, read with the OM No. 7(22)/2010/EIII(A)- Vol III dt.16.2.2012, as per which the consolidated pay package of Chairpersons and whole-time Members of Regulatory Bodies was fixed at Rs. 3.75 lakh per month (without house and car) and Rs. 3.125 lakh per month (without house and car) respectively. The list of Regulatory Bodies where the said consolidated pay package is applicable is given in the Annexure to these orders.

2. The question of suitable revision in the consolidated pay package of Chairpersons and whole-time Members of the respective Regulatory Bodies, as covered in the list given in the Annexure, has been considered and the President is pleased to decide that the consolidated pay package in case of Chairpersons and whole-time Members thereof shall be as under:

- Chairperson = Rs.4,50,000(Rupees Four Lakh and Fifty Thousand) per month (without house & car)
- Whole Time Members = Rs.3,75,000 (Rupees Three Lakh and Seventy-five Thousand) per month (without house & car)

3. The revised consolidated pay package under these orders as specified in para 2 above shall take effect from 1st July, 2013.

4. The concerned Administrative Ministries/Department under whose domain these Regulatory Bodies fall, are requested to ensure that the additional cost on account of the aforesaid revision in consolidated pay package is met from within the existing budget as far as possible.

(Amar Nath Singh)

Deputy Secretary to the Government of India.

27/10/2013
29/10/13

To,
1. Secretary,
Department of Financial Services,
R. No. 6, 3rd Floor, Jeevan Deep Building,
Parliament Street,
New Delhi
(in respect of the PFRDA & IRDA)

Forwarded for n.a.

P.F.S. to Secretary (T)

At (T) - On leave

Handwritten signatures and dates: 4/11/13, 20/10/13, 29/10/13

60104

Dir (P) JS (P)

1/11/13

2. Secretary
M/o Corporate Affairs,
R. No. 502, 'A' Wing,
Shastri Bhawan,
New Delhi
(in respect of the Competition Commission of India)

- ✓ 3. Secretary,
Department of Telecommunications,
R.No. 210, Sanchar Bhawan,
New Delhi
(in respect of the Telecom Regulatory Authority of India)

4. Secretary,
Ministry of Power,
Shram Shakti Bhawan,
New Delhi-1
(in respect of the Central Electricity Regulatory Commission)

5. Secretary,
Department of Economic Affairs,
North Block, New Delhi - 1
(In respect of the SEBI)

6. Secretary,
M/o Petroleum and Natural Gas,
Shastri Bhawan,
New Delhi - 1
(In respect of the Petroleum and Natural Gas Regulatory Board)

7. Secretary,
Ministry of Civil Aviation
Rajiv Gandhi Bhawan
New Delhi
(In respect of Airports Economic Regulatory Authority of India)

8. Secretary
Department of Food and Public Distribution
Krishi Bhawan,
New Delhi
(in respect of the Warehousing Development and Regulatory Authority.



Annexure

(As referred to in the Ministry of Finance,
DOE OM F. No. 8.1/1/2008-IC
dt.31.10.2013)

**List of Regulatory Bodies for the purpose of Consolidated Pay Package in
case of Chairpersons and Whole Time Members**

1. Telecom Regulatory Authority of India (TRAI)
2. Insurance Regulatory and Development Authority (IRDA)
3. Central Electricity Regulatory Commission (CERC)
4. Securities and Exchange Board of India (SEBI)
5. Competition Commission of India (CCI)
6. Pension Fund Regulatory and Development Authority (PFRDA)
7. Petroleum and Natural Gas Regulatory Board (P&NGRB)
8. Warehousing Development and Regulatory Authority (WDRA)
9. Airports Economic Regulatory Authority of India (AERA)

