



Telecom Regulatory Authority of India (TRAI)

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What is Telecom Regulatory Authority of India (TRAI)?

- **Legal Backing:** The [Telecom Regulatory Authority of India \(TRAI\)](#) was established on 20th February, 1997 by the **Telecom Regulatory Authority of India Act, 1997**.
- **Objectives of TRAI:**
 - TRAI's mission is to **create and nurture conditions for growth of telecommunications** in the country.
 - TRAI **regulates telecom services** including fixation/revision of tariffs for telecom services which were earlier vested in the Central Government.
 - It also aims to **provide a fair and transparent policy environment** which promotes a level playing field and facilitates fair competition.
- **Headquarters:** The head office of the Telecom Regulatory Authority of India (TRAI) is located at **New Delhi**.

What is the Composition of TRAI?

- **Members:** The TRAI consists of a **Chairperson, two whole-time members** and **two part-time members**, all of which are **appointed by the Government of India**.
- **Tenure of Members:** The Chairperson and other members shall hold their office for a **term of three years** or till the age of **65 years**, whichever is earlier.
- **Chairperson:** The Chairperson has the powers of general superintendence.
 - He/She presides over the meetings of the TRAI.
- **Vice-Chairperson:** The Central Government may appoint one of the members of the Authority as the Vice-Chairperson of TRAI.
 - The vice-chairperson exercises and discharges the powers and functions of the Chairperson in his/her absence.
- **Removal of Members:** The Central Government is empowered to remove any member of the TRAI, if he/she:
 - has been adjudged an insolvent
 - has been convicted of an offence which involves moral turpitude
 - has become physically or mentally incapable of acting as a member
 - has abused his/her position, rendering his/her continuance in office prejudicial to the public interest.
- **TRAI Meetings:**
 - The **Chairperson has the power of organising the meetings** at times. He/She presides over the meetings.
 - In the absence of the chairperson, the vice-chairperson presides over the meetings.
 - In the absence of a vice-chairperson, any member can be chosen from the authority to preside over the meeting.

- The **decisions in the meetings are taken by the majority vote** of the members present.
 - In the event of an equality of votes, the Chairperson (or the member presiding the meeting) gives a **second or casting vote**.

What are the Functions of TRAI?

- **Makes Recommendations:** The function of the TRAI is to make recommendations on the following matters:
 - Need for introduction of new service provider.
 - Revocation of license for non-compliance of terms and conditions of licence.
 - Measures to facilitate competition and promote efficiency in the operation of telecommunication services to facilitate their growth.
 - Technological improvements in the services provided by the service providers.
- **Discharge of Responsibilities:** The TRAI is responsible for discharging the following functions:
 - Ensuring the **compliance of terms and conditions** of licence.
 - Ensuring the **technical compatibility** and effective interconnection between different service providers.
 - Laying down the **standards of quality of service** to be provided by the service providers.
 - Ensuring the quality of service and **conducting the periodical surveys** of such services.
 - **Timely and officially notifying the rates** at which the telecommunication services within India and outside India shall be provided under the TRAI Act, 1997.
- **Non-Binding Recommendations:** The recommendations of the TRAI are **not binding** upon the Central Government.
 - If the Central Government does not accept any recommendation of the TRAI or needs modifications, it refers the recommendation back to the Authority for its reconsideration.
 - The TRAI forwards to the Central Government its recommendation after considering the reference made by that Government within 15 days.

What are the Powers of TRAI?

- **Order for Furnishing Information:** It can call upon any service provider to furnish in writing the information or explanation relating to its affairs as the Authority may require.
- **Appointments for Inquiry:** The Authority may appoint one or more persons to make an inquiry in relation to the affairs of any service provider.
- **Order for Inspection:** It is empowered to direct any of its officers or employees to inspect the books of accounts or other documents of any service provider.
- **Issue Directions to Service Providers:** The Authority shall have the power to issue such directions to service providers as it may consider necessary for proper functioning by service providers.

What is Telecom Disputes Settlement and Appellate Tribunal?

- **Amendment in the TRAI Act, 1997:** The TRAI Act was **amended in 2000** which established a **Telecommunications Dispute Settlement and Appellate Tribunal (TDSAT)** to take over the **adjudicatory and disputes functions** from TRAI.
- **Objectives:** TDSAT was set up to adjudicate any dispute between:
 - A licensor and a licensee
 - Two or more service providers
 - A service provider and a group of consumers
 - It was also established to hear and dispose of appeals against any direction, decision or order of TRAI.
- **Composition:** The TDSAT consists of a **Chairperson and two other members**, all to be

appointed by the Central Government.

- The selection of members is done by the **Central Government in consultation with the [Chief Justice of India](#).**

▪ **Eligibility:**

- **Chairperson:** A person shall not be qualified for appointment as the Chairperson unless he/she is or has been, a Judge of the Supreme Court or the Chief Justice of a High Court.
- **Other Members:** He/She must have held the post of Secretary to the Government of India or any equivalent post in the Central/State Government.

▪ **Term of office:** The Chairperson and the other members of TDSAT shall hold office for a term of maximum **four years or seventy years** (for Chairperson), whichever is earlier.

- In the case of members other than the Chairperson, the maximum age is **sixty-five years**.

▪ **Removal of Members:** The conditions for removal of any member of the Tribunal are the **same as those of the TRAI**.

▪ **Jurisdiction of TDSAT:** The civil courts do not have jurisdiction to entertain any matter which the TDSAT is empowered to determine.

- An order passed by TDSAT is executable as a decree of civil court, the Tribunal **has all the powers of a civil court**.

- It is not bound by the procedure laid down by the Code of Civil Procedure but guided by the principles of natural justice.

- The Tribunal has the **powers to regulate its own procedure**.

▪ **Penalties:** The penalties for the offences that come under the jurisdiction of TDSAT, are the **same as those of TRAI**.

