

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 15th OCTOBER, 2015

THE STANDARDS OF QUALITY OF SERVICE OF BASIC TELEPHONE SERVICE (WIRELINER) AND CELLULAR MOBILE TELEPHONE SERVICE (FOURTH AMENDMENT) REGULATIONS, 2015 (8 OF 2015)

F. NO. 305-25/2014-QoS.----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely:-

1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015.

(2) They shall come into force from the date of their publication in the Official Gazette.
2. In regulation 5A of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009),----

(a) for sub-regulation (1), the following sub-regulation shall be substituted, namely:-

“(1) If a cellular mobile telephone service provider fails to meet the benchmark of parameter specified under sub-regulation (1) of regulation (5), it shall, without prejudice to the terms and conditions of its licence, or the Act or rules or regulations or orders made, or directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees one lakh per parameter for the first contravention reported by the service provider in its quarterly report:


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Provided that if the service provider fails to meet the benchmark of the same parameter consecutively in two or more subsequent quarters, he shall be liable to pay, by way of financial disincentives, an amount not exceeding rupees one lakh fifty thousand for the second consecutive contravention and not exceeding rupees two lakhs for each consecutive contravention occurring thereafter;

Provided further that for any failure to meet the benchmark of a parameter, after the service provider has reported compliance of the said parameter in the previous quarter, he shall be liable to pay the financial disincentive for such failure as applicable for the first contravention:

Provided also that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the cellular mobile telephone service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.”

- (b) sub-regulation (2) shall be deleted.


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Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 20th March, 2009 vide notification No. 305-25/2008-QoS dated the 20th March, 2009.

Note.2. — The principal regulations were amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012 (10 of 2012) dated the 7th May, 2012.

Note.3. — The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012) dated the 8th November, 2012.

Note.4. — The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Third Amendment) Regulations, 2014 (12 of 2014) dated the 21st August, 2014.

Note.5. — The Explanatory Memorandum explains the objects and reasons of the “Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015 (8 of 2015).

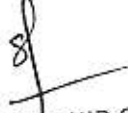
Explanatory Memorandum

TRAI has laid down the Quality of Service Standards for Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service through the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) dated the 20th March 2009. To include the QoS benchmarks for 3G services, the regulations were amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone service (Amendment) Regulations, 2012 (10 of 2012) dated the 7th May, 2012.

2. In order to ensure better and effective compliance with the Quality of Service regulations and to protect the interests of consumers, the Authority through the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012) dated the 8th November, 2012 prescribed financial disincentive on service providers for non-compliance with the quality of service benchmarks, delay in submission of compliance reports and wrong reporting of performance.

3. The regulations provide for financial disincentive on Basic Telephone Service (Wireline) operators for non-compliance with the benchmark for the specified parameters at a rate not exceeding Rs 50,000 per parameter. The regulations prescribed financial disincentive on Cellular Mobile Telephone Service operators for non-compliance with the benchmark for the Network Service Quality Parameters at a rate not exceeding Rs 50,000 per parameter for the first non-compliance and Rs 1,00,000 per parameter for subsequent non-compliance of the benchmarks. The regulations also prescribed financial disincentive on Cellular Mobile Telephone Service operators for non-compliance with the benchmark for the Customer Service Quality Parameters at a rate not exceeding Rs 50,000 per parameter for the non-compliance of the benchmarks. The regulations further provide for a deterrent against false or delayed reporting of the Quality of Service benchmarks.

4. TRAI has been monitoring compliance to these regulations through monthly/ quarterly performance reports submitted by service providers. Wherever non-compliance with the benchmark is observed the service provider is given an opportunity to explain the matter and after considering the reply submitted by the service provider, financial disincentives are imposed on the defaulting service providers. TRAI has analysed the compliance reports of cellular mobile telephone service providers for past several quarters and it is observed that in many cases, the present amount of financial disincentives has not acted as a sufficient deterrent against non-compliance as there have been repeated cases of non-compliance with the benchmarks.


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5. Considering the above and the responses to the draft regulation, the Authority is of the view that there is a need for further strengthening the framework for financial disincentives especially for cases of repeated consecutive non-compliance so as to ensure better compliance with the regulations by cellular mobile telephone service providers. Accordingly, these amendment regulations prescribe increasing financial disincentives for consecutive repeat violations. Also the % of non-compliance in case of customer related parameters are more than that of network related parameters. Hence the Authority has decided to impose identical structure of financial disincentives in both cases. The Authority feels that these measures will act as a sufficient deterrent against prolonged non-compliance and will further improve the quality of service in a time bound manner.


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