

# Telecom Regulatory Authority of India Notification

New Delhi, the 22nd January 2002

No.301/2 /2002-TRAI (Econ.)

In exercise of the powers conferred upon it under sub-section (2) of the section 11 of the Telecom Regulatory Authority of India Act, 1997 as amended by TRAI (Amendment) Act, 2000, the Telecom Regulatory Authority of India ( TRAI) hereby makes the following order by an amendment to the Telecommunication Tariff Order, 1999 by notification in the Official Gazette, in respect of tariffs at which Telecommunication services within India and outside India shall be provided:

## THE TELECOMMUNICATION TARIFF (SEVENTEENTH AMENDMENT) ORDER, 2002 (1 of 2002)

### Section I

1. Short title, extent and commencement:

- (i) This Order shall be called " The Telecommunication Tariff (Seventeenth Amendment) Order, 2002".
- (ii) This Order shall come into force from the date of its publication in the Official Gazette.

### Section II

**2.1** Under Section II (Definitions) of the Telecommunication Tariff Order, 1999, after sub-section d), following sub-section shall be inserted namely:

"(dd) "Date of Reporting" means the date on which the report from a service provider regarding the proposed tariff plan or any change in the existing tariff plan, is received at the Authority's office."

**2.2** Under Section II (Definitions) of the Telecommunication Tariff Order, 1999, sub-section (l) shall be substituted by the following:

" (l) "Reporting Requirement" means the obligation of a service provider to report to the Authority at least FIVE working days before the proposed date of implementation of any new tariff for telecommunication services under this Order and/or any changes therein, for the approval of the Authority."

**2.3** Under Section III, in Clause 7 (Reporting Requirement) of the Telecommunication Tariff Order, 1999, sub-clause (iii) shall be substituted by the following :

"(iii) If the service provider does not hear from the Authority within FIVE working days from the date of reporting, the service provider shall, before implementation or making public announcement through any media, wait for another FIVE working days, unless in the meantime, the Authority intervenes."

**2.4** Under Section III, in Clause 7 (Reporting Requirement) of the Telecommunication Tariff Order, 1999, after sub-clause (iii) following sub-clause shall be inserted namely:

" (iv) No new tariff plan or any change in the existing tariff for any telecommunication service or part thereof which requires approval of the Authority prior to its implementation, shall be announced through any media prior to approval of that tariff plan or any change in the existing tariff by the Authority."

### **Section III**

This Order contains at Annex A as an Explanatory Memorandum which explains the reasons for this amendment to the Telecommunication Tariff Order, 1999.

By Order,

(Dr. Harsha Vardhana Singh)  
Secretary-cum-Principal Advisor

Annex - A

### **EXPLANATORY MEMORANDUM**

1. The Telecommunication Tariff Order, 1999 (TTO,99) under Clause 7 of Section III stipulates the provisions in respect of Reporting Requirement. All service providers shall comply with the Reporting Requirement in respect of all the Tariff Plans and any changes in the existing Tariff Plans before implementation.
2. The service providers are required to file their tariff plans or amendments in the existing tariff structure for approval of the Authority before five working days from the proposed date of implementation. The text also takes account of the point that the Authority may take more than five working days for approval.
3. In some cases, the Authority has noted that service providers are not reporting their tariff proposals before clear five working days from the date of implementation of their tariff plan. The Authority feels that a definition of the date of reporting will help the service providers to understand the time period of reporting.
4. It has been noted by the Authority that in certain cases, service providers are announcing and publicising their tariff proposals prior to the reporting of the same to the Authority as per clause 7 of TTO, 1999. This practice is not in spirit of the reporting requirement envisaged in TTO, 1999.
5. In order to achieve strict compliance of the Reporting Requirements, the Authority has decided to bring an amendment to Clause 7 of Section III of the TTO, 1999.

(Dr. Harsha Vardhana Singh)  
Secretary-cum-Principal Advisor