

*Information pertaining to Section 4 (1) b) under RTI Act, 2005 is as follows:*

**(i) The particulars of Organization, functions and duties**

**A Particulars of the Organization**

(Section 3 of the TRAI Act)

(1) The organization called the Telecom Regulatory Authority of India, was established under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) dated the 28<sup>th</sup> March, 1997.

(2) The Authority is 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 consists 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 is at New Delhi.

**B Functions of Authority**

(Section 11 of the TRAI Act)

(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 license to a service provider;
- iii. revocation of license for non-compliance of terms and conditions of license;
- 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 license;
  - ii. notwithstanding anything contained in the terms and conditions of the license 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 so as to protect interest of the consumers of telecommunication services;
  - 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 interconnect 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 recommendations 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 the 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 under sub-section (1) or subsection (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.

*(ii) The powers and duties of its officers and employees*

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

(Section 12 of the TRAI Act)

(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)-

- (a) every officer 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.

**B Powers of Authority to issue directions**  
(Section 13 of the TRAI Act)

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.