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EXTRAORDINARY PART III SECTION 4**

**TELECOM REGULATORY AUTHORITY OF INDIA**

**NOTIFICATION**

**New Delhi, the 2018**

No. 301-20/2018-F&EA — In exercise of the powers conferred upon it under sub-section (2) of section 11, read with sub-clause (i) of clause (b) of sub-section (1) of the said section, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following Order further to amend the Telecommunication Tariff Order, 1999, namely:

**THE TELECOMMUNICATION TARIFF (SIXTY FOURTH AMENDMENT) ORDER, 2018  
No. 02 of 2018**

- 1.** (1) This Order may be called the Telecommunication Tariff (Sixty Fourth Amendment) Order, 2018.

(2) It shall come into force from date of its publication in the Official Gazette.
- 2.** In clause 2 of the Telecommunication tariff Order, 1999 (hereinafter referred to as the principal tariff order), sub-clause (ld) and sub-clause (le) shall be deleted.
- 3.** Clause 5 of the principal tariff order Deposits – shall read as :-

“Unless otherwise provided for, no service provider shall seek or obtain from any subscriber in any form any amount as deposit for any telecommunication service in excess of one year’s rental chargeable from the subscriber for the particular telecommunication service.”
- 4.** For clause 11 of the principal tariff order the following clause shall be substituted, namely:-

“11. Terms and Conditions of services:

The tariff specified by the Authority relates to quality of service parameters that may be set by the Authority through regulations notified from time to time and the service providers shall convey the terms and conditions of the provision of telecommunication services to subscribers which shall not in any manner be inconsistent with the provisions of this Order and other regulations or directions that may be issued by the Authority from time to time.”
- 5.** In Schedule I to the principal tariff order -

(a) For item (9), the following item and entries shall be substituted;

<b>ITEM</b>	<b>TARIFF</b>
(9) Free calls (or uncharged calls) for rural subscribers in fixed line telephony service	50 metered call units per month of a billing cycle

including wireless in local loop technology (Fixed)	
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(b) Item (9.a) shall be deleted;

6. In Schedule II to the principal tariff order -

(a) Item (2) shall be deleted;

(b) For item (4), the following item and entries relating thereto shall be substituted, namely:-

<b>ITEM</b>	<b>TARIFF</b>
(4) Activation charge	One time activation charge may be levied by a service provider only when a customer initially gets connected to the network of the service provider. No further activation charge shall be levied when a subscriber moves from one tariff plan to another.

7. In the principal tariff order -

(a) Schedule III and entries thereunder;

(b) Schedule VII and entries thereunder;

(c) Schedule VIII and entries thereunder; and

(d) Schedule XI and entries thereunder;

Shall be deleted

**(S.K. Mishra)**  
**Principal Advisor (F&EA)**

**Note : A Background Note for the proposed Amendment is attached for reference by stakeholders.**

### **Background Note**

Telecom Regulatory Authority of India (hereby referred to as the Authority) had constituted a Committee under the Chairmanship of Principal Advisor (NSL) to identify infructuous/ redundant regulations which could be purged. The Committee was comprised of service providers and their associations as listed below:

1. ACTO	2. Aircel	3. AUSPI	4. Bharti Airtel Ltd.	5. BSNL
6. COAI	7. Idea	8. ISPAI	9. MTNL	10. Rcom
11. RJIL	12. Tata Communication Ltd.	13. Telenor	14. TTSL	15. Vodafone India Ltd.

2. Three separate sub-committees were also formed from amongst the members of the Committee to identify infructuous/ redundant regulations on (a) licensing, (b) QoS, and (c) tariff related issues. The sub-committee members from the industry had submitted written inputs which were considered, discussed and analysed in the meetings of respective sub-committees. Based on such deliberations, the sub-committees had submitted their recommendations to the Chairperson of the Committee.

3. The recommendations regarding purging of regulations made by the three sub-committees were circulated to all the members of the Committee. The final meeting of the Committee was held on 28<sup>th</sup> December 2017.

4. After due deliberations, the Committee has submitted final recommendations. The recommendations of the Committee, *interalia*, include proposals to delete, merge, or modify various provisions of the Telecommunication Tariff Order (TTO). The final recommendations of the Committee on issues related to TTO are placed as Annexure to this Background Note.

5. The Authority has considered each of the recommendations and the rationale thereto, submitted by the Committee relating to the TTO provisions and has decided to seek views of stakeholders before notifying the same. As regards the recommendation of the Committee relating to provision of hard copy of the bill to consumers, it was decided to undertake a separate detailed consultation process.

**Annexure**

**Report of the Committee for Purging of Infructuous Regulations- Regarding  
Telecommunication Tariff Order**

<b>S.NO.</b>	<b>TTO Provisions/ Schedules</b>	<b>Recommendation</b>
1	<b>Section II- Definition 'Id': Roaming Tariff Plan</b> Roaming Tariff Plan" or "RTP" means a tariff plan in which the charges for outgoing voice calls and outgoing SMS, both local as well as long distance (inter-circle), shall not change with the location of the subscriber within the country.	To delete this definition from the TTO, since subsequently amended TTO (60 <sup>th</sup> Amendment) had introduced the new concept of "special Roaming Tariff plan".
2	<b>Section II- Definition 'le': Roaming Tariff Plan-FR</b> "Roaming Tariff Plan-FR" or "RTP-FR" means an RTP in which there is no charge for incoming voice calls while on national roaming, on payment of fixed charge, if any, as may be determined by the service provider.	To delete this definition from the TTO, since subsequently amended TTO (60 <sup>th</sup> Amendment) had introduced the new concept of "special Roaming Tariff plan".
3	<b>Section III- Clause 5 : Deposits –</b> Unless otherwise provided for, no service provider shall seek or obtain from any subscriber in any form any amount as deposit for any telecommunication service in excess of one year's rental chargeable from the subscriber for the particular telecommunication service as specified in the relevant standard package.	<b>Section III- Clause 5 : Deposits – shall read as :</b> Unless otherwise provided for, no service provider shall seek or obtain from any subscriber in any form any amount as deposit for any telecommunication service in excess of one year's rental chargeable from the subscriber for the particular telecommunication service.
4	<b>Section IV- Clause 11: Terms and Conditions of Services-</b> The tariff specified by the Authority relates to quality of service parameters that may be set by the Authority from time to time. Service Providers shall clearly indicate the terms and conditions of the provision of telecommunication services to subscribers which shall not in any manner be inconsistent with the provisions of this Order. Such terms and conditions shall, <i>inter-alia</i> , include the following:  (a) Terms and conditions under which such services may be obtained, utilized and terminated;  (b) Terms and conditions relating to the use of service, billing, repair, fault rectification and the like;  (c) Choice of the tariff packages available to a subscriber and procedure available for revising the	The committee decided to recommend modification of the content of this clause considering the fact that this was incorporated in the initial stages of TTO when there were no separate QoS regulations. The terms and conditions mentioned under this clause are covered by subsequent QoS related regulations modified by TRAI in subsequent years. The re-wording of this clause will be done while revising the TTO.

	choice along with the conditions thereof.	
5	<p><b>Schedule 1- Basic Services (Other than ISDN)</b></p> <p>Item (9): Free calls (or uncharged calls) for rural subscribers</p> <p>Item (9.a): Fixed line telephony service including wireless in local loop technology (Fixed)</p>	Recommended to merge the two clauses.
6	<p><b>Schedule II- Cellular Mobile Telecom Service (CMTS),</b></p> <p><b>Item (2) Rental and airtime charge-</b></p> <p>Forbearance provided that: Every service provider shall specify a monthly rental and airtime charge per minute with a pulse duration of 30 seconds, as a "Reference Tariff Package of the Service Provider". No airtime charge for incoming calls in any of the tariff package i.e. Reference/ Alternative.</p>	<p>The concept of 'Reference Tariff Package' and 'pulse duration of 30 seconds' have become irrelevant and is required to be removed being infructuous.</p> <p>Similarly the concept of 'air time charge' has also become infructuous.</p>
7	<p><b>Schedule II- Cellular Mobile Telecom Service (CMTS),</b></p> <p><b>Item (4) Installation Charges</b></p>	<p>(i) "Installation Charges" to change with "Activation Charges"</p> <p>(ii) Following Lines were to be deleted: <i>"offered by a service provider and no up-front payment or recurring charges or fee or any such amount by whatever name or description, shall be levied from a subscriber of any existing life-time validity plan or unlimited validity plan (hereafter referred to as existing tariff plan) if such subscriber opts for migration to a new life-time validity or unlimited validity plan with lower entry fee"</i></p>
8	<p><b>Schedule II- Cellular Mobile Telecom Service (CMTS),</b></p> <p>Item (7A)- Forty Sixth Amendment</p> <p>Tariff for provision of hard copy of the bill or printed copy of the bill to the customer– <b>Nil</b></p>	<p>To be re-worded, so as to introduce option "opt-in" by the subscriber for hard copy of the bill, if so required. (This recommendation of the Committee is being deliberated through a separate consultation process.)</p>
9	Schedule III- Radio Paging Services	Redundant , to be deleted
10	Schedule VII- Value Added Services and Other Services not elsewhere specified	Redundant , to be deleted
11	Schedule VIII- Telex and Telegraph Services	Redundant , to be deleted
12	Schedule XI- Tariff for Unsolicited commercial communication referred to in clause (b) of sub-regulation (3) of regulation 16 of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007).	To be repealed as the TCCCP Regulation has replaced the earlier UCC Regulation.