

Telecom Regulatory Authority of India

New Delhi

March 30, 1999/ Chaitra 9, 1920

In exercise of the powers conferred upon it under sub-section (2) of section 11 of the Telecom Regulatory Authority of India Act, 1997 to notify, by an Order in the Official Gazette, tariffs at which Telecommunication Services within India and outside India shall be provided, the Telecom Regulatory Authority of India hereby makes the following Order.

THE TELECOMMUNICATION TARIFF (First Amendment) ORDER 1999

Section I Title, Extent and Commencement

1. Short title, extent and commencement:

- (i) This Order shall be called "The Telecommunication Tariff (First Amendment) Order 1999."
- (ii) The Order shall come into force from April 1, 1999.

Section II Tariff

2. In Schedules I, II & V of the Telecommunication Tariff Order 1999, the date April 1, 1999 wherever it appears in these schedules shall be substituted by the date May 1, 1999.

Section III Explanatory Memorandum 3. This Order contains at Annex A, an Explanatory Memorandum which explains the reasons for this amendment to the Telecommunication Tariff Order 1999.

BY ORDER

Rakesh Kapur,
Joint Secretary

Annex 'A'

Explanatory Memorandum

On March 9, 1999, the Telecom Regulatory Authority of India had notified the Telecommunication Tariff Order,

1999. The tariffs specified therein were to be implemented with effect from April 1, 1999. On the very next date, however, the Central Government issued a directive purporting to be under Section 25 of the TRAI Act, 1997 that the Tariff Order be held " in abeyance till the entire issue is considered by the Government". While this issue was under correspondence with the Government, the Secretary, Department of Telecommunications, Government of India by his letter of March 27, 1999 requested that in order to avoid any confusion or disruption in effecting necessary changes in all computerised exchanges all over the country, the date of implementation for the tariffs provided for in Schedule I (Basic Services) of Telecommunication Tariff Order, 1999 not be earlier than April 15, 1999.

In the meanwhile, requests were also received from Cellular operators and other Basic service operators, namely M/s. BPL-Mobile, Birla AT&T, SkyCell, Hughes Ispat, Essar, Modi-Telstra, Maxtouch and Escotel, seeking a 2 - 4 week postponement of the implementation of the Telecommunication Tariff Order, 1999.

To consider these requests for postponement, the Telecom Regulatory Authority of India on March 29, 1999, at the official level, held an open house meeting with the associations of service providers and their representatives, including the representatives of DOT. At this meeting, representatives of DOT sought an over all 5 - week extension of time for implementation of the tariff order in respect of Schedule I (Basic Services) and Schedule V (ISDN), while private service providers in respect of Schedule I (Basic Services) and Schedule II (Cellular Services) requested for two to three weeks time for implementation after the DOT had made available its charging plans.

Keeping in view the process that will be required to be gone through by DOT in finalising its tariff and passing it on to the field units for conversion into charging plans and related software, the Telecom Regulatory Authority of India considered two weeks time to be justified for completing this exercise. After the charging tables are made available to the Cellular Mobile Telephone Service operators and the Basic service providers, the Telecom Regulatory Authority of India estimates that the time required is about 2 weeks to convert it into their software for all the exchanges. The Telecom Regulatory Authority of India thus considers a total of 4 weeks time to be justified for the necessary preparatory work for the introduction of new tariffs in Schedules I, II and V. Hence, this amendment changing the date of implementation of tariffs in the Schedules I, II and V to May 1, 1999.

The Telecommunication Tariff Order, 1999 in respect of other services namely, those in schedules III, IV, VI, VII, VIII and IX shall, however, come into effect from April 1, 1999. In respect of these services because of the reasons mentioned above, the service providers have not so far complied with the reporting requirement under clause 7 and publication requirement under clause 9 of the Tariff Order.

In view of the above, the Telecom Regulatory Authority of India has decided to grant a one-time waiver from the prior reporting and publication requirements in respect of services covered by Schedules III, IV, VI, VII, VIII and IX subject to service providers meeting these requirements no later than April 15, 1999.