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## Telecom Regulatory Authority of India (TRAI)

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### Introduction

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- **Legal Backing:** The **Telecom Regulatory Authority of India (TRAI)** was established on 20<sup>th</sup> February, 1997 by the **Telecom Regulatory Authority of India Act, 1997**.
- **Objectives of TRAI:**
  - TRAI's mission is to **create and nurture conditions for growth of telecommunications** in the country.
  - TRAI **regulates telecom services** including fixation/revision of tariffs for telecom services which were earlier vested in the Central Government.
  - It also aims to **provide a fair and transparent policy environment** which promotes a level playing field and facilitates fair competition.
- **Headquarters:** The head office of the Telecom Regulatory Authority of India (TRAI) is located at **New Delhi**.

### Composition of TRAI

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- **Members:** The TRAI consists of a **Chairperson, two whole-time members and two part-time members**, all of which are **appointed by the Government of India**.
- **Tenure of Members:** The Chairperson and other members shall hold their office for a **term of three years** or till the age of **65 years**, whichever is earlier.
- **Chairperson:** The Chairperson has the powers of general superintendence. He/She presides over the meetings of the TRAI.
- **Vice-Chairperson:** The Central Government may appoint one of the members of the Authority as the Vice-Chairperson of TRAI. The vice-chairperson exercises and discharges the powers and functions of the Chairperson in his/her absence.

- **Removal of Members:** The Central Government is empowered to remove any member of the TRAI, if he/she:
  - has been adjudged an insolvent
  - has been convicted of an offence which involves moral turpitude
  - has become physically or mentally incapable of acting as a member
  - has abused his/her position; rendering his/her continuance in office prejudicial to the public interest.
- **TRAI Meetings:**
  - The **Chairperson has the power of organising the meetings** at times. He/She presides over the meetings.
  - In the absence of the chairperson, the vice-chairperson presides over the meetings.
  - In the absence of a vice-chairperson, any member can be chosen from the authority to preside over the meeting.
  - The **decisions in the meetings are taken by the majority vote** of the members present.
    - In the event of an equality of votes, the Chairperson (or the member presiding the meeting) gives a **second or casting vote**.

## Functions of TRAI

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- **Makes Recommendations:** The function of the TRAI is to make recommendations on the following matters:
  - Need for introduction of new service provider.
  - Revocation of license for non-compliance of terms and conditions of licence.
  - Measures to facilitate competition and promote efficiency in the operation of telecommunication services to facilitate their growth.
  - Technological improvements in the services provided by the service providers.
- **Discharge of Responsibilities:** The TRAI is responsible for discharging the following functions:
  - Ensuring the **compliance of terms and conditions** of licence.
  - Ensuring the **technical compatibility** and effective interconnection between different service providers.
  - Laying down the **standards of quality of service** to be provided by the service providers.
  - Ensuring the quality of service and **conducting the periodical surveys** of such services.
  - **Timely and officially notifying the rates** at which the telecommunication services within India and outside India shall be provided under the TRAI Act, 1997.

- **Non-Binding Recommendations:** The recommendations of the TRAI are **not binding** upon the Central Government.
  - If the Central Government does not accept any recommendation of the TRAI or needs modifications, it refers the recommendation back to the Authority for its reconsideration.
  - The TRAI forwards to the Central Government its recommendation after considering the reference made by that Government within 15 days.

## Powers of TRAI

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- **Order for Furnishing Information:** It can call upon any service provider to furnish in writing the information or explanation relating to its affairs as the Authority may require.
- **Appointments for Inquiry:** The Authority may appoint one or more persons to make an inquiry in relation to the affairs of any service provider.
- **Order for Inspection:** It is empowered to direct any of its officers or employees to inspect the books of accounts or other documents of any service provider.
- **Issue Directions to Service Providers:** The Authority shall have the power to issue such directions to service providers as it may consider necessary for proper functioning by service providers.

## Telecom Disputes Settlement and Appellate Tribunal

- **Amendment in the TRAI Act, 1997:** The TRAI Act was **amended in 2000** which established a **Telecommunications Dispute Settlement and Appellate Tribunal (TDSAT)** to take over the **adjudicatory and disputes functions** from TRAI.
- **Objectives:** TDSAT was set up to adjudicate any dispute between:
  - A licensor and a licensee
  - Two or more service providers
  - A service provider and a group of consumers
  - It was also established to hear and dispose of appeals against any direction, decision or order of TRAI.
- **Composition:** The TDSAT consists of a **Chairperson and two other members**, all to be **appointed by the Central Government**.  
The selection of members is done by the **Central Government in consultation with the Chief Justice of India**.
- **Eligibility:**
  - **Chairperson:** A person shall not be qualified for appointment as the Chairperson unless he/she is or has been, a **Judge of the Supreme Court or the Chief Justice of a High Court**.
  - **Other Members:** He/She must have held the post of **Secretary to the Government of India** or any equivalent post in the Central/State Government.

- **Term of office:** The Chairperson and the other members of TDSAT shall hold office for a term of **maximum three years or seventy years** (for Chairperson), whichever is earlier.

In the case of members other than the Chairperson, the maximum age is **sixty-five years**.

- **Removal of Members:** The conditions for removal of any member of the Tribunal are the **same as those of the TRAI**.
- **Jurisdiction of TDSAT:** The civil courts do not have jurisdiction to entertain any matter which the TDSAT is empowered to determine.
  - An **order passed by TDSAT is executable as a decree of civil court**; the Tribunal has all the powers of a civil court.
  - It is **not bound by the procedure laid down by the Code of Civil Procedure** but guided by the principles of natural justice.

The Tribunal has the **powers to regulate its own procedure**.
- **Penalties:** The penalties for the offences that come under the jurisdiction of TDSAT, are the **same as those of TRAI**.