

THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

ARRANGEMENT OF SECTIONS

Last updated: 20-9-2021

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THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

ACT NO. 24 OF 1997

[28th March, 1997.]

An Act to provide for the establishment of the ¹[Telecom Regulatory Authority of India and the Telecom Disputes Settlement and Appellate Tribunal to regulate the telecommunication services, adjudicate disputes, dispose of appeals and to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector] and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Telecom Regulatory Authority of India Act, 1997.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 25th day of January, 1997.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date with effect from which the Authority is established under sub-section (1) of section 3;

²[(aa) “Appellate Tribunal” means the Telecom Disputes Settlement and Appellate Tribunal established under section 14;]

(b) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3;

(c) “Chairperson” means the Chairperson of the Authority appointed under sub-section (3) of section 3;

(d) “Fund” means the Fund constituted under sub-section (1) of section 22;

(e) “licensee” means any person licensed under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing specified public telecommunication services;

²[(ea) “licensor” means the Central Government or the telegraph authority who grants a licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885);]

(f) “member” means a member of the Authority appointed under sub-section (3) of section 3 and includes the Chairperson and the Vice-Chairperson;

(g) “notification” means a notification published in the Official Gazette;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “regulations” means regulations made by the Authority under this Act;

(j) “service provider” means the ³[Government as a service provider] and includes a licensee;

(k) “telecommunication service” means service of any description (including electronic mail, voice mail, data services, audio tex services, video tex services, radio paging and cellular mobile telephone services) which is made available to users by means of any transmission or reception of

1. Subs. by Act 2 of 2000, s. 2, for “Telecom Regulatory Authority of India to regulate the telecommunication services,” (w.e.f. 24-1-2000).

2. Ins. by s. 3, *ibid.* (w.e.f. 24-1-2000).

3. Subs. by s. 3, *ibid.*, for “Government” (w.e.f. 24-1-2000).

signs, signals, writing, images and sounds or intelligence of any nature, by wire, radio, visual or other electro-magnetic means but shall not include broadcasting services.

¹[Provided that the Central Government may notify other service to be telecommunication service including broadcasting services.]

(2) Words and expressions used and not defined in this Act but defined in the Indian Telegraph Act, 1885 (13 of 1885) or the Indian Wireless Telegraphy Act, 1933 (17 of 1933), shall have the meanings respectively assigned to them in those Acts.

(3) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir* shall in relation to that State be construed as a reference to the corresponding law, if any, in that State.

CHAPTER II

TELECOM REGULATORY AUTHORITY OF INDIA

3. Establishment and incorporation of Authority.—(1) With effect from such date as the Central Government may, by notification appoint, there shall be established, for the purposes of this Act, an Authority to be called the Telecom Regulatory Authority of India.

(2) The Authority shall be 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.

²[(3) The Authority shall consist 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 shall be at New Delhi.

³**4. Qualifications for appointment of Chairperson and other members.**—The Chairperson and other members of the Authority shall be appointed by the Central Government from amongst persons who have special knowledge of, and professional experience in, telecommunication, industry, finance, accountancy, law, management or consumer affairs:

Provided that a person who is, or has been, in the service of Government shall not be appointed as a member unless such person has held the post of Secretary or Additional Secretary, or the post of Additional Secretary and Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of not less than three years.]

5. Term of office, conditions of service, etc., of Chairperson and other members.—(1) Before appointing any person as the Chairperson or member, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such member.

⁴[(2) The Chairperson and other members shall hold office for a term not exceeding three years, as the Central Government may notify in this behalf, from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier.

(3) On the commencement of the Telecom Regulatory Authority of India (Amendment) Act, 2000 (2 of 2000), a person appointed as Chairperson of the Authority and every other person appointed as member and holding office as such immediately before such commencement shall vacate their respective offices and such Chairperson and such other members shall be entitled to claim compensation not exceeding three months pay and allowances for the premature termination of the term of their offices or of any contract of service.]

(4) The employee of the Government on his ⁵[selection as the Chairperson or whole-time member] shall have to retire from service before ⁶[joining as the Chairperson or a whole-time member, as the case may be].

1. Ins. by Act 2 of 2000, s. 3 (w.e.f. 24-1-2000).

2. Subs. by s. 4, *ibid.*, for sub-section (3) (w.e.f. 24-1-2000).

3. Subs. by s. 5, *ibid.*, for section 4 (w.e.f. 24-1-2000).

4. Subs. by s. 6, *ibid.*, for sub-sections (2) and (3) (w.e.f. 24-1-2000).

5. Subs. by s. 6, *ibid.*, for “selection as member” (w.e.f. 24-1-2000).

6. Subs. by s. 6, *ibid.*, for “joining as member” (w.e.f. 24-1-2000).

*. *Vide* notification No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(5) The salary and allowances payable to and the other terms and conditions of service of the Chairperson and ¹[whole-time members] shall be such as may be prescribed.

(6) The salary, allowances and other conditions of service of the Chairperson or of a member shall not be varied to his disadvantage after appointment.

²[(6A) The part-time members shall receive such allowances as may be prescribed.]

(7) Notwithstanding anything contained in sub-section (2) ^{3***}, a member may—

(a) relinquish his office by giving in writing to the Central Government notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 7.

⁴[(8) The Chairperson and the whole-time members shall not, for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government, accept—

(a) any employment either under the Central Government or under any State Government; or

(b) any appointment in any company in the business of telecommunication services.]

(9) A vacancy caused to the office of the Chairperson or any other member shall be filled up within a period of three months from the date on which such vacancy occurs.

^{5*} * * * * *

6. Powers of Chairperson and Vice-Chairperson.—(1) The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority and shall discharge such other powers and functions as may be prescribed.

(2) The Central Government may appoint one of the members to be a Vice-Chairperson of the Authority who shall exercise and discharge such powers and functions of the Chairperson as may be prescribed or as may be delegated to him by the Authority.

7. Removal and suspension of member from office in certain circumstances.—(1) The Central Government may remove from office any member, who,—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

⁶[(2) No such member shall be removed from his office under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.]

8. Meetings.—(1) The Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.

1. Subs. by Act 2 of 2000, s. 6, for “other members” (w.e.f. 24-1-2000).

2. Ins. by s. 6, *ibid.* (w.e.f. 24-1-2000).

3. The words, brackets and figure “or sub-section (3)” omitted by s. 6, *ibid.* (w.e.f. 24-1-2000).

4. Subs. by Act 20 of 2014, s. 2, for sub-section (8) (w.e.f. 28-5-2014).

5. The *Explanation* omitted by s. 2, *ibid.* (w.e.f. 28-5-2014).

6. Subs. by Act 2 of 2000, s. 7, for sub-sections (2) and (3) (w.e.f. 24-1-2000).