

The Gazette of India

EXTRAORDINARY

PART II – Section 1

PUBLISHED BY AUTHORITY

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

Functions of
Authority

11. (1) Notwithstanding anything contained in the Indian Telegraph Act, 1885 , the functions of the Authority shall be to-
 - a. recommend the need and timing for introduction of new service provider;
 - b. recommend the terms and conditions of licence to a service provider;
 - c. ensure technical compatibility and effective inter-connection between different service providers;
 - d. regulate arrangement amongst service providers of sharing their revenue derived from providing telecommunication services;
 - e. ensure compliance of terms and conditions of licence;
 - f. recommend revocation of licence for non-compliance of terms and conditions of licence;
 - g. laydown and ensure the time period for providing local and long distance circuits of telecommunication between different service providers;
 - h. facilitate competition and promote efficiency in the operation of telecommunication services so as to facilitate growth in such services;
 - i. protect the interest of the consumers of telecommunication service;
 - j. monitor the quality of service and conduct the periodical survey of such provided by the service providers;
 - k. inspect the equipment used in the network and recommend the type of equipment to be used by the service providers;
 - l. maintain register of interconnect agreements and of all such other matters as may be provided in the regulations;
 - m. keep register maintained under clause (l) open for inspection to any member of public on payment of such fee and compliance of such other requirements as may be provided in the regulations;
 - n. settle disputes between service providers;
 - o. render advice to the Central Government in the matters relating to the development of telecommunication technology and any other matter reliable to telecommunication industry in general;

- p. levy fees and other charges at such rates and in respect of such services as may be determined by regulations;
- q. ensure effective compliance of universal service obligations;
- r. 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.

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(2) Notwithstanding anything contained in the Indian Telegraph Act, 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), 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.

12. (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.

Powers of Authority to call or information conduct investigations, etc.

(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.

Powers of Authority to issue directions. 13. 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.