

**TO BE PUBLISHED IN THE GAZETTE OF INDIA  
EXTRAORDINARY PART III SECTION 4**

**TELECOM REGULATORY AUTHORITY OF INDIA**

**NOTIFICATION**

**New Delhi, the 24<sup>th</sup> September 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 the 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.** In Clause 5 of the principal tariff order, after the words “the particular telecommunication service”, the words “as specified in the relevant standard package” shall be deleted.
- 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 including wireless in local loop technology (Fixed)	50 metered call units per month of a billing cycle

(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

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**Pr. Advisor (F&EA)**

Note.1. – The Telecommunication Tariff Order, 1999 was published in the Gazette of India, Extraordinary, Part III, Section 4 under notification No.99/3 dated 9<sup>th</sup> March, 1999, and subsequently amended as given below:

<b>Amendment No.</b>	<b>Notification No. and Date</b>
1 <sup>st</sup>	301-4/99-TRAI (Econ) dated 30.3.1999
2 <sup>nd</sup>	301-4/99-TRAI(Econ) dated 31.5.1999
3 <sup>rd</sup>	301-4/99-TRAI(Econ) dated 31.5.1999
4 <sup>th</sup>	301-4/99-TRAI(Econ) dated 28.7.1999
5 <sup>th</sup>	301-4/99-TRAI(Econ) dated 17.9.1999
6 <sup>th</sup>	301-4/99-TRAI(Econ) dated 30.9.1999
7 <sup>th</sup>	301-8/2000-TRAI(Econ) dated 30.3.2000
8 <sup>th</sup>	301-8/2000-TRAI(Econ) dated 31.7.2000
9 <sup>th</sup>	301-8/2000-TRAI(Econ) dated 28.8.2000
10 <sup>th</sup>	306-1/99-TRAI(Econ) dated 9.11.2000
11 <sup>th</sup>	310-1(5)/TRAI-2000 dated 25.1.2001
12 <sup>th</sup>	301-9/2000-TRAI(Econ) dated 25.1.2001
13 <sup>th</sup>	303-4/TRAI-2001 dated 1.5.2001
14 <sup>th</sup>	306-2/TRAI-2001 dated 24.5.2001
15 <sup>th</sup>	310-1(5)/TRAI-2000 dated 20.7.2001
16 <sup>th</sup>	310-5(17)/2001-TRAI(Econ) dated 14.8.2001
17 <sup>th</sup>	301/2/2002-TRAI(Econ) dated 22.1.2002
18 <sup>th</sup>	303/3/2002-TRAI(Econ) dated 30.1.2002
19 <sup>th</sup>	303/3/2002-TRAI(Econ) dated 28.2.2002
20 <sup>th</sup>	312-7/2001-TRAI(Econ) 14.3.2002
21 <sup>st</sup>	301-6/2002-TRAI(Econ) dated 13.6.2002
22 <sup>nd</sup>	312-5/2002-TRAI(Eco) dated 4.7.2002
23 <sup>rd</sup>	303/8/2002-TRAI(Econ) dated 6.9.2002
24 <sup>th</sup>	306-2/2003-Econ dated 24.1.2003
25 <sup>th</sup>	306-2/2003-Econ dated 12.3.2003
26 <sup>th</sup>	306-2/2003-Econ dated 27.3.2003
27 <sup>th</sup>	303/6/2003-TRAI(Econ) dated 25.4.2003
28 <sup>th</sup>	301-51/2003-Econ dated 5.11.2003
29 <sup>th</sup>	301-56/2003-Econ dated 3.12.2003
30 <sup>th</sup>	301-4/2004(Econ) dated 16.1.2004
31 <sup>st</sup>	301-2/2004-Eco dated 7.7.2004
32 <sup>nd</sup>	301-37/2004-Eco dated 7.10.2004
33 <sup>rd</sup>	301-31/2004-Eco dated 8.12.2004
34 <sup>th</sup>	310-3(1)/2003-Eco dated 11.3.2005
35 <sup>th</sup>	310-3(1)/2003-Eco dated 31.3.2005
36 <sup>th</sup>	312-7/2003-Eco dated 21.4.2005

37 <sup>th</sup>	312-7/2003-Eco dated 2.5.2005
38 <sup>th</sup>	312-7/2003-Eco dated 2.6.2005
39 <sup>th</sup>	310-3(1)/2003-Eco dated 8.9.2005
40 <sup>th</sup>	310-3(1)/2003-Eco dated 16.9.2005
41 <sup>st</sup>	310-3(1)/2003-Eco dated 29.11.2005
42 <sup>nd</sup>	301-34/2005-Eco dated 7.3.2006
43 <sup>rd</sup>	301-2/2006-Eco dated 21.3.2006
44 <sup>th</sup>	301-34/2006-Eco dated 24.1.2007
45 <sup>th</sup>	301-18/2007-Eco dated 5.6.2007
46 <sup>th</sup>	301-36/2007-Eco dated 24.1.2008
47 <sup>th</sup>	301-14/2008-Eco dated 17.3.2008
48 <sup>th</sup>	301-31/2007-Eco dated 1.9.2008
49 <sup>th</sup>	301-25/2009-ER dated 20.11.2009
50 <sup>th</sup>	301-24/2012-ER dated 19.4.2012
51 <sup>st</sup>	301-26/2011-ER dated 19.4.2012
52 <sup>nd</sup>	301-41/2012-F&EA dated 19.09.2012
53 <sup>rd</sup>	301-39/2012-F&EA dated 1.10.2012
54 <sup>th</sup>	301-59/2012-F&EA dated 05.11.2012
55 <sup>th</sup>	301-10/2012-F&EA dated 17.06.2013
56 <sup>th</sup>	301-26/2012-ER dated 26.11.2013
57 <sup>th</sup>	312-2/2013-F&EA dated 14.07.2014
58 <sup>th</sup>	312-2/2013- F&EA dated 01.08.2014
59 <sup>th</sup>	310-5 (2)/2013-F&EA dated 21.11.2014
60 <sup>th</sup>	301-16/2014-F&EA dated 09.04.2015
61 <sup>st</sup>	301-30/2016-F&EA dated 22.11.2016
62 <sup>nd</sup>	301-30/2016-F&EA dated 27.12.2016
63 <sup>rd</sup>	312-1/2017-F&EA dated 16.02.2018

Note.2. – The Explanatory Memorandum explains the reason for the Telecommunication Tariff (Sixty Forth Amendment) Order, 2018.

## **EXPLANATORY MEMORANDUM**

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 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, *inter alia*, 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 the TTO 64<sup>th</sup> Amendment.

5. Even though the issues covered in the TTO (64<sup>th</sup>) Amendment were in line with the deliberations and recommendations in various committee meetings, the Authority considered it appropriate to seek further views of stakeholders by releasing the draft TTO seeking comments of stakeholders vide Press Release dated 09.07.2018.

6. The last date to receive comments was 26.07.2018 and the last date to receive counter comments was 06.08.2018. Only two stakeholders namely Vodafone India Limited and COAI have submitted comments.

7. Both COAI and Vodafone India Limited were generally in agreement with the proposed provisions of 64<sup>th</sup> Amendment. However, they have invited attention of the Authority to several other suggestions on related issues such as:

- (i) Minimum tariff protection of six months should be changed to three months.
- (ii) Quarterly tariff compliance w.r.t bulk customers should be done away with/ or should be made a part of yearly TRAI compliances.
- (iii) Tariff Ceilings specified for National Roaming tariffs should be abolished and should be left to market forces.
- (iv) Publication of tariff information in national and vernacular language newspaper after every six months should be removed.

- (v) Flexibility to use the denomination of Rupees Ten and multiples thereof for STVs and Combo vouchers also in addition to Top up voucher.
- (vi) Processing fee on Top up voucher should be removed.
- (vii) M-bill or e-bill should be considered as default option for post-paid billing replacing of hard copy
- (viii) DLC tariff ceiling should be removed and let market forces to decide the tariffs.
- (ix) Floor price of 50p/Short Message Services (SMS) sent by persons other than a telemarketer registered under regulation 14 or an entity sending transactional message should be removed.

8. The Authority considered the comments provided by COAI and Vodafone and also closely looked at the deliberations made during several meetings of the committee and that of the sub-committee on tariff set up for purging infructuous regulations. It was found that the above issues were raised and deliberated upon during the meeting with members of the committee which, inter alia, included representatives from both COAI and Vodafone. Extracts from the final recommendations of the committee which is annexed to this TTO lists the decisions taken on various issues and the rationale thereof. The purpose of this TTO is basically to delete, modify or merge various infructuous provisions of TTO as per the recommendations of the committee. Other suggestions for reviewing any existing tariff ceiling, regulation or direction can be considered separately as recommended by the committee.

9. One specific suggestion made in the comments on the draft TTO 64<sup>th</sup> Amendment is to explicitly clarify that the ceiling on security deposit which is not more than 12 months rental should not be made applicable to International Roaming and ISD. The Authority is in agreement with this suggestion. It is hereby clarified that the ceiling on Security deposit mentioned in clause 5 of the principal tariff order will not be applicable for ISD and International Roaming Services.

**Extracts from 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	<p><b>Section II- Definition ‘Id’: Roaming Tariff Plan</b></p> <p>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.</p>	<p>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’.</p>
2	<p><b>Section II- Definition ‘le’: Roaming Tariff Plan-FR</b></p> <p>“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.</p>	<p>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’.</p>
3	<p><b>Section III- Clause 5 : Deposits –</b></p> <p>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.</p>	<p><b>Section III- Clause 5 : Deposits – shall read as :</b></p> <p>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.</p>
4	<p><b>Section IV- Clause 11: Terms and Conditions of Services-</b></p> <p>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:</p>	<p>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.</p> <p>The re-wording of this clause will be done while revising the TTO.</p>

	<p>(a) Terms and conditions under which such services may be obtained, utilized and terminated;</p> <p>(b) Terms and conditions relating to the use of service, billing, repair, fault rectification and the like;</p> <p>(c) Choice of the tariff packages available to a subscriber and procedure available for revising the choice along with the conditions thereof.</p>	
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:</p> <p>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".</p> <p>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 are 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 be substituted with "Activation Charges"</p> <p>(ii) Following Lines were to be deleted:</p> <p><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.</p> <p>(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