

Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005

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Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005

In exercise of the powers conferred upon it under Sec. 36 read with paras (i) and (v) of clause (b) of sub-sec. (1) of Sec. 11 of TRAI Act 1997, the Telecom Regulatory Authority of India hereby makes the following Regulation, namely:

1. Short title, extent and commencement :-

(i) This regulation shall be called 'Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005' (11 of 2005) (hereinafter the 'Regulation').

(ii) This regulation shall be applicable to all the Basic Service Providers, Unified Access Service Providers and Cellular Mobile Telephone Service Providers, including Mahanagar Telephone Nigam Limited/Bharat Sanchar Nigam Limited.

(iii) This regulation shall come into effect from the date of its publication in the Official Gazette.

2. Definitions. :-

In this Regulation, unless the context otherwise requires :-

(i) "Act" means the Telecom Regulatory Authority of India Act, 1997.

(ii) "Authority" means the Telecom Regulatory Authority of India.

(iii) "Basic Telecommunication Services" means services derived from a Public Switched Telephone Network (PSTN) and as specified in the license.

(iv) "Cellular Mobile Telephone Services" means services derived from a Public Land Mobile Network (PLMN) and as specified in the License. This includes both Cellular Mobile Telephone Service provided through GSM and CDMA Technology.

(v) "CDMA" means Code Division Multiple Access.

(vi) "GSM" means Global System for Mobile Communications.

(vii) "Licence" means a licence granted or having effect as if granted under Sec. 4 of the Indian Telegraph Act, 1885 and Indian Wireless Act, 1933.

(viii) "Licensee" means any person licensed under sub-sec. (1) of Sec. 4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing specified public telecommunication services.

(ix) "Message" means anything falling within paragraph 3, Sec. 3 of the Indian Telegraph Act.

(x) "Operator" means any person who is authorized by the Licensor to run a relevant connectable system.

(xi) "Public Land Mobile Network" means a network set up and operated by the licensed operator(s) including Mahanagar Telephone Nigam Limited and Bharat Sanchar Nigam Limited, for the specified purpose of providing land based mobile communication services to the public. It provides communication facilities to subscribers using mobile set.

(xii) "Public Switched Telephone Network" means a network set up and operated by Mahanagar Telephone Nigam Limited/Bharat Sanchar Nigam Limited, or other licensed Basic Service Providers for the specified purpose of providing fixed communication between subscribers using telephone sets/accessories.

(xiii) "Quality of Service" is the main indicator of the performance of a telephone network and of the degree to which the network conforms to the stipulated norms. The subscriber's perception of the Quality of Service (QoS) is determined by a number of performance factors. The most important of these have been specified in this regulation.

(xiv) "Service Provider" means a licensee of Basic, Cellular Mobile Telephone and Unified Access Services and also includes the Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited.

(xv) "TRAI" means Telecom Regulatory Authority of India constituted under TRAI Act, 1997.

(xvi) "Telecommunication Services" 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 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.

(xvii) "Time Consistent Busy Hour (TCBH)": The one hour period starting at the same time each day for which the average traffic of the resource group concerned is greatest over the days under consideration. ITU recommends analysis of 90 days to establish TCBH.

3. Purpose of laying down Quality of Service Parameters. :-

The purpose of laying down Quality of Service Parameters is to:

(i) Create conditions for consumer satisfaction by making known the quality of service which the service provider is required to provide and the user has a right to expect.

(ii) Measure the Quality of Service provided by the Service Providers from time to time and to compare them with the norms so as to assess the level of performance.

(iii) Generally protect the interests of consumers of telecommunication services.

4. Quality of Service (QoS) Parameters. :-

The service provider is required to meet the quality of service parameters as laid down below :-

5. Review :-

(i) The Quality of Service parameters given in Regulation 4 may be reviewed by the Authority from time to time.

(ii) The Authority, on reference from any affected party, and for good and sufficient reasons, may review and modify this regulation.

6. Explanatory Memorandum. :-

This regulation contains at Annex, an explanatory memorandum, which explains the background and reasons for its issuance.

7. Over-riding Effect :-

Wherever higher quality parameter has been stipulated as a condition of licence, the Quality of Service as required by the licence shall override the parameters given herein.

8. Repeal and Saving. :-

(i) Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2000 (2 of 2000) is hereby repealed.

(ii) Notwithstanding such repeal, anything done or any action taken under the said Regulation shall be deemed to have been done or taken under this Regulation.

9. Interpretation. :-

In case of any doubt regarding interpretation of any of the provisions of this Regulation, the clarification of the Authority shall be final and binding.