

## **TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997**

**24 of 1997**

**[March 28, 1997]**

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## **TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997**

**24 of 1997**

**[March 28, 1997]**

An Act to provide for the establishment of the Telecom Regulatory Authority of India to regulate the telecommunication services, 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 1 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 ;

(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 S.4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing specified public telecommunication services;

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

(2) Words and expressions used and not defined in this Act but defined in Telegraph Act, 1885 (13 of 1885) or Wireless Telegraphy Act, 1933 (13 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 2

### 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.

(3) The Authority shall consist of a Chairperson, and not less than two, but not exceeding six members, to be appointed by the Central Government.

(4) The head office of the Authority shall be at New Delhi.

#### **4. Qualifications for appointment of Chairperson and other members :-**

(1) The Chairperson shall be a person who is or has been a Judge of the Supreme Court or who is or has been the Chief Justice of a High Court.

(2) A member shall be a person who has special knowledge of, and professional experience in, telecommunication, industry, finance, accountancy, law, management and 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 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.

(2) The Chairperson shall hold office for a term of five years from the date on which he enters upon his office.

(3) A member shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(4) The employee of the Government on his selection as member shall have to retire from service before joining as a member.

(5) The salary and allowances payable to and the other terms and conditions of service of the Chairperson and other 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.

(7) Notwithstanding anything contained in sub-section (2) or sub-section (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 bereaved from his office in accordance with the provisions of Section 7 .

(8) The Chairperson or any other member ceasing to hold office as such, shall-

(a) be ineligible for further employment under the Central Government or any State Government; or

(b) not accept any commercial employment, for a period of two years from the date he ceases to hold such office.

(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. Explanation.-For the purposes of this section, "commercial employment" means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes

also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.

## **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.

(2) Notwithstanding anything contained in subsection (1), no member shall be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court on a reference being made to it in this behalf by the Central Government, has, on an enquiry, held by it in accordance with such procedure as prescribed in this behalf, reported that the member ought on such ground or grounds to be removed.

(3) The Central Government may suspend from office a member in

respect of whom a reference has been made to the Supreme Court under sub-section (2) until the Central Government has passed an order or receipt of the report of the Supreme Court on such reference.

### **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.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Authority, Vice-Chairperson and in his absence, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.

(4) The Authority may make regulations for the transaction of business at its meetings.

### **9. Vacancies, etc., not to invalidate proceedings of Authority :-**

No act or proceedings of the Authority shall be invalid merely by reason of-

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

### **10. Officers and other employees of Authority :-**

(1) The Authority may appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The salary and allowances payable to and the other conditions

of service of the officers and other employees of the Authority appointed under sub-section (1) shall be such as may be determined by regulations.

### CHAPTER 3

#### POWERS AND FUNCTIONS OF THE AUTHORITY

### **11. Functions of Authority :-**

(1) Notwithstanding anything contained in Telegraph Act, 1885 (13 of 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) lay down 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 (1) 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 communication technology and any other matter relatable 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

(2) Notwithstanding anything contained in Telegraph Act, 1885 (13 of 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. Powers of Authority to call for information, conduct investigations, etc :-**

(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; or

(c) direct any of its officers or employees to inspect the books of account or other documents of any service provider.

(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.

### **13. Power of Authority to issue directions :-**

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.

#### CHAPTER 4

#### SETTLEMENT OF DISPUTES

### **14. Authority to settle disputes :-**

(1) If a dispute arises, in respect of matters referred to in sub-section (2), among service providers or between service providers and a group of consumers, such disputes shall be adjudicated by bench constituted by the Chairperson and such bench shall consist

of two members: Provided that if the members of the bench differ on any point or points they shall state the point or points on which they differ and refer the same to a third member for hearing on such point or points and such point or points shall be decided according to the opinion of that member.

(2) The bench constituted under sub-section (1) shall exercise, on and from the appointed day all such jurisdiction, powers and authority as were exercisable immediately before that date by any civil court on any matter relating to-

(i) technical compatibility and inter-connections between service providers;

(ii) revenue sharing arrangements between different service providers;

(iii) quality of telecommunication services and interest of consumers : Provided that nothing in this sub-section shall apply in respect of matters relating to-

(a) the monopolistic trade practice, restrictive trade practice and unfair trade practice which are subject to the jurisdiction of the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of Section 5 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);

(b) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under Section 9 of the Consumer Protection Act, 1986 (68 of 1986);

(c) dispute between telegraph authority and any other person referred to in sub-section (1) of S.7B of the Indian telegraph Act, 1885 (13 of 1885).

#### **15. Filing of application to Authority and procedure for passing order by it :-**

(1) An aggrieved person may make an application in respect of matters referred to in sub-section (2) of Section 14 within such period as may be prescribed. Explanation.-For the purposes of this sub-section, the expression "aggrieved person" means-

(i) any service provider who has a dispute in respect of matters

referred to in clauses (i) and (ii) of sub-section (2) of Section 14;

(ii) where any loss or damages is caused to a group of consumers, any member representing such group of consumers.

(2) On receipt of an application made under sub-section (1), the Authority may, after giving the parties an opportunity of being heard, pass such orders as it thinks fit preferably within a period of six months from the date of filing of such application and shall record reasons in writing if final order cannot be passed within the said period.

(3) While arriving at a decision, the Authority shall record in writing the reasons for such decision.

(4) Every decision of the Authority shall be published in the annual report of the Authority.

(5) The orders and directions of the Authority shall be binding on the service providers. Government and all other persons concerned.

#### **16. Procedure and powers of Authority :-**

(1) The Authority shall be guided by the principles of natural justice.

(2) The Authority shall have, for the purpose of discharging their functions under this Chapter, the same powers as are vested in a civil court under Code of Civil Procedure, 1908 in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an application for default or deciding it ex parte;

(g) setting aside any order of dismissal of any application for default or any order passed by it ex parte;

(h) any other matter which may be prescribed.

(3) Every proceeding before the Authority shall be deemed to be a judicial proceeding within the meaning of Sections 193 and Section 228 of the Indian Penal Code, 1860 , and for the purpose of Section 196 of the Indian Penal Code, 1860 (45 of 1860) and the Authority shall be deemed to be a civil court for all the purposes of Section 195 and Code of Criminal Procedure, 1973 (2 of 1974).

**17. Right to legal representation :-**

The applicant may either appear in person or authorise one or more legal practitioners or any of its officers to present his or its case before the Authority.

**18. Appeal to High Court :-**

Any person aggrieved by any decision or order of the Authority may file an appeal to the High Court within thirty days from the date of communication of the decision or order of the Authority to him: Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

**19. Orders passed by Authority or High Court to be executable as a decree :-**

Every order made by the Authority under this Act or the order made by the High Court in any appeal against any order of the Authority shall, on a certificate issued by any officer of the Authority or the Registrar of the High Court, as the case may be, be deemed to be decree of the civil court and shall be executable in the same manner as a decree of that court.

**20. Penalty for willful failure to comply with orders of Authority or High Court :-**

If any person willfully fails to comply with the orders of the Authority or any order of the High Court, as the case may be, he shall be punishable with fine which may extend to one lakh rupees and in case of a second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which the default continues.

**CHAPTER 5**

**FINANCE, ACCOUNTS AND AUDIT**

**21. Grants by Central Government :-**

The Central Government may, after due appropriation made by

Parliament by law in this behalf, make to the Authority grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority.

## **22. Fund :-**

(1) There shall be constituted a Fund to be called the Telecom Regulatory Authority of India General Fund and there shall be credited thereto-

(a) all grants, fees and charges received by the Authority under this Act; and

(b) all sums received by the Authority from such other sources as may be decided upon by the Central Government

(2) The Fund shall be applied for meeting-

(a) the salaries and allowances payable to the Chairperson and members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority; and

b) the expenses on objects and for purposes authorised by this Act

.

## **23. Accounts and audit :-**

(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India

.

(3) The Comptroller and Auditor-General of India and any other person appointed by him- in connection with the audit of the accounts of the Authority shall have the same rights and privileges

and authority in connection with such audit as the Comptroller and Auditor-General generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Authority

.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament

.

#### **24. Furnishing of returns, etc., to Central Government :-**

(1) The Authority shall furnish to the Central Government at such time and such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the telecommunication services, as the Central Government from time to time, require.

(2) The Authority shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

#### **CHAPTER 6**

#### **MISCELLANEOUS**

#### **25. Power of Central Government to issue directions :-**

(1) The Central Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

(2) Without prejudice to the foregoing provisions, the Authority

shall, in exercise of its powers or the performance of its functions, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time : Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(3) The decision of the Central Government whether a question is one of policy or not shall be final.

**26. Members, officers and employees of Authority to be public servants.- :-**

All members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

**27. Bar of jurisdiction :-**

No civil courts shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine.

**28. Protection of action taken in good faith :-**

No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of Central Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder

**29. Penalty for contravention of directions of Authority :-**

If a person violates directions of the Authority, such person shall be punishable with fine which may extend to one lakh rupees and in case of second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which the default continues.

**30. Offences by companies :-**

(1) Where an offence under this Act has been committed by a company, every person who at the time of the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such

person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence

(2) Notwithstanding anything contained in sub-section. (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

### **31. Offences by Government Departments :-**

(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(

2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### **32. Exemption from tax on wealth and income :-**

Notwithstanding any- thing contained in Wealth Tax Act, 1957 (27 of 1957), Income Tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority shall not be liable to pay wealth tax, income tax or any other tax in respect of their wealth, income, profits or gains derived.

### **33. Delegation :-**

The Authority may, by general or special order in writing, delegate

to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle dispute under Chapter IV and to make regulation under Section 36 ) as it may deem necessary

**34. Cognizance of offences :-**

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1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder, save on a complaint made by the Authority.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate of first class shall try any offence punishable under this Act.

**35. Power to make rules :-**

(1) The Central Government may, by notification, make rules for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the salary and allowances payable to and the other conditions of service of the Chairperson and members under sub-section (5) of Section 5

(b) the powers and functions of the Chairperson under sub-section (2) of Section 6;

(c) the procedure for conducting an inquiry made under sub-section (2) of Section 7;

(d) the category of books of account or other documents which are required to be maintained under sub-section (3) of Section 12;

(e) the period within which an application is to be made under sub-section (1) of Section 15;

(f) the manner in which the accounts of the Authority shall be maintained under sub-section (1) of Section 23;

(g) the time within which and the form and manner in which returns and report are to be made to the Central Government under sub-sections (1) and (2) of Section 24;

(h) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules

.

### **36. Power to make regulations :-**

(1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the fore-going power, such regulations may provide for all or any of the following matters, namely:-

(a) the times and places of meetings of the Authority and the procedure to be followed at such meetings under sub-section (1) of Section 8 , including quorum necessary for the transaction of business.

(b) the transaction of business at the meetings of the Authority under sub-section (4) of Section 8;

(c) the salaries and allowances payable to and the other conditions of service of officers and other employees of the Authority under sub-section (2) of Section 10

(d) matters in respect of which register is to be maintained by the Authority under .clause (i) of sub-section (1) of Section 11

(e) levy of fee and lay down such other requirements on fulfilment of which a copy of register may be obtained under clause (m) of sub-section (1) of Section 11;

(f) levy of fees and other charges under clause (p) of sub-section (1) of Section 11 .

### **37. Rules and regulations to be laid before Parliament :-**

Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have

effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation

**38. Application of certain laws :-**

The provisions of this Act shall be in addition to the provisions of Telegraph Act, 1885 (13 of 1885) and Wireless Telegraph Act, 1933(17 of 1933) and, in particular, nothing in this Act shall effect any jurisdiction, powers and functions required to be exercised or performed by the Telegraph Authority in relation to any area falling within the jurisdiction of such Authority.

**39. Power to remove difficulties :-**

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1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty. Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament

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**40. Repeal and saving :-**

(1) The Telecom Regulatory Authority of India Ordinance, 1997 (Ordinance 11 of 1997) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act

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