

**Bill No. LXVIII of 2008.**

THE TELECOM REGULATORY AUTHORITY OF INDIA  
(AMENDMENT) BILL, 2008

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BILL

*further to amend the Telecom Regulatory Authority of India Act, 1997.*

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

**1.** (1) This Act may be called the Telecom Regulatory Authority of India (Amendment) Act, 2008. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

24 of 1997.

**2.** In the Telecom Regulatory Authority of India Act, 1997, in section 4, for the proviso, the following proviso shall be substituted, namely:— Amendment of section 4.

“Provided that a person, who is in the service of the Government or has retired from such service on attaining the age of superannuation, shall not be appointed as a member unless such person has held the post of Secretary or Additional 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.”.

## STATEMENT OF OBJECTS AND REASONS

The Telecom Regulatory Authority of India (hereinafter referred to as TRAI) is a statutory body set up by the Government of India under section 3 of the Telecom Regulatory Authority of India Act, 1997. It consists of a Chairperson and not more than two full-time members and not more than two part-time members.

2. The qualifications for the appointment of the Chairperson and other members of the TRAI are provided in section 4 of the said Act. In terms of this section, 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. The proviso of the said section further provides 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.

3. The provisions of the proviso of the said section has been considered as unreasonable, inconsistent and having no nexus with the object of finding an appropriate person to be appointed as Chairperson or Member of the TRAI as it inflicts a disability in cases where a person who has served the Government, even for short duration, in one or other capacity and while being in the Government or after leaving the Government has excelled in the field of telecommunication or other relevant field. In these cases, such a person would not be eligible under section 4 of the said Act only for the reason for his not having held the post of Secretary or Additional Secretary or equivalent post in the Central Government or the State Government for a period of three years.

4. In order to remove the said inconsistency in the qualifications of the Chairperson or other members of TRAI, the amendment to the proviso of section 4 of the said Act has been proposed to provide that a person, who is in the service of Government or has retired from such service on attaining the age of superannuation, shall not be appointed as a member unless such person has held the post of Secretary or Additional 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. The Bill seeks to achieve the above objective.

NEW DELHI;

*The 29th October, 2008.*

A. RAJA.

ANNEXURE

EXTRACT FROM THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

(24 OF 1997)

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4. 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:

Qualifications  
for  
appointment  
of  
Chairperson  
and other  
members.

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.

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RAJYA SABHA

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further to amend the Telecom Regulatory Authority of India Act, 1997.

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*(Shri A. Raja, Communication and Information Technology)*