TELECOM REGULATORY AUTHORITY OF INDIA

New Delhi 31st August, 1999

[F.No. 409-1/98-TRAI (Comm)]. In exercise of the powers conferred upon it under Section 36 read with clauses (l) and (m) of Sub-section 1 of Section 11 of the Telecom Regulatory Authority of India Act, 1997 in regard to Maintenance of Register of Interconnect Agreements and matters connected therewith, the Telecom Regulatory Authority of India hereby makes the following Regulations.

THE REGISTER OF INTERCONNECT AGREEMENTS

REGULATIONS 1999

(2 of 1999)

Section-I

Title, Extent and Commencement

Short title, extent and commencement

1. i) These Regulations shall be called "**The Register of Interconnect Agreements Regulations 1999".**

ii) These Regulations prescribe the modalities for the maintenance of the Register of Interconnect Agreements between service providers and matters connected therewith.

These Regulations shall be applicable to:

i All service providers who are required to furnish information pertaining to Interconnect

a Agreements to the Authority as per these Regulations or any other Rule/Regulation/ Order

issued under the TRAI Act, 1997.

b Interconnect Agreements between all service providers of telecommunication services

throughout the territory of India.

c All Interconnect Agreements between service providers whether entered into before or

after these Regulations come into effect.

iv) These Regulations shall come into effect from the **First day of September 1999.**

Section-II

Definitions

2 In these Regulations, 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. **"Fee"** means any charge(s) prescribed by the Authority from time to time for inspection of the Register of Interconnect Agreements, or for copies thereof.

iv. **"Interconnection"** means the commercial and technical arrangements under which service providers connect their equipment, networks and services to enable their customers to have access to the customers, services, and networks of other service providers.

v. **"Register"** means the Register of Interconnect Agreements maintained by the Authority either in the print form as a Register and/ or maintained as a data base in electronic medium or in any other form as the Authority may prescribe from time to time.

vi. **"Regulations"** mean the Register of Interconnect Agreements Regulations 1999.

vii. **"Consumer"** means any individual, group, public/ private company, any other organisation or body who is/ are subscriber of any telecom service(s) in the country.

viii. **"Quality of Service"** means the collective effect of service performance, which determines the degree of satisfaction of a user of the telecom services. The quality of service being characterised by the combined aspects of service support performance, service operability performance, serveability performance, service security performance and other factors specific to each service.

ix. Words and expressions used in these Regulations and not defined here shall bear the same meaning as assigned to them in the Act.

Section-III

Contents of the Register

2. The Register shall be maintained in three parts:

i. Part I containing a list of all Interconnect Agreements with the names of interconnecting service providers, service areas of their operation, and the dates of the execution of such Agreements;

ii. Part II containing portions of the Interconnect Agreements, which the Authority may direct to be kept confidential;

iii. Part III containing the contents of Interconnect Agreements other than those directed by the Authority to be kept confidential. This part shall be open for inspection by the public.

Confidential Portion of the Register:

4. i) The Authority may, on the request of any party to an Interconnect Agreement, direct that any part of such Interconnect Agreement be kept confidential.

ii) Any request for keeping a part of the Interconnect Agreement confidential must be accompanied by a non-confidential summary of the portion sought to be kept confidential.

iii) If the Authority is satisfied that there are good grounds for so doing, it may direct that any part of such Interconnect Agreement be kept confidential. The non-confidential summary of such part shall, however, be incorporated in Part III of the Register.

iv) If the Authority declines the request of any service provider to keep any portion of the Interconnect Agreement confidential, it shall record its reason for doing so and furnish a copy of its order to the service provider concerned. In that event the service provider shall have the right to make a representation and/ or to be heard by the Authority against such order.

v) The Authority may at any time disseminate confidential information in Part II of the Register if in its opinion the disclosure of the information would be in public interest. Before making such disclosure, the Authority shall afford an opportunity of hearing to service provider at whose request such information had been kept confidential.

vi) Where a service provider requests that any part of the Interconnect Agreement be kept confidential, such portion of the Agreement shall remain confidential until the matter is determined by the Authority.

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Registration of Interconnect Agreements

5. All service providers shall register with the Authority any Interconnect Agreement to which they are parties:

   a. Where such Agreement had been entered into earlier than these Regulations, within 30 days of the coming into effect of these Regulations; and

   b. In all other cases within 30 days of the execution or modification of such Agreements.

5. All service providers shall furnish to the Authority two copies each of the Interconnect Agreements alongwith modification(s), if any, thereto in print form, duly authenticated, along with a soft copy of it in a floppy/ diskette of 3.5" size in Microsoft Word software and also in such other form as may be prescribed from time to time.

6. The Authority may from time to time prescribe the format(s) for seeking disaggregated information of such parts of the Interconnect Agreements having bearing on inter alia technical standards/ specifications relating to interconnection, quality of service, fault resolving procedures, downtimes, access charges, port charges, revenue sharing arrangements, area of operation and consumer related information such as range of services and the like also to be included in the Register.

Access to the Register

7. The Register shall be open for inspection by any member of the public on payment of prescribed fee and on his fulfilling such other conditions as may be provided for in these Regulations or may be notified by the TRAI from time to time.

8. Any person seeking inspection of the Register shall apply to the Under Secretary (Commer cial), TRAI or any other Officer, who may be designated for the purpose by the Authority, detailing therein the information he/ she seeks.

10. The designated officer shall allow inspection of the Register and also make available extracts of the relevant portions of the Register on payment of such fee as may be prescribed from time to time.

11. The Authority may also allow access to the Register through the web-site maintained by the Authority on the same conditions and on payment of such fee as may be prescribed from time to time.

Levy of fees and other charges

12. (i) There shall be levied a fee of Rs. 50 per hour for inspection of the Register.

(ii) A fee of Rs. 20 per page shall be charged for copies of extracts from the Register

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General

13. If any dispute arises with regard to the interpretation of any of the provisions of these Regulations, the decision of the Authority shall be final and binding.

(Rakesh Kapur)

Joint Secretary (Commercial)

TELECOM REGULATORY AUTHORITY OF INDIA

No. 11-11/2004/B&CS February 3rd , 2004.

New Delhi

In exercise of the powers conferred upon it under section 36 read with Sub-section 1(b) of section 11 of the Telecom Regulatory Authority of India Act, 1997 as amended by TRAI (Amendment) Act, 2000 in regard to maintenance of Register of Interconnect Agreements and matters connected therewith, the Telecom Regulatory Authority of India hereby makes the following Regulation.

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THE REGISTER OF INTERCONNECT AGREEMENTS (First Amendment) REGULATIONS 2004
(2 OF 2004)

SECTION-I
SHORT TITLE, EXTENT AND COMMENCEMENT

1. This Regulation shall be called "The Register of Interconnect Agreements (First Amendment) Regulations 2004".
2. The provisions of the Register of Interconnect Agreement Regulation 1999 (hereinafter referred to as Principal Regulation) shall, to the extent of their variance with this Regulation, be deemed to have been amended.
3. This Regulation shall come into force from the date of its notification.

SECTION-II
DEFINITIONS

1. Clause (iv) of Regulation 2 of the Principal Regulation shall be substituted to read as under.

"Interconnection" means the commercial and technical arrangements under which service providers connect including through electro-magnetic signals, their

equipment, networks and services to enable their customers to have access to the customers, services and/or networks of other service providers.

2. In Regulation 2 under section (ii) of the principal Regulation, the following clauses shall be inserted after clause (viii) thereof.

Clause-ix - "cable operator" means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;

Clause-x - "cable service" means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

Clause-xi - "cable television network" means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable services for reception by multiple subscribers;

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Clause-xii -"broadcasting service" means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electro-magnetic waves through space or through cables intended to be received by the general public either directly or indirectly through the medium of relay stations and all its grammatical variations and cognate expressions shall be constructed accordingly;

Clause-xiii - "broadcaster" means any person including an individual, group of persons, public or a body corporate, firm or any organization or body who/which is providing broadcasting service and includes his authorised distribution agencies;

Clause-xiv - "multi-service operator" means any person who provides cable service generally through a cable operator and whose service area extends across a state/ district/ city/ town/ area, as the case may be.

3. Clause (ix) in the principal regulation would be re-numbered as clause (xv).

SECTION-III
REGISTRATION OF INTERCONNECT AGREEMENTS

1. In Regulation 5 under section (iii) of the Principal Regulation, the following proviso, after the Regulation 5(b), shall be inserted;

"Provided that in respect of Broadcasting and Cable Services, the Broadcasters including their authorized distribution agencies and Multi-service Operators will register with the Authority any interconnect agreement to which they are p arties"

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SECTION-IV
GENERAL

1. If any dispute arises with regard to the interpretation of any of the provisions of these Regulations, the decision of the Authority shall be final and binding.

SECTION-V
NOTE

1. This Regulations contains at Annex A, an Explanatory Memorandum that explains the reasons for this amendment to the Register of Interconnection Agreement Regulation 1999.

By Order

(RAJENDRA SINGH)
Secretary

ANNEX A

EXPLANATORY MEMORANDUM

1. The Government of India issued a Notification No.39 dated 09.01.2004 whereby the scope of the expression 'telecommunication services' (defined in Section 2(k) of the Telecom Regulatory Authority of India Act, 1997 as amended) was expanded to include the broadcasting services and cable services also. Consequently the Telecom Regulatory Authority of India is entrusted with the basic task of regulation of cable and broadcasting services in the country.

2. As per the provisions of the regulation titled "The Register of Interconnect Agreements Regulations 1999" (2 of 1999), all the Service Providers of Telecom Services including Broadcasting & Cable Services are required to register with the Authority any interconnect agreements to which they are parties within the time frame specified in that regulations. Since the scope of the expression "Telecommunication Service" has been expanded to include the Broadcasting & Cable Services also, such amendment in the said regulations as was necessitated to bring in the broadcasting and cable services within the ambit of the said regulation, has been made.

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3. In respect of the broadcasting and cable service, in view of the huge number of cable operators, it was considered adequate to require only the broadcasters including their authorized distribution agencies and Multi-service Operators to register with the Authority any interconnect agreements to which they were parties.

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi the 31st December 2004

File No 11-11/2004- B&CS -In exercise of the powers conferred upon it under section 36 read with sub-section1(b) of section 11 of the Telecom Regulatory Authority of India Act, 1997, the Telecom Regulatory Authority of India hereby makes the following regulation.

1. **SHORT TITLE, EXTENT AND COMMENCEMENT**

i) This regulation shall be called "The Register of Interconnect Agreements(Second Amendment) Regulation 2004" (14 of 2004) (hereinafter called the regulation).

ii) This regulation shall come into force from the date of its notification in the official Gazette.

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2. The following clauses and entries relating thereto of the Register of Interconnect Agreement Regulation, 1999 (Principal Regulation) shall stand deleted:-

(i) Clause ix, x, xi, xii, xiii, xiv under regulation 2.
(ii) Proviso to regulation 5(b).

3. The entry under clause(iv) of regulation 2 of the Principal Regulation shall be substituted to read as under:-

"Interconnection means the commercial and technical arrangements under which service providers connect their equipment, networks and services to enable their customers to have access to the customers, services and networks of other service providers."

4. Clause (xv) under regulation 2 of the Principal Regulation shall be re-numbered as clause(ix).

5. Anything done or any action taken under the Principal Regulation before this amendment shall be valid and deemed to have been done or taken under the Principal Regulation.

(Rakesh Kacker)
Advisor(B&CS)

Telecom Regulatory Authority of India
A-2/14, Safdurjang Enclave,
New Delhi-110029

Notification

No. 306-3/2005-QOS March 4, 2005

In exercise of the powers conferred by section 36 read with clauses (vii) and (viii) of Sub-section (1)(b) of Section 11 of the Telecom Regulatory Authority of India 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 The Register of Interconnect Agreements (Third Amendment) Regulation, 2005 (5 of 2005).

ii) It shall come into force on the date of its publication in the Official Gazette.

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2. The following entries shall substitute the entries relating to regulation 4 of Section III of The Register of Interconnect Agreements Regulation, 1999 dealing with confidential portion of the register:

" Where any party to an Interconnect Agreement requests the Authority to keep the whole or any part of the agreement as confidential, the Authority shall take a decision thereon in accordance with the relevant provisions of The Telecom Regulatory Authority of India (Access to Information) Regulation, 2005."

3. **Explanatory Memorandum**

An explanatory memorandum dealing with the background of this regulation is annexed.

By order

(Harsha Vardhana Singh)
Secretary cum Principal Advisor

Annexure

Explanatory Memorandum

Telecom Regulatory Authority of India has made a comprehensive Regulation on confidentiality of information provided to it, as such there is no necessity of having similar provisions in the Register of Interconnection Agreement Regulation, 1999 (2 of 1999) and therefore the relevant provision have been amended.

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