MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 16th March, 1999

G.S.R. 210 (E). –In exercise of the powers conferred by sub-section (1), read with clause (c) of sub-section (2) of section 35 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Central Government hereby makes the following rules regulating the procedure for conducting inquiry against a Member of the Telecom Regulatory Authority of India, namely:-

1. **Short title and commencement**. -(1) These rules may be called the Telecom Regulatory Authority of India (Procedure for conducting inquiry against a Member) Rules, 1999.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions**. - (1) In these rules unless the context otherwise requires,-

(a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) "Judge" means a Judge of the Supreme Court appointed for conducting an inquiry under rule 3;

(2) Words and expression used and not defined in these rules but defined in the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), shall have the meanings respectively assigned to them in that Act.

3. **The Judge to conduct inquiry**.- (1) Whenever the Central Government is of the opinion that there are reasonable grounds for making an inquiry against a member under sub-section (2) of section 7 of the Act, into truth of any imputation of acquisition of such financial or other interest as is likely to affect prejudicially his functions as a member or abuse of his position as to render his continuance in office prejudicial to the public interest, it may, after consulting the Chief Justice of India, by notification in the Official Gazette, appoint a Judge for the purpose of conducting such inquiry.

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(2) Notice of appointment of a Judge under sub-rule (1) shall also be given to such member.

4. **Powers of the Judge.-** (1) The Judge shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and times of his enquiry.

(2) The Judge shall have, for the purposes of discharging his functions under these rules, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, 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; and

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office.

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[No. F. 7-9/98 – TCO]

GURDIP SINGH, Jt. Secy.