

F.No.341-3/2011-CA (QoS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhavan,
Jawaharlal Nehru Marg, Next to Zakir Hussain College,
New Delhi -110 002.

Dated the 23rd December, 2011

DIRECTION

Subject: Amendment to Direction F.No.341-3/2011-CA (QoS) dated 25th October, 2011 regarding Transactional messages.

F.No.341-3/2011-CA(QoS)---- Whereas the Telecom Regulatory Authority of India (hereinafter referred as the Authority), had in exercise of the powers conferred upon it under section 36, read with sub-clauses (v) of clause (b) of sub-section (1) and clause(c) of sub-section (1) of section 11 of the TRAI Act, notified the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010) dated the 1st December, 2010, (herein after referred to as the regulations) to regulate unsolicited commercial communications;

2. And whereas clause (ab) of regulation (2) of the said regulations defines 'Transactional message' and whereas sub-clause (iv) thereof provides that the Authority may, from time to time, specify any other message as Transactional message;

3. And whereas the Authority had, vide its Direction F.No.341-3/2011-CA (QoS) dated 25th October, 2011, specified certain categories of SMS under Transactional message.

4. And whereas the Authority has received representations from various stakeholders stating that certain categories of SMSs sent in response to the request received from a subscriber may also be included in the definition of the Transactional messages;

5. And whereas the Authority has duly considered the representations referred to in the preceding para and is of the view that SMSs under certain categories need to be considered as Transactional messages in addition to

categories specified in the said regulations and in the Direction F.No.341-3/2011-CA (QoS) dated 25th October, 2011 referred to in para 3 above;

6. Now therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and sub clause (iv) of clause (ab) of regulation 2 of the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010), hereby makes the following amendment to its Direction F.No.341-3/2011-CA (QoS) dated 25thOctober, 2011, namely:-

(a) in para 6, after sub- para (iii), the following sub-para shall be inserted, namely---

“(iv) information sent by a registered company or charitable trust or society or telecom service provider, pertaining to its activities to a telecom subscriber in response to a verifiable request of such subscriber;

Provided that the registered company or charitable trust or society or telecom service provider-

- (a) sends information to the subscriber only after receipt of a verifiable request from him;
- (b) informs the subscriber through SMS, that the information requested for will be provided for a maximum period of six months, unless renewed and also the procedure for the subscriber to opt out at any time during the six months period from receiving such information;
- (c) shall obtain a fresh request from the subscriber every six months for continuing to receive such information;
- (d) intimate to the subscriber at least once in thirty days about the procedure to opt out from receiving such information;
- (e) provide details regarding procedure to opt out from receiving such information in every advertisement wherein regarding the facility is published by it in any media;

- (f) maintain a record of the request made by the subscriber for receiving such information for at least three months and provide such record as and when required by the Authority;
- (g) does not send any objectionable, obscene, unauthorized content, message or communication which is against public interest or national security or which infringes any copyright, intellectual property right etc, and the information does not contain any content which may violate any law of the land;

Provided further that every Access Provider shall, before permitting a registered company or charitable trust or society or telecom service provider, to send such information, enter into a standard agreement with such company, trust, society and telecom service provider as specified in schedule V of the Telecom Commercial Communication Customer Preference Regulations, 2010 (6 of 2010) dated 1st December, 2010 and obtain security deposits as specified in the said regulation and ensure that :-

- (a) such company or trust or society or telecom service provider shall use the proper header provided by it; and
- (b) no unsolicited commercial communication or promotional message is mixed with the information sent to the subscriber through telecom resources allotted for the purposes of sending Transactional messages;

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To
All Access Providers