

F.No.341-3/2011-CA (QoS)
Telecom Regulatory Authority of India
MahanagarDoorsancharBhavan,
Jawaharlal Nehru Marg, Next to ZakirHussain College,
New Delhi – 110002.

Dated the 25thOctober, 2011

DIRECTION

Subject: Direction 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), regarding Transactional messages.

F.No.341-3/2011-CA(QoS)---- Whereas the Telecom Regulatory Authority of India (hereinafter referred as the Authority), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act), has been entrusted with discharge of certain functions, *inter alia*, to regulate the telecommunication services, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such services provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas 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, made 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;

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

4. And whereas the Authority received representations from various stakeholders stating that certain categories of SMSs arising out of day to day transactions or dealings between two entities may 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 commercial SMSs under certain categories need to be considered as Transactional messages;

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 specifies following categories of SMS as Transactional messages:-

- (i) information sent by e-commerce agencies in response to e-commerce transactions made by their customers;
- (ii) information sent by a company or a firm or depository participant, registered with Securities and Exchange Board of India (SEBI) or Insurance Regulatory Development Authority (IRDA) or Association of Mutual Funds in India (AMFI) or National Commodity & Derivative Exchange Ltd. (NCDEX) or

Multi Commodity Exchange of India Ltd. (MCX) to its clients pertaining to the account of the client;

- (iii) information sent by a registered company to its employees or agents or to its customers pertaining to services or goods to be delivered to such customers;

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