

TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY,
PART III, SECTION 4
TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the – 1st November, 2011

THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER
PREFERENCE (EIGHTH AMENDMENT) REGULATIONS, 2011
(7 OF 2011)

No.352-4/2011-CA (QoS)- In exercise of powers conferred by section 36 read with sub-clauses(v) of clause (b) of sub-section (1) of section 11 and clause (c) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

1. (1) These regulations may be called the Telecom Commercial Communications Customer Preference (Eighth Amendment) Regulations, 2011.

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

2. In sub-regulation (2) of regulation 20 of the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010), ----

(a) in clause (k) for the words “one hundred SMS per day per SIM” , the words “two hundred SMS per day per SIM” shall be substituted;

(b) in clause (ka), ---

- (i) for the words “one hundred SMS per day per SIM” , the words “two hundred SMS per day per SIM”;
 - (ii) in first proviso, for the words “three thousand SMS per SIM per month” the words “six thousand SMS per SIM per month”; and
 - (iii) in second and third provisos, for the words “one hundred SMS per day per SIM”, the words “two hundred SMS per day per SIM”, --- shall be substituted;
- (c) in clause (kb) and its provisos, for the words “one hundred SMS per day per SIM” , the words “two hundred SMS per day per SIM” shall be substituted.

(R. K. Arnold)
SECRETARY

Note1: The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 vide notification No. 305-17/2010-QoS dated 1st December, 2010.

Note 2:The principal regulations were amended vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 14th December, 2010.

Note 3: The principal regulations were further amended (second amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 28thDecember, 2010.

Note 4: The principal regulations were further amended (third amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 31stJanuary, 2011.

Note 5: The principal regulations were further amended (fourth amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 28th February, 2011.

Note 6: The principal regulations were further amended (fifth amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 18th March, 2011.

Note 7: The principal regulations were further amended (Sixth amendment) vide notification No. 352-4/2011-CA (QoS) Pt. and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 05th September, 2011.

Note 8: The principal regulations were further amended (Seventh amendment) vide notification No. 352-4/2011-CA (QoS) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 25th October, 2011.

Note 9: The Explanatory Memorandum explains the objects and reasons of Telecom Commercial Communications Customer Preference (Eighth Amendment) Regulations, 2011 (7 of 2011).

Explanatory Memorandum

1. The Telecom Regulatory Authority of India made the Telecom Commercial Communications Customer Preference Regulation, 2010 (6 of 2010) (hereinafter referred to as the principal regulations) dated the 1st December, 2010 to provide an effective mechanism for curbing unsolicited commercial communications.

2. The principal regulations provide a restriction on providing any SMS package or tariff plan permitting sending more than 100 SMS per day per SIM except for telemarketer or entity sending transactional messages. Principal regulation also provides that no Access Provider shall permit sending of more than one hundred SMS per day per SIM except a telemarketer or transactional message sending entity. The Authority has received representations from some of the service providers and consumers requesting that the limit of one hundred SMS per day per SIM may be increased. The Authority has considered these representations and decided to increase the limit of one hundred SMS per day per SIM to two hundred SMS per day per SIM to facilitate such customers. Accordingly, the Authority has amended clause (k), (ka) and (kb) of sub-regulation (2) of regulation 20 of the principal regulation.