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EXTRAORDINARY,
PART III, SECTION 4
TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 14th May, 2012

THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER
PREFERENCE (NINTH AMENDMENT) REGULATIONS, 2012
(11 OF 2012)

No.305-24/2011-QoS(SP)- In exercise of powers conferred by section 36, read with sub-clause(v) of clause (b) 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 (Ninth Amendment) Regulations, 2012.

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

2. In regulation 18 of the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010), after sub-regulation (5), the following proviso shall be inserted, namely:-

“Provided that in case the telemarketer is blacklisted for sending unsolicited commercial communications through the telecom resources allotted to it for sending promotional messages, the telecom resources provided to it for sending promotional messages shall only be disconnected;

Provided further that in case the telemarketer is blacklisted for sending unsolicited commercial communications through the telecom resources allotted to it for sending transactional messages, the telecom resources provided to it for sending

transactional messages and promotional messages shall be disconnected.”

(Sudhir Gupta)
SECRETARY-IN-CHARGE

Note 1: 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 28th December, 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 31st January, 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 principal regulations were further amended (Eighth amendment) vide notification No. 352-4/2011-CA (QoS) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 1st November, 2011.

Note 10: The Explanatory Memorandum explains the objects and reasons of Telecom Commercial Communications Customer Preference (Ninth Amendment) Regulations, 2012 (11 of 2012).

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. All the provisions of regulations came into force from 27th September 2011.
2. The principal regulations provide that every Access Provider shall provide separate telecom resources, for sending transactional message and promotional messages and has to enter into separate agreements before providing promotional or transactional resources in accordance with Schedule-IV and Schedule-V of the principal regulations, respectively.
3. The principal regulations also provide that in case of receipt of a complaint regarding the receipt of Unsolicited Commercial Communication by a subscriber who is registered on National Customer Preference Register (NCPR), the originating access provider shall issue a notice to the concerned telemarketer, forwarding the detail of the UCC made by him and informing him of the deduction made from the security deposit of an amount as agreed upon in terms of Schedule IV or Schedule V to the principal regulations and upon service of the sixth notice in a calendar year by any Access Provider on a telemarketer for sending UCC, the name of such telemarketer will be entered into the blacklist for two years. Once a telemarketer is blacklisted, every Access Provider shall disconnect the telecom resources provided by it under the regulations to such telemarketer.
4. With regards to the importance of transactional messages to the telecom consumers, the Authority considered that in case a telemarketer is blacklisted for sending Unsolicited

Commercial Communications through promotional resources, the disconnection of all the resources procured by him from Access Providers including the transactional resources would cause inconvenience to the consumers. However, in case the transactional pipe is misused to send promotional messages, the telecom resources of the telemarketer for both the promotional messages and transactional messages shall be disconnected. Whenever a telemarketer is blacklisted for sending Unsolicited Commercial Communications either through promotional resources or through transactional resources, it will not get any telecom resources under these regulations for the period of blacklisting. Accordingly, the Authority has amended sub-regulation (5) of regulation 18 of the principal regulations.