

Information note to the Press
(Press Release No. 174 /2012)

For Immediate release

Telecom Regulatory Authority of India

TRAI seeks comments on the draft “The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012” and consultation paper on review of measures taken for curbing unsolicited commercial communications.

New Delhi, 3rd August, 2012: The Telecom Regulatory Authority of India (TRAI) today released draft “The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012” and a consultation paper on review of measures taken for curbing Unsolicited Commercial Communications (UCC), prescribing further measures to tighten the framework for controlling the menace of unsolicited commercial communications.

2. For addressing the problem of UCC, TRAI had issued “The Telecom Commercial Communications Customer Preference Regulations, 2010” on 1st December 2010, which came into force from 27th September 2011. Also, from time to time, TRAI had been issuing amendments to these regulations as well as directions to control UCC. It is observed from the complaints received by service providers that consumers registered on NCPR are receiving unsolicited SMSs mostly from unregistered telemarketer (10 digit numbers) or entities who have not registered themselves with TRAI as telemarketer. The Authority is concerned with the issue and is of the view that further stringent measures are required to be adopted for controlling such menace. The draft Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012 and consultation paper provide for further measures to tighten the current regulatory framework for controlling UCC.

3. The key measures proposed in the draft “The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012” are:

- i. For sending UCC, the unregistered telemarketers to be charged Rs 500 followed by disconnection of telecom resources.
- ii. Easy lodging of UCC complaints by forwarding the SMS to 1909.
- iii. Access Providers to send SMS blast on periodic basis, at least twice in a year, advising consumers not to send any commercial communications. Also, they have to

take an undertaking from the subscriber, at the time of selling a new telephone connection, that the SIM purchased by him shall not be used for telemarketing purpose.

4. The key measures proposed in the consultation paper are:
 - i. Access Provider to put in place a mechanism to block the delivery of unsolicited SMS with similar signatures from the source or number or entity sending more than a specified number of promotional SMS per hour.
 - ii. Transactional message sending entities and registered telemarketers shall engage only registered telemarketers for their promotional activities and Access Provider shall obtain an undertaking/agreement from them in this regard.
 - iii. Access Provider to disconnect the telecom resources of entities for whom the promotion is being carried out, after ten violations.
 - iv. Additional framework to register UCC complaint through website and/or dedicated e-mail to make the UCC complaint lodging easier and effective.

5. The draft regulations on “The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012” and consultation paper on “Review of the Telecom Commercial Communications Customer Preference Regulations, 2010” have already been placed on TRAI’s website (www.trai.gov.in). Written comments on the draft regulations and consultation paper are invited from the stakeholders by 18th August, 2012. The comments may be sent, preferably in electronic form to Mr. A. Robert J. Ravi, Advisor (CI & QoS) on the email address advqos@traigov.in. The comments can also be mailed to address given below or faxed to 011-23213036. Comments will be posted on the TRAI’s website.

Contact Address in case any clarification required:

A. Robert. J. Ravi, Advisor (CI & QOS)

Telecom Regulatory Authority of India
Mahanagar Door Sanchar Bhawan,
Jawaharlal Nehru Marg (Old Minto Road),
New Delhi -110002, Tel. No. 23230404/23217914

(Rajeev Agrawal)
Secretary