

Information note to the Press
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For Immediate release

Telecom Regulatory Authority of India

TRAI issues “The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012 and Telecommunication Tariff (Fifty Fourth Amendment) Order, 2012”

New Delhi, 5th November, 2012: The Telecom Regulatory Authority of India (TRAI) today released “The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012” and Telecommunication Tariff (Fifty Fourth Amendment) Order, 2012 prescribing further measures to tighten the framework for controlling the menace of Unsolicited Commercial Communications (UCC), especially relating to commercial SMS from unregistered telemarketers.

2. TRAI has taken a series of measures in the recent past for curbing the menace of UCC. It issued “The Telecom Commercial Communications Customer Preference Regulations, 2010” on 1st December 2010, which came into force from 27th September 2011. Subsequently, for addressing the operational issues and for tightening the regulatory framework, a number of amendments have been issued to the principal regulations besides issue of a number of directions. The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012 has been issued to further tighten the regulatory framework, especially relating to commercial SMS from unregistered telemarketers.

3. Some of the provisions of these regulations are:-

- Presently service providers offer a large number of concessional SMS packs and tariff plans for bulk SMS users. These SMS packs and tariff plans are being misused by unregistered telemarketers to send promotional SMSs to consumers. To prevent unregistered telemarketers from misusing such SMS packs or tariff plans for sending bulk promotional SMSs, a price restraint has been placed on sending of more than one hundred SMS per day per SIM at a concessional rate. The subscriber is free to send SMSs beyond this number, however, all such SMSs sent beyond one hundred SMS per day per SIM shall be charged at a rate not lower than the rate prescribed by the Authority. The Authority through the Telecommunication Tariff (Fifty Fourth Amendment) Order, 2012 has prescribed a tariff of minimum fifty paise for such SMSs beyond the limit of 100 SMS per day

per SIM. The changes effected by the regulations and the order have to be implemented within fifteen days.

- To restrict unregistered telemarketers from sending bulk promotional SMSs using software applications, Access Providers have been mandated to put in place, within three months, a solution, which will ensure that no commercial SMSs are sent having same or similar characters or strings or variants from any source or number. The solution will ensure that not more than 200 SMSs with such similar 'signature' are sent in an hour. However, registered telemarketers, transactional message sending entities and telephone numbers exempted by the Authority are excluded from this provision. Normal consumers sending non-commercial SMSs will also not be affected by this measure.
- The lodging of a UCC complaint through SMS has been made easier. Now the complaint can be lodged through SMS by simply forwarding the UCC SMS to 1909 after appending the telephone number and date of receipt of the SMS. Access providers will also establish a web-based complaint registering system and a dedicated e-mail address to receive such complaints on UCC.
- For increasing consumer awareness and to caution against misuse, Access Providers have been mandated to send SMS to all customers on periodic basis, advising them not to send any commercial communications and informing them about the consequences of misuse.
- Whenever a new customer is enrolled for service, the Access Provider is required to take an undertaking from such customer in the Customer Acquisition Form that he shall not use the connection for telemarketing purpose and in case he uses the connection for telemarketing purposes such connection shall be liable to be disconnected.

5. The Telecom Commercial Communications Consumer Preference (Tenth Amendment) Regulations, 2012 and the Telecommunication Tariff (Fifty Fourth Amendment) Order, 2012" have been placed on TRAI's website. For any clarifications on the above said Regulations contact Mr. A. Robert J. Ravi, Advisor (CA & QoS), (Tel No. 011- 23230404, Fax No. 011-23213036, email id: advqos@traigov.in) and on the above said Tariff Order contact Mr. Raj Pal, Advisor (F & EA), (Ph: 011-23230752 Fax: 011-23236650 e-mail: advcco@traigov.in) Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg, New Delhi-110002.

(Rajeev Agrawal)
Secretary