



**Telecom Regulatory Authority of
India**



Draft

**THE TELECOMMUNICATION TARIFF (SIXTY FIFTH
AMENDMENT) ORDER, 2020
(___ of 2020)**

New Delhi, 18th February 2020

Mahanagar Door Sanchar Bhawan,
Jawahar Lal Nehru Marg,
New Delhi – 110002
Website: www.trai.gov.in

Written comments on The Draft Telecommunications Tariff (65th Amendment) Order, 2020 are invited from the stakeholders by 3rd March 2020. Counter comments, if any, may be submitted by 17th March 2020. Comments and counter comments will be posted on TRAI's website www.trai.gov.in. The comments and counter comments may be sent, preferably in electronic form, to Shri Kaushal Kishore, Advisor (Finance & Economic Analysis-I), Telecom Regulatory Authority of India on the e-mail advfeal@traigov.in. For any clarification/information, Shri Kaushal Kishore may be contacted at Tel. No. +91 11 23230752 /Fax No.: +91 11 23236650.

**TO BE PUBLISHED IN THE GAZETTE OF INDIA
EXTRAORDINARY PART III SECTION 4**

TELECOM REGULATORY AUTHORITY OF INDIA

DRAFT NOTIFICATION

New Delhi, the 2020

No. 301-03/2020-F&EA— In exercise of the powers conferred upon it under sub-section (2) of section 11, read with sub-clause (i) of clause (b) of sub-section (1) of the said section, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following Order further to amend the Telecommunication Tariff Order, 1999, namely: -

THE TELECOMMUNICATION TARIFF (SIXTY FIFTH AMENDMENT)

ORDER, 2020

(____ of 2020)

1. (1) This Order may be called the Telecommunication Tariff (Sixty Fifth Amendment) Order, 2020.
(2) It shall come into force from date of its publication in the Official Gazette.
2. In clause 3 of the Telecommunication Tariff Order, 1999 (hereinafter referred to as the principal tariff order), for the word and figures “Schedule I to XIII”, the word and figures “Schedule I to XII” shall be substituted.
3. In the principal tariff order, Schedule XIII and entries thereunder shall be deleted.

**(S. K Mishra)
Pr. Advisor (F&EA)**

Note.1. – The Telecommunication Tariff Order, 1999 was published in the Gazette of India, Extraordinary, Part III, Section 4 under notification No.99/3 dated 9th March, 1999, and subsequently amended as given below:-

Amendment No.	Notification No. and Date
1 st	301-4/99-TRAI (Econ) dated 30.3.1999
2 nd	301-4/99-TRAI(Econ) dated 31.5.1999
3 rd	301-4/99-TRAI(Econ) dated 31.5.1999
4 th	301-4/99-TRAI(Econ) dated 28.7.1999
5 th	301-4/99-TRAI(Econ) dated 17.9.1999
6 th	301-4/99-TRAI(Econ) dated 30.9.1999
7 th	301-8/2000-TRAI(Econ) dated 30.3.2000
8 th	301-8/2000-TRAI(Econ) dated 31.7.2000
9 th	301-8/2000-TRAI(Econ) dated 28.8.2000
10 th	306-1/99-TRAI(Econ) dated 9.11.2000
11 th	310-1(5)/TRAI-2000 dated 25.1.2001
12 th	301-9/2000-TRAI(Econ) dated 25.1.2001
13 th	303-4/TRA-2001 dated 1.5.2001
14 th	306-2/TRA-2001 dated 24.5.2001
15 th	310-1(5)/TRAI-2000 dated 20.7.2001
16 th	310-5(17)/2001-TRAI(Econ) dated 14.8.2001
17 th	301/2/2002-TRAI(Econ) dated 22.1.2002
18 th	303/3/2002-TRAI(Econ) dated 30.1.2002
19 th	303/3/2002-TRAI(Econ) dated 28.2.2002
20 th	312-7/2001-TRAI(Econ) 14.3.2002
21 st	301-6/2002-TRAI(Econ) dated 13.6.2002
22 nd	312-5/2002-TRAI(Eco) dated 4.7.2002
23 rd	303/8/2002-TRAI(Econ) dated 6.9.2002
24 th	306-2/2003-Econ dated 24.1.2003
25 th	306-2/2003-Econ dated 12.3.2003
26 th	306-2/2003-Econ dated 27.3.2003
27 th	303/6/2003-TRAI(Econ) dated 25.4.2003
28 th	301-51/2003-Econ dated 5.11.2003
29 th	301-56/2003-Econ dated 3.12.2003
30 th	301-4/2004(Econ) dated 16.1.2004
31 st	301-2/2004-Eco dated 7.7.2004
32 nd	301-37/2004-Eco dated 7.10.2004
33 rd	301-31/2004-Eco dated 8.12.2004
34 th	310-3(1)/2003-Eco dated 11.3.2005
35 th	310-3(1)/2003-Eco dated 31.3.2005

36 th	312-7/2003-Eco dated 21.4.2005
37 th	312-7/2003-Eco dated 2.5.2005
38 th	312-7/2003-Eco dated 2.6.2005
39 th	310-3(1)/2003-Eco dated 8.9.2005
40 th	310-3(1)/2003-Eco dated 16.9.2005
41 st	310-3(1)/2003-Eco dated 29.11.2005
42 nd	301-34/2005-Eco dated 7.3.2006
43 rd	301-2/2006-Eco dated 21.3.2006
44 th	301-34/2006-Eco dated 24.1.2007
45 th	301-18/2007-Eco dated 5.6.2007
46 th	301-36/2007-Eco dated 24.1.2008
47 th	301-14/2008-Eco dated 17.3.2008
48 th	301-31/2007-Eco dated 1.9.2008
49 th	301-25/2009-ER dated 20.11.2009
50 th	301-24/2012-ER dated 19.4.2012
51 st	301-26/2011-ER dated 19.4.2012
52 nd	301-41/2012-F&EA dated 19.09.2012
53 rd	301-39/2012-F&EA dated 1.10.2012
54 th	301-59/2012-F&EA dated 05.11.2012
55 th	301-10/2012-F&EA dated 17.06.2013
56 th	301-26/2012-ER dated 26.11.2013
57 th	312-2/2013-F&EA dated 14.07.2014
58 th	312-2/2013- F&EA dated 01.08.2014
59 th	310-5 (2)/2013-F&EA dated 21.11.2014
60 th	301-16/2014-F&EA dated 09.04.2015
61 st	301-30/2016-F&EA dated 22.11.2016
62 nd	301-30/2016-F&EA dated 27.12.2016
63 rd	312-1/2017-F&EA dated 16.02.2018
64 th	301-20/2018-F&EA dated 24.09.2018

Note 2. – The Explanatory Memorandum explains the objects and reasons for Telecommunication Tariff (Sixty Fifth Amendment) Order, 2020.

EXPLANATORY MEMORANDUM

The Telecom Regulatory Authority of India had issued the Telecom Commercial Communications Customer Preference Regulation, 2010 (6 of 2010) dated the 1st December, 2010 to provide an effective mechanism for curbing unsolicited commercial communications (UCC). All the provisions of regulations came into force from 27th September 2011.

2. Further, with the same objective of curbing UCC, the Telecom Regulatory Authority of India had issued the Telecommunication Tariff (54th Amendment) Order dated 5th November 2012. At the time of issuing the Telecommunication Tariff (54th Amendment) Order, the Authority had observed that subscribers undertaking telemarketing activities using normal telephone connections use discounted SMS packages available in the market, for sending bulk promotional SMSs. Based on the consultative process, the principal tariff order was amended mandating the service providers not to allow sending of more than one hundred SMS per day per SIM at concessional rate. Further, it was provided that subscribers can send SMS beyond one hundred SMS per day per SIM, but all such SMSs will be charged at the rate of not less than fifty paisa per SMS. The Authority considered that notifying a tariff of minimum of fifty paisa per SMS for SMS exceeding 100 SMS per SIM per day as one of the several measures initiated to effectively protect the telecom subscribers from the menace of UCC.

3. In 2017, the Authority noted that despite various measures taken to curb UCC under the framework of the Telecom Commercial Communications Customer Preference Regulation, 2010 and other Directions issued on the issue, UCC complaints were on a rise and the problem was not fully under control. To address various issues and concerns, Consultation Paper on Unsolicited Commercial Communications (UCC) was issued on the 14th of September 2017. Pursuant to the consultative process, the Authority repealed the Telecom Commercial Communications Customer Preference Regulation, 2010 and

introduced the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19th July, 2018. The new regulatory framework prescribed under the Telecom Commercial Communications Customer Preference Regulations, 2018 is technology driven and prescribes technological solutions to detect the UCC such as advanced signature solutions, UCC detect system etc.

4. The TRAI has moved over the years, from a stage of “fixation of tariff rates” to stage of “forbearance with prior Approval stage” and finally to a stage of “forbearance regime with post-facto reporting obligation” with regulatory oversight. Accordingly, at present, except for a small list of regulated tariff products, tariffs for all other telecommunication service are under forbearance. The TRAI has always believed that this policy of “light-touch” regulation for the tariff framework gives the TSPs, the freedom to design tariffs according to the prevailing market conditions and this has resulted in emergence of new and innovative products in the market that are designed to provide telecom services at affordable and competitive price to the consumers.

5. Considering the comprehensiveness of the regulatory framework contained in the Telecom Commercial Communications Customer Preference Regulations, 2018, and considering the general TRAI regulatory approach of forbearance, it is appropriate to revisit the provisions of the Telecommunication Tariff (54th Amendment) Order whereby the service providers were mandated not to allow sending of more than one hundred SMS per day per SIM at concessional rate and a minimum tariff of fifty paisa per SMS was fixed for all SMSs beyond one hundred SMSs per day per SIM.

6. Considering that the new regulatory framework under Telecom Commercial Communications Customer Preference Regulations, 2018 is comprehensive, it is felt that there is no longer any need of restricting the number of SMSs allowed to be offered on concessional rate or regulating the tariff of SMSs and thus the Authority (TRAI) has decided to delete Schedule XIII to the principal tariff order.