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EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

**THE TELECOMMUNICATION TARIFF (FORTY- SEVENTH
AMENDMENT) ORDER, 2008**

No. 2 of 2008

NOTIFICATION

New Delhi, the 17th March, 2008

No. 301-14/2008- Eco. — 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: -

1. (1) This Order may be called the Telecommunication Tariff (Forty-seventh Amendment) Order, 2008.

(2) It shall come into force on the seventeenth day of March, 2008.

2. In Schedule XI to the Telecommunication Tariff Order, 1999,--

(a) for the tariff specified against item 1, the following tariff shall be substituted against that item, namely:-

TARIFF
“Rs.500 for every first unsolicited commercial communication and Rs.1000 for every subsequent unsolicited commercial communication, referred against item 1”;

(b) for the tariff specified against item 2, the following tariff shall be substituted against that item, namely:-

TARIFF
“Rs.500 for every first unsolicited commercial communication and Rs.1000 for every subsequent unsolicited commercial communication, referred against item 2.”

[M. Kannan]
Advisor (Eco)

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
1st	301-4/99-TRAI (Econ) dated 30.3.1999
2nd	301-4/99-TRAI(Econ) dated 31.5.1999
3rd	301-4/99-TRAI(Econ) dated 31.5.1999
4th	301-4/99-TRAI(Econ) dated 28.7.1999
5th	301-4/99-TRAI(Econ) dated 17.9.1999
6th	301-4/99-TRAI(Econ) dated 30.9.1999
7th	301-8/2000-TRAI(Econ) dated 30.3.2000
8th	301-8/2000-TRAI(Econ) dated 31.7.2000
9th	301-8/2000-TRAI(Econ) dated 28.8.2000
10th	306-1/99-TRAI(Econ) dated 9.11.2000
11th	310-1(5)/TRAI-2000 dated 25.1.2001
12th	301-9/2000-TRAI(Econ) dated 25.1.2001
13th	303-4/TRAI-2001 dated 1.5.2001
14th	306-2/TRAI-2001 dated 24.5.2001
15th	310-1(5)/TRAI-2000 dated 20.7.2001
16th	310-5(17)/2001-TRAI(Econ) dated 14.8.2001
17th	301/2/2002-TRAI(Econ) dated 22.1.2002
18th	303/3/2002-TRAI(Econ) dated 30.1.2002
19th	303/3/2002-TRAI(Econ) dated 28.2.2002
20th	312-7/2001-TRAI(Econ) 14.3.2002
21st	301-6/2002-TRAI(Econ) dated 13.6.2002

22nd	312-5/2002-TRAI(Eco) dated 4.7.2002
23rd	303/8/2002-TRAI(Econ) dated 6.9.2002
24th	306-2/2003-Econ dated 24.1.2003
25th	306-2/2003-Econ dated 12.3.2003
26th	306-2/2003-Econ dated 27.3.2003
27th	303/6/2003-TRAI(Econ) dated 25.4.2003
28th	301-51/2003-Econ dated 5.11.2003
29th	301-56/2003-Econ dated 3.12.2003
30th	301-4/2004(Econ) dated 16.1.2004
31st	301-2/2004-Eco dated 7.7.2004
32nd	301-37/2004-Eco dated 7.10.2004
33rd	301-31/2004-Eco dated 8.12.2004
34th	310-3(1)/2003-Eco dated 11.3.2005
35th	310-3(1)/2003-Eco dated 31.3.2005
36th	312-7/2003-Eco dated 21.4.2005
37th	312-7/2003-Eco dated 2.5.2005
38th	312-7/2003-Eco dated 2.6.2005
39th	310-3(1)/2003-Eco dated 8.9.2005
40th	310-3(1)/2003-Eco dated 16.9.2005
41st	310-3(1)/2003-Eco dated 29.11.2005
42nd	301-34/2005-Eco dated 7.3.2006
43rd	301-2/2006-Eco dated 21.3.2006
44 th	301-34/2006-Eco dated 24.1.2007
45th	301-18/2007-Eco. dated 5.6.2007
46th	301-36/2007-Eco. dated 24.1.2008

Note 2. – The Explanatory Memorandum explains the objects and reasons for the Telecommunication Tariff (Forty- seventh Amendment) Order, 2008.

**EXPLANATORY MEMORANDUM TO THE TELECOMMUNICATION TARIFF
(FORTY SEVENTH AMENDMENT) ORDER, 2008**

Background:

The Telecom Regulatory Authority of India (the Authority) had made the “Telecom Unsolicited Commercial Communications Regulation, 2007 (4 of 2007)” on the 5th June, 2007 for curbing the unwanted telemarketing calls and thereby reduce the nuisance and inconvenience to the subscribers of basic telephone or cellular mobile telephone services from the unsolicited tele-marketing calls/messages.

2. The Authority has set up the National Do Not Call (NDNC) Registry which is operational since October 2007. The NDNC is being operated and maintained by the National Informatics Centre (NIC), in the Ministry of Communications and Information Technology. The tele-marketers are required to verify their calling telephone numbers’ list with the NDNC Registry before making tele-marketing calls. The subscribers can get their telephone numbers listed in NDNC through their respective service providers. The respective service providers shall upload the telephone number to the NDNC within thirty days of receipt.

3. All tele-marketers are required to get themselves registered with the Ministry of Communications and Information Technology (Department of Telecommunication). On line registration facility is available in the NDNC Registry.

4. The Authority, Cellular Operators Association of India (COAI) and Association of Unified Telecom Services of India (AUSPI) have advertised in the leading National dailies, the procedure for registering in NDNC. The details of call center number/short message service (SMS) numbers on which the registration can be done are available on the websites of respective service provider. The same can also be accessed from the website www.ndncregistry.gov.in. The Department of Telecommunications has also allotted a special four digit code “1909” to enable easy access to the consumers to register their number in NDNC.

5. The Authority also held a series of meetings with the service providers to ensure effective implementation of the “Telecom Unsolicited Commercial Communications Regulation, 2007 (4 of 2007)”.

6. Till date, more than 8.3 million phone users have registered for ‘Do Not Call’ in NDNC Registry. About 13600 telemarketers have got themselves registered with the Ministry of Communications and Information Technology (Department of Telecommunication). The NDNC is being accessed daily by around 600 tele-marketers for scrubbing their calling list. Out of approximately 1522 million numbers uploaded by the telemarketers for scrubbing, 1411 million numbers were cleared by NDNC for calling.

7. The Authority has received several complaints with regard to the harassment of the consumers even after the notification of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007).

8. As already stated in paragraph 7 of the Explanatory Memorandum to the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007), the telemarketing calls have engaged the attention of our Parliament, the Hon'ble Supreme Court of India, the Hon' High Court of Delhi, the Reserve Bank of India, and the State Commission (Consumer) of Delhi. Besides there have also been a number of consumer complaints made to the Authority about telemarketing calls. The situation is still much below the desired level and non-compliance of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) continues as there is no provision for effective financial sanctions.

9. In order to discourage the registered telemarketers also from sending Unsolicited Commercial Communications, the Telecommunication Tariff Order, 1999 is also being amended by the Telecommunication Tariff (Forty- seventh Amendment) Order, 2008 so as to provide that five hundred rupees shall be payable as tariff for each unsolicited commercial communication [made from Basic Services (Other than ISDN) and Cellular Mobile Telecom Service (CMTS)] for every first unsolicited commercial communication and rupees one thousand shall be payable as tariff for every subsequent unsolicited commercial communication.

10. The Authority expects that notifying higher rate of tariff of rupees five hundred for every first unsolicited commercial communication and rupees one thousand for every subsequent unsolicited commercial communication would protect the interest of consumers and service providers and facilitate orderly growth of telecom sector.

11. Apart from the above higher tariff payable by the telemarketers for sending Unsolicited Commercial Communications, and in order to discourage the service providers also from sending Unsolicited Commercial Communications, the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) are also being amended by the Telecom Unsolicited Commercial Communications (Amendment) Regulations, 2008] so as to provide payment of certain amounts by way of financial disincentives specified therein payable by such service provider which violate certain provisions of said regulations. The object of the Telecommunication Tariff (Forty seventh Amendment) Order, 2008 and the Telecom Unsolicited Commercial Communications (Amendment) Regulations, 2008 is to improve the effectiveness and compliance of the said regulations.
