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EXTRAORDINARY PART III SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

THE TELECOMMUNICATION TARIFF (FORTY- FIFTH
AMENDMENT) ORDER, 2007

No. 2 of 2007

NOTIFICATION

New Delhi, the 5th June, 2007

No. 301-18/2007- 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 fifth Amendment) Order, 2007.

(2) It shall come into force on the 5th day of June, 2007.

2. In the Telecommunication Tariff Order, 1999, in clause 3, for the word and figures “Schedules I to X”, the word and figures “Schedules I to XI” shall be substituted.

3. After Schedule X to the Telecommunication Tariff Order, 1999 , the following Schedule shall be inserted, namely:-

“SCHEDULE XI

(See clause 3)

Tariff for unsolicited commercial communication referred to in clause(b)of sub-regulation (3) of regulation 16 of the Telecom Unsolicited Commercial Communications Regulations, 2007(4 of 2007).

ITEM	TARIFF
1.Unsolicited commercial communication made from Basic Services (Other than ISDN)	Rs.500/- for each unsolicited commercial communication referred against item 1.
2.Unsolicited commercial communication made from Cellular Mobile Telecom Service (CMTS)]	Rs.500/- for each unsolicited commercial communication referred against item 2.”.

[Sadhana Dikshit]
Pr.Advisor (FA & IFA& 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
1 st	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

Note 2. – The Explanatory Memorandum explains the objects and reasons for the Telecommunication Tariff (Forty fifth Amendment) Order, 2007.

Explanatory Memorandum

The Telecom Regulatory Authority of India has made the Telecom Unsolicited Commercial Communications Regulations, 2007 on 5th June, 2007 to regulate the Unsolicited Commercial Communications made for carrying on the telemarketing activities. The telemarketing activities, as per known practice prevailing in India, *inter alia*, include making of Unsolicited Commercial Communications to the subscribers who have not given explicit prior consent to the calling party for making calls for such

activities. A large number of subscribers are of the opinion that such unsolicited commercial communications are inconvenient and a nuisance as they encroach upon their time and often interfere with their activities at the time when such calls are made besides disturbing their privacy. The Telecom Regulatory Authority of India had, therefore, initiated on 20/11/2006 a consultation process to seek the views of all stakeholders for a comprehensive solution to prevent receiving of the unsolicited commercial communications by the subscribers who do not wish to do so and to address their grievance in this regard.

2. The Telecom Unsolicited Commercial Communications Regulations, 2007 issued, after the consultation process, on 5th June, 2007, provides for setting up of a National Do Not Call Register wherein the subscribers, who do not wish to receive the unsolicited commercial communications, can register their telephone numbers for not receiving the unsolicited commercial communications, thereby facilitating such subscribers to maintain their privacy and avoid the inconvenience caused to them due to such calls. The clause (b) of sub-regulation (3) of aforesaid regulation 16 requires that a service provider shall charge, tariff at such rate, from the sender of any unsolicited commercial communication, which is specified under the Telecommunication Tariff Order, 1999. The Telecommunication Tariff (Forty fifth Amendment) Order, 2007 specifies the tariffs for such unsolicited commercial communications to be charged from the sender by the Access Service Providers, in pursuance of the said clause 16 of the Telecom Unsolicited Commercial Communications Regulations, 2007.

3. The Authority expects that notifying higher rate of tariff (i.e. at Rs.500/- for each such communications) for unsolicited commercial communications would protect the interest of consumers and service providers and facilitate orderly growth of the telecom sector.