

F.No. 311-6/2012-QoS (SP)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhavan,
Jawaharlal Nehru Marg, Next to Zakir Hussain College,
New Delhi -110 002.

Dated the 26th June, 2012

DIRECTION

Subject: Second Amendment of Direction issued vide F.No.341-3/2011-CA (QoS) dated 27th September, 2011 under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), regarding exemption from the limit of two hundred SMS per SIM per day for non-commercial communications category.

F. No. 311-6/2012-QoS(SP)---- Whereas the Telecom Regulatory Authority of India (hereinafter referred as the Authority), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act), has been entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such services provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas the Authority had, in exercise of the powers under section 36, read with sub-clauses (v) of clause (b) of sub-section (1) and clause (c) of sub-section (1) of section 11 of the TRAI Act, notified the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of

2010) dated the 1st December, 2010, (herein after referred to as the regulations) to regulate unsolicited commercial communications;

3. And whereas clause (ka) of sub-regulation (2) of regulation 20 of the said regulations provides that no Access Provider shall permit sending of more than two hundred SMS per day per SIM;

4. And whereas clause (kb) of sub-regulation (2) of regulation 20 of the said regulations further provides that the Authority may by direction, from time to time, specify the category of SMS which shall be excluded from the limit of two hundred SMS per day per SIM;

5. And whereas the Authority had, vide a Direction F.No.341-3/2011-CA (QoS) dated 27th September, 2011, directed all the Access Providers to exclude subscribers specified therein from the limit of number of SMS per day per SIM;

6. And whereas the Authority issued a direction dated the 23rd December 2011, amending the direction dated the 27th September, 2011, referred to in the preceding paragraph, inter alia, exempting some additional social networking platforms from the limit of two hundred SMS per day per SIM;

7. And whereas the Authority received representations from persons providing social networking applications stating that in view of the limit of the two hundred SMS per SIM per day, specified under clause (ka) of sub-regulation (2) of regulation 20 of the regulations, they are not able to send SMSs, exceeding the said limit;

8. And whereas the Authority has duly considered the representations referred to in the preceding para and is of the view that non-commercial communication under certain categories, in addition to categories specified in Direction F.No.341-3/2011-CA (QoS) dated 27th September, 2011

referred to in para 4 above, need to be excluded from the limit of two hundred SMS per day per SIM;

9. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and clause (kb) of sub-regulation (2) of regulation 20 of the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010), hereby makes the following amendment to its Direction F.No.341-3/2011-CA (QoS) dated 27th September, 2011, namely:-

(a) in para 8, for sub-para (iii), the following sub-para shall be substituted, namely--

“(iii) The social networking platforms - Facebook, Twitter, Orkut, LinkedIn, GooglePlus, SMS GupShup, Talk.to, Ibibo, Nokia Life Tools, txtweb, Fropper, Jaxtr SMS, Hike, Latlong for sending SMS to its members pertaining to activities relating to their accounts based on their verifiable options;”

(A. Robert Jerard Ravi)
Advisor (QoS & SP)

To
All Access Providers