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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the – 31st January, 2011

THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER
PREFERENCE (THIRD AMENDMENT) REGULATIONS, 2011
(1 OF 2011)

No.305-17/2010-QoS.- In exercise of powers conferred by section 36, read with sub-clause (v) of clause (b) and clause (c) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend “The Telecom Commercial Communications Customer Preference Regulations, 2010, namely:-

1. (1) These regulations may be called the Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2011.

(2) They shall come into force from the date of their publication in the official Gazette.

2. In sub-regulation (2) of regulation 1 of the Telecom Commercial Communications Customer Preference Regulations, 2010 (hereinafter referred to as the principal regulations),---

(a) for clause (c), the following clause shall be substituted, namely:-

“(c) Regulations 3, 4, 5, 6, 7, 8, 9, 10 and 11 of these regulations shall come into force on 10th day of the February, 2011;”

(b) after clause (c), so substituted, the following clause shall be inserted, namely:-

“(d) Regulations 12, 18, 19, 20, 21 and 22 of these regulations shall come into force on the 1st day of March, 2011.”

3. In regulation 17 of the principal regulations, ----

(a) for sub-regulation (11), the following sub-regulation shall be substituted, namely:-

“(11) Every Access provider shall withdraw the telecom resources already allotted to a telemarketer from the 28th February 2011.”

4. In regulation 25 of the principal regulations, ----

(a) for clause (c), the following clause shall be substituted, namely:-

“(c) the provisions contained in regulations 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) shall remain in effect till the 9th day of February, 2011;”

(b) after clause (c), so substituted, the following clause shall be inserted, namely:-

“(d) the provisions contained in regulations 12, 16, 17 and 18 of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) shall remain in effect till the 28th day of February, 2011.”

(R. K. Arnold)
SECRETARY

Note 1: The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 vide notification No. 305-17/2010-QoS dated 1st December, 2010.

Note 2: The principal regulations were amended vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 14th December, 2010.

Note 3: The principal regulations were further amended (second amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 28th December, 2010.

Note 4: The Explanatory Memorandum explains the objects and reasons of Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2011 (1 of 2011).

Explanatory Memorandum

The Telecom Regulatory Authority of India 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. Regulation 13, 14, 15, 16 and 17 of the regulations were required to be implemented with effect from the 15th day of December, 2010, while regulation 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21 and 22 were required to be implemented with effect from the 1st day of January, 2011.

2. Having regard to the aspect of security audit of the website to be created for the purpose of these regulations and the other processes involved, the Telecom Regulatory Authority of India has found it necessary to re-determine the dates for implementation of the aforesaid regulations. Accordingly, clause (b) and clause (c) of sub-regulation (2) of regulation 1 and clause (b) and clause (c) of regulation 25 of the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010) dated the 1st December, 2010 have been amended on 14th December, 2010 and on 28th December, 2010. After these amendments, Regulation 13, 14, 15, 16 and 17 of the regulations were required to be implemented with effect from the 15th day of January, 2011, while regulation 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21 and 22 were required to be implemented with effect from the 1st day of February, 2011.

3. As per the DoT letter No. 16-5/2009-AS.III/(pt.)/(3)/1124 dated 18.10.2010, a separate number series starting with '70' level has been allocated for telemarketing purpose. This series was to be used for both mobile as well as basic service. Accordingly provisions has been made in the regulations. However, DoT has issued a letter vide No. 16-5/2009-AS.III/(Vol. IV) dated 31st January, 2011 stating that in order to have better utilization of number series starting with '70', new level starting with digits '140' has been allocated now for mobile network for telemarketers. The levels allocated are only for mobile services of the licenses. Same numbering scheme can not be used for both for basic and mobile services as per the notification of DoT. Levels for basic services will be allocated after resolving the issue of CLI for telemarketing operations using basic services. This new series will be required to be implemented by all access service providers before allocation of resources to telemarketer. For this purpose

time will be required by access providers to change the configuration in their system and testing of new series.

4. As per the existing provisions under sub-regulation 11 of regulation 17, Access providers have to withdraw the telecom resources already allotted to a telemarketer by 15th February, 2011. Regulation 17 has come into force from 15th January, 2011 and service providers may have allotted the new resources as per the provisions of these regulation. However, various provisions of Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) have been continued upto 1st March 2011 under these regulations, for which, telemarketer may required the existing resources to comply with it. Therefore, sub-regulation 11 of regulation 17 has been amended accordingly.