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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the – 18th March, 2011

THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER
PREFERENCE (FIFTH AMENDMENT) REGULATIONS, 2011
(4 OF 2011)

No.305-17/2010-QoS.- In exercise of powers conferred by section 36, read with sub-clause (v) of clause (b) of sub-section (1) 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, namely:-

1. (1) These regulations may be called the Telecom Commercial Communications Customer Preference (Fifth 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 (d), the following clause shall be substituted, namely:-

“(d) Regulations 12, 18, 19, 20, 21 and 22 of these regulations shall come into force, from such date as may be notified by the Authority.”

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 such date as may be notified by the Authority.”
4. In regulation 25 of the principal regulations, ---
- (a) for clause (d), the following clause shall be substituted, 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 force till such time, as may be notified by the Authority.”

(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 principal regulations were further amended (third amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 31st January, 2011.

Note 5: The principal regulations were further amended (forth amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 28th February, 2011.

Note 6: The Explanatory Memorandum explains the objects and reasons of Telecom Commercial Communications Customer Preference (fifth amendment) Regulations, 2011 (4 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 implemented with effect from the 15th day of January, 2011, while regulation 3, 4, 5, 6, 7, 8, 9, 10 and 11 were implemented with effect from the 10th day of the February, 2011.

2. DoT vide letter No. 16-5/2009-AS.III/(Vol. IV) dated 31st January, 2011 has provided '140' number series to be allocated to telemarketers for mobile network. However, number series for fixed network are still not allocated. The matter has been taken up on urgent basis to allocate number series to telemarketers for fixed network. Access Providers have indicated that it will not be possible to provide all the resources to call centres from mobile network only due to high traffic originated from such call centres. Due to non availability of numbering resources from fixed line network from DoT date of implementation of relevant clauses of The Telecom Commercial Communications Customer Preference Regulations, 2010 has been extended upto 21st March, 2011 through the forth amendment to the regulations on 28th February, 2011. However, till date DoT has not allocated the numbering resources for telemarketers from fixed line network. This new numbering series will be required to be implemented by all Access 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 test the new series. No time frame has been specified by DoT as of now. Accordingly, relevant clauses of The Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010) dated the 1st December, 2010 have been amended.