

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 7th April, 2014

No.311-33/2014-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 to further amend the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010), namely:-

**THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER
PREFERENCE (FIFTEENTH AMENDMENT) REGULATIONS, 2014
(4 OF 2014)**

1. (1) These regulations may be called the Telecom Commercial Communications Customer Preference (Fifteenth Amendment) Regulations, 2014.

(2) These regulations shall come into force from the date of their publication in the official Gazette.
2. After regulation 19A of the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010), the following regulation shall be inserted, namely :-

“19B.Restoration of telecom resources—If a subscriber, whose telecom resources have been disconnected for contravention of the provision of clause (b) of sub-regulation (11) of regulation 19, makes a request, within thirty days of such disconnection, to the Authority for restoration of his telecom resources and satisfies the Authority that it has taken reasonable steps to prevent recurrence of such contravention, the Authority may order restoration of the telecom resources of such subscriber on payment of an amount of five hundred rupees to the Authority for restoration of each telecom resource, subject to the condition that the total amount payable by the subscriber shall not exceed five lakh rupees.”

(Sudhir Gupta)

SECRETARY

Note1: 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 28thDecember, 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 31stJanuary, 2011.

Note 5: The principal regulations were further amended (fourth 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 principal regulations were further amended (fifth amendment) vide notification No. 305-17/2010-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 18th March, 2011.

Note 7: The principal regulations were further amended (Sixth amendment) vide notification No. 352-4/2011-CA (QoS) Pt. and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 05th September, 2011.

Note 8: The principal regulations were further amended (Seventh amendment) vide notification No. 352-4/2011-CA (QoS) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 25th October, 2011.

Note 9: The principal regulations were further amended (Eighth amendment) vide notification No. 352-4/2011-CA (QoS) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 1st November, 2011.

Note 10: The principal regulations were further amended (Ninth amendment) vide notification No. 305-24/2011-QoS(SP) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 14th May, 2012.

Note11: The principal regulations were further amended (Tenth amendment) vide notification No. 311-13/2012-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 5th November, 2012.

Note12: The principal regulations were further amended (Eleventh Amendment) vide notification No. 311-23/2013-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 24rd May, 2013.

Note13: The principal regulations were further amended (Twelfth amendment) vide notification No. 311-23/2013-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 24rd May, 2013.

Note14: The principal regulations were further amended (Thirteenth amendment) vide notification No. 311-27/2013-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 22nd August, 2013.

Note 15: The principal regulations were further amended (Fourteenth amendment) vide notification No. 311-28/2013-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 3rd December, 2013.

Note 16: The Explanatory Memorandum explains the objects and reasons of Telecom Commercial Communications Customer Preference (Fifteenth Amendment) Regulations, 2014 (4 of 2014) .

EXPLANATORY MEMORANDUM

1. 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 (UCC). These regulations have been amended from time to time to tighten the regulatory framework.
2. One of the major provisions of The TCCCP (Thirteenth Amendment) Regulations, 2013, which was issued on 22nd August, 2013, is disconnection of all telecom resources of entities for whom the commercial transactions have been solicited, after second notice.
3. Some of these entities have represented to the Authority requesting for re-connection of their disconnected resources as per the provisions of the TCCCP Regulations, 2010 under regulation 19A of TCCCP Regulations, 2010. The Authority had considered the various measures taken by these entities, by their channel partners, dealers, agents etc. to comply with the regulations. After examination, wherever the Authority was satisfied about such measures, the Authority had ordered reconnection of disconnected telecom resources of such entities, except the resources which were used for originating UCC.
4. To streamline the reconnection procedure for such entities the Authority proposed to levy an administration charge and draft "Telecom Commercial Communications Customer Preference (Fifteenth Amendment) Regulations, 2014 was posted on 29/1/2014 on the TRAI's web site for comments of the stakeholders by 12th February, 2014. Through these draft amendment Regulations, the Authority has proposed to levy a charge of Rs.500/- per telecom resource for reconnection of resources

of entities on whose behalf commercial transaction were found to be solicited. Comments were received from 12 stakeholders, (7 from TSPs; 2 from insurance companies; 2 from TSP association; 1 from other organization).

5. Most of the stakeholders were in favour of levying a charge for reconnection of resources of entities on whose behalf commercial transaction was found to be solicited. The stakeholders have suggested levying a charge varying from Rs. 500/- to Rs. 5000/- per connection. Accordingly, the Authority is of the view that administrative charges may be levied. However, since the charges are intended to meet the administrative costs and also to create further deterrent against misuse of telecom resources should be reasonable. Hence the Authority has decided that an administrative charge @ Rs. 500/- per telecom resource, subject to maximum of Rs. 5,00,000/- may be levied for reconnection of disconnected telecom resources, other than the telephone connection from which UCC has originated.

6. Some of the stakeholders have suggested that the Regulation should specify a defined time-limit within which the affected entities can approach TRAI for restoration. Some of the service providers also suggested that the disconnected resources of entities on whose behalf UCC were made (except those telecom resources from which UCC were made) should be kept under suspension for a specified period. This will facilitate retention of the telephone numbers of the entity and quick restoration of telecom resources for the entity, if the Authority decides restoration of the resources. The Authority considered the suggestion and is of the view that giving time limit for approaching TRAI could enable the entities to take corrective action in a time bound manner. The Authority has observed that in case of restoration, service providers

have to allocate the same telephone numbers to those entities. Therefore, defining a time limit for such restoration will help the service provider to reserve disconnected telephone numbers for a defined time period. Hence, the Authority has decided that disconnected entities can approach TRAI within thirty days from the date of disconnection of their telecom resources. The service provider should not allocate such disconnected telephone numbers to any other person or entity for such reasonable period to facilitate the restoration.