

F.No.341-3/2011-CA (QoS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhavan,
Jawaharlal Nehru Marg, Next to Zakir Hussain College,
New Delhi – 110 002.

Dated the 23rd December, 2011

DIRECTION

Subject: Amendment of Direction F.No.341-3/2011-CA (QoS) dated 27th September, 2011.

F.No.341-3/2011-CA(QoS)---- Whereas the Telecom Regulatory Authority of India (hereinafter referred as 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 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;

2. 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;

3. 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;

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

5. And whereas the Authority received representations from the telecom consumers stating that in view of the restriction imposed by the clause (ka) of sub-regulation (2) of regulation 20 of the regulations, the consumers who need to send non-commercial messages to their registered members for their day to

day requirement are not able to send such messages exceeding two hundred messages per day per SIM;

6. 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;

7. 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,

(i) for the words "persons from the limit of one hundred" appearing after the word "following" and before the words " SMS per day per SIM" shall be substituted by the word "subscribers from the limit of two hundred";

(ii) 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 and Fropperto its members pertaining to activities relating to their accounts based on their verifiable options;"

(b) in para 9, for the word "persons", the word "subscribers" shall be substituted.

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

To
All Access Providers