

**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 27<sup>th</sup> September, 2011

**DIRECTION**

**Subject: Direction 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 one hundred SMS per SIM per day for non-commercial communications categories.**

F.No.341-3/2011-CA(QoS)---- 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 conferred upon it 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, made the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010) dated the 1<sup>st</sup> December, 2010, (herein after referred to as the regulations) to regulate unsolicited commercial communications;

3. And whereas clause (k) of sub-regulation (2) of regulation 20 of the regulations provides that no Access Provider shall provide to any person, other than a telemarketer registered with the Authority, any tariff plan or SMS package in any form such as special recharge voucher, student pack, seasonal pack etc. permitting sending of more than one hundred SMS per day per SIM except on 'blackout days' and additional days as may be specified by the Authority by direction issued from time to time and all such SMS packages already provided to any such person shall not be renewed after their expiry;

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

5. And whereas clause (kb) of sub-regulation (2) of regulation 20 of the 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 one hundred SMS per day per SIM;

6. And whereas the Authority received representations from the customers, telecom service providers and their associations stating that in view of the restriction imposed by the clause (k) of sub-regulation (2) of regulation 20 of the regulations, the customers who need to send non-commercial messages to their employees, agents etc. for their genuine day to day operational requirement are not able to send such messages exceeding one hundred messages per day per SIM;

7. 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 need to be excluded from the limit of one hundred SMS per day per SIM;

8. 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 directs all Access Providers to exclude the following persons from the limit of one hundred SMS per day per SIM:-

- (i) Dealers of the Telecom Service Providers and DTH Operators for sending request for electronic recharge on mobile numbers;
- (ii) e-ticketing agencies for responding to e-ticketing request made by its customers;
- (iii) The social networking sites - Facebook, Twitter, Orkut, LinkedIn and GooglePlus to its members pertaining to activities relating to their accounts based on their verifiable options;
- (iv) Agencies providing directory services – Justdial, Zatsse, Callezee, Getit and Askme.

9. The Access Provider shall, before excluding the persons referred in para 8 above, obtain an undertaking from such person that he shall not use the said facility in any manner for sending commercial communications.

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

To  
All Access Providers