

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

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the ---January, 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
(XX 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 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

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 (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 05thSeptember, 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 25thOctober, 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 (XX of2014) .

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. In case of such reconnections, the Authority through these regulations has decided to levy a reconnection charge of Rs.500/- per telecom resource, subject to a maximum of Rs.5,00,000/-. These charges have been prescribed to create a further deterrent against misuse of telecom resources for soliciting business and also for meeting the administration costs.