

1 TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4 TELECOM REGULATORY AUTHORITY OF INDIA NOTIFICATION New Delhi, the 1st December, 2010 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:-

THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER PREFERENCE REGULATIONS, 2010 (6 OF 2010)

## CHAPTER I

### Preliminary

#### **1. Short title and commencement. —**

(1) These regulations may be called the Telecom Commercial Communications Customer Preference Regulations, 2010.

(2) (a) Except as otherwise provided in clause (b) and clause (c), these regulations shall come into force from the date of their publication in the Official Gazette. (b) Regulations 13, 14, 15, 16 and 17 of these regulations shall come into force on the 15th day of December, 2010. (c) Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21 and 22 of these regulations shall come into force on the 1st day of January, 2011.

#### **2. Definitions.—**

In these regulations, unless the context otherwise requires-

(a) "Access Providers" includes the Basic Telephone Service Provider, Cellular Mobile Telephone Service Provider and Unified Access Service Provider;

(b) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997); 2

(c) "Area code" means any number earmarked or allotted to a specific short distance charging area in the National Numbering Plan for accessing the telephone in such area;

(d) "Authority" means the Telecom Regulatory Authority of India established under sub section (1) of section 3 of the Act;

(e) "Basic Telephone Service" covers collection, carriage, transmission and delivery of voice or non-voice messages over licensee's Public Switched Telephone Network in the licensed service area and includes provision of all types of services except for those requiring a separate licence;

(f) "Basic Telephone Service Provider" means a service provider who has been granted licence under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) to establish, install, operate and maintain Basic Telephone Service in the specified service area;

(g) "Cellular Mobile Telephone Service",--

(i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wireless telegraphy where every message that is conveyed thereby has been, or is to be, conveyed by means of a telecommunication system which is designed or adapted to be capable of being used while in motion;

(ii) refers to transmission of voice or non-voice messages over Licensee's Network in real time only but service does not cover broadcasting of any messages, voice or non-voice; however, Cell Broadcast is permitted only to the subscribers of the service;

(iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;

(h) "Cellular Mobile Telephone Service Provider" means a licensee authorized to provide Cellular Mobile Telephone Service under a licence granted under section 4 of the Indian Telegraph Act, 1885 (13 of 1885), in a specified service area;

(i) "commercial communication" means any message, voice or SMS, made through telecommunications service, which is transmitted for the purpose of informing about, or soliciting or promoting any commercial transaction in relation to goods, investment or services;

(j) "customer" means subscriber;

(k) "Customer Preference Registration Facility" means the facility established by an Access Provider, under regulation 3 of these regulations, for the purpose of registration or de-registration of the preference of its subscribers in respect of receipt of commercial communications; 3

(l) "fully blocked" means stoppage of all types of commercial communication;

(m) "Header" means alpha numeric identifier of commercial and transactional SMS;

(n) "message" shall have the meaning assigned to it in clause (3) of section 3 of the Indian Telegraph Act, 1885 (13 of 1885);

(o) "National Customer Preference Register" means a national data base containing a list of the telephone numbers of all subscribers who have registered their preferences regarding receipt of commercial communications;

(p) "National Numbering Plan" means the National Numbering Plan 2003 made by the Central Government or any such plan, as may be made by the Central Government from time to time;

(q) "National Telemarketers Register" means a national data base containing details of telemarketers registered with the Authority;

(r) "Originating Access Provider" means the Access Provider who has provided the telecom resources to a telemarketer;

(s) "partially blocked" means stoppage of all commercial communications, except SMS in respect of category or categories of preference indicated by the subscriber;

(t) "promotional message" means message containing promotional material or advertisement of a product or service;

(u) "Provider Customer Preference Register" means a data base maintained by an Access Provider containing telephone numbers and other details of its subscribers who have registered their preference regarding commercial communications;

(v) "regulations" means the Telecom Commercial Communications Customer Preference Regulations, 2010;

(w) "SMS" means a message which is sent through short message service and includes a Multi Media message which is sent through Multi Media message service (MMS);

(x) "Subscriber" means a person or legal entity who subscribes to a telecom service provided by an Access Provider;

(y) "telecom resources" means any telegraph used to send voice call or messages;

(z) "telemarketer" means a person or legal entity engaged in the activity of transmission of commercial communications;

(aa) "Terminating Access Provider" means the Access Provider on whose network the subscriber receiving the commercial communication is registered;

4 (ab) "Transactional message" means an SMS containing only—

(i) information sent to its customer(s) by the Bank or financial institution or insurance company or credit card company or Access Provider pertaining to the account of that customer(s);

(ii) information given by Airlines or Indian Railways or its authorised agencies to its passengers regarding travel schedules, ticket booking and reservation;

(iii) information from a registered educational institution to parents or guardians of its students;

(iv) any other message as may be specified by the Authority, from time to time as "Transactional message";

(ac) "unsolicited commercial communication" means any commercial communication which a subscriber opts not to receive but does not include , ---

(i) any transactional message; or

(ii) any message transmitted on the directions of central Government or State Government or agencies authorized by it;

(ad) "Unified Access Services", --

(i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wired or wireless telegraphy;

(ii) refers to transmission of voice or non-voice messages over licensee's network in real time only but service does not cover broadcasting of any messages, voice or non-voice, however, Cell Broadcast is permitted only to the subscribers of the service;

(iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;

(ae) "Unified Access Service Provider" means a licensee authorised to provide Unified Access Services under a licence granted under section 4 of the Indian Telegraph Act, 1885 (13 of 1885), in a specified service area;

(af) All other words and expressions used in these regulations but not defined, and defined in the Indian Telegraph Act, 1885 (13 of 1885) and the Telecom Regulatory Authority of India Act 1997 (24 of 1997) and the rules and other regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules or such other regulations, as the case may be.

## **CHAPTER II CUSTOMER PREFERENCE REGISTRATION**

### **3. Setting up of Customer Preference Registration Facility. —**

(1) Every Access Provider shall set up a Customer Preference Registration Facility, both for wireless and wireline, for registration or deregistration of their preference regarding receipt of commercial communication, in the Provider Customer Preference Register. Provided that any facility set up under sub regulation (1) of regulation 3 of Telecom Unsolicited Commercial Communications, 2007 (4 of 2007) shall continue for the purpose of this sub-regulation and deemed to have been set up under these regulations.

(2) The facility set up under sub-regulation(1) shall have short code 1909; Provided that the Authority may specify any other short code, which is duly assigned, from time to time;

(3) The Customer Preference Registration Facility shall be toll free and shall have adequate telecom resources for receipt of customer preferences by way of a voice communication or SMS;

(4) The Access Provider shall, by appropriate means, give due publicity to this facility; Provided that the Authority may, from time to time, issue such directions, as it may consider necessary, specifying the content, medium, frequency and the manner of such publicity. Provided further that every Access Provider shall, at the time of providing a telephone connection, whether Basic or Cellular Mobile Telephone, to a new subscriber, provide in the Customer Acquisition Form the information regarding these regulations and Customer Preference Registration facility.

### **4. Provider Customer Preference Register. —**

(1) Every Access Provider shall maintain and operate a register to be called the Provider Customer Preference Register for registering the preference of the subscriber under —

(a) fully blocked category; or

(b) partially blocked category,- in accordance with the procedure specified in Schedule-I to these regulations; Provided that the request of the subscriber for not receiving unsolicited commercial communications registered in the Private Do Not Call List set up under regulation 4 of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) shall continue to be valid, for the purpose of these regulations, under the 'fully blocked' category.

(2) Every Access Provider shall maintain in duplicate the Provider Customer Preference Register in at least two places having regard to the security of the database. 6 5. Contents of the Provider Customer Preference Register.— Every Provider Customer Preference Register shall, inter alia, include,----

(a) the name of each subscriber who makes a request to the Access Provider indicating his preference;

(b) telephone number of the subscriber including in case of wireline area code;

(c) the date and time of the request by the subscriber;

(d) the details of the preference made by the subscriber;

(e) the unique registration number as referred to in sub-regulation (2) of regulation 7.

6. National Customer Preference Register.-

(1) The National Customer Preference Register shall be established and maintained by an agency authorised in this behalf by the Authority: Provided that the request of the subscribers for not receiving unsolicited commercial communications registered in National Do Not Call Register established under sub-regulation (1) of regulation 6 of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) shall continue to be valid, for the purposes of these regulations, under 'fully blocked' category in the National Customer Preference Register.

(2) The National Customer Preference Register shall contain the following details of those subscribers who have indicated their preference to their respective Access providers regarding receipt of commercial communications,-

(a) the telephone number including in respect of wire line telephones area code;

(b) the details of preference; and

(c) such other details as may be specified by the Authority from time to time.

7. Registration of preference. - (1) A subscriber may make a request to his Access Provider, through the Customer Preference Registration Facility, for registration of his telephone number in the Provider Customer Preference Register, in accordance with the procedure specified under Schedule-I to these regulations: Provided that a subscriber who is already registered in the National Do Not Call Register established under sub-regulation (1) of regulation 6 of the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) is not required to re-register and his said registration shall be valid, for the purpose of these regulations, under the 'fully blocked' category: Provided

further a subscriber who is already registered in the National Do Not Call Register established under sub-regulation (1) of regulation 6 of the 7 Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007 may change his preference in accordance with the procedure specified under Schedule-I to these regulations.

(2) Every Access Provider shall, immediately on receipt of a request under sub-regulation (1), verify the correctness of the request so received and if the request is found to be correct, communicate, through SMS, within twenty four hours of the request, a unique registration number to the subscriber: Provided that in case the subscriber particulars are not found to be correct, the details thereof shall be intimated to the subscriber within twenty four hours.

(3) Every Access Provider shall, in respect of request that have been found to be admissible after verification as per sub regulation (2), record details of such request in the Provider Customer Preference Register. 8. Change of Preference of Subscribers.-

(1) Any subscriber may, at any time after expiry of three months from the date of registration or three months from the date of last change of his request, made under regulation 7, change his preference in accordance with the procedure specified under Schedule-I to these regulations.

(2) Every Access Provider shall, on receipt of a request under sub-regulation (1), verify the correctness of the request so received and if the request is found to be correct record details of such request in the Provider Customer Preference Register and confirm the same, within twenty four hours, to the subscriber through SMS: Provided that if the request is not found to be correct, the Access Provider shall inform the subscriber, through SMS, within twenty four hours, the details of errors noted by the Access Provider and advise the subscriber to make a fresh request.

#### 9. De-Registration.-

(1) Any subscriber may, at any time, after expiry of three months from the date of registration request the Access Provider, through the Customer Preference Registration Facility, for withdrawal of his registration as specified in Schedule-I to these regulations.

(2) The Access Provider shall, within twenty four hours of the receipt of request, verify the correctness of the request so received and if the request is found to be correct, the Access Provider shall delete the telephone number of the subscriber from the Provider Customer Preference Register and confirm the same, within twenty four hours, to the subscriber through SMS: Provided that if the request is not found to be correct, the Access Provider shall inform the subscriber, through SMS, within twenty four hours, the details of errors noted by the Access Provider and advise the subscriber to make a fresh request 8

10. Updation of content in National Customer Preference Register by Access Providers,- Every Access Provider shall, within twenty four hours of registration under regulation 7, or a change under regulation 8 or deregistration under regulation 9, update the contents in the National Customer Preference Register, in accordance with the procedure specified in Schedule-II to these regulations.

11. Charge.- No amount shall be charged from the subscriber for registration or change or de-registration of preference in the Provider Customer Preference Register.

### **CHAPTER III REGISTRATION OF TELEMARKETERS**

12. Commercial communications by subscribers.- No subscriber, who is not registered with the Authority as a telemarketer under these regulations, shall make any commercial communication. 13. National Telemarketer Register.-

(1) There shall be a National Telemarketer Register established and maintained by an agency authorised in this behalf by the Authority.

(2) The National Telemarketer Register shall contain,-

(a) the details of the telemarketer such as registration date, application number and registration number;

(b) the details of the fees deposited by the telemarketer;

(c) the details of the telecom resources allotted to a telemarketer;

(d) the number of notices, along with the date of such notices, served upon the telemarketer by the Access Providers for sending unsolicited commercial communication;

(e) the date of blacklisting of telemarketer as specified in regulation 18, if applicable;

(f) such other details as may be specified by the Authority, from time to time.

14. Registration of Telemarketer.- (1) Every telemarketer shall register itself with the Authority in accordance with the procedure and conditions specified in Schedule –III to these regulations and obtain a registration number. (2) A telemarketer who is already registered with the Department of Telecommunications shall also register with the Authority as a telemarketer under these regulations. (3) The registration of telemarketer shall be valid for a period of three years unless revoked earlier.

15. Fee.- Every telemarketer shall, for registration with the Authority, pay fees as specified in Schedule III to these regulations.

16. Deregistration of the Telemarketers.- A telemarketer, registered under regulation 14, may deregister itself in accordance with the procedure 9 specified in the Schedule-III to these regulations.

17. Provision of telecom resources to the telemarketers.-

(1) A telemarketer may, after registration with the Authority under regulation 14, apply for telecom resources from one or more Access Providers; Provided that the application form shall contain all necessary details and shall be accompanied by Customer Acquisition Form.

(2) Every Access Provider shall, before providing any telecom resource to a telemarketer, verify the details furnished by the telemarketer in its application form, the registration number issued by the Authority and comply with the subscriber verification guidelines issued by the Department of Telecommunications, from time to time.

(3) Every Access Provider shall, before providing any telecom resource to a telemarketer, in addition to any other arrangements as may be required under any other law for the time being in force, enter

into a standard agreement with the telemarketer, as specified in Schedule-IV to these regulations, for the purpose of promotional message.

(4) Every Access Provider shall, before providing any telecom resource to a telemarketer, in addition to any other arrangements, as may be required under any other law for the time being in force, enter into a standard agreement with the telemarketer as specified in Schedule-V to these regulations for the purpose of transactional message.

(5) Every Access Provider shall, within one month of entering into an agreement with the telemarketer under sub-regulation (3) or sub-regulation (4), as the case may be, submit to the Authority an authenticated copy of the agreement along with a softcopy of such agreement.

(6) Every Access Provider shall ensure that no telecom resource is provided to a telemarketer whose telecom resource has been disconnected under sub regulation (5) of regulation 18.

(7) Every Access Provider shall, before activating any telecom resource provided to a telemarketer, ensure that details of all telecom resources provided to a telemarketer are entered into the National Telemarketer Register.

(8) No telecom resource shall be provided to a telemarketer whose name is entered into black list of telemarketers maintained under regulation 18.

(9) Every Access Provider shall ensure that telecom resources provided to a telemarketer for making voice calls do not have facility for receiving incoming call and sending of SMS.

(10) Every Access Provider shall ensure that telecom resources provided to a telemarketer for sending transactional message do not have facility for receiving incoming call or SMS.

(11) Every Access provider shall, within thirty days of coming into force of these regulations, withdraw the telecom resources already allotted to a telemarketer. 10

#### 18. Blacklisting of telemarketer.-

(1) The National Telemarketer Register shall, inter alia, include a black list of telemarketers.

(2) The name of a telemarketer shall be entered into the black list upon,- (a) failure to furnish the additional security amount as agreed to by it in the agreement entered into with the Originating Access Provider; or (b) upon service of the sixth notice in a calendar year by any Access Provider on such telemarketer for sending unsolicited commercial communication. Explanation: It is clarified that for the purpose of determining the sixth notice, notices served by any Access Provider on such telemarketer will be cumulatively reckoned.

(3) The name and other details of telemarketer entered into the black list under sub-regulation (2) shall not be deleted before completion of two years from the date of blacklisting of the telemarketer.

(4) The agency maintaining the National Telemarketer Register shall communicate the names of the blacklisted telemarketers to all the Access Providers.



(5) Every Access Provider shall on receipt of intimation under sub-regulation (4) shall, within twenty four hours, disconnect the telecom resources provided by it under these regulations to such telemarketer.

(6) No Access Provider shall provide any telecom resource to a telemarketer whose name appears in the black list.

#### **CHAPTER IV CUSTOMER COMPLAINTS**

19. Setting up of customer complaint registration facility.-

(1) Every Access Provider shall set up a facility for registration of the complaint of the customer regarding receipt of unsolicited commercial communications.

(2) The facility set up under sub-regulation (1) shall have short code 1909; Provided that the Authority may specify any other short code, which is assigned by the licensor, from time to time;

(3) The customer complaint registration facility shall be toll free and shall have adequate telecom resources for receipt of customer complaints by way of a voice call or SMS.

(4) In case any subscriber receives unsolicited commercial communication after expiry of seven days from the date of his registration in the Provider Customer Preference Register under sub-regulation (1) of regulation 7, he may make a complaint to his Access Provider, through voice call or SMS, 11 mentioning therein the particulars of telemarketer, the telephone number from which the unsolicited commercial communication originated, the date, time and brief description of such unsolicited commercial communication as specified in Schedule VI to these regulations: Provided that every such complaint shall be made by a subscriber within three days of receipt of the unsolicited commercial communication.

(5) On receipt of a complaint under sub-regulation (4), the Terminating Access Provider shall,- (a) immediately acknowledge the complaint by providing a unique complaint number; (b) verify whether, at the time of complaint, a period of seven days has expired from the date of registration of the subscriber in the Provider Customer Preference Register; (c) verify the correctness of the complaint as per the available Call Detail Record (CDR); and (d) complete the steps at (b) and (c) within seventy two hours from receipt of the complaint.

(6) If, on verification, the complaint is found to be correct, the Terminating Access Provider shall, within seventy two hours of the receipt of the complaint, forward the complaint, under simultaneous transmission to the National Telemarketer Register, to the Originating Access Provider from whose network such unsolicited commercial communication has originated.

(7) In case, on verification, the Terminating Access Provider finds that no such unsolicited commercial communication has been made to the complainant, he shall inform the complainant accordingly.

(8) The Originating Access Provider, to whom the complaint has been forwarded, shall within seventy two hours of the receipt of the complaint by it, investigate the nature of call or SMS and if after such investigation, it finds that such call or SMS is an unsolicited commercial communication- (a) issue a notice to the telemarketer, forwarding the detail of the unsolicited commercial

communication made by him and informing him of the deduction from the security deposit of an amount as agreed upon in terms of Schedule IV or Schedule V to these regulations; (b) intimate, the result of the investigation and the action taken by it on the basis of the complaint, to the Terminating Access Provider which forwarded the complaint; (c) deposit the amount so deducted in an account specified by the Authority; and (d) update the action taken by it in the National Telemarketer register.

(9) The Terminating Access Provider shall, upon receipt of the intimation from 12 the Originating Access Provider under sub-regulation (8), intimate to the complainant, within twenty four hours, the result of the investigation and the action taken by the Originating Access Provider on his complaint.

(10) Notwithstanding any delay on the part of the Terminating Access Provider to forward the complaint, as stipulated in the sub regulation (6), to the Originating Access Provider, it shall be incumbent upon the Originating Access Provider to take action on such complaint in accordance with the provisions of sub-regulation (8).

(11) In case the Originating Access Provider to whom a complaint has been forwarded under sub-regulation (6) finds that the unsolicited commercial communication originated from a subscriber who is not registered with the Authority as a telemarketer, it shall issue a notice to such subscriber to forthwith discontinue the sending of such unsolicited commercial communications and if such subscriber sends a commercial communication to any subscriber on a second occasion, disconnect the telecom resources of such subscriber.

## **CHAPTER V OBLIGATIONS OF THE ACCESS PROVIDERS**

### **20. OBLIGATIONS OF THE ACCESS PROVIDERS:-**

(1) Every Access Provider shall ensure that all commercial communications originating from its network are managed in accordance with these regulations.

(2) Without prejudice to the generality of the provisions of sub-regulation (1),-

(a) every Originating Access Provider shall ensure that no telecom resource is provided to a telemarketer unless has registered itself with the Authority and has entered into an agreement with Originating Access Provider, in accordance with the provisions in Schedule IV to these regulations;

(b) every Originating Access Provider shall, before allotting telecom resources to a telemarketer for sending Transactional Message, enter into agreement with such person in accordance with the procedure specified in Schedule V to these regulations and ensure that no telemarketing SMS is sent through the telecom resources allotted for sending Transactional Message;

(c) every Originating Access Provider shall provide separate telecom resources to telemarketers, for sending transactional message and promotional messages;

(d) every Originating Access Provider shall ensure that the telecom resources provided for sending transactional message are not used for sending promotional message;

(e) every Originating Access Provider shall ensure use of correct header for sending commercial or transactional message, as the case may be, in accordance with the agreement entered into by the

Originating Access Provider with the sender of commercial or transactional message, as referred 13 to in clause (a);

(f) Every Access Provider shall ensure that a telemarketer shall, before sending any SMS to a telecom subscriber, scrub the telephone number of the subscriber with the database received from National Customer preference register;

(g) every Originating Access Provider shall ensure that no telemarketing SMS, other than SMS opted by the subscriber is sent to him;

(h) every Originating Access Provider shall filter all voice calls received through the telecom resources allocated to the telemarketers to ensure that no commercial voice call is made to any subscriber, registered with the National Customer Preference Register.

(i) every Originating Access Provider shall filter all promotional SMS received through the telecom resources allocated to the telemarketers to ensure that only promotional SMSs, preferred by a customer in his preference registered with the National Customer Preference Register, are sent to him;

(j) every Access Provider shall ensure that commercial communication including SMS is sent to a customer, in accordance with the provisions of these regulations, only between 0900 Hrs to 2100 Hrs;

(k) no Access Provider shall provide to any person, other than a telemarketer registered as per regulation 14, 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: Provided that all SMS packages already provided to a customer other than to a telemarketer shall be discontinued on coming into force of these regulations; Explanation: For the purpose of this sub-clause, blackout days mean the days on which free or concessional calls or SMS are not applicable.

(l) no Access Provider shall send any commercial communication, either directly or by mixing such communication with service communication, through voice call or SMS or Unstructured Supplementary Service Device (USSD) unless specifically opted, to a subscriber whose name is registered in the National Customer Preference Register. 14

#### 21. Power of Authority to order inquiry.-

(1) Where the Authority has reason to believe that any Access Provider has contravened the provisions of these regulations, it may constitute an inquiry committee, consisting of three officers not below the rank of Advisor in the Authority, to inquire into the contravention of the regulations and to report thereon to the Authority. Provided that if, for reasons other than temporary absence, any vacancy occurs in the office of any member of the inquiry committee, the Authority shall nominate another officer not below the rank of Advisor in the Authority to fill the vacancy and the proceedings may be continued before the inquiry committee from the stage at which the vacancy is filled by such nomination.

(2) The enquiry committee shall give an opportunity to the concerned Access Provider to explain its position, before submitting its findings to the Authority.

22. Consequences for failure of Access Providers to stop unsolicited commercial communications.-

(1) If, on enquiry under regulation 21, an Access Provider is found to have contravened of the provisions of these regulations, it shall, without prejudice to any penalty which may be imposed under its licence, be liable to pay an amount, by way of financial disincentive, an amount of Rupees one lakh and in case of second such contravention, to pay an amount of rupees five lakh and rupees ten lakh in case of third or each subsequent such contravention. Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the concerned Access Provider had been given a reasonable opportunity of representing against the findings of the enquiry committee.

(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.

#### **CHAPTER VI MISCELLANEOUS**

23. Interpretation.- In case of any doubt regarding interpretation of any of the provisions of these regulations, the clarification issued by the Authority shall be final and binding.

24. Repeal.- Save as provided in regulation 25 of these regulations, the Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) are hereby repealed.

25. Saving.- Notwithstanding the repeal of the Telecom Unsolicited 15 Commercial Communications Regulations, 2007 (4 of 2007),-

(a) anything done or any action taken or purported to have been done under the said regulations shall be deemed to have been done or taken under the corresponding provisions of these regulations;

(b) the provisions contained in regulations 13 to 15 of the Telecom Unsolicited Commercial Communications Regulations, 2007(4 of 2007) shall remain in effect till the 14th day of December, 2010;

(c) the provisions contained in regulations 3, 4, 5, 6, 7, 8, 9, 10, 11,12,16,17 and 18 of the Telecom Unsolicited Commercial Communications Regulations, 2007(4 of 2007) shall remain in effect till the 31st day of December, 2010; (R. K. Arnold) Secretary 16 SCHEDULE –I Procedure for registration of preference under regulation 7, or change of preference under regulation 8 or deregistration under regulation 9 from Provider Customer Preference Register.