

DEPARTMENT OF TELECOMMUNICATIONS
LICENSING CELL (VALUE ADDED SERVICE GROUP)
SANCHAR BHAVAN, NEW DELHI-110001

No. 846-53/2000-VAS

Dated July 16, 2001

GUIDELINES FOR ISSUE OF LICENCE
FOR
VOICE MAIL/AUDIOTEX/UNIFIED MESSAGING SERVICE

Pursuant to the announcement of New Telecom Policy, 1999 (NTP-99), the Government took the decision to permit migration of existing licensees of Cellular/Basic and other Value Added Telecom Services to NTP-99 regime. Accordingly, Government have decided to migrate existing Voice Mail/Audiotex Licensees to NTP-99 regime and issue additional licences for a period of 15 years. Following guidelines have been finalized in this regard. These guidelines are only for the purpose of general information and do not constitute any legally binding commitment:

1. The licence for operation of Voice Mail/Audiotex/Unified Messaging Service in India shall be issued on non-exclusive basis.
2. Proposals seeking Voice Mail/Audiotex/Unified Messaging Service licence is to be submitted to Assistant Director General (VAS-II), DOT. The proposal is to be submitted along-with a demand draft of Rs. Twenty thousand as a processing fee (non-refundable), drawn on any scheduled bank and payable at New Delhi, in favour of Pay & Accounts Officer (Hqrs), Department of Telecom, New Delhi.
3. The service area for the licence shall be Short Distance Charging Area (SDCA) on the basis of local dialing. From outside the SDCA, the service will be allowed to be accessed on STD call basis. The service provider would install his equipment within the SDCA for which licence is obtained.
4. For Unified Messaging Service, transport of Voice Mail Messages to other locations and subsequent retrieval by the subscriber must be on a non-real time basis. To ensure this LICENSEE shall ensure that there is no dialing out for delivery of the message to the recipient.
5. For providing UMS under the licence, in addition to the licence for Voice Mail/Audiotex/UMS, the licensee must also have an ISP licence. The ISP licence as well as Voice Mail/Audiotex/ UMS licence should be for the areas proposed to be covered by UMS service.
6. There will be no Entry Fee as well as license fee. Performance Bank Guarantee of Rs. three lakhs for each licence shall be required. However, the LICENSEE shall be required to pay levy towards Universal Service Obligations (USO) from the date of licence as per the terms and conditions decided by the Government on the recommendations of TRAI.

7. The Applicant should be an Indian company, registered under the Indian Companies Act' 1956. With regard to foreign investment, 100% foreign direct investment (FDI) shall be allowed, subject to fulfillment of other rules and conditions of the Government on FDI.
8. The period of license shall be 15 years, with the provision for extending the same for another 5 years. The existing licensees shall also be allowed the same licensing period.
9. The existing Voice Mail/Audiotex Service Licensees are allowed to migrate to the new licensing regime w. e. f. 1.4.2001.
10. New Telecom Policy-1999 (NTP-99) has defined Cellular Mobile Telephone Service Providers, Fixed Service Providers, Cable Service Providers as Access Providers; Voice Mail/Audiotex/Unified Messaging Service can be provided as a Value Added Service by these service providers over their network. Therefore, such Access Services Providers may provide Voice Mail/Audiotex/Unified Messaging Service to the subscribers falling within their service area on non-discriminatory basis; an intimation before providing any such Value Added Service may be sent to the Licensing Authority. No separate licence fee shall be charged for Voice Mail/Audiotex/Unified Messaging Service to be provided by the Access Service Operators. However, the revenue earned by these operators through this Service, if any, shall be counted towards the revenue for the purpose of paying licence fee under the License granted to them.
11. The Voice Mail/Audiotex/Unified Messaging Service Provider will be bound to provide the services to any person within the service area, without any discrimination.
12. Licensee shall make its own arrangements for all infrastructure involved in providing the service and shall be solely responsible for installation and operation of necessary equipment and systems, treatment of subscriber complaints, issue of bills to its subscribers, collection of revenue, attending to claims and damages arising out of their operations.
13. The Voice Mail/Audiotex/Unified Messaging Service licensee shall operate and maintain the licensed Network conforming to Quality of Service standards to be mutually agreed between the service providers subject to such other directions as the competent authority may give from time to time.
14. The licensee will not assign or transfer its rights in any manner whatsoever under the license to a third party or enter into any agreement for sub-license and/or partnership relating to any subject matter of the licence to any third party either in whole or in part i.e. no sub-licensing /partnership/third party interest shall be created.
15. The Licensee shall not normally employ bulk encryption equipment in its network. However, if any encryption equipment is used and connected to the Licensee's network, then it should have prior evaluation and written approval of the Government.
16. All foreign personnel likely to be deployed by the LICENSEE for installation, operation and maintenance of the LICENSEE's network shall be security cleared by the Government of India prior to their deployment. The security clearance will be obtained from the Ministry of

Home Affairs, Government of India. The LICENSEE shall ensure protection of privacy of communication and ensure that unauthorized interception of messages does not take place.

17. LICENSOR shall have the right to revoke/terminate/suspend the LICENCE either in part or whole of the Service area in the interest of national security or in case of emergency or war or low intensity conflict or any other eventuality in public interest as declared by the Government of India. Provided any specific orders or direction from the Licensor/TRAI issued under such conditions shall be applicable to the LICENSEE and shall be strictly complied with.

18. LICENSOR reserves the right to modify these conditions or incorporate new conditions considered necessary in the interest of national security, public interest and for proper conduct of telegraphs.

19. LICENSEE will ensure that the Telecommunication installation carried out by it should not become a safety hazard and is not in contravention of any statute, rule or regulation and public policy.

20. The LICENSEE shall take measures to prevent any objectionable, obscene, un-authorised or any other content or harmful and unlawful messages or communications infringing upon copyrights, intellectual property etc., in any form, from being carried on his network, consistent with the legal frame-work of the country. Once specific instances of such infringement are reported to the LICENSEE by the Authority, the LICENSEE shall ensure without fail that the carriage of such material on his network is prevented immediately.

21. The Licensee is obliged to provide, without any delay the tracing facility to trace origin or content of nuisance, obnoxious or malicious calls, messages or communications transported through his equipment and network. Any damages arising out of default on the part of Licensee in this regard shall be sole liability of the Licensee.

22. In case any confidential information is divulged to the LICENSEE for proper implementation of the Agreement, it shall be binding on the Licensee and its employees and servants to maintain its secrecy and confidentiality.

23. DOT reserves its right not to grant a licence without assigning any reason.

24. All matters relating to the application or licence, if granted, will be subject to jurisdiction of Telecom Dispute Settlement and Appellate Tribunal (TDSAT).

25. Provision of only Audiotex Service or services through Interactive Voice Response System (IVRS):- The Governmental or Private Service Agencies, offering Public utility services, such as Railways, Broadcasting, News & Media, Cooking Gas Agency or even Restaurants etc., are permitted to provide services such as Audiotex (providing information on automatic basis like News, Weather Forecast, Commentary, Railway/Air Timings etc.), Tele-marketing (receiving purchase orders automatically over phone or host-computer), Tele-complaint (Service Agency providing automatic booking of service complaints through IVRS system etc.) and Tele-Booking (agencies like Cooking Gas, Restaurants for booking of orders

using IVRS or host-computer etc.), freely without need for obtaining any license or taking any permission.

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOM
(VAS CELL)

SANCHAR BHAVAN, 20 ASHOKA ROAD, NEW DELHI-110 001

**APPLICATION FOR GRANT OF LICENCE FOR OPERATION OF VOICE
MAIL/AUDIOTEX/UNIFIED MESSAGING SERVICE**

(Please read the guidelines and draft licence agreement carefully before filling up of this Form. The Application form should contain complete information on each and every point. Additional sheets may be added, if required. Incomplete application with conditional statements shall be summarily rejected).

1. Service Area for which licence is sought _____
(Separate application is to be _____
Submitted for each service area) _____

2. Name of other service area (s) 1. _____
for which application has been 2. _____
submitted separately. 3. _____
(Attach separate sheet, if required)

3. Name of the applicant company _____

4. Complete postal address
with Telephone /FAX Nos.

(i) Corporate Office _____

(ii) Registered Office _____

5. Address for correspondence
with Telephone /FAX Nos. _____

6. Name of Authorised contact
person, his designation and _____

Telephone /FAX Nos. _____

7. Certified copy of Certificate of Registration duly certified by the Registrar of Companies (Please enclosed as Annexure-I)

8. Promoters /Partners in the Company. (details of equity holding)

S.No.	Name of Promoter/Partner	Indian/Foreign	Equity %age.

(Total foreign Equity participation(s), if any, upto the extent of 100%, including NRI equity, both repatriable and non-repatriable, is allowed. Complete break-up of 100% of equity must be given).

9. Certified copy of Agreement between the Indian Company and Foreign Partner(s), if any . (Please enclosed as Annexure-II)

10. Certified copy of approval of Government of India for terms of Foreign Collaboration or copy of application submitted to SIA/ Government in this regard with proof of submission. (Please enclosed as Annexure-III)

11. Income Tax Clearance Certificate for the last two years. (Please enclose as Annexure-IV)

12. List of Telecom Service License(s) held by the company and its allied/sister concerns, if any, and their present status. (Attach separate sheet, if required including the No Dues Certificates against those licences).

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____

13. Resolution of Board of Directors/ other proof that the person signing the application is

authorised signatory.
(Please enclose as Annexure-V)

14. Demand Draft towards payment of Processing Fee :

- (i) No. & Date _____
- (ii) Amount _____
- (iii) Name of the Bank on which drawn _____

(Enclose DD in a separate covers and attach to the application).

15. Performance Bank Guarantee _____

- (i) No. & Date _____
- (ii) Amount _____
- (iii) Valid upto (date) _____

- (iv) Name of the Bank with full address and Telephone / FAX Nos. _____

(Enclose in a separate covers and attach to the application)

Certificates :-

1. I hereby certify that I have carefully read the guidelines and draft Licence Agreement on Voice mail/Audiotex/UMS Service. I fully comply with the terms and conditions therein.

2. I understand that this application if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee and/or requisite bank guarantee shall be summarily rejected.

3. I understand that processing fee is non-refundable irrespective of whether or not the licence is granted to me.

4. I undertake to sign the License Agreement, a draft of which has been supplied to me within the prescribed time notified to me failing which my application shall be rejected and processing fee forfeited.

5. I understand that all matters relating to the application of licence if granted to me will be subject to jurisdiction of Telecom Dispute Settlement and Appellate Tribunal (TDSAT) only.

6. I understand that such companies who have failed to carry out the contractual obligations with regard to other Telecom Service licences granted under Section 4 of Indian Telegraph Act, 1885 shall not be granted Voice mail/Audiotex/UMS licence and their allied or sister concerns will also not be eligible.

7. I certify that none of the companies mentioned in Item 12 of the application form are in default of the conditions of licence granted under Section 4 of Indian Telegraph Act, 1885.

8. I understand that if at any time any averments made or information furnished for obtaining the licence is found incorrect, my application shall be liable to be rejected and any licence granted on the basis of this application shall be liable for termination.

Date
Place

Signature and name of the
Authorised Signatory
(Company's Seal)

On Behalf of M/s.
By Shri
Holder of GPA dated
Executed in accordance with Resolution
No.
Dated Passed by Board
of Directors

**APPLICATION FOR GRANT OF LICENCE FOR OPERATION OF VOICE
MAIL/AUDIOTEX /UMS SERVICE**

(This page is only for information and guidance of Applicants)

1. The application form is accompanied with:
 - (i) Guidelines on Voice Mail/Audiotex/UMS Service.
 - (ii) Licence Agreement
 - (iii) Performance Bank Guarantee

2. The blank application forms can be obtained free of charge from the headquarters of Telecom Commission at New Delhi or also can be downloaded from DoT Web Site.

3. Two copies of the application should be submitted (one original & one copy), marked distinctly as “Original” and “Copy”. The original application including Annexures must be signed in ink on each page by the authorised signatory. The application should be submitted by registered post/courier service or by hand to “The Assistant Director General (VAS-II), Department of Telecommunications, Sanchar Bhawan, 20, Ashoka Road, New Delhi-110 001”.

4. Documents required as Annexures I, II, III, IV & V are required to be enclosed with application for one of the Service Areas. In other application(s) it may be mentioned that these Annexures are enclosed with the application of _____ Service Area.

5. The Government reserves the right not to grant a License without assigning any reason.