

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

STARRED QUESTION NO:369

ANSWERED ON:02.05.2012

UNSOLICITED CALLS SMS BY TELEMARKEETEERS

Bhadana Shri Avtar Singh;Singh Shri Radhey Mohan

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether in spite of instructions from the Telecom Regulatory Authority of India (TRAI), mobile consumers continue to get unwarranted/pesky calls/SMSs even after their registration with Do-Not-Call-Registry;
- (b) if so, the details thereof and the action taken by the TRAI in this regard;
- (c) whether any methodology has been devised to track communications by telemarketing companies and the punitive action proposed against the offenders;
- (d) if so, the details thereof and if not, the reasons therefor;
- (e) whether the Government is aware that several unsolicited calls/SMSs are now emanating from private/individual numbers instead of telemarketing companies; and
- (f) if so, the action taken/being taken by the Government in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) to (f) A Statement is laid on the Table of the House.

STATEMENT TO BE LAID ON THE TABLE OF THE LOK SABHA IN RESPECT OF PARTS (a) TO (f) OF LOK SABHA STARRED QUESTION NO. 369 FOR 2ND MAY, 2012 REGARDING "UNSOLICITED CALLS/SMS BY TELEMARKEETEERS"

(a) & (b) Madam, TRAI had established National Do Not Call Registry (NDNC) through the Telecom Unsolicited Commercial Communications Regulations, 2007 dated 5th June, 2007. TRAI has reviewed the framework for addressing the problem of Unwarranted/pesky Calls/SMSs and issued "The Telecom Commercial Communications Customer Preference Regulation, 2010", which has come into force from 27th September 2011. With the implementation of this regulation, the number of complaints relating to Unsolicited Commercial Communications (UCC) has reduced considerably. Prior to coming into force of this regulation, on an average 47454 complaints were received per month. (March 2010 to March 2011) However, after the implementation of new regulation, the total number of complaints have been reduced to 13926 complaints per month. (from 27th September, 2011 to 24th April 2012).

For effective implementation of The Telecom Commercial Communications Customer Preference Regulations, 2010", TRAI has further taken the following steps:

1. To prevent the telemarketers from dumping promotional SMSs which results in inconvenience to consumers, a 5 paisa promotional SMS charge has been imposed on telemarketers through seventh amendment to the principal regulations.
2. It was seen that in many cases, promotional SMSs were getting routed through international routes and were getting delivered to customers registered in NCPR. To control such SMSs, after detailed discussions with the service providers, directions were issued by TRAI on 20th January 2012 regarding blocking of bulk international SMSs.
3. TRAI is continuously monitoring the action taken by service providers on UCC complaints and in case of any violations; action is being taken against them as per the provisions of the regulations. Under the provisions of the regulation, the Access Providers have penalised telemarketers in 105 cases and 5 telemarketers have been blacklisted.

(c)& (d) In order to make identification of telemarketing calls easy, the regulation lays down a separate number series starting from 140 for telemarketers for voice calls. The regulation also provides for a specific SMS header format for making promotional SMSs. Customers can identify promotional SMS just by looking at the SMS header. This facilitates easy identification of calls/SMSs from telemarketers even by unregistered customers receiving such calls.

The regulations have prescribed penal provisions against telemarketers for violations of the provisions of the regulations. In case of

violation by a registered telemarketer, amounts will be deducted from the security deposit of such telemarketer by the Access Provider as per the following table and such amount will be deposited with TRAI:

Deduction from Security Deposit of Telemarketer in case of Violation

S.No	No. of Violation by Telemarketer	Deduction from security deposit	Security Deposit	Additional Security Deposit
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1	0 violation	Nil	1,00,000	Nil
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2	1st Violation	Rs 25,000	75,000	2,00,000
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3	2nd Violation	Rs 75,000	2,00,000	Nil
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4	3rd Violation	Rs 80,000	1,20,000	4,00,000
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5	4th Violation	Rs 1,20,000	4,00,000	Nil
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6	5th Violation	Rs 1,50,000	2,50,000	Nil
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7	6th Violation	Rs 2,50,000	Nil	Nil
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As on 24th April 2012, Access Providers have penalised telemarketers in 105 cases amounting to Rs 60,68,705 /-.

(e) & (f) TRAI is aware that several calls and SMSs are being sent by subscribers not registered as a telemarketer, using normal telephone connections. It is seen that the majority of complaints of Unsolicited Commercial Communications are those in which calls or SMSs have been sent by telecom subscribers who are not registered as a telemarketer with TRAI. As per provisions of regulation for such cases, the Originating Access Provider 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. A total of 44810 notices have been sent to such subscribers and 27984 telephones of such unregistered telemarketers have been disconnected during the period from 27th September, 2011 to 24th April, 2012.

The regulation also prescribes a cap of 200 SMS per day per SIM to deter sending of bulk unwanted SMSs by private/individual numbers.