

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

UNSTARRED QUESTION NO:2020

ANSWERED ON:05.12.2012

REGULATION ON PESKY CALLS

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

- (a) the details of complaints of unwanted/pesky calls/SMSs to the mobile consumers/subscribers which have come to the notice of the Government/telecom Regulatory Authority of India (TRAI) during each of the last three years and the current year;
- (b) whether the TRAI has issued a consultation paper to seek public views to strengthen regulations to check pesky calls/ SMSs in the recent past;
- (c) if so, the response thereto along with the fresh regulations issued by TRAI in this regard;
- (d) the details of registered telemarketers in the country as on date;
- (e) whether several unwanted/pesky calls/SMSs are now emanating from private/individual numbers; and
- (f) if so, the details thereof and the corrective steps taken/being taken by the Government/TRAI in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA)

(a) Madam, the current regulatory framework for controlling unwanted/pesky calls/SMSs has been laid down by the Telecom Regulatory Authority of India (TRAI) through "The Telecom Commercial Communications Customer Preference Regulations, 2010" dated 1st Dec '2010. All the provisions of the said regulation have come into force from 27th September 2011. TRAI has also issued several amendments to these regulations to strengthen the regulatory framework. The details of complaints of unwanted/pesky calls/SMSs to the mobile consumers/subscribers that has come to the notice of TRAI/Govt. for each of the last three years and the current year are as given below:

Year	Total No. of complaints received related to Unwanted/ pesky calls/SMSs
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2009-10	515
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2010-11	412
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2011-12	465
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Current year (upto 27.11.2012)	786
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(b) & (c) Yes Madam, in order to strengthen the current regulatory framework for controlling Unsolicited Commercial Communications (UCC), TRAI issued the Consultation paper on "Review of Telecom Commercial Communications Customer Preference Regulations, 2010" on 3.8.2012 seeking stakeholders comments. To discuss the measures required to control the unwanted/pesky calls/SMSs with the stakeholders, an open house discussion was held by TRAI on 10th October, 2012 at New Delhi. During the open house discussion, final views of the stakeholders on some of the possible solutions were sought by 25th October, 2012. The response(s) to the consultation paper were received from :-

(i) Three industry associations - Cellular Operators Association of India (COAI), Association of Unified Telecom Service Providers of India (AUSPI), Internet & Mobile Association of India (IAMA),

(ii) Eight service providers - M/s Reliance Communications Ltd., M/s Tata Tele Services Limited, , M/s Bharti Airtel, M/s Vodafone, M/s Idea, M/s Aircel, M/s Loop & M/s BSNL,

(iii) Twelve Consumer Advisory Groups - Consumer Guidance Society (CGSI), Consumer Protection Association (CPA), Shramik Varg & Nirmal Varg Vikas Sansthan, SAMARPIT, SANRAKSHAN, Harijan Adivashi Mahila Kalyan Samiti, All India Chamber of Consumers, Amen Society, Gramvikas Parishad, Centre for Public Policy Research (CPPR), Telecom Users Group of India, Voluntary Organization in Interest of Consumer Education (VOICE),

(iv) Three individuals - Ms. Rashmi Arora, Sh. S. K. Virmani, Sh. Surendra P.A. and nine other entities. Keeping in view the comments of the stakeholders, TRAI issued the "The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012" on 5th November, 2012.

(d) As on 29th Nov., 2012, 2830 telemarketers have been registered with TRAI in the country.

(e) & (f) Government / TRAI has been aware that several calls and SMSs are emanated from private / individual numbers, who have not registered with TRAI as a telemarketer. The Regulation provides for disconnection of telecom resources of such 'unregistered telemarketers' on complaints received on second instance, after issuing a notice on first violation. As per the above provisions of regulations, notices have been issued to 1,48,095 subscribers and resources of 1,37,052 subscribers have been disconnected. To address the issue and to strengthen the framework for controlling the pesky calls/SMSs, corrective measures have been taken by TRAI through issue of "The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012" on 5th November, 2012 after due consultation with the stakeholders. A brief of the salient features / measures taken under this Regulation are given below:-

(i) A minimum charge of 50 paisa per SMS sent in excess of 100 SMS per day has been imposed. Service providers have been mandated not to allow sending of more than one hundred SMS per day per SIM at a concessional rate. Subscribers can send SMS beyond one hundred SMS per day per SIM, however, all such SMSs will be charged at the rate, not less than fifty paisa per SMS.

(ii) To increase consumer awareness, Access Providers have been mandated to send SMS to their subscribers on periodic basis advising them not to send any commercial communications if they are not registered with TRAI as a telemarketer and that sending of commercial communication using private/individual numbers shall result in disconnection of telecom resources.

(iii) Access Providers have been also mandated that at the time of providing a telephone connection, they shall obtain an undertaking from the subscriber that the SIM purchased shall not be used for telemarketing purposes.

(iv) For making lodging of a complaint regarding Unsolicited Commercial SMS easy, provision has been made for forwarding of such SMS by appending the telephone number (or header of the SMS), from which the unsolicited commercial SMS has originated and date of receipt of such SMS to 1909.

(a) As per the current tariff framework, tariff for mobile services are under forbearance, except for National Roaming Service where ceiling tariff has been specified. Mobile operators have the flexibility to offer different tariff depending on the market conditions and other commercial considerations. Subscribers make their choice of a service provider based on their perception of the performance of the service provider on several factors which may include the tariff plans/ schemes on offer and the Quality of Service.

(b) Currently, Telecom Regulatory Authority of India (TRAI) has no proposal to cap the lower end of the mobile phone tariff.

(c) Does not arise in view of b) above.

(d) & (e) Simplification of tariff and ensuring transparency in tariff offers is a continuous process and TRAI has taken several measures towards this end. The important measures taken during the year 2012 to simplify tariff offers and enhance transparency are as follows:

1. The Telecom Consumer Protection Regulation, 2012 issued on 06.01.2012 aims to streamline tariff offers and enhance transparency in the provision of services. The various categories of vouchers offered to prepaid subscribers have been rationalized, with colour bands prescribed for easy identification of each category of vouchers. Minimum font size for printed matter on the vouchers is mandated to be not less than 8pt. The service providers are also required to provide usage details to prepaid subscribers after every call/ data service.

2. The Directions issued on 16.01.2012 and 03.04.2012 require the service providers to publish all tariff plans in a specified format in Regional and English newspapers at an interval of not more than six months. With a view to facilitate easy and transparent comparison, provisions have also been made mandating full details to be available at Customer Care Centres, Points of Sale, and websites of the service providers in the prescribed formats.

3. The Direction issued on 26.03.2012 aims at preventing misleading tariff advertisements.

4. The Telecommunication Tariff Order (51st Amendment) of TRAI has inter-alia mandated every service provider to offer at least one prepaid and one postpaid plan with pulse duration of one second for local and national long distance calls.

5. The Telecommunication Tariff Order (53rd Amendment) has specified a ceiling on Processing Fee. Such fee shall not exceed ten

percent of maximum retail price of top up voucher or three rupees, whichever is less. The ceiling prescribed particularly protects the prepaid subscribers recharging with lower denomination top up vouchers.

6. The Direction issued on 14.09.2012 has specified additional transparency measures in respect of charging on blackout days (the days on which free/ concessional usage charges are not made available). It is now mandatory for operators to intimate subscribers in advance about the applicability of blackout days and charges thereof.