

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

STARRED QUESTION NO:51
ANSWERED ON:07.08.2013
UNSOLICITED CALLS SMSS
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Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the regulations of the Telecom Regulatory Authority of India (TRAI) issued in 2011 has not been fully successful in curbing the menace of unsolicited calls/SMSs;
- (b) if so, the details thereof;
- (c) whether the Government has issued or proposes to issue revised guidelines to curb the menace of unsolicited text messages and pesky calls;
- (d) if so, the details thereof and the reaction of various stakeholders and experts in this regard; and
- (e) the details of the action taken by the Government against the telecom service providers and telemarketers for violation of guidelines of TRAI?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND LAW & JUSTICE (SHRI KAPIL SIBAL)

(a) to (e) 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 (e) OF LOK SABHA STARRED QUESTION NO. 51 FOR 7TH AUGUST, 2013 REGARDING "UNSOLICITED CALLS/SMSs"

(a) & (b) Madam, with the implementation of the Telecom Commercial Communications Customer Preference Regulations (TCCCPR) by TRAI with effect from 27.09.2011, the number of complaints relating to Unsolicited Commercial Communications (UCC) have reduced considerably. Prior to the coming into force of the regulations from 27.09.2011, on an average 47454 complaints were received per month (Averaged over the period March, 2010 to March, 2011). However, the total number of complaints lodged by telecom consumers with their service providers has come down to about 27000 complaints per month after coming into force of this regulation since 27.09.2011.

Through the TCCCPR, TRAI has laid down the framework for addressing Unsolicited Commercial Communications (UCC). These regulations came into force from 27.09.2011. The main features of the regulation are as follows:

- (i) Filtering of Calls & SMS both by Access Service Provider and Telemarketers.
- (ii) In order to ensure effective control, there is a provision of security deposit by Telemarketers to their Access Service Providers and deduction ranging from Rs. 25,000/- to Rs. 2.5 lakhs in case of violation.
- (iii) In case telemarketer is not complying with the regulation even after deduction from security deposit, there is a provision for blacklisting of telemarketers.
- (iv) Disconnection of telecom resource(s) of Unregistered Telemarketers by Access Service Providers.
- (v) In case Access Service Provider is not complying with the regulation, there is a provision to levy financial disincentive ranging from Rs. One lakh to Ten lakhs.
- (vi) The regulations lay down a separate number series and specified SMS header for telemarketers for voice calls and SMSs respectively.
- (vii) The customer can opt to block all commercial communication or opt for 'partially blocked' category.
- (viii) No commercial communication to be sent between 9.00 PM to 9.00 AM
- (ix) Five paise SMS Termination Charge has been prescribed for Telemarketing Messages.

(x) Also in order to create deterrent against misuse of cheaper SMS packs by subscribers who have not registered as a Telemarketer, TRAI has prescribed that a minimum of 50 paise per SMS shall be charged for every SMS sent beyond 100 SMS in a day.

(c) & (d) TRAI has recently issued the Telecom Commercial Communications Customer Preference (Twelfth Amendment) Regulation on 23.05.2013. This regulation provides for disconnection of all the telecom resources of subscribers sending unsolicited calls/SMSs, blacklisting of the name and address of such subscribers for two years, disconnection of telecom resources to such subscriber by the other service providers within twenty four hours of blacklisting of such subscriber. Also no telecom resources shall be allotted to such blacklisted subscriber by any Access Provider for two years. In pursuance of these efforts by TRAI, a total of about three lakhs telephone connections of un-registered telemarketers have been disconnected by the Access Service Providers and the name and address of around 20000 such subscribers have been put into the blacklist. As per TRAI, the stakeholders have generally welcomed these measures.

(e) The details of action taken by the TRAI against the telemarketers and service providers are given below:

01. Number of notices sent to unregistered telemarketers 2,85,813
(From 27.9.2011 to 31.7.2013)
02. Number of Telephone disconnections of unregistered telemarketers 2,99,575
(From 27.9.2011 to 31.7.2013)
03. Number of notices sent to telemarketers 246
04. Total amount deducted from the security deposit of the telemarketers 1.36 Crores
for violations. (From 27.9.2011 to 30.07.2013)
05. No. of Telemarketers Blacklisted (From 27.9.2011 to 25.06.2013) 15
06. No. of service providers on which financial disincentive is imposed 1
(From 27.9.2011 to 30.07.2013)