

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

UNSTARRED QUESTION NO:1109

ANSWERED ON:11.12.2013

UNSOLICITED COMMERCIAL COMMUNICATIONS

Anandan Shri K.Murugesan;Dhotre Shri Sanjay Shamrao;Mahtab Shri Bhartruhari;Rajendran Shri C.;Rama Devi Smt. ;Singh Rajkumari Ratna;Singh Shri Pashupati Nath;Sugumar Shri K. ;Thakur Shri Anurag Singh

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

- (a) whether TRAI has used financial disincentives for eight service providers for non-compliance of regulations relating to Unsolicited Commercial Communications (UCC);
- (b) if so, the names of companies which have not complied with the provisions of the said regulation;
- (c) the details of action taken against such telecom companies including MTNL;
- (d) whether the Government proposes to make telecom companies accountable at all costs for unsolicited calls/SMSs and take action against the third party who hire illegal agencies; and
- (e) if so, the details thereof and if not, the reasons therefor?

Answer

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

(a) to (c) Yes Madam, Through the Telecom Commercial Communications Customer Preference Regulation, 2010 TRAI has laid down a revised framework for addressing Unsolicited Commercial Communications (UCC) and these regulations came into force with effect from 27.09.2011. TRAI has also issued various amendments to these regulations to make the regulatory framework more effective.

In accordance with the provisions of this regulation, TRAI has imposed financial disincentive of Rs. 5,04, 06,000 (Rs. Five Crore four Lakh Six Thousand only) till date on the following service providers:

- (i) M/s BhartiAirtel Ltd.
- (ii) M/s Aircel Ltd.
- (iii) M/s Vodafone Essar Mobile Services Ltd.
- (iv) M/s Idea Cellular Ltd.
- (v) M/s Reliance Communications Ltd.
- (vi) M/s Tata Teleservices Ltd.
- (vii) M/s Unitech Wireless Private Ltd.
- (viii) M/s Videocon Telecommunications Ltd.
- (ix) M/s Sistema Shyam Teleservices Ltd.
- (x) M/s Bharat Sanchar Nigam Ltd.
- (xi) M/s Mahanagar Telephone Nigam Ltd.
- (xii) M/s Quadrant Televentures Ltd.
- (xiii) M/s Loop telecom Ltd.

Out of this amount, Rs 25,000/- has been levied on MTNL as financial disincentive for violation of the regulation.

(d)& (e) TRAI's regulatory interventions have largely tempered the menace of Unsolicited Commercial Communications. However UCC (SMSs or calls) from persons not registered as telemarketers with TRAI has not ceased. Such individuals deliberately

masquerade themselves as `normal subscribers` even though their primary purpose for obtaining telecom resources is for telemarketing activities.

Since the unregistered telemarketers are not complying with the directions and regulations the regulatory framework was made more stringent, so that not only the unregistered telemarketer, but the Telecom Service Providers and the Entities engaging such telemarketers to promote their business are held accountable. All three parties are responsible for the UCC. Accordingly the regulations provide for action against all these three parties. The unregistered telemarketer's number will be disconnected and his name & address will be blacklisted for a period of two year. During this period, he cannot take any telecom resources from any service provider. The regulations also provides for financial disincentive on service providers up to a maximum of Rs. 5000/- for each valid complaint. These regulations also provide for disconnection of telecom resources of the Entity for whom promotion is done through Unsolicited Commercial Communications.

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

1. Number of Telephone disconnections of unregistered telemarketers (From 27th Sept,2011 to 31st Oct, 2013) 4,17,898

2. Number of notices sent to Registered Telemarketers with deduction in their security deposit (From 27th Sept, 2011 to 31st Oct, 2013) 260

3. Amount deducted from the security deposit of registered telemarketers, apart from disconnection of telecom resources (From 27th Sept, 2011 to 31st Oct, 2013) Rs 1.47 Crore

4. No. of Registered Telemarketers Blacklisted (From 27th Sept, 2011 to 31st Oct, 2013) 17

5. No. of Unregistered Telemarketers blacklisted for 2 years till 31st Oct, 2013. 1,45,696

6. No. of service providers on which financial disincentive is imposed/amount collected. 13 and Financial Disincentive (till 9th Dec, 2013) of Rs. Five Crore four Lakh Six Thousand was imposed.