

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

UNSTARRED QUESTION NO:1776

ANSWERED ON:03.12.2014

UNSOLICITED CALLS

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

- (a) whether the Government has received complaints from mobile subscribers about unauthorised disclosure of customer information by the telecom service providers;
- (b) if so, the details thereof and the steps taken/proposed to be taken by the Government to protect individual privacy and the action taken against erring companies;
- (c) whether the Government proposes to enforce punitive measures against telecom providers who encourage Unsolicited Commercial Communications (UCC) using private mobile number and if so, the details thereof;
- (d) whether the efficacy of UCC regulations is reviewed by TRAI from time to time; and
- (e) if so, the details and outcome thereof and the action taken thereon?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a) & (b) Madam, Telecom Regulatory Authority of India (TRAI) had earlier received a few complaints alleging disclosure of customer information to telemarketers by service providers, for unsolicited commercial communications. In the absence of evidence, examination of these complaints did not reveal any such action by service providers. TRAI has laid down the framework for controlling Unsolicited Commercial Communications (UCC) through the 'Telecom Commercial Communications Customer Preference Regulations, 2010'. These regulations prohibit sending of UCC by telemarketers/ subscribers to telecom consumers, who have registered their numbers in the National Customer Preference Register (NCPR) for not receiving UCC. The major steps taken by TRAI in this regard are as follows-

1. Registration of telemarketers by TRAI and provision of penalty for violations, to be recovered from the security deposit made by them with the service providers while taking telecom resources. Further, there is a provision of disconnection of all telecom resources and blacklisting for two years of the telemarketer after six UCC violations.
2. Disconnection of telecom resources of subscribers who have not registered with the Authority as a telemarketer on first complaint. Also the name and address of such subscribers are entered in a blacklist. No telecom resources shall be provided to such subscribers for two years. These telemarketers are tracked through the blacklist.
3. The service providers have been made accountable for ensuring that their franchisees do not violate various directions issued by the Department of Telecommunications regarding subscriber verification so as to prevent franchisee/ retailer in providing bulk connections to unregistered telemarketers without proper verification. The service provider would be liable to pay financial disincentive upto Rs. 5000/- for every valid UCC complaint.
4. To prevent unregistered telemarketers from misusing concessional SMS packs or tariff plans for sending bulk promotional SMSs, a price restraint has been placed on sending of more than one hundred SMS per day per SIM at a concessional rate. The subscriber is free to send SMSs beyond this number, however, all such SMSs sent beyond one hundred SMS per day per SIM shall be charged at a rate not lower than Rs 0.50 per SMS.
5. To restrict unregistered telemarketers from sending bulk promotional SMSs using software applications, Access Providers have been mandated to put in place a solution, which will ensure that no commercial SMSs are sent having same or similar characters or strings or variants from any source or number. The solution will ensure that not more than 200 SMSs with such similar 'signature' are sent in an hour.
6. Setting up of National Customer Preference Register (NCPR) i.e provision for registration of customers preferences using voice call or SMS on 1909.
7. Filtering and auto-blocking of calls and SMS to customers according to their options: Provisions have been made such that all telemarketers ensure scrubbing of numbers using their own arrangement and all Access Providers ensure filtering of unsolicited commercial calls and SMS so that no call or SMS is sent to any customer registered on NCPR unless he has opted for it.

(c) There is also provision of financial disincentives on telecom service providers in the regulation for not adhering to the guidelines, which provides the Financial Disincentive on telecom service providers for the following:

(i) For failure to prevent Unsolicited Commercial Communications (UCC) originated from the service providers network by subscribers who are not registered with TRAI as a telemarketer- The Service Provider shall pay up to a maximum of Rs. 5,000/- financial disincentive for each valid complaint and

(ii) For contraventions of the provisions of the regulations – Rs. 1 Lakh first contravention, Rs. 5 lakhs for second contravention and Rs. 10 lakhs for third and each subsequent such contravention.

In accordance with the above provisions, TRAI has been imposing financial disincentive on telecom service providers. TRAI has imposed financial disincentives on 13 companies for Rs. 27,46,64,500/- (Rupees Twenty –seven crores, Forty-Six lakhs, Sixty-four thousand and five hundred only).

(d) & (e) These regulations have been reviewed from time to time and so far TRAI has issued Fifteen Amendment Regulations and Directions to address implementation issues and to further tighten the regulatory framework. TRAI also takes required precautionary measures including financial disincentive through regulations and amendments as per need from time to time to address the issue of UCC. The details of complaints regarding UCC registered in the portal from 27.9.2011, the day the regulations have come into force, till 31.10.2014 are given below:

Sl.No.	Period	No. of complaints registered on portal	Average complaints per month
1.	2011-12 (27.09.2011 to 31.03.2012)	83003	13833
2.	2012-13	427041	35588
3.	2013-14	397772	33147
4.	2014-15 (up to 31.10.2014)	58446	5845

It has been observed from data and action taken in past years, as per regulations/ amendments/ directions mentioned above, that there is a decrease in numbers of complaints regarding UCC.