



## **Comments on**

**Draft Telecom Commercial Communications Customer Preference  
(Tenth Amendment) Regulations, 2012.**

## **Comments on Draft Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012.**

1. Reliance Communications Ltd (RCOM) welcomes the opportunity to comment on Draft Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012.
2. RCOM does agree that Unsolicited Commercial Communications (UCC) cause irritation and distress to the called party and therefore proportionate and appropriate consumer protection measures are necessary. The problem of **UCC is arising out of action of telemarketers and any regulatory action/response must be directly aimed at them.** Now UCC Regulations are in operation for almost 5 years but till now there is no regulation to make telemarketers directly accountable for their actions.
3. The problem does not arise from Telecom Service Providers (TSPs) carrying those telemarketing calls. The regulatory response to the direct marketing issue should not interfere with the operations of telecom companies. Regulating the telecom industry and continuously finding new solution to a problem created by telemarketers through technical means not only imposing continuously imposing financial burden on them but does not address the real problem.
4. Internationally regulators regulate concerned telemarketing companies and not the telecom companies. RCOM is not aware any international example where TSPs have been asked to provide innumerable technical to curb telemarketing activities. The issue primarily concerns telemarketing and therefore an appropriate solution would be the telemarketer-oriented approach. In response to such concerns, many countries including the United States, the United Kingdom, Australia, Canada etc have introduced legislation for all businesses engaged in telemarketing which specify code of conduct for such companies. A similar legislation can also be considered to regulate telemarketers in the country
5. **In view of the above we feel it is right for the TRAI to recommend appropriate legislation in form of a Central Act to take direct action on unregistered telemarketers.**
6. RCOM's comments on various amendments in the Draft Regulation are given below:

**Regulation 3: To Obtain an undertaking at the time of providing a telephone connection to a new subscriber in the CAF that SIM purchased shall not be used for telemarketing.**

- a) Errant unregistered telemarketers openly send unsolicited commercial calls by flouting law. These telemarketers break the law so many times that it has a numbing effect but till now there is no law which make these telemarketers directly accountable.
- b) We believe the TRAI proposal to take an undertaking from all subscribers that SIM shall not be used for telemarketing will not have significant impact on curbing UCCs unless there is deterrence against them and the same is enforceable.
- c) **RCOM would fully comply with TRAI's requirement that at the time of providing a telephone connection to a new subscriber an undertaking with be part of the CAF that SIM purchased shall not be used for telemarketing. However, it may kindly be noted that operators generally have 4 to 6 months inventory available with them to meet CAF requirement and hence TSPs should be given atleast 6 months to implement this Regulation.**

**Regulation 19 (11):**

**1. In case a subscriber is sending UCC through a voice call then on the second occasion, charge rupees five hundred from such subscriber, and if such subscriber sends a commercial communication through voice call to any subscriber on the third occasion, disconnect all the telecom resources of such subscriber**

**&**

**2. In case a subscriber is sending UCC through a SMS call then charge rupees five hundred from such subscriber, and if such subscriber sends a commercial communication through SMS to any subscriber on the second occasion, disconnect all the telecom resources of such subscriber**

**RCOM Comments**

- a) It is very difficult to implement the proposal as subscriber would voluntarily not pay charges for sending an UCC. The proposal can be implemented only if TRAI mandates that subscribers would have to deposit Rs 500 as refundable security deposit which shall be adjusted in case subscriber uses connection for telemarketing purpose. Without security deposit it would be almost impossible to recover charges for sending UCCs. However, security deposits from all subscribers may not be considered consumer friendly as it will impose additional cost on 99% subscribers who do not use SIMs for tele-marketing purposes. Therefore, **RCOM does not support imposition of charges for sending UCCs.**
- b) In case TRAI feels that the imposition of charge for sending UCCs is essential then **there should be consistency in manner of imposing charges on**

voice and SMS. There should be a notice for first UCC violation and subsequently charge of Rs 500 may be imposed on second violation on voice call or SMS.

### **Regulation 20 (2)**

#### **3. SMS Blast: First SMS Relay within 30 days and similar SMS within 7 days from last blast and subsequently every 6 months.**

- a) RCOM supports TRAI that awareness can be increased through SMS blasts on UCC related Regulations. However, we request TRAI to reconsider time for 2nd SMS blast within 3 months against proposed 7 days from the first blast. UCC broadcast after 3 months would have better impact on consumer awareness without putting too much pressure on telecom resources. Subsequent SMS broadcasts can be every 6 months as proposed by the TRAI.

### **Schedule VI**

#### **4. Registration of complaint through SMS to number 1909**

- a) The format of the SMS prescribed by TRAI is not complete. Hence following format is suggested for filing complaints through SMS.
  - i. Phone number from which customer had received the SMS (10 digit/ 5 digit/Alphanumeric Code/3 digit (For Eg:121))/Senders details if MDN not available (e.g. LM HDFCBANK, etc.)
  - ii. Date of message : dd/mm/yy
  - iii. Name of product being promoted:
  - iv. Content of the message received :
  - v. Customer Preferred Category (Applicable for partial Block mention the category. Eg: 4. Education)
- b) The message content should not exceed 160 characters.