

Comments on THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER PREFERENCE (TENTH AMENDMENT) REGULATIONS, 2012

It is a welcome step by the Authority to make the provisions of financial disincentive to a person who is making UCC and intruding the privacy of general mass. The intention of Authority is very clear to curb the UCC and proposed amendment tried to cover the various customer friendly aspects, however, I would like to suggest the following in proposed amendment of regulation:

1. It is proposed in regulation 1(2) that these regulations shall come into force from the date of their publication in the official Gazette. However, in regulation 4 one month time frame has been prescribed for sending the advisory message to its customers by a service provider. In such situation there will be conflict between the customer and service provider. Customer may not be aware of implementation of such provision. Therefore, a sufficient time should be provided to service provider to inform their existing customers about any such implementation.
2. There is no direction or warning provision for sending the UCC through SMS however for making the voice UCC first time there is warning for the customer not to carry out such activities. According to principle of natural justice, equal treatment for a same type of crime may be given for sending the UCC through SMS also .
3. There is a need to ensure the recovery of imposed penalty from culprit subscriber, however, while provisioning of connection to a new customer there is no such mandatory security deposit. In present market scenario almost all the service providers are providing new connection free of cost without taking any security deposit specially in pre-paid case. Service provider will not be able to collect the amount from such customer if he is not willing to pay. It is proposed that service provider may ask a security deposit/ additional recharge of Rs. 500/- from such

customer just after first complaint, failing which, service provider may bar the services like suspending bulk SMS pack facility or discounted calling facility from such number or they may limit the number of SMS per day from such number till subscriber not deposited the security amount of Rs. 500/-.

4. There is a need specify the action to be taken by service provider in case subscriber has made the UCC second time and service provider raise the demand of Rs. 500/- but subscriber is not depositing the same. A time frame may be specified to deposit such amount by customer failing which resources may be disconnected by service provider. Otherwise, in such cases service provider has to wait till third complaint to disconnect the resources.
5. Time frame/ frequency may be specified for service provider for depositing the collected amount to Authority account. Similarly time frame may be specified for updating the information on NTR.
6. It is not clear that existing service provider can not provide the resources to such disconnected customer or NO service provider will be provide any resource to such disconnected customer for one year. A clear provision similar to regulation 18 may be made for “Blacklisting of Customer not registered as telemarketer” .
7. What information will be updated on NTR about such customer is not specified. Provision may be made on the portal for providing at least name and address of such disconnected customers in public domain by the Authority and all the service provider through their website. This will be social disincentive to the defaulting customers and will help to curb the UCC to great extent.

I hope you will consider my above comments under individual category and incorporatesuitably in proposed amendment.

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