

Information note to the Press (Press Release No. 61/2013)

For Immediate Release

Telecom Regulatory Authority Of India

TRAI releases “The Telecom Commercial Communications Customer Preference (Thirteenth Amendment) Regulations, 2013”.

New Delhi, 22nd August, 2013: The Telecom Regulatory Authority of India (TRAI) today issued the “**The Telecom Commercial Communications Customer Preference (Thirteenth Amendment) Regulations, 2013**”, prescribing further measures to tighten the framework for controlling the menace of Unsolicited Commercial Communications (UCC).

2. TRAI has taken a series of measures in the recent past for curbing the menace of UCC. It issued “The Telecom Commercial Communications Customer Preference Regulations, 2010” on 1st December 2010, which came into force from 27th September 2011. Subsequently, for addressing operational issues and for tightening the regulatory framework, a number of amendments have been issued to the principal regulations besides some directions. The Telecom Commercial Communications Customer Preference (Thirteenth Amendment) Regulations, 2013 proposes to further tighten the regulatory framework.

3. The Authority has noted with concern, the continued problem faced by customers receiving UCC from persons who are not registered as telemarketers. Such persons deliberately masquerade as normal subscribers for engaging in telemarketing activities. The major reason for not registering with TRAI is that such telemarketers avoid payment of registration fees, promotional SMS charge of five paise per SMS and are able to reach out to even those customers who are registered in the National Customer Preference Register as they are outside the ambit of the restrictions imposed by TRAI. Availability of cheap SMS packs marketed by service providers and engagement of such telemarketers by persons or agencies for sending their promotional messages etc. are the other reasons for the continued menace of UCC by such persons. The Authority has observed that such telemarketing activities are encouraged by service providers by providing attractive SMS packages and by allowing bulk/multiple connections, without following the CAF directives issued by the Department of Telecommunication, though they are fully aware that these could be used for telemarketing activities. It is the duty and responsibility of the service provider to ensure that such

misuse does not happen in their network. If the details of the name and address filled by consumer in the Customer Acquisition Form and the documents furnished by him are properly verified by the service provider, the misuse of the service provider's network for sending UCC by subscribers not registered as telemarketer can be controlled.

4. The Authority has also observed from complaints that a large number of these complaints pertain to calls or messages received by consumers on behalf of banks, insurance companies, builders etc. These organisations by engaging such persons who are not registered as telemarketers with the Authority are violating the Regulations. These organisations marketing their products through retailers, distributors and franchisees are thus responsible for the acts of their agents. The Authority has therefore issued the Telecom Commercial Communications Customer Preference (Thirteenth Amendment) Regulations, 2013”.

5. The salient features of the Regulations are as follows:

(i) If on verification of a complaint it is found that the UCC has been sent by a subscriber who is not registered as a telemarketer, the service provider shall be liable to pay financial disincentives of Rs.5000/- on each complaint.

(ii) Service providers to submit, by the 15th of every month, to TRAI the list of all bulk connections provided during the preceding month.

(iii) In cases where the UCC contains reference to another telephone number or an entity such as banks, insurance companies, builders, for which the commercial transaction has been solicited, the telecom resources issued to the subscriber/ entity for which commercial transaction has been solicited, shall be disconnected across all service providers on receipt of a complaint, after serving notices each on the first and the second complaint.

4. The “**Telecom Commercial Communications Customer Preference (Thirteenth Amendment) Regulations, 2013**” have already been placed on TRAI's website (www.trai.gov.in). For any further clarifications please contact Mr. A.Robert J. Ravi, Advisor (CA&QOS) on 011-23230404 or e-mail: advqos@trai.gov.in.

(Rajeev Agrawal)

Secretary