

**Press Information Bureau  
Government of India  
Ministry of Communications & Information Technology**

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**Regulation on Pesky Calls**

The current regulatory framework for controlling unwanted/pesky calls/SMSs has been laid down by the Telecom Regulatory Authority of India (TRAI) through "The Telecom Commercial Communications Customer Preference Regulations, 2010" dated 1<sup>st</sup> Dec '2010. All the provisions of the said regulation have come into force from 27<sup>th</sup> September 2011. TRAI has also issued several amendments to these regulations to strengthen the regulatory framework. The details of complaints of unwanted/pesky calls/SMSs to the mobile consumers/subscribers that has come to the notice of TRAI/Govt. for each of the last three years and the current year are as given below:

<b>Year</b>	<b>Total No. of complaints received related to Unwanted/ pesky calls/SMSs</b>
2009-10	515
2010-11	412
2011-12	465
Current year (upto 27.11.2012)	786

In order to strengthen the current regulatory framework for controlling Unsolicited Commercial Communications (UCC), TRAI issued the Consultation paper on "Review of Telecom Commercial Communications Customer Preference Regulations, 2010" on 3.8.2012 seeking stakeholders comments. To discuss the measures required to control the unwanted/pesky calls/SMSs with the stakeholders, an open house discussion was held by TRAI on 10<sup>th</sup> October, 2012 at New Delhi. During the open house discussion, final views of the stakeholders on some of the possible solutions were sought by 25<sup>th</sup> October, 2012. The response(s) to the consultation paper were received from:-

- (i) Three industry associations - Cellular Operators Association of India (COAI), Association of Unified Telecom Service Providers of India (AUSPI), Internet & Mobile Association of India (IAMAI),
- (ii) Eight service providers - M/s Reliance Communications Ltd., M/s Tata Tele Services Limited, , M/s Bharti Airtel, M/s Vodafone, M/s Idea, M/s Aircel, M/s Loop & M/s BSNL,
- (iii) Twelve Consumer Advisory Groups - Consumer Guidance Society (CGSI), Consumer Protection Association (CPA), Shramik Varg & Nirmal Varg Vikas Sansthan, SAMARPIT, SANRAKSHAN, Harijan Adivashi Mahila Kalyan Samiti, All India Chamber of Consumers, Amen Society, Gramvikas Parishad, Centre for Public Policy Research (CPPR), Telecom Users Group of India, Voluntary Organization in Interest of Consumer Education (VOICE),
- (iv) Three individuals -Ms. Rashi Arora, Sh. S. K. Virmani, Sh. Surendra P.A. and nine other entities.

Keeping in view the comments of the stakeholders, TRAI issued the "The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012" on 5<sup>th</sup> November, 2012.

- (d) As on 29<sup>th</sup> Nov., 2012, 2830 telemarketers have been registered with TRAI in the country.

Government / TRAI has been aware that several calls and SMSs are emanated from private / individual numbers, who have not registered with TRAI as a telemarketer. The Regulation provides for disconnection of telecom resources of such 'unregistered telemarketers' on complaints received on second instance, after issuing a notice on first violation. As per the above provisions of regulations, notices have been issued to 1,48,095 subscribers and resources of 1,37,052 subscribers have been disconnected.

To address the issue and to strengthen the framework for controlling the pesky calls/SMSs, corrective measures have been taken by TRAI through issue of "The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012" on 5<sup>th</sup> November, 2012 after due consultation with the stakeholders. A brief of the salient features / measures taken under this Regulation are given below:-

- (i) A minimum charge of 50 paisa per SMS sent in excess of 100 SMS per day has been imposed. Service providers have been mandated not to allow sending of more than one hundred SMS per day per SIM at a concessional rate. Subscribers can send SMS beyond one hundred SMS per day per SIM, however, all such SMSs will be charged at the rate, not less than fifty paisa per SMS.
- (ii) To increase consumer awareness, Access Providers have been mandated to send SMS to their subscribers on periodic basis advising them not to send any commercial communications if they are not registered with TRAI as a telemarketer and that sending of commercial communication using private/individual numbers shall result in disconnection of telecom resources.
- (iii) Access Providers have been also mandated that at the time of providing a telephone connection, they shall obtain an undertaking from the subscriber that the SIM purchased shall not be used for telemarketing purposes.
- (iv) For making lodging of a complaint regarding Unsolicited Commercial SMS easy, provision has been made for forwarding of such SMS by appending the telephone number (or header of the SMS), from which the unsolicited commercial SMS has originated and date of receipt of such SMS to 1909.

This information was given by Shri Milind Deora, Minister of State for C&IT in written reply to a question in Lok Sabha today.

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MV/RK