

" Input for Consultation Paper on Unsolicited Commercial Calls (UCC). Consultation Paper ref. 15 / 2006

Following points may be considered on the subject:

1. Onus for putting number in no call registry should not be on subscriber (subscr.) because subscr. never asked for it when one subscribed for the service. It has been imposed on subscr. later on without their consent. Default option, therefore, should be NO unsolicited calls. Why a subscr. should be forced to say NO when one never said yes.

A SMS should be sent to subscriber as to how to put the no. in the registry if one wishes to say YES, through SMS and other options too including e-mail and internet sites. There must be token no. sent as acknowledgement. This is because for many reasons subscr. may not or is not able to exercise the option or may exercise and it is ignored / denied blatantly, and as such continues to get calls e.g., I have requested Airtel nodal officer and higher authority called CEO-Direct through e-mail to stop calls more than once in the past, but there is not only no response, there is no acknowledgement too and calls continue to come from Airtel at all times! Subscr. should also have option to change this at any time, if subscr. so decides.

2. Unsolicited SMS must also be covered under scope of UCC. Unsolicited promotional offers are made through SMS. No option is given to reply to SMS and a YES is taken as default reply and debit to account start for the offer. This is dangerous esp. in case of pre-paid accounts where it is very difficult to notice these debits. I had bitter experience of this with my Airtel prepaid account repeatedly, some of which I was able to notice after more than 6 months of charges being debited! I thought that I was being debited for calls I made, which was not true.
3. Telemarketing is not a business for subscr. Let those, for whom it is a business, extract YES from the customer. For every YES there should be a clear proof which can be used later in case of a violation.
4. Penalties should be exemplary so that it discourages caller once for all. Meager penalty encourage callers to take chances. Under normal circumstances, callers take chance knowing that rarely the cases will be fought as many do not have time, resources, infrastructure and mental and physical strength to fight against resources of and manipulation to drag the case by companies. Vast majority also does not know how to fight.

As such rules / laws are flouted by most of the companies knowingly e.g ., a MNC which would dare not do certain things in its own country, would do many wrong things in India . It is penalty that makes the difference. It should be heavy enough to pinch them in their bottom line. Provision for much higher fine second time and jail term for third time violation may be a good idea.

5. Any law in India has to be loaded in favour of customer. In a country like India, a market with vast potential, there is nothing like customer focus or service. Bad publicity once in a while with meager penalties, do not affect business as vast no. of potential customer are always waiting in the wing. Besides, everyone indulging in malpractices, which are a reality, there is hardly any choice left for the customer.
6. All kinds of documents related to service like refill for prepaid, post paid bills even marketing literature etc. must have complaint redressal information with toll free no. and person accountable at different levels right up to the top. They must also have facilities like SMS, e-mails and access through internet etc. for reporting violations with a reasonable time limit to respond. It should not be a faceless call centre at the cost of customer's

money, time and nerves. They have become end of the organization for the customer. They also stubbornly refuse to give information about higher ups who can be approached for unresolved / unsatisfactory resolution of complaints.

7. Compensation to subscr. are in order. Subscr. are put to great inconvenience, risk and agony in many ways e.g., people taking rest esp. old and those recovering from sickness, people driving, people busy in their work personal and official, people walking on the road etc. These calls form a majority of the calls in very many case where phones are taken with some specific purpose and convenience and therefore become responsible for such situations causing mental agony, helplessness, danger to lives etc. It should run into a few lakhs so that it really works as deterrent for future violations.

These calls not only are detrimental in various ways, they also put subscr. to inconvenience by congesting network at the cost of subscr.

I have put points from a subscriber's perspective esp. helplessness and mental agony where one pays for a service, but is harassed in many ways and one has no control over the situation. The brazen invasion and neglect of privacy and concern for subscr. by callers against all appeals is like breaching human rights. The control, therefore, has to shift in favour of subscriber breaking monopoly of and prevent marketer or service provider to do anything at will.

I sincerely hope TRAI would take note of these and do the needful.

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