

The logo for Reliance, featuring the word "RELIANCE" in white, uppercase, sans-serif font. The letter "I" is replaced by a red triangle pointing upwards. The text is centered within a blue rectangular box with a thin white border.

RELIANCE

Comments on Consultation Paper

**Review of The Telecom Commercial Communications
Customer Preference Regulations, 2010**

Comments on Consultation Paper Review of The Telecom Commercial Communications Customer Preference Regulations, 2010

1. Reliance Communications Ltd (RCOM) welcomes the opportunity to comment on Review of “The Telecom Commercial Communications Customer Preference Regulations, 2010”.
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. We feel the time has come to formulate legislation in form of an Act to take direct action on unregistered telemarketers and make them accountable for their actions.

RCOM's comments on specific issues raised in this consultation paper are given below:

1. **What are your views on the proposal of blocking the delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures as proposed in the above para.**

&

2. **What should be the limit on the number of SMS per hour to be specified in this regard ? Please give your views along with reasons thereof.**

RCOM Response

- a) The Authority had mandated blocking of bulk International SMS terminating in the country with similar signatures, However, feasibility of such solution for domestic SMS is very difficult due to huge volume of domestic SMS as compared to the International SMS. The TSPs will have to incur heavy Capex for implementing solution for such a huge SMS volumes so as to block the delivery of SMS after a certain threshold of SMS per hour is crossed.
- b) The other impediment to the proposed condition is that feasibility of online implementation of this solution has to be established in a domestic environment and at best only offline solution can be deployed which will not serve the purpose of controlling the SMS traffic.
- c) Further even if the solution can be deployed, telemarketers still devise techniques for sending bulk SMSs using multiple SIMs. RCOM's experience with 200 SMS per day limit on pre-paid subscribers clearly establishes that telemarketers are not deterred to use SIMs for telemarketing purposes even with just 200 SMS limit. Most complaints received against unregistered telemarketers were pre-paid SIM users which has just 200 per day SMS limit.
- d) In view of the above **RCOM does not support the proposal of blocking the delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures as proposed in the above para.**

- e) The TRAI should recommend formulation of legislation and enforcement system/scheme to make telemarketers accountable for sending Unsolicited Commercial Calls/messages.
3. **Please give your comments on the proposal to mandate the telecom service providers to obtain an undertaking / agreement from registered telemarketers and other transactional entities that in case they want to outsource promotional activities to a third party, they will engage only a registered telemarketer for such promotional activities. What are the other options available to control such activities.? Please give your views along with reasons thereof.**

RCOM Response

- a) RCOM does not believe that undertaking / agreement from registered telemarketers and other transactional entities that in case they want to outsource promotional activities to a third party, they will engage only a registered telemarketer for such promotional activities would help control UCC violations. However **RCOM would fully support and implement the provision in case TRAI mandates this proposal.**
4. **Please give your comments along with reasons thereof on the proposal to disconnect telecom resources after 10 violations, of entities for whom the promotion is being carried out.? Also indicate whether ten violations proposed is acceptable or needs a change. Justify the same.**
&
5. **What additional framework may be adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above?**

RCOM Response

Telemarketing campaigns are carried out not by entities themselves but also their agents, brokers or other marketing companies. It is almost impossible to ascertain who is real culprit for sending unsolicited messages. Therefore it will not be possible to identify the entity carrying out campaign and disconnect resources allocated to them. The proposal would only result in innumerable disputes and unnecessary litigation. In view of this RCOM does not support the proposal.

6. **What are your views on the time frame for implementation of the facility for lodging UCC related complaints on the website of service providers? Please give your comments with justification.**

RCOM Response

- a) RCOM would include the facility for lodging UCC related complaints on its existing customer web interface "My Services" link which is available to subscriber through secured login.
- b) The implementation of this facility in existing "My Services" portal will be completed within 60 to 90 days.

7. **Do you propose any other framework for registering UCC complaints for easy and effective lodging of complaints?**

RCOM Response

- a) Current mechanism of calls to 1909 and proposed option of web service should be sufficient to address the issue of UCC complaints.