

From: V K Tyagi
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To,

Mr A. Robert. J. Ravi, Advisor (CI & QOS),
Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan,
Jawaharlal Nehru Marg (Old Minto Road),
New Delhi -110002,

Subject: Comments on the draft “The Telecom Commercial Communications Customer Preference (Tenth Amendment) Regulations, 2012” and consultation paper on review of measures taken for curbing unsolicited commercial communications issued vide Press Release No. 174 /2012 dated 3rd August, 2012.

Dear Sir,

I take this opportunity to thank Telecom Regulatory Authority of India (TRAI) for initiating and implementing many measures taken for curbing Unsolicited Commercial Communications (UCCs). However, still the menace is far from being under control. Further measures proposed to tighten the framework for controlling the menace of unsolicited commercial communications in the draft referred above are welcome. **The proposal to simply forward the UCC to 1909 is of particular relevance as it would facilitate timely & easy reporting of UCCs.**

As a subscriber I would like to place on record that the present system of monitoring and controlling the problem is very cumbersome and difficult to be effectively utilized. My phone is registered under fully blocked category since inception of DND Registry. In spite of that on an average I am getting 3 to 6 unsolicited promotional SMSs and a few promotional calls daily. The complaints are to be reported within 3 days of receipt of unsolicited SMS(s).

After implementation of the system of reporting such incidents through SMS to 1909 during September 2011, I started using that facility by devoting substantial time in noting down the source of messages, their contents as also the message centre numbers. Substantial time is further consumed in composing and sending the SMS to 1909.

After reporting to 1909, messages are received to acknowledge and then sending the registration number and estimated time for resolution. The results of investigations/processing were diverse and some of them are reproduced below:

"Show cause/warning letter has been sent to the unregistered telemarketer"
" the unregistered telemarketer has been disconnected on basis of repeated violations"
" the complaint was registered after 3 days and it cannot be processed"
" the SMS originated from an international territory/source who are out of our jurisdiction"

..2/-

It is clear that above types of resolutions are hardly of any use for the subscriber and most of the violators are continuing to actively trespass the privacy of the subscribers. With passage of time now I do not find it worthwhile to waste my time in the reporting process referred above. Until there is an incentive to the subscriber for reporting the UCCs, proper reporting & success of the entire exercise will be miniscule.

In view of the foregoing following suggestion are made to have more force in the legislations/Rules governing the matter:

- A part of the penalty imposed on unregistered telemarketers should be credited to the account of subscriber reporting the UCCs. The share of subscribers may be proportionately increased with increase in number of UCCs reported in a month. The slabs of 1-30, 31-50, 51-100 etc may be thought of for this purpose.
- Considering the laxity on the part of Service Providers it is necessary that additional talk time or discounts are credited to the subscribers' account against every UCC reported. By doing so the Service providers will be driven to be extra cautious in dealing the complaints about UCCs. Here again the discounts or additional talk time for subscribers may be proportionately increased with increase in number of UCCs reported in a month.
- The penalty for unsolicited voice calls need to be harsher than SMSs as they definitely disturb more. Reporting of such calls should attract higher reimbursement to the subscriber.
- The time limit for reporting UCCs be increased to 10 days from the current 3 days.

It needs to be appreciated that telecommunication being a bilateral mechanism, the service providers must be answerable to their customers. Lack of such answerability and transparency leads to the present situation that is only tilted towards the service providers and subscribers are generally taken for ride for their incompetence to deliver value of subscribers' hard earned money.

I hope that above suggestions in implemented may prove quite effective in curbing the menace of UCCs.

Yours faithfully,

V K Tyagi