

Comments on the draft “NOTIFICATION” of

**THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER
PREFERENCE (TENTH AMENDMENT) REGULATIONS, 2012**

(-- OF 2012)

Draft as it is:

(a) charge rupees five hundred from such subscriber, and if such subscriber sends a commercial communication through SMS to any subscriber on the second occasion, disconnect all the telecom resources of such subscriber;

(b) deposit the amount charged from the subscriber under clause (a) in an account specified by the Authority;

(c) not provide for a period of one year any telecom resource to the subscriber whose telecom resources have been disconnected under clause (a); and

Contradictory to the above regulation

a) direct the subscriber to forthwith discontinue the sending of unsolicited commercial communications, and if such subscriber sends a commercial communication through voice call to any subscriber on the second occasion, charge rupees five hundred from such subscriber, and if such subscriber sends a commercial communication through voice call to any subscriber on the third occasion, disconnect all the telecom resources of such subscriber;

(b) Deposit the amount charged from the subscriber under

Comments:

These two clauses /sub-clauses need to be harmonized as one mandates imposition of penal charges of Rs. Five hundred on the very first violation and disconnection on the second and another speaks of condoning the first default by merely issuing a warning and imposing penal charges on the second occasion and disconnection on third violation.

In fact the cognizance of the very first violation needs to be taken and penal action started from the very beginning to ensure the regulation is deterrent.

CHAPTER - 2

ADDITIONAL MEASURES TO CURB UNSOLICITED COMMERCIAL COMMUNICATIONS:

Q.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?

A. It is a welcome proposal to restrict the promotional SMS per hour to a specified number either from the source or sent through outsourcing.

Q.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.

A.2.To put a limit on the number of SMSs per hour is the urgent need of the time. In this age of all people having hectic schedule of activities, our mobile gadget must not annoy us and exact our precious time in sorting out the useful from the inbox flooded with unsolicited messages. In the midst of overwhelming number of SMSs, solicited ones are sometimes either overlooked or unwittingly deleted. So promotional SMS per hour may further be reduced even by fifty percent.

Q.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

A.3. There is no gainsaying that promotional activities can not be denied space altogether but they should make use of that space with a sense of responsibility without inflicting any harm to the consumers' interest . Therefore regulatory provision must mandate the telecom service providers to obtain an undertaking/agreement from registered telemarketers not to outsource promotional activities to entities, not registered as telemarketers as such.

Q.4 Please give your comments along with reasons thereof on the proposal to disconnect telecom resources after ten 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.

A.4. There is no harm if up to ten chances are given to ultimately rectify the wrongdoing but the quantum of penal charges should be substantially enhanced on the next default and on every succeeding violation. Every cognizance of this nature by the Authority of the violation will have really deterrent effect .

Q.5 What additional framework may be adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above?

A.5. Substantial enhancement of penal charges, on further repetition of default , will definitely will go a long way in curbing UCC.

Q.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.

A.6.Speedy action is always the best recourse every actor including complainant must take to. Lodging of complaint within 7 days and acting decisively upon it by the service provider as per the regulation(which later comes into effect) within 3 days of the receipt of the complaint is suggested for the inclusion in the amended provisions.

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

A.7. There does not appear any need for other framework than the current provisions of registering complaint through voice mail/SMS to toll free number and proposed provisions for lodging complaint on service providers' website and/or through a dedicated email. What is important is as soon a grievance is registered by any means, quick action and status of grievance resolution is displayed in the grievance column(which must be programmed on the website) so that consumers may access it at their will for their satisfaction.

(Comments by Dhirendra Mishra, President, A.I.C.O.C.,Ranchi,Dated 13.08.2012)