



CONSUMER EDUCATION AND RESEARCH CENTRE

Registered under Public Charitable Trust - No.E3326 - Ahmedabad • Recognised Research Institute • Non-Profit Organisation
"Suraksha Bankoor", Gandhej-Gandhinagar Highway, Thaltej, Ahmedabad - 380 054 (INDIA). Ph.: (079) 27489945-46, 27450528, 27438752-53-54
Fax: 079-27489947, Email : cerc@cercindia.org, Website : www.cercindia.org Consumer Helpline : 300-233-0222

8 June 2018

Ref.: E&R/telecom/rg-ps

Mr. Sunil K Gupta
Secretary
Telecom Regulatory Authority of India (TRAI)
Mahanager Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi-110002
Email: secretary@traigov.in

R. Advait (T+RCS)

[Handwritten signatures and initials]
20/6

Subject: CERC Comments on the 'Draft Telecom Commercial Communications Customer Preference Regulations, 2018'

Dear Mr. Sunil K Gupta

Greetings from Consumer Education and Research Centre (CERC), Ahmedabad.

Consumer Education and Research Centre (CERC) is a non-political, non-profit and non-government Organization dedicated to the promotion and protection of consumer interests through effective use of education, research, media and law since 39 years.

TRAI has placed 'The Draft Telecom Commercial Communications Customer Preference Regulations, 2018' as an open consultation on its website and invited comments on it. We appreciate the initiative as unsolicited and undesirable calls and messages is a menace to telecom subscribers all across the country.

However, based on our experience and actual consumer complaints regarding unsolicited communications (calls and messages) received at CERC, we would like to offer comments and suggestions to make the Regulations stronger and more meaningful for consumers. CERC comments are as listed below, which may please be taken into consideration while finalising the said Regulations.

CERC comments and suggestions:

1. Extending the scope of the Regulation:

- The Regulations by its name and scope specifies it only for Commercial Communications as per Customer Preference. This is not enough. We would like to draw your attention to the problem of unsolicited, undesirable calls received from unknown numbers by telecom subscribers all across the country despite having their numbers registered in the Do Not Call registry.



Advait
20/6
8558/20.6.18

संख्या/सं.	2452
कार्य सं.	
दिनांक	20/6/18

- Subscribers receive unsolicited calls from unknown numbers, from local numbers as well as from foreign numbers at odd hours and in the middle of the night despite having registered their preference in the Do Not Call Registry. There is no provision in the draft Regulations to address this problem.
- Customers have no way of knowing the purpose of the call as the number is unknown – which could be a personal call or for harassment or for commercial purposes. It is to be assumed that calls from foreign numbers are also for commercial purposes considering the cases of fraud originating through emails, which is well known. However, unless specifically included, these may or may not always fall into the category of commercial communication as per the draft Regulations. And therefore not filtered in any way. And the subscribers continue to suffer.
- Provisions should be made in the Regulations to include this point to safeguard subscribers against such calls. Clause 9 (Chapter-IV) of the draft Regulations specifically states that - every Access Provider shall ensure that no commercial communication is made to any recipient, except as per the preference or consent registered in accordance with the Regulations. This implies that aforementioned type of calls should also be covered specifically by the Regulations and we suggest that it is clearly mentioned in the text.

2. Caller identification to subscribers from telecom providers should be made mandatory:

- Telecom Consumers often use a private party App (eg, truecaller) to identify calls from unknown numbers. The App gives information about the identity of the caller, the location and a spam report of the number. This enables a consumer to ignore/block undesirable and unknown numbers.
- The Regulations should make it mandatory for Telecom providers to give this facility and information to customers. If a private party App can do it, then established telecom companies should definitely give this information.
- This information can also be used by the telecom company itself for identifying and blocking numbers at their system level.

3. Record of consumer complaints:

- Clause 24 under Complaint Redressal of the draft requires every access provider to establish a distributed ledger for complaints. It is suggested that this register should also include subscriber's complaints against any unsolicited calls from unknown numbers.
- Illustratively, CERC had sent a complaint to IDEA regarding this issue (receiving unsolicited calls from unknown local and overseas numbers at odd hours) on 26 Dec 2017 (copy enclosed) wherein we got a reply that they had no mechanism to address the issue. This is unacceptable and violates consumers right to safety, making it all the more imperative to include this issue in the Regulations.

4. Transparency in registered consumer preferences:

- A provision should be added in the Regulations which requires all Access Providers and TRAI to establish a mechanism which allows subscribers to find out about the preference they have registered or not done. In absence of this system, consumers would not know what

preferences they have already registered as they keep getting unsolicited communication on phones.

5. Display of habitual offenders list:

- The Regulations provide for record keeping of complaints and identifying habitual offenders, with various penal provisions. It is suggested that a list of habitual offenders should be displayed on telecom providers' websites as well as TRAI website, so that consumers are aware of it. This list should be inclusive of offenders as defined in the draft Regulations and also include unknown unsolicited callers purportedly from foreign countries.

6. Blacklisting/blocking of habitual offenders:

- The telecom services providers should block and blacklist numbers of habitual offenders and numbers for which complaints are received, at the system level itself irrespective of consumers registering for Do Not Call Registry.

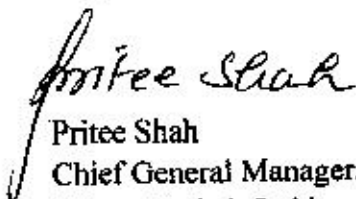
7. Monitoring of unsolicited calls including marketing calls should be made more stringent. Although there is a system of registering complaints against such calls, customers cannot be expected to go on registering complaints for each and every unwanted, unsolicited call when these are received often and at all times of the day. The Regulator should take steps to ensure that the number of such calls is negligible. Only in such case the customer can be expected to complain and get resolution, not when he gets number of such calls in a day.

We request you to seriously consider our suggestions in finalising these regulations as consumers would be more meaningfully protected from unsolicited calls. Informatively, we had sent a representation to TRAI on this subject on 26 Dec. 2017 with some of these suggestions, a copy of which is enclosed for your ready reference.

We look forward to your positive response in the matter.

A line in acknowledgment of this letter will be appreciated.

Regards


Pritee Shah
Chief General Manager, CERC
Editor, Grahak Sathi

Enclosures: As above



CONSUMER EDUCATION AND RESEARCH CENTRE

Registered under Public Charitable Trust - No.E3320 - Ahmedabad • Recognized Research Institute • Non-Profit Organisation

"Sudakota Sarkool", Sarikhej-Gandhinagar Highway, Thaltej, Ahmedabad - 380 054 (INDIA), Ph: (079) 27489943-46, 27450326, 27436752-53-54
Fax: 079 -27489947, Email : cerc@cercindia.org, Website : www.cercindia.org

01C

Ref.: E&R/telecom/rg-ps

26 December 2017

Mr. Puneet Krishnan
Chief Operating Officer, Gujarat
Idea Cellular Limited
2nd Floor, Venus Atlantis, 100 ft Road
Prahlaad Nagar, Ahmedabad-380015
Email - customercare@idea.aditvabirla.com

Subject: Consumers harassed by calls received from overseas unknown numbers during odd hours – Need for action

Dear Mr. Puneet Krishnan

Greetings from Consumer Education and Research Centre (CERC), Ahmedabad.

Consumer Education and Research Centre (CERC) is a non-political, non-profit and non-government organisation dedicated to the promotion and protection of consumer interests through effective use of education, research, media and law since 39 years.

Subscribers continue to receive unsolicited calls from unknown numbers, most often from foreign numbers at odd hours and in the middle of the night despite having registered in the Do Not Call Registry. This is a serious issue and requires telecom service providers such as IDEA to take action to filter calls as per customer preferences.

The IDEA website puts the disclaimer "Dear Subscribers, kindly do not respond to missed calls from unknown international numbers or calls about winning prizes or lottery" at the bottom the web pages. This does not absolve IDEA from the responsibility of making sure that its customers are protected from unsolicited calls and messages.

An illustrative list of few such numbers from which calls have been received on the IDEA number 9824068714 at odd hours of the day and night is enclosed for your reference. These are only a few numbers among all such calls received in the recent past.

When such calls are received from unknown numbers in the middle of the night or at odd hours, any person reacts instinctively by either picking up the call or calling back, fearing some emergency. Merely putting a disclaimer saying do not respond doesn't help. Customers put their preferences and register for Do Not Call Registry to avoid being disturbed or being caught in such unwanted situations.

We request that the filtering of unsolicited calls may please be made more stringent and it should also be monitored. The telecom services providers should also block and blacklist such numbers calling for nefarious purposes at the system level itself irrespective of consumers registering for Do Not Call Registry.

This is absolutely essential to provide secure service to your subscribers and protect them from undesirable calls. Kindly let us know your proposed action on this to enable us to decide our next steps.

A line in acknowledgment of this letter will be appreciated.

We look forward to your positive response in the matter.

Best



Pritee Shah
Chief General Manager, CERC
Editor, Grahak Sathi

Enclosures: As above

Details of Unauthorised Calls received *

Sr. No	Name	Phone Number	Date / Time	Country / City
1	K. Guddu	+919904157667		
2	Revathilatha Pm	+260978115019		
3	Raj Rinkuben	+919723996401		
4	Yami Molina	+381630039732	22/10/17 - 4:21 pm	Serbia
5	Missed Cal	+917227048330		
6	Deepika Trading	+917313957001		Indore - MP
7	Callpapua New Guuinea	+67570894231		
8	Serbia	+381612080649		Serbia
9	New Nm Wtup	+263777624830		Zimbabwe
10	Juliet Mutsau	+263772643643		Zimbabwe
11		+17673151319		Roseau DM Dominica
12	Maldives	+9609156271		Maldives
13	Night	+9609156270		Ooredoo - Maldives
14	Sandy Jio	+9609624040		Ooredoo - Maldives
15	Unown	+9609539187		Maldives
16	Serbia	+381612080649		Serbia
17		+9607760567	16/12/17 - 3:00 pm	Maldives
18		+9607760567	02/12/17 - 8:25 pm	Maldives
19	Fake	+9606879123		
20	Sattibabu Jcp Ramachandra LL	+256205471610	09/12/17 - 10:51 pm	Uganda
21	Mannu Dada	+9609780242	09/12/17 - 2:34 pm	Maldives
22	Aaa	+9609156278	25/04/17 - 8:33 pm	Maldives
23		+919080639850	20/11/17 - 3:00 am	Tamil Nadu
24	Hili LL (Land Line)	+78401360334	18/11/17 - 5:33 pm	Abkhazia - Russia
25	Dunkly	+18765057484	18/11/17 - 5:16 pm	Kingston JM Jamaica
26		07211134367	19/12/17 - 9:27 am	
27		09081988905	07/12/17 - 9:29 am	Uttar Pradesh

*Illustrative list



CONSUMER EDUCATION AND RESEARCH CENTRE

Registered under Public Charitable Trust - No. 23120 - Ahmedabad • Recognized Research Institute • Non-Profit Organisation
"Sanksha Sankod", Sarkhej-Gandhinagar Highway, Thaltej, Ahmedabad - 380 054 (INDIA), Ph.: (079) 27489945-48, 27480528, 27438752-53-54
Fax: 079-27489947, Email: oero@cercindia.org, Website: www.cercindia.org

Ref.: E&R/telecom/rg-ps

26 December 2017

Mr. Sunil Bajpai
Pr. Advisor (CA, QoS, IT)
Telecom Regulatory Authority of India (TRAI)
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi-110002

Subject: Consumers harassed by phone calls received from overseas unknown numbers during odd hours – Need for action

Dear Mr. Sunil Bajpai

Greetings from Consumer Education and Research Centre (CERC), Ahmedabad.

Consumer Education and Research Centre (CERC) is a non-political, non-profit and non-government organisation dedicated to the promotion and protection of consumer interests through effective use of education, research, media and law since 39 years.

We would like to draw your attention to the growing menace of unsolicited, undesirable calls received from unknown numbers by telecom subscribers all across the country despite having their numbers registered in the Do Not Call registry. Subscribers continue to receive unsolicited calls from unknown numbers, most often from foreign numbers at odd hours and in the middle of the night despite having registered in the Do Not Call Registry (An illustrative list of such numbers is enclosed). This is a serious issue and requires TRAI and all telecom service providers to take action to filter calls as per customer preferences.

Telecom companies have a responsibility of making sure that their customers are protected from unsolicited calls and messages. The facility of providing registration to the Do Not Call registry and registering customer preferences becomes superfluous and meaningless if consumers continue to receive unwanted and disturbing calls at all times of the day and night from unknown numbers from India as well as foreign countries. Sometimes these calls also result in consumers being duped into financial losses by enrolling in nefarious schemes.

Also, when such calls are received from unknown numbers in the middle of the night or at odd hours, any person reacts instinctively by either picking up the call or calling back, fearing some emergency. Customers put their preferences and register for Do Not Call Registry to avoid being disturbed or being caught in such unwanted situations.

Although there is a system of registering complaints against such calls, customers cannot be expected to go on registering complaints for each and every unwanted, unsolicited call when these are received often and at all times of the day. The Regulator should take steps to ensure that the number of such calls is negligible. Only in such case the customer can be expected to complain and get resolution, not when he gets number of such calls in a day.

We request TRAI that:

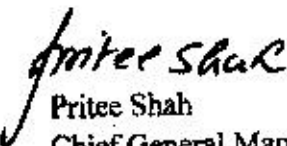
- i) It should issue instructions to all telecom companies to strictly take note of the Do Not Call registry and registered customer preferences and accordingly filter/block unsolicited calls to subscribers.**
- ii) Monitoring of unsolicited calls including marketing calls should be made more stringent.**
- iii) The telecom services providers should also block and blacklist such numbers calling for nefarious purposes at the system level itself irrespective of consumers registering for Do Not Call Registry.**

This is absolutely essential to provide secure service to telecom subscribers, which is a huge number of consumers, and protect them from undesirable calls and associated harassment. We request you to kindly let us know the action you propose to take in this matter.

A line in acknowledgment of this letter will be appreciated.

We look forward to your positive response in the matter.

Regards


Pritee Shah
Chief General Manager, CERC
Editor, GrahakSathi

Enclosures: As above

Details of Unauthorised Calls received *

Sr. No	Name	Phone Number	Date / Time	Country / City
1	K. Guddu	+919904157667		
2	Revathilatha Pm	+260978115019		
3	Raj Rinkuben	+919723996401		
4	Yami Molina	+381630039732	22/10/17 - 4:21 pm	Serbia
5	Missed Cal	+917227048330		
6	Deepika Trading	+917313957001		Indore - MP
7	Callpapua New Guinea	+67570894231		
8	Serbia	+381612080649		Serbia
9	New Nm Wtup	+263777624830		Zimbabwe
10	Juliet Mutsau	+263772643643		Zimbabwe
11		+17673151319		Roseau DM Dominica
12	Maldives	+9609156271		Maldives
13	Night	+9609156270		Ooredoo - Maldives
14	Sandy Jlo	+9609624040		Ooredoo - Maldives
15	Unown	+9609539187		Maldives
16	Serbia	+381612080649		Serbia
17		+9607760567	16/12/17 - 3:00 pm	Maldives
18		+9607760567	02/12/17 - 8:25 pm	Maldives
19	Fake	+9606879123		
20	Sattibabu Jcp Ramachandra LL	+256205471610	09/12/17 - 10:51 pm	Uganda
21	Mannu Dada	+9609780242	09/12/17 - 2:34 pm	Maldives
22	Aaa	+9609156278	25/04/17 - 8:33 pm	Maldives
23		+919080639850	20/11/17 - 3:00 am	Tamil Nadu
24	Hill LL (Land Line)	+78401360334	18/11/17 - 5:33 pm	Abkhazia - Russia
25	Dunkly	+18765057484	18/11/17 - 5:16 pm	Kingston JM Jamaica
26		07211134367	19/12/17 - 9:27 am	
27		09081988905	07/12/17 - 9:29 am	Uttar Pradesh

*Illustrative list