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**Ref: TUGI / 09/01 Dated 3<sup>rd</sup> September 2012**

**Subject: Consultation Paper on Review of the Telecom Commercial Communications Customer Preference Regulations, 2010 3rd August, 2012**

Dear Sir,

At the outset we at TUGI are much thankful to TRAI for carrying out consultation process for regulating the unsolicited commercial communication. It is indeed a positive step towards regulating unsolicited communication.

The TCCCPR regulates communication through a licensed TSP, which abides by the laws and regulation. Penalizing the agency who is misusing communication and indulging in sending out unsolicited commercial communication is beneficial in deterring such users. However, a large number of communications occurs through providers and channels which are out of ambit of regulated TSP.

It is also a humble suggestion to explore if a solution be found to segregate spam SMS from the regular ones. The solution that identifies and labels spam SMS and automatically deletes it at the service provider end as in the case of an e-mail. This will go a long way in deterring spammers.

We also submit that there is also some important communication and important information that is required to be sent out to large groups and customers by public listed companies like banks, insurance companies etc, which is legitimate communication and not a solicitation. It is meant to service the customers and inform them about important issues as part of customer support. This has to be looked into and differentiated from spam communication, and is currently not allowed.

We also submit that a citizen charter must be created for public awareness.

We are pleased to submit herewith our response to the consultation paper.

With Regards,

For **Telecom Users Group of India**

  
**Saleem Ahmad**  
Vice President

**ISSUES FOR CONSULTATION: TUGI response to the consultation paper:**

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?

**TUGI: Yes, if the entity is committing an offence it should definitely be barred from sending any SMS as it is indulging in improper practice.**

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 (para 2.1.1 to 2.1.4).

**TUGI: We do not advocate imposing any cap on sending SMS, however, we agree that strict penalty and penal action must be imposed on entities who are found to be indulging in any misuse and sending out unsolicited commercial communication**

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 (para 2.2.1 to 2.2.3)?

**TUGI: We agree that an undertaking must be taken by service providers and ensure adherence to the norms of telemarketing and promotion outsourced to credible and registered telemarketer. Some kind of a system of rating the promotion agencies on past record can also be developed to incentivize adherence to the norms.**

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. (para 2.3.1 to 2.3.3)?

**TUGI; Yes we agree on proposal to disconnect telecom resources after ten violations. In addition we also recommend further penal action to enforce deterrence to such practice**

5. What additional framework may be adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above (para 2.3.1 to 2.3.3)?

**TUGI: Should find a technical solution for putting this in spam category by the user and implemented by the service provide. Also strict action on any complaint by any subscriber bombarded by spam SMS's**

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 (para 2.4.1 to 2.4.3).

**TUGI: It must be implemented immediately as the subject has been under discussion for long the entities indulging are aware of the issues related to such communication.**

7. Do you propose any other framework for registering UCC complaint for easy and effective lodging of complaints (para 2.4.1 to 2.4.3))?

**TUGI: SMS is a freedom of expression and communication, the sprit should not be hampered. The most effective way to lodge a complaint is through informing the regulating agency through a sms or simply forwarding the sms with the details to the regulating agency.**