



3<sup>rd</sup> September 2012

**Telecom Regulatory Authority of India,**  
Mahanagar Door Sanchar Bhawan,  
Jawahar Lal Nehru Marg,  
Old Minto Road,  
New Delhi – 110002

**Kind Attn: Mr. Rajeev Agrawal, Secretary**

**Subject: Telecommunication Commercial Communications Customer  
Preference (Tenth Amendment) Regulations, 2012**

Dear Sir,

With reference to the above mentioned draft amendment to the Telecommunication Commercial Communications Customer Preference Regulations, 2012. We wish to inform you that there are some concerns which we are expressing in detail below:

- 2. "In Regulation 3.....Provided further that Access Providers shall at the time of providing a telephone connection, other than telemarketer registered with the Authority, provide in the CAF the details of Customer Preference Registration facility and obtain from such subscriber an undertaking that the SIM purchased by him shall not be used for telemarketing and in case the SIM is used for telemarketing , he shall be liable to pay such charges as decided by authority and the telecom resources used for the purpose of telemarketing shall `also be disconnected".*

Taking an Undertaking at the time of SIM purchase by the subscriber will ONLY help in educating, informing, and advising the customers regarding commercial communications and that the same can ONLY be sent after registering with the Authority as Telemarketer. But it would not be possible for the service providers to monitor the same and will lead to arbitration frequently.

- 3. "In Regulation 19.....the following sub-regulation shall be substituted, namely:- ...If the Originating Access Provider to whom....(6) finds that ----(i) the unsolicited commercial communication has been sent through voice call and the subscriber making such call is not registered with the Authority as telemarketer , it shall –*



- a) *direct the subscriber to forthwith discontinue the sending of unsolicited commercial communication, and if such subscriber sends the unsolicited commercial communication on the second occasion, charge Rs 500 form the subscriber and on the third occasion disconnect all the telecom resources of such subscribers.*
- b) *deposit the amount charged from the subscriber in an account specified by the Authority;*
- c) *Not to provide for a period of one year any telecom resource to the subscriber whose telecom resources have been disconnected;*
- d) *update the action taken by it in the National Telemarketer Register”.*

The Service Provider does not check the content of the messages, hence pre-identification of the promotional messages is not possible and after receiving the complaints, recovery of Rs 500 is only possible for the postpaid. In prepaid, it is difficult to auto deduct if the balance is not available in customers account. Also there is no mechanism specified to tag these disconnected customers, so that they don't get the resources from other operators as well.

4. *“In sub- regulation (2) .....(m) every Access Provider shall, send SMS to its subscribers advising them not to send any commercial communications if they are not registered with the Authority as telemarketer and in case he sends commercial communication, he shall be liable to pay five hundred for such communication and his telecom resources shall also be liable to be disconnected:”*

*Provided that a second SMS shall be sent within seven days of sending the SMS and such SMS shall be sent to the customer every six months thereafter”*

We are okay with the proposed SMS periodic broadcasting by the service providers, as it would be a good approach to educate/advise the customers not to send commercial communications if they are not registered with the Authority.

- 6 *“In Schedule- VI .... Shall be substituted, namely :-*

*“4. A customer may register unsolicited commercial communications related complaints by sending SMS to 1909..... by way of forwarding of SMS by appending the telephone number or header of the SMS, as the case may be, from which the unsolicited commercial communication has originated and the date of receipt of such SMS to 1909”*



While the concept is to simplify the lodging of complaints, the forwarding of message to 1909 and then appending will again lead to confusion among the customers.

In view of our above submissions, we request TRAI to keep the proposed amendment in abeyance.

Thanking you,

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'AD' with a flourish.

**Anand Dalal**  
**Senior Vice President – Corporate Regulatory Affairs**  
**Tata Teleservices Limited**  
**And**  
**Authorized Signatory**  
**For Tata Teleservices (Maharashtra) Limited**