



TIGHTENING NOOSE ON UNSOLICITED CALLS

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Recently, the TRAI drafted the Regulations to regulate unsolicited commercial communications and has prescribed a limit of 100 SMS per day per SIM for all the customers. Before this, the telecom service providers offered 2000 SMS per day packages. The regulations provides that no access provider shall provide any tariff plan or SMS package in any form to any person other than a registered telemarketer permitting sending of more than one hundred SMS per day per SIM except on 'blackout days' and additional days as may be specified by TRAI. The transactional messages do not fall within the purview of transactional messages such as from a bank to its customers or from Airlines to its passengers, and likewise from the schools to the students/parents. There is a time restriction of 9 pm to 9 am for sending SMS which again do not apply to transactional messages. There are certain exclusions from the limit of one hundred SMS per day per SIM for the dealers of the telecom service providers and DTH Operators for sending request for electronic recharge on mobile numbers, e-ticketing agencies for responding to e-ticketing request made by its customers, the social networking sites to its members pertaining to activities relating to their accounts based on their verifiable options and agencies providing directory services.

PSA view – The Regulations have been issued in consumer interest but the way it will impact the consumers is yet to be ascertained. It will now add to the marketing and promotion costs of the companies that relied on SMS for promotion. TRAI is monitoring and enforcing the regulations for protection of customers from unsolicited commercial calls and SMSs. In this regard Vodafone penalized the first batch of telemarketers by deducting penalty amount from their security deposits on October 12, 2011. Vodafone Ltd., the service provider has deposited INR 50,000 with TRAI in compliance to the regulations.

New Telecom Policy 2011

The Policy aims to make the country's telecommunications sector more transparent, relax merger and acquisition norms to encourage consolidation and also give more teeth to TRAI. The Policy suggests the creation of technology neutral unified licenses (under the One Nation-One License) policy, that is envisaged in two separate categories – (i) the Network Service Operator/Communication Network Service Operator, which is licensed to maintain converged networks for delivering "various types of services e.g. Voice, Data, Video, broadcast, IPTV, VAS etc.", very importantly, in a non-exclusive and non-discriminatory manner; and (ii) a Service Delivery Operator/Communication Service Delivery Operator. The Service Delivery Operator

would be licensed to deliver any/all services e.g. tele-services (voice, data, video), internet/broadband, broadcast services, IPTV, Value Added Service and content delivery services etc. While announcing the Policy, the minister said that the Policy will de-link licences from spectrum and the tenure of mobile permits would be halved to 10 years when they come up for renewal. The draft plan also proposes to do away with roaming charges, introduce a stronger customer grievance redressal mechanism, recognize telecoms as an infrastructure sector giving it tax concessions, and extend preferential status to “Made in India” hardware products. Some of the important objectives of the Policy include:

- Increase in rural tele density from the current level of around 35 to 60 by the year 2017 and 100 by the year 2020;
- Provide affordable and reliable broadband on demand by the year 2015 and to achieve 175 million broadband connections by the year 2017 and 600 million by the year 2020 at minimum 2 Mbps download speed and making available higher speeds of at least 100 Mbps on demand;
- Provide high speed and high quality broadband access to all village panchayats through optical fibre by the year 2014 and progressively to all villages and habitations;
- Promote indigenous R&D, innovation and manufacturing that serve domestic and foreign markets;
- Promote the domestic production of telecommunication equipment to meet 80% Indian telecom sector demand through domestic manufacturing with a value addition of 65% by the year 2020;
- Provide preferential market access for domestically manufactured telecommunication products including mobile devices, SIM cards with enhanced features etc. with special emphasis on Indian products for which IPRs reside in India to address strategic and security concerns of the Government, consistent with international commitments;
- Strive to create One Nation – One License across services and service areas;
- Achieve One Nation – Full Mobile Number Portability and work towards One Nation – Free Roaming;
- To reposition the mobile phone from a mere communication device to an instrument of empowerment that combines communication with proof of identity, fully secure financial and other transaction capability, multi-lingual services and a whole range of other capabilities that ride on them and transcend the literacy barrier;
- Deliver seamless ICT, multimedia and broadcasting services on converged networks for enhanced service delivery to provide superior experience to customers;
- Optimize transmission of services to consumers irrespective of their devices or locations by fixed-mobile convergence thus making available valuable spectrum for other wireless services;
- Facilitate consolidation in the converged telecom service sector while ensuring sufficient competition;
- Mandate an ecosystem to ensure setting up of a common platform for interconnection of various networks for providing non-exclusive and non-discriminatory access;
- Promote an ecosystem for participants in VAS industry value chain to make India a global hub for value added services;
- Ensure adequate availability of spectrum and its allocation in a transparent manner through market related processes. Make available additional 300 MHz spectrum for international mobile telephony services by the year 2017 and another 200 MHz by 2020;

- Strengthen the framework to address the environmental and health related concerns pertaining to the telecom sector;
- Encourage adoption of green policy in telecom and incentivize use of renewable resources for sustainability;
- Protect consumer interest by promoting informed consent, transparency and accountability in quality of service, tariff, usage etc;
- Encourage recognition and creation of synergistic alliance of public sector and other organizations of Department of Telecommunications (“DoT”) through appropriate policy interventions;
- Achieve substantial transition to new in the country in a phased and time bound manner by 2020 and encourage an ecosystem for provision of a significantly large bouquet of services on IP platform; and
- Put in place a web based, real time e-governance solution to support online submission of applications for all services of DoT and issuance of licences and clearances from DoT.

PSA view – The Policy clearly talks about a clear separation of content and its carriage, a separation of content and services from their carriage. The thrust of this Policy is to underscore the imperative that sustained adoption of technology would offer viable options in overcoming developmental challenges in education, health, employment generation, financial inclusion and much else. The Policy is an initiative to create a conducive policy framework to address these issues and to touch lives of all citizens and transform India. It shall help in building national capacity in all areas, specifically security standards, security testing, interception and monitoring capabilities and manufacturing of critical telecom equipment – that impinges on telecom network security and communication assistance for law enforcement. This shall also ensure security in an increasingly insecure cyber space. Indigenously manufactured multi-functional SIM cards with indigenously designed chips incorporating specific laid down standards are considered critical. The whole electronics eco-system for this and other purposes, starting from the wafer fab needs to be built and hence is viewed as a key policy objective and outcome.

By:

Neeraj Dubey



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