

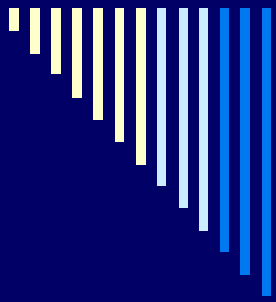

RIGHTS OF MOBILE PHONE USERS

By

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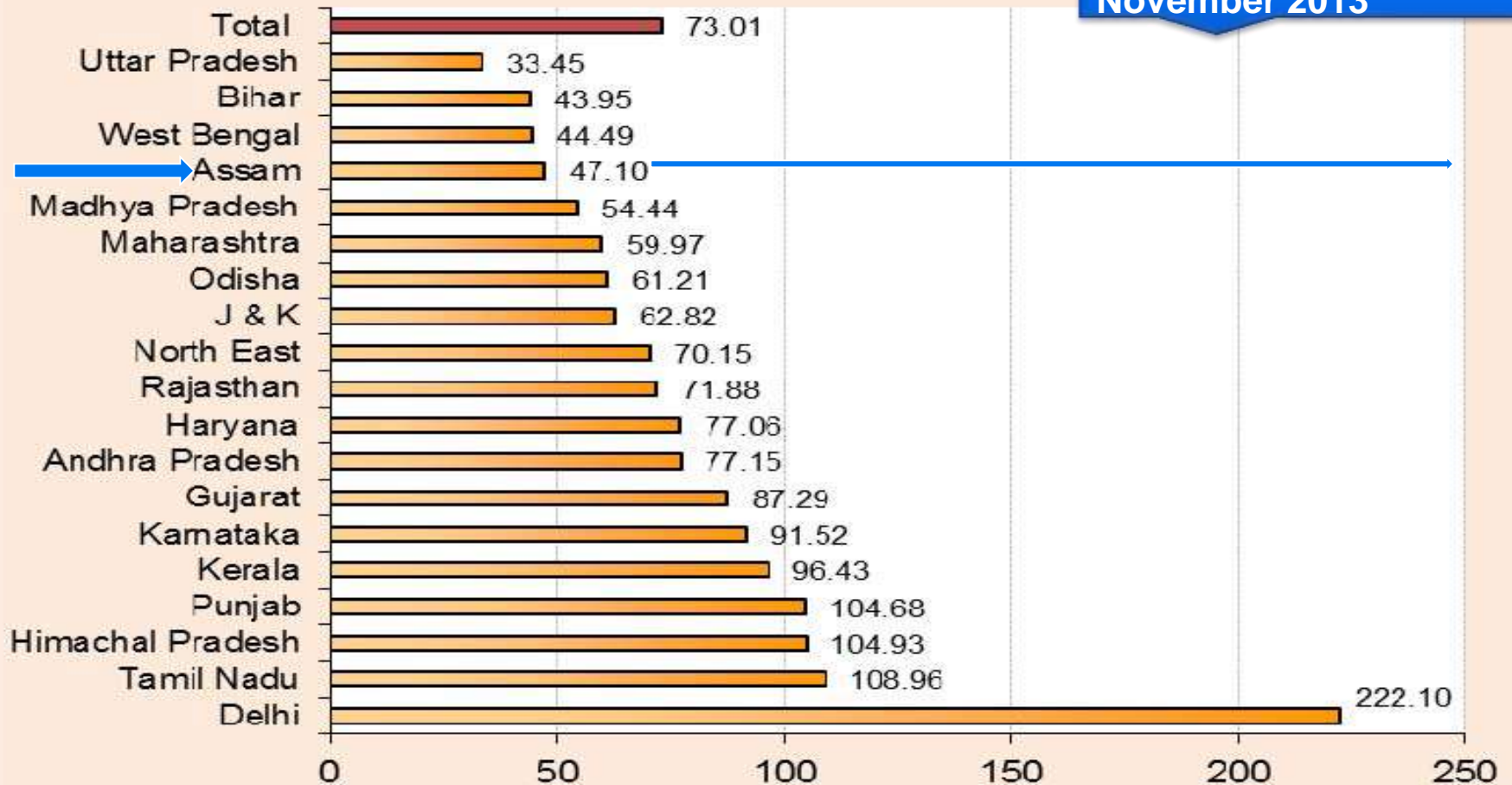
Introduction

- Through research and development, the human beings have done a lot for living a dignified life.
- In this respect, the information technology has changed various classical concepts and geographical boundaries have no more place.
- In others, mobile phones have penetrated in such a way that no one can think without this device.
- Knowing this fact, the business started and exploitation became the reality.

Mobile phone connections for every 100 individuals living within an area.

Overall Teledensity

Press Release No.
78/2013, TRAI, 5th
November 2013

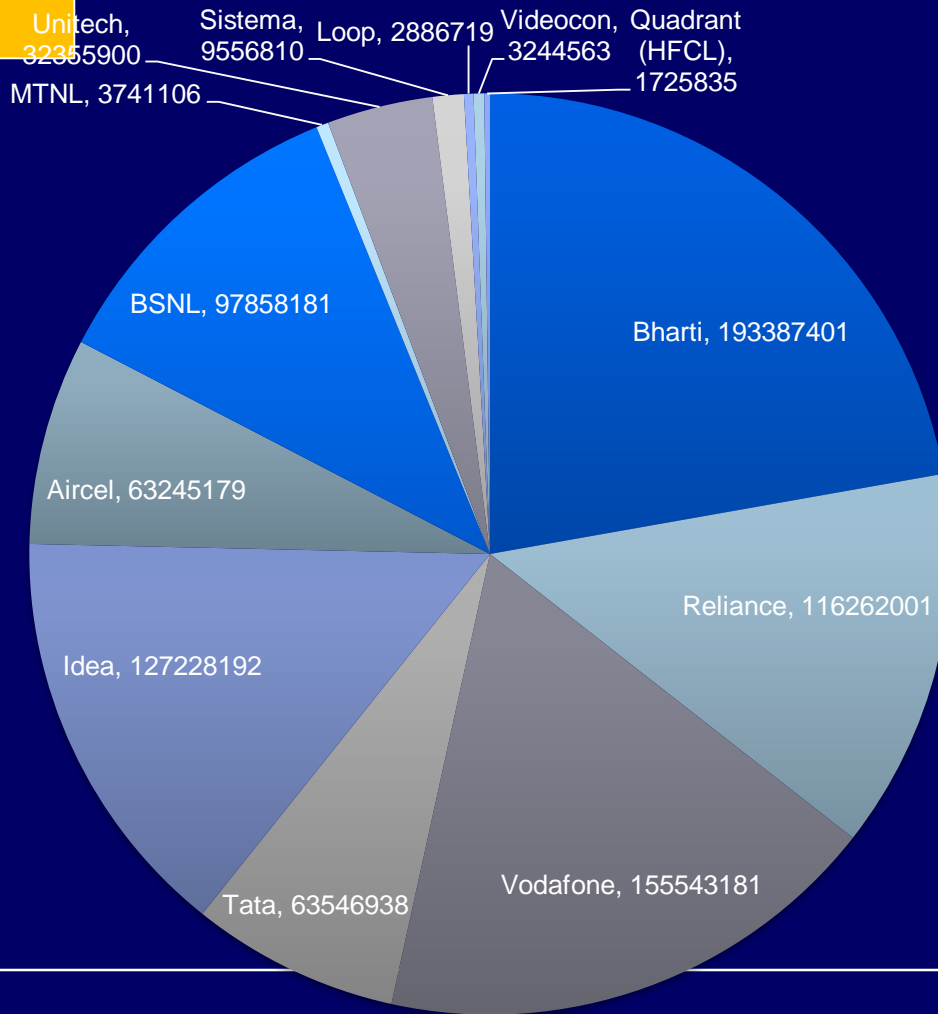


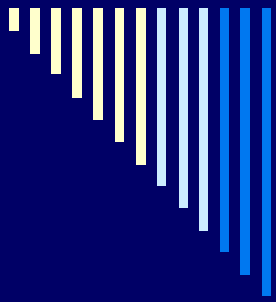
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Total Mobile phones-
87,05,82,006

Second largest wireless market in the world

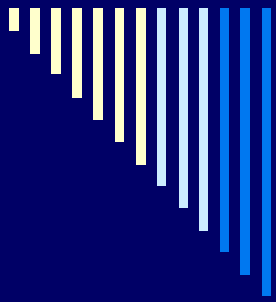
Indian Scenario



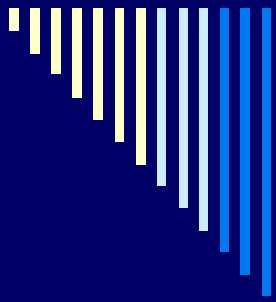


Rights in Principle

- **Right to Choice-** As per own choice can opt service provider.
- **Right to Interact**-personally/representative- if violated-violation of *Common Charter of Telecom Services, 2005*
- **Right to Privacy**-A Fundamental Right but not absolute-exclusion: national security, offence. Phone taping-illegal? Yes but not illegal when you are part of that conversation.



- Telemarketing- efficient tool for marketing of products but easily infringe right to privacy- major irritant to customers. 27 September 2011 is a historic day to mobile protect against intrusion in privacy through *Telecom Commercial Communications Customer Preference Regulations, 2010*. UCC is restricted as per preference of subscriber-partial/fully but not these-



- ❑ information sent to its customer by the Bank/financial institution/insurance company/credit card company/service provider pertaining to the account of that customer;
 - ❑ information given by Airlines or Indian Railways or its authorised agencies to its passengers regarding travel schedules, ticket booking and reservation;
 - ❑ information from a registered educational institution to parents or guardians of its students;
 - ❑ any message transmitted on the directions of central Government or State Government or agencies authorized by it;
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Telecom Commercial Communications Customer Preference Portal

Telecom Regulatory Authority of India

Welcome to the Telecom Commercial Communications Customer Preference Portal of the TRAI!

The Indian telecom Industry with nearly 900 million subscribers is the second largest wireless market in the world. Low tariffs and direct reach to consumers has made SMS and direct calling one of the most cost effective ways of selling services and products. However, telemarketing has brought with it serious issues of invasion of privacy and has become a major irritant to customers.

To holistically curb this growing menace and effectively regulate unsolicited commercial Calls and messages, TRAI has notified "The Telecom Commercial Communication Customer Preference Regulations, 2010". All the provisions of regulations come into force from 27th September, 2011.

The Telecom Commercial Communications Customer Preference Portal is a data base containing a variety of information prescribed in "The Telecom Commercial Communications Customer Preference Regulations, 2010".

Customers- Customers (landline and mobile) who do not want to receive commercial communications can dial or SMS to 1909 (toll free) and register in either of the two categories:

- Fully Blocked Category-** stoppage of all commercial Calls/SMS
- Partially Blocked Category-** stoppage of all commercial Calls/SMS except SMS from one of the opted preferences

For registering option using SMS, for '**fully blocked category**', write "**START 0**" and send it to 1909. For '**partially blocked category**', send SMS 'START' with one or multiple options from the list of seven categories.

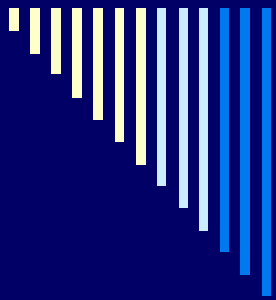
There are at present 7 preferences to choose from- Banking/Insurance/Financial Products/Credit Cards-1, Real Estate-2, Education-3, Health-4, Consumer goods and automobiles-5, Communication/Broadcasting/Entertainment/IT-6, Tourism-7.

For example: To receive messages relating to only Health products, then send SMS "**START 4**" to 1909. Similarly, for receiving messages relating to Real Estate and Education, send SMS "**START 2,3**" to 1909.

On successful registration, customer will receive an SMS confirming exercised options and a Unique Registration Number within 24 hrs. The registration will be effective within 7 days of placing the request with the service provider. The customers can check the status of their registration by clicking on "**Customer Registration**



- [Click here for login](#)
- [New Telemarketer Registration](#)
- Quick Look**
- [Customer Registration Status](#)
- [List of Registered Telemarketers](#)
- [UCC Complaint Registration Status](#)



Pesky (causing irritation or annoyance)
call: Customer Complaint Registration
Facility-1909

- Fully blocked- START 0
 - Partially blocked- START ___ with any one/two etc.
following digit-
 - 1-Banking/Insurance/Financial Products/Credit Cards
 - 2-Real Estate
 - 3-Education
 - 4-Health
 - 5-Consumer goods and automobiles
 - 6-Communication/Broadcasting/Entertainment/IT
 - 7-Tourism
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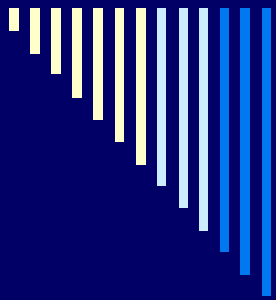
National Customer Call Preference Registry

- ❑ Unique Registration Number within 24 hrs.- effective in 7 days-may be checked UCC Registration Status
 - ❑ UCC only between 9 AM and 9 PM.
 - ❑ Customer can change his/her preference
 - ❑ No amount shall be charged from the subscriber for registration or change or de-registration of preference
 - ❑ If after registration, subscriber gets UCC- complain to service provider within 3 days by dialing or sending SMS to 1909
 - ❑ Telemarketer's number starts with: 140 and not 10 digit number.
 - ❑ Service provider will inform about resolution of complaint within 7 days of lodging of complaint through SMS
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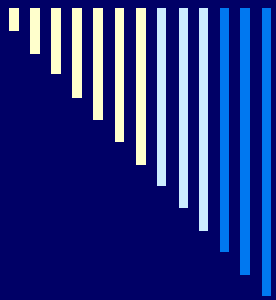


Punishment- Fine

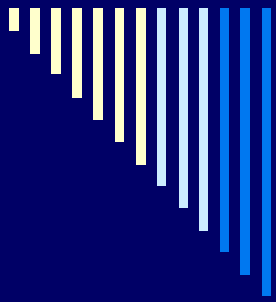
- On 1st, 2nd, 3rd, 4th, 5th and 6th UCC, Rs. 25,000/-, 75000/-, 80000/-, 1,20,000/-, 150,000/- and 250,000/- respectively fine who has sent UCC.
 - Failure of Access Providers to stop unsolicited commercial communications- fine of Rupees one lakh and in case of second such contravention, to pay an amount of rupees five lakh and rupees ten lakh in case of third or each subsequent such contravention.
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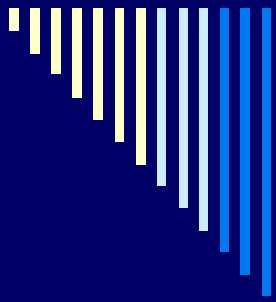
- **Right to Emergency Services-** Police, Fire, Ambulance- during not availability of talk value too.
 - **Right to Get Return Security Deposit-** Paid amount to get service, return by service provider.
 - **Right to be informed-**regarding services. After every use, details regarding duration and charges deducted including balance in account will be provided through SMS. itemized usage from the service providers for any period in the past 6 months
 - **Right to Quality Service-**if interruption in service-service provider must compensate, if not-against principle of unjust enrichment.
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- repairing the faults within 24 hours of receipt of complaint
 - Can service provider charge extra to maintain quality?
 - No.
 - **Right to get service without discrimination**-who undertakes to pay all charges
 - **Right to freely migrate**- from one plan to another plan, from pre-paid to post paid and vice versa without any charge.
 - **Right to Lodge Complaints and Redress**-Service provider has to establish Call Centre
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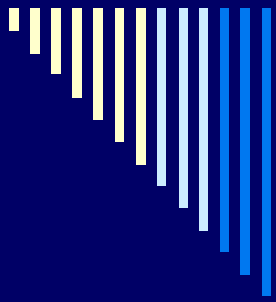


- provide free access to consumers to lodge complaints for redressal of the complaints and service requests.
 - On receipt of complaints, a unique identification number (docket number) to subscriber through voice and SMS.
 - If not satisfied-Nodal officer may be approached. If unsatisfied-appellate authority- after that to Consumer Forum.
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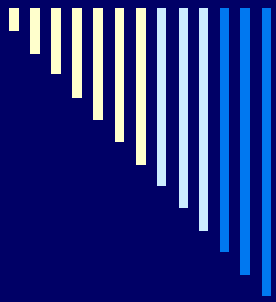
- ❑ **Black out days**- days on which free/concessional SMS/Calls are not available- clearly mention on package but not more than 5 in a year.
- ❑ Processing fee in a voucher will not be more than 10% of MRP, subject to a maximum of Rs.3/-.
- ❑ Any number of SMS may be sent, but all SMS after 100 SMS per day will be charged at least 50 paisa per SMS.



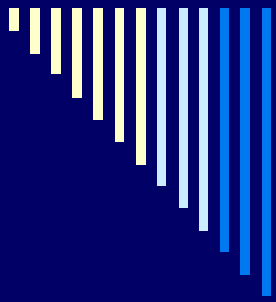


Rights in Practice

- A big gainful business where scope of exploitation by service provider is normal- Consumer sovereignty has no place.
- Legal process very tough & lengthy, is known by service providers and this accelerates exploitation of consumers.
- Remedial mechanism on service providers' part is totally useless. Employees in call centres-ignorant about law



- Proving claims is very tough as no evidence in hands of subscriber-everything is in hand of mobile company-a big space for service providers for manipulation.
 - Implementation of rights- not so easy task for common people of India.
 - Terms imposed by mobile companies like escaping nature from their liability.
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Concluding Observations

- ❑ The public awareness may be useful.
- ❑ Do not respond to missed calls with numbers having prefix other than +91.
- ❑ The TRAI must provide a mechanism of redressal which should be governed by TRAI itself but funded by service providers. These service providers must be allowed/licensed to start business with an affidavit to pay for this purpose.
- ❑ *Right to Information Act, 2005* also may be useful for applying these rights for some extent.

A lush forest scene with tall, slender trees and a fallen log in the foreground. The ground is covered in green ferns and small white flowers. The text "Thank you" is overlaid in the center.

Thank you