

Suggestions

4.1 We do not feel that the Telecom Unsolicited Commercial Communications Regulations, 2007 (“the Regulations”) were not effective. In fact, we feel that the Regulations sent the required strong signals to the tele marketers for ensuring compliance with the Regulations. However, the effectiveness of the Regulations can be further improved by implementing one or more of the following initiatives :

- Increased awareness among the subscribers about the Regulations :

As can be seen from the report, the telephone subscribers registered with National Do Not Call (NDNC) Registry are mainly from metros. It is suggested that the subscriber base from other parts of the country also be made aware about NDNC Registry which can only be achieved by organising requisite customer awareness programmes.

Telecom operators should promote the registration with NDNC Registry by sending SMSs to the subscribers (who have not registered with NDNC registry) at frequent intervals towards increasing the awareness about the same. The telecom operators could even evaluate the options of sending SMSs in regional languages of the customers.

In the report, it was not stated about the places of surveys conducted. We submit that the surveys should also take place where NDNC concentration is low.

- Registration of telemarketers :

Registration of 27,292 telemarketers (as on March 31, 2010) indicates that most of the telemarketers have not yet registered with the authorities. TRAI should effectively enforce the registration by the telemarketers and impose stringent actions including levy of huge monetary penalty, suspension of license, etc. against the telemarketers who make calls to the customers without registration.

- Setting up of TRAI benches

The emphasis should be on the ease of making complaints and speedy redressal of the same. Towards this end, TRAI may set up benches among the A and B Class cities to ensure speedy redressal complaints with regard to NDNC registry.

- The increased efforts should be made to create awareness for NDNC among the existing customer base apart from the new subscribers who are taking fresh connections.
- Efforts should be made to distinguish between calls made by Companies to its existing clients and calls made by Companies to prospective customers. Further, in case of existing relationships with clients, Companies should be

permitted to promote their range of products. As a check, each Company could be asked to maintain records of customers who do not want to receive calls on specific product promotions.

4.2 As mentioned above, efforts should be directed at increasing awareness among the telephone/mobile subscribers and the necessary provisions in this regard should be incorporated in the appropriate regulatory framework.

4.3 We do not feel that National Do Call Registry (NDCR) would be effective in controlling Unsolicited Commercial Communications (UCCs) due to the following reasons :

- India is still a developing economy with vast population not having enough financial literacy leading to lower participation of general public in the equity or other financial instruments, viz., insurance, alternate channels of savings. It is expected that over a long term period, participation in such equity and other financial instruments by the general public would lead to their improved life style. Many of the calls from the organizations representing financial services industry do benefit these subscribers for the safe future.
- Telemarketing industry generates huge employment. It is expected that in case NDCR is implemented, most of the telemarketing companies would be required to shut down rendering a large number of work force out of job.
- Even developed countries like US, UK, Australia, etc. have not implemented NDCR in view of its inherent advantages.
- The measures would negatively impact the entities that have adhered to Regulations and have been ensuring compliance with the NDNC requirements.

4.4 TRAI should consider enforcement against defaulting telemarketers. In view of the conflicting interest, the role of the telecom service providers should be minimized in the enforcement of NDNC requirements.

4.5 It is a general perception that most of the UCCs are from the telecom service providers. As the substantial portion of UCCs are pre-recorded messages mainly from the telecom operators, stringent regulations should be put in place to avoid pre-recorded messages like in USA. An appropriate regulatory framework in this regard should be put in place covering the following:

- Pre-recorded messages should be stopped;
- Programme driven calls and SMSs should not be enabled;
- Easy disablement from such server should be made possible by using the Telecom infrastructure. This can be done through a simple call back facility to unsubscribe such calls;
- Calls should be actually done by the officials in the telemarketing outfits and should not be made during the night hours; and

- Sending of SMSs after 10.00 P.M. should be stopped by the tele-marketers. Service providers should have mechanism for not delivering the messages sent during the night time.
- 4.6 The recommendation made is a welcome move. The implementation of the same would force the defaulting telecom marketers to register themselves and therefore, can be brought under regulatory framework.
 - 4.7 Already provided in the above paragraphs.
 - 4.8 As stated above, higher penalties should be levied on the tele-marketers who have not registered and engage in tele-marketing. TRAI may also write to the respective regulators against the errant entities who have not registered themselves with TRAI after conducting due investigations.
 - 4.9 The process is quite lengthy. A simple SMS for registering the compliant would help in effective implementation.
 - 4.10 No. As stated above, the present regulatory mechanism with necessary changes should serve the purpose. The idea of NDCR would affect the economy as well as the employment opportunities. The financial benefits as mentioned in the report for implementation of NDCR are miniscule compared with the benefits derived from the tele-marketing.
 - 4.11 We are in principle not in agreement with the idea of NDCR.
 - 4.12 We have given our suggestions in this regard (please refer earlier paras).
 - 4.13 We have no comments to offer for this.
 - 4.14 We have no comments to offer for this.
 - 4.15 We have no comments to offer for this.
 - 4.16 Data piracy should be regarded as criminal offence. Stringent action should be taken against the entities if they do not maintain the secrecy of the data.