

TELECOM REGULATORY AUTHORITY OF INDIA
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TRAI issues Consultation Paper
on
Review of
Telecom Unsolicited Commercial Communications
Regulations

New Delhi, 11th May, 2010:- The Telecom Regulatory Authority of India (TRAI) has today released a consultation paper on “Review of Telecom Unsolicited Commercial Communications Regulations”.

2. Unsolicited Commercial Communications (UCC) is one of the major issues of concern for telecom consumers and resulted in large number of complaints. Considering the public anguish over the issue and the urgent need for a comprehensive approach to tackle the problem of unsolicited commercial communications, TRAI initiated a consultation process on “Unsolicited Commercial Communication’ in 2006 and sent its recommendations to Department of Telecom. Based on these recommendations of TRAI, National Do Not Call (NDNC) Registry was established in 2007. Telephone subscribers not willing to receive commercial communications; have to register their number with NDNC. TRAI also notified the Telecom Unsolicited Commercial Communications Regulations 2007 creating a framework to restrict unsolicited commercial communications.

3. As per the regulations every access provider has to setup a mechanism for registering request of mobile subscribers for not receiving unsolicited commercial calls and update it with NDNC Register, maintained centrally by NIC. In order to make telemarketers accountable, all telemarketers are also required to register with the Department of Telecommunications. As on 31st March, 2010 about 27292 telemarketers have got themselves registered with the Department of Telecommunications. The NDNC is being accessed daily by around 2000 telemarketers for scrubbing their calling list.

4. In spite of various measures mentioned above exiting framework is not effective as expected, as only 65.82 million subscribers have registered for 'Do Not Call' in NDNC Registry till 31st March 2010, which is about 10.50% of all telephone subscribers. Large number of complaints continues to be received by the service providers from telecom consumers regarding unsolicited commercial communications. Till 31st January 2010, total 340231 complaints have been received by service providers regarding receiving unsolicited commercial communications even after registering in NDNC. In addition, the frequency of receiving unsolicited messages through SMS and MMS has become higher as compared to voice calls and become a major problem.

5. Considering the growing dissatisfaction among consumers and to address the problem of unsolicited commercial communications, there is a need to review the regulatory framework and explore all possible alternatives including establishment of "Do Call Registry".

6. Though countries like Australia, United Kingdom, and Canada initially adopted the approach of Do NOT call registry or Opt-out approach, effectiveness of such framework has been low. Many countries like China, Japan, Italy, United Kingdom and European Union prefer "Opt-in" approach in their e-privacy directives. In Australia discussions have already started for

considering “opt-in” approach as one of the options to curb unsolicited commercial communications.

7. In view of the above, the Telecom Regulatory Authority of India has decided to review the Telecom Unsolicited Commercial Communications Regulations, 2007. Accordingly this consultation process has been initiated suo-motu to seek suggestions of all stakeholders for a comprehensive solution that would curb unsolicited commercial communications.

The Authority invites comments from all the stakeholders on this consultation paper. Stakeholders are requested to send their comments on the consultation paper by 10th June 2010. Comments will be posted on TRAI’s website as and when they are received. Counter comments, if any, to the comments received may be sent to TRAI by 21st June 2010. This consultation paper is available on TRAI’s website www.trai.gov.in.

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