

ISSUES FOR CONSULTATION

4.1. What are the primary factors for poor effectiveness of Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) in its present form? Give your suggestions with justifications. (Reference Para 2.3)

CCS: We believe the above Telecom Unsolicited Commercial Communications Regulations, 2007 (4 of 2007) is a well conceptualized and designed regulation, but the causes for failure are elsewhere, that is, ineffective and faulty implementation. It is certainly not due to any conceptual deficiency. Therefore a dispassionate audit of the processes in every step has to be independently audited by trustworthy agency. Otherwise, no new system will succeed either. Has any independent audit been undertaken by TRAI? And what do these reports say?

We are willing to assist TRAI in this task if invited to.

4.2. Do you feel that there is need to review the existing regulatory regime of Unsolicited Commercial Call (UCC) to make it more effective? What needs to be done to effectively restrict the menace of Unsolicited Commercial Communications (UCC)? (Reference Para 2.3)

CCS: As already commented in 4.1, TRAI has to internally and frankly ask:

- (1) The first step in the present NDNC registration process is, the customer sends the request for registration in NDNC is to send the request to the Service Provider and get an acknowledgement confirmation, which certainly all them would have done. How has TRAI made an independent audit to make sure all such requests have been included in the in-house database and thereafter transferred to the central repository by the SP?***
- (2) Similarly every step afterwards also has to be scrupulously independently audited***
- (3) The audits must carry a guarantee for the quality and penalty as well for non-compliance of quality***

If data integrity is ensured, there is absolutely no reason why NDNC has failed. If indeed it has the reasons are poor and ineffective implementation, which can happen in any system new or old.

4.3. Do you perceive do call registry to be more effective to control Unsolicited Commercial Communications as compared to present NDNC registry in view of discussions held in para 2.4 to 2.9? Give your suggestions with justification. (Reference Para 2.10)

A; No, it will not be any better, laying down a set of rules hardly improves any situation, the emphasis should be on monitoring and auditing how well or badly it is compromised in implementation for

whatever reasons. We must note that it involves monetary angle as well which perhaps overrides every thing else

4.4. Do you perceive the need to control telecom resources of telemarketers to effectively implement provisions of Unsolicited Commercial Communications and to encourage them to register with DoT? What framework may be adopted to restrict telecom resources of defaulting telemarketers? (Reference Para 2.11.3)

A: Why should the Subscribers registered with NDNC get calls even from the registered tele-marketers. Does it not indicate a prima facie lacuna? Has TRAI come to any conclusions?

4.5. Do you agree that maximum number of calls as well as SMS per day from a telephone number (wireless as well as wireline) can be technically controlled to force telemarketers to register with DoT? What other options you see will help to effectively control telemarketers? (Reference Para 2.12.4)

A: No comments.

4.6. Do you envisage that second screening at SMSC as proposed in para 2.12.3 will effectively control unsolicited SMSs? Give your comments with justification. (Reference Para 2.12.4)

A: Frankly no. Who will monitor violations?

4.7. What changes do you suggest in existing provisions to control the Unsolicited Commercial Communications effectively? Give your suggestion with justification. (Reference Para 2.13.6)

A: We again reiterate, scrupulous independent audit of databases is absolutely essential, even to conclude that the present NDNC Register has failed. Please see paragraph 4.1 and 4.2 above

4.8. Do you agree that present panel provisions to charge higher tariff from telemarketers are resulting in undue enrichment of service providers? What penalty framework do you propose to effectively control UCC without undue enrichment of service providers? (Reference Para 2.13.7)

A No Comments

4.9. Do you feel that present UCC complaint booking mechanism is effective? What more can be done to enhance its effectiveness? (Reference Para 2.13.8)

A: Not at present, let TRAI concentrate on making the present installed systems fault free and reliable by audits at every stage. We can certainly think of a few more steps, but that is later

4.10. Do you feel that there is a need to enact legislation to control the Unsolicited Commercial Calls? Give your suggestion with justification. (Reference Para 2.13.9)

A No Comments

4.11. Do you agree that definition in para 2.14.1 correctly define Unsolicited Commercial Communications in Do Call registry environment? Give your suggestions with justification. (Reference Para 2.14.2)

A No Comments

4.12. Do you feel that proposed framework to register on NDCR will be user friendly and effective? What more can be done to make registration on NDCR more acceptable to customers as well as service providers? (Reference Para 3.7)

A No Comments

4.13. In your opinion what are the various options which may be adopted for setting up and operating the NDC registry in India? Among these suggested options which options do you feel is the most appropriate for implementation and why? Give your suggestion with justification. (Reference Para 3.8.3)

A No Comments

4.14. Do you agree that present NDNC registry can effectively be converted to NDC registry? What measures need to be taken to make it more effective? (Reference Para 3.8.4)

A No Comments

4.15. In view of the discussion held in para 3.9, which option of charging and funding model do you suggest for procuring the data from National Do Call Registry by telemarketers? What should be the various provisions you want to incorporate in suggested model? Give your suggestion with justification. (Reference Para 3.9.5)

A No Comments

4.16. What measures do you suggest to protect data of NDC registry? Give your suggestions with justification. (Reference Para 3.10.2)

A No Comments