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My response to TRAI UCC Con paper

Q. 2 How have the measures thus far (by the RBI or other agencies, banks, and service providers) been effective in reducing the number of unsolicited messages and calls?

My Ans:-They have been a total failure. Leading private sector banks have appointed agents to call telephone subscribers to canvass for their personal loan and other schemes and cause nuisance.

Q.3 Which of the suggested proposals will be appropriate for India? Please suggest alternate proposals, if any.

My Ans:-The proposal to have a “Do Call” register is the only alternative which is in consumers’ interest.

You have quoted Section 427 and 513 of The Indian Telegraph Rules,1951: that the mobile telephony service providers and telemarketers are violating the law by using the personal data of the subscriber for their business purpose through their telecommunication services. A subscriber shall be personally responsible for the use of his telephone. No telephone shall be used to disturb or irritate any persons or for the transmission of any message or communication which is of an indecent or obscene nature or is calculated to annoy any person.

If TRAI is to effectively protect the public interest it must not remain content with a paper solution which fails to ignore ground realities..

UCC amounts to a nuisance call and needs to be dealt accordingly.

Q.4 Should TRAI consider a centralized DNC register or go for a distributed approach in which each service provider has their own DNC register where subscribers can list? Should the development of a centralized DNC register be left to market forces?

My Ans:- In view of my answer 3 this question is superfluous. So the following answer is given only in case the TRAI is unable to resist the Tele-marketers pressure.

A centralized DNC register is the preferred solution but it may take time if left to market forces.

If some telephone service providers come out with their own DNC list which will block the UCC to their subscribers at the receiving end this can be a good selling point for them.

Q.5. In case the telemarketer-oriented approach is followed, what action should be taken against a telemarketer either by service provider or the Government that makes an unsolicited commercial communication to subscriber listed on any DNC register?

My Ans:- In view of my answer 3 this question is superfluous. **In no case the telemarketer-oriented approach should be followed.**

Q. 6 If any of the service-provider oriented approaches are followed, what should be the action taken against service providers (originator/terminator) that allow unsolicited commercial communications to reach subscribers on any DNC register?

My Ans:- In view of my answer 3 this question is superfluous. So the following answer is given only in case the TRAI is unable to resist the Tele-marketers pressure.

The defaulting service providers license must be cancelled and heavy penalty be imposed like in other countries.

Special Telephone Consumer Courts be empowered to award damages and increasing if the complainant can show that the caller willfully and knowingly violated do-not-call requirements.

Q.7. With reference to the problem posed in ¶3.12, what additional measures are needed to be implemented?

My Ans:-

UCC amounts to a nuisance call and needs to be dealt accordingly.

Q.8. Should a subscriber who receives UCC calls in spite of being listed on a DNC register be compensated? If yes, how should this be done for the solution you recommend? What should be the level of compensation?

My Ans:-

Yes. Any solution in which the consumer has to take recourse to existing law courts will be time consuming. So, special fast track telephone courts should be set up like IT act.

Dr. P. J. Joglekar