

F.No. 305-12/2004-QOS
Telecom Regulatory Authority of India
A-2/14, Safdarjung Enclave, New Delhi

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Dated 5th May, 2005

Subject: Recommendations on publication of Telephone Directory & Directory Enquiry Services:

1. Background:

1.1 Directory services are general public utility services. The Government had, therefore, made provisions in the various licenses for the printing of telephone directory and directory enquiry services. In the last few years the cellular mobile phone service in India has grown and has emerged from being a premium service to a common man's service and presently total numbers of mobile phones have exceeded the fixed lines connections. However, in the mobile sector no directory service is so far available. Although the earlier Cellular Mobile licenses provided for publication of printed telephone directory, none of the CMSPs had published their telephone directory mainly on the pretext that the mobile customers were not interested in publishing their names in the cellular directory. At that time the Receiving Party Pays (RPP) regime was in force for cellular mobile services. Presently the cellular mobile service has the Calling Party Pays regime and incoming calls are free. As such, the mobile customers may not now be averse to having their names published in the Cellular Service Directory.

1.2 In the fixed line, the printed telephone Directory is available only for fixed line subscribers of BSNL/ MTNL and the frequency of publication of these directories, as per the recent instructions of the Department of Telecommunications, is one year, followed by two

Supplementary Directories in the following two years. **(Annex 1)** The private operators have so far not brought out printed Telephone Directories.

1.3 The directory enquiry service is also largely unavailable today, especially in the cellular mobile service. In the present multi-operator multi-service scenario, an individual operator based Directory Enquiry Service would not have much utility. As such a need is felt for Directory Service Enquiry across different network and different service areas.

2. Consultation Process:

2.1 In the light of the above and also keeping in view the provisions in the fourth cellular license and the Unified Access Service License, **which provides for a Determination of TRAI with regard to publication of Telephone Directory**, the Authority had undertaken a public consultation on the issue of publication of telephone directory and directory enquiry service. The Consultation Paper and the comments received have been put on the TRAI's web site. Open House Discussions were also held in Bangalore and Delhi in December, 2004.

3. Variations in terms and conditions of license and Indian Telegraph Rules, 1951:

3.1 While deliberating on the comments received during the consultation process, the Authority has noted that different licenses have different provisions relating to publication of telephone directory and directory enquiry services. Hence, the Authority felt the need for sending recommendations to the Government for making necessary

amendments in licenses to bring out uniformity in the various licenses relating to publication of telephone directory and provision of directory enquiry services.

3.2 Apart from this, after considering the response from the stakeholders during the public consultation, the Authority felt that in the present multi-operator multi-service scenario there is a need for having integrated Directory Services. The provision of Directory Service through an independent service provider means introduction of a new service. This requires recommendations to the Government under Section 11(1)(a)(1) of the TRAI Act, 1997.

3.3 The Authority has also noted that the Indian Telegraph Rules, 1951, Rules 452 to 459 provides for "Publication of Telephone Directories". These rules are still in force. At the time these Rules were enacted, the Department of Telecommunications was the sole provider of telecom service. In the present multi-operator multi-service scenario these Rules need modification to be in line with the present licensing and regulatory regime.

4. Recommendations:

In the light of the above, the following recommendations are sent to the Government for consideration. In Section 4.1 various issues and concerns regarding publication of Telephone Directory and provision of directory enquiry service have been discussed and the Authority has given its recommendations to the Government on these issues. Section 4.2 discusses the provisions in the Indian Telegraph Rules, 1951 and gives recommendations for amending some of the provisions of these Rules.

4.1 Recommendations on Publication of Telephone Directory and Directory Enquiry Services:

(a) Provisions in the license agreements relating to publication of telephone directory:

4.1.1 The old basic service licence agreement provided for publication of an integrated telephone directory for subscribers of DOT and old basic service licensees. These provisions in the license agreement are given below:

1.8.1 DIRECTORY PRINTING

DOT will bring out SSA-wise common telephone directories containing the subscriber data-base of the Licensee as well. For this purpose the Licensee shall provide to DoT up-to-date directory data-base of its subscribers and shall provide to DOT all necessary facilities for bringing out timely, accurate and up-to-date directories. DOT shall supply to the Licensee adequate number of free copies of directories for distribution among its subscribers. The Licensee shall collect charges from its subscribers for bold and additional directory entries as per DoT's prescribed rates. All the revenue generated on account of the publication of the directory including the charges collected by the Licensee from its subscribers and advertisement revenue shall accrue to DoT and the Licensee will have no claim in this regard.

Where DoT brings out a directory without yellow pages, Licensee shall pay suitable charges per entry pertaining to Licensee's subscribers. This figure will vary from place to place and time to time.

The licensee will get collection charges equal to 5% (five percent) of the money collected for bold and additional entries pertaining to Licensee's subscribers. Presently prescribed frequency of publishing of directories is one year. Only smaller SSAs have directory without yellow pages.

4.1.2 The new basic service licence agreements issued in 2001 provided for publication of printed telephone directory by the private

licensees at their discretion and cost. These provisions are quoted below:

33.DIRECTORY PRINTING AND DIRECTORY ENQUIRY : *It shall be mandatory for the LICENSEE to provide a computerized Directory Enquiry/ Information/ Assistance service with integrated data base of its own subscribers in the same service area. Printed directories, if required, can be published by the LICENSEE on its own discretion and cost. If any SUBSCRIBER does not wish his name, address and access number etc. to be included in the directory, the SERVICE PROVIDER can do so only after obtaining concurrence of the SUBSCRIBER in writing.*

4.1.3 In the case of cellular mobile service, while the old cellular licence for circle mandated publication of printed telephone directory, the old cellular licence for metro cities left it to the discretion of the operator to publish telephone directory. These provisions in the licence agreement are given below:

Cellular Mobile Telephone Service License - Circle (Old)

24.10 Publication of Cellular Service Directory

24.10.1 The licensee shall publish a Cellular Service Directory containing all commercial information, name, address and number of the subscribers. If a subscriber does not wish to be listed in the directory, the Licensee will be free to delete his name from the directory after taking consent of the subscriber in writing.

24.10.2 All the subscribers of the service shall be entitled to one free entry in this directory and any additional information/ specific printing in a particular type at the request of the subscriber may be charged, extra, at a rate to be specified by Department of Telecom.

24.10.3 Any other charges relating to the directory to be charged from subscribers/ public shall be fixed in consultation with the Department of Telecom.

24.10.4 The Department of Telecom is entitled to include, free of cost directory information of the Cellular subscribers in the directory published by the DOT for PSTN/Telex/Data Services etc. and the licensee shall be bound to supply the above information as and when asked for.

24.10.5 The Authority or any authorized person shall have an access to the Data base relating to the Cellular subscribers of the Licensee. The Licensee shall also update the data relating to his subscribers available with the Authority on a monthly basis. The Licensee shall make available, details of the subscribers using the service at any prescribed instant, to the Authority or its representative.

Cellular Mobile Telephone Service License - Metros (old)

1.8 PUBLICATION OF CELLULAR MOBILE TELEPHONE SERVICE DIRECTORY

1.8.1 The licensee may publish a C.M.T.S. (Cellular Mobile Service) user's directory containing all commercial information, names, address and number of the subscribers. If a subscriber does not wish to be listed in the directory, the Licensee is free to delete his name from the directory after taking concurrence of the subscriber in writing.

18.2 All the subscribers of the service shall be entitled to one free entry in this directory and any additional information/specific printing in a particular type at the request of the subscriber may be charged for, extra, at a rate to be specified by Authority.

18.3 Any other charges relating to the directory to be charged from subscribers/ public shall be fixed in consultation with the Authority.

18.4 The Authority reserves the right to include directory information of the cellular subscriber in the directory published by the Authority of PSTN/ Telex/ Data Services etc. and the licensee shall be bound to supply the above information as and when asked for.

18.5 The Authority or its representative(s) will have an access to the Data base relating to the C.M.T.S. subscribers of the Licensee. The Licensee shall also update the data relating to his subscribers available with the Authority on a monthly basis. The

Licensee shall make available, at any time, by the Authority or its representative details of the subscribers using the service.

4.1.4 The subsequent licenses i.e. the fourth cellular mobile licence and the Unified Access Service Licence provide for a determination of TRAI in the matter of publication of telephone directory. The relevant portions are reproduced below:

Cellular Mobile Telephone Service License (fourth operator)

18.1 Determination of TRAI with regard to publication of telephone service directory containing information of subscribers of Cellular Mobile Telephone Service shall be applicable and binding.

UASP License Agreement

15.1 Determination of TRAI with regard to publication of telephone service directory containing information of subscribers of Telecom Service shall be applicable and binding.

(b) Provisions in the license agreements relating to Directory Enquiry Services:

4.1.5 The various licenses issued for basic and cellular mobile services mandate the service providers to provide Directory Enquiry Services. The old Basic Service Licence had the following provisions relating to Directory Enquiry Services:

1.8.2 DIRECTORY ENQUIRY SERVICES:

The Service covers providing and operating directory enquiry service by the Licensee for its subscribers. Recognising that it would be in the interest of subscribers of DoT and the Licensee to ensure that the directory enquiry service operated by either party will be in a position to convey to callers of its directory enquiry service, telephone numbers of subscribers of the other, appropriate technical arrangement for running an integrated

data base or for coupling the directory enquiry data bases of DoT and the Licensee shall be established. Common costs associated with such integration or coupling shall be shared between DoT and the Licensee in an appropriate manner mutually agreed.

4.1.6 The New Basic Service Licence also provides in clause 33 that *“It shall be mandatory for the LICENSEE to provide a computerized Directory Enquiry/ Information/ Assistance service with integrated data base of its own subscribers in the same service area”.*

4.1.7 Thus, looking at the above provisions in the licence agreement, it is seen that the Government, even at the time competition was introduced in the basic service, had recognized the need for an integrated Directory Enquiry Service. Though the old cellular mobile licence agreements do not specifically provide for Directory Enquiry Services, the fourth cellular mobile licence in clause 30.1 provides that *“Licensee shall independently provide all emergency and public utility services to its subscribers, including directory information services with names and address of subscribers”.*

4.1.8 The Unified Access Service Licence also in clause 29.1 provides that *“The licensee shall provide independently or through mutually agreed commercial arrangements with other Service Providers **all public utility services** including TOLL FREE services such as police, fire, ambulance, railways/ road/ air accident enquiry, police control, disaster management etc. While providing emergency services such as police, fire, ambulance etc. it shall be ensured that such calls originated shall be delivered to the control room of the concerned authority for the area from where call is originated”.* Though directory enquiry service is not explicitly mentioned herein, since Directory Enquiry Services is a public utility service, as covered in the fourth Cellular Mobile Licence Agreement, all Unified Access Service Providers

have to provide Directory Enquiry Services. An important deviation in this licence agreement is that the licensee could provide public utility services through another operator.

4.1.9 It can be seen from the above license conditions that there is no uniformity in the various licenses regarding the matter of publication of printed telephone Directory and directory enquiry service. The Authority, feels that being an important public utility services, **there should be uniformity in the various licenses, including those of BSNL and MTNL, in the matter of publication of telephone directory and directory enquiry services. There should also be an enabling provision in all the licenses for issue of guidelines, determination and direction by the licensor or TRAI.** In this regard it may be mentioned that for uniformity in the terms and conditions of the old cellular mobile license and the fourth cellular license, the Authority vide its letter dated 28.01.02 and subsequent reminders dated 04.04.02 and 08.04.03 had requested the Department of Telecommunications to make necessary amendments in respect of older CMTS license to bring it at par with new CMTS license so as to maintain a level-playing field.

(c) Concerns and Issues:

4.1.10 During the consultation process, there appears to be broad consensus on the issue of publication of printed directory for fixed lines connection. In case of mobile, there is a divergence of views with the consumers and the consumer organisations being generally in favour of publishing printed directory apart from maintaining it on the web, the operators were not in favour of publishing directory, specially mobile directory. The major reasons advanced by the operators against publication of telephone directory and directory enquiry

services are rapid growth of mobile subscribers, high churn, majority of the customers are pre-paid, bulkiness of printed directory, privacy issues, personal communication issues, payment of roaming charges and security issues.

4.1.11 Regarding directory enquiry service, consumer organisations and individual consumers have supported Directory Enquiry Services. BSNL and MTNL have also supported Directory Enquiry Services at the circle level. Though the COAI supports mandatory Directory Enquiry Services for fixed lines, it is not in favour of Directory Enquiry Services for mobile customers because of privacy issues, personal communication issues, payment of roaming charges and security issues.

4.1.12 The concerns and issues relating to publishing of telephone directory and directory enquiry service for mobile services are discussed below.

Bulkiness and rapid outdateding of the printed directory:

4.1.13 One of the major concerns advanced against the publication of telephone directory for mobile customers is that due to high growth in the mobile sector and high churn, a mobile directory would become outdated and inadequate on the very first day of its publication.

4.1.14 Another argument advanced by the service providers against publication of printed telephone directory was bulkiness of the printed directory. According to them as the mobile service is circle based and if pre-paid customers are also included in the directory then it will be bulky and difficult to handle.

Privacy Issues:

4.1.15 During the consultation process the service providers had contented that the mobile customers would not be willing to include their names in the Directory because of privacy and other issues as this will abet unwanted telemarketing calls.

Roaming issues:

4.1.16 The argument of the mobile operators is that the incidence of unwanted calls on roaming would increase once the directory service is available. Presently, incoming calls received during roaming are chargeable and a roaming customer has to pay heavy charges, as compared to long distance call charges.

Mobile is for person to person communication:

4.1.17 Another argument advanced by the mobile operators against directory services was that mobile is more of a person to person communication device unlike fixed phones.

Security concerns:

4.1.18 Another concern of the mobile operators is that with the help of Telephone Directory or Enquiry services, the contact details of the person can be obtained for nefarious activities. Subscribers especially the woman subscribers can be harassed by abusive calls/ SMS.

(d) Analysis of issues and concerns relating to publication of telephone directory and directory enquiry services

Utility of printing a Telephone Directory.

4.1.19 In a survey conducted by the Authority through M/S IMRB, it was revealed that there is a major perceived utility of having a printed Directory. In the case of fixed line services, it has emerged during consultation process that majority of the stakeholders feel the necessity of having a printed directory because of its general public utility and easy access. Accessing a printed directory is perceived as much easier than accessing an electronic version or directory enquiry services. Lack of PC penetration is a big stumbling block for accessing a directory through the Internet. A major reason for people to consult a directory is to find the telephone numbers of Government institutions, public utility services, private organizations etc. or for contacting a particular official/person in these organizations. In the case of the printed directory, a person is able to see at the same time, all the numbers listed under a particular organization. This facility is not available in the case of directory enquiry service. Moreover, the printed directory is available for consultation much more easily than an electronic directory. Hence, the utility of a printed directory is perceived as more than that of an electronic directory or directory enquiry services. The international experience also shows that even in advanced markets where both PC penetration and teledensity is very high, printed directory is published regularly.

4.1.20 During consultation process the Authority received a large number of responses from consumers and consumer organisations that presently professionals, businessmen, mechanics, service persons etc are increasingly using mobile phones as their contact numbers. Non-

publishing of the Directory would deny them an opportunity to make their services known to the public and also it would make it difficult for the public to locate the numbers of these persons.

International Experience:

4.1.21 The Authority has also looked into the international practices followed by European Union, U.S.A., Australia and a number of other countries. These international practices show that at least one comprehensive telephone Directory comprising all the fixed numbers is generally available to end-users. Also a comprehensive Telephone Directory Enquiry Service is generally available to all customers, including users of Public Pay Telephones.

4.1.22 Regarding international practices, it is seen that in the European Union it is obligatory that at least one comprehensive directory is available to end-users either printed or electronic or both. In Belgium, Denmark, Germany, Ireland, Italy, Luxemburg, Netherlands, Austria, Portugal and Finland at least one directory including all subscribers (of all operators) i.e. for subscribers of fixed telephony services, mobile contracts, mobile pre-paid services and personal numbers, except for those who have expressed opposition to being listed, available to all users. In Belgium prepaid subscribers are excluded from the consolidated directory. In Germany and France the incumbent operator brings out the consolidated Directory. In U.K., although no subscribers are formally excluded from the core database, there have been difficulties in ensuring all mobile data is available. In Singapore, licensees providing fixed local services are required to provide integrated telephone directories for all subscribers at no charge (unless approved by IDA) at annual intervals or any interval

agreed with IDA. The incumbent operator coordinates printing of the integrated directory. In the USA other operators can access the directory service of a carrier and also listing of customers of other operators are allowed for white pages directory. In Australia, the incumbent Telestra has to provide an integrated telephone directory and also establish an industry-wide integrated public number database.

4.1.23 The Authority appreciates the fact that in the metros, the printed directory is very bulky. The last published MTNL Directory was of three volumes. But in other cities and SSAs the volume of the Directory may not be bulky. For example, it has been reported that BSNL publishes printed Directory for Pune every year.

4.1.24 The bulkiness of the mobile directory is linked to three issues relating to

- pre-paid customers.
- geographical coverage of the directory.
- willingness of the customers to include their names in the directory.

4.1.25 The pre-paid customers constitute about 70% of the mobile subscriber base. The general response received on this issue supports exclusion of pre-paid customers in the printed directory, but may be included in the web directory, as most of the pre-paid customers remain with a particular service provider for a short duration. From the operator's side, only BSNL suggested inclusion of pre-paid customers in the mobile directory, in case, publication of mobile directory is mandated. The international experience in this regards shows that there are countries where pre-paid customers have been excluded from the printed directory as well as countries where the pre-

paid customers have been included in the printed directory. The Department of Telecommunications had favoured exclusion of the pre-paid customers from the printed directory, but for their inclusion on the web directory for the duration of the service. In case pre-paid customers are not included in the printed directory the directory would not be bulky.

4.1.26 Regarding willingness of customers in listing their numbers in the directory services, during the consultation process the service providers had contented that the mobile customers would not be willing to include their names in the Directory. In this regard TRAI had conducted a Survey through M/s IMRB. As per the survey report, 49.1% mobile customers want their numbers to be included in Directory. Only 22.6% do not want their number to be listed/published. Remaining 28.3% are non-committal on this issue. Thus it can be concluded that at nearly half of the customers want their numbers to be listed. Further, this percentage is much higher in B & C category circles. Even in metros the percentage is above 50%. Extracts of this survey report are placed at **Annex.2**.

4.1.27 The issues relating to geographical coverage of the Telephone Directory was also discussed in the consultation Paper. Most of the responses received by TRAI were in favour of printing the telephone directory below the circle level, i.e. at the district or city or LDCA/SSA level. There were also suggestions that in the case of directory maintained electronically, the coverage may be at the circle level or even at the national level. MTNL had suggested combined directory of fixed and mobile maintained electronically at circle level. As per BSNL, if at all a directory is to be published, it should be circle-wise for mobile and LDCA wise or SDCA wise for fixed services, as per the discretion of the operator. Though, the community of interest for a

directory mostly lies within the LDCA, however, during consultation process, it emerged that data on mobile subscribers are not maintained LDCA-wise and it is very difficult to compile subscriber base LDCA-wise. As such, a directory for mobile customers would be possible only at a circle level.

4.1.28 In the case of mobile, in case the pre-paid customers are excluded and that the number of mobile customers who are willing to get their numbers published in the directory may be around 50%, the number of subscribers to be included in a mobile directory **even if it covers the entire circle**, may not be large and hence the Authority feels that the Directory may not be bulky. For example, in Delhi the customer base of the largest mobile operator is around 15 lakhs. Considering that the pre-paid customers are excluded and 50% of the customers exercise their willingness to include their names in the Directory, the number of customers for whom Directory is to be printed will be around 2 lakhs. This figure will be low for other circles.

4.1.29 The cost of publishing the printed Directory is a concern for the service providers. During consultation process it was reported that the entire cost of publishing the telephone directory will not be recovered through advertisements/ Yellow Pages. The Authority feels that though the operators may not be able to recover fully the cost of publishing the printed telephone directory through advertisements, charges for special printing, charges for additional numbers etc. being a public utility service the service providers should absorb unrecovered cost, if any. The electronic version of the Directory on a CD could be a cheaper option. However, only those having a PC could use this electronic directory. Since in India PC penetration is low this option alone would not suffice.

4.1.30 Some of the responses received by the Authority have raised environmental concerns in having a paper Directory as this could mean cutting down of trees for paper. The Authority feels that this problem could be addressed through using recycled papers for printing of directory.

4.1.31 During the consultation process the general response received was also that in addition to publishing of printed directory, there is a need to maintain the telephone directory on web, containing entries of both post-paid and pre-paid customers who have expressed their willingness for inclusion in the directory services. The reason given for such a directory is that the electronic version of the directory would be up-to-date as it is easy to up-date or make changes. A better approach would be to provide the directory service through the handset. This could cover both pre-paid and post-paid customers and the directory could be maintained up-to-date. One of the mobile operators is already doing this. **The Authority therefore recommends that in addition to publishing of the printed Directory, the service providers should also maintain the Directory on web or through handset (for mobile operators).**

4.1.32 As regards privacy issues, based on the inputs received during the consultation process, the Authority feels that the privacy issue is more relevant in metros. Also, the Survey Report mentioned above shows that privacy is not a major concern. However, there are two aspects of privacy linked to directory services, which need to be addressed. One is inclusion/ exclusion of the numbers in the directory and the other is spam/ telemarketing.

4.1.33 The privacy issue has, of late, acquired considerable public importance because of the telemarketing issues and the PIL filed in the

Supreme Court. In the context of directory services, the argument of the mobile operators is that publication of mobile directory will abet unwanted telemarketing calls. A counter argument to this is that those who are really concerned with privacy issues may exclude their names from directory services. The Authority, therefore, is of the view that privacy issues in the context of directory services may not have much relevance, as only those customers who want their numbers known to the public would opt for listing their names in the directory services. The provision for listing in directory services could be implemented in two ways. One way is by allowing customers for exclusion of their names from directory services or “opt out” of directory services. Another way is that only those customers who have given their willingness for inclusion in the directory services will be listed in the directory services (“opt-in” approach).

4.1.34 The new Basic Service Licence provide in clause 33 that “If any SUBSCRIBER does not wish his name, address and access number etc. to be included in the directory, the SERVICE PROVIDER can do so only after obtaining concurrence of the SUBSCRIBER in writing”. The old cellular licence (circle) provides in clause 24.10.1 that “If a subscriber does not wish to be listed in the directory, the Licensee will be free to delete his name from the directory after taking consent of the subscriber in writing”. A similar provision exists in clause 1.8.1 of the older cellular metro licence.

4.1.35 It is seen from the above provisions in the licence agreements that, unless a customer gives in writing for exclusion of his name from the directory, his name will be included in the directory. A customer needs to inform the service provider only for his exclusion from the directory. Or in other words an “opt out” approach is provided in the licence agreement. It is also easy for the service provider to implement this. The Authority feels that this approach would be

suitable for fixed line customers. In the case of mobile, considering the issue of privacy and unwanted telemarketing calls, the Authority is of the view that for mobile an "opt in" approach would be more appropriate as the onus for making available the number in the public domain and the consequent risk of unwanted telemarketing calls would lie with the customer. As per this approach all those mobile customers who want to include their names in the directory have to give their consent in writing or through e-mail/ SMS. This will facilitate all those professionals, mechanics, small time businessman, service persons etc. who wanted directory services to have their names included in the directory. In countries such as Spain, this methodology is followed.

4.1.36 Regarding addressing of issues relating to spam/ telemarketing calls, the practices followed in some of the countries are given below. The Government may, if necessary, consider taking appropriate steps for addressing these issues.

4.1.37 In the USA, in 2003, the FCC and the Federal Trade Commission ("FTC") together established the National Do-Not- Call Registry. The "Do Not Call Registry" is operated by the Federal Trade Commission on behalf of both agencies. Both the amended TCPA and TSR prohibit companies from contacting any consumer that (1) specifically asks not to be called or (2) has registered with the National Do-Not-Call Registry ("National Registry"). Customers can register their telephone number to avoid unwanted contact from organisations.

4.1.38 In Canada, the CRTC has notified Rules for Telemarketing Calls and Faxes. These Rules mandate maintenance of a do not call list by marketing companies. The Canadian Marketing Association also maintains do not call list.

4.1.39 In the United Kingdom, a similar register called The Telephone Preference Service has been in operation since 1999. The UK Direct Marketing Association, based on legislation (The Privacy and Electronic Communications (EC Directive) Regulations 2003), operates this register. The register is subject to inspection by the UK Government's Office of Communications (Ofcom). In Australia, the Australian Direct Marketing Association operates Do Not Contact Service.

4.1.40 The Authority appreciates the fact that while roaming, the incoming calls are chargeable and if the incoming call received during roaming turns out to be an unwanted call like telemarketing call, the customer will have to pay for it. The argument of the mobile operators is that the incidence of unwanted calls on roaming would increase once the directory is available. However, because of the fact that all incoming calls received during roaming are chargeable and the existing roaming charges are relatively high, the Authority is of the view that roaming customers would answer only calls from known numbers. As the mobile customers have the choice of including their names in the directory, they can decide on the basis of overall assessment whether or not to have their numbers in the directory and make it easier for such calls to be made to his/her phone.

4.1.41 Regarding the argument of the cellular mobile operators that mobile is for person-to-person communication, the Authority is of the view that this used to be the case when numbers of phones were not large in number and the tariffs were high. At present the number of mobile phones outnumbered fixed phones and a large segment of the customers are using only mobile telephones.

4.1.42 Considering the foregoing discussion, the Authority feels that the directory services, both printed directory and directory enquiry

services, being an important public utility tool, the customers should not be denied this facility on the pretext of privacy and other concerns. The Authority also appreciates the fact that the Telecom market in the country is fast growing and therefore there is a need for constant updation of the data base. This may not be possible in the printed version of the Directory and hence the Directory Enquiry service becomes essential. The Authority, therefore, is of the view that Directory Enquiry Services should be there for both fixed and mobile services and the issues relating to privacy and unwanted telemarketing calls could be addressed through the provision of exclusion of the numbers of those customers who do not want their telephone numbers listed in the directory services. Issues relating to spam/ telemarketing may be tackled separately through appropriate legislative and other measures.

4.1.43 The Authority, accordingly recommends that all the license agreements for access services should have uniform provisions to provide for publication of telephone directory and provision of directory enquiry services. The printed Directory for fixed line customers should be published at the LDCA level and for mobile customers at the circle level. The Authority further recommends that an “opt-out approach may be followed for fixed line customers for exclusion of their telephone numbers from the directory services and for cellular mobile customers an “opt-in” approach may be followed for inclusion of their telephone numbers in the directory services. The pre-paid customers may be excluded from printed directory but they should be included in the directory maintained on the web and in the directory enquiry service.

(e) Integrated Telephone Directory and Directory Enquiry Service:

4.1.44 In the present multi-operator multi-service scenario if each operator brings out its own directory it would be very difficult for one to locate a particular telephone number as one does not know under which company's directory that particular person's telephone number has been listed. All the directories would be needed to check any particular person's number. A consolidated or Integrated Directory could solve this problem. The Authority had sought the views of stakeholders on this issue. All the consumer organisations and individual consumers have supported an integrated directory, but not at the circle level as it would be bulky. The international practices also show availability of integrated directory in many countries.

4.1.45 An integrated directory may mean one of the two options:

1. Having both fixed and mobile numbers of all the operators
2. Having separate directory for fixed numbers of all operators and mobile numbers of all operators

Regarding the first option, though it is an ideal solution, it may not be practically possible because of the fact that the mobile numbers are maintained on circle basis and fixed numbers are on SDCA basis. Moreover, there will be problems of coordination amongst different operators and the data might become too bulky and complex to handle. The international experience shows that in France, in spite of efforts for having a consolidated Directory of both fixed and mobile, this has not happened. In UK also there are problems in getting data for having a Directory for both fixed and mobile phones. In view of the

above, the Authority feels that it may not be practicable to have an integrated directory covering both fixed and mobile customers.

4.1.46 Regarding the second option, in the case of fixed lines, at present the public utility services including government largely have fixed lines for public contact. Further, in the case of fixed service, the incumbent holds more than 90% of the market share and they have been publishing printed telephone directory for different SSAs at regular intervals. As such, the Authority feels that an Integrated Directory for fixed lines would be easy to implement.

4.1.47 Since an Integrated Directory for fixed lines would be practicable to implement, it has to be considered as to who should bring out such an Integrated Directory, the modalities for sharing of cost, data etc. Presently the incumbent operator has about 90% of the fixed line customers and they are regularly bringing out their Directory at LDCA level. **As such, the Authority recommends that it is appropriate that the incumbent operators ie MTNL and BSNL should be mandated to publish the Integrated Directory for fixed lines. As to the sharing of cost, the other Basic Service Operators have to compensate the incumbent for their entries in the Integrated Directory, based on the number of entries and copies required. The BSOs have to provide data to the incumbent for such publication in the format to be prescribed by the incumbent.**

4.1.48 In the case of mobile services, as already discussed earlier, a directory could be possible only at a circle level. An integrated Directory for mobile services would be useful as the number of operators providing mobile services is more than the basic services. Mobile service is being provided by up to 6 operators in a circle.

However, unlike basic service, where about 90% subscribers are those of the incumbent, each mobile operator has substantial subscriber base and also there is not much difference in the subscriber base of these operators. As such, it would be difficult to decide as to who should coordinate the data collection between the service providers and bring out the Integrated Directory.

4.1.49 A possibility could be that the integrated directory may be got published jointly by all the mobile operators through a third party. The advantage of this option is that the task of coordinating the data collection and publishing could be entrusted to the third party. The disadvantage of this option is that it may be difficult and time consuming for all the operators to jointly select a third party and finalise the terms and conditions of such publication. Another problem could be that the third party may have to consult each and every operator on an issue and the process may be time consuming and may not be efficient. There are also possibilities that the third party may misuse the data.

4.1.50 The Authority, after considering the above, feels that it would be difficult to implement an integrated telephone directory for cellular mobile customers. Therefore, the cellular mobile operators may have to publish their individual directory at circle level.

4.1.51 **Periodicity:**

Regarding the periodicity of publication of directory, most of the responses received were for annual publication of the Directory with addendums/amendments published half-yearly or quarterly. There are also suggestions that the directory may be split into two – Business and Residential and the periodicity of publication of business customers may be one year and that of the residential customers may

be 2/3 years. The Authority is of the view that as per the present practice, the Directory may be divided into business and residential, in bigger LDCAs. Further, the periodicity of publication of the printed directory should be annual, with the main Directory published in the first year followed by two Supplementary Directories.

4.1.52 On Directory Enquiry Services, most of the responses received from stakeholders favoured an Integrated Directory Enquiry Service on a circle-wise basis through an independent operator. BSNL, MTNL and COAI supported Integrated Directory Enquiry Services at circle level. While BSNL and COAI (for fixed lines) favour it through an incumbent operator, MTNL is for giving it through the incumbent operator with compensation from other operators. It would be worthwhile to note here that the Government while issuing the basic service licenses even in 1995 had realized the need for an integrated directory enquiry services. The Authority also considered the international experience in this regard and found that in some countries such as UK, directory enquiry services are now being provided through independent operators and there are competitions in this area.

4.1.53 Considering the above, the Authority feels that Integrated Directory Enquiry Services should be there at the circle level, provided either through an existing operator or through a third party so that the customers could have easy access to classified directory services. But there should be adequate safety for the data given to the third party. During the Open House Sessions the Cellular Operators had raised the issue of safety of mobile data handed over to a third party. For ensuring safety of mobile data, necessary clauses have to be provided in the license agreement for Directory Enquiry Service.

4.1.54 In case the Integrated Enquiry Service is to be operated through an existing operator, one of the choices could be the incumbent operator i.e. BSNL/ MTNL, as they are already providing this service. At present the incumbent operator is providing directory enquiry service through "197" mostly at SDCA level. The incumbent may not be equipped at present to handle an Integrated Enquiry Services at circle level or at national level and would have to set up the necessary infrastructure, therefore, another option could be that the Regulator or Licensor designate a service provider in each circle to operate the integrated directory enquiry services. The drawback, in case the incumbent or any other operator is mandated to provide integrated directory enquiry services, is that the service would be provided by only one operator and there would not be any competition in the provision of directory enquiry services. Also this may lead to inefficiency in the provision of service. Another problem is the determination of the cost of setting up of the infrastructure and sharing of this cost and operating expenses/revenues by all the operators. This could be a time consuming process and may often lead to disputes. Also, if the incumbent operator or any other operator is entrusted with the Integrated Enquiry Services the Authority feels that there could be a possibility that other operators may not share the data with the incumbent, being a competitor to them in their service. Therefore, for an efficient running of an integrated directory enquiry services, it would be better if this integrated service is provided through a third party.

4.1.55 There could be two options for operating the integrated Directory Enquiry Services through a third party. One option is that all the operators could jointly entrust the work to a third party. The second option is to licence this activity as a new service and there could be competition. As regards the first option, the Authority feels

that this may be difficult to implement due to problems in co-ordination etc. As such, provision of Integrated Directory Enquiry Services through an independent licensed operator emerges to be the best option. This could be through a circle level operator or through a national operator providing directory enquiry services for the whole country. **Accordingly, in terms of Section 11(1)(a)(i) of the TRAI Act, 1997, as amended by the TRAI (Amendment) Act, 2000, the Authority recommends that the Government may consider introducing a new licence for the provision of Integrated Directory Enquiry Services both at the circle level and at the national level. The Authority could separately recommend the terms and conditions of this new service and the modalities for sharing data in case the Government decides to introduce such a service.**

4.1.56 The Authority would like to mention that since the proposed directory enquiry service would be a new and independent service, for making this service viable calls to this service would have to be chargeable. The Directory Enquiry Service Provider could also earn revenues through advertisement, classified information etc. The Authority has noted that about 50% of the consumers who have responded to the Consultation Paper has supported charging for this service.

4.1.57 As to the interim arrangements till the new Directory Enquiry Service Provider establishes, the Authority is of the view that the individual service providers should provide directory enquiry service for its own customers. Otherwise, the public would be denied of this important utility service. Once the Directory Enquiry Service Provider establishes the infrastructure for providing the service, the task of publishing telephone directory could also be entrusted to the Directory

Enquiry Service Provider. **The Authority, therefore, recommends that all the license agreements for access service should also have uniform provisions for publication of integrated telephone directory and directory enquiry services through another licensed operator and/or Directory Enquiry Service Provider. Till such time publication of Integrated Directory through another licensed operator/ Directory Enquiry Service provider is established, the cellular mobile service providers should publish its own directory and also provide Directory Enquiry Services.**

4.2 NEED FOR AMENDMENT OF THE INDIAN TELEGRAPH RULES, 1951:

4.2.1 During examination of the various issues involved in the publication of the telephone directory, the Authority has seen that the Indian Telegraph Rules, 1951 in Rules 452 to 459 provides for "Telephone Directories". At the time these Rules were enacted, the Department of Telecommunications was the sole provider of telecom service. The Authority is of the view that in the present multi-operator multi-service scenario some of these Rules need modification to be in line with the present licensing and regulatory regime. These Rules are discussed below; **the provisions in bold and italics require amendment:**

452. Supply of telephone directories – A copy of the telephone directory shall be supplied free of charge for each telephone, extension or party line, rented by the subscriber from any exchange system or private branch exchange or a private exchange. A copy shall also be supplied free of charge for each extension (including extension) from an extension working from

a public call office. ***Additional copies supplied shall be charged for at such rate as may be fixed by the Telegraph Authority from time to time.***

453. Entries in telephone directories – For each direct telephone line rented (i.e., for main connections, direct extensions and PBX junction lines) ordinarily only one entry not exceeding one line will be allowed free of charge in the telephone directory to every subscriber. Such entry shall contain the telephone number, the initials, the surname and the address of the subscriber or user. No word which can intelligible be abbreviated shall be allowed to be printed in full. ***Additional lines may be allowed by the Telegraph Authority at its discretion.***

455. Extra line charges – ***Extra line in 'Free of charge' entries or extra entry will be charged for at such rate as may be prescribed by the Telegraph Authority from time to time.***

456. Charges for central headings in larger type – *When five or more telephone lines are rented by an institution, trade or department, a central heading in larger type not exceeding one line may be given free of charge to enable the individual entries to be in small type subject to the total number of lines of entries being limited to the number of free line entries admissible. In other cases, central heading in bold type shall be charged at a rate to be fixed by the Telegraph Authority from time to time.*

458. Publishing of telephone directory – ***Except with the permission of the Telegraph Authority no person shall publish any list of telephone subscribers.***

459. Advertisements. – *The Telegraph Authority may publish or allow the publication of advertisements in the body of the telephone Directory."*

4.2.2 The above clauses in the Indian Telegraph Rules, 1951 provides for fixation of charges for supply of additional copies, for extra line and for central headings in larger type. The above clauses in the Indian

Telegraph Rules also provide for permission by the Telegraph Authority for allowing publishing of telephone directory and publication of advertisements in the body of the telephone directory. When the telecom services were run only by the Government Department, it was easy for the Telegraph Authority to prescribe a rate, applicable for the whole country, for supply of additional copies of telephone directory, for extra line and for central headings in larger type. Further, these Rules were framed based on the underlying situation that the telephone directory would be brought out by the Telegraph Authority. In the present multi operator multi service scenario it would not be appropriate for Telegraph Authority to fix charges for additional copies, extra line and central headings in larger type or for allowing advertisements in the directory. These should be better left to the operators themselves to decide.

4.2.3 The Authority, therefore, recommends that the Department of Telecommunications may review the provisions in Rules 452 to 459 of the Indian Telegraph Rules, 1951 relating to "Telephone Directories" and these Rules may be amended and modified as given below:

452. Supply of telephone directories – A copy of the telephone directory shall be supplied free of charge for each telephone, extension or party line, rented by the subscriber from any exchange system or private branch exchange or a private exchange. A copy shall also be supplied free of charge for each extension (including extension) from an extension working from a public call office.

453. Entries in telephone directories – For each direct telephone line rented (i.e., for main connections, direct extensions and PBX junction lines) ordinarily only one entry not

exceeding one line will be allowed free of charge in the telephone directory to every subscriber. Such entry shall contain the telephone number, the initials, the surname and the address of the subscriber or user. No word which can intelligible be abbreviated shall be allowed to be printed in full.

Rule 455 may be deleted or amended as follows:

“Rule 455 - Extra line charges – Extra line in ‘Free of charge’ entries or extra entry will be charged for at such rate as may be prescribed by the service provider publishing the telephone directory, from time to time”.

***456. Charges for central headings in larger type –** When five or more telephone lines are rented by an institution, trade or department, a central heading in larger type not exceeding one line may be given free of charge to enable the individual entries to be in small type subject to the total number of lines of entries being limited to the number of free line entries admissible.*

***458. Publishing of telephone directory –** Except with the permission of the Telegraph Authority no person, other than licensed service provider, shall publish any telephone directory.*

(f) Delete Rule 459.

4.3 Summary of recommendations:

- **All the license agreements for access service should have uniform provisions for publication of telephone directory and directory enquiry services either by the licensee or through another licensed operator and/or Directory Enquiry Service Provider.**

- There should also be an enabling provision in all the licenses for issue of guidelines, determination and direction by the licensor or TRAI.
- The printed Directory for fixed line customers should be published at the LDCA level and for mobile customers at the circle level.
- The incumbent operators i.e. BSNL and MTNL shall publish a printed integrated telecom directory of fixed line customers at LDCA level, including the fixed line customers of all other Basic Service Operators (BSOs)/Unified Access Service Providers (UASPs).
- If a fixed line subscriber does not wish to be listed in the directory, his name shall be excluded from the directory after taking consent of the subscriber in writing.
- For mobile service also, an integrated directory of all mobile customers at circle level is ideal. The Authority appreciates that for such a directory to materialise, considering that there is no single operator with this responsibility, and till the Directory Enquiry Service is fully established to provide a single integrated data base, it may not be possible to print such a directory. Therefore, in the meantime each cellular operators shall individually publish printed telephone directory of their customers at circle level. The cellular mobile directory should contain entries of only those customers who have explicitly given their consent. Pre-paid customers shall be excluded from the printed directory.
- Issues relating to privacy and unwanted telemarketing calls could be addressed through the provision of exclusion of the numbers of those customers who do not want their telephone numbers listed in the directory

services and through appropriate legislative and other measures.

- No charge will be levied on both fixed and mobile subscriber for not including their name in the directory.
- In addition to printed telephone directory, all the service providers have to provide directory services through the web. In the case of cellular service, directory services through the web shall also contain pre-paid customers who have given their consent in writing or through e-mail or SMS.
- The cellular operators can, in lieu of maintaining the directory on the web, have the option of providing Directory Services through the handset. In such a case, the pre-paid customers, who have given their consent in writing or through e-mail or SMS, should also be included in the directory services provided through the handset.
- BSOs and UASPs shall provide data of their subscribers to the incumbent for the publication of Integrated Directory for fixed lines in the format and time limit to be prescribed by BSNL and MTNL in this regard.
- BSOs and UASPs shall compensate the incumbent towards the cost of publication of the Integrated Directory for fixed line numbers, based on the number of entries of their customers in the Integrated Directory and the number of copies required by them.
- The incumbent can retain the revenues arising out of the advertisements in the integrated directory for fixed lines.
- The periodicity of publication of the printed directory should be annual, with the main Directory published in the first year followed by two Supplementary Directories.

The Directory may be divided into business and residential, in bigger LDCAs.

- The provisions in Rules 452 to 459 of the Indian Telegraph Rules, 1951 relating to "Telephone Directories" may be reviewed and these Rules may be amended and modified so as to be in line with the present licensing and regulatory regime.

- **Proposed Rule 452:**

452. Supply of telephone directories – *A copy of the telephone directory shall be supplied free of charge for each telephone, extension or party line, rented by the subscriber from any exchange system or private branch exchange or a private exchange. A copy shall also be supplied free of charge for each extension (including extension) from an extension working from a public call office.*

- **Proposed Rule 453:**

453. Entries in telephone directories – *For each direct telephone line rented (i.e., for main connections, direct extensions and PBX junction lines) ordinarily only one entry not exceeding one line will be allowed free of charge in the telephone directory to every subscriber. Such entry shall contain the telephone number, the initials, the surname and the address of the subscriber or user. No word which can intelligible be abbreviated shall be allowed to be printed in full.*

- **Delete Rule 455 or amend Rule 455 as follows:**

455. Extra line charges – *Extra line in 'Free of charge' entries or extra entry will be charged for at such rate as may be*

prescribed by the service provider publishing the telephone directory, from time to time.

➤ **Proposed Rule 456:**

456. Charges for central headings in larger type – *When five or more telephone lines are rented by an institution, trade or department, a central heading in larger type not exceeding one line may be given free of charge to enable the individual entries to be in small type subject to the total number of lines of entries being limited to the number of free line entries admissible.*

➤ **Proposed Rule 458:**

458. Publishing of telephone directory – *Except with the permission of the Telegraph Authority no person, other than licensed service provider, shall publish any telephone directory.*

➤ **Delete Rule 459.**

(Rajendra Singh)
Advisor (MN)-cum-Acting Secretary, TRAI

Annex.1

IMMEDIATE

No.52-01/2002-PHP(I)
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
Room No.-415, Sanchar Bhavan, Ashoka Road, New Delhi.

Dated 29 Oct., 2003

To

The Chairman-cum-Managing Director,
Bharat Sanchar Nigam Ltd.,
Statesman House,
New Delhi.

The Chairman-cum-Managing Director,
Mahanagar Telephone Nigam Ltd.,
New Delhi.

Sub: Printing & issue of Telephone Directories to the subscribers of BSNL and MTNL-regarding.

Telecom Commission has recently reviewed printing and issue of Telephone Directories by Bharat Sanchar Nigam Ltd. and Mahanagar Telephone Nigam Ltd. and has decided that the present practice of printing of Telephone Directories be continued subject to following modifications in the existing scheme of printing of Telephone Directories:-

(i) **Directory Publishing**

The printing of Telephone Directories be continue, with the periodicity of the main Directory being one year, followed by two supplementary Directories in the following two years(as against the present periodicity of one main Directory followed by one Supplementary Directory).

(ii) **Strengthening of 197 Service**

197 Directory Enquiry Service be strengthened.

2. Printing of Telephone Directories be expedited.
3. All other provisions of the scheme of Telephone Directory printing and distribution shall remain unchanged.

Sd/-
(Ajeet Singh)
Director (PHP)

Copy to:

- (1) PS to Hon'ble MoC.
- (2) PS to Hon'ble MoS(C&IT)
- (3) Sr. PPS to Chairman(TC)
- (4) PS to Member(Services)
- (5) PS to Adviser(HRD)
- (6) Information & Facilitation Centre, DoT.
- (7) Sr. DDG(SU), DoT.
- (8) Sr. DDG(VAS), DoT.
- (9) Sr. DDG(BS), DoT.

Annex.2

Number in Directory information service – Postpaid

	Total	Metros	A Circle	B Circle	C Circle	North	East	West	South	Buisness	Home
Total	4,875	1,099	1,645	1,753	378	2,014	413	1,142	1,306	2,998	1,738
Yes	49.1%	27.1%	48.6%	60.2%	63.2%	56.4%	61%	38.2%	43.5%	50.1%	48%
No	22.6%	22.1%	28.4%	19.2%	14.8%	20.7%	21.5%	17.5%	30.5%	20.5%	26.6%
Not Specified	28.3%	50.8%	23%	20.6%	22%	22.9%	17.4%	44.3%	26%	29.3%	25.3%