

This is with reference to the Consultation Paper on Review of Telecom Unsolicited Commercial Communication Regulations, published on May 11, 2010, by Telecom Regulatory Authority of India (Authority) soliciting comments from stake holders on the issues raised in the paper. In the above paper Authority has proposed certain steps for curbing Unsolicited Commercial Call (UCC) to the telecom subscribers with an objective to protect their privacy.

ICICI Lombard General Insurance Company is a 74:26 joint venture between ICICI Bank Limited, India's second largest bank with USD 75 billion in assets and Fairfax Financial Holdings Limited, a Canada based USD 27 billion diversified financial services company engaged in general insurance, reinsurance, insurance claims management and investment management. ICICI Lombard is the largest private sector general insurance company in India with a Gross Written Premium (GWP) of Rs. 36,948 million for the year ended March 31, 2010.

ICICI Lombard has always appreciated that privacy of telecom subscribers is of utmost importance and had warmly welcomed the steps taken by the Authority to curb UCC in the wake of growing public dissatisfaction against UCC. The NDNC registry has brought in significant improvement over the previous scenario and serious telemarketers who have registered themselves are following the process diligently. There does however seem to be a set of errant telemarketers who are not following the process laid down by the Authority.

NDNC itself was a laudable step taken by the Authority in the right direction and has met with some success. We believe that one must build on this initiative and based on the experience of the last two years, further strengthen the efficacy of implementation rather than look at changing the paradigm itself.

We suggest the following three areas of focus:

1. Increasing penetration and awareness amongst subscribers about the NDNC process
 - a. By allowing usage of multiple modes of registration by the subscribers such as SMS, call center, internet, in writing etc.
 - b. By spreading awareness amongst subscribers for registration in NDNC register through education series in various media such as leading and vernacular news papers, monthly bills and web portals at regular intervals.

2. Ensuring compliance of telemarketers

Since the inception of NDNC, Registry Complaints regarding UCC have dropped substantially. The major challenge is posed by small and unorganized telemarketers who have neither registered themselves with any of the Service Providers nor have applied for registration. However the following steps may be taken to promote registration of small and unorganized telemarketers and penalize non compliance:

- a. By making the process for registration simple and accessible such as online registration of telemarketers by providing a link to them for registration and online submission of all the documents.

- b. By making telemarketers aware about the necessity of registration and the consequences of non registration.
- c. By imposing penalty including disconnection of telephony services on Telemarketers in the event of non compliance of the relevant regulations.
- d. By issuing necessary directions to the organizations such as banks, hotels, travel operators and insurers who use the service of these telemarketing agencies to ensure registration of their telemarketing agents with NDNC.
- e. By allowing sharing of data of those defaulting telemarketing agencies amongst all telecom operators whose telecom resources have been disconnected by one telecom operator so that the telemarketing agency can not approach other telecom operators for new connections. The data can be made available to the telecom operators online.

3. Making it easier to scrub data with the NDNC register

Although the number of complaints regarding UCC had reduced, the same can be brought down further by facilitating telemarketers by making it easier to scrub the data by:

- a. Increasing the minimum amount of data points that can be uploaded at a time
- b. Ensure adequate availability of servers with minimum down time
- c. Reduce turn around time taken for scrubbing to a few hours even for large databases.

These steps will encourage telemarketers to submit more data for scrubbing resulting in further reduction of complaints.

In view of the above facts it is submitted that in the interest of privacy of telecom subscribers it is advisable to strengthen the existing system of NDNC by making the subscribers more aware about NDNC rather than introduction of 'Do Call Registry' (DCR) as the core issue is UCC initiated by unregistered telemarketers which will continue to occur even after introduction of DCR. Initiating stringent action against such telemarketers and bringing them into the purview of existing regulatory system will go a long way in the interest of privacy of telecom subscriber.

Please find issue wise comments annexed with this letter.

Regards,



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ANNEXURE

Para wise Comments

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)

Reasons for poor effectiveness of TUCCR, 2007 would be

- a. Low registration of tele marketers with DOT, specially the smaller set ups.
- b. Non compliance by registered tele marketers, leading to poor control on the UCC. As provided in the report, out of 27,000 tele marketing companies, only 2,000 have used the NDNC services till now
- c. Low awareness about the NDNC registry facility, especially in the non metro cities
- d. Low reporting of the unsolicited calls by the tele consumers
- e. Penal actions against the violating service providers are non-deterrent from making UCC
- f. Lack of a body having the empowerment to penalize the tele marketers
- g. insufficient measures taken by the service providers to educate their customers on NDNC and complaint lodging facility

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)

Following can help restrict the UCC

- a. Compulsory registration with DOT for new tele marketing entrants
- b. Severe penalties on violation of the UCC guidelines. Alternatively as a preventive measure calls to be blocked by telecom service providers to NDNC registered customers from registered tele marketers.
- c. Quarterly audits with central telecom service providers.
- d. Increase awareness on NDNC facility
- e. Aggressive communication by the service providers to educate the consumers on NDNC and complaint registration facility
- f. Enactment of legislation to form a body with powers of imposing penalties directly to the erring tele marketers

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)

The issue remains unchanged with NDCR, as percentage of phone users coming up by themselves and registering for NDCR would be low going by the current trend. Industry will lose one of the cost effective channel to educate/promote their products. Furthermore organized telemarketers such as ICICI Lombard who are sensitive to their brand are anyway following the guidelines related to NDNC. It is the unregistered, unorganized players who are violating the process and would continue to do so even with NDCR. Hence our focus should be to make the current regulations more effective rather than going for a paradigm shift.

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)

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)

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)

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)

Noncompliance must be treated seriously through no new allocation of lines and also bar the telemarketer from registering himself with any other service provider after warning.

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)

Yes the current penal structure is resulting into undue enrichment of service providers and the amount is also not large enough to curb UCC. The revised penalty framework should be made more stringent.

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)

The current mechanism is effective but needs more visibility. This facility has to be brought to the notice of every tele user like disclaimers in every billing statements and welcome call before any prepaid recharges.

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)

The suggestion of creating a separate agency is good for protection of consumer interest. This body should be empowered to execute and levy penalties to non complaint users.

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)

The definition is right in its true sense but for the purpose of DCR should allow promotional or non promotional messages/calls for the overall well being and good of the society like statutory/health care and ancillary services.

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)

The shift to NDCR would not be effective as errant and unregistered telemarketers would still continue to indulge in UCC defeating the purpose.

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)

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)

Industry needs more compliance on NDNC rather than conversion to NDCR.

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? Giver your suggestion with justification. (Reference Para 3.9.5)

Same as 4.14

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

Same as 4.14