

# **TAMIL NADU PROGRESSIVE CONSUMER CENTRE**

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(Regd No. 166/89)

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## ***Comments of Tamil Nadu Progressive Consumer Centre***

### ***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)***

In our opinion the first and foremost reason for failure of the present UCC regulation is the lack of awareness about the said regulation among the consumers. The reluctant attitude of the service providers in implementing the said regulation is an adding reason for such situation.

### ***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)***

Yes, definitely the present regulatory regime of UCC needs to be re visited. A proper regulation with strict enforcing provision combined with awareness to consumers at large would make the same effective. Apart from the tele calling agencies the service providers shall also be made accountable.

### ***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 scheme of do call registry is the one many VCOs (voluntary consumer organization) like ours have been praying for. A perfect do call registry would match the supply and demand and at the same time prevent the supply to the un demanded consumers.

### ***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?***

Yes, the resources of telemarketers need to be controlled. The telemarketers should be made to register with the DOT and while registering a proper undertaking in the form of affidavit and other legal means should be received from them. The violators should be dealt heavily.

### ***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?***

This may technically control but the telemarketers would procure more line to utilize the capacity in total. The co-operation from the service providers in NDNC frame work is not appreciable, the same may be continued to the future system too. Hence the cap in the calls/SMS would not be an effective solution.

**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.**

**No comments.**

**4.7. What changes do you suggest in existing provisions to control the Unsolicited Commercial Communications effectively? Give your suggestion with justification.**

The proposed Do Call registry would be an opt solution to control UCC effectively.

**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?**

In our strong opinion the service providers are in hand in clue with the telemarketers by providing the vital details of their customers so that the marketers could have more data base and thereby to call the consumers un warrantly. Any penal frame work should also include the service providers. For every offence committed the telemarketer may be slapped with a fine of Rs.5000 and the same amount should be deposited in the consumer education fund. The said fund should be used to create more awareness on UCC among the people through advertisements.

**4.9. Do you feel that present UCC complaint booking mechanism is effective? What more can be done to enhance its effectiveness?**

The present complaint booking system is not adequately effective.

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

Yes the regulations of TRAI has certain limitations, a new legislation by an act of parliament exclusive to UCC incorporating strong penal provisions under criminal law would curb the problem to greater extent.

**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.**

The definition starts with “ any message, through telecommunication service,.....” It is relevant to note here that even the broadcasting and cable services are also termed as telecommunication service under TRAI Act. Hence the ambiguity of applying UCC to the TV channels transmitting scroll messages is not ruled out.

The telecommunication service may be made more specific relating to wireline or wireless telephone system.

**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?**

Yes, the proposed frame work is fully acceptable with the following concern:

The choice of opting in the NDCR by a consumer should not be in automatic route. Even it should not be clubbed along with the registration/subscription form of the service provider. In most of the times the agent of the service provider simply takes the signature of the consumer in blank forms in the areas of “X” and latter fill the forms and send the same for verification to the service provider. In the said situation if the opt in option of NDCR is validated through the

subscription form, the service provider themselves may add the innocent consumer's number in the NDCR. There are many chances of the person is forcibly put in NDCR without his consent or approval.

Keeping the above in mind the option of getting in to the NDCR should not be clubbed with the entry level subscription form and needs a separate trigger from the consumer based upon his wish.

***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.***

***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?***

Yes the same can be converted using the same resources of NDNC.

***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.***

A systematic cost accounting should be applied there to charge the telemarketers an amount which in aggregation would cover the cost of the maintenance of the registry.

***4.16. What measures do you suggest to protect data of NDC registry? Give your suggestions with justification.***

***No comments***

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