

TRAI TCCCP Suggestions

The present system of registering with NCFR is not consumer friendly and many times consumers are not aware of the process of registration. A process needs to be adopted wherein there is opportunity for telemarketers to promote their products and at the same time consumers' privacy can be protected and nuisance of unwanted /unauthorised access to non serious and fraudulent telemarketers can be avoided.

There should be provision that no subscriber should get default promotional SMS/ voice call from any telemarketing agency until unless he/she subscribes for the same. In order to make this happen it should be essential that telemarketers should have an easy access of data of subscribers who want such promotional messages. The current system of data access to telemarketers is not smooth and it takes huge amount of time to down load data of a particular subscriber base of a LSA. Further data is also not updated properly resulting flow of SMS to subscribers who have registered themselves in NCPR.

All telemarketing SMS/Calls should route via special server where all registered subscribers data are populated.

<p>Q.1</p>	<p>What are your views on the proposal of blocking the delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures as proposed in the above para?</p>	<p>a. What will be status of promotional SMS being sent by operators intimating to their consumers for tariffs and other related items.</p> <p>b. Will it be covered under telemarketing or upgrading awareness of consumers about the product of the operators?</p> <p>c. There are short term, one time or very limited requirement by an agency be it Govt or Private who require to transmit awareness SMSs to the public in general. These agencies may not be registered with TRAI under Telemarketing agencies. How SMS gate ways recognize such agencies and allow SMSs or calls as per need?</p> <p>d. Will there be a regulatory requirement to get clearance from Govt/ a recognised body before transmission of such messages?</p>
<p>Q.2</p>	<p>What should be the limit on the number of SMS per hour to be</p>	<p>a. Any limit being fixed shall be taken care of by wrongful</p>

	specified in this regard? Please give your views along with reasons thereof.	<p>agencies by means of multiple attempts or from several numbers. Rather it should be punitive action both in terms of financial fine and punishment to individual and agency responsible for the act.</p> <p>b. The process of identifying culprit with clear authority at ground level to punish such culprits need to be spelt out clearly with a definite time frame for action.</p>
Q.3	Please give your comments on the proposal to mandate the telecom service providers to obtain an undertaking/agreement from registered telemarketers and other transactional entities that in case they want to outsource promotional activities to a third party, they will engage only a registered telemarketer for such promotional activities. What are the other options available to control such activities? Please give your views along with reasons thereof.	<p>a. Normally such clause should be added in agreement with TSP & Telemarketing Agencies.</p> <p>b. However, stringent measures are also to be taken against individual numbers being used for telemarketing. Under such circumstances both individual and agency for which telemarketing is being done should ne questioned and punished.</p> <p>c. Further since most of the operators do not have prior information about content being transmitted, it is not clear what kind of measures are proposed to be taken about subscription about type of content?</p>
Q.3.1	Disconnection of telephone number of the entity for whom the promotional communications are being sent	<p>d. Disconnection and punishment in terms of imprisonment and fine are needed to make it effective. Otherwise the sender will keep on changing numbers on disconnection.</p>
Q.4	Q.4 Please give your comments along with reasons thereof on the proposal to disconnect telecom resources after ten violations, of entities for whom the promotion is being carried out? Also indicate whether ten violations proposed is acceptable or needs a change. Justify the same.	<p>Kindly see comments at pt no 3 above.</p>
Q.5	What additional framework may be	<p>a. No measure is indicated</p>

	<p>adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above?</p>	<p>about messages being transmitted through internet and also voice calls being generated through internet. Many unauthorised agencies are taking help of recorded voice calling and/or SMS generated through internet</p> <p>b. IPC section should be used against defaulter where in case should be booked under IPC act. The provision for booking case should lie either on TSP or TRAI nominated office in field. Field authorities are to be equipped with more powers to deal such cases.</p> <p>c. A website on UCC should also have details of defaulters so that all TSPs are benefited to avoid such individuals or agencies</p>
<p>Q.6</p>	<p>What are your views on the time frame for implementation of the facility for lodging UCC related complaints on the website of service providers? Please give your comments with justification.</p>	<p>a. A common website is to be developed for UCC by TRAI where in access shall be given to different TSPs and telemarketing agencies. There should be tracking system of various complaints being lodged and actions being performed thereof.</p> <p>b. A quarterly review is to be done at each filed offices of TRAI for the complaints and their resolutions.</p>
<p>Q.7</p>	<p>Do you propose any other framework for registering UCC complaint for easy and effective lodging of complaints?</p>	<p>a. Kindly see comments at Q.6</p> <p>b. Further each field office of TRAI should carry out consumer awareness programmes in different parts of LSAs to make consumers aware about the pro and cons of various services and provisions. The frequencies of such programmes can be decided mutually by field offices and consumers awareness groups including TSPs and Telemarketing agencies. There should be minimum four such programme in a calendar year.</p>

