

Consultation Paper on Review of the Telecom Commercial Communications Customer Preference Regulations, 2018 by Consumer Upobhokta sanrakshan Kalyan Samiti Kanpur CAG member.

Q.1 Stakeholders are requested to submit their comments in respect of definitions of messages and calls and their categorizations, as suggested in the paragraphs 2.14 to 2.19 along with necessary justifications.

Ans Sender/Principal Entities (Pes)- an individual, business or legal entity that sends commercial communication eg SBI. Registered Telemarketers (RTMs)- The entities that facilitate Senders to connect with Access Providers and execute functionalities as provided under the Regulations are called Registered Telemarketers (RTMs).

Q.2 Whether explicit Consent be made mandatory for receiving Promotional Communications by Auto Dialer or Robo Calls? What can be other possible measures to curb the use of Auto Dialer or Robo Calls without the consent of the recipients? Stakeholders are requested to submit their suggestions quoting best practices being followed across the world.

Ans-Any Sender of commercial communication who is not registered for sending the commercial communications with the Access Provider is called Unregistered Telemarketer (UTM). In case of UTMs, Access Providers are required to act against specific UTMs by giving warnings, putting them under Usage Cap or disconnecting in case of repeated violations. Usage Cap means a limit put on a telephone number for making a maximum of twenty outgoing voice calls per day and a maximum of twenty outgoing messages per day.

Q.3 As most of the pre-recorded calls have pre-defined content, stakeholders are requested to comment on the process to be followed to scrub such content before the delivery to consumers. The comments should be supported with suitable justifications and practices being followed in other parts of the world.

Q.4 Stakeholders are required to submit their comments in respect of Headers identifiers categories as suggested in paragraphs 2.31 of Chapter-II or any other type of identifiers which may facilitate consumers to identify senders distinctly. Suggestions if any, should be suitably brought out with necessary justifications.

Ans-During implementation of the regulatory frameworks, certain issues have been observed. This Consultation Paper aims to bring forward issues observed during implementation, and which need immediate attention. The provisions of regulations

related to these issues may need amendment. The broad category of issues discussed in the Consultation Paper includes the following-

- Definitions of Commercial Communications.
- Provisions related to the Complaint Redressal.
- UCC Detect System and action thereof.
- Provisions related to Financial Disincentives.
- Provisions related to Senders and Telemarketers.
- Differential Tariff for voice calls and SMS.

Q.5 Whether current provisions in the regulations for redressal of consumers' complaints in a time-bound manner are sufficient? If not, what provisions should be made for improving the effectiveness of the complaint handling processes including identifying and fixing the responsibilities of the violators?

Ans- The commercial communications received by a customer without its preference or consent are termed as Unsolicited Commercial Communications (UCC). The customer can make a complaint against UCC with its Access Provider. Various modes of registration of the complaint such as sending SMS to short code 1909, calling on 1909 and mobile App has been prescribed in the Regulation. Access Providers are required to make the Customer Complaint Registration Facility (CCRF) available on 24 hours x 7 days basis throughout the year.