

Sub.: Comments on 'Consultation Paper on Review of Telecom Unsolicited Commercial Communications Regulations'

With reference to the above Consultation paper published by the TRAI, we provide our response below for the Authority's consideration.

We are of the view that that most companies and countries continue to operate under an 'opt-out' regime for telemarketing. Given the concerns raised by the Authority regarding mitigating the risk of customers who have registered for Do Not Call, not receiving telemarketing calls we provide some suggestions below.

Keeping the above in mind, the following additional processes may be looked at, as "self regulation" measures, to facilitate compliance with the NDNC framework already in place:

1. Telemarketing companies should be registered at the time of entering into the agreement. To ensure the said compliance, in all contractual agreements with such companies, the same shall be specified. Similarly in all Corporate Agent/ Brokers engaged in Telemarketing companies should be required to comply with the same and provide confirmation accordingly.
2. The authority/TRAI may enhance the penalty for the breach from the Telemarketing companies for non compliance to NDNC guidelines. We believe that this would help increase the penalties substantially from the current levels as per the Authorities regulations.
3. The Insurance Company's should not be made vicariously liable for any violation of the NDNC Registry by the Telemarketers.
4. Further irrespective of the above provision the option shall always be made available to the authority/TRAI to cancel the Telemarketing license in case the breach of NDNC exceeds a particular percentage of this total tele calls made during the particular month/quarter/year.
5. Efforts for creating awareness of this compliance requirement should be increased at all levels to ensure that all persons within the company are aware of the regulatory requirement and implications of non compliance thereto.

Further we request the Authority to evaluate taking the following steps:

1. Evaluate further steps to increase the levels of awareness by educating the general public with regard to registering on NDNC. The current registration base can be increased by conducting awareness campaigns, running education series through various modes of media, such as newspapers, magazines, television, etc. Even telephone bills, customer service centers/ outlets and websites of service providers could indicate NDNC numbers for

the purpose of registration, especially highlighting the easy to use SMS based registration. In fact, statements pertaining to this may be mandated across all telecom customer communication in a minimum font size of 12 in a visible colour, placed prominently in the document to attract attention.

2. NDNC Registry could be tailored to suit customer needs on the basis of various categories. As such, if customer were to register in to the registry for not receiving calls pertaining to a particular category, e.g. home appliances, healthcare, financial services, etc, then his details would be scrubbed accordingly only.
3. The authority is also requested to view the difficulty faced by the individual to get itself registered in “Do Call Registry” as the same is highly unlikely that an individual takes the paid or effort to register for getting commercial calls. The same is practically impossible for individuals in rural areas, where the availability of the facility of internet is remote.
4. In order to decrease in the complaints the authority may look at limiting the timings when the call can be made and further limit the calls to a specified number in any given period/days (e.g.: within a span of 7 days)in order to avoid continuous disturbance to the individual, if any.

#### Request in summary

In view of the above, we request the Authority to continue with the existing regime of “National Do Not Call Registry”.

Further, the matter has been discussed at the industry level and we believe companies are fully seized of the importance of adherence to compliance with TRAI regulations and are always available for extending necessary support to the Authority in it's initiatives to enforce compliance with the TRAI regulations.