

**Tata Teleservices Limited and Tata Teleservices (Maharashtra) Limited's response to TRAI
Consultation Paper No. 15/2006 dated 20th November, 2006 on UNSOLICITED
COMMERCIAL COMMUNICATION**

Consultation Paper Chapter 4. Consultation Questions

Q.1. Do you agree with the definition of UCC as mentioned in ¶.19? If not, please give your definition and explain it.

We agree with the definition of UCC as mentioned in this consultation paper with following suggestions! modifications:

- To delete the word 'ideas' - as it is very vague and can cause confusion on various interpretations. Else to be clearly defined by TRAI
- Explicit consent of the subscriber should be there.
- The definition should EXCLUDE service messages and calls from the Service Provider to its own subscribers such as for bill payment reminders, retention calls, service activation/ termination notifications, etc, etc.

TTSL believes that if a customer, who has not registered with the DNC Registry, receives any Telemarketing call, then it should not be treated as UCC.

Q.2. How have the measures thus far (by the RBI or other agencies, banks, and service providers) been effective in reducing the number of unsolicited messages and calls?

Based on the inputs given in Consultation Paper, we believe that the measures taken so far are highly effective and successful.

Q.3. Which of the suggested proposals will be appropriate for India? Please suggest alternate proposals, if any.

TTSL suggests that telemarketer-oriented approach will be appropriate for Indian Telecom scenario with a centralized DNC Registry whereby any person who does not want to receive any unsolicited commercial communication should register himself on such Registry. As an International Practice these DNC Registers are often set up by the Government, with telemarketers paying to access the register and scrub their calling lists to keep them up-to date and avoid calling listed subscribers.

Q.4. Should TRAI considers a centralized DNC register or go for a distributed approach in which each service provider has their own DNC register where subscribers can list? Should the development of a centralized DNC register be left to market forces?

As suggested in our reply to Q3, a centralized National registry would be a good option. All subscribers who do not want to receive any unsolicited commercial communications should register themselves at this National registry. All telemarketers should pay to access the register and update their data bank for telemarketing accordingly.

Q.5. In case the te/emarketer-oriented approach is followed, what action should be taken against a telemarketer either by service provider or the Government that makes an unsolicited commercial communication to subscriber listed on any ONC register?

It should be obligatory/compulsory for Telemarketing callers to verify the listing of the called party in the DNC registry before initiating a telemarketing call. And violation, whatsoever, in affect to this, should be liable for penalty in the form of fine or cancellation of the License of the OSP/ criminal proceedings.

Also for companies who continue to call the subscriber after the subscriber has requested to be placed on " Do Not Call" list, there should be a heavy fine or penalty against such violators who willfully and knowingly violated the Do-Not-Call requirements.

Q.6. If any of the service-provider oriented approaches are followed, what should be the action taken-against -service providers {originator/terminator} that allow unsolicited commercial communications to reach subscribers on any ONC register?

Since we believe that Service Provider oriented approach will not be feasible, this question is not relevant.

Q.7. With reference to the problem posed in 1[3.12, what additional measures are needed to be implemented?

The Competent Authority need to define certain Directives/Legislations/Policies to address the violation of the DNC rules by individuals /organizations who are not registered as OSPs.

Also, Organizations /individuals making such calls for commercial activities and financial gains should be covered under such Regulation and the NGOs/Institutions working for a social cause such as health, education, child welfare, working for the betterment of the society should be exempted from such Regulations.

Q.8. Should a subscriber who receives UCC calls in spite of being listed on a ONC register be compensated? If yes, how should this be done for the solution you recommend? What should be the level of compensation?

TTSL, at this stage, does not recommend any compensation for the subscriber, however, the Telemarketer should be heavily penalized. This approach may be reviewed say, after 1 year of implementation of such a Regulation on UCC.
