

**Telecom Regulatory Authority of India**

**MN Division**

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**TRAI MOVES TO CURB UNSOLICITED COMMERCIAL CALLS**

Telecom Regulatory Authority of India (the Authority) has today released its approved final Regulation, for putting in place a mechanism for reducing the unwanted telemarketing calls. However the Authority would declare it effective only after some of the specific provisions not strictly in the domain of TRAI would get clearance from the Ministry of Communication and IT and Reserve Bank of India. Terming these unwanted calls as Unsolicited Commercial Communication (UCC), the Authority has proposed setting up of a National Do Not Call (NDNC) Registry, which will be a national database containing telephone numbers of the subscribers, who have opted not to receive UCC.

In its Regulation the Authority has mandated the telecom service providers to set up a mechanism to receive request from the subscribers who do not want to receive UCC. The service providers will maintain a Private Do Not Call List, which will include telephone numbers and other details of all such subscribers. The telephone numbers and the area code from this Private Do Not Call List will be updated online by the operators to a National Do Not Call Registry (NDNC) and thus the NDNC will have the telephone numbers of all the subscribers from all over India who have opted not to receive any UCC. **Telemarketers who have been categorized as Other Service Providers (OSPs) will have to register in the NDNC Registry. The telemarketers would submit online the calling list to the NDNC registry where the list will be scrubbed by excluding the numbers listed in the registry and the scrubbed list will be online transferred back to the telemarketer for making calls.**

The Authority has approached DoT to authorize the National Informatics Centre (NIC), Dept. of Information Technology, Govt. of India for taking up the work of designing, installation, operation and maintenance of the National DNC Registry. The expenditure for setting up and maintenance of the NDNC Registry will be borne by the Authority.

In the guidelines on Other Service Providers issued by DoT, the telemarketers have been categorized as Other Service Providers (OSPs). DoT has also made it mandatory for the Telecom Service Providers to check valid registration certificate issued from DoT to the OSPs before providing them any kind of telecom connectivity.

**In its Regulation, the Authority has mandated the Telemarketers/ Other Service Providers to register themselves with the Department of Telecommunications, Ministry of Communication and Information Technology, Government of India within three**

months of commencement of these Regulations; otherwise, their telecom services may face disconnection. Existing OSPs who have already registered with DOT may not require fresh registration.

**As majority of the telemarketers are being employed by the Banking Sector, the Authority has also approached the Reserve Bank of India (RBI) and Indian Banks' Association (IBA) to ensure that no telemarketers are engaged by the Banking Sector without valid registration certificate issued from DoT and also all the telemarketers presently engaged by the banks should register themselves with DoT as OSPs within three months; otherwise, their telecom services may face disconnection.** In order to identify the telemarketers, the Authority has also requested both RBI and IBA to prepare a list of telemarketers presently engaged by different Banks along with the telephone numbers being used by them for making telemarketing calls and submit the same to the Authority within a month.

In its communication to DoT, the Authority has also sought for modification in license conditions of the Telecom Service Providers and in the guidelines for OSPs so as to bring them under the ambit of the new Regulations. **To tackle the issue of violation of the Regulation, the Authority, appreciating the processing time before imposing penalty, has provided for a special tariff on per call basis, which will be higher than the normal tariff.** It is likely to be Rs.500 – 1000 per call. On receipt of a complaint from a subscriber who has received commercial call, though his number is registered in the NDNC Registry, the Telecom Service Provider of the guilty telemarketer (subscriber) will be empowered to charge the higher tariff from the telemarketer who has made the call. The Authority through a separate Telecom Tariff Order will notify the amount that will be charged through this higher tariff. If a Telemarketer violates the Regulation for third time, the Telecom Service Providers will be empowered to disconnect his telephones connections.

**The Authority feels that for effectively and successfully tackling the issue through this Regulation, cooperation from all the stakeholders including DoT, RBI, IBA, Telecom Service Providers, Telemarketers and the subscribers is required. This Regulation can only become effective after the DOT recognizes NIC as the agency to set up and maintain the NDNC and also implement the proposed modifications in the license conditions of the Telecom Service Providers and in the guidelines for OSPs.**

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