

November 26, 2007

All Non-Banking Financial Companies

Dear Sir,

Unsolicited Commercial Communications - National Do Not Call Registry

It is an emerging practice in India to engage agents/outsource business operations for the purpose of soliciting or promoting any commercial transactions using telecommunication mode. There is a need to protect the right to privacy of the members of public and to curb the complaints relating to unsolicited commercial communications being received by customers/non-customers, as part of best business practices.

2. Telecom Regulatory Authority of India (TRAI) has framed the Telecom Unsolicited Commercial Communications (UCC) Regulations for curbing UCC. The regulation envisages that all the telecom service providers would set up a mechanism to receive requests from subscribers who do not want to receive UCC and for this purpose will maintain and operate a Private Do Not Call List. The Private Do Not Call List will include telephone numbers and other details of all such subscribers. The telephone numbers and area code from this Private Do Not Call List will be updated online by the operators to a National Do Not Call Registry (NDNC) which will be maintained by National Informatics Centre (NIC) and thus the NDNC will have the telephone numbers of all the subscribers all over India who have opted not to receive any UCC. Telemarketers 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 modified/scrubbed by excluding the numbers listed in the registry and the modified/scrubbed list will be online transferred back to the telemarketers for making calls.

3. Further, the Department of Telecommunications (DoT) has issued relevant guidelines for telemarketers alongwith the registration procedure on June 6, 2007 (copy enclosed). These guidelines have made it mandatory for telemarketers to register themselves with DoT or any other agency authorized by DoT and also specified that the telemarketers shall comply with the Guidelines and Orders/Directions issued by DoT and Orders/Directions/Regulations issued by Telecom Regulatory Authority of India (TRAI) on Unsolicited Commercial Communications(UCC). The detailed procedure in this regard is also available on TRAI's website (www.trai.gov.in). TRAI have also clarified that banks/their Call Centres, while registering themselves as Telemarketers, will be required to give the details of the telephone numbers used for telemarketing. The instructions would be equally applicable to NBFCs

4. Keeping in view the fact that the guidelines for 'telemarketers' issued by Department of Telecommunication (DoT), Government of India, defines a 'telemarketer' as any person/legal entity engaged in the activity of telemarketing (transmission of any message, through telecommunication service, for the purpose of soliciting or promoting any commercial transaction in relation to goods, investments or services), it is evident that in addition to NBFCs, their agents, who make solicitation calls, are also required to be registered as Telemarketers with DoT.

5. NBFCs are therefore; advised

(i) not to engage Telemarketers (DSAs/DMA's) who do not have any valid registration certificate from DoT, Govt of India, as telemarketers; (ii) to furnish the list of Telemarketers (DSAs/DMA's) engaged by them along with the registered telephone numbers being used by them for making telemarketing calls to TRAI; and

(iii) to ensure that all agents presently engaged by them register themselves with DoT as telemarketers .

Yours faithfully

(P Krishnamurthy)
Chief General Manager In-Charge

Withdrawn

PRESS NOTE

6th June, 2007

REGISTRATION OF TELEMARKETER

It has been constant endeavour of the Government to usher in policy decisions that could facilitate better telecommunications facilities to the people as per National Telecom Policy 1999.

In line with the above policy, Govt. have today announced the guidelines for registration of Telemarketers which will enable curbing of unsolicited commercial calls in the country by putting in place a mechanism for reducing the unsolicited commercial communication. The salient points of the guidelines are as follows:

1. Access Service providers shall accept the application from a Telemarketer in the prescribed proforma alongwith registration processing fee of Rs. 1000/- per telemarketing centre.
2. The applications shall be acknowledged on receipt. The acknowledgement shall be treated as provisional registration valid for providing service by Telemarketer (unless instructed otherwise by the service provider/ DoT / TRAI). This provisional registration shall be valid for a period of three months.
3. Subsequently a registration shall be issued by DoT to the Telemarketer which shall be valid for 10 years.
4. Any person providing telemarketing service, without any registration now, should also register themselves in a manner prescribed for Telemarketer latest by 31st August 2007.
5. After 31st August, 2007, the service providers shall not provide/discontinue to provide telecom resources to the persons providing Telemarketing services without registration.
6. National Informatics Centre (NIC) has been authorized to set up a National Do Not Call (NDNC) registry. The Telephone users who do not want unsolicited commercial calls can register with NDNC registry.
7. The Telemarketers shall scrupulously follow the orders / directions / regulations issued by DoT / TRAI on the unsolicited commercial communication including scrubbing of the list of the subscribers to be called for telemarketing purpose through the National Do Not Call (NDNC) registry of National Informatics Centre (NIC).
8. Detailed guidelines for registration of 'Telemarketer' are available on the DoT's website www.dot.gov.in also.

Guidelines for Telemarketer

Any person or legal entity engaging in the activity of telemarketing is required to register itself and comply with the following guidelines:-

1. Definitions (In this part, unless the context otherwise requires) :-

(i) 'Telemarketing' - Transmission of any message through telecommunication services for the purpose of soliciting or promoting any commercial transaction in relation to goods, investment or services.

(ii) 'Telemarketer' - Person/ legal entity engaged in the activity of telemarketing.

(iii) 'Telemarketing Centre' - The telemarketing facility at a location in India used by the Telemarketer for providing the telemarketing services.

(iv) 'Telecom Resource' - Telecom facilities provided by licensed telecom service provider.

(v) 'Remote Location' – A point of presence from where Telemarketer collects and carries the non voice traffic relating to telemarketing activities.

2. General:

(i) Telemarketer shall apply for registration to the Department of Telecommunications (DOT) or any other agency authorized by DoT.

(ii) Telemarketer can have multiple registrations.

(iii) Each Telemarketing Centre shall be registered separately location-wise.

(iv) Processing fee of Rs. 1000/- payable per Telemarketing Centre

(v) The validity of the registration shall be 10 years and renewable.

(vi) Telemarketer shall inform DoT of any change in the information furnished within 15 days.

3. Technical Conditions for Operation of Telemarketer Centre

(i) The Telemarketer shall obtain the Telecom Resources from a Licensed Telecom Service Providers only.

(ii) Telemarketer is permitted to have both way (incoming/outgoing) PSTN connectivity for Telemarketing activities.

(iii) Telemarketer may have connectivity through leased lines/Internet/VPN for non voice applications to a remote location { clients /National Do Not Call registry (NDNC)}

(iv) The Telemarketer shall not misuse the Telecom Resources for any other activity and shall be responsible for the same.

(v) Telemarketer shall ensure complete separation between PSTN lines used for the purpose and any other Telecom resource being used in the same premises.

(vi) Interconnection between Telemarketing Centres is not permitted.

4. Compliance to Directions/Orders:

The Telemarketer shall comply with:

(i) Guidelines for Telemarketer

(ii) Orders/Directions issued by DoT

(iii) Orders/Directions/Regulations issued by TRAI on Unsolicited Commercial Communication (UCC)

5. Restrictions on 'Transfer of Registration'

The Telemarketer shall not, without the prior written consent of DoT, either directly or indirectly, assign or transfer this Registration in any manner whatsoever to a third party or enter into any agreement for sub-leasing and/or partnership relating to any subject matter of the Registration to any third party either in whole or in part i.e. no sub-leasing/partnership/third party interest shall be created.

6. Requirement to furnish information:

The Telemarketer shall furnish to DoT, on demand in the manner and as per the time frames such documents, accounts, estimates, returns, reports or other information in accordance with the rules/orders as may be prescribed from time to time.

7. Security Conditions:

(i) The Telemarketer shall make available on demand to the person authorized by DOT, full access to their equipments for technical scrutiny and for inspection, which can be visual inspection or an operational inspection.

(ii) The Telemarketer will ensure that their equipment installations should not become a safety hazard and is not in contravention of any statute, rule or regulation and public policy.

(iii) The Telemarketer shall be required to provide the call data records of all the specified calls handled by the system at specified periodicity, as and when required by the security agencies.

(iv) Wherever considered appropriate, DoT may conduct any inquiry either suo-moto or on complaint to determine whether there has been any breach in compliance of the guidelines for Registration by the Telemarketer and upon such inquiry the Telemarketer shall extend all reasonable facilities without any hindrance.

8. Prohibition of certain Activities by the Telemarketer.

(i) The Telemarketer shall not engage on the strength of this Registration in the provision of any Service other than telemarketing and/ or requiring separate Licence / permission.

(ii) The Telemarketer shall take necessary measures to prevent objectionable, obscene, unauthorized or any other content, messages or communications infringing copyright, intellectual property etc., in any form, consistent with the established laws of the country. Once specific instances of such infringement are reported to the Telemarketer by the enforcement agencies, the Telemarketer shall ensure that the carriage of such material is prevented immediately.

(iii) Telemarketer will not infringe on the jurisdiction of Licensed Telecom Service Providers and they shall neither provide switched telephony nor use telecom resources as Public Call Office (PCO).

9. Suspension, Surrender or Termination of Registration

(i) The Department of Telecommunications, Ministry of Communications & Information Technology reserves the right to suspend the operation of this Registration at any time, if, in the opinion of DoT, it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the TELEGRAPH. If situation so warrant, it shall not be necessary for DoT to issue a notice for seeking comments of the Telemarketer for this purpose and the decision of DoT shall be final and binding.

(ii) Telemarketer may surrender the Registration, by giving 30 days notice to DoT.

(iii) Registration may be terminated for any failure to comply with the guidelines for Registration of Telemarketer.

PROCEDURE FOR REGISTRATION OF TELEMARKETER

1. Applicant shall approach the access service provider for getting the provisional registration for Telemarketing along with the application form (TM-1).
2. Acknowledgement for the application shall be issued by the service provider which shall be treated as provisional registration for the Telemarketer for a period of three months. The provisional registration will authorize the Telemarketer to do Telemarketing activities during this period unless otherwise directed/instructed by the DOT/service provider.
3. Subsequently, a registration to the Telemarketer, valid for ten years, shall be issued by DOT.
4. Telemarketer shall make arrangements to get the calling list scrubbed by National Do Not Call (NDNC) Registry of NIC as per procedure laid down for the purpose.
5. Telemarketer shall be responsible for arranging resources for data connectivity to NDNC/Clients remote locations.

Withdrawn