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October 9, 2024

To,  
**Sh. Jaipal Singh Tomar, Advisor (QoS-II)**  
**Telecom Regulatory Authority of India,**  
Tower F, World trade Center,  
Nauroji Nagar,  
New Delhi 110029

**Sub: Response to TRAI Consultation Paper on "Review of TCCCPR, 2018"**

**Ref: TRAI Consultation Paper dated August 28, 2024.**

Dear Sir,

In reference to the captioned consultation paper, we are pleased to enclose our response for your perusal.

We hope that our submissions will merit your kind consideration.

Thanking You  
Yours Sincerely  
**For Bharti Airtel Limited**

A handwritten signature in black ink, appearing to read 'Rahul Vatts', with a horizontal line underneath.

**Rahul Vatts**  
**Chief Regulatory Officer**  
**Encl: As mentioned above.**

**Copy to:**

- 1. Chairman, TRAI**
- 2. Secretary, TRAI**
- 3. Principal Advisor(QoS), TRAI**

**Preamble:**

At the outset, Airtel would like to start by thanking the Authority for issuing this timely and critical consultation paper (CP) entitled on 'Review of the Telecom Commercial Communications Customer Preference Regulations, 2018' on the rapidly escalating menace of spam.

The Unsolicited Commercial Communication (**UCC**), commonly known as spam, has become a menace for telecom users across the globe, including India. The Telecom Service Providers (**TSPs**) and Regulators have both made substantial investments in terms of time, money and efforts to try and mitigate what is fast becoming menace of epic proportions. The TRAI, too, has prescribed increasingly stricter measures in collaboration with the TSPs to try to get matters under control. Indeed, the TSPs have been at the forefront when it comes to implementing measures to comply with the TCCCP Regulation 2018. They have undertaken a number of proactive initiatives to tackle UCC, including:

1. **Adopted blockchain technology:** Complying with TRAI regulations, TSPs have implemented blockchain-based (distributed ledger technology or DLT) systems to maintain transparency and traceability when it comes to commercial communications. This ensures that only those with customer consent can send promotional messages or make calls, thereby creating a secure and verified environment.
2. **Strengthened consumer consent systems:** TSPs have made it easier for customers to register their preferences and consent for receiving commercial communications. Through SMS, apps, and websites, customers can choose to opt for or out of marketing messages, providing granular control over what types of messages they want to receive.
3. **Monitoring and enforcement:** TSPs have created specialised systems to monitor UCC traffic. By identifying calling patterns of fraudulent or unregistered Telemarketers (**UTMs**), TSPs can take swift action to block unauthorised messages and penalise offending entities. TSPs have also collaborated with the relevant authorities to ensure that fraudulent telemarketers (TMs) are swiftly blocked from the network.
4. **Set-up complaint redressal mechanisms:** TSPs have set up robust mechanisms for addressing customer complaints related to UCC. TRAI's regulation allows customers to register complaints directly via SMS or online portals, prompting action from TSPs.
5. **Education and awareness:** TSPs have also focused on creating awareness among consumers about their rights regarding UCC and how they can control what they receive. Campaigns on social media, SMS, and email have been launched to educate users on how to register their preferences, report violations, and protect themselves from fraudulent communications.

There is growing concerns surrounding the rapid rise in fraud and spam affecting subscribers all across. Airtel is fully committed to combat this menace and has, in addition to the above initiatives, taken several leading initiatives in this regard proactively. Recently, Airtel reached out to fellow operators to propose a collaborative effort to share information about corporate connections, enabling telcos to collectively monitor and prevent misuse while ensuring legitimate enterprise services remain unaffected.

Additionally, Airtel has also taken its initiative to combat spam through the launch of '**India's first AI-powered network solution for SPAM detection**'. Airtel's engineering, network & data science teams have invested over 10,000+ man-hours, along with more than a year of development and rigorous testing, to develop this robust solution that reinforces our commitment to fostering a secure and trustworthy communication experience for all the subscribers.

However, the problem of UCC is complex, dynamic, and addressing it requires recognising the fact that the responsibility for dealing with it lies with multiple stakeholders in the ecosystem—not just the TSPs. The TSPs, although crucial players in carrying communication, are often seen as the primary or even the sole entity to be penalised when it comes to controlling spam. Although crucial when it comes to the job of carrying communication, they are not the sole entity involved and blaming just them will not solve anything. The root cause of spam has to be addressed and, this originates from Principal Entities or PEs (businesses, organizations) and TMs, and particularly UTMs.

Therefore, a fair and effective regulatory framework must encompass all players involved in generating spam, ensuring that consequence management is proportionate, and applicable to those actual responsible rather than placing the burden solely on TSPs, the easiest target.

**(A) To control UCC/SPAM, regulating all participants in the ecosystem is essential:**

The generation and transmission of UCC involve multiple entities working in tandem. These entities are:

1. **Principal entities (PEs):** Businesses, service providers, and organisations that need to engage in commercial communication with consumers, such as banks, digital services companies, e-commerce companies, and marketing firms are the **originators** of most spam communications **including the content**. Some of the ways in which they contribute to spam include:
  - Principal entities often engage in **aggressive marketing campaigns**, sending multiple UCC messages or calls to users without obtaining proper consent.
  - In many cases, **businesses outsource their promotional activities** to TMs. While a widespread practice, it often leads to a lack of accountability as **PEs shift responsibility to third parties**.
  - PEs at times **fail to implement strong consent mechanisms**. Consumers may not be given clear options to opt-out of receiving marketing messages, leading to continued UCC even after users express their unwillingness to receive such communication.
  
2. **Telemarketers:** these consist of agents or third-party firms hired by PEs to send out commercial messages or make promotional calls to consumers. They function as **intermediaries between PEs and consumers**. They often contribute to the generation of spam through:
  - **Some TMs use unregistered 10-digit numbers** to evade regulatory scrutiny. This allows them to send UCC through Person-to-Person (P2P) communication channels, bypassing the safeguards meant to control spam.
  
  - Some TMs fail to comply with the **Distributed Ledger Technology (DLT) protocols and systems** despite implementation of TRAI's **DLT framework** which aims to authenticate and verify commercial communications. This exacerbates unauthorised and unregistered spam.

While TSPs deal with TMs directly, the latter remain unaccountable. It is Airtel's recommendation that there is a need to bring TMs under a regulatory framework. In case that is not possible, then direct connectivity between TSPs and PEs should be mandated.

3. **TSPs:** The network operators that *carry messages and calls* through their infrastructure, ensuring connectivity between sender (PE/TM) and recipient, play their (TSP's) role as a channel provider in the ecosystem. TSPs are responsible for ensuring compliance with TRAI's DLT system that mandates that all commercial communications must be registered and verified before being sent to consumers. While TSPs have invested heavily in implementing these measures, they are often held accountable for violations that occur upstream i.e. within the domains of TMs or PEs.

### **(B) Shared responsibility: A fair and effective approach to combat spam**

Despite the substantial efforts of TSPs, spam remains a challenge, and it is the TSPs who are almost always held to account, including when it comes to the penalties for spam. But in Airtel's view, this myopic stand **overlooks the shared responsibility** in the ecosystem as explained earlier. In other words, penalising only the TSPs for spam, is not the correct approach.

TSPs alone should not be responsible because (i) **TSPs are merely carriers** and not creators or generators of UCC/content whether promotional or unsolicited. It is the PEs and TMs that are originators, (ii) the **responsibility for controlling the content** and ensuring it complies with consent requirements and regulatory standards is that of the PEs and TMs, and (iii) **TSPs have already made significant investments in UCC detection technologies**, such as DLT system, working with TRAI to ensure compliance with the law.

By placing the penalties only on TSPs, the regulatory framework is creating a situation where **PEs and TMs are able to completely avoid all responsibility** for spam generation. This has shifted the burden of compliance and enforcement onto TSPs, who are already playing a pivotal role in implementing regulatory frameworks like DLT to keep the pipeline clean.

Additionally, **any independent efforts to address spam may not be in the best interests of customers, as they may impact the availability and continuity of services** - Therefore, a coordinated approach is not only the most efficient but also absolutely essential for maintaining seamless services for business customers while effectively addressing UCC.

**In line with recent discussions/directives from the TRAI and the DoT, Airtel's focus remains on finding effective solutions to curb UCC. Airtel strongly believes that tackling this issue should be a joint endeavor among all telecom operators and other stakeholders rather than an isolated effort. While the Telecom operators must take collective responsibility in preventing UCC by ensuring that their networks are not exploited by spammers, especially through corporate connections that may be unintentionally facilitating such activities, other stakeholders are equally responsible and should walk the talk in this fight against UCC.**

Therefore, to effectively tackle the problem of UCC, it is essential to adopt a shared responsibility model, where all stakeholders in the ecosystem—Principal Entities, telemarketers, and TSPs—are held accountable for their roles in generating spam. Here is how this can be achieved:

1. PEs should face penalties if they engage in spam-generating practices, such as sending bulk unsolicited messages without obtaining consent or using TMs that do not comply with regulatory guidelines.
2. TMs should be directly penalised for sending UCC from **unregistered numbers** or failing to comply with **consent requirements**. This would prevent them from abusing P2P communication channels to send unauthorised bulk messages. TMs must also be incentivised to follow **DLT protocols**, ensuring that all commercial communications are properly authenticated before they are sent to consumers.
3. While TSPs should continue to play a role in **enforcing compliance** by blocking unregistered numbers and monitoring suspicious patterns of communication, they should not be the only entities penalised when violations occur. Their role as a channel/connectivity resource provider does not make them the root cause of UCC. Penalties should be proportionate to the involvement of each party in generating and transmitting spam.

By holding PEs and TMs equally accountable and ensuring that penalties are imposed on those who generate and initiate spam, a more effective and outcome-oriented regulatory framework can be developed. This will not only reduce the volume of unsolicited communication but also protect consumers and create a fairer telecom environment.

**(C) The SPAM problem on OTT communications channels must also be addressed**

In the ever-evolving digital communications landscape, the communications OTT platforms have become integral to the way people interact, share information, and conduct business. While these platforms offer users convenient and often free communication services, they have also become fertile ground for the generation of spam. However, unlike TSPs, which are subject to strict regulations imposed by the licensor and the Regulator, OTT platforms currently do not operate under any regulatory framework in respect of SPAM.

**It is also highlighted that increasingly SPAMs/ phishing attempts through OTT channels (OTT communications apps) is also contributing substantially in aiding financial cybercrimes. Therefore, it is imperative that OTT platforms are brought under the UCC (anti-SPAM) framework.**

The disparity in regulatory frameworks means that OTT platforms do not face the same scrutiny or accountability for spam generation as TSPs. Hence, there is also a need to highlight the problem of spam generated by OTT messaging apps, the absence of regulatory oversight, and the need for uniform accountability to protect consumers across all communication channels. The serious challenges related to unsolicited communication and spam over OTT include activities such as:

- **Promotional Messages:** Businesses and TMs use OTT platforms to send unsolicited promotional messages to users, often without their consent.
- **Phishing Scams:** Spam on OTT platforms is also used to deliver phishing links and fraudulent messages, posing risks to users' privacy and financial security.
- **Unsolicited Group Invitations:** Users often find themselves added to large groups or channels without their permission, where spam content and unsolicited advertisements are shared.

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- Broadcast Messages: Some businesses and individuals misuse broadcast lists on platforms like WhatsApp to send unsolicited bulk messages to a large number of users, circumventing the user consent norms that typically apply to telecommunication networks.

This lack of (uniform) regulation has led to **differential treatment** for controlling spam between OTT platforms and TSPs, as can be seen from the table that follows:

<b>Aspect</b>	<b>OTT Platforms</b>	<b>Obligations on TSPs</b>
<b>Regulatory Authority</b>	Unregulated	TRAI's TCCCP Regulation, 2018.
<b>Legal Framework</b>	Subject to general IT laws.	Telecom Act, TRAI Act, TCCPR impose specific obligations on spam
<b>Consent Requirement for Commercial Communication</b>	No uniformity. Users often receive unsolicited messages without explicit consent.	Strictly controlled under TCCCP Regulation 2018
<b>Spam Detection and Monitoring</b>	No external oversight; relies on internal mechanisms e.g., user reporting/blocking).	Mandatory DLT framework for tracking and monitoring commercial communications.
<b>Opt-Out Mechanism</b>	Users may block or report spammers, but no centralised regulatory system for managing opt-out requests.	Centralised Do Not Disturb (DND) registry where users can block all or specific categories of commercial messages.
<b>Penalties for Spam</b>	No penalties for businesses or users sending spam; OTT platforms may suspend accounts at their discretion.	Strict penalties imposed by TRAI on for unsolicited messages or violating DLT guidelines.
<b>Oversight on TMs</b>	No clear oversight. TMs may use OTT platforms freely with minimal consequences.	TMs must register with TSPs for resources and follow TRAI guidelines on commercial communication. Violations lead to penalties.
<b>Accountability of PEs (Businesses)</b>	Minimal accountability; no requirement to register campaigns or communications on OTT.	Must register with the DLT system and can be penalized for violating commercial communication norms.
<b>Reporting Spam/Unsolicited Messages</b>	Users can report messages, but action is often limited to blocking accounts; no regulatory follow-up.	Users can report spam to TRAI or through TSP apps, leading to direct regulatory action and penalties against violators.
<b>Data Privacy and Spam Control</b>	Platforms prioritise user privacy (e.g., encryption), which can conflict with effective spam control.	TSPs focus on controlling spam through message patterns and sender identification without accessing content.
<b>Spam from Unregistered Numbers</b>	Easily bypassed; telemarketers can use multiple numbers for bulk messaging without restriction.	Strict control over bulk messages; unregistered 10-digit numbers sending spam face regulatory action and penalties.
<b>Complaint Mechanism &amp; action</b>	No such defined legal/regulatory framework	Usage cap, blacklisting, disconnection of resources

This disparity between how spam is regulated in traditional telecom networks and OTT platforms raises important questions about **fairness, consumer protection, and regulatory consistency**. To address the issue of spam effectively, there needs to be a **level playing field** where all communication platforms, whether TSPs or OTTs, are held to the same standards and regulatory oversight.

TRAI could introduce specific guidelines for consent on OTT platforms, ensuring that businesses and TMs cannot send unsolicited messages and calls without obtaining prior approval from users.

The OTT platforms should work with regulatory bodies to ensure that PEs (businesses or advertisers using the platform for commercial purposes) are held accountable for sending spam. This would involve mandatory registration of businesses with the OTT platform, similar to how businesses must register with TSPs to send commercial SMSs.

A clear deterrent penalty framework should be introduced for businesses that engage in unsolicited communication on OTT platforms, just as it is applicable in case of sending spam via traditional telecom channels. Regulatory authorities should mandate that OTT platforms **report spam statistics** to ensure there is proper oversight and that enforcement actions are being taken against spammers. Eventually, the OTTs should be brought under the regulatory licensing regime to ensure a level playing field.

**In the instant CP and draft amendment to the TCCCPR Regulation, the TRAI has put forward various proposals. With regard to these, Airtel submits the following:**

**I. Proposal of reworking the definition of categories**

The industry has agreed the categories and their definitions over the last decade of the regulation. Specifically, the definition of transactional messages that is now commonly defined and understood (even at the 1.2 billion customers level) to be about one-time passwords (OTPs) of *critical financial transactions*. This is extremely sensitive information and hence should not be merged or clubbed with any other category. Similarly, other categories of service, promotional and new proposed for government communications should also be kept separate. These separate categories will help define proper scrubbing logics to make entire DLT ecosystem work more effectively and avoid chances of misuse by TMs by sending promotional content under transactional category or others.

**II. Accelerate adoption of TSPs' Digital Consent Acquisition (DCA) facility for commercial communications**

Whether for auto dialers, or robocalls, or for any other mechanism, every commercial communication should pass through the DCA platform developed by TSPs over the years. Presently the adoption of DCA platform remains limited at the end of PEs, which needs to be accelerated. This will mitigate the risks of commercial / promotional communication becoming intrusive, violating privacy, committing fraud and/or phishing and thereby reduce consumer complaints. The strategic implementation of DCA and the use of the 140 and 160 series will greatly help in ensuring that all communications are consensual and the customer can control and are satisfied with what they receive.

**III. Complaint redressal and financial disincentives (FDs)**

At the outset it is our humble view that the levy of financial disincentive is actually in nature of penalty, and the TRAI's exercise of levying such penalty, under a subordinate legislation, is arbitrary since TRAI does not have adjudicatory powers under the TRAI Act.

As far as the present provision is concerned, kindly note that the current and proposed complaint redressal framework does not reflect certain practical challenges and complexities in managing matters effectively. For example, the timelines for TSPs to resolve complaints under the proposed amendment appear arbitrary and quite short. This puts a higher degree of onus on the TSPs, especially on the Terminating Access Provider (TAP) who in turn has high dependency on the Originating Access Provider (OAP).

The issue is that the existing process does not consider the multiple steps involved i.e. CDR check at the OAP and TAP end, header and template check, appropriate action against the sender, communication of UCC to the sender – of which all need a sufficiently reasonable length of time to complete the process to be effective (e.g. the CDR extraction and validation alone takes at least 24 hours given that the different TSPs have different and multiple legacy systems). Therefore, timeframes need to be realistic to reflect the nature of the complaint and the logistics required for its resolution, and the amendment needs to acknowledge and incorporate these dynamics. If not, the process will hinge on impractical timelines and put unrequired pressure on TSPs.

As explained earlier, assuming that the TSPs are solely responsible for UCC and the resultant FDs – is both flawed, and incorrect, which is why the process in place to remedy them themselves need to be revised.

This present approach has not yielded a positive outcome over the years. In this regard, if the intent really is to make the whole TCCCPR/ UCC dealing framework effective, the TMs and PEs should be brought under the FD framework forthwith. The Authority should clearly articulate and specify the respective responsibilities along-with defined timelines for PEs and TMs.

The TRAI should also work closely with DoCA to implement the latter's recent draft notification that proposes actions on the entities involved in sending UCC/SCAM/SPAM to the consumers. The Telecom industry also endorses the DoCA proposal and recommends that it be expedited as soon as possible. Airtel also believes that the Ministry of IT (MeitY) should also be roped-in to deal with issue.

**IV. Differential tariffs as a deterrent (tool) to combat UCC / misuse of connections to enterprises**

This approach touched upon by TRAI in the CP, requires nuanced handling in order to avoid any inadvertent impact on the wider Telecom market. The TRAI has enshrined the principle of forbearance in its regulatory framework, which has enabled TSPs to continuously meet the growing demands of consumers for telco services, pursue new innovations, and brought new technologies & services into play. These, in turn, have contributed to facilitating overall socio-economic growth.



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However, it is also a fact that the challenge of intrusiveness in the case of voice spam calls is a big issue for TSPs. While the government, regulators, and TSPs are actively working to combat UCC, the misuse of connections by some corporations undermines these initiatives.

Therefore, given increasing instances of spam and fraud, while TRAI can consider certain suitable measures like shifting costs to initiation attempts rather than termination, the TSPs should be allowed to maintain their autonomy in designing tariffs while upholding the policy of forbearance.

The above approach will incentivise such corporations to migrate towards the legitimate telemarketing route i.e. 140 series-based calling via DLT registration, and, coupled with DCA, it will help a lot of these concerns to be resolved. It is crucial to emphasise that addressing this issue cannot fall solely on the shoulders of individual TSPs. It requires the unified effort of the industry.

Achieving these changes will necessitate a collaborative effort from all TSPs. If companies wish to engage in telemarketing, they must operate within the framework of the TCCCP Regulation.

Through the collaborative efforts of TRAI, TSPs, and other stakeholders, India can move closer to a spam-free communication ecosystem that safeguards consumers while allowing legitimate businesses to operate efficiently.

**In Summary:**

- ✓ *There is a need to bring the Telemarketers (TMs) under a regulatory framework. In case that is not possible, then direct connectivity between TSPs and PEs should be mandated.*
- ✓ *The industry-agreed definition of transactional messages strictly relates to OTPs of critical financial transactions. Given the sensitivity of such messages, this category should not be merged or clubbed with any other category.*
- ✓ *The arbitrage currently prevalent in charges (2p vs. 7p) should be abolished and all categories should be given a uniform 7p or a higher rate. This approach will ensure that the transactional route is not misused or abused.*
- ✓ *Calls/messages for promotional purposes using auto-diallers, robocalls or other communications should be through TSPs' Digital Consent Acquisition (DCA) platforms.*
- ✓ *Distinct header identifiers should be introduced for the four categories of messages viz. Promotional, Service, Transactional and Government.*
- ✓ *To make the complaint handling process more effective, TRAI should put obligations on PEs and TMs, as well as specify their respective responsibilities and timelines.*
- ✓ *TRAI should work with the Department of Consumer Affairs (DoCA) to implement the latter's recent draft notification that proposes actions on the entities involved in sending UCC/SCAM/SPAM to the consumers. The Telecom industry also endorses the DoCA proposal and recommends that it should be put into effect forthwith. Further, the Ministry of IT (MeitY) should also be roped in for this purpose.*

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- ✓ *The mechanisms and facilities extended by TSPs for handling UCC complaints are sufficient, appropriate and wide in terms of choice of modes of accessibility, and hence consumer friendly. Airtel strongly recommends that existing complaint mechanism should be maintained without any changes.*
- ✓ *The solution or a mix of solutions to fight spam should be allowed to be developed and deployed in a technology neutral manner by industry under the broad guidelines of TRAI, rather than mandating any particular approach (e.g. use of honeypots - numbers of honeypots or quality of parameters).*
- ✓ *Clear accountability for TMs and PEs who actually control content and headers should be established and they should be brought under the TCCCPR framework.*
- ✓ *While it is our view that levy of FD is actually in nature of penalty, and TRAI's exercise of levying such penalty, under a subordinate legislation, is arbitrary since TRAI does not have adjudicatory powers under the TRAI Act, the TMs and PEs should also be brought under financial disincentives (FDs) framework for proportionate compliance mechanisms.*
- ✓ *While TRAI should continue with the policy of forbearance, which has benefitted the industry and consumers; however, given the increasing instances of spam and fraud, the TRAI can consider certain suitable measures like shifting costs to initiation attempts rather than termination.*

With the above view, Airtel's question-wise response follows.

**Q1. 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.**

**Airtel Response:**

**Airtel does not agree with the proposed new definitions.**

The industry-agreed definition of transactional messages/calls refers to OTPs of critical financial transactions. These being extremely sensitive, they should be kept separated and secure. The industry definition of transactional messages should also be approved by TRAI in this amendment regulation.

Hence, we propose the below definition of Transactional messages should be incorporated in the extant Regulation:

***Transactional Messages: Messages excluding promotional/service messages, sent by a sender to its customers solely for the purpose of facilitating a specific action or event related to a financial transaction. These messages include, but are limited to One-time Passwords (OTPs) or authentication codes necessary for validation or completion of a financial transaction.***

***Transactional Calls: Calls excluding promotional/service calls, sent by a sender to its customers solely for the purpose of facilitating a specific action or event related to a financial transaction. These calls include, but are limited to One-time Passwords (OTPs) or authentication codes necessary for validation or completion of a financial transaction.***

Keeping categories separate will help define proper delineation between each category for purpose of scrubbing logics, whereas in case of merging transactional and service messages will force heavy changes in the entire DLT ecosystem as messages would have to be scrubbed based on content for the new transactional category. In such a scenario, there would be increased chances of misuse by TMs by sending promotional content under transactional category.

**We strongly recommend that communications related to financial institutions (FIs) like Banks (including NBFCs, Payment Banks etc.) should only be done through direct connectivity with the TSP.** No TM should be allowed as intermediary between a Bank/FI acting as PE for communication purpose. This will not only help reduce spam, but also mitigate risks of financial frauds by UTMs/ OTT/TM channels. We urge the TRAI and DoT to work with RBI to facilitate direct connectivity between banks and TSPs.

We further submit that the arbitrage that is prevalent currently due to charges difference between different categories (e.g. transactional and promotional) should be removed and all categories should be given a uniform 7p or a higher rate. It is our submission that threshold rate should be much higher than this level to act as a positive deterrent. This is the only approach that will ensure that the transactional route is not misused or abused.

**Q2. 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**

**Airtel Response:**

Airtel submits that TSPs have already deployed the Digital Consent Acquisition (DCA) platforms for promotional purposes (calls/messages). The same should be used for auto-diallers and robocalls and there is **no need** for prescribing any separate or additional explicit consent mechanism. Use of TSPs' DCA platform will mitigate the risks of commercial / promotional communication becoming intrusive, violating privacy or facilitating fraud and phishing and thereby reduce consumer complaints.

To elevate the customer experience and effectively tackle UCC, Airtel proposes that the DCA adoption is expedited for a more customer-centric approach. This will significantly address the menace of unsolicited communications by giving more control to the customer. It is highlighted that although the DCA framework exists, its adoption by Principal Entities (PE) has been a challenge. Customers will still have the flexibility to manage their preferences through websites and apps.

The strategic implementation of Digital Consent Acquisition and the 140 and 160 number series will not only ensure that all communications are consensual but will also categorize calls in a way that enhance customer control and satisfaction. This comprehensive approach is set to revolutionise the way businesses engage with their customers, fostering a more transparent and respectful communication environment.

By using the above mechanism, Airtel believes that India will be able to fight the menace of spam/UCC that may be generated through SMS, calls including robocalls / auto-diallers, more effectively.

**Q3. 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.**

**Airtel Response:**

Within the TCCCPR 2018 framework, TSPs adhere to stringent scrubbing processes that effectively filter communications to consumers who are registered on the DND list or have opted out of specific communications. This process utilises DLT, ensuring that only communications that align with pre-approved content templates and headers are permitted.

Therefore, the 2018 regulations have established a robust framework for managing unwanted communications, guaranteeing that only authorised and pre-registered content reaches consumers. It is crucial to build upon this effective system rather than introducing new processes that could lead to operational inefficiencies.

Accordingly, Airtel submits that scrubbing the content on real time basis is not practical in case of voice calls and should not be mandated. Thus, we submit that there is no need to scrub for the content in the voice calls. Airtel recommends that no such complicated, costly and challenging regulatory requirements should be imposed on TSPs.

**Q4. 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.**

**Airtel Response:**

Airtel agrees that header identifiers should be introduced by the TSPs for the following categories:

- Promotional
- Service
- Transactional
- Government

Categorising the headers would help subscribers identify messages as per their distinct purposes and needs, and not conflate one with the other. For example, **transactional messages are currently strictly known for purpose of 'financial transaction OTPs' which have a higher degree of sensitivity for a customer** (i.e. a telecom subscriber). This category should therefore be distinct from every other category. Such an approach would further help in reducing spam as targeted actions to be taken.

However, Airtel would also like to reiterate at this point its submission with respect to charging that the present arbitrage of (2p vs. 7p) should be removed and made uniform 7p or applied at a higher charge across the board. This is the only approach that will ensure that no identifier route is misused or abused.

**Q5. 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?**

**Airtel Response:**

The extant regulatory provisions under Regulation 25 of TCCCPR 2018 clearly defines the responsibilities of Access Providers in managing customer complaints and enforcing measures against senders. The TAP maintains a record of complaints and immediately alerts the OAP to review and report complaints received within a defined period. The OAP obligation is ensuring compliance by taking enforcement actions on all non-compliance. In repeated grievances, the OAP can impose access limits; give warnings or other effective measures against repeated violations.

Regulation 25, even though it is supposed to facilitate the resolving of consumer complaints by granting greater flexibility to Access Providers, is unable to do so successfully because it fails to clarify the roles and liabilities of PEs and TMs which is an urgent need. Being the contributors of commercially oriented communications, whether through advertisements or transactional, these entities should be the first to be held accountable in cases of UCC and violations of TCCCPR to make redressals easier, efficient and enforceable.

Hence, in order to make the complaint handling process effective, penalties and obligations shall be put on PEs and TMs. Although the authority did bring in stringent measures against TSPs, these measures should be extended to all the stakeholders including the TMs and PEs for purpose of resolution of consumers complaints and also specifying their respective responsibilities within defined timelines.

In any case, the TRAI should also work with DoCA to implement the latter's recent draft notification that proposes actions on the entities involved in sending UCC/SCAM/SPAM to the consumers. The Telecom industry also endorses the DoCA proposal and recommends that it should be expedited.

TRAI should also fix the responsibility of the registrar TSP whose header and template has been misused due to registration under the wrong category. Presently the financial disincentive is applied on the OAP irrespective of who registered the template incorrectly.

The timelines within which TSPs are expected to resolve complaints under the proposed amendment appear quite arbitrary and of very brief duration and do not represent the complexity of complaints satisfactorily as it greater degree of pressure on the TSPs (even within that, on the TAP who has dependency on the OAP). This does not take seem to take into consideration the myriad and various steps involved i.e. CDR check at OAP and TAP end, header and template check, appropriate action against the sender, communication of UCC to the sender – which all need a reasonable amount of time to be effectively completed (e.g., the CDR extraction and validation alone takes at least 24 hours as different TSPs have different and multiple legacy systems). **Therefore, timeframes need to be realistic** to reflect the nature of the complaint at hand and the logistics required for its resolution.

**Q6. Whether facilities extended by the Service providers through Apps, Website and Call Centres for handling UCC complaints are accessible and consumer-friendly? Is there a need to add more facilities in the current systems? What measures should be taken by the service providers to make their Apps, Website and Call Centres easily accessible to the Consumers for registering UCC Complaints and tracking the same for a time-bound disposal of complaints? Please provide your answer with full details on the facilities needed.**

**AND**

**Q7. What additional modes of complaints registration, preference registration and consents registration through a very easy and quick process can be implemented?**

**Airtel Response:**

Yes, Airtel believes that the mechanisms and facilities extended by the TSPs for handling UCC complaints are sufficient, appropriate and, various in terms of choice of modes of accessibility and, hence, consumer friendly.

The TSPs have made significant strides in creating accessible and user-friendly platforms for handling complaints related to UCC. Through their **apps, websites, and call centres**, TSPs provide multiple channels through which consumers can register complaints, track progress, and ensure resolution in a time-bound manner.

In-fact, the TSPs are continuing to work on the recent TRAI Directions on enhancing user friendliness of registration of UCC where a lot of work is already in progress inter alia granting permissions to access call logs and other necessary details such as sender name, date of UCC SMS text, etc. while registering the UCC complaint through a mobile app.

Moreover, TRAI's own DND app is a powerful tool designed to empower consumers to manage and control the types of communications they receive. This app enables users to register their phone numbers on the DND list, effectively blocking unwanted commercial calls and messages. Furthermore, it allows users to report violations, such as unsolicited calls or messages directly from their smartphones, ensuring a seamless user experience.

Hence, Airtel strongly recommends maintaining the existing complaint mechanism and not making any changes. Airtel believes that the current framework, coupled with its ongoing awareness programmes, is essential for supporting its effectiveness and ensuring that consumers can confidently navigate their communication preferences.

**Q8. Stakeholders are required to submit their comments on the following-**

- a. **Measures required for pro-active detection of spam messages and calls through honeypots and norms for the deployment of Honeypots in a LSA, and rules or logics required for effective use of AI-based UCC detection systems including training of AI models for identification, detection and prevention of spam**
- b. **Proactive actions needed to stop further communications of messages or calls identified as spam through UCC detect systems and actions on the senders**

**Airtel Response:**

TSPs have played a pivotal role in reducing UCC and spam by implementing the *UCC Detect* mechanism. This mechanism leverages advanced technology to identify and monitor messages from UTMs based on the sophisticated algorithms required to identify signatures, keywords, callback numbers etc. to ensure that there is a significant reduction in spam across networks. TSPs like Airtel are already taking proactive measures to fight spam.

There is growing concerns surrounding the rapid rise in fraud and spam affecting subscribers all across. Airtel is fully committed to combat this menace and has taken several leading initiatives in this regard proactively. Recently, Airtel reached out to fellow operators to propose a collaborative effort to share information about corporate connections, enabling telcos to collectively monitor and prevent misuse while ensuring legitimate enterprise services remain unaffected.

**Airtel would further like to highlight the pioneering solution it has launched recently<sup>1</sup> to curb the country's spam menace. Under the solution, Airtel has launched India's first network-based, AI-powered spam detection solution that will significantly solve the issue of spam calls and messages for its customers.**

A first-of-its-kind solution by a telecom service provider in the country, the tool will alert customers in real-time to all suspected spam calls and SMSes. The solution is free of cost and will get auto-activated for all Airtel customers without them having to raise a service request or download an app.

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<sup>1</sup> [https://telecom.economictimes.indiatimes.com/news/industry/bharti-airtel-launches-network-driven-ai-powered-solution-to-tackle-spam-call-sms-menace/113656011?utm\\_source=top\\_story&utm\\_medium=homepage](https://telecom.economictimes.indiatimes.com/news/industry/bharti-airtel-launches-network-driven-ai-powered-solution-to-tackle-spam-call-sms-menace/113656011?utm_source=top_story&utm_medium=homepage)

Designed as a dual-layer protection, the solution has two filters – one at the network layer and the second at the IT systems layer. Every call and SMS passes through this dual-layered AI shield.

This solution processes 1.5 billion messages and 2.5 billion calls in 2 milliseconds every day. This is equivalent to processing 1 trillion records on a real time basis using the power of AI.

The solution has been able to successfully identify 100 million potential spam calls and 3 million spam SMSes originating every day. For Airtel, keeping its customers secure is a burning priority.

As regards **Honeypots**, these are well-known cybersecurity mechanisms designed to detect, trap, and analyse malicious activities by creating decoy targets for attackers. In the context of UCC, their application can be one of the many technological options that can be looked at and reviewed for purpose of identifying and combating UCC. However, it is also highlighted that despite their potential, implementing honeypots in telecom networks may likely pose several significant challenges including scalability, resource allocation, false positives, cost, privacy concerns, and data analysis complexities. Overcoming these barriers requires a careful balance of technology, cost-efficiency, and regulatory compliance.

**Accordingly, Airtel believes that the right solution or a mix of solutions should be allowed to be developed and deployed by industry players with broad guidelines under TRAI, rather than mandating any particular method or approach** (e.g., the focus should not be on the number of honeypots, rather it should be on the quality of parameters) only.

Fighting the SPAM / UCC has to be a collaborative effort and no solution or mechanism should be ruled out. However, how to apply these solutions, and, when to apply them should be left to the discretion of the TSPs.

**Q9. Stakeholders are required to submit their comments in respect of**

- a. **Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of RTMs**
- b. **Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of UTMs**
- c. **Financial disincentive against wrong approval of Headers and Message Templates proposed in Section F of Chapter II on the Access Providers.**
- d. **Measures needed to assign the responsibilities of telemarketers (both RTMs and UTMs) and Principal Entities (Senders), involved in sending UCC and disincentivize them financially including legal actions as per law.**

**Airtel Response:**

TRAI is a regulator constituted under the TRAI Act with its functions prescribed under, inter alia, Section 11 of the Act. That has recommendatory functions under Section 11(1)(a) and it discharges various additional functions u/s 11(1)(b). The imposition of financial disincentive / penalty is not a function devolved upon the TRAI under Section 11. TRAI is creature of the statute and must act within the four corners of the TRAI Act.



At the outset it is our humble view that the levy of financial disincentive is actually in nature of penalty, and the TRAI's exercise of levying such penalty, under a subordinate legislation, is arbitrary since TRAI does not have adjudicatory powers under the TRAI Act.

Without prejudice to the above, considering the present situation wherein TRAI implemented the provision of financial disincentives in the present Regulation, it is submitted that the financial disincentives as applied today on the TSPs, in Airtel's view, have failed to address the core issue at hand, mainly because the TSPs are not the spam generating parties.

In fact, the operators have made significant strides and investments (like investments in DLT) in reducing UCC complaints to minimal levels and hence should not be unfairly penalised for the actions of a few subscribers or entities (TMs/PEs) who continue to evade the regulatory framework.

It is equally crucial to establish clear accountability for telemarketers and PEs (Senders) who actually have control over the content and headers. Accordingly, the framework of financial disincentives and legal measures needs to be reoriented towards these entities - and be applied thoughtfully to promote and create robust compliance mechanisms in a proportionate manner. This balanced approach will not only enhance accountability but also effectively mitigate the UCC challenge as it places the onus of accountability on the entities responsible for spam generation.

As regards options a. and b. i.e. FDs on RTMs & UTMs, the TRAI should work extensively with DoCA to implement the latter's recent draft notification that proposes actions on the entities involved in sending UCC/SCAM/SPAM to the consumers. The Telecom industry also endorses the DoCA proposal and recommends that it be put into effect forthwith.

**Q10. Whether there is a need to review five paisa exemptions accorded to transactional messages and bring them at par with other commercial messages? If yes, please give your answer with necessary justifications? If no, what additional measures are required to discourage senders, telemarketers or service providers from using transactional message templates for sending promotional messages?**

**Airtel Response:**

Yes, Airtel believes there is a need to review the five paisa exemption. The existing exemption has created a disparity between transactional and commercial messages, which can lead to inconsistencies in pricing structures. Aligning the pricing for transactional messages with that of commercial messages would help ensure a more uniform and equitable approach. Additionally, revision of prices to 7p or more would ensure that the transactional route is not misused or abused. This adjustment would address the current imbalance and promote greater fairness in the overall messaging pricing framework. Airtel proposes the following:

1. Option 1 - bring and increase the prices for transactional messages at par with service and promotional SMS. OR
2. Option 2 – Since the present rates are *de facto* tariffs in the market for terminating on a network, TSPs should be given the flexibility to apply the rate, i.e., provide forbearance. A low regulated charge instead incentivises and encourages spam on TSP networks. This is important since OTTs are free to price their authentication messages while TSPs continue to be regulated. Flip side can be lowering of price further by competition.

**Q11. Stakeholders are requested to offer their comments on the following issues:**

- a. Whether there is a need to strengthen the provisions of Common Code of Practice templates with Standard Operating Processes further to enable Access Providers to take actions including imposing financial disincentives and actions as per law, against entities registered and not following the regulations? If so, what could be additional provisions and essential processes which should be made part of CoPs?**
- b. Whether there should be provision for minimum security deposits from the entities registering with any of the Access Providers, against the misuse or breach of regulations? If so, what should be the provisions in the CoPs for full or partial encashment/replenishment of security deposits against the breach of the regulations? Please provide your answers with suitable justifications.**

**Airtel Response:**

**Yes, Airtel agrees with the suggestion.** To significantly improve the effectiveness of communication templates, TRAI must implement clear processes under the regulations specifically designed to tackle non-compliance by the senders (PEs/TMs). It is essential to establish well-defined responsibilities for senders, holding them directly accountable by mandating their registration with TRAI.

Moreover, this proactive approach will enhance the enforcement of regulations ensuring that all parties are responsible in proportion to their actions and ability (role) to control the menace of UCC.

Additionally, introducing a requirement for keeping minimum security deposits for all entities registering with Access Providers can significantly reduce the risk of regulatory misuse or breaches. The Code of Practice (CoPs) should be further strengthened and clearly outline the conditions under which these deposits can be fully or partially encashed or replenished. Detailed procedures for claiming deposits in the event of breaches, along with guidelines for replenishment, are vital. Strong legal backing will be necessary to enforce these requirements and ensure that security deposits serve their intended purpose effectively.

Therefore, by aligning regulations and deterrents (including FDs) equally for senders and PEs, and by establishing clear responsibilities, a more comprehensive and effective regulatory environment that benefits all stakeholders involved can be cultivated.

**Q12. What effective steps can be taken to control the menace of UCC through tariffs? Please justify your answer.**

**AND**

**Q13. Whether differential tariff for SMS and Voice calls beyond a certain limit should be introduced to disincentivize UCC through UTMs? Please justify.**

**AND**

**Q14. If differential tariff is introduced, what could be the limit beyond which differential tariff could be introduced for:**

- i. Voice Calls
- ii. SMS.

**Please justify with rationale.**

**AND**

**Q15. If differential tariff is introduced, what could be the tariff beyond a limit for:**

- i. Voice calls.
- ii. SMS.

**Please justify with rationale.**

**AND**

**Q16. Whether differential tariff should be introduced in a graded manner? If so, please suggest the methodology with justification.**

**Airtel Response:**

At the outset we submit that TRAI has enshrined the principle of forbearance in its regulatory framework, which has enabled TSPs to continuously meet the growing demands of consumers for telco services, pursue new innovations, and brought new technologies & services into play. These, in turn, have contributed to facilitating overall socio-economic growth.

However, it is also a fact that the challenge of intrusiveness in the case of voice spam calls is a big issue for TSPs. While the government, regulators, and TSPs are actively working to combat UCC, the misuse of connections by some corporations undermines these initiatives.

Therefore, given increasing instances of spam and fraud, while TRAI can consider certain suitable measures like shifting costs to initiation attempts rather than termination, the TSPs should be allowed to maintain their autonomy in designing tariffs while upholding the policy of forbearance.

The above approach will incentivise such corporations to migrate towards the legitimate telemarketing route i.e. 140 series-based calling via DLT registration, and, coupled with DCA, it will help a lot of these concerns to be resolved. It is crucial to emphasise that addressing this issue cannot fall solely on the shoulders of individual TSPs. It requires the unified effort of the industry.

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**Draft Regulations - TCCPR**

Section. No	Draft Regulation	Airtel's Inputs
A. Types of Commercial Communication- Review of Definitions		
I.	Review of Definition	
1.	<p>The regulation 2(bt) and 2(bu) regarding definition of Transactional message and Transactional voice call shall be amended as below-</p> <p>Transactional Message</p> <p>Transactional message means a message sent by a Sender to its customer or subscriber in response to customer initiated transaction or under any existing relationship between the customer and the sender relating to any product or service such as OTP from banks, non-bank-entities like e-commerce, apps login etc, transaction confirmations, balance alerts, travel reminders, rescheduling notification, refund information, to provide product/warranty information, software upgrade alerts, safety or security information for the commercial product or service used or purchased, etc. and such messages are not promotional in nature and does not require explicit consent:</p> <p>Provided that the sender shall give an option to the recipient, in the same message, to opt out or block such messages.</p>	<p>Airtel does not agree with the proposed new definitions.</p> <p>The industry-agreed definition of transactional messages refers to OTPs of critical financial transactions. These being extremely sensitive, they should be kept separated and secure. The industry definition of transactional messages should also be approved by TRAI in this amendment regulation.</p> <p>Hence, we propose the below definition of Transactional messages should be incorporated in the extant Regulation:  <i>Transactional Messages: Messages excluding promotional/service messages, sent by a sender to its customers solely for the purpose of facilitating a specific action or event related to a financial transaction. These messages include, but are limited to One-time Passwords (OTPs) or authentication codes necessary for validation or completion of a financial transaction.</i>  <i>Transactional Calls: Calls excluding promotional/service calls, sent by a sender to its customers solely for the purpose of facilitating a specific action or event related to a financial transaction. These calls include, but are limited to One-time Passwords (OTPs) or authentication codes necessary for validation or completion of a financial transaction.</i></p> <p>In case of merging transactional and service messages will force heavy changes in the entire DLT ecosystem as messages would have to be scrubbed</p>

		based on content for the new transactional category. In such a scenario, there would be increased chances of misuse by TMs by sending promotional content under transactional category.
	<p><b>Transactional Voice Call</b></p> <p>Transactional voice call means a voice call made by a Sender to its customer or subscriber in response to customer initiated transaction or under any existing relationship between the customer and the caller relating to any product or service such as call from banks, non-bank-entities like e-commerce, apps login etc, transaction confirmations, balance alerts, travel reminders, rescheduling notification, refund information, to provide product/warranty information, software upgrade alerts, safety or security information for the commercial product or service used or purchased, etc. and such calls are not promotional in nature and does not require explicit consent:</p> <p>Provided that the caller shall provide a mechanism, through a SMS or any other means, to the recipient to opt-out from receiving such calls.</p>	
2.	<p>The regulation 2(au) and 2(av) regarding the definition of Promotional message and Promotional voice call shall be amended as below-</p> <p><b>Promotional Message</b></p> <p>Promotional message means the commercial communication containing promotional material or advertisement of a product or service;</p>	

	<p>Provided that the Sender shall give the opt-out mechanism to the recipient in the same message.</p> <p>Explanation: These messages shall be delivered to subscribers who have not registered any preference in the preference register or have not blocked the type of commercial message being offered. If the Sender has acquired explicit Digital Consent from the intended recipient, then such Promotional messages with Explicit Consent shall be delivered to the recipients irrespective of their preferences registered in the preference register.</p> <p>Promotional Voice Call</p> <p>Promotional voice call means commercial communication containing promotional material or advertisement of a product or service;</p> <p>Provided that the caller shall give the opt-out mechanism to the recipient after such calls through a SMS or otherwise.</p> <p>Explanation: These calls shall be made to subscribers who have not registered any preference in the preference register or have not blocked the type of commercial voice call being offered. If the Sender has acquired Explicit Digital Consent from the intended recipient, then such Promotional Voice Calls with explicit Consent shall be delivered to the recipients irrespective of their preferences registered in the preference register.</p>	
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3.	<p>The regulation 2(bh) shall be amended to define Government messages or calls as below-</p> <p>Government messages or calls</p> <p>Government messages or calls means-</p> <p>a. Any message or voice calls transmitted on the directions of the Central Government or the State Government or bodies established under the Constitution;</p> <p>b. Any message or voice calls transmitted by or on the direction of the Authority or by an agency expressly authorized for the purpose by the Authority.”</p> <p>Explanation: There shall not be any requirement seeking consent for the receipt of these communications. Also, there shall not be any option in the preference register to block such communications.</p>	<p>a) If government messages are categorized separately, TSPs will have to update and align the entire system, including registration processes and header management, which will involve significant operational costs. As a result, these messages should be priced fairly. However, in critical situations such as emergencies or disaster management, or messages issued by telecom authorities, exemptions from these charges could be considered.</p>
II.	FULLY BLOCK option of preference registration-	
4.	The regulations 2(z) of TCCCPR 2018, the definition of ‘Fully blocked’ category of preference shall be deleted.	
<b>B. Provisions related to Complaint Redressal</b>		
I.	Complaint Mechanism	
5.	<p>The Regulation 25 shall be amended as below-</p> <p>25 Complaint Mechanism: Every Access Provider shall establish systems, functions and processes to resolve</p>	<p>a) There is a growing need to fix clearer responsibilities and accountability on PEs and TMs. The onus should primarily lie on these entities, as they are the originators of commercial communications, whether promotional or transactional.</p>

<p>complaints made by the customers and to take remedial action against Senders as provided hereunder:</p> <p>(1) Terminating Access Provider (TAP) shall record the complaint and report on DL-Complaints in non-repudiable and immutable manner and shall notify, in real time, the details of the complaint to the concerned Originating Access Provider (OAP) except when it is not possible to do so as stipulated in clause (2) of this regulation.</p> <p>(2) In instances where there is non-availability of complete telephone number of the Sender or header in the complaint registered, the TAP shall communicate to the customer about the closure of his complaint with the reason and educate the customer about the correct manner of registering a complaint.</p> <p>(3) Terminating Access Provider shall also verify if the date of receipt of complaint is within three days of receiving commercial communication and in case the complaint is reported by the customer after three days, the TAP shall communicate to the customer about the closure of his complaint along with reasons in accordance with the Codes of Practice for Complaint Handling and change status of the complaint on DL-Complaint as a report instead of a complaint.</p> <p>(4) In case the complaint is related to Registered Telemarketer (RTM) or registered Sender:</p> <p>(a) OAP shall examine communication detail records</p>	<p>b) By making PEs and TMs directly accountable for UCC violations, the process of redressal can become more efficient and enforceable. To strengthen the complaint handling process, specific penalties and obligations must be imposed on PEs and TMs for recurring violations, rather than placing the entire burden of complaint resolution on Access Providers.</p> <p>No change required with sub regulation 1,2 and 3 of Regulation 25.</p> <p>The proposed mandate of 2 hours to check the CDR is too stringent and</p>
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	<p>(CDRs), within a maximum time of two hours to check the occurrence of complained communication between the complainant and the reported telephone number or header from which unsolicited commercial communication was received and in case of occurrence of complained communications, OAP shall intimate the receipt of the complaint to the Sender through an auto-trigger mechanism and advise the Sender to refrain from sending UCC.</p> <p>(b) In case of no occurrence of complained communications under sub-regulation (4)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(c) In case of occurrence of SMS-related complained communications under sub-regulation (4)(a), the OAP shall further examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and</p> <p>i. In case, all regulatory pre-checks were carried out and delivery of commercial communication to the recipient was in confirmation to the provisions in the regulations and Code(s) of Practice, OAP shall communicate to TAP to inform complainant about the closure of complaint along with</p>	<p>impractical as this will require huge development at TSP end on multiple systems to fetch the CDRs within the proposed timeline of 2 hours to ascertain the occurrence of commercial communication. This should be atleast 24 hours. Auto trigger mechanism will require huge change and hence should be dropped.</p> <p>No change required.</p> <p>The timeline should be 2 business days as it involves CDR check and action against sender.</p> <p>No change required.</p>
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	<p>reasons as provided for in the Code(s) of Practice;</p> <p>ii. in case of non-compliance with the regulations, the OAP shall, within two business days from the date of receipt of complaint, take action against the defaulting entity and communicate to TAP to inform the complainant about the action taken against his complaint as provided for in the Regulations and Code(s) of Practice;</p> <p>iii. the OAP shall take appropriate remedial action, as provided for in the Regulations and in the Code of Practice(s), to control Unsolicited Commercial Communications so as to ensure compliance with the Regulations;</p> <p>(d) In case of occurrence of complained communications under clause (4)(a) related to promotional voice calls from the series assigned for transactional calls, OAP shall examine within a maximum time of two hours, whether there are similar complaints or reports against the same Sender; and</p> <p>i. In case it is found that number of complaints and/or reports against the Sender are from ten or more than ten unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate investigation as provided for in the</p>	<p>No change required, however this should be revised to 3 working days instead of proposed 2 working days.</p> <p>No change required.</p> <p>The proposed mandate of 2 hours to check the similar complaints is too stringent and would require significant development to automate the process and retrieval of data to check similar complaints. This should be atleast 12 hours instead of 2 hours.</p> <p>No change required.</p>
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	<p>sub-regulation (6);</p> <p>ii. In case, number of complaints and/or reports against the Sender are from less than ten unique recipients during the calendar month, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(5) In case, the complaint is related to an Unregistered Telemarketer (UTM),</p> <p>(a) The OAP shall examine communication detail records (CDRs), within a maximum time of two hours, to check the occurrence of complained communication between the complainant and the reported telephone number from which unsolicited commercial communication was received. In case of occurrence of complained communications, OAP shall intimate the receipt of complaint to the Sender through an auto-trigger mechanism and advise the Sender to refrain from sending UCC.</p> <p>(b) In case of no occurrence of complained communications under sub-regulation (5)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(c) If the Sender is an individual telecom subscriber-</p>	<p>No change required.</p> <p>The proposed mandate of 2 hours to check the CDR is too stringent and impractical as this will require huge development at TSP end on multiple systems to fetch the CDRs within the proposed timeline of 2 hours to ascertain the occurrence of commercial communication. This should be atleast 24 hours. However, the auto trigger mechanism can be implemented</p> <p>No change required.</p> <p>In addition to this, parameters such as bulk usage; unique subscribers to be</p>
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	<p>In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of two hours, whether there are similar complaints or reports against the same Sender; and</p> <p>i. In case, it is found that number of complaints and/or reports against the Sender are from three or more than three unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate an investigation as provided for in the sub-regulation (6);</p> <p>ii. In case, it is found that the number of complaints against the Sender are from less than three unique recipients during the calendar month, the OAP shall, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(d) If the Sender is an enterprise telecom subscriber- In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of two hours whether there are similar complaints or reports against the same Sender; and</p>	<p>included for any action. As the proposed process may hamper the genuine traffic.</p> <p>No change required</p> <p>No change required</p> <p>No change required</p>
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	<p>i. In case it is found that number of complaints and/or reports against the Sender are from ten or more than ten unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate an investigation as provided for in the sub-regulation (6);</p> <p>ii. In case, it is found that number of complaints and/or reports against the Sender are less than ten unique recipients in the calendar month, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(6) OAP shall issue a notice to the Sender, under sub regulations (4)(d)(i), (5)(c)(i) or (5)(d)(i), to give opportunity to represent the case; shall investigate within five business days from the date of receipt of representation from the Sender and record the reasons of its findings; if the conclusion of the OAP is that the Sender was engaged in sending the unsolicited commercial communications, the OAP shall take action against such Sender as under-</p> <p>(a) For the first instance of violation, outgoing services of all telecom resources of the Sender including PRI/SIP trunks of the Sender shall be barred by OAP till the end of the calendar month subject to a minimum period of 7 days.</p> <p>(b) For the second and subsequent instances of</p>	<p>No change required</p> <p>No change required</p>
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	<p>violations, all telecom resources of the Sender including PRI/SIP trunks shall be disconnected by all the access providers for one year. OAP shall put the Sender under the blacklist category and no new telecom resources shall be provided by any access provider to such Sender during this period. All the devices used for making UCC shall also be blocked across all the Access Providers for a period of one year.</p> <p>Provided that one telephone number may be allowed to be retained by such Sender with the outgoing services barred during this period;</p> <p>Provided that Sender can represent to the OAP against action due to first or subsequent instance of violation; OAP shall decide the representation within a maximum period of seven business days and shall record its findings;</p> <p>Provided that the OAP shall file the details of all the representation decided by it to the Authority for regulatory review as per the format and periodicity defined by the Authority from time to time:</p> <p>Provided further against such decision of the OAP, Sender can file an appeal before the Authority, as per regulation 29.</p>	
II.	Customer Complaint Registration Facility (CCRF)	

6.	<p>Clause 1(a) of the regulation 23 shall be amended as below-</p> <p>“23. Every Access Provider shall establish a Customer Complaint Registration Facility (CCRF) and shall make necessary arrangements to facilitate its customers on 24 hours X 7 days basis throughout the year:</p> <p>(1) to provide ways and means: -</p> <p>(a) to make complaint(s), by its customer against Sender(s) of unsolicited commercial communication in violation of the regulations provided that-</p> <p>(i) to register complaints against RTMs/registered Senders, customer should have registered his preference(s),</p> <p>(ii) To register complaints against UTM/unregistered Senders, there shall not be any pre-requisite of registration of Preferences by the customer.</p>	<p>a) Telecom service providers adhere to TRAI guidelines for handling unsolicited commercial communications (UCC), utilizing mobile apps, websites, and call centres for reporting and managing complaints. These systems ensure prompt acknowledgment, resolution, and continuous evaluation of accessibility and user-friendliness.</p> <p>b) However, the responsibility for ensuring that facilities provided for handling UCC complaints through apps, websites, and call centers are accessible and user-friendly should largely be left to the discretion of the TSPs. It is to be noted that the TSPs possess the technical expertise, customer insights, and operational understanding necessary to determine the best practices suited for their unique customer bases.</p> <p>c) Further, it is to be noted that TSPs operate in diverse environments, each with different consumer profiles, technological infrastructures, and market dynamics. Thus, a one-size-fits-all approach may not be practical. By allowing TSPs the flexibility to adopt best practices that align with their demands, they can choose solutions that maximize accessibility and efficiency for their users.</p>
7.	<p>Clause (2)(f) of regulation 23 shall be amended as below-</p> <p>(f) Sending Email to a designated email id of the Access Provider.</p>	<p>The modes of lodging complaints by the customer should be left to the service providers as there exist a number of channels including mobile app, call center, website etc. By allowing TSPs the flexibility to adopt best practices that align with their demands, they can choose solutions that maximize accessibility and efficiency for their users</p>

8.	<p>Clause (2)(g) shall be inserted after clause (2)(f) in regulation 23 as below-</p> <p>(g) Any other means as may be notified by the Authority from time to time.</p>	<p>There are already multiple modes of filing complaints by the customer and this should be left to the TSPs. Hence, this proposed clause should be removed.</p>
9.	<p>Clause (5) of the regulation 23 shall be amended as below-</p> <p>(5) to provide details about format and procedure to the customer, as given in the appropriate Code(s) of Practice, when a complaint is treated as invalid by the access provider on the grounds of incomplete information or improper format;</p> <p>Provided that-</p> <p>(a) If the complaints against unsolicited commercial communication through voice calls, contains Sender's number, complainant's number and date of UCC, it shall be treated as a valid complaint. However, Access Provider can collect additional information to support investigation. The mandatory fields shall be marked with star (*).</p> <p>(b) In the absence of entire SMS content, a brief description of the SMS content shall be sufficient to treat it as a valid UCC complaint. For the guidance of the complainant regarding how to describe the UCC, a template of UCC description shall be provided at the Access Providers' Mobile</p>	<p>The existing process of registering customer complaint should continue. It must be noted that the customer should share complete details of the UCC for the TSP to address the concern and take action accordingly. While TSPs would take action as per the regulatory provisions, it is pertinent that the customer should also make sure that all necessary and pertinent details are shared with the TSP. In case the same is unavailable TSPs would educate the subscriber for proper inputs to Register complaint.</p> <p>While the extant clause 5 of regulation 23 is sufficient, the suggested provisions under (a) and (b) may be removed</p>



	<p>App and Web portal.</p> <p>(c) Name of business/legal entity on whose behalf unsolicited commercial communication was made and purpose of commercial communications shall be captured; however these shall not be treated as mandatory fields for complaint registration.</p>	
10.	<p>The Schedule-III of the Regulations provides list of action items for Code of Practice for Complaint Handling (CoP-Complaints). Item 2(3) and 2(4) of this schedule shall be amended and Item 2(5) shall be inserted as below-</p> <ul style="list-style-type: none"> <li>Item 2(3)(f), 2(3)(g) and 2(3)(h) shall be inserted as below:</li> </ul> <p>2(3)(f): The mobile App should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main/Home page.</p> <p>2(3)(g): The mobile App should auto capture call logs, SMS details along with its contents after</p>	<p>The mobile application of the TSPs are designed to not only cater to the customer complaints but also serve other purposes including dissemination of information pertaining to the customer account, his tariff plan, other services. While we can explore the possibility of making it more user friendly. TRAI should not micromanage this aspect and leave it to the TSPs.</p> <p>Requirement of screenshot should be removed as there could be technical challenges in reading the content from the screenshots.</p>

	<p>obtaining permission from the subscriber and extract necessary details through it for complaint registration. If the subscriber denies permission, the option to fill relevant details manually should be provided.</p> <p>2(3)(h): The mobile App should have the option of uploading screenshot of call log and SMS content, and extract necessary details through it for complaint registration.</p> <ul style="list-style-type: none"> <li>Item 2(4)(e) and 2(4)(f) shall be inserted as below:</li> </ul> <p>2(4)(e): The web portal should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main/Home page.</p> <p>2(4)(f): The web portal should have the option of uploading screenshot of call log and SMS content, and extract necessary details through it for complaint registration.</p> <ul style="list-style-type: none"> <li>Item 2(5) shall be inserted as below:</li> </ul> <p>2(5) : (5) Complaint registration through email:</p> <p>(a) Procedure for a customer to make a complaint by sending an email to a designated Email Id of the Access Provider.</p>	<p>The web portal of the TSPs are designed to not only cater to the customer complaints but also serve other purposes including dissemination of information pertaining to the customer account, his tariff plan, other services. While we can explore the possibility of making it more user friendly. TRAI should not micromanage this aspect and leave it to the TSPs.</p>
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	<p>(b) Format for making complaints in which a customer may register his complaint pertaining to receipt of unsolicited commercial communication.</p> <p>(c) Details to be provided by the complainant e.g. Unsolicited Commercial Communications with date on which it was received along with content of received message or brief of content of communication.</p>	
III.	Distributed Ledger(s) for Complaints (DL-Complaints)	
11.	<p>Clause (c) of sub regulation 2 of the regulation 24 shall be amended as below-</p> <p>Referred telephone number(s) (RTN), referred entity/brand name and purpose of call if provided in complaint;</p>	No change required.
12.	<p>Sub regulation (4) of regulation 24 shall be amended as below-</p> <p>4) to record three years history of Sender(s) against which complaint is made or reported with details of all complaint(s), with date(s) and time(s), and status of complaints;</p> <p>Provided that for UTM/unregistered Sender, the Sender details such as name of the Sender, category of Sender as a telecom customer (individual/ Enterprise), address, and other relevant details to uniquely identify the Sender</p>	No change required.

	shall be recorded.	
IV.	Record keeping and reporting:	
13.	<p>Sub regulation (4) of regulation 26 shall be amended as below-</p> <p>(4) The Authority may, from time to time, through audit conducted either by its officers or employees or through agency appointed by it, verify and assess the process followed by the Access Provider for registration and resolution of complaints, examination and investigation of the complaints and reporting to the Authority, implementation of UCC_Detect System and action taken thereof, different registration processes such as Sender registration, telemarketer registration, header registration, content template registration and other processes including preference registration process, scrubbing processes, DCA process and other regulatory processes followed by the Access Providers.</p>	No change required.
14.	<p>Sub regulation (5) and (6) of regulation 26 shall be inserted as given below-</p> <p>(5) The Access Providers shall provide real-time access to the Authority to various processes and databases related to complaint handling and other processes as prescribed by the Authority from time to time.</p> <p>(6) The Access Providers shall publish the following on their websites in searchable format-</p> <p>(i) Global list of Headers along with list of</p>	This information is already available on DLT in live environment. Hence, no change required.

	<p>associated Senders.</p> <p>(ii) Global list of 140 series allotment along with the details of associated Telemarketer/Sender.</p> <p>(iii) Global list of 160 series allotment along with the details of associated Sender.</p> <p>(iv) Information about the UCC complaints received and action taken thereon.</p> <p>(v) Other information as prescribed by the Authority from time to time.</p>	
V.	Schedule -V: Action Items for preparing Code of Practice for Periodic Monthly Reporting (CoP-PMR)	
15.	<p>Item 1(m) shall be inserted as below-</p> <p>OAP shall maintain Sender-wise records of complaints in the format prescribed by the Authority from time to time.</p>	No change required.
16.	<p>Item 2(i) shall be amended as below-</p> <p>Total number of Senders out of reported Senders under clause (h) against whom action was taken under regulation 25.</p>	No change required.
17.	<p>Item 2 (j) shall be amended as below-</p> <p>Breakup of total number of Senders out of reported senders under clause (h) against whom action was taken under regulation 25 for different time-periods as</p>	No change required

	specified by the Authority.	
18.	<p>Item 2(m) shall be inserted as below-</p> <p>For all the complaints, OAP shall maintain records of Senders such as name of the Sender, category of Sender (individual/ Enterprise), address and other relevant details to uniquely identify the Sender.</p>	No change required
VI.	Regulation 29 – Examination of telecom resources by the Authority put under outgoing Usage Cap or having been disconnected by Access Provider	To be deleted, as Authority does not have any adjudicatory powers
19.	<p>Regulation 29 shall be amended as below-</p> <p>29. Appeal by Senders against action by Access Providers under the regulations 25 (4)(d), 25(5) and 25(6)-</p> <p>(1) The Authority may, if it considers expedient to do so, on receipt of an appeal from the Sender against whom action has been taken by Access Provider under the regulations 25(4)(d) for making promotional calls from series assigned for transactional calls or 25(5) and 25(6) on account of unregistered telemarketing activities, call for the relevant details from the Sender and Access Providers, and upon examination, for reasons to be recorded,</p> <p>(a) If the Authority finds that conclusion of investigation by the Access Provider lacks adequate evidence against the Sender, it may direct the Access Providers to restore all</p>	As above

	<p>telephone numbers of the Sender and delete the name and address of such Sender from the blacklist.</p> <p>(b) If the Sender makes a request, within sixty days of action against it, to the Authority for restoring its telecom resources and satisfies the Authority that it has taken reasonable steps to prevent the recurrence of such contravention, the Authority may by order ask Access Providers to restore all telephone numbers of the Sender and delete the name and address of such Sender from the blacklist, as the case may be, on payment of an amount of five thousand rupees per resource to the Authority for restoration of all such telecom resources, subject to the condition that the total amount payable by the Sender shall not exceed rupees five lakh.</p> <p>Provided that in the case of PRI/SIP trunks, each DID number shall be treated as a separate telecom resource.</p> <p>Provided further that the amount payable under sub-regulation 29(b) may be reduced or waived-off by the Authority where it finds merit in the response furnished by the Sender.</p>	
C. UCC_Detect System		
20.	In Schedule-IV: Action Items for preparing Code of Practice for Unsolicited Commercial Communications Detection (CoP-UCC_Detect), sub-item 1(d) shall be amended and 1(g), 1(h), 1(i), 1(j), 1(k)	

	<p>and 1(l) shall be inserted as given below-</p> <p>“1. Every Access Provider shall establish, maintain and operate following system, functions and processes to detect Sender(s) who are sending Unsolicited Commercial Communications in bulk and not complying with the regulation(s), and act to curb such activities:- (1) System which have intelligence at least following functionalities:- .....</p> <p>(d) real-time sharing of UCC detect data and insights with other access provider(s) over DLT fostering industry-wide collaboration to enhance collective ability of the industry to detect, curb and prevent UCC.</p> <p>(g) Identifying Sender(s) based on the following signals/triggers parameters:</p> <p>(i) Any sender exceeding 50 outgoing calls a day, or any such number as defined by the authority from time to time shall be observed for any of the following signals/triggers parameters:</p> <p>a. Call recipient diversity (diversity in B-numbers) exceeds a threshold of 60% unique recipients in the day, or any such number as defined by the Authority from time to time. Diversity in B-numbers refers to the distinct call recipients (called party numbers) associated with the outgoing calls of the</p>	<p>UCC Detect systems are already in place, however, suitable change should be made for involving TM-D in process.</p> <p>Identifying of senders basis triggers of calls/SMS should be dropped as neither feasible nor practical to implement and all related provisions and in fact the section should be removed.</p>
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	<p>sender,</p> <ul style="list-style-type: none"> <li>b. The average call duration to distinct call recipients in the day is less than 10 seconds or any such number as defined by the Authority from time to time,</li> <li>c. The ratio of incoming calls to outgoing calls of the sender is less than 0.2 in the day or any such number as defined by the Authority from time to time,</li> <li>d. The number of distinct unanswered calls to recipients of the sender exceeds a threshold of 50% calls a day, or any such number as defined by the Authority from time to time,</li> </ul> <p>(ii) Any sender exceeding 25 outgoing SMS a day, or any such number as defined by the authority from time to time shall be observed for any of the following signals/triggers:</p> <ul style="list-style-type: none"> <li>a. SMS recipient diversity exceeds a threshold of 15 unique recipients a day, or any such number as defined by the authority from time to time. SMS recipient diversity refers to the number of distinct SMS recipient associated with the outgoing SMS of the sender,</li> <li>b. The ratio of incoming SMS compared to outgoing SMS is less than 0.2 or any such number as defined by the Authority from time to time,</li> </ul>	
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	<p>(iii) All mobile numbers (MSISDN) associated with a device on which 4 or more than 4 mobile numbers, or any such number as defined by the authority from time to time have been used within a month.</p> <p>All the sender(s) flagged based on the signal/triggers parameters as mentioned in g(i), g(ii) and g(iii) shall be treated as suspected UTMs.</p> <p>(h) deploying methods to detect the misuse of robotic calls, auto dialer calls or pre-recorded announcements, SIM Farm/SIM box type usage etc. Access Provider shall suspend the outgoing services of such UTMs, issue a notice, and act as per regulation 25(6).</p> <p>(i) Use of advanced Artificial Intelligence (AI) and Machine Learning (ML) based technological solutions for proactive UCC prevention and monitoring.</p> <p>(j) Monitoring social media data for identifying suspected spammers, URLs, Headers, and call-back/referred numbers etc.</p>	<p>No change required.</p> <p>This is already implemented under UCC Detect by all TSPs.</p>
21.	<p>After sub-item (2) of Item 1, following shall be added–</p> <p>(3) System to automatically take feedback from the recipients of voice calls, prescribed as below.</p> <p>The OAP shall establish a system to detect Senders, in real time, making more than 50 calls in a day, or such number of calls as decided by the Authority from time to time and obtain feedback from some of the recipients of</p>	

<p>these calls whether the calls received by them were Unsolicited Commercial Calls. The feedback shall be collected on the same day from at least 5% of the recipients, subject to minimum 10 recipients, chosen randomly, or such sample size as decided by the Authority from time to time. Feedback shall be collected in the form of either 'Y' or 'N' through SMS from 1909 or any other pre-defined short code. Based on the feedback, OAP shall register complaints on behalf of the recipients in the DLT system against the Senders. The feedback can be collected using a predefined message template either in CoP or by the Authority from time to time. A sample template is given below for reference –</p> <p>“Unusually high calls from the &lt;number&gt; has been noticed. You are one of the recipients of calls from this number. Kindly respond by ‘Y’ if it was a promotional call or by ‘N’ if not.”</p> <p>(4) System to automatically take feedback from the recipients of SMS, prescribed as below.</p> <p>The OAP shall establish a system to detect Senders, in real time, sending more than 50 SMS in a day, or such number of SMS as decided by the Authority from time to time and obtain feedback from some of the recipients of these SMS whether the SMS received by them were Unsolicited Commercial SMS. The feedback shall be collected on the same day from at least 5% of the recipients, subject to minimum 10 recipients, chosen randomly, or such sample size as decided by the Authority from time to time. Feedback shall be collected in the form of either 'Y' or 'N' through SMS from 1909 or</p>	<p>Such feedback mechanism may not yield any result as the same is purely subject to the input given by the customer in form of Y or N. We apprehend that there are very high chances of customers ignoring such communication leave aside responding to such a communication.</p>
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<p>any other pre-defined short code. Based on the feedback, OAP shall register complaints on behalf of the recipients in the DLT system against the Senders. The feedback can be collected using a predefined message template either in CoP or by the Authority from time to time. A sample template is given below for reference –</p> <p>“Unusually high SMS from the &lt;number&gt; has been noticed. You are one of the recipients of SMS from this number. Kindly respond by ‘Y’ if it was a promotional SMS or by ‘N’ if not.”</p> <p>(5) Take the following actions on the suspected spammers -</p> <ul style="list-style-type: none"> <li>(a) Bonafide use of the telecom resources assigned to such Sender shall be checked by Access Providers to ensure that it is not being used for making commercial communication. In the meantime, the outgoing services of all the telecom resources of the Sender will be placed under suspension.</li> <li>(b) Reverification of such Senders shall be carried out by Access Providers as per the instruction of the Department of Telecommunications (DoT)/TRAI and taking actions accordingly.</li> </ul> <p>(6) Each Access Provider shall deploy one honeypot in a LSA for every 200 complaints registered in previous calendar year subject to a minimum of 50 honeypots in each LSA or any such numbers as specified by the Authority from time to time, for recording the spam</p>	<p>The requirement of checking the bonafide use of telecom resources is a subjective requirement and will be practically impossible to be conducted for lakhs of consumers. Similarly, doing re-verification of KYC of the subscribers would also not be beneficial but, will result in huge costs and resources for the TSPs.</p>
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	<p>messages and voice calls.</p> <p>(7) The spam message or call received on honeypots shall be treated as definitive proof that the Sender was involved in sending the UCC. TAP shall report such cases to OAP through DLT in real time, and OAP shall suspend the outgoing services of the Sender and shall initiate investigation as provided for in regulation 25(6).</p> <p>(8) Access Providers shall make available a feature for blocking spam messages/calls by the recipient in the Mobile App of the Access Providers and shall convert each such blocking it into a complaint in the DLT system.</p>	
D. Financial Disincentive for failure to curb the unsolicited commercial communication from registered Senders/RTMs.		
22.	<p>The regulation 27 shall be amended as below-</p> <p>27. Consequences for failure to curb the unsolicited commercial communications from registered Senders/RTMs</p> <p>(1) When the Authority has reason to believe that any Access Provider has failed to curb the unsolicited commercial communications from registered Senders/RTMs, the Financial Disincentives shall be imposed on the Access Providers in each LSA for one calendar month as under-</p> <p>(i) If OAP fails to curb UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an</p>	<p>TRAI is a regulator constituted under the TRAI Act with its functions prescribed under, inter alia, Section 11 of the Act. That has recommendatory functions under Section 11(1)(a) and it discharges various additional functions u/s 11(1)(b). The imposition of financial disincentive / penalty is not a function devolved upon the TRAI under Section 11. TRAI is creature of the statute and must act within the four corners of the TRAI Act.</p> <p>At the outset it is our humble view that the levy of financial disincentive is actually in nature of penalty, and the TRAI's exercise of levying such penalty, under a subordinate legislation, is arbitrary since TRAI does not have adjudicatory powers under the TRAI Act.</p> <p>Without prejudice to the above, considering the present situation wherein TRAI implemented the provision of financial disincentives in the present Regulation, it is submitted that the financial disincentives as applied today on the TSPs have failed to address the core issue at hand, mainly because the TSPs are not the spam generating parties.</p>

	<p>amount of Rupees one thousand per count of valid complaint.</p> <p>(ii) If the Access Provider has not fulfilled its obligations as envisaged in the regulations in respect of Header registration function and Content Templates registration function, it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees five thousand per count of registration found not to be in accordance with the regulations.</p> <p>(iii) If the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation regarding misuse of series assigned for service/transactional call, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees one lakh per instance.</p> <p>(iv) If the Access Provider is found to have misreported the count of UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees five lakhs per LSA for each</p>	
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	<p>month.</p> <p>(v) Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity to represent.</p> <p>(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.</p> <p>(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulation (1)(i), (1)(ii), (1)(iii) and 1(iv) or review the financial disincentives imposed where it finds merit in the reasons furnished by the access provider.</p>	
23.	<p>The regulation 28 shall be amended as below-</p> <p>28. Consequences for failure to curb the unsolicited commercial communications from unregistered Senders/UTMs</p> <p>(1) When the Authority has a reason to believe that any Access Provider has failed to take action against unregistered Senders/UTMs as per the provisions of the regulations, the Financial Disincentives shall be imposed on the Access Providers in each LSA for one calendar month as under-</p>	<p>TRAI is a regulator constituted under the TRAI Act with its functions prescribed under, inter alia, Section 11 of the Act. That has recommendatory functions under Section 11(1)(a) and it discharges various additional functions u/s 11(1)(b). The imposition of financial disincentive / penalty is not a function devolved upon the TRAI under Section 11. TRAI is creature of the statute and must act within the four corners of the TRAI Act.</p> <p>At the outset it is our humble view that the levy of financial disincentive is actually in nature of penalty, and the TRAI's exercise of levying such penalty, under a subordinate legislation, is arbitrary since TRAI does not have adjudicatory powers under the TRAI Act.</p> <p>Without prejudice to the above, considering the present situation wherein</p>

	<p>(i) If the Access Provider is found to have failed to take action against the unregistered Sender(s) in accordance with provisions in regulations 25(5) and 25(6), it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive as given below-</p> <p>(a) Rupees ten thousand per instance, if the Sender is an individual category of telecom consumers and</p> <p>(b) Rupees one lakh per instance if the Sender is an enterprise category of telecom consumers;</p> <p>(ii) The Access Provider shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees ten thousand per count of complaint that is declared invalid on unjustifiable grounds.</p> <p>(iii) If the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees one lakh per instance.</p>	<p>TRAI implemented the provision of financial disincentives in the present Regulation, it is submitted that the financial disincentives as applied today on the TSPs have failed to address the core issue at hand, mainly because the TSPs are not the spam generating parties.</p>
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	<p>(iv) If the Access Provider is found to have misrepresented the count of UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees five lakhs per LSA for each month.</p> <p>(v) Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity of representing.</p> <p>(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.</p> <p>(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulations (1)(i), (1)(ii), (1)(iii) and 1(iv) or review the financial disincentives imposed where it finds merit in the reasons furnished by the Access Provider.</p> <p>(4) The total amount payable as financial disincentives under regulation 27 and regulation 28 shall not exceed rupees fifty lakhs per calendar month per LSA.</p>	
<p>E. A charge up to Rs. 0.05 paisa on Promotional and Service SMS</p>		

24.	<p>Sub-regulation (2) of Regulation 35 shall be amended as given below-</p> <p>(2) Upto Rs. 0.05 (five paisa only) for each Transaction SMS;</p>	<p>Airtel believes there is a need to review the five paisa exemption. The existing exemption has created a disparity between transactional and commercial messages, which can lead to inconsistencies in pricing structures. Aligning the pricing for transactional messages with that of commercial messages would help ensure a more uniform and equitable approach. Additionally, revision of prices to 7p or more would ensure that the transactional route is not misused or abused. This adjustment would address the current imbalance and promote greater fairness in the overall messaging pricing framework. Airtel proposes the following:</p> <ol style="list-style-type: none"> <li>1. Option 1 - bring and increase the prices for transactional messages at par with service and promotional SMS. OR</li> <li>2. Option 2 – Since the present rates are <i>de facto</i> tariffs in the market for terminating on a network, TSPs should be given the flexibility to apply the rate, i.e., provide forbearance. A low regulated charge instead incentivises and encourages spam on TSP networks. This is important since OTTs are free to price their authentication messages while TSPs continue to be regulated. Flip side can be lowering of price further by competition.</li> </ol>
F. Provisions related to Registered Senders and other Functional Entities		
25.	<p>Regulation 22 shall be amended as below-</p> <p>“22 (1) Misuse of headers and content templates-</p> <ol style="list-style-type: none"> <li>a. If misuse of headers or content templates is noticed, traffic from the concerned Sender shall be suspended by all the Access Providers immediately till such time, the Sender files a complaint/FIR with the Law Enforcement Agencies (LEAs) under the law of land, and Sender reviews all its headers and content</li> </ol>	<p>TM-D shall make a mechanism for the annual verification of the following by the Senders/RTMs</p>

	<p>templates and takes corrective measures as per the regulations to prevent misuse of its headers and other credentials.</p> <p>b. Delivery TM shall identify the entity that has pushed traffic from such headers or content templates into the network and file a complaint/FIR against it with the Law Enforcement Agencies (LEAs) under the law of land within two business days or in such time period as prescribed by the Authority, failing which Access Provider shall file complaint/FIR with the LEA against the Delivery TM. The entity that pushed the traffic shall be blacklisted for a period of one year.</p> <p>(2) Whenever a Sender or Telemarketer is suspended or blacklisted by any Access Provider and its status is updated by it on DLT platform, other Access Providers shall stop traffic from such entities immediately but not later than twenty-four hours from the time of blacklisting or allow them to reregister themselves with them during the period of suspension/blacklisting.</p> <p>(3) Access Providers shall make a mechanism for the annual verification of the following by the Senders/RTMs-</p> <p>a. registration details of registered Senders and RTMs to ensure having up-to-date details.</p> <p>b. all the registered headers and content</p>	
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	<p>templates.</p> <p>Failure to verify the above details shall lead to automatic suspension of registered Sender and RTMs till such time they carry out above activities.</p> <p>(4) Ensuring traceability of messages from Senders to recipients-</p> <p>a. There shall not be more than two TMs i.e. one Aggregator TM and one Delivery TM, or as directed by the Authority from time to time to allow sufficient flexibility in the eco system and at the same to maintain proper tracing and accountability of each entity in chain.</p> <p>b. The use of digital platform by RTMs should be mandated that leaves the trace of the TMs when the messages pass through it.</p> <p>(5) The functions of Delivery TM should include ensuring that the commercial communication handled by them is traceable, and it should clearly be spelt out in the agreement between Access Provider and Delivery TM.</p> <p>(6) Access providers may impose financial disincentive on registered Senders and TMs and also suspend or blacklist them in case violation of the Regulations can be attributed to failure of functions assigned to such entities. If the Authority has a reason to believe that punitive measures prescribed by the Access</p>	<p>The TRAI should also work closely with DoCA to implement the latter's recent draft notification that proposes actions on the entities involved in sending UCC/SCAM/SPAM to the consumers. The Telecom industry also endorses the DoCA proposal and recommends that it be expedited as soon as possible. Airtel also believes that the Ministry of IT (MeitY) should also be roped-in to deal with issue.</p>
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	<p>Providers against the registered Senders and TMs are not effective, it may order or direct the Access providers to take appropriate measures as prescribed by it.</p> <p>(7) Access Providers may prescribe a fee for registration of the Senders, and RTMs and may also prescribe security deposits. Access Providers may also prescribe a fee for other activities as provided for in the Regulations such as header registration, content template registration etc. If the Authority has a reason to believe that there is a need to prescribe a registration fee or fee for any other activities provided in the Regulations, it may order or direct Access providers for it.</p> <p>(8) Use of 160 series for service and transactional calls- The Access provide shall include it in the legal agreement with the registered Senders that it shall be sole responsibility of Sender to ensure that the 160xxx header assigned to it is used to only for making service and transactional call and no promotional content shall be mixed in it and that the Sender shall take legal action against the Telemarketer in case of its misuse by the Telemarketer.</p> <p>(9) Provision should be made by the Access Providers for registration of grievances by RTMs and Senders</p>	<p>No change required</p> <p>No change required</p>
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	<p>and their redressal.</p> <p>(10) Access Providers shall enter into a legally binding agreement with all the registered Senders, all the Telemarketers with Delivery Functions (TM-DF), and Telemarketers with Aggregator Functions (TM-AF). The roles and responsibilities of the Sender and the Telemarketers as per TCCCPR 2018 regulations and the punitive actions that can be taken against them in case of non-compliance shall be mentioned in the agreement.</p>	
26.	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item (4) shall be added to the Item 1 as given below-</p> <p>“1. Entity Registration Functionality:</p> <p>(4) The registration process of Sender and the Telemarketers should include</p> <ul style="list-style-type: none"> <li>a. physical verification of the entity</li> <li>b. Biometric authentication of the authorized person.</li> <li>c. Linking of the entity with a unique mobile number.”</li> </ul>	<p>Periodic verification may be mandated post provisioning of the connections and not at the time of onboarding the entity (sender/TM).</p> <p>The entire verification process should be as per the extant mandate of DoT.</p>
27.	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 1(g), 1(h) and 1(i) shall be added to the Item 4 as given below-</p>	



	across all the Access Providers for a minimum period of one year.	
28.	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 2(g) and 2(h) shall be added to the Item 4 as given below-</p> <p>“4. Every Access Provider shall carry out following functions: -  (2) Consent Registration Function (CRF)  .....</p> <p>(g) Presenting to the recipients of commercial communication sent on the basis of inferred consent an option to revoke inferred consent and record such revoked inferred consent in the DL-Consent for its scrubbing.</p> <p>(a) When a header is blacklisted for sending commercial communications by the Sender in violation of the Regulations, the traffic from the Sender should be suspended immediately for a minimum period of one month. Traffic should be resumed only after review of the registered Sender, all its registered headers and registered content templates by the respective registrars and findings are recorded. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year.</p>	No change required
29.	In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 3(h), 3(i), 3(j), 3(k), 3(l) and 3(i) shall be added to the Item 4 as given below-	COPs should be realigned with new regime.



	<p>“4. Every Access Provider shall carry out following functions: -</p> <p>(3) Content template Registration Function (CTRF)</p> <p>.....</p> <p>(h) to register the content template for commercial communications through pre-recorded message/call or robo call using Auto Dialer that shall be mandatorily scrubbed before the delivery of the call to the recipient.</p> <p>(i) The approval of content template registration shall be carried out by a separate executive specially designated by the Access Provider for this purpose after carrying out additional checks and scrutiny of the justification given by the registered Sender and recording it in any of the following situations-</p> <ul style="list-style-type: none"><li>(i) if the Sender has already registered 25 content templates across all the Access Providers.</li><li>(ii) if any of its content templates were blacklisted earlier.</li><li>(iii) any other reason specified by the Authority from time to time.</li></ul> <p>(j) Unused content templates for a period of 90 days or such period as specified by the Authority shall be deactivated temporarily through an automated process and shall only be reactivated when requested by the Senders.”</p>	
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	<p>(k) A content template cannot be linked to multiple headers.</p> <p>(l) Only whitelisted URLs/APKs shall be used in the content templates. No short URLs to be allowed in the content templates unless it is whitelisted and also contains the name of brand/entity.</p> <p>(m) The content template should be blacklisted when an RTM complaint is caused due to wrong registration of the content template. Blacklisting of 5 content templates of any registered Sender shall result in suspension of the Sender till such time, its all-other content templates are reverified, subject to a minimum period of one month. The OAP that blacklisted the 5th template shall be responsible for suspension of the Sender and for revocation of the suspension after due verification of all the templates. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year.</p>	
<p>G. Action against the Senders and Telemarketers by the Authority</p>		
<p>30.</p>	<p>Regulation 33 shall be amended as given below-</p> <p>(1) Where the Authority has a reason to believe that any registered or unregistered Sender of commercial communications has contravened the provisions of these regulations, and the Access Provider has not taken action against such Sender as per the provisions of the regulations, the Authority may order or direct access provider(s) to take action against such Sender</p>	<p>a) The Access Provider should be replaced with TM-D.</p> <p>b) A significant quantum of un-solicited commercial traffic has shifted to OTT Communication Apps. While the commercial traffic through traditional SMS routes has been decreasing, the measures taken by TRAI to curb spam may not bring the desired results if OTT communication apps continue to remain outside the purview of TCCCPR.</p>

	<p>as per the provisions of the regulations;</p> <p>(2) Where the Authority has a reason to believe that any registered or unregistered Telemarketer has contravened the provisions of these regulations, and the Access Provider has not taken action against such Telemarketer as per the provisions of the regulations, the Authority may order or direct access provider(s) to take action against such telemarketer as per the provisions of the regulations.</p> <p>Provided, the Sender and telemarketer can submit an appeal to the Authority against action as per the above regulation.</p>	<p>This disparity in compliance between TSPs and OTT services undermines the effectiveness of the TCCCP Regulation. To achieve comprehensive results in curbing UCC, it is crucial that OTT communication apps also be brought under the purview of TCCCP 2018</p>
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