



**TRAI Consultation Paper on Review of the Telecom
Commercial Communications Customer Preference Regulations, 2018
(TCCCPR-2018)**

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Brief about the ITU-APT Foundation of India (IAFI)

ITU-APT Foundation of India (IAFI) is a non-profit, non-political, non-partisan registered foundation. IAFI is working for last 20 years with the prime objective of encouraging involvement of professionals, corporate, public/private sector industries, R&D organizations, academic institutions, and such other agencies engaged in development of ICT sector, in the activities of the International Telecommunication Union (ITU) and the Asia Pacific Telecommunity (APT). Further details regarding IAFI are available on our website <https://iafi.in>

The Foundation has been recognized as an International/Regional Telecommunications Organization by the ITU, as IAFI is a sector Member of the ITU Radiocommunication Sector (ITU-R), ITU Development Sector (ITU-D) and ITU Telecommunication Standardization Sector (ITU-T) and affiliate Member of Asia Pacific Telecommunity (APT) which manifests its usefulness to the Indian Telecom industry. The Foundation members are entitled to participate and contribute to the activities of ITU-R, ITU-D, ITU-T and APT. Over the last three years, IAFI has submitted more than 100 contributions for the work of all the three sectors of the union, especially in the Spectrum Area.

IAFI has acquired credibility and reputation as a specialized stakeholder group in “spectrum innovation” in the country and also in the region. It is a key driving force in spectrum discussions in the country especially on spectrum as a key resource for digital transformation through IMT, Wi-Fi, Satellite services.

IAFI also carries out capacity building activities in the region. Our key participants include government and industry. It is critical to note that different government agencies have competing demands in spectrum viz. defence, broadcasting, public, space services. These stakeholders are essential for any fruitful discussions on spectrum enablement. The Government has come out with an innovative policy on spectrum regulatory sandboxes. IAFI could play an important role in building awareness, capacities in SMEs and Start-ups in exploiting the government initiatives and spreading these best practices in the other countries in the region.

IAFI key roles and activities includes:

1. **Promotion of ICT Development:** The foundation actively promotes the development and deployment of ICT infrastructure and services across India. By collaborating with various stakeholders, including government bodies, industry leaders, and academic institutions, it strives to create an enabling environment for the growth of the ICT sector.
2. **Standards Development and Implementation:** IAFI actively contributes to the development and implementation of international standards in telecommunications. It plays a key role in representing our interests in global forums, such ITU, APT, UNO, WTO, etc and ensures that our perspective is effectively incorporated into the standards-setting process.
3. **Research and Development:** The foundation fosters research and development activities in the field of telecommunications. By supporting innovative research projects, it aims to address emerging challenges, explore new technologies, and promote cutting-edge solutions that can benefit both the industry and society at large.

4. **Capacity Building and Training:** Recognizing the importance of human capital in driving the growth of the telecommunications sector, the foundation organizes capacity-building programs and training workshops. These initiatives aim to enhance the skills and knowledge of professionals working in the field, enabling them to stay abreast of the latest advancements and best practices.
5. **Policy Advocacy:** IAFI actively engages in policy advocacy to influence decision-making processes related to ICT. It works closely with regulatory bodies and government agencies to provide inputs on policy formulation, regulatory frameworks, and spectrum management, ensuring that they align with the evolving needs of the industry and society.
6. **Industry Collaboration:** The foundation facilitates collaboration and networking among industry players, academia, and research organizations. It organizes conferences, seminars, and industry forums where stakeholders can exchange ideas, share experiences, and explore opportunities for partnership and cooperation.
7. **Digital Inclusion and Empowerment:** With a focus on promoting digital inclusion, the foundation works towards bridging the digital divide and ensuring that the benefits of ICT reach all sections of society. It supports initiatives that empower marginalized communities, promote digital literacy, and leverage technology for social and economic development.

Through its diverse range of activities, IAFI remains committed to driving the growth and development of the telecommunications sector in India. By fostering collaboration, advocating for sound policies, and promoting innovation, the foundation is playing a pivotal role in shaping India's digital future and contributing to the country's socio-economic progress.

IAFI comments on Review of the Telecom Commercial Communications Customer Preference Regulations, 2018

General Comments on the Consultation

IAFI has examined the consultation paper in detail and is furnishing the reply of all the questions raised by TRAI.

In addition, it is submitted that the TRAI consultation covers only a limited part of Telecom Commercial Communications. IAFI feels that TRAI should also develop a framework for prevention of SCAM communications. According to some recent press reports, Indian public continues to lose thousands of crores to scammers every month, using fraudulent mobile communications. SCAM communications continue to pose a significant and unacceptable risk to our community. Digital India, while offering numerous benefits, has also created new avenues for sophisticated scams that exploit vulnerable individuals and erode trust in mobile phones and various online services. To address these pressing issues, TRAI needs to establish a robust framework for consumer protection against such SCAM communications. A key component of such a framework involves designating such communications and digital platforms they use, as high-risk areas for scam activity and subject them to regulations and standards aimed at preventing and mitigating scams.

In this regard, we may take inspiration from the Australian model and the TRAI could recommend the establishment of a similar National Anti-Scam Centre (NASC) under the Department of Telecommunications (DoT). Such a center would bring together government and private sector experts to detect, disrupt, and deter scams. By leveraging advanced technologies and sharing intelligence, the NASC could play a vital role in preventing financial losses and raising consumer awareness about scam prevention. Further details regarding “Summary of Reforms for Scam Prevention Framework” issued by Australian Government, can be seen at <https://ministers.treasury.gov.au/ministers/stephen-jones-2022/media-releases/albanese-government-unveils-scams-prevention-framework>

Our Question wise replies are given below:

Q-1. 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.

IAFI Comments:

Types of Commercial Communications:

1. Transactional Messages or Transaction Calls (Transactional Communication)
2. Promotional Messages or Promotional Calls (Promotional Communication)

3. Government Messages or Government Calls (Government Communication)

4. SCAM communications

Transactional Communication - as explained in the Para 2.15 and 2.16, IAFI suggest improvements, to make the definition becomes more precise, comprehensive, and adaptable to evolving communication practices.

It refers to any commercial communication sent by a Sender to its own customer or subscriber that is primarily intended to provide information about a specific transaction made by an existing customer. This excludes promotional communications, which are designed primarily to promote the sale of a product or service, even to the customers of the sender. Examples of transactional communications include but are not limited to:

- OTPs from banks, non-bank entities, or e-commerce platforms
- Login credentials for apps or websites
- Transaction confirmations, balance alerts, and payment reminders
- Travel reminders, rescheduling notifications, and refund information
- Warranty information, safety or security alerts, and software updates in respect of products or services actually supplied by the sender to the receiving customer

Transactional communications should comply with applicable legal and regulatory requirements, especially related to data privacy & data protection and should be sent in a manner that respects the recipient's privacy and preferences. Considering the evolving nature of communication channels, definition should be adaptable to new technologies and platforms.

Promotional Communications - as explained in the Para 2.17, IAFI suggest improvements to make the term well-defined. Promotional Communications primarily intended to promote the sale of products or services, containing promotional material or advertisements of a product or service. Promotional communications can be delivered to only those customers who have not barred such communications through registration of their preferences. If the Sender has obtained explicit digital consent through a Digital Consent Acquisition (DCA) system from the intended recipients, it can send promotional communications to such recipients irrespective of their registered preferences.

Government Communication – as explained in Para -2.18 and 2.19, IAFI suggest that - Government messages or government calls refer to any message or voice call transmitted on the directions of the Central Government, State Government, or bodies established under the Constitution, or by an agency expressly authorized for the purpose by the Authority. Government messages that are in the public interest, so there is not any requirement of seeking explicit

consent for the receipt of these communications and should not be allowed to be blocked by the recipients.

SCAM Communications: Communications sent with the intent of defrauding the receiver. All scam communications should be barred.

Q-2. 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.

IAFI Comments:

As explained in the Para- 2.20 regarding nuisance created by Auto Dialer to almost everyone, IAFI propose that explicit consent should be made mandatory for receiving promotional communications by Auto Dialer or Robo Calls. This measure would significantly reduce the burden of unwanted calls on consumers, protecting their privacy and peace of mind. Opt-in is generally considered the better approach for most situations, as consumers gives clear and unambiguous consent, before their phone numbers are added to any Auto Dialer or Robo call list. Businesses should maintain accurate records of all obtained consents, including the date, time, and method of consent.

Measure suggested in the Para – 2.25 are quite appropriate. Enhancing enforcement, imposing strict penalties to the violators, with substantial fines and penalties, including legal action can reduce the menace. Similarly, robust mechanisms should be in place for consumers to report unwanted calls and initiate investigations. In addition, industry-wide ethical guidelines for the use of auto dialers and robo calls should be developed. Public awareness campaigns should be conducted to educate consumers about their rights and how to

By adopting a mandatory explicit consent requirement, we can significantly reduce the nuisance of unwanted calls, protect consumer privacy, and foster trust between businesses and consumers.

Q-3. 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.

IAFI Comments:

Following process for Scrubbing the Pre-Recorded Call Content can be used.

- a. Utilize AI-powered tools to identify and categorize content based on keywords, phrases, or topics.
- b. Best way is to employ human reviewers to supplement automated processes, especially for complex or nuanced content.
- c. Classify content into categories such as sensitive personal information, offensive language, or regulatory violations.
- d. Establish a comprehensive policy that outlines specific criteria for content removal or modification and ensure the policy aligns with ethical principles and legal requirements.
- e. Review and update the policy periodically to reflect changes in regulations or societal norms.
- f. Conduct regular random audit to verify the effectiveness of the scrubbing process.

By adopting best practices, organizations can effectively scrub pre-recorded call content, protecting consumer privacy and maintaining compliance with relevant regulations. TRAI should develop its own capabilities and infrastructures to monitor and take actions as needed.

Q-4. 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.

IAFI Comments:

Out of three Options suggested in Para -2.31, the best approach is the Option-I, as can clearly categorize messages, easy identification and response, potential for improved customer experience. It may need additional system development and implementation cost.

It is also noted that messages with headers do not show the number of the person sending it and there is no way for the consumers to block or report such communications. All such communications should mandatorily include the number of the sender so that the user could block such numbers.

Q.5 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?

IAFI Comments:

Current provisions in the regulations for redressal of consumers' complaints in a time-bound manner are ineffective and inefficient. To enhance the effectiveness of consumer complaint handling processes, the following provisions should be considered:

- a. Allocate adequate funding and personnel to enforcement agencies to ensure timely and effective investigations.
- b. Impose stricter penalties for non-compliance with consumer protection laws to deter violations.
- c. Make public the names and details of violators to encourage accountability and deter future offenses.
- d. Establish user-friendly online platforms for filing complaints and tracking their progress.
- e. Develop clear and standardized procedures for handling consumer complaints to ensure consistency and transparency.
- f. Establish procedures for escalating complaints to higher authorities if they are not resolved within specified timeframes.

By implementing these measures, it is possible to create a more effective and efficient system for consumer complaint redressal, ensuring that consumers' rights are protected and businesses are held accountable for their actions.

Q.6 Whether facilities extended by the Service providers through Apps, Website and Call Centers 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 Centers 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.

IAFI Comments:

The facilities provided by service providers through apps, websites, and call centers for handling UCC complaints vary in terms of accessibility and user-friendliness. While some platforms are intuitive and easy to navigate, others can be cumbersome and confusing for consumers. Following measures can be taken for enhancing Accessibility and Consumer-Friendliness.

- a. The design and layout of the app, website, and call center interface should be clear and intuitive, with easily understandable instructions.
- b. The platform should offer multiple language options to cater to a diverse consumer base.
- c. For consumers with disabilities, the platform should incorporate accessibility features such as screen reader compatibility, keyboard navigation, and high-contrast options.

- d. The process of registering a complaint should be straightforward and require minimal effort from the consumer and should be able to easily track the status of their complaint and receive timely updates on its progress.
- e. Offering live chat support can provide consumers with immediate assistance and address their queries in real-time.
- f. Creating video tutorials can help guide consumers through the complaint registration process and familiarize them with the platform's features.
- g. Integrating the complaint handling platform with social media channels can allow consumers to report and track complaints directly through their preferred platforms.

By implementing these measures, service providers can make their apps, websites, and call centers more accessible and consumer-friendly, facilitating the timely and efficient resolution of UCC complaints.

Q-7. What additional modes of complaints registration, preference registration and consents registration through a very easy and quick process can be implemented?

IAFI Comments:

Although measures mentioned in Para -2.58 and 2.59 to make the process easy and simple, for further enhancing the accessibility and convenience for consumers, service providers can consider implementing the following additional modes for complaint, preference, and consent registration:

- a. SMS-based registration - Consumers can send a simple text message to a designated number to register complaints, preferences, or consents.
- b. Chatbot-based registration - A chatbot can be integrated into messaging platforms like WhatsApp or Telegram to guide consumers through the registration process.
- c. Voice-activated registration - Consumers can use voice assistants like Siri, Google Assistant, or Alexa to register complaints, preferences, or consents verbally.
- d. Seamless integration - Service providers can integrate complaint, preference, and consent registration directly into their mobile apps, making it easier for consumers to access.
- e. QR Code - By scanning a QR code, consumers can be directed to a pre-filled registration form, simplifying the process.
- f. E-mail - For those who prefer email, a simple email template can be provided for registering complaints, preferences, or consents.
- g. Physical form without digital access: While less convenient, physical forms can still be made available for consumers who prefer or require them.

By offering a multiple types of registration methods, service providers can ensure that all consumers, regardless of their technological proficiency or preferences, have easy access to their complaint, preference, and consent registration processes

Q-8. 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.**

IAFI Comments:

Although issue has been explained in detail from Para -2.61 to 2.83 and measures suggested, still following measures can be considered for Spam Detection and Prevention

a. Measures for Proactive Detection and Prevention:

Honeypots and Norms for Deployment:

- a. Honeypots should be strategically placed within a Local Service Area (LSA) to attract spammers without revealing sensitive information. A mix of low-interaction and high-interaction honeypots can provide valuable insights.
- b. Regular analysis of honeypot data can help identify patterns, trends, and emerging spam tactics.
- c. Sharing honeypot data and intelligence among service providers can enhance overall spam detection capabilities.
- d. Clear guidelines and regulations should be established for the deployment and use of honeypots to protect consumer privacy and prevent misuse.

AI-Based UCC Detection Systems:

- a. AI models should be trained on diverse datasets that include legitimate and spam communications to improve accuracy.
- b. Regular updates and retraining of AI models are essential to keep pace with evolving spam techniques.

b. Proactive Actions to Stop Spam

- a.** Messages and calls identified as spam should be blocked in real-time to prevent further harm to consumers.
- b.** Efforts should be made to identify the source of spam communications to take appropriate action against senders.
- c.** Stricter penalties and enforcement of existing regulations can deter spammers and reduce the prevalence of spam.
- d.** Raising awareness among consumers about spam detection and prevention can help them avoid falling victim to scams.

By implementing these measures and addressing the associated challenges, stakeholders can significantly reduce the impact of spam on consumers and improve the overall quality of

communications. TERM cells of LSA should be assign responsibility to monitor the situation and regularly submitting the report.

Q-9. 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.**

IAFI Comments:

a. Financial Disincentive for RTM Violations

Amendments suggested in the Regulation -27 “Financial Disincentive for failure to curb the unsolicited commercial communications from registered Senders/RTMs”, in Para-2.87 of Section-F of Chapter –II are quite appropriate. The financial disincentive should be tiered based on the severity of the RTM violation. More egregious violations must result for higher penalties, to deter access providers from engaging in RTM violations.

b. Financial Disincentive for UTM Violations

Amendments suggested in the Para-2.90 regarding amending Regulation -28 “Financial Disincentives on Access Providers for failure to curb the UCC from unregistered Senders/UTMs” are very much appropriate.

c. Financial Disincentive for Wrong Approval of Headers and Message Templates

Access providers should be required to exercise due diligence in reviewing and approving headers and message templates to prevent fraudulent or misleading communications. Amendments suggested in the Regulation -27 “Financial Disincentive for failure to curb the unsolicited commercial communications from registered Senders/RTMs”, in Para-2.87 of Section-F of Chapter –II are appropriate. In cases of negligence or willful misconduct, access providers should be held strictly liable for the consequences of approving inappropriate headers and templates.

d. Measures for Telemarketer and Principal Entity Accountability

Clear Roles and Responsibilities of telemarketers and principal entities should be clearly defined and communicated to all parties involved. Telemarketers and principal entities should be required to register with relevant authorities and obtain necessary licenses. Financial penalties should be imposed on telemarketers and principal entities that engage in unlawful or unethical practices and in severe cases, legal actions should be pursued against telemarketers and principal entities that violate applicable laws and regulations. Effective enforcement mechanisms should be in place to ensure compliance with regulations and the timely imposition of penalties.

By implementing these measures, stakeholders can create a more accountable and transparent environment for telemarketing and unsolicited commercial communications, protecting consumers and promoting fair business practices.

Q-10. 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?

IAFI Comments:

Yes, there is a compelling need to review the five paisa exemptions accorded to transactional messages and bring them at par with other commercial messages.

Reasons for Review:

- a. Abuse of Exemptions: The lower tariff rate for transactional messages has been exploited by entities to send promotional messages under the guise of transactional communications. This has led to a surge in unsolicited and spam messages, causing significant annoyance and inconvenience to consumers.
- b. Unfair Market Practices: The differential treatment between transactional and commercial messages creates an uneven playing field. It incentivizes entities to disguise promotional messages as transactional ones to avoid higher costs, giving them an unfair advantage over legitimate businesses that adhere to the regulations.
- c. Consumer Protection Concerns: The proliferation of spam messages undermines consumer trust and confidence in telecommunication services. It is essential to protect consumers from such nuisances and ensure their right to a peaceful communication experience.

Alternative Measures to Discourage Misuse:

Even if the exemptions are not removed, additional measures can be implemented to discourage the misuse of transactional message templates for sending promotional messages:

- a. Enhanced Verification Processes: Implement stricter verification procedures for entities claiming to send transactional messages. This could involve regular audits, penalties for non-compliance, and a requirement for detailed documentation of transactional activities.

- b. **Real-time Monitoring:** Employ advanced technology to monitor message content in real-time and identify patterns of abuse. Suspicious activities, such as excessive volumes of messages from a single sender or the use of promotional language in transactional messages, should trigger alerts.
- c. **Consumer Complaint Mechanisms:** Establish efficient complaint mechanisms for consumers to report unsolicited or spam messages. Prompt investigation and action on complaints can deter entities from engaging in such practices.
- d. **Public Awareness Campaigns:** Conduct public awareness campaigns to educate consumers about the types of messages they can expect to receive and how to identify and report spam. This can empower consumers to take action against unsolicited messages.

In conclusion, reviewing the five paisa exemptions for transactional messages and implementing additional measures is crucial to address the growing problem of spam and unsolicited messages. By creating a more level playing field and protecting consumer rights, these steps can contribute to a healthier and more trustworthy telecommunications ecosystem.

Q.11 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.**

IAFI Comments:

Following proposed amendments to the Common Code of Practice (CoP) is suggested.

a. Strengthening Provisions for Enforcement

We propose to enhance the CoP templates to empower Access Providers with more robust tools to address non-compliance by registered entities. This includes:

- a. Introducing provisions for imposing financial penalties on entities that repeatedly violate the regulations. These penalties could be graduated based on the severity of the offense.
- b. Requiring Access Providers to take specific actions against non-compliant entities, such as suspension of services or termination of contracts.
- c. Clear and comprehensive SOPs should be developed to guide Access Providers in identifying, documenting, and addressing regulatory breaches.

We believe that these additional provisions will strengthen the enforcement capabilities of Access Providers and deter entities from engaging in non-compliant behavior.

b. Implementation of Security Deposits

We propose the introduction of a mandatory security deposit requirement for entities registering with Access Providers. This deposit would serve as a financial guarantee against potential misuse of services or breaches of regulations.

Following provisions in the CoP templates can be included.

- a. Determining a suitable amount for the security deposit based on factors such as the nature of the entity's services, its track record, and the potential risks associated with its operations.
- b. Establishing clear guidelines for the encashment and replenishment of security deposits. For example, partial or full encashment could be triggered by specific violations, while replenishment would be required to maintain the deposit at the prescribed level.

The security deposit requirement would provide Access Providers with a valuable tool to mitigate risks and ensure compliance with regulations.

Q.12 What effective steps can be taken to control the menace of UCC through tariffs? Please justify your answer.

IAFI Comments:

Controlling the menace of UCC through tariffs is a complex challenge.

UCC (Unidentified Caller Calls) - are unsolicited calls from unknown numbers, often for promotional or fraudulent purposes.

The Limitations of Tariffs

While tariffs can be a tool in combating UCC, there are many inherent limitations.

1. Ineffectiveness Against Sophisticated Spammers - Advanced spammers can use various techniques to mask their caller ID or route calls through international networks to avoid domestic tariffs.
2. Disproportionate Impact on Legitimate Users - Increasing tariffs on all calls can disproportionately affect legitimate users who rely on phone communication for business or personal reasons.
3. Regulatory Challenges - Implementing and enforcing tariff-based measures can be complex and time-consuming, requiring coordination between telecommunications regulators and service providers.

Alternative Strategies:

Given these limitations, a more effective approach to combat UCC would involve a combination of strategies:

1. Technological Advancements:
 - a. Caller ID Authentication - Implementing robust caller ID authentication protocols to verify the legitimacy of incoming calls.
 - b. Spam Filtering - Enhancing spam filtering capabilities in networks and devices to identify and block unsolicited calls.
 - c. Robocall Mitigation - Employing advanced techniques to mitigate robocalls, such as call analytics and behavioral analysis.
2. Regulatory Measures:
 - a. Stricter Regulations - Enacting stricter regulations for telemarketing and robo-calling, including penalties for violations.
 - b. Do-Not-Call Registries - Maintaining and enforcing comprehensive do-not-call registries to protect consumers from unsolicited calls.
 - c. International Cooperation - Collaborating with international regulatory bodies to address cross-border spam and robo-calling.
3. Consumer Education:
 - a. Awareness Campaigns - Conducting public awareness campaigns to educate consumers about the dangers of UCC and how to protect themselves.
 - b. Reporting Mechanisms - Providing clear and accessible mechanisms for consumers to report unsolicited calls.

While tariffs can play a limited role in combating UCC, a more effective approach would involve a multifaceted strategy that leverages technological advancements, regulatory measures, and consumer education. By combining these elements, it is possible to significantly reduce the menace of UCC and protect consumers from unsolicited and harmful calls.

Q.13 Whether differential tariff for SMS and Voice calls beyond a certain limit should be introduced to disincentivize UCC through UTMs? Please justify.

IAFI Comments:

The potential effectiveness of differential tariffs for SMS and voice calls beyond a certain limit to disincentivize UCC through UTMs (Unidentified Caller Calls) may be partly effective, as higher tariffs could make it more expensive for spammers to send large volumes of UCC messages and could help protect consumers from the nuisance of unsolicited calls by making them less attractive to spammers.

But differential tariffs could disproportionately affect legitimate users who rely on SMS and voice calls for business or personal communication. In addition, implementing and enforcing differential tariffs can be complex and time-consuming, requiring coordination between telecommunications regulators and service providers.

So, instead of relying solely on differential tariffs, following steps can be adopted a more effective approach to combat UCC through UTMs.

- a. Caller ID Authentication - Implementing robust caller ID authentication protocols to verify the legitimacy of incoming calls.
- b. Spam Filtering - Enhancing spam filtering capabilities in networks and devices to identify and block unsolicited calls.
- c. Robocall Mitigation - Employing advanced techniques to mitigate robocalls, such as call analytics and behavioral analysis.
- d. Stricter Regulations - Enacting stricter regulations for telemarketing and robocalling, including penalties for violations.
- e. Do-Not-Call Registries: Maintaining and enforcing comprehensive do-not-call registries to protect consumers from unsolicited calls.
- f. International Cooperation - Collaborating with international regulatory bodies to address cross-border spam and robo-calling.
- g. Conducting public awareness campaigns to educate consumers about the dangers of UCC and how to protect themselves.
- h. Providing clear and accessible mechanisms for consumers to report unsolicited calls.

While differential tariffs could potentially have some deterrent effect on UCC, their effectiveness is likely to be limited. A more comprehensive approach that combines technological advancements, regulatory measures, and consumer education is likely to be more effective in combating the menace of UCC through UTMs.

Q.14 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.

IAFI Comments:

The introduction of differential tariffs for voice calls and SMS beyond a certain limit could be a potential strategy to discourage the misuse of these services for unsolicited caller calls (UCC). However, it is essential to carefully consider the potential impacts on both consumers and service providers when setting these limits. Following factors should be considered before taking any decision to limit of voice of SMS.

- a. Average Usage Patterns - Analyzing data on average voice call and SMS usage patterns can help identify appropriate thresholds that would not unduly burden legitimate users.
- b. Consumer Impact: Setting limits too low could negatively impact consumers who rely heavily on voice calls or SMS for their communication needs.
- c. Regulatory Implications: Ensuring that differential tariffs comply with relevant regulatory frameworks is crucial to avoid legal challenges.

IAFI proposed the following limits.

Based on these factors, the following limits could be considered:

i. Voice Calls:

- a. Limit - 1000 minutes per month
- b. Rationale - This limit is likely to capture a significant portion of legitimate users' voice call needs while discouraging excessive usage, which could be associated with spam activities.

ii. SMS:

- a. Limit - 500 messages per month
- b. Rationale - Similar to voice calls, this limit aims to balance consumer needs with the potential to deter spammers who rely on high-volume SMS campaigns.

Justification:

These proposed limits are designed to:

- a. Discourage Spamming - By imposing higher tariffs beyond these limits, it could become less cost-effective for spammers to send large volumes of unsolicited calls and messages.
- b. Protect Consumers - Limiting excessive usage can help protect consumers from the nuisance of unsolicited calls and messages while ensuring that legitimate users are not unduly impacted.
- c. Balance Interests - These limits strike a balance between the need to deter spam and the importance of providing affordable communication services to consumers.

While differential tariffs can be a useful tool in combating UCC, it is essential to carefully consider the potential impacts on consumers and service providers when setting these limits. By carefully analyzing usage patterns, regulatory frameworks, and technological advancements, appropriate thresholds can be established to effectively deter spam while minimizing negative consequences for legitimate users.

Q.15 If differential tariff is introduced, what could be the tariff beyond a limit for:

i. Voice calls.

ii. SMS.

Please justify with rationale.

IAFI Comments:

The introduction of differential tariffs for voice calls and SMS beyond a certain limit could be a potential strategy to discourage the misuse of these services for unsolicited caller calls (UCC). However, it is essential to carefully consider the potential impacts on both consumers and service providers when setting these tariffs.

Following points should be considered.

- a. Average Usage Patterns - Analyzing data on average voice call and SMS usage patterns can help identify appropriate thresholds that would not unduly burden legitimate users.
- b. Consumer Impact - Setting tariffs too high could negatively impact consumers who rely heavily on voice calls or SMS for their communication needs.
- c. Regulatory Implications - Ensuring that differential tariffs comply with relevant regulatory frameworks is crucial to avoid legal challenges.
- d. Technological Advancements - Considering the ongoing evolution of communication technologies and the potential for alternative methods of spam dissemination.

Based on these factors, the following differential tariffs could be considered.

i. Voice Calls:

- a. Base Tariff - Current base tariff
- b. Differential Tariff (Beyond Limit) - 1.5 x base tariff
- c. Rationale - A 50% increase in the tariff beyond the specified limit could discourage excessive usage without imposing undue financial burdens on legitimate users.

ii. SMS:

- a. Base Tariff - Current base tariff
- b. Differential Tariff (Beyond Limit) – 2 x base tariff
- c. Rationale - A 100% increase in the tariff beyond the specified limit could be more effective in deterring spammers who often rely on high-volume SMS campaigns.

These proposed tariffs are designed to:

- a. Discourage Spamming - By imposing higher tariffs beyond the specified limits, it could become less cost-effective for spammers to send large volumes of unsolicited calls and messages.
- b. Protect Consumers - Limiting excessive usage can help protect consumers from the nuisance of unsolicited calls and messages while ensuring that legitimate users are not unduly impacted.

These tariffs strike a balance between the need to deter spam and the importance of providing affordable communication services to consumers. While differential tariffs can be a useful tool in combating UCC, it is essential to carefully consider the potential impacts on consumers and service providers when setting these tariffs. By carefully analyzing usage patterns, regulatory frameworks, and technological advancements, appropriate thresholds can be established to effectively deter spam while minimizing negative consequences for legitimate users.

Q.16 Whether differential tariff should be introduced in a graded manner? If so, please suggest the methodology with justification.

IAFI Comments:

It will be appropriate to introduce differential tariffs in a graded manner. This approach offers a smoother transition for consumers, minimizing disruption while effectively deterring spammers.

Methodology and Justification:

- a. Tiered Structure - Implement a tiered structure for differential tariffs, where the tariff increases progressively with higher usage levels. This allows for a more nuanced approach that targets excessive usage without penalizing legitimate users for moderate consumption.
- b. Transparent Communication - Clearly communicate the tiered structure and the associated tariffs to consumers well in advance. This will enable users to adjust their usage patterns as needed and avoid unexpected charges.
- c. Gradual Implementation - Introduce the differential tariffs gradually over a specified period to minimize the impact on consumers and allow for adjustments. This phased approach can also help identify and address any unintended consequences.
- d. Regular Review and Adjustment - Continuously monitor the effectiveness of the tiered structure and adjust the tariffs as necessary based on usage patterns, consumer feedback, and changes in spam activity. This ensures that the differential tariffs remain relevant and effective.

Rationale:

- a. Reduced Consumer Impact - A graded approach minimizes the negative impact on consumers by allowing for gradual adjustments to their usage patterns.
- b. Fairness and Transparency - Clearly communicating the tiered structure and associated tariffs promotes fairness and transparency, fostering consumer trust.
- c. Effective Deterrent - A well-designed tiered structure can effectively deter spammers without imposing undue burdens on legitimate users.
- d. Flexibility - The ability to review and adjust the tiered structure over time ensures that it remains effective and responsive to changing circumstances.

By introducing differential tariffs in a graded manner, telecommunications providers can strike a balance between deterring spam and protecting the interests of legitimate users. This approach can provide a more equitable and sustainable solution to the problem of unsolicited caller calls.
