



## The Advisor (QoS-II)

Telecom Regulatory Authority of India  
advqos@traf.gov.in

**Subject:** Response to the Consultation Paper on Telecom Commercial Communications Customer Preference Regulations (TCCCPR 2018) Review

Dear Sir,

We sincerely appreciate the Telecom Regulatory Authority of India's (TRAI) ongoing efforts to engage stakeholders in the review of the Telecom Commercial Communications Customer Preference Regulations (TCCCPR 2018). Your consultative approach reflects a strong commitment to fostering a more consumer-friendly telecommunication ecosystem.

As a licensed Audiotex and Audio Conferencing provider and a certified Telemarketer, Phonon Communications Private Limited has been actively involved in this evolving regulatory landscape for over 16 years. During this period, we have witnessed four key regulatory updates (2008, 2010, 2014, and 2018), all driven by rapid industry shifts and evolving consumer behaviors.

The current consultation on TCCCPR touches upon critical areas, and we are pleased to offer our recommendations to address the key challenges and opportunities highlighted.

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### **Q2: Should explicit consent be mandatory for receiving promotional communications via auto-dialers or robo-calls?**

We fully support the requirement for explicit consent for promotional communications. Auto-dialers and robo-calls play a vital role in delivering essential services such as emergency alerts and fraud notifications. However, balancing consumer protection and interest with any controls is essential.

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## Recommendations:

1. **Licensing for Auto-Dialer Services:** Mandating licenses for telemarketers will ensure accountability and quality in communications.
2. **Ban on GSM SIM Banks:** Several countries have successfully curtailed fraudulent calls by banning GSM SIM banks, and we recommend similar measures in India.
3. **E-KYC and SIM Limits:** Strengthening e-KYC processes and limiting SIM cards per individual will enhance traceability.
4. **API Access for DNC Scrubbing:** Providing registered telemarketers with access to a centralized DNC database will simplify compliance and reduce unwanted calls.
5. **RBI Clarity:** RBI should be requested to mandate items such as clear definition of “excessive calling” in RBI Fair Practices Code for Lenders.

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## Q3: Scrubbing pre-recorded call content before delivery

The use of voice calls for service and promotional communication is integral to modern telecommunications. However, distinguishing between legitimate calls and spam requires innovative approaches.

### Proposed Solutions:

- **Limiting Calls Per Second (CPS):** Setting thresholds for CPS will significantly reduce the volume of spam calls while preserving service quality.
- **Scrutiny of Telecom Circuits:** Implementing regular audits will ensure only licensed entities use telecom circuits for automated outbound dial for 3rd parties.
- **Regulating GSM SIM Banks:** Banning GSM SIM banks will further reduce large-scale spam communications.

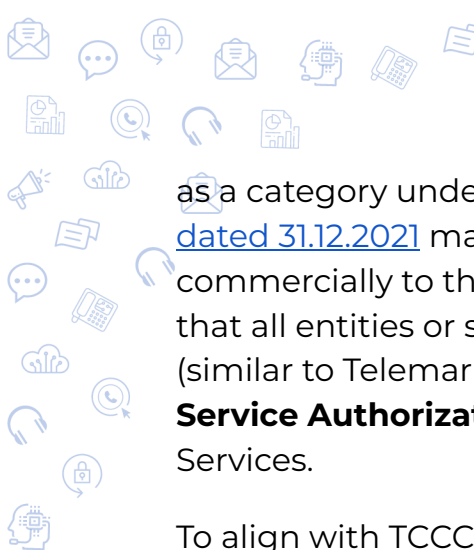
As per [TEC SR 61054:2021](#), Outbound Audio Play (auto-dialer) is now included

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as a category under Audiotex Services. Additionally, the [DoT Notification dated 31.12.2021](#) mandates that service providers offering Audiotex services commercially to third parties must obtain a license. We respectfully submit that all entities or service providers purchasing bulk circuits for auto-dialing (similar to Telemarketers under TCCCPR 2018) should be required to obtain **Service Authorization or Licensing** for Audiotex and Audio Conferencing Services.

To align with TCCCPR 2018, **TSPs** should ensure that subscribers purchasing bulk circuits provide an undertaking confirming:

- Auto-dialer or robo calls are only used for service-related calls, not promotional.
- They possess the necessary license, and auto-dial services are not offered to third parties unless licensed.

This will help ensure that only licensed, serious operators participate in auto-dialing, effectively curbing spam calls.

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#### **Q4: Identifiers for telemarketing communications**

We recommend the adoption of **Calling Name Presentation (CNAP)** in India's telecommunication network. Displaying the caller's name will significantly reduce the chances of legitimate calls being mistaken for spam, enhancing trust and transparency in consumer communications. For Audiotex / Audio Conferencing Licensees, similar to SMS Headers, the CNAM should reflect the licensee identifier and end customer identification.

140 circuits should be used only for promotional calls. Further 140 circuits for promotional purposes should be made 2 way (inbound also) so that consumers can call back on these circuits.

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 **Q7: Additional modes of consent, preference, and complaint registration**

We advocate for the establishment of a central nodal agency that manages consumer complaints with neutrality and transparency. Clear and realistic penalties for non-compliance will encourage telemarketers to adhere to regulations, promoting a fair and compliant telecommunications environment.

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**Q8: Use of AI-based UCC detection systems**

Customer feedback can often be biased, especially for collection calls, and honeypots may also be unreliable. With advancements in AI and ML, these technologies should be used to identify SIM cards involved in high-volume calling.

As noted in the consultation paper, SIMs making over 50- 100 calls per day are likely engaging in auto-dialing or robocalls. SIMs exceeding this limit should receive SMS warnings, and after 3-4 reminders, undergo eKYC checks. On a second violation, a Rs. 5,000 fine should be imposed, requiring a No Objection Certificate (NOC) for service restoration. A third violation should result in permanent blocking.

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**Q9: Financial disincentives and measures to ensure compliance**

We recommend **structured penalties** for violations by access providers, with escalating financial disincentives for wrong approvals of headers and message templates. A cap of four SIM cards per individual, with clear accountability measures, will further enhance compliance and reduce misuse.

**Proposed measures:**

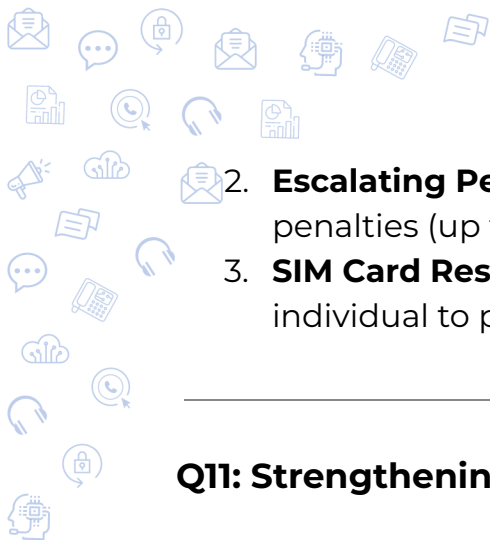
1. **Initial Penalty:** Rs. 5000 for first-time violations by UTM.s.

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2. **Escalating Penalties:** Subsequent violations should incur higher penalties (up to Rs. 10,000), ensuring a firm deterrent.
  3. **SIM Card Restrictions:** Limit the number of active SIM cards per individual to prevent circumvention of penalties.
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## Q11: Strengthening the Code of Practice (CoP)

We propose enhancements to the CoP that focus on **unregistered telemarketers (UTMs)**. Key steps include the implementation of **Standard Operating Procedures (SOPs)** to empower access providers to take actions against non-compliant entities and **monitoring call volumes** based on statistical thresholds to identify excessive calling patterns.

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## Q12–Q16: Tariffs and differential pricing to control UCC

To combat Unsolicited Commercial Communications (UCC), we suggest a **graded tariff system** that disincentivizes spam based on call volume. This should be clubbed with call volume capping.

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In conclusion, we believe that adopting a collaborative approach among regulators, telecom service providers, and consumers will create a more transparent and trustworthy telecommunication ecosystem. By balancing consumer protection with the operational needs of service providers, we can significantly reduce the occurrence of unwanted communications while ensuring the delivery of essential services. We look forward to continued engagement with TRAI on this important matter.

Sincerely,

Nitin Mishra  
Nodal Officer

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