

09 October 2024

By Email

**Telecom Regulatory Authority of India**  
World Trade Centre-Tower F  
Nauroji Nagar  
New Delhi – 110029

**Subject: Response to TRAI's Consultation Paper on Review of the Telecom Commercial Communications Customer Preference Regulations, 2018 dated 28 August 2024**

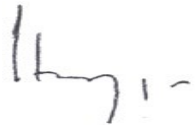
**Kind Attn: Mr. Deepak Sharma, Advisor (B&CS)**

Dear Sir,

We thank the TRAI for this opportunity to express our views on the above-captioned Consultation Paper.

Tata Play's response to the same is attached for your ready reference.

Yours faithfully,



**Harit Nagpal**  
Managing Director and CEO

Enclosed: As above

## Tata Play Response to TRAI's Consultation Paper on Review of the Telecom Commercial Communications Customer Preference Regulations, 2018 dated 28 August 2024

**Q1. Stakeholders are requested to submit their comments in respect of definitions of messages and calls and their categorizations, as suggested in paragraphs 2.14 to 2.19 along with necessary justifications.**

### **TATA PLAY COMMENTS:**

- **Reference Para no.:** Para 2 of Chapter IV
- **Proposed provision:** Definition of Transactional calls to be modified to include service call/messages. Example: Communication regarding a transaction like recharge along with reminders, warranty information, software upgrade etc. will fall under Transactional calls.
- **Suggested modification:** None- we agree with the proposed provision.

**Q2. Whether explicit Consent be made mandatory for receiving Promotional Communications by Auto Dialler or Robo Calls? What can be other possible measures to curb the use of Auto Dialler or Robo Calls without the consent of the recipients? Stakeholders are requested to submit their suggestions quoting best practices being followed across the world.**

### **TATA PLAY COMMENTS:**

- **Reference Para no.:** Para 2.25 of Chapter II and Para 20 of Chapter IV
- **Proposed provision:** Explicit consent for Robo calls and auto-dialler calls along with scrubbing of pre-recorded calls with approved content template.
- **Suggested modification:** In case of Robo calls, a pre-recorded message can play in the beginning providing an option to take or reject the call and seeking consent on whether the call receiver wants to further listen to the Robo call; if not then he/she can drop the call. The template for the consent acquiring pre-recorded message for such calls must be registered with the Telecom Service Providers and only calls with such template should go through, post scrubbing by the Telecom Service Providers.
- **Justification:** The call receiver will know that the call is an auto-dialler/ Robo call beforehand and will have the option to either go ahead with the call or not. The template for acquiring the consent will be registered with the Telecom Service Providers and such calls will be scrubbed by Telecom Service Providers on the basis of the registered template. This will curb robo calls that are spam or fraudulent.

**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.**

**Tata Play Ltd.** (formerly known as Tata Sky Ltd.)

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Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: [contact@tataplay.com](mailto:contact@tataplay.com), Website: [www.tataplay.com](http://www.tataplay.com)

**TATA PLAY COMMENTS:**

- **Reference Para no.:** Para 2.25 of Chapter II and Para 29 of Chapter IV
- **Proposed provision:** Pre-recorded voice calls should have an approved content template and should be scrubbed in DLT platform before delivery of such calls.
- **Suggested modification:** A pre-recorded message can play in the beginning providing an option to take or reject the call and seeking consent on whether the call receiver wants to further listen to the Robo call; if not then he/she can drop the call. The template for the consent acquiring pre-recorded message for such calls must be registered with the Telecom Service Providers and only calls with such template should go through, post scrubbing by the Telecom Service Providers.
- **Justification:** The call receiver will know that the call is an auto-dialler/ Robo call beforehand and will have the option to either go ahead with the call or not. The template for acquiring the consent will be registered with the Telecom Service Providers and such calls will be scrubbed by Telecom Service Providers on the basis of the registered template.

**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.**

**TATA PLAY COMMENTS:**

- **Reference Para no. of Chapter II:** Para 2.31- Possible options for Header identifiers
- **Proposed provision:** Three Options provided for making Header structures more useful.
- **Suggested modification:** There shall be three categories as Promotional, Service, Transactional messages with Headers -P, -S and -T. Separate Header may be registered for Government communication.
- **Justification:** Currently the messages from the same Principal Entity are shown in different message threads due to separate prefixes. Categorizing the Headers as promotional (-P), service (-S) and transactional (-T) will provide better understanding to the customers.

**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?**

**TATA PLAY COMMENTS:**

- No comments, as the issue pertains to Access Providers.

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**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.**

**TATA PLAY COMMENTS:**

➤ No comments, as the issue pertains to Access Providers.

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

**TATA PLAY COMMENTS:**

➤ No comments, as the issue pertains to Access Providers.

**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.**

**TATA PLAY COMMENTS:**

➤ No comments, as the issue pertains to Access Providers.

**Q9. Stakeholders are required to submit their comments in respect of: Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of RTMs. Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of UTMs. Financial disincentive against wrong approval of Headers and Message Templates proposed in Section F of Chapter II on the Access Providers. 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.**

**TATA PLAY COMMENTS:**

➤ No comments, as the issue pertains to Access Providers.

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**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?**

**TATA PLAY COMMENTS:**

- **Reference Para no. of Chapter IV:** Para 24
- **Proposed provision:** A charge up to Rs. 0.05 paisa on Transactional, Promotional and Service SMS
- **Suggested modification:** Principal entities are currently charged equally for transactional as well as commercial (service and promotional) messages at a much higher rate of 10.05 paise per SMS. We suggest that the charge for Transactional messages should be lowered/removed.
- **Justification:** As mentioned in Para 2.92 of Chapter II, Transactional messages are only to inform the customer about vital transactions, whereas the nature of promotional messages is to promote or support the services being provided for commercial gains; hence, Transactional messages should be exempted from the charge.

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

**TATA PLAY COMMENTS:**

- **Reference Para no. of Chapter IV:** Para 22 and 25
- **Proposed provision:** Strengthening Common Code of Practice with Financial Disincentives
- **Suggested modification:**
  - a. Access Providers should not have any power to impose financial disincentives on the Senders.
  - b. There should be no requirement for any security deposit from the Senders/Principal Entities.
  - c. Financial disincentives should only be imposed in case of three or more violations.
- **Justification:** Since TRAI is the regulatory authority, only TRAI should have the power to impose financial disincentives, to the extent as provided under the TRAI Act, 1993 in case of three or more violations.

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

**TATA PLAY COMMENTS:**

- **Reference Para no. of Chapter III:** Para 3.10
- **Proposed provision:** Regulating tariff beyond a certain limit of calls/SMS to curb Unsolicited Commercial Communication.
- **Suggested modification:**
  - a. The tariff beyond a certain limit of calls/SMS should only be regulated for unregistered senders/telemarketers as they are the ones engaging in spam calls.
  - b. Identifying and restricting Unregistered Telemarketers (UTMs) from engaging in spam activities.
  - c. A process should be put in place for Telecom Service Providers to address and close consumer complaints relating to commercial communication received from a particular Sender in a time-bound manner.
  - d. Financial disincentives for unregistered telemarketers/ unregistered Senders.
  - e. Consumer awareness campaigns
  - f. Access Providers should be mandated to provide transparent reporting of the usage by registered entities.
- **Justification:** Regulating the unregistered senders and curbing spam calls is the prime requirement for managing UCC.

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

**TATA PLAY COMMENTS:**

- **Reference Para no. of Chapter III:** Para 3.13 and Para 3.17
- **Proposed provision:** Differential tariff for calls and SMS beyond a certain limit to curb UCC through UTMs.
- **Suggested modification:** Differential tariffs may bring complexities and should only be introduced for promotional messages sent by unregistered telemarketers or Senders who are unregistered/not whitelisted.
- **Justification:**
  - a. A limit of 50 outgoing voice calls per SIM per day may be imposed on numbers that are not whitelisted/unregistered for commercial communication. This aligns with the data indicating that 99.87% of telecom subscribers make up to 50 outgoing calls daily. For SMS, a similar limit could be established at 100 SMS per SIM per day. This is based on the observation that only a small fraction of subscribers (0.03%) sends between 51 to 100 SMS daily, and an even smaller percentage (0.004%) sends more than 100 SMS.
  - b. Calls beyond this may incur a higher tariff to discourage excessive calling by unregistered telemarketers/ senders who are not whitelisted.

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- c. Limit per consumer is also suggested to be implemented for unregistered callers/senders. For example, more than 1 SMS and 3 calls per consumer by any unregistered telemarketers can be treated as the limit for differential pricing, however, telecom operators may be free to set the upper limit of calls/SMS per consumer.
- d. Implementing a differential tariff on unregistered senders who are not whitelisted for sending commercial communication could effectively target spammers while minimizing the impact on regular consumers.

**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.**

**TATA PLAY COMMENTS:**

As provided above.

**Q15. If differential tariff is introduced, what could be the tariff beyond a limit for: i. Voice calls. ii. SMS. Please justify with rationale.**

**TATA PLAY COMMENTS:**

As provided above.

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

**TATA PLAY COMMENTS:**

No comments.

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