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Telecom Regulatory Authority of India

Sub: Submission in response to TRAI's consultation paper on Review of the TCCCPR 2018

Dear Shri Jaipal Singh Tomar ji,

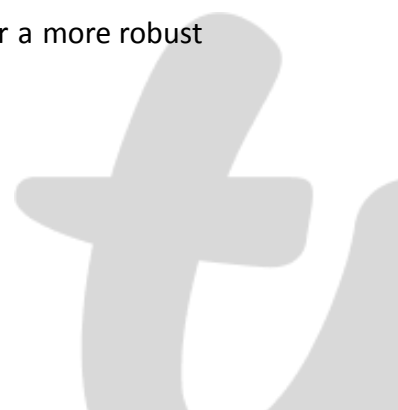
At the outset, we would like to express our sincere appreciation and gratitude to the Telecom Regulatory Authority of India (TRAI) for initiating the consultation on the 'Review of the Telecom Commercial Communications Customer Preference Regulations, 2018' (TCCCPR 2018). We commend TRAI's proactive efforts to address the rising concerns around Unsolicited Commercial Communications (UCC). Truecaller's mission to build safety and trust in communications is firmly aligned with this initiative, and we are pleased to contribute to this consultation.

We commend TRAI for taking proactive steps to bring together diverse stakeholders over the past few months to tackle the challenges of spam and fraud collaboratively. The current consultation paper provides a pivotal opportunity to further this engagement, offering a platform for bridging the gap between regulatory frameworks and industry practices in addressing UCC. It is indeed a commendable initiative that provides scope for innovative solutions to the persistent challenges of UCC.

Through our submission, we wish to assist TRAI in its efforts to improve UCC detection, enhance user-friendliness in UCC reporting and redressal and encourage active participation from both industry players and consumers in combating UCC.

To enhance the effectiveness of UCC reporting and complaint handling, we recommend that TRAI formally integrate third-party applications into its framework. These applications can provide user-friendly interfaces for consumers to report spam, manage their communication preferences, and file UCC complaints easily. By leveraging the capabilities of these platforms, TRAI can streamline the reporting process, making it more accessible and consumer-centric.

Such collaboration would empower users to have greater control over their communication, while also enabling TRAI and service providers to track and address UCC cases more efficiently. This integration aims to improve consumer satisfaction and foster a more robust system for combating unsolicited communications.





Additionally, we believe fostering collaboration across the telecom ecosystem and leveraging advanced technologies to tackle ever-evolving sophisticated frauds will offer more effective long-term solutions than imposing punitive measures, such as differential tariffs or restrictions on frequent users of calling and SMS services. While well-intentioned, such disincentives could inadvertently penalize legitimate users and stifle the growth of telecom networks, particularly in a rapidly evolving digital economy.

It is our firm belief that TRAI's leadership in adopting a balanced, consumer-centric approach will not only curb the menace of spam and unsolicited communications but also ensure the sustainable growth of the telecom sector. By focusing on practical, technology-driven, and collaborative solutions, TRAI can create an environment where both consumers and industry stakeholders benefit from a more safe and reliable communications ecosystem.

We look forward to TRAI's continued efforts in this direction and hope that the recommendations we have provided will contribute meaningfully to shaping the future of telecom regulations in India. Please refer to our detailed inputs and points below for further consideration.

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.

Definitions of messages and calls and their categorizations outlined in the paragraphs 2.14 to 2.19 have the potential to effectively reduce ambiguity for telecom users, Access providers and other stakeholders. However, to further enhance clarity and foster consensus among stakeholders, amendments to TCCCPR should also consider inclusion of clear definitions of 'international traffic' and 'fraud calls and SMS'. Based on our research, outreach, and technological expertise in this area, we propose the following additions to TCCCPR-2018 for your consideration:

1. Definition of International Traffic

Clarifying the definition of [international traffic](#) will benefit stakeholders across the telecommunications ecosystem. It will facilitate ease of doing business, and increase flexibility in the transmission of data and international operability. Moreover, a well-defined international traffic framework will play a crucial role in combating scams, fraud, and security risks, which have become increasingly prevalent in the telecom sector

The definition may read as follows:





'International Traffic' refers to the transmission of telecommunication traffic that satisfies either of the following conditions:

- a. Traffic that originates within the geographical boundaries of India, and terminates outside the geographical boundaries of India, or*
- b. Traffic that originates outside the geographical boundaries of India, and terminates within the geographical boundaries of India.*

Defining international traffic is crucial for combating scams and fraud as it directly addresses the issue of [grey routes](#)—where international traffic is disguised as domestic through the use of proxy servers or mediation gateways in India. These grey routes allow entities to evade legitimate international termination charges, resulting in revenue loss and encouraging illegal practices. A clear definition will enable regulators and telecom operators to identify and block such routes, ensuring that all international traffic is transmitted through licensed and legitimate channels. Additionally, this definition enhances security, traceability, and fraud protection by making it easier to monitor calls and messages originating from or terminating outside India. This improved traceability helps detect fraudulent activities, such as phishing, smishing, and spam, which often exploit grey routes. As a result, telecom operators and authorities can more effectively distinguish between domestic and international traffic, making it harder for scammers to operate and providing stronger safeguards for consumers.

2. Definition of Fraud Calls and SMS

Including a clear definition of 'fraud calls and SMS' would provide greater clarity to Access Providers, increasing their responsibility to prevent fraud and protect subscribers' financial interests. This addition would also contribute to making fraud prevention central to building customer trust, safeguarding business reputation, ensuring regulatory compliance – ensuring safer digital communication for all.

The definition may read as follows:

"A representation of a material fact that is false and known to be false by the defendant, made with intent to induce the victim to rely on it and thereby part with something of value, over any voice call or message using telecommunication services."

TRAI could explore establishing specific obligations or compliance requirements for Access Providers concerning fraud calls and SMS. Such obligations could include enhanced reporting protocols, mandatory fraud-detection systems, and consumer notification processes. Implementing these requirements would clarify the responsibilities of Access Providers in monitoring and mitigating fraud, ensuring a more secure and reliable telecom environment for users.



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.

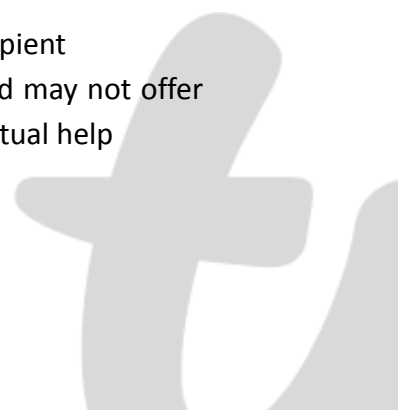
We believe that such explicit consent requirements may lead to consent fatigue as mandatory explicit consent requirements may inadvertently lead to [consent desensitisation and indifference](#) amongst users as they may be bombarded with consent requirements by multiple businesses. Over time, this excessive consent-seeking behaviour can reduce user engagement and trust, and instead of enhancing spam protection, it may [erode the effectiveness of consent](#) mechanisms altogether. Therefore, it is crucial to strike a balance between protecting privacy and avoiding overburdening users with consent requests.

To address this challenge, it is essential that the TCCCPR gives deference to the specialized Digital Personal Data Protection Act, 2023 (DPDPA), which already lays out requirements for personal data processing and consent. The DPDPA provides a comprehensive, sector-agnostic framework that should take precedence, allowing a consistent and streamlined approach across regulatory domains. By aligning with this framework, TCCCPR can avoid creating parallel, potentially conflicting consent requirements for the same subject matter. Consent requirements under TCCCPR should reference the DPDPA as the primary standard, ensuring a harmonized regulatory approach that respects consumer choice and puts users in control without subjecting them to overlapping and confusing mechanisms.

Further, the imposition of an opt-in requirement for all promotional communications could severely impact legitimate businesses, particularly small and medium enterprises (SMEs) and the call center industry in India. These sectors rely on efficient communication channels to reach customers and facilitate operations. An opt-in approach could restrict these businesses' ability to engage effectively, reducing their operational viability. Instead, a well-designed opt-out option would give subscribers the flexibility to avoid unwanted messages while enabling legitimate businesses to operate without undue constraints.

It is important to note that even when explicit consent is obtained by a business entity, certain communications may still include promotional or spam messages. Users may desire flexibility in the consent mechanism for various reasons. A few have been listed below for consideration:

- **Volume of calls** can be significantly high, causing nuisance for the recipient
- **Automation can be frustrating** since its one-way communication and may not offer adequate assistance to the recipient, only resulting in spam and no actual help





- **Opt-out or blocking mechanisms offered by the Sender (or business) can be cumbersome, complicated or discouraging**, especially if recipients are required to follow multiple steps. This challenge may be aggravated for elderly populations or other recipients with limited digital literacy
- **Limited digital literacy** when dealing with promotional content shared via auto dialer or robo calls can also result in unintended activation or subscription to services by recipients, which is not only a nuisance but may also have monetary costs

Therefore, considering the challenges and best practices, it is important to develop a flexible consent mechanism that empowers users and allows them to dynamically manage their interactions with business entities.

For non-registered UCCs or callers the carriers would collect their traffic data for a different purpose on what was originally anticipated. I.e they will use info about their calling data to build a spam score. This is done for a different purpose than what carrier subscribers signed up for originally.

Q.6 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.

Making systems for handling complaints related to unsolicited commercial communications (UCC) both accessible and consumer-friendly is vital for effectively addressing the rising issue of UCC and spam. Many consumers currently face challenges with the complexity of existing complaint systems, which discourages reporting of spam or fraudulent activities. By simplifying these mechanisms, consumers will be better equipped and motivated to take an active role in fighting UCC.

To improve the accessibility and efficiency of UCC complaint systems, the following measures are recommended:

- **Simplification and Integration of Reporting Mechanisms:** We recommend that TRAI consider formally integrating third-party applications as part of the UCC reporting and complaint-handling framework. TRAI can greatly benefit from integrating third-party applications that offer user-friendly interfaces for reporting spam and managing communication preferences. These platforms have developed intuitive features that make it easy for users to file UCC complaints, manage their DND preferences, and provide detailed reports of fraudulent or unsolicited

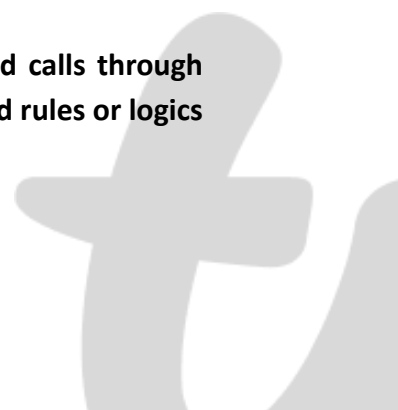


communications. By collaborating with such platforms, TRAI could create a more streamlined, consumer-centric reporting process. A well-integrated system would allow consumers to submit official complaints seamlessly through trusted third-party applications, providing them with greater control while also enabling TRAI and service providers to track and address UCC cases more efficiently. This integration would improve both the accessibility and effectiveness of the UCC complaint process, ultimately leading to enhanced consumer satisfaction and a more robust system for combating unsolicited communications.

- **Improving Fraud Prevention with Collaborative Data Sharing:** A key component of tackling UCC and fraudulent communication is the ability to share relevant data between telecom providers, regulators, and third-party platforms in a secure and compliant manner. To enhance the effectiveness of anti-spam and fraud prevention measures, telecom providers should be mandated to share necessary subscriber information, such as names and phone numbers, under well-defined, non-discriminatory, and fair terms, and at a nominal cost. This approach would ensure that third-party platforms can access the information needed to prevent spam and fraud while maintaining strong consumer data protection. This approach would align with international best practices, such as those in the [European Union \(EU\)](#), where licensing subscriber information from telecom carriers is legally permissible. In the EU, telecom carriers can only charge a fee that corresponds to the actual cost of providing the information, ensuring that the pricing is fair and does not impose unreasonable financial burdens on third-party service providers
- **Mandating Data Sharing for Fraud Detection:** Introducing mandatory data-sharing provisions would significantly boost fraud detection efforts. Telecom providers, regulators, and third-party platforms could collaborate under a standardized framework to share real-time data on suspicious activities, high-risk numbers, and emerging fraud patterns. Fraudsters often exploit gaps in information between stakeholders, making coordinated data sharing essential to closing these loopholes. By establishing secure channels for data exchange, TRAI can ensure that stakeholders work together to detect and prevent fraudulent communications swiftly and efficiently. Such collaboration would bolster overall communication security and protect consumers from evolving fraud tactics.

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.**

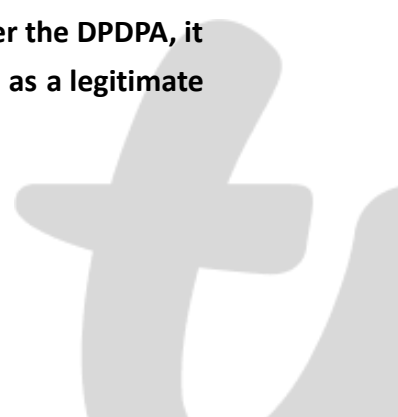
The proactive measures for spam detection outlined under Section 2.79 and proactive actions against UCC senders outlined under Sections 2.81, 2.82 and 2.83 are well thought out and well-intentioned. However, TRAI should consider the following challenges that may arise at the implementation stage –

Consumers expect effective and user-friendly features to help block or report spam calls and SMS, detect the misuse of robotic calls, and monitor unwanted communications. The measures proposed in Section 2.83 of the consultation paper, such as the use of AI or ML tools, social media monitoring, and automated call-blocking technologies, can be quite effective in curbing Unsolicited Commercial Communications (UCC). However, Access Providers may not always have the technological capacity or expertise to develop and deploy these measures independently. This can lead to delays in implementing consumer-friendly features that effectively protect users from spam and unwanted calls.

Additionally, building such capabilities from scratch could raise compliance costs for Access Providers, which may eventually be passed on to consumers in the form of higher service charges. To address this, TRAI could allow Access Providers the flexibility to integrate with third-party applications and services that specialize in AI/ML-based spam detection, robocall identification, and call-blocking mechanisms. Such partnerships would ensure that consumers benefit from advanced, continuously updated technologies designed to improve their communication experience and protect them from unsolicited communications, without potentially incurring additional costs.

As ecosystem actors adopt technological measures to address UCC, user consent is likely to emerge as a challenge in the context of data processing. The Digital Personal Data Protection Act 2023 currently does not recognize spam and scam detection and prevention as a ground for processing data, instead focusing on explicit user consent. Since it is unlikely that spammers/scammers would consent to a UCC Detect System or other AI/ML based measures, it is vital that spam and scam prevention is recognized as a lawful basis for data processing.

Although TRAI does not have jurisdiction to designate lawful grounds under the DPDPA, it could recommend to MeitY that spam and scam prevention be recognized as a legitimate basis for processing data in this context.





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

While the introduction of differential tariffs for SMS and voice calls may seem like a viable approach to deter the misuse of telecom resources, it raises several concerns regarding its effectiveness, potential unintended consequences, and broader impact on the telecom ecosystem. We believe that such a regulation could be counterproductive for several reasons:

- **Disproportionate Impact on Responsible Users:** One of the primary issues with this approach is the risk of disproportionately affecting responsible users who rely on telecom services for essential activities. Professionals in various fields, including education, healthcare, and social work, often make numerous calls as part of their daily responsibilities. By introducing higher charges based on call volume, these users may face unnecessary financial strain, simply for fulfilling their duties. Rather than deterring misuse, such tariffs may inadvertently discourage vital communications, making it harder for these individuals to perform their roles effectively.
- **Challenges in Addressing Fraudsters Using Multiple Connections:** Another significant concern is the inherent challenge in effectively targeting fraudsters, who are adept at using multiple connections and sophisticated tactics to evade detection. Those engaging in fraudulent activities often employ various methods, such as utilizing numerous SIM cards or employing number spoofing techniques. As a result, the proposed tariffs are unlikely to disrupt their operations. Meanwhile, legitimate users who frequently engage in communication for valid reasons may find themselves unfairly burdened with increased costs, without any substantial decrease in fraudulent behavior.
- **Challenges for High-Usage Service Industries:** A considerable number of individuals in the Indian economy, particularly small business owners, micro, small, and medium enterprises (MSMEs), and gig workers, depend heavily on affordable voice and SMS services. For example, a small business owner needs to communicate with suppliers and customers regularly, and imposing differential tariffs could raise their operational costs significantly. Such financial pressures could directly threaten their livelihoods, compelling them entities such as MSME's to seek unregulated alternatives to reduce expenses. This shift may inadvertently lead to an uptick in unsolicited communications, undermining the very objectives of regulatory frameworks designed to combat spam. Considering that small businesses and MSMEs generate and sustain significant employment opportunities in the economy, such differential tariffs would have a material financial impact on them and the employment



opportunities they create, and consequently, could have an adverse impact on the economy.

Further, start-ups and young businesses need all the support they can receive from regulators to realize the government's vision of 'Viksit Bharat.' Any measure that increases communication costs, which are fundamental to any business, casts a dark shadow on their sustainability. The emergence of India as an economic powerhouse and a driver of global economic growth, especially over the past decade, has been largely enabled by the availability, accessibility, and affordability of next-gen telecommunications—a fact recognized both in India and globally. Any regulatory measure that affects the availability, accessibility, and affordability of telecommunications in India should be reconsidered, as it poses a material threat to the realization of the vision of Viksit Bharat

Truecaller, as a global leader in spam and fraud protection, is deeply committed to supporting TRAI's ongoing efforts to combat Unsolicited Commercial Communications (UCC) and appreciates the proactive measures, including the consultation being taken to address this issue. We believe that a collaborative approach involving industry players, regulators, and stakeholders is crucial in tackling UCC effectively. By working together, we can leverage technological innovations and shared expertise to create consumer-friendly solutions that reduce spam and foster trust in communications. Truecaller remains committed to partnering with TRAI and other stakeholders to strengthen these efforts and ensure a spam-free telecom ecosystem.

Thank you.

Regards,
Hariti Chadda
Manager, Public Affairs
Truecaller

