



सत्यमेव जयते

भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



Dated the 4th May, 2024

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) regarding implementation of Voice DLT solution for commercial communications under Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018).

F. No. M-5/11/(1)/2022-QoS (E-6703) – Whereas the Telecom Regulatory Authority of India (hereinafter referred to as the “Authority”), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as “TRAI Act”), has been entrusted with discharge of certain functions, *inter alia*, to ensure compliance of terms and conditions of licence; to regulate the telecommunication services; ensure technical compatibility and effective inter-connection between different service providers; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such services provided by the service providers so as to protect the interest of the consumers of telecommunication service;

2. And whereas the Authority, in exercise of the powers conferred upon it under section 36, read with sub-clause (v) of clause (b) and clause (c) of sub-section (1) of section 11, of the TRAI Act, made the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19th July, 2018 (hereinafter referred to as the “regulations”), to regulate unsolicited commercial communications (UCC);

3. And whereas regulation 3 of the regulations provides that every Access Provider shall ensure that any commercial communication using its network only takes place using registered headers assigned to the senders for the purpose of commercial communication;

4. And whereas regulation 5 of the regulations, *inter alia*, provides that every Access Provider shall develop or cause to develop an ecosystem with requisite functions to regulate the delivery of the commercial communications as provided for in the regulations and the relevant provisions of said regulation read as under—

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Page 1 of 5

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“प्रभावी विनियमन - सुगम संचार”
“Effective Regulation - Ease of Communication”

“5. Every Access Provider shall develop or cause to develop an ecosystem with the following functions to regulate the delivery of the commercial communications as provided for in these regulations: -

- (1) to provide facility to its Subscribers for registering preference(s) for Commercial Communication and maintain complete and accurate records of preference(s);
- (2) to register entities for participating in the ecosystem and prescribe their roles and responsibilities for efficient and effective control of commercial communications;
- (3) to provide facility to record consent(s) of the Subscribers acquired by the sender(s) for sending Commercial Communication and maintain complete and accurate records of consent(s);
- (4) to provide facility for revocation of consent by its Subscribers and accordingly update records of consent for the Subscribers;
- (5) to register sender(s), carry out verifications of their identities and prescribe processes for sending commercial communications;
- (6) to prescribe process and specific functions of particular entity to carry out pre-delivery checks before sending commercial communications and ensuring regulatory compliance(s);
- (7) to provide facilities for its Subscribers to register complaints against Sender(s) of Commercial Communication and maintain complete and accurate records of status of resolution of complaints;
- (8) to examine and investigate complaints, take actions against defaulters and take remedial measures to ensure compliance with the regulations;
- (9) to detect, identify and act against sender(s) of Commercial Communication who are not registered with them;
- (10) to comply with any other directions, guidelines and instructions issued by the Authority in this regard.”;

5. And whereas regulation 8 of the regulations, *inter alia*, provides that every Access Provider shall, before allowing any commercial communication through its networks, undertake requisite activities as provided for in the regulation;

6. And whereas regulation 9 of the regulations provides that every Access Provider shall ensure that no commercial communication is made to any Recipient, except as per the preferences or digitally registered consents registered in accordance with the regulations;

7. And whereas regulation 10 of the regulations provides that every Access Provider shall ensure that no commercial communication takes place through its networks except by using headers assigned to the registered Senders for the purpose of sending commercial communication;

8. And whereas regulation 12 of the regulations, *inter alia*, provides that Access Providers shall deploy, maintain and operate a system, by themselves or through delegation, to ensure that requisite functions are performed in a non-repudiable and immutable manner; and the relevant provisions of the said regulation read as under—

“12. Access Providers shall deploy, maintain and operate a system, by themselves or through delegation, to ensure that requisite functions are performed in a non-repudiable and immutable manner: -

- (1) to record preference(s), consent(s), revocation of consent(s), complaint(s) etc.*
- (2) to carry out regulatory pre-checks and post-checks in respect of Commercial Communication being offered for delivery and also to keep records of actions performed;*
- (3) to register person(s), business entity(ies) or legal entity(ies) in making Commercial Communication through its network involved from origination, transmission or delivery and have adequate documentary evidence in support to prove its identity;*
- (4) to ensure that functions and actions performed by registered entities are identifiable, distinguishable and recordable;*
- (5) to ensure that the data is stored and shared in a secure and safe manner;*
- (6) to ensure that data is accessible only to the relevant entities for performing roles assigned to them under these regulations;*

Note: If not specifically permitted, the data should not be accessible in clear text to any person, including the person(s) operating the system or performing a delegated function, e.g. scrubbing, or accessible to any application(s) other than the application performing the delegated function(s).

- (7) to detect non-compliances and take immediate action to effectively ensure compliance with regulations;*
- (8) to ensure compliance by the registered sender(s) who have notified the access provider about the use of auto dialer(s), and to take action against the sender(s) found to be failing to maintain silent calls or abandoned calls within the prescribed limits: ”;*

9. And whereas regulation 13 of the regulations provides that Access Providers shall adopt Distributed Ledger Technology (DLT) with permissioned and private DLT networks for implementation of the system, functions and processes as prescribed in Codes of Practice to ensure that all necessary regulatory pre-checks are carried out for sending Commercial Communication and to operate smart contracts among entities for effectively controlling the flow of Commercial Communication;

10. And whereas regulation 17 of the regulations provides that Authority may direct Access Providers to make changes, at any time, in the Codes of Practice and Access Providers shall

incorporate such changes and submit revised Code of Practice within fifteen days from the date of direction issued in this regard;

11. And whereas item 4 of Schedule-I to the regulations, *inter alia*, reads as under:—

“4. Every Access Provider shall carry out following functions: -

.....

(8) Voice Calling Function with Telecom Resource Connectivity (VCF)

(a) deliver voice calls to OAP, in a secure and safe manner, during specified time slots and types of days of delivery in accordance to the preferences of the customer(s);

(b) select OAP for particular customer(s) or voice calls and conveying selected OAPs to Scrubber for generating tokens for corresponding OAP to access information of list of messages which would be required to be delivered by it;”;

12. And whereas item 2 of Schedule-I to the regulations, *inter alia*, reads as under:—

“2. Every Access Provider shall formulate structure and format for headers to be assigned Senders for the purpose of commercial communications via sending SMS or making voice calls to participants which shall include following:

.....

(2) Calling Line Identity for Senders making Promotional Voice Calls, Transactional Voice Calls and Service Voice Calls from 140-level numbering series or any other numbering series directed by the Authority/DoT;”

13. And whereas DoT, vide letter dated 09.04.2024, conveyed the decision to allocate a separate numbering series ‘160’ exclusively for Service and Transactional Voice Calls under the regulations;

14. And whereas the allotment of numbering resources in the numbering series ‘160’, exclusively assigned for Service and Transactional Voice Calls under the regulations, to Principal Entities (PEs) shall be done by Access Providers through DLT platform after development of module for the same;

15. And whereas the Authority observed that:—

(a) Access Providers have not yet implemented the provisions of the regulations for commercial communications through voice calls;


(b) operation of the ‘140xxx’ numbering series, allotted to Telemarketers, is being carried out independently and not through the DLT platform as per the regulations;

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- (c) instead of using '140xxx' numbering series, various entities including Banks, Credit Card companies, Insurance companies, and other Financial Institutions make use of normal 10-digit mobile/ landline numbers for making promotional calls resulting in a number of complaints from customers;
- (d) normal 10-digit mobile/ landline numbers are also used for making service and transactional calls giving opportunity to fraudsters to deceive Consumers using 10-digit numbers;
- (e) due to non-implementation of commercial voice calls on DLT platform, the recording of consents and their scrubbing in real time are not being done by the Access Providers;
- (f) several meetings were held with the Access Providers for implementation of DLT based voice solution; however, the timelines committed by the Access Providers for implementation of 140-series on the DLT platform have not been adhered to by the Access Providers;

16. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), and the provisions of the regulations, hereby directs all the Access Providers to:-

- (a) implement Distributed Ledger Technology (DLT) based Voice Solution for 140-level numbering series as per the regulations, including migration of Telemarketers from existing platform and updating Codes of Practice, within 60 days from the date of issue of this Direction;
- (b) (1) submit the implementation plan for Distributed Ledger Technology (DLT) based Voice Solution for 160-level numbering series for Service and Transaction Calls, as per the regulations and numbering plans provided by the Department of Telecommunications, within 30 days from the date of issue of this Direction;
(2) implement Distributed Ledger Technology (DLT) based Voice Solution for 160-level numbering series for Service and Transaction Calls, as per the regulations and numbering plans provided by the Department of Telecommunications, including updating Codes of Practice, within 90 days from the date of issue of this Direction.


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To,
All Access Providers