

**TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART III, SECTION 4
TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION
New Delhi dated 12th February 2025**

**TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER PREFERENCE (SECOND AMENDMENT)
REGULATIONS, 2025
(1 of 2025)**

No. **RG-25/(25)/2023-QoS**: - In exercise of the powers conferred upon it by section 36, read with sub-clause (v) of clause (b) and clause (c) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018), namely:-

1. Short title, extent and commencement. —

- (1) These regulations may be called the Telecom Commercial Communications Customer Preference (Second Amendment) Regulations, 2025 (1 of 2025).
- (2) These regulations shall apply throughout the territory of India.
- (3) These shall come into force after thirty days from the date of their publication in the Official Gazette except regulation 8, regulation 17; sub-clauses (a) and (b) of regulation 20; and sub-clause (b) of regulation 21, which shall come into force after sixty days of publication of these regulations in the Official Gazette.

2. In regulation 2 of the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) (hereinafter referred to as the principal regulations),

(a) for clause (z), the following clause shall be substituted, namely:-

“(z) **“Fully blocked”** means stoppage of all types of commercial communication requiring explicit consent except commercial communication sent under inferred consent and Government Message or Government Voice Call;”;

(b) after clause (z), the following clause shall be inserted, namely:-

“(za) **“Government Message or Government Voice Call”** means any message sent or voice call made on the directions of –

- (a) the Central Government or the State Government or any body established under the Constitution; or
- (b) the Authority or by an agency expressly authorized for the purpose by the Authority:

Provided that such messages are sent or voice calls are made through the DLT platform.

Explanation: There shall not be any requirement of seeking Consent for receipt of these communications nor shall there be any option in the Preference Register to block such communications;”;

(c) after clause (ah), the following provisos shall be inserted, namely:-

“Provided that such consent shall not extend beyond duration / discharge of the contract between the Sender and the Recipient:

Provided further that in case of commercial messages, such Consent may be clearly and reasonably inferred from the registered Content Template;”;

(d) for clause (au), the following clause shall be substituted, namely:-

“(au) **“Promotional Message”** means the commercial communication containing promotional material or advertisement of a product or service:

Provided that the Sender shall give an opt-out mechanism to the Recipient in the same Message, as may be specified by the Authority:

Provided further that if promotional content is mixed with any type of Transactional or Service Message, such Message shall be treated as a Promotional Message.

Explanation: These Messages shall only be delivered to Subscribers who have not blocked their preference under the applicable category in the Preference Register or have given their Consent in the Consent Register, as applicable. If the Sender has acquired explicit digital consent, as provided under the regulations, from the intended Recipient, then such Promotional Messages with explicit consent shall be delivered to the Recipients irrespective of their preferences registered, under the applicable category, in the Preference Register;”;

(e) for clause (av), the following clause shall be substituted, namely:-

“(av) **“Promotional Voice Call”** means commercial communication any voice Commercial Communication containing promotional material or advertisement of a product or service:

Provided that if promotional content is mixed with any type of commercial Voice Call, such voice call shall be treated as a Promotional Voice Call.

Explanation: These calls shall only be delivered to Subscribers who have not blocked their preference, under the applicable category, in the Preference Register or have given their Consent in the Consent Register, as applicable. If the Sender has acquired explicit digital consent, as provided under these regulations, from the intended Recipient, such Promotional calls with Explicit Consent of the Recipient shall be delivered to the Recipients irrespective of their preferences registered, under the applicable category, in the Preference Register;”;

(f) for clause (bh), the following clause shall be substituted, namely:-

“(bh) **“Service Message or Service Voice Call”** means a message sent or voice call made by a Sender to –

(i) its Customer or Subscriber to provide information pertaining to any product or service, its warranty, product recall, software upgrade alerts, safety or security of the product used or purchased by the Customer, periodic balance alerts, information regarding delivery of goods or services, and such Messages are not promotional in nature and do not require Explicit Consent; or

(ii) a Recipient to facilitate or complete a commercial transaction involving the ongoing purchase or the use by the Recipient of the product or services offered by the Sender after obtaining Explicit Consent from the Recipient and such Messages are not promotional in nature:

Provided that such Explicit Consent shall be for seven days or as directed by the Authority from time to time:

Provided further that a transactional Message or transactional Voice Call containing information pertaining to service shall be treated as a Service Message or Service Voice Call;”;

(g) for clause (bt), the following clause shall be substituted, namely: -

“(bt) **“Transactional Message or Transactional Voice Call”** means a Message sent or Voice Call made by a Sender to its Customer or Subscriber in response to Customer initiated transaction within thirty minutes of the transaction relating to any product or service such as OTP from banks, non-bank-entities like e-commerce, apps login etc., transaction alerts and confirmations, balance alerts post completion of a transaction, refund information, etc. and such Messages or calls are not promotional in nature and does not require Explicit Consent;”;

(h) clause (bu) shall be deleted;

- (i) for clause (bw), the following clause shall be substituted , namely:-
“(bw) **“Unsolicited Commercial Communication or UCC”** means any commercial communication that is neither as per the consent nor the registered preferences of the Recipient and does not include: -
- (i) any transactional message or transactional voice call;
 - (ii) any service message or service voice call;
 - (iii) any message or voice calls transmitted on the directions of the Central Government or the State Government or bodies established under the Constitution, when such communication is in public interest;
 - (iv) any message or voice calls transmitted by or on the direction of the Authority or by any agency expressly authorized for the purpose by the Authority:

Provided that any commercial communication made by a Sender which is not registered with any Access Provider for the purpose of sending commercial communication shall be treated as an Unsolicited Commercial Communication:

Provided further that any message sent or voice call made, in the guise of commercial communication or otherwise, to deceive the recipient or to attempt to deceive the recipient shall be treated as an unsolicited commercial communication under these regulations so far as the misutilization of telecom resources by the sender is concerned;”.

3. For regulation 3 of the principal regulations, the following regulation shall be substituted, namely:-
“3. Commercial communications through network of Access Providers.— (1) Every Access Provider shall ensure that any commercial communication using its network takes place only using registered headers or the number resources allotted to the Senders from special series assigned for the purpose of commercial communication.

(2) No Sender, who is not registered with any Access Provider for the purpose of sending commercial communications under these regulations, shall make any commercial communication, and in case, any such Sender sends commercial communication, all the telecom resources of such Sender may be put under suspension or may also be disconnected as provided under these regulations.”.

4. For regulation 4 of the principal regulations, the following regulation shall be substituted, namely:-
“4. Intimation regarding use of Auto Dialer or Robo-Calls.— Every Sender shall notify the Originating Access Provider, in advance, about the use of Auto Dialer or Robo-Calls as well as the intended objective of such calls in writing.”.

5. For regulation 22 of the principal regulations, the following regulation shall be substituted, namely:-
“22. Other obligations of Access Providers. — (1) Every Access Provider shall, -

- (a) in case of misuse of Headers and Content Templates-
- (i) ensure that traffic from the concerned Sender shall be suspended by all the Access Providers immediately till such time, the Sender files a complaint with the law enforcement agencies under the relevant laws, and Sender reviews all its Headers and Content Templates and takes corrective measures as per the regulations to prevent misuse of its Headers, Content Templates and other relevant credentials:

Provided that no action shall be taken by Access Provider unless the concerned Sender has been given a reasonable opportunity of representation;

- (ii) ensure that, if Delivery TM is complicit in misuse of Headers or Content Templates, the Sender shall file a complaint against Delivery TM with the law enforcement agencies under relevant laws;
- (b) ensure that whenever a Sender or Telemarketer is suspended or blacklisted by any Access Provider and its status is updated by it on DLT platform, other Access Providers shall stop traffic from such entities immediately,

but not later than twenty-four hours from the time of suspension or blacklisting, and shall not allow re-registration of these entities during the period of suspension or blacklisting;

- (c) develop a mechanism for the registered Senders and RTMs to self-certify annually: -
- (i) their registration details so as to ensure availability of their up-to-date details with the Access Providers;
 - (ii) all of their registered headers, content templates and Consent Templates;

Provided that any failure on the part of the registered Sender or RTM to certify their registration details, registered headers, Content Template and Consent Templates shall lead to automatic suspension of such Senders and RTMs or their registered headers, content templates and Consent Templates, as the case may be:

Provided further that Access Providers shall incorporate suitable provisions in its agreement with the Sender or RTM to ensure compliance of the provision;

- (d) ensure that the transmission of the Commercial Communication is authenticated by the Senders on whose name the Headers or number resources from special series for making commercial communication are issued, in such manner as may be specified by the Authority from time to time;
- (e) maintain proper traceability of Messages from Senders to the Recipients and accountability of each entity in the chain and to allow sufficient flexibility in the ecosystem and ensure that-
- (i) there shall not be more than two Telemarketers i.e. one Telemarketer with Aggregator Function and one Telemarketer with Delivery Function, or as directed by the Authority from time to time;
 - (ii) RTMs are mandated to use digital platforms that record the trace when the messages pass through them by making necessary provisions for such usage shall be incorporated in the agreement between Access Provider and RTM;
 - (iii) the functions of the Telemarketer for Delivery Function shall include ensuring that the commercial communication handled by them is traceable and necessary provisions for such function shall be incorporated shall be made in the agreement between Access Provider and the Telemarketer for Delivery Function;
- (f) at its discretion, specify the fee for registration of Senders and RTMs and for other activities as provided under these regulations such as registration of Headers, Content Template, etc. and may also prescribe security deposits to safeguard against UCC:

Provided that the Authority may specify the fee for registration of Headers, Content Template, etc. or any other activity provided under these regulations, or it may direct the Access Providers to specify such fee;

- (g) at its discretion, impose financial disincentives on registered Senders and Telemarketers or forfeit their security deposit, and also suspend or blacklist them, in case violation of the regulations can be attributed to the failure of such entities to discharge the functions assigned to them:

Provided that if the Authority has reason to believe that measures specified by the Access Providers against the registered Senders and Telemarketers are not effective, it may direct the Access Providers to take appropriate measures;

- (h) ensure to make provision for registration of grievances by RTMs and Senders and their redressal;
- (i) enter into agreements with the registered Senders, the Telemarketers with Delivery Functions and the Telemarketers with Aggregator Functions and ensure that-
- (i) the agreement with registered Senders shall include, -



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- (A) the roles and responsibilities of the Sender under the provisions of these regulations and the actions that can be taken against them in case of non-compliances. The agreement shall clearly stipulate that it shall be the sole responsibility of the Sender to ensure that only registered Headers or the number resources allotted to such Sender from the special series assigned for the purpose of making service and transactional calls, are used by it for making such calls and no promotional content shall be mixed in it;
- (B) the provision for legal action by the registered Sender against the Telemarketer in case of misuse of Headers or Content Templates by the Telemarketer;
- (C) the responsibility of the Sender to ensure availability of their up-to-date information with the Access Providers by self-certifying, on annual basis, their registration details and all registered Headers, Content Templates and Consent Templates, failing which the Senders or the uncertified Headers and templates, as the case may be, shall be automatically suspended;
- (ii) the agreement with registered Telemarketers shall include -
- (A) the roles and responsibilities of Telemarketers specified under these regulations and the actions that can be taken against them in case of non-compliances;
- (B) responsibility of Telemarketer to ensure availability of their up-to-date information with the Access Providers by self-certifying, on annual basis, their registration details and all registered Headers, Content Templates and Consent Templates, failing which the Telemarketer or the uncertified Headers and templates, as the case may be, shall be automatically suspended.”.

6. In regulation 23 of the principal regulations, -

(a) in sub-regulation (1), for item (a), the following item shall be substituted, namely:-

“(a) to make complaint by its Customer against Sender of Unsolicited Commercial Communication in violation of the regulations provided that to register the complaint against-

- (i) RTMs or registered Senders, Customer should have registered his preferences;
- (ii) UTMs or unregistered Senders, there shall not be any pre-requisite of registration of Preferences by the Customer.”;

(b) in sub-regulation (2),-

(i) for the item (f) the following item shall be substituted, namely: -

“(f) sending e-mail to a designated e-mail id of the Access Provider in the specified format.”;

(ii) after the item (f), the following item shall be inserted, namely: -

“(g) any other means as may be notified by the Authority from time to time.”;

(iii) for the proviso, the following proviso shall be substituted, namely: -

“Provided that every such complaint shall be made by a subscriber or recipient within seven days of receipt of the unsolicited commercial communication.”;

(c) for sub-regulation (5), the following sub-regulation shall be substituted, namely: -

“(5) to provide details of format and procedure to the Customer, as given in the appropriate Codes of Practice, when a complaint is treated as invalid by the Access Provider on the grounds of incomplete information or improper format:

Provided that -

- (a) if the complaints against Unsolicited Commercial Communication, made through Voice Calls or Message, contain the mobile number of the Sender, the mobile number of the complainant, the date of UCC and a brief about of UCC Voice Call or Message, it shall be treated as a valid complaint and for the guidance of the complainant regarding manner of description of UCC, a template shall be provided in mobile app and web

portal of the Access Providers who may collect additional information to support the investigation, if available with or provided by the complainant. The mandatory fields, if displayed, shall be marked with an asterisk (*);
(b) the name of business or legal entity on whose behalf Unsolicited Commercial Communication was made and purpose of Commercial Communications shall be captured; however, these shall not be treated as mandatory fields for complaint registration or investigation.”.

7. In regulation 24 of the principal regulations, -

(a) in sub-regulation (2), for clause (c), the following clause shall be substituted, namely:-

“(c) Referred telephone number(s) (RTN), referred entity or brand name and purpose of call if provided in complaint;”;

(b) after sub-regulation (4), the following proviso shall be inserted, namely:-

“Provided that for UTM or unregistered Sender, the details of the Sender such as name of the Sender, category of the Sender as a telecom Customer (individual or enterprise), address and other relevant details to uniquely identify the Sender shall be recorded.”.

8. For regulation 25 of the principal regulations, the following regulation shall be substituted, namely:-

“25. Complaint Mechanism.- Every Access Provider shall establish systems, functions and processes to resolve complaints made by the Customers and to take remedial action against Senders as provided hereunder:-

(1) Terminating Access Provider shall record the complaint and report on DL-Complaints in non-repudiable and immutable manner and shall notify, in real time, the details of the complaint to the concerned Originating Access Provider (OAP) except when it is not possible to do so as stipulated in sub-clause (2);

(2) in instances where there is non-availability of complete telephone number of the Sender or Header in the complaint registered, TAP shall communicate to the Customer about the closure of his complaint with the reason and educate the Customer about the correct manner of registering a complaint:

Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;

(3) the Terminating Access Provider shall also verify if the date of receipt of complaint is within seven days of receiving Commercial Communication and in case the complaint is reported by the Customer after seven days, it shall communicate to the Customer about the closure of his complaint along with reasons in accordance with the Codes of Practice for Complaint Handling and change status of the complaint on DL-Complaint as a report instead of a complaint:

Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;

(4) in case the complaint is related to Registered Telemarketer or registered Sender, OAP shall-

(a) notify the receipt of the complaint to the Sender immediately with such details which help the Sender to start the investigation immediately;

(b) examine communication detail records, within one business day from the date of receipt of complaint by OAP to check the occurrence of complained communication between the complainant and the reported telephone number or Header from which Unsolicited Commercial Communication was received;

- (c) in case of non-occurrence of complained communications under sub-regulation (4)(b), shall communicate to TAP to inform the complainant about the closure of complaint along with reasons in a manner specified in the Codes of Practice:
Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;
- (d) in case of occurrence of SMS-related complained communications under sub-regulation (4)(b), OAP shall further examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and
- (i) if all regulatory pre-checks were carried out and delivery of Commercial Communication to the Recipient was in conformity of the provisions of the regulations and Codes of Practice, OAP shall communicate to TAP to inform complainant about the closure of complaint along with reasons as provided for in the Codes of Practice:
Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;
- (ii) in case of non-compliance with the regulations, within two business days from the date of receipt of complaint, take action against the defaulting entity and communicate to TAP to inform the complainant about the action taken against his complaint as provided for in these regulations and Codes of Practice:
Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;
- (iii) take appropriate remedial action, as provided for in the Regulations and in the Code of Practices, to control Unsolicited Commercial Communications so as to ensure compliance with these regulations;
- (e) in case of occurrence of complained communication related to Voice Call from the series assigned for promotional call under sub-regulation (4)(b), further examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and –
- (i) in case, all regulatory pre-checks were carried out and delivery of Commercial Communication to the Recipient was in confirmation to the provisions in the regulations and Code(s) of Practice, communicate to TAP to inform complainant about the closure of complaint along with reasons as provided for in the Code(s) of Practice:
Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;
- (ii) in case of non-compliance with the regulations, within two business days from the date of receipt of complaint, take action against the defaulting entity and communicate to TAP to inform the complainant about the action taken against his complaint as provided for in the Regulations and Code(s) of Practice:
Provided that Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;
- (iii) take appropriate remedial action, as provided for in the Regulations and in the Code of Practice(s), to control Unsolicited Commercial Communications from such Senders so as to ensure compliance with these Regulations;
- (f) in case of occurrence of complained communications under clause (4)(b) related to promotional Voice Calls made using the number resource(s) allotted from series assigned for transactional and service calls, examine

within a maximum time of two business hours, whether there are similar complaints or reports against the same Sender;

- (i) if it is found that the number of complaints against the Sender are from five or more than five unique Recipients during the last ten days, suspend the outgoing services of all the telecom resources of the Sender which were utilized for sending UCC and initiate investigation by issuing a notice to the Sender, under sub-regulation (5)(d)(i) to give opportunity to represent the case; investigate within five business days from the date of receipt of representation from the Sender and record the reasons of its findings and if the conclusion of is that the Sender was engaged in sending the Unsolicited Commercial Communications, it shall act against such Sender as under-
- (A) for the first instance of violation, outgoing services of all the telecom resources of the Sender including PRI/SIP trunks etc shall be barred by all the Access Providers for a period of fifteen days, irrespective of whether such resources other than the misused resource have been used for sending UCC or not;
- (B) for the second and subsequent instances of violations-
- (I) all telecom resources of the Sender across all the access providers including PRI/SIP trunks etc. shall be disconnected by all the Access Providers for one year, irrespective of whether such resources other than the misused resource have been used for sending UCC or not;
- (II) OAP shall put the Sender under the blacklist category and no new telecom resources shall be provided by any Access Provider to such Sender during this period;
- (III) all the devices used for making UCC shall also be blocked across all the Access Providers for a period of one year:

Provided that one telephone number may be allowed to be retained by such Sender during this period:

Provided further that Sender can represent to OAP against action due to first or subsequent instance of violation; OAP shall decide the representation within a maximum period of seven business days and shall record its findings.

Provided also that Sender may make a representation to the Authority against such decision of OAP, as provided under regulation 29;

- (ii) in case, number of complaints against the Sender are from less than five unique Recipients during the last ten days, OAP shall communicate to TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice:

Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant:

Provided further that the Authority may specify different criteria for initiating action under sub-clauses (i) and (ii) above from time to time;

- (5) in case, the complaint is related to an Unregistered Telemarketer ,
- (a) OAP shall intimate the receipt of the complaint to the Sender immediately;
- (b) OAP shall examine communication detail records (CDRs), within one business day from the date of receipt of complaint by OAP, to check the occurrence of complained communication between the complainant and the reported telephone number from which Unsolicited Commercial Communication was received;
- (c) In case of non- occurrence of complained communications under sub-regulation (5)(b), OAP shall communicate to TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Codes of Practice:

Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;

- (d) in case of occurrence of complained communications under clause (5)(b), OAP shall further examine within a maximum time of two business hours, whether there are similar complaints or reports against the same Sender; and

- (i) if it is found that number of complaints against the Sender are from five or more than five unique Recipients during last ten days, OAP shall suspend the outgoing services of all the telecom resources of the Sender irrespective of whether those telecom resources were actually used or not in making such communications and initiate an investigation as provided for in the sub-regulation (6);
- (ii) in case, it is found that the number of complaints against the Sender are from less than five unique Recipients during the during the last ten days, OAP shall communicate to TAP to inform the complainant about the closure of complaint along with reasons in a manner specified in the Codes of Practice:

Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant:

Provided further that the Authority may specify different criteria for initiating action under sub-clauses (i) and (ii) above from time to time;

(6) in case of occurrence of complained communications under sub regulations (5)(d)(i) above, OAP shall issue a notice to the Sender to give opportunity to represent the case; shall investigate within five business days from the date of receipt of representation from the Sender and record the reasons of its findings and if the conclusion of OAP is that the Sender or its TM was engaged in sending the Unsolicited Commercial Communications, OAP shall take action against such Sender as under-

(a) for the first instance of violation, outgoing services of all telecom resources allotted to the Sender including PRI/SIP trunks, SIMs etc. shall be barred by all the Access Providers for a period of fifteen days, irrespective of whether those telecom resources were actually used or not in making such communications;

(b) for the second and subsequent instances of violations, -

- (i) all telecom resources of the Sender including PRI/SIP trunks, SIMs etc. shall be disconnected by all the Access Providers for one year, irrespective of whether those telecom resources were actually used or not in making such communications;
- (ii) OAP shall put the Sender under the blacklist category and no new telecom resources shall be provided by any Access Provider to such Sender during this period;
- (iii) all the devices used for making UCC shall also be blocked across all the Access Providers for a period of one year:

Provided that one telephone number with outgoing services barred may be allowed to be retained by such Sender during this period and notified emergency services should be allowed despite such outgoing service barring on the permitted telephone number:

Provided further that Sender can represent to OAP against action due to first or subsequent instance of violation and OAP shall decide the representation within a maximum period of seven business days and shall record its findings:

Provided also that OAP shall file the details of all the representation decided by it to the Authority for regulatory review as per the format and periodicity defined by the Authority from time to time:

Provided also that Sender can file an appeal against such decision of OAP before the Authority, as per regulation 29.”

9. In regulation 26 of the principal regulations, -

(a) for sub-regulation (4), the following sub-regulation shall be substituted, namely:-

“(4) The Authority may, from time to time, through audit conducted either by its officers or employees or through agency appointed by it, verify and assess the process followed by the Access Provider for registration and resolution of complaints, examination and investigation of the complaints and reporting to the Authority,

implementation of UCC_Detect System and action taken thereof, different registration processes such as Sender registration, Telemarketer registration, Header registration, Content Template registration and other processes including preference registration process, scrubbing processes, Consent acquisition process and other processes followed by the Access Providers as per the relevant provisions of these regulations.”;

(b) after sub-regulation (4), the following sub-regulations shall be inserted, namely:-

“(5) The Access Providers shall provide real-time access to the Authority to various processes and databases related to the activities being performed under these regulations and the directions issued by the Authority from time to time.

(6) The Access Providers shall publish the following information, in searchable format, on their websites, in the formats specified by the Authority –

- (a) complete list of Message Headers along with the details of associated Senders across all the Access Providers;
- (b) monthly summary about the UCC complaints received and action taken thereon;
- (c) any other information, as may be specified by the Authority, from time to time:

Provided that the Authority may issue directions regarding manner and format for publishing the information.”.

10. For regulation 27 of the principal regulations, the following regulation shall be substituted, namely:-

“27. Consequences for failure to curb the Unsolicited Commercial Communications from registered Senders or RTMs – (1) If an Access Provider fails to curb Unsolicited Commercial Communications from registered Senders or RTMs, the Authority may impose financial disincentives on such Access Providers in each Licensed Service Area for each calendar month as under:-

(a) without prejudice to any penalty which may be imposed under its licence or under any Act for the time being in force, OAP shall be liable to pay, by way of financial disincentive, an amount of one thousand rupees per count of valid complaint that is declared invalid:

Provided that where UCC has originated due to Headers and Content Templates registered by another Access Provider in violation of the regulation thereon and OAP has taken action against such UCC as per regulation 25 of these regulations, the financial disincentive as above shall be imposed on the Access Provider that has registered such Headers and Content Templates, instead of OAP;

(b) if the Access Provider has not fulfilled its obligations as envisaged in the regulations in respect of Header registration function and Content Templates registration function, it shall, without prejudice to any penalty which may be imposed under the terms and conditions of its licence or under any Act for the time being in force, be liable to pay, by way of financial disincentive, an amount of five thousand rupees per count of registration found not to be in accordance with these regulations.

(c) if the Access Provider is found to have incorrectly decided the representation made by the Sender against the action taken by the access provider as per regulation 25 of these regulations, the access provider shall be held liable as follows:-

- (i) for first such instance of incorrectly deciding the representation made by the sender, the Authority may issue warning to the Access Provider for not exercising due diligence in deciding such cases;
- (ii) for second or subsequent instances of incorrectly deciding the representation made by the same sender, the Access Provider shall, without prejudice to any penalty which may be imposed under the terms and conditions of its licence or under any Act for the time being in force or any other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of ten thousand rupees per instance.

(d) if the Access Provider is found to have misreported the count of UCC for RTMs, it shall, without prejudice to any penalty which may be imposed under the terms and conditions of its licence or any other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of two lakhs rupees:

Provided that if the Access Provider is found to have misreported the count of UCC for RTMs consecutively in two or more subsequent months, the Access Provider shall be liable to pay, by way of financial disincentives, an amount of five lakhs rupees for the second consecutive misreporting and ten lakhs rupees for each consecutive misreporting occurring thereafter:

Provided further that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity to represent.

(2) The amount payable by way of financial disincentives under these regulations shall be remitted to such head of account as may be specified by the Authority.

(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulation (1) of this regulation, or review the financial disincentives imposed, where it finds merit in the reasons furnished by the Access Provider.”

11. For regulation 28 of the principal regulations, the following regulation shall be substituted, namely:-

“28. Consequences for failure to curb the Unsolicited Commercial Communications from unregistered Senders or UTMs. — (1) If an Access Provider fails to take action against unregistered Senders or UTMs, as provided under these regulations, the Authority shall impose financial disincentives on such Access Providers in each Licensed Service Area per calendar month as under:-

(a) if the Access Provider fails to take action against the unregistered Senders in accordance with provisions in regulation 25 of these regulations, it shall, without prejudice to any penalty which may be imposed under the terms and conditions of its licence or under any Act for the time being in force, be liable to pay, by way of financial disincentive, an amount of five thousand rupees per instance;

(b) the Access Provider shall, without prejudice to any penalty which may be imposed under the terms and conditions of its licence or under any Act for the time being in force, be liable to pay, by way of financial disincentive, an amount of one thousand rupees per count of complaint that is declared invalid on unjustifiable grounds;

(c) if the Access Provider is found to have incorrectly decided the representation made by the Sender against the action taken by the access provider as per regulation 25 of these regulations, the access provider shall be held liable as follows:-

- (i) for first such instance of incorrectly deciding the representation made by the sender, the Authority may issue warning to the Access Provider for not exercising due diligence in deciding such cases;
- (ii) for second or subsequent instances of incorrectly deciding the representation made by the same sender, the access provider shall, without prejudice to any penalty which may be imposed under the terms and conditions of its licence or under any Act for the time being in force or any other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees ten thousand per instance;

(d) if the Access Provider is found to have misreported the count of UCC for UTMs, it shall, without prejudice to any penalty which may be imposed under the terms and conditions of its licence or any other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of two lakhs rupees:

Provided that if the Access Provider is found to have misreported the count of UCC for UTMs consecutively in two or more subsequent months, the Access Provider shall be liable to pay, by way of financial disincentives, an amount of five lakhs rupees for the second consecutive misreporting and ten lakhs rupees for each consecutive misreporting occurring thereafter:

Provided further that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity of representing.

(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.

(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions of this regulation, or review the financial disincentives, where it finds merit in the reasons furnished by the Access Provider.”.

12. After regulation 28 of the principal regulations, the following regulation shall be inserted, namely: -

“28A. Maximum amount of financial disincentives. - The total amount payable as financial disincentives under regulation 27 and regulation 28 together shall not exceed fifty lakhs rupees per calendar month per LSA.”.

13. For regulation 29 of the principal regulations, the following regulation shall be substituted, namely:-

“29. Representation by Senders against the action taken by Access Providers.— (1) The Authority may on receipt of a complaint from the Sender, within sixty days of action taken against it by the Access Provider under the regulations 25, if it considers expedient to do so, call for the relevant details from the Sender and Access Providers, and upon examination, for reasons to be recorded,-

(a) if the Authority finds that conclusion of investigation by the Access Provider lacks adequate evidence against the Sender, -

(i) it may direct the Access Providers to restore all telecom resources of the Sender and delete the name and address of such Sender from the blacklist;

(ii) it may issue warning to the Access Provider for not exercising due diligence in deciding such cases;

(b) if the Authority finds that conclusion of the investigation conducted by the Access Provider is based on evidence but the Sender satisfies the Authority that it has taken reasonable steps to prevent the recurrence of such contravention, the Authority may by order direct the Access Providers to restore the telecom resources of the sender, partially or fully; and delete the name and address of such Sender from the blacklist, as the case may be, on payment of a restoration charge of five thousand rupees per resource to the Authority for restoration of all such telecom resources, subject to the condition that the total amount payable by the Sender shall not exceed five lakh rupees:

Provided that in the case of PRI or SIP trunks, each DID number shall be treated as a separate telecom resource:

Provided further that the amount payable under the clause (b) of this sub-regulation may be reduced or waived off by the Authority where it finds merit in the response furnished by the Sender:

Provided also that Authority may specify from time to time Standard Operating Procedures or issue directions or instructions detailing exact steps to be taken to decide such cases.”.

14. For regulation 33 of the principal regulations, the following regulation shall be substituted, namely:-

“33. Power to order or direct action against Senders or Telemarketers.- (1) Where the Authority has reason to believe that any registered or unregistered Sender of Commercial Communications has contravened the provisions of these regulations and the Access Provider has not taken action against such Sender as provided under these regulations, the Authority may order or direct the Access Provider to take action against such Sender as per the provisions of the regulations.

(2) Where the Authority has reason to believe that any registered or unregistered Telemarketer has contravened the provisions of these regulations and the Access Provider has not taken action against such Telemarketer as provided under these regulations, the Authority may order or direct the Access Providers to take action against such Telemarketer as per the provisions of the regulations:

Provided that the Authority, before issuing such an order or direction, shall give a reasonable opportunity of representation to the Access Provider as to why action has not been taken by the Access Provider against such sender or telemarketer:

Provided further that the Sender or Telemarketer, as the case may be, may submit a representation to the Authority under regulation 29 against the action taken by the Access Provider.”

15. In regulation 35 of the principal regulations, after sub-regulation (2), the following sub-regulation shall be inserted, namely:-

“(3) Upto Rs. 0.05 (five paisa only) for each Transactional SMS;”

16. After regulation 34 of the principal regulations, the following regulation shall be inserted, namely:-

34A. Prohibition on blocking designated number series by Call Management Applications.— (1) No Call Management Application or similar services shall tag, block, filter, or restrict incoming calls or messages originating from the designated number series assigned for commercial communications as well as communication sent by the Government.

(2) Any Call Management Application that facilitates blanket blocking of such designated number series or tag it as spam shall be deemed non-compliant with these regulations:

Provided that the consumers shall have the right to individually manage their own call preferences through such Call Management Applications:

Provided further that Authority may take appropriate enforcement measures, against non-compliant Call Management Applications in coordination with relevant authorities, if required.

17. In Schedule-I of the principal regulations,

(a) in item 1, after sub-item (3), the following sub-item shall be inserted, namely:-

“(4) The registration process of Sender and the Telemarketers by Access Providers shall include-

- (a) physical verification of the entity;
- (b) biometric authentication of the authorized person of the entity;
- (c) linking of the entity with a unique mobile number:

Provided that the Authority may, from time to time, specify the manner of carrying out registration of such entities.”

(b) in item 2, for sub-item (1), the following sub-item and proviso thereto shall be substituted, namely:-

“(1) SMS Header for sending Transactional SMS, Service SMS, Promotional SMS and Government SMS from 11-character alphanumeric string, or as directed by the Authority, which are not allocated or assigned by DoT for other purposes:

Provided that the type of Commercial Communication can be identified by Recipients from the Header structure or its format by suffixing "-P", "-S", "-T", and "-G" for Promotional, Service, Transactional, and Government Messages, respectively.”;

(c) in item 4, -

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(i) in sub-item (1), after entry (f), the following entries shall be inserted, namely:-

“(g) designate a separate executive specially for the purpose of carrying out approval of Header registration, after carrying out additional checks and scrutiny of the justification given by the registered Sender and recording it on the basis of the following parameters:-

- (i) Number of Headers already allotted to the sender;
- (ii) Number of Headers of the sender blacklisted by the Access Providers:

Provided that the Authority may specify any other parameters for this purpose from time to time;

(h) temporarily deactivate unused Headers i.e., Headers which have not been used to send Messages through any Access Provider for a period of ninety days, or such period as may be specified by the Authority, through an automated process and reactivate such Headers upon request of the Senders;

(i) immediately suspend the traffic from a Sender, when a Header is blacklisted by the OAP for sending commercial communications, in violation of the regulations. Traffic should be resumed only after review of all the registered Headers and registered Content Templates of the registered Sender by the respective registrars and findings are recorded, or seven days from suspension, whichever is earlier. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year;”

(ii) in sub-item (2), after entry (f), the following entries and proviso thereto shall be inserted, namely:-

“(g) allow a customer who has revoked his consent to opt-in again at his own will. However, the Sender shall be allowed to re-acquire consent of such customer only after ninety (90) days from the date of revoking consent or opting-out;

(h) ensure that short code 127xxx, or any other code as prescribed by the Authority, shall be used by all Access Providers for sending consent seeking message;

(i) develop a SMS/IVR/Online facility to register the unwillingness of the customers to receive any consent seeking message initiated by any Principal Entity and that no consent seeking message shall be delivered to such customers;

(j) ensure that the scope and the name of the Principal Entity/brand is mentioned clearly in the consent seeking message sent through the short code;

(k) ensure that the consent acquisition confirmation message to the customers shall also have information related to revocation of consent:

Provided that the Authority may specify any other manner of consent registration or revocation from time to time.”;

(iii) in sub-item (3), after entry (g), the following entries shall be inserted, namely:-

“(h) designate a separate executive specially for the purpose of carrying out approval of Content Template registration, after carrying out additional checks and scrutiny of the justification given by the registered Sender and recording it on the basis of the following parameters:-

- (i) number of Content Templates already allotted to the sender;
- (ii) number of Content Templates of the sender blacklisted by the Access Providers:

Provided that the Authority may specify any other parameters for this purpose from time to time;

(i) temporarily deactivate unused Content Templates i.e., Content Templates which may not have been used to send messages through any Access Provider for a period of ninety days, or such period as may be specified by the Authority, through an automated process and reactivate such Content Templates upon request of the Senders;

(j) allow, in special circumstances and on requisition with reasons and proper justification from Principal Entity, more than three variables in the Content Templates, with the condition that –

(i) after examining the sample message, reasons and proper justification for more variables shall be recorded by the competent authority designated by the Access Provider for this purpose and such authority shall be different from the Authority designated for the approval of Content Templates;

(ii) each variable in the message template should be pre-tagged for the purpose it is proposed to be used and no information other than those defined in pre-tagging shall be included in the variables;

(iii) minimum thirty percent characters in the Content Template shall be fixed content;

(k) allow, where it is not possible to put the contents of a variable within the limit of thirty characters, more than one contiguous variable of the same type, after proper examination and justifications supported by sample message by the competent authority mention at clause j(i);

(l) to ensure that one Content Template is not linked with more than one Header.”

(iv) in sub-item (4), after entry (e), the following entry and proviso thereto shall be inserted, namely:-

“(f) process scrubbing of messages containing URLs/ APKs/ OTT links/ call back numbers, in a secure and safe manner, using, whitelisted data uploaded by the Senders:

Provided that the Sender has submitted an undertaking to the effect that the whitelisted URLs/ APKs/ OTT links are not malicious.”;

(d) in item 5, in sub-item (2), after entry (h), the following proviso shall be inserted, namely:-

“Provided that the Authority may specify any other roles for Consent Registrar functions from time to time.”;

(e) in item 6, in sub-item (1), entry (c) and sub-entries thereto shall be deleted.

18. In Schedule-II of the principal regulations, ---

(a) in item 1, for sub-item (1), the following sub-item shall be substituted, namely:-

“(1) Customer can opt-out of any or all of following Commercial Communications Content category(ies) of content:

| | | | |
|--|---|--------------------------------------|------------------------|
| Commercial Communications Category to be blocked or opted out | IVRS: Call to 1909 and press at prompt to block | SMS: Send SMS to 1909 following text | USSD: Dial USSD String |
| All CC Categories (to be blocked) except transactional and service type of Commercial Communications with Inferred Consent and Government Communication. | 0 | FULLY BLOCK | *1909*0# |
| All CC Categories (to be blocked) except transactional and service type of Commercial Communications and Government Communication. | 50 | BLOCK PROMO | *1909*50# |

| | | | |
|---|---|---------|----------|
| Banking/Insurance/Financial products/ credit cards, | 1 | BLOCK 1 | *1909*1# |
| Real Estate, | 2 | BLOCK 2 | *1909*2# |
| Education, | 3 | BLOCK 3 | *1909*3# |
| Health, | 4 | BLOCK 4 | *1909*4# |
| Consumer goods and automobiles, | 5 | BLOCK 5 | *1909*5# |
| Communication/Broadcasting / Entertainment/IT, | 6 | BLOCK 6 | *1909*6# |
| Tourism and Leisure, | 7 | BLOCK 7 | *1909*7# |
| Food and Beverages; | 8 | BLOCK 8 | *1909*8# |

Note-1: In case of communication with Customer executive of Customer Care Center of Access Provider, preference to opt-out may be communicated;

Note-2: Customer to be communicated with confirmation and final status along with options to unblock;

Note-3: FULLY BLOCK option shall put the Customer in Fully Blocked state and block service types of Commercial Communications requiring Explicit Consent as well as promotional types of Commercial Communications for all categories of content, mode, time band and day types;

Note-4: BLOCK PROMO option shall block only promotional types of Commercial Communications for all categories of content, mode, time band and day types except service and transaction type of Commercial Communications and Government Communication.;

Provided that the Authority may, from time to time, add or remove number of category, or sub category for content;”;

(b) in item 6, after sub-item (4), the following proviso shall be inserted, namely:-

“Provided that whenever a telecom resource is surrendered or closed, all the preferences registered against that telecom resource shall be set to default on the DL- Preference.”;

(c) in item 8, after sub-item (6), the following proviso shall be inserted, namely:-

“Provided that whenever a telecom resource is surrendered or closed, all the Consents registered against that telecom resource shall be revoked on the DL- Consent.”.

19. In Schedule-III of the principal regulations, in item 2, -

(a) in sub-item (3), after entry (e), the following entries shall be inserted, namely:-

“(f) the mobile app should display the options or hyperlinks for registration of UCC complaints and registration or modification of preferences and consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main or Home page;

(g) the mobile app, wherever technically feasible, shall auto capture call logs and SMS details, along with its contents, after obtaining permission from the Subscriber and extract necessary details through it for complaint registration. If the Subscriber denies permission, the option to fill relevant details manually should be provided;

(h) the mobile app should have the option of uploading screenshot of call log and SMS content and registering complaint by extracting necessary details from it and it should be possible for the complainant to edit such extracted information before submission.”;

(b) in sub-item (4), after entry (d), the following entries shall be inserted, namely:-

“(e) the web portal should display the options or hyperlinks for registration of UCC complaints and registration or modification of preferences and consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main or Home page;

(f) the web portal should have the option of uploading screenshot of call log and SMS content and registering complaint by extracting necessary details from it and it should be possible for the complainant to edit such extracted information before submission.”;

(c) after sub-item (4), the following sub-item shall be inserted, namely:-

“(5) Complaint registration through e-mail

- (a) procedure for the customer to make complaints by sending an e-mail to the designated e-mail Id of the Access Provider;
- (b) format for making complaints pertaining to receipt of Unsolicited Commercial Communication;
- (c) details to be provided by the complainant e.g., Unsolicited Commercial Communications with date on which it was received, content of received message or brief of content of communication;
- (d) procedure for providing complaint in prescribed format immediately to the complainant through return mail if the complainant has not submitted the complaint as per the prescribed format.”.

20. In Schedule-IV of the principal regulations, ---

(a) in item 1, in sub-item (1), for entry (d), the following entry shall be substituted, namely:-

“(d) real-time sharing of UCC_Detect data and insights with other Access Providers over DLT, or as specified by the Authority, thereby, fostering industry-wide collaboration to enhance collective ability of the industry to detect, curb and prevent UCC;”;

(b) in item 1, in sub-item (1), after entry (f), the following entries shall be inserted, namely:-

“(g) Identifying Senders based on the following signals or triggers parameters and treat such Senders as suspected UTMs:-

(i) any Sender exceeding prescribed threshold number of calls, shall be observed for any of the following signals or triggers parameters as specified by the Authority from time to time:-

- (A) Call Recipient diversity (diversity in B-numbers) exceeding the prescribed threshold in a day;
Explanation: Diversity in B-numbers here refers to the distinct or unique call Recipients (called party numbers) associated with the outgoing calls of the Sender;
- (B) average call duration to call Recipients in a day is less than the prescribed duration;
- (C) ratio of incoming calls to outgoing calls in a day is less than the prescribed ratio;
- (D) any other signals or triggers parameters specified by the Authority from time to time;

(ii) any Sender exceeding prescribed threshold number of outgoing SMS in a day, shall be observed for any of the following signals/triggers parameters as specified by the Authority from time to time:-

- (a) SMS Recipient diversity exceeding the prescribed threshold in a day;

Explanation: SMS Recipient diversity refers to the number of distinct SMS Recipients associated with the outgoing SMS of the Sender;

(b) ratio of incoming to outgoing SMS in a day is less than the prescribed ratio;

(c) any other signals/triggers parameters specified by the Authority from time to time;

(iii) all mobile numbers (MSISDN) associated with a device on which 4 or more mobile numbers, or any such number as specified by the Authority from time to time, have been used within a month;

(h) deploying methods to detect the misuse of robotic calls, auto dialer calls or pre-recorded announcements, SIM Farm/SIM box type usage, etc.;

(i) use of advanced and reliable Artificial Intelligence (AI) and Machine Learning (ML) based technological solutions for proactive UCC detection, prevention and monitoring.”;

(c) in item 1, after sub-item (2), the following sub-items shall be inserted, namely: -

“(3) every Access Provider shall deploy one honeypot in a Licensed Service Area for every five hundred (500) complaints registered in the previous calendar year subject to a minimum of ten (10) honeypots in each Licensed Service Area, or any such numbers as may be specified by the Authority from time to time, for logging the spam messages and recording voice calls. The Access Provider shall analyse the messages and calls recorded/logged by such honeypots once in every month, covering all such messages and calls recorded/logged since the date of last analysis done and prepare the list of suspected UTMs;

(4) Access Providers shall make available a feature for blocking spam messages/voice calls by the Recipient in the Mobile App of the Access Providers subject to technical feasibility and shall prompt the Recipient to register a complaint in the DLT system as a spam in accordance with the established procedure.”;

(d) after item 3, the following item shall be inserted, namely:-

“(4) each Access Provider shall, in order to ensure the security and integrity of UCC_Detect data, --

(i) ensure that the data generated through these systems and platforms shall only be used for the purposes provided under these regulations and the directions issued thereunder; and it shall not be possible to download or share the data generated through these systems and platforms or process it through any other platforms/ devices;

(ii) ensure that strict access control shall be adhered wherein only authorized person/agencies, after obtaining prior approval from the Government, or TRAI, or any entity empowered by the Government or TRAI in this behalf, shall be permitted to access the system, and logs in respect of access shall be maintained;

(iii) ensure that the activity logs and system trails shall be maintained online for a minimum period of two years or as prescribed by the Government, or specified by TRAI, from time to time;

(iv) create a trusted execution environment for development of their platforms and systems with necessary requisite security features as may be notified by the Government, or TRAI, or entity empowered by the Government or TRAI in that behalf, from time to time;

(v) ensure compliance with the necessary certification process as provided by the Government, or TRAI, through a security auditor empanelled or appointed by the Government, or TRAI, or its designated agencies such as CERT-IN/ Ministry of Electronics & Information Technology;

(vi) facilitate regular system audit by the Government or TRAI, or any entity empowered by the Government or TRAI, including agencies authorized by the Government or TRAI or the entities empowered by the Government in this behalf;

(vii) put in place adequate and effective internal checks to ensure that unauthorized use of AI/ML systems does not take place and utmost care and precaution is taken in the use of these systems to ensure the safety and security of the Subscriber data as per the Indian Telegraph Act, 1885 or the Telecommunications Act or any other Act for the time being in force.”

21. In Schedule-V of the principal regulations, ---

(a) in item 1, after sub-item (l), the following sub-item shall be inserted, namely: -

“(m) maintain Sender-wise record of complaints in the format specified by the Authority from time to time and make it available to the Authority, as and when directed by the Authority.”;

(b) in item 2, for sub-item (i), the following sub-item shall be substituted, namely: -

“(i) total number of Senders out of reported Senders under clause (h) against whom action has been taken under regulation 25;”;

(c) in item 2, for sub-item (j), the following sub-item shall be substituted, namely: -

“(j) breakup of total number of Senders out of reported Senders under clause (h) against whom action has been taken under regulation 25 for different time-periods, in the manner and format specified by the Authority from time to time;”;

(d) in item 2, after sub-item (l), the following sub-item shall be inserted, namely: -

“(m) record of Senders for all the complaints such as, name of Sender, category of Sender (individual/ Enterprise), address and other relevant details to uniquely identify the Sender.”


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Note 1: The principal Regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 19th July, 2018 vide notification No. 311-04/2017-QoS.

Note 2: The principal regulations were amended by the Telecom Commercial Communications Customer Preference (Amendment) Regulations, 2018 (10 of 2018) published vide notification No. 15-01/2016-F&EA in the Gazette of India, Extraordinary, Part III, Section 4, dated 31st January, 2018.

Note 3: The Explanatory Memorandum explains the objects and reasons of the Telecom Commercial Communications Customer Preference (Second Amendment) Regulations, 2025 (... of 2025)

Disclaimer: In case of any discrepancy between English version and Hindi version of these regulations, the English version shall prevail.

Explanatory Memorandum

I. Background

1. To curb the menace of Unsolicited Commercial Communications (UCC), TRAI issued the Telecom Commercial Communications Customer Preference Regulations, 2018 (hereinafter referred as "TCCCPR 2018" or "the Regulations") on 19th July 2018, which put in place a framework for regulating Commercial Communications. The Regulations came into force w.e.f. 28.02.2019. TCCCPR 2018 superseded Telecom Commercial Communications Customer Preference Regulations (TCCCPR-2010) which were notified on 1st December 2010.
2. Adoption of Distributed Ledger Technology (DLT) has been mandated under the Regulations to ensure regulatory compliance while allowing innovation in the market. DLT is being used for recording preferences, acquiring and verification of customer consent, complaint handling, registration of entities and registration of content templates.
3. The Regulations are based on a co-regulatory approach and only broad level regulatory objectives are defined. Detailed procedures are part of Codes of Practice (CoPs) and are described by the Access Providers.

II. Key regulatory requirements of TCCCPR-2018

4. Key regulatory requirements of TCCCPR-2018 are given below-
 - (i) Registration of Senders and Telemarketers- Sender/Principal Entities (PEs) are the business or legal entity that sends commercial communication eg SBI. The entities that facilitate Senders to connect with Access Providers and execute functionalities as provided under the Regulations are called Registered Telemarketers (RTMs). TCCCPR-2018 requires that both Senders and RTMs need to register with any Access Providers. Senders can send their commercial communications to the Access Providers directly or through the Registered Telemarketers (RTM).
 - (ii) Registration of Headers- As per the regulatory framework, any commercial communication can only take place using registered Headers assigned to the Senders for the purpose of commercial communications.
 - (iii) Registration of Content template- Before sending commercial messages, Senders are required to get content templates registered with the Access Providers. These templates typically have fixed and variable components. Any commercial communication from Sender is subjected to scrubbing against the content template registered by the Access Provider and, if it fails, then it is not allowed to go forward.
 - (iv) Registration of preferences- The facility has been provided by the respective Access Providers to its customers for registering preferences for Commercial Communication. The Preference Register keeps the records of preferences of the customers about category of Sender (like real estate, health, education etc.), time bands and weekdays. Access Providers are required to make available Customer Preference Registration Facility (CPRF) to the customers throughout the year on 24 hours x 7 days basis.
 - (v) Registration of subscribers' consent- TCCCPR-2018 provides for deployment of a Digital Consent Acquisition (DCA) facility. DCA facility enables acquisition of the consent of the customer to receive commercial communication from a Sender for a particular product or service and its recording on DLT platform by the Access Provider after verification from the subscriber through OTP. It also provides a mechanism for revocation of consent by the customer.



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- (vi) Complaint Handling- The commercial communications received by a customer without its preference or consent are termed as Unsolicited Commercial Communications (UCC). The customer can make a complaint against UCC with its Access Provider. Various modes of registration of the complaint such as sending SMS to short code 1909, calling on 1909 and mobile App has been prescribed in the Regulation. Access Providers are required to make the Customer Complaint Registration Facility (CCRF) available on 24 hours x 7 days basis throughout the year.
- (vii) Complaints against Registered Telemarketers (RTMs)/ Senders- Regarding complaints registered against Registered Telemarketers (RTMs) or Senders, Originating Access Providers (OAPs) are responsible for taking appropriate remedial action, as provided for in the Codes of Practice, for the compliance with TCCCP 2018. As per TCCCP 2018, the Authority may impose financial disincentives on any Access Provider, if it fails to curb UCC through its network.
- (viii) Complaints against Unregistered Telemarketers (UTMs)- Any Sender of commercial communication who is not registered for sending the commercial communications with the Access Provider is called Unregistered Telemarketer (UTM). In case of UTMs, Access Providers are required to act against specific UTMs by giving warnings, putting them under Usage Cap or disconnecting in case of repeated violations. Usage Cap means a limit put on a telephone number for making a maximum of twenty outgoing voice calls per day and a maximum of twenty outgoing messages per day. The following provisions are made in the Regulations for action against UTMs-
- On the first instance of violation- Warning shall be issued.
 - On second instance of violation- Usage Cap shall be put for a period of six months.
 - On third and subsequent instances of violations- All Telecom resources of the Sender shall be disconnected for a period up to two years and Originating Access Provider (OAP) shall put the Sender under blacklist category and communicate to all the Access Providers, during which period no new telecom resource shall be provided by any other service provider.

III. Consultation Process for the review of TCCCP-2018 regulations-

5. During implementation of the regulatory frameworks, certain issues have been observed. A Consultation Paper was issued on 'Review of the Telecom Commercial Communications Customer Preference Regulations, 2018' on 28th August 2024 to bring forward issues observed during implementation. The broad category of issues raised in the Consultation Paper includes (a) Definitions of Commercial Communications, (b) Provisions related to the Complaint Redressal, (c) UCC Detect System and action thereof, (d) Provisions related to Financial Disincentives, (e) Provisions related to Senders and Telemarketers and (f) Differential Tariff for voice calls and SMS.
6. The written comments and counter-comments on the issues raised in the Consultation Paper were invited from the stakeholders by 25th September 2024 and 9th October 2024 respectively. However, on the requests received from the stakeholders, the Authority decided to extend the last date for submission of written comments and counter-comments upto 9th October 2024 and 16th October 2024 respectively.
7. In response to the consultation paper, comments from 28 stakeholders and counter comments from 8 stakeholders, including Access Providers, Associations, Telemarketers, Solution Providers and consumer organizations were received. An Open House Discussion (OHD) was held with the stakeholders, through virtual mode, on 11 December 2024.
8. After analysing the inputs received from stakeholders on Consultation Paper, during the consultation process and its own analysis, the Authority has finalised these amendments to the regulations.

IV. Key issues addressed through the Amendment to the TCCCPR-2018

A. Revised categorisation of the commercial communications

9. The present bifurcation of commercial communication into Transactional, Service Messages or Voice Calls based on Inferred Consent and service Messages or Voice Calls based on Explicit Consent requires better clarity and should be without any scope of ambiguity. The scope of transactional messages shall be limited to messages triggered within thirty minutes of the transactions initiated by the customer whereas any such messages are sent beyond this timeline such as delivery notification, flight rescheduling information should be treated as service Message or Voice Call.
10. It has been seen that the Service Messages or Voice Calls based on the pretext of having Explicit Consents are often misused to send promotional contents. The definition of Service Messages or Voice Calls has been amended to limit it to the communications by Senders with the existing customers or subscribers based on the inferred consents to provide information relating to any product or service such as, to provide product/warranty information, product recall information, software upgrade alerts, safety or security information for the commercial product or service used or purchased by the customer; periodic balance alerts, information regarding delivery of goods or services; or to a recipient to facilitate or complete a commercial transaction involving the ongoing purchase or the use by the recipient of the product or services offered by the sender after obtaining explicit consent from the recipient. To prevent the misuse of explicit consent, thus acquired, its validity shall be limited to a maximum of seven days or as directed by the Authority from time to time." Hence, it has been prescribed that content of Service messages should not be promotional in nature.
11. The promotional messages or voice calls to prospective customers have been included under the definition of promotional messages or promotional voice call. If promotional messages or voice calls are sent after obtaining explicit consents, they will be delivered irrespective of the status of preferences registered by the recipient. Each promotional Message to the sender shall give an option to the recipient, in the same message, to opt out or block such messages. Also, if any promotional content is mixed with any other type of commercial communication then that Message or Voice Call shall be treated as a promotional communication. Accordingly, the definition of promotional messages and voice calls has been amended.
12. The need has been felt to categorise Government messages or calls separately as these cannot be clubbed with any other category of commercial communications. Therefore, it has been defined as a separate category of commercial communications.
13. As transactional and service communication with inferred consent as well as government communication are in the interest of the customers, it is not desirable to allow the customers to block or opt-out from such communication. Allowing recipients to block or opt out from such communication may result in loss of critical and important information for the recipient. Whereas blocking of only 'service communication with explicit consent' may be allowed through preference registration. Accordingly, the definition of FULLY BLOCK has been amended.
14. Inferred Consent is any permission that can be reasonably inferred from the Customer's conduct or the Relationship between the Recipient and the Sender and some relations including banking and finance usually extend beyond 12 months and seeking consent for communication for such relation may result in loss of information for the customer. Hence, the Inferred Consent should be deemed valid for the duration/ discharge of the contract between the sender and the customer. However, it is crucial that this inferred consent be clearly and reasonably inferable from the content of the message template itself, ensuring transparency and avoiding any ambiguity regarding the purpose of the communication. Accordingly, the definition of Inferred Consent has been amended.

B. Action for misusing telecom resources to deceive customers

15. A significant number of frauds are being carried out using telecom resources, whether acquired legally or illegally. With fraudsters constantly adapting their tactics, distinguishing between spam and fraudulent

activities has become increasingly challenging. However, in both cases, telecom resources are misused to deceive unsuspecting customers. To address this issue, the definition of Unsolicited Commercial Communication (UCC), as defined In the sub-regulation (bw) of regulation 2, has been broadened to include those communications that are made to deceive or attempt to deceive the customers. However, regulation's role remains limited to regulating telecom resources by allowing customers to file complaints against such senders as UCC. Other aspects, such as investigating fraudsters, filing FIRs, or recovering financial losses, fall outside the scope of these regulations.

C. Mandatory Use of designated series for Commercial Communication

16. To enhance transparency and accountability in commercial communication, Access Providers must ensure that all commercial calls originate only from designated series allotted by DoT/Authority specifically for this purpose. Entities engaged in sending commercial communication using undesignated number resources will face suspension or disconnection of their telecom resources under the new regulatory provisions. This measure aims to curb unauthorized and fraudulent activities while ensuring that all commercial communications can be traced back to their legitimate sources. Accordingly, regulation 3 of the Principal Regulations stands amended

D. Prohibition on Blocking Designated Number Series by Call Management Applications

17. Certain call management applications indiscriminately block or label designated government and commercial numbers as spam, potentially disrupting essential communications. The amended regulations prohibit such applications from blocking or filtering messages and calls originating from designated number series. Any non-compliant application will be considered as 'in violation of telecom regulations' and may face action under the law of the land. However, customers will retain the right to manage their individual call preferences while ensuring that critical service communications remain accessible. Accordingly, clause (34) in Chapter VII of the Principal Regulations has been inserted.

E. Regulating the Use of Auto Dialer or Robo-Calls

18. Many entities have started resorting to the use of Auto dialer or Robo calls for commercial communications. Such calls are creating a nuisance to almost everyone. Many legitimate services rely on robocalls for time-sensitive notifications. These include emergency alerts, transaction notifications, and real-time service updates (such as flight delays or credit card fraud alerts). Therefore, service or transactional robocalls should not be subject to any restrictions. As far as promotional Voice Calls through Auto-dialer/Robo calls are concerned, these should be permitted through 140-series numbers only and Service and Transactional Voice Calls through Auto-dialer/Robo calls should be permitted through 1600 or any other series allotted for the purpose. Access Providers have already deployed the Digital Consent Acquisition (DCA) platforms for promotional purposes (calls/messages). The same should be used for promotional Auto-dialer/Robo calls to reach out to all the customers irrespective of their preference registered. Therefore, at present, there is no need for any separate regulation for the Auto dialer or Robo-Calls. However, the Sender should pre-declare the use of Auto dialer or Robo-Calls and the objectives of such calls to OAP ,which will enable the blocking of such calls based on the preference of the customer. Therefore, it has been mandated that all senders shall notify the originating access provider in advance about the use of the Auto dialer/Robo-Calls.

F. Header Identifier in different category of commercial communications

19. It is necessary that before sending commercial communications, a clear distinction is made about its category and the purpose for which it is sent. A possible solution could be to label it with the associated category of communication. Schedule-I on 'Action Items for preparing Code of Practice for Entities (CoP-Entities)' of TCCCPR 2018 mandates that a label shall be prefixed by the Access Providers to the text of commercial communication so that recipients can identify the transactional, service and promotional messages. However, it is desirable that the Header structure should be such that it apart from the Sender of Commercial Communication, it should also indicate the type of commercial communication being sent through it. Access Provider should suffix "-P", "-S", "-T", and "-G" to Header structure for promotional, service, transactional, and

government messages, respectively for identification of type of commercial communication. Accordingly, amendment has been made to Item 2 of Schedule-I of the regulations.

G. Revised Complaint Filing Timeline

20. Under the revised framework, customers must lodge complaints regarding UCC within seven days of receiving the unsolicited communication. This timeframe ensure less rejection of complaints due to late filing .

H. Provisions related to the Complaint Redressal.

(1) Complaint Mechanism-

Regulation 25 of TCCCP 2018 prescribes functions of the Access Providers and processes to resolve the customers' complaints with remedial action against the Senders. To make it more effective, following amendments have been made-

- (a) **Transfer of complaint from Terminating Access Provider (TAP) to Originating Access Provider (OAP) in real-time-** As per regulation 25 (1), 25(2) and 25(3), role of TAP is to record the complaint on DL-Complaints, notify its details in real time to OAP and check the occurrence of complained communication between the complainant and the reported telephone number or header and update the finding on DL-Complaints within one business day. It has been observed that instead of notifying complaint detail to OAP in real-time, a considerable amount of time is taken by TAP particularly for checking the occurrence of communication between the complainant and the reported telephone number or header against which the complaint is generated. It delays the action on the complaint by the OAP. Further, there may be instances such as non-availability of the reported telephone number or header in the complaint registered, when it won't be possible for TAP to find out the OAP. In that case, the complaint would have to be closed at TAP end only.

In view of the above, the regulations 25 (1) and 25(2) have been amended. As per the amended regulations, the TAP shall record the complaint on DL-Complaints and, barring such cases where it is not possible to identify the OAP from the complaint registered, the TAP shall notify the details in real time to OAP. The complaint can be closed by TAP only when (i) there is non-availability of the reported telephone number or header in the complaint registered or (ii) the complaint is reported by the customer after seven days of receipt of UCC communications. In such cases, the TAP shall communicate to the customer about the closure of his complaint and appropriately change the status of the complaint in DL-Complaints.

- (b) **Intimation of receipt of each complaint to the registered/unregistered senders-** The registered/unregistered Sender should be informed about whenever any UCC complaint is received against it. This intimation should be made by OAP immediately after receipt of complaint to advise the Sender to refrain from sending UCC.
- (c) **Stricter threshold to initiate action against UTM senders-** In the existing regulations, to initiate an action against an unregistered sender there should be at least ten complaints against the sender within last 7 days. It has been observed that due to low number of complaints being registered by the customers action is often not taken against the spammers. While making the process of registering the complain easier in other sections, the threshold has been revised to five complaints within last ten days to enable early action against the spammers. At the same time, these provisions shall ensure that an investigation is initiated by the OAP, once the number of complaints received against UTM are more than the pre-defined threshold.
- (d) **Action against unregistered Senders for UTM Violation –** The existing provisions regarding action against UTM/unregistered Senders do not provide desired level of deterrence. Further, immediate restrictions are not put on the suspected spammers even after complaints are received beyond the defined thresholds. Through these amendments, stricter provisions have been made against the unregistered Senders for UTM violations. For the first instance of violation, outgoing services of all telecom resources of the Sender including PRI/SIs trunks shall be barred by all service providers for a period of 15 days. For the second and subsequent instances of violations, all telecom resources of the Sender including PRI/SIP trunks shall be disconnected by

all the Access Providers for one year. OAP shall put the Sender under the blacklist category, intimate it to all other access providers so that no new telecom resources shall be provided by any Access Provider to such Sender during this period. All the devices with respective telecom identifiers used for making UCC shall also be blocked across all the Access Providers for a period of one year. Only one telephone number with outgoing barred services may be allowed to be retained by such Sender during this period. However, emergency calls should be allowed on such an outgoing service barred number. The sender shall get an opportunity to represent to the Access Providers for action against it for UTM violation. Subsequently, it also gets an opportunity to represent to the Authority.

- (e) **Provisions to initiate action against the Sender for making promotional calls from the series assigned for transactional/service calls-** Provisions have been made in case of complaints related to receiving promotional voice calls from the series assigned for service and transactional calls.

(2) **Customer Complaint Registration Facility (CCRF)-**

Regulation 23 of TCCCPR 2018 provides that every Access Provider shall establish Customer Complaint Registration Facility (CCRF) on 24 hours x 7 days basis throughout the year. To make it more efficient, following amendments have been made-

- (a) **Entertaining complaints against UTMs from customers not registered on DL-Preferences-** As can be seen from regulation 23(1)(a), there is no provision for lodging complaints by the customers who have not registered any preferences. UTMs are Senders of commercial communication who are not registered with any of the Access Provider for the purpose of sending commercial communication. To register complaints against UTMs, there should not be any requirement to get registration on the DL-Preferences. Accordingly, sub-regulation 1(a) of the Regulation 23 has been amended.
- (b) **Rejection of complaints due to 'Incomplete Information' or 'Insufficient UCC Description'**- It has been observed that the Access Providers declare many complaints invalid on account of 'Incomplete Information' or 'Insufficient UCC Description'. The UCC complaints should not be declared invalid on frivolous grounds. To achieve these objectives, the following provisions have been made through these amendments -
- (i) If the complaints against unsolicited commercial communication through voice calls or message, contains Sender's number, complainant's number, date of UCC **and a brief about of UCC Voice Call/Message**, it shall be treated as a valid complaint. For the guidance of the complainant regarding how to describe the UCC, a template of UCC description shall be provided at the Access Providers' Mobile App and Web portal. Access Provider can collect additional information to support investigation. The mandatory fields, if displayed, shall be marked with an asterisk (*).
- (ii) The mobile App and Web portal should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers in such a manner that it is easily visible at a prominent location on the first view of Main/Home page without scrolling down.
- (iii) The mobile App should auto capture call logs, SMS details along with its contents after obtaining permission from the subscriber and extract necessary details through it for complaint registration. If the subscriber denies permission, the option to fill relevant details manually should be provided.
- (iv) The Mobile App and Web portal shall have the option of uploading screenshot of call log and SMS content and extract necessary details through it for complaint registration. However, it should be possible for the complainant to edit such extracted information before submission.
- (v) Access Providers shall make available a feature for blocking spam Messages/Voice Calls by the Recipient in the Mobile App of the Access Providers subject to technical feasibility and shall prompt the Recipient to register a complaint in the DLT system as a spam in accordance with the established procedure. Accordingly, sub-regulation (5) of the Regulation 23 and Item (2) of Schedule-III has been amended.

- (c) **Registration of Complaints through e-mail-** Apart from the mode of complaints mentioned in Regulation 23, it should be possible to register complaints by sending e-mail to a designated e-mail Id of the Access Providers. Therefore, sub-regulation (2) of regulation 23 has been amended.

(3) Distributed Ledger(s) for Complaints (DL-Complaints)-

Regulation 24 provides that every Access Provider shall establish or cause to establish Distributed Ledgers for Complaints (DL-Complaints) with requisite functions, processes and interfaces. It is necessary to capture details of UTM/unregistered Senders such as name of the Sender, category of Sender as a telecom customer (individual/ Enterprise), address, and other relevant details to uniquely identify the Sender and for sharing of information on DLT platform. Therefore, in addition to details of complaints mentioned in Regulation 24, Distributed Ledger for Complaints (DL-Complaints) shall also contain the following details of the Senders against whom complaint is made-

- (a) for UTM/ unregistered Sender, Sender details such as name of the Sender, category of Sender as a telecom customer (individual/ Enterprise), address, and other relevant details to uniquely identify the Sender shall be recorded.
- (b) Referred entity name in the complaint.

(4) Record keeping and reporting:

Regulation 26 provides for the provisions related to the record keeping and reporting in respect of unsolicited commercial communications, complaints or reports from its customers. This regulation has been amended to provide to facilitate the following-

- (a) **Information to the Authority on real-time basis-** For effective monitoring of the implementation of various provisions of the Regulations, it is essential that the Authority has real-time access to various processes and databases related to complaint handling and other processes as prescribed by the Authority from time to time.
- (b) **Audit of implementation of TCCCPR 2018-** As per regulation 26(4), the Authority may, from time to time, through audit conducted either by its own officers or employees or through agency appointed by it, verify and assess the process followed by the Access Provider for registration and resolution of complaints, examination and investigation of the complaints and reporting to the Authority. However, the audit may not be limited to complaint handling. There are other important aspects of the Regulations which may be required to be audited such as implementation of UCC_Detect System and action taken, different processes such as Sender registration, telemarketer registration, header registration, content template registration, preference registration, scrubbing processes, DCA process and other regulatory processes followed by the Access Providers.
- (c) **Header Information to the Public-**To enable identification of the Senders, the information about the headers should be made available to the public through the Access Providers' websites and TRAI Website. There should not be a requirement to download the entire list/database of Headers and Senders. Rather, a facility to enquire based on a specific header/Sender may be created. Further, for the sake of transparency, information about the details of complaints received and action taken by the Access Providers should also be provided. In short, the following information should be published by the Access providers on their websites.
- (i) Complete List of Message Headers along with the details of associated Senders across all the Access Providers.
- (ii) Monthly summary about the UCC complaints received and action taken thereon.
- (iii) Any other information as prescribed by the Authority from time to time.

(5) Schedule -V: Action Items for preparing Code of Practice for Periodic Monthly Reporting (CoP-PMR) -

Schedule V of the Regulations lists the items that Access Providers are mandated to maintain and report to the Authority for periodic reporting. The following additional items has been added for effective monitoring of complaint disposal by the Access providers.

- (a) For RTM complaints- OAP shall maintain Sender-wise records of complaints in the format prescribed by the Authority from time to time.
 - (b) For UTM complaints- For all the complaints, OAP shall maintain records of Senders such as name of the Sender and other relevant details to uniquely identify the Sender, and other details as per the directions of the Authority, issued from time to time.
- (6) **Regulation 29- Examination of telecom resources disconnected by Access Provider on receipt of complaints as provided for under Regulation 25**

Regulations 29 provides for the examination of telecom resources by the Authority put under outgoing Usage Cap or having been disconnected under regulation 25 by the Access Provider, when Sender makes a complaint or represent to the Authority against such action taken by the Access Provider. As per the amendments made to the regulation 25, in place of usage cap, outgoing facility shall be suspended on receipt on the complaints beyond a threshold level. Provisions for action for misuse of series assigned for Service and Transactional Voice Calls have also been made. In view of these changes suggested in the regulation 25 regarding Complaint Mechanism, the regulations 29 has been amended.

I. UCC Detect System

21. Unsolicited Commercial calls from Unregistered Telemarketers (UTMs) is a major nuisance to the public. Such spammers use normal 10-digit mobile/landline numbers to masquerade themselves as “normal subscribers” and bypass all regulatory provisions of TCCCPR 2018. As per the provisions of TCCCPR 2018, Access Providers are mandated to put a UCC_Detect System to detect the possible unregistered senders/UTMs who are sending bulk commercial communications without complying with the Regulations. To strengthen the regulatory measures for detection and action against the suspected spammers, following provisions have been prescribed through these amendments.
- (a) Signals/triggers to identify the suspected UTMs- Through Schedule-IV of TCCCPR 2018, Action Items for preparing Code of Practice for Unsolicited Commercial Communications Detection (CoP-UCC_Detect) has been prescribed. It has been observed that efforts put in by the Access Providers are not effective enough to detect and act against the suspected spammer. Therefore, some specific signals/triggers have been prescribed to identify the suspected UTMs. These signals/triggers are based on number of calls/SMS in a single day, Call/SMS recipient diversity, average call duration, ratio of incoming calls/SMS to outgoing calls/SMS, and mobile numbers (MSISDN) associated with a device.
 - (b) Deployment of Honey pots in sufficient numbers- It has been observed that Access Providers have deployed very few honeypots on a symbolic basis and information collected from the honeypots is not being used proactively to stop spammers from sending unsolicited communications. To ensure that Access providers deploy the honeypots in sufficient numbers and effective action is taken against the spammers detected through honeypots each Access Provider has been mandated to deploy one honeypot in a LSA for every 500 (five hundred) complaints registered in previous calendar year subject to a minimum of ten honeypots in each LSA or any such numbers as specified by the Authority from time to time, for recording the spam messages and voice calls.
 - (c) Other Measures- Access Providers have been mandated to deploy methods to detect the misuse of robotic calls, auto dialer calls or pre-recorded announcements, SIM Farm/SIM box type usage etc. and make use of advanced Artificial Intelligence (AI) and Machine Learning (ML) based technological solutions for proactive UCC detection ,prevention and monitoring.

J. Data Security and Access Control for UCC Detection

22. To maintain the integrity and security of UCC detection data, Access Providers must ensure that the data generated is used strictly for regulatory purposes and is not misused, shared, or processed externally. Access to the system will be strictly controlled, with logs maintained for at least two years. Platforms must comply with security audits conducted by government-appointed agencies such as CERT-IN. Additionally, stringent internal controls must be in place to prevent unauthorized use of AI/ML-driven detection systems, ensuring subscriber data protection in compliance with relevant laws and regulations. Accordingly, clause (4), in Schedule-IV of the Principal Regulations has been inserted.

K. Provisions related to registered Senders and other Functional Entities

23. As per regulation 8 of the TCCCPR 2018, every Access Provider shall develop Code of Practice for Entities of ecosystem (CoP-Entities) as per Schedule-I of the Regulations). The Access Providers spell out the process for Entity registration, Header registration and content template registration within the overall TCCCPR-2018 framework. The primary responsibility of controlling the UCC messages lies with the Access Providers, and they are obligated to prescribe appropriate punitive measures in their respective (CoP-Complaints) to be adopted against defaulting entity (Sender/RTMs).
24. It has been observed that due to the competitive/commercial issues involved, Access Providers, at times, show laxity when it comes to various registration functions or taking punitive actions against the Senders/TMs. Therefore, standard provisions have been made for various activities related to Senders and Telemarketers such as registration and blacklisting of entities, Header, Templates etc. Earlier also, the Authority has also issued a few Directions on these matters whenever a need was felt.

L. Strengthening Content Template Approval and Management

25. To improve oversight in commercial messaging, Access Providers must designate a specialized executive to scrutinize and approve content template registrations. Factors such as the sender's history of approved templates and past blacklisted templates will be considered before approval. Additionally, unused content templates that remain inactive for 90 days will be automatically deactivated to prevent misuse. Special circumstances requiring templates with more than three variables will be allowed only after proper justification, and a minimum of 30% of each template's content must remain fixed to maintain transparency. Furthermore, linking multiple headers to a single content template will no longer be permitted to prevent ambiguity in message origin. Accordingly, Schedule-I of the Principal Regulations stands amended.

M. Secure Processing of Messages Containing URLs, APKs, and OTT Links

26. To prevent phishing and malware attacks, messages containing URLs, APKs, OTT links, or callback numbers will undergo enhanced scrutiny. Only pre-approved and whitelisted data submitted by senders will be allowed. Additionally, senders must provide an undertaking confirming that the shared links are safe and non-malicious. Accordingly, clause (f), in in sub-item (4), in item 4 of Schedule-I of the Principal Regulations has been inserted.

N. Financial Disincentive for failure to curb the unsolicited commercial communications from registered Senders/RTMs-

27. Regulation 27 provides for provisions related to Financial Disincentives (FD) for not controlling the Unsolicited Commercial Communications (UCC) from RTMs by the Access Provider whereas regulation 28 deals with FD provisions related to both RTM and UTM. Therefore, for the sake of clarity, FD provisions in respect of RTM related issues has been specified in regulation 27 and FD provisions related to all UTM issues has been specified in regulation 28.

28. Regulation 27 provides for Financial Disincentives (FD) on Access Providers for not controlling the Unsolicited Commercial Communications (UCC) from RTMs by the Access Provider. However, there are other activities such as registration of Content Templates under wrong category which is often seen to be misused to route the promotional messages to the customers who have registered to block such messages. Similarly, the Header registration function is another important activity performed by Access Providers which should be audited. Therefore, the scope of regulation 27 needs to be expanded to include other activities.
29. The impact of content template registration in the wrong category impacts all the messages sent using that content template. Similarly, Header registration as per the Regulations is important because it is an integral part of all the messages sent through it. Therefore, the amount of FD to be imposed on the Access Providers for failure to fulfil their obligations as envisaged in the Regulations in respect of Header registration function (HRF) and Content Templates registration function (CTRF) should be comparatively higher than FD to be imposed on OAP for individual UCC compliant from registered Senders.
30. Provision of FD has also been made if the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation regarding misuse of series assigned for Service/Transactional Voice calls. Additionally, provision for imposing graded FD in case of misreporting of the count of UCC by RTMs has also been introduced.

O. Financial Disincentives on Access Providers for failure to curb the UCC from unregistered Senders/UTMs-

31. Regulation 28(1)(b) specifies that Rs five thousand per instance shall be levied on the Access Provider found to be not imposing timely restrictions on outgoing usage of unregistered Sender(s) in accordance with provisions in regulations 25(5) and 25(6). This clause has been modified to widen its scope. Through these amendments, it has been prescribed that FD shall be imposed on the Access Provider if it failed to take action against the unregistered senders in accordance with the provisions of 25(5) and 25(6). It shall include the instances when Access providers do not act against the UTMs/unregistered senders for UTM violations or take delayed actions. It shall also cover the instances when Access providers do not disconnect all the telecom resources of the UTMs/unregistered senders.
32. There are instances when UTM complaints are declared invalid on frivolous grounds such as "CDR Not Match", "Incomplete/ Incorrect Info", "Complaints wrongly routed" etc. Therefore, through these amendments, provisions for imposing FD for wrong closures of UTM complaints has been made.
33. Provision of FD has also been made if the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation regarding use of UTM resources. Additionally, provision for imposing graded FD in case of misreporting of the count of UCC for UTMs has also been introduced.

P. A charge up to Rs. 0.05 (5 paise only) on Transactional message

34. The Regulation provides for Terminating Access Provider (TAP) to charge Originating Access Provider (OAP) a charge upto Rs. 0.05 (five paise only) for each of the promotional SMS and service SMS. However, transactional SMS are not included in this provision.
35. While the rationale for exempting transactional SMS is that the nature of transactional messages is very different from promotional and service messages and generally it is to inform the customer about vital transactions, whereas the nature of promotional and service messages is to seek or support the services being provided for commercial gains. The current exemption for transactional messages creates an arbitrage opportunity and It's important to note that this change will not significantly alter the existing system for many Access Providers, as transactional messages are already being charged 5 paise by many TAPs. Therefore, it has been decided Terminating Access Provider (TAP) shall charge Originating Access Provider (OAP) a charge upto Rs. 0.05 (five paise only) for each of the transactional, service and promotional SMS.

ANALYSIS AND CONCLUSION

A. Revised categorisation of the commercial communications

36. As transactional and service communication with inferred consent as well as government communication are in the interest of the customers, it is not desirable to allow the customers to block or opt-out from such communication. Allowing recipients to block or opt out from such communication may result in loss of critical and important information for the recipient. Accordingly, it is felt that blocking of only 'service communication with explicit consent' may be allowed through preference registration whereas in case of promotional communication, both opt-out mechanism as well as blocking through preference registration should be allowed to the customer. It is pertinent to mention that besides the aforesaid methods, a customer can revoke explicit consent any time through various means provided in the regulation.

In view of the above, the FULLY BLOCK option under preference registration should only block 'service types of commercial communications with explicit consent' and promotional types of commercial communications for all categories of content, mode, time band and day types i.e. it should not block transactional and service type of commercial communications with inferred consent, and government messages.

37. It has been seen that the service messages based on the pretext of having explicit consents are often misused to send promotional contents. The scope of Service messages should be limited to sending product or service-related information to the existing customers or subscribers. No cross-sell, upsell messages and promotional offers to existing customers should be permitted as a service message. There should be an option for the customers to opt-out from receiving promotional messages which should be presented to the customer in each promotional message. Only to facilitate or complete a commercial transaction involving the ongoing purchase or the use by the recipient of the product or services offered by the sender, a service message can be sent, or call can be made to a recipient after obtaining explicit consent from the recipient. However, such explicit consent given by the recipient to facilitate or complete an ongoing commercial transaction may be misused by the sender, especially, in cases where the recipient after initiating the transaction, has wilfully abandoned the transaction due to any reason and despite the unwillingness, sender may keep on sending messages for completing the transaction or offering other products/ services. Therefore, to prevent the misuse of such explicit consent given by the recipient to facilitate or complete a particular ongoing commercial transaction, its validity should be limited to a period of maximum seven days from the date of acquisition of the consent or as directed by the Authority from time to time.

38. As per the definition of "commercial communication" vide clause of existing TCCCP 2018 regulation, information directly related to an employment relationship or related benefit plan in which the Recipient is currently involved, participating, or enrolled does not constitute commercial communication and, therefore, the same should be removed from scope of service message.

39. It has been observed that some service messages such as EMI reminders, periodic balance alerts, etc are sent to customers over extended periods. Renewing consent for the same purpose every year would be both inefficient and burdensome. Therefore, such service messages should be treated as service messages based on inferred consent. This approach recognizes that ongoing service-related communications are essential for maintaining customer relationships and facilitating smooth service delivery. Inferred consent for such messages should be deemed valid for the duration/ discharge of the contract between the sender and the customer. However, it is crucial that this inferred consent be clearly and reasonably inferable from the content of the message template itself, ensuring transparency and avoiding any ambiguity regarding the purpose of the communication.

40. The promotional messages to prospective customers i.e. individuals who have shown interest in a product or service but have not yet made a purchase, should be included under the definition of promotional messages

only. If promotional messages are sent after obtaining explicit consents, they will be delivered irrespective of the status of preference registered by the recipient. Accordingly, the definition of promotional messages should be amended.

41. Another issue that needs consideration is mixing of the content of different types in a commercial communication. Hence, it is necessary to define the classification of such message or call so as to ensure that the commercial communication is given appropriate treatment by the senders and access providers as per the regulation. Accordingly, it is provisioned that in case content of service type is mixed with the content of a transactional type of commercial communication, such mixed type of commercial communication shall be classified and treated as service commercial communication since the mixing of such contents indicate that sender wants to send service content in a transactional commercial communication, which should have otherwise been sent separately as a specific service commercial communication. In case content of promotional type is mixed with the content of any other type of commercial communication, such mixed type of commercial communication shall be classified and treated as promotional commercial communication since the mixing of such contents shows that sender wants to send promotional content through other types of commercial communications, which should have otherwise been sent separately as a specific promotional commercial communication.
42. In a welfare state, government may need to send messages to or call citizens to make them aware about government programmes, welfare schemes, disaster warnings etc. As such government communications cannot be clubbed with any other category of commercial communications, there is a need to categorise Government messages or calls separately. Therefore, it has been defined as a separate category of commercial communications. Besides, as these messages are in the interest and for the benefit of citizens only, there should not be a provision to block or opt out from such communications.
43. Another area of big concern for customers is the day by day increasing frauds, which mostly happen in the guise of commercial communications. A fraudster generally deceives the victim through fake and fraudulent calls/ message which apparently seem to be related to some transaction, KYC details, bank account, credit/debit cards or very lucrative offer. Such calls and messages, besides, being fraudulent, are also unsolicited and certainly involve misuse of telecom resources by the fraudsters. Vide para 4.3.14 of the explanatory memorandum of TCCCPR-2018 regulation, Authority has observed that “dealing with such issues is not under the purview of the TRAI but UCC eco system may be designed to pass on such information to concerned authorities, organizations or entities if such entities are willing to participate in the eco system. Moreover, UCC eco system should be able to provide information on the identity of the sender and associated information about it”. Therefore, although the criminal activity carried out by fraudster remains out of the purview of TRAI and action for the same has to be taken by the concerned LEAs, the misuse of telecom resources by the fraudster to make fraudulent calls or send fraudulent messages in the guise of commercial communication or otherwise, is covered under the scope of unsolicited commercial communication. It may be noted that explanation to the definition of “Commercial Communication” as given under regulation 2 (i) of TCCCPR 2018 mentions as below:

“For the purposes of this regulation it is immaterial whether the goods, services, land or opportunity referred to in the content of the communication exist(s), is/are lawful, or otherwise.”

44. Moreover, during the period when investigation against sender of fraudulent activities is being carried out by the concerned LEAs, the fraudster should not be allowed to continue misusing telecom resources for carrying out frauds. Therefore, the definition of unsolicited commercial communication needs modification to stop such misuse of telecom resources by the fraudsters by including that any message sent or voice call made in the guise of commercial communication or otherwise, to deceive the recipient or to attempt or carry out fraud with the recipient shall be treated as an unsolicited commercial communication under this regulation as far as the misutilization of telecom resources by the sender is concerned, and that any action taken against the

sender under the regulation shall be without prejudice to any other legal action that lie against the sender under the law of land. Since the action under the regulation is initiated based on the number of complaints registered against the sender, such complaints qualify as complaints about UCC also as far as the misutilization of telecom resources by the sender is concerned.

45. Prohibiting call management applications from blocking designated number series: Need for such a provision is felt to prevent the unintended blocking of legitimate commercial communications by third-party call management applications. These apps often rely on crowd-sourced data for filtering, which can lead to unfair tagging of calls as spam. Since 140-series promotional numbers are shared among multiple entities, a single misuse can result in blanket blocking, negatively impacting all genuine users of the same number. This drives legitimate telemarketers to use unauthorized 10-digit numbers, undermining the core objective of the regulation. As far as an individual recipient is concerned, the option to block calls from special series number such as 140xx is available through preference registration and also, action to be taken against senders in case such a call is unsolicited is provided for under regulatory framework. The regulation prevents undue interference by external applications, maintaining a balance between consumer choice and an efficient, trustworthy business communication ecosystem.

B. Regulating the Use of Auto-dialer or Robo-calls

46. Many entities have started resorting to the use of Auto-dialer or Robo calls for commercial communications. Such calls are creating annoyance to many recipients and often deceive customers by obtaining their personal information. Stakeholders were asked to submit their suggestions on the possible measures to curb the misuse of Auto-dialer or Robo calls without the consent of the recipients.

Inputs of the Stakeholders

47. Many stakeholders submitted that Telecom Service Providers (TSPs) have already deployed the Digital Consent Acquisition (DCA) platforms. The same should be used for promotional Auto-dialer/Robo-calls. Further, all such calls will only be pre-recorded/Auto-dialer/Robo-calls should be permitted through 140-series numbers only. This will ensure that these calls can then be scrubbed for 'DND Preference on mode of call'. The only exceptions to this rule should be critical services like OTP-delivery, important government/disaster related communication, etc.
48. A few stakeholders suggested that many legitimate services rely on robocalls for time-sensitive notifications. These include emergency alerts, transaction notifications, and real-time service updates (such as flight delays or credit card fraud alerts). Therefore, service or transactional robo-calls should not be subject to any restrictions. One stakeholder was of the view that the imposition of an opt-in requirement for all promotional communications could severely impact legitimate businesses. 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.
49. A few stakeholders submitted that they agree with the suggestion that robo-calls should require prior consent of the subscriber for receiving promotional communications through Auto-dialers or Robo-calls. One of these stakeholders suggested that pre-recorded content of the robocall should be stored on the DLT network and should be scrubbed. Another stakeholder suggested that 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.

Analysis and conclusion

50. Auto-dialers or Robo-calls are being used for making transactional and service calls as well as for promotional purposes. Therefore, such calls may be permitted only through the numbers allotted from special series assigned from time to time for such purposes. For example, as on date, promotional call should be permitted

through 140-series numbers only. As far as transactional and service calls are concerned, earlier no special series numbers have been mandated for making such calls. However, DoT has recently allotted 1600 series numbers for making transactional and service calls. Besides, provisions for blocking auto-dialers and robocalls through preference registration already exists.

51. On the issue of possibility of scrubbing the contents of pre-recorded calls, some stakeholders submitted that the Scrubbing the content on a real time basis is not practical in case of voice calls and should not be mandated. Therefore, no such complicated, costly and challenging regulatory requirements should be imposed on TSPs.
52. Therefore, keeping in view the recent development, there does not seem to be a need presently for any separate regulation for the Auto-dialers or Robo-calls. However, the Sender should pre-declare the use of Auto-dialers or Robo-calls along with intended objectives of such calls, to the concerned Access Providers so that these calls can be scrubbed against the preference of the customers and block such calls if the customer has blocked such calls.

C. Header Identifier in different category of commercial communications

53. To minimize the inconvenience to the customers, it is desirable that before sending commercial communications, a clear distinction is made about its category and the purpose for which it is sent. A possible solution could be to label the messages with the associated category of communication. Currently, the headers are displayed as XY-<Header of maximum six-character>; X represents the originating Access Provider and Y-represents the originating LSA. Various possible options for Header Identifier were discussed in the Consultation paper and the stakeholders were requested to submit their comments on these options or any other possible option for header identifier in different category of commercial communications.

Inputs of the Stakeholders

54. Many stakeholders submitted that the current system of adding P, S, T suffix, under implementation, suffices to meet the requirements and is easily identifiable for the customers and should be persisted with. These stakeholders further submitted that '-G' may be suffixed for government messages. One stakeholder suggested that suffixing of SMS headers with character 'P', 'T' and 'G' should not be mandated as it will take away the ability of TSPs to utilise more characters and make the SMS header more enriching and valuable for both PEs and customers. A few stakeholders were of the view that the name of PE be displayed on the customer's mobile number so she can make an informed decision to accept or reject the call. One suggestion received was that initial few characters of a registered message template should contain relevant metadata, such as the message type, in a standardised form and structure. This would free up the entire 11-character header space for Senders.

Analysis and conclusion

55. It is necessary that before sending commercial communications, a clear distinction is made about its category and the purpose for which it is sent. Header can be structured in such a way that apart from the identity of Sender of Commercial Communication, it also indicates the type of commercial communication being sent through it. This will avoid the inconvenience faced by customers to identify the type of message. Various options were considered for this implementation as below:
 - a. Mentioning the type of commercial communication in the message body: As each SMS has a limit of 160 characters, mentioning the type of commercial communication in the message body of the message would further reduce the number of characters for content in a message. Removal from existing regulation
 - b. Prefixing the message identifier to the structure of headers: Currently, the billing system of the Access Providers utilises first 2 characters of the header for billing settlement process between TSPs/ different

service areas of the same TSP. Further, the DLT system is designed to route the complaint to OAP on the basis of this prefix only. Hence, prefixing the message identifier to the structure of headers would require large changes in network and billing systems which will result in high cost of implementation as well as delay in implementation.

- c. Suffixing the message identifier to the structure of headers: A message header can have length of 11-alphanumeric character strings out of which currently, only 9 characters are being used. Hence, suffixing "-P", "-S", "-T", and "-G" to the structure of headers for promotional, service, transactional, and government messages, respectively is a feasible option as implementing this solution would not require development on the billing system of the Access Providers keeping high cost of implementation lower.

Hence, Access Provide should suffix "-P", "-S", "-T", and "-G" to Header structure for promotional, service, transactional, and government messages, respectively for identification of type of commercial communication.

D. Review of provisions related to Complaint Redressal

(1) Complaint Mechanism

56. Regulation 25 of TCCCPR 2018 prescribes functions of the Access Providers and processes to resolve the customers' complaints with remedial action against the Senders. The Authority analysed the Periodic Monitoring Reports (PMR) submitted by the Access Providers and observed delays in the complaint redressal process. These delays need to be rectified. Furthermore, the Authority observed that a significant portion of complaints is being declared invalid citing improper format of such complaints. It was also noted that the communication sent to customers regarding the closure of complaints is inadequate. Regarding Unsolicited Commercial Communication (UCC) from unregistered senders/Unsolicited Telemarketing Messages (UTMs), the Authority observed that sufficient strict actions are not in place to curb them. For example, the implementation of usage caps has been found to be unfeasible and difficult to monitor by the regulator. Hence, stricter provisions are required to curb UCC from UTMs. As DoT has recently allotted the 1600xx series for service and transactional voice calls, it is crucial to prescribe sufficient actions for violations from this series. Since the calls made using 1600 series numbers are expected to enjoy a high level of customer trust, stringent measures are necessary to strengthen customers' trust as well as protect their interests. The stakeholders were requested to submit their suggestions on the possible provisions for improving the effectiveness of the complaint handling processes. A number of possible measures were discussed in the Consultation Paper.

Inputs of the Stakeholders

57. Some stakeholders submitted that TSPs alone should not be responsible because TSPs are merely carriers and the PEs and TMs that are originators of the content. Therefore, financial disincentives and legal actions should be applicable directly on these entities. A few stakeholders submitted that the new framework should bring the Telemarketer-Delivery (TM-D) under the regulatory framework and the complaint redressal should become the responsibility of TM-D. TM-D should take action against the responsible Telemarketer-Aggregator (TM-As) and PEs and any financial disincentive or penalty should be directly applicable to the licensed TM-D.
58. One stakeholder submitted that the measures proposed in the consultation paper would lead to increased efficiency and promptness of actions to address customer complaints. Another stakeholder was of the view that the existing process for handling complaints is effective, but the priority should be on financial penalties rather than resource disconnection.
59. Some stakeholders pointed out that telecom resources are provided to licensed VNOs, who in turn are serving their customers by providing end services. Therefore, all norms related to commercial communications should also apply to them, both as originating service provider and terminating service provider.

60. The definition of the Access Providers, as provided in the regulation 2(b), includes the Basic Telephone Service Provider, Cellular Mobile Telephone Service Provider, Unified Access Service Provider, Universal Access Service Provider and Virtual Network Operator (VNO) as defined in the respective licenses issued by Department of Telecommunications (DoT). A few stakeholders requested to the Authority that the norms related to commercial communications should also apply to Unified License with Authorization for Audio Conferencing Service (ACS)/Audiotex/Voice Mail Service (VMS) because these licensees also take resources from Access Service Providers and acquire customers to provide conferencing services. This issue can be revisited once the rules for Service Authorisation regime under the Telecommunications Act 2023 are notified.
61. Some stakeholders submitted that the proposal to check the occurrence of any call/message from CDR within 2 hours is technically not feasible; instead, one business day or 24 hours should be given for this purpose. On the issue of sending intimation of receipt of each complaint to the registered/unregistered senders, a few stakeholders have submitted that auto-trigger is currently not available and may require major development and should be avoided.
62. On the issue of defining separate criteria to initiate action against individual subscriber and enterprise subscribers for UTM complaints, some stakeholders have submitted that they agree with the suggestion; however, the criteria suggested in the Consultation Paper, has been made very stringent and may also be prone to misuse and impact genuine customers also. For individual category, the count of valid complaints should be ten or more unique complainants in a calendar month, post which, the outgoing services of the Sender are to be suspended. In case of enterprise customers, the threshold limit can be 20/25 complaints by unique recipients. One stakeholder suggested that instead of setting a flat threshold of ten complaints, the trigger for action should be linked to the percentage of total calls made by the telemarketer.
63. In response of action against senders of UCC, one stakeholder submitted that it does not support such drastic action at first instance of the complaint and submit that disconnection of all resources and blacklisting should come in at 3rd instance of violation. Another stakeholder suggested that for Enterprise category, for the first offence, all the outgoing resources of Sender at that particular location should be suspended. However, action should be taken only after giving 5 working days' time to the entity to revert with consent if any. For the next offence, all the outgoing resources of the Sender should be suspended by the OAP for a period of 15 or 30 days and details are updated on the DLT and exchanged in between TSPs. For the third offence, the Sender should be blacklisted across TSPs and all existing outgoing resources by all TSPs have to be suspended and no new resources for outgoing commercial communications for a period of 1 year. The stakeholder also submitted that for 160xxx series, this criterion should be applied only when 160xx series has been launched for all the sectors and a reasonable time of 6 months have been given for PEs/TMs to migrate on the new structure.

Analysis and Conclusion-

64. As per existing regulation 25 (1), 25(2) and 25(3), role of TAP is to record the complaint on DL-Complaints, notify its details in real time to OAP and check the occurrence of complained communication between the complainant and the reported telephone number or header and update the finding on DL-Complaints within one business day. It has been observed that instead of notifying complaint detail to OAP in real-time, a considerable amount of time is taken by TAP particularly for checking the occurrence of communication between the complainant and the reported telephone number or header against which the complaint is generated. It delays the action on the complaint by the OAP. Further, there may be instances such as non-availability of the reported telephone number or header in the complaint registered, when it won't be possible for TAP to find out the OAP. In that case, the complaint would have to be closed at TAP end only.
65. In view of the above, it is felt that as OAP has to check the occurrence of complained communication between the complainant and the sender, TAP need not check the occurrence of the complained communication, and transfer the complaint to OAP which shall check the same during investigation. This will avoid duplicity of efforts and help in expediting the complaint redressal, The TAP may close the complaints invalid only when:

- (i) there is non-availability of the reported telephone number or header in the complaint registered or
- (ii) the complaint is reported by the customer after seven days of receipt of UCC communications.

In such cases, the TAP shall communicate to the customer about the closure of his complaint as prescribed in CoP-complaints or in a manner as directed by the Authority and change the status of the complaint in DL-Complaints.

66. In the existing regulations, the OAP was given a time period of 2 days to check the occurrence of the complained communication. However, based on comments received from stakeholders, it has been established that the CDRs can be fetched and matched with the details provided in the complaint within 1 business day. Therefore, for prompt redressal of complaints, OAP should check the occurrence of the complained communication between the complainant and the reported telephone number or header within 1 business day so as to expedite the process.
67. Examination of all the regulatory pre-checks is an automated process and should be completed in near real time basis by leveraging the capabilities of the DLT system. Hence, in case of non-compliance with the regulations, the OAP should be able to take action within two business days from the date of receipt of complaint.
68. In the existing regulations, to initiate an action against a UTM complaint, it is examined that if the number of complaints against the sender are from ten or more than ten recipients over a period of last ten days. However, the Authority has observed that a very small proportion of customers register complaints against received UCCs, making it difficult to reach this threshold and consequently, no action is taken against many offending senders. To address this issue, the OAP will now initiate action as per provision 25(6) if the number of complaints and/or reports against the Sender are received from five or more unique recipients in last ten days. This revised threshold will ensure that an investigation is initiated by the OAP whenever the number of complaints against a sender exceeds the pre-defined limit, thereby enabling more effective enforcement against those who persistently send unsolicited commercial communications. However, considering the dynamic nature of the eco-system, it should be possible for the Authority to prescribe such threshold from time.
69. The existing provisions regarding action against UTMs/unregistered Senders do not provide desired level of deterrence. Immediate restrictions are not put on the on the suspected spammers even after complaints are received beyond the defined thresholds. Further, such senders quickly shift to other access providers and get new telecom resources from them, thereby, keep on sending unsolicited communications. As illustrated in Table-I, it can be observed that RTM complaints are declining, whereas UTM complaints are increasing and have become a significant concern requiring stricter provisions for control.

Table-I: Number of UCC complaints received from 2021 to 2024

| Calendar Year | UTM Complaints | RTM Complaints |
|---------------|----------------|----------------|
| 2021 | 855771 | 428290 |
| 2022 | 904359 | 178690 |
| 2023 | 1222946 | 139986 |
| 2024 | 1747327 | 191430 |

70. Through these amendments, stricter provisions need to be made against the unregistered Senders for violations. Whenever a complaint is received against a sender, the OAP shall intimate the receipt of the complaint to the Sender immediately so that besides intimation, it serve as an alert or warning to the sender. If it is found that sender is engaged in sending the unsolicited commercial communications as per the criteria laid under regulations, then for the first instance of violation, outgoing services of all telecom resources of the Sender including PRI/SIs trunks should be barred across all the access providers for a period of 15 days so that it serves as a strong deterrent since now the sender will not be able to get telecom resources from any access provider. For the second and subsequent instances of violations, all telecom resources of the Sender including PRI/SIP trunks need to be disconnected by all the Access Providers for one year. and the Sender should be placed under the blacklist category so that no new telecom resources will be provided by any Access Provider to such Sender during this period. Besides, all the devices used for making UCC should also be blocked across all the Access Providers for a period of one year. Only one telephone number may be allowed to be retained by such Sender. In case of a UTM, one telephone that has been allowed should further be barred outgoing services during this period. However, emergency calls should be allowed on such an outgoing service barred number. Entity shall get an opportunity to represent to the Access Providers for action against it for engaging in sending UCC. Subsequently, it also gets an opportunity to represent to the Authority.
71. Recently, 1600 series have been allotted exclusively for service and transactional calls. It is crucial to establish stringent penalties for violations originating using numbers of this series i.e. if the numbers are misused for making promotional communications, as customers would place a high level of trust in this series, and, therefore, its misuse must be severely addressed. Hence, OAP should initiate action against such violators if the number of complaints against the Sender are received from five or more unique recipients within the last ten days. For the first instance of violation, outgoing services of all telecom resources of the Sender including PRI/SIP trunks, shall be barred across all the access providers for a period of 15 days. For the second and subsequent instances of violations, all telecom resources of the Sender, including PRI/SIP trunks, shall be disconnected by all Access Providers for one year. OAP shall put the Sender under the blacklist category, and no new telecom resources shall be provided by any Access Provider to such Sender during this period. All devices used for making UCC shall also be blocked across all Access Providers for a period of one year. Only one telephone number may be allowed to be retained by such Sender during this period. The entity shall be given an opportunity to represent to the Access Providers regarding the action taken against it for UCC violation. Subsequently, it also has the right to file a complaint with the Authority.
72. The registered/unregistered Sender should be informed about whenever any UCC complaint is received against it. This intimation should be made by OAP immediately after receipt of complaint so that the Sender is alerted and provided with sufficient time to take corrective actions.

(2) Customer Complaint Registration Facility (CCRF)

73. As per regulation 23, every Access Provider is required to establish Customer Complaint Registration Facility (CCRF) and make necessary arrangements to facilitate its customers on 24 hours X 7 days basis throughout the year. The stakeholders were requested to make suggestions on possible measures to make facilities extended by the Service providers through Apps, Website and Call Centres for handling UCC complaints accessible and customer-friendly, Stakeholders were also asked about what additional modes of complaints registration, preference registration and consents registration can be implemented.

Inputs of the Stakeholders

74. Some stakeholders agreed with the suggestion made in the Consultation paper that Customer Complaint Registration Facility (CCRF) should be possible through email also. One Access provider submitted that it has already implemented email as a mode for lodging the UCC related complaints, however, it may be noted that this is not a preferred mode for UCC complaints, going by the volumes. Some stakeholders submitted that the responsibility for ensuring that facilities provided for handling UCC complaints through apps, websites, and call centers are accessible and user-friendly should largely be left to the discretion of the TSPs. These

stakeholders submitted that TSPs possess the technical expertise, customer insights, and operational understanding necessary to determine the best practices suited for their unique customer bases.

75. A few stakeholders suggested that social media channels may be extended for complaints, where TSP can define mandatory inputs to be filled by customers. One stakeholder was of the view that TRAI should consider formally integrating third-party applications as part of the UCC reporting and complaint-handling framework. One stakeholder suggested that Customers can use chatbot registration or voice assistants like Siri, Google Assistant, or Alexa to register complaints, preferences, or consents verbally. A few stakeholders were of the view that the current process is good enough.
76. On the issue of making Access Providers' App and Web portal more user-friendly for the registration of UCC complaints, one stakeholder submitted that the mobile application of the TSPs serve other purposes including dissemination of information pertaining to the customer account, tariff plan and other services. The stakeholder further submitted that while we can explore the possibility of making it more user friendly, TRAI should not micromanage this aspect and leave it to the TSPs. On the issue of auto capture call logs, SMS details along with its contents after obtaining permission from the subscriber and extract necessary details through it for complaint registration, one stakeholder submitted that this requirement is dependent on device as well as OS capabilities and cannot be mandated as a generic condition. Therefore, it should be subject to technical feasibility, Device and OS support.
77. To avoid complaints being declared invalid citing incomplete UCC description provided by the complainant as the reason, it was suggested in the Consultation Paper that If the complaints against unsolicited commercial communication through voice calls, contains Sender's number, complainant's number and date of UCC, it shall be treated as a valid complaint. However, Access Provider can collect additional information to support investigation. On this issue, one Access provider submitted that the existing process of registering customer complaints should continue and accordingly the customer should share complete details of the UCC for the TSP to address the concern and take action accordingly. Another Access provider was of the view that content needs to be validated for both Calls and SMS. Otherwise, it could also lead to non-genuine complaints and would eventually mean that validation of CDR becomes the only check to ascertain whether it was UCC or not.
78. In the Consultation Paper, it was suggested that the Mobile App and Web portal should have the option of uploading screenshot of call log and SMS content and extract necessary details through it for complaint registration. On this suggestion, some stakeholders submitted that this is not a technically feasible solution. There can be errors in capturing information from screenshots that can lead to other issues.

Analysis and conclusion

79. Action against spam is based on identification of spammers which in turn relies on the effectiveness of the complaint mechanism. More the number of complaints received from a wider base of customers, faster the identification of the spammer and quicker can be the action against the spammer. However, it has been observed that it is not easy to locate the UCC compliant registration and Preference registration in the Access Providers' Apps and web-site. Moreover, the complainant has to fill all the entries manually which not only discourages the customers to register UCC complaints but, at times, leads to incorrect or incomplete entries by the customers which are declared invalid by the Access Providers. The Authority is of the view that the UCC compliant registration and Preference registration should be very simple and easily accessible to the customers.
80. The Authority had issued a Direction on 24th June 2024 to the Access Providers that the mobile App and Web portal should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main/Home page. Further, the Access Provider' mobile App should auto capture call logs, SMS details along with its contents after obtaining permission from the subscriber and extract necessary details through it for complaint registration. If the subscriber denies

permission, the option to fill relevant details manually should be provided. TRAI's DND App has all these features.

81. The existing Regulation 23(1)(a) does not explicitly allow customers who have not registered preferences to file complaints. However, Unsolicited Telemarketing Messages (UTMs) are entities that send commercial communications without being registered with Access Providers for telemarketing purposes. As such, they are prohibited from making such communications. Therefore, lodging a complaint against an UTM should not necessitate prior preference registration by the customer, as preference registration primarily serves to block commercial communications from registered senders.
82. The complaint should not be declared invalid on frivolous grounds. Complete text of the SMS as part of UCC complaint cannot be a mandatory requirement. If the complaint contains Sender's number, complainant's number, date of UCC and a brief about of UCC call/message, it should be treated as a valid complaint. However, Access Provider can collect additional information to support investigation.
83. Access Providers should make available a feature for blocking spam messages/calls and register a complaint for the same in the Mobile App of the Access Providers subject to technical feasibility, this simplifies the user experience by allowing subscribers to easily block spam directly within their mobile app. Instead of switching between different apps, users can now conveniently report and block spam within the same interface. This streamlined process encourages more users to report spam, making it easier for them to combat unwanted calls and messages. By making it simpler for users to report spam, this feature empowers subscribers to take control and improves the overall effectiveness of spam prevention efforts. Moreover, Access Providers should implement uploading of screenshot of call log and SMS content through app/ web portal such that it should be possible for the complainant to edit such extracted information before submission. The suggestion by some Access providers that extraction of information through screenshots may give rise to errors is not acceptable as the same is already being used in DoT's Chakshu Platform to register complaints.
84. Further, the registration of UCC complaint should be possible through various modes. Access providers should find out ways to register complaints through social media and other means as suggested by some stakeholders. However, the options of registration of UCC complaints (i) through email and (ii) through the uploading of screenshot of call log and SMS content and extract necessary details through has been made through these amendments.

(3) Record Keeping and reporting-

85. In the consultation paper, amendment to the regulation 26 was discussed to (i) allow the Authority to conduct the comprehensive audit of various processes established under the framework of TCCCPR (ii) to allow the Authority to have real-time access to various processes and databases and (iii) to make available the header information and other relevant information to the public.

Inputs of the Stakeholders

86. In response, some stakeholders have agreed to the amendments discussed in the Consultation paper. A few stakeholders have suggested that These details are already available on DLT system in live environment and there is no need to add the same in offline mode.

Analysis

87. The stakeholders have, in general, agreed with the proposed amendments. A few stakeholders, who were not in favour of putting the header information and other relevant information to public did not present any plausible arguments in support of their views.
88. Existing provisions lacks details necessary for unique identification of UTM/unregistered senders which prohibits prompt actions against such defaulting entities. Therefore, it is necessary that Access Providers

record details such as name of the Sender, category of Sender as a telecom customer (individual/ Enterprise), address and other relevant details to uniquely identify the Sender. This will help in analysing the data about spammers which besides providing unique identification of the spammer, will also provide various insights about spams.

89. In addition to complaints, many other aspects of DLT such as implementation of UCC_Detect System and action taken thereon, different registration processes such as Sender registration, telemarketer registration, header registration, content template registration and other processes including preference registration process, scrubbing processes, Consent process etc are critical for effective curbing of UCC, and these aspects should be accessible and may be verified under the Audit conducted either by TRAI officers or employees or through agency appointed by TRAI.

90. For better transparency and effective monitoring by Authority as well as for the availability of information to customers, the Access Providers should:

provide real-time access to the Authority to various processes and databases related to processes being performed as per relevant provisions of the regulation and other Directions as prescribed by the Authority from time to time.

publish the following in searchable format on their websites, in the formats prescribed by the Authority. Authority if so desires, may issue Directions(s) regarding the presentation methods of such information –

- i. Complete List of Message Headers along with the details of associated Senders across all the Access Providers.
 - ii. Monthly summary about the UCC complaints received and action taken thereon.
 - iii. Any other information as prescribed by the Authority from time to time.
- maintain Sender-wise records of complaints in the format prescribed by the Authority from time to time and shall make it available to the authority, as and when directed by the Authority.

91. Therefore, the Authority decided to amend the regulation 26 as proposed in the Consultation paper.

(4) Regulation 29 - Examination of telecom resources by the Authority put under outgoing Usage Cap or having been disconnected by Access Provider

92. Regulations 29 provides for the examination of telecom resources by the Authority put under outgoing Usage Cap or having been disconnected under regulation 25 by the Access Provider, when Sender makes a complaint or represent to the Authority against such action taken by the Access Provider. As per the amendments made to the regulation 25, in place of usage cap, outgoing facility shall be suspended on receipt on the complaints beyond a threshold level. Provisions for action against misuse of series assigned for service and translational calls have also been made. In view of these changes suggested in the regulation 25, the changes in regulations 29 were discussed in the Consultation Paper.

Inputs of the Stakeholders

93. A few stakeholders submitted that TRAI is not having adjudicatory power under the TRAI Act. Further, as per The Telecommunication Act, 2023, any Appeal can be filed before the DoT appointed adjudicating officer/ Designated Appeals committee (Please refer Chapter VIII of The Telecommunication Act, 2023). One stakeholder submitted that it may not be legally tenable for TRAI to deal with the appeals related to action taken by a TSP against a Sender (who is actually a customer of TSP), and ideally the Sender should have to approach suitable court under the law of land.

Analysis and Conclusion

94. Exercise under Regulation 25(6), 29 & 33(2) is in the nature of administrative review and does not impinge either upon the jurisdiction of TDSAT as per Section 14 of the Act nor does it seek to overtake new adjudicatory powers of the Government under the Telecommunications Act 2023.

95. A sender should be able to appeal against the action taken by access providers under regulation 25. This is to ensure that action taken by the Access providers is as per the regulation and that due diligence has been exercised by the access provider before deciding the action taken against the senders.

E. UCC Detect System

96. Unsolicited Commercial calls from Unregistered Telemarketers (UTMs) are a major nuisance to the public. As per the provisions of TCCCPR 2018, Access Providers are mandated to put a UCC_Detect System to detect the possible unregistered senders/UTMs who are sending bulk commercial communications without complying with the Regulations. However, steps taken by the Access Providers have not been found effective. To strengthen the regulatory measures for detection and action against the suspected spammers, some possible measures were discussed in the Consultation Paper have been prescribed through these amendments.

97. To significantly enhance the effectiveness of UTM detection, the incorporation of advanced AI/ML techniques is crucial. The UCC_Detect System should leverage these technologies to analyze various data sources, including sending information (SI) from reports, inputs from Honeypots, information shared by Signature Solutions of other access providers, and data from network elements like HLR and miss call alerts.

AI/ML algorithms can be employed to identify evolving patterns and signatures, detect anomalies and outliers, improve accuracy and reduce false positives, analyze multiple factors, including complaint history, customer profiles, and reputation-based analysis (considering factors like subscription age, authentication methods, and address verification), to prioritize investigations and focus on the most harmful spammers.

98. Furthermore, the system should maintain confidentiality, support pattern matching and facilitate information exchange. By incorporating these AI/ML enhancements and implementing robust data analysis techniques, the UCC_Detect System can become a powerful tool in combating unsolicited commercial communications and protecting consumers from the disruptions caused by UTMs.

99. Stakeholders were requested to submit their comments on possible measures required for pro-active detection of spam messages and calls, and possible action on suspected spammers. Various possible measures suggested in the Consultation Paper and comments of the stakeholders are discussed below-

(1) Identifying of spammers basis triggers of calls/SMS-

Inputs of the Stakeholders

100. Some stakeholders submitted that the entire section should be dropped as it is neither feasible nor practical to implement. One stakeholder was of the view that this provision is not required post strict implementation of various direction issued by TRAI. Further, once the TM-D is brought under licensing framework, controls can be implemented at TM, PE level and such granular monitoring of customers will not be required. A few stakeholders have submitted that UCC Detect systems are already in place, however, suitable change should be made for involving TM-D in process. One stakeholder suggested that TSPs are already taking proactive actions needed to stop further communication of messages or calls identified as spam and the same shall be left to the TSPs. One stakeholder submitted that it will be difficult to identify such B party numbers who have not answered the calls because record of such incidences (missed calls) is not maintained in the network. However, other criteria as proposed may be kept.

Analysis and conclusions

101. UCC Detect System is meant to detect UTMs who send Unsolicited Commercial Communications in bulk and not complying with the provisions of the regulations. Schedule-IV of TCCCPR-2018 gives broad guidelines regarding the features of the UCC_Detect system. It inter alia states that the system should be capable of identifying senders on the basis of signatures. However, Access Providers have not put in place any effective UCC Detect system. Considering the increasing trend of UTM complaints, there is a necessity to put in place effective mechanisms which can augment the efforts being made against spam. It, therefore, has become

necessary to make specific guidelines for the establishment of UCC Detect system. These guidelines would work as the minimum measures that an Access provider would be mandated to take to establish UCC Detect system. However, Access Providers can evolve more signals or intelligence to detect the suspected spammer. Considering the inputs suggested by the stakeholders, signal linked with the unanswered calls has not been included in the amendments.

(2) Feedback from the recipients of heavy calls/SMS-

Inputs of the Stakeholders

102. One stakeholder suggested that the proposed feedback mechanism may not yield any result as the same is purely subject to the input given by the customer in the form of Y or N. There are very high chances of customers ignoring such communication leave aside responding to such a communication. Another stakeholder submitted that the suggested measures are quite subjective, requiring significant development, huge costs and manual efforts and would not yield commensurate benefits. The stakeholder further submitted that the CDRs are available in the database only after 24-36 hours, hence, it will not be possible to build any solution which is based on checking CDRs prior to such window. Such steps would also cause huge inconvenience to the recipients and may become spam by itself. Therefore, these provisions should be dropped. One stakeholder submitted that by using a short code 1909, OAP can send and receive SMS to/from its own customer only as the feedback cannot be taken from the customers of other TSPs using 1909 Code.

Analysis and conclusions

103. Considering the inputs of the stakeholders, particularly the fact that CDR analysis would not be possible on the same day, the Authority is of the view that taking feedback from the customers may not be fruitful. Therefore, alternate techniques should be use for the detection of suspected spammers.

(3) Use of advanced Artificial Intelligence (AI) and Machine Learning (ML) based technological solutions for proactive UCC prevention and monitoring.

Inputs of the Stakeholders

104. A few stakeholders suggested that this is already implemented under UCC Detect by all TSPs. One stakeholder submitted that AI systems be subject to extensive testing before any deployment and guardrails be put in place to prevent any bias/discrimination emanating from AI system.

Analysis and conclusions

105. The Authority has already issued a Direction on 13th June 2023 to all Access Providers to deploy Artificial Intelligence and Machine Learning based UCC Detect system which can evolve constantly to deal with new signatures, new patterns and new techniques used by Unregistered Telemarketers (UTM). Further, to put in place adequate and effective checks to ensure that unauthorized use of AI/ ML based UCC Detect systems does not take place and utmost care and precaution is taken in the use of systems to ensure the safety and security of the customer data, the Authority on 19th July 2023 issued Direction to all Access Providers to take specific measures for the same. One Access Provider rolled-out network-based, AI-based spam detection solution.

(4) Each Access Provider shall deploy one honeypot in a LSA for every 200 complaints registered in previous calendar year subject to a minimum of 50 honeypots in each LSA or any such numbers as specified by the Authority from time to time, for recording the spam messages and voice calls.

Inputs of the Stakeholders

106. One stakeholder submitted that setting up and maintaining honeypot systems requires significant investment in technology, infrastructure, and ongoing monitoring, which may not yield a proportionate benefit. Another stakeholder submitted that the right solution or a mix of solutions should be allowed to be developed and deployed by industry players with broad guidelines under TRAI, rather than mandating any particular method or approach. One stakeholder was of the view that for effective pro-active detection of UCC, the Honeypots should be deployed by the Authority and should be under the surveillance of DoT LSA units.
107. One stakeholder suggested that 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. To ensure wider coverage, one stakeholder recommended to deploy honeypots at a rate of at least 0.05% of MSISDNs per LSA per Telecom Service Provider (TSP).

Analysis and conclusions

108. The TCCCPR-2018 regulations are based on a co-regulatory approach. Only broad-level objectives are defined in it and Access providers are required to work on the finer details. However, it has been observed that not enough efforts have been put in by the Access Providers on certain aspects of the regulations. Only a few Access Providers have established honeypots as part of their UCC_Detect system that too in a negligible quantum. Therefore, the Authority does not agree with the suggestion put forward by a few stakeholders that the right solution or a mix of solutions should be allowed to be developed and deployed by industry and is constraint to define the finer contours of the UCC_Detect system which includes the quantum of honeypots to be deployed by each Access Provider.
109. Considering the cost of setting up and operating the honeypots, the Authority has decided that each Access Provider should deploy one honeypot in a LSA for every 500 complaints registered in previous calendar year subject to a minimum of ten honeypots in each LSA or any such numbers as specified by the Authority from time to time, for recording the spam messages and voice calls, and analyse the same at least on monthly basis.

F. Financial Disincentives

110. Regulation 27 provides for provisions of Financial Disincentives (FD) on Access Providers for not controlling the Unsolicited Commercial Communications (UCC) from RTMs by the Access Provider. Regulation 28 inter alia provides for the provision of FD on the Access Provider found to be not imposing timely restrictions on outgoing usage of unregistered Sender(s) in accordance with provisions in regulations 25(5) and 25(6). Certain amendments were discussed in the regulations to be incorporated in the regulations 27 and 28. Provisions for FD for incorrect content template registration and Header registration were part of the options discussed. Provision of FD has also been suggested if the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation regarding misuse of series assigned for service/transactional call. With respect to the obligations to act against the UTM violators, provisions were suggested to impose FD if Access providers do not act against the UTMs/unregistered senders for UTM violations or take delayed actions. It shall also cover the instances when Access providers do not disconnect all the telecom resources of the UTMs/unregistered senders. The stakeholders were requested to offer their comments on the proposed changes in the FD provisions.

Inputs of the Stakeholders

111. Some stakeholders suggested that it is crucial to establish clear accountability for telemarketers and PEs (Senders) who actually have control over the content and headers. Accordingly, the framework of financial disincentives and legal measures needs to be reoriented towards these entities.
112. An Access Providers submitted that the TSPs are just intermediaries and not responsible for the content of SMS and calls and cannot be penalized for the actions to be taken by the TM-D and PEs. Accordingly, the complete Regulation 27 should be abolished and a new section on penalties by DoT on TM-D for non-compliance with its obligation should be added under the rules framed as per 'Telecommunication Act 2023'.

The rules under the Telecommunication Act 2023 should have adequate provisions which empowers DoT to take deterrent actions directly against the UTMs, PEs, Aggregators and Telemarketers, who misuse the telecom resources for initiating UCC. A few Access Providers were of the view that TRAI's exercise of levying such a penalty, under subordinate legislation, is arbitrary since TRAI does not have adjudicatory powers under the TRAI Act. One of these stakeholders submitted that as per the Section 79 of the Information Technology Act, TSPs are merely intermediaries (and therefore, exempted from liability), hence, TSPs cannot be held accountable or penalised for unsolicited communication being done using their network.

113. One stakeholder suggested that the FD should be imposed on the approver of the Header/ Template @Rs five thousand per complaint instead of per registration. No FD should be imposed on OAP in this case, while another stakeholder submitted that operators have made all the efforts that have considerably reduced their UCC complaints to a very low level and hence should not be penalized for unwarranted actions of some subscribers.

Analysis and conclusions

114. Under TCCCPR-2018, functions and obligations of the Access Providers are clearly spelt out including registration of Headers, Content templates, Consent templates, preference registration etc and scrubbing of message for various pre-checks before its delivery which implies that Access providers are not mere data pipes in case of commercial communications. Access Providers must ensure that no commercial communication is made to any Recipient, except as per the preferences or consents registered in accordance with the regulations. As far as the comment of access providers that 'TSPs are just intermediaries and not responsible for the content of SMS and calls and cannot be penalized for the actions to be taken by the TM-D and PEs' is concerned, the FD is imposed not against their failure to control the content but rather their failure to act on the telecom resources allotted to the violating senders and wrong closure of valid complaints by declaring them as invalid. Hence, Financial Disincentives have been imposed for failure of the Access Provider for not controlling the unsolicited commercial communications from registered telemarketers (RTMs) in the aforesaid manner, which is liable under Regulation 27. So far as action on Senders/ TMs is concerned, Regulation 22 of TCCCPR-2018 empowers Access Providers to prescribe fee and security deposits for entities for sending commercial communications. Regulation 22 also provides that Access providers may impose financial disincentive on participating entities in case violation of regulations can be attributed to failure of functions assigned to such entities. As already enabled through regulation, this may be enforced through legal agreement between the access provider and such entities. Therefore, in a nutshell, Access Providers are not only made responsible for certain activities but also have also been empowered to control the performance of these activities under regulations.
115. The power to enforce FD derives from TRAI's authority to regulate and ensure QoS compliance, as detailed in Sections 11 and 36 of the TRAI Act. This regulatory framework is recognized as subordinate legislation by Parliament.
116. Under TCCCPR-2018, Access Providers have significant responsibilities in curbing UCC, including registration of Headers, Content Templates, and Consent Templates, as well as scrubbing messages for various pre-checks before delivery. This clearly establishes that Access Providers are not mere data pipes in the context of commercial communications. They play a crucial role in ensuring that no commercial communication is made to any Recipient without proper consent or in violation of the regulations
117. It has been observed that many instances of UCC from registered headers is due to wrong approval of Headers and Content Templates, due to which promotional content is delivered to customers despite scrubbing on DLT platform. In such violation if the OAP on receipt of a complaint takes corrective action such as blacklisting the header or content template then the financial disincentive for each complaint due that header or content template should be imposed on the access provider who wrongly registered the header or content template in addition to the financial disincentive for wrong approval of Headers and Content Templates.

118. Under existing regulations, the provisions for financial disincentives for failing to curb UCC from UTMs are insufficient. The proposed amendments to Regulation 28 of the TCCCPR-2018 regarding Financial Disincentives (FDs) on Access Providers for failure to curb UCC from unregistered Senders/UTMs are crucial for ensuring effective enforcement of the regulations and maintaining a healthy communication ecosystem.
119. The proposed FDs are necessary to incentivize Access Providers to diligently fulfil their obligations. These FDs are graduated based on the severity of the violation, ranging from penalties for failing to act against unregistered Senders to penalties for incorrectly deciding representations made by Senders.
120. In conclusion, the proposed amendments to Regulation 28 are justified and necessary to ensure that Access Providers actively contribute to curbing UCC and maintaining a healthy and customer-friendly communication environment. These FDs will incentivize Access Providers to fulfil their responsibilities, enhance compliance, and ultimately protect customers from the nuisance of unsolicited commercial communications.

G. A charge up to Rs. 0.05 (5 paisa) on Transactional SMS

121. The Regulation provides for Terminating Access Provider (TAP) to charge Originating Access Provider (OAP) a charge upto Rs. 0.05 (five paisa only) for each of the promotional SMS and service SMS. However, transactional SMS are not included in this provision. The stakeholders were requested to offer their comments on whether there is a need to review exemptions accorded to transactional messages and bring them at par with other commercial messages.

Inputs of the Stakeholders

122. Many stakeholders submitted that a uniform commercial communication charge should be made applicable for all categories i.e. transactional, promotional and Government messages except disaster related messages. Transactional messages are just a category of commercial messages and should be brought under the provisions of commercial SMS charge. These stakeholders further submitted that most of the entities sending commercial messages are anyways charging their customers for providing services over SMS, be it banks or financial institutions, airlines or Government departments like Passport offices, all charge their customers for receiving SMS. Furthermore, for Access Service Providers, the utilization of technical resources doesn't change with type of messages. One of these stakeholders argued that that TRAI, in its recommendations on the "Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023" dated 18.09.2024, has recommended "Except for disaster related messages, the concerned Government agency should devise a mechanism to suitably compensate the service providers for dissemination of the public broadcast messages".
123. Some stakeholders suggested that the present charge of Rs. 0.05 per SMS was introduced by TRAI through a Regulation in the year 2011 and since then huge costs being undertaken by TSPs to implement regulatory requirements. These stakeholders urged the Authority to revise the existing charge upwards applicable on all categories.
124. One stakeholder submitted that till now industry is struggling to distinguish between the Transactional and Service Messages and therefore transactional messages are still being charged 5 paisa by TAPs. The stakeholder suggested that to address this issue and competition with OTT services, the charges on all type of messages (Promotional/ Service and Transaction) 5 paisa charge be withdrawn uniformly. There might be only termination charges which are being governed by separate regulation at present.
125. A few stakeholders were of the view that real time OTPs delivery at the present cost are essential for commercially sustainable banking and financial services delivered by Fintechs. Therefore, the transactional SMS should continue to be outside the purview of this charge.

Analysis and conclusions

126. While the rationale for exempting transactional SMS previously emphasized their distinct nature from promotional and service messages, it's recognized that transactional SMSs are also commercial messages. This non-uniformity in charging creates arbitrage opportunities and risks of disputes.
127. The current exemption for transactional messages creates an arbitrage opportunity, encouraging entities to misclassify promotional messages as transactional to avoid higher charges. This not only undermines the integrity of the DLT ecosystem but also unfairly burdens TSPs with the costs of maintaining and operating the system. Furthermore, many entities already charge customers for SMS services, making the proposed change more equitable.
128. It's important to note that this change will not significantly alter the existing system for many Access Providers, as transactional messages are already being charged 5 paisa by many TAPs due to technical limitations of distinguishing between a transactional message and a service message with inferred consent. This suggests that the practice of charging for transactional messages is already prevalent among some players in the market.
129. To address these concerns, it has been decided that Terminating Access Provider (TAP) shall charge Originating Access Provider (OAP) a charge upto Rs. 0.05 (five paisa only) for each of the transactional, service and promotional SMS.

H. Provisions related to registered Senders and other Functional Entities

130. The process of registration of Senders, Telemarketers, Headers, Templates etc are spelt out the by the Access providers within the broad contours of the regulations. Punitive measures against the defaulting entities are also derived by the Access Providers through their CoPs and mutual agreements. It is observed that due to commercial interest, the provisions made by the Access providers are somewhat lax. Therefore, in the Consultation Paper, certain measures were discussed to ensure that various registration functions are carried out by the Access providers without any laxity. Also, certain punitive measures are suggested that should be taken against the defaulting entity in case of any lapses. The stakeholders were requested to offer their comments on the suggested measure and other possible mandatory provisions that can be made as part of their CoPs.

Inputs of the Stakeholders

131. Some stakeholders submitted that it is essential to establish well-defined responsibilities for senders, holding them directly accountable by mandating their registration with TRAI. Additionally, introducing a requirement for keeping minimum security deposits for all entities registering with Access Providers and an outline of the conditions under which these deposits can be fully or partially encashed or replenished can be helpful. One stakeholder suggested that in order to effectively govern the UCC ecosystem, Telemarketers (TM-D) should be registered with the DoT and the licensor should recover the Penalty/ Financial Disincentives directly from the responsible entities under the rules of Telecommunication Act 2023'. The COP should be aligned with the new regime once it is notified.
132. A few stakeholders submitted that many times, different COPs are being adopted by telecom operators with varied interpretations of the mentioned procedures which create confusion among the senders. A standard framework needs to be defined under the guidance of TRAI and followed by all TSP. Some stakeholders were of the view that the measures to introduce financial disincentives and minimum-security deposits for telemarketers may result in preferential treatment of certain Enterprise customers or Telemarketers. Hence, such measures should not be adopted, while a few stakeholders were in favour of making provisions of security deposit for the registration of the entities.
133. One stakeholder suggested that physical verification of the entity and biometric authentication of the authorized person should not be made mandatory at the time of registration of the entity as there is no merit

of such proposals and they do not directly correlate to stopping/investigating spam. Another stakeholder submitted that the text “If the Authority has a reason to believe that punitive measures prescribed by the Access Providers against the registered Senders and TMs are not effective, it may order or direct the Access providers to take appropriate measures as prescribed by it.” should be removed as the Authority is not having adjudicatory powers under the TRAI Act.

Analysis and conclusions

134. As per regulation 8 of the TCCCPR 2018, every Access Provider shall develop Code of Practice for Entities of ecosystem (CoP-Entities) as per Schedule-I of the Regulations). The Access Providers spell out the process for Entity registration, Header registration and content template registration within the overall TCCCPR-2018 framework. The primary responsibility of controlling the UCC messages lies with the Access Providers, and they are obligated to prescribe appropriate punitive measures in their respective (CoP-Complaints) to be adopted against defaulting entity (Sender/RTMs).
135. It has been observed that due to the competitive/commercial issues involved, Access Providers, at times, show laxity when it comes to various registration functions or taking punitive actions against the Senders/TMs. Therefore, standard provisions should be made for various activities related to Senders and Telemarketers such, registration and blacklisting of entities, headers and templates etc. Earlier also, the Authority has also issued a few Directions on these matters whenever a need was felt.
136. Provision of Physical verification of the entity and biometric authentication of the authorized person as part of the registration process of Senders/Telemarketers is necessary to ensure traceability of such entities. As the number of such entities is not large, it shall not put undue burden on the Access providers.
137. Enabling provisions to have been made for the Authority to direct the Access providers to act against the Senders and Telemarketers, if Access provider have not taken appropriate action against such entities. These provisions are of the nature of administrative review and does not impinge upon the jurisdiction of TDSAT.

I. Comments by Stakeholder on additional provisions:

138. Stakeholders have commented on provisions of TCCCPR-2018 which are closely related to issues raised during the consultation. Based on these comments’ amendments must be made to resolve the issues.

Inputs of the Stakeholders

139. Some stakeholders mentioned that TSPs have already deployed the Digital Consent Acquisition (DCA) platforms for promotional purposes (Voice calls/messages) and onboarding of Principal Entities on DCA platform should be expedited as use of DCA platform will mitigate the risks of commercial / promotional communication becoming intrusive, violating privacy or facilitating fraud and phishing and thereby reduce consumer complaints.

Analysis and conclusions

140. Industry stakeholders have expressed their eagerness to implement Digital Consent Acquisition (DCA) mechanisms, but sender onboarding has faced significant delays despite concerted efforts by TRAI and industry players. Existing provisions i.e. “the consent should be verified directly from the Recipient using OTP and recorded by Consent Registrar in a robust and verifiable manner” are felt by principal entities as restrictive, delaying DCA adoption by them. This delay hinders both businesses and customers. To expedite DCA implementation and overcome the current impasse, the Authority needs to explore alternative registration and/or registrar functions, especially, with regard to large number of consents which businesses have already acquired through various offline methods. These existing consents cannot be instantly declared invalid within the DLT platform as it would not only be disadvantageous for the business as well as for the

customers who have consented to receive communication from these entities. Therefore, a mechanism for transitioning these offline consents to the DLT platform is necessary to avoid inconveniencing for both businesses and customers. However, to minimize inconvenience to the customers during this transition, provisions for revoking such consents by the customers should also be included. Furthermore, there should be scope for addition of new provisions that enhance the consent acquisition process, such as two-factor verification instead of solely relying on OTPs. As a result there is a need to introduce enabling provision in the regulation.

141. To prevent unintended communication and ensure fresh starts for new users, telecom resource allocations should always begin with default preferences and no pre-registered consents. This guarantees that the consent and preferences of previous users do not inadvertently carry over to the new user. To facilitate this, all existing consents must be automatically revoked, and preferences must be reset to default whenever a resource is surrendered or closed. This ensures that each new customer receives a clean slate with their own unique set of preferences and consents.

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