

April 17, 2026

To,  
Telecom Regulatory Authority of India  
World Trade Centre, Tower-F, Nauroji Nagar  
New Delhi - 110029  
Email: [advqos@trai.gov.in](mailto:advqos@trai.gov.in)  
**Attn:** Shri Deepak Sharma, Advisor (QoS-II)

**Subject:** Submission of Comments on the Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026

**Ref:** Consultation Paper No. RG-25/(25)/2023-QoS dated March 13, 2026 (“**Consultation**”)

Dear Sir,

First of all, we would like to thank the Telecom Regulatory Authority of India (“TRAI”) on behalf of Truecaller International LLP (the “Company”) for the opportunity to participate in the consultation process regarding the Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026.

Truecaller remains fully committed to TRAI’s overarching objective of mitigating Unsolicited Commercial Communications (UCC) and enhancing trust in India’s digital communications ecosystem. We have consistently demonstrated this commitment through our proactive collaboration with TRAI and good-faith compliance with ecosystem guidelines.

However, we are writing to express our deep concern and register our formal objections regarding the proposed insertion of **Regulation 34A**. While we understand the Authority’s intent to protect the sanctity of designated commercial number series (such as 140xx and 1600xx), the blanket prohibitions and mandates proposed in Regulation 34A will, in practice, severely undermine consumer protection and are legally untenable.

Please find attached our detailed legal and policy submission in response to the Consultation. For the structural, constitutional, and jurisdictional reasons detailed in our enclosed submission, incremental modifications to this specific provision will not cure its fundamental legal defects. **Accordingly, we respectfully but strongly recommend the complete and absolute deletion of the proposed Regulation 34A (including sub-regulations 1, 2, 3, and 4) from the Draft Amendment.**

A regulatory approach that preserves user autonomy, respects the boundaries of statutory delegation, and utilizes behavior-based consumer protection tools will far better serve the citizens of India. Truecaller remains fully willing and available to engage constructively with TRAI to develop legally sound, technologically effective frameworks to combat UCC.

We request the Authority to take our attached submissions into favorable consideration.

Sincerely,  
For Truecaller International LLP



Rishit Jhunjunwala (Apr 19, 2026 12:02:54 GMT+5.5)

Rishit Jhunjunwala  
Authorised Signatory

**Enclosures:**

1. Detailed Submissions on the Draft TCCCPR (Third Amendment) Regulations, 2026

**SUBMISSIONS ON THE CONSULTATION ON THE DRAFT TELECOM COMMERCIAL  
COMMUNICATIONS CUSTOMER PREFERENCE (THIRD AMENDMENT)  
REGULATIONS, 2026**

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**1. BACKGROUND**

- 1.1. Truecaller International LLP (the “**Company**”) welcomes the opportunity to submit comments on the Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026 dated March 13, 2026 (“**Draft Amendment**”). The Company has consistently supported the objective of the Telecom Regulatory Authority of India (“**TRAI**”) to enhance trust and transparency in digital communications for Indian consumers by enabling the Truecaller application (“**TC Application**”) to identify unsolicited communications, spam, and fraud based on user feedback on calls and messages they receive, with a view to enabling users to make informed decisions about incoming mobile communication.
- 1.2. In furtherance of this objective, the Company has actively cooperated with TRAI and other ecosystem participants. In particular, pursuant to the Telecom Commercial Communications Customer Preference (Second Amendment) Regulations, 2025 (“**TCCPR 2025 Amendment**”) and subsequent letter dated September 12, 2025 from TRAI (“**TRAI Letter**”), the Company has, as a good faith gesture, removed the “spam” and “fraud” tags placed basis user reports, against the entire 140xx and 1600xx number series on the TC Application, despite repeatedly and expressly indicating to TRAI that such action would have the effect of eroding, and undermining consumer choices which have been expressed and recorded over years, and directly contradicts with well recorded overwhelming instances of misuse of the relevant number series, for activities which they are not intended for in breach of established regulatory guidelines, including violations of the RBIs fair practices code.
- 1.3. Experience following the TCCPR 2025 Amendment has clearly demonstrated that the reservation of number-series for specific purposes has not reduced spam or unwanted communications, and has instead materially empowered bad actors by effectively protecting non-service / promotional / unsolicited commercial communication under the garb of service numbers using designated number series. The absence of the ability for consumers to be able to tag calls from these numbers have not only left people vulnerable and without protection but also crippled their consumer choice and consumer information and muzzled their right to free speech.
- 1.4. The Company highlighted this in its response dated September 15, 2025 to the TRAI Letter and subsequently furnished supporting evidence, including details of the top 50 numbers in the 140xx and 1600xx number series, along with the number of instances in which these numbers have been tagged as spam by the Company’s users *vide* our email dated September 24, 2025.
- 1.5. Against this backdrop, the Company respectfully submits that the proposed Regulation 34A under the Draft Amendment, reflects a continuation and escalation of an approach that has not achieved its stated objective of consumer protection in practice in that it proceeds on the misplaced assumption that the use of the 140xx and 160xx number series do not warrant any oversight whatsoever. Further, on a more fundamental and elementary basis, for the reasons set out in Paragraph 2 below, the Company respectfully submits that proposed Regulation 34A (including sub-regulations (1), (2), (3) and (4) may not withstand judicial review and ought to be deleted in its entirety.

## 2. KEY CONCERNS WITH PROPOSED REGULATION 34A

- 2.1. The proposed Regulation 34A sets out a blanket restriction on Call Management Applications (“CMAs”) on tagging, blocking, filtering, restricting or giving any treatment different from those given to genuine communications, to the 140xx and 1600xx number series.
- 2.2. It further imposes an obligation on CMAs to transmit user reports to the DND registry maintained by access providers, in the manner and format prescribed by TRAI, relating to Unsolicited Commercial Communication (“UCC”) that may be indicated or implied through user side reports or signals submitted through, *inter alia*, the TC Application.
- 2.3. In its current form, the proposed Regulation 34A risks undermining the very objective it seeks to achieve, by disabling behaviour-based consumer protection tools, incentivizing misuse of designated number series, and imposing obligations on CMAs that fall outside TRAI’s regulatory remit while compelling disclosure of commercially valuable app-layer outputs generated by independent private enterprises through entrepreneurial and technological innovation at great expense.
- 2.4. The Company submits that the proposed Regulation 34A suffers from substantive policy-level deficiencies that go to the core design of the regulatory approach adopted under the Draft Amendment. These deficiencies are not merely matters of drafting or implementation, but reflect a framework that damages its stated objective of protecting consumers from unsolicited commercial communications. Set out below are the key concerns arising from Regulation 34A.
- 2.5. Terms used herein but not defined shall have the meanings assigned to them under the Telecom Commercial Communications Customer Preference Regulations, 2018, as amended, and the Draft Amendment.

### A. *Breach of user trust and undermining consumer protection*

- 2.6. The proposed Regulation 34A(1) seeks to prohibit CMAs from tagging, blocking, filtering, or otherwise applying differential treatment to incoming calls originating from designated number series.

This restriction as evidenced by overwhelming user actions against these numbers, erroneously presumes that all calls from such series will be inherently trustworthy, in the process disregarding user reports, calling patterns, and documented instances of misuse<sup>1</sup>. In practice, it prevents CMAs from providing a user preferred and user aided service which enables them to identify and filter spam, fraud, or nuisance behaviour arising from authorised number ranges, which is a well-established pattern.

By prohibiting CMAs from tagging calls as “suspected spam” or “suspected fraud” even when such classification is driven by consistent, real-time user feedback and behavioural indicators, Regulation 34A effectively mandates blind delivery of nuisance communications exposing the consumers to potential risks. This severely curtails consumer choice and inadvertently engineers a regulatory safe harbour for malicious actors.

This approach undermines not only consumer choice, consumer autonomy but also consumer interest, and runs contrary to TRAI’s stated objective of enhancing trust and transparency in

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<sup>1</sup> As noted in our email to TRAI dated September 24, 2025.

digital communications. As repeatedly flagged by the Company, including in its correspondence dated September 24, 2025, misuse of the 140xxx and 1600xxx series continues to be prevalent as clearly demonstrated by active user actions against numbers, and a blanket prohibition on tagging would only exacerbate, rather than address, this problem, and expose the consumers to potential risks.

- 2.7. Regulation 34A(1) further improperly equates tagging - a benign, harmless, informational feature designed to enable and empower user choice - with telecom network-level disruption - something which is conceptually flawed and factually incorrect. Treating these fundamentally different actions as equivalent results in disproportionate restrictions on a lawful, consumer-protective functionality and raises concerns of non-arbitrariness and constitutional proportionality under various provisions of the Constitution including but not limited to Articles 14, 19, 21 and 300A.
- 2.8. The removal of the *proviso* permitting users to manage their own call preferences through CMAs undermines user autonomy and exposes consumers to potential risks by significantly weakening protections against spam and fraudulent communications. By providing blanket immunity to calls from certain designated number series from consumer expression and express consumer preferences, even where such numbers are demonstrably deployed for spam-like activities<sup>2</sup> by commercial enterprises, Regulation 34A(1) directly impedes consumers' choice, interest and ability to manage unwanted communications through automated tools.
- 2.9. In effect, the removal of the *proviso* risks compelling users to receive communications that they have the constitutional right to refuse, by limiting their ability to use tools to do so. This is a clear intrusion upon their constitutionally protected freedom of expression, right to privacy and decisional autonomy to avoid unsolicited contact.<sup>3</sup>
- 2.10. The Supreme Court of India ("SCJ"), in *Justice K.S. Puttaswamy (Retd.) v. Union of India*<sup>4</sup>, unanimously recognized the right to privacy, including the "right to be let alone," as a fundamental right under Article 21 of the Constitution. Depriving consumers of the technological tools they proactively choose to install to shield themselves from unwanted commercial intrusions is a direct, disproportionate, and unconstitutional violation of their right to be let alone in their private sphere.
- 2.11. Users proactively download and rely upon CMAs as privacy-protective tools to control intrusive, abusive, or unwanted inbound communications and to determine the degree of access others may have to their personal communicative space. The proposed Regulation 34A materially renders the functionality of such tools redundant and interferes with the individual's ability to shield themselves from unwanted intrusions thereby undermining the individual's legitimate interest in being left alone.
- 2.12. By mandating that CMAs cannot filter these calls the proposed amendments are effectively forcing consumers to receive commercial solicitations despite, or indeed against their active choice. Additionally, the Do Not Disturb ("DND") feature itself is based on user preference to block UCC.
- 2.13. There is no reasonable basis to deny users the ability to exercise similar preference through lawful app layer tools that they have voluntarily chosen to use. Particularly real-time user feedback driven filtering is a demonstrably more reliable tool, as behaviour-based tagging

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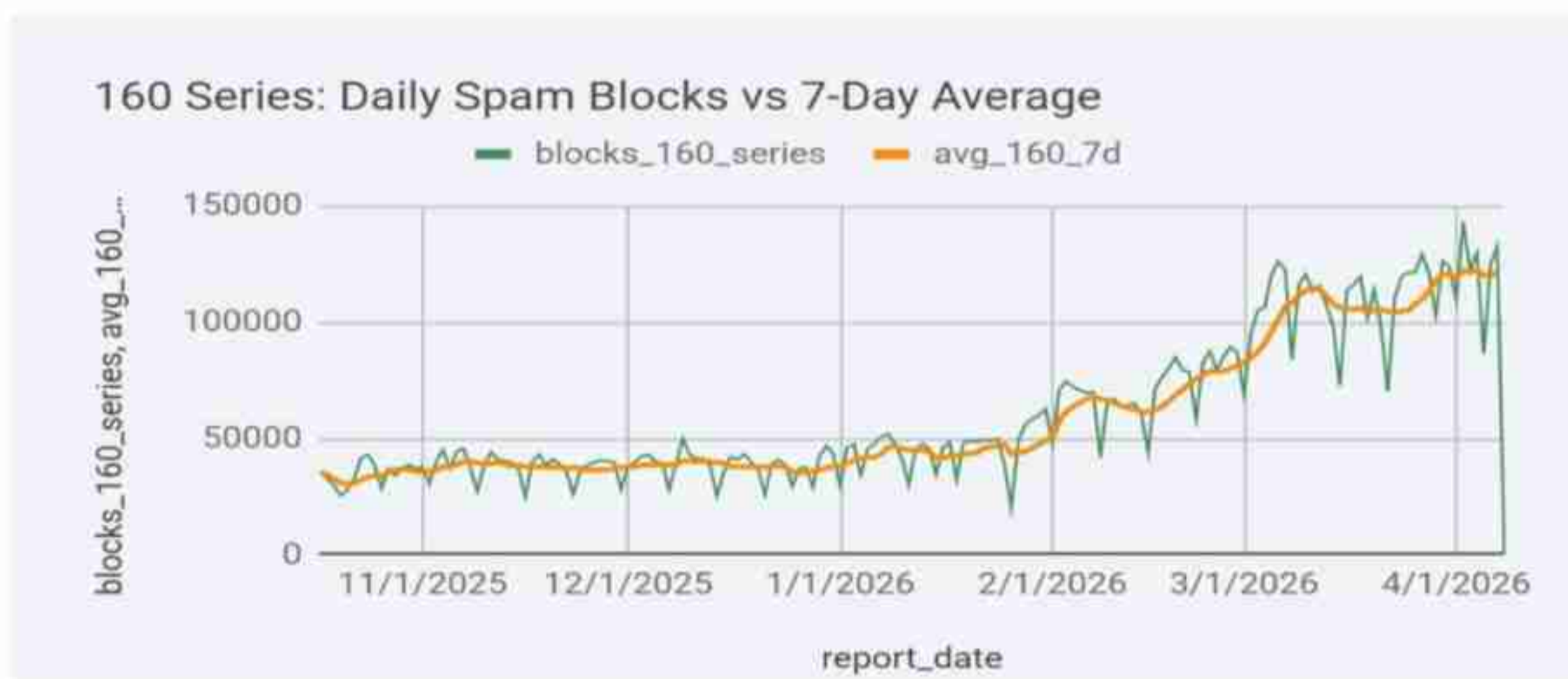
<sup>2</sup> As noted in our email to TRAI dated September 24, 2025.

<sup>3</sup> Article 21 (Right to Privacy), Constitution of India, 1950.

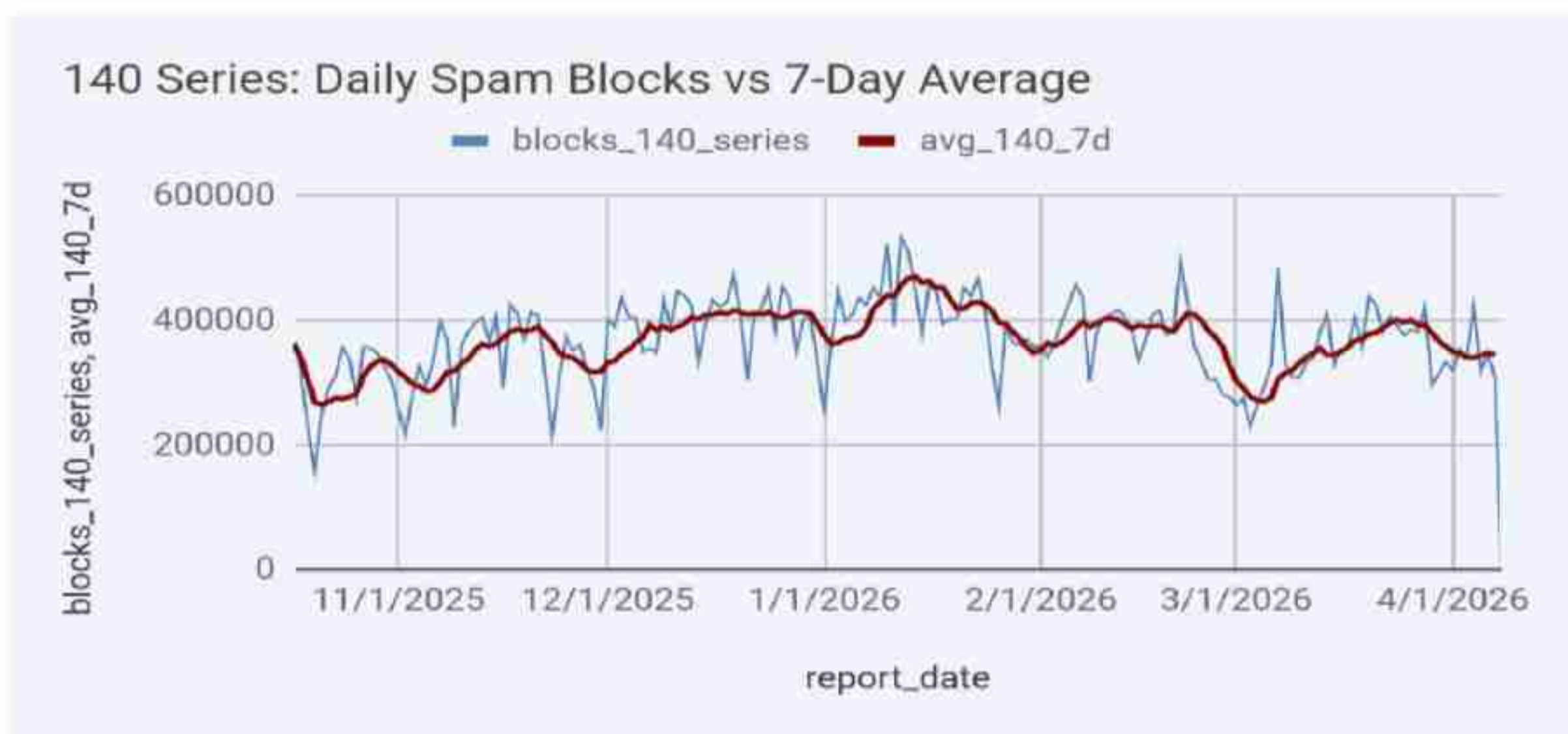
<sup>4</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) 10 SCC 1.

informed by real complaint patterns, calling frequency, and user feedback is far more accurate and proportionate than blanket permission or restriction based on number-series.

- 2.14. Finally, Section 2(9) of the Consumer Protection Act, 2019, guarantees consumers the right to be informed and the right to choose. Consumers actively exercise these rights by utilizing CMAs to identify and filter telemarketers or other unwanted communications.
- 2.15. The necessity of this self-defense mechanism is empirically undeniable. On a daily basis, approximately 400,000 Truecaller users proactively report numbers belonging to the 140xx number numbers and 125,000 Truecaller users proactively report numbers belonging to the 1600xx number series, as originating unwanted communication. This massive volume of proactive user action is a direct and resounding referendum demonstrating that these designated number series are being overwhelmingly used to originate unwanted and nuisance communications. Please refer to the following graphs clearly and evidently showing the growing trend of users reporting 140 number series and 160 number series as originating unwanted communication:



**Fig. 1: Growing trend of unwanted communication from 160xx number series in India**



**Fig. 2: Growing trend of unwanted communication from 140xx number series in India**

- 2.16. Ironically, proposed Regulation 34A, while ostensibly drafted to protect consumers from UCC, will achieve the exact opposite result. By depriving consumers of their chosen technological tools to conveniently discern calls received from specific number series based on their individual consumer choice and opinion, will inevitably subvert consumer choice, consumer

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interest and consumer expression. It effectively disarms the public, guaranteeing that the originators of unwanted communication have unimpeded, frictionless access to target unassuming consumers who will be left defenseless if Regulation 34A is allowed to remain on the rulebooks.

- 2.17. By effectively outlawing this filtering, Regulation 34A strips consumers of a vital self-defence mechanism against nuisance and potential unfair trade practices, inappropriately prioritizing the reach of telemarketers or unwanted communications over the peace, privacy and statutory rights of the consumer. Accordingly, Regulation 34A is not only *ultra vires*, but if retained, constitutes a direct assault on consumer rights and consumer choice by a regulator acting well beyond its statutory authority in flagrant violation of its own statutory mandate, core principles under other statutes, constitutional provisions and the judicial precedents of the SCI.

***B. Misclassification of user-tags as ‘complaints’ and the resulting impact on proprietary analytics***

- 2.18. Paragraphs 16.1 and 16.2 of the Explanatory Note dated March 13, 2026, clarify that the purpose of Regulation 34A is to ensure that spam reports submitted through dialers and CMAs are captured on the DLT platform so that access providers can take appropriate regulatory action. While the Company supports effective spam-control mechanisms, the Draft Amendment appears to broaden this requirement beyond verified complaints and treats all user-generated signals that “imply” UCC as reportable complaints under Regulation 34A(2).
- 2.19. The TC Application’s tagging of calls as “spam” or “fraudulent” is user-driven and based on information volunteered by verified users. The Company does not undertake any independent verification of whether such calls are in fact spam or fraudulent. Such user-generated tags serve as indicative signals intended to help users manage their calling experience. They do not contain the mandatory fields required for a valid UCC complaint and are not equivalent to formal or verified complaints under the existing regulatory framework.
- 2.20. Moreover, treating every user-generated tag as a reportable complaint to TRAI and the DND registry under Regulation 34A(2) compels CMAs to transfer commercially valuable user-side intelligence, signal patterns, and app-generated reporting outputs to the DND registry maintained by access providers. Such user-generated tags are proprietary in nature and do not exist in isolation; they are a result proprietary behaviour-based analytical systems and datasets developed through substantial efforts, technological, intellectual, and financial investment and any regulatory mandate to part with it in absence of due process and without just compensation amounts to unconstitutional “taking”.
- 2.21. Article 300A of the Constitution guarantees that no person shall be deprived of property except by authority of law. It has been held by the Supreme Court that “property” under Article 300A is not limited to mere land but includes all exclusive rights and interests that have an economic value and subject to ownership.<sup>5</sup> In the constitutional framework, it is understood to include a right to possess, use, and dispose of in accordance with law. It has been further mandated that deprivation of property must be lawful, reasonable, and not arbitrary.
- 2.22. Forcing private entities to hand over proprietary assets to telecom operators (which are commercial third parties) pursuant to a regulatory mandate, without compensation, amounts to an unconstitutional “taking” or expropriation of private property under Article 300A of the

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<sup>5</sup> Jilubhai Nanbhai Khachar v. State of Gujarat 1995 Supp (1) SCC 596.

Indian Constitution. The SCI, in *Tukaram Kana Joshi & Ors. v. M.I.D.C. & Ors.*,<sup>6</sup> reaffirmed the right to property under Article 300A, noting “*The State... cannot arrogate itself to a status beyond one that is provided by the Constitution*”, and any deprivation requires valid statutory authority, a clear public purpose, and just compensation. Similarly, in *K.T. Plantation Pvt. Ltd. v. State of Karnataka*,<sup>7</sup> a five-judge bench of the SCI unanimously ruled against arbitrary deprivation of property and noted:

*“Let the message, therefore, be loud and clear, that rule of law exists in this country even when we interpret a statute, which has the blessings of Article 300A. Deprivation of property may also cause serious concern in the area of foreign investment, especially in the context of International Law and international investment agreements. Whenever, a foreign investor operates within the territory of a host country the investor and its properties are subject to the legislative control of the host country, along with the international treaties or agreements. Even, if the foreign investor has no fundamental right, let them know, that the rule of law prevails in this country.”*

The forced transfer of this data is a flagrant violation of Article 300A.

- 2.23. User-generated tags on the TC Application are not formal complaints, nor are they created or maintained for regulatory reporting purposes. They arise within a user-facing interface designed to assist individual call management decisions and form part of the Company’s internal consumer-protection architecture in context of a user-community setting. Any attempt to repurpose such app-level outputs for regulatory ingestion would distort their intended function and impermissibly convert consumer-facing product interactions into a compulsory regulatory reporting channel.
- 2.24. Requiring CMAs to transmit user-side markings also raises concerns relating to user expectations and privacy. User-generated tags are created for self-directed call management within an application interface and are not intended to function as complaints to regulatory authorities. Repurposing such signals for enforcement, without corresponding procedural thresholds, conflates distinct evidentiary standards and increases the risk of inadvertent or improper reporting.

### **C. Impact on Operational Freedom of Private Enterprises**

- 2.25. The proposed Regulation 34A(3) introduces an automatic deeming fiction whereby any contravention of sub-regulations (1) or (2) results in a CMA being treated as non-compliant and in violation of the regulations. As presently structured, this mechanism operates in a largely mechanical manner, without providing for calibrated engagement, technical consultation, or any corrective opportunity prior to an adverse compliance determination. The proviso relating to opportunity of hearing is framed at the stage of enforcement action under sub-regulation (4), thereby exposing CMAs to findings of non-compliance without adequate scope for contextual explanation or remediation.
- 2.26. When read together, Regulation 34A has the effect of compelling private enterprises outside TRAI’s jurisdiction to transfer competitively sensitive proprietary information, data assets, behavioural insights, and user-initiated signals to entities directly regulated by TRAI. Such compelled *ultra vires* and unconstitutional transfer risks undermine all established legal and constitutional principles. Not only does it impact on the operational freedom of private

<sup>6</sup> *Tukaram Kana Joshi & Ors. v. M.I.D.C. & Ors.*, (2013) 1 SCC 353

<sup>7</sup> *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, (2011) 9 SCC 1,

enterprises, diluting their competitive advantage and disincentivizing innovation, any such rule-making has far-reaching material adverse consequences jeopardizing national economic development and the vision of Viksit Bharat.

- 2.27. Imposing regulatory obligations designed for licensed telecom operators upon private technology service providers fundamentally alters the balance between regulatory oversight and entrepreneurial freedom, and amongst others, violates Article 14 of the Constitution by treating unequals as equals. The proposed Regulation 34A expands TRAI's regulatory perimeter into domains overseen by other statutory frameworks, thereby creating regulatory uncertainty and constitutional inconsistency resulting in discouraging private players from investing in consumer protection technologies.
- 2.28. Section 79 of the IT Act protects intermediaries from liability arising out of independent third-party violations, and the safe harbour thereunder is predicated on the intermediary's conduct vis-à-vis unlawful third-party content. The consequence of safe harbour removal as contemplated under the Draft Amendment, however, is triggered not by any failure on the part of the CMA to act against unlawful third-party content, but by CMA's own non-compliance with TRAI's own sector-specific regulations. These provisions operate in an entirely different field and context and such a consequence for non-compliance with Regulation 34A bears no legitimate nexus with the legislative object and scheme of Section 79, and amounts to deploying the intermediary liability framework under the IT Act for a purpose entirely foreign to its legislative intent, which is impermissible and colourable exercise of power.

### 3. JURISDICTIONAL CHALLENGE TO PROPOSED REGULATION 34A

- 3.1. TRAI derives its powers under Section 11 of Telecom Regulatory Authority of India Act, 1997 ("**TRAI Act**"), which primarily empowers TRAI to regulate licensed telecom service providers<sup>8</sup> and matters connected with telecommunication services<sup>9</sup>. In light of the definition of "service provider" under Section 2(e) and "telecommunication service" under Section 2(k) of the TRAI Act, the statute does not expressly contemplate regulation of independent, internet-based application providers or the business operations of CMAs.
- 3.2. It is trite law that subordinate legislation is valid only if it conforms to the statute under which it is made and remains within the limits of the authority conferred by such statute. Where a subordinate regulation travels beyond the limits of such delegated authority, it risks exceeding statutory authority and becomes vulnerable to challenge as being *ultra vires*.<sup>10</sup>
- 3.3. A holistic reading of the TRAI Act, TCCPR, and the Draft Amendment indicates that regulation of application providers or the internet in general does not fall squarely within TRAI's statutory remit. The power to amend the TCCPR so as to impose direct restrictions on operations of CMAs falls outside the scope of powers granted to the TRAI under Section 36 of the TRAI Act read with Section 11 of the TRAI Act. Accordingly, direct restrictions on the operation and core functionalities of such applications through the Draft Amendment raise significant concerns regarding statutory competence and enforceability.
- 3.4. In this context, Regulation 34A of the TCCPR specifically seeks to regulate the functionality of any "*call management application or similar services*" and "*third party apps*". CMAs are Over-The-Top ("**OTT**") software platforms and not "telecommunication services" or licensed

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<sup>8</sup> Section 11(1)(b) of the TRAI Act.

<sup>9</sup> Sections 11(1)(a) and 11(1)(c), read with Section 36(1) of the TRAI Act.

<sup>10</sup> State of TN & Anr. v. P Krishnamurthy & Ors., (2006) 4 SCC 517 (Para 15-20); St. John Teachers Training Institute v. Regional Director, NCTE, (2003) 3 SCC 321 (Para 10); Sukhdev Singh & Ors. v. Bhagatram Sardar Singh Raghuvanshi & Anr., (1975) 1 SCC 421 (Para 18).

services under Section 11 of the TRAI Act, 1997. Accordingly, by attempting to dictate the software mechanics of independent OTT platforms, TRAI is severely exceeding the rule-making powers conferred upon it by the TRAI Act, 1997, which strictly limits its jurisdiction to "telecommunication services".

- 3.5. It is also pertinent that internet-based platforms in general are regulated by the Ministry of Electronics and Information Technology ("MeitY") under the Information Technology Act, 2000 ("IT Act") and the rules made thereunder. The incorporation of references to IT Act based obligations or consequences within a telecom regulatory instrument administered by TRAI operates in a field occupied by a separate statutory regime regulated by a different Ministry.
- 3.6. Using telecom regulations to indirectly compel compliance in an *ultra vires* manner by invoking penalties, liabilities, or consequences traceable to an entirely separate statute amounts to a colourable exercise of delegated power. It is a settled constitutional principle that what cannot be done directly under a statutory delegation cannot be achieved indirectly through subordinate legislation. Such an approach also risks blurring the legislative separation between telecom regulation and digital-intermediary regulation.<sup>11</sup>
- 3.7. The SCI has conclusively established that delegated legislation cannot transgress the boundaries of its parent statute. In *State of T.N. v. P. Krishnamurthy*,<sup>12</sup> the SCI laid down the definitive parameters for judicial review of subordinate legislation where it held that rules and regulations are constitutionally invalid and liable to be struck down on grounds including "Lack of legislative competence to make the sub-ordinate legislation", "Violation of Fundamental Rights guaranteed under the Constitution of India", "Violation of any provision of the Constitution of India", or "Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act".
- 3.8. Crucially, the SCI has previously applied this principle to invalidate TRAI's own regulatory overreach in *Cellular Operators Association of India v. Telecom Regulatory Authority of India*<sup>13</sup> whereby the SCI struck down TRAI's regulation mandating compensation for call drops. The SCI categorically ruled that the regulation was *ultra vires* the TRAI Act because it lacked statutory backing and fell outside the ambit of TRAI's powers under Section 11 read with Section 36.
- 3.9. Attempting to govern software applications and override their UI/UX filtering capabilities under Regulation 34A suffers from the same fatal jurisdictional defect. It is a textbook example of a statutory authority exceeding the limits of its enabling act and is, therefore, constitutionally invalid.

## 4. CONCLUSION

- 4.1. The Company reiterates its unequivocal support for TRAI's objective of reducing UCC and strengthening trust in digital communications. This commitment has been consistently demonstrated through sustained engagement with TRAI and good-faith compliance with earlier regulatory measures, including steps taken despite serious consumer protection risks. However, as set out in detail above, the proposed Regulation 34A is neither founded in law nor in the purported assumptions of consumer protection, all leading to real damage to the cause of consumer choice and ultimately consumer interest. If retained, Regulation 34A would undermine effective consumer choice by depriving consumers of technological tools that enable

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<sup>11</sup> K.C. Gajapati Narayan Deo v. State of Orissa, AIR 1953 SC 375.

<sup>12</sup> State of T.N. v. P. Krishnamurthy, (2006) 4 SCC 517.

<sup>13</sup> Cellular Operators Association of India v. Telecom Regulatory Authority of India, (2016) 7 SCC 703.

informed user choice, protect them against unwanted communication and expose them to potential risks all leading to depletion of consumer trust, consumer confidence which in-turn would lead to poor socio-economic outcomes.

- 4.2. On a daily basis, approximately 400,000 Truecaller users proactively report numbers belonging to the 140xx number numbers and 125,000 Truecaller users proactively report numbers belonging to the 1600xx number series, as originating unwanted communication. This massive volume of proactive user action is a direct and resounding referendum demonstrating that these designated number series are being overwhelmingly used to originate unwanted and nuisance communications.
- 4.3. Beyond its policy deficiencies, the proposed Regulation 34A raises serious concerns relating to operational autonomy, regulatory certainty, and the continued viability of independent consumer-protection platforms that in fact complement and reinforce TRAI's objectives. As presently framed, the provision risks having a chilling effect on innovation, breaching legal and constitutional norms, all leading to the potential risk of material adverse economic impact especially on the attractiveness of India as a preferred investment destination for private capital.
- 4.4. More fundamentally, the proposed Regulation 34A suffers from foundational legal infirmities. As detailed above, it exceeds TRAI's statutory mandate under the TRAI Act, encroaches upon domains occupied by distinct legislative regimes, and imposes restrictions that are vulnerable to challenge on grounds of jurisdictional overreach, arbitrariness, and inconsistency with constitutional principles. These defects strike at the root of legality and enforcement of the proposed regulation.
- 4.5. Accordingly, we strongly recommend the complete and absolute deletion of the proposed Regulation 34A (including sub-regulations 1, 2, 3, and 4) from the Draft Amendment. This is both necessary and appropriate as incremental modification or partial retention of the proposed regulation would not cure its structural and fundamental legal deficiencies.
- 4.6. In the alternative, TRAI should enable a collaborative ecosystem that facilitates engagement between telecom operators and CMAs to collaboratively explore the opportunity of providing a solution on mutually agreed terms that preserves consumer choice and enables a value-added mechanism enhancing consumer interest.
- 4.7. In light of the above, the Company respectfully submits that a regulatory approach that preserves consumer choice, distinguishes between informational signals and formal complaints, and prioritizes proportionate, behaviour-based assessment would better serve consumer interests while remaining aligned with TRAI's objectives. The Company remains willing to engage constructively with TRAI and other stakeholders toward this end.


# 20260417 Truecaller submission on TCCPR amendment public consultation

Final Audit Report

2026-04-19

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