

Comments on the Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026

Submitted by: Jegadeesan N | Date: 19/04/2026

I am writing to submit my formal comments regarding the Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026. My submission is based on direct personal experience with repeated unwanted commercial communications and the failure of the current investigation mechanism operated by Telecom Service Providers (TSPs).

Issue: Misclassification of Unsolicited Commercial Communications as “Non-Promotional” or “Service”

Despite reporting persistent spam calls through the TRAI DND mechanism, TSPs have repeatedly closed certain complaints with the status “Non-Promotional in nature” or treated them as service-related, even where the surrounding call pattern, caller identity, repeated opt-out requests, and spam indicators suggested otherwise.

I. Observations for the Authority’s consideration

- 1. Lack of meaningful pattern-based investigation:** The calls often originate from the same number family or related series, indicating an organized or systematic calling setup. However, complaint review appears to treat each number in isolation rather than examining the broader call pattern.
- 2. Inadequate scrutiny of claimed call category:** Calls that are promotional in substance, or are part of a repeated pattern of promotional outreach, appear capable of being classified as service or non-promotional without sufficient verification of actual call purpose, opt-out history, or supporting evidence.
- 3. Silent / blank / immediately disconnected calls are not adequately addressed:** A number of calls serve no meaningful communication purpose and disconnect immediately on answering. These calls still disturb subscribers, yet appear to evade meaningful scrutiny because no spoken pitch is captured. Despite blocking the number, and in some cases the series itself, the calls continued for several weeks. This shows that ordinary subscriber-side blocking is not an effective safeguard where repeated calls originate from rotating numbers within the same commercial calling pattern. In practice, this loophole can permit repeated unwanted contact to continue without meaningful accountability.
- 4. Weakness of appellate review:** When such complaints are escalated, the process does not appear sufficiently transparent or confidence-inspiring from the subscriber’s perspective, especially where the disputed classification is maintained without clear reasoning.

5. Insufficient weight to subscriber-side evidence: Available indicators such as repeated opt-out requests, caller identification, spam labels, and surrounding call history do not appear to receive sufficient weight in complaint review.

II. Recommendations for the Amendment

1. Stricter audit of complaint closures: TSPs that incorrectly classify promotional calls as non-promotional or service-related should face stronger audit scrutiny and appropriate disincentives.

2. Series-based and pattern-based detection: TSPs should be required to examine repeated unwanted calls across related number series, common call patterns, and related commercial sources, rather than investigating single numbers in isolation.

3. Recognition of silent / abandoned calls as a compliance concern: Silent, blank, abandoned, or immediately disconnected calls from commercial number series should be expressly recognized as requiring stricter scrutiny and enforcement.

4. Greater transparency in classification: Where a TSP classifies a disputed call as service-related or non-promotional, it should be required to provide a more meaningful basis for that conclusion when sought by the complainant.

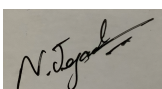
5. Publication of complaint-handling KPIs: TSPs should be required to publish periodic complaint-handling metrics, at least on a monthly or quarterly basis, in a standardized format. These should include: (a) number of reported spam / UCC complaints; (b) number of complaints classified as service / non-promotional; (c) number of appeals filed; and (d) number of appeal outcomes that reversed or modified the initial finding. Such disclosure would improve transparency, enable regulatory comparison, and create accountability in complaint classification and disposal.

6. Stronger treatment of repeated calls after opt-out: Repeated calls after a subscriber has explicitly requested removal of their number should be treated as a more serious compliance issue.

7. Greater weight to subscriber-provided evidence: TSPs should be required to meaningfully consider subscriber-provided evidence such as caller identity, repeated opt-out history, spam markings, and surrounding call pattern before closing complaints.

I have already escalated related instances through Sanchar Saathi and the National Cyber Crime Reporting Portal. However, I believe stronger TRAI regulations are still necessary to ensure that TSP investigations are meaningful, transparent, and effective in protecting individual subscribers from repeated unwanted commercial communications.

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