

Fwd: Submission of Comments on the Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026 yashika.goplani <yashika.goplani@traf.gov.in >

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Mon, 20 Apr 2026 10:03:15 AM +0530

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==== Forwarded message =====

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Date: Sun, 19 Apr 2026 21:11:25 +0530

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

==== Forwarded message =====

To,

The Secretary,

Telecom Regulatory Authority of India (TRAI)

Mahanagar Doorsanchar Bhawan,

Jawahar Lal Nehru Marg, New Delhi – 110002

Respected Sir/Madam,

This is with reference to the **Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026**, released by the Authority on March 13, 2026. We appreciate the opportunity to provide our formal feedback and recommendations regarding these proposed amendments to the principal 2018 Regulations.

Our submission highlights several critical business, technical, and regulatory considerations that we believe are essential for balancing consumer protection with the operational requirements of legitimate financial service providers.

Executive Summary of Recommendations

Based on our detailed internal examination, we propose the following key modifications:

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Expansion of "Relationship" Definition: We recommend expanding the definition of "Relationship" to include "Digital Journey Initiation" or "Expression of Interest" (EoI) for a period of 30 days. This allows entities to assist prospective clients who drop off during complex financial onboarding processes due to technical difficulties without these interactions being flagged as Unsolicited Commercial Communication (UCC).

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Extension of Service Communication Timelines: We request that the timeline for making service calls or sending service messages be increased from 7 days to **30 days** to accommodate "pull products" like loans, which require longer consumer decision-making periods.

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Safeguards Against AI/ML "False Positives": The introduction of AI/ML-based UCC detection carries a risk of "False Positives" that could disrupt critical market alerts. We propose a "Simulated Testing Phase" within the Regulatory Sandbox and a **48-hour "Cure Period"** following a show-cause notice before any service suspension is initiated.

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Addressing OS-Level Labeling: Current built-in filters on mobile operating systems often flag government-mandated series (140/1600) as "Spam". We recommend that no "Spam" or "Scam" labels be displayed unless a CLI has been officially flagged on the Access Provider's DLT platform.

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A2P Termination Charges: We request that "Service" and "Transactional" A2P calls be exempt from the ₹0.05 termination charge. We submit that commercial terms should remain a matter of mutual contract between market participants rather than being mandated by regulation.

Detailed Submission

The attached document provides a comprehensive, clause-by-clause justification for each of our proposed modifications, emphasizing the need for a "maker-checker" liability balance and the prevention of large-scale service disruptions.

We remain available for any further deliberations or to provide additional technical clarifications as the Authority deems necessary.

Yours faithfully,

Compliance Team at Phonepe

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Rithvi Somani

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BFSI-Compliance @ PhonePe

1 Attachment(s)

(19.04.26)Phonepe Response ...
84.3 KB

On March 13, 2026, the **Telecom Regulatory Authority of India (TRAI)** released the **Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026**.

This submission outlines our formal feedback and recommendations regarding the proposed amendments to the principal 2018 Regulations :

Si No	Regulation number	Sub-regulation/ item number	Modification proposed to the draft amendment	Reasons/ full justification for the proposed modifications
1.	2	(bb) Definition of "Relationship"	Expand the definition of 'Relationship' to explicitly include "Digital Journey Initiation" or "Expression of Interest (EoI)" via partially completed digital forms for a period of 30 days	<p>The onboarding process for financial services is complex. Prospective clients often drop off due to technical difficulties or hesitation in sharing sensitive data. Recognizing a partial application as a relationship—valid for a prescribed timeline (e.g., 30 days) allows entities to reach out to prospects and help them complete their digital journey without it being flagged as UCC.</p> <p>Removing "inquiry" prevents responses to web leads and "Request a Quote" forms. A 30-day window allows for service fulfillment while preventing long-term misuse.</p> <p>In sectors like insurance, a customer can renew his policy even after expiry of the insurance policy, which is technically a termination of contract. Allowing entities to call customers for a certain period post expiry / termination of contract for service purposes should be permitted as this is not a promotional activity</p> <p>Similarly, loan providers would need to reach out to customers if they are eligible for repeat loans. Expanding the definition of relationship provides the necessary bridge to assist customers seeking repeat financial services without requiring the cumbersome "Explicit Consent" process for</p>

				<p>every service touchpoint.</p> <p>Customers who drop off mid-journey on digital platforms due to uncertainty may require proactive outreach to provide assistance and address their queries.</p>
2.	2	bh	Extend the timeline for service message or service call to 30 days	<p>The timeline for making service calls to facilitate or complete a commercial transaction is 7 days. We request that this timeline of 7 days be increased to 30 days to accommodate for pull products such as loans which require longer timelines for decision making on the part of the consumer.</p> <p>To enhance the flexibility of service-related communications, we recommend carving out a specific 12-month timeline beyond the service end date for use cases requiring post-engagement interaction. This is essential for business models that rely on long-term customer relationships, such as soliciting feedback or offering enhanced services and repeat credit facilities (e.g., subscription-based models with delivery gaps or revolving loan products). Extending this timeline ensures that legitimate service continuity and customer re-engagement are not prematurely stifled by rigid expiration windows.</p>

3	2, 36	Provisions for Regulatory Sandbox	Include a provision for a " Simulated Testing Phase " or " Trial Period " within the Sandbox specifically for testing bulk SMS and voice patterns.	The introduction of AI/ML-based UCC_Detect systems carries the risk of "False Positives," where critical market alerts could be wrongly blocked as spam. A trial period allows entities to calibrate their messaging templates against AI filters in a safe-harbor environment, ensuring that once the regulations are live, essential communications are not disrupted by accidental blacklisting.
4	21 A	(e)(ii)	Add a proviso: "The OAP shall verify the AI/ML-based 'Suspected UCC' flags against the Sender's historical compliance record before initiating a service bar."	What is the specific mechanism for an enterprise to challenge an AI-based "Suspected UCC" flag before it triggers mandatory KYC re-verification or automatic service barring?
5	21 A & 25	21A(e)(ii) , 25(4)(f)(i) , 25(5)(d)(i)	Replace "immediately suspend" or "shall be barred... for fifteen days" with: "OAP shall issue an urgent show-cause notice allowing the sender a 48-hour 'Cure Period' to provide justification. Suspension shall only be initiated if the sender fails to respond or if the investigation confirms a violation.	The draft currently mandates immediate suspension or a 15-day service bar before an investigation is concluded. AI/ML systems flag users based on "behavioral parameters" which are prone to false positives . For large enterprises, barring outgoing PRI/SIP trunks immediately can cause "large scale disruption of services" and have a "large adverse impact for the consumers". A "one-size-fits-all" approach is too harsh for legitimate high-volume senders who may reach thresholds due to technical glitches or legitimate peak-hour customer service needs.

6	25	Complaint Mechanism (4)(d)(ii)	<p>Once a category discrepancy is highlighted post-registration, the Sender should be allowed to correct the same within a prescribed timeline (e.g., 3 business days) before blacklisting or suspension occurs.</p>	<p>Registration currently follows an established "maker-checker" process where the OAP provides final approval. Since OAPs act as active checkers, sole liability on the Sender for a categorization error is disproportionate. A curative timeline ensures data accuracy without disrupting legitimate communication services for an approval error shared with the Access Provider.</p>
7	34 A	(1) (2)	<p>Expand the scope to explicitly include "Mobile Operating Systems (OS)" and "Device Manufacturers." Ensure the prohibition includes "displaying disparaging labels (e.g., 'Spam', 'Scam', 'Telemarketer') by default" for calls originating from designated series.</p> <p>No label indicating 'Spam' or 'Suspected UCC' shall be displayed to a recipient unless the Calling Line Identification (CLI) has been officially flagged on the Access Provider's DLT platform as a 'Suspected UCC CLI'.</p>	<p>The current draft focuses on "call management applications". However, built-in OS-level filters (Android/iOS) often flag 140/1600 series calls as spam based on algorithms. Since these series are government-mandated for legitimate businesses, OS-level tagging defeats the regulatory objective of balancing business and consumer interests.</p> <p>Currently, apps use crowdsourced data which is often inaccurate or retaliatory. Marking should be linked to the official AI/ML detection results shared between telcos via DLT. A call from a registered entity should not be labeled "Spam" based solely on third-party app data if it is compliant with DLT pre-checks.</p>
8	35 A	(v)	<p>Exempt "Service" and "Transactional" A2P calls from the ₹0.05 termination charge.</p> <p>This will have a significant commercial impact if such charges are passed on to</p>	<p>Request clarification on whether the ₹0.05 per minute A2P charge apply to unsuccessful or unanswered calls, or only to "connected" minutes where communication occurred?</p>

			<p>Senders by its Access Providers. We submit that commercials are a matter of contract and should be agreed between Parties mutually. We therefore request that such charges should not be made part of the regulation and should be left to be decided by market participants.</p>	
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