



RJIL/TRAI/2026-27/28

19th April 2026

To,

Shri Deepak Sharma,
Advisor (QoS-II),
Telecom Regulatory Authority of India,
Tower-F, World Trade Centre,
Nauroji Nagar, New Delhi – 110029.

Subject: RJIL's comments on TRAI's "Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026".

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the TRAI's "Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026" dated 13.03.2026.

Thanking you,

Yours Sincerely,
For **Reliance Jio Infocomm Limited**

Kapoor Singh Guliani
Authorized Signatory

Enclosure: As above

**Reliance Jio Infocomm Limited's comments on TRAI's Consultation Paper on
"Draft Telecom Commercial Communications Customer Preference (Third Amendment)
Regulations, 2026" dated 13th March 2026**

Preface:

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving us an opportunity to offer comments on the important consultation paper on **Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026**.
2. We submit that the UCC is an unwanted but inevitable outcome of the new-age technology enabled marketing techniques and has been a scourge for telecom customers across world for a while now. **However, it is important to identify and implement a correct approach to address this issue rather than keep on redoing the same thing with same thought process and keep expecting positive results. Therefore, we are bringing your attention to key changes required in the regulatory framework in following sections. Some of these suggestions have been shared earlier also and are being reproduced as the same were not considered earlier.**

A. Deterrent Termination Charges for Commercial Communications- Game Changer

3. The structural dimensions of the UCC problem, the scale and size of players involved in the business of sending commercial communication, sheer volume of commercial communications in the country imply that only way to control this is to put a deterrent on the act itself. The deterrent termination charge for commercial communication should be high enough to make the calling prohibitive, any slack in this like the proposed 5 paise per minute charge and that too on the limited commercial calls, will be absorbed into the business proposition and there will be no effect on the volumes, as has been seen with SMS. Thus, we submit that deterrent termination charge should be at least 50 paise per min on a per minute pulse call.
4. **We have already brought to the Authority's kind attention that the menace of commercial communication needs to be addressed at the source, and it should be controlled at POI levels.** As the Authority is aware, the existing interconnection regime was originally designed to facilitate Person-to-Person (P2P) communications between retail subscribers. However, the absence of adequate safeguards and differentiation has enabled its widespread misuse for Application-to-Person (A2P) traffic. As a consequence, telemarketers have been able to deliver large volumes of unsolicited voice calls and SMSs to subscribers by exploiting interconnection arrangements that were never intended for such use.
5. Further, market developments indicate that certain Access Service Providers are operating primarily, or exclusively, to provide connectivity to telemarketers. Such entities do not serve retail subscribers, do not operate access networks, and consequently do not undertake any corresponding infrastructure investments. Their business model relies on routing A2P traffic

through the existing interconnection framework, thereby deriving commercial benefit from a regime meant for P2P communications. This represents a clear regulatory arbitrage and undermines the principle of equitable participation in the telecom ecosystem.

6. Therefore, it is essential that the present Consultation process explicitly addresses the treatment of A2P traffic. For A2P traffic, there should be no mandatory interconnection obligation under the existing P2P interconnection framework. Unlike retail subscribers, who can obtain services only from their chosen Access Service Provider, telemarketers and application providers are not similarly constrained and can establish direct commercial arrangements with multiple Access Service Providers for traffic termination. Accordingly, A2P traffic warrants a distinct commercial and regulatory treatment, separate from P2P interconnection.
7. Additionally, in order to effectively deter unsolicited commercial communications, it is necessary to introduce appropriate deterrent charges for A2P traffic. Such charges would act as an economic disincentive against mass unsolicited communications, encourage compliance with regulatory norms, and align market behaviour with consumer protection objectives.
8. It would also be not out of place to mention here that the A2P voice traffic is also gaming the prevailing Interconnection usage charges (IUC) regime. We submit that the prevailing Bill and Keep (BAK) regime is a product of traffic symmetry, however, the A2P traffic introduces massive elements of asymmetry in traffic and disrupts the harmonious interconnection by gaming the Nil IUC under BAK.
9. Thus, to effectively curb A2P spam, it is essential to create a strong deterrence. Accordingly, we propose the explicit exclusion of A2P traffic from the mandatory interconnection regime, enabling TSPs to levy a deterrence charge on aggregators/telemarketers at the A2P Point of Interconnection (POI), thereby disincentivizing spam traffic.
10. We reiterate that all A2P calls, including those originating from the 1400 and 1600 number ranges, should be identified by the Originating Access Provider (OAP) and delivered through designated A2P POIs. A deterrence charge of at least (floor charges) Rs. 0.50 per minute for voice and Rs. 0.12 per SMS should apply. Currently, a deterrence charge of Rs. 0.05 per SMS is already in place but there is no deterrence charge for voice call leading to huge shift of SMS based SPAMs to voice-based SPAM calls. We are also reiterating our proposal shared previously to address the issue.
11. Similarly, a deterrent charge for attempted commercial calls should also be mandated to completely control this menace.

B. Proposal to Control Spam by Segregating A2P and P2P Traffic

12. Background

- (i) Under the existing interconnection framework, the Points of Interconnection (Pols) established between operators carry both Person-to-Person (P2P) and Application-to-Person (A2P) voice and SMS traffic.
- (ii) Several Unified Licensees (Access Service) despite having zero or very small active subscriber bases, have entered into interconnect arrangements and obtained Pols for terminating A2P traffic originating from aggregators and call centres.
- (iii) Because bulk communication providers (aggregators/call centres) are typically located at limited geographic locations, these licensees find it operationally easy—and commercially attractive—to deploy PRIs at these locations, collect bulk A2P traffic and terminate it on Telecom service provider's (TSP's) network.
- (iv) The current regulatory regime, which prescribes **zero termination charge for voice and extremely low IUC for SMS (2 paise + 5 paise)**, enables such operators to retain a disproportionately large share of A2P revenue with minimal network investment.
- (v) A significant portion of spam and fraudulent calls/SMS received by India's over 1000 million subscribers originate from these bulk routes controlled by such operators. However, due to the mandatory nature of current interconnect obligations, TSPs have limited capability to:
 - Selectively filter or block traffic from such operators,
 - impose deterrence charges, or
 - disconnect/penalise operators routing spam or fraudulent traffic.
- (vi) This creates a three-fold disadvantage:
 - a **Customer dissatisfaction** due to inability to effectively curb spam and fraud.
 - b **Regulatory scrutiny and penalties**, as TRAI's UCC framework assigns responsibility for detection to the terminating operator.
 - c **Loss of legitimate revenue**, as smaller operators exploit zero/low IUC while leveraging TSP's infrastructure.

13. Proposal

- (i) Historically (prior to 2010–2012), interconnection Pols were used exclusively for P2P traffic. A2P SMS was predominantly on-net, and A2P voice was limited due to high termination charges.
- (ii) Following the introduction of TRAI's UCC regulation and the recognition of off-net A2P traffic, the same Pols began carrying bulk telemarketer traffic. After voice IUC moved to a Bill-and-Keep regime, off-net A2P traffic grew substantially because originating operators retain the majority of the revenues. Consequently, several operators have built a business model focused solely on enterprise/telemarketing traffic.
- (iii) It is therefore proposed that:

- a **Existing interconnection agreements should be restricted strictly to P2P traffic.**
- b **A separate, dedicated interconnection agreement must be executed for A2P traffic**, with distinct commercial, technical and operational terms.

(iv) While some operators may resist this change, it must be firmly communicated that mandatory interconnect obligations under the regulatory regime apply **only to P2P traffic** and **not** to A2P enterprise communication.

14. Expected Benefits

(i) Prevention of Regulatory Arbitrage

Telemarketers and aggregators currently exploit the zero-IUC regime for P2P SMS/voice to avoid paying commercial A2P termination rates.

Under a separate A2P agreement, TSPs can prescribe **a deterrence termination charges (e.g., 50 paise per voice call)** for A2P traffic.

This will:

- increase enterprise communication revenues, and
- discourage misuse of the P2P route by telemarketers.

Originating operators will be compelled to factor this termination charge into their commercial offerings to telemarketers/aggregator, eliminating arbitrage.

(ii) Logical and Operational Segregation of Traffic

A2P traffic will be routed exclusively through **dedicated A2P Pols**, by logically separating or establishing new Pols.

This gives TSPs the technical capability to:

- apply AI-based spam/fraud detection tools,
- block or throttle suspect traffic, and
- enforce stricter controls on enterprise routes.

(iii) Improved Traceability and Accountability

Operators must share identifiers of PRIs issued to telemarketers for promotional and transactional purposes. This will enable TSPs to maintain route-level visibility and apply filters accurately.

(iv) Enforcement and Compliance

The new P2P agreement will include **penalty provisions** for any operator routing A2P traffic through P2P Pols. This creates a strong deterrent against misuse.

15. Conclusion

Segregating P2P and A2P traffic through separate agreements and dedicated Pols is essential to:

- Curb spam and fraudulent calls/SMS,
- Ensure regulatory compliance,
- Restore customer trust, and

- Secure fair commercial value for the use of TSP's network.

This proposal aligns with global best practices where enterprise communication traffic is commercially and operationally distinct from retail person-to-person traffic.

C. Leveraging AI/ML based spam flagging to control UCC-Industry's alternative proposal on Alternate Framework to Achieve TRAI's Objectives on UCC Control

16. COAI has already submitted Industry's alternate proposal vide its letter no. DG/COAI/TECH2026/3021 dated 27th March 2026 to leverage AI/ML-based spam detection systems deployed by TSPs. Thus, we request the Authority to consider and accept the proposed framework to enable its expeditious implementation in the interest of strengthening spam mitigation efforts.
17. The above proposal ensures that enforcement actions are **progressive, evidence-based, and proportionate**, while enabling timely intervention, behavioural correction, and coordinated action across TSPs in alignment with TRAI's regulatory objectives.

D. Optimum approach to handle UCC

18. The sector has been struggling to contain the UCC and three attempts at regulating this menace starting with Telecom Unsolicited Commercial Communications Regulations, 2007 dated 5th June 2007, followed by Telecom Commercial Communications Customer Preference Regulations, 2010 dated 1st December 2010 (with 16 amendments and several Directions) and the latest avatar in the form of Telecom Commercial Communications Customer Preference Regulations, 2018 dated 19th July 2018 followed by innumerable directions have been largely ineffective.
19. **We submit that this indirect and penalty-based approach adopted by the Authority only to punish TSPs who are only intermediaries and have no control over the content of the call/message has not been successful and needs a complete revamp.**
20. **We submit that the optimum approach to handle this issue is to completely revamp the TCCCPR 2018 and make all individuals, Principal Entities (PEs) and all the Registered and Unregistered Telemarketers with Delivery Function/ Aggregator Function responsible for any violations.**
21. **The Telemarketer-D (TM-D) should be brought under the licensing regime** with sufficient financial eligibility requirement to ensure that only serious players get involved and the Government and Authority have sufficient legal control over this entity to ensure compliance with TCCCPR-2018.
22. The responsibility of TSPs, being intermediary, should be limited to registering the preferences and consents of telecom subscribers, handling complaints, and communicating such complaints to the concerned TM-D. The TM-D should take action against the responsible TM-As and PEs. Any financial disincentive or penalty should be directly applicable to the licensed TM-D, who is handing over the A2P traffic to the TSPs. In addition, the rules to be framed by

the Government under the Telecommunication Act 2023 should have adequate provisions which empowers DoT to take deterrent actions directly against the individuals, companies, abettors, conspirators, including PEs, Aggregators and Telemarketers, who misuse the telecom resources for initiating UCC.

23. Further, instead of doing review exercise to fine tune the regulation in its current and unproductive framework, it is recommended that **entire UCC regulatory framework should be reviewed holistically and aligned with the provisions under 'The Telecommunication Act 2023', so that we are able to find a best fit that will benefit all stakeholders i.e. consumers, telecom service providers(TSPs), PEs, Government, Exchequer and the other entities involved in this ecosystem.**

E. Alignment with the Telecommunication Act 2023

24. It is a well-established legal position that neither the TRAI Act 1997 nor the Indian Telegraph Act 1885 provide for a specific provision to empower the TRAI to act against unsolicited commercial communication. However, considering that UCC was an emergent issue that required to be addressed, the TRAI had issued the Regulations under Section 36 read with Section 11(1)(b)(v) of the TRAI Act. However, the Section 11 (1)(b)(v) of the TRAI Act is relating to QoS and states as follows:

“(v) lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;”

25. Further, the Definition of Quality of service as per the QoS regulation i.e. 'Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009' notified by TRAI is:

Regulation 2 (r) "Quality of Service" is the main indicator of the performance of a telecommunication network and of the degree to which such network conforms to the standards of such quality of service as specified in these regulations for specified parameters;

26. In similar vein, the Definition of Quality of service as per the Unified licence agreement is:

"77. QUALITY OF SERVICE: Quality of Service is evaluated on the basis of observable measure on the grade of service, Calls lost due to wrong processing, the bit error rate or the response time and also includes acceptable grade of number of faults per unit population of the subscriber served, the mean time to restore (MTTR), faults carried over beyond the MTTR and the satisfactory disposal thereof."

27. It is evident from the above that regulation of Quality of service issued by TRAI pertains only to regulation of the Quality of calls/ Data/ Messages. **The content of Calls and SMS is not under the purview of 'Quality of Service' Regulations. TRAI has no powers to regulate**

UCC under QoS provisions. Therefore, the issues covered in TCCCPR 2018 have nothing to do with the Quality of service and should be addressed under different provisions.

28. With the enactment of 'The Telecommunication Act, 2023 wherein section 28 of the Act is specifically dedicated to measures for protection of users, the Authority must review and align the TCCCPR regulations with section 28 of 'The Telecommunication Act, 2023'.
29. Pertinently, with the enactment of the Telecommunication Act, 2023, the Parliament has empowered the Department of Telecommunication to directly take action against the users who are initiating unsolicited communication. Section 28 provides for measures for the protection of users. It empowers the Central Government to publish rules providing measures for protection of users in consonance with existing regulations of the TRAI (TCCCPR). The relevant section is reproduced below for ready reference:

28. (1) For the purposes of this section, "specified message" means any message, offering, advertising or promoting goods, services, interest in property, business opportunity, employment opportunity or investment opportunity, whether or not—
(a) the goods, services, interest, or opportunity are real; or
(b) it is lawful to acquire such goods, services, property, interest or take up the opportunity.
*(2) The Central Government **may by rules provide for measures for protection of users,** in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time, **including measures such as....** (Emphasis added)*

30. Clearly, this provision empowers DoT to take any measure for the protection of users. It is inclusive in nature allowing broad measures to stop the menace of such calls at the root, i.e., at the users' level. The provision allows the Department to take direct action against users initiating unsolicited communication for the misuse of an allocated telecommunication resource.
31. Further, Section 33 of the Telecommunication Act, 2023 provides that under the Adjudication Mechanism provided by the legislation, the Adjudicating Officer (AO) can conduct an inquiry and pass an order imposing civil penalty upto the amount specified in the Third Schedule which will be payable by the person committing such contravention. Sl. No. 3 of the Third Schedule provides for a penalty for the contravention of Section 28 – this permits the AO to act against users initiating unsolicited communication as well as others such as the abettors and conspirators (such as Principal Entities, Telemarketers, etc. as defined by the TCCCPR). These have been extracted below.

*33. (1) The Adjudicating Officer shall, upon receipt of a complaint in such form, manner and accompanied by such fees as may be prescribed, relating to contravention of this Act as specified in the Third Schedule, or suo motu, conduct an inquiry under the provisions of this Chapter, pass an order in writing specifying the civil penalty up to an amount as specified in the Third Schedule, **payable by the person committing such contravention.***

*(2) The provisions of the Third Schedule shall apply to the **abetment of, or attempt to commit, or conspiracy to commit such contravention**, as they apply to such contravention. (Emphasis added)*

32. In light of the above, the Department can frame detailed rules to directly act against users that initiate unsolicited communication on receiving a complaint from the receivers of unsolicited communication without making TSPs disconnect connections indirectly. Additionally, it can take action not only against these users but also against those abetting, attempting to commit, or conspiring to commit a violation of Section 28, which has been extracted above.
33. This implies that in case of unsolicited communication regarding banking services or any other service, not only the user making the call, but also those conspiring (agencies, banks, individuals – referred to as Principal Entities under the TCCCPR) can be acted against. Additionally, the Department can also act against telemarketers and other aggregators of calls / messages who are reselling services. Therefore, **the Authority may kindly initiate consultation to recommend to the DOT, the terms and condition of the rules to be framed for measures for protection of users** and any fine tuning of the TCCCPR-2018 in its current and unproductive framework should be put on back burner till formulation of said Rules.

F. Critical need to bring Reseller of services i.e. Telemarketer under licensing framework.

34. The A to P traffic originates from about 2,80,000 Principal Entities (PE), it is then aggregated by about 16000 Aggregator Telemarketer (TM-A) and these TM-As deliver this traffic to about 15 Delivery Telemarketers (TM-D). **These 15 TM-D are connected to every TSP and hand over the A2P traffic to TSP. Thus, the only entity directly interacting with TSPs for all practical purposes is the TM-D. Consequently, the TSPs are completely dependent on TM-Ds to identify TM-As and PEs and find it difficult to identify, leave alone punish the source in case of transmission of UCC/ Fraud Messages.**
35. In the earlier UCC Regulations i.e. TCCCPR-2010, the Telemarketers were registered with TRAI and with DoT in 2007. However, TRAI through TCCCPR-2018, asked TSPs to register these telemarketers. But due to the limitations of the market structure in SMS business, this approach has proved to be ineffective. **Thus, it is important to take the major step of bringing the TM-D under licensing framework in order to effectively control the UCC menace as well as fraudulent messages.**
36. It is pertinent to note here that by its very function, **TM-D is clearly a reseller of services and should be either licensed like VNO or should be authorized by DoT under the upcoming authorization regime under Indian Telecommunication Act 2023.** Considering the significant role of TM-D in handling the UCC, there should be sufficiently high financial eligibility requirements to become an authorised TM-D, to ensure adequate deterrence against wilful violations.

37. This will be a far-reaching step and would impact the UCC landscape considerably as and when the TM-D is an authorized entity duly registered by DoT, it will be easier for the DoT to control their practices and thereby fraud. Further the DoT LSA units can be leveraged for vigilance and inspection of the TM-D and PEs, in case of any violations.
38. DoT is already having very effective vigilance set-up at DoT LSA level. Further, DoT has also taken initiative of Chakshu Portal, to curb the fraudulent calls. The coordination with LEAs will also be easier, if it is done under the aegis of DoT.

G. TSPs are intermediaries and cannot be made accountable/ penalised for UCC.

39. Vide Regulation 27 of the TCCCPR-2018, the Authority has prescribed Financial Disincentives (FD) on Access Providers for failure to curb the UCC from registered Senders/ RTMs. Further, vide the current consultation process, the Authority proposes to expand the scope of FDs under regulation 27 to headers and templates. The Authority also proposes to impose FDs on access providers for failure to curb the UCC from unregistered senders/ UTM by amending the regulation 28 of TCCCPR. However, these FDs are not on sound legal grounds and are in violation of the law of the land. We submit that before any review of the existing provisions of the Regulations issued by the Authority in 2018, the Authority must take into the account the relevant provisions of '**Information Technology Act, 2000**'.
40. **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.** The relevant Section 79 of the Information Technology Act, 2000 is reproduced below for ready reference.

*79. Exemption from liability of intermediary in certain cases.–(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), **an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.***

(2) The provisions of sub-section (1) shall apply if–

*(a) the function of the intermediary is **limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted;** or*

*(b) the intermediary **does not–***

(i) initiate the transmission,

(ii) select the receiver of the transmission, and

(iii) select or modify the information contained in the transmission;

(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.... (Emphasis added)

41. As can be inferred from the above, TSPs are mere carriers, and their function is limited to providing access to the communication system. They do not initiate the transmission, select

the receiver or modify the information contained in the transmission. Therefore, they qualify as exempted intermediaries under Section 79.

42. Keeping in mind the larger interest of users, TSPs have implemented mechanisms such as Blockchain DLT, spam filtering, scrubbing, etc. in an attempt to reduce the occurrence of such calling. All these measures are non-intrusive in nature, i.e., without storing or tampering with the information contained in the transmission.
43. **However, these mere acts of facilitating a Regulation made by the sector regulator does not imply that the TSPs are responsible for compliance with the Regulation by other stakeholders in the ecosystem. Consequently, TSPs cannot be penalized for UCC being initiated by other stakeholders.**
44. Furthermore, it is submitted that under the Unified License Security conditions, the bonafide use of telecom services is the responsibility of the subscriber and TSPs are required to make the same clear to the subscribers, which is being done. Thus, the TSPs cannot be held responsible for non-bonafide use in manner of UCC by the subscribers. We are extracting and reproducing the relevant clause for ready reference.

*39.17 (i) The Licensee shall ensure adequate verification of each and every customer before enrolling him as a subscriber; instructions issued by the Licensor in this regard from time to time shall be scrupulously followed. **The Licensee shall make it clear to the subscriber that the subscriber will be responsible for proper and bonafide use of the service.***

H. TRAI Act does not enable the TRAI to penalise the TSPs.

45. The preamble of TRAI Act provides for the Authority to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector. **However, the dispensation under the TCCCPR 2018, has completely foregone the part on protecting the interests of service providers** and on the contrary, TSPs have been loaded with the responsibility of registering the entities, their headers and templates, registering the telemarketers etc. under the garb of Co-Regulation. **However, the spirit of co-regulation is easily forsaken while issuing FDs, and one regulator (TRAI) seeks to penalize the co-regulator (TSP) for failures of TMs and PEs.**
46. Further, Chapter III of the TRAI Act lists out the functions of the Authority. It is pertinent to mention here that there is no clause in TRAI Act to empower the Authority to prescribe financial disincentives by way of regulations. The Authority must review all the relevant regulations of TCCCPR-2018, especially Regulation 27 and 28 of TCCCPR and delete the clauses pertaining to levying financial disincentive on TSPs, as these are beyond its powers vested under the TRAI Act.
47. This fact has also been acknowledged by the Authority itself in its Consultation Paper on UCC dated 20.11.2006. In para 3.38 of the said Consultation Paper, TRAI noted, inter alia, that “**The**

Authority does not have adequate and effective power in enforcing and penalizing violators. It has formally proposed to the DoT for a comprehensive amendment in the TRAI Act to strengthen powers of the Authority in terms of penalty as provided in most of the countries.”

48. Thus, even while initiating steps to curb unsolicited commercial communications, TRAI acknowledged that it did not have the power under its parent statute, the TRAI Act, to impose penalties for violations of the Regulations. The amendments to the TRAI Act called for in the Consultation Paper have not been carried out till date.

49. Thereafter, TRAI issued Telecom Unsolicited Commercial Communication Regulation, 2007 (4 of 2007) dated 05.06.2007. In para 28 of the Explanatory Memorandum to 2007 Regulation, TRAI had clarified and reiterated that it did not have any power either to impose penalty or to adjudicate the complaints and that therefore, TRAI had decided to follow the route of levying higher tariffs on those telemarketers who violate the Do Not Call List. The relevant portions of para 28 of the Explanatory Memorandum to said Regulation are reproduced hereunder:

28. *“... Some views have been expressed that a tariff recovered by the service provider should be passed on to the affected subscriber. However, **it is clarified that TRAI has neither any power to impose penalty nor power to adjudicate the complaints.....”**
(Emphasis supplied)*

50. Therefore, it is submitted that in line with the legal position and the Authority’s own position on the issue, as detailed above, the Financial Disincentives on the TSPs should be withdrawn with immediate effect.

I. Licensees have no power to penalise their consumers:

51. The Regulations have provided limited provisions and rights to TSPs to control the UCC menace, however, the same are neither practical nor implementable. Regulation 22 of the TCCCPR-2018 is reproduced below for ready reference:

“22. Prescription of fee/ charges by Access Providers: Access Providers may prescribe fee from participating entities for sending commercial communications for registration and to carry out activities provided for in these regulations and may also prescribe security deposits. 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.”

52. As per the above provision, TSPs are permitted to impose FDs on its own customers i.e. PEs/ TMs, however, this provision does not recognize that the TSPs do not have any collective powers under their licence agreement to impose/ recover penalty/ FDs from their consumers. **Further, the language of the said provision of the regulation makes it an optional activity and does not provide an express mandate backed by the law, leaving it open to multiple interpretations and implementations.**

53. Due to the extremely competitive commercial communication market with multiple players like PSUs, private operators without spectrum but access service authorization, and TSPs, the task of recovering FDs from PEs, is not possible for TSPs. As any coercive action can lead to churn and customer poaching by the competition, who are having access service authorization without any frequency spectrum.
54. Clearly, the only effective way to bring discipline in UCC/ SPAM/ Fraud menace is a centralized and uniform implementation and that is possible only if DoT directly imposes the penalty on TM-D/ PEs, who are actually responsible for the UCC. Further, under the new telecom Act, only the DoT can penalise the defaulting party.

J. No adjudicatory powers with TRAI

55. There are various provisions of TCCCPR discussed in the consultation paper, providing filing of an Appeal before the Authority e.g. Regulation 25 (6); Regulation 33(2). It is important to note 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). Therefore, these provisions are ultra-vires.

K. Parallel spam market on OTT completely ignored by the TRAI

56. Further, it is critical to bring attention to the fact that despite various representations, the Authority and DoT have not acted on parallel promotional and service messaging channels like IP messages by handset vendors and promotional messages by OTT apps.
57. It is once again reiterated that these alternate and substitutable channels are making the mockery of entire DLT based UCC management by offering same service for same customers without any checks or regulatory requirements.
58. By not regulating these channels, a legal and controlled SMS channel is being cannibalized openly by illegal services running without any regulatory oversight. As a double whammy, the TSPs that are investing millions for controlling UCC are being served FD notices, that too for a fraction of incidents compared to those occurring on these unregulated channels unabated. **It is pertinent to mention here that ever increasing stringency by Authority on SMS channel is accelerating the shift of traffic from regulated SMS channel to unregulated channels like IP messages and OTTs.**
59. **It is also not out of place to mention here that not just spam, these unregulated channels are the chief abettors of fraud by carrying fraud URLs/APKs/CTAs in their transmissions which can be clicked open immediately as these services are already operating on broadband.**

60. Furthermore, there is no explanation from the Regulators as to why search engines and app-hosts are hosting screen-mirroring software and APKs and allowing unchecked download thereof which are causing havoc by way of financial frauds worldwide. The Authority has also refrained from explaining on why it is permitting optimization and download of malicious weblinks and apps without due diligence. **These inexplicable regulatory gaps speak volumes as to the selective, arbitrary and unreasonable approach that Authority has regrettably adopted.**

61. Therefore, it is imperative that UCC communication on all such channels is also regulated simultaneously and equally to ensure comprehensive spam management.

62. Conclusions

1. **There is a need to completely revamp the Telecom Commercial Communications Customer Preference Regulations.**
2. **This should include a deterrent charge of Rs. 0.50 per minute calculated on a minute pulse for all commercial calls.**
3. **The AI-ML based spam flagging solutions should be leveraged to prevent UCC under the alternative Industry proposal.**
4. **The regulations should be aligned with Clause 28 of the Telecommunication Act 2023 and relevant rules may be framed by DoT.**
5. **The oxymoron of Co-Regulation should be dropped and TSPs should be treated only as intermediaries in the system.**
6. **The new framework should bring the Telemarketer-Delivery (TM-D) under the regulatory framework.**
7. **The originators and distributors of Commercial Communication should be made responsible for UCC.**
8. **In line with the prevailing legal position, there should be no financial disincentives on TSPs.**
9. **A comprehensive solution to spam management can only be found by simultaneously and equally regulating such communication over OTT and IP messages as well.**

Without prejudice to our submission made by us in the 'Preface' section, we are also submitting issue wise comments, for kind consideration of the Authority.

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
1.	2(ea)	<p>“(ea) An A2P (Application-to-Person) call refers to a voice call that is initiated by an application, software system, or automated platform without direct human dialling and delivered to an individual telecom subscriber, including using autodialling, robo- calls and/ or prerecorded/ artificial voice technologies.”</p>	<p>“(ea) An A2P (Application-to-Person) call refers to a voice call that is initiated by an application, software system, or automated platform without direct human dialling and delivered to an individual telecom subscriber, including using autodialling, robo- calls and/ or prerecorded/ artificial voice technologies.”</p> <p>Provided that from the aspects of deterrent charges, prescribed in Regulation 35 A, all commercial communication calls including all Promotional, Transactional, and Service Calls, irrespective of the method or platform used for origination should also be considered A2P calls:</p> <p>Provided further that the Authority, in consultation with TSPs, may devise suitable measures to bring</p>	<p>It is submitted that the inclusion of this definition in the present amendment appears to be limited to the purpose of prescribing deterrent charges to be levied by the Terminating Access Provider (TAP) on the Originating Access Provider (OAP) for such calls.</p> <p>However, this approach suffers from a fundamental operational limitation. The TAP, by design, does not have visibility into or control over the call origination process at the OAP’s network. Specifically, the TAP cannot independently determine or validate whether a call has been initiated through automated systems or through human dialling. Consequently, the entire framework becomes dependent on self-declaration by the OAP, as proposed under Regulation 4 of the amendment.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
			<p style="text-align: center;">the calls by Unregistered Telemarketers (UTMs) under the scope of deterrent termination charges.</p>	<p>Such reliance on self-declaration is inherently weak from an enforcement perspective and creates a significant risk of misclassification, under-reporting, or regulatory arbitrage. This would undermine the very objective of the amendment, which is to curb spam and unsolicited commercial communications.</p> <p>Given that the primary objective is effective control of spam, it is imperative that the regulatory framework be based on objective, measurable, and verifiable parameters that can be independently assessed by the TAP without reliance on OAP declarations. Accordingly, it is strongly recommended that TRAI define “Commercial Communication Calls” specifically for the purpose of applicability of deterrent charges. Such a definition should be broad, technology-neutral, and based on call traffic patterns rather than the mode of origination.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
				<p>In this regard, the definition should include all commercial calls including all Promotional, Transactional, and Service Calls, irrespective of the technology or platform used for origination.</p> <p>The Authority should also work with the TSPs, to devise suitable measures to bring the calls by Unregistered Telemarketers (UTMs) under the scope of deterrent termination charges.</p> <p>This would also align the regulatory mechanism with the principle of technological neutrality and enhance its effectiveness in achieving the intended objective of spam control.</p>
2.	2(y)	(b) for clause (y), the following clause shall be substituted, namely: - “Explicit Consent” means such consent which has been either verified directly from the Recipient in a robust and verifiable manner and recorded by Consent Registrar; or, obtained by the sender through any	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		verifiable means prior to or outside the Consent Registration Function framework and subsequently registered in the Consent Register in accordance with the procedure specified by the Authority.”		
3.	2(ai)	(c) in clause (ai), for the words “clause (3) of section 3 of the Indian Telegraph Act, 1885 (13 of 1885)”, the words “clause (g) of section 2 of The Telecommunications Act, 2023 (44 of 2023)”, shall be substituted;	No Changes proposed	Not Applicable
4.	2(ba)	(d) for clause (ba), the following clause shall be substituted, namely:- “(ba) “Regulatory Sandbox” means a live testing environment where new products, services, processes, regulatory technology solutions and business models may be deployed for a limited set of eligible customers, for a specified period of time, with certain relaxations in the extant regulatory provisions in order to encourage and facilitate innovation and technological development in telecommunication; development and refinement of Code(s) of	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		Practice; and provide inputs for regulatory interventions and modifications.”		
5.	2(bb)	<p>(e) for clause (bb), the following clause shall be substituted, namely: -</p> <p>“(bb) “Relationship” means a prior or existing relationship</p> <p>(i) for business or commercial reasons, between a person or entity and a subscriber with or without an exchange of consideration,</p> <p>(ii) on the basis of application regarding products or services made by or submitted by recipient to sender within the three months immediately preceding the date of the receiving of communication, which relationship has not been previously terminated by either party;”</p>	<p>(e) for clause (bb), the following clause shall be substituted, namely: -</p> <p>“(bb) “Relationship” means a prior or existing relationship</p> <p>(i) for business or commercial reasons, between a person or entity and a subscriber with or without an exchange of consideration,</p> <p>(ii) on the basis of application regarding products or services made by or submitted by recipient to sender within the three months immediately preceding the date of the receiving of communication, which relationship has not been previously terminated by either party;</p> <p>(iii) for business related enquiries made by a subscriber”</p>	<p>A legitimate enquiry from a business forms the basis of a relationship and leads to genuine calls. For instance, a query to yellow pages type online aggregator is supposed to result in callbacks by the businesses serving the customer requirements. However, the period of such calls can be restricted. To deal with such legitimate enquiries, we are suggesting addition in the definition of Service Message or Service Call in the Regulation 2(bh).</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
6.	2(bh)		<p>For clarity in the suggested additions, reproducing the complete definition of Service Message or Service Call: “Service Message or Service Call” means a message sent or voice call made by a sender to-</p> <p>(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 or voice calls are not promotional in nature and do not require Explicit Consent; or</p> <p>(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 Consent from the Recipient and such messages or voice calls are not promotional in nature:</p>	<p>As mentioned in the justifications given in response to 2(bb) above, a legitimate enquiry from a business leads to genuine calls. Inclusion of this, in the definition of service call will address this issue and the period of such calls can also be restricted to 7 days.</p> <p>Explicit consent is recorded in the CRF and remains valid until the subscriber revokes it. In the definition, use of words “explicit consent” and limiting it to a period of seven days creates ambiguity and confusion. Therefore, it is suggested that the term ‘explicit’ be deleted.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
			<p>(iii) a recipient to respond/ fulfil business related enquiries made by him/her”</p> <p>Provided that such Consent shall be for seven days or as directed by the Authority from time to time:</p> <p>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;</p>	
7.	2(bn)	(g) in clause (bn), for the words “a telecom service provided by an Access Provider” the words “any service for telecommunication” shall be substituted;	No Changes proposed	Not Applicable
8.	2(bo)	(h) in clause (bo), for the word “telegraph”, the words “telecommunication equipment and/or telecommunication identifier, as defined under The Telecommunications Act, 2023 (44 of 2023)” shall be substituted;	No Changes proposed	Not Applicable
9.	2(bw)	(i) In clause (bw), the words “Any transactional message or transactional voice call” appearing	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		twice shall be deleted from the first para.		
10.	3	<p>3. In regulation 3 of the principal regulations, in sub-regulation (1), the following proviso shall be inserted, namely: -</p> <p>“Provided that Authority may classify the senders for this purpose and may specify different criteria for different classes of senders.”</p>	<p>3. In regulation 3 of the principal regulations, in sub-regulation (1), the following proviso shall be inserted, namely: -</p> <p>“Provided that Authority may classify the senders for this purpose and may specify different criteria for different classes of senders post consultation and agreement with the industry.”</p>	<p>It is not prudent to keep discretionary powers in true spirit of Co-regulation. Further, as this regulation deals with public services related issues, wrong and lopsided decisions should be avoided and in line with transparency requirements under the TRAI Act, decision making should be based on broad consensus.</p> <p>Further, we would like to submit that COAI vide its letter dated DG/COAI/TECH/2025/3111 dated 11 November 2025 has submitted Enterprise and Individual UTM Complaint Handling Mechanism with the timelines and the thresholds for taking actions on the complaints. We request the Authority to kindly consider the submitted process favourably and accordingly issue appropriate Directions, at the earliest, for the implementation of the same.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
11.	4	<p>4. For regulation 4 of the principal regulations, the following regulation shall be substituted, namely:- “4. Intimation regarding use of A2P calls.-</p> <p>Every Sender shall declare to the Originating Access Provider, in advance, about the use of Application-to-Person (A2P) calls. Provided that any such call made by a sender without prior declaration to the OAP, shall be treated as unsolicited commercial communication (UCC), and the OAP shall take action against such sender as per the provisions of these regulations.”</p>	<p>4. For regulation 4 of the principal regulations, the following regulation shall be substituted, namely: - “4. Intimation regarding use of A2P calls.-</p> <p>Every Sender shall declare to the Originating Access Provider, in advance, about the use of Application-to-Person (A2P) calls. Provided that any such call made by a sender without prior declaration to the OAP, shall be treated as unsolicited commercial communication (UCC), and the OAP shall take action against such sender as per the provisions of these regulations.”</p> <p>Further, the OAP should declare the levels assigned for A2P and all Commercial Calls including Promotional, Service and Transactional Calls to all TAPs to facilitate the billing of deterrent termination charges</p>	<p>It is critical to share the levels issued to customers for all commercial communication calls, including Promotional, Service and Transactional calls. Exclusive series to make Service and Transactional calls is issued only to BFSI sector and Government. There are all other sectors, which may be using other series for transactional and service calls. Hence, declaration of all such series by the OAP is required to ensure effective implementation of deterrent charge.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
12.	11	5. In regulation 11 of the principal regulations, in sub-regulation (4), the words “put under usage cap or his telecom resources may be” shall be deleted.	This should not be removed	The industry proposal to handle AI/ML based spam flagging shared with TRAI involves usage cap, therefore, the same should be retained.
13.	21 A	6. After regulation 21 of the principal regulations, the following regulation shall be inserted, namely:- “21A. For taking action against the senders suspected of sending unsolicited commercial communication, as detected by the AI/ML-based UCC_Detect system established by the access providers in accordance with Schedule IV, every access provider shall implement the following:- (a) Every Terminating Access Provider (TAP), shall, through its AI/ML-based UCC_Detect system, identify and flag the Calling Line Identification (CLI) of the sender as “Suspected UCC CLI” based upon the behavioural parameters as specified in the AI/ML-based UCC_Detect system, and immediately upon such flagging and in any case within two hours of such	To be deleted	<ol style="list-style-type: none"> 1. COAI has already submitted Industry’s alternate proposal to leverage AI/ML-based spam detection systems deployed by TSPs, however, as submitted these systems inherently generate outputs across varying levels of confidence and not all such outputs represent definitive spam activity. Thus, treating all flagged instances as actionable may lead to a large number of false positives, resulting in unintended hardship to legitimate subscribers, including genuine enterprises and individuals engaged in lawful communication. 2. Considering that mobile phones have become a critical identity

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		<p>flagging, share, through the Distributed Ledger Technology (DLT) platform, the flagged CLI with the concerned Originating Access Providers (OAPs);</p> <p>(b) upon receipt of the flagged CLI from the TAP, every OAP shall immediately issue a notification through SMS or mail or both, to the sender associated with such CLI, informing that based on communication behaviour, the CLI has been flagged as suspected of sending UCC (spam)”;</p> <p>Provided that the authority may prescribe the format and manner of sending such notification from time to time.</p> <p>(c) OAP shall, within one business day of the receipt of the flagged CLI from TAP, identify unique KYC identifiers of the sender associated with such CLI, using its subscriber records, and share the same through DLT platform with all other Access Providers, who, within one business day of the receipt of such unique KYC</p>		<p>and lifeline for consumers—enabling banking, payments, e-commerce, and e-governance—any wrongful disconnection or restriction of services can cause significant unintended hardship to legitimate users due to false positive flagging. Therefore, any regulatory intervention must be carefully designed to ensure that such hardship is avoided, and legitimate consumers are adequately protected.</p> <p>3. Further, a large-scale action against the false positive cases may cause panic with customers. Not only will it disrupt their experience of using telecom services but will also distress them in turn to start calling the customer case and saturate the TSPs capability to address customer’s queries.</p> <p>4. Accordingly, regulatory enforcement should be</p>

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		<p>identifiers from OAP, shall identify all the telecom resources allotted by them to such Sender;</p> <p>(d) upon identification of all the telecom resources allotted to such Sender, as referred in the preceding para, all the Access Providers including OAP, shall examine, within next one business day, whether any other CLI allotted to the same Sender has been flagged as “Suspected UCC CLI” by their respective AI/ML-based spam alert systems during the preceding ten days, and all such flagged CLIs mapped to the same sender shall be recorded and shared on DLT platform by all the Access Providers on the same day;</p> <p>(e) upon receipt of the data of all CLIs associated with such sender across the network, which have been flagged as “Suspected UCC CLI”, all the concerned OAPs shall check, within one business day of the receipt of such data, whether five or more CLIs of the sender have been flagged as “Suspected UCC CLI” within a period</p>		<p>restricted to high-confidence cases, where there is strong and corroborated evidence of spam behaviour, ensuring that actions are accurate, proportionate, and defensible.</p> <p>5. To enable consistency and avoid fragmented implementation, TSPs shall agree on the criteria for classification of high confidence suspected spam .</p> <p>6. AI/ML-Based Detection and CLI Flagging:</p> <p>7. AI/ML-based detection systems are already deployed and operational across TSPs.</p> <p>8. These systems should continue to detect, classify, and tag suspected spam activity, with outputs categorized based on confidence levels (e.g., high, medium, low).</p> <p>9. For the purpose of regulatory action, only high-confidence</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>of last ten days, and if it is found that five or more CLIs of the sender have been flagged as “Suspected UCC CLI” within the last ten days, all the concerned OAPs shall take action against the sender as follows:</p> <p>(i) for the first such instance, OAP shall, within the next three business days, carry out the re-verification of KYC of the sender as per the licence conditions and take necessary action in accordance with the extant KYC guidelines;</p> <p>(ii) for the second such instance, OAP shall, within the next five business days, carry out the physical KYC verification of the sender to ensure that the telecom resources allotted by OAP are not being misused by the sender for sending UCC and in case KYC details of the sender, available with OAP, do not match with the details obtained on physical verification, or if it is found that the telecom resources are being misused by the sender for sending UCC in</p>		<p>flagged CLIs should be considered, ensuring that false positive cases consumers are not inconvenienced.</p> <p>10. COAI’s proposal ensures that enforcement actions are progressive, evidence-based, and proportionate, while enabling timely intervention, behavioural correction, and coordinated action across TSPs in alignment with TRAI’s regulatory objectives.</p> <p>11. We request Authority to consider such proposal for the implementation at the earliest.</p> <p>12. Accordingly, the TCCCP Regulation may also be amended to include the process highlighted in the proposed alternate framework, as suggested by COAI.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>violation of the provisions of the regulations, outgoing services of all telecom resources including PRI/SIP trunks, SIMs etc. allotted to the sender 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;</p> <p>(iii) for any such subsequent instance, OAP shall, within the next five business days, carry out the physical KYC verification of the sender to ensure that the telecom resources allotted by OAP are not being misused by the sender for sending UCC and in case KYC details of the sender, available with OAP, do not match with the details obtained on physical verification, or if it is found that the telecom resources are being misused by the sender for sending UCC in violation of the provisions of the regulations, OAP shall take action against the sender as provided under clause(b) of sub-</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		regulation (6) of regulation 25 of the regulations.		
14.	22	<p>7. In regulation 22 of the of the principal regulations, in sub-regulation (1), for clause (a), the following clause shall be substituted, namely:-</p> <p>“(a) in case of misuse of Headers and/or Content Templates, (i) immediately suspend the use of such misused Header(s) and/or Content Template(s) across all Access Providers as the case may be, and the OAP shall issue a notice to the sender in whose name such Header(s) and/or Content Template(s) are registered, within 24 hours of reporting of misuse to the OAP. Such suspension shall remain in force until the conditions specified under sub-clause (ii) are fully complied with by the sender.</p> <p>(ii) require the sender to undertake all of the following remedial actions:</p> <p>1. Reset, within 24 hours of receipt of</p>	No Changes proposed	No Changes proposed, however, as the existing provisions are applicable only for registered senders and registered Telemarketers, it is imperative that this nature of the provisions should be maintained.

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>notice from the Originating Access Provider (OAP), all access credentials including passwords, API keys and system permissions used for submission or delivery of commercial communications, which have been allotted to the sender by the access providers and telemarketers;</p> <p>2. File a formal complaint with the appropriate law enforcement agency under the applicable laws, within 2 business days of receipt of notice from the OAP, clearly identifying whether the misuse arose due to—</p> <ul style="list-style-type: none"> i. compromise of login credentials, ii. unauthorized access to systems, iii. misuse by an associated Telemarketer, Aggregator, or Delivery Entity, or iv. any other identifiable cause, to be specified by the sender; and share with the OAP a copy of the complaint filed. <p>Provided that, if any Telemarketer is an accomplice in the misuse of Headers or Content Templates, the Sender shall file a complaint against</p> 		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>such Telemarketer with the law enforcement agencies under relevant laws;</p> <p>3. Where the Sender claims or the OAP determines that misuse occurred due to leakage, cloning, or compromise of credentials, the Sender, within next 5 business days shall mandatorily de-register all its Headers and Content Templates including those reported as misused, and get them re-registered to obtain new header and template ids using the bulk tool provided by the concerned registrar access provider(s) to the sender for this purpose; and the sender shall ensure that previously compromised identifiers are not reused;</p> <p>4. (a) Conduct within 10 business days of receipt of notice from the OAP, a comprehensive review of all its registered Headers, Content Templates, Consent Templates; and (b) Intimate to the OAP whether the misuse was due to credential</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>leakage, compromise of IT systems or any other reason, to be specified by the sender.</p> <p>iii. Where the Sender fails to fully comply with the obligations under sub-clause (ii) within the stipulated timeframe, or provides an incomplete or false intimation, all commercial communication traffic from such Sender shall be suspended by all the Access Providers until compliance is achieved to the satisfaction of the OAP.</p> <p>Provided that the Authority may, from time to time, prescribe any other procedures, safeguards, timelines, and conditions to safeguard the security of the commercial communications.</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
15.	23	<p>8. In regulation 23 of the principal regulations, in sub-regulation (1), after clause (b), the following clause shall be inserted, namely:-</p> <p>“(c) to appeal to the Appellate Authority within a period of 15 days from the date of receipt of information about the resolution of the complaint when the consumer is not satisfied with the redressal of the complaint by the Access provider, or the complaint remain unaddressed, or no intimation of redressal of the complaint is received by the complainant within a period of fifteen(15) days from the date of registering complaint, whichever is earlier. The complainant shall be able to prefer such appeal through any of the modes specified for lodging a complaint or report under these Regulations.</p> <p>The Appellate Authority shall resolve and reply to such appeal within a period of fifteen</p> <p>(15) days from the date of its receipt.</p>	<p>To be deleted</p>	<p>We submit that Appellate Authority and its appeal handling is separately defined by the Authority under Telecom Consumers Complaint Redressal Regulation (TCCRR) 2012. The Appellate Authority is capable to handle all types of complaints and there is no justification to create separate regulation wise appellate authority and its functioning.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>Every Access Provider shall designate a permanent employee working at senior management level as the Appellate Authority. The name and contact details of such designated officer shall be duly published at a prominent place on the official website of the concerned Access Provider.”</p>		
16.	24	<p>9. In regulation 24 of the of the principal regulations, (i) in sub-regulation (2), for the words [“complaint or report regarding violation”] the words “complaint including appeal, if any or report regarding violation” shall be substituted. (ii) in sub-regulation (3), the following sub-regulation shall be substituted, namely: - “(3) to record three years’ history, complainant-wise, with details of all complaints including appeal, if any and alleged violations reported by the complainants, with date and time,</p>	<p>9. In regulation 24 of the of the principal regulations, (i) in sub-regulation (2), for the words [“complaint or report regarding violation”] the words “complaint including appeal, if any or report regarding violation” shall be substituted. (ii) in sub-regulation (3), the following sub-regulation shall be substituted, namely: - “(3) to record one three years’ history, complainant-wise, with details of all complaints including appeal, if any and alleged violations reported by the complainants, with</p>	<p>The requirements of record keeping should be reasonable and not excessive. The license requires the TSPs to maintain even the critical information like Call Detail records (CDRs) for 2 years only. Similarly, TRAI under TCPR 2012, required the TSPs to make available last 180 days past usage details to the customers. In this case, the Authority is asking to maintain the complaint/appeal history along with supporting documents, which is an excessive requirement that will achieve nothing but overloading of DLT and operator CRMs. We submit there is a regular</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>and status of resolution of complaints including the supporting documents used by the access providers for resolving the complaints;”</p> <p>(iii) in sub-regulation (4), the following sub-regulation shall be substituted namely:- “to record three years history of sender(s) against which complaint including appeal, if any is made or reported with details of all complaint(s) including appeal, if any, with date(s) and time(s), and status of resolution of complaints;”</p>	<p>date and time, and status of resolution of complaints including the supporting documents used by the access providers for resolving the complaints;” provided that the TSPs may purge the supporting documents of complaints/appeals that have been addressed.</p> <p>(iii) in sub-regulation (4), the following sub-regulation shall be substituted namely:- “to record one three year’s history of sender(s) against which complaint including appeal, if any is made or reported with details of all complaint(s) including appeal, if any, with date(s) and time(s), and status of resolution of complaints;”</p>	<p>monitoring process through PMR reporting and record keeping is also being done under Show Cause notices being issued by the TRAI, wherein the Authority examines all the complaints and ask the required consents/ Opt-INs.</p> <p>The requirement to store “supporting documents” and artifacts associated with complaint resolution would result in the generation and retention of substantial volumes of data. It is submitted that existing platforms of DLT and CRM systems are not designed to store such large volumes of data over extended periods.</p> <p>Further, Compliance with this requirement would necessitate considerable augmentation of storage infrastructure, leading to increased cost, and system complexity.</p> <p>In this regard, we further submit that the intended objectives of</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
				verification, traceability, and accountability may be more effectively achieved through the implementation of the CRF . This will reduce reliance on post-facto storage of extensive supporting artifacts, while ensuring verifiable and auditable records of consent and communication flows.
17.	25	10. 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; corroborate the complaint data with the data of senders suspected of sending UCC by the AI/ML based UCC detect systems across all the access providers,; and take remedial action against Senders as provided hereunder (Sender herein shall mean a sender or telemarketer, who has been allotted the telecom resource by the access provider, that has been	10. 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; corroborate the complaint data with the data of senders suspected of sending UCC by the AI/ML based UCC detect systems across all the access providers,; and take remedial action against Senders as provided hereunder (Sender herein shall mean a sender or telemarketer, who has been allotted the telecom resource by the access provider,	We submit that the AI/ML spam flagging based changes in the complaint management should not be instituted at this juncture as the current DLT systems will not be able to handle the load. Instead, this aspect should be addressed only through alternate process, as submitted by COAI and being discussed with TRAI.

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		used for making such communication, and against which the UCC complaint has been made.);-	that has been used for making such communication, and against which the UCC complaint has been made.);-	
18.	25(1)	(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);	No Changes proposed	Not Applicable
19.	25(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;	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
20.	25(3)	<p>(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; Provided further that every complaint reported by the customers after seven days but before the lapse of fifteen days of the receipt of the unsolicited commercial communication by the customers, shall be recorded by the terminating access provider as well as the originating access providers;</p>	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
21.	25(4)	(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;	No Changes proposed	Not Applicable
22.	25(4)(b)	(b) examine communication detail records, within two business days 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;	No Changes proposed	Not Applicable
23.	25(4)(c)	(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	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		content and method of making such communication to the complainant;		
24.	25 (4)(d)	<p>(d) in case of occurrence of SMS-related complained communications under sub- regulation (4)(b), OAP shall further examine, within three business days from the date of receipt of complaint by the OAP, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and</p> <p>(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;</p>	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>(ii) in case of non-compliance with the regulations, within three business days from the date of receipt of complaint by the OAP, take action against the defaulting entity and communicate to TAP to inform the complainant about the action taken against the complaint as provided for in these regulations and Codes of Practice:</p> <p>Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;</p> <p>Provided also that in case of complaint originating due to registration of content template in wrong category, the content template shall be blacklisted by the OAP; and if five content templates of such sender are blacklisted for registration under wrong category, the OAP shall suspend the services of the sender, for one month or till such time all the content templates of the sender are reverified for registration under proper category, whichever is later;</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		(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;		
25.	25(4)(e)	(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 three business days from the date of receipt of complaint by the OAP, 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	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>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 three business days from the date of receipt of complaint by the OAP, 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;</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
26.	25(4)(f)	(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, further examine within a maximum time of one business day, whether there are similar complaints or reports against the same Sender;	No Changes proposed	Not Applicable
27.	25(4)(f)(i)	(i) if it is found that there are five or more complaints against the sender from unique recipients during the last ten days, immediately suspend the outgoing services of all the telecom resources of the sender which were utilized for sending UCC and simultaneously initiate investigation by issuing a notice to the sender, to give opportunity to the sender to represent its case within five business days; thereafter investigate within five business days from the date of receipt of representation from the sender or expiry of the five business days period given to sender	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		for representing the case, whichever is earlier, and record the reasons of its findings. If the conclusion of the OAP is that the sender was engaged in sending the Unsolicited Commercial Communications, it shall act against such sender as under;		
28.	25(4)(f)(i)(A)	(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;	No Changes proposed	Not Applicable
29.	25(4)(f)(i)(B)	(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	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		resource have been used for sending UCC or not;		
30.	25(4)(f)(i)(B)(ii)	(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;	No Changes proposed	Not Applicable
31.	25(4)(f)(i)(B)(iii)	(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;	No Changes proposed	While we are not proposing any changes but submit that blocking of all devices may not be feasible

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
32.	25(4)(f)(ii)	<p>(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:</p> <p>Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant:</p> <p>Provided further that the Authority may, from time to time, classify senders into different categories based on the parameters including, but not limited to,—</p> <p>(a) the importance of the entity to the economy or to a critical sector;</p> <p>(b) the criticality of services being delivered to consumers;</p> <p>(c) the nature and regulatory status of the entity;</p> <p>(d) the scale and volume of operations;</p> <p>(e) the extent and manner of usage of telecom resources; and</p>		<p>The Authority is requested to explicitly notify these entities, and the first list should be notified with the Regulations itself. The differentiated criteria for action against Enterprise and Govt entities may be defined here and not kept subjective, else we will keep struggling with action against such accounts. Industry has already shared a differentiated action plan for Enterprise customers, same may be used here.</p> <p>In absence of the same, unless an entity is explicitly notified by Authority, the TSP will not treat it any differently.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>(f) the potential impact of suspension/ disconnection of telecom resources on consumers; and may, accordingly, specify differentiated criteria for initiation of action and differentiated sets of enforcement measures applicable to such categories of Senders for violations of these regulations.</p>		
33.	25(5)	<p>(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 two business days 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</p>	No Changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>communicate to TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Codes of Practice:</p> <p>Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant;</p> <p>(d) in case of occurrence of complained communications under sub-regulation (5)(b), OAP shall further examine within a maximum time of further one business day, whether there are similar complaints or reports against the same Sender;</p> <p>and</p> <p>(i) if it is found that there are three or more complaints against the sender from unique recipients during the last ten days, and also any CLI allotted to the sender has been flagged or maintained as "Suspected UCC CLI" by the AI system of the access providers during these last ten days,</p> <p>OR,</p> <p>if there are five or more complaints</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>against the sender from unique recipients during the last ten days, the OAP shall immediately suspend the outgoing services of the telecom resources of the Sender which were utilized for sending UCC and simultaneously initiate an investigation as provided for in the sub-regulation (6);</p> <p>(ii) in case, it is found that number of complaints against the sender are from less than five unique recipients during last ten days, and none of the CLIs of the sender has been flagged or maintained as “Suspected UCC CLI” by the AI system of the access providers during these last ten days, the 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.</p>		
34.	Proviso to 25(5)(d)(ii)	<p>Provided that the Authority may, if it so desires, by direction, specify the content and method of making such communication to the complainant:</p> <p>Provided further that the Authority</p>	No Changes proposed	As submitted above, sender categories may be clearly defined and there should be no subjectivity.

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>may, from time to time, classify senders into different categories and specify differentiated criteria for initiation of action against them under sub-clauses (i) and (ii) above, based on the parameters including, but not limited to</p> <ul style="list-style-type: none"> (a) the importance of the entity to the economy or to a critical sector; (b) the criticality of services being delivered to consumers; (c) the nature and regulatory status of the entity; (d) the scale and volume of operations; (e) the extent and manner of usage of telecom resources; and (f) the potential impact of suspension/ disconnection of telecom resources on consumers; 		<p>It may be appropriate, if the Authority may have consulted through the current consultation paper itself, the differentiated criteria for action against Enterprise and Govt entities by defining the same in this consultation paper itself. Due to subjectivity, the industry will again keep struggling with action against such accounts and face unnecessary Financial Disincentives.</p> <p>The industry has already shared a differentiated action plan for Enterprise customers, the same may be issued at the earliest.</p> <p>Notwithstanding the above, the Authority should transparently consult with stakeholders before taking any unilateral decisions.</p>
35.	25(6) & 25(6)(a)	(6) in case of occurrence of complained communications under sub regulations (5)(d)(i) above, OAP shall, immediately issue a notice to the sender to give opportunity to represent its case within five business days; thereafter, shall	No changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>investigate within five business days from the date of receipt of representation from the sender or expiry of the five business days period given to sender for representing the case, whichever is earlier, and record the reasons of its findings. 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-</p> <p>(a) for the first instance of violation, outgoing services of all telecom resources including PRI/SIP trunks, SIMs etc. allotted to the sender 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;</p>		
36.	25(6)(b)	(b) for subsequent instances of violations, -(i) all telecom resources including PRI/SIP trunks, SIMs etc. of the sender shall be disconnected by	(b) for subsequent instances of violations, -(i) all telecom resources including PRI/SIP trunks, SIMs etc. of the sender shall be disconnected by	There is a need to ensure that the telecom resources issued for other purposes are not disturbed for such cases.

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>all the Access Providers for one year, irrespective of whether those telecom resources were actually used or not in making such communications;</p> <p>(ii) OAP shall put the Sender under the blacklist category during the period of one year as above and no new telecom resources shall be provided by any Access Provider to such Sender during this period;</p> <p>(iii) all the devices used for making UCC shall also be blocked across all the Access Providers for a period of one year:</p>	<p>all the Access Providers for one year, irrespective of whether those telecom resources were actually used or not in making such communications;</p> <p>provided that this will not include the 140/1600/1800/M2M SIMs, leased line, broadband, etc.</p> <p>(ii) OAP shall put the Sender under the blacklist category during the period of one year as above and no new telecom resources shall be provided by any Access Provider to such Sender during this period;</p> <p>(iii) all the devices used for making UCC shall also be blocked across all the Access Providers for a period of one year:</p>	<p>Further, barring and tracking of all devices is highly cumbersome and unimplementable and should be removed.</p>
37.	1 st Proviso to 25(6)(b)	<p>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:</p>	<p>No changes proposed</p>	<p>Not Applicable</p>
38.	2 nd Proviso to 25(6)(b)	<p>Provided further that Sender can represent to OAP against action due</p>	<p>No changes proposed</p>	<p>Not Applicable</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		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:		
39.	3 rd Proviso to 25(6)(b)	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:	No changes proposed	Not Applicable
40.	4 th Proviso to 25(6)(b)	Provided also that Sender can file an appeal against such decision of OAP before the Authority, as per regulation 29:	No changes proposed	Not Applicable
41.	5 th Proviso to 25(6)(b)	Provided further that the Authority may, from time to time, classify senders into different categories based on the parameters including, but not limited to - (a) the importance of the entity to the economy or to a critical sector; (b) the criticality of services being delivered to consumers; (c) the nature and regulatory status of the entity;	No changes proposed	As mentioned above, there should be no subjective and unilateral decisions

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>(d) the scale and volume of operations;</p> <p>(e) the extent and manner of usage of telecom resources; and</p> <p>(f) the potential impact of suspension/ disconnection of telecom resources on consumers; and may, accordingly, specify differentiated criteria for initiation of action and differentiated sets of enforcement measures applicable to such categories of senders for violations of these regulations.”</p>		
42.	26(2A)	<p>11. In regulation 26 of the principal regulations,</p> <p>(a) after sub-regulation (2), the following sub-regulation shall be inserted, namely:-</p> <p>“2A. Every access provider shall maintain, record of every alleged violation of the regulations, reported by its customers within fifteen days of the receipt of the unsolicited commercial communication by the customers, and shall also record reports of such alleged violations of</p>	<p>11. In regulation 26 of the principal regulations,</p> <p>(a) after sub-regulation (2), the following sub-regulation shall be inserted, namely:-</p> <p>“2A. Every access provider shall maintain, record of every alleged violation of the regulations, reported by its customers within fifteen days of the receipt of the unsolicited commercial communication by the customers, and shall also record reports of such alleged violations of</p>	<p>There is a need to provide sufficient time for making available ad-hoc data.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		the regulations received from the other terminating access providers.”	the regulations received from the other terminating access providers.” Provided the Authority will provide sufficient timelines for submitting any non-periodic and ad-hoc report	
43.	26(4A)	(b) after sub-regulation 4, the following sub-regulation shall be inserted, namely:- “(4A) For the purpose of audit of complaint handling process, the Terminating and originating access providers shall provide the requested CDRs of the relevant period to the Authority.”	(b) after sub-regulation 4, the following sub-regulation shall be inserted, namely:- “(4A) For the purpose of audit of complaint handling process, the Terminating and originating access providers shall provide the requested records derived from CDRs of the relevant period around the event to the Authority.” Provided that the period should be of maximum one hour around the event	(i) It is submitted that, under current operational practices, TSPs do not maintain or access CDRs in a manner that enables direct retrieval for individual complaint validation. Verification is carried out through system-based queries that confirm the occurrence of the reported communication (call/SMS), along with limited parameters necessary for resolution. Accordingly, providing full CDRs for audit purposes does not align with existing system architecture and processes. (ii) The requirement to furnish full CDRs for audit may create operational challenges, including the need for significant system modifications. Moreover, full CDRs are not necessary to achieve the objective of auditing complaint

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				<p>handling, as limited and relevant data points are sufficient.</p> <p>(iii) In view of the above, it is proposed that audit requirements be aligned with existing practices—i.e., complaint validation may rely on system-based query outputs, and only relevant, limited information/metadata required for audit purposes be shared with the Authority, instead of full CDRs. In order to check reliability of system, if required, CDRs for few sample cases can be extracted and provided.</p> <p>Further, there is a need to define the event specific timelines for CDRs for effective analysis.</p>
44.	27	<p>12. In regulation 27 of the principal regulations,</p> <p>(a) in the heading, for the words, “Consequences for failure to curb the Unsolicited Commercial Communications from registered Senders or RTMs” the words “Consequences for failure to take action against the Unsolicited Commercial Communications from</p>	To be removed	<p>The Authority has no right to impose Financial Disincentives on TSPs. The Action should be taken against the offending senders once these are brought under regulatory framework.</p> <p>Without prejudice to the above, if the Content Templates are registered under wrong category by another Access Provider and the traffic has</p>

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		<p>registered Senders or RTMs” shall be substituted;</p> <p>(b) in sub-regulation (1), for the words “to curb Unsolicited Commercial Communications”, the words “to take action in accordance with the provisions of the ‘Regulations’ against Unsolicited Commercial Communications” shall be substituted;</p> <p>(c) in sub-regulation (1), in clause (a), for the proviso, the following proviso shall be substituted, namely: - “Provided that where UCC has originated due to Headers 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 at the rate of one thousand rupees per count of valid complaint shall be imposed on the Access Provider that has registered such Headers.”;</p> <p>(d) after the proviso so substituted, the following proviso shall be</p>		<p>been sent by the OAP under that category, then the Access Provider who has registered in the wrong category is only responsible. The OAP has no control over such messages as the template has been approved by another TSP and is available as approved template on DLT. OAP may be held liable if such inappropriate template has been approved by itself.</p> <p>There are no logics to penalise the OAP, if the template is registered by another TSP.</p> <p>The Authority may also consider adding a provision about timelines beyond which complaints/alleged instances of violation may not be eligible for examination.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>inserted, namely: - “Provided further that where UCC has originated due to (i) wrong categorisation of Content Templates registered by the OAP, or, (ii) Content Templates registered under wrong category by another Access Provider and the traffic has been sent by the OAP under the wrong category, the financial disincentive shall be imposed at the rate of one thousand rupees per count of valid complaint on the OAP as well as the Access Provider that has registered such Content Templates under wrong category.”</p>		
45.	29	<p>13.In regulation 29 of the of the principal regulations, (a) in the heading, for the words “Representation by Senders against the action taken by Access Providers” the words “Representation by Senders or Telemarketers against the action taken by Access Providers” shall be substituted;</p>	<p>29 (a)(i) it may direct the Access Providers to restore all telecom resources of the sender or Telemarketer, if feasible and delete the name and address of such sender or telemarketer from the blacklist;</p>	<p>In certain circumstances, TSPs may not be able to restore/recreate a SIP number after deletion. The number may also have been recycled after the cooling period or may have even gone back to the number series holder. There are also concerns relating to feasibility of restoring or re-issuing a deleted DID in the same</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>(b) for the word “Sender”, wherever appearing, the words “Sender or Telemarketer” shall be substituted;</p> <p>(c) in sub-regulation(1) after clause (b), the following proviso shall be inserted, namely: -</p> <p>“Provided that while the sender or telemarketer may apply to the Authority for partial restoration of the telecom resources and removing the sender or telemarketer from the blacklist, the restoration charges payable by the sender or telemarketer shall not be less than half of the restoration charges calculated to restore all the telecom resources of the sender or telemarketer.”</p>		<p>SIP Channel. Accordingly, it is suggested to add 'if feasible' in the Regulation 29 (a)(i).</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
46.	34 A	<p>14. For regulation 34A of the principal regulations, the following regulation shall be substituted, namely:-</p> <p>“34 A. “Prohibition on blocking designated number series by Call Management Applications.— (1) No call management application or similar services for identification of UCC shall tag, block, filter, give any treatment to such calls different from those applicable for genuine communication or restrict incoming calls originating from any number series designated for commercial communications, or facilitate blanket tagging of such communications as spam;</p> <p>(2) Any call management app including phone dialers and third party apps, that offers the user of the app to report any Unsolicited Commercial Communication under any name such as spam, junk, etc., which implies UCC, shall send such report, in the manner and format as specified by the Authority from time to time to the DND registry</p>	No changes proposed	<p>It is appreciable that the Authority is acting on illegal activities of non-regulated Call Management Applications. However, there is a need to act on UCC, SPAM and SCAM through OTT apps as well.</p> <p>It is respectfully submitted that such applications operate outside the direct control and network domain of TSPs. Accordingly, the responsibility for ensuring compliance by these applications should not, directly or indirectly, be placed on TSPs, as they neither own nor control such platforms.</p> <p>With respect to Clause 34A(2), it is submitted that the DND registry maintained by Access Providers is structured and operates within a defined framework. The existing system architecture is not designed to receive or process inputs from phone diallers or third-party applications. User-generated reports or tags from such platforms do not</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>maintained by the access providers. Provided that the Authority may prescribe the manner of sending such complaints by the call management apps to the DND registry maintained by the access providers.</p> <p>(3) Any call management application or similar services that act in contravention of sub- regulation (1) and (2) shall be deemed to be non-compliant and in violation of these regulations;</p> <p>(4) The Authority may order/initiate action against any non-compliant call management application or similar service as follows:</p> <p>(i) The Authority may issue warning for the violations, and declare call management application or the service as non-compliant and violator;</p> <p>(ii) The Authority may initiate action under the relevant provisions of the IT Act, 2000, and the IT Rules, 2021, for the violation of the regulations. If the</p>		<p>constitute verified complaints; they are merely crowdsourced signals. Routing such unverified inputs at scale would dilute the effectiveness of the current DND and complaint redressal mechanism. It also introduces a significant risk of false positives, with no established mechanism for verification or withdrawal (de-registration) of such reports. Therefore, the inclusion of unverified complaints and reports, without prior pilot testing or impact assessment, is not justified. Instead of incorporating inputs from unverified channels, efforts should be directed towards strengthening and promoting existing complaint mechanisms and popularising existing channels including the TRAI DND App.</p> <p>Without prejudice to the above, TSPs should not be penalised for any complaints received through such unverified channels.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>authority concludes that the call management application or similar service is non-compliant, the IT intermediary shall be liable for losing exemption from liability of intermediary under IT Act 2000, and any other action as per the provisions of the IT Act, 2000.</p> <p>Provided that no order for action/ initiating action shall be made by the Authority, unless the concerned entity has been given a reasonable opportunity to represent.”</p>		
		15. In regulation 35 of the principal regulations, in the proviso in item (i) and (ii), for the words, “by or on the directions of”, the words, “by or on behalf of” shall be substituted.	No changes proposed	Not Applicable
47.	35A	<p>16. After regulation 35 of the principal regulations, the regulation 35A shall be inserted, namely:-</p> <p>“35A. The Terminating Access Provider (TAP) may charge the Originating Access Provider (OAP) upto Rs. 0.05 (five paisa only) per minute for A2P calls;</p> <p>Provided that there shall be no</p>	<p>16. After regulation 35 of the principal regulations, the regulation 35A shall be inserted, namely:-</p> <p>“35A. The Terminating Access Provider (TAP) shall charge the Originating Access Provider (OAP) upto Rs. 0.050 (fifty paisa only) per minute, calculated on per minute pulse basis.; for all commercial</p>	<p>The sole purpose of prescribing a deterrent termination charge for commercial communication through voice calls is to make the bulk commercial calling prohibitive. However, this requires two critical ingredients (a) Deterrent should be a real deterrent, not a token ceiling charge of 5 paise per minute.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>termination charge on: -</p> <p>(i) any A2P calls made by or on behalf of the Central Government or State Government;</p> <p>(ii) any A2P calls made by or on behalf of bodies established under the Constitution;</p> <p>(iii) any A2P calls made by or on the directions of the Authority;</p> <p>(iv) any A2P calls made by any agency authorized by the Authority from time to time;</p> <p>(v) any A2P calls made by using number resources assigned from 140xx, 1600xx or any other series designated by the Authority for commercial communications from time to time.”</p>	<p>communication calls including all Promotional, Transactional, and Service Calls, irrespective of the method or platform used for origination;</p> <p>(i) any A2P calls made by or on behalf of the Central Government or State Government;</p> <p>(ii) any A2P calls made by or on behalf of bodies established under the Constitution;</p> <p>(iii) any A2P calls made by or on the directions of the Authority;</p> <p>(iv) any A2P calls made by any agency authorized by the Authority from time to time;</p> <p>(v) any A2P calls made by using number resources assigned from 140xx, 1600xx or any other series designated by the Authority for</p>	<p>Accordingly the termination charge should be at least Rs. 0.50 per minute. Further, as large number of these calls are of short duration and not answered, the termination charge should be applicable also on unanswered calls. Further the pulse for these calls should be on per minute basis for calculating the charge.</p> <p>(b) There should be no exemptions. Thus, the deterrent termination charge should be applicable on all commercial communications including 1400 and 160 series.</p> <p>This would also align the regulatory mechanism with the principle of technological neutrality and enhance its effectiveness in achieving the intended objective of spam control.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
			<p>commercial communications from time to time.”</p> <p>Provided further that the Authority, in consultation with TSPs, may devise suitable measures to bring the calls by Unregistered Telemarketers (UTMs) under the scope of deterrent termination charges.</p>	
48.	Schedule-I	<p>17. In Schedule-I of the principal regulations, (a) in item 1, after sub-item (4), the following proviso shall be inserted, namely: “Provided that the Authority may, from time to time, prescribe any other manner of verification and authentication of the entities for the registration of senders and telemarketers by the access providers.”; (b) in item 4, sub-item (2), in entry (h), for the words “seeking message”, the words “related messages” shall be substituted; (c) in item 4, sub-item (3), after entry</p>	<p>(i) Please delete Physical Verification from Sub clause (4) (a) of Clause (1)</p> <p>(i) The requirement of Secondary validation should be removed.</p>	<p>Sub clause (4) of Clause (1) also states about physical verification of entity. The relevant clause is reproduced below: “(a) The registration process of Sender and the Telemarketers by Access Providers shall include- (a) physical verification of the entity;”</p> <p>It was submitted by the Industry, earlier as well, with the availability of secure and scalable digital verification methods (including document verification, Aadhaar-based authentication, digital KYC, and other electronic processes), the</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>(l), the following entry shall be inserted, namely:</p> <p>“m. Primary Registration and Secondary validation of Content Templates for Service and Transactional Messages:</p> <p>(i) at the time of registration of SMS Content Templates, primary registration shall be undertaken by any one Access Provider, in accordance with the provisions of these regulations and the Directions issued by the Authority from time to time. The Sender shall clearly indicate, at the stage of primary registration, the intended category of commercial communication, namely Promotional, Service, Transactional or Government, and shall complete all applicable formalities at that stage;</p> <p>(ii) upon approval of a Content Template by the Access Provider undertaking primary registration, every other Access Provider shall, prior to acceptance of traffic, carry out secondary validation of the</p>		<p>objectives of authenticity and traceability can be effectively achieved without requiring physical verification. Hence the requirement of Physical Verification should be deleted.</p> <p>Upon approval of a Content Template by the Access Provider acting as the Registrar (i.e., undertaking primary registration), other Access Providers should not be burdened with the requirement of secondary validation prior to accepting traffic, for the following reasons:</p> <p>(i) The responsibility and accountability for the correctness and appropriateness of the template must rest solely with the Registrar TSP. Imposing secondary validation would dilute this accountability and create ambiguity in responsibility.</p> <p>(ii) Mandating secondary validation would significantly increase operational load, requiring each TSP</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>Content Template registered under Service and Transactional Message categories, by using the information available on DLT platform about such content template, for the limited purpose of verifying the correctness of its categorisation under these regulations. No additional documentation or procedural formality shall be required to be completed by the Sender for the purpose of secondary validation undertaken by other Access Providers:</p> <p>Provided that the Authority may, from time to time, prescribe the scope, manner and additional checks, if any, to be undertaken during such secondary validation, as well as the timelines for completion of secondary validation;</p> <p>(iii) Each Access Provider shall be independently responsible for ensuring compliance with these regulations and the directions of the Authority in respect of the</p>		<p>to process multiple redundant approvals (potentially three times the current volume), without any commensurate regulatory or consumer benefit. This would amount to a non-value-adding activity.</p> <p>(iii) Such a requirement may also create opportunities for anti-competitive behaviour. The Registrar TSP could delay approval of templates until the last moment for time-sensitive campaigns, thereby limiting the ability of other TSPs to complete secondary validations and effectively participate in traffic delivery. This may result in undue concentration of traffic with the Registrar TSP and distort fair competition.</p> <p>Additional Comment: Clause 5(2)(b) and (c) of Schedule-I should also be deleted as the Customer Consent Acquisition and Verification is inconsistent with the current CRF functionality.</p>

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		categorisation of Content Templates accepted on its network, and also be liable for any breach thereof, irrespective of the categorisation approved by the Access Provider that has carried out the primary registration of such Content Template.”		
49.	Schedule-II	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. Procedure for registration or change of preference of Categories of content for Commercial Communications: - Customer can opt-out of any or all of the following Commercial Communications Content category(ies) of content:	No changes proposed	Not Applicable
50.	Schedule-II	Table	No changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
51.	Schedule-II Notes after Table	<p>Note-1: In case of communication with customer executive of Customer Care Centre of access provider, preference to opt-in may be communicated;</p> <p>Note-2: Customer to be communicated with confirmation and final status along with options to unblock;</p> <p>Note-3: ALL PROMO BLOCK option shall block only promotional types of Commercial Communications for all categories of content, mode, time band and day types except transaction and service type of Commercial Communications and Government Communications;</p> <p>Note-4: All preferences registered under FULLY BLOCK category shall be migrated to BLOCK PROMO category within 15 days from the date of coming into effect of this amendment.</p> <p>Provided that the Authority may, from time to time, add or remove number of category(ies), or sub category(ies) for content;”</p>	No changes proposed	Not Applicable

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
52.	Schedule-II	<p>(b) in item 1, for sub-item (2), the following sub-item shall be substituted, namely; “2. Procedure for registration of preference or change of preference of Mode for Commercial Communications: -</p> <p>(1) Customer can opt-in for any or all of the following Commercial Communications Content category(ies) of content:</p> <p>UCC Category to be unblocked or opted in IVRS: Call to 1909 and press at prompt to unblock SMS to 1909 following text USSD send All Promotional Categories (to be unblocked)</p> <p>90</p> <p>UNBLOCK ALL</p> <p>*#1909*90#</p> <p>Opting in for specific categories</p> <p>Banking/Insurance/Financial products/ credit cards,</p> <p>91</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>UNBLOCK 91</p> <p>*#1909*91#</p> <p>Real Estate, 92 UNBLOCK 92</p> <p>*#1909*92#</p> <p>Education, 93 UNBLOCK 93</p> <p>*#1909*93#</p> <p>Health, 94 UNBLOCK 94 *#1909*94#</p> <p>Consumer goods and automobiles,</p> <p>95</p> <p>UNBLOCK 95</p> <p>*#1909*95#</p> <p>Communication/Broad casting/ Entertainment/IT,</p> <p>96</p> <p>UNBLOCK 96</p> <p>*#1909*96#</p> <p>Tourism and Leisure,</p> <p>97</p> <p>UNBLOCK 97</p> <p>*#1909*97#</p> <p>Food and Beverages;</p> <p>98</p> <p>UNBLOCK 98</p> <p>*#1909*98#</p> <p>Note-1: In case of communication</p>		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
		<p>with customer executive of Customer Care Centre of access provider, preference to opt-in may be communicated;</p> <p>Note-2: Customer to be communicated with confirmation and final status along with options to block</p> <p>Note-3: UNBLOCK ALL option shall unblock all Promotional categories of content, mode, time band and day types with default options;</p> <p>Note-4: UNBLOCK 51 shall stand deleted on the 16th day from the date of coming into effect of this amendment.</p> <p>Provided that the Authority may, from time to time, add or remove number of category(ies), or sub category(ies) for content;”</p> <p>(c) in item 2, in sub-item (1), in Note 3, for the words “except transactional type commercial communications”, the words “except transactional type</p>		

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		<p>and service type of commercial communications” shall be substituted;</p> <p>(d) in item 3, in sub-item (1), in Note 4, for the words “, however transactional type of commercial communications may not be blocked”, the words “. However, transactional type and service type of commercial communications may not be blocked during any time band” shall be substituted;</p> <p>(e) in item 4, in sub-item (1), in Note 4, for the words [“, however transactional type of commercial communications may not be blocked”, the words “. However, transactional type and service type of commercial communications may not be blocked during any day type” shall be substituted;</p> <p>(f) in item 6, in sub-item (2), for the entry (b), the following entry shall be substituted, namely;</p> <p>“Location Routing Number (LRN), as assigned by DoT to the access provider, of current serving network</p>		

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		<p>of the customer, and in case customer is being ported-in during Mobile Number Portability, the update in LRN of the new serving network to be done by the recipient access provider within 24 hours of customer porting into the new serving network through MNP process, in the manner as specified by Authority from time to time;”</p> <p>(g) for the word “Center” appearing in the items, as mentioned below, the word “Centre” shall be substituted: -</p> <ul style="list-style-type: none"> a. Item 2(1), Note 1 b. Item 2(2), Note 1 c. Item 3(1), Note 2 d. Item 3(2), Note 1 e. Item 4(1), Note 2 f. Item 4(2), Note 1 		

Sl. No.	Regulation Number	Sub-Regulation/item number	Modification proposed to the draft amendment	Reasons/full justification for the proposed modifications
53.	Schedule-IV	<p>19. In Schedule-IV of the principal regulations, in item 1, for sub-item (4), the following sub- item shall be substituted, namely:-</p> <p>“(4) Access providers shall intimate through SMS or mail, the senders detected above that they have been identified as suspected UCC senders and that they must refrain from sending UCC.</p> <p>Provided that the Authority may prescribe the format of such notice from time to time.”</p>	<p>To be deleted</p>	<p>This should not be removed as it is contrary to the industry proposal being discussed with TRAI separately</p>