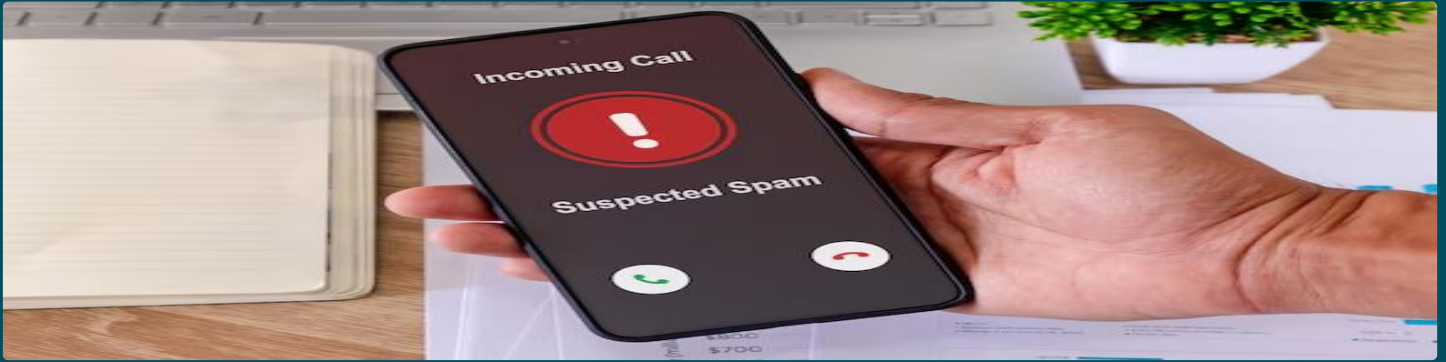




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The Amended Telecom Commercial Communications Customer Preference Regulations: TRAI's Regulatory Measures to Combat Spam and Protect Consumers

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The Telecom Regulatory Authority of India (TRAI) has updated the Telecom Commercial Communications Customer Preference Regulations (TCCCPR) of 2018 to enhance consumer protection against Unsolicited Commercial Communication (UCC). These amendments aim to address the evolving tactics used by spammers and promote a more transparent and accountable commercial communication ecosystem.

Since its implementation, TCCCPR-2018 has used advanced technology, including a blockchain-based framework, to control spam. However, spammers have continued to adapt their methods, prompting TRAI to seek further regulatory improvements. In August 2024, TRAI issued a Consultation Paper to gather stakeholder input on key amendments needed to strengthen consumer protection and curb UCC.

The consultation addressed several critical issues, such as redefining commercial communication categories, enhancing consumer complaint mechanisms, tightening action thresholds against UCC, increasing sender and telemarketer accountability, restricting the misuse of 10-digit numbers for telemarketing, and implementing stricter measures against unregistered telemarketers.

The new amendments, based on stakeholder feedback and extensive deliberations, reinforce consumer rights and prevent the misuse of telecom resources. They ensure that legitimate commercial communications occur through registered entities, with consumer consent, balancing consumer interests with the need to support legitimate economic activities.

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Summary of Consumer-Centric Amendments to TCCCPR, 2018

The Telecom Regulatory Authority of India (TRAI) has introduced significant amendments to the Telecom Commercial Communications Customer Preference Regulations (TCCCPR) of 2018. These changes are aimed at enhancing consumer protection against Unsolicited Commercial Communication (UCC) and promoting a more transparent and accountable communication ecosystem.

Ease of Reporting Spam and Revamped Complaint Mechanism

Consumers can now file complaints against spam calls and messages from unregistered senders without first registering their preferences. The complaint process has been simplified, requiring only basic information such as the complainant's number, the sender's number, the date of receipt, and a brief description of the UCC. Access providers are mandated to display complaint options prominently in their mobile apps and web portals. These apps must also be able to auto-capture call logs and SMS details, and allow complaints to be registered using screenshots. The time limit for filing complaints has been extended from 3 days to 7 days, and the time for access providers to take action against UCC from unregistered senders has been reduced from 30 days to 5 days. The threshold for action against spammers has been made more stringent, requiring only 5 complaints within 10 days instead of 10 complaints within 7 days.

Empowering Customers

Telecom operators must now provide an option in promotional messages for customers to easily opt out of receiving such messages. Message headers will carry standardized identifiers ("P" for promotional, "S" for service, "T" for transactional, and "G" for government messages) to help consumers distinguish between different types of messages. A separate category for government messages has been created to ensure important communications are not missed. Senders are prohibited from seeking consent from customers who have opted out for at least 90 days, though customers can opt back in at any time. Consent for ongoing transactions is valid for only 7 days, and implicit consent for transactional and service communications is valid only for the duration of the contract. The amendments also introduce regulations for the use of auto-dialers and robocalls to prevent

undue disturbance to consumers.

Stringent Measures Against Spammers

Access providers must suspend all telecom resources of senders found guilty of repeated violations. The first violation results in a 15-day suspension, while subsequent violations lead to a one-year disconnection and blacklisting. Any call or message intended to deceive customers is classified as UCC, enabling swift regulatory action, including disconnection and blacklisting. Senders are restricted from using normal 10-digit numbers for telemarketing, with designated headers or specific number series (140 for promotional calls, 1600 for transactional and service calls) to ensure easy identification by recipients.

Ensuring Compliance

Access providers face financial disincentives for failing to implement the regulations. The first violation incurs a fine of Rs 2 lakh, the second Rs 5 lakh, and subsequent violations Rs 10 lakh. These fines are in addition to penalties for misreporting UCC counts and failing to fulfil obligations regarding message headers and content templates. Access providers can require senders and telemarketers to pay a security deposit, which can be forfeited for violations. Legally binding agreements between access providers and senders/telemarketers outline roles, responsibilities, and penalties for non-compliance.

Strengthening the Ecosystem

Access providers are required to analyse call and SMS patterns to identify potential spammers in real-time. Telecom operators must deploy honeypots, dedicated numbers that attract and log spam calls and messages, to analyse spam trends and take pre-emptive action. The number of intermediaries between the Principal Entity (PE) and Telemarketer (TM) is limited to ensure full traceability of messages. Senders and telemarketers must undergo physical verification, biometric authentication, and unique mobile number linking during registration. Operators must maintain comprehensive records of complaints and sender details to quickly identify and penalize violators. TRAI has mandated strict PE-TM traceability to enhance accountability in commercial communication.

These amendments aim to safeguard consumer interests while promoting a secure and trusted digital communication environment. All stakeholders are advised to align their systems with the amended framework to ensure seamless implementation.

TRAI has emphasized that access providers must strictly comply with the new regulations and actively identify and block violators. These updated regulations aim to protect consumer interests and encourage a secure digital communication environment. All stakeholders, including businesses and telecom operators, are urged to align their systems with the amended framework to ensure smooth implementation. For further details write to contact@indialaw.in