



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



August 13, 2024

DIRECTION

Subject: Direction under section 13, read with sub clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) regarding disconnection of all telecom resources and blacklisting of the sender under Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018).

F.No. D-27/1/(3)/2024-QoS (E-13702) - Whereas the Telecom Regulatory Authority of India (hereinafter referred as the “Authority”), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as “TRAI Act”), has been entrusted with discharge of certain functions, *inter alia*, to regulate the telecommunication services; ensure technical compatibility and effective inter-connection between different service providers; 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 services provided by the service providers so as to protect the interest of the consumers of telecommunication service;

2. And whereas the Authority, in exercise of the powers conferred upon it under section 36, read with sub-clause (v) of clause (b) and clause (c) of sub-section (1) of section 11, of the TRAI Act, made the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19th July, 2018 (hereinafter referred to as the “regulations”), to regulate unsolicited commercial communications;

3. And whereas regulation 3 of the regulations, *inter alia*, provides that every Access Provider shall ensure that any commercial communication using its network only takes place using registered headers assigned to the senders for the purpose of commercial communication; and no subscriber, who is not registered with any Access Provider for the purpose of sending commercial communications under the regulations, shall make unsolicited commercial communication; and relevant regulations reads as under-

Signature

“3. Every Access Provider shall ensure that any commercial communication using its network only takes place using registered header(s) assigned to the sender(s) for the purpose of commercial communication; and

(1) No Subscriber, who is not registered with any access provider for the purpose of sending commercial communications under these regulations, shall make unsolicited commercial communication and

(a) in case, any Subscriber is sending Commercial Communication, telecom resources of the sender may be put under usage cap;

(b) and if the Subscriber continues to send Commercial Communication despite notice given to him under these regulations, all telecom resources of the sender may also be disconnected;”;

4. And whereas regulation 5 of the regulations, *inter alia*, provides that every Access Provider shall develop or cause to develop an ecosystem with the functions to provide facilities for its Subscribers to register complaints against Senders of Commercial Communication;

5. And whereas regulation 9 of the regulations provides that every Access Provider shall ensure that no commercial communication is made to any Recipient, except as per the preferences or digitally registered consents registered in accordance with the regulations;

6. And whereas regulation 10 of the regulations provides that every Access Provider shall ensure that no commercial communication takes place through its networks except by using headers assigned to the registered Senders for the purpose of sending commercial communication;

7. And whereas regulation 25 of the regulations, *inter alia*, provides that every Access Provider shall establish systems, functions and processes to resolve complaints made by the customers and to take remedial action against senders as provided in the said regulation, and in case the complaint is related to an Unregistered Telemarketer (hereinafter referred to as “UTM”), the Originating Access Provider (OAP) shall issue a warning to the Sender for the first violation, the Sender shall be put under Usage Cap for a period of six months on the second instance of violation, and on the third and subsequent instances of violations, all telecom resources of the Sender shall be disconnected for a period up to two years and the Sender shall be put under blacklist category and no new telecom resources shall be allocated to such Sender by any other Access Provide

Jointed Date

8. And whereas the provisos to item (c) of sub-regulation (6) of regulation 25 of the regulations, *inter alia*, provides that the third instance of the violation shall include all the complaints received against the sender after the date of second warning within two business days after the receipt of the complaint against which telecom resources are being disconnected under the said sub-regulation and that one telephone number may be allowed to be retained by such sender with the Usage Cap for a period up to two years;

9. And whereas the Authority has observed that-

- (a) there were more than 12 lakh complaints against UTM Senders during 2023 and more than 7.9 lakh complaints against UTM Senders during first half of 2024;
- (b) enterprise customers often make commercial voice calls using SIP/ PRI lines with hundreds of indicators; however, action taken by Access Providers against the enterprise customers has generally been limited to disconnecting a particular indicator, instead of disconnection of all the telecom resources;
- (c) even if a Sender is blacklisted by an Access Provider, other Access Providers often do not disconnect the resources assigned to the Sender;
- (d) there is an urgent need to take firm action, without further delay, on spammers who are using PRI/ SIP/ bulk connections for making voice calls/ Robo calls/ pre-recorded calls;
- (e) Access Providers have, in the meeting held on 08th August 2024, brought out that to have uniformity in actions against defaulting entities across all Access Providers, the Authority may issue a Direction to all the Access Providers to ensure that if a Sender is blacklisted by one Access provider, other Access Providers shall also disconnect all the resources assigned to that Sender and no telecom resources shall be allocated to such Sender by any Access Provider during the period specified in the regulations;

10. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and the provisions of the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) hereby directs all the Access Providers to ensure that -

- a. all promotional voice calls from the unregistered Senders/ Unregistered Telemarketer (UTMs) using Telecom Resources (SIP/ PRI/ other telecom resources) shall be stopped immediately;



- b. if any unregistered Sender/ Unregistered Telemarketer (UTM) is found to be misusing its Telecom Resources (SIP/ PRI/ other telecom resources) for making commercial voice calls in violation of the regulations resulting into consumer complaints against any one or more number of resource indicators allocated to the Sender -
- i. all the telecom resources of such Sender shall be disconnected by the Originating Access Provider (OAP) for a period up to two years as per the provisions of the regulation 25 of the regulations;
 - ii. such Sender shall be blacklisted by the OAP for a period up to two years as per the provisions of the regulations;
 - iii. information regarding blacklisting of the Sender shall be shared by the OAP with all other Access Providers on DLT platform, within 24 hours, who will, in turn, disconnect all the telecom resources given by them to that Sender within the next 24 hours;
 - iv. no new telecom resources shall be allocated to such Sender by any Access Provider during the period of blacklisting as provided for in the regulations;
- c. all the unregistered Senders/ Unregistered Telemarketers (UTMs) using SIP/ PRI/ other telecom resources to make commercial voice calls to the citizen shall be migrated to the DLT platform within one month of the issue of this Direction and submit compliance report within seven days thereafter;
11. All Access Providers are directed to comply with the above directions and forward an updated status on action taken, including updating of CoPs, within fifteen days from date of issue of this direction and thereafter submit the report of the action taken against UTMs on the 1st and the 16th of every month.

Jaipal Singh 13/08/2024
(Jaipal Singh Tomar)

Advisor (QoS-II)

To

All Access Providers