

RJIL/TRAI/2024-25/199

9<sup>th</sup> October 2024

To,

**Sh. Jaipal Singh Tomar,**  
**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 Consultation Paper on "Review of the Telecom Commercial Communications Customer Preference Regulations, 2018".**

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the Consultation Paper dated 28.08.2024 on **"Review of the Telecom Commercial Communications Customer Preference Regulations, 2018"**.

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  
"Review of the Telecom Commercial Communications Customer Preference  
Regulations, 2018" dated 28<sup>th</sup> August 2024**

**Preface:**

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving us an opportunity to offer comments on the important consultation paper on **Review of the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCPR-2018)**.
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.**

**A. Optimum approach to handle UCC**

3. The Authority has been struggling to contain the UCC and had 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.
4. While the review initiated by the Authority vide the current consultation paper is the first review of the TCCPR-2018 since its issuance. However, prior to this review, the Authority has already issued several Directions, which are completely new additions to the TCCPR-2018 framework. The issues included in the regulatory framework under TCCPR vide these Directions are listed below:
  - i. **Whitelisting of URLs / APKs / OTT links.**
  - ii. **Disconnection of all telecom resources and blacklisting of UTMs for unsolicited voice calls**
  - iii. **PE-TM Binding.**
  - iv. **Enhancing user friendliness of registration of UCC complaint & registration of preferences**
  - v. **Implementation of Voice Solution 140 Series.**
  - vi. **AI ML based UCC Detect**

- vii. **Measures to curb misuse of Headers and Content Templates – Suspension of the unused Headers.**
  - viii. **Changes over DLT for generation of new PMR format provided by TRAI.**
5. Not getting into the legal aspects around issuance of these Directions without any consultative process, as per Section 11(4) of TRAI Act 1997 requiring to ensure transparency while exercising its powers and discharging its functions, **we believe that this piecemeal approach to focus on only one aspect of the problem is not going to yield any positive effects.** We are of the view that even after execution of the above Directions, there seems very little possibility that the UCC menace will be effectively controlled. **The reason for this is the 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.**
  6. However, if the desired outcome is to curb UCC then the approach has to go well beyond the narrow bounds of **Show Cause Notices and Financial Disincentives on TSPs.** The UCC can be curbed only by coordination and direct participation of all the entities of ecosystem and not by merely taking coercive actions against TSPs, who are only intermediaries.
  7. **We submit that the optimum approach to handle this issue is to completely revamp the TCCPR 2018 and make all individuals, Principal Entities (PEs) and all the Registered and Unregistered Telemarketers with Delivery Function/ Aggregator Function responsible for any violations.**
  8. **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 TCCPR-2018.
  9. 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.

10. Further, instead of doing review exercise in a hastened manner and only 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.**

#### **B. Alignment with the Telecommunication Act 2023**

11. 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;”*

12. 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;*

13. 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.”*

14. 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.**

15. 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'.

16. 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)*

17. 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.

18. 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)*

19. In light of the above, the Department can frame detailed rules to directly take action 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.

20. 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.

### **C. Critical need to bring Reseller of services i.e. Telemarketer under licensing framework.**

21. 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 TSPs and handovers the A2P traffic to TSPs. 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.**

22. 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.**
23. 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.
24. This will be a far-reaching step and would impact the UCC landscape considerably as when the TM-Ds 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.
25. 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.

#### **D. TSPs are intermediaries and cannot be made accountable/ penalised for UCC.**

26. 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/ UTMs 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'**.

27. **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)*

28. 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.

29. 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.

30. **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.**

31. 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.***

**E. TRAI does not have powers under the TRAI Act to penalise the TSPs.**

32. 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) merrily keeps on penalizing the co-regulator (TSP).**
33. 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.
34. 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.”**
35. 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.

36. 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)

37. 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.

#### **F. Licensees have no power to penalise their consumers:**

38. The Regulations have provided half-baked provisions and rights to TSPs to control the UCC menace, however, the same are neither practical nor implementable. Regulation 22 of the TCCCP-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.”*

39. As per the above provision, TSPs are permitted to impose FDs on its own customers i.e. PEs/ TMs, however, this provision is bald and oblivious to the fact 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.**

40. Due to the extremely competitive commercial communication market with multiple players like PSUs, private operators without spectrum but access service

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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.

41. 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.

### G. No adjudicatory powers with TRAI

42. 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.

### H. Parallel spam market on OTT completely ignored by the TRAI

43. 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.
44. 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.
45. 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.**
46. **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.**

47. 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.**

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

#### **I. Futility of differential tariffs**

49. TCCCPR 2010 introduced the concept of capping of SMS, which was dropped post 2 iterations in favour of differential tariff post 100 SMS/day/SIM through 54<sup>th</sup> Amendment to the Telecommunication Tariff Order 1999 (TTO) dated 5<sup>th</sup> November 2012. However, post the implementation of TCCCPR 2018 and on insistence of one Government Body this was removed vide 65<sup>th</sup> amendment to the TTO dated 3<sup>rd</sup> June 2020. The Authority noted the following in the explanatory memorandum of 65<sup>th</sup> Amendment to TTO.

*4. It is pertinent to keep in mind that the TRAI has moved over the years, from a stage of “fixation of tariff rates” to stage of “forbearance with prior Approval stage” and finally to a stage of “forbearance regime with post-facto reporting obligation” with regulatory oversight. Accordingly, extant policy stance of Tariff regulation gives the TSPs the requisite freedom to design tariff according to their best commercial interest in the prevailing market conditions. This has led to variety of innovative tariffs in the market furthering the objective of provision of telecom services at reasonable and affordable rates to Consumers.*

*5. Considering the comprehensiveness of the regulatory framework prescribed in the TCCCPR 2018, now there may not be any need of restricting the number of SMSs allowed to be offered on concessional rate or for regulating the tariff of SMSs for protecting the telecom subscribers from the menace of UCC. Further, the move would be consistent with the general TRAI regulatory approach of forbearance in relation to determination of tariffs.*

50. Therefore, it is surprising to note that on the failure of this comprehensive mechanism to curb UCC, the only way out being proposed is to go back to differential tariffs with even more granularity and stringency at the cost of tariff Forbearance policy and increased FDs.

51. Clearly, the approach is flawed and needs to be revamped towards regulating the real culprit i.e. PE/TM instead of punishing the consumers by differential tariffs and penalizing the TSPs in gross violation of the TRAI Act.

52. **In view of the above, we request the Authority to recall this consultation paper and reissue in line with the provisions of Telecommunication Act 2023, addressing all the issues submitted.**

53. **Conclusions**

1. There is a need to completely revamp the Telecom Commercial Communications Customer Preference Regulations.
2. The regulations should be aligned with Clause 28 of the Telecommunication Act 2023 and relevant rules may be framed by DoT. **Accordingly, we request the Authority to recall the current consultation paper and reissue addressing all the issue submitted.**
3. The oxymoron of Co-Regulation should be dropped and TSPs should be treated only as intermediaries in the system.
4. The new framework should bring the Telemarketer-Delivery (TM-D) under the regulatory framework.
5. The originators and distributors of Commercial Communication should be made responsible for UCC.
6. In line with the prevailing legal position, there should be no financial disincentives on TSPs.
7. A comprehensive solution to spam management can only be found by simultaneously and equally regulating such communication over OTT and IP messages as well.
8. Differential tariffs are not a solution and should not be implemented.
9. Strict on-boarding process for PEs, including eKYC should be implemented.

**Without prejudice to our submission that current consultation paper may be withdrawn, and revised consultation paper may be issued considering all the submissions made by us in the 'Preface' section, we are also submitting issue wise comments, for kind consideration of the Authority.**

**Issue wise response:**

**Q.1 Stakeholders are requested to submit their comments in respect of definitions of messages and calls and their categorizations, as suggested in the paragraphs 2.14 to 2.19 along with necessary justifications.**

**RJIL Response:**

1. All the submissions made by us in the 'Preface' portion of our comments should be considered as part and parcel of issue wise response.
2. We disagree with the proposal for the de-segregation of the categories of SMS. We submit that Service messages and Transactional messages are important subsets of the commercial communications, and these should not be intermixed. The Service messages should continue to include the communication pertaining to the services opted by the customers besides the limited scope of transactional messages.
3. In the 'Code of Practice' submitted by TSPs to the Authority, the Definition of Transactional Messages is as follows:

*Transactional: Any message which contains a one-time password (OTP) required to complete a banking transaction initiated by the bank customer will only fall under the category of Transactional. This will be applicable to all banks, National/Scheduled/Private/Government and even MNC banks, provided that these OTP messages are originating from the servers based on the Indian soil. Sample transactional message: • OTP message required for completing a net-banking transaction. • OTP message required for completing credit/debit card transaction at a merchant location.*

4. We submit that due to above mentioned distinct definition of Transactional messages limiting it to OTP, the templates of transactional messages are unambiguous, clean and there is no mixing of any promotional content to it. Any attempt to mixing the definition of transactional and service messages will disturb all the existing clean templates of transactional messages and may become huge inconvenience for telecom consumers. If required, this definition may also include OTPs other than the banking transactions but other than 'OTP', nothing more should be included in this category.

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5. The service messages category should be kept, however, in order to strengthen the oversight over this category, the Authority should remove ambiguity in defining the service messages to prevent misuse by mixing with promotional SMS. Authority should also provide clear norms, and actionable items for proper use of this category.
6. We further submit that there should be no option to opt-out from Transactional communication, as such a measure can lead to inadvertent barring of OTPs and other critical information.
7. Further, the classification of Government messages appears to be sufficient, however, the Authority has assumed that all Government messages are welcome to all customers and that these messages do not cost anything to the TSP.
8. It is important to emphasize here that there are significant costs associated with sending SMS messages and conducting Outbound Dialing (OBD) campaigns to subscribers. These expenses include not only the direct costs of message transmission and call placement but also the investments required to expand and upgrade network capacities to handle these large-scale communication efforts in the entire state. The infrastructure enhancements necessary to support such intensive voter awareness activities represent a considerable financial burden for telecom operators.
9. In this regard, we would like to highlight the recent TRAI recommendation on the 'Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023' issued on 18<sup>th</sup> September 2024, wherein the Authority has recommended as under:

*“Except for disaster related messages, the concerned Government agency should devise a mechanism to suitably compensate the service providers for dissemination of the public broadcast messages”.*
10. In view of the above, we submit that for implementing this new category TSPs will require many changes and system upgrades and we request the Authority to fix a charge for all Government messages, excluding the disaster related messages.

**Q.2 Whether explicit Consent be made mandatory for receiving Promotional Communications by Auto Dialer or Robo Calls? What can be other possible measures to curb the use of Auto Dialer or Robo Calls without the consent of the recipients? Stakeholders are requested to submit their suggestions quoting best practices being followed across the world.**

**RJIL Response:**

1. This is an interesting proposition with global precedents of preventing unsolicited promotional communication through Auto Dialer or Robo Calls. We understand that this is a major disturbance, and it is important to create barrier to put for protecting consumers from hunting UCC that is becoming a major menace.
2. However, we submit that the existing provisions already take care of this requirement and the option of blocking such calls is available under preferences. **However, a condition precedent for its enforcement of this preference is the declaration by the caller.**
3. We do not support taking an additional consent for Auto-dialer/Robo call as the same will only complicate the DCA system and may lead to unnecessary repercussions. Instead, the pre-recorded/Auto-dialer/Robo calls should be permitted through 140-series numbers only. This will ensure that these calls can then be scrubbed for 'DND Preference on mode of call'.
4. The only exceptions to this rule should be critical services like OTP-delivery, important government/disaster related communication, etc. These should be permitted through specific series assigned for the purpose.

**Q.3 As most of the pre-recorded calls have pre-defined content, stakeholders are requested to comment on the process to be followed to scrub such content before the delivery to consumers. The comments should be supported with suitable justifications and practices being followed in other parts of the world.**

**RJIL Response:**

1. We submit that scrubbing the content on-the-fly is not practical in case of voice calls and should be avoided. However, in case the basic hygiene factors suggested for Robo calls in previous response are implemented i.e. mandatory 140 series/ pre call announcement etc., there will be no need for any additional measures like scrubbing the content, as the voice solution designed for '140 series' already takes care of DND and consent scrubbing.
2. Further, as submitted above, the QoS regulations cannot be extended to monitor or scrub the content, and such proposals should be dropped at the outset.

**Q.4 Stakeholders are required to submit their comments in respect of Headers identifiers categories as suggested in paragraphs 2.31 of Chapter-II or any other type of identifiers which may facilitate consumers to identify senders distinctly. Suggestions if any, should be suitably brought out with necessary justifications.**



**RJIL Response:**

1. We submit that the current system of adding P, S, T suffix, under implementation, suffices to meet the requirements and is easily identifiable for the customers and should be persisted with. The Authority may further add the suffix G for government messages. We understand that this will address all the concerns.
2. Our comments on the options provided under paragraphs 2.31 are as follows:

**Option 1:** This option pertains to suffixing of -P, -S, -T and -G to headers for Promotional, Service, Transactional, Government messages, respectively. This solution is already in place with all TSPs. Go-live deferred due to delay at the end of only 1-2 TSPs. We expect that this will be resolved soon, and implementation can be soon enough.

**Option 2:** This option suggests removal of the prefix attached to the header for identification of the Access Provider and Service area (e.g. removal of 'JD' from the current format of the header 'JD-ABCDBK'). The current approach of prefixing header with identification of the Access Provider and Service area helps consumers to identify the Originating Access Provider and service area. It also established the genuineness of the header by clearly indicating that it has originated from a specific service area of TSP's network. As per the complaint management prescribed in the TCCCPR, the complaint is required to be forwarded by Terminating Access Provider (TAP) to Originating Access Provider (OAP). Accordingly, the complaint management part of current DLT system is designed to route the complaint to OAP on the basis of this prefix only. This ensures real time transfer of complaint and provide adequate time to OAP to address the complaint. Further, the billing and settlement of IUC for SMS between TSPs is service area based. Clear identification of TSP as well as service area in the header itself, helps in billing settlement process between TSPs/ different service areas of the same TSP. Therefore, the proposal to remove prefix pertaining to access provider and service area will require major changes in network and billing systems besides causing difficulty in identifying the origin of the SMS for customers. It also affects the already registered headers, current DLT logics, current complaint management process.

Further, we are not able to identify any significant benefits in removing the prefix. The only benefit mentioned in the consultation paper is that it will help in clubbing the messages from the same headers, as currently, due to separate prefixes, the messages from the same headers are shown separately. In this connection we submit that most of the commercial communications are for instant use and not to keep them for a long time as records. Instead of disturbing the header structure and resultantly whole process of complaint handling, billing settlement, DLT logic

designing etc., this problem can easily be sorted out by the Principal Entity by segregating and sending similar messages through specific TSP and LSA, keeping in view the requirement of consumers. Further, after the inclusion of P, S, T & G suffix consumer can easily segregate the messages.

In view of the above, we request the Authority not to consider this option of removal of prefix.

**Option 3:** Option 3 provided in the consultation paper suggests allowing the Sender to use the same numeric header for both messaging and transactional/service voice calls to facilitate easy identification of the Sender.

Permitting the Sender to have the same numeric header for message and transactional/service voice calls would create a new level of complications. While the benefit might come in the form of easy identification of the Sender, however, the challenge will be in distinguishing between RTM and UTM. Further, it will require re-registration of millions of headers, major changes in network, DLT and other systems, as elaborated in response to Option 2 and, therefore, should not be considered.

**Q.5 Whether current provisions in the regulations for redressal of consumers' complaints in a time-bound manner are sufficient? If not, what provisions should be made for improving the effectiveness of the complaint handling processes including identifying and fixing the responsibilities of the violators?**

**RJIL Response:**

1. As submitted by us in preface, instead of fine tuning the TCCCPR-2018 in its current format, its holistic review is required. The TM-Ds should be licenced, and OAP should be required to send the complaint to TM-D who in turn will take action against the concerned TM-A or PE.
2. The current complaint handling process allows the subscriber, three days to file a complaint after receiving unsolicited commercial communication. Therefore, the proposal to reduce the response time only for OAPs and TAPs and make it real-time does not seem practical or logical.
3. In order to properly examine the complaint, reasonable time must be provided to TSPs. We do not feel that there is a need for any drastic changes in the timelines for redressal of consumers' complaints. The current timelines are sufficient to meet the requirements of consumer redressal.
4. Most genuine complaints with accurate header details are handled at real time basis. Most TSPs are notifying the complaints to the OAP on real-time basis,

except in cases where the OAP is not identifiable due to incorrect sender/header reported by the complainant.

5. We further submit that activities like matching of CDRs are time dependent and cannot be completed in 2 hours as being proposed. We submit that at least one business day is required for these activities.

**Q.6 Whether facilities extended by the Service providers through Apps, Website and Call Centres for handling UCC complaints are accessible and consumer-friendly? Is there a need to add more facilities in the current systems? What measures should be taken by the service providers to make their Apps, Website and Call Centres easily accessible to the Consumers for registering UCC Complaints and tracking the same for a time-bound disposal of complaints? Please provide your answer with full details on the facilities needed.**

**And**

**Q.7 What additional modes of complaints registration, preference registration and consents registration through a very easy and quick process can be implemented?**

**RJIL Response:**

1. We submit that the customers already have the option to file complaints at all possible touchpoints and are extensively using these touchpoints. The large volume of the complaints being received indicates that there is sufficient awareness about the complaint filing process and furthermore the process is user friendly. Thus, we do not see possibility of any further intervention in this aspect.
2. Instead, the focus should be on strengthening and modernizing the TRAI DND app, so that this becomes a single touch point for all UCC Complaints. We request that this application should be made more user friendly and made available on all operating systems.
3. It is further submitted that RJIL has already implemented email as a mode for lodging the UCC related complaints, however, it may be noted that this is not a preferred mode for UCC complaints, going by the volumes. Thus, while we are not impacted by mandating e-mail as a mode for receiving complaints, it is submitted that there are sufficient modes to file complaints at present and there is no need for further intervention.

**Q.8 Stakeholders are required to submit their comments on the following-**

**a. Measures required for pro-active detection of spam messages and calls through honeypots and norms for the deployment of Honeypots in a LSA, and rules or logics**

**required for effective use of AI-based UCC detection systems including training of AI models for identification, detection and prevention of spam**

**b. Proactive actions needed to stop further communications of messages or calls identified as spam through UCC detect systems and actions on the senders.**

**RJIL Response:**

1. We submit that RJIL has already deployed Honeypot in its network for proactive detection of SPAM and the upcoming AI based technologies are also used as and when found effective.
2. However, we believe that for effective pro-active detection of UCC, the Honeypots should be deployed by the Authority and should be under the surveillance of DoT LSA units.
3. It is further submitted that under the proposed regime, the deterrence will be placed at the source of the UCC only i.e. with the TM-D and PEs, obviating the need for deploying any additional measures for detection of UCC.
4. Notwithstanding the above, RJIL on its own continues to monitor and manage Honeypots. Further SIM-box type usage is actively monitored, and effective deterrent actions are taken on suspected SPAMMERS and large number of SIMs are blocked on regular basis for such suspected usage.

**Q.9 Stakeholders are required to submit their comments in respect of**

**a. Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of RTMs**

**b. Financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of UTMs**

**c. Financial disincentive against wrong approval of Headers and Message Templates proposed in Section F of Chapter II on the Access Providers.**

**d. Measures needed to assign the responsibilities of telemarketers (both RTMs and UTMs) and Principal Entities (Senders), involved in sending UCC and disincentivize them financially including legal actions as per law.**

**RJIL Response:**

1. We bring the Authority's attention to the recent Open House discussion held under the consultation process on revision of 'Quality of Service' Regulations. One important insight in OHD was from the global experts, who unequivocally highlighted that over-regulation, and FDs are not related with effective governance.

2. We submit that the international experience also indicates that more than the financial disincentives, the service is improved for the fear of churn and bad word-of-mouth. Thus, it is important that a FD structure is completely revamped and rationalized, instead of instinctively keep on increasing FDs and issuing SCNs and FD orders to TSP.
3. **The first and primary consideration in this aspect is that the TSPs are mere intermediaries and cannot be penalized for disaffection of one side of the pipe with the content pushed by another end of the pipe. The IT Act is the guiding legal document on the role and responsibilities of the Intermediaries and the same should be followed in telecom regulations, especially TCCPR regime.**
4. We have provided detailed submissions in the 'Preface' section of our response, quoting the relevant provisions of the IT Act and demonstrating that TSPs cannot be penalized as they are merely acting as intermediaries. Additionally, we have addressed the point that TRAI does not have the powers under the TRAI Act to penalize TSPs or to impose financial disincentives on them. For the sake of brevity, we are not repeating these submissions here and request the Authority to kindly consider them as an integral part of our response to this question.
5. **We reiterate that in the UCC ecosystem, the content is controlled by the PEs and pushed to telecom consumers by the TM-D. Thus, it is important that the TM-D is brought under the regulatory regime and made responsible for pushing unsolicited content.**
6. **Consequently, the FD structure should hinge on the TM-D and the TSPs should be kept out of the same.**
7. Notwithstanding the fact that the concept of FDs is contrary to co-regulation proposed by the Authority in the Regulations, it is important to point out that the draft Regulation prescribes disproportionate levels of financial disincentives on whimsical grounds.
8. While the intent is to curb the menace of UCC, the approach seems to be to issue prognostic guidelines and find the most gullible stakeholder to penalize. We submit that instead the approach should be to identify the entities causing the issue and penalize them. Further, all the investigation should be done by DoT LSA units and the penalties on TM-D should be imposed by DoT under the provisions of its license.
9. **We expect TRAI's guidance and mentoring instead of policing and punishment. Therefore, we submit that the Authority should remove the financial**

**disincentives on TSPs from the Regulations and as suggested in the preface, under the rules framed as per 'Telecommunication Act 2023', DoT should directly impose the penalty on TM-D/ PEs, who are actually responsible for the UCC.**

**Q.10 Whether there is a need to review five paisa exemptions accorded to transactional messages and bring them at par with other commercial messages? If yes, please give your answer with necessary justifications? If no, what additional measures are required to discourage senders, telemarketers or service providers from using transactional message templates for sending promotional messages?**

**RJIL Response:**

1. We agree with the Authority that there is a need to review the exemption granted to transactional messages from commercial message charge. We submit that transactional messages are just a category of commercial messages and should be brought under the provisions of commercial SMS charge.
2. It is pertinent to mention that most of the entities sending commercial messages are anyways charging their customers for providing services over SMS, be it banks or financial institutions, airlines or Government departments like Passport offices, all charge their customers for receiving SMS.
3. Further, not prescribing a charge for transactional messages and thereby creating an arbitrage is an invitation to the rogue entities to misuse the transaction route to send promotional/ service messages.
4. Therefore, it is important that the TSPs should recover the charges for transactional SMS sent by these entities. However, as submitted before, there is no need to create a merged category by adding service messages and transactional SMS under one category.

**Q.11 Stakeholders are requested to offer their comments on the following issues:**

**a. Whether there is a need to strengthen the provisions of Common Code of Practice templates with Standard Operating Processes further to enable Access Providers to take actions including imposing financial disincentives and actions as per law, against entities registered and not following the regulations? If so, what could be additional provisions and essential processes which should be made part of CoPs?**

**RJIL Response:**

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1. We submit that in a competitive market such provisions cannot be run under Code of practices. As submitted before, in order to make the recovery of financial disincentives from PEs or TM-D, it is imperative that the faulty party should not have the recourse to just switching the TSP to avoid being penalized. However, sadly this is the current market situation due to diverse competition with many TSPs surviving purely on this kind of revenue.
2. Regarding the issue of penalizing entities such as Telemarketers and Principal Entities by Access Providers, we have made submissions in the preface section of these comments, stating that TSPs do not have any powers under the terms and conditions of their license agreements to impose or recover penalties/FDs from their consumers. We reiterate these submissions and believe that in order to effectively govern the UCC ecosystem, Telemarketers (TM-D) should be registered with the DoT and the licensor should recover the Penalty/ Financial Disincentives directly from the responsible entities.

**b. Whether there should be provision for minimum security deposits from the entities registering with any of the Access Providers, against the misuse or breach of regulations? If so, what should be the provisions in the CoPs for full or partial encashment/replenishment of security deposits against the breach of the regulations? Please provide your answers with suitable justifications.**

**RJIL Response:**

We submit that the current provisions of the Regulations regarding the registration of Telemarketers and Principal Entities by Access Providers should be comprehensively reviewed. As stated in the 'Preface' portion of these comments and also in response to other previous questions, we reiterate that Telemarketers should be registered with the DoT and the DoT should require a sufficiently high security deposit to ensure the recovery of FDs from Telemarketers, who are handing over the traffic to TSPs.

**Q.12 What effective steps can be taken to control the menace of UCC through tariffs? Please justify your answer.**

**And**

**Q.13 Whether differential tariff for SMS and Voice calls beyond a certain limit should be introduced to disincentivize UCC through UTM's? Please justify.**

**And**

**Q.14 If differential tariff is introduced, what could be the limit beyond which differential tariff could be introduced for:**

**i. Voice Calls**

**ii. SMS.**

Please justify with rationale.

**RJIL Response:**

1. As submitted above, differential tariffs are an ineffective measure to control UCC and the optimum mode for controlling UCC is bringing the key stakeholders like TM-D under the licensing framework.
2. Further, this kind of micro regulation in retail tariffs is detrimental to sector's interest. At the cost of sounding repetitive, we submit that one of the key reasons attributable for sector's growth, high teledensity, low and competitive tariffs is deemed to be the light touch regulatory approach and policy of Forbearance.
3. It is submitted that since the notification of Telecommunication Tariff Order, 1999 on 09.03.1999 ("TTO"), the Authority has gradually evolved the policy of forbearance in telecom tariffs. Under this the Authority gives the service providers freedom to design and implement the tariffs suited to the prevailing market conditions. As noted above, the expansion in scope of forbearance over the years is credited with the lowest tariffs and generational changes that has soared the teledensity and increased wireless broadband penetration in the country. The policy of forbearance can also be credited with making India, the market with second highest smartphone penetration. Thus, it is important that any changes in the tariff regulations do not alter the basic tenets of forbearance.
4. We submit that of late there is a tendency to seek solution to all problems by FDs or by impinging on the policy of Forbearance. We submit that these might appear to be useful in short term, but the successful policies are not changed for intangible short-term gains and focus should remain on long term benefits to the sector.
5. Further, the policy of differential tariffs has already failed in having any impact on curbing UCC and such impulses should be curbed and there is no need to venture into differential tariffs.
6. **In view of the above, we request the Authority to avoid the proposal of differential tariffs to address the menace of UCC and instead bring the key UCC stakeholders under the licensing regime.**

**Q.15 If differential tariff is introduced, what could be the tariff beyond a limit for:**

**i. Voice calls.**

**ii. SMS.**

Please justify with rationale.



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**RJIL Response:** Not Applicable in view of the previous response

**Q.16 Whether differential tariff should be introduced in a graded manner? If so, please suggest the methodology with justification.**

**RJIL Response:** Not Applicable in view of the previous response

**Parawise comments on the Draft Regulation**

Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
1	I	<b>1 Review of Definition-The regulation 2(bt) and 2(bu) regarding definition of Transactional message and Transactional voice call shall be amended as below-</b>		
2	2(bt)	<p><b>Transactional Message</b>                      Transactional message means a message sent by a Sender to its customer or subscriber in response to customer initiated transaction or under any existing relationship between the customer and the sender relating to any product or service such as OTP from banks, non-bank-entities like e-commerce, apps login etc, transaction confirmations, balance alerts, travel reminders, rescheduling notification, refund information, to provide product/warranty information, software upgrade alerts, safety or security information for the commercial product or service used or purchased, etc. and such messages are not promotional in nature and does not require explicit consent: Provided that the sender shall give an option to the recipient, in the same message, to opt out or block such messages.</p>	<p>The existing definition for transactional messages should be expanded to include all sorts of transactions carried out by the customer and should not be constrained to narrow bounds of banking OTP and related messages.</p> <p>Further there should be no option to opt out of transactional messages or calls.</p> <p>The definition of service messages and calls should be continued as per existing Regulations.</p>	<p>There is no need to merge the service messages with Transactional messages.</p> <p>The service messages are a separate category of commercial communication and are based on implicit consent and continued use of services, whereas the transactional messages pertain to a specific transaction initiated by the customer. There are different implementations for these messages and the segregation should be persisted with.</p> <p>Further, there should be no option to opt out of transactional messages and calls as an inadvertent exercise can lead to delay in OTPs and essential services.</p>

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
3	2 (bu)	<p><b>Transactional Voice Call</b>                      Transactional voice call means a voice call made by a Sender to its customer or subscriber in response to customer initiated transaction or under any existing relationship between the customer and the caller relating to any product or service such as call from banks, non-bank-entities like e-commerce, apps login etc, transaction confirmations, balance alerts, travel reminders, rescheduling notification, refund information, to provide product/warranty information, software upgrade alerts, safety or security information for the commercial product or service used or purchased, etc. and such calls are not promotional in nature and does not require explicit consent: Provided that the caller shall provide a mechanism, through a SMS or any other means, to the recipient to opt-out from receiving such calls.</p>	As above	As above
4	2	<p><b>The regulation 2(au) and 2(av) regarding the definition of Promotional message and Promotional voice call shall be amended as below-</b></p>		

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
5	2(a)	<p><b>Promotional Message</b></p> <p>Promotional message means the commercial communication containing promotional material or advertisement of a product or service;</p> <p>Provided that the Sender shall give the opt-out mechanism to the recipient in the same message.</p> <p>Explanation: These messages shall be delivered to subscribers who have not registered any preference in the preference register or have not blocked the type of commercial message being offered. If the Sender has acquired explicit Digital Consent from the intended recipient, then such Promotional messages with Explicit Consent shall be delivered to the recipients irrespective of their preferences registered in the preference register.</p>	<p>The opt-out option should be removed.</p>	<p>No changes are proposed except removal of opt out option.</p> <p>There is no need for a opt-out mechanism as the customer can register his/her preference to receive the commercial communication as per requirement.</p>

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
6	2(av)	<p><b>Promotional Voice Call</b></p> <p>Promotional voice call means commercial communication containing promotional material or advertisement of a product or service;</p> <p>Provided that the caller shall give the opt-out mechanism to the recipient after such calls through a SMS or otherwise.</p> <p>Explanation: These calls shall be made to subscribers who have not registered any preference in the preference register or have not blocked the type of commercial voice call being offered. If the Sender has acquired Explicit Digital Consent from the intended recipient, then such Promotional Voice Calls with explicit Consent shall be delivered to the recipients irrespective of their preferences registered in the preference register.</p>	<p>The opt-out option should be removed.</p>	<p>No changes are proposed except removal of opt out option.</p> <p>There is no need for a opt-out mechanism as the customer can register his/her preference to receive the commercial communication as per requirement.</p>
7	3	<p><b>The regulation 2(bh) shall be amended to define Government messages or calls as below-</b></p>		

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
8	3 2(bh)	<p><b>Government messages or calls</b></p> <p>Government messages or calls means-</p> <p>a. Any message or voice calls transmitted on the directions of the Central Government or the State Government or bodies established under the Constitution;</p> <p>b. Any message or voice calls transmitted by or on the direction of the Authority or by an agency expressly authorized for the purpose by the Authority.”</p> <p>Explanation: There shall not be any requirement seeking consent for the receipt of these communications. Also, there shall not be any option in the preference register to block such communications.</p>	No changes are proposed.	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
9	II.	<b>FULLY BLOCK option of preference registration-</b>		
10	4	The regulations 2(z) of TCCCPR 2018, the definition of 'Fully blocked' category of preference shall be deleted.	No change in existing Regulations.	As we are opposing the merging of service messages and transactional messages, the fully blocked category will be required for blocking all promotional and service calls
11	B.	<b>Provisions related to Complaint Redressal</b>		
12	I.	<b>Complaint Mechanism</b>		
13	5	<b>The Regulation 25 shall be amended as below-</b>		
14		25 Complaint Mechanism: 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 hereunder:	No changes are proposed	NA
15		(1) Terminating Access Provider (TAP) 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	No changes are proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		so as stipulated in clause (2) of this regulation.		
16		(2) In instances where there is non-availability of complete telephone number of the Sender or header in the complaint registered, the 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.	No changes are proposed	NA
17		(3) Terminating Access Provider shall also verify if the date of receipt of complaint is within three days of receiving commercial communication and in case the complaint is reported by the customer after three days, the TAP 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.	No changes are proposed	NA



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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
18		<p>(4) In case the complaint is related to Registered Telemarketer (RTM) or registered Sender:</p> <p>(a) OAP shall examine communication detail records (CDRs), within a maximum time of two hours to check the occurrence of complained communication between the complainant and the reported telephone number or header from which unsolicited commercial communication was received and in case of occurrence of complained communications, OAP shall intimate the receipt of the complaint to the Sender through an auto-trigger mechanism and advise the Sender to refrain from sending UCC.</p>	<p>a) OAP shall examine communication detail records (CDRs), <b>within one business day</b> to check the occurrence of complained communication between the complainant and the reported telephone number or header from which unsolicited commercial communication was received and in case of occurrence of complained communications, OAP shall intimate the receipt of the complaint to the Sender <b>through an auto-trigger mechanism</b> and advise the Sender to refrain from sending UCC.</p>	<p>The current complaint handling process provides three days' time to the subscriber to make complaint after receipt of the unsolicited commercial communication. Thereafter, proposal of reduction of time only for OAPs and TAPs and making it real time basis doesn't seem practical and logical.</p> <p>We submit that CDRs are sensitive data and stored under utmost security with limited access. While we agree with the need to match the complaints with CDR data, we submit that sufficient time should be provided for extracting the CDRs as there is an approval process involved to ensure the sanctity of maintaining the CDRs.</p> <p>Auto-trigger is currently not available and may require major developments and should be avoided.</p>

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
19		(b) In case of no occurrence of complained communications under sub-regulation (4)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;	No changes are proposed	NA
20		(c) In case of occurrence of SMS-related complained communications under sub-regulation (4)(a), the OAP shall further examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and	No changes are proposed	NA
21		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, OAP shall communicate to TAP to inform complainant about the closure of complaint along with reasons as provided for in the Code(s) of Practice;	No changes are proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
22		ii. in case of non-compliance with the regulations, the OAP shall, within two business days from the date of receipt of complaint, 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;	No changes are proposed	NA, However, the actions should be taken by TM-D going forward.
23		iii. the OAP shall take appropriate remedial action, as provided for in the Regulations and in the Code of Practice(s), to control Unsolicited Commercial Communications so as to ensure compliance with the Regulations;	No changes are proposed	NA
24		(d) In case of occurrence of complained communications under clause (4)(a) related to promotional voice calls from the series assigned for transactional calls, OAP shall examine within a maximum time of two hours, whether there are similar complaints or reports against the same Sender; and	(d) In case of occurrence of complained communications under clause (4)(a) related to promotional voice calls from the 160 series assigned for transactional calls, OAP shall examine <b>within a maximum time one business day</b> , whether there are similar complaints or reports against the same Sender; and	We submit that sufficient time should be accorded for investigation for effective and foolproof implementation.

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
25		i. In case it is found that number of complaints and/or reports against the Sender are from ten or more than ten unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate investigation as provided for in the sub-regulation (6);	No changes are proposed	NA
26		ii. In case, number of complaints and/or reports against the Sender are from less than ten unique recipients during the calendar month, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;	No change suggested	Further, we understand that in case the count is less than 10 in every calendar month, then no action is to be taken, we request TRAI to clarify.
27		5) In case, the complaint is related to an Unregistered Telemarketer (UTM),		

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
28		(a) The OAP shall examine communication detail records (CDRs), within a maximum time of two hours, to check the occurrence of complained communication between the complainant and the reported telephone number from which unsolicited commercial communication was received. In case of occurrence of complained communications, OAP shall intimate the receipt of complaint to the Sender through an auto-trigger mechanism and advise the Sender to refrain from sending UCC.	(a) The OAP shall examine communication detail records (CDRs), within a maximum time of <b>one business day</b> , to check the occurrence of complained communication between the complainant and the reported telephone number from which unsolicited commercial communication was received. In case of occurrence of complained communications, OAP shall intimate the receipt of complaint to the Sender through an auto-trigger mechanism and advise the Sender to refrain from sending UCC.	We submit that sufficient time should be accorded for investigation for effective and foolproof implementation.
29		(b) In case of no occurrence of complained communications under sub-regulation (5)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;	No changes are proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
30		(c) If the Sender is an individual telecom subscriber- In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of two hours, whether there are similar complaints or reports against the same Sender; and	(c) If the Sender is an individual telecom subscriber- In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of <b>one business day</b> , whether there are similar complaints or reports against the same Sender; and	We submit that sufficient time should be accorded for investigation for effective and foolproof implementation.
31		i. In case, it is found that number of complaints and/or reports against the Sender are from three or more than three unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate an investigation as provided for in the sub-regulation (6);	i. In case, it is found that number of complaints and/or reports against the Sender are from <b>Ten or more than Ten</b> unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate an investigation as provided for in the sub-regulation (6);	Capping of three complaints in a month is very low threshold and can lead to planned disconnection of unsuspecting subscribers. We suggest that the capping should be at 10 complaints.
32		ii. In case, it is found that the number of complaints against the Sender are from less than three unique recipients during the calendar month, the OAP shall, OAP shall communicate to the TAP to inform the complainant about the closure of complaint	ii. In case, it is found that the number of complaints against the Sender are from less than <b>ten</b> unique recipients during the calendar month, the OAP shall, OAP shall communicate to the TAP to inform the complainant about the closure of complaint	As above

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		along with reasons in a manner prescribed in the Code(s) of Practice;	along with reasons in a manner prescribed in the Code(s) of Practice;	
33		(d) If the Sender is an enterprise telecom subscriber- In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of two hours whether there are similar complaints or reports against the same Sender; and	(d) If the Sender is an enterprise telecom subscriber- In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of <b>one business day</b> whether there are similar complaints or reports against the same Sender; and	As explained before 2-hour timelines are too restrictive and can lead to ineffective results.
34		i. In case it is found that number of complaints and/or reports against the Sender are from ten or more than ten unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate an investigation as provided for in the sub-regulation (6);	No Changes are proposed. However, in case of enterprise customers, the threshold limit can be 25 complaints by unique recipients	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
35		ii. In case, it is found that number of complaints and/or reports against the Sender are less than ten unique recipients in the calendar month, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;	No Changes are proposed	NA
36		(6) OAP shall issue a notice to the Sender, under sub regulations (4)(d)(i), (5)(c)(i) or (5)(d)(i), to give opportunity to represent the case; shall investigate within five business days from the date of receipt of representation from the Sender 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, the OAP shall take action against such Sender as under-	No Changes are proposed	NA
37		(a) For the first instance of violation, outgoing services of all telecom resources of the Sender including PRI/SIP trunks of the Sender shall be barred by OAP till the end of the calendar month subject to a minimum period of 7 days.	(a) For the first instance of violation, outgoing services of all telecom resources of the Sender, <b>against which the complaint has been registered</b> , including PRI/SIP trunks of the Sender shall be	<b>We do not support such drastic action at first instance of the complaint and submit that disconnection of all resources and blacklisting should come in at 3<sup>rd</sup> instance of violation.</b>



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			barred by OAP till the end of the calendar month subject to a minimum period of 7 days.	
38		(b) For the second and subsequent instances of violations, all telecom resources of the Sender including PRI/SIP trunks shall be disconnected by all the access providers for one year. 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. All the devices used for making UCC shall also be blocked across all the Access Providers for a period of one year.	Same changes as above	As above
39		<p>Provided that one telephone number may be allowed to be retained by such Sender with the outgoing services barred during this period;</p> <p>Provided that Sender can represent to the OAP against action due to first or subsequent instance of violation; OAP</p>	No changes are proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		shall decide the representation within a maximum period of seven business days and shall record its findings;		
40		Provided that the 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: Provided further against such decision of the OAP, Sender can file an appeal before the Authority, as per regulation 29.	The text “Sender can file an appeal before the Authority, as per regulation 29” should be deleted.	With regard to reference to Regulation 29, we submit 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.
41	<b>II.</b>	<b>Customer Complaint Registration Facility (CCRF)</b>		
42	<b>6</b>	<b>Clause 1(a) of the regulation 23 shall be amended as below-</b>		

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
43		“23. Every Access Provider shall establish a Customer Complaint Registration Facility (CCRF) and shall make necessary arrangements to facilitate its customers on 24 hours X 7 days basis throughout the year:	No change is proposed.	NA
44		(1) to provide ways and means: -		
45		(a) to make complaint(s), by its customer against Sender(s) of unsolicited commercial communication in violation of the regulations provided that-		
46		(i) to register complaints against RTMs/registered Senders, customer should have registered his preference(s),	No change is proposed.	NA
47		(ii) To register complaints against UTMs/unregistered Senders, there shall not be any pre-requisite of registration of Preferences by the customer.	No change is proposed.	NA
48	<b>7</b>	<b>Clause (2)(f) of regulation 23 shall be amended as below-</b>		
49		(f) Sending Email to a designated email id of the Access Provider.	No change is proposed.	RJIL already provides option of email.
50	<b>8</b>	<b>Clause (2)(g) shall be inserted after clause (2)(f) in regulation 23 as below-</b>		
51		(g) Any other means as may be notified by the Authority from time to time.	No change is proposed.	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
52	9	<b>Clause (5) of the regulation 23 shall be amended as below-</b>		
53		(5) to provide details about format and procedure to the customer, as given in the appropriate Code(s) of Practice, when a complaint is treated as invalid by the access provider on the grounds of incomplete information or improper format; Provided that-	No change is proposed.	NA
54		(a) If the complaints against unsolicited commercial communication through voice calls, contains Sender's number, complainant's number and date of UCC, it shall be treated as a valid complaint. However, Access Provider can collect additional information to support investigation. The mandatory fields shall be marked with star (*).	No change is proposed.	NA
55		(b) In the absence of entire SMS content, a brief description of the SMS content shall be sufficient to treat it as a valid UCC complaint. For the guidance of the complainant regarding how to describe the UCC, a template of UCC description	No change is proposed.	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		shall be provided at the Access Providers' Mobile App and Web portal.		
56		(c) Name of business/legal entity on whose behalf unsolicited commercial communication was made and purpose of commercial communications shall be captured; however, these shall not be treated as mandatory fields for complaint registration.	No change is proposed.	NA
57	10	<b>The Schedule-III of the Regulations provides list of action items for Code of Practice for Complaint Handling (CoP-Complaints). Item 2(3) and 2(4) of this schedule shall be amended and Item 2(5) shall be inserted as below-</b>	No change is proposed.	NA
58		Item 2(3)(f), 2(3)(g) and 2(3)(h) shall be inserted as below:		
59		2(3)(f) The mobile App should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main/Home page.	2(3)(f) The mobile App should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible <del>at a prominent location</del>	The information and flow on the main page of mobile app keeps on changing basis business requirements and keeping the option for UCC complaints as permanent fixture on main page suffices the requirement. 'First view' is also a

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
			<del>without scrolling</del> on the Main/Home page.	device dependent word and should be removed.
60		2(3)(g) The mobile App should auto capture call logs, SMS details along with its contents after obtaining permission from the subscriber and extract necessary details through it for complaint registration. If the subscriber denies permission, the option to fill relevant details manually should be provided.	2(3)(g) The mobile App should auto capture call logs, SMS details along with its contents after obtaining permission from the subscriber and extract necessary details through it for complaint registration <b>subject to technical feasibility, Device and OS support.</b> If the subscriber denies permission, the option to fill relevant details manually should be provided.	This requirement is dependent on device as well as OS capabilities and cannot be mandated as a generic condition.
61		2(3)(h) The mobile App should have the option of uploading screenshot of call log and SMS content, and extract necessary details through it for complaint registration.	Not to be included.	This is not a technically feasible solution. There can be errors in capturing information from screenshots tat can lead to other issues. Filling in details is not an extraneous action for the complainant to warrant such changes. Further, the device dependent requirements should not be

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
				mandated as a generic condition, through regulations.
62		Item 2(4)(e) and 2(4)(f) shall be inserted as below:		
63		2(4)(e) The web portal should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main/Home page.	2(4)(e) The web portal should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible <del>at a prominent location without scrolling</del> on the Main/Home page.	The information and flow on the main page of website keeps on changing basis business requirements and keeping the option for UCC complaints as permanent fixture on main page suffices the requirement. 'First view' is also a device dependent word and should be removed.
64		2(4)(f) The web portal should have the option of uploading screenshot of call log and SMS content, and extract necessary details through it for complaint registration.	Not to be included.	This is not a technically feasible solution. There can be errors in capturing information from screenshots tat can lead to other issues. Filling in details is not an extraneous action for the complainant to warrant such changes.
65		Item 2(5) shall be inserted as below:		
66		<b>(5) Complaint registration through email:</b>		

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
67		<b>(a) Procedure for a customer to make a complaint by sending an email to a designated Email Id of the Access Provider.</b>		
68		(b) Format for making complaints in which a customer may register his complaint pertaining to receipt of unsolicited commercial communication.	No change is proposed	Jio already provides e-mail option.
69		(c) Details to be provided by the complainant e.g. Unsolicited Commercial Communications with date on which it was received along with content of received message or brief of content of communication.	No change is proposed	NA
70	<b>III</b>	<b>Distributed Ledger(s) for Complaints (DL-Complaints)</b>		
71	<b>11</b>	<b>Clause (c) of sub regulation 2 of the regulation 24 shall be amended as below-</b>		
72		Referred telephone number(s) (RTN), referred entity/brand name and purpose of call if provided in complaint;	No change is proposed	NA
73	<b>12</b>	<b>Sub regulation (4) of regulation 24 shall be amended as below-</b>		
74		(4) to record three years history of Sender(s) against which complaint is made or reported with details of all	No change is proposed	NA



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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		complaint(s), with date(s) and time(s), and status of complaints;		
75		Provided that for UTM/unregistered Sender, the Sender details such as name of the Sender, category of Sender as a telecom customer (individual/Enterprise), address, and other relevant details to uniquely identify the Sender shall be recorded.	No change is proposed	NA
76	<b>IV</b>	<b>Record keeping and reporting:</b>		
77	<b>13</b>	<b>Sub regulation (4) of regulation 26 shall be amended as below-</b>		
78		(4) The Authority may, from time to time, through audit conducted either by its officers or employees or through agency appointed by it, verify and assess the process followed by the Access Provider for registration and resolution of complaints, examination and investigation of the complaints and reporting to the Authority, implementation of UCC_Detect System and action taken thereof, different registration processes such as Sender registration, telemarketer registration, header registration, content	No change is proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		template registration and other processes including preference registration process, scrubbing processes, DCA process and other regulatory processes followed by the Access Providers.		
79	14	<b>Sub regulation (5) and (6) of regulation 26 shall be inserted as given below-</b>		
80		(5) The Access Providers shall provide real-time access to the Authority to various processes and databases related to complaint handling and other processes as prescribed by the Authority from time to time.		NA
81		(6) The Access Providers shall publish the following on their websites in searchable format-	No need for this requirement.	These details are already available on DLT system in live environment and there is no need to add the same in offline mode.
82		(i) Global List of Headers along with the details of associated Senders.	No need for this requirement.	As above
83		ii) Global list of 140 series allotment along with the details of associated Telemarketer/Sender.	No need for this requirement.	As above
84		(iii) Global list of 160 series allotment along with the details of associated Sender.	No need for this requirement.	As above

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
85		(iv) Information about the UCC complaints received and action taken thereon.	No need for this requirement.	As above
86		(v) Other information as prescribed by the Authority from time to time.	No need for this requirement.	As above
87	<b>V</b>	<b>Schedule -V: Action Items for preparing Code of Practice for Periodic Monthly Reporting (CoP-PMR)</b>		
88	<b>15</b>	<b>Item 1(m) shall be inserted as below-</b>		
89		OAP shall maintain Sender-wise records of complaints in the format prescribed by the Authority from time to time.	TM-D shall maintain Sender-wise records of complaints in the format prescribed by the Authority from time to time.	TSP can maintain the complaint record of telecom subscribers. The sender wise record of complaints should be maintained by TM-D only as the same is the right entity for this requirement.
90	<b>16</b>	<b>Item 2(i) shall be amended as below-</b>		
91		Total number of Senders out of reported Senders under clause (h) against whom action was taken under regulation 25.	Same as above, to be maintained by TM-D	
92	<b>17</b>	<b>Item 2 (j) shall be amended as below-</b>		
93		Breakup of total number of Senders out of reported senders under clause (h) against whom action was taken under regulation 25 for different time-periods as specified by the Authority.	Same as above, to be maintained by TM-D	
94	<b>18</b>	<b>Item 2(m) shall be inserted as below-</b>		

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
95		For all the complaints, OAP shall maintain records of Senders such as name of the Sender, category of Sender (individual/ Enterprise), address and other relevant details to uniquely identify the Sender.	Same as above, to be maintained by TM-D	
96	<b>VI.</b>	<b>Regulation 29 - Examination of telecom resources by the Authority put under outgoing Usage Cap or having been disconnected by Access Provider</b>		
97	<b>19</b>	<b>Regulation 29 shall be amended as below-</b>		
98		29. Appeal by Senders against action by Access Providers under the regulations 25 (4)(d), 25(5) and 25(6)-	To be deleted, as Authority does not have any adjudicatory powers and the same should be done by the Adjudication Officer at DoT.	
99		(1) The Authority may, if it considers expedient to do so, on receipt of an appeal from the Sender against whom action has been taken by Access Provider under the regulations 25(4)(d) for making promotional calls from series assigned for transactional calls or 25(5) and 25(6) on account of unregistered telemarketing activities, call for the relevant details from the Sender and Access Providers, and	Same as above	

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		upon examination, for reasons to be recorded,		
100		a) If the Authority finds that conclusion of investigation by the Access Provider lacks adequate evidence against the Sender, it may direct the Access Providers to restore all telephone numbers of the Sender and delete the name and address of such Sender from the blacklist.	Same as above	
101		(b) If the Sender makes a request, within sixty days of action against it, to the Authority for restoring its telecom resources and satisfies the Authority that it has taken reasonable steps to prevent the recurrence of such contravention, the Authority may by order ask Access Providers to restore all telephone numbers of the Sender and delete the name and address of such Sender from the blacklist, as the case may be, on payment of an amount of five thousand rupees per resource to the Authority for restoration of all such telecom resources, subject to the condition that the total amount payable by the Sender shall not	Same as above	

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		<p>exceed rupees five lakh. Provided that in the case of PRI/SIP trunks, each DID number shall be treated as a separate telecom resource. Provided further that the amount payable under sub-regulation 29(b) may be reduced or waived-off by the Authority where it finds merit in the response furnished by the Sender.</p>		
102	<b>C</b>	<b>UCC_Detect System</b>		
103	<b>20</b>	<p><b>In Schedule-IV: Action Items for preparing Code of Practice for Unsolicited Commercial Communications Detection (CoP-UCC_Detect),sub -item 1(d) shall be amended and 1(g), 1(h), 1(i), 1(j), 1(k) and 1(l) shall be inserted as given below-</b></p>		
104		<p>“1. Every Access Provider shall establish, maintain and operate following system, functions and processes to detect Sender(s) who are sending Unsolicited Commercial Communications in bulk and not complying with the regulation(s), and act to curb such activities:- (1) System which have intelligence at least following functionalities:- .....</p>	<p>UCC Detect systems are already in place, however, suitable change should be made for involving TM-D in process.</p>	

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
105		(d) real-time sharing of UCC detect data and insights with other access provider(s) over DLT fostering industry-wide collaboration to enhance collective ability of the industry to detect, curb and prevent UCC.	This provision is not practical to implement and should be removed.	Action on potential spammers/fraudsters identified through various mechanisms is taken proactively, without any dependency on reported complaints.
106		(g) Identifying Sender(s) based on the following signals/triggers parameters: (i) Any sender exceeding 50 outgoing calls a day, or any such number as defined by the authority from time to time shall be observed for any of the following signals/triggers parameters:	Not to be included.	This provision is not required post strict implementation of various direction issued by TRAI. Further, once the TM-D is brought under licensing framework, controls can be implemented at TM, PE level and such granular monitoring of customers will not be required.
107		a. Call recipient diversity (diversity in B-numbers) exceeds a threshold of 60% unique recipients in the day, or any such number as defined by the Authority from time to time. Diversity in B-numbers refers to the distinct call recipients (called party numbers) associated with the outgoing calls of the sender,	Not to be included.	Same as above (Sr. No.106)
108		b. The average call duration to distinct call recipients in the day is less than 10 seconds or any such number as defined by the Authority from time to time,	Not to be included.	Same as above (Sr. No.106)

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<b>Sr. No.</b>	<b>Para No. of Chapter IV</b>	<b>Proposed provision in Consultation Paper</b>	<b>Suggested Modification</b>	<b>Justification</b>
109		c. The ratio of incoming calls to outgoing calls of the sender is less than 0.2 in the day or any such number as defined by the Authority from time to time,	Not to be included.	Same as above (Sr. No.106)
110		d. The number of distinct unanswered calls to recipients of the sender exceeds a threshold of 50% calls a day, or any such number as defined by the Authority from time to time,	Not to be included.	Same as above (Sr. No.106)
111		(ii) Any sender exceeding 25 outgoing SMS a day, or any such number as defined by the authority from time to time shall be observed for any of the following signals/triggers:	Not to be included.	Same as above (Sr. No.106)
112		a. SMS recipient diversity exceeds a threshold of 15 unique recipients a day, or any such number as defined by the authority from time to time. SMS recipient diversity refers to the number of distinct SMS recipient associated with the outgoing SMS of the sender,	Not to be included.	Same as above (Sr. No.106)
113		b. The ratio of incoming SMS compared to outgoing SMS is less than 0.2 or any such number as defined by the Authority from time to time,	Not to be included.	Same as above (Sr. No.106)



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114		(iii) All mobile numbers (MSISDN) associated a with device on which 4 or more than 4 mobile numbers, or any such number as defined by the authority from time to time have been used within a month.	Not to be included.	Same as above (Sr. No.106)
115		All the sender(s) flagged based on the signal/triggers parameters as mentioned in g(i), g(ii) and g(iii) shall be treated as suspected UTMs.	Not to be included.	Same as above (Sr. No.106)
116		(h) deploying methods to detect the misuse of robotic calls, auto dialer calls or pre-recorded announcements, SIM Farm/SIM box type usage etc. Access Provider shall suspend the outgoing services of such UTMs, issue a notice, and act as per regulation 25(6).	Not to be included.	Same as above (Sr. No.106)
117		(i) Use of advanced Artificial Intelligence (AI) and Machine Learning (ML) based technological solutions for proactive UCC prevention and monitoring.	Not to be included.	Same as above (Sr. No.106)
118		(j) Monitoring social media data for identifying suspected spammers, URLs, Headers, and call-back/referred numbers etc	Not to be included.	Same as above (Sr. No.106)

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
119	21	<b>After sub-item (2) of Item 1, following shall be added -</b>		
120		(3) System to automatically take feedback from the recipients of voice calls, prescribed as below. The OAP shall establish a system to detect Senders, in real time, making more than 50 calls in a day, or such number of calls as decided by the Authority from time to time and obtain feedback from some of the recipients of these calls whether the calls received by them were Unsolicited Commercial Calls. The feedback shall be collected on the same day from at least 5% of the recipients, subject to minimum 10 recipients, chosen randomly, or such sample size as decided by the Authority from time to time. Feedback shall be collected in the form of either 'Y' or 'N' through SMS from 1909 or any other pre-defined short code. Based on the feedback, OAP shall register complaints on behalf of the recipients in the DLT system against the Senders. The feedback can be collected using a predefined message template either in CoP or by the	Not to be included.	Same as above (Sr. No.106)

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		Authority from time to time. A sample template is given below for reference -		
121		“Unusually high calls from the <number> has been noticed. You are one of the recipients of calls from this number. Kindly respond by ‘Y’ if it was a promotional call or by ‘N’ if not.”	Not to be included.	Same as above (Sr. No.106)
122		(4) System to automatically take feedback from the recipients of SMS, prescribed as below.	Not to be included.	Same as above (Sr. No.106)
123		The OAP shall establish a system to detect Senders, in real time, sending more than 50 SMS in a day, or such number of SMS as decided by the Authority from time to time and obtain feedback from some of the recipients of these SMS whether the SMS received by them were Unsolicited Commercial SMS. The feedback shall be collected on the same day from at least 5% of the recipients, subject to minimum 10 recipients, chosen randomly, or such sample size as decided by the Authority from time to time. Feedback shall be collected in the form of either ‘Y’ or ‘N’ through SMS from 1909 or any other pre-	Not to be included.	Same as above (Sr. No.106)

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		defined short code. Based on the feedback, OAP shall register complaints on behalf of the recipients in the DLT system against the Senders. The feedback can be collected using a predefined message template either in CoP or by the Authority from time to time. A sample template is given below for reference -		
124		“Unusually high SMS from the <number> has been noticed. You are one of the recipients of SMS from this number. Kindly respond by ‘Y’ if it was a promotional SMS or by ‘N’ if not.”	Not to be included.	Same as above (Sr. No.106)
125		(5) Take the following actions on the suspected spammers -		
126		(a) Bonafide use of the telecom resources assigned to such Sender shall be checked by Access Providers to ensure that it is not being used for making commercial communication. In the meantime, the outgoing services of the all the telecom resources of the Sender will be placed under suspension.	Not to be included.	Same as above (Sr. No.106)
127		(b) Reverification of such Senders shall be carried out by Access Providers as per the instruction of the Department of	Not to be included.	Same as above (Sr. No.106)

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		Telecommunications (DoT)/TRAI and taking actions accordingly.		
128		(6) Each Access Provider shall deploy one honeypot in a LSA for every 200 complaints registered in previous calendar year subject to a minimum of 50 honeypots in each LSA or any such numbers as specified by the Authority from time to time, for recording the spam messages and voice calls.	Not to be included.	Same as above (Sr. No.106)
129		(7) The spam message or call received on honeypots shall be treated as definitive proof that the Sender was involved in sending the UCC. TAP shall report such cases to OAP through DLT in real time, and OAP shall suspend the outgoing services of the Sender and shall initiate investigation as provided for in regulation 25(6).	Not to be included.	Same as above (Sr. No.106)
130		(8) Access Providers shall make available a feature for blocking spam messages/calls by the recipient in the Mobile App of the Access Providers and shall convert each such blocking it into a complaint in the DLT system.	Not to be included.	Same as above (Sr. No.106)

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
131	D.	<b>Financial Disincentive for failure to curb the unsolicited commercial communications from registered Senders/RTMs</b>		
132	22	<b>The regulation 27 shall be amended as below-</b>		
133		27. Consequences for failure to curb the unsolicited commercial communications from registered Senders/RTMs		
134		(1) When the Authority has reason to believe that any Access Provider has failed to curb the unsolicited commercial communications from registered Senders/RTMs, the Financial Disincentives shall be imposed on the Access Providers in each LSA for one calendar month as under-	Not to be included.	As mentioned above, the TSPs are just intermediaries and not responsible for the content of SMS and calls and cannot be penalized for the actions to be taken by the TM-D and PEs. Accordingly, the complete Regulation 27 should be abolished and a new section on penalties by DoT on TM-D for non-compliance with its obligation should be added.
135		(i) If OAP fails to curb UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees one thousand per count of valid complaint.	Not to be included.	Same as above (Sr. No.134)

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
136		(ii) If the Access Provider has not fulfilled its obligations as envisaged in the regulations in respect of Header registration function and Content Templates registration function, it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees five thousand per count of registration found not to be in accordance with the regulations.	Not to be included.	Same as above (Sr. No.134)
137		(iii) If the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation regarding misuse of series assigned for service/transactional call, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees one lakh per instance.	Not to be included.	Same as above (Sr. No.134)

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<b>Sr. No.</b>	<b>Para No. of Chapter IV</b>	<b>Proposed provision in Consultation Paper</b>	<b>Suggested Modification</b>	<b>Justification</b>
138		(iv) If the Access Provider is found to have misreported the count of UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees five lakhs per LSA for each month.	Not to be included.	Same as above (Sr. No.134)
139		(v) Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity to represent.	Not to be included.	Same as above (Sr. No.134)
140		(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.	Not to be included.	Same as above (Sr. No.134)
141		(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulation (1)(i), (1)(ii), (1)(iii) and 1(iv) or review the financial disincentives imposed where it finds merit in the reasons furnished by the access provider.	Not to be included.	Same as above (Sr. No.134)



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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
142	E	<b>Financial Disincentive for failure to curb the unsolicited commercial communications from unregistered Senders/UTMs:</b>		
143		<b>23. The regulation 28 shall be amended as below-</b>	The Regulation 28 and all sub-regulations should be deleted	Under the new dispensation the all-FD related provisions should be applicable on TM-D only
144		28. Consequences for failure to curb the unsolicited commercial communications from unregistered Senders/UTMs		
145		(1) When the Authority has a reason to believe that any Access Provider has failed to take action against un-registered Senders/UTMs as per the provisions of the regulations, the Financial Disincentives shall be imposed on the Access Providers in each LSA for one calendar month as under-	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
146		(i) If the Access Provider is found to have failed to take action against the unregistered Sender(s) in accordance with provisions in regulations 25(5) and 25(6), it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive as given below-	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.

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<b>Sr. No.</b>	<b>Para No. of Chapter IV</b>	<b>Proposed provision in Consultation Paper</b>	<b>Suggested Modification</b>	<b>Justification</b>
147		(a) Rupees ten thousand per instance, if the Sender is an individual category of telecom consumers and	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
148		(b) Rupees one lakh per instance if the Sender is an enterprise category of telecom consumers;	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
149		(ii) The Access Provider shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees ten thousand per count of complaint that is declared invalid on unjustifiable grounds.	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
150		(iii) If the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees one lakh per instance.	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.

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<b>Sr. No.</b>	<b>Para No. of Chapter IV</b>	<b>Proposed provision in Consultation Paper</b>	<b>Suggested Modification</b>	<b>Justification</b>
151		(iv) If the Access Provider is found to have misreported the count of UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees five lakhs per LSA for each month	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
152		(v) Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity of representing.	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
153		(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
154		(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulations (1)(i), (1)(ii), (1)(iii) and 1(iv) or review the financial disincentives imposed where it finds merit in the reasons furnished by the Access Provider.	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
155		(4) The total amount payable as financial disincentives under regulation 27 and regulation 28 shall not exceed rupees fifty lakhs per calendar month per LSA.	Not to be included.	Same as above (Sr. No.134). Further under the new dispensation the action on Senders/UTMs is the responsibility of TM-D.
156	<b>F</b>	<b>A charge up to Rs. 0.05 paisa on Promotional and Service SMS</b>		
157		24. Sub-regulation (2) of Regulation 35 shall be amended as given below- (2) Upto Rs. 0.05 (five paisa only) for each Transaction SMS;	;	It is important to bring the transactional SMS under the charging regime and any arbitrage opportunity should be removed due to difference in charge for transactional promotional and service SMSs.
158	<b>G.</b>	<b>Provisions related to Registered Senders and other Functional Entities</b>		
159		<b>25.Regulation 22 shall be amended as below-</b>		
160		“22 (1) Misuse of headers and content templates- a. If misuse of headers or content templates is noticed, traffic from the concerned Sender shall be suspended by all the Access Providers immediately till such time, the Sender files a complaint/FIR with the Law Enforcement Agencies (LEAs) under the law of land, and Sender reviews all its headers and content templates and takes corrective measures	No Changes are proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		as per the regulations to prevent misuse of its headers and other credentials.		
161		b. Delivery TM shall identify the entity that has pushed traffic from such headers or content templates into the network and file a complaint/FIR against it with the Law Enforcement Agencies (LEAs) under the law of land within two business days or in such time period as prescribed by the Authority, failing which Access Provider shall file complaint/FIR with the LEA against the Delivery TM. The entity that pushed the traffic shall be blacklisted for a period of one year.	No Changes are proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
162		(2) Whenever a Sender or Telemarketer is suspended or blacklisted by any Access Provider and its status is updated by it on DLT platform, other Access Providers shall stop traffic from such entities immediately but not later than twenty-four hours from the time of blacklisting or allow them to reregister themselves with them during the period of suspension/blacklisting.	No Changes are proposed	NA
163		(3) Access Providers shall make a mechanism for the annual verification of the following by the Senders/RTMs-	(3) <b>TM-D</b> shall make a mechanism for the annual verification of the following by the Senders/RTMs- Further, the DoT LSA unit should inspect the TM-D, Senders and TMs for bonafide use	As TM-D will be controlling the delivery of content, it should be made responsible for bonafide use of telecom resources and DoT LSA unit should monitor compliance by TM-D.
164		a. registration details of registered Senders and RTMs to ensure having up-to-date details.	No Changes are proposed barring the actions proposed to be done by TM-D	NA
165		b. all the registered headers and content templates. Failure to verify the above details shall lead to automatic suspension of registered Sender and RTMs till such time they carry out above activities.	No Changes are proposed barring the actions proposed to be done by TM-D	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
166		(4) Ensuring traceability of messages from Senders to recipients-	No Changes are proposed barring the actions proposed to be done by TM-D	NA
167		a. There shall not be more than two TMs i.e. one Aggregator TM and one Delivery TM, or as directed by the Authority from time to time to allow sufficient flexibility in the eco system and at the same to maintain proper tracing and accountability of each entity in chain.	No Changes are proposed.	NA
168		b. The use of digital platform by RTMs should be mandated that leaves the trace of the TMs when the messages pass through it.	No Changes are proposed.	NA
169		(5) The functions of Delivery TM should include ensuring that the commercial communication handled by them is traceable, and it should clearly be spelt out in the agreement between Access Provider and Delivery TM.	No Changes are proposed.	NA
170		(6) Access providers may impose financial disincentive on registered Senders and TMs and also suspend or blacklist them in case violation of the Regulations can be attributed to failure of functions assigned to such entities. If the Authority has a	(6) Access providers may suspend or blacklist registered senders and TMs in case violation of the Regulations can be attributed to failure of functions assigned to such entities.	As per their licensing conditions, the Access Providers is not empowered to impose Financial Disincentive on its consumers i.e. Senders and TMs. The DoT may frame rules under the

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		<p>reason to believe that punitive measures prescribed by the Access Providers against the registered Senders and TMs are not effective, it may order or direct the Access providers to take appropriate measures as prescribed by it.</p>		<p>‘Telecommunication Act 2023’ and penalise senders and TMs.</p> <p>Further the text “If the Authority has a reason to believe that punitive measures prescribed by the Access Providers against the registered Senders and TMs are not effective, it may order or direct the Access providers to take appropriate measures as prescribed by it.” should be removed as the Authority is not having adjudicatory powers under the TRAI Act,</p>
171		<p>(7) Access Providers may prescribe a fee for registration of the Senders, and RTMs and may also prescribe security deposits. Access Providers may also prescribe a fee for other activities as provided for in the Regulations such as header registration, content template registration etc. If the Authority has a reason to believe that there is a need to prescribe a registration fee or fee for any other activities provided in the Regulations, it may order or direct Access providers for it.</p>	<p>This needs to be altered to the effect that the TM-D would be doing the registration of the senders and RTMs.</p>	<p>As already elaborated by us in the ‘Preface’, in place of indirect control through access providers, the TM-D should be registered by the DoT and there should be sufficient security deposit to cover the possibility of FDs.</p>



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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
172		(8) Use of 160 series for service and transactional calls- The Access provide shall include it in the legal agreement with the registered Senders that it shall be sole responsibility of Sender to ensure that the 160xxx header assigned to it is used to only for making service and transactional call and no promotional content shall be mixed in it and that the Sender shall take legal action against the Telemarketer in case of its misuse by the Telemarketer.	No change is proposed.	However, the 160 series number assignment can be on national level as well, if deemed suitable by the Government and TRAI.
173		(9) Provision should be made by the Access Providers for registration of grievances by RTMs and Senders and their redressal.	(9) Provision should be made by the DoT <b>AND TM-D</b> for registration of grievances by RTMs and Senders and their redressal.	TM-D is the focal point for all Senders and RTMs, and it should have an independent grievances redressal mechanism. Grievance should be addressed by DoT as per the rules framed under the 'Telecommunication Act 2023'
174		(10) Access Providers shall enter into a legally binding agreement with all the registered Senders, all the Telemarketers with Delivery Functions (TM-DF), and Telemarketers with Aggregator Functions (TM-AF). The roles and responsibilities of the Sender and the Telemarketers as per TCCPR 2018 regulations and the	(10) Access Providers shall enter into a legally binding agreement with <del>all the registered Senders</del> , all the Telemarketers with Delivery Functions (TM-DF), <del>and Telemarketers with Aggregator Functions (TM-AF)</del> . The roles and responsibilities of the <del>Sender and</del>	The Access Provider will have contract with only TM-D and TM-D will have back-to-back agreement with all other stakeholders.

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		punitive actions that can be taken against them in case of non-compliance shall be mentioned in the agreement.	the Telemarketers as per TCCCPR 2018 regulations and the punitive actions that can be taken against them in case of non-compliance shall be mentioned in the agreement.	
175	26	<b>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item (4) shall be added to the Item 1 as given below-</b>		
176		“1. Entity Registration Functionality: (4) The registration process of Sender and the Telemarketers should include a. physical verification of the entity b. Biometric authentication of the authorized person. c. Linking of the entity with a unique mobile number.”	No change is suggested	

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
177	27	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 1(g), 1(h) and 1(i) shall be added to the Item 4 as given below-                      “4. Every Access Provider shall carry out following functions: -                      (1) Header Registration Function (HRF)                      .....</p>	<p>The COP should be aligned with the new regime once it is notified.</p>	<p>NA</p>
178		<p>(g) approval by a separate executive specially designated by the Access Provider for this purpose after carrying out additional checks and scrutiny of the justification given by the registered Sender and recording it in any of the following situations-                      (i) if the Sender has already registered 10 headers across all the Access Providers.                      (ii) if one or more of its headers were blacklisted earlier.                      (iii) any other reason specified by the Authority from time to time.</p> <p>(h) Unused headers for a period of 90 days or such period as specified by the Authority shall be deactivated temporarily through an automated process and shall</p>	<p>The COP should be aligned with the new regime once it is notified.</p>	<p>NA</p>

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		<p>only be reactivated when requested by the Senders.</p> <p>(i) When a header is blacklisted for sending commercial communications by the Sender in violation of the Regulations, the traffic from the Sender should be suspended immediately for a minimum period of one month. Traffic should be resumed only after review of the registered Sender, all its registered headers and registered content templates by the respective registrars and findings are recorded. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year.</p>		

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
179	28	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 2(g) and 2(h) shall be added to the Item 4 as given below-</p> <p>“4. Every Access Provider shall carry out following functions: -</p> <p>(2) Consent Registration Function (CRF) .....</p> <p>(g) Presenting to the recipients of commercial communication sent on the basis of inferred consent an option to revoke inferred consent and record such revoked inferred consent in the DL-Consent for its scrubbing.</p>	<p>The COP should be aligned with the new regime once it is notified.</p>	<p>The COP should be aligned with the new regime once it is notified.</p>
180		<p>(h) If a customer who has opted out wants to opt-in, it should be possible at the will of the customer. However, consent seeking request for the same purpose can be made by the same Sender only after ninety (90) days from the date of opt-out.</p>	<p>No Changes are proposed</p>	

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
181	29	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 3(h), 3(i), 3(j), 3(k), 3(l) and 3(i) shall be added to the Item 4 as given below-</p> <p>“4. Every Access Provider shall carry out following functions: -</p> <p>(3) Content template Registration Function (CTRF)</p> <p>.....</p> <p>(h)to register the content template for commercial communications through pre-recorded message/call or robo call using Auto Dialer that shall be mandatorily scrubbed before the delivery of the call to the recipient.</p>	<p>The COP should be aligned with the new regime once it is notified.</p>	<p>The COP should be aligned with the new regime once it is notified.</p>
182		<p>(i). The approval of content template registration shall be carried out by a separate executive specially designated by the Access Provider for this purpose after carrying out additional checks and scrutiny of the justification given by the registered Sender and recording it in any of the following situations-</p> <p>(i) if the Sender has already registered 25 content templates across all the Access</p>	<p>The COP should be aligned with the new regime once it is notified.</p>	<p>The COP should be aligned with the new regime once it is notified.</p>

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		<p>Providers.                      (ii) if any of its content templates were blacklisted earlier.                      (iii) any other reason specified by the Authority from time to time.</p>		
183		<p>(j) Unused content templates for a period of 90 days or such period as specified by the Authority shall be deactivated temporarily through an automated process and shall only be reactivated when requested by the Senders.”</p>	No Changes are proposed	NA
184		<p>(k) A content template cannot be linked to multiple headers.</p>	No Changes are proposed	NA
185		<p>(l) Only whitelisted URLs/APKs shall be used in the content templates. No short URLs to be allowed in the content templates unless it is whitelisted and also contains the name of brand/entity.                      (i) The content template should be blacklisted when an RTM complaint is caused due to wrong registration of the content template. Blacklisting of 5 content templates of any registered Sender shall result in suspension of the Sender till such time, its all-other content templates are reverified, subject to a</p>	No Changes are proposed	NA

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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
		<p>minimum period of one month. The OAP that blacklisted the 5th template shall be responsible for suspension of the Sender and for revocation of the suspension after due verification of all the templates. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year.</p>		
186	<b>H</b>	<b>Action against the Senders and Telemarketers by the Authority:</b>		
187		<b>30. Regulation 33 shall be amended as given below-</b>		
188		<p>(1) Where the Authority has a reason to believe that any registered or unregistered Sender of commercial communications has contravened the provisions of these regulations, and the Access Provider has not taken action against such Sender as per the provisions of the regulations, the Authority may order or direct access provider(s) to take action against such Sender as per the provisions of the regulations;</p>	<p>(1) Where the Authority has a reason to believe that any registered or unregistered Sender of commercial communications has contravened the provisions of these regulations, and the <b>TM-D</b> has not taken action against such Sender as per the provisions of the regulations, the Authority may order or direct TM-D to take action against such Sender as per the provisions of the regulations;</p>	<p>The TSP will have no relation with the sender barring providing access services and all action against sender should be taken by TM-D.</p>



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Sr. No.	Para No. of Chapter IV	Proposed provision in Consultation Paper	Suggested Modification	Justification
189		<p>(2) Where the Authority has a reason to believe that any registered or unregistered Telemarketer has contravened the provisions of these regulations, and the Access Provider has not taken action against such Telemarketer as per the provisions of the regulations, the Authority may order or direct access provider(s) to take action against such telemarketer as per the provisions of the regulations. Provided, the Sender and telemarketer can submit an appeal to the Authority against action as per the above regulation.</p>	<p>(2) Where the Authority has a reason to believe that any registered or unregistered Telemarketer has contravened the provisions of these regulations, and the <b>TM-D</b> has not taken action against such Telemarketer as per the provisions of the regulations, the Authority may order or direct <b>TM-D</b> to take action against such telemarketer as per the provisions of the regulations. <del>Provided, the Sender and telemarketer can submit an appeal to the Authority against action as per the above regulation.</del></p>	<p>The TSP will have no relation with the sender barring providing access services and all action against sender should be taken by TM-D. Further, the Authority does not have any adjudicatory powers.</p>