

भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India

July 24, 2024

ORDER

Subject: Order under section 12 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) to the Access Providers to furnish information in respect of senders and Unregistered Telemarketers (UTM) who are violating the provisions of the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018).

F. No. D-27/1/(1)/2024-QoS (E-13278). Whereas the Telecom Regulatory Authority of India (hereinafter referred to as the “Authority”), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as “TRAI Act”), has been entrusted with discharge of certain functions, *inter alia*, to ensure compliance of terms and conditions of licence; regulate the telecommunication services; protect the interests of consumers of the telecom sector; ensure technical compatibility and effective inter-connection between different service providers; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

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

3. And whereas regulation 24 of the regulations, *inter alia*, provides that every Access Provider shall establish or cause to establish Distributed Ledgers for Complaints (DL-Complaints) with requisite functions, processes and interfaces:-

- (1) to record complaints and reports regarding violation of regulations made by the customer in the Distributed Ledger for Complaints (DL-Complaints) in an immutable and non-repudiable manner;
- (2) to record, *inter alia*, resolution status of the complaint or report regarding violation of regulations;
- (3) to record three years history of complainant with details of all complaints made by him, with dates and times, and status of resolution of complaints;
- (4) to record three years history of senders against which complaint is made or reported with details of all complaints, with dates and times, and status of resolution of complaints;
- (5) to interact and exchange information with other relevant entities in a safe and secure manner; and
- (6) to support any other functionalities as required to carry out functions provided for in these regulations;

4. And whereas regulation 25 of the regulations, *inter alia*, provides that every Access Provider shall establish systems, functions, and processes to resolve complaints made by the customers and to take remedial action against senders as provided in the said regulation, and

in case the complaint is related to a Unregistered Telemarketer (hereinafter referred to as “UTM”), for third and subsequent instances of violations, all telecom resources of the sender shall be disconnected for a period up to two years and Originating Access Provider (OAP) shall put the sender under blacklist category and communicate to all other Access Providers to not to allocate new telecom resources to such sender for up to two years from the date of such communication;

5. And whereas regulation 26 of the regulations, *inter alia*, provides that every Access Provider shall maintain records of complaints and submit reports to the Authority, and the relevant provisions of regulation 26 reads as under:-

“(2) Every Access Provider shall maintain records of complaints, from its customers and received from Terminating Access Providers, against unregistered senders for sending unsolicited commercial communications on daily basis for each service area and submit performance monitoring report to the Authority as and when required in a format as prescribed.

(3) Every Access Provider shall submit to the Authority its compliance reports in respect of unsolicited commercial communications, complaints or reports from its customers in such manner and format, at such periodic intervals and within such time limits as may be specified by the Authority, from time to time, by an order or direction;

(4) The Authority may, from time to time, through audit conducted either by its own 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.”;

6. And whereas section 12 of TRAI Act empowers the Authority, where it considers it expedient so to do, to call upon any service provider, by order in writing, to furnish in writing, such information or explanation relating to its affairs as the Authority may require;

7. Now, therefore, in exercise of the powers conferred upon it under section 12 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with the provisions of the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018), the Authority hereby directs all Access Providers to furnish to the Authority, within five business days from the date of issue of this order, duly signed hard copy and soft copy of the following information:-

- (a) the details in respect of UTM numbers listed in **Annexure-1**, in the format specified in the said Annexure in MS-Excel format; and
- (b) the details in respect of the twenty-five (25) senders against whom maximum number of UTM complaints have been recorded during the quarter April-June, 2024, in the format specified in **Annexure-2** in MS-Excel format, along with information regarding telecom resources allocated to the sender.

(मनीष जैन/ Manish Jain)

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To

All Access Providers

