



RJIL/TRAI/2017-18/565

09th November 2017


To,
Sh. Asit Kadayan
Advisor (QoS),
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, New Delhi 110002

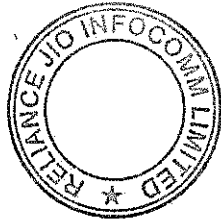
Subject: Comments on Consultation Paper on 'Unsolicited Commercial Communication'
dated 14.09.2017.

Dear Sir,

Please find enclosed herewith comments of Reliance Jio Infocomm Ltd. on the consultation paper on 'Unsolicited Commercial Communication' dated 14.09.2017, for your kind consideration.

Thanking You,
For **Reliance Jio Infocomm Limited,**


Kapoor-Singh Guliani
Authorised Signatory



Enclosure: As above.

**RELIANCE JIO INFOCOMM LTD'S (RJIL) COMMENTS ON TRAI'S CONSULTATION PAPER ON
"UNSOLICITED COMMERCIAL COMMUNICATION"
(Consultation Paper Dated 14th September 2017)**

General Comments:

1. RJIL welcomes the Authority's decision to issue this consultation paper to deliberate the measures to improve the efficacy of 'The Telecom Commercial Communications Customer Preference Regulations, 2010' ("TCCCPR") and to strengthen the regulatory oversight governing Unsolicited Commercial Communication ("UCC"). The Authority has raised various valid concerns and possible mitigation measures to eradicate the continued issue of UCC, which continues to persist.
2. As noted in the consultation paper, the Authority has taken numerous initiatives since 2007 to mitigate the problems of UCC and the Authority's efforts have borne fruit in curbing voice UCC to a large extent. Only remaining concern with Voice UCC is the need of continuously updating the detection mechanisms to meet the new challenges faced due to innovations by unscrupulous elements. The Authority has valid concerns regarding UCC through SMS and we are hopeful that this consultation process will lead to addressing these concerns as well.
3. The TCCCPR regulations are in place for 7 years with 16 amendments over the years. We agree with the Authority that there is scope of incremental improvements to increase the efficacy of the regulations. The primary customer centric reform can be the reduction of time line for registration to DND to 2 days from the existing timeline of 7 days. Another aspect that Authority has been focussing on is the use of mobile applications for DND registration. We submit that this is a very consumer friendly mode and should be promoted.
4. The UCC complaint resolution mechanism has been the most widely discussed and amended portion of the TCCCPR. We submit that a suitable complaint mechanism has been evolved and there is no need to alter the basic structure of this mechanism. The Authority may explore the possibility of early barring of the telecom resources allocated to Unregistered TMs (UTM) post an advance notice and an opportunity of being heard. The Authority may also explore the possibility of blacklisting basis the Aadhaar number of the violators, in order to avoid wrong disconnections.
5. We further submit that some of the suggested measures may not be consumer friendly for instance family based registration for DND, as this will be against the concept of individual choice. There are likely to be cases where different family members have different preferences and it will not be fair to impose one preference on all. We would also point out that it takes a long time to popularise the registration preference and increasing more



granularity and increasing the number of preferences will act against the consumer interests, the current options are sufficient.

6. We submit that the authentication mechanism of the Registered Telemarketers ("RTM") and Transactional Message Sending Entities ("TMSE") is well thought out. It is based on the well evolved and time-tested subscriber verification methodologies prescribed by the Department of Telecommunications ("DoT"). The RTMs and TMSEs are required to take the telecom resources post following the mandated subscriber verification process and agreeing to the terms and conditions on the Customer Application Form ("CAF"). These entities are then required to execute the mandated agreements and furnish security deposits before commencing activities. Therefore it is evident that the RTMs and TMSEs are solely responsible for the bonafide use of the telecom resources allotted to them and they remain accountable for any misuse thereof in compliance with the CAF terms and conditions. Accordingly, RTMs and TMSEs should be solely responsible for scrubbing any contents passing through their network, notwithstanding the existence of intermediaries or aggregators.
7. The Authority should ensure greater probity and responsibility at the RTMs and TMSEs end. One measure can be to mandate these entities to install a signature solution similar to one mandatorily implemented in Telecom Service Provider's ("TSP") network for filtering promotional content. The Authority can evaluate increasing the security deposit made by RTM to TSPs as another measure to filter out the non-serious or bogus registrations. It is also suggested that stand alone TMSEs should also be mandatorily registered with the Authority before they are permitted to offer services.
8. We submit that the implementation of Aadhaar based e-KYC subscriber verification process since August 2016 has greatly addressed the issue of illegally acquired mobile connections. The Authority's concern regarding unlawful telemarketing activities through connections acquired illegally will be further addressed post the completion of re-verification of existing mobile subscribers in compliance with Hon'ble Supreme Court order dated 06.02.17. This will have the effect of weeding out fraudulent connections by unscrupulous elements. Further, it would be easy to identify details of any unregistered TM based on the demographics details captured on CAF as part of e-KYC process.
9. We empathise with the Authority's concern towards many unregistered entities in Commercial or transactional messages value chain like Content Providers ("CP") and aggregators etc., however we submit that all effective controls can be deployed through the existing registered entities in the value chain, which directly deal with TSPs and are registered with the Authority. As suggested earlier, the TMSE should be a registered entity only. RTMs and TMSEs can be mandated to declare the header assignment details and aggregators' details to TSPs for uploading on NCPR. Further, the characters in the SMS header can be increased to include the header assignment details and aggregators' details. Another enabling solution can be development of centralised repository for TSPs to share



new patterns identified through similar signature with other TSPs. This database should be equipped with suitably programmed AI.

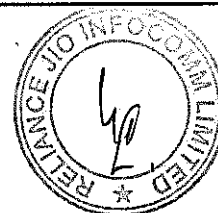
10. We welcome the Authority's decision to relook into penalties being levied upon TSPs for UCC done by bonafide subscribers. We submit that TSPs are not responsible for any UCC by an Unregistered TMs (UTM) using its telecom resources. As per the CAF terms and conditions, the subscriber is bonafide user of the connection and he/she alone is accountable for any misuse of the services. In compliance with the TCCCPR, the TSPs obtain an undertaking from a subscriber that the connection will not be used for telemarketing. Thus clearly an UTM is a wilful defaulter and the TSP should not be liable for any illegal activities by such subscribers, as it has no means to identify that the information being provided is incorrect. In fact the TSPs also become aware of the URM activities based on customer complaint. Therefore any penal action against the TSPs for unregistered telemarketing activities is unfair and against the principles of natural justice. Therefore we submit that penal and financial disincentive provisions for TSPs may be repealed forthwith.

11. Additional suggestions

- a. Calls from registered charitable institutions, survey agencies, NGOs should be exempted from definition of UCC. There should be provision for such organisations to register with the Authority and declare the number/ PRI ranges to be used for the purpose. Only violations should result in registration to be terminated, post validation.
- b. The NCPR portal may develop a system to maintain and manage a database of spam numbers, and share this data with all TSPs to block all incoming calls from such numbers. Threshold for such spam tagging should be well defined. This database should be refreshed regularly so that any recycled number user is not inconvenienced. Further there can be a provision for a wrongly tagged spam customer to get his number removed from the spam database.

12. Conclusion:

1. The timelines for registration may be reduced for 2 days.
2. The scope of complaint resolution mechanism may be increased by accepting complaints against UTMs from unregistered subscribers.
3. RTMs and TMSEs may be made accountable for misuse of the telecom resources allocated to them. The security deposits may be increased. These entities may be mandated to implement signature solution.



4. Standalone TMSEs should be registered entities and they should be made liable for mixing promotional content with transactional content.

5. The penal provisions for TSPs should be done away with.

Issue wise response:

Q. 1. To what extent, time required for registration and enforcement can be reduced? For achieving reduced time lines, what changes in processes or in different entities e.g. PCPR, NCPR, CPDB may be required? Will providing scrubbing as a service for RTM reduces time? Please give your suggestions with reasons.

Response:

1. RJIL submits that there is a scope of reduction in timeline for DND registration from current 7 days to 2 days. We agree with the Authority's view that with current technological advancements the entire DND registration process may be automated on real time or near-real time basis which will lead to reducing the timelines for registration process from current 7 days to 2 days.
2. We propose the following process and steps to be taken by different entities to achieve the reduction in timelines:

(A) Registration of Request in Customer Preference Registration Facility (CPRF):

Step 1: Customer registers / requests for change to DND on 1909 or through other medium as mentioned in schedule – I of the Regulation.

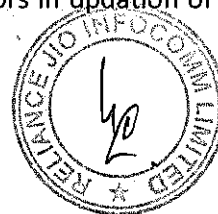
Step 2: TSP to verify the validity and completeness of the request and issue URN for each successful request within an hour of receiving the request. The verified data should be captured in the CPRF.

Step 3: The CPRF should be uploaded on Provider Customer Preference Register (PCPR) on real time basis. Internal checks may be built so as to ensure that 100% data from CPRF is uploaded in PCPR.

There should be no change in the details captured in PCPR as proposed in the Principal Regulation.

(B) PCPR:

Step 4: TSP should update National Customer Preference Register (NCPR) through PCPR once in 24 hours, as is being done currently. Any errors in updation of files



from PCPR to NCPR may be scripted for immediate identification and resolution. The process of re-verification of data once uploaded by TSP on NCPR may be done away with.

(C) NCPR:

Step 5: The agency should update NCPR with the data received from TSP through PCPR at least once in 24 hours i.e. at 0300 hrs.

Step 6: The delta data from final updation may be uploaded on a cloud based platform wherein the telemarketers can query the target customer file and can fetch filtered data for purpose of telemarketing.

3. The above process will ensure that all registration/ deregistration/ change in registration request from subscribers will be updated in 48 hours from receipt of such request post successful verification.
4. Further, we submit that curtailing the time period for Mobile Number Portability (MNP) to 1 day will also help in reducing the time period for DND registration.

Q. 2. How to ensure availability of Mobile Apps for registering preferences and complaints and for de-registration for all types of devices, operating systems and platforms? Whether white label TRAI Mobile App may be bundled along with other Apps or pre-installed with mobile devices for increasing penetration of app? For popularizing this app, what other initiatives can be taken? Please give your suggestions with reasons.

Response:

1. The Authority has aptly recognised that the mobile applications are the easiest and most convenient means to access details of one's account through single touch. Currently all TSPs provide self-care applications to their subscribers. The self-care applications have a wide reach and acceptability.
2. The Authority may leverage this medium for the purpose of curbing UCC. The Authority may mandate all TSPs to make available the option to register and deregister preferences related to DND on their self-care apps. These application should also provide an interface to register DND related complaints by the subscribers.
3. The Authority may join hands with TSPs to promote the usage of self-care applications as well as the TRAI application. The TSPs can provide periodic information/ impart knowledge to consumers about these applications and their associated benefits through bulk SMS broadcast to their subscriber, once in 6 months. Additionally this information can be made



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a part of the postpaid billing statements and welcome letter/ welcome emails being sent to subscribers at the time of availing connection.

4. Further, the Authority may also reach out to the masses to popularise its application as an alternative way to launch complaints through advertisements in TV, Radio, print media etc.
5. RJIL does not support the bundling of TRAI mobile application with other Applications as this will be a forced choice for the subscribers. Further the simultaneous availability of the facility to lodge same complaint through multiple applications may lead to confusion in minds of subscribers and may lead to duplicity of complaints, i.e. same complaint registered through different platforms.

Q. 3. In case of Mobile Number Portability (MNP), what process may be defined for retaining the status of customer for preference registration? Please give your suggestions with reasons.

Response:

1. We agree with the Authority's view that DND preference of a customer does not change with the change in the service provider and thus we support its view that consumers' preference of DND registration should not change even if the consumer switches over the TSPs through MNP.
2. Please find below suggested process to maintain the DND preference on the customer mobile number post undergoing porting process:
 - i. The recipient TSP, one day post activation of port-in subscriber, should be permitted to pick up the DND registration status of all port-in activations from D-1.
 - ii. In case the subscriber is already registered in NCPR, the recipient TSP shall update the same in its PCPR and subsequently in NCPR.
 - iii. NCPR, upon receipt of the request from new TSP, shall update the status of DND registration with date of receipt of update and name of recipient TSP.
 - iv. All earlier status against such MSISDN needs to be updated with a tag indicating port out from TSP1 to TSP2.
 - v. NCPR should have restriction on deregistration by operator other than the one who has last registered the preference on NCPR.
3. We submit that the above process will help achieve the objective of keeping the DND preference intact on porting from one TSP to another.



Q. 4. How bulk registration may be allowed and what may be the process and documents to register in bulk on behalf of an organization or family? Please give your suggestions with reasons.

Response:

1. We submit that opting for full or partial DND for an individual customer is an individual choice and decision for such registration should be left to the individual. We recommend that there is no discernible circumstances prompting the need of family level DND.
2. As mentioned in the general comments, family based bulk registration will lead to imposition of individual's choices on a group, thus affecting the choices of family member.
3. The Authority is well aware that there can be scenarios where different members of a family can have different preferences. While the father may be interested in receiving promotional messages related to banking and financial institutions, the daughter may be interested in the telecom products. Thus providing one member with a right to restrict promotional message choices of another may not be fair.
4. The Authority should not consider this bulk registration for family and may leverage the registered subscribers to proliferate the knowledge about this option to their family members and friends. However, the Authority may permit the bulk registration for organisations or corporates.
5. With regards to the bulk DND option for organisations, we reiterate our submissions to the Draft Telecommunication Mobile Number Portability (Amendment) Regulations, 2017 stating that the corporate connections are by definition the connections owned and paid for by the Corporate with no individual ownership of mobile numbers. Therefore the decision on the DND option or porting of such connections would also be a corporate decision, therefore one DND request and one UPC for all corporate connections should be sufficient.

Q. 5. Is there a need to have more granularity in the choices to actually capture customers interest and additional dimensions of preferences like type of day, media type(s)? What will be impact of additional choices of preferences on various entities like CPRF, PCPR, NCPR, CPDB etc.? Please give your suggestions with reasons.

Response:

1. We appreciate that the Authority is desirous of providing more granularity in the choices of preference to subscribers, however, we believe that this may lead to more problems. We submit that the time period required to educate the subscribers on current options is



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very large and the proposed changes will make this task more difficult. This will create a category of subscribers who are aware of earlier options and continue to work on the same.

2. This may also lead to complications and confusions for both customers as well as RTMs. Also, all systems NCPR/ PCPR/ CPDB will become more complex and may have an impact on their performance and response time. This may also have effect on online scrubbing as a service due to overload on the NCPR system.
3. Therefore we suggest to continue with the existing preference choices for now.

Q. 6. Should the scope of UCC regulation be enhanced to include unwanted calls like silent, obnoxious, threatening calls etc. and unauthorized communications? What role government or constitutional organizations may play in curbing such activities? Please give your suggestions with reasons.

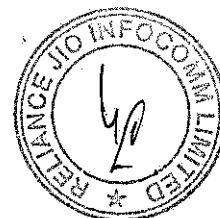
Response:

1. We submit that the TCCCPR regulations pertain only to commercial and transaction related communication. It would be prudent to limit the scope of these regulations to such calls only.
2. Unwanted calls such as obnoxious calls, threatening calls which are made with mala fide intent to cause mental, physical or economic damage to an individual, do not have any telemarketing related content and should remain out of the scope of TCCCPR regulation.
3. We submit that the Authority may carry out a separate consultation on such calls. The Authority may evolve a suitable regulatory and penal framework for such communications in association with DoT and other concerned bodies in compliance with applicable laws. TSPs are not the competent entities to identify and take action against such callers.

Q. 7. What steps may be taken to address the issues arising from robo-calls and silent calls? What are the technical solutions available to deal with the issue? How international co-operation and collaboration may be helpful to address the issue? Please give your suggestions with reasons.

Response:

1. We appreciate the forward looking approach of the Authority to discuss this possible future menace, as the unscrupulous telemarketers are known to enhance their system to include all such new innovations.



2. We submit that there is no need to take any hasty steps in this case. The Authority and TSPs should evaluate this issue as it evolves. Initially, in case the UCC calls are identified as robo-calls, TSPs should treat such calls at par with any other UCC voice calls. The UCC regulation for voice calls will be applicable to the robo-calls as well.
3. However, in case post the initial case to case basis handling, the Authority observes that the number of such cases is increasing, a coordination mechanism may be developed amongst the TSPs, where the TSPs share the information on robo-calls and such numbers are blocked across all networks, thus creating an effective deterrent to such telemarketers.

Q. 8. For robust verification and authentication of telemarketer getting registered, what changes in the process of registration, may be introduced? Please give your suggestions with reasons.

Response:

1. It is submitted that the current verification and authentication of Telemarketers in accordance with DoT guidelines and Regulations issued by the Authority is robust and appropriate. In fact, by registering themselves as TMs, the telemarketers indicate their intentions to abide with the TCCPR Regulations laid by the Authority from time to time. Therefore, we submit that no further changes are required.
2. Further, the implementation of the TMSE registration will further strengthen the process.

Q. 9. Should registration of other entities such as content providers, TMSEs, Principal Entities, or any other intermediaries be initiated to bring more effectiveness? Whether standard agreements can be specified for different entities to be entered into for playing any role in the chain? Please give your suggestions with reasons.

Response:

1. We submit that the standalone TMSEs should be mandated to register themselves with the Authority in addition to executing the agreement with TSPs. Further, the Authority may introduce suitable deterrents for TMSEs to avoid any misuse of telecom resources in violation of the Regulations.
2. We reiterate our submissions in the General comments that there is no need for registering additional intermediaries in the UCC messages chain. The Authority should regulate the process through the primary/ principal entities i.e. registered telemarketer and the TMSEs. Registering new entities will not bring in additional effectiveness, in fact it



can be counterproductive as too many registered entities will lead to disputes and ambiguity on accountability which should be avoided.

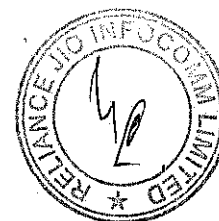
3. Further, we submit that only RTMs and TMSEs should be directly and solely responsible for any UCC generated through their network. In case the Authority is desirous of further streamlining the process, it has the option of issuing additional provisions governing the conduct of RTMs and TMSEs vis-à-vis any third party vendors. These provisions can be incorporated in the RTMs and TMSEs agreements.
4. We submit that a large portion of UCC messages today are observed to have promotional content under transactional headers. This can be curtailed by mandating the TMSEs to deploy anti-spam systems in their platform to identify and block messages basis keyword/ phrases etc. Further, the concept behind transactional messages is to send service communication, and these will not necessarily be required to be sent to bulk users simultaneously through a file. Therefore TMSEs can monitor bulk SMSs being sent to a large target base uploaded vide an excel/ csv/ notepad file and can take suitable actions.

Q. 10. Whether new systems are required be established for the purpose of header registration, execution and management of contract agreements among entities, recording of consent taken by TMSEs, registration of content template and verification of content? Should these systems be established, operated and maintained by an independent agency or TRAI? Whether agency should operate on exclusive basis? What specific functions these systems should perform and if any charges for services then what will be the charges and from whom these will be charged? How the client database of TMSEs may be protected? Please give your suggestions with reasons.

And

Q. 11. Whether implementation of new system should full edged since beginning or it should be implemented in a phased manner? Whether an option can be given to participate on voluntary basis? Please give your suggestions with reasons.

And



Q. 12 Whether scrubbing as a service model may be helpful for protection of NCPR data? Whether OTP based authentication for queries made by individuals on NCPR portal may be helpful to protect NCPR data? What other mechanisms may be adopted to protect the data? Please give your suggestions with reasons.

Response:

1. We submit that the current process of TSPs assigning header to the RTMs and TMSEs is working well and should be continued. In this process the RTMs and TMSEs are required to maintain the records related to header assignment.
2. As submitted earlier, the registration of TMSEs should be made mandatory, which will ensure that all headers allocated by TSPs to TMSEs are declared on the NCPR. An additional measure can be to mandate the TSPs to declare all headers issued by it to RTMs and TMSEs along with the name/ details of their content provider/ clients/ end user. This information should be furnished by the RTM/TMSE at the time of sourcing new headers from the TSP. These headers may be kept unique for easy identification.
3. We do not see any need to appoint a separate agency or developing a new system as the requisite details can be incorporated in NCPR portal, which is already owned and managed by the Authority. Thus, the existing system may be upgraded suitably. These upgrades may be implemented in a full-fledged manner and all stake holders (TSPs, RTMs and TMSEs) may be mandated to participate.
4. We also submit that in order to protect the client database, the current process of downloading entire NCPR base may be discontinued and scrubbing as a service may be introduced wherein these entities upload their target database for scrubbing from the NCPR, thus protecting the client database to a larger extent.
5. To ensure further confidentiality and control, upload of data for scrubbing may be enabled through password protected user credentials. OTP based authentication for queries made by individuals can also be introduced. However, such OTP based authentication should be mapped with date and time as a primary key which should be valid for a particular period, which should not exceed 24 hours from generation of OTP. This mechanism should help to protect customers' data to a greater extent.



Q. 13. What interface and functionality of NTR system may be made available to Principal entities for managing header assignments of their DSAs and authorized agents? How it may be helpful in providing better control and management of header life cycles assigned to DSAs and authorized entities? Please give your suggestions with reasons.

Response:

1. As suggested in our earlier submissions, RTM and TMSEs should own absolute, unconditional responsibility for all communications from their account/ resources allocated to them. Any interface or functionality to introduce any other entities (apart from TSPs, RTMs, TMSEs) will lead to complexity and lesser transparency. The current arrangement with higher degree of ownership and responsibility with the RTMs & TSMES should suffice, provided there is a mechanism to provide unique headers to all RTMs and TMSEs.

Q. 14. What changes do you suggest in header format and its structure that may be done to deal with new requirements of preferences, entities, purpose? How principal entities may be assigned blocks of headers and what charges may be applied? What guidelines may be issued and mechanism adopted for avoiding proximity match of headers with well known entities? Please give your suggestions with reasons.

Response:

1. We submit that the headers assigned by RTMs / TMSEs to Principal Entities should be unique. We understand the gravity of issues caused by similar headers assigned by different TSPs. To remove this confusion, the TSPs may be mandated to ensure that each header allocated by them is unique. Further the RTMs and TMSEs may be required to declare the details of the content providers to ensure no duplicity or similar headers being allocated.
2. Further, we understand that the current length of 6 characters may not suffice in case the intent is to identify the aggregator responsible for sending the message through RTM/ TMSE as well. One possible solution can be to increase the characters of header suitably which can incorporate details of both Content Provider (CP) and aggregator responsible for sending the message on behalf of CP, for e.g. character of headers may be modified to 9 character after '-' as XX-AAAAAABBB wherein characters are denoted in following way
 - i. The first two characters 'XX' denotes TSP and Circle from where the message is being sent
 - ii. '-' character acts as a separator between the TSP and Content Provider
 - iii. 'AAAAAA' shall be identity of the Content Provider



- iv. 'BBB' shall denote the aggregator / end user on whose behalf RTM/TMSE has sent a message.
 3. Such an arrangement will not only lead to unique header assignment by TSPs to its RTMs/ TMSEs but shall also help in easy identification of CP and end user entity responsible for sending message through RTM/ TMSE.
 4. Furthermore, so as to avoid duplicity of header assigned by multiple TSPs to multiple RTMs/ TMSEs, the NTPR may be provisioned to reject any duplicate header being uploaded after checking with the existing database.
 5. Well known entities like banks and financial institutions should declare all headers used by them and also provide the possible misleading headers with proximity to such headers to NCPR portal through their service providers. The portal can disallow allocation of proximity headers basis the merits of the case.
- Q. 15. Whether voice calls should be permitted to TMSEs and how these can be identified by the customers? How intelligent network (IN) or IP Multi-media subsystem (IMS) based solutions may be useful for this purpose and what flexibility it may provide to TMSEs in operating it and having control on its authorized entities? Please give your suggestions with reasons.**

And

- Q. 16. What steps need to be initiated to restore the sanctity of transactional SMS? What framework need to be prescribed for those transactional SMS which are not critical in nature? Please give your suggestions with reasons?**

Response:

1. There is no issue in mode of transactional communication be it SMS or voice as long as the communication is purely for transactional purpose i.e. it does not contain any promotional message tagged to the transactional message or on standalone basis.
2. It is further submitted that such voice calls and SMS should be restricted till end of particular transaction. In other words, in case of transactional messages, deemed consent of customer should be availed only till the end of particular transaction. Further in case of service messages for long term/ short term service availed by the customer, it should be ensured by TMSE that all service related messages should be sent from 5 digit short code with a return path to allow subscriber to opt out within specified time period say 48 hours. In case of no response from customer within the specified period of sending such message, it should be considered as consent by the customer to receive such communication related



to the service. Such service related communication may also be made through voice call with an option being provided to customer to opt out of such voice call.

3. We also submit that all transactional message should be treated equally and should not be categorised as critical and less critical as such subjectivity may lead to confusion amongst TMSEs, subscribers and increased complaints to TSPs and the Authority.

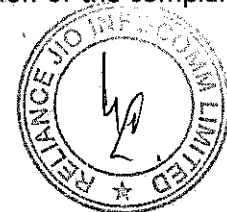
Q. 17. To what extent, present gap between time when UCC complaint was made and time when this was resolved can be reduced? What changes do you suggest to automate the process? Please give your suggestions with reasons.

And

Q. 18. How the medium of Customer Complaint Resource Functionality (CCRF) with pre-validation of data e.g. Mobile App, Web Portal etc. may be helpful to achieve better success rate in complaint resolution process? Please give your suggestions with reasons.

Response:

1. We reiterate our submissions that the complaint management system under the TCCCPR regulations is robust and does not require major changes. The complaint handling process is well defined.
2. Under this process, TSPs receive UCC related complaints from various modes i.e. voice, SMS, email etc. On receipt of the complaint, TSPs are required to check the date of registration for DND and Date of Receipt of complaint as per the criteria defined in the Regulation to ascertain the validity of the complaint. On validation, the authenticated complaints are sent by terminating TSP (TAP) to Originating TSP (OAP) for further action. The Originating TSP further validates the complaint and initiates requisite action against the Telemarketer and communicates the same to the TSP who had received the complaint. This resolution is in turn informed to the subscriber.
3. In view of the detailed process discussed above and the volume of complaints received, the current timelines for complaint resolution are justified and should be continued. The Authority may also bear in mind that there are other checks such as the requirement to ensure definite action only against the genuine complaints, requirement to ensure that no disconnection of an individual happens due to invalid complaint etc., justifying the need of continuing with current timelines.
4. As mentioned in our general comments, one possible change can be the early barring of telecom resources allocated to a UTM post an advance notice and an opportunity of being heard. The outgoing services may be barred immediately on validation of the complaint



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with the CDRs and notice of disconnection should be issued to the customer. Telecom resources should be disconnected if no reasonable and admissible justification is received within 3-4 days. In the meantime, the complaint may be closed basis barring. UTM details should not be published on the NCPR for blacklisting till a final decision is taken on unbarring or disconnection.

Q. 19. Whether access providers may be asked to entertain complaints from customers who have not registered with NCPR in certain cases like UCC from UTM, promotional commercial communication beyond specified timings, fraudulent type of messages or calls etc.? What mechanism may be adopted to avoid promotional commercial communication during roaming or call forwarding cases? Please give your suggestions with reasons.

Response:

1. Such customers should be encouraged to register their preference in the NCPR before lodging complaints. This will be one mode to popularise the exercise of option by customers.

Q. 20. How the mobile App may be developed or enhanced for submitting complaints in an intelligent and intuitive manner? How to ensure that the required permissions from device operating systems or platforms are available to the mobile app to properly function? Please give your suggestions with reasons.

Response:

1. It is submitted that no major action is required at TSPs end to enable UCC complaints through mobile application. TSPs can introduce mobile application/ enhance features of existing mobile application so as to enable registration of UCC by the customer.
2. Such applications can be designed to auto verify the basic criteria for registration i.e. 7 days from registration in NCPR and complaint received by TSP within 3 days from receipt of UCC. The applications may be designed to access the call log/ SMS details of the subscriber, subject to his consent, through which the subscriber can directly select the telemarketer details and send it online to TAP for further action.



Q. 21. Should the present structure of financial disincentive applicable for access providers be reviewed in case where timely and appropriate action was taken by OAP? What additional measures may be prescribed for Access Providers to mitigate UCC problem? Please give your suggestions with reasons.

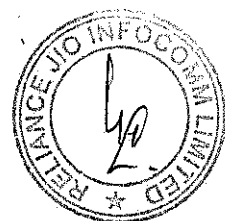
And

Q. 22. Whether strict financial disincentives should be levied for different types of techniques like robocall, auto-dialler calls for UCC? Please give your suggestions with reasons.

Response:

1. We reiterate our submissions in the General comments that the TSPs are taking every possible measure to initiate suitable actions against the Telemarketers against whom UCC complaints are found to be valid. Further, TSPs are complying with all the Regulations and Directions issued by the Authority from time to time in this matter in addition to *suo-moto* initiatives to curb UCC menace like deploying intelligent systems with set of algorithm which identifies possible commercial/ telemarketer usage by subscribers.
2. Further, the TSPs cannot be held responsible for any UCC by an UTM using its telecom resources. As per the CAF terms and conditions, the subscriber is bonafide user of the connection and he/she alone is accountable for any misuse of the services. In compliance with the TCCCPR, the TSPs obtain an undertaking from a subscriber that the connection will not be used for telemarketing. Thus clearly an UTM is a wilful defaulter and the TSP should not be liable for any illegal activities by such subscribers, as it has no means to identify that the information being provided is incorrect.
3. In view of this, we submit that the financial disincentives imposed on the TSPs are not fair and may be removed forthwith.
4. Further, with reference to the robo-calls/ auto-diallers, if upon investigation it is evident that such calls were purely for telemarketing purpose, TSPs may be directed to disconnect the telecom resources of such callers. Further, if such calls are generated through RTM, suitable penal clause in the agreement may be incorporated and such RTM should be blacklisted with immediate effect for a longer period beyond three years along with immediate forfeiture of Security Deposit. This shall act as a deterrent to RTMs from indulging in such activity.

Q. 23. What enhancements can be done in signature solutions? What mechanism has to be established to share information among access providers for continuous evolution of signatures, rules, criteria? Please give your suggestions with reason.



And

Q. 24. How Artificial Intelligence (AI) can be used to improve performance of signature solution and detect newer UCC messages created by tweaking the content? Please give your suggestions with reasons.

And

Q. 29. How the scoring system may be developed for UCC on the basis of various parameters using signature solutions of access providers? What other parameters can be considered to detect, investigate and mitigate the sources of UCC? How different access providers can collaborate? Please give your suggestions with reasons.

Response:

1. TSPs have already put in place robust signature solutions, which is continuously being upgraded with new rules and criteria. Thus there is no need of any technical enhancements to the solution.
2. We also reiterate our suggestion that the Authority should devise a coordination platform, which helps TSPs to collaborate and share the new patterns detected by them with other TSPs so as to enable all the TSPs to synchronize their system with possible signatures and patterns used by TMs. This will help create an updated common database or centralised repository to help synchronised effort.
3. Artificial Intelligence (AI) can be used to enhance performance of similar signature solution wherein various patterns and special characters being used by Telemarketers can be identified. Further the AI can be programmed to identify the specific pattern and contents being sent by TMs during a particular period or days.

Q. 25. How the honeypots can be helpful to detect and collect evidences for unsolicited communications? Who should deploy such honeypots? Please give your suggestions with reasons.

Response:

1. We agree that honeypots, which are dummy numbers, can be helpful to detect and collect evidences related to Unsolicited Communication. However, it requires a broader discussion between all stakeholders involving the DoT, TRAI and TSPs to define the framework and architecture to be put in place for the honeypot solution in the system within the legal framework.



Q. 26. Should the data from mobile app or from any other source for registering complaints be analyzed at central locations to develop intelligence through crowd sourcing? How actions against such defaulters be expedited? Please give your suggestions with reasons.

Response:

1. It is submitted that no separate mechanism is required to analyse the UCC complaints received through different platforms including through mobile applications. A simple solution can be to treat NCPR portal as a central location and a single data base for analysing the complaints and to develop intelligence through crowd sourcing.
2. The TAPs should be mandated to route all validated UCC complaints (received from subscribers through mobile applications) to NCPR in order to synchronise and initiate action by the OAP.

Q. 27. How the increased complexity in scrubbing because of introduction of additional categories, sub-categories and dimensions in the preferences may be dealt with? Whether Scrubbing as a Service model may help in simplifying the process for RTMs? What type and size of list and details may be required to be uploaded by RTMs for scrubbing? Whether RTMs may be charged for this service and what charging model may be applicable? Please give your suggestions with reasons.

Response:

1. We reiterate our submission that there is no need to introduce more granularity by introduction of additional categories, sub-categories etc. We submit that, in view of this, there will be no increase in complexity in scrubbing.
2. We support introduction of scrubbing as a service. We have suggested that instead of the RTMs downloading the data twice a week from CPDB, the agency handling NCPR/ CPDB may allow RTMs to upload the data on NCPR/ CPDB through an authentication mechanism and the RTMs should be provided with scrubbed data.
3. We propose that a reasonable one time charge may be levied during the registration process for the scrubbing services. Alternatively the Authority may propose a suitable annual charge for the scrubbing as a deterrent to non-serious players, while ensuring that the business case of RTMs is not disturbed.
4. Further, RTMs may be required to deposit additional security deposits to NCPR (in addition to one paid to TSPs from whom resource are being obtained) which should be forfeited in case of any proven case of misuse of data.



Q. 28. How the cases of false complaints can be mitigated or eliminated? Whether complaints in cases when complainant is in business or commercial relationship with party against which complaint is being made or in case of family or friends may not be entertained? Whether there should be provision to issue notice before taking action and provision to put connection in suspend mode or to put capping on messages or calls till investigation is completed? Please give your suggestions with reasons.

Response:

1. We agree with the Authority's views that there should be a mechanism in place to avoid disconnections of telecom resources of an individual due to false complaints. We understand that such complaints can be caused due to insufficient due diligence by the complainant, however, there remains possibility of intentional false complaint with malicious intent.
2. The current process mandates the TSPs to treat all complaints at face value and action is initiated post CDR validation. We submit that the Authority can develop a process, whereby the TSPs are required to do various other validations like 'age of the alleged telemarketer on TSPs network', 'previous complaint history', 'calling pattern', 'messaging pattern', 'ratio of incoming to outgoing calls' etc.
3. There is also a possibility of deploying reputation based AI solution to validate such complaints prior to disconnection. Further, a fair chance of hearing the other side should be provided before disconnection of telecom resources of the subscriber. This will help eliminate victimisation of innocent subscribers.
4. Further, there can be instances where the complainant inadvertently provided wrong information about the UCC instead of actual telemarketer information. We submit that such cases should be dealt with separately on case to case basis. One of the options is that both the parties should approach the Authority with an application for withdrawal of complaint by complainant and request reconnection of telecom resources. The Authority, upon analysis of the complaint and details of action taken, may request TSP to restore connection of such person if deemed fit. A detailed mechanism/ flow may be discussed by the Authority with TSPs for execution of this mechanism.
5. One more suggestion to segregate the genuine UCC complaints from false ones is to provide the subscriber, against whom the complaint is made, an opportunity to submit a written explanation. In case the TSP is satisfied that the communication was not UCC, it may be permitted to treat the complaint as false. Proper intimation may be provided to the complainant in this regard. However, the outgoing voice and SMS services of such customers may be barred during the period of investigation.

