

Counter-Comments on the Draft Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026

Submitted by: Jegadeesan N, Individual Consumer / Subscriber

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These counter-comments are based on my review of TSP / industry submissions and my direct experience with disputed UCC complaint handling, repeated unwanted calls, silent / short-duration calls, and complaint closures as “service / non-promotional” despite promotional call content.

Counter-Comments

1. Attempted, missed, silent, abandoned, and short-duration calls should be counted

Regulatory treatment should not be limited only to answered calls. In practice, unwanted commercial communication can disturb the subscriber even where the call is missed, disconnected, silent, abandoned, or of very short duration.

Some stakeholder submissions have recognized the concern of random dialing and bulk “hit and trial” calling. TRAI should therefore ensure that attempted calls, missed calls, silent calls, abandoned calls, and very short-duration calls are included in pattern-based enforcement. Otherwise, callers can continue disturbing subscribers without meaningful spoken communication and still avoid accountability.

2. Caller claim of website registration should not be accepted without verifiable consent proof

TSPs should not accept a caller’s claim that a subscriber “registered on a website” or “submitted an enquiry” unless there is verifiable consent evidence. Where the subscriber denies such registration, the TSP should require at least basic proof such as date/time of registration, consent source, Principal Entity, campaign purpose, and the consent record relied upon.

Some stakeholder submissions indicate that independent verification of consent can be operationally difficult and that consent-related claims may depend heavily on the caller’s or Principal Entity’s declaration. This is exactly why stronger safeguards are needed. If the system relies mainly on the caller’s or Principal Entity’s claim that consent or registration exists, then false or unverifiable “registration” claims can become a loophole for promotional calls.

TRAI should require that disputed consent claims be auditable, especially where the consumer denies registration or prior enquiry.

3. Appeals must have clear timelines, written reasons, and one traceable reference

Appeal timelines and processes should not be left vague or deferred in a way that weakens consumer redress. From a subscriber perspective, appeals must have clear timelines, written reasons, and traceable reference numbers.

If an initial complaint is closed as “service / non-promotional,” the TSP should provide the basis for that finding, especially where the consumer disputes the classification.

TRAI should require that appeal responses clearly state:

1. the original complaint number;
2. whether the complaint classification is upheld or changed;
3. the reason for the classification;
4. the consent / caller declaration relied upon, where applicable;
5. any action taken against the caller; and
6. whether later reference numbers are sub-references or separate cases.

Without this, the appeal mechanism can become opaque and difficult for the subscriber to track.

4. Audit mechanisms should enable meaningful review of disputed classifications

Some stakeholder submissions have raised concerns regarding full CDR sharing and have suggested system-based validation outputs or limited metadata instead. Privacy and proportionality concerns may be valid. However, the audit mechanism should still be sufficient to allow meaningful review where a subscriber disputes the classification of a call as “service / non-promotional.”

TRAI need not require full disclosure of sensitive CDR data to subscribers. However, the regulator or authorised audit mechanism should be able to review enough information to assess:

1. whether the call was from a registered or unregistered telemarketer;
2. whether genuine consent, enquiry, or service relationship was relied upon;
3. whether repeated opt-out history was considered;
4. whether calls came from the same number series or a related calling pattern;
5. whether silent / abandoned / short-duration calls formed part of the pattern; and
6. whether appellate action materially differed from the initial complaint closure.

This would help ensure that complaint disposal is not merely procedural, but capable of being meaningfully reviewed where the subscriber provides contrary evidence.

5. Caller-identification and spam-reporting tools should be considered as supporting indicators

Caller-identification and spam-reporting tools should not replace formal TSP investigation, but their signals should be treated as relevant subscriber-side indicators.

Where a number is repeatedly marked as spam or associated with unwanted commercial calls by users, and the subscriber also provides call history, opt-out history, and call-content details, such evidence should be considered before closing a complaint as service / non-promotional.

6. Network-level spam detection is useful, but it does not replace complaint accountability

Network-level spam detection and AI-based blocking measures are welcome. However, such measures do not solve the problem of individual complaints being wrongly closed as “service / non-promotional.”

Where a subscriber provides call content, repeated opt-out history, number-series pattern, spam indicators, and evidence of continued calls, these should be treated as corroborative indicators. TSP systems should not rely only on caller-side classification or automated labels.

Submission

I respectfully request TRAI to ensure that the final amendments include strong consumer-facing safeguards for:

- attempted, missed, silent, abandoned, and short-duration calls;
- verifiable consent where website registration or enquiry is claimed;
- clear appeal timelines and written reasons;
- traceable reference numbers for complaint and appeal handling;
- meaningful review of disputed complaint classifications; and
- consideration of subscriber-side indicators such as call history, opt-out history, caller identity, and spam-reporting signals.