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Dated: 24th September 2024

To
Mr. Atul Kumar Chaudhary
Secretary
Telecom Regulatory Authority of India
and
To,
Mr. Jaipal Singh Tomar
Advisor (QoS-II)
Telecom Regulatory Authority of India

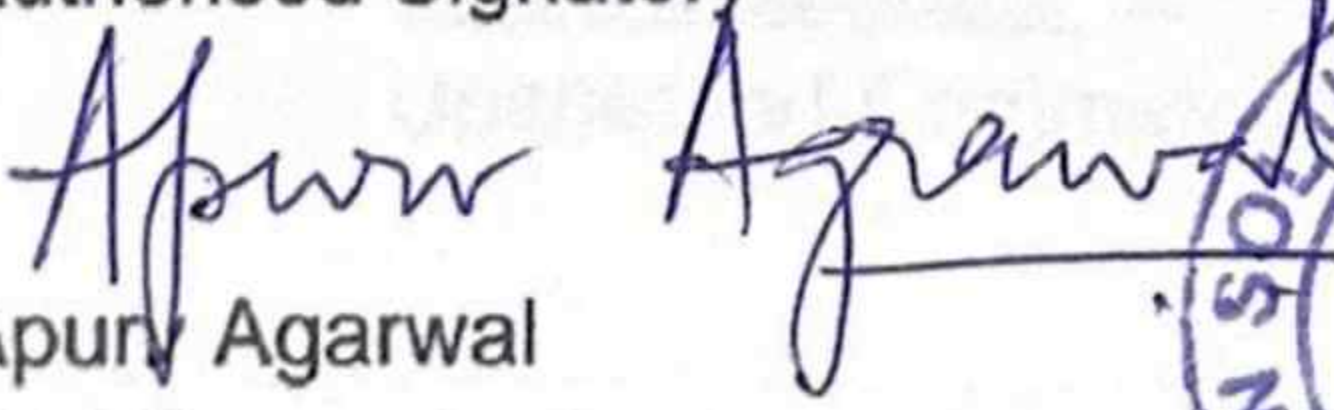
Reference:	Press release No 59 of 2024 seeking comments on the Consultation Paper on "Review of the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR-2018)"
Subject:	Comments & submissions on behalf of Squadrun Solutions Private Limited pertaining to "Q.1 Stakeholders are 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"

Dear Mr. Chaudhary and Mr. Tomar,

At the very outset, we would like to extend our sincere gratitude to the Telecom Regulatory Authority of India (TRAI) for its tireless and commendable efforts in addressing the issue of Unsolicited Commercial Communications (UCC). We fully recognize and support TRAI's ongoing endeavours to safeguard consumers from the nuisance of spam and unsolicited calls and messages while providing a robust framework for businesses to communicate effectively with their customers in a transparent and compliant manner. We are committed to upholding the highest standards of regulatory compliance. We stand in full alignment with TRAI's vision of creating a secure and consumer-friendly environment, and we remain dedicated to contributing positively to the regulatory ecosystem by ensuring our practices meet the standards set forth.

Please find enclosed herewith the comment and submissions on behalf of Squadrun Solutions Private Limited for your kind consideration.

Thanking you,
Authorised Signatory


Apurv Agarwal
C.E.O

Squadrun Solutions Private Limited





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Executive Summary

1. Opt-in commercial communications are a crucial component of India's growing digital and telecommunications ecosystem, especially as businesses increasingly rely on direct, personalized communications to engage with their customers.
2. Current definition of promotional calls under clause 2(av) of the Regulations, as well as the suggested definition of 'Promotional Calls' under the consultation paper, does not differentiate between commercial communications that are based on 'consumer consent' and those that are 'unsolicited'. We strongly urge the Authority to consider this distinction to refine the regulatory framework for commercial communications in India.
3. We believe that using the same number series for both unsolicited and consent-based calls, businesses may face connectivity issues as consumers are more likely to flag or block 140 series numbers due to their association with promotional/unsolicited calls. As a result, this could reduce the effectiveness of opt-in calls and hinder legitimate business communications, causing operational inefficiencies and a diminished customer experience.
4. It is essential to differentiate between unsolicited promotional calls and consent-based opt-in calls. Therefore, we recommend that opt-in customer calls should not be made using the 140 series.

Comments on behalf of Squadrun Solutions Private Limited ("Squadstack/We")

With reference to the aforesaid subject matter & question no 1 pertaining to the categorization of the type of commercial communications, we wish to state as under: -

A. Recognition of Opt-in Commercial Communications as a Separate Category from Promotional Commercial Communication.

- I. We respectfully submit that opt-in commercial communications, where consumers have explicitly agreed to receive communications from specific entities, should not be categorized under "promotional commercial communications" as currently defined.
- II. For this purpose, we wish to rely on the distinction between "Unsolicited commercial Communications" and "Solicited Communications". Under the current Regulations, Unsolicited Commercial Communication¹ is categorized as one which is not as per

¹2(bw) "Unsolicited commercial communication or UCC" means any commercial communication that is neither as per the consent nor as per registered preference(s) of recipient, but shall not include:

- (i) Any transactional message or transactional voice call;
- (ii) Any service message or service voice call;

the consent of the consumer. Contrary to this, solicited communication (although not defined under the current Regulations), is one that is “actively requested” by the consumer. This request can be in the form of a valid, freely given, clear & specific consent under the applicable laws².

- III. We wish to state that the current definition of Promotional Calls under clause 2(av)³ of the Regulations, as well as the suggested definition of Promotional Calls⁴ under this consultation paper, does not differentiate between commercial communications that are based on consumer consent and those that are unsolicited. This lack of distinction places both “opt-in, consent-based communications” and “unsolicited promotional calls” in the same category, which may inadvertently penalize businesses that follow responsible business practices and applicable laws by obtaining explicit consent from consumers.
- IV. By grouping them together, the Regulations fail to acknowledge the consumer’s active choice to receive information that may be relevant and beneficial to them, as opposed to unsolicited communications that often result in consumer dissatisfaction.
- V. We believe that differentiating between these types of communications would not only benefit consumers but also encourage businesses to adopt transparent, consent-driven practices that align with TRAI’s objectives of minimizing UCC complaints.
- VI. We believe that this distinction is crucial for below important reasons:
 - a) **Consumer Consent and Autonomy:** Opt-in commercial communications are based on the clear, voluntary consent of the consumer, where the customer has shown a specific interest in the products or services being offered. Unlike unsolicited promotional calls, which are often seen as intrusive, opt-in calls honour the consumer’s choice and should be treated as a form of consent-based communication. Categorizing the same with unsolicited promotional calls diminishes the importance of customer’s consent.

(iii) Any message or voice calls transmitted on the directions of the Central Government or the State Government or bodies established under the Constitution, when such communication is in Public Interest;

(iv) 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

² The Digital Data Protection Act, 2023.

³ Promotional voice call” means commercial communication voice call for which the Sender has not taken any explicit consent from the Recipient to make such voice calls to him.

⁴ Promotional voice call means commercial communication containing promotional material or advertisement of a product or service; Provided that the caller shall give the opt-out mechanism to the recipient after such calls through a SMS or otherwise. 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



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- b) **Consumer Benefit and Informed Decision-Making:** Opt-in commercial communications serve an important purpose for consumers, as they provide timely and relevant information that helps them make informed decisions about products and services. When consumers opt in to receive commercial communications from specific businesses, they are actively seeking information that can assist them in evaluating their choices.

Illustration on Unsolicited Commercial Communications and Solicited Communications.

Example 1: A consumer who is interested in opening a new savings account visits the website of a bank or a fintech company. During this process, the consumer provides consent to receive a call from the bank for further assistance. The purpose of the call is to help and guide the consumer through the process. During the call, the bank representative can explain the features and benefits of the savings account, answer any queries, and provide necessary information to assist the consumer in making an informed decision.

Example 2: A consumer who has not interacted with or given consent to a real estate company receives a call promoting newly launched properties in a specific area. The call is unsolicited, and the consumer did not express any interest or provide permission for such communication. The purpose of the call is to advertise the company's new real estate projects. Since the consumer has not opted in to receive this communication, it is categorized as a promotional or unsolicited call, which may feel intrusive and irrelevant to the consumer's needs.

- VII. **Regulatory Clarity and Efficiency:** Clear differentiation between opt-in commercial and promotional calls would provide businesses with precise guidance on how to structure their marketing efforts in compliance with regulatory requirements.
- VIII. By distinguishing between opt-in commercial communication and unsolicited promotional communication, TRAI can continue to protect consumer rights while also fostering a fair and balanced communication environment for both businesses and consumers. We strongly urge the Authority to consider this distinction to refine the regulatory framework for commercial communications in India.

B. Alignment of Consent Management with the Digital Data Protection Act, 2023

- I. We would like to emphasize that the Parliament has enacted the Digital Data Protection Act, 2023, which provides a comprehensive legal framework for the collection, management, and revocation of consent in digital communications. Given



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that the Act includes provisions for a consent manager⁵ who is responsible for overseeing and managing consumer consent, we believe that the Digital Consent Acquisition (DCA) system mandated by TRAI should either be made optional for business entities or provided free of cost.

- II. Since the DPDP Act establishes clear guidelines for obtaining, managing, and revoking consent through the use of a designated consent manager and notice to seek consent, businesses should have the flexibility to adopt these methods under the Act. Adoption of consent acquisition system may lead to unnecessary duplication and potential confusion for both consumers and businesses. By making the DCA system optional or free, TRAI can ensure regulatory alignment with the DPDP Act while also easing the operational burden on businesses, particularly those already complying with the robust consent mechanisms mandated by the Act.

C. Avoiding the Use of 140 Series Numbers for Opt-in Customer Communications.

- I. We wish to emphasize that making calls to opt-in customers from a 140 series number could lead to confusion and connectivity issues. The 140 series number is widely recognized as being reserved for promotional calling, typically associated with unsolicited or cold calls. Consumers generally understand calls from this number to be those made without prior consent, which immediately signals that the call is likely unwanted or unrelated to their preferences.
- II. In contrast, opt-in calls are those in which the consumer has actively provided consent to be contacted, either for product information, or completing the digital journey in purchasing the product etc. Since the consumer has demonstrated interest and engagement in receiving these communications, equating such calls with unsolicited promotional calls by using the 140 series number would create significant challenges for both the consumer and businesses and risks undermining the consumer's trust and expectation of the brand or service provider. This could cause confusion and result in consumers ignoring or even blocking calls that they have expressly requested, leading to frustration and missed opportunities for engagement⁶.
- III. Additionally, by using the same number series for both unsolicited and consent-based calls, businesses may face connectivity issues as consumers are more likely

⁵ Section 2(g) of the DPDP Act "Consent Manager" means a person registered with the Board, who acts as a single point of contact to enable a Data Principal to give, manage, review and withdraw her consent through an accessible, transparent and interoperable platform

⁶ Negative perception about 140 series: There is a lack of awareness among the consumers about the specific purpose of the 140 series and tend to associate calls from such numbers with spam or fraudulent activities. This misunderstanding often leads consumers to ignore or block calls from the 140 series, even when they are legitimate opt-in calls made with explicit consumer consent.

to flag or block 140 series numbers due to their association with promotional calls. As a result, this could reduce the effectiveness of opt-in calls and hinder legitimate business communications, causing operational inefficiencies and a diminished customer experience.

Illustration for mixing the unsolicited commercial communication and opt-in calls through the same 140 series number.

Example: A consumer expresses interest, through an opt-in consent, in an insurance term plan but, due to certain reasons, is unable to complete the process of purchasing the plan. The insurance company then reaches out to assist the consumer by making an outbound call using a 140 series number. However, the consumer, recognizing the number as promotional or unsolicited, ignores the call. This results in missed assistance for the consumer and a lost business opportunity for the insurance company.

- IV. It is essential to differentiate between unsolicited promotional calls and consent-based opt-in calls. Therefore, we recommend that opt-in customer calls should not be made using the 140 series.
- V. This approach would foster a clearer and more trusted communication channel between businesses and consumers, ensuring that consent-based interactions are respected and not confused with unsolicited promotional efforts. By maintaining this distinction, TRAI can support a transparent and consumer-friendly system, reinforcing the value of consent and ensuring that businesses can effectively communicate with customers who have opted to receive information.

D. Opt-in Commercial Communications as a Separate Category from Promotional Commercial Communication will promote *ease of doing business* and support customized customer experience.

- I. We believe that opt-in commercial communications are a crucial component of India's growing digital and telecommunications ecosystem, especially as businesses increasingly rely on direct, personalized communications to engage with their customers.
- II. As of March 2024, India boasts the second-largest telecom network in the world, with a subscriber base of 1.19 billion⁷ and a tele-density of 85.69%⁸, positioning it as a critical hub for businesses that rely on telecommunications for customer

⁷ [Indian Telecommunications Industry Analysis Presentation | IBEF](#)

⁸ [Indian Telecommunications Industry Analysis Presentation | IBEF](#)



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engagement. With India also being the third largest digitalized economy⁹ and one of the largest consumers of mobile data globally¹⁰, the role of opt-in communications becomes even more essential. These communications ensure that businesses, particularly in sectors like BFSI and e-commerce, can reach a large and growing, data-driven user base with personalized, consent-based information, thereby converting interest into transactions.

- III. Furthermore, with the number of internet subscribers reaching 936.16 million by December 2023¹¹, businesses have unprecedented opportunities to engage in real-time with internet-savvy consumers through opt-in calls, offering customized solutions tailored to their needs and preferences. This synergy between a massive subscriber base, high data consumption, and digital engagement demonstrates how opt-in communications can drive both customer satisfaction and business growth.
- IV. In sectors like BFSI and insurance, where product details often require a high degree of personalization, opt-in calls are essential for providing consumers with relevant, timely information that helps them make informed decisions and helping businesses convert these leads into sales.
- V. **Personalized offers aim to boost the digital economy:** The rapid digitalization of India's economy is reflected in its mass adoption of digital payments. Moreover, 60 million new internet users are expected in the next five years, especially from rural areas, many will need assistance with their first digital transactions¹². As of FY 2022-23, India recorded the highest volume of digital payment transactions globally, surpassing countries like China and Brazil¹³. This shows that consumers are engaging heavily with digital financial services, where opt-in communications are critical for delivering personalized offers and support to customers
- VI. **Direct Economic Impact:** With India's telecom sector accounting for a significant portion of the national GDP, any inefficiencies in reaching consumers through channels like opt-in calls can directly affect business outcomes. With businesses investing heavily in digital platforms to engage customers, Opt-in calls form a crucial part of these digital engagement strategies. Missed or ignored calls due to the misuse or confusion of 140 series numbers (which are associated with unsolicited communications) can lead to reduced consumer engagement, fewer conversions,

⁹ icrier.org/publications/the-state-of-india-s-digital-economy-report-2024/

¹⁰ icrier.org/publications/the-state-of-india-s-digital-economy-report-2024/

¹¹ [Indian Telecommunications Industry Analysis Presentation | IBEF](#)

¹² [Pradhan Mantri Gramin Digital Saksharta Abhiyan \(pmgdisha.in\)](https://pmgdisha.in/)

¹³ icrier.org/publications/the-state-of-india-s-digital-economy-report-2024/



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and lost revenue opportunities. This is especially pertinent in sectors such as telecom, e-commerce, and insurance, which rely heavily on personalized communications to drive customer acquisitions, retention, and upselling.