



**VIL's Counter Comments
to the TRAI Consultation Paper on "Review of the Telecom Commercial Communication
Customer Preference Regulations, 2018" issued on 28.08.2024**

At the outset, we are thankful to the Authority for giving us opportunity to provide our comments to the TRAI Consultation Paper on "Review of the Telecom Commercial Communication Customer Preference Regulations, 2018" issued on 28.08.2024 and the comments from various stakeholders on this paper, as uploaded on TRAI's website.

In this regard, we would like to submit our counter-comments as given below, for Authority's kind consideration.

A. Merging of Transactional and Service Message categories

1. One of the stakeholders has mentioned that merging the categories of transactional and service messages will force heavy changes in the entire DLT ecosystem as messages would have to be scrubbed based on content for the new transactional category and there would be increased chances of misuse by TMs by sending promotional content under transactional category.
2. In this regard, we submit that the merging of categories will not require change in scrubbing rules as both, service and transactional categories undergo similar set of scrubbing rules at present, both in terms of registration of template as well as scrubbing during live traffic and no additional/separate actions are undertaken at the DLT layer for the messages. In our view, the misuse of promotional content under transactional category may happen due to wrong registration and not due to separate or merged category.
3. Therefore, in our view there is no need of continuing with separate category of service and transactional and they both should be merged into one category i.e. transactional for bringing simplicity and ease of doing business.

B. Importance of role of Telemarketers

1. One of the stakeholders has submitted that the communications related to financial institutions (FIs) like Banks (including NBFCs, Payment Banks etc.) should only be done through direct connectivity with the TSP. No TM should be allowed as intermediary between a Bank/FI acting as PE for communication purpose.
2. In this regard, we submit that telemarketers provide valuable services to enterprise customers as well as to us as TSP. From this perspective, the mention of preferably



having direct connectivity between Senders and TSPs, adversely affects this established and beneficial arrangement and market dynamics.

3. Most importantly, such position is outside the framework of TCCCP regulation, which otherwise specifically provides for the role of Telemarketers, both delivery and aggregator functions. Therefore, any such position doesn't stand valid, and would require a detailed and specific consultation before making recommendations.

4. Value Added by Intermediaries

- a. In various industries, intermediaries play a vital role in adding value to basic services. Banks use intermediaries to supplement and enhance their offerings, with the approval of regulatory bodies like the RBI. In the telecom sector, Virtual Network Operators (VNOs), M2M service providers, Other Service Providers etc. are intermediaries that build upon the parent network to serve niche requirements or expand reach and thus, provide valuable services to the end enterprise consumers.
- b. Similarly, telemarketers enhance services and contribute significantly to the industry's development. Telemarketers add significant value to the communication ecosystem. They enhance SMS services through innovation and expertise, developing needed solutions such as omnichannel consolidation, smart routing, fallback mechanisms, custom integrations, and dedicated customer support. These enhancements improve business-to-customer interactions, meet the specialized needs of enterprise customers, and drive bulk business for access providers like us. Their contributions are integral to the growth and efficiency of the telecom industry.

5. **Perception of Risk is unfounded:** Contrary to the perception that telemarketers pose a risk of spam or scams, responsible Registered Telemarketers (RTMs) play a crucial role in combating such issues. They adhere to stringent compliance measures outlined in the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR).

6. Eliminating telemarketers could inadvertently harm legitimate businesses by reducing competition and innovation. It could also place an undue burden on TSPs to meet the specialized needs of various clients promptly and efficiently. Intermediaries have made SMS channel accessible to SME and MSMEs located in upcountry and Tier 3, Tier 4 towns thus contribution to the digitization objective of the government.

7. We recommend a more practical approach that allows responsible telemarketers to continue their valuable role within the ecosystem (including financial institutions like Banks, NBFCs, Payment Banks etc.) while ensuring full compliance with regulatory norms. This strategy would maintain the balance of services, innovation, and consumer protection achieved through collaborative efforts among all ecosystem participants.