

**Bill No. XIV of 2024**

**THE PREVENTION OF FRAUDULENT CALLS BILL,  
2024**

**A  
BILL**

*to amend certain enactments to prevent fraudulent calls in the country  
and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-fifth Year of the Republic  
of India as follows:—

1. (1) This Act may be called the Prevention of Fraudulent Calls Act, 2024.

Short title and  
commencement.

- 5 (2) It shall come into force on such date as the Central Government may,  
by notification in the Official Gazette, appoint.

**AMENDMENT OF THE TELECOM REGULATORY AUTHORITY  
OF INDIA ACT, 1997**

24 of 1997.

- 10 2. In the Telecom Regulatory Authority of India Act, 1997 (hereinafter  
referred to as the TRAI Act), after section 11, the following new section  
shall be inserted, namely: —

Insertion of new  
section 11A.

“11A. (1) The Authority shall, in consultation with relevant stakeholders  
and service providers, prescribe necessary regulations and guidelines to  
prevent and curb fraudulent calls.

Measures to  
curb fraudulent  
calls.

- (2) The regulations shall include, but not be limited to,:-
- (a) mechanisms for identifying and blocking fraudulent numbers;
  - (b) establishment of a robust system for the registration and verification of telemarketers; and
  - (c) procedures for law enforcement agencies for effective investigation and prosecution of person(s) or entities involved in fraudulent call cases under the law for the time being in force; and
  - (d) promotion of public awareness campaigns on recognizing and reporting fraudulent calls.
- (3) The Authority shall regularly review and update the regulations to adapt to evolving fraudulent call techniques and technologies.

*Explanation.* —for the purposes of this section, "fraudulent calls" means any form of unsolicited communication, like messages, calls, or electronic communication, including but not limited to voice calls, text messages, WhatsApp messages, e-mails, data stream, automated calls and videos, with the intent to defraud, deceive, or mislead the recipient.”

Insertion of new section 25A.

3. In the TRAI Act, after section 25, the following new section shall be inserted, namely: —

Duties of the Central Government.

“25A. The Central Government shall,—

(a) in consultation with the Authority and in consideration of the relevant provisions of the Consumer Protection Act, 2019, establish a robust mechanism for the public to report fraudulent calls defined under section 11 A and activities related thereto:

Provided that such mechanism shall provide adequate protection to whistleblowers reporting fraudulent call activities; and

(b) in collaboration with the Authority and other relevant stakeholders, conduct public awareness campaigns to educate citizens on recognizing and reporting fraudulent calls and activities related thereto.”

Amendment of section 36.

4. In the TRAI Act, in section 36, in sub-section (2), after clause (f), the following sub-section shall be inserted, namely: —

“(g) matters in respect of sub-section (2) of section 11A.”

#### AMENDMENT OF THE INFORMATION TECHNOLOGY ACT, 2000

Insertion of new section 66AA.

5. In the Information Technology Act, 2000, after section 66A, the following new section shall be inserted, namely: —

Punishment for fraudulent calls and related activities.

“66AA.(1) Any person found guilty of engaging in fraudulent calls or activities related thereto, as defined under Section 11A of the Telecom Regulatory Authority of India Act, 1997, shall be liable for punishment as prescribed under section 351 of the Bharatiya Nyaya Sanhita, 2023.

(2) In addition to the above, the court may order the forfeiture of equipment and assets used in the commission of the offence.”

AMENDMENT OF THE BHARATIYA NYAYA SANHITA, 2023

45 of 2023.

**6.** In the Bharatiya Nyaya Sanhita, 2023, in section 351, after sub-section (4), the following new sub-section shall be inserted, namely:-

Amendment of section 351.

24 of 1997.

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“(5) Whoever, with intent to cause harm, harassment, or monetary loss, engages in fraudulent calls, as defined under section 11A of the Telecom Regulatory Authority of India Act, 1997, shall be punished with imprisonment for a term not exceeding three years or with fine not exceeding five lakh rupees or both.”.

## STATEMENT OF OBJECTS AND REASONS

The rise of AI-generated fake/fraudulent voice calls in India, as evidenced by the McAfee report titled 'The Artificial Imposter,' is a pressing concern demanding legislative attention. The survey's findings, encompassing 7,054 participants from seven countries, reveal a startling truth that over 83 per cent. of Indians have fallen victim to these fraudulent calls. Disturbingly, half of the respondents admitted their inability to differentiate between authentic and AI-generated fake voice calls, resulting in substantial financial losses.

The surge in online scams, particularly the fake voice call scam, underscores the need for swift legislative action. Cybercriminals exploit advanced technology to create deceptive calls, with 48 per cent. of affected individuals reporting losses exceeding ₹50,000. The vulnerability of Indian adults to voice scams, reflected in the survey's 69 per cent. uncertainty in identifying cloned voices, necessitates urgent legal measures.

Therefore, the proposed legislation aims to protect citizens by introducing stringent measures against fake/malicious/fraudulent voice calls. It proposes to amend the Telecom Regulatory Authority of India Act, 1997, the Information Technology Act, 2000 and the Bharatiya Nyaya Sanhita, 2023 in order to safeguard citizens from the escalating threat, malice, financial exploitation caused by fraudulent voice calls. It also emphasizes public awareness about the prevalence of such voice scams, the importance of caller verification, and collaboration with service providers for effective implementation. Severe penalties are proposed to deter fraudulent communication and fortify the legal apparatus against evolving cyber threats.

The Bill seeks to achieve the above objectives.

FAUZIA KHAN

ANNEXURE

EXTRACTS FROM THE TELECOM REGULATORY AUTHORITY  
OF INDIA ACT, 1997

(24 OF 1997)

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**36.(1)** The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act. Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the times and places of meetings of the Authority and the procedure to be followed at such meetings under sub-section (1) of section 8, including quorum necessary for the transaction of business;

(b) the transaction of business at the meetings of the Authority under sub-section (4) of section 8;

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(d) matters in respect of which register is to be maintained by the Authority under sub-clause(vii) of clause (b) of sub-section (1) of section 11;

(e) levy of fee and lay down such other requirements on fulfilment of which a copy of register may be obtained under sub-clause (viii) of clause (b) of sub-section (1) of section 11;

(f) levy of fees and other charges under clause (c) of sub-section (1) of section 11.

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EXTRACTS FROM THE BHARATIYA NYAYA SANHITA, 2023

(45 OF 2023)

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**351.(1)** Whoever threatens another by any means, with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation. Criminal intimidation.

*Explanation.*—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

*Illustration.*

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

(2) Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(3) Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(4) Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence under sub-section (1).

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RAJYA SABHA

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connected therewith or incidental thereto.*

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*(Dr. Fauzia Khan, M.P.)*