

**GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF TELECOMMUNICATIONS**

**LOK SABHA  
UNSTARRED QUESTION NO. 2559  
TO BE ANSWERED ON 4<sup>TH</sup> AUGUST, 2021**

**MENACE OF UNWANTED/UNSOLICITED CALLS**

†2559. SHRIMATI JASKAUR MEENA:

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) whether the Government is aware of the menace of unwanted/unsolicited calls or SMSs;
- (b) if so, the details thereof, and the action of the Government thereto;
- (c) whether the Government proposes provision levy to heavy penalty on the companies indulging in the said menace;
- (d) if so, the details thereof, and
- (e) the time by when the said provision is likely to be implemented?

ANSWER

**MINISTER OF STATE FOR COMMUNICATIONS  
(SHRI DEVUSINH CHAUHAN)**

(a) to (e) Sir, in order to curb the menace of Unsolicited Commercial Communication (UCC) i.e. unwanted/ unsolicited calls and messages, Telecom Regulatory Authority of India (TRAI) has notified Telecom Commercial Communications Customer Preference Regulation-2018 (TCCCPR-2018).

As per the Regulations, every Access Provider shall ensure that no commercial communication is made to any recipient except as per the provisions of the Regulations. In case a subscriber receives UCC, then he can make a complaint by sending SMS or making a voice call at 1909 or through TRAI DnD App/ Telecom Service Provider's (TSP) App. The details of action required to be taken by Telecom Service Providers (TSPs) on UCC complaints is attached as Annexure.

**Details of action required to be taken by TSPs on UCC complaints.**

1. The Telecom Service Providers (TSPs) are responsible to take further action on UCC complaints, in following manner:

**(i) UCC originated by unregistered telemarketers(UTM):** The Originating Access Provider (OAP) shall put the sender under Usage Cap, for making a maximum of twenty outgoing voice calls per day and a maximum of twenty outgoing messages per day, till investigation is completed or thirty days from the date of effect of restrictions, whichever is earlier. If conclusion of the investigation is that sender was engaged in sending unsolicited commercial communications, OAP shall take action against such sender as under:

**(a) On the first instance of violation-** Due warning shall be given.

**(b) On second instance of violation-** Usage Cap, for making a maximum of twenty outgoing voice calls per day and a maximum of twenty outgoing messages per day, shall continue for a period of six months.

**(c) On third and subsequent instances of violations-** All telecom resources of the sender shall be disconnected for a period up to two years and OAP shall put the sender under blacklist category and communicate to all other access providers to not to allocate new telecom resources to such sender for up to two years from the date of such communication; Provided that one telephone number may be allowed to be retained by such sender with the Usage Cap, for making a maximum of twenty outgoing voice calls per day and a maximum of twenty outgoing messages per day, for a period up to two years.

**(ii) UCC originated by registered telemarketers (RTMs):** Action has to be taken by the service provider in accordance with the provisions of the regulations and Code of Practice of the service provider.

2. Further, as per TCCCPR, 2018, TRAI may impose financial disincentives on any Originating Access Provider (OAP) failing to curb the unsolicited commercial communications sent through its network(s), in each License Service Area for one calendar month as under: -

S No	Value of "Counts of UCC for Registered Telemarketers (RTMs) for one calendar month"	Amount of financial disincentives in Rupees
(a)	More than zero but not exceeding Hundred	Rupees one thousand per count
(b)	More than hundred but not exceeding one thousand	Maximum financial disincentives at (a) plus Rupees five thousand per count exceeding hundred
(c)	More than one thousand	Maximum financial disincentives at (b) plus Rupees ten thousand per count exceeding one thousand

3. However, the total amount payable as financial disincentives under the regulation shall not exceed rupees fifty lakhs per calendar month. The Access providers may also impose financial disincentive on participating entities in case violation of regulations can be attributed to failure of functions assigned to such entities.

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