

Over the past few years, unsolicited commercial communication (UCC) to telecom users has grown at an alarming rate. With the number of mobile subscribers at an all-time high in the country, telemarketers and unregistered third parties have a wider-than-ever target base. While the UCC issue has been on the government's radar for some time and several steps have been taken to curb this menace, the results have not been very impressive. Consequently, the Telecom Regulatory Authority of India (TRAI) recently notified a new set of norms for operators to adopt blockchain or distributed ledger technology "to develop the core of the entire UCC ecosystem, and design solutions around it for meeting the regulatory objectives and requirements of codes of practice". This will require telcos to build, operate and maintain a blockchain network either in silo or in conjunction with other operators. In addition, they will have to provide a facility for subscribers to register their preferences for commercial communication, record their consent or revocation of the same, register complaints, etc. Operators will also need to prescribe processes to register senders with verified identities, investigate complaints and take remedial actions and block unregistered senders. Industry experts comment on the regulations, operators' readiness to implement such a mechanism and its impact on the industry... *(From Left - Rahul Singh, Policy Analyst, CUTS International; Hemant Upadhyay, Advisor, Projects, IT and Telecom, VOICE; Dr. Mahesh Uppal, Director, ComFirst India)*

Rahul Singh

The new regulations put the onus on the operators to ensure that unwanted calls and SMSs are curbed, as these are the most common complaints registered by telecom subscribers across the country. Operators have been largely unsuccessful in keeping a check on this problem, which has also led to a shift in consumer preference for over-the-top (OTT) applications. Coupled with other major issues such as financial stress and market consolidation, Indian operators are in a tight spot to adhere to these regulations, which are surely going to increase their costs and efforts.

Secondly, achieving customer satisfaction (genuine clients) and ensuring consumer satisfaction are going to be the major challenges in implementing this framework. The DND 2.0 app itself is available only in English and Hindi; however, India's consumer base is diverse. Also, most consumers today are unaware of the app's utility and interface, which puts the onus completely on operators to resolve this issue. The framework does not address this aspect.

Emerging technologies must be embraced when the country is going through rapid digital transformation. Policymakers are making efforts to implement blockchain technology across multiple sectors for the benefit of citizens. It is about time the telecom sector is also exposed to this exciting technology, especially because this sector has one of the largest consumer bases in India. Identifying the right partner within the domestic ecosystem that has the capability to implement the blockchain framework at such a scale may be an initial challenge. But once the system is in place, the results could be path-breaking. With the nation going through data protection and data localisation debates, privacy has taken the centre-stage for most policymakers. The genesis of blockchain is such that it instils complete transparency in transactions; it will be interesting to see how the privacy debate affects its implementation in the telecom sector.

Hemant Upadhyay

In our opinion, these regulations may not ease the pain of telecom consumers unless telecom service providers (TSPs) take initiative/act on their own to identify and eliminate UCC, which technologically, is not impossible. Ideally, it should be every TSP's responsibility to ensure that no UCCs are received by a subscriber. In fact, complaints should be an additional support to service providers. To this end, default registration under UCC when a connection is issued by a TSP is one option. All connections must be registered unless changed, that is, instead of an "opt out" process it should be an "opt in" process. Second, TSPs have to ensure that registered tele-callers adhere to the Code(s) of Practice through periodic audits; they must monitor any bulk calling/messaging by un-registered entities on their network, and monitor rogue tele-callers who do not register but keep changing their numbers.

Complaint registration is still a tedious process. The industry should explore the possibility of using the same blockchain technology to create an identity stamp for each message, which can then be used for complaints as well as monitoring. Action must be taken based on the analysis of data through call data records. The industry should look at ways to technologically identify bulk SMSs/auto callers. Seven days for registration to be effective is too long. The industry

should also look at a mechanism to compensate the harassed consumer by applying the “beneficiary pays” principle. The industry should explore ways in which UCC SMS can be identified as spam like emails.

Dr Mahesh Uppal

UCC is a continuing nuisance for customers. The magnitude of the problem is much greater in India as compared to several developed and mature regulatory regimes. Thus, a solution is urgently required to address this issue at scale.

A key challenge is that the villains in UCC are often unregistered marketers and telemarketers, working in the equivalent of cottage industries. This makes tracking such companies difficult and, ensuring compliance by these fly-by-night players a major challenge. Another major issue is lack of customer awareness. There is limited understanding of consent and what its implications are. Further, any solution to combat UCC will involve additional costs of deployment as well as compliance.

TRAI's recommendation to operators to deploy an emerging technology like blockchain for curbing UCC implies the absence of ready-made technology solutions, especially those that can be deployed easily on a large scale. Blockchain technologies, although promising, are largely untested, especially in the context of UCC.

A more serious issue with TRAI's recommendation is that it mandates technologies. Regulators are generally advised against this. This is inter alia because they have a responsibility to promote competition between players, technologies, etc. Regulators must limit themselves to stating an objective (prevention of UCC) not the means to achieve it. Suggesting or highlighting a solution is one thing, but mandating a solution is unhealthy. Also, we know little about the cost of deploying blockchain technologies. We do not know how this mandatory implementation will be audited. Indeed, it is unclear whether such audit is even possible to undertake given that India has close to a billion mobile connections. These issues require careful examination.

I broadly agree with the operators that TRAI has provided insufficient time to deploy its solutions for UCC. It seems unrealistic to make such a comprehensive change in such a short period (by December 2018).

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