

Centre seeks public comments on Draft Guidelines for the Prevention and Regulation of Unsolicited and Unwarranted Business Communication, 2024

Proposed guidelines are to regulate unsolicited or unwarranted business communication originating from unregistered telemarketers or 10-digit private numbers

Department of Consumer Affairs solicits comments/suggestions within 30 days (21st July, 2024)

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The Department of Consumer Affairs, Government of India, has sought public comments on Draft Guidelines for the Prevention and Regulation of Unsolicited and Unwarranted Business Communication, 2024. Draft Guidelines are placed on the website of the Department of Consumer Affairs for public comments/suggestions/feedback. The inputs may be provided to the Department latest by 21st July, 2024. The link for accessing the draft guidelines is provided as under:

(<https://consumeraffairs.nic.in/sites/default/files/fileuploads/latestnews/Guidelines%20for%20the%20Prevention%20and%20Regulation%20of%20Unsolicited%20and%20Unwarranted%20Business%20Communication%2C%202024.pdf>).

The Guidelines have been drafted after detailed deliberations with various stakeholders including telecom operators, telecom regulators and telecom organizations.

The Department of Consumer Affairs (DoCA) studied the impact of unsolicited and unwarranted communications on mobile users in depth in consultation with Telecom Regulations Authority of India (TRAI). It was pointed out that despite TRAI regulations-**Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR-2018)** in place, such misleading and deceptive communication have become a sore point for the mobile users. Do Not Disturb (DND) registry has been highly effective for registered telemarketers but the unwarranted communication from unregistered telemarketers and those using 10 digit private numbers remain unabated.

In order to address the above issue, a committee comprising of representatives from Department of Telecommunication (DoT), Telecom Regulatory Authority of India (TRAI), Cellular Operators Association of India (COAI), Bharat Sanchar Nigam Limited (BSNL), Vodafone Idea, Reliance and Airtel under the Chairmanship of Joint Secretary Department of Consumer Affairs was constituted vide OM dated 15.02.2024. The Committee after extensive deliberations suggested a draft framework which was examined by the Department.

The draft guidelines define “Business Communication” as any communication relating to goods or services including promotional and service communication but excludes personal communication. The guidelines are applicable on all persons and establishments who make or cause to make the business communication (Maker); engages the Maker of such communication; is the intended beneficiary from such communication; and in whose name such communication was made by the Maker.

The draft guidelines classify any business communication as Unsolicited and Unwarranted Business Communication if such communication is neither as per the consent nor as per the registered preference(s) of the recipient. The other conditions prescribed in Annexure 1 of the Draft Guidelines are as follows:

- i. Initiating communication through a number series other than the one that has been prescribed by the Authority i.e. TRAI/DoT; or through a SMS header not registered with Telecom Service providers
- ii. Initiating such communication despite a request or instruction from the consumer to opt out of any such communication by registering in the DND Registry being managed by the Telecom Service Providers
- iii. Initiating such communication without obtaining the explicit and specific consent in digital form from the consumer to receive such communication for the particular brand/beneficiary and their respective product;
- iv. Making such communication without clearly identifying the calling entity and the purpose of the call
- v. Initiation of such communication through an unauthorized employee or agent;
- vi. Initiating such communication without giving a clear, simple, free, and effective option to opt-out as well as a confirmation of opt-out if consumer chooses to avail opting out.
- vii. Initiating such communication in contravention of TRAI’s regulation “Telecom Commercial Communications Customer Preference Regulations 2018” and Directions issued thereunder, or any other directions issued under any other law/regulations/statute from time to time

The department is committed to safeguarding consumer interests and consumer rights, especially in the increasingly expanding and penetrative consumer space. The proposed guidelines will protect consumers from invasive and unauthorized marketing or promotion of goods and services.

For more information on the draft guidelines, visit the link:

(<https://consumeraffairs.nic.in/sites/default/files/fileuploads/latestnews/Guidelines%20for%20the%20Prevention%20and%20Regulation%20of%20Unsolicited%20and%20Unwarranted%20Business%20Communication%2C%202024.pdf>).

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