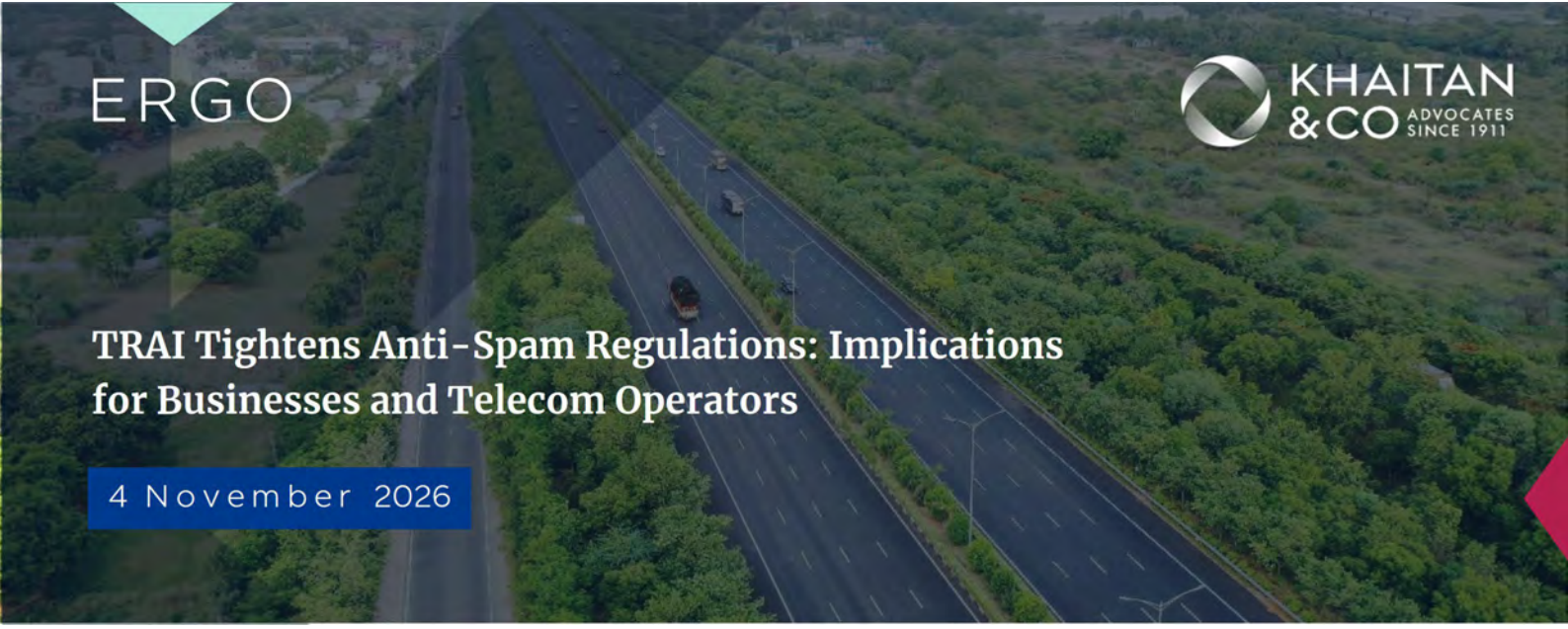


ERGO

KHAITAN &CO ADVOCATES SINCE 1911

TRAI Tightens Anti-Spam Regulations: Implications for Businesses and Telecom Operators

4 November 2026

The Telecom Regulatory Authority of India (TRAI) has strengthened its regulatory framework for curbing unsolicited commercial communications (UCC) through the Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026 (Amendment), notified on 18 September 2026. The Amendment modifies the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR), introducing measures to address automated calling, artificial intelligence (AI)-based spam detection, customer consent and misuse of telecom resources.

The Amendment signals a significant shift from predominantly complaint-driven enforcement regime towards proactive detection, monitoring and intervention. It also introduces changes relevant to businesses that rely on calls and messages for customer engagement, particularly in relation to consent, automated communications and the continuity of legitimate services.

Key Changes and Their Implications

1. **Automated Calls Under Heightened Regulatory Scrutiny**

   The Amendment expressly defines application-to-person (A2P) calls to encompass calls initiated through software, automated platforms, auto diallers, robocalling systems, and prerecorded or artificial voice technologies.

   Entities deploying A2P calls are required to disclose their intended use and the associated calling numbers to their originating access provider in advance. Any undeclared A2P calls will be treated as UCC. The Amendment further introduces termination charges of up to INR 0.05 per minute for A2P calls, subject to specified exemptions, including calls using designated regulated commercial numbering series.

   Businesses leveraging automated calling solutions, including cloud communication platforms, will need to review their calling arrangements, regulatory declarations and potential cost implications. These changes are particularly consequential for high-volume customer engagement operations and service delivery operations that rely on automated voice communications.

2. **AI-Driven Spam Detection to Trigger Regulatory Action**

   TRAI has moved beyond a predominantly complaint-led approach to identifying suspected spam by introducing AI-enabled, proactive detection mechanisms. Telecom access providers must now share intelligence generated using artificial intelligence (AI) and machine learning (ML) to identify calling numbers with a high probability of being used for UCC.

   Where five or more calling numbers associated with the same sender are flagged within a ten-day period, the prescribed investigation and verification process is triggered. The Amendment also permits regulatory action based on three consumer complaints, instead of the usual five, where corroborated by relevant AI-based intelligence.

Procedural safeguards have been introduced to enable senders to contest erroneous spam identification.

Consequently, businesses may face greater scrutiny of their communication patterns, even in the absence of a substantial volume of consumer complaints. Robust oversight of telemarketers, proactive monitoring of calling practices, and effective internal controls will therefore assume greater significance in mitigating compliance risks.

3. **Greater Consent Flexibility, Coupled with Tighter Customer Engagement Controls**

The Amendment recognises explicit consent obtained through verifiable means outside the prescribed Consent Registration Function, including previously obtained consent, subject to its subsequent registration in accordance with TRAI's prescribed procedure.

It also clarifies the circumstances in which businesses may engage with customers based on their existing relationships or inquiries. In particular, an inquiry concerning goods or services may support a qualifying relationship for seven days, provided it is made in writing or digitally and retained in verifiable form. Certain non-promotional service communications facilitating an ongoing purchase or use of services require explicit consent, with a prescribed validity period.

Importantly, consent under the TCCCPR governs authorisation to establish a commercial communication channel; it does not dispense with or supersede a business's independent obligations under the Digital Personal Data Protection Act, 2023.

Taken together, these changes provide greater flexibility in leveraging existing customer consent records while reinforcing the importance of verifiable consent, appropriate communication categorisation and alignment between telecom and data protection compliance.

4. **More Proportionate Enforcement Against Misuse of Sender Identities and Consent Templates**

The Amendment recalibrates the regulatory response to the misuse of registered sender headers and consent templates. Rather than imposing an immediate blanket suspension of all communications originating from a sender, the initial suspension is generally confined to the affected header or template.

Senders are required to undertake prescribed remedial measures withing specified timelines, including credential resets, reporting incidents to law enforcement authorities and conducting security reviews. Failure to comply may result in the suspension of all commercial communication traffic originating from the sender.

The calibrated enforcement approach mitigates the risk of widespread disruption to legitimate customer communications, particularly for banks and businesses delivering essential services. However, it simultaneously underscores the need for stringent security controls and timely incident response.

5. **Stronger Consumer Reporting and Grievance Redressal Mechanisms**

The Amendment strengthens consumer-led spam identification by requiring call management applications that offer spam-reporting functionality to integrate with the Distributed Ledger Technology (DLT) platforms of telecom access providers. These reports will support spam detection without automatically being treated as formal complaints.

The Amendment also bolsters consumer appeal mechanisms and replaces the existing 'FULLY BLOCK' preference with 'BLOCK PROMO', while retaining applicable consent requirements for relevant communications.

These measures are intended to enhance the efficacy of spam reporting and consumer grievance redressal. For businesses, the changes reinforce the importance of disciplined communication practices, appropriate preference management and adherence to applicable consent requirements to mitigate the risk of customer complaints and regulatory intervention.

Comments

The Amendment represents a calibrated effort by TRAI to fortify anti-spam enforcement while safeguarding the continuity of legitimate commercial communications. Its significance extends beyond telecom operators, encompassing enterprises, digital platforms, cloud communication service providers and businesses that regularly interact with customers through voice calls and messaging channels.

For businesses, the key compliance question is no longer limited to whether a communication is supported by consent or an existing customer relationship. Organisations must also consider how communications are initiated, which telecom resources are deployed, whether consent and customer interactions can be substantiated, and how effectively third-party telemarketers are monitored.

For telecom operators, the increased reliance on AI-driven intelligence will require effective coordination, investigation and safeguards against the erroneous identification or disruption of legitimate communications.

The Amendment has staggered commencement periods of 30, 60 and 90 days from its publication in the Official Gazette, depending on the relevant provision. Businesses should use the applicable implementation windows to review their communication practices, contractual arrangements and technical controls to ensure compliance.

- *Harsh Walia (Partner) and Vanshika Lal (Associate)*



About Khaitan & Co

Khaitan & Co is a top tier and full-service law firm with 1300+ legal professionals, including 340+ leaders and presence in India and Singapore. With more than a century of experience in practicing law, we offer end-to-end legal solutions in diverse practice areas to our clients across the world. We have a team of highly motivated and dynamic professionals delivering outstanding client service and expert legal advice across a wide gamut of sectors and industries.

To know more, visit **www.khaitanco.com**

This document has been created for informational purposes only. Neither Khaitan & Co nor any of its partners, associates or allied professionals shall be liable for any interpretation or accuracy of the information contained herein, including any errors or incompleteness. This document is intended for non-commercial use and for the general consumption of the reader, and should not be considered as legal advice or legal opinion of any form and may not be relied upon by any person for such purpose. It may not be quoted or referred to in any public document, or shown to, or filed with any government authority, agency or other official body.

www.khaitanco.com | © Khaitan & Co 2026 | All Rights Reserved.