

TELECOM REGULATORY AUTHORITY OF INDIA

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Sub:- TRAI directs Access Service Providers on provision of Value Added Services for enhanced transparency with regard to explicit consent and unsubscribing.

New Delhi, 30th October, 2007: The Telecom Regulatory Authority of India (TRAI) today directed all Access Service providers, including BSNL and MTNL, the following:

- (i) To provide the facility of unsubscribing of any value added service through telephone calls and SMS, free of charge, and through e-mail or FAX or any other means and also give adequate publicity to such facilities through their websites and by communication through SMS and other means.
- (ii) In case of any offer for any value added services made to the customer in writing or through SMS or FAX or e-mail, such offer shall contain all relevant details of the value added service offered, including the charges thereof, and before activation of such value added service the explicit consent of the customer shall be obtained through telephone or SMS or FAX or e-mail or by other electronic means.
- (iii) In case of offer for any value added service made through tele-calling or through any unwritten means, such offer shall be subsequently made in writing or through SMS or FAX or e-mail, containing all relevant details of the value added service offered, including the charges, and before activation of such value added service the explicit consent of the customer shall be obtained through telephone or SMS or FAX or e-mail or by other electronic means.
- (iv) The explicit consent given by the customer shall be acknowledged through SMS before or immediately after activation of the value added service and also such explicit consent shall be reflected in the next bill issued to the customer.
- (v) The complete records of the explicit consent obtained from the customer and records of the acknowledgements of such explicit consent by the service provider shall be kept by the service provider for verification, for a period of one year from the date of such explicit consent.

TRAI had received a number of complaints from consumers alleging charging by the service providers for the value added services without their consent. Also in some of these complaints it has been alleged that some service providers do not accept any request for unsubscribing value added services at its customer care/help line/toll free call centre numbers and such consumers were directed to lodge their requests at some other telephone numbers which are chargeable at premium rates. Examination of these complaints revealed that in many cases the service provider has reported that the consent of the consumers were obtained through tele-calling while the consumers in their complaints have denied the fact of having given any such consent. Also the service provider could not provide any record of the offer made to the consumers and the consent taken from consumers for the provision of value added services.

The reports of Audit of the Metering and Billing system of some of the service providers for the year 2006-07 submitted to TRAI by such service providers in accordance with the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation 2006 also revealed many instances of complaints wherein customers have been charged for dialer tones and other value added services activated without the explicit consent of the consumers and that waivers or adjustments have been given in only those cases where customers have complained and that in most cases, no action has been taken by the service providers to address all affected customers who have not complained.

The Authority, after due consideration of the matter, is of the view that any offer to the customer needs to be presented in such manner so as to ensure that the customer understands the implications of such offer by the service provider before giving his explicit consent for the value added services offered and such explicit consent should be verifiable with reference to records maintained by the service provider. Also, charging of premium rates for calls made for registering requests for unsubscribing any value added service is not in the interest of the consumers. In these circumstances, to protect the interest of consumers, the Authority has issued the above directions.

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Authorised for Issue

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