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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE APRIL, 2015

TELECOM CONSUMERS PROTECTION (EIGHTH AMENDMENT)

REGULATIONS, 2015 (----- OF 2015)

No. 308-1/2015-QoS -----In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

- 1.** (1) These regulations may be called the Telecom Consumers Protection (Eighth Amendment) Regulations, 2015.
(2) They shall come into force after thirty days from the date of their publication in the Official Gazette.
- 2.** In Chapter III of the Telecom Consumers Protection Regulations, 2012 (2 of 2012) (hereinafter referred to as the principal regulations), after regulation 10, the following regulation shall be inserted, namely:-

“10A.Information to consumers on data usage---- (1) Every service provider shall, through SMS or USSD, provide to all subscribers of the Cellular Mobile Telephone Service, on whose mobile phone data services are activated, except those subscribers who have availed data plan through special tariff vouchers or combo vouchers or add-on pack, after every five thousand kilobytes of data usage, the quantum of data used during the validity period or -billing cycle and the tariff for such usage of data.

(2) Every service provider shall, through SMS or USSD, provide to the consumer, who has taken data plan through Special Tariff Voucher or Combo Voucher or add-on pack, or whose tariff plan provides for free or discounted tariff for data usage upto a certain limit, an alert each time immediately after consumption of fifty percent of the data, ninety percent of the data and hundred percent of data available to the consumer under the Special Tariff Voucher or Combo Voucher or add-on pack or the tariff plan, as the case may be:

Provided that after the consumer has used ninety percent of data, the service provider shall also provide him, through SMS or USSD, the details of the tariff applicable on the usage of data beyond the quantum of data available to him under the special tariff voucher or combo voucher or add-on pack or the tariff plan, as the case may be.

(3) Every service provider shall, through SMS or USSD, provide to the consumer, having international roaming facility on his mobile connection, an alert,

immediately after the consumer roams outside the territory of India, advising him to deactivate the data services in his mobile phone if he does not want to use data services while roaming outside the country.

10B. Activation or deactivation of data services-----(1) No service provider shall activate or deactivate the data service on the Cellular Mobile Telephone connection of a consumer without his explicit consent.

(2) Every Cellular Mobile Telephone Service provider shall provide toll free short code 1925 for receiving request of the consumer for activation and deactivation of data service.

(3) The consent of the consumer, referred to in sub-regulation (1), shall be obtained in accordance with the procedure specified in schedule.

(4) Every Cellular Mobile Telephone service provider shall send an SMS to the consumer, on whose Cellular Mobile Telephone connection the data service is activated, an SMS at periodic interval not exceeding six months, informing him about the procedure for deactivation of data specified in schedule.

(Sudhir Gupta)
Secretary

Note.1.—The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No.308-5/2011-QOS dated the 6th January, 2012.

Note.2.—The principal regulations were amended vide Notification No. 308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11th January, 2012.

Note.3.—The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part

III, Section 4 dated the 21st February, 2012.

Note.4. -The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note.5. - The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 22nd October, 2012.

Note.6. - The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 27th November, 2012.

Note.7. -The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2013.

Note.8. - The principal regulations were further amended vide Notification No.308-3/2013-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 3rd December, 2013.

Note.9. -The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Eighth Amendment) Regulations, 2015 (of 2015).

SCHEDULE - I

Procedure for activation or deactivation of data services on the request of the consumer through Interactive Voice Response (IVR) and SMS to toll free common short code 1925 under regulation 10B.

(a) Through Interactive Voice Response (IVR):

Step – 1. On receipt of request from the consumer through IVR, the service provider shall provide to the consumer, over the recorded IVR, the choice of the language for interaction, which shall be in English, Hindi and in the regional language;

Step – 2. the consumer is given an option to select the activation or deactivation of data service by pressing the appropriate key for the service to be activated or deactivated;

Step – 3. on pressing the appropriate key, an SMS shall be delivered to the consumer informing him that his request has been received and the service shall be activated or deactivated, as the case may be, and that he shall receive a SMS confirming action taken on his request;

Step – 4. in case the consumer presses an inappropriate key in step-3, IVR shall inform the consumer that the key pressed is wrong and the procedure listed at step-1 to step-3 shall be repeated;

Step – 5. in case the consumer again presses an inappropriate key in step-4, IVR shall inform that the key pressed is wrong and the call shall be transferred to a call centre agent who shall record the request of the consumer for activation or deactivation of data service, as the case may be, and shall inform the consumer that the service shall be activated or deactivated and that he shall receive a SMS confirming action taken on his request;

Step – 6. in case any key is not pressed for 10 seconds in step-2, the consumer shall be given an option advising him to “press 0 to repeat, press 9 to connect to a call-center agent”;

Step – 7. on pressing ‘9’ in step-6, the call shall be transferred to a call centre agent who shall take the request of the consumer for activation or deactivation of data service, as the case may be, and shall inform the consumer that the service shall be activated or deactivated within four hours and he shall receive a SMS confirming action taken on his request;

Step – 8. an SMS shall be sent to the consumer, immediately after activation or deactivation of the service, as the case may be, informing him about the successful activation or deactivation of the service.

(b) Through SMS:

Step – 1. on receipt of a request on short code 1925 from the consumer to activate or deactivate data service, the consumer is informed through SMS to send “START” to 1925 for activation of data service and “STOP” to 1925 for deactivation of data service;

Step – 2. in case of receipt of an incorrect response from the consumer, an SMS shall be sent to the consumer advising him to send through SMS “START” to 1925 for activation of data service and “STOP” to 1925 for deactivation of data service;

Step – 3. on receipt of the appropriate key through SMS in step-1 or step-2,an SMS shall be delivered to the consumer informing him that the request to activate or deactivate the requested data service has been received and the service shall be activated or deactivated within four hours and that he shall receive a SMS confirming action taken on his request;

Step - 4. an SMS shall be sent to the consumer, immediately after activation or deactivation of the service, as the case may be, informing him about the successful activation or deactivation of the service.

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Explanatory Memorandum

TRAI had issued the Telecom Consumers Protection Regulations, 2012 on 6th January, 2012 to address the concerns of consumers relating to transparency in tariff offers, transparency in the provision of information relating to activation of vouchers, usage, tariff plan subscribed etc. These regulations were amended in the past to address additional issues affecting the interest of consumers.

2. Recently TRAI has been receiving several complaints from consumers relating to charging of data services. These complaints mainly relate to the following:

- (1) Non-availability of information relating to usage of data.
- (2) Non-availability of information to consumers whenever the data pack is exhausted or when the quantum of concessional or discounted tariff in a plan is exhausted and for further usage the customer is charged at the default tariff for data.
- (3) Non-availability of information to international roaming consumers about the tariff for data while on roaming and information relating to usage.
- (4) Activation of internet service on mobile phones without the explicit consent of the consumer.

3. Presently the use of smart phones in India is increasing rapidly along with the use of data. These smart phones are loaded with lot of applications which require constant updation using data services. Also a lot of location based services are available on these phones which constantly use data for updation. Unless the customer sets the mobile data off in the handset, data is regularly used for these activities. The customer may not know about such use of data as information is provided only at the end of the session, by which the entire balance in the account might be consumed. Also there were complaints from

customers using basic phones that the GPRS has been activated and data charges are being deducted without their consent. As such, there is a need for making suitable provisions for taking explicit consent of the consumer for activation of data services and deactivation of data services.

4. Prepaid customers, who are regularly using data services, generally subscribe to data packs, which could be STV or Combo Voucher, which provide for concessional tariff for data upto certain limit. In case of post-paid connections, some of the tariff plans also have concessional tariff for data upto certain limit, ~~for example rental Rs.399/ , data free upto 4 mbps~~ beyond which charges will be as per the base tariff. Since the customer may be continuously using data services he is charged for data services beyond the limit provided in the STV or Combo Voucher or Tariff Plan, at the default rate of the tariff plan subscribed by him. In many cases it is observed that this default rate of the tariff plan is substantially higher than the tariff under the STV or Combo Voucher or concessional tariff provided in the tariff plan. It is also observed that the default rate of the tariff plan is substantially higher for GPRS usage. As such, there is a need to alert the customer about the usage details and the applicable tariff beyond the limits. Any usage beyond the limit should be with the knowledge of the consumers.

5. TRAI has also received complaints from consumers that while on international roaming they are not aware of the charges levied for data services. Since the charges for data on roaming is substantially higher it is felt that the customer should get an alert about the tariff for data on roaming and they should be advised to set the data services off in the handset in case they do not want to use data services.

6. Accordingly, an amendment to the Telecom Consumers Protection Regulations, 2012 is proposed through the Telecom Consumers Protection

(Eighth Amendment) Regulations, 2015 to address the various concerns of consumers relating to data services.

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