

F.No.308-11/2010-QoS
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhavan, JLN Marg, New Delhi – 110 002

New Delhi, Dated the 22nd April, 2019

DIRECTION

Subject: Direction under Section 13, 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 on missed calls (wangiri calls) originating from outside the country.

F.No. 308-11/2010-QoS – Whereas the Telecom Regulatory Authority of India (hereinafter referred to as the Authority), established under sub-section(1) of section 3 of the Telecom Regulatory Authority of India Act 1997 (24 of 1997) (hereinafter referred to as TRAI Act, 1997), has been entrusted with the discharge of certain functions, inter alia, to regulate the telecommunication services, ensure compliance of the terms and conditions of licence and lay down the standards of quality of service to be provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Authority had, vide its Direction F.NO. 308-11/2010-QOS dated the 7th September, 2012, issued in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997, for the reasons mentioned in paragraphs 2 to 5 of the said Direction, directed all Access Service Providers ---

(i) to ensure that no ISD facility is activated on pre-paid SIM without the explicit consent of the consumer;

(ii) to inform all pre-paid subscribers having ISD facility, through SMS, within ten days of the date of issue of this direction, that ISD facility of the subscribers shall be discontinued after sixty days and, if such subscribers want to continue with ISD facility, they should give their explicit consent for availing such facility within sixty days of the receipt of the SMS;

(iii) to discontinue, after the expiry of sixty days of the date on which the subscriber is informed under sub-para (ii), ISD facility on all such pre-paid cellular mobile telephone service subscribers who have not given explicit consent for continuing with ISD facility;

(iv) to inform through SMS, within ten days of the date of the issue of this direction, all pre-paid cellular mobile telephone service consumers not to respond to missed calls from unknown international numbers with prefix other than “+91” or calls about winning prizes or lottery and send such SMS to the consumers every six months; and

(v) to provide easy and transparent opt-in and opt-out facility to the consumers of the cellular mobile telephone service for activation or deactivation of ISD facility;

3. And whereas subsequent to the issue of the Direction dated 07.09.2012, the Cellular Operators Association of India (hereinafter referred to as COAI) and some of the service providers filed an appeal No.16 of 2012 before the Hon’ble Telecom Disputes Settlement & Appellate Tribunal hereinafter referred to as Tribunal) requesting for quashing of the said Direction and the Hon’ble Tribunal vide its

Order dated 18th September, 2012 directed the Authority that no coercive steps shall be taken in pursuance to or in furtherance of the impugned direction dated 7.9.2012 till further orders;

4. And whereas the Hon'ble Tribunal vide its Order dated 2nd November, 2012 delivered a split verdict, whereby, the Chairperson quashed the impugned Direction while the Member quashed the Appeal;

5. And whereas the Authority filed an application requesting the Hon'ble Tribunal to re-hear the appeal;

6. And whereas during the pendency of the application of the Authority, referred to in the preceding para, COAI vide its letter dated the 23rd May, 2016 submitted certain proposals to the Authority to address the problem of wangiri calls and subsequently vide their letters dated 4th December, 2018 and 4th January, 2019 informed the Authority about steps already implemented by them to address the problem, including identification of suspected codes from 46 countries and pre-call announcement while calling to such codes, and also requested the Authority to issue Directions to International Long Distance Operators to block the incoming calls from the identified codes. Subsequently, in response to the Authority's letter dated 13th February, 2019, which *inter alia* called for a comprehensive proposals with timelines for implementation and effectiveness of the proposal to deal with the issue of wangiri calls, COAI re-affirmed their proposals dated 04.01.2019 and also confirmed identification of all suspected premium charging codes and implementation of pre-call announcement to such codes by their member operators in all circles. Further, they informed that member operators are proactively sending SMS to customers warning them not to respond to calls from unknown international numbers with prefix other than +91.

7. And whereas the proposals of COAI dated 4th January, 2019 were discussed with all the International Long Distance Operators, representatives of COAI and Access Providers on 12th March, 2019 and during the said meeting certain proposals were suggested to address the problem of wangiri calls to the Access Providers and representatives of COAI. It was also indicated that if these proposals are acceptable to the COAI and Access Providers, further technical discussions on these proposals could be held. The COAI and Access Providers accepted these proposals and technical discussions on the same were held on 14th March, 2019 to discuss the implementation of the proposals and the same were agreed to by COAI and their member operators. Further, the formal acceptance of the same were conveyed to the Authority by COAI and their member operators vide letter dated 15th March, 2019 and 18th March, 2019 respectively;

8. Now, therefore, the Authority, in exercise of powers conferred upon it under section 13, 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, for the reasons mentioned in the paragraphs 2 to 7 above, and in order to protect the interest of consumers, hereby withdraws its Direction dated 7th September, 2012.



(Asit Kadayan)
Advisor (QoS)

To

All Access Providers.